

# Polk City

## Unified Land Development Code



As Amended

Originally Adopted March 3, 1998

Revised October 27, 2006

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# ARTICLE 1

## GENERAL PROVISIONS

### **1.01.00 Title**

This document shall be referred to as the "Unified Land Development Code of Polk City" and may be referred to herein as the "Code."

### **1.02.00 Authority**

This Land Development Code is enacted pursuant to the requirements and authority of Chapter 163.3202, F.S. (the Local Government Comprehensive Planning and Land Development Regulation Act), the City Charter, and the general powers enumerated in Chapter 166, F.S. (City Government).

### **1.03.00 Applicability**

#### **1.03.01 General Applicability**

With the exceptions listed below, all development in Polk City shall be subject to the provisions of this Code, and no development shall be undertaken without prior authorization pursuant to this Code.

#### **1.03.02 Exceptions**

- (A) *Previously issued Development Orders.* A development project with an approved site development plan or subdivision plat may proceed under regulations in effect at the time of approval provided that:
- (1) The development order has not expired at the time of adoption of this Code or amendment thereto; and
  - (2) Development activity has begun or will begin according to the time limits under which the development was originally approved.
- If the development order expires or is otherwise invalidated, any further development activity on the development site will conform to the requirements of this Code or amendment thereto.
- (B) *Previously Issued Development Permits.* The provisions of this Code and any amendments thereto shall not affect the validity of any lawfully issued and effective development permit provided that:
- (1) the development permit issued prior to adoption of this Code and development activity has begun or will begin within six (6) months

of the date of issuance of the development permit; and

- (2) Development activity continues without interruption until the development is complete. If the development permit expires, any further development will conform to the requirements of this Code or any amendments thereto.

#### ***1.04.00 Repeal of Conflicting Local Laws***

The following ordinances, as well as any and all other City ordinances, resolutions, or general laws, or any part thereof, which conflict with any provision or provisions of this ordinance are hereby repealed:

27-1 through 27-10, Planning Board;  
46-4 starting at (4) through 46-12, Alcohol Zoning Districts;  
61-1 through 61-11, Code Enforcement Board;  
88-2, A (1) and (2) and 88-2, H, Noise;  
93-1 through 93-5 Parking;  
104-1 through 104-4, Satellite and Other Antennas;  
107-1 through 107-5, Signs;  
126-1 through 126-50, Zoning.

#### ***1.05.00 Interpretation***

The provisions of this Code will be held to be the minimum requirements adopted for the promotion of the public health, safety and welfare and to implement the Comprehensive Plan of the City of Polk City.

#### ***1.06.00 Penalties for Violation***

It shall be unlawful for any person to violate the provisions of this Code or to use land or structures in violation of any provision of this Code. Persons found guilty of violating this Code shall be deemed guilty of a misdemeanor and shall be subject to a fine not exceeding \$500.00 for each day that a violation exists, or by imprisonment for a period not exceeding 60 days, or both. Fines shall be paid into the General Fund of the City of Polk City.

#### ***1.07.00 Severability***

If any section, subsection, paragraph, sentence, clause, or phrase of this Code is for any reason held by any court of competent jurisdiction to be unconstitutional or otherwise invalid, the validity of the remaining portions of this Code shall continue in full force and effect.

### **1.08.00 Effective Date**

These regulations shall be effective on second reading and unanimous vote by the City Council on March 3, 1998.

The following is a list of amendments:

**Table 1 - Land Development Regulation Amendments**

<b>Ordinance #</b>	<b>Adoption Date</b>	<b>Amends</b>	<b>Specifically</b>
99-3	8-3-99	Article 2, Section 2.02.12	Removes a paragraph limiting the age of mobile homes being sited in the city limits due to a statutory change
2000-02	7-11-00	Article 8 Section 8.03.03	Amending Article 8, Administration and Enforcement, Section 8.03.00, Development Boards, Subsection 8.03.03, Code Enforcement Board; Article 9, Definitions; Subsection 8.03.03(A), Powers and Duties; Subsection 8.03.03(B), Appointment Of Members; Subsection 8.03.03(C), Hearing Procedures; Subsection 8.03.03 (D), Enforcement Procedures; Subsection 8.03.03 (E) , Fines, Liens And Foreclosures; Subsection 8.03.03 (F), Appeal; Subsection 8.03.03 (G) , Notices;
2000-05	7-11-00	Article 3 Section 3.06.00	Amending Article 3, Development Design And Improvement Standards. Section 3.06.00, Performance Standards. Subsection 3.06.02.03, Noise. The entire section is updated for clarity.
2001-06	5-22-01	Article 2, Table 5	Amends the Table of Development Standards in Article 2, Table 5, for 0 setbacks in C-2 district with provisions.
2001-10	09-18-01	Article 2, Section 2.03.02	Article 2, Section 2.03.02 Sale of Alcoholic Beverages – Repealed.
2002-05	7-9-02	Article 8, Section 8.03.03	Amending Article 8, Section 8.03.03 In Its Entirety; Providing For A Hearing Officer For Code Enforcement Violations
2002-12	10-8-02	Article 8, Public Hearings, Section 8.06.00	The entire section is updated for clarity.
2002-23	1-14-03	Article 2, Section 2.04.01, Table 4	Adding church as Permitted in C1 zoning category.
2003-18	06-10-03	Section 7.11.00	Amending Section 7.11.00, "Planned Unit Development (PUD)
1000	3-9-04	Article 3, Section 3.03.02	Amending Section 3.03.02 To Establish Limitations On The Parking of Trucks and Commercial Vehicles
1028	11-2-04	Article 5, Section 5.01.00	Article 5, Section 5.01.00 For Flood Damage Prevention

Ordinance #	Adoption Date	Amends	Specifically
1029	7-26-05	General changes to the LDRs	Sections 2.02.07-new standards for animals; 2.02.09-fences; 2.02.10-Building Height Limitations; 2.02.11-Garage Sales; 2.02.12-Mobile Home Skirting; 2.04.01 Tables are updated; R4-delete mobile homes from permitted uses; 2.05.00-new standards for sheds; 2.05.03-new standards for antennas; 3.04.01-Fire Hydrants; 3.08.03.01-underground fuel tanks; 3.09.01.01-RV park length of stay changed from 90 days to 6 months; 4.02.00(P)-Search Lights; 5.01.00-Flood Regulations; 5.03.00 Flood Damage Prevention Ordinance; Article 9-Definitions added.
1036	12-27-05	Article 3 to add Section 3.11.00	To add development regulations for the Green Swamp Area of Critical State Concern for the area outside the Polk City Urban Growth Exception Area; specifically to amend Article 3 to add Section 3.11.00.
1037	12-27-05	Article 3 To Add Section 3.08.04.	To Add Site Plan Regulations For Uses In The Green Swamp Area Of Critical State Concern For The Area Outside The Polk City Urban Growth Exception Area; Specifically To Amend Article 3 To Add Section 3.08.04.
1038	12-27-05	Article 3 To Add Section 3.10.02.	To Add Regulations For Conditional Uses In The Green Swamp Area Of Critical State Concern For The Area Outside The Polk City Urban Growth Exception Area; Specifically To Amend Article 3 To Add Section 3.10.02.
1040	2-17-05	Article 5, Section 5.01.00	Amendment To Article 5, Section 5.01.00 For Flood Damage Prevention.
1090	11-22-05	Section 2.04.01	Amending Section 2.04.01, "Zoning District Summary Tables"

### ***1.09.00 Green Swamp Impact Assessment Statement***

The City of Polk City is surrounded by the Green Swamp Area of Critical State Concern (ACSC), as designated by Chapter 380.0551, F.S. The Green Swamp ACSC is an area where new commercial and industrial development is severely limited and new residential development density is restricted. The State may review any development proposed in the Green Swamp ACSC.

Although the City and all its incorporated land is within the Green Swamp ACSC, all land currently within the City limits is exempt from review. In the event that land is annexed adjacent to the current City limits, every development proposed for that newly annexed area **would be subject to review** by the Florida Department of Community Affairs (DCA) and subject to the filing of a Green Swamp Impact Assessment Statement.

*[RESERVED]*

## ARTICLE 2

### REGULATIONS FOR SPECIFIC DISTRICTS

#### **2.01.00 General Provisions**

The purpose of this Article is to set forth the general provisions concerning land use. The provisions established herein shall regulate land use, density and intensity, establish building lot and yard requirements, establish land use districts that identify the location of land uses in the City of Polk City, establish standards for land use in the City, and provide for a map locating the permitted land uses in the City. All land in Polk City shall be subject to the provisions of this Article, and shall be shown on the Official Zoning Map as provided in Section 8.05.00. For development within the Green Swamp Area of Critical State Concern (GSACSC) that has been annexed into the City, additional regulations have been adopted and are included in Article 3, Section 3.11.00. When a conflict arises between regulations, the more stringent regulation shall apply.

#### **2.02.00 General Regulations for All Zoning Districts**

##### **2.02.01 Regulations for Historic Sites**

- (A) *Criteria for Designation of Historic Sites.* The purpose of this Section is to establish criteria for identifying structures and sites of historical significance in Polk City, and to establish procedures to preserve them. The City Council, after receiving recommendation(s) from the Planning Commission, shall designate historic sites based on the following criteria:
- (1) The site or structure is associated with events that are significant to local, state, or national history; or the site or structure embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction.
  - (2) The property is one which, by its location, design, setting, materials, workmanship, feeling and association adds to the city's sense of time and place and historical development.
  - (3) The property's design, setting, materials, workmanship, form and character have not been so altered that the overall integrity of the site has been irretrievably lost.
  - (4) The structure or site is more than 50 years old, or less than 50 years old where there is a strong justification concerning its historical or architectural merit.

All properties listed in the National Register of Historic Places and/or the Florida Master Site File of Historic Places shall be presumed to meet the above criteria, and shall be classified as Designated Historic Sites. Any other property may be so classified by the City Council upon a finding that it meets the above criteria. The Building Official may issue an official certificate of historic significance to the owners of Designated Historic Sites, and is authorized to issue and place official signs at such locations.

Structures and buildings classified as Designated Historic Sites shall be entitled to modified enforcement of the Standard Building Code as provided by Chapter 1, section 101.5 of the Standard Building Code Congress International, Inc.

- (B) *Criteria for Modification of Historic Structures.* No demolition, alteration, or relocation of a historic structure shall be permitted except as provided below:
- (1) Work that does not require a construction permit and that is done to repair damage or prevent deterioration or decay of a structure or part thereof as nearly as possible to its condition prior to the damage, deterioration, or decay.
  - (2) Activity approved by the Building Official that restores the structure's original appearance, or a reasonable approximation.
  - (3) Activity approved by the City Council that will not preserve or re-create the structure's original appearance. The Planning Commission shall review the proposal and make a recommendation prior to the City Council's vote.
- (C) *New Construction on Historic Sites.* All new construction within a Designated Historic Site shall be reviewed by the Planning Commission and approved by the City Council. New structures, parking lots, drainage facilities, and other objects shall be depicted on a site development plan or sketch plan, which shall be submitted to the Building Official prior to review by the Planning Commission. All site alterations shall be consistent with the approved site plan.

In approving new structures or facilities on a historic site, the City Council shall determine that the proposal would not hinder the use or enjoyment of the historic site or surrounding historic properties. Also, the Council shall find that the new site feature(s) would be hidden to the greatest extent possible and/or are appropriate and compatible with the balance of the site and adjacent historic sites. The Council may place any conditions on approval that it determines are necessary to protect the integrity of the



historic site or area.

#### **2.02.02 Moving of Buildings**

No structure shall be moved from one development site to another unless such structure shall, at the new location, comply with all applicable provisions of this Code. All such moves must be approved by the Planning Commission.

#### **2.02.03 Requirements for Lots Divided by a Right-of-Way**

Where a single lot or parcel that has been recorded in the public records of Polk County under a unified legal description is divided by a public or private right-of-way, road, alley or easement, the following standards shall apply:

- (A) Where the land area on each side of the right-of-way meets the minimum size requirement of the applicable zoning district, the property shall be considered two lots for the purposes of this Code.
- (B) Where the land area on one or both sides of the right-of-way fails to meet the minimum size requirement, then the property shall be considered one lot for the purposes of this Code. The principal structure shall be located on the larger portion of the property.
- (C) No subdivision plat that includes a lot divided by a right-of-way shall be approved unless such lot meets the applicable size requirement on at least one side of the right-of-way.

#### **2.02.04 Interpretation of Zoning District Boundaries**

(A) *Rules of Interpretation of District Boundaries.* Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- (1) boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines;
- (2) boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- (3) boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- (4) boundaries indicated as following shore lines shall be construed to follow the high water line, and in the event of a lowering of the water level shall be construed as moving downward to the current

water level;

- (5) boundaries indicated as following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines; and
  - (6) boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so construed.
  - (7) Where a zoning district boundary follows a dedicated public street or railroad, the centerline of the street or railroad right-of-way is the boundary.
  - (8) Where a zoning district boundary approximately follows a lot or property line, that line is the boundary.
  - (9) Where a zoning district boundary follows a stream or shore of a body of water, that stream or shoreline is the boundary.
  - (10) Where a zoning district boundary does not clearly follow any of the features mentioned above, its exact location on the ground shall be determined by measurement according to map scale.
- (B) The legal description advertised for public hearing purposes on a zoning action or variance on any parcel of property shall override any and all of the above rules for interpretation of district boundaries.

#### **2.02.05 Lot Setbacks**

##### **2.02.05.01 Corner Lot Setbacks**

- (A) For new, residential construction on a corner lot, every corner lot has **two front yards** and must maintain the setback for front yards on both streets.
- (B) For **existing** corner lots that violate the front yard setback on one of the streets, the existing setbacks at the time of adoption of this Code will be maintained. In no case may the setbacks be diminished further, not for alteration of the existing structure, nor for addition of accessory buildings, nor for fences.
- (C) For existing corner lots in residential neighborhoods, a backyard shall be defined for setback purposes. The back yard shall be that part of the yard **opposite the front entrance** to the house. Back yard setbacks must be maintained and in no way may be degraded to side yard setbacks if the existing structure is altered.

#### ***2.02.05.02 Through Lot Setbacks***

- (A) For new, residential construction on a through lot, each lot must maintain the front yard setback from both streets.
- (B) An exception to (A) is buffer yards between residential and nonresidential uses. One of the front yard setbacks may be reduced for a buffer between residential and nonresidential uses. The intent is to preserve the privacy and property value of the residential use. The buffer yard must be addressed in a site development plan and approved by the Development Director.
- (C) Ingress/egress from a through lot in residential or mixed neighborhoods must be addressed in a site development plan and approved by the Development Director.

#### ***2.02.05.03 Residential Districts Minimum Width Requirement***

“Lot width” is the minimum required width of a lot as established by the zoning district. (See Table 5 for minimum lot widths.) The “front setback” is defined as whatever is required by the zoning district. The “building line” is the width of the lot measured at the required front setback. Residential lots must have a minimum **frontage on a public street** of 15 feet to be a legal lot and to be considered developable.

#### ***2.02.06 Alteration of Lot Size***

No existing lot shall be reduced in area or dimension below the minimum requirements applicable to such lot under the provisions of this Code. The exception to the rule is a lot reduced in dimension or total area by 20% or less by the voluntary dedication and acceptance of a portion of such lot for a public use. When the lot size is voluntarily reduced, the lot shall be considered to contain the dimensions and area it contained prior to such dedication. However, for purposes of measuring compliance with setback requirements of this Code, the dimensions and area of such lot as it exists after the voluntary dedication shall apply.

#### ***2.02.07 Limitations on Animals***

- (A) Except on property zoned AG-1 or AG-2, no person shall keep or maintain more than two domestic cats or dogs age six months or older. Dogs or cats must be maintained in a dwelling or a completely fenced enclosure or be in compliance with county, state or municipal leash laws when outdoors. Said domestic cats or dogs are not allowed to roam freely throughout the community, either supervised or not, unless restrained by a

leash. All such pets shall be properly licensed and have up to date immunization history with records.

Exceptions: Trained guard dogs in a commercial or industrial security application are limited to not more than four dogs, with a special permit that limits the dogs to roaming inside a fenced area on the property only after business hours. The permit application will list emergency phone numbers and names of trainers and/or owners for the purpose of restraining the dogs and/or leading them to safety in the event of fire, criminal activities or other emergency events.

- (B) Except in AG-1 districts, no person shall breed or maintain farm animals, fowl, or other livestock within Polk City. The pasturing of horses is permitted in AG-1 and AG-2, with a minimum pasture size of one acre. "Farm animals" shall include, but are not limited to, bees, chickens (including roosters), peacocks, horses, cattle, sheep, goats, swine and pigeons. Where permitted, such animals shall be maintained in healthy conditions. Where non-agricultural districts abut agricultural property, pens, cages, grazing areas and other structures or facilities for such animals shall be located no less than 50 feet from any residential structure in any district other than AG-1.
- (C) No person shall breed or maintain any wild animal or animals cross-bred with wild animals or poisonous, venomous or constrictor reptiles that, in the opinion of the Development Director, pose a threat to safety in Polk City. Excluded from this restriction are zoos, pet shops, animal shelters, medical or scientific facilities, or other locations where the showing or maintenance of such animals is a permitted use under the provisions of this Code.

#### ***2.02.08 Greenbelt Tax Exempt Districts Allowed in AG-1***

- (A) Property that was previously classified and zoned by Polk County for agricultural uses; and is used for a "Bona Fide Agricultural Purpose", as certified by the Polk County Property Appraiser; and qualifies for an agricultural tax exemption by the State of Florida under F.S. 193.461; may be annexed into the City with Single Family Residential land use classification to allow the property owner to continue his/her tax exempt agricultural activity. These lots may only be zoned AG-1.
- (B) Unincorporated lands that are currently surrounded by the City Limits, and are known as "enclaves," may not be zoned the category of AG-1 after annexation. For the health, safety and welfare of the citizens of Polk City, agricultural activities will only be permitted at the perimeter of the City in areas that already support agricultural uses and/or have qualifying agricultural tax exemptions.

### **2.02.09 Fence Height Limitations**

- (A) Fences or solid walls on any property shall not exceed six feet in height in any residential zoning district; or eight feet in any commercial or industrial zoning district.
- (B) Within the "Visibility Triangle" of an intersection (see Article 3, Section 3.02.03(D)) no fence, wall, hedge, or other obstruction (including signs having less than ten feet (10') of ground clearance), shall exceed four feet in height. In addition, in any residential area, this height shall not exceed two feet and shall not be any closer than 20 feet to the property line. The sign height above the ground clearance for commercial corner lots will not be greater than four feet (4'). There will be no signs on the corner intersection lots of residential property.
- (C) In all zoning districts, fences or walls or plantings that serve as fences shall be limited to two feet (2') in height within required front setback areas; or limited to four feet (4') in height if transparent.
- (D) Berms within the front setback, or within 25 feet of a street intersection, used in conjunction with fences or walls, shall be considered as included in the height restriction for such fences or walls. The height of a fence or wall shall be measured from finished grade prior to berming. Fences or walls that exceed the height limits established in this Section shall meet side and rear setback requirements applicable to accessory structures, and front setback requirements applicable to principal structures.
- (E) If a fence becomes dilapidated from damage or decay, as determined by the Development Director, or his/her designee, then it must be repaired or replaced within 120 days.
- (F) The fence must be safe, as determined by the Development Director, or his/her designee. Examples of unsafe fences include those with deteriorated materials such as rotten wood, rusted metal sheets, or rusted wire.
- (G) If vegetation or hedges are used as fencing, they must be maintained to code specifications, tastefully trimmed or replaced if dead, damaged beyond repair, or if they are considered unsightly by the Development Director.

### **2.02.10 Building Height Limitations**

- (A) In all Residential Districts, any use is restricted to a height of 50 feet. For specific standards for each zoning district, refer to Table 5, Table of Development Standards.

### **2.02.11 Residential Yard Sales (Garage Sales)**

- (A) Yard sales in residential areas are allowed four (4) times per calendar year and not more frequently than once per quarter per single-family residence, for the sale of the owner's personal items only. Block/neighborhood yard sales are allowed two times per calendar year per city block for the joint sale of personal items of individuals residing on said block. All yard sales shall be limited to three (3) days in duration, and shall require the issuance of a permit by the city of Polk City.
- (B) Signs: Signs of two square feet or less, that include no letters, symbols, logos or designs in excess of two inches in vertical or horizontal dimension, are permitted. Such signs may be posted one day before the Yard Sale and must be removed one day after the sale is concluded. Signs may only be posted on the property(s) listed on the permit.

### **2.02.12 Mobile Home Skirting**

- (A) All mobile homes and park models must be skirted within 60 days of installation or replacement, whether the unit is new or used.
- (B) Acceptable skirting material includes wood, vinyl, metal or plastic trellis; or cement blocks, bricks or wood arranged in a decorative manner; or other material deemed suitable by the Development Director. Vegetation, shrubs, picket fence or other items that do not represent a solid skirting are not acceptable.
- (C) After January 15, 2005, all new and replacement mobile homes shall have a solid masonry skirting.
- (D) Damaged or degraded skirting must be replaced within 30 days.

### **2.02.13 Residential Development on Small Lots**

- (A) Single family residential existing lots of record that cannot meet the minimum width or lot area of Table 5 may be developed using the setbacks in the following table.
- (B) Single family residential existing lots of record that meet all other development requirements but cannot meet the minimum **width** of the zoning district may be developed with the side and rear setbacks of the zoning district one classification lower.
- (C) Duplexes may be developed on lots that do not meet the minimum requirements of the zoning district, using the following table of standards.

- (D) The front setback may be varied only if all the other homes on the block and on the same side of the street are less and then only to match the setbacks of the other homes on that block. Otherwise, the 30 foot minimum front setback is required.

**Table 2 - Minimum Setbacks and Lot Area for Small Lots**

<b>Lot Width (feet)</b>	<b>Side Setback (feet)</b>	<b>Front Setback (feet)</b>	<b>Rear Setback (feet)</b>	<b>Lot Area (square feet)</b>
80-75 (Duplex only)	9	30	19	8000-7500
75-70	9	30	19	7500-7000
70-65	8	30	18	7000-6500
65-60	7	30	17	6500-6000
60-55	6	30	16	6000-5500
Less than 55	5	30	15	Less than 5500

### ***2.03.00 General Regulations for Commercial/Industrial Zoning Districts***

#### ***2.03.01 Temporary Tents***

Tents may be erected temporarily on property in a commercial district where a commercial structure is already established, and on property occupied by a church, regardless of its zoning district, subject to the following requirements:

- (A) Tents may not be erected more than two times per year at a given location, for periods not exceeding two weeks.
- (B) No more than 10% of the existing parking area is used, and the tent does not block any point of ingress or egress to the development site.
- (C) All electrical connections must be inspected and approved by the Building Official.
- (D) The tent must be inspected and approved by the City Fire Inspector as being in compliance with all relevant Fire Code regulations.

#### ***2.03.02 Sale of Alcoholic Beverages***

Repealed by Ordinance 2001-10 September 18, 2001. Replaced by Amended Chapter 46 of the Polk City Code of ordinances.

#### ***2.03.03 Height Limitations Near Airports***

The height of any structure, including communications towers and antennas,

within 20,000 feet of any public access runway is regulated by the Polk County Airport Zoning Board. Because of the close proximity of the public access airport located at Fantasy of Flight, the City of Polk City primarily lies within the 20,000 foot airport buffer zone. Structures, in general, are restricted to one foot in height for every 100 feet from any airport runway. Further, because of many overlapping airport zones throughout the County, no structures over 200 feet tall are allowed within Polk County.

#### **2.04.00 Establishment of Districts**

In order to classify, regulate, and restrict the uses of land, water, buildings, and structures; to regulate and restrict the height and bulk of buildings; to regulate the area of yards, courts, and other open spaces between buildings; and to regulate the intensity of land use, all the area of the City of Polk City is classified into one of the following districts:

**Table 3 - Zoning Districts**

<b>Map Designation</b>	<b>Zoning District Name</b>
AG1	Agriculture
AG2	Single Family Residential Plus Horses
R1	Single Family Residential
R2	Single Family Residential
R3	Single Family and Duplex Residential
R4	Mixed Residential Use
R5	Multi Family Residential
MH	Mobile Home Park
C1	Residential, Business and Professional District
C2	General Commercial
M1	Light Industrial
M2	Heavy Industrial
PB	Public Buildings and Grounds
PR	Public Recreation
CON	Conservation

#### **2.04.01 Zoning District Summary Tables**

The tables on the following pages present, in a quick-reference form, information regarding permitted and special exception land uses, and development standards for all zoning districts. These tables must be read in conjunction with the regulations for specific zoning districts in Section 2.04.02. Similar uses are permitted; and the zoning district in which they are permitted is to be determined by the Development Director. The key to the table is as follows:

- P = Permitted Use
- D = Site Development Plan required, use is permitted upon approval of Site Development Plan



- S = Special Exception Use, Planning Commission action required
- C = Conditional Use, Planning Commission **and** City Council action required

**Table 4 - Table of Uses for Each Zoning District**

Category/Use	AG1	AG2	R1	R2	R3	R4	R5	MH	C1	C2	M1	M2	PB	PR	CN
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**Single Family Residential**

Caretaker's cottage	D								D	D	D	D	D	D	D
Manufactured or Mobile Home Park								D							
RV park								D						D	
RV Home Community							P								
Single family, std. construction	P	P	P	P	P	P	P	D							
Single family, modular	P	P	P	P	P	P	P	D							
Single family mobile home (manufactured home) Individually sited								D							

**Multifamily Residential**

Apartment Building						P	P		D						
Duplex					D	P		D	D						
Garage apartment	P	P	P	P	P	P			D						
Townhouse						P	P		D						

**Group Care Facilities (in accordance with Ch. 163, F.S.)**

ALF: Assisted Living Facility	S								D	D			P		
ALF: Assisted Living Facility in a single family home	D	D		D	D	D	D	D	D	D			P		
Disabled home (<7 persons)	S	S		S	S	S	S		D						
Disabled home (7-15 persons)	D						D		D	D					
Foster home (<4 persons)	C	C		C	C	C	C		C						
Foster home (4-15)	C						C		C	C					

Category/Use	AG1	AG2	R1	R2	R3	R4	R5	MH	C1	C2	M1	M2	PB	PR	CN
Group home (<7 persons)	C	C		C	C		C		C						
Group home (7-15)	C						C		C	C					
Halfway home (<7 persons)															
Halfway home (7-15)															
Nursing home	D								D	D	D		P		

### Lodging

Bed & Breakfast									D	D					
Hotel/motel										D					
RV campground								P						S	

### Retail Commercial, no outdoor storage or activities

Antique shop									D	D					
Barbershop									D	D					
Beauty shop									D	D					
Building supply, indoor									D	D					
Convenience Store-no gas									D	D					
Copy Store (i.e. Kinko's)									D	D					
Drinking Establishment										D	C	C			
Flower Shop									D	D					
General retail shops									D	D					
Home occupation	D	D	D	D	D	D	D	D	D						
Laundry/dry cleaning/pick up locations									D	D	D	D			

Category/Use	AG1	AG2	R1	R2	R3	R4	R5	MH	C1	C2	M1	M2	PB	PR	CN
Mini-warehouse										D	D	D			
Recycling center (indoor)										D	D	D	D		
Recreation, indoor, commercial										D	D				
Repair shop for appliances									D	D	D				
Restaurant - dine in									D	D	D	D			
Restaurant - other									D	D	D	D			
Restaurant -serving alcoholic beverages									D	D	D	D			
Shopping Center										D					
Studios-photography, music, dancing & art									D	D					
Theaters										D	D	D			
Veterinary clinic											D	D			
Video rental									D	D	D	D			

#### Automotive: From Least Intensive to Most Intensive

Auto Detailing									D	D	D	D			
Car Wash									D	D	D	D			
Auto parts, retail sales									D	D	D	D			
Gasoline sales (no service)									D	D	D	D			
Service Station repairs										D	D	D			
Minor automotive repair										D	D	D			
Auto dealership										D	D	D			
Used auto lots or businesses										D	D	D			

Category/Use	AG1	AG2	R1	R2	R3	R4	R5	MH	C1	C2	M1	M2	PB	PR	CN
Major automotive repairs											D	D			
Automotive paint/body shop											D	D			
Auto salvage												C			
Junkyard												C			

### Retail Commercial, Outdoor Storage

Agricultural uses	P														
Agricultural roadside stand	P														
Auto sales, new/used										C	D	D			
Boat ramps/docks, commercial	D										D	D			
Boat sales										C	D	D			
Building and Farm supply sales, outdoor										D	D	D			
Mini warehouse with outdoor storage										S	D	D			
Mobile Home Sales (new)										S	D	D			
Plant nursery										D	D	D			
Recreation, outdoor, commercial	D									D	D	D			
Recycling center (outdoor)											D	D	D	D	
RV sales (New)											D	D			
Septic tank storage/service											D	D			
Truck stop											D	D			

### Professional/ Office Facilities

ATM station - walk up									D	D	D	D			
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Category/Use	AG1	AG2	R1	R2	R3	R4	R5	MH	C1	C2	M1	M2	PB	PR	CN
Bank/financial institution									D	D	D				
Clinic										D	D	D			
Hospital	C								C	C	C	C			
Medical laboratory									D	D	D	D			
Private club	D								D	D	D	D			D
Professional office									D	D	D	D			
Real estate/business office									D	D	D	D			

### Nonretail /Service Commercial

Boat repair, no sales										D	D	D			
Contractor storage yard											D	D			
Mini Warehouse										D	D	D			
Sales/repair of heavy equipment											D	D			
Warehouse											D	D			
Wholesale distributor											D	D			

### Light Industry

Aviation Uses										D	D	D			
Food processing/packaging											D	D			
Freight/trucking terminal											D	D			
Manufacture of finished products											D	D			
Printing/publishing industrial operation											D	D			
Sales/minor storage of propane gas								D		D	D	D		S	

Category/Use	AG1	AG2	R1	R2	R3	R4	R5	MH	C1	C2	M1	M2	PB	PR	CN
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### Heavy Industrial

Bulk storage of explosive gases												D			
Citrus processing plant												D			
Commercial incinerator												D			
Concrete plant											D	D			
Crate plant												D			
Septic Tank Storage / Service											D	D			
Storage of sand/gravel/blocks											D	D			

### Public Service Facilities

Cemetery	P											P	P		
Public Buildings & Grounds/Public Facilities	P	P		P	P	P	P	P	P	P	P	P	P		
Communications Towers												S	S		
Funeral home/ chapel									P	P					
Power Substation	P	P		P	P	P	P	P	P	P	P	P	P		

### Educational/ Cultural Facilities

Church	P	P		P	P	P	P	P	P						
Day Care in a single family home - 6 children or less	D	D	D	D	D	D	D	D	D	D			D		
Nursery & Pre-K care	D	D		D	D	D	D	D	D	D			D		
School (grades K-12)	C	C		C	C	C	C	C	C	C			C		
Vocational/technical school										C	C	C	C		

### Recreation/ Conservation Uses

Category/Use	AG1	AG2	R1	R2	R3	R4	R5	MH	C1	C2	M1	M2	PB	PR	CN
Golf Course	D	D	S	D	D	D	D	D	D				P	P	
Public Park	D	D	S	D	D	D	D	D	D	D			P	D	P
Public Swimming Pool	D	D	S	D	D	D	D	D	D	D			P	P	
Recreation, indoor, public								D	D	D			P	P	
Recreation, outdoor, public	D	D	S	D	D	D	D	D	D	D			P	P	P



**Table 5 - Table of Development Standards**

	Max. Density (units/ac)	Min. Lot Size (sq.ft.)	Min. Lot Width (feet)	Min. s.f. of dwelling unit	Setbacks (feet)			Max. Lot Covg. (%)	Max. Bldg. Height (feet)
					Front	Rear	Sides		
AG-1	1/10 acres	10 acres	250 width 400 depth		40	50	30	5%	45 (3 stories)
AG-2	1/1 acre	1 acre	150		30	20	15	30%	40
R-1	2.5	15,000	100	1,200	30	20	15	45%	40
R-2	3.67	10,000	75	1,000	30	20	10	45 %	40
R-3	4.65 8.7	7,500 SF 8,000 Duplex	75 80	950 750/unit	30 30	20 20	10 10	45%	40
R-4:									
SF Duplex MF 3+	5.8 8.7 10	6,000 8,000 13,000	60 80 100	950 750/unit 450/unit	30 30 30	20 20 20	10 10 20	45%	50**
R-5:									
SF	10	6,500	65	950	20	10	7.5	55%	40
MF 3+ units	10	13,000	100	450/unit	30	20	20	45%	50**
MH:									
MH Park MH Park RV Park RV Camp RV Camp	10 10 10 10 10	4,000 single wide 5,500 dbl wide 3,000 for MH 2,500 pull-thru RV 3,000 Park Model RV	40 55 30 25 30	14 x 60 28 x 60 N/A N/A 500 sf	20	20	7.5	45%	40
C-1**	**	**	50	**	20	20	10	50%	50
C-2	**	NA	50	NA	0**	0**	0**(1)	55%	50
M-1	NA	NA	70	NA	25	20	10	35%	50
M-2	NA	NA	70	NA	25	20	10	40%	50
PB	NA	NA	50	NA	25	20	10	50%	50
PR	1/20 acres	NA	0	NA	25	20	10	5%	40
CN	NA	NA	0	NA	25	20	10	1%	40

\* Lot size shall be unrestricted, however, there must be 500 s.f. of open space per residential unit for recreation and parking and 200 s.f. of open space for every 100 s.f. or fraction thereof of space provided for commercial use.

\*\* For residential development, the standards for R-4 district apply.

(1) a. At the end of blocks there shall be a ten (10) foot exterior setback required. b. Zero (0) foot setbacks are permitted for fireproof construction of walls, otherwise the interior setback shall be five (5) feet.

## **2.04.02 Establishment of Zoning Districts**

The following zoning designations are hereby established within the City of Polk City:

### **2.04.02.01 AG-1 Agriculture/Single Family Residential**

- (A) *FLUM Designation:* Low Density Residential Classification
- (B) *Purpose:* To establish areas that provide for the practice of agricultural pursuits, such as the raising of livestock, the maintenance of pastures and fields for row crops, the establishment and tending of citrus groves and orchards and the conservation of swamps, lakes, marshes and special residential areas for not more than one (1) dwelling unit for each ten acres of gross land area.

The AG-1 Agriculture Classification is established to provide suitable areas for very low density agricultural uses and activities in a rural environment; to secure and conserve open space, habitats and wetlands; and to so classify lands, annexed to the City of Polk City after the effective date of this Article, which meet the following criteria:

- (1) The land was zoned PA Preservation Area District or RC, RC-2 or RC-5 Rural Conservation District by Polk County and was zoned such at the time of annexation.
  - (2) The land is used for any of, but only, the uses permitted by this classification.
  - (3) The uses of the land are not incompatible with the use of surrounding land in the City of Polk City or the City's Comprehensive Plan.
- (C) *Permitted Principal Uses & Structures:* Uses permitted in this district are detailed in the Table of Land Uses in Section 2.04.01 Table 4. Permitted uses are designated by the letter "P", and are further defined below in 1-5. Uses designated by the letter "D" are also permitted, but require the submission and approval of a Site Development Plan prior to application for a Development Permit. Review of an application for approval of a Site Development Plan is governed by Article 7.
- (1) Agriculture and the usual agricultural buildings and structures.

- (2) Agricultural uses, including greenhouses; small animal specialty farms raising rabbits, birds, bees or similar small animals, fish hatcheries and fish ponds; and keeping or grazing, along with normally related accessory uses.
  - (3) General farming and agricultural pursuits, including the growing of crops, plants and trees; the sale of any agricultural products grown on the premises, provided that such sales are not conducted from permanent displays and are not the principal use; or the maintaining of livestock or poultry solely for the residents' needs and use. Grazing animals, including horses, must have a minimum of one acre of pasture.
  - (4) Property that was previously classified and zoned by Polk County for agricultural uses; and is used for a "Bona Fide Agricultural Purpose", as certified by the Polk County Property Appraiser; and qualifies for an agricultural tax exemption by the State of Florida under F.S. 193.461; may be annexed into the City with Single Family Residential land use classification to allow the property owner to continue his/her tax exempt agricultural activity. These lots may only be zoned AG-1.
  - (5) Unincorporated lands that are currently surrounded by the City Limits, and are known as "enclaves," may not be zoned the category of AG-1 after annexation. For the health, safety and welfare of the citizens of Polk City, agricultural activities will only be permitted at the perimeter of the City in areas that already support agricultural uses and/or have qualifying agricultural tax exemptions.
- (D) *Accessory Uses:* Accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.05 contains detailed guidance and regulations for permitted accessory uses.
- (1) Signs pertaining to the lease, hire or sale of a building or premises or signs pertinent to any material that is grown or treated within the district; provided, however, that a permitted sign shall be located immediately adjacent to the building or in the area in which such materials are treated, processed or stored; and provided, further, that any such signs conform to the provisions of the City of Polk City

regulating signs.

- (2) All accessory buildings must be 15 feet from any property line.
  - (3) Agricultural products grown on site may be sold at a stand by the residents of the property. The stand must not be located within the right-of-way of any roadway. Access and parking for the stand must be provided in a safe manner, subject to approval by the Development Director of the City.
- (E) *Special Exception Uses:* Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.04.01, Table 4. Such uses are designated by the letter "S". Special Exception uses require the submission of an application and approval by the Board of Adjustment prior to application for a Development Permit. Review of an application for approval of a Special Exception is governed by Article 7.
- (1) Any use not expressly permitted shall be prohibited in the AG-1 zoning district.
- (F) *Development Standards:* Development standards for uses in this district are detailed in the Table of Development Standards in Section 2.04.01, Table 5. Specifically, standards are established for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth; Minimum Floor Area; Floor Area Ratio (as applicable); Setbacks; Maximum Lot Coverage; and Maximum Building Height.
- (G) *Other Requirements:* none.

#### **2.04.02.02 AG-2 Single Family Residential with Horses**

- (A) *FLUM Designation:* Low Density Residential Classification
- (B) *Purpose:* To establish areas which are uniquely appropriate for low-density residential neighborhoods with ample open space and outdoor living areas; to designate appropriate uses and services within the district; and to establish development standards appropriate to ensure proper development and a low-density residential environment.
- (C) *Permitted Principal Uses & Structures:* Uses permitted in this district are detailed in the Table of Land Uses in Section 2.04.01, Table 4. Permitted uses are designated by the letter "P". Uses

designated by the letter "D" are also permitted, but require the submission and approval of a Site Development Plan prior to application for a Development Permit. Review of an application for approval of a Site Development Plan is governed by Article 7.

- (1) Mobile Homes are permitted in this zoning district.
- (2) Residents may keep a horse and construct a barn or stable for housing a horse, with a minimum of one acre of land for pasture.
- (D) *Accessory Uses:* Accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.05 contains detailed guidance and regulations for permitted accessory uses.
- (E) *Special Exception Uses:* Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.04.01, Table 4. Such uses are designated by the letter "S". Special Exception uses require the submission of an application and approval by the Board of Adjustment prior to application for a Development Permit. Review of an application for approval of a Special Exception is governed by Article 7.
- (F) *Development Standards:* Development standards for uses in this district are detailed in the Table of Development Standards in Section 2.04.01, Table 5. Specifically, standards are established for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth; Minimum Floor Area; Floor Area Ratio (as applicable); Setbacks; Maximum Lot Coverage; and Maximum Building Height.
- (G) *Other Requirements: none.*

#### **2.04.02.03 R-1 Single Family Residential**

- (A) *FLUM Designation:* Low Density Residential Classification
- (B) *Purpose:* To establish areas which are uniquely appropriate for low-density residential neighborhoods with ample open space and outdoor living areas; and to establish development standards appropriate to ensure proper development and a low-density residential environment.

- (C) *Permitted Principal Uses & Structures:* Uses permitted in this district are detailed in the Table of Land Uses in Section 2.04.01, Table 4. Permitted uses are designated by the letter "P". Uses designated by the letter "D" are also permitted, but require the submission and approval of a Site Development Plan prior to application for a Development Permit. Review of an application for approval of a Site Development Plan is governed by Article 7.
- (D) *Accessory Uses:* Accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.05 contains detailed guidance and regulations for permitted accessory uses.
- (E) *Special Exception Uses:* Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.04.01, Table 4. Such uses are designated by the letter "S". Special Exception uses require the submission of an application and approval by the Board of Adjustment prior to application for a Development Permit. Review of an application for approval of a Special Exception is governed by Article 7.
- (F) *Development Standards:* Development standards for uses in this district are detailed in the Table of Development Standards in Section 2.04.01, Table 5. Specifically, standards are established for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth; Minimum Floor Area; Floor Area Ratio (as applicable); Setbacks; Maximum Lot Coverage; and Maximum Building Height.
- (G) *Other Requirements:* none.

#### **2.04.02.04 R-2 Single Family Residential**

- (A) *FLUM Designation:* Low Density Residential Classification
- (B) *Purpose:* To locate and establish areas appropriate for moderately low-density residential neighborhoods, at a density slightly higher than the R-1 district and with ample open space; and to establish such standards as are appropriate to ensure proper development in a low-density residential environment.
- (C) *Permitted Principal Uses & Structures:* Uses permitted in this district are detailed in the Table of Land Uses in Section 2.04.01, Table 4. Permitted uses are designated by the letter "P". Uses

designated by the letter "D" are also permitted, but require the submission and approval of a Site Development Plan prior to application for a Development Permit. Review of an application for approval of a Site Development Plan is governed by Article 7.

- (D) *Accessory Uses:* Accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.05 contains detailed guidance and regulations for permitted accessory uses.
- (E) *Special Exception Uses:* Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.04.01, Table 4. Such uses are designated by the letter "S". Special Exception uses require the submission of an application and approval by the Board of Adjustment prior to application for a Development Permit. Review of an application for approval of a Special Exception is governed by Article 7. Special exceptions of note are:
- (F) *Development Standards:* Development standards for uses in this district are detailed in the Table of Development Standards in Section 2.04.01, Table 5. Specifically, standards are established for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth; Minimum Floor Area; Floor Area Ratio (as applicable); Setbacks; Maximum Lot Coverage; and Maximum Building Height.
- (G) *Other Requirements:* none.

#### **2.04.02.05 R-3 Single Family and Duplex Residential**

- (A) *FLUM Designation:* Medium Density Residential Classification
- (B) *Purpose:* To allow for the development of single family homes and duplexes on small lots.
- (C) *Permitted Principal Uses & Structures:* Uses permitted in this district are detailed in the Table of Land Uses in Section 2.04.01, Table 4. Permitted uses are designated by the letter "P". Uses designated by the letter "D" are also permitted, but require the submission and approval of a Site Development Plan prior to application for a Development Permit. Review of an application for approval of a Site Development Plan is governed by Article 7.

- (D) *Accessory Uses:* Accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.05 contains detailed guidance and regulations for permitted accessory uses.
- (E) *Special Exception Uses:* Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.04.01, Table 4. Such uses are designated by the letter "S". Special Exception uses require the submission of an application and approval by the Board of Adjustment prior to application for a Development Permit. Review of an application for approval of a Special Exception is governed by Article 7. Special exceptions of note are:
- (F) *Development Standards:* Development standards for uses in this district are detailed in the Table of Development Standards in Section 2.04.01, Table 5. Specifically, standards are established for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth; Minimum Floor Area; Floor Area Ratio (as applicable); Setbacks; Maximum Lot Coverage; and Maximum Building Height.
- (G) *Other Requirements:* none.

#### **2.04.02.06 R-4 Mixed Residential Use**

- (A) *FLUM Designation:* Medium Density Residential Classification
- (B) *Purpose:* To establish areas within the City of Polk City that allows for a combination of all residential uses, including single family homes, duplexes, apartments, townhouses and condominiums.
- (C) *Permitted Principal Uses & Structures:* Uses permitted in this district are detailed in the Table of Land Uses in Section 2.04.01, Table 4 . Permitted uses are designated by the letter "P". Uses designated by the letter "D" are also permitted, but require the submission and approval of a Site Development Plan prior to application for a Development Permit. Review of an application for approval of a Site Development Plan is governed by Article 7.
- (D) *Accessory Uses:* Accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures; provided, however, that no accessory structures shall be



located on property other than that on which the principal structure is located. Section 2.05 contains detailed guidance and regulations for permitted accessory uses.

- (E) *Special Exception Uses:* Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.04.01, Table 4. Such uses are designated by the letter "S". Special Exception uses require the submission of an application and approval by the Board of Adjustment prior to application for a Development Permit. Review of an application for approval of a Special Exception is governed by Article 7.
- (F) *Development Standards:* Development standards for uses in this district are detailed in the Table of Development Standards in Section 2.04.01, Table 5. Specifically, standards are established for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth; Minimum Floor Area; Floor Area Ratio (as applicable); Setbacks; Maximum Lot Coverage; and Maximum Building Height.
- (G) *Other Requirements:* none.

#### **2.04.02.07 R-5 Multifamily Residential**

- (A) *FLUM Designation:* Medium Density Residential Classification
- (B) *Purpose:* To establish areas within the City of Polk City for higher density neighborhoods and all types of multifamily units including tri-plexes, four-plexes, apartment buildings, condominiums and townhouses.
- (C) *Permitted Principal Uses & Structures:* Uses permitted in this district are detailed in the Table of Land Uses in Section 2.04.01, Table 4. Permitted uses are designated by the letter "P". Uses designated by the letter "D" are also permitted, but require the submission and approval of a Site Development Plan prior to application for a Development Permit. Review of an application for approval of a Site Development Plan is governed by Article 7.
- (D) *Accessory Uses:* Accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.05 contains detailed guidance and regulations for permitted accessory uses.

- (E) *Special Exception Uses:* Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.04.01, Table 4. Such uses are designated by the letter "S". Special Exception uses require the submission of an application and approval by the Board of Adjustment prior to application for a Development Permit. Review of an application for approval of a Special Exception is governed by Article 7.
- (F) *Development Standards:* Development standards for uses in this district are detailed in the Table of Development Standards in Section 2.04.01, Table 5. Specifically, standards are established for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth; Minimum Floor Area; Floor Area Ratio (as applicable); Setbacks; Maximum Lot Coverage; and Maximum Building Height.
- (G) *Other Requirements:* none.

#### **2.04.02.08 MH Mobile Home Residential**

- (A) *FLUM Designation:* Medium Density Residential Classification
- (B) *Purpose:* To establish areas within the City of Polk City which are deemed to be uniquely appropriate for the development and maintenance of medium-density mobile home parks, recreational vehicle parks and recreational vehicle campgrounds, with ample open space and outdoor living areas; to designate those uses and services deemed appropriate and proper for location and development within said zoning district; and to establish such development standards and provisions as are appropriate to ensure proper development and environment.
- (C) *Permitted Principal Uses & Structures:* Uses permitted in this district are detailed in the Table of Land Uses in Section 2.04.01, Table 4. Permitted uses are designated by the letter "P". Uses designated by the letter "D" are also permitted, but require the submission and approval of a Site Development Plan prior to application for a Development Permit. Review of an application for approval of a Site Development Plan is governed by Article 7.
  - (1) All mobile home developments, recreational vehicle developments and recreational vehicle campgrounds require site development plan approval.
- (D) *Accessory Uses:* Accessory uses and structures customarily incidental and subordinate to permitted principal uses and

structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.05 contains detailed guidance and regulations for permitted accessory uses.

- (E) *Special Exception Uses:* Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.04.01, Table 4. Such uses are designated by the letter "S". Special Exception uses require the submission of an application and approval by the Board of Adjustment prior to application for a Development Permit. Review of an application for approval of a Special Exception is governed by Article 7.
- (F) *Development Standards:* Development standards for uses in this district are detailed in the Table of Development Standards in Section 2.04.01, Table 5. Specifically, standards are established for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth; Minimum Floor Area; Floor Area Ratio (as applicable); Setbacks; Maximum Lot Coverage; and Maximum Building Height.
- (G) *Other Requirements:* none.

#### **2.04.02.09 C-1 Residential, Business and Professional District**

- (A) *FLUM Designation:* Commercial Classification
- (B) *Purpose:* To locate and establish areas within the City of Polk City which are deemed to be uniquely appropriate, by reason of location and vehicular accessibility, for the development and operation of general commercial service uses; to designate such uses as are appropriate for development within a service commercial area; and to set forth such development standards and provisions as are appropriate to ensure the proper development and functioning of uses within the district. Typical uses in this district include banks; professional and business offices and offices buildings; retail stores; barbershops; repair shops that do not create noise, noxious fumes or traffic involving trucks or other heavy vehicles; restaurants; photography, music, dancing and art studios; laundry and dry-cleaning and pickup locations; governmental buildings; and mixed residential uses.
- (C) *Permitted Principal Uses & Structures:* Uses permitted in this district are detailed in the Table of Land Uses in Section 2.04.01, Table 4. Permitted uses are designated by the letter "P". Uses designated by the letter "D" are also permitted, but require the

submission and approval of a Site Development Plan prior to application for a Development Permit. Review of an application for approval of a Site Development Plan is governed by Article 7.

- (D) *Accessory Uses:* Accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.05 contains detailed guidance and regulations for permitted accessory uses.
- (E) *Special Exception Uses:* Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.04.01, Table 4. Such uses are designated by the letter "S". Special Exception uses require the submission of an application and approval by the Board of Adjustment prior to application for a Development Permit. Review of an application for approval of a Special Exception is governed by Article 7.
- (F) *Development Standards:* Development standards for uses in this district are detailed in the Table of Development Standards in Section 2.04.01, Table 5. Specifically, standards are established for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth; Minimum Floor Area; Floor Area Ratio (as applicable); Setbacks; Maximum Lot Coverage; and Maximum Building Height. In addition, set back requirements shall conform as follows:
  - (1) Buildings shall be set back in substantial conformity with those buildings within 150 feet of each side. If there is no other building within 150 feet as measured from the closest perimeter of the proposed building to the closest perimeter of the existing building, the setback requirement on the front shall be a minimum of 25 feet, on the rear shall be a minimum of 20 feet and on the side shall be a minimum of 10 feet.
  - (2) Residential uses may be developed at the same standards as for the R-4 zoning district.
- (G) *Other Requirements:* none.

#### **2.04.02.10 C-2 General Commercial District**

- (A) *FLUM Designation:* Commercial Classification
- (B) *Purpose:* To designate areas within the City of Polk City which are deemed to be uniquely appropriate, by reason of central location and convenient access, for the development and operation of community shopping and business uses; to encourage the grouping and interrelationship of said uses so as to permit a high level of pedestrian movement within the district; to designate such uses as are appropriate for development within a central community commercial area; and to set forth such development standards and provisions as are appropriate to ensure the proper development and functioning of uses within the district.
- (C) *Permitted Principal Uses & Structures:* Uses permitted in this district are detailed in the Table of Land Uses in Section 2.04.01, Table 4. Permitted uses are designated by the letter "P". Uses designated by the letter "D" are also permitted, but require the submission and approval of a Site Development Plan prior to application for a Development Permit. Review of an application for approval of a Site Development Plan is governed by Article 7.
- (D) *Accessory Uses:* Accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.05 contains detailed guidance and regulations for permitted accessory uses.
- (E) *Special Exception Uses:* Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.04.01, Table 4. Such uses are designated by the letter "S". Special Exception uses require the submission of an application and approval by the Board of Adjustment prior to application for a Development Permit. Review of an application for approval of a Special Exception is governed by Article 7.
- (F) *Development Standards:* Development standards for uses in this district are detailed in the Table of Development Standards in Section 2.04.01, Table 5. Specifically, standards are established for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth; Minimum Floor Area; Floor Area Ratio (as applicable); Setbacks; Maximum Lot Coverage; and Maximum Building Height.

(G) *Other Requirements: none.*

**2.04.02.11 M-1 Light Industrial**

(A) *FLUM Designation:* Industrial Classification

(B) *Purpose:* To locate and establish areas within the City of Polk City which are deemed to be uniquely appropriate, by reason of location and vehicular accessibility, for the development and operation of light industrial uses; to designate such uses as are appropriate for development within an industrial area; and to set forth such development standards and provisions as are appropriate to ensure the proper development and functioning of uses within the district. Uses may include wholesale, warehouse and storage uses; and manufacturing, fabricating and/or processing activities or other similar enterprises or businesses that are deemed to be noxious or detrimental to the central business district and to the safety of pedestrians.

(C) *Permitted Principal Uses & Structures:* Uses permitted in this district are detailed in the Table of Land Uses in Section 2.04.01, Table 4. Permitted uses are designated by the letter "P". Uses designated by the letter "D" are also permitted, but require the submission and approval of a Site Development Plan prior to application for a Development Permit. Review of an application for approval of a Site Development Plan is governed by Article 7.

(D) *Accessory Uses:* Accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.05 contains detailed guidance and regulations for permitted accessory uses.

(E) *Special Exception Uses:* Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.04.01, Table 4. Such uses are designated by the letter "S". Special Exception uses require the submission of an application and approval by the Board of Adjustment prior to application for a Development Permit. Review of an application for approval of a Special Exception is governed by Article 7.

(F) *Development Standards:* Development standards for uses in this district are detailed in the Table of Development Standards in Section 2.04.01, Table 5. Specifically, standards are established for Maximum Density; Minimum Lot Size; Minimum Lot Width;

Minimum Lot Depth; Minimum Floor Area; Floor Area Ratio (as applicable); Setbacks; Maximum Lot Coverage; and Maximum Building Height.

- (G) *Other Requirements:* None.

**2.04.02.11 M-2 Heavy Industrial**

- (A) *FLUM Designation:* Industrial Classification
- (B) *Purpose:* To locate and establish areas within the City of Polk City which are deemed to be uniquely appropriate, by reason of location and vehicular accessibility, for the development and operation of light industrial uses; to designate such uses as are appropriate for development within an industrial area; and to set forth such development standards and provisions as are appropriate to ensure the proper development and functioning of uses within the district. Uses may include wholesale, warehouse and storage uses; and manufacturing, fabricating and/or processing activities or other similar enterprises or businesses that are deemed to be noxious or detrimental to the central business district and to the safety of pedestrians.
- (C) *Permitted Principal Uses & Structures:* Uses permitted in this district are detailed in the Table of Land Uses in Section 2.04.01, Table 4. Permitted uses are designated by the letter "P". Uses designated by the letter "D" are also permitted, but require the submission and approval of a Site Development Plan prior to application for a Development Permit. Review of an application for approval of a Site Development Plan is governed by Article 7.
- (D) *Accessory Uses:* Accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.05 contains detailed guidance and regulations for permitted accessory uses.
- (E) *Special Exception Uses:* Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.04.01, Table 4. Such uses are designated by the letter "S". Special Exception uses require the submission of an application and approval by the Board of Adjustment prior to application for a Development Permit. Review of an application for approval of a Special Exception is governed by Article 7.

- (F) *Development Standards:* Development standards for uses in this district are detailed in the Table of Development Standards in Section 2.04.01, Table 5. Specifically, standards are established for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth; Minimum Floor Area; Floor Area Ratio (as applicable); Setbacks; Maximum Lot Coverage; and Maximum Building Height.
- (G) *Other Requirements:* None.

#### **2.04.02.13 PB Public Buildings and Grounds**

- (A) *FLUM Designation:* Public Institutional Classification
- (B) *Purpose:* To establish locations for properties and/or facilities owned by government, including schools, and used for purposes related to the public health, safety and welfare.
- (C) *Permitted Principal Uses & Structures:* Uses permitted in this district are detailed in the Table of Land Uses in Section 2.04.01, Table 4. Permitted uses are designated by the letter "P". Uses designated by the letter "D" are also permitted, but require the submission and approval of a Site Development Plan prior to application for a Development Permit. Review of an application for approval of a Site Development Plan is governed by Article 7.
- (D) *Accessory Uses:* Accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.05 contains detailed guidance and regulations for permitted accessory uses.
  - (1) Customary uses which are secondary and incidental to principal uses, including caretakers' residences, dining facilities, and playing fields and other recreational facilities located on school grounds. Accessory structures shall be subject to the same setback requirements as principal structures. Minimum building spacing shall be 15 feet.
- (E) *Special Exception Uses:* Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.04.01, Table 4. Such uses are designated by the letter "S". Special Exception uses require the submission of an application and approval by the Board of Adjustment prior to application for a Development Permit. Review of an application for approval of a



Special Exception is governed by Article 7.

- (F) *Development Standards:* Development standards for uses in this district are detailed in the Table of Development Standards in Section 2.04.01, Table 5. Specifically, standards are established for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth; Minimum Floor Area; Floor Area Ratio (as applicable); Setbacks; Maximum Lot Coverage; and Maximum Building Height.
- (G) *Other Requirements:* none.

**2.04.02.14 PR Public Recreation District**

- (A) *FLUM Designation:* Recreation & Open Space Classification
- (B) *Purpose:* To establish locations for publicly-owned recreation facilities and properties reserved for open space.
- (C) *Permitted Principal Uses & Structures:* Uses permitted in this district are detailed in the Table of Land Uses in Section 2.04.01, Table 4. Permitted uses are designated by the letter "P". Uses designated by the letter "D" are also permitted, but require the submission and approval of a Site Development Plan prior to application for a Development Permit. Review of an application for approval of a Site Development Plan is governed by Article 7.
- (D) *Accessory Uses:* Accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.05.00 contains detailed guidance and regulations for permitted accessory uses.
  - (1) Customary uses which are secondary and incidental to principal uses, including caretakers' residences, pavilions, and public restrooms. Accessory structures shall be subject to the same setback requirements as principal structures. Minimum building spacing shall be 15 feet.
- (E) *Special Exception Uses:* Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.04.01, Table 4. Such uses are designated by the letter "S". Special Exception uses require the submission of an application and approval by the Board of Adjustment prior to application for a Development Permit. Review of an application for approval of a

Special Exception is governed by Article 7.

- (F) *Development Standards:* Development standards for uses in this district are detailed in the Table of Development Standards in Section 2.04.01, Table 5. Specifically, standards are established for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth; Minimum Floor Area; Floor Area Ratio (as applicable); Setbacks; Maximum Lot Coverage; and Maximum Building Height.
- (G) *Other Requirements:* none.

**2.04.02.15 CON Conservation District**

- (A) *FLUM Designation:* Conservation Classification
- (B) *Purpose:* To preserve areas containing natural resources and to ensure the proper functioning of natural resources, such as wetlands, floodplains, and groundwater recharge areas.
- (C) *Permitted Principal Uses & Structures:* Uses permitted in this district are detailed in the Table of Land Uses in Section 2.04.01, Table 4. Permitted uses are designated by the letter "P". Uses designated by the letter "D" are also permitted, but require the submission and approval of a Site Development Plan prior to application for a Development Permit. Review of an application for approval of a Site Development Plan is governed by Article 7. In addition, the following are permitted:
  - (1) Municipal wellfields and associated facilities.
  - (2) Boat docks and marinas, provided that all structures and parking areas are above the 100-year flood elevation.
- (D) *Accessory Uses:* Accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.05 contains detailed guidance and regulations for permitted accessory uses.
  - (1) Customary uses which are secondary and incidental to principal uses, including restrooms, caretaker and security guard residences, pavilions, boardwalks, and pedestrian/bicycle paths.

- (E) *Special Exception Uses:* Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.04.01, Table 4. Such uses are designated by the letter "S". Special Exception uses require the submission of an application and approval by the Board of Adjustment prior to application for a Development Permit. Review of an application for approval of a Special Exception is governed by Article 7.
- (F) *Development Standards:* Development standards for uses in this district are detailed in the Table of Development Standards in Section 2.04.01, Table 5. Specifically, standards are established for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth; Minimum Floor Area; Floor Area Ratio (as applicable); Setbacks; Maximum Lot Coverage; and Maximum Building Height.
- (G) *Other Requirements:* none.

#### **2.05.00 General Regulations for Accessory Uses**

Accessory uses are incidental and secondary to a principal use that is permitted in a given zoning district. It is the purpose of this Section to regulate the height, size, location, setback and use of accessory structures to ensure that they do not adversely affect nearby residents or surrounding properties.

Typical accessory structures associated with residential uses are detached garages and carports; storage buildings; swimming pools; bath houses; yard structures, such as a gazebo; boat houses, docks, slips and piers; satellite dish antennas; antennas for ham or CB radios; and other similar structures.

Commercial and industrial uses also have accessory structures and uses, which include; garages, sheds, satellite dishes, antennas, security structures, special fencing and walls, solid waste pads and collection structures, and similar structures.

In addition to the standards provided below, accessory structures shall meet all requirements set forth in individual zoning districts and other applicable provisions of this Code. One or more accessory structures may be permitted on a development site, provided that the following requirements are met:

- (A) Accessory structures shall not be constructed prior to the principal structure. No accessory use or building may exist on a lot without a principal building or use, except a boat dock or ramp.
- (B) All accessory structures shall comply with the Standard Building Code and all standards of this Code pertaining to the principal use.

- (C) Accessory structures shall not be located in a required landscape buffer or in the minimum front building setback area. All accessory structures shall be set back five feet from a lot line and shall not exceed two stories or 35 feet in height. In AG-2 and R-1 zoning districts, the accessory structure shall not be of greater height than a principal building on the lot.
- (D) Accessory structures shall be included in all calculations of impervious surface and stormwater runoff.
- (E) All accessory structures shall be shown on a Site Development Plan when one is required under Article 7, Section 7.05.00, "Site Development Plans" of this Code.
- (F) **In residential districts:** accessory structures shall not be located forward of the front building line or within the required side street setback area on a corner lot.
- (G) Accessory structures shall not be served by an electrical meter separate from that of the principal use.
- (H) Except where otherwise provided, accessory structures shall be separated from each other and from the principal structure by at least five feet.
- (I) No mobile home, trailer, or vehicle of any kind shall be permitted as an accessory structure on any development site.
- (J) When associated with a commercial or industrial use, the accessory use may not generate more than 49% of the total revenue of the business.
- (K) Accessory parking may be located in a required side yard of a zoning district if the area so used for parking is properly screened by a fence, wall or planting from contiguous private property.
- (L) In AG-1 accessory buildings and uses that are customarily incidental to the principal use are allowed.
- (M) Metal carports and sheds that are commercially produced to meet the wind load standards set by the State and bearing the State of Florida DCA sticker are permitted in all zoning districts but in rear yards only. Carports that are not metal but use canvas, cloth, plastic canvas, plastic sheeting, and the like are prohibited in the City in all zoning categories.

### ***2.05.01 Swimming Pools***

Swimming Pools are permitted in all Residential districts as an accessory use. Pools located in any residential district shall meet the following requirements:

- (A) Swimming pools shall be permitted accessory to a residential use only, and shall be at least 5 feet from any lot line or building, as measured from the edge of the pool structure.
- (B) Swimming pools, including all decking and screen enclosures, shall be located to the rear of the front building line, and shall not encroach into side yard set back areas.
- (C) Screen enclosures over and around swimming pools shall be erected so as to conform to set back requirements for accessory buildings; however, such enclosures may be attached to the principal building. Lighting for pools shall be located and installed such that no direct light nor reflected light shines on adjoining property.
- (D) Swimming pools shall not be located within public utility or drainage easements along side and rear lot lines.
- (E) All swimming pools shall be completely enclosed by a fence or a wall not less than four feet high.
- (F) No pool in residential districts may be used for commercial purposes other than swimming lessons to groups of four children or less at a time.

#### ***2.05.02 Boat Slips/Ramps and Docks***

Boat slips/ramps, docks, boat houses and fishing piers are permitted in all districts as an accessory use. Private boat slips/ramps and docks may be constructed by the owner on any lot bordering a lake, providing they comply with the following:

- (A) Docks shall not extend into the lake a distance greater than fifty (50) feet measured from the regulatory water line, which shall be established by the City Council on any lake that is not a meandering lake.
- (B) In residential districts, no boat house or permanent structure covering a dock, pier, boat slip or boat ramp is permitted beyond the regulatory water line. Permanent accessory structures may be permitted landward of the regulatory water line, when permitted and constructed in accordance with all pertinent Codes of Polk City.
- (C) No permit shall be issued for a boat house, dock, pier, boat slip or boat ramp, except with the review and approval of the City Council. The applicant shall provide to the Building Official complete plans, specifications and details, at least thirty (30) days prior to a regular meeting of the City Council at which the proposed structure is to be considered. The Building Official shall determine if such plans meet all

requirements of this Code, any state or other governmental rules or regulations and transmit his findings to the City Council. The applicant shall post a cash or surety bond, as the City Council may determine, to assure that the work proposed is completed in a manner fully consistent with an approved Development Order.

### **2.05.03 Satellite Dishes and Antennas**

- (A) A satellite dish or antenna shall be an accessory use only, and shall not be the principal use of the property, except as allowed in commercial districts.
- (B) Antennas and dishes shall not exceed 30 feet in height including ham radio masts with antennas or radio communication systems.
- (C) All satellite dishes and antennas must be wind resistant: that is having the ability to withstand winds up to one hundred twenty (120) miles per hour.
- (D) Antennas and dishes shall not be located forward of the front building line or within a required side yard set back area unless the entire minimum required side yard set back can be maintained, or ten feet, whichever is greater.
- (E) An antenna or dish not mounted on or affixed to a principal structure shall be set back from all property lines a distance equal to its height.
- (F) An Antenna Installation Permit shall be required for all antennas, whose combined height of mast and antenna exceed six feet, and satellite dishes of greater than four feet (4') in diameter. Applications for this permit shall include a site plan, sketch plan or other scaled drawing showing all structures on the property, and the location, height and size of the proposed antenna or dish.
- (G) The following regulations apply to antennas or dishes in AG-1, AG-2, R-1, R-2, R-3, R-4 and MH districts:
  - (1) One standard roof-type television antenna of less than six feet and/or one satellite dish less than four feet in diameter may be installed without requiring a permit and approval, on the first or second story roof of a residential dwelling. Residential roof mount antennas including the mast may not be more than five feet (5') above the highest point on the structure's roof and should be mounted at the rear of the structure.
  - (2) A satellite dish or antenna shall be permitted only as an accessory use to a single family detached dwelling unit, or for the common

use of the residents of a multiple-family structure or a mobile home park.

- (3) Roof-mounted dishes or antennas larger than 24 inches in diameter may only be permitted in multi-family developments and mobile home parks, and shall be affixed only to buildings of conventional construction.

#### ***2.05.04 Bulk Propane Gas***

Bulk storage of propane gas and sales of that gas is a permitted accessory use in RV (recreational vehicle) parks upon approval of a Site Development Plan by the Development Director. All storage must be a minimum of 50 feet from any unit or building.

***[RESERVED]***

## **ARTICLE 3**

### **DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS**

#### **3.01.00 General Provisions**

##### **3.01.01 Purpose**

The purpose of this Article is to provide development design and improvement standards applicable to all development activity within the City of Polk City.

##### **3.01.02 Responsibility for Improvements**

Unless otherwise specifically provided, all improvements required by this Article shall be designed, installed, and paid for by the Developer.

##### **3.01.03 Principles of Development Design**

The provisions of this Article are intended to ensure functional and attractive development. Development design shall first take into account the protection of natural resources as prescribed in Article 5 of this Code. All development shall be designed to avoid unnecessary impervious surface cover; to provide adequate access to lots and sites; and to avoid adverse effects of shadow, glare, noise, odor, traffic, drainage, and utilities on surrounding properties.

#### **3.02.00 Transportation Systems**

##### **3.02.01 General Provisions**

- (A) *Purpose.* This Section establishes minimum requirements applicable to the development transportation system, including public and private streets, bikeways, pedestrian ways, parking and loading areas, and access control to and from public streets. The standards in this Section are intended to minimize the traffic impacts of development, to assure that all developments adequately and safely provide for the storage and movement of vehicles consistent with good engineering and development design practices.
- (B) *Compliance with Technical Construction Standards.* All required elements of the transportation system shall be constructed in compliance with generally accepted professional engineering design and construction standards.



### **3.02.02 Base Building Lines**

- (A) *General.* The general purposes and intent of the City in the establishment of base building lines are to provide an efficient and economical basis for acquisition of street rights-of-way; and to provide a convenient and adequate thoroughfare network to meet the present and future needs of residential, commercial and industrial traffic through and around the City.
- (B) *Base Building Lines Established.* Base building lines are hereby established for all Principal Arterials and Urban Collectors as shown on the Future Traffic Circulation Map of the City of Polk City Comprehensive Plan. Base building lines shall run parallel to the right-of-way centerline of such roads at a distance of one-half the right-of-way width required for the applicable roadway functional classification.

Right-of-way widths and base building line distances shall be as follows:

**Table 6 - Right of Way Widths and Base Building Lines**

	<b>R/W Width</b>	<b>Base Building Line</b>
Principal Arterials	150 feet	75 feet
Urban Collectors	100 feet	50 feet

No structure in any zoning district shall be placed forward of the base building line, regardless of the normal front or side street setback requirement for the district.

- (C) *Base Building Line on State Roads.* Regardless of the provisions of Section 3.02.02(B) or any other provision of this Code, no structure shall be placed within 25 feet of the edge of the right-of-way of any state road located within the City.

### **3.02.03 Street Design Standards**

- (A) *General Design Standards*
- (1) All streets in a new development shall be designed and constructed in compliance with generally accepted professional engineering design standards. Streets shall be dedicated to the City upon completion, inspection, and acceptance by the City.
  - (2) The street system of the proposed development shall, to the extent practicable, conform to the natural topography of the site, preserving existing hydrological and vegetative patterns, and minimizing erosion potential, runoff, and the need for site alteration.

Particular effort should be directed toward securing the flattest possible grade near intersections.

- (3) Streets shall be laid out to avoid environmentally sensitive areas.
  - (4) Private streets may be allowed within any development, provided they are designed and constructed pursuant all engineering standards applicable to public roads of the same functional classification.
  - (5) Private ownership of streets may be permitted with approval by the City Council, if the developer, in writing, assures the City that these private improvements shall be kept in a satisfactory state of repair and maintenance by the developer or by legally established homeowners association, which shall be clearly stated on the face of the final plat.
  - (6) The street layout in all new development shall be coordinated with and interconnected to the street system of the surrounding area.
  - (7) Streets in proposed subdivisions shall be connected to rights-of-way in adjacent areas to allow for proper inter-neighborhood traffic flow. If adjacent lands are unplatted, stub-outs in the new development shall be provided for future connection to the adjacent unplatted land.
  - (8) Residential streets shall be arranged to discourage through traffic.
  - (9) Streets shall intersect as nearly as possible at right angles and in no case shall be less than 75 degrees.
- (B) *Pavement Widths.* Pavement widths for each street classification shall be as provided in the following table:

**Table 7 - Pavement Widths**

Type of Street	Curb and Gutter	No Curb and Gutter
Principal Arterial	60 feet	60 feet
Minor Arterial	38 feet	34 feet
Urban Collector	28 feet	24 feet
Local Streets	24 feet	20 feet

- (C) *Cul-de-sac Turnarounds*
- (1) Permanent dead-end streets extending more than two lots or more than 125 feet (whichever is less) shall provide a cul-de-sac turnaround, the location and specification of which shall be

established by the City Engineer and the fire department.

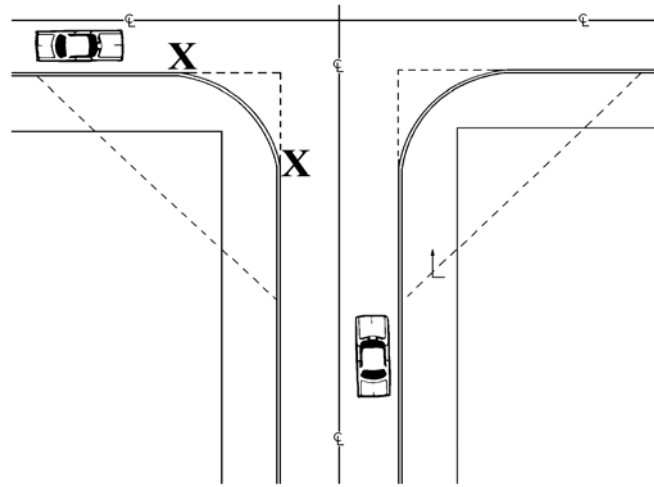
- (2) An unobstructed 12-foot wide moving lane with a minimum outside turning radius of 38 feet shall be provided at the terminus of every permanent cul-de-sac.
- (D) *Clear Visibility Triangle.* In order to provide a clear view of intersecting streets to the motorist, there shall be a triangular area of clear visibility formed by two intersecting streets or the intersection of a driveway and a street. The following standards shall be met:
- (1) Nothing shall be erected, placed, parked, planted, or allowed to grow in such a manner as to materially impede vision between a height of two feet and ten feet above the grade, measured at the centerline of the intersection.
  - (2) The clear visibility triangle shall be formed by extending a line from the back of the curb or the edge of pavement of two intersecting roadways to a point of intersection, measuring a prescribed distance from the point in both directions and drawing the hypotenuse of the triangle (see the following drawing). The "prescribed distance" is "X" in the following drawing.
  - (3) The "prescribed distance", as referred to in (2) above, for the various road classifications shall be as follows:

**Table 8 - Distance from Center Line**

Type of Street	Distance From Center Line of Intersection
Principal Arterial	106 feet
Urban Collector	71 feet
Local Streets	55 feet

- (4) Where roads of different functional classifications intersect, the distance for each street shall be used. For example, when a principal arterial and an urban collector intersect, there shall be no obstructions 106 feet along the principal arterial and 71 feet along the urban collector, from the intersection of the two streets.

**Table 9 - Visibility Triangle**



- (5) The foregoing visibility triangle provisions shall not apply within the Residential districts as designated on the Future Land Use Map, City of Polk City Comprehensive Plan.
- (E) *Signage and Signalization.* The developer shall deposit with the City sufficient funds to provide all necessary roadway signs and traffic signalization as may be required by the City, based upon City or state traffic standards. At least two street name signs shall be placed at each four-way street intersection, and one at each "T" intersection. Signs shall be installed under light standards and free of visual obstruction. The design of street name signs shall be consistent, of a style appropriate to the community, and of a uniform size and color.
- (F) *Blocks*
  - (1) Where a tract of land is bounded by streets forming a block, said block shall have sufficient width to provide for two tiers of lots of appropriate depths.
  - (2) The lengths, widths, and shapes of blocks shall be consistent with adjacent areas.

### **3.02.04 Sidewalks and Bikeways**

- (A) *When Required*
  - (1) Projects abutting Urban Collector or Principal Arterial facilities shall provide sidewalks adjacent to such roadways. Location of

sidewalks shall be consistent with planned roadway improvements.

- (2) Sidewalks shall be provided on both sides of all residential streets where the average lot width at the street is 60 feet or less.
  - (3) Sidewalks shall be provided on one side of all residential streets where the average lot width at the street is greater than 60 feet but less than 150 feet.
  - (4) Where a proposed development includes improvements or new construction of collector or arterial facilities, facility designs shall include provision for sidewalks and bikeways within the right-of-way.
  - (5) Residential projects adjacent to or in the immediate vicinity of commercial, office, service, or recreation activities shall provide pedestrian and bicycle access from the development to the activity center.
  - (6) Pedestrian-ways or crosswalks, not less than ten feet wide with a sidewalk meeting the requirements of this Section, may be required to be placed in the center of blocks more than 800 feet long where deemed necessary to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.
- (B) *Design and Construction Standards.* All sidewalks, bikeways, or other footpaths in a new development, including provisions for access by physically handicapped persons, shall be designed and constructed in compliance with generally accepted professional engineering design standards. Streets shall be dedicated to the City upon completion, inspection, and acceptance by the City.

### **3.02.05 Access Points Onto Streets**

All proposed development shall meet the following standards for vehicular access and circulation:

(A) *Number of Access Points*

- (1) The maximum number of points of access permitted onto any one road shall be as follows:

**Table 10 - Access Points**

<b>Lot Width Abutting Road</b>	<b>Number Of Points Of Access</b>
Less than 65 feet	1
65 feet to 200 feet	2
Over 200 feet	2, plus 1 for each additional 200 feet

- (2) In lieu of any two openings onto any one road, there may be permitted a single point of access of up to a maximum width of 48 feet. When this alternative is elected there shall be a permanent median at the center of the opening.
- (3) Adjacent uses may share a common driveway provided that appropriate access easements are granted between or among the property owners.

**(B) *Separation of Access Points***

- (1) There shall be a minimum distance of 12 feet between any two openings onto the same street.
- (2) No point of access shall be allowed within ten feet of the intersection of the right-of-way lines of any public road.
- (3) The distance between access points shall be measured from the centerline of the proposed driveway or roadway to the centerline of the nearest adjacent driveway or roadway.

**(C) *Access to Residential Lots***

- (1) No residential lots having a width less than 125 feet shall abut a Principal Arterial without also directly abutting a local or Urban Collector street.
- (2) No lot in a subdivision shall be approved with less than 20 feet of frontage on a public street right-of-way.

**3.02.06 Standards for Drive-in Facilities**

All facilities providing drive-up or drive-through service shall provide on-site stacking lanes in accordance with the following standards:

- (A) The facilities and stacking lanes shall be located and designed to minimize turning movements in relation to driveway access to streets and intersections.

- (B) The facilities and stacking lanes shall be located and designed to minimize or avoid conflicts between vehicular traffic and pedestrian areas such as sidewalks, crosswalks, or other pedestrian access ways.
- (C) A by-pass lane shall be provided.
- (D) Stacking lane distance shall be measured from the service window to the property line bordering the furthest street providing access to the facility.
- (E) Minimum stacking lane distance shall be as follows:
  - (1) Financial institutions shall have a minimum distance of 200 feet. Two or more stacking lanes may be provided that together total 200 feet.
  - (2) All other uses shall have a minimum distance of 120 feet.
- (F) Alleys or driveways in or abutting areas designed, approved, or developed for residential use shall not be used for circulation of traffic for drive-in facilities.
- (G) Where turns are required in the exit lane, the minimum distance from any drive-in station to the beginning point of the curve shall be 34 feet. The minimum inside turning radius shall be 25 feet.
- (H) Construction of stacking lanes shall conform to all generally accepted professional engineering design standards.

### **3.03.00 Off-Street Parking and Loading**

#### **3.03.01 Applicability**

This Section shall apply to all new construction requiring off-street parking, and existing nonconforming parking facilities if on-site renovation, construction or repair exceeds 50% of the assessed value of the property.

#### **3.03.02 Off-Street Parking**

- (A) *Number Of Required Spaces.* In all districts, off-street parking shall be provided as set forth in the following table and as may be modified by the provisions following the table.

**Table 11 - Number of Required Parking Spaces**

<b>Land Use and/or Building Type</b>	<b>Per Unit</b>	<b>Per 1,000 SFGFA* or SFGLA**</b>	<b>Per Student/Member Seat/Employee/Etc.</b>
Single family dwelling unit	2.0		
Multi-family	1.7		
Senior citizen multi-family	1.1		
Adult congregate living facility	0.7		
Hotel and motel	1.0		
Office and banks without drive-through		2.5	
Small office (less than 3,000 SFGFA)		3.0	
Bank with drive-through		3.0	
Medical, dental, optical, chiropractor office		3.0	
Medical clinic and professional buildings		4.5	
Neighborhood shopping center (less than 150,000 SFGFA)		4.0	
Community shopping center (150,000 - 500,000 SFGFA)		4.5	
Regional shopping center (more than 500,000 SFGFA)		5.5	
General retail sales		4.0	
Supermarket and discount store		3.5	
Furniture store		1.5	
Bowling alley, per lane			4.5
Day care center/school, per employee			1.3
Putt-putt golf, per hole			1.0
Theaters, freestanding, per seat			0.3
Restaurant, per seat			0.4
Restaurant with lounge, per seat			0.5
Fast food restaurant with drive-in, per seat			0.5
Senior high school, per student			0.4
Elementary and junior high school, per teacher			1.2
University and technical college, per daytime student			1.0



Land Use and/or Building Type	Per Unit	Per 1,000 SFGFA* or SFGLA**	Per Student/Member Seat/Employee/Etc.
Church, per seat in sanctuary			0.3
Hospital, per bed			2.0
Nursing home, per room			0.5
Industrial park with offices		1.8	
Light industry		1.8	
Manufacturing		1.0	
Warehousing and distribution centers		0.4	
Recreation clubs (golf, yacht, etc.), per member			0.2
Lodges and assembly, per seat			0.2
Stadiums, football and baseball, per seat			0.4

\*Square Feet, Gross Floor Area (SFGFA) is defined as the total floor area of a building from its outside dimensions.

\*\*Square Feet, Gross Leasable Area (SFGLA) is defined as the floor area of a building, less administrative, public and similar areas.

- (B) *Off-Street Parking for the Physically Disabled.* All development covered by 316.1955 - .1956, F.S., shall provide parking for the physically disabled pursuant to the requirements of those sections. In addition, all residential developments with greater than 25 required parking spaces shall comply with the requirements of 316.1956, F.S.
- (C) *Special Parking Restrictions for Trucks and Recreational Vehicles (RVs) In Residential Districts* The following regulations pertain to the parking regulations on private property.
- (1) In all residential districts, no heavy trucks (over one ton), commercial motor vehicles, trailers, semi trailers that exceed 25 feet in length shall be parked for storage purposes, including overnight, on any public right-of-way or on private property. None of the above vehicles regardless of feet in length may be parked on undeveloped property.
  - (2) *RVs and trailers of 35 feet and less.* In all residential districts, RVs and trailers, must be parked in an enclosed garage or five feet behind the front building line, no less than 15 feet from the curb of any street. When the lot is a corner lot, all of these types of vehicles must be parked behind both the front and side building

lines of said lot. No vehicle may be inhabited.

- (3) *Motorized Grove or Agricultural Equipment.* In all residential districts all motorized grove or agricultural equipment must be parked in an enclosed garage.
  - (4) *Temporary Parking.* In all residential districts, moving vans, heavy industrial equipment such as those used for construction, tree trimming and the like, may be temporarily parked on private property during periods when actually in use and for 48 hours preceding and after such use.
- (D) *Special Parking Restrictions For Trucks and Recreational Vehicles (RVs) In Commercial/Industrial Districts C1, C2, M1, M2.* The following regulations pertain to the parking regulations on private property.
- (1) In a C1 zoning districts, no heavy trucks, (over one ton) commercial motor vehicles, trailers, semi trailers or recreational vehicles may be parked unless the trucks, commercial vehicles and RVs are associated with the business operation and owned, leased, or offered for sale by those with occupational licenses authorizing the accessory use or sale (i.e.; a furniture delivery truck, repair/tow truck, or RV sales). Storage for these vehicles as a primary business may be permitted in a C2 zoning district with approval of a Site Development Plan by the Planning Board. Parking of such vehicles is not limited on developed property in a M1 or M2 zoning districts.
  - (2) Parking of heavy trucks (over one ton), commercial motor vehicles, trailers, semi trailers or recreational vehicles is permitted in developed parking areas within all Commercial Zoning Districts in order to conduct personal business for up to a collective maximum of two hours per day. In the case the parking event involves two calendar days, the maximum amount of time for the individual parking event will be two hours. An extension may be granted if the truck or recreational vehicle is in the process of being serviced by a business which is licensed by the City to do such service.
  - (3) In C1 and C2 parking of trucks, commercial vehicles, and RVs is not permitted on an undeveloped, vacant property.
- (E) *Bicycle Parking*
- (1) Number of Spaces Required. One bicycle parking space shall be provided for every 10 automobile parking spaces, or fraction thereof, required for the use, except as provided below:

**Table 12 - Number of Required Bicycle Spaces**

Use	Required Bicycle Spaces
<b>Residential</b>	
Conventional detached	None
Model home	None
<b>Educational</b>	
Elementary and Junior High	5.0 per required auto space
Senior High Schools	1.0 per required auto space
Colleges	.5 per required auto space
<b>Entertainment and Recreation</b>	
Arcades, games, skating, tennis, handball, racquetball, swimming pool	.25 per required auto space

(2) Design Standards

- a. Other bicycle parking devices may be used if it is established to the satisfaction of the City that the standards below are met.
- b. The rack or other facility shall:
  - 1) Be designed to allow each bicycle to be supported by its frame.
  - 2) Be designed to allow the frame and wheels of each bicycle to be secured against theft.
  - 3) Be designed to avoid damage to the bicycles.
  - 4) Be anchored to resist removal and solidly constructed to resist damage by rust, corrosion, and vandalism.
  - 5) Accommodate a range of bicycle shapes and sizes and to facilitate easy locking without interfering with adjacent bicycles.
  - 6) Be located to prevent damage to bicycles by cars.
  - 7) Be consistent with the surroundings in color and design and be incorporated whenever possible into building or street furniture design.

- 8) Be located in convenient, highly-visible, active, well-lighted areas.
- 9) Be located so as not to interfere with pedestrian movements.
- 10) Be located as near the principal entrance of the building as practicable.
- 11) Provide safe access from the spaces to the right of way or bicycle lane.

(F) *Location of Parking Spaces.* Parking spaces required by this Section shall be located as follows:

- (1) Such parking spaces as required in this Section shall in no part exist upon, and no portion of any vehicle shall overhang, the right-of-way of any public road, street, alley, or walkway. There shall be no off-street parking in the front yards of single family residences, except as normally exists in driveways.
- (2) Parking spaces for all other dwellings shall be located on the same development site as the main building.
- (3) Parking spaces for all other uses shall be provided on the same development site as the main building, or not more than 300 feet distant, as measured along the nearest pedestrian walkway. Such parking area may be located in an adjacent residential district provided that such parking area is screened so as to prevent headlights from shining on residential properties and to minimize vehicular noise.
- (4) Parking requirements for two or more uses, of the same or different types, may be provided by the establishment of the required number of spaces for each use in a common parking area.

(G) *Required Parking Lot Improvements.* Any off-street parking lot serving any use other than dwellings of four units per building or less shall meet the following requirements for off-street parking lot improvements:

- (1) Buffer and canopy. The parking area will be buffered and canopy provided pursuant to Section 3.07.00.
- (2) Surfacing. For all retail sales and services, business services, and professional services serving the general public and having access to and abutting a paved street, the off-street parking area shall be

provided with a hard surface of all-weather pavement, of asphalt or concrete, and shall be so graded and drained as to provide for the adequate runoff and disposal of surface water, and shall be designed and constructed in compliance with generally accepted professional engineering design standards.

- (3) Lighting. Where lighting facilities are provided for the parking area, they shall be designed and installed so as to direct the light away from any contiguous residential property.

(H) *Parking Deferral*

- (1) To avoid requiring more parking spaces than actually needed to serve a development, the City Council may waive the provision of some portion of the off-street parking spaces required by this Section if the conditions and requirements of this Section are satisfied.
- (2) As a condition precedent to obtaining such a waiver by the City Council, the developer must show any one or more of the following:
  - a. A parking study prepared by a qualified professional indicates that there is not a present need for the deferred parking.
  - b. The developer has established or will establish an alternative means of access to the use that will justify deferring the number of parking spaces sought to be deferred. Alternative programs that may be considered by the City Council include, but are not limited to:
    - 1) Private and public car pools and van pools.
    - 2) Charging for parking.
    - 3) Subscription bus services.
    - 4) Flexible work-hour scheduling.
    - 5) Ride sharing.
    - 6) Establishment of a transportation coordinator position to implement car pool, van pool, and transit programs.
  - c. The percentage of parking spaces sought to be deferred corresponds to the percentage of residents, employees, and customers who regularly walk, use bicycles and other non-

motorized forms of transportation, or use mass transportation to come to the facility.

- (3) If the developer satisfies one or more of the criteria in (2), the City Council may approve a deferred parking plan submitted by the developer. The number of parking spaces deferred shall correspond to the estimated number of parking spaces that will not be needed because of the condition or conditions established.
- (4) A deferred parking plan:
  - a. Shall be designed to contain sufficient space to meet the full parking requirements of this Section, shall illustrate the layout for the full number of parking spaces, and shall designate that are to be deferred.
  - b. 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.
  - c. Shall include a landscaping plan for the deferred parking area.
  - d. Shall include a written agreement with the City that, one year from the date of issuance of the certificate of occupancy, the deferred spaces will be converted to parking spaces that conform to this Code at the developer's expense, should the City Council determine from experience that the additional parking spaces are needed.
  - e. Shall include a written agreement that the developer will cover the expense of a traffic study to be undertaken or commissioned by the City to determine the advisability of providing the full parking requirement.
- (5) At any time after one year from the date of issuance of a certificate of occupancy for the development, City Council shall have the authority to require that the deferred spaces be converted to operable parking spaces by the developer.
- (6) The developer may at any time request that the City Council approve a revised development plan to allow converting the deferred spaces to operable parking spaces.

- (I) *Reduction for Mixed or Joint Use of Parking Spaces.* The City Council may authorize a reduction in the total number of required parking spaces for two or more uses jointly providing off-street parking, when their respective hours of need of maximum parking do not normally overlap. Reduction of parking requirements, because of joint use may be approved, if the following conditions are met:
  - (1) The developer submits sufficient data to demonstrate that hours of maximum demand for parking at the respective uses do not normally overlap.
  - (2) The developer submits a legal agreement, approved by the City Attorney, guaranteeing the joint use of the off-street parking spaces as long as the uses requiring parking are in existence or until the required parking is provided elsewhere, in accordance with the provisions of this Section.
- (J) *Reduction for Low Percentage of Leasable Space.* If a use has a very low percentage of leasable space, because of cafeterias, athletic facilities or covered patios; multiple stairways and elevator shafts; atriums; conversion of historic residential structures to commercial use; or for other reasons; the City Council may reduce the parking requirements, if the following conditions are met:
  - (1) The developer submits a detailed floor plan describing how all of the floor area in the building will be used.
  - (2) The developer agrees in writing that the use of the square footage identified as not leasable shall remain as identified, unless and until additional parking is provided to conform fully with this Code.

**3.03.02.01 *Parking of Inoperable Vehicles***  
***(Including partially dismantled, Wrecked or Junked Vehicles***

- (A) No person shall leave any licensed or unlicensed inoperable vehicle or real property, including partially dismantled, wrecked or junked vehicles, on any street or highway within the corporate limits of the City for more than 72 hours, unless the vehicle is in a fully enclosed building, or on the premises of a licensed junkyard.
- (B) Any person leaving such a vehicle parked within the corporate limits may be subject to a fine and towing charges to remove the vehicle.

### **3.03.03 Off-Street Loading Requirements**

Off-street loading spaces shall be provided in accord with the provisions of this Section.

- (A) Every hospital, institution, commercial or industrial building or similar use shall be provided with one loading space for each 20,000 s.f. or more of floor area, and requiring the receipt or distribution by vehicles of materials or merchandise shall have at least one permanent off-street loading space for each 20,000 s.f. of gross floor area, or fraction thereof, immediately adjacent to the principal building.
- (B) Retail operations, wholesale operations, and industrial operations, with a gross floor area of less than 20,000 s.f. shall provide sufficient space for loading and unloading operations in order that the free movement of vehicles and pedestrians over a sidewalk, street or alley shall not be impaired.
- (C) The standard off-street loading space shall be twelve feet wide, 25 feet long, provide vertical clearance of 15 feet, and provide adequate area for maneuvering, ingress and egress. The length of one or more of the loading spaces may be increased up to 55 feet if full-length tractor-trailers must be accommodated. Developers may install spaces that are larger than the standard, but the number of spaces shall not be reduced on that account.
- (D) Mobile home and trailer sales establishments shall provide adequate space off of the public right-of-way for the maneuvering of mobile homes and trailers into position on the property without blocking traffic on the abutting street or road.

### **3.03.04 Design Standards for Off-Street Parking and Loading Areas**

- (A) *Location.* Except as provided herein, all required off-street parking spaces and the use they are intended to serve shall be located on the same parcel as the use itself.
- (B) *Off Street Parking.* The City Council may approve off-site parking facilities as part of the parking required by this Code if:
  - (1) The location of the off-site parking spaces will adequately serve the use for which it is intended. The following factors shall be considered:



- a. Proximity of the off-site spaces to the use that they will serve.
  - b. Ease of pedestrian access to the off-site parking spaces.
  - c. Whether or not off-site parking spaces are compatible with the use intended to be served, e.g., off-site parking is not ordinarily compatible with high turnover uses such as retail.
- (2) The location of the off-site parking spaces will not create unreasonable:
- a. Hazards to pedestrians.
  - b. Hazards to vehicular traffic.
  - c. Traffic congestion.
  - d. Interference with access to other parking spaces in the vicinity.
  - e. Detriment to any nearby use.
  - f. The developer supplies a written agreement, approved in form by the City Attorney, assuring the continued availability of the off-site parking facilities for the use they are intended to serve.
- (3) All parking spaces required by this Section for residential uses should be located no further than the following distances from the units they serve:

Resident parking:	200 feet
Visitor parking:	250 feet

Distances shall be measured from a dwelling unit's entry to the parking space. Where a stairway or elevator provides access to dwelling units, the stairway or elevator shall be considered to be the entrance to the dwelling unit. For purposes of measuring these distances, each required parking space shall be assigned to a specific unit on the development plan, whether or not the developer will actually assign spaces for the exclusive use of the specific unit.

(C) *Size*

- (1) Standard and compact parking spaces shall be sized according to

Figure A below.

- (2) Parallel parking spaces shall be a minimum of eight feet wide and 22 feet long. If a parallel space abuts no more than one other parallel space, and adequate access room is available, then the length may be reduced to 20 feet.

**Table 13 - Parking Space Sizes**

Figure A					
A (Degrees)	B (Feet)	C (Feet)	D (Feet)	E (Feet)	F (Feet)
0	9.5	10.0	12.0	23.0	32.0
20	9.5	16.2	12.0	21.2	44.4
30	9.5	18.7	12.0	20.0	49.4
40	9.5	20.5	12.0	15.6	53.0
45	9.5	21.2	12.0	14.1	54.4
50	9.5	21.7	16.0	13.1	59.4
60	9.5	22.3	18.0	11.5	62.6
70	9.5	22.2	20.0	10.6	64.4
80	10.0	21.4	24.0	10.2	66.8
90	10.0	20.0	24.0	10.0	64.0

A = Parking Angle  
 B = Stall Width  
 C = Stall Depth  
 D = Aisle Width  
 E = Curb Length Per Car  
 F = Lot Width

- (3) Tandem parking spaces must be a minimum of ten feet wide and 20 feet long.
- (4) A standard motorcycle parking space shall be the same as for an auto, ten feet wide and 20 feet long.
- (5) The Board of Adjustment may modify these requirements where necessary to promote a substantial public interest relating to environmental protection, heritage conservation, aesthetics, tree protection, or drainage. The City Engineer shall certify that the modification does not create a serious hazard or inconvenience, and the Board of Adjustment shall submit a written statement of the public interest served by allowing the modification.

(D) *Layout*

- (1) Pedestrian circulation facilities, roadways, driveways, and off-street

parking and loading areas shall be designed to be safe and convenient.

- (2) Parking and loading areas, aisles, pedestrian walks, landscaping, and open space shall be designed as integral parts of an overall development plan and shall be properly related to existing and proposed buildings.
- (3) Buildings, parking and loading areas, landscaping and open spaces shall be designed so that pedestrians moving from parking areas to buildings and between buildings are not unreasonably exposed to vehicular traffic.
- (4) Landscaped, paved, and gradually inclined or flat pedestrian walks shall be provided along the lines of the most intense use, particularly from building entrances to streets, parking areas, and adjacent buildings. Pedestrian walks should be designed to discourage incursions into landscaped areas except at designated crossings.
- (5) Each off-street parking space shall open directly onto an aisle or driveway that, except for single family and two-family residences, is not a public street.
- (6) Aisles and driveways shall not be used for parking vehicles, except that the driveway of a single family or two-family residence shall be counted as a parking space for the dwelling unit, or as a number of parking spaces as determined by the Development Director based on the size and accessibility of the driveway.
- (7) The design shall be based on a definite and logical system of drive lanes to serve the parking and loading spaces. A physical separation or barrier, such as vertical curbs, may be required to separate parking spaces from travel lanes.
- (8) Parking spaces for all uses, except single family and two-family residences, shall be designed to permit entry and exit without moving any other motor vehicle.
- (9) No parking space shall be located so as to block access by emergency vehicles.
- (10) Compact car spaces shall be located no more and no less conveniently than full size car spaces, and shall be grouped in identifiable clusters.

### **3.04.00 Utilities**

#### **3.04.01 Requirements for All Developments**

The following basic utilities are required for all developments subject to the criteria listed herein.

- (A) *Electricity and Telephone.* Every principal use and every lot within a subdivision shall have available to it a source of electric power and telephone service, adequate to accommodate the reasonable needs of such use
- (B) *Water.* Every principal use and every lot within a subdivision shall have central potable water.
- (C) *Sewer.*
  - (1) Each and every residence and establishment is required to connect to and utilize a publicly owned or investor-owned sewerage system if said system is available. If the City is unable to provide sewage disposal from a publicly owned or investor-owned sewerage system, an onsite sewage treatment and disposal system will be permitted if the system is in compliance with all requirements of the Florida Department of Health and is approved by the Polk County Department of Health.
  - (2) If sewage disposal from a publicly owned or investor-owned sewerage system is available to a lot or parcel of land within the City, upon which lot or parcel of land, any building, or trailer is used for residential, commercial or industrial purposes, then the owner of said lot or parcel of land shall connect or cause such building or buildings or trailer to be connected to the publicly owned or investor-owned sewerage system and shall utilize said system within ninety (90) days following notification to do so by the Clerk of the City.
    - a. Each property owner who is required to connect to a sewer line of a publicly owned or investor-owned sewerage system shall be responsible for and shall bear the cost of said connection.
    - b. If a publicly owned or investor-owned sewerage system is not available, residential development densities shall be limited to four dwelling units per acres, as adopted in the Comprehensive Plan of the City of Polk City.

- 1) “Available” as referred to in (C)(1) above, and as applied to a publicly owned or investor-owned sewerage system, means that the publicly owned or investor-owned sewerage system is capable of being connected to the plumbing of an establishment or residence, is not under a Department of Environmental Protection moratorium, and has adequate permitted capacity to accept the sewage to be generated by the establishment or residence; and:
  - a) For a residential subdivision lot, a single-family residence, or an establishment, any of which has an estimated sewage flow of 1,000 gallons per day or less, a gravity sewer line to maintain gravity flow from the property’s drain to the sewer line in those areas approved for low pressure or vacuum sewage collection, exists in a public easement or right-of-way that abuts the property line of the lot, residence, or establishment.
  - b) For an establishment with an estimated sewage flow exceeding 1,000 gallons per day, a sewer line, force main, or lift station exists in a public easement or right-of-way that abuts the property of the establishment or is within 50 feet of the property line of the establishment as accesses via existing rights-of-way or easements.
  - c) For proposed residential subdivisions with more than 50 lots, for proposed commercial subdivisions with more than five lots, and for areas zoned or used for an industrial or manufacturing purpose or its equivalent, a sewerage system exists within one-fourth mile of the development as measured and accessed via existing easements or rights-of-way.
  - d) For repairs or modifications with areas zoned or used for an industrial or manufacturing purpose or its equivalent, a sewerage system exists within 500 feet of an establishment’s or residence’s sewer stub-out as measured and accessed via existing rights-of-way or easements.
- (3) *On Site Sewerage Treatment and Disposal System.* Where onsite sewage treatment and disposal system is permitted and utilized,

each individual single family residence shall have their own individual system. No onsite sewage treatment and disposal system shall be placed closer than:

- a. Seventy-five (75) feet from a private potable well;
- b. Two hundred (200) feet from a public potable well serving a residential or nonresidential establishment having a total sewage flow greater than 2,000 gallons per day;
- c. One hundred (100) feet from a public potable well serving a residential or nonresidential establishment having a total sewage flow of less than or equal to 2,000 gallons per day;
- d. Seventy-five (75) feet from surface waters;
- e. Fifty (50) feet from any nonpotable well;
- f. Ten feet from any storm sewer pipe, to the maximum extent possible, but in no instance shall the set back be less than five feet; and,
- g. Fifteen (15) feet from the design high-water line of retention areas, detention areas, or swales designed to contain standing or flowing water for less than 72 hours after a rainfall or the design high-water level of normally dry drainage ditches or normally dry individual-lot stormwater retention areas.

- (D) *Illumination.* All streets, driveways, sidewalks, bikeways, parking lots and other common areas and facilities in developments shall provide illumination meeting the following standard:

Lighting to illuminate buildings, stages, open areas or advertising shall be designed so as to shine only on the subject property, and shall be directed away from any public street or residential area.

- (E) *Fire Hydrants.* All developments served by a central water system shall include a system of fire hydrants consistent with the following standards:

- a. Fire hydrants shall not be more than 1,000 feet apart, on alternating sides of the street. In subdivisions with a density on any block higher than four dwelling units per acre (4 du/ac), fire hydrants shall be placed not more than 500 feet apart; and
- b. Fire hydrants shall be placed either at intersections or at mid-block.

### **3.04.02 Design Standards**

All utilities required by this Chapter shall meet or exceed the following standards:

- (A) *Utility Easements.* When a developer installs or causes the installation of water, sewer, electrical power, telephone, or cable television facilities and intends that such facilities shall be owned, operated, or maintained by a public utility or any entity other than the developer, the developer shall: 1) design those required by the minimum standards of the utility; and, 2) transfer to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities.
- (B) *Placement of Utilities Underground*
  - (1) All electric, telephone, cable television, and other communication lines (exclusive for transformers or enclosures containing electrical equipment, including but not limited to switches, meters, or capacitors that may be pad mounted), and gas distribution lines shall be placed underground within easements or dedicated public rights-of-way, installed in accordance with generally accepted industry standards.
  - (2) Lots abutting existing easements or public rights-of-way where overhead electric, telephone, or cable television distribution supply lines and service connections have previously been installed may be supplied with such services from the utility's overhead facilities, provided the service connection to the site or lot is placed underground.
  - (3) Screening of any utility apparatus placed above ground shall be buffered with a "C" buffer yard, where it abuts a residential lot. (See Article 3, Section 3.07.04, "Buffer Yards.")

### **3.05.00 Stormwater Management**

Treatment of stormwater runoff shall be required for all development, redevelopment and, when expansion occurs, existing developed areas. The stormwater treatment system or systems can be project specific, or serve sub-areas within the City. The design and performance of all stormwater management systems shall comply with applicable State Regulations (Chapter 17-25 and Chapter 17-302, F.A.C.) and the rules of the Southwest Florida Water Management District (SWFWMD) stated in Chapter 40D-4, F.A.C. Stormwater discharge facilities shall be designed so as to not lower the receiving water quality or degrade the receiving water body below the minimum conditions necessary to maintain their classifications as established in Chapter 17-302, F.A.C. Steps to control erosion and sedimentation shall be taken for all development.

### **3.05.01 Stormwater Management Requirements**

- (A) *Performance Standards.* All development must be designed, constructed and maintained to meet the following performance standards:
- (1) While development activity is underway and after it is completed, the characteristics of stormwater runoff shall approximate the rate, volume, quality, and timing of stormwater runoff that occurred under the site's natural unimproved or existing state, except that the first one inch of stormwater runoff shall be treated in an off-line retention system or according to FDEP's Best Management Practices.
  - (2) The proposed development and development activity shall not violate water quality standards set forth in Chapter 17-3, F.A.C.
  - (3) Maintenance activity that does not change or affect the quality, rate, volume or location of stormwater flows on the site or of stormwater runoff.
  - (4) Action taken under emergency conditions to prevent imminent harm or danger, or to protect property from fire, violent storms, hurricanes or other hazards.
  - (5) Agricultural activity, provided farming activities are conducted in accordance with the requirements set forth in an approved Soil Conservation Service Conservation Plan. If the Conservation Plan is not implemented accordingly, this exemption shall become void and a stormwater permit shall be required.
- (B) *Residential Performance Standards.* It is intended that all of the standards in the citations from the F.A.C. are to apply to all development and redevelopment and that exemptions based on project size thresholds and individual structures do not apply for concurrency determinations. All development must meet F.A.C. and subsequently meet the following performance standards.
- (1) New Construction. For the purposes of determining whether residential development of 1-4 units on an individual lot requires retention, all the following standards must be met.
    - a. Structure and all impervious surface can be placed less than 100 feet from the receiving water body; and,
    - b. The topography of the lot is greater than a 6% slope; and
    - c. the total of all impervious surface is 10% or more of the total



lot area.

- (2) Infill development. Infill development within an existing subdivision or a developed residential area is exempt from a retention area, when the following condition has been met. Infill residential development shall be designed so as to not lower the receiving water quality or degrade the receiving water body below the minimum conditions necessary to maintain their classifications as established in Chapter 17-302, F.A.C.

### **3.05.02 Design Standards**

To comply with the foregoing performance standards, the proposed stormwater management system shall conform to the following design standards:

- (A) Detention and retention systems shall be designed to comply with the FDEP's Best Management Practices.
- (B) To the maximum extent practicable, natural systems shall be used to accommodate stormwater.
- (C) The proposed stormwater management system shall be designed to accommodate the stormwater that originates within the development and stormwater that flows onto or across the development from adjacent lands.
- (D) The proposed stormwater management system shall be designed to function properly for a minimum 20-year life.
- (E) The design and construction of the proposed stormwater management system shall be certified as meeting applicable requirements, by a professional engineer registered in the State of Florida.
- (F) No surface water may be channeled or directed into a sanitary sewer.
- (G) The proposed stormwater management system shall be compatible with the stormwater management facilities on surrounding properties or streets, taking into account the possibility that substandard systems may be improved in the future.
- (H) The banks of detention and retention areas shall be sloped at no less than a 3:1 ratio and shall be planted with appropriate vegetation.
- (I) Dredging, clearing of vegetation, deepening, widening, straightening, stabilizing or otherwise altering natural surface waters shall be minimized.

- (J) Natural surface waters shall not be used as sediment traps during or after development.
- (K) Water reuse and conservation shall, to the maximum extent practicable, be achieved by incorporating the stormwater management system into irrigation systems serving the development.
- (L) Vegetated buffers of sufficient width to prevent erosion shall be retained or created along the shores, banks or edges of all natural or man-made surface waters.
- (M) In phased developments, the stormwater management system for each integrated stage of completion shall be capable of functioning independently.
- (N) All detention and retention basins, except natural water bodies used for this purpose, shall be accessible for maintenance from streets or public rights-of-way.

#### **3.05.03 *Special Considerations***

Special consideration shall be given in the layout of streets, lots, blocks, buildings, and easements to the preservation of resource and specimen individual trees. Special consideration shall also be given to preserving natural drainage methods and natural topography and landscape. Special consideration shall be given to providing special screening, buffers, or berms where developments abut incompatible land uses.

#### **3.05.04 *Dedication or Maintenance of Stormwater Management Systems***

If a stormwater management system approved under this Code will function as an integral part of a County-maintained drainage system, as determined by the County Engineer, the facilities shall be dedicated to Polk County. The applicant shall be an acceptable entity and shall be responsible for the operation and maintenance of the stormwater management system from the time construction begins until the stormwater management system is dedicated to and accepted by another acceptable entity. All stormwater management systems that are not dedicated to Polk County, shall be operated and maintained by one of the following entities:

- (A) The City of Polk City.
- (B) An active water control district created pursuant to Chapter 298, F.S., or drainage district created by special act, or Community Development District created pursuant to Chapter 190, F.S., or Special Assessment District created pursuant to Chapter 170, F.S.

- (C) A State or Federal agency.
- (D) An officially franchised, licensed or approved communication, water, sewer, electrical or other public utility.
- (E) The property owner or developer if:
  - (1) Written proof is submitted in the appropriate form by either letter or resolution, that a governmental entity or such other acceptable entity as set forth in paragraphs A-D above, will accept the operation and maintenance of the stormwater management and discharge facility at a time certain in the future.
  - (2) A bond or other assurance of continued financial capacity to operate and maintain the system is submitted.
- (F) For-profit or non-profit corporations including homeowners associations, property owners associations, condominium owners associations or master associations if:
  - (1) The owner or developer submits documents constituting legal capacity and a binding legal obligation between the entity and the City affirmatively taking responsibility for the operation and maintenance of the stormwater management facility.
  - (2) The association has sufficient powers reflected in its organizational or operational documents to operate and maintain the stormwater management system as permitted by the City, establish rules and regulations, assess members, contract for services and exist perpetually, with the Articles of Incorporation providing that if the association is dissolved, the stormwater management system will be maintained by an acceptable entity as described above.

If a project is to be constructed in phases, and subsequent phases will use the same stormwater management facilities as the initial phase or phases, the operation and maintenance entity shall have the ability to accept responsibility for the operation and maintenance of the stormwater management systems of future phases of the project.

In phased developments that have an integrated stormwater management system, but employ independent operation and maintenance entities for different phases, such entities, either separately or collectively, shall have the responsibility and authority to operate and maintain the stormwater management system for the entire project. That authority shall include cross easements for stormwater management and the authority and ability of each entity to enter and

maintain all facilities, should any entity fail to maintain a portion of the stormwater management system within the project.

### **3.06.00 Performance Standards**

#### **3.06.01 General Provisions**

All uses shall conform to the standards of performance described within this Article and shall be constructed, maintained and operated so as not to be injurious or offensive to the occupants of adjacent premises by reason of the emission or creation of noise, vibration, smoke, dust or other particulate matter, toxic or noxious waste materials, odors, fire and explosive hazard or glare. Within 100 feet of a residential district, all processes and storage, except for vehicle parking, shall be in completely closed buildings. Processes and storage located at a greater distance shall be effectively screened by a solid wall or fence at least six feet in height. Where other ordinances or regulations (whether federal, state, or local) that may be adopted hereinafter impose greater restrictions than those specified herein, compliance with such other ordinances and regulations is mandatory.

#### **3.06.02 Specific Standards**

##### **3.06.02.01 Vibration**

Every use shall be so operated that ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point on the property line of the property on which the use is located. No vibration at any time shall produce an acceleration of more than 0.1g or shall result in any combination of amplitudes and frequencies beyond the "safe" range of Table 7, U.S. Bureau of Mines Bulletin No. 442. The equations of such bulletin shall be used to determine the values of enforcement.

##### **3.06.02.02 Smoke**

Every use shall be so operated as to prevent the emission of smoke, from any source whatever, to a density greater than described as Number 1 on the Ringelmann Smoke Chart; provided, however, that smoke equal to, but not in excess of, that shade of appearance described as Number 2 on the Ringelmann Chart may be emitted for a period or periods totaling four minutes in any 30 minutes. For the purpose of grading the density of smoke, the Ringelmann Chart as published and used by the United States Bureau of Mines, and which is hereby made, by reference, shall be standard. All measurements shall be at the point of emission. Smoke emission must comply with applicable rules of the FDEP.

### **3.06.02.03 Noise Control**

- (A) Authority. This Section is enacted pursuant to Article II, Section 7, of the Florida Constitution, which provides that adequate provision shall be made by law for the abatement of excessive and unnecessary noise, and by the "Municipal Home Rule Powers Act" as set forth in Chapter 166, Florida Statutes.
- (B) Definition of Noise Disturbance. As used in this Ordinance, a "noise disturbance" is any sound which is either:
1. Excessive in amount or of such duration, wave frequency or intensity as may be or is injurious to human or animal life or property:
  2. Excessive or unnecessary in amount, level, duration or character as to annoy, disturb, injure or unreasonably interfere with or endanger the health, peace, or comfortable enjoyment of life, property or the conduct of business: or
  3. Of such character and in such quantity or level as to be detectable by a considerable number of persons or the public, so as to interfere with such persons or the public health, repose or safety, or to cause severe annoyance or discomfort: or which interferes with the normal conduct of business, or is otherwise detrimental or harmful to the health, comfort, living conditions, welfare and safety of the inhabitants of the City of Polk City.
- (C) Prohibition of Noise Disturbance. No person, firm, corporation or other legal entity through its officers, agents or employees shall make, maintain, permit or cause to be made or maintained a noise disturbance as defined in this Ordinance. When the Sheriff's Office or other authorized law enforcement agency investigates an alleged noise disturbance, the Sheriff's Office or other authorized law enforcement agency shall issue a verbal warning to the owner, or to any person, or legal entity which is legally responsible for such property where a noise disturbance exists. The Sheriff's Office or other authorized law enforcement agency shall document the issuance of a verbal warning in an offense report. If the noise disturbance continues after the owner, person or legal entity who received the verbal warning has been given a reasonable time to cease such noise disturbance, then that party who received the verbal warning may be penalized in accordance with the provisions of this Section.

- (D) Specific Prohibitions. The following specified conduct, acts and circumstances are hereby declared to be prohibited noise disturbances in violation of this Section; provided however, that such enumeration is not and shall not be deemed to be exclusive: provided further that all other acts and circumstances meeting the definition of noise disturbance are likewise declared to be in violation of this Section.
1. *Radios, Televisions, Musical Instruments, and Similar Devices and the Human Voice.* Operating, playing or permitting the operation or playing of any radio, television, musical instrument or similar device, whether or not amplified, or causing or creating excessive or unnecessary noises with the human voice in such an amount, manner or with such volume as to annoy or disturb the quiet, comfort and repose of a reasonable person in any dwelling, apartment, place of business, motel, or other type of residence, whether temporary or permanent.
  2. *Amplified Sound.* Operating or permitting the operation upon commercial property or any other property of loud speakers or any other device or devices which electronically augments or amplifies sound in such a manner or with such volume as to annoy or disturb the quiet, comfort and repose of a reasonable person in any dwelling, apartment, place of business, motel or other type of residence, whether temporary or permanent.
- (E) Knowledge and Permission of Property Owner or Occupant. The continuation of a prohibited noise disturbance shall be deemed to continue with the knowledge and permission of the property owner or occupant.
- (F) Specific Exemptions. The following specified acts and circumstances are hereby declared to be exempt from violation of this Ordinance; provided however, that the list of exemptions stated herein are neither intended nor shall be construed to be exclusive:
1. Aircraft and airport activity conducted in accordance with federal laws and regulations.
  2. All authorized school-related activities, sports and athletics.
  3. All other organized sports and athletic contests.

4. Lawful, non-commercial public gatherings including, but not limited to. Parades, festivals and school functions.
  5. Sounds relating to and originating from within any area zoned for commercial or industrial use.
  6. Sounds relating to and originating from legal, pre-existing, non-conforming commercial and industrial activities.
  7. Operation of any regulated utility.
  8. Emergency signals during emergencies.
  9. Emergency testing.
  10. Refuse collection and mosquito fogging.
- (G) Liberal Non-Conflicting Construction. The provisions of this Section shall be liberally construed such that its purpose is effectively rendered in the interest of the health, safety and welfare of the citizens and residents of the City of Polk City. Likewise, said provisions shall be interpreted so as not to conflict with, but be supplemental to. all applicable Polk City Codes, Land and Development Regulations and all other laws, rules, ordinances and regulations.
- (H) Enforcement. The Sheriff of Polk County, Florida, his deputy sheriffs and any other authorized law enforcement agency are hereby authorized and empowered to investigate and to arrest any person or persons when there is probable cause to believe that said person or persons are violating any provisions of this Section.
- (I) Other Remedies. The City Council of the City of Polk City, Florida may bring suit in the Circuit Court of Polk County, Florida to restrain, enjoin or otherwise prevent the violation of this Section.
- (J) Separate Violations. Each separate occurrence shall be a separate violation.
- (K) Resolutions. The City Council of the City of Polk City may adopt such resolutions as are necessary to effectively administer this Ordinance.
- (L) Penalties. Any person, firm, corporation or other legal entity that violates any provision of this Ordinance shall be subject to prosecution in the name of the State in the same manner as misdemeanors are prosecuted; and upon conviction, such person, firm, corporation or

other legal entity shall be punished by a fine not to exceed five hundred dollars (\$500.00) or by incarceration not to exceed sixty (60) days or by such fine and incarceration.

#### ***3.06.02.04 Dust and Dirt***

Every use shall be so operated as to prevent the emission into the air of dust or other solid matter that may cause damage to property and health of persons or animals at or beyond the lot line of the property on which the use is located. Emissions must comply with applicable rules of the FDEP.

#### ***3.06.02.05 Industrial Sewage and Waste***

Every use shall be so operated as to prevent the discharge into any stream or the ground of any waste that will be dangerous or discomforting to persons or animals or that will damage plants or crops beyond the lot line of the property on which the use is located. Industries shall comply with applicable rules of the FDEP.

#### ***3.06.02.06 Hazardous Wastes***

The handling and discharge of all hazardous waste shall follow all applicable standards established by the county health department, state legislature and the U.S. Congress. Appropriate City officials shall review all procedures involving the handling and discharge of all hazardous waste to ensure that it does not create any safety or health problems.

#### ***3.06.02.07 Odors***

Every use shall be so operated as to prevent the emission of objectionable or offensive odors in such concentration as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. There is hereby established, as a guide in determining the quantities of offensive odors, table III, chapter 5, Air Pollution Abatement Manual of the Manufacturing Chemists Association, Inc., Washington, D.C.

#### ***3.06.02.08 Glare***

Every use shall be so operated as to prevent the emission of glare of such intensity as to be readily perceptible at any point on the lot line of the property on which the use is located.

#### ***3.06.02.09 Fumes, Vapors and Gases***

There shall be no emission of fumes, vapors, or gases of a noxious, toxic or corrosive nature that can cause any danger or irritation to health,



animals, vegetation, or to any form of property.

#### ***3.06.02.10 Heat, Cold, Dampness, or Movement of Air***

Activities that shall produce any adverse effects on the temperature, motion or humidity of the atmosphere beyond the lot line shall not be permitted.

#### ***3.06.02.11 Fire and Safety Hazard***

Each use shall be operated so as to minimize the danger from fire and explosion. The specific regulations to be met are set forth in the building code and the fire prevention code of the City.

#### ***3.06.02.12 Radioactive Emission***

There shall be no radiation emitted from radioactive materials or by-products exceeding a dangerous level of radioactive emissions at any point. Radiation limitations shall not exceed quantities established as safe by the U.S. Bureau of Standards.

#### ***3.06.02.13 Electromagnetic Radiation***

- (A) No person shall operate or cause to be operated, any planned or intentional source of electromagnetic radiation for such purposes as communication, experimentation, entertainment, broadcasting, heating, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection, topographical survey, personal pleasure, or any other use directly or indirectly associated with these purposes that does not comply with the current regulations of the Federal Communications Commission regarding such sources of electromagnetic radiation. Further, such operation in compliance with the Federal Communications Commission regulations shall be unlawful if such radiation causes an abnormal degradation in the performance of other electromagnetic receptors or radiators of quality and proper design because of proximity, primary field, blanketing, spurious re-radiation, conducted energy in power or telephone systems or harmonic content.
- (B) The determination of abnormal degradation in performance and of good quality and proper design shall be made in accordance with good engineering practices as defined in the principles and standards of the American Institute of Electrical Engineers, the Institute of Radio Engineers, and the Radio Manufacturer's Association. In case of any conflict between the latest standards and principles of the above groups, the following precedence in the

interpretation of the standards and principles shall apply: (1) American Institute of Electrical Engineers; (2) Institute of Radio Engineers; (3) Radio Manufacturer's Association.

Recognizing the special nature of many of the operations that will be conducted because of the research and educational activities, it shall be unlawful for any person, firm, or corporation to operate or cause to be operated, to maintain or cause to be maintained any planned or intentional source of electromagnetic energy, the radiated power from that exceeds 1000 watts.

### ***3.07.00 Compatibility, Landscaping and Buffering Standards***

The City Council finds that landscaping makes important contributions to the public safety and the general welfare of the City. The purpose and intent of this Section is to set forth requirements and standards for the provision of canopy trees, buffer yards, the conservation of native plants and trees, and the conservation of water resources in the City. Specifically, it is intended that buffer yards will aid in reducing the potential negative impacts caused by glare, noise, dust, dirt, litter, odors and view of various land uses on adjacent land uses. It is further intended that the planting of canopy trees will aid in lowering the ambient temperature of the air through increased shading; in conserving water; in enhancing the appearance of properties; in improving property values; and generally in protecting the health, safety and welfare of the public through the improvement of the quality of the human environment. As part of the development approval process, the City of Polk City shall ensure that all new development is properly buffered to prevent adverse impacts on surrounding land uses. The requirements of this Section shall apply to:

- (A) The construction of any new building or improvements that require off-street parking and other impervious surfaces to be constructed on the site, other than a single family, detached residence or a detached duplex structure, that are exempt from all provisions of this Section.
- (B) The alteration of existing structures or improvements, other than a single family, detached residence and a detached duplex structure, where the alteration adds usable floor area that requires additional off-street parking and other impervious surfaces to be constructed on the site.
- (C) The construction or expansion of off-street parking and/or loading areas.
- (D) The paving of any existing unpaved off-street parking and/or loading areas.

Prior to issuance of any development permit covered, a Landscape Plan shall be submitted showing tree canopy and buffer yard information required by this Section. The Landscape Plan shall be drawn to a scale with sufficient clarity and detail to

indicate the type, nature and character of the improvements on the site, and the relative location of all landscaping in relation to said improvements. The Landscape Plan may be submitted separately, but shall be a part of the site development plan, when a site development plan is required under Section 7.05.00.

### **3.07.01 Classification of Land Uses**

For the purposes of this Section, all land uses are classified in accordance with the following list. Classifications are based upon the incompatibilities present between various types of land uses. Uses with similar density, intensity, off-street parking, paved areas, and traffic generation make up Classifications I through IX.

**Table 14 - Land Use Classification Table for Landscaping**

<b>LAND USE CLASSIFICATIONS</b>	
<b>Class</b>	<b>Land Use</b>
I	Single family detached dwellings, including mobile homes on platted lots.
II	Duplex, single family attached, mobile home parks and multi-family residential developments not exceeding 4 units per acre; outdoor recreation facilities; and cemeteries.
III	Professional offices with no more than 8 off-street parking spaces; and child care centers in converted residential structures.
IV	Duplex, single family attached, mobile home parks and multi-family residential developments at a density of 4-8 units per acre.
V	Mobile home parks, single family attached, and multi-family residential developments at a density of more than 8 units per acre; substations, switching stations, or transfer facilities for electric power, natural gas, telephone and cable television service.
VI	Professional offices with 9 or more off-street parking spaces; churches; schools; government buildings and facilities (excluding water and sewer treatment and public works storage and equipment facilities); and commercial development sites with not more than 10 off-street parking spaces.
VII	All retail, wholesale, service, and supporting business uses not already classified; full-service automobile service stations; shopping centers; motels and hotels; and hospitals.
VIII	Light industrial uses; governmental public works storage and equipment facilities.
IX	Heavy industrial uses; water and sewer treatment facilities.

### **3.07.02 Landscaping**

Landscaping shall include the conservation of native plants and trees; the selection and planting of canopy trees to shade parking areas and other

impervious surfaces; and the design, the selection of trees and shrubbery, the planting and the establishment of buffer yards.

#### ***3.07.02.01 Selection of New Trees and Shrubs***

Canopy trees, small trees for buffer yards, and shrubbery that are best acclimated to the environment in the City are listed in Tables 15 through 17. Canopy areas shown in Table 15 are for the mature growth canopy of each tree, which shall be the credit for canopy at the time of planting. In order to satisfy the requirements of this Section, trees and shrubs from these lists must be selected for new landscape installations.

#### ***3.07.02.02 Preservation of Existing Trees and Shrubs***

An existing canopy tree shall be preserved whenever possible and its canopy calculated as it exists or from Table 15, whichever is greater. When a buffer is to be provided by preserving existing trees and shrubs, all healthy species growing in the location shall be acceptable to the City, and shall be maintained in their natural setting.

#### ***3.07.03 Canopy Trees***

Canopy trees shall be required for the purpose of shading impervious surfaces associated with all development in the City, except single family, detached residences and detached duplex structures. Structures shall not be used in calculating or estimating the area of impervious surface. This subsection requires the calculation of the total impervious surface on a given site and the shading of one-third of that total impervious surface. To standardize the calculation, each paved parking space shall require 150 s.f. of canopy area. Loading zones, sidewalks and other paved surfaces, with the exception of swimming pool decks and aprons, shall be calculated separately and one-third of the total area shall be shaded with canopy trees.

- (A) Canopy trees shall be selected from Table 15 and planted no closer than five feet to any paved surface.
- (B) Planting areas for canopy trees shall be no less than 100 s.f. in area.
- (C) Planting areas under canopy trees shall be planted in compatible shrubs from Table 17 or ground covers, but not planted in grass.

**Table 15 - Canopy Trees**

<b>Species</b>	<b>Common Name</b>	<b>Height (feet)</b>	<b>Canopy (s.f.)</b>
Acer Rubrum	Red maple	35-50	500
Carya glabra	Pignut hickory	80-100	700
Carya Illinoensis	Pecan	60-100	700
Carya tomentosa	Mockernut hickory	80-100	700
Celtis laevigata	Sugarberry (Hackberry)	40-60	1,300
Cinnamomum camphora	Camphor	40-50	700
Fraxinus caroliniana	Pop ash	40-60	500
Liquidambar styraciflua	Sweetgum	60-100	500
Magnolia grandiflora	Southern magnolia	50-100	500
Pinus clausa	Sand pine	60-80	500
Pinus elliottii	Slash pine	80-100	500
Pinus elliottii var. densa	South Florida pine	80-100	500
Pinus palustris	Longleaf pine	80-100	500
Platanus occidentalis	Sycamore	50-80	700
Quercus laurifolia	Laurel oak	60-100	970
Quercus nigra	Water oak	60-100	700
Quercus virginiana	Live oak	50-60	2,000
Tilia Caroliniana	Carolina basswood	50-60	500
Ulmus slata	Winged elm	20-25	500
Ulmus americana	Florida elm	80-100	700

**Table 16 - Small Trees for Buffer Yards**

<b>Species</b>	<b>Common Name</b>	<b>Height (feet)</b>	<b>Canopy (s.f.)</b>
Baccharis halimifolia	Groundsel tree salt bush	7-12	50
Betula nigra	River birch	45-65	200
Callistemon viminalis	Weeping bottlebrush	15-20	80
Carpinus caroliniana	American hornbeam	25-35	120
Carya folridana	Scrub hickory	10-20	120
Chionanthus virginicus	Fringe tree	15-25	80
Cornus florida	Flowering dogwood	20-30	200
Crataegus	Hawthorne	15-20	120
Eriobotrya japonica	Loquat, Japanese plum	15-20	80
Eucalyptus cinerea	Silver dollar eucalyptus	15-25	120
Gleditsia aquatica	Water locust	40-60	180
Gordonia lasianthus	Loblolly bay	30-40	200
Ilex attenuata	East palatka holly	25-30	200
Ilex cassine	Dahoon holly	25-30	200
Ilex opaca	American holly	30-45	200
Juniperus silicicola	Southern red cedar	25-30	120
Koelreuteria elegans	Golden rain tree	30-50	320
Lagerstroemia indica	Crepe myrtle	15-25	120
Magnolia virginiana	Sweetbay magnolia	30-60	200
Osmanthus americana	Wild olive, Devilwood	15-30	50
Osmanthus megacarpa	Scrub olive	12-15	80
Parkinsonia aculeata	Jerusalem thorn	20-30	200
Persea borborea	Red bay	20-60	120
Prunus caroliniana	Cherry laurel	30-40	120
Prunus serotina	Wild black cherry	50-65	320
Quercus chapmanii	Chapman oak	15-20	180
Quercus geminata	Sand live oak	15-30	120
Quercus incana	Bluejack oak	20-30	120
Quercus laevis	Turkey oak	40-50	180
Quercus myrtifolia	Myrtle oak	15-20	80
Taxodium distichum	Bald cypress	60-100	320
Ulmus parvifolia	Drake elm, Chinese elm	30-40	320

**Table 17 - Shrubs**

<b>Species</b>	<b>Common Name</b>	<b>Species</b>	<b>Common Name</b>
<i>Abelia grandiflora</i>	Glossy abelia	<i>Jasminum pubescens</i>	Downy jasmine
<i>Baccharis halimifolia</i>	Groundsel tree/saltbush	<i>Juniperus "Pfitzeriana"</i>	Pfitzer juniper
<i>Befaria racemosa</i>	Tarflower	<i>Juniperus conferta "compacta"</i>	Dwarf shore juniper
<i>Bumelia tenax</i>	Silver buckthorn	<i>Junipera squamata "expansa"</i>	
<i>Camellia japonica</i>	Camellia	<i>Leucophyllum frutescens</i>	Texas sage
<i>Carrissa</i>	Boxwood beauty	<i>Ligustrum japonicum</i>	Ligustrum
<i>Cortaderia selloana</i>	Pampas grass	<i>Lyonia ferruginea</i>	Rusty lyonia
<i>Cycas revoluta</i>	King sago	<i>Lyonia lucida</i>	Shiny lyonia/fetterbush
<i>Duranta repens</i>	Golden dewdrop	<i>Myrica cerifera</i>	Wax myrtle
<i>Garberia heterophylla</i>	Garberia	<i>Persea humilis</i>	Silk bay
<i>Gardenia jasminoides</i>	Gardenia	<i>Photinia glabra</i>	Red tip
<i>Hydrangea macrophylla</i>	Hydrangea	<i>Pittosporum tobira</i>	Green pittosporum
<i>Hypericum hypericoides</i>	St. Andrew's cross	<i>Pittosporum tobira "compacta"</i>	Compact pittosporum
<i>Hypericum reductum</i>	St. John's wort	<i>Pittosporum tobira "variegata"</i>	Variegated pittosporum
<i>Ilex cornuta "Bufordi"</i>	Buford holly	<i>Raphiolepis indica</i>	India hawthorn
<i>Ilex cornuta "Dwarf Bufordi"</i>	Dwarf Buford holly	<i>Rhododendron "Duc de Rohan"</i>	Azalea, "Duc de Rohan"
<i>Ilex cornuta "rotunda"</i>	Rotunda holly	<i>Rhododendron simsii</i>	Indian azalea
<i>Ilex glabra</i>	Gallberry	<i>Rhododendron serrulatum</i>	Swamp azalea
<i>Ilex opaca arenicola</i>	Scrub holly	<i>Serenoa repens</i>	Saw palmetto
<i>Ilex vomitoria "nana"</i>	Shillings holly	<i>Thryallis glauca</i>	Thryallis, Shower-of-gold
<i>Ilex vomitoria "Pendula"</i>	Weeping yaupon holly	<i>Vaccinium darrowi</i>	Little blueberry
<i>Illicium anisatum</i>	Japanese anise	<i>Viburnum obovatum</i>	Blackhaw
<i>Illicium floridanum</i>	Star anise	<i>Viburnum odoratissimum</i>	Sweet viburnum
<i>Illicium parviflorum</i>	Florida anise	<i>Viburnum suspensum</i>	Sandankwa viburnum
<i>Itea virginica</i>	Virginia willow	<i>Zamia floridana</i>	Coontie
<i>Jasminum natidum</i>	Shining jasmine		

#### **3.07.04 Buffer Yards**

A buffer yard is a landscaped strip along parcel boundaries that serves as a buffer between incompatible or potentially incompatible uses and zoning districts. The purpose of this subsection is to establish minimum buffer yard widths and landscaping requirements, in order to ensure compatibility between adjacent properties and land uses. The minimum required width of the buffer yard is therefore based on the potential degree of incompatibility between two abutting land uses. In no case shall the buffer yard width be less than the minimum setback required by the zoning district.

##### **3.07.04.01 Establishment of Buffer Yards**

Table 18 establishes the buffer yard between a proposed and an existing land use. Table 19 establishes the buffer yard between a proposed land use and a vacant property. A buffer is required for vacant property based on its zoning district classification at the time of the proposal to develop the abutting property. Buffer yards are intended as landscaped open space, therefore, they shall be free of pavement and permanent structures other than fences, play equipment, unpaved pedestrian paths, and drainage and retention facilities.

##### **3.07.04.02 Buffer Yard Width and Landscaping Requirements**

The number of trees and shrubs required in a buffer yard depends on the nature of the adjoining land uses. The standards for buffer yard width and the associated number of trees and shrubs are set forth in Figures A, B, C, and D at the end of this Section that specify the number of each type of plant required per 100 linear feet. For each buffer yard standard several options as to the width are offered and different numbers of each type of plant are specified, depending on the width. As buffer yard width increases, planting requirements are reduced. Trees and shrubs may be spaced evenly along the length of the buffer yard or grouped to best display the plant material. When natural plant material is present, it counts toward fulfilling the total requirement for trees and shrubs.



**Table 18 - Landscape Requirements Between Proposed and Existing Land Uses**

Class		Existing								
		I	II	III	IV	V	VI	VII	VIII	IX
I.	Single family detached dwellings.	N	N	N	A	B	B	B	C	C
II.	Duplex; s.f. attached; m.f. residential up to 4 units/acre; outdoor recreation facilities and cemeteries.	A	N	N	N	A	A	B	C	C
III.	Prof. offices with up to 8 parking spaces; and child care centers in converted residential structures.	A	N	N	N	N	N	A	B	C
IV.	Duplex, s.f. attached, mobile home parks and m.f. developments at 4-8 units/acre.	B	A	N	N	N	A	B	B	C
V.	Mobile home parks, s.f. attached, m.f. developments at 8+ units per acre; utility substations, switching stations, etc.	C	B	A	A	N	N	A	B	B
VI.	Prof. offices with 9+ off-street parking spaces; churches; schools; government facilities; and commercial development sites with up to 10 parking spaces.	C	B	A	B	A	N	N	B	B
VII.	Other retail, wholesale, service businesses; automobile service stations; shopping centers; hotels/motels; hospitals.	C	C	B	C	B	A	N	N	B
VIII.	Light industry; governmental public works storage/equipment facilities.	D	D	C	C	C	C	A	N	N
IX.	Heavy industry; water and sewer treatment facilities.	D	D	D	D	C	C	C	A	N

N = No landscaping required

**Table 19 - Landscape Requirements between Proposed Land Uses and Vacant Property**

Class		Principal Use Permitted by Zoning District on Vacant Adjoining Property								
		I	II	III	IV	V	VI	VII	VIII	IX
I.	Single family detached dwellings.	N	N	N	N	A	A	A	B	B
II.	Duplex; s.f. attached; m.f. residential up to 4 units/acre; outdoor recreation facilities and cemeteries.	N	N	N	N	N	N	A	B	B
III.	Prof. offices with up to 8 parking spaces; and child care centers in converted residential structures.	N	N	N	N	N	N	N	A	B
IV.	Duplex, s.f. attached, mobile home parks and m.f. developments at 4-8 units/acre.	A	N	N	N	N	N	A	A	B
V.	Mobile home parks, s.f. attached, m.f. developments at 8+ units per acre; utility substations, switching stations, etc.	B	A	N	A	N	N	N	A	A
VI.	Prof. offices with 9+ off-street parking spaces; churches; schools; government facilities; and commercial development sites with up to 10 parking spaces.	B	A	N	A	N	N	N	A	A
VII.	Other retail, wholesale, service businesses; automobile service stations; shopping centers; hotels/motels; hospitals.	B	B	A	B	A	N	N	N	A
VIII.	Light industry; governmental public works storage/equipment facilities.	C	C	B	B	B	B	N	N	N
IX.	Heavy industry; water and sewer treatment facilities.	C	C	C	C	B	B	B	N	N

N = No landscaping required

### ***3.07.05 Installation, Irrigation and Maintenance***

- (A) *Installation of Plants.* All plants shall be "Florida No. 1" or better, and shall be healthy and free of diseases and pests, and shall be selected from Tables 15 through 17. The trunks of canopy trees shall be a minimum of 3 inches in diameter, 12 inches above the ground; and small trees shall be a minimum of 1 inch in diameter, 12 inches above the ground.
- (1) Plants shall be installed during the period of the year most appropriate for planting the particular species. If this requirement results in the planting of some or all of the landscaping subsequent to development approval, a performance bond shall be posted prior to the issuance of a certificate of occupancy that will be sufficient to pay the costs of the required landscaping.

- (2) Landscape plants shall not interfere, at or before maturity, with power, cable television, or telephone lines, sewer or water pipes, or any other existing or proposed overhead or underground utility service.
  - (3) The developer shall provide an appropriate planting soil medium for required plants and shall irrigate plant materials to sustain healthy growth of all plants to maturity. Required plants that die shall be replaced before the next growing season.
- (B) *Irrigation and Maintenance.* All landscaped areas shall be provided with an appropriate irrigation system, consistent with the needs of the plants contained therein. Properties on which required landscape areas are in disrepair or improperly maintained shall be subject to Code Enforcement action.
  - (1) All required plants shall be maintained in a healthy, pest-free condition.
  - (2) Within 6 months of a determination by the City Council that a plant is dead or severely damaged or diseased, the plant shall be replaced by the developer in accordance with the standards specified in this Code.

### **3.07.06 Exemptions**

The following shall be exempted from all landscaping provisions of this Section:

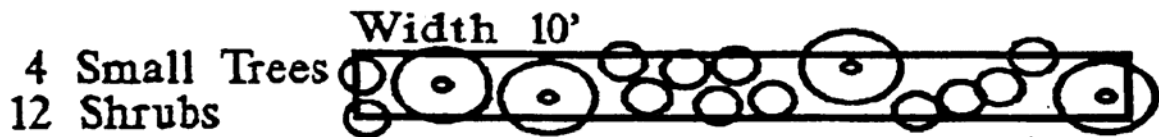
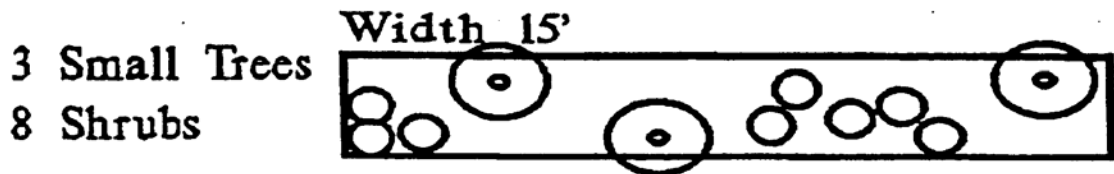
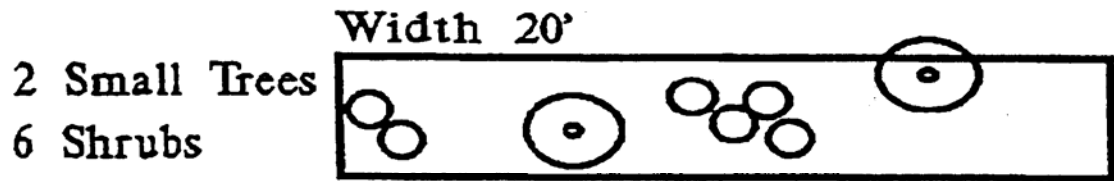
- (1) Single family and duplex development on individual lots.
- (2) Alteration of an existing development site that qualifies as a minor modification under Section 7.05.08.

Table 20 - Buffer Yard A

## Buffer Yard

A

Plant Material / 100'



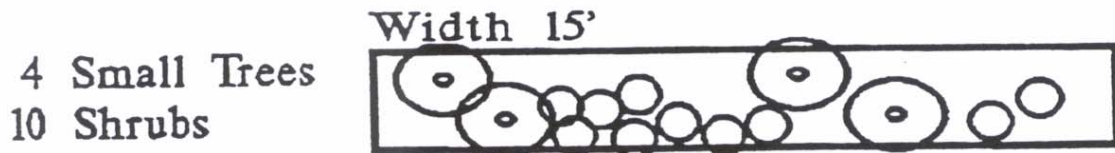
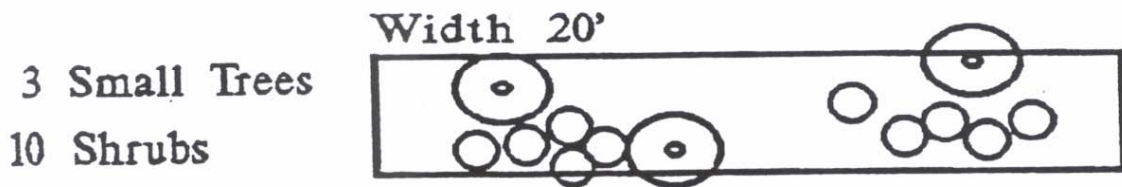
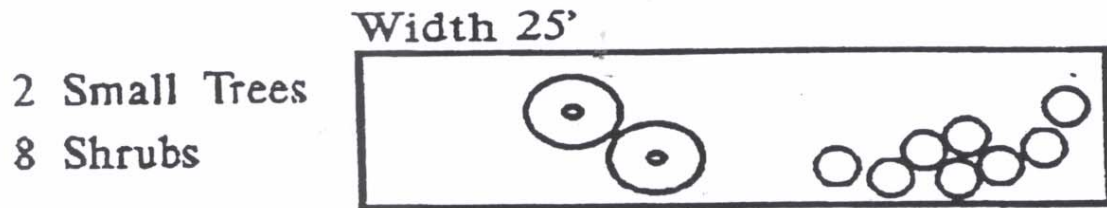
○ = Small Tree

○ = Shrub

Table 21 - Buffer Yard  
B

# Buffer Yard B

Plant Material / 100'



○ = Small Tree

○ = Shrub

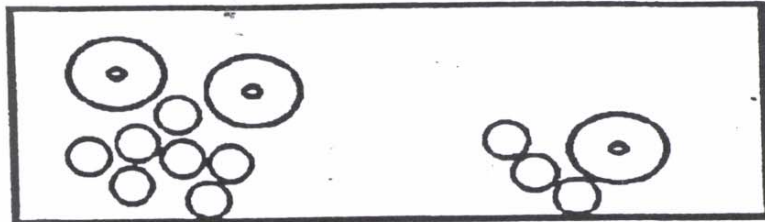
Table 22 - Buffer Yard C

# Buffer Yard C

Plant Material / 100'

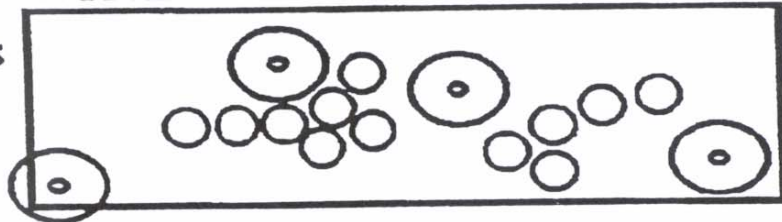
Width 30'

3 Small Trees  
10 Shrubs



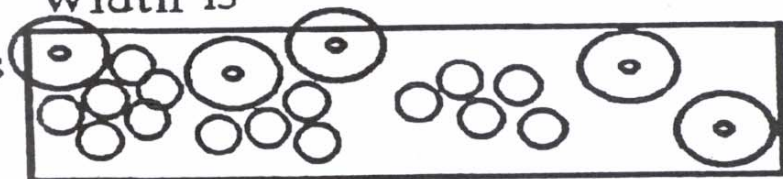
Width 20'

4 Small Trees  
12 Shrubs



Width 15'

5 Small Trees  
15 Shrubs



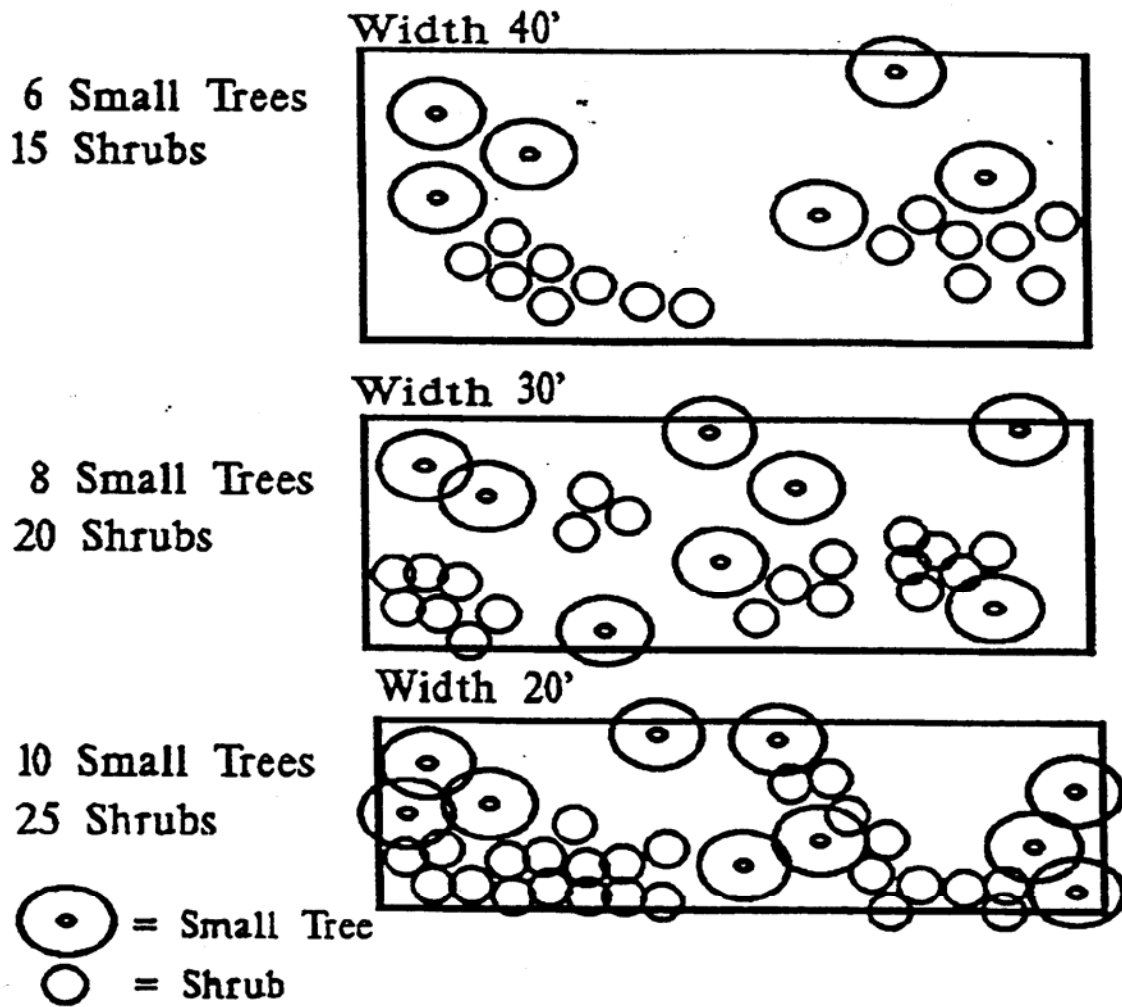
○ = Small Tree  
○ = Shrub

Table 23 - Buffer Yard D

# Buffer Yard

D

Plant Material / 100'



### **3.08.00 Development Standards for Uses Requiring a Site Development Plan**

The purpose of this Section is to set the standards and requirements for **Site Development Plan** review. The intent of this Section is to ensure that certain uses are compatible with surrounding properties and are designed to safeguard the public health, safety, and welfare. Where standards provided herein exceed and/or create greater restrictions than those of the underlying zoning district, this Section shall supersede any other provision of this Code. Where no standard is established in this Section, that of the relevant zoning district shall apply.

#### **3.08.01 Single Family Detached Dwelling Units**

##### **3.08.01.01 Mobile Home Parks**

The purpose of this Section is to establish locations suitable for mobile home development on undivided property, along with open space and other amenities for the common use of residents; to designate those uses and activities that are appropriate for and compatible with such areas; and to establish standards and provisions necessary to ensure proper development and public safety in a mobile home park setting.

The development standards set forth in this Section shall supersede normal development standards applicable in residential districts.

#### **(A) Tract Requirements**

##### **(1) Minimum Lot Requirements**

- a. Minimum size for development site: 8 mobile home sites.
- b. Minimum size for mobile home site: concrete slab not less than ten by 20 feet in dimension.

##### **(2) Maximum Building Height: 35 feet**

##### **(3) Minimum Floor Area: 500 s.f.**

##### **(4) Minimum Yard Requirements:**

- a. No mobile home or structure shall be placed less than 50 feet from the front lot line or 30 feet from other lot lines. Where the development site adjoins property with a commercial or industrial zoning designation, the required side and rear setback shall be 15 feet.
- b. Mobile homes and structures shall be placed at least



20 feet from the pavement edge of private park roads. Private streets must be paved or compacted roadway with a minimum width of 20 feet.

- c. Minimum frontage on a public street or highway shall be 175 feet.
  - d. Each mobile home shall be setback seven and one half feet from the property line. There shall be a minimum of 15 feet between mobile homes and between all other structures. In making an addition to a mobile home, a carport or other appurtenant structure, the minimum standard of 15 feet between structures must be met.
- (B) *Mobile Home Park Abutting Residential Areas.* Where any property line of a mobile home park abuts land either zoned for residential use or occupied by a residential use permitted by this Code, there shall be provided and maintained along, or within ten feet of, said property line, a solid face masonry wall, with a finish of stucco or other texture, no less than six feet in height, which shall be in addition to the buffer yard required by Section 3.07.00.
- (C) *Mobile Home Park Abutting an Agricultural Use Area.* Where a mobile home park abuts an Agricultural use, the park setbacks shall be 50 feet for the front, sides and rear.
- (D) *Allowable Accessory Uses:*
- (1) Clubhouse, laundry, convenience store (no gasoline sales), hurricane/storm shelter, swimming pool, and other shared facilities for the common use of the residents of a development.
  - (2) No more than 1 single family home, at least 600 s.f. in size, for the use of a resident manager.
  - (3) Carports, porches, and awnings that are physically attached to mobile homes. Such structures shall not exceed a cumulative total of 300 s.f. Freestanding cabanas, storage sheds, and other detached structures for private use are prohibited.
  - (4) Storage area for boats, recreational vehicles, and other types of vehicles that exceed 30 feet in length. Storage area is for the use of park residents only, and shall be fenced and

landscaped. Storage of these units shall be prohibited on individual mobile home sites or on park roads.

(E) *Other Requirements:*

- (1) Ownership. Mobile home parks may not be platted or otherwise divided by fee simple ownership; however, the sale of interests or memberships on a condominium basis is permitted. All facilities, including roads, shall be privately owned or owned in common by residents of the park, and shall not occupy parcels of land that are deeded separately from the rest of the park. The City shall not be responsible for maintenance and/or repair of common facilities within a mobile home park.
- (2) Skirting. All existing mobile homes and park models must be skirted within 90 days of notice; and, all newly placed mobile homes and park models must be skirted within 90 days of placement.
- (3) Parking. See Section 3.03.00, Off-Street Parking Requirements.
- (4) Common Open Space. An area comprising 20% of the development site or five acres, whichever is less, shall be set aside as common open space.
- (5) Hurricane Shelter. Each mobile home park must provide one or more buildings to house guests in a permanent building in the event of a hurricane, at a rate of 20 s.f. of habitable floor space per person. Alternative cooking fuel sources; electrical generation for emergency lighting; sanitary sewer facilities; and, an alternate form of fresh water (i.e. water stored in drums or a well serving the shelter separate from the well system in place for the park) shall be provided and maintained. Each building must be built to conform to the Standard Building Code for hurricane shelters.

To calculate the number of persons per park that would require shelter, each mobile home unit will be counted at a minimum of two persons per home. Shelter space would have to be provided for 100% of the total park population.

Service buildings may be used as hurricane shelters as long as the buildings are built to minimum Standard Building

Code regulations for hurricane shelters.

- (6) Nonconformities. No new mobile homes may be added to an existing mobile home park in any zone that does not comply with applicable requirements of this Code. However, previously installed units may be moved and additional property and common facilities may be incorporated into the site if such activities will eliminate nonconforming conditions or reduce the degree of nonconformity. See Section 7.11.00.
- (7) Site Development Plan. No mobile homes, structures or facilities shall be installed or constructed until a site development plan meeting the requirements of Section 7.05.00 of this Code has been submitted to and approved by the City. All improvements, regardless of timing or project phasing, shall be substantially consistent with the approved site development plan.

Where an existing mobile home park in a residential district has no site development plan, such a plan shall be prepared and submitted to the City prior to the addition, improvement, rearrangement or replacement of park facilities or mobile homes.

### **3.08.01.02 Recreation Vehicle (RV) Parks**

It is the purpose of these standards to provide minimum development guidelines for an RV park designed only to accommodate the recreation vehicle. For the purposes of this ordinance, a recreation vehicle park is defined as a development in which recreation vehicles and/or "park model" mobile homes are permanently sited and occupied year round. An RV campground, on the other hand, is a development for overnight or limited vacation-season type. These provisions are intended to protect established or permitted uses in the vicinity of such a park, and to protect and promote the orderly growth and development of the City of Polk City.

- (A) *General Requirements*. RV parks shall be a permitted use in PR district, and may be permitted in R-MHA and R-MHB districts **with a Site Development Plan**. Development standards provided in this Section shall supersede those of the underlying zoning district. RV Campgrounds are a Special Exception use (see Article 3, Section 3.09.00, "Devel. Standards for Uses Permitted by Special Exception, 3.09.02").

*Duration of Stay in an RV Park.* Vehicle sites are intended for year round occupancy.

(B) *Environmental Requirements*

- (1) General. Condition of soil, groundwater level, drainage, and topography shall not create hazards to the property or to the health and safety of the occupants.
- (2) Soil and Ground Cover Requirements. Exposed ground surfaces in all parts of every vehicle site area or other vehicle parking area shall be paved, or covered with stone screening, or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.
- (3) Drainage Requirements. Surface drainage plans for the entire tract shall be reviewed by appropriate City staff, who shall determine whether the proposed plan is compatible with the surrounding existing drainage pattern and any relevant drainage plan of the City, prior to issuance of Site Development Plan approval and building permits. No permit shall be issued in such instance where the Building Official finds the plan to be incompatible with surrounding areas.

**Table 24 - Table of Development Standards for RV Parks**

	Max. Density (units/ acre)	Minimum Tract Size/Lot Size	Minimum Tract/Lot Width (feet)	Setbacks (feet)		
				Front	Rear	Sides
Per Tract	15	7.5 acres	150 x 200	25	25	25
Per Unit		1500 s.f.	30 x 50	7.5	7.5	7.5

- (C) *Tract Requirements.* The tract requirements are listed in the Table of Development Standards, above, with additional requirements as follows:

- (1) The tract shall have at least 75 feet of frontage on a Principal or Minor Arterial roadway, as designated on the Future Traffic Circulation Map of the City of Polk City Comprehensive Plan.
- (2) The minimum width of the tract shall be 150 feet at the front

building setback line.

- (3) Where any property line of a RV Park abuts land either zoned for residential use or occupied by a residential use permitted by this Code, there shall be provided and maintained along, or within ten feet of, said property line a solid face masonry wall, with a finish of stucco or other texture, no less than six feet in height, which shall be in addition to the buffer yard required by Section 3.07.00.
- (4) Where an RV Park abuts an agricultural use, the tract setbacks shall be 50 feet on the front, sides and rear.

(D) *Vehicle Site Requirements.* The individual site requirements are listed in the Table of Development Standards, Table 24 above, with additional requirements as follows:

- (1) For the purpose of determining vehicle site width and depth, the width of a vehicle site shall be measured at right angles to and between the designated side boundary lines. The depth of a vehicle shall be measured at right angles to and between the designated front and rear boundary lines.
- (2) The minimum distance between RVs shall be 15 feet at the rear and sides and 15 feet at the front. The minimum distance between an RV and any structure shall be 20 feet. The minimum allowable distance between RVs shall, for the purpose of this section, be measured from and between the outermost structural parts or attached accessory features. The minimum distance between an RV and the edge of the park road shall be 15 feet.
- (3) Each vehicle site shall be clearly defined by a permanent marker, constructed of a masonry or metal, placed at all corners and flush with the ground.
- (4) The addition or attachment of any permanent structures, such as awnings, porches, carports, or individual storage facilities, not specifically designed and included as a standard part of the original RV may be permitted in an RV Park, so long as they meet all required setbacks and all other requirements of this Code.
- (5) Skirting: All existing mobile homes and park models must be skirted within 90 days of notice; and, all newly placed mobile homes and park models must be skirted within 90 days of

placement.

- (E) *Recreation and Open Space Requirements.* There shall be provided within a RV Park at least one area designed for recreational and open space use that is easily accessible from all vehicle sites. The size of such recreation area shall not be less than 8% of the entire tract area.
- (F) *Street System and Off-Street Parking Requirements*
  - (1) General. All parking areas shall be provided with safe and convenient vehicular access from abutting public streets and roads to each vehicle site. Alignment and gradient shall be properly adapted to topography. Surfacing and maintenance shall provide a smooth, hard and dense surface which shall be well drained.
  - (2) Access. Access to a RV Park from a public street or road shall be designed to minimize congestion and hazards at the entrance and on adjacent streets. All traffic into or out of the parking areas shall be through such entrances and exits.
    - a. The entrance to each RV Park shall be a driveway at least 40 feet wide with a turn radius of 100 feet or more from the public roadway, for maneuvering of vehicles.
    - c. Each RV Park site check-in location shall be setback 200 feet from any public right-of-way to accommodate the stacking of vehicles awaiting check-in.
  - (3) Internal Streets. All internal streets are to be paved with an asphaltic or concrete surface. Road surfacing shall meet the following minimum width requirements:
    - a. One-way travel: 12 feet.
    - b. Two-way travel: 20 feet.
  - (4) Off-Street Parking and Maneuvering Space. See Section 3.03.00, Off-Street Parking Requirements.
- (G) *Utilities*
  - (1) Water Supply System. Connection to a potable public supply of water is required. Provision of water supply, water

storage and water distribution shall be made in accordance with requirements and standards established by this Code and the State of Florida.

- (2) Watering Stations. Each RV Park shall be provided with one or more easily accessible water supply outlets for filling RV water storage tanks in accordance with design and construction requirements established by the State of Florida.
- (3) Sanitary Connections. Each RV Park shall be provided with individual connections to each vehicle site in the RV Park connected to an on-site sewage disposal system or available public system.
- (4) Electrical and Gas Systems. Each RV Park shall be provided with an electrical or gas system, which shall be installed and maintained in accordance with applicable codes and regulations.

(H) *Refuse Handling*

- (1) General. The storage, collection and disposal of refuse (garbage, ashes, and rubbish) in a RV Park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazard or air pollution in accordance with requirements established by the State of Florida.
- (2) Location. All refuse shall be stored in watertight, fly-proof, rodent-proof containers, which shall be located within 150 feet of any vehicle.
- (3) Collection. All refuse containing garbage shall be collected at least twice weekly.

(I) *Service Buildings and Facilities*

- (1) General. The requirements of this section shall apply to service buildings, recreation buildings and other service facilities, such as:
  - a. Management offices, repair shops and storage areas.
  - b. Sanitary facilities.
  - c. Laundry facilities.
  - d. Indoor recreation areas.

- (2) Service Buildings for Dependent Vehicles. A central service building containing the necessary toilet and other plumbing fixtures specified by the State of Florida shall be provided in an RV Park , which provides vehicle sites for dependent vehicles. Service buildings shall be conveniently located within a radius of approximately 300 feet of the sites to be served. This building may also be designated a hurricane shelter if it is built to the standards for hurricane shelters in the Standard Building Code.
- (3) Hurricane Shelter. Each RV Park must provide one or more buildings to house guests in a permanent building in the event of a hurricane, at a rate of 20 s.f. of habitable floor space per person. Alternative cooking fuel sources; electrical generation for emergency lighting; sanitary sewer facilities; and, an alternate source of water separate from the Park source (e.g. water in drums) shall be provided and maintained. Each building must be built to conform to the Standard Building Code for hurricane shelters.

To calculate the size of the hurricane shelter to be built in a Park, each RV space will be counted at a minimum of two persons per space. Shelter space shall be provided for 80% of total park spaces.

Service buildings may be used as hurricane shelters as long as the buildings are built to minimum Standard Building Code regulations for hurricane shelters.

- (4) Service Facilities in Connection with Other Businesses. When an RV Park requiring a service building is operated in connection with a resort or other business establishment, the number of sanitary facilities for such business establishment shall be in addition to those required by the public health standards for vehicle sites and shall be based upon the total number of persons using or expected to use such facilities.
- (5) Pedestrian Access to Service Buildings and Facilities. Appropriately drained, clear walkways having a width of not less than five feet shall be provided from the vehicle sites to all service buildings and facilities, refuse collection areas, and recreation areas.
- (6) Outdoor Cooking and Incinerator Facilities. All outdoor cooking and incinerator facilities shall be so located,



constructed, maintained and used as to minimize fire hazard and smoke nuisance both on the property on which they are used and on neighboring property. Plans, construction, and operation of incinerators shall be carried out in accordance with requirements of the State of Florida.

(J) *Permit Procedures and Requirements*

- (1) Site Development Plan. Any applicant for the required permits to establish, construct, alter or extend an RV Park shall first request and receive approval of a Site Development Plan in accordance with the provisions of Article 2 and Section 7.05.00 of this Code.
- (2) Health and Sanitation Permit. After receipt of required land use approvals, applicant shall then apply for and receive a health and sanitation permit for the proposed RV Park from the Polk County Health Department and the State of Florida in accordance with the requirements of appropriate agencies.
- (3) Building Permit. Upon completion of (1) and (2) above, application shall be made to the City for the building permit to construct, alter, or extend an RV Park in accordance with the provisions of this Section. Before issuing a building permit, the City Clerk shall determine that all applicable review procedures and standards required under this Code have been satisfactorily met.

(K) *Allowable Accessory Uses:*

- (1) Clubhouse, laundry, beauty shop, general retail store, light commercial uses, swimming pool, and other shared facilities for the common use of the residents of a development.
- (2) No more than one single family home, at least 600 s.f. in size, for the use of a resident manager.
- (3) Carports, porches, Florida rooms, and awnings that are physically attached to mobile homes. Such structures shall not exceed a cumulative total of 300 s.f. Freestanding cabanas, storage sheds, and other detached structures for private use are prohibited.
- (4) Vehicles that exceed 30 feet in length, "car caddies", boats and accessory trailers shall be stored in a storage area.

Storage area is for the use of park residents only, and shall be fenced and landscaped to a minimum height of eight feet. Storage of these units shall be prohibited on individual mobile home sites or on park roads.

### **3.08.02 Retail Commercial: No Outdoor Storage or Activities**

#### **3.08.02.01 Drinking Establishment**

- (A) A Site Development Plan is required in all permitted districts.
- (B) All public entrances of the establishment are located at least 300 feet from a church, day care center or primary, middle or secondary public or private school.
- (C) All public entrances of the establishment are located at least 100 feet from any residentially zoned property, and at least 100 feet from any other establishment that sells alcoholic beverages.
- (D) Points of ingress/egress to the property connect to a road having a functional classification of "Collector" or higher.

#### **3.08.02.02 Mini-Warehouse**

A site development plan is required for a mini-warehouse. It is the purpose of these standards to provide minimum development guidelines for a mini-warehouse facility and to protect established or permitted uses under these regulations in the vicinity of such a facility.

A mini-warehouse shall be the sole use of the property. Other activities in place of or in addition to mini-warehouse shall not be permitted. No storage bay or unit in a mini-warehouse shall be used as a place of business by persons renting storage space, and no occupational license shall be approved for the property other than that of the mini-warehouse owner/operator.

##### **(A) Development Site Requirements**

- (1) Minimum Lot Size. An area not less than 20,000 s.f., with a minimum width of 100 feet and a minimum depth of 200 feet.
- (2) Setbacks

Front: 35 feet.

Side: 40 feet if contiguous to property designated for

residential use on the Future Land Use Map.

ten feet if contiguous to property designated for commercial or industrial use on the Future Land Use Map.

Rear: 40 feet if contiguous to property designated for residential use on the Future Land Use Map.

20 feet if contiguous to property designated for commercial or industrial use on the Future Land Use Map.

- (3) Maximum Lot Coverage. No more than 40% of the development site shall be covered by structures.

(B) *Design Requirements*

- (1) Lighting: All lights shall be shielded to focus and direct light onto the uses established, and away from adjacent property, but may be of sufficient intensity to discourage vandalism and theft. Reference Section 3.06.00, Performance Standards, for applicable glare and lighting standards.
- (2) Fencing: Where a property line abuts and is contiguous to any residential land use classification, a six-foot (6') solid face masonry wall shall be constructed along the property line with a finish of stucco or other texture.
- (3) Signs: A single sign shall be permitted for each abutting road right-of-way, not to exceed fifteen feet (15') in height or 40 s. f. in gross surface area. No other signs shall be permitted on the property, except traffic directional signage. Signs shall be set back at least fifteen feet (15') from all property lines.
- (4) Landscaping: Landscaping shall be provided in all required setback areas according to the standards of Section 3.07.00.
- (5) Parking: There shall be a minimum of two parking spaces, which shall be located in proximity to the business or manager's office on the site.

**3.08.02.03 Recycling Center: Indoor**

The following regulations shall apply in PB.

- (A) All processing activities, as well as associated machinery or equipment, shall be located inside a permanent structure.
- (B) No recycled materials shall be stored outdoors, either before or after processing.
- (C) Facility structure shall be set back no less than 40 feet from all property lines.

### **3.08.03 Automotive**

#### **3.08.03.01 Service Stations**

- (A) *Site.* The minimum frontage on an arterial street shall be 150 feet. The minimum area of a service station development site shall be 15,000 s.f. Construction on site of minimum area shall include no more than two service bays and two pump islands. One service bay and one pump island may be added for each additional 2,000 s.f.
- (B) *Service Area.* Service areas shall be provided as follows:
  - (1) Paving. The entire area of service station sites not covered by structures and landscaping shall be paved; either concrete or asphaltic concrete shall be used for the paved areas.
  - (2) Curb. At the property line, face each street side of the service area that is not included in a driveway with a concrete vertical curb six inches wide by 13 inches deep with a top six inches above the finished pavement grade except where a transition is made to a driveway.
  - (3) Equipment. Pits, hoists, and all lubricating, washing, and repair equipment and work space shall be enclosed within a building. Washing and lubricating service areas shall drain to a City standard sand and grease trap, drain field and dry well.
  - (4) Off-Street Parking. The service area shall include no less than one employee parking space for each two employees, with a minimum of two employee parking spaces.
- (C) *Bulk Storage.* Liquid petroleum fuels shall be stored in underground tanks that meet all county, state and federal

guidelines.

- (D) *Structures.* Structures shall conform to the following standards:
- (1) Building. The building shall be set back a minimum of 40 feet from street property lines. This distance shall be measured to vertical canopy supports if they are used, and the building vertical walls if vertical canopy supports are not used. The building shall be set back a minimum of ten feet from interior property lines. A canopy overhang shall not project more than ten feet from the canopy vertical supports.
  - (2) Pump Islands. Pump islands shall be set back a minimum of 25 feet from any property line.
  - (3) Exterior Lighting. Exterior lighting fixtures shall cast no glare beyond a property line.
- (E) *Outdoor Display.* Outdoor displays shall be limited to the following:
- (1) Racks containing cans of lubricating oil may be displayed on each service island.
  - (2) One rack or pedestal for the display of no more than one tire may be placed on each service island and along any side of the main entrance.
  - (3) One stationary storage cabinet may be located no more than four feet from the wall of the main structure.
  - (4) The display of standards, banners, flags, and any sign not specifically authorized by City ordinance is prohibited except that one permit for the display of standards, banners and flags for not more than 30 days may be issued to a newly constructed service station.
  - (5) The service area shall drain into a catch basin on the site and thence to a storm sewer if a storm sewer is available. If no storm sewer passes the site, a drainage plan approved by the City Engineer shall be used.
- (F) *Shopping Centers.* One service station may be constructed at a shopping center having a building development with a floor area of not less than 150,000 s.f. and having a land area of not less than 15 acres; provided, however, that such service station shall only be operated as an adjunct to a tenant's regular business and shall not

comprise a major part thereof.

- (G) *Storage, Sale and Rental of Vehicles and Trailers.* The storage of vehicles and trailers shall be permitted only as incidental to the customary servicing of vehicles and trailers, except that one vehicle or trailer may be stored for each 200 s.f. of land over 15,000 s.f. of lot area. The sale of vehicles and trailers shall be prohibited. The rental of vehicles or trailers shall be permitted provided that an additional 200 s.f. of lot area is provided for each rental vehicle and/or trailer.

### **3.08.03.02 Auto Salvage Yards**

#### **(A) Storage of Materials**

- (1) Material that is not salvageable shall not be permitted to accumulate, except in bins or containers, and shall be disposed of in an approved sanitary landfill. The period of accumulation is limited to two months.
- (2) In no case shall material that is not salvageable be buried or used as fill.
- (3) Any items that can be recycled or salvaged shall be accumulated in bins or containers to be sold to a recycling firm.
- (4) Recyclable material that cannot be stored in bins or containers may be stored in the open.

#### **(B) Screening.** All salvage yards shall comply with the following screening requirements:

- (1) All outdoor storage facilities shall be surrounded by a substantial continuous masonry, wood or metal fence (not including chain link fences), or a wall, any of which shall be a minimum of eight feet in height without openings of any type except for one entrance and/or one exit that shall not exceed 25 feet in width.
- (2) Gates at entrance or exit shall be of a material without openings.
- (3) The screen shall be constructed of the same type of material throughout.

- (4) No screen shall be constructed of metal that will rust.
- (5) Screens shall be maintained and in good repair at all times.
- (C) *Buffer In Lieu of Screening.* Where an outdoor storage facility does not abut a public street or highway, a vegetative buffer may be permitted in lieu of screening. Such buffer may be approved by the City Council after a finding that the proposed buffer would provide screening equivalent to that required in (B) above.

#### **3.08.04 Uses Requiring a Site Development Plan in the Green Swamp ACSC**

- (A) ***Purpose and Intent.*** Uses requiring a Site Development Plan in the Green Swamp 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 use. They are listed in alphabetical order according to the use as it appears in the use table in Article 3, Section 3.11, Table 28. 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.
- (B) ***Review of Site Development Plans.*** Four types of uses are identified in the use table in Article 3, Section 3.11.02, Table 28. They are denoted by D1, D2, D3, or C4, which indicates the level of review necessary to insure the conditions are appropriately applied. Refer to Article 3, Section 3.11.02 (C) for definitions of D1, D2, D3 and C4 and a description of the review process.
- (C) ***Additional Criteria.*** The Planning and Zoning Board and/or City Council 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.
- (D) ***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.

- (E) ***Conditions and Safeguards Binding.*** The conditions and safeguards shall be binding on the original applicant as well as all successors, assigns and heirs.
- (F) ***Conditions and Safeguards Duration.*** The conditions and safeguards shall run with the land, unless a specific time frame is applied by Polk City.
- (G) ***Criteria for Uses Requiring A Site Development Plan.*** General rules that apply to all D1, D2, and D3 uses are as follows:
  - (1) Setbacks for structures between Residential Uses and all other uses shall be a minimum of 25 feet from all property boundaries.
  - (2) Landscape buffers are required between Residential uses and all other uses but, in general, no buffering is required adjacent to an A/RR district. See Section 3.07.00 for the landscape buffer regulations.
  - (3) No outdoor storage of equipment or materials shall be located within a front yard setback.
  - (4) All references to zoning districts have an “X” after them when in the Green Swamp ACSC.
  - (5) For all uses other than residential uses: there shall be at a minimum 50 feet of road frontage and all access points shall be on a collector road or better.
- (H) The following land uses require a site development plan, are listed as D1, D2 or D3 in Table 28, and are **arranged in alphabetical order** for presentation purposes.

***Agricultural Support Activities, Off-site***

- 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.



**Alcohol Package Sales.** Alcohol Sales require a Site Development Plan and shall be consistent with all standards in Article 2, Section 2.03.02 of this Code; and all sections of the Polk City General Code that applies to Alcohol Sales.

**Animal Farm, Intensive.** *This use requires a Site Development Plan. See (G) above.*

**Animal Farm, Small, Specialty.** *This use requires a Site Development Plan. See (G) above.*

**Aquiculture.** In residential districts, 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.** Bars, Lounges and Taverns shall meet the following conditions:

1. Square footage shall not exceed 2,000 square feet in NAC, L/R, BPC-1, BPC-2, and TC, not including a kitchen or storage.
2. Alcohol Sales require a Site Development Plan and shall be consistent with all standards in Article 2, Section 2.03.02 of this Code; and all sections of the Polk City General Code that applies to Alcohol Sales.

**Breeding, Boarding, and Rehabilitation Facilities, Wild or Exotic.** In addition to the applicable district regulations in Table 29, 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.

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

1. The minimum site area for a cemetery shall be 15 acres, unless accessory to a church, 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 25 feet from all property lines.
3. 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, 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 all applicable State licensing requirements.

**Clinic and Medical Office.** In addition to the applicable district regulations, the following standards shall apply:

- 1. The clinic or medical office structure shall be consistent with the character of any adjacent residential neighborhood.
- 2. Interconnection with adjacent commercial properties shall be required.
- 3. No outside storage of any equipment or supplies shall be allowed on site.

**Communication Towers.**

- 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 29 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 City, 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 has been granted by the Board of Adjustment.
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. All communication towers legally existing in the Green Swamp ACSC 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. 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 that 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 undevelopable property or that are not otherwise visible from off-site.
  - n. 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.
  - o. Each owner or operator of a communication tower located shall submit an annual report to the City Manager on forms to be provided by Polk City 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 Polk City.
4. In addition to those towers indicated in the Use Table 28 the following also shall be approved through the review:

- a. Communication towers that exceed district height limitations but do not exceed 65 feet in height;
  - 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 approval 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 Unit Developments shall require a Level 3 Review through the Planned Unit 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 Unit Developments shall be established during the Planned Unit

Development review and approval process. For communication towers proposed in existing Planned Unit 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 provide the information set forth in this Section. Applicants shall submit 3 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.
- 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 any Airport Board have been satisfied and indicating the status of any FAA applications for the proposed tower.
- g. Such other information as the City Manager reasonably deems necessary to adequately review the application.
- h. The Planning and Zoning Board may consider the following items for granting the D3 approval.
  - i. Setbacks to residential uses;
  - ii. Alternative land use districts available for the tower in the search ring;
  - iii. Site issues, including parcel size, location on the parcel, natural buffers and access; and
  - iv. 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.

**Community Centers.** In addition to the applicable district regulations, the following standards shall apply:

- 1. The center shall be built to the scale of the community it will serve. For example: if the majority of structures are single story, then the center shall not exceed two stories in size. This is subject to review on an individual basis.

**Convenience Stores.** 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 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.
3. All on-site garbage collection facilities shall be screened from any adjacent property.

***Convenience Stores, Isolated.*** Isolated convenience stores located in any residential district are subject to approval by the Polk City Council 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 Polk City Urban Development Area;
  - b. Two miles within the Polk City SPA; and,
  - c. Three miles within the Rural SPA.
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.
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 that lessen incompatibilities between residential and non-residential uses. Parking lots, loading areas, dumpsters, utilities, air conditioning units, and signage, are examples of facilities that 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 December 1, 1989, 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 public hearing review by both the

Planning and Zoning Board and the City Council. Expansions of existing isolated convenience stores shall require a public hearing review by the Planning and Zoning Board. In addition to the submittal requirements outlined in Article 7, Conditional Use, 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.

**Cultural Facility.** 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 Article 7, applications shall include the following:

1. All facilities directly adjacent to residential land uses, shall provide a minimum six feet high solid fence to be placed within the required 20 feet setback and one canopy tree every 30 feet on center along those property lines adjacent to residential uses.
2. All structures shall be constructed in character with the neighborhood. Any accessory structures shall be buffered from view of adjacent properties.
3. Hours of operation shall be limited on a case-by-case basis.
4. All pedestrian access points shall be marked.

**Dairy.** 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 D buffer where adjacent to residential properties with at least one canopy tree every thirty feet on center and placed within the required setbacks.
3. All new dairies shall be adjoining the right-of-way of an arterial, paved collector, or paved, 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.

**Duplex.** All require a Site Development Plan. See (G) above.

**Equipment Repair, Major.** In addition to the applicable density and dimensional standards in Table 29, the following standards shall apply:

1. A buffer shall be provided between the equipment repair facility and all abutting residential districts. See Section 3.07.00.
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 lines.

**Family Farm, Density Exemption.** The granting of a family farm applies to density only and all other relevant provisions of this Code shall be met. A density exemption for a family farm is allowed for a property containing a bona fide agricultural use subject to the following conditions:

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.
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.** The granting of a family homestead applies to density only and all other relevant provisions of this Code shall be met. A density exemption for a family homestead is allowed subject to the following requirements:

1. Said uses are only permitted in the A/RR and RS districts.
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. Each relative may only use the family homestead

provision once. The application shall provide the name and relationship of the family members.

3. All applicable district regulations 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.
4. All lots shall meet road frontage requirements but may be exempt from paving requirements. When possible, the parent parcel and all sub-parcels 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 division is reviewed and must go through the regular subdivision process in Article 7.

#### ***Farm Worker Housing, Seasonal***

1. Licensed seasonal farm worker housing projects shall be an on-site accessory and incidental use to an existing, bona fide agricultural use with a minimum size of ten acres. Farm worker housing may consist of single-family conventional units, mobile homes, duplexes, multi-family units, or dormitories.
2. The maximum density of seasonal farm worker housing shall not exceed one dwelling unit per acre of the property devoted to agriculture. The units may be clustered, but the area of land used in calculating the density, if sold, shall include the seasonal farm worker housing, unless the seasonal farm worker housing is abandoned. For purposes of density calculations, dormitories shall be calculated at 2.5 residents equaling one dwelling unit.
3. All structures containing up to four dwelling units shall be located a minimum of ten feet apart. If a structure contains more than four dwelling units, or is a dormitory, it shall be separated from other residential structures by a minimum of 20 feet.
4. All access drives serving seasonal farm worker housing shall be maintained with a stabilized base (0.10 structural layer coefficient), a minimum of 16 feet wide.
5. Farm worker housing projects 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.
6. Prior to final development approval, the applicant shall demonstrate that the project complies with all state licensing requirements for such use.

#### ***Fish Camp***

1. Any fish camp in an A/RRX Future Land Use Map district 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 Unit Development with access to an Urban collector or Rural Major collector road or better.

2. At a minimum fifty percent (50%) of the required parking spaces shall be grass or other pervious material. All other parking shall be paved.
3. All activity shall be limited to operation from 6:00 a.m. to 10:00 p.m.
4. No activity shall be conducted that produces noise, odors, dust, fumes, fire hazard, or other nuisance beyond the property boundaries.

***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. The noise zone area around the runway shall be designated on the subdivision plat.

***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, 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 City 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 in Table 29.

**Funeral Home and Related Facilities.** In addition to all applicable regulations, the following standards shall apply:

1. 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.
2. No off-street parking or loading space shall be located closer than 25 feet to any lot line that abuts a residential district.

**Gasoline Sales-Gas Stations.** 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:

**Table 25 - Gasoline Pump Island Setbacks**

Highway/Road Classification	Setback from R/W	Setback from C/L
Principal Arterial and Minor Arterial	25 feet	85 feet
All Other Roads	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.

**Governmental Facility.** In addition to the applicable district regulations these requirements apply to all new development:

1. All structures in residential districts shall be constructed in character with the adjacent neighborhood.
2. All structures in residential districts shall limit any on-site lighting in character with adjacent neighborhoods.

**Group-living Facilities.** In addition to all applicable regulations, the following conditions shall apply:

1. Congregate-living facilities 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.
2. Congregate-living facilities shall have direct access to a collector or arterial roadway.
3. No congregate-living facility shall be located within 1,200 feet of another group home or congregate-living facility, nor within 1,000 feet of a family care home measured at the closest points from property line to property line.
4. No family care home may be located within 1,000 feet of another group-living facility measured at the closest points from property line to property line. Exterior alterations that change the residential character of the structure are prohibited. Signage is prohibited.
5. No group home shall be located within 1,200 feet of another group home or congregate-living facility, nor within 1,000 feet of a family care home measured at the closest points from property line to property line. Exterior alterations that change the residential character of the structure are prohibited. Signage is prohibited.

**Heliports and Helistops.** In addition to the applicable district regulations, 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, churches, 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 Article 7, 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, the following standards shall apply.

- 1. All hotels/motels shall support the surrounding facilities.
- 2. All structures shall not exceed fifteen percent (15%) of the existing BPC or IND land use.
- 3. All structures shall connect to water and sewer facilities.

***Kennels, Boarding and Breeding.*** In addition to the applicable district regulations, 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 D buffer (see Section 3.7.00) 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. The health department shall approve all sanitary facilities. Kennels shall minimize adverse noise or odor impacts detectable off-site. Such features shall be noted on the site plan.

***Livestock Sale/Auction.*** In addition to the applicable district regulations, all new livestock sales and auctions shall require a Level 2 Review. 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, 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, Light.*** In addition to the applicable district regulations, the following standards shall apply:

1. A buffer equal to a Type D buffer 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.

***Marina.*** In addition to the applicable district 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. All facilities shall be adjoining the right-of-way of an arterial, paved collector, or paved City 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 City standards).
3. All facilities shall provide a minimum Type A buffer 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 D buffer.

***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.*** 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 Polk City as usable recreation areas, and

general open space. 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. Community centers;
  - 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 Public Use and BPC-1 shall:
  - a. Provide a minimum of two sidewalk/bicycle connections between the residential and non-residential uses within an activity center shall be required,
  - b. Be approved only if it is determined not to impede the normal and orderly development of the activity center. Factors to be considered shall include, but may not be limited to the following:
    - i. Proposed multi-family projects shall be designed and developed to be an integrated part of the activity center in terms of location, size, scale, design, and configuration.
    - ii. Multi-family projects proposed in the BPC-1 district shall only be considered together with a non-residential development proposal as part of a mixed-use project under the control of one developer. Multi-family projects may not be established in a BPC-1 district until such time as 20 percent of that BPC-1 district is developed with non-residential uses.
    - iii. The maximum percentage of the total developable area of an activity center that can

be developed with residential uses shall not exceed the following:

<u>Land-Use District</u>	<u>Percentage</u>
Office Center (OC)	20%
Neighborhood Activity Center (NAC)	20%
Community Activity Center (CAC)	30%
Regional Activity Center (RAC)	30%
Business Park Center-1 (BPC-1) 2	0%

[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 City 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, and
  - h. Limit signage to no greater than one 20 square foot sign of less than 4 feet in height.

**Nightclubs and Dance Halls.** Nightclubs and Dance halls shall be consistent with all standards in with all standards in Article 2, Section 2.03.02 of this Code; and all sections of the Polk City General Code that applies to Alcohol Sales.

**Nurseries and Greenhouses.** 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 City 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 City standards.

**Nursing Home.** In addition to the applicable district regulations, 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 that abuts residential districts.
2. There shall be at a minimum 50 feet of road frontage and all access points shall be on a collector road or better.

3. 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.
4. All structures shall be built to a residential scale consistent with the surrounding neighborhood.

***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.

***Outdoor Storage, Retail.*** In addition to the applicable district regulations, 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 at a minimum equal to a Type D buffer.

3. All outdoor storage shall not be located within 1,000 feet from other retail establishments, measured from property line to property line.
4. All activity shall be limited to operation from 8:00 a.m. to 9:00 p.m.

***Personal Services.*** In addition to the applicable district 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. All facilities shall be adjoining the right-of-way of an arterial, paved collector, or paved City 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.

***Recreation, High Intensity.*** In addition to the applicable district regulations, the following standards shall apply:

1. All structures shall meet the principal structure setbacks of the district in which they are located.
2. All outdoor lighting shall be directional and shall not directly radiate onto adjacent properties.
3. 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.
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 that is in a residential district.
6. For a stand-alone use, a minimum property size of 10 acres is required. This requirement may be reduced to 5 acres depending on the specific Recreational Facilities, High Intensity use requested, this shall be determined by the Planning Director or his designee.
7. For a stand-alone use, a maximum of 1,600 square feet of all structures is permitted, including principal and accessory buildings. All structures shall be constructed in character with the adjacent neighborhoods or properties located in the residential district. Any accessory structures shall be buffered from view of adjacent properties.

***Recreation, Low Intensity.*** In addition to the applicable district regulations, the following standards shall apply:

1. No activity shall disturb any on-site wetlands.
2. All activity shall be limited to operation from 6:00 a.m. to 10:00 p.m.
3. All on-site lighting shall be directional and shall not radiate onto adjacent properties.

***Recreation and Amusement, Intensive.*** In addition to the applicable district regulations, the following standards shall apply:

1. All structures shall meet the principal structure setbacks of the district in which they are located.
2. All outdoor lighting shall be directional and shall not directly shine onto adjacent properties.
3. All structures located in residential districts shall be limited to operation from 7:00 a.m. to 10:00 p.m.
4. No off street parking or loading space shall be located at a minimum within fifty feet of any adjoining property that is in a residential district.

***Recreation and Amusement, General.*** In addition to the applicable district regulations, the following standards shall apply:

1. All outdoor lighting shall be directional and shall not directly shine onto adjacent properties.
2. No off street parking or loading space shall be located at a minimum within fifty feet of any adjoining property that is in a residential district.

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

1. The institution shall be located at the edge of a neighborhood or at a corner location, when such location is compatible with the adjacent residential.
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, previous paving materials, or grass.

***Religious Institutional Camp.*** In addition to the applicable district regulations, these requirements apply to all new development:

1. At a minimum, the buffer required for a church 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.



**Research and Development.** 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.**

- 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 a D2 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 and Zoning Board as part of a D3 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 26 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 26 - Minimum Service Standards for Residential Infill Developments**

	<b>Residential Low (RL)</b>	<b>Residential Suburban (RS)</b>
Sewer	Sewer services operate at less than 70% of capacity <i>and</i> ; Residential Infill Development connects to sewer	N/A
Water	Water services operate at less than 70% of capacity <i>and</i> ; Residential Infill Development connects to water services	Water services operate at less than 70% of capacity <i>and</i> ; Residential Infill Development connects to water services
Fire	Located within 3 miles	Located within 3 miles
Police/Sheriff	Letter of support from policing agency	Letter of support from policing agency
EMS	Located within 5 miles	Located within 5 miles
Parks**	Located within 2 miles	Located within 2 miles
Schools* - Elementary	The zoned school shall be in operation below 110% of capacity	The zoned school shall be in operation below 110% of capacity
Schools* Middle	The zoned school shall be in operation below 120% of capacity	The zoned school shall be in operation below 120% of capacity
Schools* High	The zoned school shall be in operation below 120% of capacity	The zoned school shall be in operation below 120% of capacity
Roadways Level of Service	Roadways operate no less than "D" within 1 miles	Roadways operate no less than "D" 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 "stub 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 Unit 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.

***Residential Treatment Facility***

- 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 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.*** 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 between all service windows/stacking lanes and adjacent residential areas equal to the usual buffer required.
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 Unit 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.*** 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.

**Retail, Less than 5000 Square Feet.** In addition to the applicable district 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 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, More than 4,999 Square Feet.** In addition to the applicable district 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 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.

**School, Elementary.** 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. They shall have at least two access points;
3. No school shall have its primary access point crossing an active railroad;
4. All schools with enrollment above 249 students shall be at a minimum 50 feet of road frontage and all access points shall be on a collector road or better;
5. All accessory parking lots and playing fields shall be oriented in such a manner so as not to abut residential property. Accessory parking lots are parking lots significantly separated from the main parking lot but may be linked via a driveway aisle. If this cannot be met, then those areas shall be buffered with either a solid fence or Type B buffer that has 80 percent opacity within two years;
6. All schools with enrollment above 249 students shall not be permitted in the Green Swamp Area of Critical State Concern Rural-SPA.

**School, Middle.** All new, whether in an existing structure or new structure, middle schools public, private or nonprofit shall comply with the following standards:

1. They shall connect to central water and sewer;
2. They shall have at least two access points;
3. No school 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 required parking areas shall be paved, including faculty and staff. This provision shall not apply to temporary or overflow parking areas;
6. All accessory parking lots and playing fields shall be oriented in such a manner so as not to abut residential property. Accessory parking lots are parking lots significantly separated from the main parking lot but may be linked via a driveway aisle. If this cannot be met, then those areas shall be buffered with either a solid fence or Type B buffer that has 80 percent opacity within two years;
7. No school shall be permitted in the Green Swamp Area of Critical State Concern Rural-SPA.

**School, High.** All new, whether in an existing structure or new structure, high schools public, private or not-profit shall comply with the following standards:

1. They shall connect to central water and sewer;
2. They shall have at least two access points;
3. No school 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 required parking areas shall be paved, including student, faculty and staff. This provision shall not apply to temporary or overflow parking areas;
6. All accessory parking lots and playing fields shall be oriented in such a manner so as not to abut residential property. Accessory parking lots are parking lots significantly separated from the main parking lot but may be linked via a driveway aisle. If this cannot be met, then those areas shall be buffered with either a solid fence or Type B buffer that has 80 percent opacity within two years;
7. No school shall be permitted in the Green Swamp Area of Critical State Concern Rural-SPA.

**School, Leisure/Special Interest.**

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.

**School, Technical/Vocational/Trade.** 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.

**School, Training.** 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.

**School, University/College.** 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. All parking areas shall be paved or stabilized with sod or pavers may be used;
5. 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 that has 80 percent occupancy within two years;
6. No school shall be permitted in the Green Swamp Area of Critical State Concern Rural-SPA; and
7. All accessory uses shall meet the parking requirements that would be representative of them as a primary use.

**Seaplane Base.** In addition to all applicable regulations seaplane bases shall comply with the following requirements:

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.** 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. Either pavement marking or signage shall indicate traffic direction and parking/loading lanes.
  - b. Two-way travel aisles shall include one ten-foot wide parking/loading lane and two 12-foot wide travel lanes.
  - c. Aisles not serving storage spaces shall not be required to provide parking/loading lanes.
2. Outdoor storage of cars, boats, or recreational vehicles, may be permitted as an accessory use to a self-storage facility, except within the BPC-1 and LCC districts. Storage of boats, RVs, and other large items may be permitted in an NAC provided all the following are met:
  - a. The item shall be completely screened from off-site view.
  - b. Storage of large items shall be prohibited within 50 feet of residential uses and residential districts.
  - c. All storage shall be limited to a 15 foot maximum height.
3. Plumbing shall not be extended to individual storage spaces.
4. In addition to the regulations required above, self-storage facilities within an NAC shall comply with the following requirements:
  - a. Self-storage facilities shall not exceed 50 percent of the gross land area within an NAC district.
  - b. If outdoor lighting is proposed within a self-storage facility, it shall be attached on structure walls at a height no higher than the beginning of the roofline. Rooftop lighting is permitted in order to illuminate the structure is attached to but shall be limited to five feet in height above the roofline of the structure. All lighting shall also be directed downward and inward to reduce the potential for off-site impacts.
  - c. Self-storage facilities shall not be permitted within 200 feet of an intersection consisting of collector or arterial roadways within an NAC.
  - d. Unless located within a building, access doors to individual storage units shall be screened from off-site



and public rights-of-way view by landscaped walls or opaque fences. These walls and fences shall be located no closer to the property lines than five feet and shall provide a minimum Type “A” Buffer.

### **Short-term Rental Units**

#### **1. *Authorization and Location***

a. Short-Term Rentals in the Green Swamp shall be permitted in the zoning districts listed in Table 28 in Section 3.11.00 of this Code. A Level 3 Review in accordance with Section 3.11.02 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 general factors shall be taken into consideration from the Level 3 review process:

- The compatibility of non-residential uses near or adjacent to residential land uses or vacant land designated as residential;
- The compatibility of proposed residential uses in proximity to existing residential densities of a significantly different density;
- Where there are specific characteristics of the proposal that 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;
- 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;

- Whether the requested development meets minimum development standards as stated in this Code, and other City development regulations; and
- A development plan that mitigates impacts.

In addition, the following specific factors shall be taken into consideration:

- 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 Unit Development only if limited to a distinct phase or phases of the subdivision or Planned Unit 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 Unit Development may not be utilized for short-term rental purposes unless the entire subdivision or Planned Unit Development, or the phase thereof in which the dwelling unit is located, has received approval for short-term rentals.
  - d. For dwelling units located outside of subdivisions and Planned Unit Developments, application for short-term rental authorization shall be made through a D3 Review on a dwelling-by-dwelling basis.
  - e. Applications for modifications to Planned Unit Developments to allow short-term rentals shall be processed as a D3 Review.
  - f. Nothing herein shall be construed to affect the validity or to otherwise prevent the enforcement of deed restrictions or other similar instruments that either explicitly or implicitly prohibit short-term rentals within a subdivision or Planned Unit Development.

2. *Notification*

- a. For subdivisions receiving plat approval subsequent to the effective date of this Code, whether part of a Planned Unit 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 “short-term rental” contained herein. If the definition of “short-term rental” contained herein is more permissive than what is allowed in the subdivision, a more restrictive definition of “short-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 “Notice 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 Polk City Administration Office within ten days of approval of the subdivision plat by the City Council 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 “short-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 City 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 Administration Office of Polk City Development Services Division 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 City Administration Office 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 City 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 City Administration Office 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 Polk City City Council, 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 Polk City Administration Office 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 City 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 Polk City Administration Office 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 III use as outlined in Section 3.07.00 and shall conform to all buffer requirements of Section 3.07.00.
- x. A notice in substantial conformance with the following shall be given to each group that 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 City 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 City Administration].

*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.

6. *Authority of Code Enforcement Office and Law Enforcement Office*
  - a. The Polk City Code Enforcement Officer and Polk City Law Enforcement Officer are authorized to prepare incident reports concerning violations of this Section and to submit such reports to and testify before the Polk City Code Enforcement Hearing Officer.

***Transit, Commercial.*** In addition to the applicable district regulations, the following standards shall apply:

1. A buffer at a minimum, equal to a Type D buffer 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 repairs 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.

### ***Utilities***

1. Class III utility facilities may be permitted within the Rural-SPA, as designated on the Future Land Use Map Series, only when such development:
  - a. Provides regional (multi-county) services;
  - b. Is determined by the City 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 to the extent that such provisions do not conflict with other requirements for utilities that are mandated by local, state, or federal governments. In cases where other governmental requirements do conflict with the buffering provisions of this Code, a variance to the buffering provisions may be granted, but only to the extent necessary to rectify the conflict. In such instances, Polk City 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 may also be modified through a variance 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.
- 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 that 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 Code Compliance Division.

13. Approval of utility facilities shall be in accordance with the type of Conditional Use identified on the Use table, Table 28 and the appropriate procedures outlined in Article 7. 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 Polk City 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 City owned rights-of-way, to be shown on the site plan, accompanied by an explanation of any proposed use of rights-of-way. If rights-of-way will be encroached upon, the applicant shall be required to obtain a Right-of-Way Use Permit prior to construction.

**Vehicle Repair.** In addition to the applicable district regulations, the following standards shall apply:

- 1. 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.
- 2. There shall be no external activity beyond loading and unloading of materials. All 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 lines.
- 5. 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.** In addition to the applicable district regulations, 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, and RCC-R).

### ***3.09.00 Development Standards for Uses Permitted by Special Exception***

The purpose of this Section is to create an approval process for Special Exception uses, those that are permitted only through special application and public review. Its intent is to ensure that such uses, if approved, are compatible with surrounding properties, and are developed in suitable locations with those design features that are necessary to safeguard the public health, safety, and welfare.

Special Exceptions shall be granted in accordance with the provisions of Section 7.09.00. Special standards and requirements presented in this Section are conditions for approval of the Special Exception and shall be binding on all development authorized under the Special Exception.

The following standards apply to uses listed as "S" Special Exceptions in Section 2.04.01, Table 4, and approved under the provisions of Article 7, Section 7.09.00. Where standards provided herein exceed and/or create greater restrictions than those of the underlying zoning district, this Section shall supersede any other provision of this Code. Where no standard is established in this Section that of the relevant zoning district shall apply.

#### ***3.09.01 Lodging***

##### ***3.09.01.01 RV (Recreation Vehicle) Campground***

It is the purpose of these standards to provide minimum development guidelines for an RV Campground designed only to accommodate the recreation vehicle. For the purposes of this ordinance, an RV Campground is a development for overnight or limited vacation-season

type. These provisions are intended to protect established or permitted uses in the vicinity of such a campground, and to protect and promote the orderly growth and development of the City of Polk City.

RV Campgrounds are permitted by Special Exception in MH and PR districts. RV Campgrounds meet the required design and siting standards and shall accommodate the traveling public for a defined maximum time period associated with the specialized seasonal vacation and transient characteristics of such development, as contrasted to the more permanent and extended stay characteristics of an RV Park or Mobile Home Park.

- (A) *General Requirements.* Development standards provided in this Section shall supersede those of the underlying zoning district.

*Duration of Stay in an RV Campground.* Vehicle sites shall be rented by the day or week only, and the occupant of a vehicle site shall remain at that site and within the RV Campground for a limited period of time consistent with the special seasonal, vacation and transient requirements of the recreational vehicle user, but in no case exceeding six months within any 360 day period, whether accumulated consecutively or intermittently.

- (B) *Environmental Requirements*

- (1) General. Condition of soil, groundwater level, drainage, and topography shall not create hazards to the property or to the health and safety of the occupants.
- (2) Soil and Ground Cover Requirements. Exposed ground surfaces in all parts of every vehicle site area or other vehicle campground area shall be paved, or covered with stone screening, or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.
- (3) Drainage Requirements. Surface drainage plans for the entire tract shall be reviewed by appropriate City staff, who shall determine whether the proposed plan is compatible with the surrounding existing drainage pattern and any relevant drainage plan of the City, prior to issuance of Site Development Plan approval and building permits. No permit shall be issued in such instance where the Building Official finds the plan to be incompatible with surrounding areas.

**Table 27 - Development Standards for RV Campground**

	Max. Density (units/ acre)	Minimum Tract/Lot Size	Minimum Tract/Lot Width (feet)	Setbacks (feet)		
				Front	Rear	Sides
Per Tract	15	20 acres	150 x 200	25	25	25
Per Unit		1200 s.f.	20 x 60	7.5	7.5	4

(C) *Tract Requirements.* The tract requirements are listed in the Table of Development Standards, Table 27 above, with additional requirements as follows:

- (1) The tract shall have at least 75 feet of frontage on a Principal or a Minor Arterial roadway, as designated on the Future Traffic Circulation Map of the City of Polk City Comprehensive Plan.
- (2) The minimum width of the tract shall be 150 feet at the front building setback line.
- (3) Where any property line of a RV Campground abuts land either zoned for residential use or occupied by a residential use permitted by this Code, there shall be provided and maintained along, or within ten feet of, said property line a solid face masonry wall, with a finish of stucco or other texture, no less than six feet in height, which shall be in addition to the buffer yard required by Section 3.07.00.
- (4) Where an RV Campground abuts an agricultural use, the tract setbacks shall be 50 feet on the front, sides and rear.

(D) *Vehicle Site Requirements.* The individual site requirements are listed in the Table of Development Standards, Table 27 above, with additional requirements as follows:

- (1) For the purpose of determining vehicle site width and depth, the width of a vehicle site shall be measured at right angles to and between the designated side boundary lines. The depth of a vehicle shall be measured at right angles to and between the designated front and rear boundary lines.
- (2) The minimum distance between RVs shall be 15 feet at the rear and sides and 15 feet at the front. The minimum

distance between an RV and any structure shall be 20 feet. The minimum allowable distance between RVs shall, for the purpose of this section, be measured from and between the outermost structural parts or attached accessory features. The minimum distance between an RV and the edge of the campground road shall be 15 feet.

- (3) Each vehicle site shall be clearly defined by a permanent marker, constructed of a durable material such as masonry or metal, placed at all corners.
  - (4) The addition or attachment of any permanent structures, such as awnings, porches, carports, or individual storage facilities, not specifically designed and included as a standard part of the original RV, shall be expressly prohibited in an RV Campground.
- (E) *Recreation and Open Space Requirements.* There shall be provided within a RV Campground at least one area designed for recreational and open space use that is easily accessible from all vehicle sites. The size of such recreation area shall not be less than 8% of the entire tract area.
- (F) *Street System and Off-Street Campground Requirements*
- (1) General. All campground areas shall be provided with safe and convenient vehicular access from abutting public streets and roads to each vehicle site. Alignment and gradient shall be properly adapted to topography. Surfacing and maintenance shall provide a smooth, hard and dense surface which shall be well drained.
  - (2) Access. Access to a RV Campground from a public street or road shall be designed to minimize congestion and hazards at the entrance and on adjacent streets. All traffic into or out of the campground areas shall be through such entrances and exits.
    - a. The entrance to each RV Campground shall be a driveway at least 40 feet wide with a turn radius of 100 feet or more from the public roadway, for maneuvering of vehicles.
    - c. Each RV Campground site check-in location shall be setback 200 feet from any public right-of-way to accommodate the stacking of vehicles awaiting

check-in.

- (3) Internal Streets. All internal streets are to be paved with an asphaltic or concrete surface. Road surfacing shall meet the following minimum width requirements:
  - a. One-way travel: 12 feet.
  - b. Two-way travel: 20 feet.
- (4) Off-Street Campground and Maneuvering Space. See Section 3.03.00, Off-Street Campground Requirements.

(G) *Utilities*

- (1) Water Supply System. Connection to a potable public supply of water is required. Provision of water supply, water storage and water distribution shall be made in accordance with requirements and standards established by this Code and the State of Florida.
- (2) Watering Stations. Each RV Campground shall be provided with one or more easily accessible water supply outlets for filling RV water storage tanks in accordance with design and construction requirements established by the State of Florida.
- (3) Sanitary Connections. Each RV Campground shall be provided with individual connections to each vehicle site in the RV Campground connected to an on-site sewage disposal system or available public system.
- (4) Electrical and Gas Systems. Each RV Campground shall be provided with an electrical or gas system, which shall be installed and maintained in accordance with applicable codes and regulations.

(H) *Refuse Handling*

- (1) General. The storage, collection and disposal of refuse (garbage, ashes, and rubbish) in a RV Campground shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazard or air pollution in accordance with requirements established by the State of Florida.



- (2) Location. All refuse shall be stored in watertight, fly-proof, rodent-proof containers, which shall be located within 150 feet of any vehicle.
- (3) Collection. All refuse containing garbage shall be collected at least twice weekly.

(I) *Service Buildings and Facilities*

- (1) General. The requirements of this section shall apply to service buildings, recreation buildings and other service facilities, such as:
  - a. Management offices, repair shops and storage areas.
  - b. Sanitary facilities.
  - c. Laundry facilities.
  - d. Indoor recreation areas.
- (2) Service Buildings for Dependent Vehicles. A central service building containing the necessary toilet and other plumbing fixtures specified by the State of Florida shall be provided in an RV Campground , which provides vehicle sites for dependent vehicles. Service buildings shall be conveniently located within a radius of approximately 300 feet of the sites to be served. This building may also be designated a hurricane shelter if it is built to the standards for hurricane shelters in the Standard Building Code.
- (3) Hurricane Shelter. Each RV Park/Campground must provide one or more buildings to house guests in a permanent building in the event of a hurricane, at a rate of 20 s.f. of habitable floor space per person. Alternative cooking fuel sources; electrical generation for emergency lighting; sanitary sewer facilities; and, an alternate source of water separate from the Campground source (e.g. water in drums) shall be provided and maintained. Each building must be built to conform to the Standard Building Code for hurricane shelters.

To calculate the size of the hurricane shelter to be built in a Campground, each RV space will be counted at a minimum of two persons per space. Shelter space shall be provided for 80% of total campground spaces.

RV Campgrounds do not have to provide hurricane shelters. All campers are to evacuate in the event of a natural disaster

such as a hurricane. RV Parks that are combined with Campgrounds must provide hurricane shelters for those persons who are living, either permanently or seasonally, in an RV unit which is not portable and cannot be driven out of the area on short notice.

Service buildings may be used as hurricane shelters as long as the buildings are built to minimum Standard Building Code regulations for hurricane shelters.

- (4) Service Facilities in Connection with Other Businesses. When an RV Campground requiring a service building is operated in connection with a resort or other business establishment, the number of sanitary facilities for such business establishment shall be in addition to those required by the public health standards for vehicle sites and shall be based upon the total number of persons using or expected to use such facilities.
- (5) Pedestrian Access to Service Buildings and Facilities. Appropriately drained, clear walkways having a width of not less than five feet shall be provided from the vehicle sites to all service buildings and facilities, refuse collection areas, and recreation areas.
- (6) Outdoor Cooking and Incinerator Facilities. All outdoor cooking and incinerator facilities shall be so located, constructed, maintained and used as to minimize fire hazard and smoke nuisance both on the property on which they are used and on neighboring property. Plans, construction, and operation of incinerators shall be carried out in accordance with requirements of the State of Florida.

(J) *Permit Procedures and Requirements*

- (1) Site Development Plan. Any applicant for the required permits to establish, construct, alter or extend an RV Campground shall first request and receive approval of a Site Development Plan in accordance with the provisions of Article 2 and Section 7.05.00 of this Code.
- (2) Health and Sanitation Permit. After receipt of required land use approvals, applicant shall then apply for and receive a health and sanitation permit for the proposed RV Campground from the Polk County Health Department and the State of Florida in accordance with the requirements of

appropriate agencies.

- (3) Building Permit. Upon completion of (1) and (2) above, application shall be made to the City for the building permit to construct, alter, or extend an RV Campground in accordance with the provisions of this Section. Before issuing a building permit, the City Clerk shall determine that all applicable review procedures and standards required under this Code have been satisfactorily met.

(K) *Allowable Accessory Uses:*

- (1) Clubhouse, laundry, swimming pool, and other shared facilities for the common use of the visitors to the campground.
- (2) No more than one single family home, at least 600 s.f. in size, for the use of a resident manager.
- (3) Vehicles that exceed 30 feet in length, "car caddies", boats and accessory trailers shall be stored in a storage area. This storage area is for the use of campground residents only, and shall be fenced and landscaped. Storage of these units shall be prohibited on individual RV sites or on park roads.

**3.09.02 Retail Commercial, Outdoor Storage**

**3.09.02.01 Truckstop**

- (A) Development site shall be at least one acre in size, and shall have no less than 85 feet of frontage on an arterial.
- (B) Truck parking areas shall be set back at least 50 feet from any property zoned or designated on the Future Land Use Map for residential use.
- (C) No loading or unloading of freight shall be permitted on the site.
- (D) Mechanical work shall be limited to minor automotive repairs, as defined under "Service Station" in Article 9.

### **3.09.03 Public Service Facilities**

#### **3.09.03.01 Communications Antennas/ Towers**

- (A) Minimum lot size shall be one acre;
- (B) At a minimum, the antenna or tower shall be set back from all property lines a distance equal to its height. Alternatively, the antenna or tower shall be set back a distance equal to 50% of its height with certification by an engineer licensed in the State of Florida that the structure is designed to collapse within the boundaries of the property on which it is built; and
- (C) The antenna or tower shall meet all applicable standards of the Federal Communications Commission, the Federal Aviation Administration, and any other relevant Federal or state agency.

### **3.10.00 Development Standards for Conditional Uses**

The purpose of this section is to set criteria for approval of Conditional Uses. Conditional Uses are those uses that have some special impact or uniqueness such that their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location. Conditional Use Permits shall be granted in accordance with the provisions of Section 7.08.00. Special standards and requirements presented in this section are conditions for approval of Conditional Uses and shall be binding on all development authorized under the Conditional Use Permit.

Where standards provided herein exceed and/or create greater restrictions than those of the underlying zoning district, this section shall supersede any other provision of this code. Where no standard is established in this section, that of the relevant zoning district shall apply.

#### **3.10.01 Automotive: Junkyard**

- (A) *Storage of Materials*
  - (1) Material that is not salvageable shall not be permitted to accumulate, except in bins or containers, and shall be disposed of in an approved sanitary landfill. The period of accumulation is limited to two months.
  - (2) In no case shall material that is not salvageable be buried or used as fill.
  - (3) Any items that can be recycled or salvaged shall be accumulated in

bins or containers to be sold to a recycling firm.

- (4) Recyclable material that cannot be stored in bins or containers may be stored in the open.
  - (5) Junkyard operators shall be responsible for compliance with all applicable Federal and State regulations pertaining to the handling, storage, and disposal of waste fluids. In no case shall disposal of waste fluids be permitted on-site, except with the express approval of the FDEP.
  - (6) In any open storage area, it shall be prohibited to keep any ice box, refrigerator, deep-freeze locker, clothes washer, clothes dryer, or similar air-tight unit having an interior storage capacity of 1  $\square$  cubic feet or more from which the door has not been removed.
- (B) *Screening.* All junkyards shall comply with the following screening requirements:
- (1) All outdoor storage facilities shall be surrounded by a substantial continuous masonry, wood or metal fence (not including chain link fences), or a wall, any of which shall be a minimum of eight feet in height without openings of any type except for one entrance and/or one exit that shall not exceed 25 feet in width.
  - (2) Gates at entrance or exit shall be of a material without openings.
  - (3) The screen shall be constructed of the same type of material throughout.
  - (4) No screen shall be constructed of metal that will rust.
  - (5) Screens shall be maintained and in good repair at all times.
- (C) *Buffer In Lieu of Screening.* Where an outdoor storage facility does not abut a public street or highway, a vegetative buffer may be permitted in lieu of screening. Such buffer may be approved by the City Council after a finding that the proposed buffer would provide screening equivalent to that required in (B) above.

### **3.10.02 Conditional Uses in the Green Swamp ACSC**

#### **3.10.02.01 Purpose and Intent.**

Uses requiring a Conditional Use permit in the Green Swamp 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 in the use table in Article 3, Section 3.11, Table 28. 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.

**3.10.02.02 Review of Conditional Uses.**

One type of use is identified in the use table in Article 3, Section 3.11.02, Table 28. They are denoted by C4, which indicates the level of review necessary to insure the conditions are appropriately applied. Refer to Article 3, Section 3.11.02 (C) for definition of C4 and a description of the review process.

**3.10.02.03 Additional Criteria.**

The Planning and Zoning Board and/or Polk City Council 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.

**3.10.02.04 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.

**3.10.02.05 Conditions and Safeguards Binding.**

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

**3.10.02.06 Conditions and Safeguards Duration.**

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

**3.10.02.07 Criteria for Uses Requiring A Site Development Plan.**

General rules that apply to all C4 uses are as follows:

- (1) Setbacks for structures between Residential Uses and all other uses shall be a minimum of 25 feet from all property boundaries.
- (2) Landscape buffers are required between Residential uses and all other uses but, in general, no buffering is required adjacent to an

A/RR district. See Section 3.07.00 for the landscape buffer regulations.

- (3) No outdoor storage of equipment or materials shall be located within a front yard setback.
- (4) All references to zoning districts have an “X” after them when in the Green Swamp ACSC.
- (5) For all uses other than residential uses: there shall be at a minimum 50 feet of road frontage and all access points shall be on a collector road or better.

(H) Uses Requiring a Conditional Use Review

The following land uses require a Conditional Use review; are listed as C4 in Table 28; and are **arranged in alphabetical order** for presentation purposes.

***Breeding, Boarding, and Rehabilitation Facilities, Wild or Exotic (Conditional Use only and in Rural Special Protection Area in RSX category).*** In addition to the applicable district regulations, the following standards shall apply:

- 1. The minimum site area for a wild or exotic breeding facility shall be ten acres in the Green Swamp ACSC.
- 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.

***Correctional Facility. (Conditional Use only and in Rural Special Protection Area in INST-2X and A/RRX).*** In addition to the applicable district regulations these requirements apply to all new correctional facilities:

- 1. The minimum lot size shall be five acres and the lot shall have a minimum frontage of 200 feet.
- 2. 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.

**Gasoline Sales-Gas Stations (Conditional Use in PC-SPA CEX and Rural-SPA CEX).** 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 and Minor Arterial	25 feet	85 feet
All Other Roads	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.

**Heliports and Helistops (Conditional Use in PC-SPA CEX and Rural-SPA CEX).** In addition to the applicable district regulations, 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, churches, 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 Article 7, 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.

***Residential Treatment Facility (Conditional Use in Rural-SPA A/RRX).***

- 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. Residential treatment facilities shall not be located within 3,500 feet from another treatment facility, measured from property line to property line.
- 4. 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.
- 5. All facilities shall be staffed by at least one full time employee.

***Utilities (Class III Utilities are a Conditional Use in PC-SPA OCX).***

- 1. Class III utility facilities may be permitted within the Rural-SPA, as designated on the Future Land Use Map Series, only when such development:
  - a. Provides regional (multi-county) services;
  - b. Is determined by the City 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 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 variance to the buffering provisions may be granted, but only to the extent necessary

to rectify the conflict. In such instances, Polk City 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 may also be modified through a variance 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.
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 that 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 Code Compliance Division.
13. Approval of utility facilities shall be in accordance with the type of Conditional Use identified on the Use table, Table 28 and the appropriate procedures outlined in Article 7. 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 Polk City 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 City owned rights-of-way, to be shown on the site plan, accompanied by an explanation of any proposed use of rights-of-way. If rights-of-way will be encroached upon, the applicant shall be required to obtain a Right-of-Way Use Permit prior to construction.

***Vehicle Repair (Conditional Use in PC-SPA CEX and Rural-SPA CEX).***

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

- 1. 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.
- 2. There shall be no external activity beyond loading and unloading of materials. All 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 lines.
- 5. All vehicle repair structures shall be set back 50 feet when abutting a residential or professional district.

### **3.11.00 Regulations for the GREEN SWAMP AREA OF CRITICAL STATE CONCERN**

#### **3.11.01 Purpose and Intent**

All development within the Polk City 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 City Comprehensive Plan. Where there is a conflict in policy or standard, the more stringent shall apply.

##### **3.11.01.01 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 City Land Use Map Series.

##### **3.11.01.02 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 City Comprehensive Plan. Those developments are listed in the Polk City Comprehensive Plan, in the Future Land Use Element following Policy 8.10.19. 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.

##### **3.11.01.03 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 in this Code under Section 3.11.07D, where applicable.
2. Wetland development requirements in this Code under Section 3.11.07E, 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 Potentiometer High of the Floridian Aquifer.
7. Protect or improve the normal supply of ground and surface water.
8. Prevent further salt water intrusion into the Floridian 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.

**3.11.01.04 Land Use Districts.**

All land use districts located in the Green Swamp ACSC are designated with the suffix "X" to denote additional standards may apply.

**3.11.01.05 Use Table.**

The land uses in the Green Swamp ACSC are shown in Table 28. Land uses not shown are prohibited.

**3.11.01.06 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 Tables 30 through 32.

**3.11.01.07 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. The definition of Class III Utilities is as follows:

**UTILITIES, CLASS III:** Production or treatment facilities such as sewage treatment plants, elevated water storage towers, non accessory ground storage tanks, or similar facilities. Does not include electric power plants.

**3.11.01.08 National Pollution Discharge and Elimination System.**

Development located within the Business Park Center "X", Regional Activity Center "X" or within the Tourist Commercial Center X shall comply with 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. Notwithstanding the uses indicated in Table 28, 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 Polk City 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).

**3.11.01.09 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 "Quality 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.

**3.11.01.10 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.

**3.11.01.11 Special Protection Areas (SPA) and Special Area Plans (SAP) .**

The Green Swamp ACSC is divided into two Special Protection Areas (SPA). Each SPA has area specific development standards that apply. These SPAs shall be designated and mapped on the Polk City Land Use Map Series. The two SPAs are:

- a. Polk City/Urban Growth Special Protection Area (PC-SPA), and
- b. Rural Special Protection Area (RURAL-SPA).

The Green Swamp ACSC is further divided into Special Area Plans (SAP). Each SAP has area specific development standards that apply. These SAPs shall be designated and mapped on the Polk City Land Use Map Series. The two SAPs in the Polk City service area are:

- a. I-4/Northeast Selected Area Plan (I-4 SAP), and
- b. State Road 559 Selected Area Plan (559 SAP).

**3.11.02 Standards for Land Use Districts in the Green Swamp ACSC**

**3.11.02.01 Prohibited Uses.**

The use of land or structures not expressly listed in the Use Table 28 as permitted or requiring a site development plan or conditional use permit are **prohibited**.

### **3.11.02.02 Other Regulations.**

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

### **3.11.02.03 Site Development Plans and Conditional Uses.**

Uses listed as “D1, D2 or D3” in the Table of Uses in this Chapter require a Site Development Plan review and may be established only after compliance with the specific conditions and procedures outlined in Article 7, Site Development Plan; and Section 3.08.04 “Uses Requiring a Site Development Plan in the Green Swamp”; and all applicable codes of Polk City and other governmental agencies. Uses listed as “C4” in the Table of Uses in this chapter require a Conditional Use review and may be established only after compliance with the specific conditions and procedures outlined in Article 7, Conditional Uses, and all applicable codes of Polk City and other governmental agencies. D1, D2, D3, and C4 are defined below and their level of review explained:

1. D1: A Site Development Plan is required for this use and is reviewed at the staff level. The review process is below.

#### **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 Polk City regulations.
- B. **Performed By.** A Level 1 Review is performed by various Polk City 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.** The applicant shall file a completed application and plans for Level 1 Review with the Development Services 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. 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 Development Services 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.
2. D2: A Site Development Plan is required for this use and is reviewed by the staff but may involve multiple issues or departments. Level 1 process is used. See D1. above.
3. D3: A Site Development Plan is required for this use and is reviewed by the staff but involve multiple issues and potential off-site impacts. The review process is the same as prescribed for Level 1 Reviews, and, in addition, includes a public hearing before the Planning and Zoning Board.
4. C4: A Conditional Use review is required for this use because it may involve multiple issues and potential significant off-site impacts. The review process is the same as prescribed for Level 1 Reviews, and includes: a site plan submittal for review by staff; and a public hearing before the Planning and Zoning Board; and public hearing review before the City Council.

#### **3.11.02.04 Accessory and Temporary Uses.**

Accessory Uses are defined and regulated in Article 2, Section 2.05.00 of this Code.

#### **3.11.02.05 Infill and Compatibility.**

All uses are subject to *Setbacks for Residential Infill and Compatibility Standards* requirements listed below:

1. *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].

2. **Compatibility Standards.** The provisions of this Section shall apply to all development within 50 feet of property designated as Residential-Low (R-1, R-2, R-3, R-4), Residential-Medium (R5), or Manufacture Home (MH) on the zoning map and in the Polk City Urban Development Area. Only the portion of the development within the 50 foot area shall be subject to the requirements of this Section.
  - 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:
    - i. Dumpsters, except temporary construction dumpsters.
    - ii. Outdoor sales, storage or display.
    - iii. 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.
    - iv. Loading facilities/structures.
    - v. Drive-thru facilities.

#### **3.11.02.06 Resulting Non-conformity.**

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

#### **3.11.02.07 Establishment of Zoning Categories for the Green Swamp ACSC.**

The following zoning categories are established. Not all categories may be permitted in all Special Protection Areas or Special Area Plans. See the tables for each to determine which category is allowed in each.

#### ***Agricultural/Residential Districts***

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 multi-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.

***Non-residential Districts/Activity Centers also known as Commercial Uses***

10. 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.
11. 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.
12. 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.
13. 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.

14. 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.
15. 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.

#### ***Other Standard Land Use Districts***

16. 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.
17. 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.
18. 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.
19. 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 City Comprehensive Plan.
20. 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.

21. 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.
22. 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.
23. 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.
24. 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, landfill, and prisons.
25. 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 Polk City residents and visitors.
26. 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.
27. 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.

***3.11.02.08 Development Standards for Zoning Classifications allowed in the Green Swamp ACSC:***

1. **Business-Park Centers (BPCX):** Business-Park Centers are intended to promote employment opportunities within the region by



allowing for the establishment of office parks, research and development parks, areas for light-industrial facilities, distribution centers, and mixed-use employment parks. Business-Park Centers are intended for land use activities that are conducted entirely within enclosed structures with the exception of loading and unloading. These centers are not intended to accommodate major commercial or other similar high-traffic producing facilities. However, these centers often contain other minor commercial facilities, and wholesale facilities, within the Business-Park Center to support the businesses located there. Business-Park Centers shall be located with consideration being given to regional transportation issues, and should be located at the intersections of arterial roads, and when mass transit becomes available, on a fixed-route mass-transit line.

Usable Area	5 acres or more
Gross Leasable Area (GLA)	100,000 to 2,000,000 sq. ft.
Minimum Population Support	5,000 or more people
Service-Area Radius	5 miles or more
Typical Leading Tenant	One or more light-assembly plants, or warehouse facilities
Other Typical Tenants	Offices, distribution centers, research and development firms, High-Density Residential (with proper buffering).

Development within a Business-Park Center shall conform to the following criteria:

- a. Business-Park Centers shall have frontage on, or direct access to, an arterial roadway, or a frontage road or service drive that directly serves an arterial roadway. Business-Park Centers shall incorporate the use of frontage roads or shared ingress/egress facilities wherever practical.
- b. Adequate parking shall be provided to meet the demands of the uses, and interior traffic circulation patterns shall facilitate the safe movement of vehicular, bicycle, and pedestrian traffic.
- c. 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.
- d. Commercial activities to support activity within a Business Park Center shall not exceed 15 percent of the total area of the Business Park.
- e. The maximum floor area ratio for commercial activities shall not exceed 0.25. The maximum floor area ratio for non-commercial activities shall not exceed 0.75.

- f. Retail sale of goods manufactured on the site of a business located within a Business Park Center is allowed without affecting the fifteen percent (15%) of commercial activity permitted for the entire activity center provided the operation is incidental and subordinate to the manufacturing activity conducted on site and does not exceed eight percent (8%) of the total floor area or 15,000 square feet, whichever is the lesser.
  - g. New residential development within Business Park Centers shall be limited to High-Density Residential (with proper buffering
  - h. All research and development, light industrial, and distribution activities shall be conducted within enclosed structures with the exception of loading and unloading of transport and distribution vehicles. Outdoor storage shall be screened from off-site view and significantly limited in respect to the floor area provided within enclosed structures.
  - i. Planned Unit Developments within the Business Park Center district may be permitted with a maximum floor area ratio up to 1.5 for innovative and attractive employment centers. Intensity increases shall be reserved for those uses that provide substantial economic income opportunities for Polk City and its residents.
2. **Convenience Centers (CCX):** Convenience Centers are intended to accommodate the convenience-shopping needs of residents living within the immediate surrounding area.

Usable Area	1 to 5 acres
Gross Leasable Area (GLA)	3,000 to 20,000 square feet
Minimum Population Support	2,500 to 5,000 people
Market-Area Radius	1 mile
Typical Leading Tenant	Convenience Store
Other Typical Tenants	Laundry, Dry Cleaning, Barber, Restaurant, Gas Station, Office.

Convenience Centers shall be located at the intersections of arterial and/or collector roads. There shall be the following traveling distance, on public roads, between the center of a Convenience Center and the center of any other Convenience Center, or other higher-level Activity Center, Linear Commercial Corridor, or Commercial Enclave providing for the same convenience shopping needs:

- a. One (1) mile within the Polk City SPA

This required separation may be reduced if:

The higher-level Activity Center, Linear Commercial Corridor or Commercial Enclave within the required distance separation is over 80% developed; or,  
The proposed Convenience Center market-area radius, minimum population support is over 5,000 people.

Development within a Convenience Center shall conform to the following criteria:

- a. Convenience Centers shall have frontage on, or direct access to, an arterial or collector roadway, or a frontage road or service drive that directly serves an arterial or collector roadway.
- b. Different uses within a Convenience Center shall incorporate the use of frontage roads or shared ingress/egress facilities wherever practical.
- c. Adequate parking shall be provided to meet the demands of the uses, and interior traffic circulation patterns shall facilitate the safe movement of vehicular, bicycle, and pedestrian traffic.
- d. 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. Residential uses shall not be permitted in Convenience Centers.
- f. Offices uses shall not exceed 40 percent of the total area within the convenience center. Commercial uses may constitute 100 percent of the convenience center.
- g. The maximum floor area ratio shall not exceed 0.25 unless developed as a Planned Unit Development.
- h. Planned Unit Developments within the Convenience Center may be permitted a maximum floor area ratio up to 0.50. Intensity increases shall only be awarded to innovative, efficient, and compatible Planned Unit Development proposals that are consistent with the general district characteristics. Such Planned Unit Developments shall also be designed to be compact and require less land area than other alternatives.

3. **Office Centers (OCX):** Office Centers are intended to accommodate the office needs of the community they serve. They generally contain lawyer, real estate, engineering, and other professional offices. Medical offices and support offices are also

allowable in this category. Office Centers shall be located with consideration being given to regional transportation issues, and should be located within close range of an intersection of a collector road, and when available, on a fixed-route mass-transit line. They can be located at an intersection of a collector and local road.

Usable Area	10 acres or less
Gross Leasable Area (GLA)	1,000 to 30,000 square feet
Minimum Population Support	2,500 people
Service-Area Radius	2 miles or more
Typical Leading Tenant	Professional offices
Other Typical Tenants	Medical offices

Development within a Office Center shall conform to the following criteria:

- a. Office Centers shall have frontage on, or direct access to, an arterial roadway, or a frontage road or service drive which directly serves an arterial roadway. Office Centers shall incorporate the use of frontage roads or shared ingress/egress facilities wherever practical.
- b. Adequate parking shall be provided to meet the demands of the uses, and interior traffic circulation patterns shall facilitate the safe movement of vehicular, bicycle, and pedestrian traffic.
- c. Buffering shall be provided where the effects of lighting, noise, 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.
- d. Commercial activities to support activity within a Office Center shall not exceed ten percent (10%) of the total area of the Office Center and shall be limited to specialized retail stores.
- e. The maximum floor area ratio for commercial activities shall not exceed 0.10 FAR. The maximum floor area ratio for non-commercial activities shall not exceed 0.30 FAR.
- f. Office centers need a Planned Unit Development approval (PUD) or its functional equivalent.

4. **Linear Commercial Corridors (existing) (LCCX):** Linear Commercial Corridors are characterized by linear concentrations of all types of commercial, office, and institutional uses along a roadway. Some Linear Commercial Corridors may contain existing industrial uses. Expansion of an LCC shall be limited to infill development. Infilling of an existing Linear Commercial Corridor shall be limited to a depth which corresponds to the typical depth of

existing development within the general area of the infill development. The extension (along the road) or establishment of new LCC strips shall not be permitted, except to recognized legitimate errors made during the original mapping process. Any such map-error corrections shall require that a Plan amendment be processed consistent with requirements of this policy and Chapter 163, FS.

Development or redevelopment within a Linear Commercial Corridor shall conform to the following criteria:

- a. Permitted uses include all types of commercial, office, and institutional uses typically located along a roadway. New industrial and High-Impact-Commercial-type development is not permitted within the Green Swamp ACSC..
- b. New development or redevelopment within a Linear Commercial Corridor shall be limited to the intensities of uses at the same or less intensity as adjacent existing uses. New development or redevelopment adjacent to existing uses shall be compatible with each other without allowing a higher intensity of development.
- c. Step-down uses shall be encouraged between different intensity uses as in-fill and shall be lower in intensity than the highest existing intensive use. Step-down uses shall be contiguous to an intensive-use land use, and shall not be separated from that use by an arterial road, or a natural or man-made barrier that makes the step-down use unnecessary.
- d. New development or redevelopment within a Linear Commercial Corridor shall incorporate the use of frontage roads wherever there is adequate public right-of-way or there is property available for the expansion of the right-of-way or the establishment of frontage-road easements to facilitate such roads in accordance with recognized highway safety standards. Whenever the placement of frontage roads is not practical, shared ingress/egress facilities shall be used.
- e. Adequate parking shall be provided to meet the demands of the uses, and interior traffic circulation shall facilitate safe bicycle and pedestrian movement.
- f. Where the LCC abuts residential areas, uses should be limited to a size, scale, and intensity necessary to provide the residents of the community and surrounding area with retail, personal, and community services. New development or redevelopment adjacent to residential areas shall be

compatible with adjacent existing uses without allowing a higher intensity of development.

- g. 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.
- h. The maximum floor area ratio shall not exceed 0.35.

- 5. **Residential-Suburban (RSX).** The Residential-Suburban classification is characterized by single-family dwelling units and duplex units. Residential-Suburban areas shall be developed at densities up to, and including, 1 DU/5 AC. Development within designated RS areas shall be limited to: a) residential development containing single-family dwelling units, duplex units, and family care homes, at a density of up to, and including, one dwelling unit per five acres (1 DU/5 AC); b) elementary schools; c) middle schools with the approval of a Conditional Use or its functional equivalence in accordance with policies of this Plan; and, d) residential infill development that contains single-family or duplex-style development and is located amongst an existing residential community.

- 6. **Residential Low (RLX):** The Residential Low classification is characterized by single-family dwelling units, duplex units, and small-scale multi-family units. Residential Low areas shall be developed at densities up to, and including, 5.00 DU/AC. Additionally, elementary and middle schools are permitted. High school facilities may be allowed with the approval of a Conditional Use Permit or its functional equivalent in accordance with policies of this Code.

- 7. **Leisure/Recreation (L/RX) Areas:** Leisure/Recreation (L/R) Areas are grounds and facilities oriented primarily toward providing recreational-related services for residents and short-term visitors to Polk City. These include, but are not limited to: fish camps, commercial campgrounds, recreational-vehicle (RV) parks, golf courses, and accessory minor commercial uses necessary to support these facilities, such as bait shops and convenience stores.

Active recreation, leisure, and accessory commercial development shall occur within designated L/R Areas. The following factors shall be taken into consideration when determining the appropriateness of establishing new L/R areas:

- a. Accessibility to arterial or collector roadways, with consideration being given to regional transportation issues for L/R developments supported by a regional or national market.
- b. Proximity to recreational attractions that would support the proposed development, to include, but not limited to: recreational water bodies, governmental recreational facilities, natural amenities, or other regional tourist attractions.
- c. Economic issues, such as minimum population support and market area radius (where applicable).

Development within a L/R area shall conform to the following criteria:

- a. Permitted uses include, but are not limited to: fish camps, commercial campgrounds, recreational-vehicle (RV) parks, golf courses, and accessory minor retail commercial uses necessary to support these facilities, such as bait shops and convenience stores.

Fish camps less than twenty (20) acres in size that do not exceed the permitted density for the current land use category are not required to have the L/R designation and may be approved through the Conditional Use Permit (CUP), Planned Unit Development (PUD) process, or their functional equivalent provided commercial activities beyond the rental of cottages or the facilitation of private outings will be limited to a commissary to serve only guests.

- b. Minor retail commercial uses within a L/R area shall be sized primarily for the purpose of serving the short-term visitor to Polk County, or supporting the active-recreational or leisure uses within the L/R area. No more than 7% of the net usable land within a specific L/R area shall be used for commercial uses.
- c. L/R sites shall be designed to provide:
  - 1. Adequate parking to meet the present and future demands of the use and overflow parking designated and maintained for peak season events so as to prevent parking from encroaching upon public thoroughfares;
  - 2. Buffering 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 which may require special buffering provisions; and
3. Direct access to a paved publicly maintained road with adequate level-of-service (LOS) capacity.
- d. Permitted land uses and development intensities within the L/R are separated into three categories as follows. Primitive camping is exempted from all density requirements in the L/R. Type C recreational facilities are not permitted in the Green Swamp Area of Critical State Concern:

**Type A Leisure/Recreation** - Permitted in all development areas limited to resource-based recreation and passive recreation including but not limited to golfing, horseback riding, water-sports, and fishing. Residential structures are limited to detached single dwelling family units and RVs. Residential development densities may not exceed one dwelling unit per five acres (1 du/5 ac.) if there is no centralized community or public potable water system. Residential densities may reach two dwelling units per acre (2 du/ac.) if there is centralized community or public water provided. With central water and sewer, residential development may reach four units per acre (4 du/ac.). A minimum of 50% open space is required within a Type A L/R development. Event facilities may be permitted through the Conditional Use Permit process or its functional equivalent.

**Type B Leisure/Recreation** - Permitted Type A facilities as well as non-lighted high intensity recreational facilities. Residential structures may not exceed four (4) residential dwelling units attached. Residential development densities may not exceed one dwelling unit per five acres (1 du/5 ac.) if there is no centralized community or public potable water system. Residential densities may reach three dwelling units per acre (3 du/ac.) if there is centralized community or public water provided. With central water and sewer, residential development may reach six units per acre (6 du/ac.). Lighted facilities may be permitted through the Conditional Use Permit (CUP) process or its functional equivalent. A minimum of 25% open space is required within a Type B L/R development.

**Type C Leisure/Recreation** - Permitted only in an urban development area or urban growth area that either have



central sewer and water and will have within 5 years. General recreation and amusement facilities require the approval of a Conditional Use Permit (CUP) or its functional equivalent. Community or public central water and sanitary sewer connection is mandatory. All types of residential structures are permitted up to a maximum density of ten dwelling units per acre (10 du/ac.) A minimum of 20% open space is required within a Type C L/R development.

8. **Institutional (INSTX) aka Public Use (PUX):** Institutional areas are primarily characterized by private and public service structures.

The following factors shall be taken into consideration when determining the appropriateness of establishing new Institutional areas on the Future Land Use Map Series, or in approving the location for an institutional use not located within lands classified as Institutional:

- a. Accessibility to roadways, with consideration being given to regional transportation issues for large-scale institutional developments having a regional market.
- b. Proximity to incompatible land uses, which is dependent upon the intensity of the institutional use (buffering may be provided to mitigate adverse impacts).
- c. Proximity to similar and compatible uses providing opportunities for shared facilities.
- d. Plans of the School Board and other public service agencies with jurisdiction in the County. The placement of institutional uses in other than lands classified as Institutional shall be subject to City approval through a Conditional Use Permit, or in accordance with land-development regulations adopted and/or amended by the County in accordance with Section 163.3201(1), FS.
- e. Educational facilities will be allowed in all land use classifications except Industrial classifications and Conservation/Preservation classifications. However, if an educational facility is linked to an industrial use, then a facility may be allowed, subject to a Conditional Use Permit being granted.

Institutional development shall conform to the following criteria:

- a. Permitted uses include, but are not limited to: private and public service structures. These commonly include:
  - public and private educational facilities;
  - government-administration buildings;
  - public-safety structures (e.g. police and fire);

- cultural facilities (e.g. libraries, museums, and performing-arts theaters);
- health-care facilities [e.g. hospitals, medical centers, clinics, nursing homes, congregate living facilities (but not family-care homes or group homes)].
  1. Where congregate-living facilities are developed in residential land use categories, the development density shall be comparable to the future land use density or provide buffering. 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-bed (50) congregate living facility. To develop a facility with more beds, setbacks and/or adequate buffering will be required to mitigate dissimilar scales.
  2. Where congregate-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).
- b. Large institutional areas should be designed so that the more intensive uses are at the center of the development, with less intensive uses near the fringes.
- c. At the time of development review, Institutional facilities, such as parks, libraries, and community centers, will be required to coordinate with the School Board in order to collocate, with existing or new educational facilities to the extent possible.
- d. Commercial uses within institutional areas mapped on the Future Land Use Map Series shall be primarily for the purpose of serving the institutions within the area and shall be limited to a scale appropriate for that purpose.
- e. Institutional sites shall be designed to provide for:
  1. Adequate parking to meet the present and future demands of the use.
  2. Buffering 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.
- f. Multi-family residential uses may be permitted at densities up to and including 15 dwelling units per acre as part of a Planned Unit Development. Residential uses may be permitted according to the following:
  1. Residential uses shall only be established adjacent to or in conjunction with a university, college, vocational school or other similar educational institution.

2. Residential development shall be intended to primarily meet the housing needs for students and facility members of the nearby educational institution.
9. **Recreation and open space (ROSX):** These areas are primarily sites and facilities that are accessible to the general public, and that are oriented toward providing recreation services for the resident and the short and long-term visitor to Polk City. These commonly include City-owned or –maintained open spaces, community and regional parks, and the facilities and services associated with each respective park type. Recreation and open space areas on the Future Land Use Map Series shall include all existing publicly accessible recreation and open space areas owned by the City, Polk County, and the State and Federal governments.

The following factors shall be considered when determining the appropriateness of designating new Recreation and Open Space areas:

- a. meeting the recreation level-of-service standard;
- b. satisfying resident and seasonal visitor/tourist recreation demand;
- c. fulfilling the recreation and open space acquisition plan;
- d. impacts of the proposed uses on public facilities and services;
- e. accessibility to arterial roadways, with special consideration given to regional transportation for community and regional sized public recreation areas, and otherwise accessibility to public recreation areas by the general public; and
- f. High intensity recreation and general recreation and amusement shall be located in a manner as to minimize impacts to local neighborhoods.

Development shall conform to the following criteria:

- a. Permitted uses include, but are not limited to, facilities and services associated with City owned or -maintained open spaces, community and regional parks.
- b. Development within a Recreation and Open Space area shall conform to the following criteria:
  1. provision of adequate parking to meet the present and future demands of the use;
  2. buffering where the effects of lighting, noise, odors, and other such factors would adversely affect adjacent land uses. Parking lots, dumpsters, utilities and air handling units, signage, etc. are examples of

- activities that may require special buffering provision;  
and
  - 3. water and energy conserving techniques.
  - c. High intensity recreation and general recreation and amusement uses will require a Conditional Use Permit or a functional equivalent.
10. **Preservation (PRESX) aka Conservation (CONX):** Preservation Areas are generally characterized by property publicly or privately purchased for long-term protective purposes; and, a) sensitive and/or unique vegetative or animal habitats; or b) publicly-accessible property intended for low impact open space purposes. Preservation areas on the Future Land Use Map Series shall include all existing major properties purchased by Polk County or the State or Federal governments for long-term protection or acquired or dedicated for use as publicly accessible open-space areas.

Future public acquisition of properties for designation as Preservation areas shall be evaluated, at a minimum, based upon the following unranked factors:

- a. the general public benefit to be gained;
- b. the ability to complete, or substantially enhance, an existing public protection and/or recreation system;
- c. availability of the property for purchase;
- d. the environmental quality or uniqueness of the property;
- e. the amount of endangered or threatened plant or animal life found on the site; and
- f. the ability of the property to serve more than one public function.

Development and uses permitted within a future or currently existing Preservation Area (PRESV) shall be restricted to the following:

- a. Impervious surfaces shall be limited to structures required for the care and maintenance of the Preservation Areas or public safety;
- b. Building floor area ratio (FAR) shall be limited within each PRESV area to 0.0001 FAR;
- c. Environmentally non-damaging access points and trails;

- d. Conservation and resource-based, non-motorized recreational uses which include:
  - 1. Non-motorized boating which does not require a paved boat ramp for access,
  - 2. Hiking, bicycling, nature observation, and fishing/hunting where permitted, and
  - 3. Overnight primitive tent camping where permitted.

**3.11.02.09 Performance Standards for Uses Listed in Table of Uses 28.**

The performance standards for the uses listed in Table of Uses 28 as D1, D2, D3 or C4 are set forth in this Code in Article 3, Section 3.08.04, “Uses Requiring a Site Development Plan in the Green Swamp ACSC”.

**Table 28 - Use Table for Green Swamp ACSC**

	Polk City Special Protection Area (PC-SPA)													Rural Special Protection Area (Rural-SPA)						
	CEX	L/R X	RL- 1X	RL- 2X	RL- 3X	RSX	RO SX	INS T- 1X	INS T 2-X	BPC -1X	BPC -2X	CC X	OC X	INS T- 1X	INS T- 2X	PRE SV X	L/R X	A/R RX	CEX	RSX
<b>Residential Uses</b>																				
Duplex/Two- Family Attached					D3	D3														D3
Family Farm/Family Homestead						D1												D1		D1
Fly-in Community																		D3		D3
Group Living Facilities, Family Care Home			P	P	P	P												P		P
Group Living Facilities, Group Home			D3	D3	D3		D2	D1												
Group Living Facilities, Congregate Living			D3	D3	D3		D2	D1												
Farm Worker Housing																		D3		
Mobile Home Park			D3	D3		D3														C4
Multi-Family					D3															
Residential Infill Development			D2	D2	D2	D2														
Short -Term Rental Units		P	D3	D3	D3												P			
Single-Family Detached Home			P	P	P	P												P		P
Suburban Planned Development (SPD)						D3														D3
<b>Mixed-Uses</b>																				
Planned Unit Development	D3	D3	D3	D3	D3	D3	D3			D3	D3	D3			D3	D3	D3	D3	D3	D3
Residentially Based Mixed Development (RBMD)			D3	D3	D3															
<b>All Other Uses</b>																				
Agricultural Support, On-site	P	P	P	P	P	P	P	P		P	P	P		P			P	P	P	P
Agricultural Support, Off-site						D3												D3		D3
Agriculture, Intensive						D3												D2		D3
Alcohol Package Sales	D1	D1								D1	D1	D1					D1		D1	
Animal Grazing	P	P	P	P	P	P	P	P	P	P	P	P		P	P		P	P	P	P
Animal Farms, Small Specialty						D1												P		D3
Aquiculture																		P		D3
Bars, Lounges, and Taverns	D3	D1								D1	D1						D1		D3	
Breeding Facility, Wild or Exotic																		C4		
Cemetery								D2	D2									D3		D3
Childcare Center	D2		D3	D3	D3			P	P			P	D3					D3	D2	
Clinics & Medical Offices	D3							D2	D2			P	P						D3	
Communication Towers, Guyed & Lattice							D3	D2	D2	D3	D2			D2	D2			D2		
Communication Towers,		D3					D3	D2	D2	D2	D2			D2	D2	D3	D3	D2		

	Polk City Special Protection Area (PC-SPA)													Rural Special Protection Area (Rural-SPA)						
	CEX	L/R X	RL- 1X	RL- 2X	RL- 3X	RSX	RO SX	INS T- 1X	INS T 2-X	BPC -1X	BPC -2X	CC X	OC X	INS T- 1X	INS T- 2X	PRE SV X	L/R X	A/R RX	CEX	RSX
Monopole																				
Community Center	P	P	D3	D3	D3	D3		P	P			P					P	D3	P	D3
Convenience Stores	D3	D2								D2	D2	P					D2		D3	
Convenience Stores, Isolated						D3												D3		D3
Correctional Facility															C4			C4		
Cultural Facility	P	P	D3	D3	D3	D3						P					P	D3	P	D3
Dairy						D2														
Equipment Repair, Major											D2									
Fish Camp		P															P	D3		
Family Daycare			P	P	P	P												P		P
Farming, General	P	P	P	P	P	P	P			P	P	P		P	P		P	P	P	P
Financial Institution	D3									D2	D2	P	D3						D3	
Financial Institution, Drive-Thru	D3									D2	D2	D2							D3	
Forestry Specialized Operations																		D2		
Funeral Home & Related	D3											P							D3	
Gas Stations	C4									D3	D3	D3							C4	
Governmental Facilities	P	D3	D3	D3	D3	D3	D3			P	P	P	D3				D3	D3	P	D3
Heliports										D2	D2							D2		
Helistops	C4	D3	D3	D3	D3	D3	D3			D2	D2	D2					D3	D2	C4	D3
Hospitals																				
Hotels and Motels	D3									D2	D2								D3	
Kennels, Boarding	D3																	D3	D3	
Kennels, Breeding						D3												D3		D3
Livestock Sale/Auction																		D3		
Lodges and Retreats, Private		P															P	D3		
Manufacturing, Light										D2	P									
Marina & Related Facilities		P										P					P	D3		
Motor Freight Operations	D3											P							D3	
Nightclubs and Dance Halls		D3								D1	D1						D3		D3	
Nurseries, Retail	D2											P							D2	
Nurseries & Greenhouses	D2					D3						P						P	D2	D3
Nursing Homes	P																		P	
Offices	D2									P	P	P	P						D2	
Outdoor Storage, Retail	D3										P								D3	
Outdoor Storage, Wholesale											P									
Personal Service	D1									P	P	P	D2						D1	
Printing & Publishing										D2	D2		D3							
Recreation, Low Intensity	P	P	P	P	P	P	P			P	P	P				D3	P	P	P	P
Recreation, High Intensity		P	D3	D3	D3	D3											P	D3		D3
Recreation & Amusement, General	D3	P										P					P		D3	

	Polk City Special Protection Area (PC-SPA)													Rural Special Protection Area (Rural-SPA)						
	CEX	L/R X	RL- 1X	RL- 2X	RL- 3X	RSX	RO SX	INS T- 1X	INS T 2-X	BPC -1X	BPC -2X	CC X	OC X	INS T- 1X	INS T- 2X	PRE SV X	L/R X	A/R RX	CEX	RSX
Recreational Vehicle Park		D2															D2			
Religious Institutions	P	D3	D3	D3	D3	D3						P					D3	D3	P	D3
Religious & Institutional Campgrounds		P				D3	D3										P	D3		D3
Research & Development										P	P									
Residential Treatment Facility																		C4		
Restaurant, Drive-through	D3									D2	D2								D3	
Restaurant, Sit-down & Take-out	D2	D2								D2	D2	D2					D2		D2	
Retail, Less than 5,000 square feet	P	D2								D2	D2	P	D3				D2		P	
Retail, 5,000 - 49,999 square feet												D3								
Retail, More than 50,000 square feet																				
School, Public or Private, Elementary	D1	D1	D1	D1	D1	D1	D1	D1	D1	D1	D1	D1	D1	D1	D1	D1	D1	D1	D1	D1
School, Public or Private, Middle or High	D1	D1	D1	D1	D1	D1	D1	D1	D1	D1	D1	D1	D1							
School, Public or Private Leisure/ Special Interest	D2	D3					P			D2	D2	D2	D3				D3		D2	
School, Public or Private Technical/ Vocational/ Trade	D3	D2								D2	D2	D3	D2				D2		D3	
School, Public or Private Training	D3	D2								D2	D2	D3	D2				D2		D3	
School, Public or Private University or College	D3	D2								D2	D2	D3	D2				D2		D3	
Seaplane Base	D3	D3	D3	D3	D3	D3	D3	D3	D3	D3	D3	D3	D3	D1	D1	D1	D1	D1	D1	D1
Self-storage facility	D2									D2	D2								D2	
Stable/Riding Academy		P					P													
Studio, Artisan	P										P	P						D3	P	
Studio, Production										P	P									
Transit, Commercial	D3									D3	P									
Transit Facility										P	P									
Utilities, Class I	P	P	P	P	P	P	P			P	P	P	P			D2	P	P	P	P
Utilities, Class II	D1	D1	D1	D1	D1	D1	D1			D1	D1	D1	D1			D2	D1	D1	D2	D1
Utilities, Class III	D3	D3	D3	D3	D3	D3	D3			D3	D3	D3	C4				D3	D3	D3	D3
Vehicle Repair, Auto body	C4										P								C4	
Vehicle Service, Mechanical	C4										P	P							C4	
Vehicle, Sales and Leasing	C4																		C4	
Veterinary Services	D1											D1						D3	D1	
Warehousing										P	P									
Wholesale, Enclosed	D3									P	P								D3	





**Table 29 - Minimum Setbacks for the Principal Structure**

	A/RR	RCC-R	RS	RL-1	RL-2	RL-3	RL-4	RM	RH	RCC	OC	CC	NAC	CAC
FRONT SETBACK FROM TYPE OF ROADWAY: (6) (8) (9) (12)														
LIMITED ACCESS	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
MINOR ARTERIAL	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
RURAL MAJOR COLLECTOR	35	35	35	35	35	35	35	35	35	35	35	35	35	35
RURAL MINOR COLLECTOR	35	35	35	35	35	35	35	35	35	35	35	35	35	35
LOCAL, 60' R/W, or greater	25	25	25	20	15	15	15	15	15	15	30	30	30	30
LOCAL, 41- 60' R/W	25	25	25	20	15	15	15	15	15	15	30	30	30	30
LOCAL, 40' R/W	25	25	20	15	15	15	15	15	15	15	30	30	30	30
INTERIOR SIDE (8) (9) (2)	15	15	10	10	7	7	7	7	7	7	15	15	15	15
INTERIOR REAR(8) (9)	20	20	15	15	10	10	10	10	10	15	15	15	15	15
MAX. STRUCTURE HEIGHT (ft) (1)(11)	50	50	50	50	50	50	50	50	75	50	50	50	50	75

**Table 29 - Minimum Setbacks for the Principal Structure (Continued)**

	RAC	BPC-1	BPC-2	HIC	TCC	LCC	CE	IND	PM	L/R	INST 1	INST 2	ROS	PRE SV
FRONT SETBACK FROM TYPE OF ROADWAY: (6) (8) (9) (12)														
LIMITED ACCESS	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
MINOR ARTERIAL	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
RURAL MAJOR COLLECTOR	35	35	35	35	35	35	35	35	35	35	35	35	35	35
RURAL MINOR COLLECTOR	35	35	35	35	35	35	35	35	35	35	35	35	35	35
LOCAL, 60' R/W, or greater	30	30	30	30	30	30	30	25	25	30	30	30	30	25
LOCAL, 41- 60' R/W	30	30	30	30	30	30	30	25	25	30	30	30	39	25
LOCAL, 40' R/W	30	30	30	30	30	30	30	25	25	30	30	30	39	25
INTERIOR SIDE (8)(9) (2)	15	15	20	20	15	15	15	15	15	15	15	15	15	15

	RAC	BPC- 1	BPC- 2	HIC	TCC	LCC	CE	IND	PM	L/R	INST 1	INST 2	ROS	PRE SV
INTERIOR REAR(8) (9)	30	20	20	15	15	15	15	30	30	15	15	15	15	30
MAX. STRUCTURE HEIGHT (ft) (1)(11)	75	75	100	50	100	35	35	NA( 5)	NA( 5)	50	50	130	25(1 4)	25

See footnotes following table.

## Footnotes for Table 29

(1) 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.
(2) 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.
(3) 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.
(4) Non-residential farm outbuildings are excluded from height regulations.
(5) 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.
(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 Setbacks from lakes and surface waters: <b>Surface Water Protection.</b> 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 Regulations for Footnote 7. below for a list of provisions that apply concerning surface water protection.
(8) All development is subject to Compatibility standards. See Regulations for Footnote 8. below.
(9) All development is subject to the following Residential Infill Requirements: 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].
(10) Chimneys, smoke stacks, communication towers, and church steeples 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 Distance Between Buildings requirements: <b>Building Height Adjustment.</b> 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.
(14) Recreational lighting, seating, press boxes, and other similar appurtenances are excluded from height restrictions when approved through a Level 3 Conditional Use process.
<b>Applicable to all Development:</b>
(15) 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.

**Table 30 - Residential Categories Density and Dimensional Regulations for the Green Swamp Area of Critical State Concern**

	<b>A/RRX uplands</b>	<b>A/RRX wetlands</b>	<b>RSX</b>	<b>RLX-1</b>	<b>RLX-2</b>	<b>RLX-3</b>	<b>RLX-4</b>
Maximum Residential Gross Density *1, *2	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
Minimum Residential Lot Area *3	10 ac	20 ac	5 ac	40,000 sf	15,000 sf	10,000 sf	6,000 sf
Maximum Residential Impervious Surface Ratio (ISR) *4	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

**Table 31 - Non-Residential Categories Density and Dimensional Regulations for the Green Swamp Area of Critical State Concern**

	<b>RMX</b>	<b>TCCX</b>	<b>LCCX</b>	<b>RACX</b>	<b>CEX</b>	<b>CCX</b>	<b>OC</b>
Maximum Residential Gross Density *1, *2	15 du/ac	none	none	25 du/ac	none	N/A	N/A
Minimum Residential Gross Density *1, *2	none	none	none	15 du/ac	none	none	N/A
Minimum Residential Lot Area *3	6,000 sf	none	none	none	none	none	none
Maximum Residential Impervious Surface	0.50	0.50	0.50	0.50	0.50	0.50	0.50
Maximum Non-residential Impervious Surface	0.60	0.60	0.60	0.60	0.60	0.60	0.60

**Table 32 - Non-Residential Categories Density and Dimensional Regulations for the Green Swamp Area of Critical State Concern (Continued)**

	<b>TCX</b>	<b>L/RX</b>	<b>BPCX-1</b>	<b>BPCX-2</b>	<b>INSTX</b>	<b>ROSX</b>	<b>PRESVX</b>
Maximum Residential Gross Density *1, *2	10 du/ac	10 du/ac	none	none	none	none	none
Maximum Non-residential Impervious Surface	0.60	0.60	0.60	0.60	0.60	0.20	0.01
Minimum Residential Gross Density *1, *2	5.01 du/ac	none	none	none	none	none	none
Minimum Residential Lot Area *3	4,000 sf	none	none	none	none	none	none

**Footnotes for Tables 30 and 31 – 1-5 applicable to those marked above in Tables 30 and 31  
6-13 applicable to All Zoning Districts**

*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 Polk City standards.) If the right-of-way does not meet Polk City standards, then the area shall be measured from the centerline of the roadway.
*2. Higher or lower densities may be achieved through a Planned Unit Development.
*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 Unit 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, 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).
<b>Applicable to All Development:</b>
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),

<p>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.</p>
<p>7. All development is subject to Setbacks from lakes and surface waters: <b>Surface Water Protection.</b> 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 Regulations for Footnote 7. below for a list of provisions that apply concerning surface water protection.</p>
<p>8. All development is subject to Compatibility standards. See Regulations for Footnote 8. below.</p>
<p>9. All development is subject to the following Residential Infill Requirements: 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].</p>
<p>10. Chimneys, smoke stacks, communication towers, and church steeples are exempt from the structure height limitations.</p>
<p>11. All structures are subject to compliance with the Polk County Joint Airport Regulations.</p>
<p>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.</p>
<p>13. All structures shall comply with Distance Between Buildings requirements: <b>Building Height Adjustment.</b> 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.</p>

#### **Regulations for Footnote 7.: Section 610 Surface Water Protection from the Polk County Unified Land Development Code**

- 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 both the incorporated areas of Polk City in the Green Swamp ACSC and the adjacent unincorporated areas of Polk County, Florida, in the Green Swamp ACSC. 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.** 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 City;
  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 City Building Division;
  4. Projects directly related to bona fide agricultural use that meets the requirements of the water management district;
- D. **Development Standards.** 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 “slight” or “moderate” 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 33, and permitting requirements by the Polk County Health Department:



**Table 33 - Onsite Sewage Disposal System Setback Reduction**

<b>-Setback</b>	<b>Reduction</b>
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 “severe” 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 33, and permitting requirements by the Polk County Health Department.

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.** Polk City may request a conservation easement to preserve the functioning of drainage facilities and features.

- F. **Variances.** Variances shall be processed in accordance with Polk City Unified Land Development Code, Article 7, Section 7.08.00.

**Regulations for Footnote 8.: Section 220 Compatibility Standards from the Polk County Unified Land Development Code**

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.** 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.** 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.

### **3.11.03 Planned Unit Development (PUD) in the Green Swamp ACSC**

- A. **Planned Unit Development.** All Planned Unit 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.
- B. Reserved.
- C. **Performance Standards for Residential PUD's Located in the Green Swamp ACSC.** Applicable performance standards for Residential Planned Unit Developments (PUDs) are set forth in Article 3, Section 3.08.04, "Uses Requiring a Site Development Plan in the Green Swamp ACSC" of this Code.
- D. **Performance Standards for Mixed-Use PUDs Located in the Green Swamp ACSC.** Applicable performance standards for Planned Unit Developments (PUDs) are set forth in Polk City's Unified Land

Development Code, Article 7, Section 7.11.00. **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 and no larger than 5,000 square feet, 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.
- E. ***Procedures for Planned Unit Development Located within the Green Swamp ACSC.*** Procedures for Planned Unit Developments are set forth in this Code in Section 7.11.00.
- F. ***Minor Modifications to Planned Unit Development Located in the Green Swamp ACSC.*** Procedures for Planned Unit Developments are set forth in this Code in Section 7.11.00.

#### **3.11.04 Reserved**

#### **3.11.05 Polk City/Urban Growth Special Protection Area (PC-SPA)**

- A. ***Connection to Public Facilities.*** All development within the Polk City-SPA shall be connected to central water and sewer and shall be on paved roads.
- B. ***Use of On-Site Sewerage Treatment and Disposal Systems (OSTDS) (Septic Tanks).*** The use of septic tanks shall not be permitted.
- C. ***Residential Densities.*** Residential development shall comply with the densities provided in Table 30.
- D. ***Bonus Densities.*** Residential development shall not exceed a gross density of one dwelling unit per five acres (1 du/5ac) in the RS land use

districts, unless developed in compliance with Article 3, Section 3.11.02, above. Densities may be increased up to three units per acre (3 du/ac) subject to the bonus points in Table 34 and following the density schedule in Table 35.

**Table 34 - Density Bonuses for Planned Unit Development (PUD)**

<b>0 to 99.9 acres</b>	<b>Points</b>	<b>100 acres or more</b>	<b>Points</b>
10-20 % open space <sup>(1)</sup>	1 point	21-30 % open space <sup>(1)</sup>	1 point
21-30 % open space <sup>(1)</sup>	2 points	31-40 % open space <sup>(1)</sup>	2 points
31-40 % open space <sup>(1)</sup>	3 points	41-50 % open space <sup>(1)</sup>	3 points
41-50 % open space <sup>(1)</sup>	4 points	51-60 % open space <sup>(1)</sup>	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
PUD located within 1 mile from public school	2 points	PUD located within 1 mile from public school	2 points
PUD located within 2 miles from public school <sup>(2)</sup>	1 point	PUD located within 2 miles from public school <sup>(2)</sup>	1 point
PUD located within 1 mile from fire station	2 points	PUD located within 1 mile from fire station	2 points
PUD located within 2 miles from fire station <sup>(2)</sup>	1 point	PUD located within 2 miles from fire station <sup>(2)</sup>	1 point
PUD located within 2 miles from activity center	2 points	PUD located within 2 miles from activity center	2 points
Infill Development	5 points	Infill Development	5 points
<sup>(1)</sup> Open Space shall comply with the definition in Chapter 10 and Section 750 whichever is more restrictive.			
<sup>(2)</sup> May not be used in conjunction with other location bonus points for the same facility.			

**Table 35 - 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. 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 Standards.** Development shall comply with the following 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.

### **3.11.06 Rural Special Protection Area**

- A. **Connection to Public Facilities.** All development within the Rural-SPA shall be connected to central water and sewer and developed on paved roads.
- 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 1 acre.
- 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. Reserved.

G. **Additional Density and Dimensional Regulations.** In addition to the densities and dimensions found in Table 35, 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 permitted except in the Conservation-Core.

I. **Lots of Record.** Lots created prior to March 3, 1993, that are less than five acres in size and have direct access onto a County approved or City approved road shall be permitted to construct one single-family detached home.

### **3.11.07 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 Polk City 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 City 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 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 30 (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 development meets 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 Polk City 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 Polk City.
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.*** 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 Development Services 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 City.
  - 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 or Polk City, well fields not in existence upon adoption of this Code are prohibited.
- I. **Conservation.** Open space areas are required within a Planned Unit Development (PUD) 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 PUD 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.

### **3.11.08 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.** Notwithstanding the requirements in the SPAs, development located in the Polk City-SPA 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. Reserved.
  2. Septic tanks and drain fields in the Green Swamp ACSC are allowed only within the Polk City-SPA if the centralized sanitary sewer system cannot extend there, and shall require a minimum lot size of 1 acre.
  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 City 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 drainfields 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 reinspected 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.** 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. Polk City 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 Polk City to maintain the roads at private expense.
- 3. New subdivision roads shall be required to meet Polk City 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, Polk City shall place the paving of roads within the RURAL-SPA as the lowest paving priority for the City. 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.

*[RESERVED]*

## ARTICLE 4

### SIGN REGULATIONS

#### ***4.01.00 General Provisions***

These sign regulations are intended to complement the requirements of the adopted building and electrical codes. In case of an inconsistency between these regulations and the building or electrical code, the more stringent requirement shall apply.

#### ***4.02.00 Exempted Signs***

The following signs are exempt from the operation of these sign regulations, and from the requirement that a permit be obtained for the erection of permanent signs, provided they are not placed or constructed so as to create a hazard of any kind:

- (A) Signs that are not designed or located so as to be visible from any street or adjoining property.
- (B) Signs of four square feet or less and signs that include no letters, symbols, logos or designs in excess of two inches in vertical or horizontal dimension, provided that such sign, or combination of such signs, does not constitute a sign prohibited by Section 4.03.00 of this Code.
- (C) Signs necessary to promote health, safety and welfare, and other regulatory, statutory, traffic control or directional signs erected on public property.
- (D) Legal notices and official instruments.
- (E) Holiday lights and decorations.
- (F) Memorial signs or tablets containing names of buildings, dates of erection and other information when inscribed in a masonry surface or metal plaque and permanently affixed to the side of a building.
- (G) Public warning signs to indicate the dangers of trespassing, swimming, animals or similar hazards.
- (H) Signs carried by a person.
- (I) Religious displays.
- (J) Construction signs not exceeding 32 square feet in size.

- (K) Real estate yard signs not exceeding four square feet in size in residential districts or 32 square feet in non-residential zoned districts.
- (L) Signs indicating yard sales or garage sales, provided that such signs are removed within 48 hours.
- (M) Political signs may be placed 30 days prior to the election and must be taken down within 15 days after the election. The candidate shall post a bond of one hundred fifty dollars (\$150.00) prior to the posting of signs, which will be returned 30 days after the election, if all the signs have been taken down.
- (N) Historic identification signs affixed to a building.
- (O) The Flag of the United States or the State of Florida.
- (P) Searchlights used to advertise or promote a business or to attract customers to a property for a grand opening or special promotion for less than one week. The business owner must notify Polk City of the time, place and duration of the event and a permit must be issued with all applicable fees paid in advance.
- (Q) Signs erected by the City of Polk City identifying festival days or events.

#### **4.03.00 Prohibited Signs**

The following types of signs are prohibited in all districts:

- (A) Any off-premises sign placed on private property is prohibited.
- (B) Signs which are in violation of the adopted building or electrical codes.
- (C) Any sign that, in the opinion of the Development Director, constitutes a safety hazard.
- (D) Temporary signs, blank temporary signs, or portable signs.
- (E) Signs imitating or resembling official traffic or government signs or signals, such as "stop," "look," "danger," or any similar word, phrase, or symbol.
- (F) Signs attached to or painted on trees, telephone poles, streetlights, benches, bus shelters, or waste receptacles, or signs placed on any public property or public right-of-way.
- (G) Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign (this does not apply to signs or

lettering on buses, taxis, or vehicles operating during the normal course of business).

- (H) Any sign obstructing traffic visibility.
- (I) Signs with illuminated, moving, revolving or rotating parts causing traffic hazards, except trademark signs at least 12 feet in height and rotating at no more than two revolutions per minute; and, illuminated signs of such intensity or brilliance as to cause glare or impair the vision of motorists, cyclists, or pedestrians using or entering a public right-of-way, or that are a hazard to occupants of any property because of glare or other characteristics, including signs incorporating projected images.
- (J) Signs emitting odor, smoke, steam, or any sound that is intended to attract attention, or involve the use of live animals.
- (K) Strings of light bulbs used on commercially developed parcels for commercial purposes, other than traditional holiday decorations.
- (L) Signs consisting of one or more banners, flags, pennants, ribbons, spinners, streamers or captive balloons, or other objects or material fastened in such a manner as to move in the wind.
- (M) Signs that obstruct the vision of pedestrians, cyclists, or motorists traveling on or entering public streets.
- (N) Signs within ten feet of public right-of-way.
- (O) Signs within one hundred (100) feet of traffic-control lights, that contain red or green lights that might be confused with traffic control-lights.
- (P) Signs erected over or across any public street.
- (Q) Signs placed or constructed within eight feet of a power line in any direction.
- (R) Signs containing an indecent or immoral message or which by its shape, construction, or character is considered to be indecent or immoral.
- (S) Billboards except those located on the same site as the business being advertised. No variance shall be given to permit the erection or construction of a billboard.

#### ***4.03.01 Removal of Billboards***

All billboards are prohibited in areas which are annexed to the City of Polk

City and shall be removed in accordance with the procedure set out below:

- (A) Any billboard which lawfully exists on property annexed to the City of Polk City after the date of the adoption of this Code shall be subject to all requirements of this Article.
- (B) In those instances in which a permit for the erection of a billboard was previously issued and such permit remains valid at the date of annexation, the holder of such permit shall have 30 days from the date of annexation to establish to the satisfaction of the Development Director that the holder of the permit has made financial commitments, such as lease or purchase of a proposed sight, purchase of necessary construction materials, etc., prior to the date of annexation and in reliance on the permit. Upon the failure of a permit holder to establish such reliance, the permit shall become null and void, and the billboard may not be erected.
- (C) The owner of any billboard existing on the date of annexation shall have six months to establish to the satisfaction of the Development Director that the billboard was lawfully permitted and in compliance with the applicable laws and ordinances when it was constructed or had existed as a lawful nonconforming billboard under the provisions of the county or other local government sign ordinance. The City Clerk shall maintain a register of all such billboards in lawful existence at the time of annexation, which billboards shall be subject to the removal requirements set out herein. At the end of the six-month period, all other billboards shall be immediately removed.
- (D) All billboards in lawful existence on the date of annexation shall be removed within seven years (the amortization period) from the date of annexation.
- (E) No billboard lawfully erected shall be reestablished after damage or destruction if the estimated expense of reconstruction or repair exceeds fifty percent (50%) of the reproduction and installation costs of the sign.

#### ***4.04.00 Permitted Signs***

The following signs are permitted within the City of Polk City, subject to the standards provided in this Section:

#### **4.04.01 Signs in Residential Areas**

- (A) *Neighborhood Identification Signs.* Non-illuminated ground or wall signs identifying a neighborhood for residential areas shall be allowed. These signs shall be allowed at major entrance ways and not more than one sign shall be located at each entrance way.

Multi-family housing developments may have one identification sign per street frontage. These signs may be ground or wall signs. The only form of artificial illumination allowed is indirect illumination. Identification signs shall be limited to one square foot of area per dwelling unit up to a maximum of 30 square feet.

- (B) *Churches and religious buildings.* On-site commercial signs are permitted accessory to church or religious buildings on property zoned for such use.
- (C) *Home Occupation Signs.* Only one sign, not exceeding four square feet area, non-illuminated, and mounted flat against the wall or principal building, shall be allowed for home occupations.

#### **4.04.02 On-Site Signs for Commercial or Industrial Businesses**

On-site signs for commercial or industrial businesses are permitted accessory to commercial and industrial structures on property zoned for such uses.

- (A) *Number of Signs Permitted.* For each frontage of 75 feet to 250 feet on a publicly maintained road, one sign is permitted near the right-of-way and one sign is permitted attached to the building. For parcels having 250 feet or more of frontage on a single road, an additional sign per entrance shall be allowed and signs shall be located near the entrance.
- (B) *Small Lots.* For businesses with less than 75 feet of street frontage, only one sign, mounted on the building, is allowed.
- (C) *Corner Lots.* For lots or parcels situated at intersections, an additional sign may be placed on the additional street frontage, one for up to 250 feet of frontage and one additional sign if there is more than 250 feet of street frontage, placed on the second street. In addition, one more sign may be mounted on the building facing the second street.
- (D) *Through Lots.* For through lots, an additional sign may be mounted on the back of the building.
- (E) *Design Standards for Affixed Signs.* Commercial signs that are affixed to a building are limited to 36 square feet in size and are included in the limit

of two signs per lot. No sign protruding above the roof of a structure may extend more than 18 feet above the ground, as measured from the finished grade at the base of the structure to the highest point of the sign, or it's from or supporting structure, whichever is higher.

- (F) *Design Standards for Freestanding Signs.* Except as otherwise provided, on-site commercial signs shall be a maximum of 48 square feet in size and 18 feet in height. All freestanding signs shall be set back ten feet from any property line. No sign shall extend over a public street.

#### **4.05.00 Maintenance of Signs**

- (A) *General maintenance required.* All signs, including their supports, braces, guys and anchors, electrical parts and lighting fixtures, all painted and display areas, and all landscaped areas that are part of a sign, shall be maintained in accordance with the building and electrical codes adopted by Polk City, and shall present a neat and clean appearance.
- (B) *Grounds maintenance required.* The vegetation around, in front of, behind, and underneath the base of ground signs for a distance of ten feet shall be neatly trimmed and free of unsightly weeds, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near the sign.
- (C) *60 day Notice.* All signs shall be properly maintained. If a sign has not been maintained, the owner shall have 60 days after notification by the Code Enforcement Officer in which to restore the sign to a properly maintained condition. If the owner fails to so restore the sign after said 60 days notice, the City may, at the owner's expense, cause the sign to be removed and disposed of.

#### **4.06.00 Time Limits and Removal of Signs**

- (A) *Special Event Signs.* All signs concerning civil, religious, education, public, or private events must be removed within ten days after the conclusion of the event.
- (B) *Political Signs.* All political campaign signs must be removed within thirty (30) days of the final election for the office for which the candidate shown on the said sign is running.
- (C) *Conformance Time Limit for Signs.* All signs in existence at the time of adoption of this Code shall be considered legal. If the sign does not meet any one requirement of this Article, so as to render the sign nonconforming, the sign must be altered to come into conformance seven years after the date of adoption of this Code.
- (D) *Closing or Moving of a Business.* All on-site premise signs must be removed



from the premises within thirty (30) days after the date of the closing or moving of a place of business from the premises.

#### **4.07.00 Variances for Sign**

Variances may be allowed by the Board of Adjustment when, as a result of special conditions, a literal enforcement of these provisions will, in an individual case, result in unnecessary hardship. No variance shall be given to permit the erection or construction of a billboard.

#### **4.08.00 Permits Required - Fee**

- (A) *When a Permit is Required.* No free standing sign exceeding eight square feet in area or roof sign or projected sign or lighted sign shall be installed or constructed after the passage of this Ordinance until a permit has been obtained from the Development Director, upon payment of the normal fee for building permits as established by the City of Polk City.
- (B) *Sign Permit Application Content.* Applications for sign permits shall be accompanied by an accurate drawing to scale showing: the copy to be displayed, the height, the sign dimensions, the construction details, the electrical plan, and the distance to the property lines and or buildings in respect to the location of the proposed sign.

*[RESERVED]*

## **ARTICLE 5**

### **RESOURCE PROTECTION STANDARDS**

#### ***5.01.00 Development in Flood-Prone Areas***

##### **5.01.01 Statutory Authorization**

The Legislature of the State of Florida, through Florida Statutes, Section 163.3167 (c), delegated the responsibility to local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council of the City of Polk City does hereby adopt the following floodplain management regulations.

##### **5.01.02 Findings Of Fact**

- (1) The flood hazard areas of the City of Polk City 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.
- (2) 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.

##### **5.01.03 Statement Of Purpose**

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life, health, safety and welfare,
- (2) Minimize expenditure of public money for costly flood control projects,
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public,
- (4) Minimize prolonged business interruptions,

- (5) 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,
- (6) Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas, and
- (7) Ensure that potential homebuyers are notified that property is in a flood hazard area.

#### **5.01.04 Methods Of Reducing Flood Losses**

In order to accomplish its purpose, this ordinance includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities,
- (2) Requiring that uses vulnerable to floods including facilities which serve such uses be protected against flood damage throughout their intended life span,
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters,
- (4) Controlling filling, grading, dredging, and other development which may increase flood damage, and
- (5) Preventing or regulating the construction of flood barriers that will unnaturally divert flood waters or may increase flood hazards in other areas.

#### **5.01.05 Definitions**

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

*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.

*Area of shallow flooding* means a designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with base flood average 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 sheet flow or ponding.

*Area of special flood hazard* is the land in the floodplain within a community subject to a one- percent or greater chance of flooding in any given year. The term "special flood hazard area", for purposes of these regulations, is synonymous with the phrase "area of special flood hazard."

*Base flood* means the flood having a one percent chance of being equaled or exceeded in any given year (also called the "regulatory flood").

*Basement* means any area of a building having its floor sub-grade (below ground level) on all sides.

*Breakaway wall* means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or the supporting foundation system.

*Building* – see *Structure*.

*Certification* means a certification by a registered professional engineer or other party does not constitute a warranty or guarantee of performance, expressed or implied. Certification of data is a statement that the data is accurate to the best of the certifier's knowledge. Certification of analyses is a statement that the analyses have been performed correctly and in accordance with sound engineering practices. Certification of structural works is a statement that the works are designed in accordance with sound engineering practices to provide protection from the base flood. Certification of "as built" conditions is a statement that the structure(s) has been built according to the plans being certified, is in place, and is fully functioning.

*Critical facility* means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

*Development* means 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 storage of materials or equipment.

*Elevated building* means a non-basement building built to have the lowest floor elevated above the ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

*Existing Construction* means, for the purposes of regulation by this ordinance, structures for which the “start of construction” commenced before January 19, 1983; and for the purposes of determining insurance rates, structures for which the “start of construction” commenced before January 1, 1975. This term may also be referred to as “existing structures”.

*Existing manufactured home park or subdivision* means 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 before November 2, 2004.

*Expansion to an existing manufactured home park or subdivision* means 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).

*Flood or flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a) The overflow of inland or tidal waters;
- b) The unusual and rapid accumulation or runoff of surface waters from any source.

*Flood Boundary and Floodway Map* (FBFM) means the official map of a community, on which the Federal Emergency Management Agency (FEMA) has delineated the areas of flood hazards and regulatory floodway.

*Flood Hazard Boundary Map* (FHBM) means an official map of a community, issued by FEMA, where the boundaries of the special flood hazard areas have been identified as Zone A.

*Flood Insurance Rate Map* (FIRM) means an official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

*Flood Insurance Study (FIS)* means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

*Floodplain* means any land area susceptible to being inundated by water from any source (see definition of “flooding”).

*Floodplain management* means 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, floodplain management regulations.

*Floodplain management regulations* means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance), and other applications of police power. This term describes federal, state or local regulations, in any combination thereof, which provide provisions for the purpose of flood damage prevention and reduction.

*Floodproofing* means 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.

*Floodway* means 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 of one foot. The term is also referred to as “regulatory floodway”.

*Freeboard* means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

*Functionally dependent facility* means a facility which cannot be used for 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 shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

*Highest adjacent grade* means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

*Historic Structure* means any structure that is:

- a) 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;
- b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c) 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
- d) Individually listed on a local inventory historic places in communities with historic preservation programs that have been certified either:
  - 1. By an approved state program as determined by the Secretary of the Interior, or
  - 2. Directly by the Secretary of the Interior in states without approved programs.

*Increased Cost of Compliance (ICC)* means the coverage by a standard flood insurance policy under the NFIP that provides for the payment of a claim for the cost to comply with the State of Florida and the City of Polk City floodplain management laws and ordinances after a direct physical loss by flood, when the City of Polk City declares the structure to be “substantially” or “repetitively” flood-damaged. ICC coverage is provided for in every standard NFIP flood insurance policy, and will help pay for the cost to floodproof, relocate, elevate, or demolish the structure.

*Lowest floor* means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building’s lowest floor, *provided* that such enclosure is not built so as to render the structure in violation of the non-elevation design requirements of this ordinance.

*Manufactured home* means a structure, transportable in one or more sections, which is built on a permanent 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”.

*Manufactured home park or subdivision* means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

*Mean sea level* means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

*New Construction* means, for floodplain management purposes, structures for which the "start of construction" commenced on or after February 17, 2005, and includes any subsequent improvements to such structures.

*New manufactured home park or subdivision* means 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 February 17, 2005.

*Principally above ground* means that at least 51 percent of the actual cash value of the structure is above ground.

*Recreational vehicle* means a vehicle which 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.

*Reasonably safe from flooding* means base flood waters will not inundate the land or damage structures to be removed from the SFHA and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

*Repetitive Loss* means flood-related damages sustained by a structure on two separate occasions during a 10-year period ending on the date of the event for which the second claim is made, for which the cost of repairs at the time of each such flood event, on the average, equaled or exceeded 25% of the market value of the structure before the damages occurred.



*Special flood hazard area* (SFHA) (see Area of Special Flood Hazard) means an area having special flood hazard and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, AH, V1-30, VE, or V.

*Start of Construction* (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or 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 part of the main structure. For a 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.

*Structure* means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

*Substantial damage* means 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 damage also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

*Substantial improvement* means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. The term includes structures that have incurred "substantial damage", regardless of the actual work performed, or "repetitive loss". The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications

which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or

(2) Any alteration of a “historic structure” provided that the alteration would not preclude the structure's continued designation as a “historic structure”.

*Variance* means a grant of relief by the City of Polk City from the requirements of this Ordinance.

*Violation* means the failure of a structure or other development to be fully compliant with this ordinance. 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.

*Water surface elevation* means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

#### **5.01.06 General Provisions**

##### **5.01.06.01 Lands To Which This Ordinance Applies**

This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the City of Polk City.

##### **5.01.06.02 Basis For Establishing The Areas Of Special Flood Hazard**

The areas of special flood hazard identified by FEMA Flood Insurance Study (FIS) for the County of Polk, initially dated January 19, 1983, and revisions dated December 20, 2000, with the accompanying Flood Insurance Rate Maps 12105C0180 E, 12105C0190E, and 12105C0200E, and other supporting data, and any subsequent revisions thereto, are hereby adopted by reference and declared to be a part of this Ordinance.

##### **5.01.06.03 Designation Of Flood Damage Prevention Ordinance Administrator**

The City Council of the City of Polk City hereby appoints the City Manager to administer and implement the provisions of this ordinance, and is hereinafter referred to as the Floodplain Management Administrator, or the Floodplain Administrator.

#### **5.01.06.04 Establishment Of Development Permit**

A development permit shall be required for all proposed construction or other development, including the placement of manufactured homes, in conformance with the provisions of this ordinance.

#### **5.01.06.05 Compliance**

No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the requirements of this ordinance and other applicable laws and regulations.

#### **5.01.06.06 Abrogation And Greater Restrictions**

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

#### **5.01.06.07 Interpretation**

In the interpretation and application of this ordinance all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body, and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

#### **5.01.06.08 Warning And Disclaimer Of Liability**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City Council of the City of Polk City or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

#### **5.01.06.09 Penalties For Violation**

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with granting of variances or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any

of its requirements shall, upon conviction thereof, be fined not more than \$ 500 or imprisoned for not more than 60 days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Floodplain Management Administrator from taking such other lawful actions as are necessary to prevent or remedy any violation.

## **5.01.07 Administration**

### **5.01.07.01 Permit Procedures**

A Development Permit Application shall be submitted, prior to undertaking any development activities, to the Floodplain Management Administrator on forms furnished by him or her, and must include, but not be limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area under consideration for development; existing structure(s) and other features; proposed structure(s), existing and proposed infrastructure, earthen fill, storage of materials or equipment, drainage facilities, perimeter setbacks, environmental features such as base floodplain areas, wetlands, coastal barrier resource system areas (as established by the US Department of Interior, Fish & Wildlife Service) and other protected areas; and the location of the foregoing. Specifically, the following information, but may not be limited to, certified by a professional who is authorized to certify such information in the State, is required:

#### **(1) Application Stage:**

- a) Elevations of the area of development in relation to mean sea level (such as a contour map) for both existing and proposed development,
- b) Elevation in relation to mean sea level of the lowest floors of all proposed structures,
- c) Elevation in relation to mean sea level to which any nonresidential structure will be floodproofed,
- d) Floodproofing Certificate, meeting the floodproofing criteria in Article 5, Section B (2) and Section D (2),
- e) Existing and proposed infrastructure, and
- f) Description of the extent to which any watercourse will be altered or relocated as result of proposed development.

#### **(2) Construction Stage:**

Upon placement of the lowest floor, or floodproofing by whatever construction means, it shall be the duty of the permit holder to submit to the Floodplain Management Administrator a certification of the elevation of

the lowest floor or floodproofed elevation, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer who is authorized to certify such information in the State, and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder' risk.

The Floodplain Management Administrator shall review the lowest floor elevation and floodproofing Certificate. Should these documents be found not in conformance with the requirements of this ordinance, the permit holder shall immediately cease further work, and shall correct any deficiencies. Failure of the permit holder to submit the surveyed lowest floor elevation and floodproofing certificate, and failure to correct said deficiencies required hereby, shall be the cause to issue a stop-work order for the project.

#### **5.01.07.02 Duties And Responsibilities Of The Floodplain Administrator**

Duties of the Administrator shall include, but are not be limited to the following:

- (1) Review all development permits to assure that the requirements of this ordinance have been fully met,
- (2) Review proposed development to assure that all necessary permits have been obtained from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act, as amended, or by wide-area agencies, prior to issuing a development permit. Such documentation is to be maintained on file with the development permit,
- (3) Review and verify the V-Zone Certifications for new and substantially improved structures in coastal high hazard areas,
- (4) Review certified plans and specifications for compliance with the requirements of this ordinance,
- (5) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor of all new and substantially improved residential structures, in accordance with Article 5, Section B, paragraph (4), and Section C, paragraph (2).
- (6) Verify and record the actual elevation (in relation to mean sea level) to which the new and substantially improved nonresidential structures in A-Zones have been floodproofed, in accordance with Article 5, Section B, paragraph (4), and Section C, paragraph (3).

- (7) Interpret the exact location of boundaries of the areas of special flood hazard and regulatory floodway. When there appears to be a conflict between a mapped boundary and actual field conditions, the Floodplain Management Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided for in this ordinance,
- (8) When base flood elevation data or floodway data have not been provided in accordance with Article 3, Section B, the Floodplain Management Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state, or any other source, in order to administer the provisions of this ordinance;
- (9) Notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA, and assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained,
- (10) Coordinate with Planning, Zoning, and Public Works and other Departments in the City of Polk City to assure that the requirements of this ordinance are fully met,
- (11) Participate actively in evaluating the variance requests and provide input and recommendations in variance hearings/proceedings, and
- (12) Coordinate all revision or amendment requests to the FIS and/or FIRM or FBFM, or both, with the requester, State, and FEMA, as well as the changes to the City of Polk City's jurisdictional limits with the State and FEMA.
- (13) Requirement to submit new technical data.

The City of Polk city's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, the City of Polk City shall notify FEMA of the changes by submitting technical or scientific data. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data.

## **5.01.08 Standards For Flood Hazard Reduction**

### **5.01.08.01 General Standards**

In all areas of special flood hazard, determined by FEMA and by the community where FEMA has not determined the areas of special flood hazard, the following provisions shall apply:

- (1) Submit adequate documentation along with permit application for proposed construction or other development, including the placement of fill and manufactured homes, so that a determination may be made whether or not such construction or other development is proposed within flood prone areas.
- (2) New construction, substantial improvements, and other development proposals shall assure that all necessary permits have been obtained from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act, as amended, or by wide-area agencies.
- (3) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- (4) All new construction and substantial improvements shall be constructed with materials and utility elements resistant to flood damage.
- (5) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- (6) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding,
- (7) Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, shall be assured that they will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall assure that:
  - a. all such proposals are consistent with the need to minimize flood damage within the flood-prone area,

- b. all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
  - c. adequate drainage is provided to reduce exposure to flood hazards.
- (8) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems.
- (9) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (10) New construction and substantial improvements, when located in multiple flood zones with varying base flood elevations or in same flood zone with multiple base flood elevations shall meet the requirements for the flood zone with the most stringent requirements and the highest base flood elevation.

#### **5.01.08.02 Standards For Approximate A-Zones**

Located within the areas of special flood hazard established in Article 3, Section B (A-Zones), where streams exist for which neither base flood elevation data nor regulatory floodway has been provided by FEMA, the following provisions shall apply:

- (1) Standards of Article 5, Section A.
- (2) All new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals base flood elevation data;
- (2) The Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, including data developed pursuant to paragraph B (2) of this Article. When such base flood elevation data and floodway data are utilized, the new construction, substantial improvements, or other development shall meet the elevation and non-elevation requirements of Article 5, Sections C and D of this Ordinance.
- (3) Where the base flood elevation data are utilized, the development proposals shall include:



- a) the elevation (in relation to the mean sea level) of the lowest floor (including the basement) of all new and substantially improved structures, and
- b) if the structure has been floodproofed in accordance with the requirements of Section C, paragraph (3) (a) of this Article, the elevation in relation to the mean sea level to which the structure has been floodproofed, Floodproofing Certificate, and the operational and maintenance plan.

The Floodplain Administrator shall maintain a record of all such information.

- (4) Notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA.
- (5) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (6) Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
- (7) When the base flood elevation data is not available from any source or as in paragraph (2) of this Section, the lowest floor of the new construction and substantial improvements shall be elevated to at least three feet above the highest adjacent grade.
- (9) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance; and
- (10) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.

#### **5.01.08.03 Specific Standards For A1-30, AO, A (With BFE), AH, And AO-Zones**

In all areas of special flood hazard where base flood elevation data have been provided, as set forth in Article 3, Section B, but neither regulatory floodways nor

coastal high hazard areas have been identified, the following provisions shall apply:

- (1) Standards of Article 5, Section B.
- (2) Residential Structures.
  - (a) All new construction or substantial improvements of residential structures shall have the lowest floor (including basement) elevated to at least two feet above the base flood elevation.
  - (b) All new construction and substantial improvements of residential structures within AO Zone 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 FIRM (at least two feet if no depth number is specified).
- (3) Nonresidential Structures.
  - (a) All new construction or substantial improvements of non-residential structures shall have the lowest floor (including basement) elevated to at least two feet above the base flood elevation. Nonresidential structures may be flood-proofed in lieu of being elevated provided that together with all attendant utility and sanitary facilities, be designed so that below the base flood elevation plus two feet the structure is water-tight with walls substantially impermeable to the passage of water, and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

A registered professional engineer or architect, who is authorized to certify such information in the State, shall develop and/or review structural design, specifications and plans for construction, and shall certify that the design and methods of construction are in accordance with the accepted standards of practice for meeting this provision. The FEMA Floodproofing Certificate shall be prepared, and submitted to the Floodplain Administrator along with the corresponding operational and maintenance plans. These plans shall include, at a minimum, the storage location of the floodproofing measures (panels, gaskets, sealants, etc.), entities responsible for transportation to, and installation at, the structure within the available flood warning time for the site.
  - (b) All new construction and substantial improvements of nonresidential structures within Zone AO shall (i) 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 FIRM (at least two feet if no depth number is specified), or (ii) together with attendant utility and

sanitary facilities be completely floodproofed to that level to meet the floodproofing standard specified in paragraph (3) (a) of this Section.

- (4) **Elevated Structures.** For all new construction or substantial improvements, fully enclosed areas below the lowest floor elevation shall be usable solely for parking of vehicles, building access, or storage. These enclosed areas shall be designed and constructed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
  - (a) Designs for meeting with this requirement must either be certified by a professional engineer or architect, who is authorized to such information in the State, or meet or exceed the following minimum criteria:
    - (i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided,
    - (ii) The bottom of all openings shall be no higher than one foot above grade, and
    - (iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they result in the minimum required net area of the openings and permit the automatic entry and exit of floodwaters.
  - (b) Access to the enclosed area shall be 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 areas shall not be partitioned, finished, or temperature-controlled.
  - (d) Where elevation requirements exceed 6 feet above the highest adjacent grade, a copy of the legally recorded deed restriction prohibiting the conversion of the area below the lowest floor to a use or dimension contrary to the building's originally approved design, shall be presented as a condition of issuance of the final Certificate of Occupancy.
- (5) **Provisions for Manufactured Homes and Recreational Vehicles.**
  - (a) All manufactured homes that are placed, or substantially improved on sites:
    - (1) outside of an existing manufactured home park or subdivision,

- (2) in a new manufactured home park or subdivision,
  - (3) in an expansion to an existing manufactured home park or subdivision, or
  - (4) in an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as the result of a flood, be elevated on a permanent foundation to at least two feet above the base flood elevation, and be securely anchored to an adequately anchored foundation system to resist foundation collapse and lateral movement.
- (b) All manufactured homes to be placed or substantially improved in an existing manufactured home park or subdivision, that are not subject to the provisions of paragraph 5 (a) of this Section, must be elevated so that either:
- (i) The lowest floor of the manufactured home is elevated to at least two feet above the base flood elevation, or
  - (ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength that are no less than 36 inches in height above the grade and be securely anchored to an adequate foundation system to resist flotation, collapse, and lateral movement.
- (c) All recreational vehicles placed on sites must either:
- (i) be on the site for fewer than 180 consecutive days,
  - (ii) be fully licensed and ready for highway use, or
  - (iii) meet the requirements for new construction, including anchoring and elevation requirements for manufactured homes in paragraph (5) (a) of this Section.

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 additions.

- (6) Require until a regulatory floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the FIRM, unless it is demonstrated 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 more than one foot at any point within the community.

- (7) Within Zones AH and AO on the FIRM, adequate drainage paths around structures on slopes shall be provided to guide floodwaters around and away from proposed structures.

#### **5.01.08.04 Standards For Regulatory Floodways**

Located within areas of special flood hazard established in Article 3, Section B (A-Zones), are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris, potential projectiles, and have significant erosion potential, the following provisions shall apply:

- (1) Standards of Article 5, Section C.
- (2) Prohibit encroachments, including fill, new construction, substantial improvements and other developments within the regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge,

#### **5.01.08.05 Critical Facilities**

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA, preferably outside the 0.2% annual chance floodplain. Construction of new critical facilities may be permissible within the SFHA if feasible alternative sites are unavailable. Critical facilities constructed within the SFHA shall have the lowest floor elevated to at least two feet above the base flood elevation at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the maximum extent possible.

### **5.01.09 Variances**

#### **5.01.09.01 Designation Of Variance And Appeals Board**

The City Council, shall hear and decide appeals and requests for variances from the requirements of this ordinance.

#### **5.01.09.02 Duties Of Variance Board**

The City Council shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination that is made by the Floodplain

Administrator in the enforcement or administration of this ordinance. Any person aggrieved by the decision of the board may appeal such decision to the appropriate court, as provided in Florida statutes.

#### **5.01.09.03 Considerations In Granting Variance Requests**

In acting upon such applications, the City Council shall consider all technical evaluations, all relevant factors, provisions specified in other sections of this ordinance, and:

- (1) The danger that materials may be swept onto other lands to the injury of others,
- (2) The danger of life and property due to flooding or erosion damage,
- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner,
- (4) The importance of the services provided by the proposed facility to the community,
- (5) The necessity to the facility of a waterfront location, where applicable,
- (6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage,
- (7) The compatibility of the proposed use with existing and anticipated development,
- (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area,
- (9) The safety of access to the property in times of flood for ordinary and emergency vehicles,
- (10) The expected heights, velocity, duration, rate of rise, and sediment of transport of the flood waters and the effects of wave action, if applicable, expected at the site,
- (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges, and
- (12) The request for variance is not an after-the-fact request.

#### **5.01.09.04 Conditions For Variances**

- (1) Variances may only be issued when there is:
  - a) A showing of good and sufficient cause,
  - b) A determination that failure to grant the variance would result in exceptional hardship, and
  - c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (2) Variances may only be issued upon a determination that the variance is the minimum necessary deviation from the requirements of this ordinance.
- (3) Variances shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- (4) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure, and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (5) Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
  - (a) The criteria of paragraphs (1) through (3) of this Section are met, and
  - (b) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

#### **5.01.09.05 Variance Notification**

Any applicant to whom a variance is granted shall be notified in writing over the signature of the City Manager that:

- (1) The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and

- (2) Such construction below the base flood level increases risks to life and property.

A copy of the notification shall be recorded by the Floodplain Administrator in the Office of the City of Polk City Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

- (3) The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance or denial, and report such variances issued in its annual biennial report submitted to FEMA.

#### **5.01.09.06 Special Conditions**

Upon consideration of the factors listed in Article 6, and the purposes of this ordinance, the City Council may attach such conditions to the granting of variances, as it deems necessary to further the purposes of this ordinance.

### ***5.02.00 Potable Water Wellfield Protection from Hazardous Materials***

#### ***5.02.01 Purpose and Intent***

The purpose and intent of this Section is to safeguard the health, safety and welfare of the citizens of Polk City by providing for regulation of the storage, handling, use or production of hazardous substances within zones of protection surrounding potable water supply wells, thereby providing protection of the principal source of water for domestic use. The availability of an adequate and dependable supply of potable quality water is of primary importance to the future of the City. Therefore, standards are described in this Section with the intent of protecting both the quantity and quality of the groundwater supply. It is further the intent of this Section to control development in and adjacent to designated wellheads to protect water supplies from potential contamination.

#### ***5.02.02 Establishment of Wellfield Protection Zone***

Development regulations provided in this Section shall be applicable to designated cones of influence for all municipal public supply wells. Prior to designation of, or in the absence of sufficient information to identify cones of influence, the Zone of Protection shall consist of a radius of 150 feet around each of the City's public supply potable water wells. An official map of the Zone of Protection shall be maintained in the office of the Development Director.

Where a property lies partly outside the Zone of Protection, development standards contained in this Section shall apply only to that part of the property lying within the Zone. Where the Zone of Protection boundary passes through a building, the entire building shall be considered to be in the protection zone.

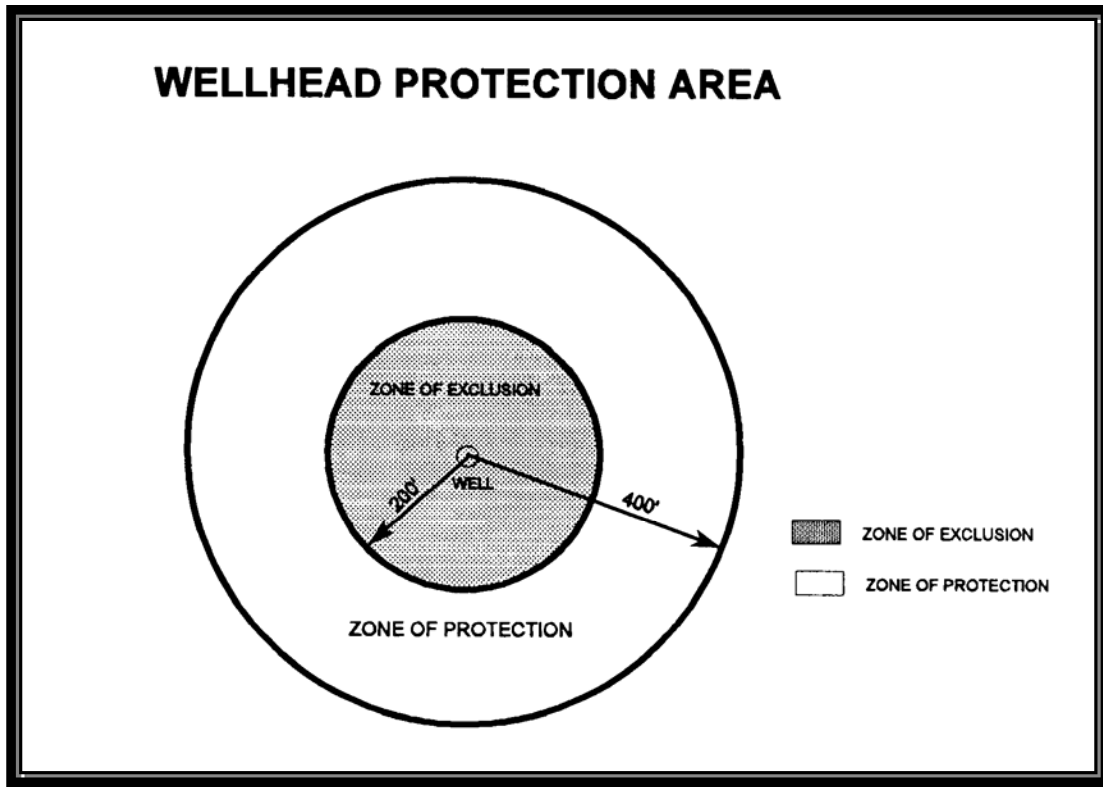


### **5.02.03 Wellfield Protection Zone Uses**

Except as otherwise provided, no person shall construct, modify, install or replace a hazardous substance storage system within a protection zone.

### **5.02.04 Wellfield Protection Restrictions**

- (A) *Zone of Protection.* Unless otherwise provided in this Section, new non-residential use, handling, production or storage of hazardous substances shall be prohibited within the wellfield protection zone. Any such use existing prior to adoption of this Code, including the use, handling, production or storage of hazardous substances of more than five gallons in connection with a residential use, shall cease such use within one year of the adoption of this Code.
- (B) *Exemptions.* The following activities or uses are exempt from the provisions of this Section:
  - (1) The transportation of any hazardous substance through the Zone of Protection.
  - (2) Agricultural uses, except that said uses shall comply with Chapter 487.011 et. seq., the Florida Pesticide Law and the Florida Pesticide Application Act of 1974 and Rule 5E-2.011 et seq. and Rule 5E-9.001 et seq., F.A.C.
  - (3) The use of any hazardous substance solely as fuel in a vehicle fuel tank or as lubricant in a vehicle.
  - (4) Fire, police, emergency medical services, governmental emergency management center facilities, and public utilities.
  - (5) Repairing or maintaining any facility or improvement on lands within the Zone of Protection.
  - (6) Storage tanks that are constructed and operated in accordance with the storage tanks regulations as set forth in Chapter 17-61, F.A.C.
  - (7) Geotechnical borings.
  - (8) Residential activities.



#### **5.02.05 Modification of Requirements**

Any person affected by this Section may petition the City Council for modification from the prohibitions of this Section, provided that the person demonstrates that special or unusual circumstances and adequate technology exists to isolate the facility or activity from the potable water supply in the event of a spill.

Should an abandoned storage system be located, a plan for the closing or removing or upgrading and permitting of such storage system shall be filed by the owner of the property at a reasonable time as determined by the Development Director. Provided, however, such reasonable time for filing shall be not more than three months.

### **5.03.00 Wetlands Protection**

#### **5.03.01 Purpose and Intent**

The Polk City Council has determined that wetlands contiguous to waters of the state, and non-contiguous and isolated wetlands serve important functions in the hydrologic cycle and ecological system and therefore require protection. It is the purpose and intent of this Section to provide for the protection, maintenance, and enhancement of wetlands within the City of Polk City in accordance with the adopted comprehensive plan,

recognizing the rights of individual property owners to use their lands in a reasonable manner as well as the rights of all citizens to protection and purity of the waters of the City of Polk City and their associated wetland ecosystems. It is further the purpose and intent of this Section to ensure that there be no net loss of wetlands as defined in this Code. This Section shall apply to all areas of wetlands within the jurisdictional boundaries of the City of Polk City, except those areas within the Green Swamp "Area of Critical State Concern" (ACSC). For regulations regarding development in the wetlands in the Green Swamp ACSC, refer to Section 3.11.00 in Article 3.

#### ***5.03.02 Relationship to Other Requirements Relating to Wetlands Protection***

In addition to meeting the following wetlands protection requirements, development plans shall comply with applicable federal, state and water management district regulations. In all cases the strictest of the applicable standards shall apply.

#### ***5.03.03 Protection Zones Established***

Two zones of protection for wetlands are hereby established. The protection zones shall be known as the wetland protection and upland zones.

##### ***(A) Wetland Zone***

There is hereby created a wetland protection zone in which special restrictions on development apply. The boundaries of this zone shall be the most landward extent of the following:

- (1) Areas within the dredge and fill jurisdiction of the FDEP as authorized by Section 403, F.S.
- (2) Areas within the jurisdiction of the U.S. Army Corps of Engineers as authorized by section 404, Clean Water Act or Section 10, River and Harbor Act.
- (3) Areas within the jurisdiction of the SWFWMD pursuant to Rule 40D-4, F.A.C.
- (4) Development requiring a permit or permits from one or more of the U.S. Army Corps of Engineers, FDEP, and the SWFWMD, shall have the most restrictive agency wetlands boundary determination recognized by the City as the wetlands boundary. The term most restrictive is used here to mean the boundary covering the largest area.

- (5) In circumstances where the natural boundary of wetland vegetation is unclear, the line of demarcation may be approximated at a surveyed elevation measured at a location in the same wetland where the natural line is clear.
  - (6) In the event an undeveloped area has been recently cleared of all vegetation, the wetland boundary may be determined by a study of the soils, aerial mapping, photography, hydrology, and other relevant historical information.
- (B) *Upland Zone.* There is hereby created an upland transitional zone adjacent to each wetland zone. The upland zone is an area having a direct ground- or surface water influence and functions as a buffer between wetlands and development. The purpose of this zone is to minimize the adverse effects of development upon the wetland itself. This zone shall encompass all land within 200 feet of the boundary of the wetland zone unless the applicant is able to demonstrate to the City Council's satisfaction that the functions of the wetland can be protected with a smaller upland transitional zone. In no case, however, shall an upland zone of less than 30 feet be approved.

#### **5.03.04 Permits Required**

Except as provided in Subsection 5.03.05, no person shall remove, fill, drain, dredge, clear, destroy or alter any wetland as defined in this Code without first submitting a wetland management plan to the Development Director and obtaining from the City Council a wetland alteration permit. This permit may be issued concurrently with any other land development permits issued by the City.

#### **5.03.05 Exemptions**

Activities or development types that are exempted from this Section include:

- (A) Nonmechanical clearing of vegetation from an area of less than 10% of the protected zone.
- (B) Minor maintenance or emergency repair to existing structures of improved areas.
- (C) Cleared walking trails having no structural components.
- (D) Timber catwalks and docks four feet or less in width.
- (E) Utility crossings.

- (F) Maintenance of drainage systems, including routine dredge and fill activities in ditches, retention and detention areas, public road and other rights-of-way.
- (G) Bona fide mosquito control activities.
- (H) Activities approved by a federal, state, or regional agency prior to adoption of this Section.

### **5.03.06 Development Standards**

- (A) *Wetland Zone.* Except as otherwise provided in this Section, it is presumed that development will have an adverse effect on wetlands. No activities other than those listed below shall be undertaken in a wetland zone.

Activities Permitted in Wetland Zones. The following activities and development types generally may be undertaken unless the City Council determines in a specific case that a listed activity or development type would have a significant adverse impact on the wetland zone:

- (1) Scenic, historic, wildlife, or scientific preserves.
  - (2) Minor maintenance or emergency repair to existing boat docks, walking trails, and timber catwalks.
  - (3) Cultivating agricultural or horticultural products that occur naturally in the wetland.
  - (4) Constructing fences where no fill activity is required and where navigational access will not be impaired by construction of the fence.
  - (5) Developing a "Wetlands Storm Water Discharge Facility" in accordance with state permits received under Chapters 17-25, F.A.C.
  - (6) Construction of foot bridges and vehicular bridges.
- (B) *Upland Zone.* All development in an upland zone shall be in accordance with the Future Land Use Map of the Comprehensive Plan and the zoning classification, and shall be designed, constructed and maintained to avoid significant adverse effects on the adjacent wetland. Where a development site lies partly within the wetland zone and partly within the upland zone, the acreage within a wetland zone may be used to determine the total allowable units or square footage of development that will be allowed on a site. This development potential shall be transferred from the wetland

zone to the upland zone.

Special Standards for Upland Zones. The following standards shall apply within upland zones:

- (1) Natural vegetative buffer areas shall be retained between all development and all wetlands where such buffer areas exist. The minimum width of the buffer shall be 25 feet and the average of all wetland buffers shall be 40 feet. No structures shall be located in such areas. Impervious surfaces shall be limited to roads or walking trails providing access to a body of water. Where a natural buffer area does not exist, an equivalent buffer shall be created.
- (2) The developer shall completely restore any portion of a wetland zone damaged as a result of construction activity in the upland zone.
- (3) The City Council may require other reasonable protective measures to be undertaken within the upland zone as necessary to prevent significant adverse effects on a wetland. Protective measures may include, but are not limited to:
  - a. Maintaining natural drainage patterns.
  - b. Limiting the removal of vegetation.
  - c. Minimizing the amount of fill used in the development activity.
  - d. Prohibiting or limiting the use of septic tanks.

#### **5.03.07 Mitigation**

The City Council may require mitigation of adverse impacts on wetlands as a condition of development approval if it finds that such impacts are unavoidable. In such cases, action will be taken during or after development to reduce or counteract damage to wetlands areas. A mitigation plan approved by a federal, state, or regional agency shall be acceptable to the City. Mitigation shall not contribute to the production of mosquitoes by creating mosquito larval habitat or by eliminating habitat for predatory fish. The mitigation plan shall address the following circumstances as they apply to the specific condition of the proposal.

- (A) Preservation and maintenance regulations to reduce or eliminate the impact over time.
- (B) Compensation for the impact through enhancement of existing wetlands,

reestablishment of wetlands that are no longer functioning, or the creation of new wetlands.

- (C) Repair, rehabilitation, or restoration of the wetland.
- (D) Specific design requirements based upon conditions of the site and the type of wetland to be created or restored.
- (E) Periodic monitoring to remove exotic or nuisance vegetation.
- (F) Preservation or creation of an appropriate habitat in an adjacent wetland zone.

A developer of a compensatory mitigation plan shall grant a conservation easement in accordance Section 704.06, F.S., and Section 5.05.00 of this Code on the newly purchased, created, enhanced or restored environmentally sensitive lands to protect them from future development. A legal mechanism other than a conservation easement may be considered, if appropriate, to carry out the purpose of this subsection.

#### **5.03.08 Prohibited Ongoing Activities**

The following standards apply to post-development activities taking place within any wetland zone or upland zone.

- (A) *Clearing.* Without an amendment to the development order, no person shall clear more vegetation than was permitted for the original development.
- (B) *Handling and Storage of Fuel, Hazardous and Toxic Substances, and Wastes.* No fuel or toxic substances shall be stored, transferred, or sold in a wetland or an upland zone.
- (C) *Fertilizers, Herbicides, or Pesticides.* Fertilizers, herbicides, or pesticides shall not be applied in a wetland zone except for projects conducted under the authority of Sections 373.451 - 373.4595, F.S., the Surface Water Improvement and Management Act, and governmentally authorized mosquito control programs.

### **5.04.00 Erosion Control**

#### **5.04.01 Required Soil Conservation Measures**

The following soil conservation measures shall apply to all development activities requiring site development plan or subdivision reviews:

- (A) *During Construction.* The developer shall follow standard practices as specified in the Erosion Control Handbook - Florida published by the U.S. Dept. of Agriculture, Soil Conservation Service, latest edition, or details specifically approved by the City to prevent erosion and depositing of soils off the construction site.
- (B) *After Construction.* All disturbed areas shall be mulched, seeded or have sod as required by the City, and shall be maintained as such. The removal or lack of maintenance of vegetation resulting in on-site or off-site erosion or windblown loss of soils shall be deemed a violation of this Section.

#### **5.05.00 Conservation Easements**

As a condition for approval of a development permit or development order, or as part of a development agreement established under Section 6.02.00 of this Code, any person, corporation or entity owning property in the City of Polk City may create a conservation easement. Conservation easements shall be subject to the provisions of Section 704.06, F.S., and may be used to prevent or prohibit the following activities:

- (A) Construction or placing of buildings, roads, signs, billboards or other advertising, utilities, or other structures on or above the ground.
- (B) Dumping or placing of soil or other substance or material as landfill or dumping or placing of trash, waste, or unsightly or offensive materials.
- (C) Removal or destruction of trees, shrubs, or other vegetation.
- (D) Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface.
- (E) Surface use except for purposes that permit the land or water area to remain predominantly in its natural condition.
- (F) Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation.
- (G) Acts or uses detrimental to such retention of land or water areas.
- (H) Acts or uses detrimental to the preservation of the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological, or cultural significance.

Conservation easements are perpetual, undivided interests in property and may be created or stated in the form of a restriction, easement, covenant, or condition in any deed, will, or other instrument executed by or on behalf of the owner of the property, or in any order of taking. Such easements may be acquired in the same manner as other



interests in property are acquired, except by condemnation or by other exercise of the power of eminent domain, and may be assigned to other governmental agencies, charitable organizations, or trusts authorized to acquire such easements.

Conservation easements shall run with the land and be binding on all subsequent owners of the property. Conservation easements shall entitle the holder to enter the land in a reasonable manner and at reasonable times to assure compliance with the purpose(s) of such easements.

All conservation easements shall be recorded and indexed in the public records of Polk County in the same manner as any other instrument affecting the title to real property.

*[RESERVED]*

## ARTICLE 6

### PUBLIC FACILITY MONITORING AND PERMITTING

#### 6.01.00 Concurrency

##### 6.01.01 General Provisions

The purpose of this Section is to ensure that any facilities and services needed to support development are available concurrent with the impacts of development.

Except as otherwise provided, no development proposal submitted after the effective date of this Code shall be approved unless public facilities are or will be available, such that the Levels of Service adopted in the Comprehensive Plan are maintained. Prior to concurrency approval for a proposed development, the following conditions shall be met, as applicable.

- (A) *Potable Water, Sewer, Solid Waste, and Drainage.* The concurrency requirement may be met through one of the following conditions or actions:
  - (1) The necessary facilities and services are in place at the time a development permit is issued; or
  - (2) A development permit is issued subject to the condition that the necessary facilities and services will be in place when the impacts of the development occur; or
  - (3) The necessary facilities are under construction at the time a permit is issued; or
  - (4) The necessary facilities and services are guaranteed in an enforceable development agreement that includes provisions 1-3 above. An enforceable development agreement shall include, but is not limited to, the provisions of Section 163.3227, F.S., or shall be a development order issued pursuant to Sections 163.3227-3243, F.S., or an agreement or development order issued pursuant to Chapter 380, F.S. The agreement shall guarantee that the necessary facilities and services will be in place when the impacts of the development occur.
- (B) *Roads.* The concurrency requirement may be met by satisfying the conditions listed in paragraphs (A)(1-4) above, and by complying with the following standards:
  - (1) The Capital Improvements Element and 5-Year Schedule of Capital

Improvements must be financially feasible.

- (2) The 5-Year Schedule of Capital Improvements must include roads necessary to maintain the adopted level of service standards to serve the proposed new development.
  - (3) The Capital Improvements Element and 5-Year Schedule of Capital Improvements must be based on currently available revenue sources that must be adequate to fund the public facilities required to serve the development authorized by the development order and development permit.
  - (4) The 5-Year Schedule of Capital Improvements must include the estimated date of commencement of actual construction and the estimated date of project completion.
  - (5) The 5-Year Schedule of Capital Improvements must demonstrate that the actual construction of the road must be scheduled to commence in or before the third year of the five-year schedule.
- (C) *Parks and Recreation.* The concurrency requirement may be met by satisfying the conditions listed in paragraphs (A)(1-4) above, or by complying with the following standards:
- (1) At the time the development permit is issued, the necessary recreation facilities and services are the subject of a binding executed contract that provides for the commencement of the actual construction of the facilities within one year of the issuance of the building permit; or
  - (2) The necessary recreation facilities are guaranteed in an enforceable development agreement that requires the commencement of the actual construction of the facilities or the provision of services within one year of the issuance of the building permit. An enforceable development agreement may include, but is not limited to, the provisions of Section 163.3227, F.S., or an agreement or development order issued pursuant to Chapter 380, F.S.

#### **6.01.02 Concurrency Management System**

The Concurrency Management System (CMS) shall identify and inventory existing service capacities available for development. It shall include facility and service improvements approved in the first year of the City's 5-Year Schedule of Capital Improvements. No development plan or permit may be approved by the City that results in a reduction in LOS below the adopted standard.

- (A) *Concurrency Test Statement.* Concurrency Test Statements shall be filed with and reviewed by the City, and a determination of concurrency shall be made prior to formal submittal of a development plan of any kind. This shall include issuance of building permits for residential development on existing lots where no plat or Site Development Plan is required.
- (B) *Procedure.* The following procedure shall be carried out in order to obtain a determination of concurrency:
- (1) Prepare Concurrency Test Statements on forms available at the City Clerk's office.
  - (2) Completed Concurrency Test Statements shall include the following information:
    - a. A legal description of the site proposed to be developed along with a map identifying the site in relationship to the City's boundaries.
    - b. A narrative description of the proposed development identifying the type of development and all land uses proposed within the site.
    - c. Identification of all roadways adjacent to the site by name, pavement width, functional classification, jurisdiction (i.e., state, county or City jurisdiction), current capacity and existing LOS.
    - d. Projected Average Daily Traffic (ADT) and peak-hour traffic generated by the proposed development and the traffic distribution on the existing roadway(s).
    - e. Projected potable water demand generated by the proposed development and identification of the service provider.
    - f. Projected solid waste generation and identification of the service provider.
    - g. Description of the stormwater management system for the proposed development. This description shall include the drainage basin in which the proposed project is located, method of treatment, system design parameters, and location of outfall.
    - h. Identification of required park and recreation facilities, if any,

and method of providing said facilities.

- i. A development schedule identifying the proposed date for the start of construction and the date of project completion.

Where required information is readily available, the Development Director may, at his own discretion, obtain or calculate one or more of the above data requirements. However, it shall be the applicant's full responsibility to ensure that the Concurrency Test Statement is complete and accurate.

The Development Director shall distribute the completed Concurrency Test Statement to appropriate City departments charged with providing the identified services. Each department shall certify on the Concurrency Test Statement whether or not there is sufficient capacity to service the development.

For any public service not provided by the City of Polk City, the Development Director may waive capacity certification on a case-by-case basis if there is satisfactory evidence that capacity is available to support the proposed development. Drainage certification for single family development on existing lots may be waived under the same conditions.

The applicant shall be notified within seven working days as to whether the proposed development meets the concurrency requirement. If the proposal is determined to meet concurrency, the applicant may proceed with the development process as set forth in other sections of this Code. Proposals not meeting concurrency shall not be processed for review until and unless an agreement has been reached by the City and the developer to mitigate the identified deficiency.

#### **6.01.03 Fees**

Fees for staff review of Concurrency Test Statements shall be established, and may be changed from time to time, by resolution of the City Council.

#### **6.01.04 Developments to be Consistent with Concurrency Test Statements**

All development proposals submitted to the City for review shall be consistent with the data established in the Concurrency Test Statement. Where deficiencies have been identified, development plans based on an agreement to provide needed facilities and/or services shall be processed with the agreement as a condition of development approval. However, the City shall not be required to approve a development plan that meets the concurrency requirement, but

does not satisfy other provisions of this Code.

#### **6.01.05 Allocation of Municipal Services**

Allocations of public facility and service capacities shall be on a first-come, first-served basis. Services shall be allocated at the following stages:

- (A) *Subdivisions.* On final approval of a subdivision plat, service capacities shall be allocated based on the approved plat. Allocation of service capacity shall be valid for five years from the date of final plat approval.
- (B) *Conditional Use Permit.* On final approval of a subdivision plat, service capacities shall be allocated based on the approved plat. Allocation of service capacity shall be valid for five years from the date of final plat approval.
- (C) *Site Development Plan.* Those developments that are processed under the site development plan review procedures shall be allocated service capacities upon approval of the site development plan. Allocation of service capacity shall be valid for six months from the date of site development plan approval.
- (D) *Single Family Residential on Existing Lots.* Prior to receiving a building permit for single family structures on platted lots existing before the adoption of this Code, or on non-subdivision lots established by metes and bounds legal description, the builder or property owner shall secure a Certificate of Concurrency from the Development Director. Allocation of service capacity shall be valid until the expiration date of the building permit or the issuance of a certificate of occupancy, whichever is first.

#### **6.01.06 Levels of Service**

Through the Concurrency Management System, Polk City shall maintain the following levels of service for public facilities:

**Table 36 - Levels of Service**

<b>Facility</b>	<b>Level of Service</b>
Sanitary Sewer	No sewer system available
Potable Water	147 gallons per capita per day (gpcd)
Solid Waste	6.4 pounds per capita per day
Roadways	SR 33 - D CR 655 - C SR 559 - D
Recreation and Open Space	1.4 acres per 1000 people for neighborhood parks 2 acres per 1000 people for community parks
Buildings	At or above the 100-year flood elevation
Drainage	25-year 24-hour storm event for new development. Stormwater treatment and disposal facilities pursuant to Section 17-25.025, F.A.C. Stormwater discharge pursuant to Section 17-3.051, F.A.C.

All development that was not approved through a subdivision plat, conditional use permit, site development plan, or the issuance of a building permit prior to the date of adoption of this Code shall be subject to an Adequacy Determination through the Concurrency Management System. An Adequacy Determination shall also be required for existing development where any improvement, expansion, or other change is proposed that may result in a greater demand for those public facilities addressed in this Section. The Development Director shall determine whether a proposed change in existing development requires an Adequacy Determination.

#### **6.01.07 Required Determinations**

As part of the Adequacy Determination, findings shall be made as to the amount of available capacity in those public facilities that are addressed in this Section.

- (A) *Adequacy of the Road System.* The adequacy of the road network shall be evaluated according to conditions at the time the development plan or building permit is approved. Initial measurement of roadway capacities shall be carried out using data and methodology accepted by FDOT. All proposed developments shall be required to address the adequacy of City roads compared to the projected traffic volumes generated by the development. Where roadway capacities are found to be inadequate to support a proposed development, the application may be granted with an express condition regarding the adequacy of the City's transportation

network. At the sole discretion of the City Council, such condition shall require one of the following:

- (1) That the applicant shall construct the necessary improvements proportional to the share of the additional capacity that is needed to accommodate traffic generated by the applicant's development; or
- (2) That the applicant deposit money into a "road fund" equal to the share of the cost of the improvements that would otherwise be required.

Properties served by local roads or other roads for which traffic count information is unavailable shall be evaluated for impact on the nearest road(s) for which levels of service can be measured. The impact on the transportation system shall be determined by utilizing the trip generation standards set forth in the *ITE Trip Generation Manual*, 5th Edition, or most recent. The estimated number of trips generated by the proposed development shall be subtracted cumulatively from the available capacity on the roadway to determine whether the roadway's capacity is adequate to support the development based on the impacted roadway's level of service.

- (B) *Adequacy of Drainage.* The proposed development shall be designed to provide adequate areas and easements for the construction and maintenance of a water management system to serve the proposed development and adjacent public rights-of-way in a manner that conforms to sound engineering standards. All developments shall meet the following LOS standards, where applicable:
- (1) Road Protection. Residential streets shall have crown elevations equal to the 100-year flood elevation.
  - (2) Buildings. The lower floor elevation for buildings shall be no lower than one (1) foot above the 100-year elevation.
  - (3) Off-Site Discharge. Off-site discharge is not to exceed the standards allowed by the SWFWMD and this Code.
  - (4) Storm Sewers. The design frequency applicable to storm sewers is the 25-year, 24-hour storm event.
- (C) *Adequacy of Potable Water Service.* Potable water service must be available for the needs of the proposed development at the adopted LOS. The proposed development shall be designed so as to reserve rights-of-way, easements, and any other areas that may be needed for the installation and maintenance of a potable water distribution system that will meet all applicable building, health, and environmental regulations,



including Chapter 17-22, F.A.C.

Where adequate potable water capacity is available, certification shall be made by the appropriate City official. Such certification shall be based on the existing level of demand in addition to permitted development that has not been constructed, and any other development for which capacity has been reserved.

Where adequate potable water service will be made available at a future date concurrent with the impacts of the proposed development, an Adequacy Determination must be based on a financially feasible plan to construct or expand a water treatment facility that will have sufficient capacity to provide for the needs of the development.

An agreement will be required between the City and the developer prior to approval in order to provide for the expansion of water treatment facilities necessary to serve the proposed development. City approval of an application for plat approval shall not create a reservation of potable water plant or network capacity, or a commitment to provide service.

- (D) *Adequacy of Wastewater Treatment and Disposal Services.* Sanitary sewer service must be available for the needs of the proposed development at the adopted LOS. The proposed development shall be designed so as to reserve rights-of way, easements, and any other areas that may be needed for the installation and maintenance of a wastewater treatment and disposal system that will meet all applicable building, health, and environmental regulations.

Where adequate sanitary sewer capacity is available in the City of Polk City's municipal wastewater treatment system, the Concurrency Test Statement shall include a certification from the appropriate City official, stating that sufficient capacity exists as of the date of application. Such certification shall be based on the existing level of demand in addition to permitted development that has not been constructed, and any other development for which capacity has been reserved.

Where adequate sanitary sewer service will be made available at a future date concurrent with the impacts of the proposed development, an Adequacy Determination must be based on a financially feasible plan to construct or expand a wastewater treatment facility that will have sufficient capacity to provide for the needs of the development.

An agreement will be required between the City and the developer prior to approval in order to provide for the expansion of wastewater treatment facilities necessary to serve the proposed development. City approval of an application for plat approval shall not create a reservation of

wastewater plant or network capacity, or a commitment to provide service.

- (E) *Adequacy of Parks and Recreational Facilities.* Park and recreational facilities shall be available prior to development approval for any residential development to meet the needs of that development at the adopted LOS. Calculations shall be based on average household size figures provided in the Housing Element of the Comprehensive Plan.

A finding that park and recreational facilities are available to serve a proposed residential development must be based upon a level of service calculation that includes other such developments, existing and permitted, for which capacity has been reserved. If existing capacity is not available, conditional approval may be granted if it is shown that there is a financially feasible plan to expand park and recreational facilities so that sufficient capacity will be available at the time that certificates of occupancy are issued.

If sufficient capacity does not exist for park and recreational facilities at the time that he seeks development approval, the developer may elect to donate land of suitable size, topography and general character to serve as a recreation facility that will meet the adopted LOS standard for park and recreational facilities, or make payment in lieu of land dedication.

#### **6.01.08 Monitoring**

The Concurrency Management System shall be monitored and updated annually. Monitoring and updating shall consist of summing all approved services during each year and subtracting those sums from the capacities available at the beginning of the concurrency period. Any capital improvement scheduled during the concurrency period and constructed or placed into service shall then be added to the capacity totals. Any developer-sponsored facility or service placed into service shall also be included in the calculations. Upon calculation of available capacities under this method, all capital improvements projects budgeted and approved by the City Council in the first year of its 5-Year Schedule of Capital Improvements shall be added to the relevant capacities. The sums of all aforementioned calculations shall be the available capacities for the next year. The following calculation shall be the basis of the annual concurrency monitoring system:

	Available Capacity
+	Programmed Improvements (1st year S.C.I.)
-	Development Approved during year
	<hr/>
	Available Capacity (Nth year)

If capital projects identified in the first year of the City's 5-Year Schedule of Capital Improvements were not constructed or placed into service during the identified concurrency period, those projects shall be subtracted from available capacities and, if not provided for in the Capital Budget, removed from capacity available for concurrency purposes. Development projects approved based on service capacities presumed to be available shall not be permitted to proceed until a method to mitigate any deficiency has been approved. Such mitigation shall include, but not be limited to, phasing of a development project, payment of monies to construct necessary facilities, or the construction of necessary facilities.

Any subdivision plat or site development plan for which construction has not begun within the time frame specified in this Code shall be considered lapsed and shall forfeit any allocation of service capacity. Upon forfeiture, all capacities so allocated shall be returned to the service/facility provider. The Concurrency Management System shall be approved by Resolution of the City Council on the first regularly scheduled City Council meeting in September of each year.

#### ***6.01.09 Appealing City's Adequacy Determination***

A developer may challenge any concurrency determination made by the City by appealing the decision to the City Council. The appeal shall be accompanied by substantial, competent evidence that sufficient capacity does exist by virtue of the following:

- (A) The impacts of the proposed development will differ from the impacts estimated by the City as a result of special circumstances of that development;
- (B) The information on which the City's analysis was based is erroneous or inadequate;
- (C) In the case of roads, the applicant presents evidence through travel speed, distance and time studies that impacted roadway links actually operate at higher levels of service than indicated by the City's analysis. Methodology for such travel speed/distance/time studies shall be certified by a licensed professional traffic engineer. In the event the travel speed/distance/time studies are warranted, the City or its agent shall conduct or commission such a study after receiving a fee from the applicant to cover the costs of conducting and analyzing the study. The applicant shall have the opportunity to review the methodology prior to the commencement of the study.

#### ***6.01.10 Options for Achieving Compliance***

Where it appears, or it has been determined, that there is a lack of capacity to service a proposed development, the developer should consider a variety of methods for achieving compliance. Some possibilities are as follows.

- (A) *Plan Amendment.* The developer may propose a plan amendment that lowers the adopted level of service standard for the affected facilities and/or services.
- (B) *Reduce Impact of Development.* The developer may propose a reduction in the scale or impact of the proposed development.
- (C) *Phasing of Development.* The developer may propose a phasing of the proposed development to match the availability of capacity with the timing of each phase of the development. Specific conditions for permitting each phase to proceed shall be included in an enforceable development agreement or development order to ensure that necessary public facilities and services will be in place when the impacts of the development occur.
- (D) *Development Agreement.* The developer may propose a development agreement assuring that the required facility capacity will be provided. Any development agreement must provide one or more of the following assurances, acceptable to the City in form and amount, to guarantee the applicant's pro rata share of the cost of providing any public facilities and services that may be necessary to maintain the adopted level of service standards for the subject property:
  - (1) cash escrow;
  - (2) irrevocable letter of credit;
  - (3) prepayment of capacity/connection charges.

Whenever an applicant's pro rata share of a public facility is less than the full cost of the facility, the City shall do one of the following:

- (1) contract with the applicant for the full cost of the facility, including terms regarding reimbursement of the applicant for costs in excess of the applicant's pro rata share; or
  - (2) obtain assurances from other sources similar to those described above in this Section; or
  - (3) amend the Comprehensive Plan to modify the adopted level of service standard so as to reduce the required facility to equal the applicant's needs.
- (E) *Alternative Transportation Study.* Where a developer disagrees with the

results obtained by the City in its concurrency review regarding transportation, a transportation study may be performed at the option and expense of the developer. The results of the study shall be considered by the City in subsequent determinations regarding the development's compliance with concurrency requirements.

- (F) *Other Transportation Studies.* For those roadway facilities that indicate a lower LOS than the adopted standard of the City of Polk City Comprehensive Plan, the City shall allow applicants to perform an operating LOS assessment based upon procedures outlined in the 1985 Highway Capacity Manual. A discussion of any proposed transportation system management and/or mitigation strategies shall be included in the study. The transportation study shall be signed and sealed by a registered professional engineer. The cost of this assessment shall be borne by the applicant.

## **6.02.00 Development Agreements**

The intent of this Section is to allow the City to enter into development agreements with developers under F.S. Sections 163.3220 through 163.3243. The developer shall make application for a development agreement through the City Commission and pay an application fee set by resolution. Before entering into, amending or revoking a development agreement, the City shall conduct at least two public hearings. Notice of intent to consider a development agreement shall be advertised approximately seven days before each public hearing in a newspaper of general circulation and readership in Polk City. Notice of intent to consider a development agreement shall also be mailed to all affected property owners before the first public hearing. The day, time, and place at which the second public hearing will be held shall be announced at the first public hearing. The notice shall specify the location of the land subject to the development agreement, the development uses proposed on the property, the proposed population densities, and the proposed building intensities and height and shall specify a place where a copy of the proposed agreement can be obtained.

### **6.02.01 Contents and Duration of Development Agreement**

- (A) *Contents.* A development agreement shall include the following:
- (1) A legal description of the land subject to the agreement and the names of its legal and equitable owners.
  - (2) The duration of the agreement.
  - (3) The development uses permitted on the land, including population densities, and building intensities and height.
  - (4) A description of public facilities that will service the development,

including who shall provide such facilities; the date any new facilities, if needed, will be constructed; and a schedule to assure public facilities are available concurrent with the impacts of the development.

- (5) A description of any reservation or dedication of land for public purposes.
  - (6) A description of all local development permits approved or needed to be approved for the development of the land.
  - (7) A finding that the development permitted or proposed is consistent with the City's Comprehensive Plan and land development regulations.
  - (8) A description of any conditions, terms, restrictions, or other requirements determined to be necessary by the City for the public health, safety, or welfare of its citizens.
  - (9) A statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction shall not relieve the developer of the necessity of complying with the law governing said permitting requirements, conditions, term, or restriction.
  - (10) A development agreement may provide that the entire development or any phase thereof be commenced or completed within a specific period of time.
- (B) *Duration of Agreement.* The duration of a development agreement shall not exceed five years. It may be extended by mutual consent of the City and the developer, subject to a public hearing in accordance with 6.02.00.

#### **6.02.01.01 *Applicability of Laws***

- (A) *Consistency with Plan and Regulations.* A development agreement and authorized development shall be consistent with the City's Comprehensive Plan and land development regulations.
- (B) *Development Governed by Laws in Effect at Execution.* The City'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.
- (C) *Applicability of Subsequent Laws.* The City may apply subsequently adopted laws and policies to a development that is

subject to a development agreement only if the City has held a public hearing and determined:

- (1) 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;
  - (2) 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;
  - (3) They are specifically anticipated and provided for in the development agreement;
  - (4) The City demonstrates that substantial changes have occurred in pertinent conditions existing at the time of approval of the development agreement; or
  - (5) The development agreement is based on substantially inaccurate information supplied by the developer.
- (D) *Rights Vested Pursuant to Common Law.* This Section does not abrogate any rights that may vest pursuant to common law.

#### **6.02.02 Review, Amendment, Termination**

- (A) *Periodic Review of Agreements.* The City shall inspect land subject to development agreement at least once every 12 months to determine if there has been demonstrated good faith compliance with the terms of the development agreement. If the City finds, on the basis of substantial competent evidence, that there has been a failure to comply with the terms of the development agreement, the agreement may be revoked or modified by the City.
- (B) *Amendment or Cancellation of Agreement.* A development agreement may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest.
- (C) *Modification or Revocation to Comply with Subsequent State and Federal Law.* If state or federal laws are enacted after the execution of a development agreement that are applicable to and preclude the parties' compliance with the terms of a development agreement, such agreement shall be modified or revoked as is necessary to comply with the relevant state or federal laws.

### **6.02.03 Recording and Enforcement**

- (A) *Recording of Agreement.* Within 14 days after the City enters into a development agreement, the City shall record the agreement with the clerk of the circuit court. A copy of the recorded development agreement shall be submitted to the DCA within 14 days after the agreement is recorded. The burdens of the development agreement shall be binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.
- (B) *Enforcement of Agreement.* Any party, any aggrieved or adversely affected person as defined in F.S. 163.3215(2), or the DCA, may file an action for injunctive relief in circuit court to enforce the terms of a development agreement or to challenge the validity of the agreement.

### **6.03.00 Development Exaction and Dedication**

#### **6.03.01 Dedication of Sites for Public Uses or Fee In Lieu**

##### **(A) Parks**

- (1) Where an evaluation under the Concurrency Management System indicates that additional usable recreation land and facilities are needed to maintain the adopted level of service standard, the developer shall dedicate land of suitable size, topography and general character to the City or pay a fee that is equal to the fair market value of the land otherwise required to be dedicated. The required acreage or fee shall be determined by the Development Director based on information supplied in the Concurrency Test Statement submitted in connection with the proposed development.

Conditions for the City's acceptance of dedicated recreation land shall be established in a Development Agreement under the provisions of Section 6.02.00.

- (2) Where dedication of recreation land is not required to maintain the adopted level of service, the City may refuse to accept such land, or establish reasonable conditions for acceptance. Proposed recreational uses must be consistent with the Future Land Use Map of the Polk City Comprehensive Plan. Other conditions may include, but are not limited to, the following:
  - a. Land must be readily accessible and usable for recreational purposes.
  - b. Land must be fully or partially developed for recreational use



at time of acceptance.

- c. The facility would meet a specific recreational need of the City (i.e., picnic areas, boat launch facilities).
- (B) *Right-of-Way.* Right-of-way required to serve all development shall be dedicated in accordance with the requirements of Article 3 of this Code. Where subdivisions are bordered by public right-of-way, additional right-of-way shall be dedicated so as to meet minimum widths specified in the comprehensive plan. Where dedicated right-of-way is extended to an adjoining property or street, there shall be no reserved strips affording private control of future access. The City may require public reserved strips where such reservations promote the public health and safety and implement the comprehensive plan.

Where right-of-way has been dedicated independent of any requirement of this Code or the Comprehensive Plan, the City may refuse to accept such right-of-way, or establish such conditions for acceptance as the City Council determines to be reasonable.

#### **6.03.02 Dedication of Utility Easements**

Except where alleys are provided for the purpose of access and utility placement, easements of no less than 15 feet in width, or wider as the City Engineer deems necessary, shall be dedicated for the installation of underground utilities by the City or franchised utility providers. Easements for watercourses or drainage ways traversing a subdivision shall be of a width sufficient to convey the volume of stormwater projected to be generated by the 25-year storm event. Such easements shall be approved by the City Engineer.

[RESERVED]

## ARTICLE 7

### DEVELOPMENT APPROVAL PROCESS

#### **7.01.00 Pre-Application Conference**

A pre-application conference will be held for each new site development plan or subdivision plat submitted to the City for approval. The Development Director will conduct pre-application conferences as needed and, at his discretion, will summon various members of City staff and other persons whose expertise is relevant to a particular project.

Persons participating in pre-application conferences shall have knowledge and experience in one or more of the following areas: planning and/or zoning, public works, downtown redevelopment, law enforcement, fire/emergency services, parks and recreation, traffic engineering, environmental protection, community development, or others as appropriate

A pre-application conference will be scheduled upon submission of preliminary development plans and payment of the pre-application review fee. The applicant may waive the pre-application conference if he so chooses; however, the fee may not be waived without approval of the City Council.

The pre-application review fee and conference shall not be required for proposals involving existing development sites and meeting the following conditions:

- (A) Site Development Plan: proposed change does not generate the need for additional parking spaces, new driveway cuts, additional public improvements and does not require a rezoning.
- (B) Subdivision Plat: proposed change does not create more than two additional lots.

Such proposals shall be considered amendments to existing plans rather than new ones; however, all other provisions of this Code shall apply.

#### **7.02.00 Comprehensive Plan Amendments**

##### **7.02.01 Intent and Purpose**

An amendment to the Comprehensive Plan may either be a change to the goals, objectives and policies of the Comprehensive Plan; or, the amendment of a land use classification shown on the Future Land Use Map. A Plan Amendment may be initiated by the City, by a property owner or agent of a property owner, or by citizens or interested parties who have established standing to bring

amendments to the City for consideration.

The basis for review of a proposed Plan Amendment is the same as the basis for the adoption of the Comprehensive Plan, which entails a review of data and analysis in support of the Plan Amendment: analysis of the impact of the Amendment on public facility Levels of Service and the Capital Improvements Budget of the City; and an analysis of the need for the proposed Amendment in relation to the existing structure of the City and the future as delineated in the goals, objectives and policies of the Comprehensive Plan.

The Comprehensive Plan may only be amended twice each calendar year, however Small Scale Plan Amendments, the criteria for which is detailed in Section 8.07.05 of this Code, do not count against this standard. The City Council transmits approved Plan Amendments to the DCA for review, but may adopt a Small Scale Amendment before transmission.

#### ***7.02.02 Contents of the Application for Plan Amendments***

There are two general types of Plan Amendments: text amendments; and, amendments effecting land use, development standards, and maps. All requests for Plan Amendments shall be submitted in writing to the Development Director, together with applicable fees, which shall have been established by resolution of the City Council.

(A) *Application Contents for Text Amendments.* The application shall contain the following items, as applicable:

- (1) A description of the proposed Plan Amendment, specifying the goals, objectives and policies of the Comprehensive Plan that are to be modified.
- (2) Data and analysis that supports the change applied for. Specifically, new data that would alter the assumptions in the Comprehensive Plan and would, therefore, justify the Plan Amendment of a goal, objective or policy.

(B) *Application Contents for Amendments Effecting Land Use, Development Standards, & Maps.* The application shall contain the following items, as applicable:

- (1) A description of the proposed Plan Amendment, specifying the goals, objectives and policies of the Comprehensive Plan that are to be modified.
- (2) Where the Plan Amendment proposed will change the Future Land Use Map, a legal description of the property.

- (3) A concurrency analysis of all public facilities and services for which a Level of Service has been established in the Comprehensive Plan.
  - (4) An Evaluation and Appraisal Report (EAR Report), the format of which is outlined in (C) below.
- (C) *Plan Amendment Evaluation and Appraisal Report (EAR Report) Required from the Applicant.* Based on the data found in the Comprehensive Plan Data and Analysis sections, the evaluation and appraisal report shall contain the following, as applicable.
- (1) Inventory and Analysis of Site Characteristics
    - a. A description of the terrain; type of vegetation on the site; statement regarding the existence of surface water or wetlands or both; and existence of any flood plains on the site.
    - b. The type of soils present on the site and in the area; an analysis of the limitations for construction for each type of soil; and an analysis of absorption rate for septic fields. Identification of habitats present on the site as indicated by the soil types.
    - c. An inventory of endangered plant and animal species on the site; an inventory of plant and animal species (mammals, birds and reptiles) common to this site.
    - d. A list of trees with an estimate of canopy that they provide; a list of herbaceous plants and vines; a list of grasses and grass like plants.
  - (2) Inventory and Analysis of Land Use: location in the City; former use; existing surrounding land uses; and, analysis of type of buffer needed between proposed project site and existing land uses.
  - (3) Inventory of Public Facilities: location of existing sewer service and potable water facilities serving the development site with capacities and the future demand associated with the proposed development; the functional classification of roads serving the area with estimated daily traffic volumes; an analysis detailing the future volumes and their effect on roadway Levels of Service; and an analysis of recreation land and facilities needs generated by the proposed land use classification.

### **7.02.03 Planning Commission Standards for Evaluation**

The Planning Commission shall review every Plan Amendment. In reviewing and formulating recommendations to the City Council on proposed Amendments to the Comprehensive Plan, and particularly, the Future Land Use Element and Future Land Use Map, the Planning Commission shall specifically consider and evaluate the proposed amendments against the following standards.

- (A) The proposed Plan Amendment is consistent with the goals of the City of Polk City Comprehensive Plan. Objectives and policies of the Plan may be proposed for modification by the Amendment.
- (B) The proposed Plan Amendment contains an analysis of the Levels of Service for all public facilities and services; identifies the timing of improvements to maintain Levels of Service established by the Comprehensive Plan; and estimates the cost of such improvements to the City and to the developer.
- (C) In the case of a proposed Plan Amendment to the Future Land Use Map, the proposed Land Use Classification at the proposed location has been analyzed to identify adverse impacts to adjacent land uses, the character of the neighborhood, parking, or other matters affecting land use compatibility and the general welfare of the City. Said analysis must address land uses as they now exist, **and as they may exist in the future**, as a result of the implementation of the goals, objectives and policies of the Comprehensive Plan; and contains objectives and policies to mitigate or eliminate adverse impacts.
- (D) The proposed Plan Amendment contains an analysis of community need for the development associated with the Amendment. The analysis is based on existing and proposed uses of a similar nature in the City, and an assessment of the need to provide or maintain a proper mix of uses both within the City of Polk City and also in the immediate area in Polk County or another municipality.
  - (1) The proposed Plan Amendment shall not result in either a detrimental over concentration of a particular use within the City or within the immediate area.
  - (2) The Plan Amendment contains sufficient proof to convince the Planning Commission and the City Council that the proposed Plan Amendment and Land Use Classification supplants the analysis that supported the establishment of the existing Land Use Classification.

#### ***7.02.04 Public Hearing***

No Plan Amendment may be considered by the Planning Commission until due public notice has been given of a public hearing. All procedures for advertisement and notification of a public hearing shall be as delineated in Article 8, Section 8.06.00 of this Code.

#### ***7.02.05 Findings and Recommendation to Approve a Plan Amendment***

The Planning Commission may recommend approval of an application for a Plan Amendment only when all of the following conditions are met.

- (A) The proposed Plan Amendment is, or proposes objectives and policies, that will be consistent with the City of Polk City Comprehensive Plan.
- (B) The proposed Plan Amendment will not degrade the Level of Service of one or more public facilities and services, or contains commitments to make improvements to maintain Levels of Service established by the Comprehensive Plan, **and** does not increase the cost of improvements to be undertaken by the City as stated in the Capital Improvements Element.
- (C) There is a community need for the proposed Plan Amendment. This finding must be based on an analysis of existing and proposed land uses of a similar nature in the City, and an assessment of the need to provide or maintain a proper mix of land uses both within the City of Polk City and also in the immediate area of Polk County.

#### ***7.02.06 Findings and Recommendation to Deny a Plan Amendment***

The Planning Commission may recommend denial of any application for a Plan Amendment for one or more of the following reasons:

- (A) The proposed Plan Amendment is inconsistent with the City of Polk City Comprehensive Plan.
- (B) The proposed Plan Amendment will degrade the Level of Service of one or more public facilities and services, and contains no commitment to undertake improvements to maintain acceptable Levels of Service.
- (C) No community need can be demonstrated for the proposed Plan Amendment at the proposed location.

#### ***7.02.07 Decision By City Council***

Within 30 days of receipt of the Planning Commission recommendation, the City

Council shall schedule a public hearing, after due public notice, on all recommendations associated with a Plan Amendment from the Planning Commission. It may accept, reject, modify, return or continue and seek additional information on those recommendations. No approval of a Plan Amendment shall be granted unless approved by a majority of the Councilors voting.

Plan Amendments are subject to review by the Florida Department of Community Affairs (DCA) under Chapter 163, Florida Statutes. The City Council, therefore, does not act to "adopt" a Plan Amendment, but rather to "transmit" the Plan amendment for review. For guidance in the submission of amendments for review by the State, see Article 8, Section 8.07.00.

In the case of a Small Scale Plan Amendment, the City Council adopts the Amendment by Ordinance but does not transmit it to DCA. Small Scale Amendment criteria is contained in Article 8, Section 8.07.05 of this Code. Rezoning may proceed at the same reading as a small scale amendment, with a companion ordinance. Small scale amendments are:

A proposed Plan Amendment for any area that is ten (10) acres or less, with a density of ten (10) units per acre or less. Small scale amendments must be map amendments only and cannot be text amendments.

### **7.03.00 Rezoning**

#### **7.03.01 Purpose and Intent**

A rezoning may be initiated by the City, or by a property owner or agent of a property owner. The basis for review of application for rezoning entails a review of data and analysis in support of the rezoning; analysis of the impact of the rezoning on public facilities Levels of Service; and an analysis of the need for the proposed rezoning in relation to the goals, objectives and policies of the Comprehensive Plan.

#### **7.03.02 Contents of the Application**

Rezoning requests shall be submitted to the Development Director on an application form provided by the City, together with applicable fees, which shall have been established by resolution of the City Council. Professionals may be hired, at the applicant's expense, to take inventories and make projections. All methodology used for any such inventories and projections must be documented and submitted with the application. The application shall contain, at a minimum, the following information:

- (1) A legal description of the property, including the size of the area in acres.
- (2) The current and proposed zoning classification; and the future land use classification.
- (3) A copy of the plat map from the Polk County Property Appraiser's Office with the lot in question clearly identified.
- (4) For any new development, a description and generalized site plan of any proposed development including: the number of units proposed and resulting net density; number of required parking spaces and location; footprint of all proposed buildings and structures on the site, including setbacks; required landscape and buffer yards; and sign locations.
- (5) For any new development, the location of existing sewer service and potable water facilities to the development site and whether or not the existing facilities will serve the new development, with a Concurrency Management Certificate from the City stating the roadways have sufficient capacity to serve the development.
- (6) For any new development, the functional classification of all roadways that will be impacted by development permitted by the proposed zoning district, with a Concurrency Management Certificate from the City stating the roadways have sufficient capacity to serve the development.
- (7) For any new development, the location of all public and private streets, driveways and utility easements within and adjacent to the site.
- (8) A inventory of trees with an estimate of canopy that they provide, and an inventory of stands of mature trees and understory vegetation that may provide wildlife habitats or other environmentally unique areas.

### ***7.03.03 Planning Commission Standards for Evaluation***

The Planning Commission shall review every request for rezoning. In reviewing and formulating recommendations to the City Council on rezoning applications, the Planning Commission may consider and evaluate the proposed rezoning against the following standards.

- (A) *Consistency with the Comprehensive Plan.* The proposed rezoning is consistent with the goals of the City of Polk City Comprehensive Plan.



- (B) *Concurrency Analysis.* The proposed rezoning contains an analysis of the Levels of Service for all public facilities and services; identifies the timing of improvements to maintain Levels of Service established by the Comprehensive Plan; and estimates the cost of such improvements to the City and to the developer.
- (C) *Impact Analysis.* The proposed rezoning has been analyzed to identify future adverse impacts to adjacent land uses, the character of the neighborhood, parking, or other matters affecting land use compatibilities and the general welfare of the City.
- (D) *Zoning and Use of Nearby Property.* An analysis of the range of development that will occur as a result of the rezoning, in comparison to the existing pattern of development, and the future pattern established by the Comprehensive Plan. Depending on the uses permitted in the proposed zoning district, inconsistency in the two patterns may be created.
- (E) *Substantial Changes in Land Use Circumstances.* Analysis of the effect of significant changes in land use in the vicinity of the proposed rezoning. Such changes are substantial if they include: widening of a street, expansion of existing permitted uses, the completion of a subdivision that was previously platted, the construction of a new public facility, such as a park, or any number of other examples. One such change may not be significant and may not justify the rezoning, but several would be and may justify rezoning to higher intensities.
- (F) *Time Vacant.* If the property (site) is vacant, an analysis of the length of the vacancy versus the present zoning classification is important. In particular, an analysis should have been done to compare the rate of land development in the vicinity of the property and the conversion of vacant land to development in the same zoning district in other parts of the City.
- (G) *Effect on Property Values.* An analysis of the effect of the proposed rezoning on property values.

#### **7.03.04 Public Hearings**

Due Public Notice. No request for rezoning may be considered by the Planning Commission until due public notice has been given of a public hearing. All procedures for advertisement and notification of a public hearing must be followed as delineated in Article 8, Section 8.06.00 of this Code.

#### ***7.03.05 Findings and Recommendation to Approve a Rezoning***

The Planning Commission may recommend approval of an application for a rezoning only when **all** of the following conditions are met.

- (A) The proposed rezoning is consistent with the City of Polk City Comprehensive Plan.
- (B) The proposed rezoning will not degrade the Level of Service of one or more public facilities and services, or contains commitments to make improvements to maintain Levels of Service established by the Comprehensive Plan, **and** does not increase the cost of improvements to be undertaken by the City as stated in the Capital Improvements Element.
- (C) The proposed rezoning and all permitted uses are compatible with development on surrounding property; **or** compatibility can be achieved by the imposition of conditions, buffers or limitations on the uses within the zone, which are specified in the Board's recommendation. By this analysis the Planning Commission determines whether or not the proposed rezoning provides "appropriate use" of the property.

#### ***7.03.06 Findings and Recommendation to Deny a Rezoning***

The Planning Commission may recommend denial of any application for a rezoning for one or more of the following reasons:

- (A) The proposed rezoning is inconsistent with the City of Polk City Comprehensive Plan.
- (B) The proposed rezoning will degrade the Level of Service of one of more public facilities and services, and contains no commitment to undertake improvements to maintain acceptable Levels of Service.
- (C) The Public Welfare benefits in maintaining the present zoning classification are so great, that any hardship imposed on the property owner by denying the request for rezoning, is justified.

#### ***7.03.07 Decision By City Council***

Within 30 days of receipt of the Planning Commission recommendation, the City Council shall hold a public hearing, after due public notice, on all recommendations associated with a rezoning from the Planning Commission. It may accept, reject, modify, return or continue and seek additional information on those recommendations. No approval of an application for rezoning shall be granted unless approved by a majority of the Councilors voting.

#### **7.04.00 Site Development Plan**

A Site Development Plan must be reviewed by the Planning Commission. However, the review shall not be required for proposals involving existing development sites and meeting the following conditions:

Proposed change does not generate the need for additional parking spaces, new driveway cuts, additional public improvements and does not require a rezoning.

#### **7.04.01 Intent and Purpose**

The Site Development Plan procedure ensures that site-specific development projects meet the requirements of this Code prior to the issuance of a Building Permit. It is the intent of this Section that the Site Development Plan process be a part of the Building Permit Application process, in that the Site Development Plan is the instrument by which improvements to the site will be constructed and inspected, and by which final inspection and Certificate of Occupancy shall be issued. Site Development Plan approval shall be required prior to the issuance of a building permit for the following:

- (A) Division of an existing development site (such a division shall result in a new or modified Site Development Plan for previously existing development, in addition to a separate plan for new development).
- (B) An expansion or reconfiguration of any of those types of development that are subject to Site Development Plan requirements.
- (C) Any new development of uses listed as "D" in the Table of Land Uses in Article 2, Table of Land Uses, Table 4. These uses are permitted by right, and are not subject to review other than as listed herein.

#### **7.04.02 Site Development Plan Review**

Those developments subject to Site Development Plan review shall submit two copies of the Site Development Plan, with a completed application form, all necessary attachments and the requisite application fee to the Development Director to initiate processing of the plan. Additional plans shall be provided for review by other state, regional and county agencies upon staff request.

- (A) *Site Development Plan Preparation Requirements.* Where the proposed development site is **five acres in size or larger**, the Site Development Plan shall be prepared by an architect or engineering professional. At the Development Director's discretion, the same requirement may be applied to sites of less than five acres where the plan proposes high-intensity uses or activities that may have a substantial impact on surrounding properties. Sketch plans and drawings submitted with variance, special exception or

other zoning-related applications shall not be accepted for review as a Site Development Plan unless prepared in accordance with the guidelines of this section. In all cases, engineering plans addressing drainage, road construction and other technical aspects of development design shall be sealed by a civil engineer registered in the State of Florida.

- (B) *Completeness of Plans.* Completeness of Site Development Plans shall be determined within five days by the Development Director, and if complete shall be scheduled for a Pre-Application Conference according to the requirements of Section 7.01.00.
- (C) *Staff Review.* The Development Director and other appropriate City staff members shall review the Site Development Plan with specific regard to the codes and ordinances of the City of Polk City. The staff review shall identify matters of development policy concern to which the developer shall address particular attention. Specific comments to be addressed based on staff's review of the plan shall be provided in writing. The applicant shall be permitted to respond to staff comments at this stage of review.
- (D) *Revised Plans.* Upon agreement by the applicant to incorporate the staff review comments into the plan, the applicant shall submit to the Development Director revised Site Development Plans in which all concerns of the staff have been addressed. When the Development Director determines that all staff comments have been adequately addressed, and that the requirements of all applicable City, state and federal regulations have been met, he shall place the plan on the agenda for the next regular meeting of the Planning Commission.

#### **7.04.03 Content of the Application and Drawing**

The following information is required in an acceptable form so as to accompany the Site Development Plan:

- (A) If a commercial or industrial site, the name of the business. If residential, the subdivision name.
- (B) The property owner's name, address and telephone number; and the designated project applicant or representative if other than property owner.
- (C) The engineer's name, address, telephone number and registration number.
- (D) Future Land Use Classification from the Comprehensive Plan's Future Land Use Map; and, Zoning district assigned to the property that is the

subject of the site plan and to the properties contiguous thereto.

- (E) The legal description of the property used by the County's Property Appraiser's Office.
- (F) A copy of the plat map page the property is located on, with the lot or parcel identified clearly. This map is available from the Polk County Property Appraiser's Office in Bartow, or from the City, for \$1.00.

Site Development Plans shall be drawn to a minimum scale of one inch equals 100 feet on an overall sheet size not to exceed 22 by 36 inches. When more than one sheet is required, an index sheet of the same size shall be included showing the entire parcel with individual sheet numbers referenced thereon.

- (G) North arrow, scale and date prepared.
- (H) Identification of watercourses, wetlands, and significant stands of mature trees and understory vegetation that may provide wildlife habitats or other environmentally unique areas.
- (I) Number of units proposed, if any, and resulting net density.
- (J) Floor area of non-residential uses.
- (K) Number of parking lots and spaces required and proposed.
- (L) Location of all public and private streets, driveways and utility easements, within and adjacent to the site.
- (M) The footprint of all proposed buildings and structures on the site, including setbacks.
- (N) Required landscape and buffer yards.
- (O) Sign locations.
- (P) Phase lines, if the development is constructed in phases.
- (Q) Provisions for on-site stormwater drainage and detention related to the proposed development.
- (R) The delineation of all wetlands and flood-prone areas as delineated by the National Wetlands Inventory and the Flood Insurance Rate Maps published by the Federal Emergency Management Agency (FEMA) and by the City of Polk City Comprehensive Plan.

- (S) Delineation of all environmentally sensitive areas as determined by any appropriate agency and the City of Polk City Comprehensive Plan.
- (T) All existing and proposed utilities.
- (U) Any other requirement as determined by the Development Director or the Building Official, such as topographic lines, surveys, etc.

#### ***7.04.04 Development Site to be Unified***

When requesting Site Development Plan approval, the applicant shall furnish proof that the development site is unified by title, and not spatially divided by ownership; however, multiple ownership is permissible so long as each owner or investor holds a percentage or proportionate interest in the site as a whole. The development site shall be designed to provide all required facilities, including parking and stormwater retention; no such facilities shall be located off-site. The entire site shall have the zoning designation required to accommodate the principal use.

No development site, once granted Site Development Plan approval, shall be divided except through the Site Development Plan modification process established in Section 7.04.08.

#### ***7.04.05 Planning Commission Review and Action***

The Planning Commission shall review and approve or disapprove any Site Development Plan. The Planning Commission shall review and evaluate the Site Development Plan with specific regard to the Comprehensive Plan, applicable City codes, and the advisory recommendations of City staff. The Planning Commission shall approve, approve with conditions, or deny the site plan.

In the alternative, the Planning Commission may, for the purpose of allowing the applicant an opportunity to address unresolved issues, continue consideration of the Site Development Plan. In the event a Site Development Plan is denied, the reason(s) for the denial shall be noted.

- (A) Where the proposed development involves only the expansion of existing structures, the Planning Commission may reduce or waive certain criteria, data, or other submission requirements as appropriate provided that the following conditions are met:
  - (1) No existing structure will be expanded by more than 30% of its total floor area and/or seating.
  - (2) No change in the existing use of the site is proposed.

- (3) No existing nonconforming use would be expanded, and all other aspects of the site are in conformity with the requirements of this Code.
- (4) The development site will not be reduced in size.
- (B) Under no circumstances shall any Site Development Plan be approved that is inconsistent with any term contained in this development code unless a variance or waiver has been authorized in accordance with the provisions of Section 7.08.00 of this Code.

#### ***7.04.06 Approval of Site Development Plans***

On approval of a Site Development Plan, a minimum of four (4) copies, and any additional copies as may be required by the City, of the approved Site Development Plan shall be submitted to the Development Director prior to processing of a Building Permit. The Development Director shall forward copies of the plan to appropriate City staff. The City Clerk shall retain and file one copy of the Site Development Plan to constitute a permanent record of the Site Development Plan. A minimum of two copies of the plan shall be reserved for the applicant, one which shall accompany the application for building permit submitted to the Building Director.

#### ***7.04.07 Effect of Site Development Plan Approval***

- (A) Approved Site Development Plans shall remain valid if a Building Permit is obtained subject thereto within one year after final approval. Granting of extensions for approval may be made by the Development Director for a single period up to one year from the date when a Site Development Plan would otherwise expire. An extension may be granted if the Official concludes that the recipient of the approved Site Development Plan has proceeded with due diligence and in good faith, and that conditions have not changed substantially so as to warrant a new application. All such requests for extensions must be submitted in writing, not less than 30 days before the expiration of the approved Site Development Plan stating the reason for the time extension request.
- (B) Upon approval of the Site Development Plan, the applicant may proceed to submit construction drawings to the appropriate City staff for permitting. These shall include, but are not limited to, building plans, drainage and stormwater management facilities, road and driveway construction specifications, and tree removal plans.
- (C) Nothing contained herein shall preclude the City from accepting for review and processing building construction plans related to the structural,

mechanical, electrical and plumbing systems prior to stamped approval of a Site Development Plan, subject to such conditions as may be established by the City relative to such pre-plan certification processing.

- (D) In such instances, no Building Permit will be issued until the Site Development Plan has been stamped approved and is on file in the Building Office. All building and construction permits issued for any project requiring Site Development Plan review shall be consistent with the stamped approved Site Development Plan. The approval of a Site Development Plan shall not, under any circumstances, be construed to waive or otherwise diminish the applicable City requirements for construction or installation of structures or materials. Whenever a conflict between the Site Development Plan and such construction details occurs, the more restrictive or that requiring the higher standard shall prevail.

#### ***7.04.08 Modification of Site Development Plans***

Any modification, variation or adjustment of a stamped approved Site Development Plan shall require approval of a Site Development Plan amendment.

The Development Director shall determine whether a proposed Site Development Plan modification is a major modification or a minor modification. The determination shall be based on, but not limited to the following: any substantial change, including increase in density, change in permitted uses, change in stormwater runoff characteristics, change in traffic patterns and trip generation, or other similar changes shall be considered a major modification; any proposed minor changes in configuration or similar changes shall be considered a minor modification.

The Development Director may approve a minor modification. If the proposed change or amendment is determined to be other than a minor modification, the Development Director shall forward any revisions to appropriate members of City staff, outside consultants, and have the revisions placed on the agenda for a hearing by the Planning Commission to consider approval of the change.

#### ***7.04.09 Integration of Other Review Procedures***

Any development involving the following provisions of this code shall be coordinated as set forth below:

- (A) *Development Built in Phases.* Development built in phases or stages must clearly show the various phases or stages of the proposed development on the Site Development Plan and on all subsequent Site Development Plans. Any amenity or stormwater management system proposed in any future phase shall be constructed in the first phase of



development. A Site Development Plan must be submitted for each successive phase of the development.

- (B) *Variance or Special Exception Uses.* For developments requiring approval of a Variance or a Special Exception, a request for such approval shall be submitted to the Planning Commission, and the Special Exception shall be approved prior to final approval of the Site Development Plan. A Site Development Plan and a Special Exception request may be processed concurrently.

#### **7.04.10 Non-Compliance**

Failure to comply with a stamped approved Site Development Plan or any of the conditions upon which such approval was contingent, including time limits for performance, shall be cause to deny issuance of a building permit or, where a permit has been issued pursuant to a stamped approved Site Development Plan, to render such building permit invalid. Any action, construction, development or use of property undertaken in violation of the provisions of this Section for a site plan shall constitute a violation of this Code and may be subject to a stop-work order.

### **7.05.00 Subdivision Regulations**

#### **7.05.01 General**

##### **7.05.01.01 Purpose and intent**

The purpose of this Section is to establish minimum procedures and standards to further the provisions of State Law that regulates and requires the platting of land for development; to further the goals and policies of the Polk City Comprehensive Plan; and to set forth a process for approval of the subdivision of land within the jurisdiction of the City. Where provisions for subdividing land are either more restrictive or less restrictive than other land development codes, resolutions or rules adopted by the City, those provisions that are more restrictive and impose higher standards or requirements shall govern. Subdivision approval procedures are set forth herein as a three-step process, the concept plan review, that is optional, preliminary plat review and final plat approval. This process is intended to permit comprehensive review by the City and to benefit the developer by identifying potential problems and their solutions at appropriate times during the process. As with all stages of the development approval process, it is the responsibility of the developer to check all State and local regulations governing the subdivision of land and to adhere strictly to the procedures therein.

#### **7.05.01.02 *Applicability***

These regulations shall apply to all subdivisions, including those intended for commercial and industrial development. The provisions of this Section are applicable to the division of a parcel of land, that is defined to mean the division of contiguous land holdings by a single owner or multiple owners, regardless of how said parcels are described or recorded, into **three or more** parcels, lots, tracts or sites for the purpose of transfer of ownership or building development.

#### **7.05.01.03 *Variances***

At the preliminary plat approval stage, and subject to final approval by the City Council, certain variances may be considered. Where the Planning Commission find that extraordinary hardships may result from the strict application of the planning and engineering standards set forth in these regulations, it may consider those variances that are recommended by the Planning Commission and are necessary to ensure that substantial justice is done and the public interest is upheld. Provided however, that the effect of the variance shall not be to nullify the purposes and intent of these regulations nor the Comprehensive Plan of the City of Polk City.

#### **7.05.02 *Procedure***

Whenever any subdivision of land is proposed and before any contract is made for the sale of any part thereof and before any permit for the installation of utilities, either public or private; construction; paving and drainage; or structures in a proposed subdivision shall be granted, the subdivider, or his authorized agent, shall apply for and secure approval of the proposed subdivision through submission of the following documents:

- (A) Concept Plan Review (Optional);
- (B) Preliminary Subdivision Plat; and
- (C) Construction Plans.
- (D) *Final Subdivision Plat.* Upon completion of all subdivision infrastructure improvements, or guarantee thereof, the subdivider shall apply for and receive approval of a Final Subdivision Plat before applying for permits to build structures on the lots thus created.

#### **7.05.03 *Concept Plan Review***

The developer may present a subdivision concept plan to the Development Director who shall review the plan as to its conformance to the comprehensive

plan, zoning and other applicable land development regulations. The plan shall show, at the minimum:

- (A) Proposed use;
- (B) Basic street layout;
- (C) Typical lot sizes;
- (D) Boundaries; and
- (E) Significant physical conditions.

The concept plan may be a sketch, but must be drawn to scale. Comments by the Development Director, City engineer, fire official and other City staff reviewing the concept plan shall be detailed in a letter to the developer not less than ten working days after submission, and shall form the basis for preparing the preliminary plat.

#### ***7.05.04 Preliminary Subdivision Plat***

The developer may present a preliminary subdivision plat at any time after receiving the comments of the Development Director, the Consulting City Engineer, fire official and other City staff in response to the submission of a concept plan. The preliminary plat shall demonstrate the manner in which the comments from the concept plan review, if conducted, have been incorporated into the plat.

The purpose of the Preliminary Subdivision Plat is to provide sufficient information regarding a proposed development to enable the City to evaluate the proposed subdivision as it relates to the Comprehensive Plan and the Unified Land Development Code.

##### ***7.05.04.01 Submission of Preliminary Subdivision Plat***

- (A) *Submittal.* The Preliminary Subdivision Plat review shall be initiated when the following items have been submitted:
  - (1) Completed application forms with all necessary attachments.
  - (2) The preliminary subdivision review fee, as established by resolution of the City Council.
  - (3) Four copies of the Preliminary Subdivision Plat, a survey and a topographic map.

(B) *Required Information.* The Preliminary Subdivision Plat shall be drawn to a scale appropriate to displaying the proposal on a single sheet no larger than 36" x 60" and shall include the following. If a professional is used by the applicant to obtain any of the required information, the applicant shall provide written proof of his/her professional qualifications.

- (1) Name, address, and telephone number of the applicant and the person preparing the plan.
- (2) Title block identifying the name and/or title of the proposed subdivision. The name shall not duplicate or closely approximate the name of any other subdivision recorded in the Public Records of Polk County, Florida.
- (3) Date, north arrow, and scale.
- (4) Layout of proposed streets.
- (5) All existing restrictions on the use of the land, including easements, rights-of-way, jurisdictional wetlands areas, either assumed or confirmed.
- (6) Zoning classification.

(C) *Procedure.*

- (1) Planning Commission Action: At a properly advertised public hearing, the Planning Commission shall review exhibits, staff reports and comments by reviewing agencies and individuals and shall "approve," "approve with conditions" or "disapprove" the Preliminary Plat. Approval of the Preliminary Plat shall be deemed an expression of approval of the subdivision layout, and nothing more, and shall be reported to the City Council in the form of a discussion item for the agenda.
- (2) No improvements shall be made in the subdivision, other than clearing, grubbing and preliminary grading, until the Preliminary Plat has been approved by the Planning Commission and detailed plans for construction of improvements have been approved by the City Manager. Approval of the preliminary plat authorizes the developer to prepare construction plans for public infrastructure improvements. After approval of the construction plans by

the Consulting City Engineer, the developer may proceed with construction of the infrastructure improvements.

- (3) City Council Action: The City Council shall be informed of the impending subdivision by the Development Director placing the item on the Council's agenda for discussion and information purposes.

#### ***7.05.04.02 Term of Preliminary Subdivision Plat***

Preliminary Subdivision Plats shall remain valid for one year from the date of approval. Extensions for approval may be granted for a single period up to one year from the date the plan would otherwise expire. An extension may be granted if the Planning Commission concludes that the owners or successors of the preliminary subdivision plat have proceeded with due diligence and in good faith and the conditions have not changed substantially as to warrant a new application. All such requests for extensions shall be submitted in writing not less than 30 days before the expiration of the preliminary subdivision plat, stating the reason for the time extension request. Upon expiration of a preliminary subdivision plat, municipal services allocated thereto shall be forfeited.

Any amendment, variation or adjustment of a Preliminary Subdivision Plat shall require approval of an amended plat. The Development Director shall determine whether a proposed modification amounts to an amendment to the Preliminary Plat. The determination shall be based on, but not limited to the following: any substantial change to the plat, including increase in density, change in permitted uses, change in stormwater runoff characteristics, change in traffic patterns and trip generation, or other similar changes to the plat. The proposed amendment shall, after staff review be placed on the agenda for review and approved, approved with conditions, or disapproved.

#### ***7.05.05 Construction Plans***

After approval of the preliminary subdivision plat by the Planning Commission and prior to the review of the final plat by the City Council, the developer shall prepare and submit eight copies of the construction plans to the Engineer. The purpose of the construction plan is to allow City staff to review and approve all proposed site improvements prior to construction.

The construction plans shall consist of complete working drawings and design specifications, and shall be the basis for evaluating the quality and completeness of the proposed engineering design, compliance with all applicable regulations, the establishment of a construction schedule, and site improvement permitting.

#### **7.05.05.01 Submission of Construction Plans**

- (A) *Submittal.* Construction Plans review will be initiated when the following information has been provided.
- (B) *Required Information.* The construction plan shall be drawn to a scale of not more than 1 inch = 50 feet. The size of sheets shall be 24 inches by 36 inches and shall show, in addition to the data provided on the Preliminary Subdivision Plat, the following:
  - (1) Name, address, and seal of registered engineer and surveyor responsible for the plan and accepted data.
  - (2) Final alignments, dimensions, grades and profiles of proposed streets, utilities, drainage and other improvements to be constructed.
  - (3) Such other calculations, computation and details as may be necessary to determine the limits of wetlands, the groundwater table, off-site impacts of the proposed development, and other technical matters that may be specified by the Consulting City Engineer.
  - (4) Any permit or permits from an agency or agencies approving access to State, county, or local roadways.
  - (5) Any permit or permits from an agency or agencies approving the proposed stormwater management system.
  - (6) Any permit or permits from an agency or agencies approving the utilities plan.
- (C) *Procedure.* Upon approval of construction plans, the applicant may proceed with permitting for installation of improvements. Improvements shall include tree removal, clearing and grubbing, installation of streets and utilities and installation of stormwater management systems. Stormwater management facilities shall be constructed for the entire area of the plan regardless of any phasing plans relative to final plat recording. Final certificates of occupancy for models shall not be issued until the Final Plat has been accepted by the City and recorded with the Clerk of the Circuit Court for Polk County.

If the subdivider proceeds with permitting and installation of improvements prior to recording of the plat, a contract with the City for the construction of the required improvements, establishing a financial guarantee that all

required improvements shall be constructed, shall be executed. An acceptable guarantee for required improvements shall be in an amount not less than the estimated cost of the improvements, as approved by the Consulting City Engineer, but may be reduced from time to time in proportion to the work completed, and may take one of the following forms, subject to the approval of the Consulting City Engineer and the City Attorney.

#### ***7.05.05.02 Construction Prior to Platting***

Construction of streets, drainage facilities, and/or other subdivision improvements prior to actual platting shall be permitted only upon specific application therefore and upon specific approval by the City Council. In granting any such approval, the City Council may impose such conditions, restrictions, and/or time schedules as may be deemed necessary in the public interest.

#### ***7.05.05.03 Performance Bond***

If at the time of application for final plat approval all improvements are not satisfactorily installed, the subdivider shall post a bond in an amount estimated as sufficient to secure to the City the satisfactory construction, installation and dedication of all required improvements. Such performance bond shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency and manner of execution as set forth in these regulations. The period within which required improvements must be completed shall be specified by the City Council as part of the approval action on the final plat and shall be incorporated in the bond and shall not in any event exceed two years from date of final City approval. The City Council may at any time during the period of such bond accept a substitution of principal or sureties on the bond upon recommendation of the City Attorney.

#### ***7.05.05.04 Construction Inspection***

The City shall provide for periodic inspection of required improvements during construction to ensure their satisfactory completion. If it is found that any of the required improvements have not been constructed in accordance with the City's construction standards and specifications, the subdivider shall be responsible for modifying and/or completing the improvements so as to comply with such standards and specifications. Wherever the cost of improvements is covered by a performance bond, the subdivider and the bonding company shall be severally and jointly liable for completing the improvements according to specifications.

#### **7.05.05.05 Engineering drawings**

Three sets of City-approved engineering as-built drawings shall be submitted with the final plat. All as-built drawings shall contain a certification by a professional engineer or registered land surveyor of personal verification of the exact location and dimensions of all completed improvements, as well as certification that all utilities have been installed in accordance with specifications.

#### **7.05.05.06 Maintenance Guarantee**

The developer shall guarantee the materials and workmanship of pavement, curb and gutter, sidewalks, water system, wastewater (sewage) system and the drainage system in the subdivision for a period of one year after final acceptance by the Development Director. A bond shall be required for the maintenance and repair requirements to cover faulty plans, materials or workmanship. The bond shall be effective for one year and in an amount set by the Council, after consulting with the Consulting City Engineer.

#### **7.05.06 Final Plat**

Upon the acceptance by the Consulting City Engineer of all subdivision improvements, the developer may present a final plat for approval. The intent of the final plat is to establish a legal record of the subdivision. The Final Plat may not be approved unless it is in strict conformance to details of the preliminary plat and any changes required by, and approved by the City.

##### **7.05.06.01 Submission of Final Plat**

- (A) *Submittal.* An application for final plat approval shall be submitted with an appropriate fee established by the City and with accompanying documents as specified herein to the Development Director. The Development Director shall forward copies of the final plat and the approved preliminary plan to the City attorney, and other staff, as appropriate, for their review and comments, and shall place the applications on the agenda of the Planning Commission for final review and approval.
- (B) *Required Information.* Although it may constitute only that portion of the preliminary plat that the developer proposes to record and develop at the time, the final plat for recording shall be prepared in conformance with the requirements specified herein. Four copies of the final plat shall be submitted with the request for approval, and shall show, in addition to the data provided on the Preliminary Subdivision Plat, the following:



- (1) The final plat shall be drawn on a linen tracing cloth or stable base film at least three mils thick, 24 inches wide by 36 inches long. Preferred scale of the final plat is one inch equals one hundred feet (1" = 100'). If a different scale is used for the recorded plat, a facsimile scaled to one inch equals one hundred feet (1" = 100") on stable base film shall be provided to the Development Director.
- (2) Name of plat.
- (3) Each plat shall show a description of lands platted and the description shall be the same in the title certification. The description shall be so complete that from it, without reference to the plat, the starting point and boundary can be determined.
- (4) All required final permits and approvals issued by agencies and governing bodies having jurisdiction over properties being subdivided shall be furnished to the Consulting City Engineer. The final plat shall not be approved by the Planning Commission without proper submission of the final permits and approvals.
- (5) All easements or rights-of-way provided for public services or utilities, and limitations of such easements.
- (6) All lots shall be numbered either by progressive numbers or, if in a block, progressively numbered or lettered in each block. Lot lines shall be marked with accurate dimensions in feet and hundredths of feet, and bearings or angles to street lines.
- (7) A statement shall be included on the final plat indicating the final length of roads, water and sewer lines installed.
- (8) The purpose of all areas dedicated must be clearly indicated or stated on the plat. Accurate descriptions of any such areas to be dedicated or reserved for public use shall state the purpose thereon.
- (9) In the event the plat includes open space, clubhouses, playgrounds or other amenities to be owned and used in common by residents of the development, a plat note shall be added requiring the creation of a homeowners or property owners association that shall be responsible for such

facilities.

- (10) All interior excepted parcels shall be clearly indicated and labeled "Not A Part Of This Plat."
  - (11) Any existing or proposed private restrictions and trusteeships and their periods of existence shall be filed as a separate instrument, and reference to such instrument shall be noted on the Final Plat.
  - (12) City signature spaces with dates for the Mayor, City Clerk, Consulting City Engineer, and the Chairman of the Planning Commission.
  - (13) The Clerk of the Circuit Court of Polk County certificate and the land surveyor's certificate and seal.
- (C) *Plat Documentation Requirements.* The following documentation shall accompany the Final Plat:
- (1) The final plat for recording shall conform to all requirements set forth in F.S., Chapter 177, including dedications and reservations executed by the developer and certification by a registered land surveyor.
  - (2) A title opinion by an Attorney at Law, licensed in Florida, or a certification by an abstractor or title company stating that the court records identify that the title of the land as described and shown on the plat is in the name of the person or persons or corporation executing the dedication. In addition, a document entitled, "Consent to Platting of Lands and Partial Release of Mortgage," shall be filed together with the Final Plat for each person or corporation holding a mortgage on all land included on the plat, where such person or corporation has not signed the Final Plat.
  - (3) Certification by a registered land surveyor that the plat represents a survey made by that individual and, further, that all necessary monuments, lot sizes and lot dimensions are correctly shown thereon. Impressed thereon, and affixed thereto, shall be the personal seal and signature of the registered land surveyor by whom, or under whose authority and direction, the plat was prepared.
  - (4) Certification that all real estate taxes have been paid.

(D) *Procedure.*

- (1) Planning Commission. The Planning Commission, at a workshop, shall discuss the final plat and compare it to the preliminary plat. Both should be the same prior to submittal of the Final Plat to the City Council. The Final Plat shall then be placed on the agenda for the City Council to accept for recording purposes. If any items are missing or have changed on the Final Plat, the developer will be asked to explain the changes. The Planning Commission will then have to re-approve the preliminary plat before the final plat can be taken to the City Council.
- (2) City Council Action. The City Council shall approve and accept the Final Plat for recording purposes. Approval of the Final Plat and acceptance of public improvements and dedications shall be by ordinance and shall authorize the Mayor and City Clerk to sign the copy of the plat to be recorded.
- (3) Recording. Upon approval by the City Council, the final plat shall be filed and recorded with the Clerk of the Circuit Court of Polk County. The developer shall be responsible for recording the Final Plat and for returning one reproducible copy of the recorded plat to the building official. The Final Plat shall be recorded prior to the issuance of any building permits within the subdivision.

**7.05.07 Vacating of Plats and Replats**

**7.05.07.01 Vacating of Plat by Owner**

The owner of any land subdivided into lots may petition the City under the provisions of Chapter 177.101, F.S., to remove (vacate and annul) the existing plat, or portion thereof, from the official records of the City of Polk City and Polk County. The applicant vacating a plat, or a part thereof, shall file the petition, proof of publication of notice of intent, certificate of title, Statement of taxes and resolution, and shall pay the appropriate filing fee as established by Resolution of the City Council. Following review by the appropriate City departments and recommendation by the Planning Commission, the petition shall be acted on by the City Council. The applicant shall be responsible for recording the petition and the proof of publication with the Clerk of the Circuit Court for Polk County.

#### **7.05.07.02 Vacating of Plat by City**

The City Council may, on its own motion, order the vacation and annulment of all or any part of a subdivision within its jurisdiction. Such action may include the vacation of dedicated rights-of-way and easements, provided that:

- (A) The subdivision plat was lawfully recorded not less than five years before the date of such action by the City Council; and
- (B) No more than 10% of the total subdivision, or part thereof, has been sold as lots by the original subdivider or his successor in title. Such action shall be based on a finding by the Council that the proposed vacation and annulment of the plat will result in greater conformity with the comprehensive plan of the City, and the public health, safety, and welfare will be promoted.

Before acting on a proposal for vacation and annulment of subdivided land the Council shall hold a public hearing, with notice of intent as set forth by Chapter 166, F.S. Notwithstanding these provisions, the City may require conformity with existing standards for all or parts of subdivisions as outlined in this Section.

#### **7.05.08 Access to Individually Owned Parcels**

No owner of any parcel of land in a subdivision shall be deprived by the vacation and annulment of a plat, or a portion of a plat, of reasonable access to such parcel, nor of reasonable access therefrom to existing facilities to which such parcel presently has access; provided that such access remaining or provided after such vacation need not be the same as that previously existing.

#### **7.06.00 Cluster/Zero Lot Line Development**

The purpose of this Section is to encourage creative development design in the City of Polk City and to provide a mechanism for preserving open space, protecting natural resources, or reserving land for recreational facilities to serve the City's residents. It may be used in implementing various policies of the Comprehensive Plan.

Cluster/zero lot line development may be granted in any district where single family detached development is permitted as a principal use. The City Council may limit the approval to permit cluster subdivision development only, or zero lot line development only; or, both techniques may be authorized for use in conjunction with each other.

### **7.06.01 Cluster Subdivision**

Clustering of single family detached dwelling units on a development site may be permitted where the Comprehensive Plan requires preservation of a natural resource, where land is needed for open space or low-intensity recreational use, or where the developer wishes to create an amenity for residents of the site or for the City as a whole. Approval or denial of the clustering concept at a particular location shall be based on consistency with the Comprehensive Plan, compatibility with surrounding land uses, and compliance with the following requirements:

- (A) *Density.* Gross density of the subdivision shall not exceed the maximum permitted density for the zoning district wherein the site is located, as shown in Table 5. For purposes of calculating density, the development site shall include all platted residential lots, together with roads, drainage facilities, utility sites and all other common property within the perimeter of the subject property, regardless of whether such facilities will ultimately be dedicated to the City.
- (B) *Development Site To Be Unified.* In making application for approval of a for cluster development, the applicant shall furnish proof that the development site is unified by title, and not spatially divided by ownership (however, multiple ownership is permissible so long as each owner or investor holds a percentage or proportionate interest in the site as a whole). The site shall have the zoning designations required to accommodate the principal residential uses proposed.
- (C) *Platting.* Information supplied to the Development Director in support of the application for a cluster/zero lot subdivision shall include a Preliminary Subdivision Plat that fulfills all of the requirements of section 7.04.05. The application for a cluster/zero lot line subdivision shall be procured and reviewed in conjunction with each other, unless the Preliminary Subdivision Plat has been previously approved.

The Development Director may subsequently approve minor changes to the development concept that do not involve increases in density, additional points of access to existing roads, or substantial rearrangement of lots.

- (D) *Lot Size and Lot Coverage.* The normal minimum residential lot size and lot coverage requirements established in Table 5 shall be waived under this section. Where cluster subdivision development is proposed, minimum lot requirements, minimum lot widths and maximum lot coverage are less restrictive by approximately 20%.
- (E) *Open Space.* The preliminary and final subdivision plats for the cluster

subdivision shall designate a specific parcel as an open space tract, that will encompass the natural feature(s) or open space area that the developer intends to preserve. No residential, commercial, industrial, or public institutional use shall be permitted within an amenity tract.

Open space shall primarily consist of undisturbed natural land, with passive or low-intensity recreation facilities. Such areas shall be accessible and available for the use and enjoyment of all residents of the subdivision, and shall not be used for any other purpose or land use. Permitted uses include boat ramps, playing fields, nature trails and boardwalks. Uses requiring off-street parking and utilities shall be prohibited.

Where natural features are being preserved, open space tracts may include wooded areas, wetlands and floodplains. However, lands not in their natural state may be used for recreational purposes and shall be free of waste or debris, dangerous or hazardous materials, and all structures not related to the property's designated use. Open space tracts may include drainage or utility sites and facilities. Water bodies may be included, but shall not count toward the minimum land area for an open space tract. Other areas may be excluded if, in the Development Director's opinion, the use of such areas in an open space tract would be inconsistent with the intent of this subsection.

Prior to submitting the final subdivision plat for approval, the Development Director shall verify that the plat includes a notation indicating the ownership and maintenance responsibility for the open space tract, including all recreation facilities, existing or planned. No open space tracts or associated facilities shall be dedicated to the City of Polk City, unless specifically accepted by the City Council.

#### ***7.06.02 Zero Lot Line Development***

The purpose of this subsection is to promote architectural design flexibility and efficient use of land in residential subdivisions. Under this concept, the dwelling unit may be placed against a side lot line in order to maximize usable open area within each residential lot. The requirements provided below shall apply in addition to those of Article 3 and Section 7.05.00, Subdivision Regulations.

- (A) *Lot Sizes.* The permitted lot sizes in a zero lot line development shall be those permitted for cluster/zero lot line subdivision per section 7.06.01.
- (B) *Platting.* Building permits shall not be issued in a zero lot line subdivision until all requirements of Section 7.05.00, Subdivision Regulations, have been met.

- (C) *Building Envelope and Maintenance Easements.* All zero lot line subdivision plats shall show building envelopes wherein all structures shall be located. No structures shall be placed outside the designated building envelope. No windows, doors, air conditioning units, or other openings or projections of any kind shall be permitted where the structure meets the side lot line. Structures on abutting lots may share a common zero lot line, and may be structurally joined by a common fire wall or by porches, garages or privacy fence/wall.

For each unit constructed along a side lot line, an easement five feet in width shall be created on the neighboring property. The purpose of this easement is to permit maintenance and repair of the exterior portion of the structure or structures bordering the zero side yard. All maintenance easements shall be shown on the final plat, along with an indication of the lot to which each easement is assigned.

- (D) *Setbacks.* Each dwelling unit in a zero lot line subdivision shall be set back 15 feet from one side lot line. No setback is normally required from the opposite lot line, but a setback may be provided such that the unit is detached in a conventional sense. On corner lots, the front setback requirement shall apply to both road frontages.

Front and rear setbacks for principal structures shall be those required by the zoning district. Detached accessory structures shall be limited to a total of 400 s.f., regardless of their number.

#### **7.07.00 Procedure for Obtaining a Special Exception**

Special exceptions shall be granted only for those activities specified as "S" Special Exception uses in the Table of Land Uses, Article 2, Table 4.

The Planning Commission shall hear and decide applications for special exceptions authorized under this Code in the manner prescribed below.

##### **7.07.01 Application**

- (A) *Application and Fees.* All requests for special exceptions shall be submitted in writing to the Development Director, together with all applicable fees as provided by resolution.
- (B) *Contents.* The application shall contain the following items, as applicable:
- (1) A legal description and street address of the property.
  - (2) Notarized authorization of the owner if the applicant is other than

the owner or an attorney for the owner.

- (3) Site plan or sketch plan drawn to scale showing:
  - a. The dimensions of the property;
  - b. The existing and proposed location of structures on the property including signage, vehicular accessways and circulation areas, off-street parking and loading areas, sidewalks, refuse and service areas, required yards and other open spaces, and landscaping or buffer areas;
  - c. The measurements of existing and proposed adjacent rights-of-way, setbacks, distances between buildings, widths of accessways and driveways, and sidewalks.
- (4) A tabular summary describing the proposed use of the property including:
  - a. Existing and proposed use of property;
  - b. Conditions on the use, such as hours of operation, numbers of residents, etc.;
  - c. Area of the property, pervious and impervious areas, and existing and proposed structures.
  - d. Number of required and provided off-street parking and loading spaces, existing and proposed density, and number of existing and proposed units.

#### **7.07.02 Review of Proposed Special Exception**

- (A) *Completeness Review.* Within 15 working days of receipt of an application for a special exception, the Development Director shall:
  - (1) Determine that the information is incomplete and inform the applicant in writing of the deficiencies.
  - (2) Determine that the plan is complete and proceed with the following procedures.
- (B) *Report to Planning Commission.* The Development Director shall submit a written report containing his/her recommendations on the proposed special exception to the Planning Commission prior to the meeting at which the application will be heard. A copy of the report shall be made



available to the applicant. The Planning Commission review shall include a concurrency management review of the proposed use pursuant to the standards and procedures in Article 6 of this Code.

- (C) *Planning Commission Hearing.* The Planning Commission shall hold a public hearing on each application after due public notice. By majority vote, it may accept, accept with conditions, reject, modify, or continue and seek additional information on those recommendations.
- (D) *Conditions and Safeguards.* The development and use of the site of an approved special exception shall be in accordance with the approved site plan and application materials. The approved site plan shall be filed with the Development Director, and all development shall be in compliance with that plan. The Planning Commission may impose, on the grant of any special exception, any conditions or safeguards found to be necessary to ensure the compatibility of the special exception with surrounding properties or the community in general. These may include, but are not limited to, requiring restrictions on hours of operation and size of buildings, additional landscape and buffer areas, limiting vehicular access points and location of off-street parking, and similar conditions. Violation of any such condition or safeguard shall be deemed a violation of this Code and may result in a revocation of any special exception, in addition to any other remedy for such violation provided in this Code.
- (E) *Denial.* The Planning Commission may deny an application for any special exception, for one or more of the following reasons:
  - (1) It is inconsistent with the City of Polk City Comprehensive Plan.
  - (2) It would violate the concurrency management standards in Article 6 of this Code.
  - (3) It does not meet the requirements of the applicable special exception regulations.
- (F) *Findings.* The Planning Commission shall make written findings within 30 days, based on one or more of the reasons listed above, in support of a denial of an application for a special exception.

#### **7.07.03 Expiration or Abandonment of Special Exception Use**

If a special exception does not begin to serve the purpose for which it was granted permission within one year from the date of approval, it shall expire. Once initiated, the special exception use may continue indefinitely or until the expiration of any time limit established as a condition of approval. However, if such use is abandoned for one year, it shall expire.

### **7.08.00 Variances**

Any person, firm or corporation owning property in the City of Polk City may apply for a variance from specific provisions of this Code, excepting those relating to permitted land uses, concurrency and consistency with the Comprehensive Plan. Variances shall be granted only by the Zoning Board of Appeals in a public hearing that has been advertised in accordance with Section 8.06.00 of this Code. Variances granted by the Board shall be the minimum necessary to provide a reasonable use of the property and may be approved subject to time limits or any other conditions that the Board deems appropriate.

#### **7.08.01 Criteria for Granting a Variance**

The granting of a variance shall be based on a determination by the Zoning Board of Appeals that the request will not be contrary to the public interest and the intent of this Code, and that strict enforcement of the regulation in question would create an undue and unnecessary hardship for the applicant.

Considerations of health, convenience or economics shall not be considered as justification for a variance. Approval of a variance shall be based solely on the following criteria, all of which must be fully satisfied:

- (A) Special conditions and circumstances exist that are peculiar to the land or structure involved and that are not applicable to other lands or structures in the same land use classification.
- (B) The special conditions and circumstances do not result from the actions of the applicant.
- (C) The requested variance, if approved, will not confer on the applicant any special privilege that is denied by the provisions of this Code to other lands or structures in the same land use classification.
- (D) Literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the identical land use classification and will constitute an unnecessary and undue hardship on the applicant.
- (E) That the variance granted is the minimum variance that will make possible a reasonable use of the land or structure.
- (F) That the granting of the variance will be in harmony with the general intent of this Code, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

For each variance granted, the Zoning Board of Appeals shall approve, and the

chairman shall sign, a resolution listing the above criteria and attesting that each has been satisfied.

## **7.09.00 Home Occupations**

### **7.09.01 General**

Authorized home occupations shall comply with all of the following provisions. If a home occupation is found to violate any of the provisions, the home owner will be issued a citation and asked to appear before the Code Enforcement Board. The same procedures for a Code violation will be followed, as found in Article 8, Section 8.03.03.

- (A) No person other than a member of the family residing on the premises shall be employed in the home occupation.
- (B) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to the use of the unit for residential purposes by its occupants. Under no circumstances shall the residential character of the property be changed by the home occupation.
- (C) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign regulated as follows:
  - A nonilluminated nameplate not exceeding four square feet in area may be displayed, provided that the name is affixed flat against the exterior surface at a position not more than two feet distant from the main entrance.
- (D) Business activities associated with a home occupation, including storage of merchandise and materials, shall take place only in the principal structure or a legally located accessory building.
- (E) No home occupation shall occupy more than a total of 25% of floor area of buildings on the premises, whether principal buildings or accessory buildings.
- (F) Traffic shall not be generated by the home occupation in greater volumes than would normally be generated by a dwelling unit in a residential area. No additional parking spaces shall be provided in excess of those required to serve the residential unit under Section 3.03.00.
- (G) No equipment or process shall be used in a home occupation that creates

noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses. In case of electrical interference, no equipment or process shall be used that creates visual or audible interference in radio or television receivers or causes fluctuations in line voltages off the premises.

- (H) No articles or materials pertaining to the home occupation shall be stored on the premises, except inside the principal structure and to a maximum of 100 s.f. of the principal structure.

#### **7.09.02 Prohibited Home Occupations**

Prohibited home occupations, unless shown that they will not be a public nuisance, are as follows:

- (A) Public dining facilities;
- (B) Fortune telling or clairvoyance;
- (C) Repair shops, except fine watch repair; and
- (D) Any use involving chemicals or matter of energy that may create or cause to be created noise, noxious odors or hazards dangerous to the public health, safety and welfare.

#### **7.10.00 Nonconformities**

Nonconformities are land uses, structures, lots and other elements of development that do not conform to the provisions of this Code but were created in accordance with those land development regulations (if any) in effect at the time of their establishment. Subject to the provisions listed below, nonconformities may continue to exist if otherwise lawful and in existence on the date of adoption of this Code. The casual, intermittent, temporary or illegal use of land or structures prior to the effective date of this Code shall not qualify such use or structure for the privileges outlined in this Section.

##### **7.10.01 Nonconforming Uses**

Nonconforming uses of land where no principal structure exists, other than Agriculture, shall be discontinued within two years of the adoption of this Code or amendment thereto, whichever date rendered the use nonconforming. This provision shall not apply to signs. See Article 4, "Signs", Section 4.06.00, for those specific provisions. Nonconforming uses shall not be:

- (1) Enlarged, increased or expanded to occupy a greater land or floor area than existing at the effective date of this Code or amendment to the Code,

whichever date created the nonconformity.

- (2) Enlarged or intensified through the erection of any additional structure or use that is not permitted under the provisions of this Code.
- (3) Re-established if more than 50% of its replacement value at the time is destroyed by any means; or, if use is discontinued for 90 consecutive days.
- (4) Moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of this Code.
- (5) Moved in whole or in part to any other lot or parcel within the City of Polk City.

#### ***7.10.02 Nonconforming Lots of Record***

Lots not meeting the standards established in this Code for minimum width, depth and area but recorded in the public records of the City prior to the date of adoption of this Code or amendment thereto may be used for building purposes with the following provisions:

- (A) Single family dwelling units shall not be built on lots of less than 50 feet in width and 5,000 s.f. in size without a variance authorized by the Zoning Board of Appeals.
- (B) Other structures shall not be built on lots of less than 60 feet in width and 6,000 s.f. in size without a variance authorized by the Zoning Board of Appeals.
- (C) Contiguous lots that are of single ownership, and do not separately meet width, depth and area requirements of the applicable land use classification, shall be considered a single lot for development purposes.
- (D) Nonconforming lots of record shall not be reduced in size, width or depth without a variance authorized by the Zoning Board of Appeals.
- (E) All development permitted on nonconforming lots of record shall be subject to normal setbacks and all other requirements of this Code.

#### ***7.10.03 Nonconforming Structures***

Structures that are nonconforming by size, but not by use, may be enlarged if the addition will reduce a nonconformity of floor area and will meet required setbacks. Structures that are nonconforming by setback, but not by use, may be enlarged if all new construction meets required setbacks. Structures qualifying

as nonconforming shall not be:

- (A) Moved in whole or in part, if nonconforming by use, to another location on the same parcel or lot that it occupies.
- (B) Transported to any other parcel of land unless such transport would render the structure conforming to all applicable provisions of this Code.
- (C) Enlarged or expanded in any manner, unless such enlargement reduces the degree of nonconformity and is carried out in accordance with the provisions of this Code.
- (D) Rebuilt, repaired or renovated in excess of 50% of the assessed value of the structure, as determined by the Polk County Property Appraiser.

#### **7.10.04 Nonconforming Mobile Home Parks and RV Parks**

Existing mobile home parks and RV parks that are nonconforming by use shall not be redesigned, expanded in area, or modified to accommodate additional mobile homes or RVs. Replacement of existing mobile homes in such parks shall be prohibited.

Mobile home parks or RV parks that are nonconforming by design only may be expanded in area and/or modified so as to reduce or eliminate those aspects of design that render it nonconforming. The Development Director may authorize additional mobile home or RV sites in such parks upon submission of a Site Development Plan showing a redesign of the park that substantiates the following:

- (A) Overall density of the park will not exceed the allowable density established in the Comprehensive Plan and the appropriate section of this Code.
- (B) An area comprising 20% of the development site shall be set aside as common open space as defined in Article 9.
- (C) No new mobile home will be placed within 20 feet of any property line.
- (D) Where possible, all development standards of the zoning district have been met, or the degree of nonconformity reduced. In no case shall the degree of nonconformity of any design aspect be increased.
- (E) *Skirting.* All existing mobile homes and park models shall be skirted within 90 of notice; and, all newly placed mobile homes and park models shall be skirted within 90 of placement.

A redesign proposal that does not include the addition of new mobile home or RV spaces shall not be subject to conditions A and B above.

#### ***7.10.05 Nonconforming Mobile Homes***

The replacement of an existing mobile home on property that is not designated for mobile home use on the Official Zoning Map shall be prohibited.

#### ***7.11.00 Planned Unit Development (PUD)***

This section applies to lands annexed to the City that have a Planned Unit Development (PUD) approval in place in Polk County prior to annexation. Within the City, there is no PUD process or district. Following annexation, lands with an approved PUD that is current in Polk County, shall only proceed with development in the City that is in strict accord with said Polk County PUD. So long as development proceeds in this manner, no review of the PUD shall be required by the City for five (5) years, unless the developer wishes to deviate significantly from the approved Development Plan, in which case they shall either submit an amended Plan or apply for a conventional zoning classification through the normal rezoning process. In order to qualify for this extension, the developer shall file a current copy of the PUD with the City. The addition to or removal of any tract or parcel from a PUD shall require an amendment to the Development Plan. Any amendment, variation or adjustment of a Development Plan shall require approval according to the following:

- A. The Development Director shall determine if a proposed action on the part of the developer requires an amendment of the Development Plan. The determination shall be based on, but not limited to the following:
  - 1. Any substantial change to the Development Plan, including increase in density, change in permitted uses, or the rearrangement of designated open space or recreation areas;
  - 2. Any change in traffic patterns and trip generation; or
  - 3. Any change in stormwater runoff characteristics, or other similar changes shall be considered reason to amend the Development Plan.
- B. The Development Director shall require an application for a Development Plan amendment; cause the application to be reviewed by the individual departments of the City, and shall transmit the application to the City Manager for review and action by the City Council. The transmittal shall include all pertinent documents submitted by the applicant, the Development Director's report and recommendation and any other applicable documentation or graphics. The City Clerk shall keep all this material as part of the public record of the City Council.

The City Council may:

1. Approve the application as submitted.
2. Deny the application.
3. Approve and attach whatever reasonable conditions or requirements the City Council deems necessary to insure compliance with the development standards of the City, which may include dividing the PUD into phases to insure compliance with the City's land development standards and/or modify the PUD to insure said standards are met.

C. Conditions placed on a PUD by the City Council may include requiring the applicant, at his cost and expense, to:

1. Finance or dedicate land for public rights-of-way, easements, parks and open space, school sites, or other such sites as may be necessary to protect the health, safety, and welfare of the residents of the PUD.
2. Finance or construct potable water, wastewater or drainage facilities.
3. Any other reasonable conditions necessary to ensure compliance, if the applicant agrees in writing in a recordable agreement binding upon his successors and assigns, that no further processing of the development request, pursuant to the provisions of this Code, shall occur until the requirements of this article are met.
  - a. Attachment of these conditions shall be voluntary on the part of the applicant, and agreement by the applicant to provide any such conditions will not, in any way, obligate the City to approve the subject application.
  - b. Any conditional approval shall be based solely on the fact that the development application, as modified or conditioned, meets the standards of this article, and may not be based solely on the granting of certain conditions deemed favorable by the City unless the standards of the PUD are thereby met.

*[RESERVED]*



## **ARTICLE 8**

### **ADMINISTRATION AND ENFORCEMENT**

#### ***8.01.00 Development Officials***

##### ***8.01.01 Development Director***

He/she shall supervise and administer all staff activities regarding comprehensive planning, zoning, development review, issuance of permits, and code enforcement. He/she shall perform duties prescribed by this Code, as well as any others assigned by the Mayor or the City Council. The Development Director shall be duly qualified for these responsibilities through appropriate education and work experience. The Development Director shall have a thorough knowledge of the provisions of the Comprehensive Plan and this Code, and shall have the authority to interpret the intent and meaning of this Code in situations where its applicability is not clear. Appeals of administrative decisions of the Development Director may be made to the Zoning Board of Appeals, not more than 30 days after such decision is rendered.

The City Manager is hereby designated as the Development Director. The City Manager may designate, in writing, a development director for a specific project. In that case, the City Manager would retain the supervisory role for the project.

Other specific duties of the Development Director are as follows:

- (A) Advise and cooperate with the Building Inspector in the implementation, amendment and enforcement of this Code and the Comprehensive Plan;
- (B) Attend all public hearings at which zoning and comprehensive planning matters are discussed, including meetings of the Planning Commission, Zoning Board of Appeals, and City Council. He will attend meetings of the Code Enforcement Board when necessary;
- (C) Accept and process all applications for amendments to the Comprehensive Plan, zoning actions, and variances;
- (D) Certify the accuracy of the Official Zoning Map and amendments thereto;
- (E) Collect and account for all required application fees for zoning actions;
- (F) Grant such administrative approvals as are allowed under the provisions of this Code;
- (G) Receive applications and application fees for Site Development Plan, subdivision plat and Conditional Uses approval;

- (H) Evaluate each proposed Site Development Plan, subdivision plat, and Conditional Uses for consistency with this Code and the Comprehensive Plan;
- (I) Evaluate each application for a development order, including building permits, to determine whether it meets applicable Concurrency requirements;
- (J) Ensure that all time limits prescribed by this Code are met;
- (K) Monitor the progress of all development applications through the review process and be available to respond to inquiries from interested persons;
- (L) Any other duties assigned by the City Council.

#### **8.01.02 Building Inspector**

The Building Inspector shall examine all applications for permits; approve plans and specifications and issue permits for construction in accordance with the requirements of law; inspect all construction for conformance to the City's building and mechanical codes and issue certificates of occupancy; and make such reports as the City Council may require. He/she shall have a working knowledge of the Standard Building Code and be familiar with electrical, fire, zoning and other codes having a bearing on building construction in the City of Polk City. The Building Inspector shall have experience as an architect, engineer, building inspector or building contractor. Alternatively, the City may retain a licensed professional contractor/builder on a part-time basis to perform technical review of building activities.

#### **8.02.00 Administrative Approvals by the Development Director**

The Development Director shall have the authority to approve the following, subject to conditions set forth below and in applicable provisions of this Code:

- (A) *Setback Adjustments.* In single family land use classifications only, the Development Director may approve reduction of side and rear setbacks for principal and accessory structures (excluding swimming pools) by no more than 10% subject to the following conditions:
  - (1) The setback requirement is established by the land use classification and no other section of this Code;
  - (2) The total structural coverage of the lot or building site shall not exceed 25%;

- (3) The approval would not result in the encroachment of a structure into an existing utility or drainage easement held by the City;
- (4) A certified survey shall be submitted by the applicant verifying building locations and structural coverage;
- (5) A statement of no objection shall be provided with notarized signatures of owners of all adjoining properties.

At his discretion, the Development Director may deny the approval and refer the application to the Zoning Board of Appeals as a Variance.

- (B) *Temporary Office or Construction Trailer.* The Development Director may authorize the use of a mobile home or other temporary structure not meeting the requirements of the Standard Building Code at the construction site with an approved Site Development Plan. The temporary structure may be used only as an office, tool shed or other facility in support of construction work, and shall not be used for living accommodations, for sales/rental of lots or offices, or for any other purpose.

The applicant shall designate the exact location of the temporary structure on the Site Development Plan, and shall place it only in the approved location. The temporary structure shall not be installed prior to issuance of the building permit for the development site, and shall be removed upon expiration of the building permit or issuance of the Certificate of Occupancy, whichever comes first. If a mobile home is to be used, the wheels and axles shall not be removed.

- (C) *Temporary Mobile Home for Use During Construction of a Residence.* The Development Director may authorize the use of a mobile home as a temporary residence during construction of a permanent residence under the following conditions:

- (1) The lot or building site is at least one-half acre in size;
- (2) The applicant has received approval of a building permit for construction of a single family residence on the property;
- (3) The foundation and rough plumbing for the permanent structure have been completed and approved by a City Development Director.
- (4) The mobile home shall be placed at least 20 feet from all lot lines, and ten feet from any other existing or planned structure.
- (5) The unit must be connected to a public sewer system or have received a septic tank permit from the Polk County Health Department.

- (6) Wheels and axles shall not be removed.
  - (7) The mobile home shall be removed from the building site prior to issuance of the Certificate of Occupancy for the permanent residence, or at the end of a six month period commencing at the date of its installation, whichever comes first.
  - (8) This administrative approval may not be renewed or granted a second time for the same building site.
- (D) *Commercial Use Zoning Permits for Occupational Licenses.* The Development Director shall issue a Commercial Use Zoning Permit to each applicant for an occupational license within the City. This permit shall not attest to the applicant's ownership or legal right to make use of the property, but shall serve only as notice to the City Manager that the proposed business is a permitted use at the specified location. The owner(s) of the property, if different from the applicant, may request revocation of the Commercial Use Zoning Permit at any time.
- (1) The applicant shall provide:
    - a. A description of the proposed or existing business;
    - b. Exact legal description and address of the property on which the business will be located; and,
    - c. Floor area of the building in which the business will operate.
  - (2) Commercial Use Zoning Permits shall not be granted for property without an existing structure at least 300 s.f. in size.
  - (3) The Development Director may revoke a Commercial Use Zoning Permit if it is determined that the applicant provided incorrect information prior to approval.
  - (4) In cases where the business is a nonconforming use, the applicant must provide documentation or otherwise satisfy the Development Director that the commercial operation was established legally and meets all the requirements of Section 7.10.00 (Nonconformities).

### **8.03.00 Development Boards**

#### **8.03.01 Planning Commission**

##### **(A) *Functions, Powers and Duties***

- (1) Act as Local Planning Agency pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, F.S., and perform all functions and duties prescribed in the Statute. At least every twelfth year after the Comprehensive Plan has been adopted, make a report assessing and evaluating the successes and failures of the Comprehensive Plan.
- (2) Obtain and maintain information on population, property values, the land economy, land use and other information necessary to assess the amount, direction and type of development to be expected in the City.
- (3) Advise and make recommendations to the City Council regarding applications for amendments to the Official Zoning Map; Site Development Plans and Rezoning; and requests for Conditional Uses, Special Exceptions or other special designations on property within the City.
- (4) At the request of the Development Director, interpret and determine the intent of provisions of this Code that are unclear or in conflict with other regulations.
- (5) Consider the need for revision or addition of regulations in this Code, and recommend changes to the City Council. Proposed changes may be suggested to the City Council by the Planning Commission; or in the case of a zoning ordinance, by petition of the owners of 51 percent or more of the land involved in the proposed change. The petitioner may be required to assume the cost of public notice and other costs incidental to the holding of public hearings.
- (6) Consider the need for revision of the Comprehensive Plan, and recommend changes to the City Council.
- (7) Other duties as assigned by the City Council.

##### **(B) *Appointment of Members***

- (1) The Planning Commission shall have five members and two

alternates, appointed by the City Council. All members must be registered voters; and in addition, members are qualified to serve if they are City residents, or owners or appointed employees of businesses within the City limits, or live within five miles of the City limits in unincorporated Polk County.

- (2) These members shall be appointed for staggered terms of three years and may be reappointed for consecutive terms.
- (3) The terms of all appointments shall run from January to December.
- (4) If a position becomes vacant before the end of a term, the City Council shall appoint a substitute member to fill the vacancy for the duration of the vacated term within 30 days after the vacancy occurs. Any member whose term expires may continue to serve until a successor is qualified and appointed.
- (5) Members may be removed by a majority vote of the City Council, for just cause, after written notice and a public hearing.
- (6) At the first meeting held after December 1 of each year, the Board shall elect a Chairman, Vice-Chairman and such other officers as deemed necessary. The Chairman, or in his absence the Vice-Chairman, shall preside over all meetings of the Board. Officers shall serve terms of three years.
- (7) The Chairman will establish subcommittees and appoint members as needed to carry out the purposes of the Board.
- (8) Members shall not be compensated, but may be reimbursed for travel and other expenses incurred on Board business. The Board may employ such experts, technicians and staff as may be deemed proper and establish their salaries, contractual charges and fees and other such expenses as are necessary to conduct the work of the Planning Commission, subject to approval and personnel limitations set by the City Council.
- (9) If any member accumulates three successive unexcused absences from properly noticed meetings, the Board may declare the member's office vacant and notify the City Council. A "properly noticed meeting" shall mean any meeting in accordance with Section 8.06.00 and any called meeting for which the Chairman shall provide at least 72 hours notice.

(C) *Procedures*

- (1) The Board shall adopt bylaws for the transaction of its business. The bylaws shall set forth the procedures, rules and regulations necessary for the Planning Commission to conduct its business.
- (2) The Board shall meet at least once each month, unless a meeting is canceled by a decision of the Board at a regular meeting or by decision of the Chairman.
- (3) The Board shall keep minutes of its proceedings by a secretary who may be a member of the Board or an employee of the City. Minutes shall indicate the attendance of each member, and the decision on every question.
- (4) Three members shall constitute a quorum. A majority of the quorum can transact any official business except: adoption of the Planning Commission bylaws or amendments thereto, adoption of any portion of the Comprehensive Plan or amendments thereto and adoption of land development regulations or amendments thereto. In these instances a vote of the majority of the total membership shall be necessary.
- (5) Each decision of the Board must be approved by a majority vote of the members present at a meeting in which a quorum is present and voting. No decision of the Board will be approved with less than three affirmative votes.

**8.03.02 Zoning Board of Appeals**

(A) *Functions, Powers and Duties*

- (1) To authorize specific variances from appropriate provisions of this Code as will not be contrary to the public interest, in cases where literal enforcement of the Code will result in unnecessary hardship for the applicant.
- (2) To hear and decide upon appeals of administrative decisions where it is alleged there is an error in an order, requirement or policy of City staff. The case must be filed with the Secretary of the Board within 30 days of the decision. The Board may reverse or affirm, wholly or in part, the order, requirement or policy of the administrative official.

(B) *Appointment of Members*

- (1) The Board shall have five members and two alternates, appointed by the City Council. All members must be registered voters; and in addition, members are qualified to serve if they are City residents, or owners or appointed employees of businesses within the City limits or live within five miles of the City limits in unincorporated Polk County.
- (2) Each member shall be appointed to a three year term. In the event that all members are appointed at the same time, one member shall be appointed for a term of one year, two members shall be appointed for a term of two years, and two members shall be appointed for a term of three years.
- (3) Each alternate shall be appointed to a three year term. In the event that all alternates are appointed at the same time, one alternate shall be appointed for a term of one year, one alternate shall be appointed for a term of two years, and one alternate shall be appointed for a term of three years.
- (4) Regular vacancies shall be filled by appointments made at the last regular meeting of the City Council in October of each year. All members and alternates shall serve until their successors are appointed.
- (5) If a position becomes vacant before the end of a term, the City Council shall appoint a substitute member or alternate to fill the vacancy for the duration of the vacated term. A member or alternate whose term expires may continue to serve until a successor is appointed and qualified.
- (6) Members and alternates may be removed without notice and without assignment of cause by a majority vote of the City Council.
- (7) At the first meeting held after December 1 of each year, the Board shall elect a Chairman and Vice-Chairman. The Chairman, or in his absence the Vice-Chairman, shall preside over all meetings of the Board. Officers shall serve terms of one year.
- (8) Members and alternates shall not be compensated, but may be reimbursed for travel and other expenses incurred on Board business.
- (9) If any member fails to attend three successive meetings, the Board may declare the member's office vacant and notify the City Council.



(C) *Procedures*

- (1) The Board shall adopt procedures to carry out its purposes. All rules must conform to this Code, other City ordinances, and state law.
- (2) The Board shall meet at least once each month, unless a meeting is canceled by a decision of the Board at a regular meeting or by decision of the Chairman.
- (3) The Board shall keep minutes of its proceedings, indicating the attendance of each member, and the decision on every question.
- (4) Three members shall constitute a quorum.
- (5) Each decision of the Board must be approved by an affirmative vote of three members present at a meeting in which a quorum is present and voting.
- (6) All decisions of the Zoning Board of Appeals are final. Variance requests, once acted upon, may not be reheard unless the applicant can demonstrate that the decision resulted from an error in substantive or procedural law, or provides new evidence or information not discoverable prior to the initial hearing. A different or more effective presentation of the same evidence or information shall not be considered grounds for a rehearing.
- (7) Any person or persons aggrieved by any decision of the Zoning Board of Appeals, may, within 30 days after the date of the public hearing at which the decision was rendered, but not thereafter, apply to the courts for relief in the manner provided by the laws of the State of Florida.

**8.03.03 Code Enforcement Board**

**8.03.03.01 Generally**

**8.03.03.01.01 Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Code enforcement hearing officer means an appointed post in the City that shall have the jurisdiction to hear and decide alleged violations of any City codes or ordinances.

Code inspector means an authorized agent or employee of the City whose duty is to ensure code compliance.

Repeat violation means a violation of a provision of the land use regulations or ordinance of the City by a person who has been previously found, through the code enforcement board or any other quasi-judicial or judicial process, to have violated or who has admitted violating such provision within five years prior to the violation, notwithstanding the violations occurring at different locations.

#### **8.03.03.02 Administration**

##### **8.03.03.02.01 Code enforcement hearing officer post created.**

A code enforcement hearing officer post is created to enforce the provisions of this Code pursuant to F.S. ch. 162. It is the intent of this article to promote, protect and improve the health, safety and welfare of the citizens of the City by providing an equitable, expeditious, effective and inexpensive method of enforcing the land development code of the City.

##### **8.03.03.02.02 Appointment of hearing officer and organization of hearings.**

- (a) The City council shall appoint hearing officers for a three-year term. A hearing officer may be reappointed to one successive term. Appointments shall be made on the basis of experience or interest in the fields of zoning, building, or land use. Whenever possible, the hearing officer shall be chosen from one of the following categories:
  - (1) An architect;
  - (2) A businessman;
  - (3) An engineer;
  - (4) A general contractor or subcontractor;
  - (5) A realtor; or
  - (6) An attorney.

##### **8.03.03.02.03 Powers**

The hearing officer shall have the power to:

- (1) Adopt rules for the conduct of it hearing.

- (2) Subpoena alleged violators and witnesses to its hearings, which subpoenas shall be served by the county sheriffs or his deputies.
- (3) Subpoena evidence.
- (4) Take testimony under oath.
- (5) Issue orders having the force of law, to command whatever steps are necessary to bring a violation into compliance.
- (6) Establish and levy fines and impose and foreclose liens pursuant to section 2-112 herein.

### **8.03.03.03 Enforcement Procedures**

#### **8.03.03.03.01 Initiation.**

- (a) It shall be the duty of the code inspector to initiate enforcement proceedings of the various City codes. The code enforcement hearing officer shall not have the power to initiate such enforcement proceedings.
- (b) If a violation of the City codes is found, the code inspector shall notify the violator and give him or her a reasonable time to correct the violation. Should the violation continue beyond the time specified for correction, the code inspector shall notify the hearing officer and request a hearing. The code enforcement hearing officer, through its clerical staff, shall schedule a hearing, and written notice of such hearing shall be hand delivered or mailed as provided in s. 162.12 to said violator.
- (c) If a violation of this Code or the land use regulations is corrected and then recurs, or if such violation is not corrected by the time specified for correction by the code inspector, the case may be presented to the code enforcement hearing officer even if the violation has been corrected prior to the code enforcement hearing, and the notice shall so state.
- (d) If a repeat violation of this Code or the land use regulations is found, the code inspector shall notify the violator, but shall not be required to give the violator a reasonable time to correct the violation. The code inspector, upon notifying the violator of a repeat violation, shall notify the code enforcement hearing officer and request a hearing on such repeat violation. The code enforcement hearing officer, through its clerical staff, shall schedule a hearing on such

repeat violation and shall provide notice of such hearing pursuant to section 2-295. The case may be presented to the code enforcement hearing officer even if the repeat violation has been corrected prior to the code enforcement hearing, and the notice of such hearing shall so state. If the repeat violation has been corrected, the code enforcement hearing officer shall retain the right to schedule a hearing to determine costs and to impose the payment of reasonable enforcement fees upon the repeat violator. However, the repeat violator may choose to waive his or her rights to such hearing, and pay such costs as determined by the code enforcement hearing officer.

- (e) If the code inspector has reason to believe that a violation, or the conditions causing a violation, of this Code or the land use regulations presents a serious threat to the public health, safety and welfare, or if the violation is irreparable or irreversible in nature, the code inspector shall make a reasonable effort to notify the violator and may immediately notify the code enforcement hearing officer and request a hearing.

#### **8.03.03.03.02 Hearing procedures**

- (a) A hearing shall be scheduled before a hearing officer. The City council shall appoint hearing officers for a three-year term. A hearing officer may be reappointed to one successive term. Appointments shall be made on the basis of experience or interest in the fields of zoning, building, or land use. Whenever possible, the hearing officer shall be chosen from one of the following categories:
  - 1) An architect;
  - 2) A businessman;
  - 3) An engineer;
  - 4) A general contractor or subcontractor;
  - 5) A realtor; or
  - 6) An attorney.
- (b) Hearing officers shall conduct the hearing. The City attorney may attend the hearing and assist the hearing officer in the conduct of the hearing. A code enforcement officer shall represent the City by presenting cases before the Board.

- (c) At the hearing, the burden of proof shall be upon the code enforcement officer to show by a preponderance of the evidence that a violation does exist.
- (d) Provided that proper notice of the initial hearing has been served upon the alleged violator as provided in herein, such hearing may proceed in the absence of the alleged violator.
- (e) All testimony shall be under oath and shall be recorded. The hearing officer shall take testimony from the code enforcement officer and also from the alleged violator, if the alleged violator desires to testify, and from such other witnesses as may be called by the respective sides.
- (f) Formal rules of evidence shall not apply, but fundamental due process shall be observed and govern the proceedings.
- (g) Irrelevant, immaterial, or unduly repetitious evidence shall be excluded, but all over evidence of a type commonly relied upon by reasonable prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of the state.
- (h) The hearing officer or representative of the City's attorney office may inquire of any witness. The alleged violator, or his attorney, shall be permitted to inquire of any witness and shall be permitted to present brief opening and closing statements.
- (i) At the conclusion of the hearing, the hearing officer shall issue proposed findings of fact based on evidence in the record and conclusions of law, and shall issue proposed order affording proper relief consistent with the powers granted by law. The hearing officer shall state the essence of the order orally at the meeting and shall be reduced to writing and the order mailed by regular United States mail to the alleged violator within ten (10) days after the hearing.
- (j) The proposed order shall set a date certain by which the violator shall comply with the order. The hearing officer may establish an administrative fine to be paid by the violator for each and every day the violation continues beyond said date certain. Such fine shall not exceed two hundred fifty dollars (\$250.00) per day, plus the costs incurred by the City in prosecuting the violation.

- (k) A certified copy of the hearing officer's order may be recorded in the public records of the county and shall constitute notice to all subsequent purchasers, successors in interest, or assigns. The findings therein shall be binding upon the violator and, if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns. If an order is recorded in the public records pursuant to this subsection and the order is complied with by the date specified in the order, the board shall issue an order acknowledgeable compliance that shall be recorded in the public records. A hearing is not required to issue an order acknowledgeable compliance.**8.03.03.03 Fines, repairs, liens and foreclosures.**
- (a) The code enforcement officer shall ascertain whether any violator has complied with an order of the hearing officer by the date for compliance set by the hearing officer pursuant to the procedure set forth above, or shall determine whether a repeat violation has been committed. Should the code enforcement officer determine that the violator has not complied with said order, the code enforcement officer shall notify the code enforcement hearing officer of such noncompliance. The code enforcement hearing officer shall consider the matter of a fine and may order the violator to pay a fine in an amount not to exceed two hundred fifty dollars (\$250.00) per day for each day the violation continues past the date set by the board for compliance; or five hundred dollars (\$500.00) per day for each repeat violation, beginning with the date the repeat violation is found to have first occurred by the code enforcement officer. In addition, the hearing officer may assess against the violator the costs incurred by the City in prosecuting the violation and the costs of repairing those violations the hearing officer have authorized staff to repair.
- (b) In considering the amount of the fine, if any, the hearing officer shall consider the following factors;
- (1) The gravity of the violation;
  - (2) Any actions taken by the violator to correct the violation;
  - (3) Any previous violations committed by the violator.

#### **8.03.03.03.04 Appeal procedure.**

An aggrieved party, including the City council, may appeal a final administrative order to the county circuit court. Such an appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the board. An appeal shall be filed within 30 days of the execution of the order to be appealed.

#### **8.03.03.03.05 Notices.**

- (a) All notices required by this article shall be provided to the alleged violator by:
  - (1) Certified mail, return receipt requested; provided, if such notice is sent pursuant to this subsection to the owner of the property in question at the address listed in the tax collector's office for tax notices, and at any other address provided to the City by such owner and is returned as unclaimed or refused, notice may be provided by posting as described in subsections (b)(3) and (b)(4) of this section, and by first class mail directed to the addresses furnished to the City with a properly executed proof of mailing or affidavit confirming the first class mailing;
  - (2) Hand-delivery by the sheriff, his authorized deputies or another law enforcement officer, code inspector or other person designated by the City council;
  - (3) Leaving the notice at the violator's usual place of residence with any person residing there who is over 15 years of age, and informing such person of the contents of the notice; or
  - (4) In the case of a commercial premise, leaving the notice with the manager or other person in charge.
- (b) In addition to providing notice as set forth in subsection (a) of this section, at the option of the code enforcement hearing officer, notice may also be served by publication or posting as follows:
  - (1) Such notice shall be published once during each week for four consecutive weeks in a newspaper of general circulation. The newspaper shall meet such requirements as are prescribed pursuant to F.S. ch. 50 for legal and official advertisements.
  - (2) Proof of publication of such notice shall be made as provided in F.S. §§ 50.041 and 50.051.

- (3) As specified in F.S. § 162.12(2)(b)(1), in lieu of publication, notice may be posted at least ten days prior to the hearing or expiration of any deadline contained in the notice, in at least two locations, one of which shall be the property upon which the violation is alleged to exist, and the other shall be at the City hall. All additional requirements for the posting of property shall be in compliance with F.S. § 162.12.
  - (4) Proof of posting of such notice shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted, and the date and places of such posting.
- (c) Notice by publication or posting may run concurrently with, or may follow, an attempt to provide notice by hand-delivery or mail as required pursuant to subsection (a) of this section. Evidence that an attempt was made to mail or hand-deliver a notice as provided in subsection (a) of this section, together with proof of publication or posting as provided in this subsection shall be sufficient to show that the notice requirements of this section have been met, without regard to whether or not the alleged violator actually received such notice.

#### **8.04.00 Duties of City Council**

##### **(A) *Powers and Duties in the Areas of Development and Land Use Regulation***

- (1) Adopt and amend the Comprehensive Plan.
- (2) Adopt and amend the Land Development Code.
- (3) Appoint members of the Planning Commission, Zoning Board of Appeals and Code Enforcement Board.
- (4) Determine the need for and appoint members of additional Boards, committees and subcommittees to investigate and make decisions on various land use/development issues.
- (5) Establish by Resolution, fees, fines and penalties for:
  - Preliminary Development Plan review, Minor Subdivision Application, Plan Amendment Application, Vacating a Plat Application, zoning actions, Site Development Plan Application and reviews, Variances, Special Exceptions, Development Agreement Application and reviews, Sign permits, Antenna Installation permits, violation of any provision of the Code, Concurrency Test Statement



staff review, penalties for violation of flood damage protection regulations, fees in lieu of Dedications, and other activities carried out under the provisions of this Code.

- (6) Make final decisions on requested changes to the Comprehensive Plan, Zoning Ordinance and Map, Planned Unit Developments, Subdivision Plats, Conditional Uses, Special Exceptions and other special designations on property within the City.
- (7) Make final decisions on acceptance of public improvements constructed pursuant to the platting of approved subdivisions.

#### **8.05.00 Official Zoning Map**

- (A) The districts listed in Article 2, Section 2.04.044, "Establishment of Districts," and the boundaries thereof are shown upon the Official Zoning Map or series of maps of the City. This map is enacted as law immediately upon enactment of this Code and made a part thereof, such maps being designated as the "The Official Zoning Map of the City of Polk City." This map or maps and all notations, references and other information properly inscribed thereon are hereby incorporated as a part of this Article.
- (B) The boundaries of such districts as are shown on the Official Zoning Map, together with all regulations in this Code that are applicable in such districts, are hereby established and declared to be in effect upon all land included within the boundaries of each and every district shown upon said map(s).
- (C) The Official Zoning Map is amended by ordinance, and advertised according to the rules of advertising for an ordinance.
- (D) Within thirty working days of any action regarding the Official Zoning Map by the City Council, Planning Commission or Zoning Board of Appeals, the Official Zoning Map will be amended to reflect all approved changes in zoning classifications, land uses, special exceptions, variances, and any other relevant information pertaining to permitted uses or development standards in the City of Polk City.
- (E) *Rules of Interpretation of District Boundaries.* Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:
  - (1) boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines;
  - (2) boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

- (3) boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
  - (4) boundaries indicated as following shore lines shall be construed to follow the high water line, and in the event of a lowering of the water level shall be construed as moving downward to the current water level;
  - (5) boundaries indicated as following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines; and
  - (6) boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so construed.
  - (7) Where a zoning district boundary follows a dedicated public street or railroad, the centerline of the street or railroad right-of-way is the boundary.
  - (8) Where a zoning district boundary approximately follows a lot or property line, that line is the boundary.
  - (9) Where a zoning district boundary follows a stream or shore of a body of water, that stream or shoreline is the boundary.
  - (10) Where a zoning district boundary does not clearly follow any of the features mentioned above, its exact location on the ground shall be determined by measurement according to map scale.
- (F) The legal description advertised for public hearing purposes on a zoning action or variance on any parcel of property shall override any and all of the above rules for interpretation of district boundaries.

#### **8.06.00 Public Notice of Hearings**

Due Public Notice. A change in land use classification or designation, zoning classification or designation, variance, comprehensive plan amendment or an amendment to this Code, may not be considered by the Planning and Zoning Board, Zoning Board of Appeals or the City Council until due public notice has been given of a public hearing. All such changes are to be made by a non-emergency ordinance, with the exception of variances, which shall be by a vote of the Zoning Board of Appeals as directed in Section 8.03.02 (C) of this Code. Specific regulations in compliance with Chapter 166.041, FS., are listed below.

- (A) *General Requirements.* All ordinances and resolutions acted on by the City must

be read on two separate days and shall, at least 14 days before adoption, be noticed once in a newspaper of general circulation in the municipality. The notice of proposed enactment shall state the date, time, and place of the meeting; the title or titles of proposed ordinances; and the place or places within the municipality where such proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

(1) *Ordinance Requirements.* All ordinances acted on by the City Council must be read on two separate days and shall, at least 14 days before adoption, be noticed once in a newspaper of general circulation in the municipality. The notice of proposed enactment shall state the date, time and place of the meeting; the title or titles of proposed ordinances; and the place or places within the municipality where such proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

(2) *Land Development Actions.* In the case of land use issues, zoning issues, Plan amendments (less than 10 acres) and amendments to this Code, the first public hearing will be held by the Planning and Zoning Board. The first public hearing before the Planning and Zoning Board shall be held on a weekday at least 7 days after the advertisement is published.

The second public hearing will be held at the second reading by the City Council. Upon the conclusion of the second public hearing, the City Council may immediately adopt the ordinance. Action is to be taken by ordinance, with the exception of the Variance. Variances require one public hearing before the Zoning Board of Appeals, and are determined approved or denied only by a vote of the Board.

(3) *Other Local Government Notification.* When a proposed zoning action or variance lies within 300 feet of the jurisdiction of another local government, the planning board or governing body of that local government shall be notified by mail of a public hearing so that they may have the opportunity to be heard.

(B) *Variances.* Where an application for a Variance of the Unified Land Development Code has been filed, the City Clerk shall notify by mail each real property owner, whose address is known by reference to the latest ad valorem tax records, within a 300 foot radius of the affected property of the requested variance; provided, however, that failure to receive such notice shall not invalidate any action or proceedings taken at the public hearing. Notice of such public hearing shall be mailed at least 30 days prior to the public hearing. Notice shall be made to the planning board or governing body of an adjacent local government if the affected property is within 300 feet of such jurisdiction. There

is to be one public hearing before the Zoning Board of Appeals, after which a decision may be rendered by a vote of the Board.

- (C) *Amendment to the ULDC.* When an amendment to this Code is to be made it shall be by ordinance. It shall be advertised as specified in Section 8.06.00(A) of this Code. There will be two public hearings, first before the Planning and Zoning Board, second at the City Council at second reading of the ordinance. The only exception to this is when a zoning category is amended to change the list of permitted, prohibited, or conditional uses within that category, then public hearing regulations for a zoning change shall apply.
- (D) *Zoning Changes-Less than 10 acres*
  - (1) *Petitioner Initiated cases.* In cases in which the proposed ordinance changes the list of permitted, prohibited or conditional uses within a zoning category or changes the zoning designation of a parcel less than 10 acres, then the public hearings shall be advertised as specified in Section 8.06.00 (A) of this Code. There will be two public hearings, first before the Planning and Zoning Board, second at the City Council at second reading of the ordinance.
  - (2) *City Initiated cases.* In cases where the proposed ordinance changes the list of permitted, prohibited, or conditional uses within a zoning category or changes a zoning designation of a parcel less than 10 acres, then the City Council shall direct the Clerk to notify by mail the property owners by mail whose land is to be redesignated by enactment of the ordinance and whose address is known by the latest ad valorem tax records. Notice of the public hearings shall be mailed to all property owners at least 30 days prior to the first public hearing. In addition the public hearing notices shall be published as specified in Section 8.06.00 (A) of this Code. There will be two public hearings, first before the Planning and Zoning Board, second at the City Council at second reading of the ordinance.
- (E) *Zoning Changes-Greater than 10 acres*
  - (1) In cases in which the proposed ordinance changes the actual list of permitted, prohibited or conditional uses within a zoning category or changes the actual zoning map designation for a parcel(s) of land involving 10 contiguous acres or more, then there will be two public hearings required. The Planning and Zoning Board shall hold one advertised public hearing and the City Council shall hold one advertised public hearing on the proposed ordinance at the second reading. Public hearing requirements of Section 8.06.00 (A) shall apply, however the additional time requirements and advertisement requirement below shall also apply.

- (2) *Time requirements.* At least one of the hearings shall be held after 5 p.m. on a weekday, unless the City Council, by a majority plus one vote, elects to conduct that hearing at another time of day. The first hearing shall be held at least 7 days after the date the first advertisement is published. The second public hearing shall be held at least 10 days after the first hearing and shall be advertised at least five days prior to the hearing.
- (3) *Advertisement Requirements.* The required advertisements shall be no less than two columns wide by ten inches long in 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 placed in a newspaper of general circulation in the City and of general interest and readership. Except for amendments that change the actual list of permitted prohibited or conditional uses within a zoning category, the advertisement shall contain a geographic location map that clearly indicates the area covered by the proposed ordinance. The map shall include major street names as a means for identification of the general area.

**Table 37 - Sample of Advertising Notice**

NOTICE OF (TYPE OF) CHANGE
<p>The City of Polk City proposes to adopt Ordinance No.____ :</p> <p>A public hearing on the ordinance will be held on (date and time) at (meeting place).</p> <p>Ordinance No.____(title) may be inspected by the public at the office of the City Clerk, City Hall (address and business hours). Interested parties are invited to appear and be heard.</p>

- (4) *Mail-out may be done.* In lieu of publishing the advertisement as outlined above, the City may mail a notice to each person owning real property within the area covered by the ordinance. Such notice shall clearly explain the proposed ordinance and shall notify the person of the time, place and location of both public hearings on the proposed ordinance. The minimal public hearing notice in a newspaper giving notice of a proposed ordinance would still be required 14 days before the public hearing before the City Council as described in Section 8.06.00 (A) (1) of this Code.
- (F) *Annexation.* In the case of consideration of an ordinance regarding voluntary annexation, there will be only one public hearing at the second reading at the City Council Meeting. The Planning and Zoning Board is not required to take any action. In addition to the regulations of Section 8.06.00 (A) (1) of this Code, the following advertisement regulations apply: There shall be published notice of

the public hearing regarding the proposed ordinance at least once each week for two consecutive weeks in a newspaper of general circulation in the City. One of advertisements must be published at least 14 days prior to the second reading of the ordinance. The ordinance shall give the ordinance number and a brief description of the area to be annexed. The description shall include a map clearly showing the area to be annexed and a statement that the complete legal description is available at the Office of the City Clerk.

- (G) *Comprehensive Plan Amendments.* There are two types of Plan amendments, first, there are text amendments and second, there are land use map designation amendments or development standard changes. Section 8.07.00 clearly defines the differences of the types of Amendments.

- (1) *Small Scale Amendment-Less than 10 acres.* In cases in which the proposed ordinance changes the list of permitted, prohibited or conditional land uses within a land use category or changes the land use designation of a parcel less than 10 acres, then the public hearings shall be advertised as specified in Section 8.06.00 (A) of this Code. There will be two public hearings, first before the Planning and Zoning Board, second at the City Council at second reading of the ordinance. The City council may adopt the ordinance after the second public hearing.

*Advertisement Requirements.* The notice of proposed enactment shall state the date, time and place of the meeting; the title or titles of proposed ordinances; and the place or places within the municipality where such proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance. The minimal public hearing notice in a newspaper giving notice of a proposed ordinance is still required 14 days or more before the public hearing at the City Council Meeting, as described in Section 8.06.00 (A) (1) of this Code. The first public hearing before the Planning and Zoning Board shall be held on a weekday at least 7 days after the advertisement is published. The City must mail a notice to each person owning real property in the area covered by the ordinance. Such notice shall clearly explain the proposed ordinance and shall notify the person of the time, place and location of both public hearings on the proposed ordinance.

*Small Scale Amendments do not require review by DCA.* They are sent to DCA for notification purposes only, upon second reading and passage of the ordinance. In addition to these regulations above, the regulations of Section 8.07.05 must be complied with and if or when a conflict shall be determined the more stringent regulation shall apply.

- (2) *Large Scale Amendment-10 acres or more.* In cases in which the proposed ordinance changes the list of permitted, prohibited or conditional

land uses within a land use category or changes the land use designation of a parcel 10 acres or more, then there shall be three public hearings. The first hearing will be before the Planning and Zoning Board, second at the City Council at the first reading of the ordinance. The first public hearing shall be held on a weekday at least 7 days after the advertisement is published. Upon first reading the Ordinance shall be transmitted to DCA by Resolution per the requirements of Sections 8.07.00 – 8.07.04 of this Code. Upon receipt of approval from DCA of the proposed amendment in the proposed ordinance, a third public hearing shall be advertised at the second reading before the City Council. The advertisement of the third hearing shall be at least 5 days before the third public hearing. The City Council may adopt the ordinance after the third public hearing and the second reading of the ordinance.

*Advertisement Requirements.* In addition to the requirements in Section 8.06.00 (A) (1) the required advertisements shall be no less than two columns wide by ten inches long in 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 placed in a newspaper of general circulation in the City and of general interest and readership. Except for amendments that change the actual list of permitted prohibited or conditional uses within a land use category, the advertisement shall contain a geographic location map that clearly indicates the area covered by the proposed ordinance. The map shall include major street names as a means for identification of the general area.

In addition to these regulations above, the regulations of Section 8.07.00 –8.07.04 must be complied with and if or when a conflict shall be determined regarding public hearing notice requirements, the more stringent regulation shall apply.

### **8.07.00 Statutory Requirements for Plan Amendments**

There are two general types of Plan Amendments: (1) text amendments, and (2) amendments effecting land use, development standards, and maps. All requests for Plan Amendments shall be submitted in writing to the Development Director, together with applicable fees, which will have been established by resolution of the City Council. Specific regulations for Plan Amendments applications are detailed in Article 7, Section 7.02.00. Plan Amendments may be submitted by the City to DCA **no more than twice yearly** for review and according to the procedures established in Chapter 163 F.S., except small scale amendments. See Section 8.07.05 for specific regulations regarding Small Scale Amendments. Florida Statutes define Small Scale Amendments as:

- Encompasses the use of 10 or fewer acres of any land use category;
- Residential densities are limited to 10 or fewer units per acre;
- Does not involve the same property more than once per year;
- Does not involve the same owner's property within 200 feet of property granted a land use change within the past 12 months;
- Does not include any text change to the Plan's goals, objectives, and policies;
- Is not located within an area of critical state concern; and
- The local government can approve the amendment without exceeding its yearly maximum of 80 acres of small scale amendments.

#### **8.07.01 Public Hearing for a Plan Amendment**

As outlined in Chapter 163.3184, F.S., a public hearing is required proposing to adopt an Ordinance to amend the Comprehensive Plan and to transmit to DCA, by Resolution, the proposed Comprehensive Plan amendment and attached Evaluation and Appraisal Report. All procedures for advertisement of a public hearing to adopt an ordinance or resolution must be followed as adopted by the City and set forth in Section 8.06.00 above. According to State Law, the following sections (A) and (B) must be adhered to:

- (A) *7 Day Notice.* This public hearing shall be held on a weekday at least seven days after the day that the first advertisement is published. The intention to hold and advertise a second public hearing when the amendment comments are returned from DCA, shall be announced at the first public hearing.
- (B) *Advertisement Form*

NOTICE OF (CHANGE OF LAND USE AND AMENDMENT TO THE MAPS OF THE COMPREHENSIVE PLAN or TEXT AMENDMENT TO THE COMPREHENSIVE PLAN)

The City of Polk City proposes to adopt the following ordinance: (title of the ordinance).

A public hearing on the (change of land use or text amendment) will be held on (date and time) at (meeting place).

The ordinance may be inspected by the public at (name of place and business hours). Interested parties can appear and be heard.

Except for amendments which change the text of the Comprehensive Plan, the advertisement shall contain a geographic location map which clearly indicates



the area covered by the proposal. The map shall include major street names as a means of identification of the area.

#### **8.07.02 Transmittal to DCA**

Immediately following the public hearing, the City shall transmit six copies of the plan amendment and attached Evaluation and Appraisal Report to DCA for written comment. The City shall transmit one copy to each of the following:

Central Florida Regional Planning Council;  
Florida Department of Environmental Protection;  
Florida Department of Transportation; and  
Southwest Florida Water Management District.

- (A) DCA will notify the local government and other agencies, and any other person who has requested notice of an affirmative decision by DCA to review the amendment, within 30 days of receipt of complete amendment.
- (B) Upon receipt of state agency comments, DCA shall have 45 days to provide its own written comments to the City, stating its objections to the Plan Amendment, if any, and recommendations for modification.

#### **8.07.03 Public Hearing After Receipt of DCA Comments, and Adoption**

Upon receipt of DCA comments, the City shall have 60 days to adopt the Ordinance to amend the Comprehensive Plan as proposed or with changes. According to State Law, the following sections (A), (B) and (C) must be adhered to:

- (A) *5 Day Advance Notice.* A public hearing shall be held for adoption Ordinance to amend the Comprehensive Plan, and shall take place on a weekday approximately 5 days after the advertisement is published.
- (B) *Contents of Advertisement and Advertisement Form.* It shall be the same as described in 8.07.01 (B).
- (C) *Vote to Transmit.* At this Public Hearing, the City Council shall vote to transmit the adopted ordinance to DCA for final compliance review.

#### **8.07.04 Transmittal of Adopted Amendment to DCA**

The City Council shall transmit the adopted Ordinance to DCA within ten days of adoption. Upon receipt of the adopted Ordinance, DCA shall have 45 days to review and determine whether or not the plan amendment is in compliance with Chapter 163, F.S. During this period, DCA shall issue a Notice of Intent (NOI) indicating a finding of compliance or noncompliance.

If DCA finds the amendment not in compliance, the NOI is forwarded to the Division of Administrative Hearings for a hearing pursuant to Chapter 120.57 F.S. The hearing officer assigned by the division shall submit a recommended order to the Administration Council for final agency action.

If the Administration Council (Governor and Cabinet) finds that the plan amendment is not in compliance with this act, the Council shall specify remedial actions which would bring the comprehensive plan or plan amendment into compliance.

#### ***8.07.05 Small Scale Plan Amendments Exempt from DCA Review***

Plan amendments that are defined as Small Scale Amendments are exempt from the annual quota allowed by DCA and do not have to be submitted to DCA for review. The amendment is adopted by ordinance and sent to DCA and the Regional Planning Council. DCA will not issue a Notice of Intent for the small scale amendment.

- (A) *Definition.* Small Scale Plan Amendments are defined by Florida Statute as:
- Encompassing the use of **10 or fewer acres** of any land use category; and
  - Residential densities are limited to **10 or fewer units per acre**; and
  - Does not involve the same property more than once per year; and
  - Does not involve the same owner's property within 200 feet of property granted a land use change within the past 12 months; and
  - Does not include any text change to the Plan's goals, objectives, and policies;
  - Is not located within an area of critical state concern; and
  - The local government can approve the amendment without exceeding its **yearly maximum of 80 acres** of small scale amendments.
- (B) *Reviewing Board.* Proposed Small Scale Plan Amendments are heard by the Planning Commission and are recommended to the City Council by the Board. Then the amendments are heard at two Public Hearings and are adopted by Ordinance. The amendments become law after the waiting period for the ordinance has expired, which is 31 days after adoption.
- (C) *Public Notice Requirements.* The public notice required for the amendment is:

A newspaper notice as for ordinary, non-rezoning ordinances; and  
The City must mail the owners of the property notice; and

There is no size requirements for the newspaper advertisement; and Notice must be given of: the date, place and time of the meeting; the title of the proposed ordinance; the location where the proposed ordinance can be inspected by the public; and that interested parties can appear and be heard.

- (D) *Challenges.* Challenges will be heard by the Division of Administrative Hearings. In any action brought under this section, the DCA may intervene and become a party if granted that right by the hearing officer. If the hearing officer recommends that the amendment be found "in compliance," and DCA agrees, the DCA will enter the final order. If DCA does not agree, the recommended order will be forwarded to the Administration Commission (Governor and Cabinet) for rendering the final order.

#### **8.08.00 Public Records**

All resolutions, ordinances and records involving permitted land uses, development regulations and development approval are hereby declared to be public information and shall be maintained in an orderly fashion by the Development Director or his designee(s). Such materials shall be available for public inspection between the hours of 8 a.m. and 5 p.m. on weekdays at City Hall. Copies shall be made available at a price reflecting the City's reproduction costs.

#### **8.09.00 Fees**

The City Council has the right, by Resolution, to establish and revise as necessary a schedule of fees for zoning changes, review/approval of plans, administrative approvals, and other actions undertaken under the provisions of this Code. All fees shall be set, at a minimum, at levels that cover the City's costs of administration, inspection, and enforcement.

#### **8.10.00 Enforcement of Development Permits and Orders**

The Development Director is the enforcement officer for all regulations contained in this Code. The Development Director shall implement a procedure for periodic inspection of development work in progress to insure compliance with the development permit and final development order that authorized the activity.

##### **8.10.01 Certificate of Occupancy**

Upon completion of work authorized by a development permit or development order, and before the development is occupied, the developer shall apply to the Development Director for a certificate of occupancy. The Development Director shall inspect the work and issue the certificate, if all work is found to be in conformity with the permit or order.

#### **8.10.02 Administrative Approval of Minor Field Adjustments**

A minor field adjustment is a deviation from a final development order 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:

- (A) Alteration of the location of any road, walkway, landscaping or structure by not more than five feet.
- (B) Reduction of the total amount of open space by not more than five 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.
- (C) If the work is found to have one or more minor field adjustments, the Development Director shall request a revised site plan from the applicant showing the deviations and amend the development order to conform to actual development. The Development Director may, however, refer any minor field adjustment that significantly affects the development's compliance with the purposes of this Code to the Planning Commission for treatment as a major deviation.
- (D) *Major Deviation Defined.* A major deviation is a deviation other than a minor field adjustment, from a final development order.

#### **8.10.03 Major Deviation from Development Permits and Development Orders**

- (A) If the work is found to have one or more major deviations, the Development Director shall:
  - (1) Place the matter on the next agenda of the City Council, allowing for adequate notice, and recommend appropriate action for the Council to take.
  - (2) Issue a stop work order and/or 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 Development Director determines that work or occupancy may proceed pursuant to the decision of the City Council.
  - (3) Refer the matter to the code inspector, if it appears that the developer has committed violations within the jurisdiction of the Code Enforcement Board.

- (B) The Code Enforcement Board shall hold a public hearing on the matter and shall take one of the following actions:
- (1) Order the developer to bring the development into substantial compliance (i.e. having no or only minor deviations) within a reasonable period of time. The development order or permit may be revoked if this order is not complied with.
  - (2) Amend the development order or permit to accommodate adjustments to the development made necessary by technical or engineering considerations first discovered during actual development and not reasonably anticipated during the initial approval process. Amendments shall be the minimum necessary to overcome the difficulty, and shall be consistent with the intent and purpose of the development approval given and the requirements of this Code.
  - (3) Revoke the relevant development order or permit based on a determination that the development cannot be brought into substantial compliance and that the development order or permit should not be amended to accommodate the deviations.

#### ***8.10.04 Revocation of Development Order***

Should a development order or permit be revoked, development activity shall not proceed on the site until a new development order or permit is granted in accordance with procedures for original approval.

*[Reserved]*

## ARTICLE 9

### DEFINITIONS

For the purposes of this Code, the following terms shall have the meanings set forth below. Included are pertinent definitions adopted in the Comprehensive Plan, in addition to others applicable to this Code but not covered in the Plan. It is the intent of this Article to incorporate Comprehensive Plan definitions in substantially the same form in which they were adopted, although some terms may be defined here in a more detailed or restrictive manner. In the event a Comprehensive Plan amendment conflicts with a definition contained herein, the definition in the Comprehensive Plan shall take precedence, and shall be incorporated into this Code by reference.

**[Note: Definitions from the Flood Damage Prevention Ordinance added to Article 5, Section 5.01.00, have been added at the end of this chapter.]**

**AASHTO:** American Association of State Highway and Transportation Officials.

**Accessory Use or Structure:** A use or structure of a nature customarily incidental and subordinate to the principal use or structure and unless otherwise provided, on the same premises. "On the same premises" with respect to accessory uses and structures shall be construed as meaning on the same lot in the same ownership. Where a building is attached to the principal building, it shall be considered a part thereof, and not an accessory building.

**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 walls is new construction.

**Administrative Approval:** Approval given by the Building Official for permitting based on standards and criteria in the ordinance.

**Adult Day Care Facility:** Any building or buildings, or other place, whether operated for profit or not, which undertakes through its ownership or management to provide, for a part of the 24-hour day, basic services to **three or more adults, not related to the owner/operator by blood or marriage**, who requires such services. (400.551, F.S.)

**Adult Entertainment Establishment:** Any business which excludes minors by virtue of age due to the presence or display of films, photographs, published materials, or activities of a sexual nature. This definition shall include adult bookstores and theaters, and establishments offering massage, body rubs, any display of nudity, and similar activities to the exclusion of minors. Establishments which offer medical and therapeutic services provided by state licensed practitioners are

excluded from this definition. Any business qualifying as an incidental adult materials vendor shall also be excluded from this definition.

**Adult Foster Home:** A full-time, family-type living arrangement, in a private home, under which a person or persons provide, on a nonprofit basis, services of room, board, personal assistance, general supervision, and health monitoring, as appropriate for the level of functional impairment, **for three or fewer non-relatives who are aged or disabled adults placed in the home by the Department of Children and Family Services (HRS).** (400.618, F.S.)

**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.

**Affordable Housing:** Housing that is “affordable” includes total costs that, on a monthly basis, requires rent or mortgage payments of no more than 30% of a household's monthly gross income.

**Agricultural Roadside Stand:** A roadside stand of a temporary nature (30 days or less) for the sale of seasonal fruit, vegetables, or other similar products grown on the premises of an agricultural use.

**Agricultural Tax Exempt Status:** In Polk County, in order to qualify for an agricultural tax exempt status, the property must be fenced, and must be certified by an inspector from the Polk County Property Appraisers Office. All rules for tax exempt status are in accordance with Chapter 193.461, F.S. Such properties may be annexed into the City of Polk City and continue an already qualified agricultural use, as allowed by the State, under Chapter 193.461, F.S., “which includes, but is not limited to horticulture; floriculture; viticulture; forestry; dairy; livestock; poultry; bee, pisciculture, when the land is used principally for the production of tropical fish; aquaculture; sod farming; and all forms of farm products and farm production.”

**Agricultural Uses:** Activities within land areas which are predominantly used for the cultivation of crops and livestock including: crop land; pasture land; orchards; citrus groves; vineyards; nurseries; ornamental horticulture areas; greenhouses; groves; confined feeding operations; general farming; forestry; truck gardening; fish hatcheries or fish pools; specialty farms; and silviculture areas.

**Alley:** A narrow thoroughfare dedicated or used for public use upon which service entrances of buildings abut, which is not generally used as a thoroughfare by both pedestrians and vehicles, otherwise officially designated as a street.

**Alteration:** Any change in size, shape, occupancy, character, or use of a building or structure.

**Amusement Enterprise, Indoor:** See Recreation, Indoor.

**Amusement Enterprise, Outdoor:** See Recreation, Outdoor.

**Annexation:** The adding of real property to the boundaries of an incorporated municipality, such addition making such real property in every way a part of the municipality. (171-031 F.S.)

**Antenna:** A mechanism, less than 30 feet in height, the purpose of which is to receive television or radio signals directly from ground-based sources, or to transmit such signals directly to ground-based receivers.

**Antique Car/ Vehicle:** Any motor vehicle 25 years or older.

**Apartment Building:** A building which is used or intended to be used as a home or residence for three or more families living in separate quarters.

**Applicant:** Any person who submits subdivision plans for the purpose of obtaining approval thereof.

**Aquifer:** A water-bearing stratum of permeable rock, sand, or gravel.

**Area or Area of Jurisdiction:** The total area qualifying under the provisions of this Code, whether this be all of the lands lying within the limits of the City of Polk City. The term "area" shall also include unincorporated lands reserved by the City and designed by law for future annexation, provided that a joint agreement has been made with the County meeting the conditions of F.S. 163.3171(1).

**Area of Shallow Flooding:** A designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate and where velocity flow may be evident.

**Area of Special Flood Hazard:** The Area of Special Flood Hazard shall include:

1. All areas designated as an area of special flood hazard pursuant to Section 5.01.01. The relevant Flood Hazard Boundary Map and Flood Insurance Rate Maps, and any revisions thereto, are adopted by reference and declared to be a part of this Code.
2. Other areas of the community designated on a map by the Development Director as having a one percent or greater chance of flooding in any



given year. This may include isolated topographic depressions with a history of flooding or a high potential for flooding.

**Arterial Road:** A roadway providing service which is relatively continuous and of relatively high traffic volume, long trip length, and high operating speed. In addition, every United States numbered highway is an arterial road. Arterial roads are designated as such on the Future Traffic Circulation Map of the City of Polk City Comprehensive Plan.

**Assisted Living Facility:** Any building or buildings, section of a building, or distinct part of a building, residence, private home, boarding home, home for the aged or other place, whether operated for profit or not, which undertakes through its ownership or management to provide, for a period exceeding 24 hours, housing, food service, and one or more personal services for **four or more adults, not related to the owner or administrator by blood or marriage**, who require such services; or to provide limited nursing services or limited mental health services, when specifically licensed to do so pursuant to Section 400.407, F.S. A facility offering personal services, limited nursing services, or limited nursing services, or limited mental health services for fewer than four adults is within the meaning of this definition, if it formally or informally advertises to or solicits the public for residents or referrals and holds itself out to the public to be an establishment which regularly provides such services. (400.402, F.S.)

**[Note: as defined by the State of Florida, an ACLF with 6 residents or less is classified as a single family residence.]**

**Automotive Repair, Major:** Includes activities listed under Service Station, as well as removal and major overhaul of engines, transmissions and drive systems, and all types of paint and body work.

**Automotive Repair, Minor:** See Service Station. A business which performs minor automotive repair may include the sale of motor fuels.

**Automotive Restoration/Antique or Classic**Error! Bookmark not defined. **(Private and "Not for Profit"):** Restoring of classic vehicles (more than 20 years old) or antique vehicles (more than 25 years old) by a private individual and "not for profit". All activities must take place under cover. Stored vehicles must be screened. Vehicles may not be stored in front of the principal structure and must be setback ten feet (10') from side and rear property lines. An individual who is restoring a classic or antique vehicle, may have 3 inoperable vehicles property stored, as long as they are of the same make and model of the vehicle he is restoring.

**Auto Salvage Yard:** A commercial business which disassembles inoperable motor vehicles for the purpose of resale of automobile parts. Not more than three inoperable motor vehicles may be stored at any one time. See "Junkyard" for a

business which stores more than three inoperable vehicles.

**Availability or Available:** With regard to the provision of facilities and services concurrent with the impacts of development, means that at a minimum the facilities and services will be provided in accordance with the standards set forth in Rule 9J-5.0055(2), F.A.C. (9J-5.003 F.A.C.)

**Base Flood:** The flood having a one percent chance of being equaled or exceeded in any given year.

**Beneficial Functions Of A Wetland:** Those functions, described in the Conservation Element of the Comprehensive Plan and in this Code that justify protection of wetlands.

**Best Management Practice (BMP):** A practice or combination of practices that are determined to be the most effective, practical means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

**Bicycle and Pedestrian Ways:** Any road, path or way which is open to bicycle travel and traffic afoot and from which motor vehicles are excluded. (9J-5.003 F.A.C.)

**Billboard Advertising Sign:** An outdoor surface whereon advertising matter is set in view conspicuously and which advertises firms or organizations, or goods and services not located on the same premises as the sign, and which surface is sold, rented, donated, leased or otherwise used for the display of advertising material or the expression of noncommercial speech.

**Blighted Areas:** Developed areas which have deteriorated through neglect or abandonment and which could benefit the community if redeveloped.

**Boarding or Rooming House:** Residential facility other than an apartment building, hotel/motel, or restaurant, containing four or more rooms, where meals and/or lodging are provided in exchange for monetary compensation. This definition shall include dormitories, fraternity houses, and sorority houses.

**Buffer:** An area or strip of land established to separate and protect one type of land use from another with which it is incompatible. A buffer area typically is landscaped and contains vegetative plantings, berms, and/or walls or fences to create a visual and/or sound barrier between the two incompatible uses.

**Building:** Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind. This definition shall include tents awnings or vehicles situated on private property and serving in any way the function of a building.

**Building Coverage:** The combined and total percentage of area of a lot covered or occupied by buildings or roof portions of structures.

**Building Height:** The vertical distance measured from the mean finished ground level adjoining a building to the level of the highest point of the roof.

**Building Inspector:** A person who is employed by the City to examine all applications for permits; approve plans and specifications and issue permits for construction in accordance with the requirements of law; inspect all construction for conformance to the City's building and mechanical codes and issue certificates of occupancy; and make such reports as the City Council may require. He/she shall have a working knowledge of the Standard Building Code and be familiar with electrical, fire, zoning and other codes having a bearing on building construction in the City. He/she shall have experience as an architect, engineer, building inspector or building contractor. Alternatively, the City may retain a licensed professional contractor/builder on a part-time basis to perform technical review of building activities.

**Building Line:** The width of the lot at the rear edge of any required front setback. Except as specifically provided by this zoning ordinance, no building or structure may be extended to occupy any portion of a lot **streetward** or otherwise **forward** of the building line.

**Building Permit:** A permit which may be required by appropriate authority as described herein, relating to the location, construction, alteration, demolition, or relocation of structures within the area of jurisdiction.

**Building Site:** The lot or lots or portion of a lot or lots used for a building or structure, the total area of which lot or lots is ascribed to the building or structure for compliance with this ordinance.

**Camouflaged construction:** Methods of design and construction of communication towers which permit such towers to unobtrusively blend into the existing surroundings and disguised so as to not have the appearance of a communication tower. Notwithstanding the camouflaged construction, the structure shall continue to be considered a communication tower for the purposes of this Code.

**Camping Trailer:** See Recreation Vehicle.

**Canopy:** Canopy refers to the area shaded by the crown of mature tree, which is listed among the approved species in Article 3, Section 3.07.00, of this Code.

**Capital Budget:** The portion of each local government's budget which reflects capital improvements scheduled for a fiscal year. (9J-5.003 F.A.C.)

**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. (9J-5.003 F.A.C.)

**Capital Improvement Program (CIP):** A five year listing of proposed capital improvement projects, adopted each year with the Annual Budget of the City, as required by the Comprehensive Plan.

**Carport:** A private garage; a roofed area open on one or more sides and attached to or within three feet of the principal building; designed or intended for storage of one or more motor vehicles, trailers, boats, or other moveable property.

**Caretaker's cottage or security residence:** A private, single family residence, which may be a manufactured (mobile) home, located on the grounds of a business for security reasons or on the grounds of a residential estate for security reasons.

**Cemetery:** A plot or parcel of land used or intended for use as a burial place in or above the ground for dead human bodies, whether or not markers or monuments are used.

**Church:** A building used only for nonprofit purposes by a recognized and legally established sect solely for purposes of religious worship and related activities.

**Classic Car/ Vehicle:** A vehicle 20 years or older.

**Central Potable Water Facilities:** Potable water facilities that serve as a public supply water system.

**Central Sewer Systems:** Public sanitary sewer facilities.

**Change of Occupancy:** The term "change of occupancy" shall mean a discontinuance of an existing use and the substitution therefore of use of a different kind or class. Change of occupancy is not intended to include a change of tenants or proprietors unless accompanied by a change in the type of use.

**Clearing:** The removal of trees, brush or any other vegetation from the land, not including the ordinary mowing of grass.

**Clinic, Medical or Dental:** An establishment where patients who are not lodged over night are admitted for examination and treatment by one person or a group of persons practicing any form of the healing arts, whether such persons be medical doctors, chiropractors, osteopaths, chiroprudists, naturopaths, optometrists, dentists, or any such profession, the practice of which is regulated by the State of

Florida.

**Club:** Building, facilities and property owned and operated by a corporation or association of persons for social or recreation purposes, including those organized chiefly to promote friendship and welfare among its members, but not operated primarily for profit or to render a service which is customarily carried on as a business.

**Cluster Development:** Generally refers to a development pattern - for residential, commercial, industrial, institutional, or combinations of such uses - in which the uses are grouped or "clustered", rather than spread evenly throughout a parcel as a conventional lot-by-lot development. A zoning ordinance may authorize such development by permitting smaller lot sizes if a specified portion of the land is kept in permanent open space either through public dedication or through creation of a homeowners association.

**Code:** Refers to this Code, the Unified Land Development Code of the City of Polk City.

**Code Enforcement Board:** A five-member board of the City that shall have the jurisdiction to hear and decide alleged violations of any City codes or ordinances.

**Code Inspector:** Any authorized agent or employee of the City whose duty it is to ensure compliance with the City codes and ordinances.

**Collector Road:** A roadway providing service which is of relatively moderate traffic volume, moderate trip length, and moderate operating speed. All collector roads are designated as such on the Future Traffic Circulation Map of the City of Polk City Comprehensive Plan.

**Commercial Driveway:** Any driveway other than a private driveway or a temporary driveway.

**Commercial Establishment:** A business operated for profit in an area zoned for commercial or industrial uses.

**Commercial Highway Uses:** Activities within land areas which are predominantly connected with the sale, rental and distribution of products, or performance of services, such as those listed in Commercial Uses above and those listed below, but not limited to: fruit and/or vegetable stand.

**Commercial Services Uses:** Activities within land areas which are predominantly connected with the sale, rental and distribution of products, or performance of services, such as those listed in Commercial Uses above and those listed below, but not limited to:

Farm equipment sales and repair; laundry or dry cleaning plant; plumbing, heating and air conditioning service; publicly-owned or operated maintenance yard.

**Commercial Sign, On Site:** A permanently mounted sign advertising or identifying a commercial activity which is located on the same parcel or lot as the business to which it refers. For purposes of this Code, a sign identifying an industrial facility or activity shall also be defined as an on-site commercial sign.

**Commercial Uses:** Activities within land areas which are predominantly connected with the sale, rental and distribution of products, or performance of services, such as but not limited to: antique shop; bakery (goods for sale only on premises at retail); barber shop and beauty shop; bicycle sales and repair; book, magazine, or stationary store; bus passenger terminal; candy or confectionery store; dairy products store; delicatessen; department store; drug store; dry cleaning and/or laundry pick-up station for work to be done elsewhere; florist shop; food store; furniture store; gift shop; gun shop; hobby and toy store; jewelry, watch store and repair; Laundromat (self-service); mini-warehouse; music or record store; paint, glass or wallpaper store (retail); photography supply and service store; reupholster and furniture repair service; shoe store and repair shop; sporting goods store; tailor or dressmaker; theater (indoor); variety or dry goods store; wearing apparel shop.

**Communications Antenna:** Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, or other communications signals.

**Communications Tower:** Any structure that is designed and constructed primarily for the purpose of supporting one or more communication antenna for telephone, radio, and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, camouflaged towers, and any support structures thereto.

**Comprehensive Plan:** The adopted plan of the City that meets the requirement of F.S. 163.3161 through 163.3211 (Local Government Comprehensive Planning Act), as amended by any subsequent state law and meeting the requirements imposed by the City of Polk City. The Comprehensive Plan of the City was produced by the firm of Hennigar and Ray Engineering Associates, Crystal River, Florida, in 1989.

**Comprehensive Planning Act of 1975:** F.S. 163.3161 through 163.3211 (Local Government Comprehensive Planning Act), and any amendments hereto.

**Concurrency:** The necessary public facilities and services to maintain the adopted level of service standards are available when the impacts of development occur. (9J-5.003 F.A.C.)

**Concurrency Management System:** The procedures and/or process that the local government will utilize to assure that development orders and permits are not issued unless the necessary facilities and services are available concurrent with the impacts of development. (9J-5.003 F.A.C.)

**Concurrent with the Impacts of Development:** Pursuant to 9J-5.0055(2), concurrent with the impacts of development shall be satisfied when: the necessary facilities and services are in place at the time a development permit is issued; or a development permit is issued subject to the condition that the necessary facilities and services will be in place when the impacts of the development occur; or that the necessary facilities are under construction at the time a permit is issued; or that the necessary facilities and services are guaranteed in an enforceable development agreement that includes the provisions of concurrency as defined. For recreation facilities, concurrency may also be met by adherence to 9J-5.0055(2)(b). For roads, concurrency may also be met by adherence to 9J-5.0055(2)(c)

**Cone of Influence:** An area around one or more major water wells the boundary of which is determined by the government agency having specific statutory authority to make such a determination based on groundwater travel or drawdown depth. (9J-5.003 F.A.C.)

**Conservation Easement:** A right or interest in real property intended to maintain land or water areas predominantly in their natural, scenic, open, or wooded condition. Such areas may preserve habitat for fish, plants, or wildlife; the structural integrity or physical appearance of sites of historical, architectural, archaeological, or cultural significance; or existing land uses compatible with conservation of natural resources.

**Conservation Uses:** Activities within land areas designated for the purpose of conserving or protecting natural resources or environmental quality and includes areas designated for such purposes as flood control, protection of quality or quantity of groundwater or surface water, floodplain management, fisheries management, or protection of vegetative communities or wildlife habitats. (9J-5.003 F.A.C.)

**Consistency:** Comprehensive plans are considered to be consistent with each other when land uses, proposed land uses, and impacts from proposed development are compatible with, or not in conflict with, land uses, proposed land uses or impacts from proposed development in an adjacent city or county.

**Construction, actual:** Actual construction includes the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition, excavation, or removal of an existing structure has been substantially begun preparatory for new construction, such excavation, demolition, or removal shall be deemed to be actual construction, provided that work shall be continuously involved. Fill and the installation of drainage facilities shall be considered a part of construction. Actual construction shall include only work begun under a valid building permit.

**Construction Sign:** Freestanding sign placed on a vacant lot or lot under construction announcing the name of the Construction Company and/or type of work being done. In Polk City a construction sign may not exceed 32 square feet.

**Copy:** The linguistic or graphic content of a sign.

**Convalescent Home:** A building or portion thereof wherein, for compensation, living accommodations and care are provided for persons suffering from illness or the affects of old age, other than mental illness or contagious illnesses, which are not of sufficient severity to require institutional care after being discharged from a hospital other than a mental hospital.

**Convenience Store:** Any place of business that is engaged in the retail sale of grocery store items, but on a much smaller scale than a grocery store. No sales of motor fuels. For the definition of a convenience store with gas sales, see Gasoline Sales (no service).

**Convenience Store with Gas:** See Gasoline Sales (No Service).

**Coverage:** That percentage of the plot area covered or occupied by buildings or roofed portions of structures.

**Currently Available Revenue Sources:** An existing source and amount of revenue presently available to the local government. It does not include a local government's present intent to increase the future level or amount of a revenue source which is contingent on ratification by public referendum. (9J-5.003 F.A.C.)

**Day Care Center:** An establishment which receives for care and supervision **four or more** children for less than twenty-four hours per day unattended by parent or legal guardian, and shall include day nurseries, kindergartens, day care services, nursery schools and play schools.

**DCA or FDCA:** The Florida Department of Community Affairs, a State agency located in Tallahassee, Florida.

**Demolition:** The complete or constructive removal of any or part or whole of a building



or structure upon any site when same will not be relocated intact to a new site.

**Density:** The average number of families, persons or dwelling units per unit of land, usually expressed "per acre." "Density Control" is a limitation on the occupancy of land, and is generally implemented through zoning. Specific methods include use restrictions, such as single or multiple family dwellings, minimum lot-size requirements, floor area ratio, setback or yard requirements, minimum house size requirements, lot area requirements, or other means. "Density Transfer" permits unused allowable densities in one area to be used in another area. The average density over an area or parcel remains constant, but internal variations are allowed.

**Density Bonus:** An additional number of dwelling units above what would otherwise be permissible within a particular zoning classification or future land use classification. When applied to a future land use classification, a density bonus may only be granted when, at a minimum, all housing units that exceed the maximum density permissible within that classification meet the definition of affordable for those of low and moderate income.

**Depth and Width:** The "depth" of a lot is the distance between its mean front street line and its rear line. The "width" of a lot is the distance between the side lines thereof if such lines are parallel to each; if side lines are not parallel, "width" shall be construed as mean width.

**Developer:** Any person, including a governmental agency, undertaking any development as defined in this Code. (380.031 F.S.)

**Development:** 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.

The following activities or uses shall be taken to involve "development:"

A reconstruction, alteration of the size, or material change in the external appearance of a structure on land; 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; alteration of a shore or bank of a seacoast, river, stream, lake, pond, or canal, including any "coastal construction"; commencement of drilling, except to obtain soil samples, mining, or excavation on a parcel of land; demolition of a structure; clearing of land as an adjunct of construction; deposit of refuse, solid or liquid waste, or fill on a parcel of land.

The following operations or uses shall not be taken to involve "development":

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; 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; 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; the use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling; the use of any land for the purpose of growing plants, crops, trees, and other agricultural or forestry products, raising livestock, or for other agricultural purposes; 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; a change in the ownership or form of ownership of any parcel or structure; the creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land.

"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 result of development. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development. ('380.04 F.S.)

**Development Capacity:** An element of the concurrency management system, addressing the ability of public facilities to absorb development that has not been built, or that has not been completely built out, and that therefore has not impacted, or fully impacted, existing public facilities. The availability of public facilities to accommodate future development, in order to maintain an established level of service, will take into account this vested but currently unused or under utilized capacity.

**Development Director:** A person employed by the City. He/she shall supervise and administer all staff activities regarding comprehensive planning, zoning, development review, issuance of permits, and code enforcement. He/she shall perform duties prescribed by this Code, as well as any others assigned by the Planning Board, Mayor or City Council. He/she shall be duly qualified for these responsibilities through appropriate education and work experience. He/she shall have a thorough knowledge of the provisions of the Comprehensive Plan and this Code, and shall have the authority to interpret the intent and meaning of this Code in situations where its applicability is not clear. Appeals of administrative decisions of the Development Director may be made to the Zoning Board of Appeals, not more than 30 days after such decision is rendered.

**Development of Regional Impact (DRI):** The term "development of regional impact," means 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.

**Development Order:** Any order granting, denying, or granting with conditions an application for a development permit. (380.031 F.S.)

**Development Permit:** Includes any building permit, zoning permit, subdivision approval, plat approval, or rezoning, or special exception, certification, variance, or other action having the effect of permitting development of land. (380.031 F.S.)

**Disabled Home:** A facility which houses disabled individuals over the age of 18 and provides a family living environment for the residents, including such supervision and care as may be necessary to meet the physical, emotional and social needs of the residents and normally serving adult residents.

**District:** A portion of the territory of the City for which certain uniform regulations and requirements or various combinations thereof apply under the provisions of the Unified Code of Land Development Regulations.

**D.O.T:** The Florida Department of Transportation.

**D.O.T. Specifications:** Florida Department of Transportation Standard Specifications for Road and Bridge Construction, current edition.

**Drainage Basin:** The area defined by topographic boundaries which contributes stormwater to a drainage system, estuarine waters, or oceanic waters, including all areas artificially added to the basin. (9J-5.003 F.A.C.)

**Drainage Facilities:** A system of man-made structures designed to collect, convey, hold, divert or discharge stormwater, and includes stormwater sewers, canals, detention structures, and retention structures. (9J-5.003 F.A.C.)

**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.

**Drinking Establishment:** A business establishment where drink is served to patrons within the establishment, and is also known as a bar, a bottle club, a lounge, a saloon or any other similar term.

**Drive-in Restaurant:** A business establishment where food or drink is served to patrons in automobiles, or which have take-out services or provide parking

spaces, or outside tables for use by patrons.

**Duplex:** A building designed and intended for or occupied exclusively by **two families** living independently of each other.

**Dwelling, generally:** Any building, or part thereof, occupied in whole or in part, as the residence of living quarters of one or more persons, permanently or temporarily, continuously or transiently, with cooking facilities; but not including hotels, boarding- or lodging houses.

**Dwelling, single family:** A dwelling containing only one dwelling unit. For regulatory purposes, the term includes manufactured homes that are fixed dwellings, but is not to be construed as including travel trailers, housing mounted on self-propelled or drawn vehicles, tents, or other forms of temporary or portable housing.

**Dwelling Unit:** A room or rooms connected together, constituting a separate, independent housekeeping establishment for one (1) family, for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms which may be in the same structure, and containing sleeping facilities and one kitchen.

**Easement:** A right given by the owner of land to another party for specific limited use of that land. For example, a property owner may give or sell an easement on his property to allow utility facilities like power lines or pipelines, or to allow access to another property. A property owner may also sell or dedicate to the government the development rights for all or part of a parcel, thereby keeping the land open for conservation, recreation, scenic or open space purposes.

**Educational Uses:** Activities and facilities of public or private primary or secondary schools, vocational and technical schools, and colleges and universities licensed by the Florida Department of Education, including the areas of buildings, campus open space, dormitories, recreation facilities or parking. (9J-5.003 F.A.C.)

**Environmentally Sensitive Land:** Wetlands, floodplains or critical habitat for plant or animal species listed by the Florida Department of Agriculture and Consumer Services (FDACS), the Florida Game and Fresh Water Fish Commission (FGFWFC), or the United States Fish and Wildlife Service (USFWS) as endangered, threatened, or species of special concern. A **Critical Habitat** means the specific area within a geographic area occupied by plant or animal species listed by FDACS, FGFWFC or USFWS as endangered, threatened, or species of special concern on which are found those physical or biological features essential to the conservation of the species and which may require management considerations or protection.

**Erected:** Includes built, constructed, reconstructed, moved upon or any physical

operations on the premises required for building. Excavations, fill drainage and the like shall be considered a part of erection.

**Essential Services:** The erection, construction, alteration or maintenance, by private utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communications, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal or governmental agencies or for the public health or safety or general welfare, but not including buildings.

**F.A.C.:** Florida Administrative Code.

**Factory-built Housing:** Shall mean any residential building, or building component or building system therefore, which is of closed construction and which is made or assembled in manufacturing facilities for installation, or assembly and installation, on the building site. Factory-built housing may also mean any residential building, or building component or building system therefore of open construction made or assembled in manufacturing facilities for installation or assembly and installation on the building site.

**Family:** One person, or a group of two or more persons, living together, occupying the whole or part of a dwelling unit as a separate housekeeping unit with a single set of culinary facilities; and further provided that said family shall not contain more than two persons not a part of the immediate family (meaning the head of household, spouse and children) except gratuitous guests and domestic servants, occupying the dwelling unit.

**Farmworker(s):** means a person(s) who has worked twenty-five days or more, earning at least one-half (1/2) of their income in agricultural work in the last twelve (12) months and was not employed year round by the same employer.

**Farm Worker Housing:** The living accommodations of farm employees and their families, on one lot or parcel without regard to duration, which occurs exclusively in association with the performance of agricultural labor.

**FDEP:** The Florida Department of Environmental Protection.

**Fill:** Depositing of any materials by any means in any water body or wetland.

**Filling Station:** See Gasoline Sales (No Service).

**Flea Market:** A temporary sale of arts and crafts or rummage or similar items, not operating more than two days per month, with no permanent structures erected and operating in daylight hours only.

**Flood or Flooding:** A temporary partial or complete inundation of normally dry land from the overflow of lakes, rivers, or other water bodies, or from the unusual and rapid accumulation of runoff or surface waters from any source.

**Flood Hazard Boundary Map (FHBM):** The map issued by the Federal Emergency Management Agency showing flood-prone areas. Drawn from United States Geological Survey Maps, it does not provide flood elevations and is intended to be used only until the FIRM is produced.

**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 city.

**Floodplain:** Land which will be inundated by floods known to have occurred or reasonably characteristic of what can be expected to occur from the overflow of inland or tidal waters and the accumulation of runoff of surface waters from rainfall.

**Floodplains (100-Year Floodplain):** Areas inundated during a 100-year flood event or identified by the National Flood Insurance Program as an A Zone or V Zone on Flood Insurance Rate Maps or Flood Hazard Boundary Maps. (9J-5.003 F.A.C.)

**Flood Protection Elevation:** The elevation of the base flood plus one foot.

**Floodways:** The channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment in order that the 100-year flood may be carried without substantial increases in flood heights.

**Floor Area:** The total area of all floor space inside of the interior walls of the building and/or all unenclosed surface space utilizing principally for a commercial purpose, excluding required parking and driveway areas.

**Floor Area Ratio:** A non-residential land use intensity measure analogous to density. It compares the floor area of a building with the total area of its site. Floor area is the sum of the areas of the several floors of the building or structure. Floor area ratio is calculated by dividing the sum area of all floors by the gross area of the site.

**Foster Home, Foster Care Facility:** A facility which houses foster residents and provides a family living environment for the residents, including such supervision and care as may be necessary to meet the physical, emotional and social needs of the residents and serving either children or adult foster residents.

**Frontage:** Pertaining to signs, the length of the property line of any one parcel along one or more streets on which it borders.

**Frontage of a Building:** The wall or side of a building approximately parallel and nearest to a street. When on a corner, "frontage of a building" shall be determined by the Development Director.

**Frontage Road:** A road designed to parallel a major roadway, thereby allowing the major roadway to function as a limited-access facility while providing access to lands adjacent to the roadway. (Sometimes designated a "service road.")

**Front Setback:** A distance established per each zoning district, in which no structure may be built or in which no land use activity may take place. See Table 5 for required front setbacks for each zoning district.

**F.S.:** Florida Statutes.

**Garage (Commercial):** A building or premises used for the storage, repair, rental, sale and/or servicing of motor vehicles and/or for the retail sale of fuel for such vehicles.

**Garage (private):** A building, attached or detached to or from the principal structure, intended for inside storage of automobiles or other wheeled property belonging primarily to occupants of the premises. A "private garage" attached to or a part of the main structure is to be considered part of the main use. An unattached "private garage" is to be construed as an accessory building.

**Garage Apartment:** An accessory building which is or is intended to be detached from the principal building and which contains one or more dwelling units, whether or not vehicular storage is or was intended.

**Garage Sale:** The sale of personal property, usually household goods and furniture, by the owner of the property on which the sale occurs. Such sales are occasional in nature and do not involve the establishment of a permanent sales location. A "neighborhood garage sale" is within the meaning of this definition.

**Garden Home:** see Single Family Attached Dwelling Unit.

**Gasoline Sales (No Service)/ Gas Station/ Filling Station/ Convenience Store with Gas:** A place of business that is engaged in the retail sale of motor fuels, oils, or automotive accessories, and the small-scale retail sale of grocery store items; but where no major automotive repair, body rebuilding, welding, tire capping, or painting is or is intended to be performed.

**Gas Station:** See Gasoline Sales (No Service).

**Golf Course:** Public or private golf course and par 3 courses including clubhouse, pro shop, restaurants, lounges, parking lots and maintenance facilities that are on the

premises to serve the patrons of the golf course.

**Governing Body:** The City Council of Polk City.

**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, Established:** The average elevation of the public sidewalks around or abutting a plot, or, in the absence of sidewalks, the average elevation of the public streets abutting the plot.

**Grade, Finished:** The finished grade of premises improved by a building is the elevation of the surface of the ground adjoining the building. Where the “finished grade” is below the level of the established grade, the established grade shall be used for all purposes of this Code.

**Green Swamp Area of Critical State Concern (Green Swamp ACSC):** An area delineated by Statute in the State of Florida that is considered to be extremely sensitive to development; and the development of which may be harmful to the health of the citizens of the State.

**Green Swamp Impact Assessment Statement:** All applications for development, including communication towers, to be located in the Green Swamp Area of Critical State Concern shall be accompanied by a Green Swamp Impact Assessment Statement.

**Group Home:** A facility which provides a living environment for unrelated residents who operate as the functional equivalent of a family, including such supervision and care as may be necessary to meet the physical, emotional and social needs of the residents. Assisted Living Facilities comparable in size to group homes are included in this definition. It shall not include rooming or boarding homes, clubs, fraternities, sororities, monasteries or convents, hotels, residential treatment facilities, nursing homes, or emergency shelters. (9J-5.003 F.A.C.)

**Growth Management Act:** Chapter 163, Part II, F.S., known and cited as the "Local Government Comprehensive Planning and Land Development Regulation Act."

**Halfway House:** Any dwelling used as a home for juvenile offenders; for residential care or rehabilitation of adult offenders in lieu of institutional sentencing; for residential care and treatment of persons leaving correctional and mental institutions; as a shelter for teenage runaways; or as a residential treatment center for alcohol and drug users.

**Hardship:** Conditions peculiar to a property and not the result of the actions of the applicant, previous owners, or physical circumstances.



**Hazardous Material:** By hazardous chemical, toxic chemical, or extremely hazardous substance, as defined in s. 329 of Title III. (252.82 F.S.)

**Hazardous Waste:** Solid waste, or a combination of solid wastes, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated or otherwise managed. (9J-5.003 F.A.C.)

**Height of Building:** The vertical distance measured from the mean level of the finished grade to the highest point of the underside of the finished ceiling line. Where a structure is set back from the street line, the mean level of the finished grade of the premises along the street or that part of the structure nearest the street line may be substituted for the established grade for the purpose of determining the “height of a building.”

**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.

**High Recharge Area:** Geographic areas designated by a Florida Water Management District where, generally, water enters the aquifer system at a rate of greater than ten inches per year.

**Historic Resources:** Historically significant structures or archeological sites.

**Historic Site:** A single lot or portion of a lot containing an improvement, landscape feature, or archaeological site, or a historically related complex of improvements, landscape features or archaeological sites that may yield information on history or prehistory.

**Historically Significant Structures:** Structures listed on the National Register of Historic Places, the Florida Master Site File, or otherwise designated, by official action, as historic, and worthy of recognition or protection.

**Home Occupation:** An occupation for gain or support conducted solely by immediate members of a family residing in a dwelling, provided no article is sold or offered for sale except as may be produced on the premises by members of the family or used in performance in the service; and further provided that any said occupation shall be subject to all the provisions of this Code. The home occupation shall not

change the character of the neighborhood in which it is located, by generating any traffic or deliveries that are not "usual" in the neighborhood. In general, home occupations shall include, but not be limited to, personal services such as are furnished by a computer operator, day care provider (five children or less, including her own), bookkeeper, musician, artist, beauty consultant, beauty operator, or seamstress. A public dining facility or tea room, antique or gift shop, or retail sales of any type shall be deemed a home occupation if the owners live on the premises; and, if the Development Director does not find the use to be large enough or intense enough to warrant a land use and/or zoning change.

**Hospice:** An autonomous, centrally administered, nonprofit, as defined in Chapter 617, F.S. medically directed, nurse-coordinated program providing a continuum of home, outpatient, and homelike inpatient care for the terminally ill patient and his family. It employs an interdisciplinary team to assist in providing supportive care to meet the special needs arising out of the physical, emotional, spiritual, social, and economic stresses that are experienced during the final stages of illness and during dying and bereavement. This care is normally available 24 hours a day, 7 days a week, and is provided on the basis of need regardless of inability to pay. (400.601, F.S.)

**Hotel:** A building or other structure used and maintained as primarily a place where sleeping and supplemental accommodations are supplied transient guests, and in which there may be a public dining room for the convenience of the guests. Access to sleeping rooms shall be through the inside lobby or office.

**Hurricane Shelter:** A structure designated by local officials as a place of safe refuge during a storm or hurricane. (9J-5.003 F.A.C.)

**Impervious Surface:** Any surface added to a site that significantly impedes the natural percolation of water into the soil. "Impervious surface" shall include all land paved with concrete or asphalt that is used for off-street parking, driveways, sidewalks, patios, and service areas.

**Incompatible Land Uses:** Land uses which, if occurring adjacent to one another, have a detrimental effect on one or both of the uses.

**Industrial Uses:** The activities within land areas predominantly connected with manufacturing, assembly, processing, or storage of products and including, but not limited to:  
Packing, crating, or shipping plants and terminals; publicly-owned or operated maintenance yard or utility plant.

**Infrastructure:** Those man-made structures which serve the common needs of the population, such as: sewage disposal systems; potable water systems; potable water wells serving a system; solid waste disposal sites or retention areas; stormwater systems; utilities; piers; docks; wharves; breakwaters; bulkheads;

seawalls; bulwarks; revetments; causeways; marinas; navigation channels; bridges; and roadways. (9J-5.003 F.A.C.)

**Inoperable vehicle:** A motor vehicle which does not have a current state license plate; or a vehicle which is licensed but is disassembled, partially disassembled, wrecked or junked in part or in whole or is unable to move under its own power. Storage of more than three inoperable vehicles constitutes a junkyard. Inoperable vehicles not parked in a fully enclosed building, or not located on the premises of a licensed junkyard may be towed at the owner's expense and the owner may be subject to an additional fine.

[Note: An individual who is restoring, not for profit, a classic or antique vehicle, may have three inoperable vehicles parked on his premises in a fully enclosed building, as long as they are of the same make and model of the vehicle he is restoring.]

**Isolated Wetland:** Any wetland that has no hydrological or vegetative connections with any water of the state as defined in 327.02(28) F.S.

**Junkyard:** A place where junk, waste, discarded, or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including automobile wrecking yards, house wrecking and structural steel materials and equipment, but not including the purchase or closed storage of used furniture and household equipment, used cars in operable condition, used or salvaged materials as part of manufacturing operations. Storage of more than three inoperable vehicles constitutes a junkyard.

[Note: An individual who is restoring, not for profit, a classic or antique vehicle, may have 3 inoperable vehicles parked on his premises in a fully enclosed building, as long as they are of the same make and model of the vehicle he is restoring.]

**Kennel:** A facility for the overnight boarding of animals, where outside runs or pens are provided.

**Land Development Regulations:** Includes local zoning, subdivision, building, and other regulations controlling the development of land. (380.031 F.S.)

**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 the facility. Level of service shall indicate the capacity per unit of demand for each public facility. (9J-5.003 F.A.C.)

**Livestock:** All animals of the equine, bovine, or swine class, including goats, sheep, mules, horses, hogs, cattle and other grazing animals, as well as fur bearing animals such as rabbits or chinchillas.

**Local Planning Agency (LPA):** Pursuant to Chapter 163, F.S., the LPA for the City is the Planning Commission. This is the agency designated to prepare, administer, and update the Comprehensive Plan, as required by state law.

**Local Road:** A roadway providing service which is of relatively low traffic volume, short average trip length or minimal through traffic movements, and high volume land access for abutting property. (9J-5.003 F.A.C.)

**Lodging House:** A building or part thereof, other than a motel or hotel, where sleeping accommodations are provided for hire more or less transiently without provisions for cooking by guests or for meals for guests.

**Lot:** For zoning purposes, as covered by this Code, a "lot" is a parcel of land at least sufficient size to meet minimum zoning requirements for use, coverage and area and to provide such yards and other open spaces as herein required. Such "lot" may have frontage on an improved public street and may consist of: a single lot of record; a portion of a lot of record; a combination of complete lots or record or of portions of lots of record; or a parcel of land described by metes and bounds description, provided that in no case, division or combinations, shall any residential lot or parcel be created which does not meet the requirements of this Code.

**Lot, corner:** Lot adjoining two intersecting streets. The applicable front setback requirement shall apply to both street frontages of a corner lot. The Development Director shall determine which side is the "rear yard" and which side is the "side yard," pertaining to requests for variances. If the two streets form an angle of more than 135 degrees, as measured at the point of intersection of their center lines, the lot shall not be considered a corner lot.

**Lot Width:** The minimum required width of a lot, which is established by zoning districts.

**Lot of Record:** Land designated as a separate and distinct parcel on a legally recorded subdivision plat or in a legally recorded deed filed in the records of Polk County, Florida.

**Lowest Floor:** The lowest enclosed floor of a structure, including a basement, but not including the floor of an area enclosed only with insect screening or wood lattice as permitted by the flood damage prevention regulations in this Code.

**Manufactured Home:** see Mobile Home.

**Manufacturing:** Assembly or fabrication of parts which are free of hazardous or

objectionable elements, such as noise, odor, dust, smoke or glare, that may be detectable to the normal senses from outside the building. Such uses shall operate entirely within enclosed structures, and the premises shall not contain any outdoor or open storage or aboveground 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 automobiles and delivery or service trucks. Such uses shall not involve electrical interference to television, radio or communication systems off the premises.

**Mean Sea Level:** The average height of the sea for all stages of the tide. For purposes of this Section the term is synonymous with National Geodetic Vertical Datum (NGVD).

**Minerals:** All solid minerals, including clay, gravel, phosphate rock, lime, shells (excluding live shellfish), stone, sand, heavy minerals, and any rare earths, which are contained in the soils or waters of the state. (9J-5.003 F.A.C.)

**Mining:** The act of taking mineral substances from a pit or excavation in the earth.

**Mini-Warehouse:** A self-service facility consisting of individual self-contained units used for storage and no other purpose, plus an office/residence for a manager.

**Minor Subdivision:** Not more than four lots with no public improvements or dedications.

**Mitigation:** Any action, including but not limited to, restoration, enhancement, or creation of wetlands, required to be taken in order to offset environmental impacts of permitted activities.

**Mobile Home:** A preconstructed dwelling unit, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width, and which is built on a metal frame and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. If manufactured after June 15, 1976, each section must bear a U.S. Department of Housing and Urban Development label certifying that it is built in compliance with the federal Manufactured Home Construction and Safety Standards. Mobile homes shall be used for single family residential purposes and as construction trailers and shall be licensed pursuant to Chapter 320, F.S. In the event a mobile home becomes ineligible for a title certificate under Chapter 319, F.S., it shall no longer be considered a mobile home.

**Mobile Home Park:** Development site on which mobile homes are installed and organized around a common set of amenities, including private internal roads, clubhouse or recreation facility, and common open space. A mobile home park may not be platted or otherwise divided by fee simple ownership; however, the

sale of interests or memberships on a condominium basis is permitted. All facilities, including roads, are privately owned or owned in common by residents of the park.

**Modular Home or Building:** Any structure, or portion of a structure, including electrical, plumbing, heating, or ventilating systems, which was built in a manufacturing facility for installation or erection as a finished building or as part of a finished building. Modular buildings must be constructed to meet the requirements of the Standard Building Code and any other design standards the City may adopt which apply to conventional construction. Modular buildings may include residential, commercial, institutional, storage, and industrial structures. For purposes of this Code, modular buildings shall not include mobile homes.

**Motel:** A building or groups of buildings, whether detached or in connected units, used as sleeping accommodations designed primarily for transient automobile travelers, designed with access to the individual units from the exterior of the building and parking facilities for use of guests near their quarters. The term "motel" includes buildings designated as auto courts, tourist courts, motor lodges, motor hotels and similar appellations.

**Motor Home:** See Recreation Vehicle.

**Multiple Family Dwelling:** Shall mean a structure designed or used for residential occupancy by more than two families, with or without common or separate kitchen or dining facilities, including apartment houses, apartment hotels, rooming houses, boarding houses, fraternities, sororities, dormitories, row houses, townhouses and similar housing types, but not including hotels, hospitals or nursing homes.

**National Geodetic Vertical Datum (NGVD):** A vertical control used as a reference for establishing varying elevations within the floodplain.

**National Register of Historic Places:** Established by Congress in 1935, the National Register of Historic Places is a listing of culturally significant buildings, structures, objects, sites, and districts in the United States. The listing is maintained by the U.S. Department of Interior.

**Natural Drainage Features:** The naturally occurring features of an area which accommodate the flow of stormwater, such as streams, rivers, lakes and wetlands. (9J-5.003 F.A.C.)

**Natural Reservations:** Areas designated for conservation purposes, and operated by contractual agreement with or managed by a federal, state, regional or local government or non-profit agency such as: national parks, state parks, lands purchased under the Save Our Coast, Conservation and Recreation Lands or Save Our Rivers programs, sanctuaries, preserves, monuments, archaeological

sites, historic sites, wildlife management areas, national seashores, and Outstanding Florida Waters. (9J-5.003 F.A.C.)

**Natural Resources:** Land, air, surface water, ground water, drinking water supplies, fish and their habitats, wildlife and their habitats, biota, and other such resources.

**Natural Vegetation:** Vegetative communities that are native to, and therefore tolerant of, a particular geographic location.

**New Construction:** Structures or substantial improvements for which the "start of construction" occurred on or after the effective date of this Code, and any alteration, repair, reconstruction or improvements to a structure which is in compliance with these flood damage prevention regulations.

**Newspaper of General Circulation:** A newspaper published at least on a weekly basis and printed in the language most commonly spoken in the City.

**Nightclub:** A restaurant, dining room, bar or other similar establishment providing food or refreshments wherein floor shows or other forms of entertainment by persons are provided for guests after 11:00 p.m.

**Nonconforming Lot of Record:** See Section 7.11.00 of this Code.

**Nonconforming Structure:** A structure or portion thereof, existing at the effective date of this Code, or any amendment thereto, which was occupied, designed, erected, intended, or structurally altered for a use not permitted at its location by the provisions of this Code for a new use, and/or which does not conform to all of the regulations applicable to the district in which it is located. A nonconforming structure cannot be rebuilt, replaced or enlarged, except as provided in this Code. The presence of a nonconforming structure on a parcel of land does not allow the reestablishment of a nonconforming use which has been abandoned or eliminated. (See Section 7.11.00 of this Code.)

**Nonconforming Use:** The use of a structure or premises, existing at the effective date of the Comprehensive Plan, this Code, or any amendment thereto, for any purpose not permitted for a new use in the district in which it is located. Such a use must have been in compliance with all applicable regulations in effect at the time it was established. Nonconforming uses may continue indefinitely, except where this Code requires their elimination. In order to be considered nonconforming, a use must have been continuous since the adoption of the regulation(s) rendering it nonconforming, or have been discontinued for a period not to exceed 90 consecutive days. Nonconforming uses shall not be expanded, enlarged or increased in any manner, except as provided in this Code. Once a nonconforming use is eliminated, removed, or suspended for a period exceeding three months, associated land or structures shall be used only in accordance with the adopted Comprehensive Plan and this Code (see Section 7.11.00)

**Nursing Home:** Any institution, building, residence, private home, or other place, whether operated for profit or not, including a place operated by a county or municipality, which undertakes through its ownership or management to provide, for a period exceeding 24-hours, nursing care, personal care, or custodial care for three or more persons not related to the owner or manager by blood or marriage, who by reason of illness, physical infirmity, or advanced age require such services, but does not include any place providing care and treatment primarily for the acutely ill. A facility offering services for fewer than three persons is within the meaning of this definition if it holds itself out to the public to be an establishment which regularly provides such services. (400.021, F.S.)

**Off-Site (Off-Premises) Commercial Sign:** A permanently mounted sign advertising or identifying a commercial activity which is not located on the same parcel or lot as the business to which it refers.

**On-Site Commercial Sign:** A permanently mounted sign advertising or identifying a commercial activity which is located on the same parcel or lot as the business to which it refers. For purposes of this Code, a sign identifying an industrial facility or activity shall also be defined as an on-site commercial sign.

**On-Site Sewage Treatment and Disposal System:** A system that contains a standard subsurface, filled, or mound drainfield system; an aerobic treatment unit; a graywater system tank; a laundry wastewater system tank; a septic tank; a grease interceptor; a dosing tank; a solids or effluent pump; a waterless, incineration, or organic waste composting toilet; or a sanitary pit privy that is installed or proposed to be installed beyond the building sewer on land of the owner or on other land to which the owner has the legal right to install a system. This term does not include package sewage treatment facilities and other treatment works regulated under Chapter 403, Florida Statutes.

**Open Space:** Undeveloped lands suitable for passive recreation or conservation uses. (9J-5.003 F.A.C.)

**Package Store:** A place where alcoholic beverages are dispensed or sold in containers for consumption off the premises.

**Parcel of Land:** Any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit or which has been used or developed as a unit. (380.031 F.S.)

**Park:** A pleasure ground set apart for recreation of the public to promote health and enjoyment.

**Parking:** The temporary, transient storage of private passenger motor vehicles used for



personal transportation while their operators are engaged in other activities. It shall not include storage of new or used cars for sale, service, rental or any other purposes than as specified above.

**Park Model Recreation Vehicle (Park Trailer):** A transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. The total area of the unit in a setup mode, when measured from the exterior surface of the exterior stud walls at the level of maximum dimensions, not including any bay window, does not exceed 400 s.f. when constructed to ANSI A-119.5 standards, and 500 s.f. when constructed to U.S. Department of Housing and Urban Development Standards. The length of a park trailer means the distance from the exterior of the front of the body (nearest to the drawbar and coupling mechanism) to the exterior of the rear of the body (at the opposite end of the body), including any protrusions. (s. 320.01, F.S.)

**Person:** Includes association, firm, co-partnership or corporation.

**Planned Unit Development (PUD)/Planned Development Project (PDP):** A form of development usually characterized by a unified site design for a number of housing units, clustering buildings, and providing common open space, density increases, and a mix of building types and land uses. It permits the planning of a project and the calculation of densities over the entire development, rather than on an individual lot-by-lot basis. It also refers to a process, mainly revolving around site-plan review, in which public officials have considerable involvement in determining the nature of the development. It includes aspects of both subdivision and zoning regulation and usually is administered either through a special permit or a rezoning process.

**Plat:** A map or drawing depicting the division of land into lots, blocks parcels, tracts, sited, or other divisions set forth in Chapter 177, F.S.

**Playground:** A recreation area with play apparatus. (9J-5.003 F.A.C.)

**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.

**Pollution:** The presence in the outdoor atmosphere, ground or water of any substances, contaminants, 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 unreasonably interfere with the

enjoyment of life or property. (9J-5.003 F.A.C.)

**Porch:** A roofed-over space attached to the outside of an exterior wall or a building.

**Portable Sign:** Any sign which is designed to be transported by trailer or on its own wheels, even though the wheels may be removed and the remaining chassis or support structure converted to an "A" or "T" frame sign and attached temporarily or permanently to the ground.

**Potable Water:** Water suitable for human consumption and which meets water quality standards determined by the Department of Health and Rehabilitative Services, provided through a public system or by private well.

**Potable Water Facilities:** A system of structures designed to collect, treat, or distribute potable water, and includes water wells, treatment plants, reservoirs, and distribution mains. (9J-5.003 F.A.C.)

**Poultry:** Includes chickens, turkeys, ducks, guineas, geese, pigeons raised as domesticated food birds, quail, and other domesticated food birds.

**Prime Aquifer Recharge Areas:** Geographic areas of recharge to the aquifer system, to be designated by the appropriate Water Management District, as critical for the continuation of potable ground water supplies.

**Private Club:** Includes those associations and organizations of a fraternal or social character not operated or maintained for profit. The term "private club" shall not include casinos, nightclubs or other institutions operated as a business. This term does not include bottle clubs, which are defined under "drinking establishments." Private clubs may serve alcoholic beverages upon obtaining the necessary licenses and permits from the State, when such service is incidental to the main use of the property and is limited to the exclusive use of members and guests of the club.

**Private School:** A school which is not a public school and which is held, used or controlled exclusively by a private organization association or other private entity and is operated on a profit making basis or collects fees or dues in payment for use of such school.

**Professional offices:** Those uses which include, but are not limited to, dental, medical, photography, legal, architecture, real estate, insurance, accounting, finance, trade organizations, cooperatives, travel agency, government; where the principal use is that of providing such service but not primarily of a retail point of delivery.

**Public Buildings and Grounds (Governmental Facilities):** Structures or lands that are owned, leased, or operated by a government entity, such as civic and

community centers, hospitals, libraries, police stations, fire stations, and government administration buildings, whose activity is generally not-for-profit.

**Public Facilities (Governmental Facilities):** Transportation systems or facilities, sewer systems or facilities, solid waste systems or facilities, drainage systems or facilities, potable water systems or facilities, educational systems or facilities, parks and recreation systems or facilities and public health systems or facilities, whose activity is generally not-for-profit. Individual private potable water wells or septic systems are not public facilities.

**Public Facilities and Services which must be available concurrent with the impacts of development** means those covered by comprehensive plan elements required by Section 163.3177, F.S., and for which level of service standards must be adopted under Chapter 9J-5, F.A.C. The public facilities and services are: Roads, 9J-5.007(3)(c)1.; Sanitary Sewer, 9J-5.011(2)(c)2.a.; Solid Waste, 9J-5.011(2)(c)2.b.; Drainage, 9J-5.011(2)(c)2.c.; Potable Water, 9J-5.011(2)(c)2.d.; and, Parks and Recreation, 9J-5.014(3)(c)4. (9J-5.003 F.A.C.)

**Public Hurricane Shelter:** A structure designated by local emergency management officials and the American Red Cross as a shelter during a hurricane. (308.032 F.S.)

**Public Notice or Due Public Notice:** (as used in connection with the phrase “public hearing” or “hearing to be held after due public notice”) - Publication of notice of the time, place and purpose of such hearing at least twice in a newspaper of general circulation not less than 10 days prior to the date of the hearing and the second notice at least five days prior to the hearing.

**Public Sanitary Sewer Facilities:** Sanitary sewer facilities which serve at least 15 service connections, or regularly serves at least 25 residents. Generally, a multi-user septic tank is not a public sanitary sewer facility.

**Public Supply Potable Water Wellfield:** A potable water wellfield that serves a public supply water system.

**Public Supply Water System:** A potable water facility which serves at least 15 service connections, or regularly serves at least 25 residents.

**Public Supply Wellfield:** See Public Supply Potable Water Wellfield

**PUD:** See Planned Unit Development.

**Recharge Areas:** Geographic areas where the aquifer system is replenished through rainfall. Areas of high aquifer recharge are important for the continuation of potable ground water supplies.

**Reclamation:** The alteration and/or restoration of land, after a mining activity,

establishing land suitable for agriculture, development, recreation, lakes, wetlands, or other natural environments.

**Reclamation Plan:** Plan for the rehabilitation, per Chapter 378, F.S., of land from which a mineral resource has been extracted.

**Recreation:** The pursuit of leisure time activities occurring in an indoor or outdoor setting. (9J-5.003 F.A.C.)

**Recreation Facility:** A component of a recreation site used by the public such as a trail, court, athletic field or swimming pool. (9J-5.003 F.A.C.)

**Recreation Uses, indoor:** Indoor recreation uses include areas for recreation activities including, but not limited to, aquariums, day or youth camps, community or recreation centers, gymnasiums, libraries or museums, indoor skating rinks, indoor swimming pools, indoor tennis, racquetball, handball courts, and all other institutional, indoor recreation.

**Recreation Uses, indoor commercial:** This category consists of uses that share land use characteristics such as traffic-generation rates and bulk (buildings) requirements. These uses include but are not limited to, bowling alleys, dance studios, schools for martial arts, physical fitness centers, private clubs or lodges, movie theater, theaters and auditoriums, and indoor skating rinks.

**Recreation Uses, outdoor:** Outdoor recreation uses include areas for recreation activities including, but not limited to, arboretums, basketball courts, boat launching ramps, areas for cycling, docks, fish camps, hiking, and jogging, outdoor nature areas, parks (public or private), picnic areas, piers, playfields, playgrounds, outdoor swimming pools and springs, tennis courts, tot lots, wildlife sanctuaries, and all other outdoor recreation uses. Specifically excluded are outdoor movie theaters, firing ranges, miniature golf courses, golf driving ranges, and marinas.

**Recreation Uses, outdoor commercial:** This group includes recreation uses that are greater nuisances than conventional outdoor recreation activities because of their size and scale, traffic volumes, noise, lights, or physical hazards such as flying objects or use of weapons. These uses include, but are not limited to, amusement parks, drive-in theaters, fairgrounds, commercial stables, golf driving ranges (including miniature golf), marinas, outdoor theaters (or amphitheaters), race tracks (e.g., auto, dog, go-kart, harness, horse, motorcycle), ranges (skeet, rifle, or archery), sport arenas, and all other outdoor commercial recreation uses.

**Recreation Vehicle (RV) Campgrounds:** A development designed specifically to accommodate recreation vehicles for overnight or limited vacation-season stays.

**Recreation Vehicle (RV):** A unit primarily designed as temporary living quarters for

recreation, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities of recreation vehicles are: travel trailer, fifth-wheel travel trailer, camping trailer, truck camper, motor home, private motor coach, van conversion, and park model RV/park trailer. (s. 320.01, F.S.)

**Recreation Vehicle (RV) Parks:** A development designed specifically to accommodate recreation vehicles in which recreation vehicles and/or "park model" mobile homes are permanently sited and occupied year round.

**Recreation Vehicle (RV) Unit:** Those units primarily designed as temporary living quarters for recreation, camping or travel use, which either have their own mode of power or are mounted on or drawn by another vehicle

1. "Travel trailer": A vehicular Portable unit mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a motorized vehicle. It is primarily designed and constructed to provide temporary living quarters for recreation, camping, or travel use. It is of a body width, not more than eight feet and a body length of no more than thirty-five feet when factory equipped.
2. "Camping trailer": A vehicular portable unit mounted on wheels and constructed with collapsible partial sidewalls which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreation, camping or travel use.
3. "Truck camper": A portable unit, designed to be loaded onto, or affixed to, the bed or chassis of a truck, constructed to provide temporary living quarters, for recreation, camping, or travel use.
4. "Motor home": A vehicular unit built on a self-propelled motor vehicle chassis, primarily designed to provide temporary living quarters for recreation, camping or travel use.
5. "Park Model RV/Mobile Home": See Park Model RV (Park Trailer).

**Redevelopment:** Undertakings, activities, or projects of a county, municipality, or community redevelopment agency for the elimination and prevention of the development or spread of slums and blight or for the provision of affordable housing, whether for rent or for sale, to residents of low or moderate income, including the elderly, and may include slum clearance and redevelopment, or rehabilitation or conservation, or any combination or part thereof. (163.340 F.S.)

**Regional Planning Agency:** The agency designated by the State Land Planning Agency to exercise responsibilities under law in the City; established by State statute and governed by State statute. This agency for the City of Polk City is the

Central Florida Regional Planning Agency (CFRPC), whose area of concern includes five counties and all the jurisdictions contained therein, those counties being Polk, Hardee, DeSoto, Highlands and Okeechobee.

**Regulatory Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be unobstructed in order to discharge the base flood without increasing the water surface elevation of that flood more than one foot at any point.

**Rehabilitation:** The act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient use.

**Remodeling, Redecorating or Refinishing:** Any change, removal, replacement or addition to walls, floors, ceilings and roof surfaces or coverings that do not support any beam, ceiling, floor load, bearing partition, columns, exterior walls, stairways, roofs or other structural elements of a building or structure.

**Repeat Violation:** A violation of a provision of a code or ordinance by a person whom the Code Enforcement Board has previously found to have violated the same provision within five years prior to the violation.

**Residence:** A single family dwelling or dwelling unit in a multiple family dwelling, which contains sleeping, bathroom, food refrigeration, cooking and dining facilities.

**Residential Uses:** Activities within land areas used predominantly for housing. (9J-5.003 F.A.C.)

**Restaurant:** A building or room, not operated as a dining room in connection with a hotel, where food is prepared and served for pay for consumption on the premises.

**Restaurant, drive-in:** A restaurant offering the service of food and/or beverages to a patron or patrons remaining in a vehicle. In addition, a restaurant which provides outdoor eating facilities accessible to patrons other than from within a building, or which dispenses food to patrons through a take-out window, shall be considered a drive-in restaurant.

**Right-of-Way:** Land which the state, a county, or a municipality owns, or which has been dedicated for purposes of transportation or distribution of utility service.

**Road:** A general term used to describe a facility which provides for vehicular movement. Roads are classified, by function, as follows:

Arterials - Arterial roads and highways are intended to serve moderate to large traffic volumes traveling relatively long distances. Requirements for speed and level of service are usually quite high. Access to arterial roads should be well

controlled and, in general, limited to collector roads and highways. Arterial roads are used to surround neighborhoods and connect widely separated rural and suburban communities. The arterial system should form a continuous network designed for a free flow of through traffic. For the purposes of this Code, "arterial roads" shall include all roads maintained by the FDOT that serve as direct access to building sites in the City.

**Collectors** - Collector roads are intended to serve as the connecting link for local roads and highways and to provide intra-neighborhood transportation. The traffic characteristics generally consist of relatively short trip lengths and moderate speeds and volumes. Access to collector roads should be restricted to local roads and highways and major traffic generators. Collectors should penetrate neighborhoods without forming a continuous network, thus discouraging through traffic which is better served by arterials.

**Locals** - The primary function of a local road is to serve the adjacent property by providing the initial access to the highway network. These facilities are characterized by short trip lengths, low speeds, and small traffic volumes. The design of the network should be directed toward eliminating through traffic from these facilities.

**Roadway:** The portion of the right-of-way which contains the road pavement, curb and gutter and shoulders.

**Roadway Functional Classification:** The assignment of roads into categories according to the character of service they provide in relation to the total road network. Basic functional categories include limited access facilities, arterial roads, and collector roads, which may be subcategorized into principal, major or minor levels. Those levels may be further grouped into urban and rural categories. (9J-5.003 F.A.C.)

**Room:** An unsubdivided portion of the interior of a dwelling, excluding bathrooms, kitchens, closets, hallways and service porches.

**Rooming House:** A residential building used, or intended to be used, as a place where sleeping or housekeeping accommodations are furnished or provided for pay to transient or permanent guests or tenants in which less than ten and more than three rooms are used for the accommodation of such guests or tenants, but which does not maintain a public dining room or cafe in the same building, nor in any building connected therewith.

**Rowhouse:** see Single Family Attached Dwelling Unit.

**Sanitary Landfill:** a) "Class I solid waste disposal area" means a disposal facility which receives an average of 20 tons or more per day, if scales are available, or 50 cubic yards or more per day of solid waste, as measured in place after

covering, and which receives an initial cover daily; b) "Class II solid waste disposal area" means a disposal facility which receives an average of less than 50 cubic yards per day of solid waste, as measured in place after covering, and which receives an initial cover at least once every 4 days. (171.031 F.S.)

**Sanitary Sewer Facilities:** Structures or systems designed for the collection, transmission, treatment, or disposal of sewage and includes trunk mains, interceptors, treatment plants and disposal systems. (9J-5.003 F.A.C.)

**Satellite Dish:** An apparatus capable of receiving communications from a transmitter or transmitter relay located in planetary orbit.

**Seasonal Population:** Part-time inhabitants who utilize, or may be expected to utilize, public facilities or services, but are not residents. Seasonal population shall include tourists, migrant farmworkers, and other short-term and long-term visitors. (9J-5.003 F.A.C.)

**Septic Tank:** A watertight receptacle constructed to promote separation of solid and liquid components of wastewater, to provide limited digestion of organic matter, to store solids, and to allow clarified liquid to discharge for further treatment and disposal in a soil absorption system. (Chapter 10D-6 F.A.C.)

**Service Garage:** See Automotive Repair, Major.

**Service Station:** Includes activities listed under "Gasoline Sales (No Service)", plus: activities conducted at a service garage including the sale of any motor fuels, oils, or automotive accessories and maintenance or small-scale mechanical work on motor vehicles. This shall include inspection, maintenance, repair or replacement of the following: brake systems; ignition and electrical systems; carburetors and fuel systems; batteries; oil, antifreeze and other fluids; and, tires. Also included are auto washing and detailing, and the tuning and adjustment, but not disassembly or removal, of engines and transmissions.

**Services:** The programs and employees determined necessary by local government to provide adequate operation and maintenance of public facilities and infrastructure as well as those educational, health care, social and other programs necessary to support the programs, public facilities, and infrastructure set out in the local plan or required by local, state, or federal law. (9J-5.003 F.A.C.)

**Setback:** The minimum required distance between the property line and a structure, as measured from the nearest point of ground support (i.e., wall or vertical support pole). Roofs, terraces and other cantilevered projections may extend no more than three feet into a required setback area.



**Sewage Disposal Facility:** Facility or property used in conjunction with a wastewater treatment plant for the disposal and/or purification of treated sewage effluent including, but not limited to, spraying, land spreading, and artificial wetlands, including a private package treatment plant.

**Sewer Plant (Off Site):** A public sewer collection and treatment system.

**Sewer Plant (On Site):** A privately owned sewer collection and treatment system.

**s.f.:** In taking measurements, square feet.

**Side Yard:** An open unoccupied space within the lot between a side lot line and the parts of the building, structure, or outbuilding nearest thereto; such side yard shall extend on both sides of the lot through from the street line to rear line of said lot.

**Sign:** Any writing, pictorial presentation, number, illustration, or decoration, flag, banner or pennant, or other device 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.

**Significant Adverse Effect:** Any modification, alteration, or effect upon a wetland protection or Wetland Transitional Zone which measurably reduces the wetland's beneficial functions as delineated in the Conservation Element of the City of Polk City Comprehensive Plan.

**Single Family Attached Dwelling Unit:** Residential dwelling unit designed and constructed to meet Standard Building Code requirements for single family attached structures, sharing a common side wall with at least one other unit, and having a designated yard and entrance that are not shared with other units. Such units shall be built only on property that is platted according to applicable subdivision regulations provided in Article 7. This definition includes cluster development, garden homes, townhomes, rowhouses, zero lot line homes and z-lot development.

**Site:** The location of a significant event, activity, building, structure, or archaeological resource.

**Site Development Plan:** A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations involved. It includes lot lines, streets, building sites, reserved open spaces, buildings, major landscape features - both natural and man-made - and, depending on requirements, the locations of proposed utility lines.

**Site Plan Review:** The process whereby local officials review the site plans and maps

of a developer to assure that they meet the stated purposes and standards of land development regulations, provide for the necessary public facilities, and protect and preserve topographical features and adjacent properties through appropriate siting of structures and landscaping.

**Special Exception:** A use which may be permitted in a district through the granting by the Planning Commission of a special exception upon a finding by that Board that it meets conditions specified by this Code.

**Solid Waste:** Sludge from a waste treatment works, water supply treatment plant, or air pollution control facility or garbage, rubbish, refuse, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. (9J-5.003 F.A.C.)

**Solid Waste Facilities:** Structures or systems designed for the collection, processing or disposal of solid wastes, including hazardous wastes, and includes transfer stations, processing plants, recycling plants, and disposal systems. (9J-5.003 F.A.C.)

**Standard Housing:** Dwelling units that meet the federal Minimum Housing Quality Standards as established for the HUD Section 8 Program.

**Start of Construction:** The date the construction permit was issued, provided the "actual start of construction" was within 180 days of the permit date. The "actual start of construction" means the first placement of permanent elements of a structure 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 of the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; installation of streets and/or walkways; excavation for a basement, footings, piers or foundations; erection of temporary forms; or the installation of accessory structures.

**Stormwater:** The flow of water which results from a rainfall event. (9J-5.003 F.A.C.)

**Street:** A public or approved private thoroughfare which affords the principal means of access to abutting property. Street includes lanes, ways, places, drives, boulevards, roads, avenues, or other means of ingress or egress, regardless of the descriptive term used.

**Structure:** Anything constructed or installed which is rigidly and permanently attached to the ground or to another object which is rigidly and permanently attached to the ground. This shall include but not be limited to supporting walls, signs, screened or unscreened enclosures covered by a permanent roof, swimming pools, poles, and pipelines.

**Subdivision:** Any tract or plot of land divided into three or more lots or parcels, for sale, lease or rent for residential, industrial or commercial use, regardless of whether the lots or parcels are described by reference to recorded plats, metes and bounds description, or by any other legal method. (10D-6 F.A.C.)

**Substantial Improvement:** Any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during the life of a structure, in which the cumulative cost equals or exceeds 50% of the market value of the structure. The market value of the structure is the appraised value of the structure prior to the start of the initial repair or improvement, or, in the case of damage, the value of the structure prior to the occurrence of the damage. For the purposes of this definition, "substantial improvement" occurs when the first alteration of any wall, ceiling, floor, or other structural part of the structure commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any improvement of a structure to comply with existing health, sanitary, or safety codes, or any alteration of a structure listed on the National Register of Historic Places, the Local Register of Historic Places, or a State Inventory of Historic Places, unless that alteration will cause the structure to lose its historical designation.

**SWFWMD:** The Southwest Florida Water Management District.

**Swimming Pool:** Any body of water or receptacle for water having a depth at any point greater than eighteen inches (18"), used or intended to be used for swimming or bathing, and constructed, installed or maintained in or above the ground.

**25-Year Frequency, 24-Hour Duration Storm Event:** A storm event and associated rainfall during a continuous 24-hour period that may be expected to occur once every 25 years. Its associated floodplain is that land which may be expected to be flooded during the storm event.

**Technical Review Committee:** An appointed subcommittee of the Planning Commission that can include private individuals, staff members from the City, and members of the Planning Commission; and is usually comprised of three or four members.

**Temporary Sign:** Any sign not permanently mounted on a support structure and intended to remain at the location permanently. Temporary signs are often illegally located as to setback and site clearances.

**Townhome, Townhouse:** A design term, referring to the physical form of more than two single family attached homes with a ground floor entry. Also, see Single-Family Attached Dwelling Unit.

**Transitional Zone:** Upland areas adjacent to wetlands which are necessary to protect

the wetlands and wetland species from the detrimental impacts of development or alteration. The transitional zone shall include canopy, understory and groundcover which consists of preserved existing vegetation or planted native species.

**Travel trailer:** See Recreation Vehicle.

**Truck camper:** See Recreation Vehicle.

**Truckstop:** An establishment where the principal use is primarily the refueling and servicing of trucks and tractor-trailer rigs. Such establishments may have restaurants or snack bars and sleeping accommodations for the drivers of said equipment and may provide facilities for the repair and maintenance of said equipment.

**Unique Natural Habitats:** "Habitat" means the environment in which an animal normally lives and in which it meets its basic need for food, water, cover, breeding space, and group territory. "Unique" means the occurrence is rare or infrequent or is of special social/cultural, economic, educational, aesthetic or scientific value. Areas where endangered, threatened or rare species, or remnant native plant species, occur.

**Unique Natural Resources:** Natural resources which are rare or infrequent in occurrence, or are of special social/cultural, economic, educational, aesthetic or scientific value.

**Urban Sprawl:** Scattered, untimely, poorly planned urban development that occurs in urban fringe and rural areas and frequently invades lands important for environmental, agricultural and natural resource protection. Urban sprawl typically manifests itself in one or more of the following ways: 1) leapfrog development; 2) ribbon or strip development; and 3) large expanses of low-density, single-dimensional development.

**U.S.C. & G.S.:** United States Coast and Geodetic Survey.

**Use:** The purpose for which land or water or a structure thereon is designated, arranged, or intended to be occupied or utilized or for which it is occupied or maintained. The use of land or water in the various zoning districts is governed by this zoning ordinance.

**Use of Land or Water:** Includes use of land, water surface, and land under water to the extent covered by zoning districts, and over which the City of Polk City has jurisdiction.

**Used Car Lot:** A lot or group of contiguous lots used for the display and sale of automobiles and where no repair work is done except the necessary

reconditioning of cars to be displayed and sold on the premises.

**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:** Production or treatment facilities such as sewage treatment plants, elevated water storage towers, non accessory ground storage tanks, or similar facilities. Does not include electric power plants.

**Variance:** A variance is a relaxation of the terms of this zoning ordinance where said variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the petitioner or applicant, a literal enforcement of the requirements of this ordinance would result in unnecessary and undue hardship on the land. A variance is authorized only for height, area, and size of structure or size of yards in open spaces. Establishment or expansion of a use otherwise prohibited or not permitted shall not be allowed by variance; nor shall a variance be granted because of the presence of nonconformities in the zoning classification or district or adjoining zoning classifications or districts. One cannot apply for a “use variance”; rather, this is rectified through the *rezoning* process.

**Vegetative Communities:** Ecological communities, such as coastal strands, oak hammocks, and cypress swamps, which are classified based on the presence of certain soils, vegetation and animals. (9J-5.003 F.A.C.)

**Vested Right:** A right is vested when it has become absolute and fixed and cannot be defeated or denied by subsequent conditions or change in regulations, unless it is taken and paid for. There is no vested right to an existing zoning classification or to have zoning remain the same forever. However, once development has been started or has been completed, there is a right to maintain that particular use regardless of the classification given the property. In order for a nonconforming use to earn the right to continue when the zoning is changed, the right must have been vested before the change. If the right to complete the development was not vested, it may not be built, no nonconforming use will be established, and the new regulations will have to be complied with.

**Veterinary Clinic:** Facility for the treatment of animals where all animals are kept within a completely enclosed structure. No outside runs or pens are allowed. When in conjunction with a kennel, the regulations for kennels shall apply.

**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 with a discernible shoreline which ordinarily or intermittently contains water.

**Watercourse:** Any natural or artificial channel, ditch, canal, stream, river, creek, waterway or wetland through which water flows in a definite direction, either continuously or intermittently, and which has a definite channel, bed, banks, or other discernible boundary.

**Water Plant (Off Site):** A public water treatment and distribution system.

**Water Plant (On Site):** A privately owned water treatment and distribution system.

**Water Wells:** Wells excavated, drilled, dug, or driven for the supply of industrial, agricultural or potable water for general public consumption. (9J-5.003 F.A.C.)

**Wetlands:** 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, riverian cypress, cypress ponds, bayheads, bogs, wet prairies and freshwater marshes. Dominant wetland vegetation shall be determined as provided in Rule 17-301.400, F.A.C.

**Wetlands Vegetation:** Vegetation identified as wetland species in Rule 17-301.400 F.A.C.

**Xeriscaping:** Any water conserving landscaping technique that takes into account sunlight intensity, soil conditions and the use of drought tolerant vegetation for the purpose of providing an alternative to the traditional turfgrass dominated lawn.

**Yard, generally:** A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from 30 inches above ground level of the graded lot upward; provided, however, that fences, walls, hedges, poles, posts, children's play equipment, and other customary yard accessories, ornaments, statuary and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction to visibility.

**Yard, front:** A yard extended between side lot lines across the front of a lot adjoining a

street. Depth of a required front yard shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of a side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding.

Where lots in residential districts comprising 40% or more of the frontage on one side of the street between intersecting streets are developed with structures having an average front yard, with a variation of no more than six feet, no building thereafter erected shall project beyond the average line so established. This provision applies in all residential districts.

**Yard, side:** A yard extending from the rear line of the required front yard to the rear lot line, or in the absence of any clearly defined rear lot line, to the point of the lot farthest from the intersection of the lot line involved with any public street.

**Yard, rear:** A yard extending across the rear of the lot between inner side yard lines. Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by a district regulation with its inner edge parallel with the rear lot line.

**Yard Sale:** See Garage Sale.

**Z-lot development:** See Single Family Attached Dwelling Unit.

**Zero Lot Line:** A development approach in which a building is sited on one or more lot lines with no yard. Conceivably, three of the four sides of the building could be on the lot lines. The intent is to allow more flexibility in site design and to increase the amount of usable open space on the lot. Virtually all zoning ordinances retain yard requirements; where zero lot line developments have been permitted, they have been handled through variances or planned unit development procedures, or other devices which allow for site plan review. The few ordinances which specifically authorize the zero lot line approach do so as an exception to prevailing regulations and under clearly defined circumstances.

**From the Flood Damage Prevention Ordinance added to Article 5, Section 5.01.00:**

***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.

***Area of shallow flooding:*** means a designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with base flood average 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 sheet flow or ponding.

**Area of special flood hazard:** is the land in the floodplain within a community subject to a one- percent or greater chance of flooding in any given year. The term “special flood hazard area”, for purposes of these regulations, is synonymous with the phrase “area of special flood hazard.”

**Base flood:** means the flood having a one percent chance of being equaled or exceeded in any given year (also called the “regulatory flood”).

**Basement:** means any area of a building having its floor sub-grade (below ground level) on all sides.

**Breakaway wall:** means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or the supporting foundation system.

**Building:** – see *Structure*.

**Certification:** means a certification by a registered professional engineer or other party does not constitute a warranty or guarantee of performance, expressed or implied. Certification of data is a statement that the data is accurate to the best of the certifier's knowledge. Certification of analyses is a statement that the analyses have been performed correctly and in accordance with sound engineering practices. Certification of structural works is a statement that the works are designed in accordance with sound engineering practices to provide protection from the base flood. Certification of “as built” conditions is a statement that the structure(s) has been built according to the plans being certified, is in place, and is fully functioning.

**Coastal high hazard area:** means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as Zone V1 – V30, VE, or V.

**Critical facility:** means facilities for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

**Development:** means 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 storage of materials or equipment.



**Elevated building:** means a non-basement building built to have the lowest floor elevated above the ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

**Existing Construction:** means, for the purposes of determining insurance rates, structures for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date November 2, 2004. This term may also be referred to as “existing structures”.

**Existing manufactured home park or subdivision:** means 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 before the effective date of the floodplain management regulations adopted by a community November 2, 2004.

**Expansion to an existing manufactured home park or subdivision:** means 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).

**Flood or flooding:** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- c) The overflow of inland or tidal waters;
- d) The unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Boundary and Floodway Map (FBFM):** means the official map of a community, on which the Federal Emergency Management Agency (FEMA) has delineated the areas of flood hazards and regulatory floodway.

**Flood Hazard Boundary Map (FHBM):** means an official map of a community, issued by FEMA, where the boundaries of the special flood hazard areas have been identified as Zone A.

**Flood Insurance Rate Map (FIRM):** means an official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**Flood Insurance Study (FIS):** means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

**Floodplain:** means any land area susceptible to being inundated by water from any source (see definition of “flooding”).

**Floodplain management:** means 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, floodplain management regulations.

**Floodplain management regulations:** means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance), and other applications of police power. This term describes federal, state or local regulations, in any combination thereof, which provide provisions for the purpose of flood damage prevention and reduction.

**Flood proofing:** means 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.

**Floodway:** means 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 of one foot. The term is also referred to as “regulatory floodway”.

**Freeboard:** means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

**Functionally dependent facility:** means a facility which cannot be used for 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 shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**Highest adjacent grade:** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Historic Structure:** means any structure that is:

- e) 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:

- f) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic or a district preliminarily determined by the Secretary to qualify as a registered historic district:
- g) 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
- h) Individually listed on a local inventory historic places in communities with historic preservation programs that have been certified either:
  - 3. By an approved state program as determined by the Secretary of the Interior, or
  - 4. Directly by the Secretary of the Interior in states without approved programs.

**Increased Cost of Compliance (ICC):** means the coverage by a standard flood insurance policy under the NFIP that provides for the payment of a claim for the cost to comply with the State of Florida and City of Polk City floodplain management laws or ordinances after a direct physical loss by flood, when the City of Polk City declares the structure to be “substantially” or “repetitively” flood-damaged. ICC coverage is provided for in every standard NFIP flood insurance policy, and will help pay for the cost to floodproof, relocate, elevate, or demolish the structure.

**Lowest floor:** means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building’s lowest floor, *provided* that such enclosure is not built so as to render the structure in violation of the non-elevation design requirements of this ordinance.

**Mangrove stand:** means an assemblage of mangrove trees which are mostly low trees noted for a copious development of interlacing adventitious roots above the ground and which contain one or more of the following species: Black mangrove (*Avicennia Nitida*); red mangrove (*Rhizophora Mangle*); white mangrove (*Languncularia Racemosa*); and buttonwood (*Conocarpus Erecta*).

**Manufactured home:** means a structure, transportable in one or more sections, which is built on a permanent 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”.

**Manufactured home park or subdivision:** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Map:** means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Agency.

**Mean sea level:** means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

**New Construction:** means, for floodplain management purposes, structures for which the "start of construction" commenced on or after October 30, 2004 and includes any subsequent improvements to such structures.

**New manufactured home park or subdivision:** means 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 the effective date of floodplain management regulations adopted by City of Polk City.

**Participating community:** also known as an eligible community, means a community in which FEMA has authorized the sale of flood insurance.

**Primary frontal dune:** means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

**Principally above ground:** means that at least 51 percent of the actual cash value of the structure is above ground.

**Recreational vehicle:** means a vehicle which is:

- e) Built on a single chassis;
- f) 400 square feet or less when measured at the largest horizontal projection;
- g) Designed to be self-propelled or permanently towable by a light duty truck; and
- h) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Reasonably safe from flooding:** means base flood waters will not inundate the land or damage structures to be removed from the SFHA and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

**Repetitive Loss:** means flood-related damages sustained by a structure on two separate occasions during a 10-year period ending on the date of the event for which the second claim is made, for which the cost of repairs at the time of each such flood event, on the average, equaled or exceeded 25% of the market value of the structure before the damages occurred.

**Sand dunes:** mean naturally occurring accumulations of sand in ridges or mounds landward of the beach.

**Special flood hazard area (SFHA):** (see Area of Special Flood Hazard) means an area having special flood hazard and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, AH, V1-30, VE, or V.

**Start of Construction:** (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or 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 part of the main structure. For a 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.

**Structure:** means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

**Substantial damage:** means 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 damage also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of

repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

**Substantial improvement:** means any reconstruction, rehabilitation, addition, or other improvement of a structure during a twenty-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the ``start of construction" of the improvement. The term includes structures that have incurred "substantial damage", regardless of the actual work performed, or "repetitive loss". The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or
- (2) Any alteration of a "historic structure" provided that the alteration would not preclude the structure's continued designation as a "historic structure".

**Variance:** means a grant of relief by the City of Polk City from the requirements of this ordinance

**Violation:** means the failure of a structure or other development to be fully compliant with this ordinance. 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.

**Water surface elevation:** means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

**[RESERVED]**

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