



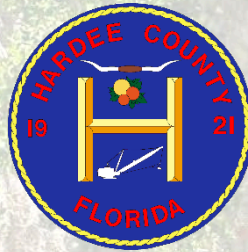
Hardee County  
**UNIFIED LAND  
DEVELOPMENT CODE**

DRAFT - October 12, 2023



*Prepared by the Central Florida Regional Planning Council*

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## ARTICLE 1 GENERAL PROVISIONS

Text that is underlined is text to be added and text that is shown as ~~strikeout~~ is to be removed. Comments are provided for information and are not adopted as part of the Unified Land Development Code text.

### **SECTION 1.01.00: TITLE:**

This document shall be referred to as the "Unified Land Development Code of Hardee County" and may be referred to herein as the Unified Land Development Code, Land Development Code, this Code, the "Code," the ULDC, or the LDC.

*Comment: Language amended to reflect other potential title references for the document.*

### **SECTION 1.02.00: AUTHORITY: AND PURPOSE**

This Unified Land Development Code is enacted pursuant to the requirements and authority of Section 163.3202, Florida Statutes (~~the Local Government Comprehensive Planning and Land Development Regulation Act~~), and the general powers enumerated in Section 125, Florida Statutes (County Government) for the purpose of promoting the general health, safety, and welfare of present and future inhabitants of Hardee County.

The Unified Land Development Code is adopted to:

- (A) Promote and protect the public health, safety, and general welfare of the residents and property owners of Hardee County;
- (B) Implement the adopted Comprehensive Plan through a set of specific and detailed land development provisions;
- (C) Combine various County regulations and laws pertaining to the development of land into one comprehensive Unified Land Development Code;
- (D) Guide the future growth, development, and redevelopment of the County;
- (E) Maintain and improve the quality of life in the County;
- (F) Establish a development review process to ensure compliance with this Code and consistency with the Comprehensive Plan; and

- (G) Provide that the needed public utilities and facilities are available concurrently with the impact of development at a level of service established by the County.

*Comment: Language amended to reference other sources of authority; Florida Statute section title removed as it is not accurate; language added to address the purpose of the Land Development Code.*

### **SECTION 1.03.00    CONSISTENCY WITH COMPREHENSIVE PLAN**

The Unified Land Development Code shall be consistent with and implement the adopted Hardee County Comprehensive Plan. The Unified Land Development Code shall be amended as necessary, by ordinance, to ensure consistency with the Hardee County Comprehensive Plan.

All requests for development order approval must comply with the Unified Land Development Code, must further the adopted Comprehensive Plan, and shall be reviewed for consistency with the goals, objectives, and policies contained within the elements of the adopted Comprehensive Plan.

*Comment: Section added to reflect the requirement the Unified Land Development Code must be consistent with the adopted Comprehensive Plan.*

### **SECTION 1.04.00-    APPLICABILITY-**

*Comment: Section Title relocated from Section 1.03.00;*

#### **1.04.01-    General aApplicability-**

With the ~~exceptions~~ exemptions listed below in Section 1.04.02, all development in Hardee County shall be subject to the provisions of this Code, and no development shall be undertaken without prior authorization pursuant to this Code.

No building, structure, or land shall hereafter be used or occupied, no land shall be altered or developed, and no building, structure, or part thereof shall hereafter be erected, constructed, reconstructed, located, moved, or structurally altered and no existing use, new use, or change of use of any building, structure, or land, or part thereof, shall be made or continued, except in conformity with the regulations specified for the zoning district in which it is located, and in conformity with all other applicable provisions of this Code. With the exceptions listed below, all development in Hardee County shall be subject to the provisions of this Code, and no development shall be undertaken without prior authorization pursuant to this Code.

*Comment: Section relocated from Section 1.03.01; Language expanded to address development meeting the requirements in the Code.*

**1.04.02- Exceptions, Exemptions**

- (A) *Previously Issued Development Orders.* A development project, ~~except phosphate mining,~~ with an approved site development plan or subdivision plat may proceed under regulations in effect at the time of approval provided that:
- (Ø1) The development order has not expired at the time of adoption of this Code or amendment thereto; and
  - (Ø2) 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:
- (Ø1) The development permit was issued prior to adoption of this Code and development activity has begun or will begin within six months of the date of issuance of the development permit; and
  - (Ø2) 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.
- (C) *Previously Submitted Application.* A previously submitted application that has been advertised for public hearing prior to ~~February 1, 1996~~ the effective date included in Section 1.09.00, may proceed under regulations in effect at the time of application date.
- (D) *Phosphate Mining.* Phosphate mining shall proceed as specified in ~~Section 3.14.03~~ Article 13, Land Excavation and Mining Regulations. In addition, nothing herein shall be assumed to prohibit the Board of County Commissioners from adjusting the Mining Financial Fee Schedule for phosphate mining as deemed necessary.

*Comment: Section relocated from Section 1.03.02; Term changed from Exceptions to Exemptions; Date for previously submitted applications updated to reflect the effective date in Section 1.09.00.*

**~~1.04.00. REPEAL OF CONFLICTING LOCAL LAWS.~~**

~~Any and all other County ordinances, resolutions, or general laws, or any part thereof, which conflict with any provision or provisions of this Code are hereby repealed.~~

*Comment: Language deleted and updated language included as Section 1.07.00.*

**SECTION 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 Hardee County.

**1.05.01 Generally**

The interpretation and application of this Code including all standards, criteria, requirements, and provisions shall be considered as the minimum requirements necessary to protect the public health, safety, and welfare; shall be liberally construed in favor of the County; and shall not be deemed to limit nor repeal any other powers granted by State Statutes.

*Comment: New Section added to address the interpretation of the Code.*

**1.05.02 Delegation of Authority**

Whenever a provision appears requiring the head of a department or some other County officer or employee to do some act or perform some duty, it is to be construed to authorize delegation to professional-level subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.

*Comment: New Section added to address delegation of authority.*

**1.05.03 Responsibility for Interpretation**

If any question arises concerning the application of Codes, performance standards, definitions, development criteria, or any other provision of this Code, the Director of Planning and Development, or their designee, shall be responsible for interpretation. Responsibility shall not be construed to substitute for any rights or responsibilities assigned to any commission, board, or official named in other Sections or Articles of this Code. The Director of Planning and Development shall look to the Hardee County Comprehensive Plan for guidance. Interpretation of the adopted Florida Building Codes or any Hardee County building ordinance(s) shall be the responsibility of the Building Official.



*Comment: New Section added to address responsibility for interpretation of the Code.*

#### **1.05.04 Abrogation**

This Code is not intended to repeal, abrogate, or interfere with any existing legally enforceable easements, covenants, or restrictions duly recorded in the public records of Hardee County. This Code is not intended to repeal any lawful approval by official County action of any planned development, planned unit development, or subdivision.

*Comment: New Section added to address abrogation.*

#### **1.05.05 Conflicts**

Where the provisions of this Code conflict with the requirements of any other regulation or provision of the law, whichever imposes the more restrictive provision shall apply.

*Comment: New Section added to address Conflicts.*

#### **1.05.06 Rules of Interpretation**

- (A) Relationship to Specific/General Provisions. More specific provisions of this Code shall be followed in lieu of more general provisions that may be more lenient than or in conflict with the more specific provision.
- (B) Computation of Time. The time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday, or legal holiday, then the next business day shall be the last day.
- (C) Gender. All personal pronouns used in this Code, whether used in the masculine, feminine or neuter gender, shall include all other genders.
- (D) Number. Words in the singular shall include the plural, and words in the plural shall include the singular.
- (E) Shall, May. The word "shall" is mandatory; the word "may" is permissive.
- (F) Written or In Writing. The terms "written" or "in writing" shall be construed to include any representation of words, letters, or figures, whether by printing or otherwise.
- (G) Year. The word "year" shall mean a calendar year, unless otherwise indicated.

- (H) Day. The word "day" shall mean a calendar day unless a business day is indicated.
- (I) Business Day. The term "business day" shall mean any day except any Saturday, any Sunday, any day which is a legal holiday, or day posted on the Hardee County's website where the offices are closed.
- (J) Calendar Day: The term "calendar day" shall mean the period from one midnight to the following midnight.
- (K) Boundaries. See Section 10.08.01.

*Comment: New Section added to address the Rules of Interpretation.*

#### **1.05.07 Image Disclaimer**

The photographs, drawings, and other images included in this Unified Land Development Code are intended merely to be examples of designs that may be allowed under the provisions of this Code under certain circumstances which include compliance with all other applicable provisions of this Code. The images are not intended to depict designs that are allowed under all circumstances. In situations in which there is a conflict between an image or any portion thereof and the textual requirements of the Code, the provisions of the text shall apply.

*Comment: New Section added to address the role of images in the Code.*

#### **SECTION 1.06.00 REFERENCES THROUGHOUT THIS CODE**

References throughout this Code to the Florida Statutes, Florida Administrative Code, and any standards established by specific organizations identified in this Code, shall include any amendments and amendments hereafter, including Chapter, Article, and Rule renumbering. References to specific regulating agencies, and organizations which establish standards shall include any changes in the identifying name of said agencies or organizations.

*Comment: New Section added to clarify relationship to regulations established by outside jurisdictions.*

#### **SECTION 1.07.00 REPEAL OF PRIOR PROVISIONS AND CONFLICTING LOCAL LAWS**

Upon the effective date of this Code, any and all other County ordinances, resolutions, or general laws, or any part thereof, which conflict with any provision or provisions of this Code are hereby repealed, except as otherwise provided for herein. In the event any portion of this Code is declared invalid, the comparable provision or portion of the immediately preceding development

codes shall be in full force and effect, notwithstanding anything to the contrary contained in this Code.

*Comment: New Section added to address conflicting language.*

#### **SECTION 1.08.00- 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 and the comparable provision or portion of the immediately preceding Unified Land Development Code shall be in full force and effect, notwithstanding anything to the contrary contained in this Code.

*Comment: Language relocated from Section 1.07.00; Language added to address relationship to previous Code if language is invalidated.*

#### **SECTION 1.09.00- EFFECTIVE DATE-**

~~These regulations shall be effective on the date of adoption by ordinance.~~ This Code is hereby enacted and shall be the Unified Land Development Code for the County and shall be in full force and effect from and after its passage, the effective date being October 12, 2023.

*Comment: Language relocated from Section 1.08.00; Language updated to clarify the effective date.*

#### **SECTION 1.10.00 COPY ON FILE; DISTRIBUTION**

A copy of this Code, as may be amended from time to time, shall be kept in the office of the County Clerk. Hard copies in full or by Article shall be made available to the public.

*Comment: New Section added to address the location of the copy of the Code.*

#### **SECTION 1.11.00 AMENDMENTS TO THIS CODE**

This Code shall be amended by ordinance and in accordance with the regulations for a public hearing for an ordinance as adopted by the County consistent with Florida Statutes. The proposed changes shall go before the Planning and Zoning Board, who shall make a recommendation for or against and shall forward that recommendation, with the ordinance, to the Board of County Commissioners.

Proposed amendments to this Code are not reviewed by the Florida Department of Commerce (DOC), according to State statute.

*Comment: New Section added to address the process for amendment to the Unified Land Development*

Code.

### **SECTION 1.12.00 VIOLATIONS**

- (A) A violation of the Unified Land Development Code or failure to comply with any of the requirements contained therein, including violations of conditions and safeguards established in connection with variances or special approvals, shall constitute a misdemeanor.
- (B) The owner or tenant of any building, structure, premises, or part thereof, any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation, may each be found guilty of a separate offense and suffer the penalties herein provided.
- (C) Any person who, in connection with a subdivision of lands, shall do or authorize any clearing and grubbing, or shall lay out, construct, open, or dedicate any street, sanitary sewer, storm sewer, water main, or drainage structure, or shall erect any building or transfer title to any land or building without having first complied with the provisions of this Code, or who performs any of such actions contrary to the terms of an approved subdivision plat, or who otherwise violates this Code shall be guilty of a misdemeanor. Each day that the violation continues shall constitute a separate violation.
- (D) It shall be a misdemeanor for any person to destroy, move, remove, deface, or obscure any sign or notice erected or posted pursuant to the requirements of the Unified Land Development Code.
- (E) Nothing contained herein shall prevent the County from taking any other lawful action necessary to prevent or remedy any violation.

*Comment: New Section added to address violations of the Code.*

### **SECTION 1.13.00- PENALTIES FOR VIOLATION-**

Violation of the provisions of this Code or failure to comply with any of the requirements, including violations of conditions and safeguards established in connection with grants of variances or ~~§special E~~exceptions, site development plans, or PUD Rezonings shall constitute a misdemeanor. Any person who violates this Code or fails to comply with any of the requirements shall, upon conviction thereof, be fined, ~~not to exceed \$500, or by imprisonment~~ imprisoned in the County Jail ~~for a term not to exceed 60 days or both~~ consistent with Florida Statutes requirements (FS 162.21). Each day such violation continues shall be considered a separate offense.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, building contractor, agent, or other person, who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

*Comment: Language relocated from Section 1.06.00 and updated to address other approvals that may include conditions and reflect deferral to Florida Statutes.*

**1.13.01- Resort to Other Remedies-**

Nothing herein contained shall prevent the County from taking such other lawful action, including but not limited to resorting to equitable action, as is necessary to prevent, abate, or remedy any violation of this Code.

If the County prevails in any such lawful action, all costs incurred, including but not limited to reasonable attorney fees shall be charged to the owner of the property upon which the violation occurred. If said costs are not paid within 30 days from date of invoice thereof, there shall be a lien placed upon the property upon which the violation occurred and shall bear interest at the rate of ten percent (10%) per annum from the date when the same became due and payable.

*Comment: Language relocated from Section 1.06.01; term "abate" added.*

## ARTICLE 2 GENERAL REGULATIONS FOR ALL ZONING DISTRICTS

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## ARTICLE 2 GENERAL REGULATIONS FOR ALL ZONING DISTRICTS

Text that is underlined is text to be added and text that is shown as ~~strikeout~~ is to be removed. *Comments* are provided for information and are not adopted as part of the Unified Land Development Code text.

### ~~2.02.00. GENERAL REGULATIONS FOR ALL ZONING DISTRICTS.~~

*Comment: Section title relocated and deleted as it is not necessary.*

### **SECTION 2.01.00 STATE BUILDING CODE ADOPTED**

Hardee County hereby adopts and incorporates as the Construction Codes of the County, the latest edition of the Florida Building Code, as adopted by the State of Florida; and all construction codes mandated by and subject to and including by references, such additions, amendments, and modifications that may be adopted by County ordinance or required to be added or enforced by any of the authorized boards, departments, rulemaking authorities, or Legislature of the State of Florida. The Building Official administers the Construction Codes. All persons wishing to construct any structure or improve any property within the County must abide by all construction codes and standards adopted and/or enforced by the County, as well as this Unified Land Development Code. In the event of a conflict between Code provisions, the more stringent provisions shall apply.

*Comment: New section provided to state the authority of the Florida Building Code.*

### **SECTION 2.02.00 USE OF LAND AND BUILDINGS**

No building or land shall be used or occupied and no building or part thereof shall be erected, constructed, moved, or altered except in conformity with the regulations specified in the Unified Land Development Code and the zoning district and future land use designation in which it is located.

*Comment: New section to address the use of land and buildings.*

### **SECTION 2.03.00 LOTS OF RECORD**

- (A) A lot of record is a lot whose existence, location, and dimensions have been legally recorded or registered in a deed or on a plat, prior to the effective date of this Code.
- (B) If two or more adjoining lots with continuous frontage are in a single ownership at any time after the adoption of this Code, and such lots individually are less than the lot width



requirements for the district in which they are located, such groups of lots shall be combined and considered a single lot or shall be grouped into several lots of minimum permitted size and the resulting lot or lots shall be subject to the dimensional requirements of this Code.

(C) All development permitted on lots of records shall be subject to setbacks and all other requirements of this Code.

*Comment: New section to define lots of record.*

## **SECTION 2.04.00- LOT SIZE ALTERATION-**

No building permit shall be issued for any lot which has been reduced in area or dimension below the minimum requirements applicable to such lot under the provisions of this Code, except that when a lot is 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, 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.

*Comment: Section relocated from Section 2.08.00.*

### **2.04.01- Road Access-**

The development of land shall be such as to provide each lot or parcel, by means of a road or accessway, with a satisfactory and permanent access to an existing road. It is anticipated that a condition of a parcel being eligible for a development permit shall include the minimum lot frontage on a road required by the zoning district in which it is located. Lots/parcels/tracts not meeting the full frontage requirements on roadways as set forth in Table ~~2.29.02(C)~~ 3.03.00(B), and having not been subdivided in violation of the Code, shall have frontage on a roadway in fee simple ownership of 50 feet in width or by perpetual easement recorded in the public records of Hardee County not less than ~~50~~ 35 feet in width pursuant to the following criteria:

- ~~(01A)~~ (01A) Parcels created prior to ~~February 15, 1996~~ the effective date of this Code, and having access by easement or ownership less than the required 50 feet shall be considered a lot of record for development purposes and, for purposes of zoning only, shall be entitled to a development permit.
- ~~(02B)~~ (02B) Parcels existing after ~~February 15, 1996~~ the effective date of this Code, and are documented to not have been created in violation of the County's subdivision regulations, but otherwise have fewer than 50 feet of access frontage may be approved administratively to no less than 35 feet of access frontage. Access

frontage less than 35 feet shall require approval by variance, subject to the review criteria in Section 11.03.00.

- (03C) Parcels created after the effective date of this Code amendment shall be required to follow the requirements of this Code.

Land being requested for development permits shall otherwise meet the requirements of the zoning district in which it is located by meeting the minimum lot width, depth, and area.

*Comment: Section relocated from Section 2.08.01; lot width added for clarity.*

### **SECTION 2.05.00- PROTECTION OF AGRICULTURE (RIGHT-TO-FARM ACT)-**

- (A) In accordance with the Hardee County Comprehensive Plan, and specifically Policy L1.1.6(d)13.4, of the Future Land Use Element:

Within an ~~an~~ Agricultural areas, the approval of residential development shall acknowledge that the protection of agricultural lands is a primary function of ~~the~~ an Agricultural areas, and that land management activities associated with agricultural uses may be incompatible with residential development. However, such management activities are considered to be an essential element of successful operations on agricultural ~~operations~~ lands, and the continuation of such activities shall take precedence.

- (B) Farm Operations. Farm operations shall be exempt from the provisions of this Code to the extent specified in Section 823.14, Florida Statutes (Right to Farm Act) and Section 163.3162, Florida Statutes (Agricultural Lands and Practices Act). Pursuant to Chapter 604, Florida Statutes (General Agricultural Laws), nonresidential farm buildings are subject to Section 7.01.03.01 (flood hazard areas).

*Comment: Section relocated from Section 3.01.04 and updated to match the current language in FLU Policy L1.13.4; Language added to address the Right-to-Farm Act.*

### **SECTION 2.06.00- 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.

*Comment: Section relocated from current Section 2.06.00.*

## **SECTION 2.07.00 TEMPORARY USES AND SPECIAL EVENTS**

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

### **(A) Categories of Temporary Uses**

- (1) Garage or yard sales.
- (2) Booths, platforms, food trucks, and stands used for the production and sale of prepared or processed food products, such as hot dog and portable barbecue stands, also known as "Food Stands".
- (3) Booths, platforms, and stands used for the selling flowers, fruits, vegetables, and firewood, (Flowers, firewood, fruits, and vegetables that are grown or cultivated on-site are exempt from the requirements of this section), also known as "Produce Stands".
- (4) Sales of retail products not classified as Produce Stands, such as fireworks, crafts, and Christmas trees, also known as "Retail Sales".
- (5) Sales of vehicles to include, cars, trucks, boats, recreational vehicles, and other similar type vehicles.
- (6) Other similar uses or activities as determined by the Planning and Development Director or designee.
- (7) Special Events.

### **(B) Review Criteria**

Temporary Use applications shall be submitted in accordance with Section 2.07.00(C), through the Planning and Development Director or designee, and evaluated for the following items.

- (1) Whether there is a legally established non-residential land use on the property.
- (2) Whether the proposed temporary use is incidental and subordinate to the legally established non-residential land use.

- (3) Whether the property is appropriately sized to accommodate all activities without infringement into public rights-of-way.
- (4) Whether all setback requirements and off-street parking and loading are consistent with the applicable district requirements.
- (5) Whether the proposed temporary use is compatible with surrounding properties.
- (6) If the proposed temporary use will attract 250 people or more at any given time during the event or will involve amplified music, whether it is appropriately sized to ensure that noise, odor, lighting, and traffic impacts to surrounding properties will be minimized and is compatible with surrounding properties.
- (7) Whether proposed strategies for mitigating noise, odor, lighting, and traffic impacts adequately protect the surrounding property owners.
- (8) Whether the hours of operation of the proposed temporary use are compatible with surrounding properties.
- (9) Whether adequate measures have been taken to ensure the safety of participants and customers, including but not limited to crowd control, fire safety, and emergency access.
- (10) Whether adequate plans exist to ensure that trash and debris are removed from the site within 24 hours of the conclusion of the proposed temporary use.
- (11) Whether consumption, distribution, or sale of alcoholic beverages comply with this Code and all other Federal, state, and local regulations.
- (12) Whether proposed temporary signage is compatible with surrounding areas, not intruding into the public right of way, or otherwise posing a safety hazard.
- (13) Whether appropriate measures have been made to avoid the repeat of any previous violations or infractions of prior temporary uses.

(C) Application Requirements

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

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

- 
- (a) The property where the sale is to be held must also contain a principal structure and,
  - (b) Frequency of sales is limited, as noted in Section 2.07.00(E).
- (2) All temporary use requests, with the exception of garage or yard sales, shall be required to apply for a Temporary Use permit, which is an administrative review. Application requirements include, at a minimum:
- (a) Identification of legally established non-residential principal land use on the property to be used for the temporary use.
  - (b) Description of the temporary use proposed.
  - (c) The hours of operation and anticipated duration of the temporary use.
  - (d) The number of persons expected to attend the temporary use on a daily basis and over the duration of the temporary use together with the highest anticipated attendance at any time.
  - (e) A site layout plan that addresses location of temporary uses, access, parking area, pedestrian and vehicular travel patterns and distance from surrounding properties.
  - (f) Description of any amplified sound or music to be provided including the location of speakers and measures to be implemented to minimize noise impacts on surrounding properties.
  - (g) Description of potential impacts (e.g. noise, odor, traffic, lights) to surrounding properties and mitigation efforts to minimize such impacts.
  - (h) Description of safety and security measures to be followed, as well as a waste management plan.
  - (i) Description of temporary uses on the properties within the current calendar year.
  - (j) Description of any planned advertisement and marketing strategies.
  - (k) Description of any activities that require permitting from other agencies, such as the Florida Department of Health and the status of such permitting.

(l) Provision of necessary permitting from the County or applicable agency if utilization of or closure of any public rights-of-way are being proposed.

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

(D) Review Procedures

Upon receipt of completed application packet and appropriate fees, (to be received no later than 15 business days prior to meeting place and special event type temporary uses), the Planning and Development Director or designee, will administer the review in accordance with the following:

(1) For special events and meeting place temporary uses, the application packet will be distributed for review to the applicable department directors and any other affected division or agency, for review and comments.

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

(3) In the event that a department director, agency, or division determines that it cannot support the proposed temporary use or can only do so with conditions, they shall notify the Planning and Development Director or designee, of such objections or conditions.

(4) Upon receipt of responses from each department, agency, and/or division, the Planning and Development Director or designee, shall approve the application, approve the application with conditions, or deny the application for failure to meet the standards of approval.

(E) Frequency Limitations

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

(1) *Food stands:* maximum of 60 days per calendar year per parcel.

(2) *Retail stands:* maximum of 60 days per calendar year per parcel.

- (3) Produce stands: maximum of 60 days per calendar year per parcel.
- (4) Special events: maximum of 14 days per calendar year per parcel.
- (5) Garage or yard sales: Although permits are not required, limited to four times a calendar year with a limit of three days per sale per parcel.
- (6) All other uses not specifically addressed: maximum of 30 days per calendar year per parcel.
- (7) Applicants may not obtain a permit for a temporary use for the same parcel if that site has exceeded the time limitation for that calendar year. In the event that an applicant requests a temporary use permit for a parcel that has previously received a permit for an activity that is different from the current permit request, the most restrictive time limitation for the applicable temporary use shall apply.

(F) Signage for Temporary Uses

Signs for Temporary Uses shall be in accordance with Article 6 except the time limit for signs for food stands, produce stands, special events, and meeting place temporary uses may be for the duration of the temporary use approval.

(G) Performance Bond Requirements

- (1) For special events or meeting places types of temporary uses with expected attendance greater than 250 people, the applicant shall obtain a performance bond on behalf of Hardee County in the sum of \$10,000, conditioned that the applicant shall conduct the approved temporary use in accordance with the approval and any imposed conditions and that any damages to public infrastructure, demands for removal, or other failure on the part of the applicant, the amount thereof shall be recoverable by the County for any damages resulting from the failure.
- (2) The performance bond provisions may be waived or modified by the County Manager or designee, upon written request accompanied by evidence of financial responsibility, an estimate demonstrating coverage less than \$10,000 is sufficient to cover any damages or failure to comply with approval, or demonstration of the successful execution of prior temporary uses.

*Comment: New Section added to address temporary uses and special events.*

**SECTION 2.08.00 TEMPORARY LIMITED SPECIAL USE PERMIT FOR MEDICAL AND FAMILY EMERGENCIES**

Any person, firm, or corporation owning property in the Hardee County may apply for a Temporary Limited Special Use Permit in a residential district for medical and family emergencies. There are no allowances for Temporary Limited Special Use Permits in any commercial or industrial districts. Temporary Limited Special Use Permits shall be granted only by the Board of County Commissioners in a public hearing that has been advertised in accordance with Section 8.05.00 of this Code. Temporary Limited Special Use Permits granted by the Board of County Commissioners shall be the minimum necessary to provide a reasonable relief of an unusual and temporary situation and use of the property and may be approved subject to time limits or any other conditions that the Board of County Commissioners deems appropriate. Section 9.06.00 outlines the application process for limited special use permit for medical and family emergencies.

*Comment: Section relocated from Section 7.15.00; Section renamed Limited Special Use permits because they are more intense than temporary uses; Language added to reference application process in Section 9.*

## **SECTION 2.09.00 TEMPORARY STRUCTURES**

*New Section added to address temporary structures.*

### **2.09.01 Temporary Office or Construction Trailer**

See Section 10.02.02.

*Comment: New Section added to address temporary office or construction trailers with reference to the information in Article 10.*

### **2.09.02 Temporary RV for Use During Construction of a Residence or as Disaster Relief not Related to a Declaration of Emergency**

See Section 10.02.03.

*Comment: New Section added to address temporary RV for use during construction of a residence or as disaster relief with reference to the information in Article 10.*

### **2.09.03 Use of Temporary Shelter after Declaration of Emergency**

See Section 10.02.04.

*Comment: New Section added consistent with requirements as adopted through Senate Bill 250 (2023). with reference to the information in Article 10.*



#### **2.09.04 Continued Use of Existing Single Family Home During Construction of a Replacement Single Family Home**

See Section 10.02.05.

*Comment: New section added to address continued use of existing single family home during construction of a replacement single family home with reference to the information in article 10.*

#### **2.09.05 Temporary Manufactured Home for Security Purposes**

See Section 10.02.06.

*Comment: New Section added to address temporary Mobile Home for Security Purposes with reference to the information in Article 10.*

#### **2.09.06 Temporary Tents-**

Temporary tents include canopies and tents with sides. Tents over 200 square feet in area or larger 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, upon issuance of a permit from the Hardee County Building Department and subject to the following requirements:

- (01A) Temporary tents may not be erected more than two times per year per parcel, for periods not exceeding two weeks. The Planning and Development Director may approve an additional two-week extension.
- (B) Tents 199 square feet or less do not require a permit. Tents exceeding 200 square feet require a permit and any applicable permit fees in the amount adopted by the Board of County Commissioners.
- (C) Tents over four hundred (400) square feet shall require a special limited time building permit, to be obtained by a contractor who is registered with the County. All tents shall be erected as required by the manufacturer's installation instructions. A site plan showing the location of the tent, on-site parking, and access must be submitted by the permittee. No tent may block ingress and egress to a site. The plan need not be to scale, but distances should be accurately depicted and noted on the plan. For large sites, the parking may also be indicated by a statement of how many total parking spaces exist and how many are blocked and/or occupied by the tent.

- (D) Tents shall be allowed for a maximum of 15 days; the time limit may be extended up to 30 days by the Planning and Development Director. Tents shall be completely removed upon the expiration of the time limit stated in the permit.
- (E) Tents shall not be erected on public streets, sidewalks, or rights-of-way unless the Board of County Commissioners has granted approval to close such streets, sidewalks, or rights-of-way to accommodate the tent. All tents/temporary structures require flame resistance certification. Fire extinguishers shall be provided as determined by the Fire Prevention Code. Any electrical service shall be installed by a licensed electrical contractor and approved by the County Building Department. Open flames or cooking shall not be permitted in tents. Any sanitary facilities that may be required on site shall comply with Hardee County Health Department standards.
- (02F) No more than 10% of the existing parking area is used, and the temporary tent does not block any point of ingress or egress to the site.
- (03G) All electrical connections must be permitted, and receive a "passed inspection" by the Building Department.
- (04H) The temporary tent must be inspected and approved by the Hardee County Fire Department as being in compliance with all relevant Fire Code regulations.
- (05I) Sanitary facilities for the public, customers or patrons shall be provided on-site through the use of portable toilets, and sanitary facilities requirements will be regulated by the State of Florida, Department of Health.
- (J) A user must have written notarized consent from the owner or authorized agent of the property on which the tent is to be located prior to issuance of the permit. All parking shall be on-site and the tent shall not reduce the existing number of parking spaces by more than 20%.

*Comment: Section relocated from Section 2.28.03; Requirements for zoning districts removed to address temporary tents in residential and non-residential zoning districts; Language added to address size and permitting requirements; location of tents; consent from property owner; restriction on use as living quarters.*

## **SECTION 2.10.00 USE OF TENT AS DWELLING**

No tents shall be erected, used, or maintained for living quarters except for camping or recreational activities.

*Comment: New Section added to address the prohibition of the use of a tent as a dwelling unit.*

## **SECTION 2.11.00 MODEL HOMES AND TEMPORARY SALES OFFICES**

Prior to final plat approval by the Board of County Commissioners and subsequent to the applicant's receipt of the County's written approval of Certified Subdivision Plans with infrastructure approval, model homes and temporary sales offices may be permitted within residential subdivisions, for the sale of lots/homes. The following requirements shall apply to all model homes and temporary sales offices constructed prior to final plat approval:

- (A) Each proposed subdivision shall be allowed at least one (1) model home.
- (B) The model home, or a separate modular unit, may be permitted as a temporary sales office for the project developer, builders, or their agents. Applicants shall receive approval from the County prior to starting construction on any model home.
- (B) All model home units shall meet all lot area, setbacks, parking, and unit separation requirements of the zoning district in which they are located. Failure of a model home to comply with the required setbacks shall result in a refusal to issue a certificate of occupancy for that home.
- (C) Fire hydrants and a stabilized road base and fire protection facilities shall be constructed and approved for use prior to the issuance of any building permits for model homes and the temporary sales office. The applicant shall be responsible for maintaining the stabilized road base in a manner that allows for the safe passage of fire/rescue equipment. Should the road surface be found in an unsafe condition, the Building Official shall issue a "Stop Work" order on all model homes under construction until such time the roadway is brought back to a safe condition.
- (D) Should the fire hydrants and a stabilized road base not be in place, model homes may be constructed according to standards established in the latest edition of NFPA (National Fire Protection Association) Publication 1141, Standard for Fire Protection Infrastructure for Land Development in Suburban and Rural Areas, and as may be amended.
- (E) To receive/seek final subdivision approval, a scaled drawing of the subdivision showing the locations of all model homes, shall be submitted to the Building Department.
- (F) Model homes and temporary sales offices may continue operation until all lots or houses within that subdivision are sold. Certificates of Occupancy may not be issued for model homes until the subdivision plat has been approved by the County and recorded with the Clerk of the Courts.
- (G) Signs used for model home and temporary sales offices shall conform to the requirements of Article 6. All signs shall be reviewed for placement, design, and duration.

*Comment: New Section added to address model homes and temporary sales offices in new subdivisions.*

### **SECTION 2.12.00 MODULAR BUILDINGS**

A modular home or building shall be permitted in all zoning districts provided their use satisfies the definition of “Modular Home or Building” as contained in Article 14, Definitions and Acronyms. In addition, modular homes or buildings shall also satisfy the following requirements:

- (A) Any modular home or building shall be of the type that is consistent with the certification requirements of the Florida Department of Community Affairs which shall be demonstrated to the satisfaction of the Building Official prior to issuance of a building permit.
- (B) Modular homes or buildings shall be constructed on a finished slab or block stem wall. If constructed on a raised block stem wall the exterior of the stem wall shall be finished with stucco, brick, or other material of similar aesthetic appearance.

*Comment: New Section to provide information regarding Modular Buildings.*

### **SECTION 2.13.00 BUILDING HEIGHT LIMITATIONS-**

Building height regulations in the individual zoning districts may be exceeded in the case of some structures, including, but not limited to, ~~church~~ steeples, industrial structures, communication towers and airport structures. Where the height limit is exceeded, the setback from all property lines to the structure shall be one foot for every foot of height with the exception of a provision for a 50 percent to 99 percent of height setback from communication towers allowed by Special Exception in F-R, I-1, I-2, A-1, and P-I-zoned districts.

*Comment: Section relocated from Section 2.11.00.*

#### **2.13.00. Yard Trash.**

~~In all districts, the accumulation of litter and yard trash shall be prohibited, including but not limited to, old furniture, tires, appliances, and debris of any kind. In all districts (except A-1 and F-R zoned properties greater than four acres in size) yards and vacant lots shall be mowed or otherwise maintained for a vegetation height no greater than 12 inches (except for agricultural products), to reduce the risk of fire and for pest control. Violation of this Code may be enforced by issuance of a citation. See Article 8, Section 8.10.00 of this Code.~~

*Comment: Section relocated from Section 2.13.00 and deleted because the section will be relocated into the Code of Ordinances under Offences, nuisances.*

### **2.14.00. Dilapidated Dwellings.**

~~In all districts, dilapidated buildings are prohibited. Such buildings may be demolished, at the owner's expense, by the County, after action through the process enumerated under Article 8, Section 8.10.00 of this Code, and through the definitions, procedures and notification requirements of the International Property Maintenance Code, as published by the International Code Council, 2006 Edition. Actions through the enforcement provisions of this Code shall proceed as set forth in Section 8.10.00; however, upon a finding of violation the violator shall be provided 180 days to comply, unless the County Judge rules a lesser time.~~

*Comment: Section relocated from Section 2.14.00 and deleted because the section will be relocated into the Code of Ordinances.*

### **2.09.00. Animal Limitation.**

~~All animals, whether maintained as pets or livestock, shall at all times be kept on the owner's property or maintained under the owner's control. Except in A-1 and F-R zoned districts, no person shall keep or maintain in connection with any residential dwelling unit more than four dogs aged six months or older. No person shall keep or maintain more than two dogs in connection with any building used for commercial or industrial purposes. Except in A-1 and F-R zoned districts, no person shall breed or maintain farm animals, fowl, or other livestock within unincorporated Hardee County. These shall include, but are not limited to, bees, chickens (including roosters), peacocks, horses, cattle, sheep, goats, pigs, and pigeons. Where permitted, such animals shall be maintained in healthy conditions. Where non-agricultural districts abut agricultural property, pens, cages, 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 A-1 and F-R.~~

~~No person shall breed or maintain any wild animal or poisonous reptile that poses a threat to human safety in Hardee County. Excluded from this Section are zoos, pet shops, animal shelters, kennels, veterinary clinics, 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. Such animals must be properly licensed.~~

*Comment: Section Relocated from Section 2.09.00 and deleted because the section will be relocated into the Code of Ordinances.*

## **SECTION 2.14.00 CHANGE OF USE**

- (A) A use is established when land has been declared to be usable, or permitted, for a particular use or activity, as identified within each zoning district. A "change of use" is a change from one permitted land use to another permitted land use.

- (B) A change of use may require more restrictive development standards than those required of the original permitted use. Such conditions for which this may occur include, but are not limited to, the following:
- (1) The new use is completely different in character than the present use;
  - (2) The new use is regulated in a different manner than the present use; and/or
  - (3) There is an intensification of use from the present use.
- (C) Landscaping and buffering requirements may apply for any change of use which results in the property becoming a higher impact/higher intensity use. Buffer yards are required with a change of use to a more intense use.
- (D) If the change of use triggers a change in occupancy or square footage by ten percent (10%)
- (E) The Development Review Committee (DRC) shall review change of use requests that trigger site development plan review.

*Comment: New Section added to address change of use.*

## **SECTION 2.15.00- DENSITY BONUSES FOR AFFORDABLE HOUSING-**

*Comment: Title relocated from Section 2.02.02 and amended to address affordable housing, not just density bonuses.*

### **2.15.01 Density Bonuses for Affordable Housing**

- (A) The development of affordable housing units is encouraged in Hardee County by certain incentives and criteria approved by the Board of County Commissioners as established in the Hardee County Affordable Housing Program through Resolution 00-57.
- (B) Where a developer voluntarily provides a substantial number of dwelling units that qualify as affordable housing under the definition provided in Article 914, Hardee County may authorize an increase in residential density. The purpose of this Section is to increase the supply of affordable housing resources for families of low and moderate income, and to provide incentives for private-sector developers who address this need.
- (C) Density bonuses for affordable housing shall be awarded under the following conditions:

~~(A) Development sites must be located in the Town Center Classification, Highway Mixed Use Classification, Residential Mixed Use Classification, Rural Center Classification, or Agricultural Land Use designations, as indicated on the Future Land Use Map of the Hardee County Comprehensive Plan;~~

~~(B1)~~ Density bonuses shall be considered only in PUD, R-0.5, R-1-, R-2-, R-3- and F-R-zoned districts. In no case shall a density bonus result in a density greater than that permitted in the underlying Future Land Use designation;

~~(C2)~~ Development sites shall include a minimum of 20% of the units that meet the definition of low and very low income housing as set forth in Hardee County Affordable Housing Program. If the funding through the State Housing Initiatives Partnership (SHIP) program is utilized for the project, then at least 10% of the affordable housing units shall be occupied by households earning 50% or less of the metropolitan statistical area median income;

The low and very-low income housing units must be certified by the Board of County Commissioners as meeting the criteria for designation of an affordable housing project;

~~(D3)~~ Affordable units shall be evenly distributed throughout the site, and shall not be clustered into particular areas. Site Development Plans or Subdivision Plats shall note the location of all affordable housing units;

~~(E4)~~ Affordable units shall be similar in appearance and design with surrounding units, and must be compatible with the balance of the development;

~~(F5)~~ Where density bonuses are approved, single-family development minimum lot size, minimum lot width, minimum lot depth and minimum floor area may be reduced by 20% from that specified in Section ~~2-29.02~~ of this Article 3.03.00, Table ~~2-29.02(C)~~ 3.03.00(C), Table of Development Standards, for R-0.5, R-1-, R-2-, R-3- and F-R-zoned districts. Principal building setbacks shall meet the following minimum standards, regardless of zoning district:

Minimum front yard:	20 feet
Minimum side yard:	05 feet
Minimum side (corner lot):	10 feet

Minimum rear yard:	20 feet
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The above standards may be applied to all single-family residential units within the development site, including those not qualifying as affordable housing.

~~Duplex and single family attached development shall be permitted in R-3 zoned districts at a maximum density of 15 units per acre. All other appropriate development standards shall apply to development authorized under a density bonus;~~

- (G) Application for approval of a density bonus shall include a statement indicating the number, type(s) and approximate cost of the units being represented as affordable housing. The Planning and Development Division shall determine the maximum allowable cost of units offered either for sale or rent, based on the most recent U.S. Census data or other available information. Units qualifying as affordable housing shall not be rented or sold above this maximum allowable cost for a period of two years following the issuance of Certificates of Occupancy. If funding of more than one dollar is provided through the SHIP program, units must remain affordable for 20 years;
- (H) Density bonuses may be approved administratively upon receipt of all necessary development plans and documents meeting the standards listed above. However, at the County Manager's/designee's discretion, any application for a density bonus may be referred to the Planning and Zoning Board for review and recommendations, and to the Board of County Commissioners for final approval. In such cases, the application may be denied based on potential incompatibility with surrounding development, or approved with any conditions necessary to ensure compatibility.

*Comment: Section relocated from Section 2.02.02; Hardee County Affordable Housing Program to Resolution 00-57; Language relating to Future Land Use districts and Mining Overlay Districts removed in deference to the zoning districts; Language removed as no existing Future Land Use districts permit 15 dwelling units per acre and zoning cannot exceed Future Land Use; New proposed R-0.5 district added.*

### **2.15.02 Affordable Housing Permitted in Non-residential (FS 125.0155)**

Per Florida Statutes 125.0155, through October 1, 2033:

- (A) The County shall authorize multifamily and mixed-use residential as allowable uses in any area zoned for commercial, industrial, or mixed use if at least 40



percent of the residential units in a proposed multifamily rental development are, for a period of at least 30 years, affordable as defined in Section 420.0004, Florida Statutes. Notwithstanding any other law, local ordinance, or regulation to the contrary, a county may not require a proposed multifamily development to obtain a zoning or land use change, special exception, conditional use approval, variance, or comprehensive plan amendment for the building height, zoning, and densities authorized under this subsection. For mixed-use residential projects, at least 65 percent of the total square footage must be used for residential purposes.

- (B) The County may not restrict the density of a proposed development authorized under this subsection below the highest allowed density on any unincorporated land in the county where residential development is allowed.
- (C) The County may not restrict the height of a proposed development authorized under this subsection below the highest currently allowed height for a commercial or residential development located in its jurisdiction within 1 mile of the proposed development or 3 stories, whichever is higher.
- (D) A proposed development authorized under this subsection must be administratively approved and no further action by the Board of County Commissioners is required if the development satisfies the land development regulations for multifamily developments in areas zoned for such use and is otherwise consistent with the Comprehensive Plan, with the exception of provisions establishing allowable densities, height, and land use. Such land development regulations include, but are not limited to, regulations relating to setbacks and parking requirements.
- (E) The County shall consider reducing parking requirements for a proposed development authorized under this subsection if the development is located within one-half mile of a major transit stop, as defined in the County's Unified Land Development Code, and the major transit stop is accessible from the development.
- (F) For proposed multifamily developments in an unincorporated area zoned for commercial or industrial use which is within the boundaries of a multicounty independent special district that was created to provide municipal services and is not authorized to levy ad valorem taxes, and less than 20 percent of the land area within such district is designated for commercial or industrial use, a county must authorize, as provided in this subsection, such development only if the development is mixed-use residential.

- (G) Except as otherwise provided in this subsection, a development authorized under this subsection must comply with all applicable state and local laws and regulations.
- (h) This subsection does not apply to property defined as recreational and commercial working waterfront in s. 342.201(2)(b) in any area zoned as industrial.
- (i) This subsection expires October 1, 2033.

*Comment: New Section added to address state requirements for affordable housing permitted in Commercial, Industrial, and mixed-use districts as signed into law on March 29, 2023 via Senate Bill 102.*

## **SECTION ~~2.16.00-~~ GENERAL REGULATIONS FOR ACCESSORY STRUCTURES/USES:**

Accessory ~~structures/uses~~, as defined in Article 14, are incidental and secondary to a principal use that is permitted in a given zoning district. Accessory structures, as defined in Article 14, are those that are incidental and secondary to a principal structure that is permitted within 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; fences (See Section 2.16.05); swimming pools (See Section ~~2.30.01~~ 2.16.05); bathhouses; yard structures, such as gazebos; boathouses, docks, slips and piers (See Section ~~2.30.02~~ 2.16.02); ~~satellite dish antennas (See Section 2.30.03);~~ 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 except in F-R<sub>2</sub>, FR-2, FR-2.5, ~~and A-1<sub>2</sub>~~-zoned districts;
- (B) All accessory structures shall comply with the Florida 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;
- (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 Section 7.06.00 of this Code;~~
- ~~(F) No accessory structure shall be used for residential purposes.~~
- ~~(G)~~ Except where otherwise provided, accessory structures shall be separated from each other by at least ~~ten~~ five feet ~~(except cargo containers allowed per subsection (I) below)~~, shall be set back from the principal structure no less than ~~three~~ five feet; and shall be set back from the rear and side yard property lines ~~as follows: accessory structures up to 200 square feet – minimum ten feet; 201 – 400 square feet – minimum 15 feet; 401+ square feet shall meet the minimum setback requirements as established by the zoning district (except for accessory structures 401 square feet or larger in the A-1 zoning district, which shall maintain a minimum rear setback of 25 feet). In all cases, however, accessory structures shall be setback from side yard property lines a minimum of~~ no less than seven feet;
- ~~(H)~~ No mobile home, manufactured home, trailer, semi-trailer, RV, or vehicle of any kind shall be allowed as an accessory structure on any development site except as allowed in the following sections.
- (1) Section 10.02.02 “Temporary Office or Construction Trailer”.
  - (2) Section 10.02.03 “Temporary RV for Use During Construction of a Residence or as Disaster Relief not Related to a Declaration of Emergency”.
  - (3) Section 10.02.04 “Use of Temporary Shelter after Declaration of Emergency”.
  - (4) Section 2.08.00 “Temporary Special Use Permit for Medical and Family Emergencies”.
  - (5) Section 2.16.01 “Accessory Dwelling Units”.
- ~~(H)~~ When associated with a commercial or industrial use, the accessory use must be clearly secondary, incidental, and subordinate and may not generate any activity or condition that would increase the design standard for the principal use.
- (I) Accessory structures on commercial or industrial development sites must be setback 10 feet from the rear and five feet from the side lot lines and a minimum of five feet from

each structure.

- (J) All outdoor storage areas will be enclosed by suitable vegetation, fences, or walls in commercial zoning districts consistent with landscaping requirements in Article 5.

*Comment: Section relocated from Section 2.30.00 (except (I)); Section (F) regarding no accessory structures used as residential since accessory dwelling units are permitted; New (G) amended to address areas where vehicles are permitted for occupation as an accessory structure.*

### **2.16.01- Accessory Dwellings- Units**

~~An accessory dwelling (ADU) is a permanent habitable living unit added to or created within a single family dwelling that provides basic requirements for living, sleeping, eating, cooking, and sanitation. The purpose of allowing ADU's is to:~~

- ~~(A) Provide homeowners with a means of obtaining, through tenants in the ADU, rental income, companionship, security and services;~~
- ~~(B) Add affordable units to the existing housing;~~
- ~~(C) Make housing units available to moderate income people who might otherwise have difficulty finding homes within the County;~~
- ~~(D) Develop housing units in residentially zoned neighborhoods that are appropriate for people at a variety of stages in the life cycle;~~
- ~~(E) Protect neighborhood stability, property values, and the residential appearance of the neighborhood by ensuring that ADU's are installed under the provisions of this Section.~~

*Comment: Section relocated from Section 2.03.00 and deleted for language included below.*

### **2.03.01 ADU/Principal Residence Size Regulations.**

~~In no case shall an ADU be more than 40 percent of the principal residence's total floor area, not more than 800 square feet, or less than 300 square feet, nor have more than two bedrooms.~~

*Comment: Section relocated from Section 2.03.01.01 and deleted for language included below.*

**2.03.01.01 Number of Occupants.**

Occupancy shall be limited to the following: No more than two persons in a unit of 300—400 square feet; no more than three persons in a unit ranging from 401—600 square feet; and no more than four persons in a unit ranging from 601—800 square feet.

*Comment: Section relocated from Section 2.03.01.01 and deleted as it is difficult to enforce.*

**2.03.01.02 Design/Appearance Standards.**

An ADU shall be designed to maintain the architectural design, style, appearance, character, and construction type of the principal structure as a single family residence. If an ADU extends beyond the current footprint or existing height of the principal structure, such addition must be consistent with the existing facade, roof pitch, siding and windows.

Only conventionally built or modular structure additions shall be permitted as an ADU. Use of mobile homes, recreational vehicles, park model recreational vehicles, or any like unit is strictly prohibited.

*Comment: Section relocated from Section 2.03.01.02 and deleted as Florida Statutes prohibits the regulation of the appearance of single-family homes.*

**2.03.01.03 Parking Requirements.**

One off-street parking space, in addition to that which is required by this Code for the underlying zoning district, shall be provided, or as many spaces as deemed necessary by the Development Review Committee to accommodate the actual number of vehicles used by the occupants of both the principal structure and the ADU.

*Comment: Section relocated from Section 2.03.01.03; requirements updated in language below.*

**2.03.01.04 Age of the ADU.**

All new construction shall meet the most current requirements of the Florida Building Code and related codes. An addition to mobile home units to establish an ADU is prohibited.

*Comment: Section relocated from Section 2.03.01.04; requirements incorporated*

*below.*

**2.03.02. Density Controls.**

(A) ADUs will be allowed in the following zoning districts: R-0.5, R-1, FR-2.5, F-R, FR-2, and A-1. Within each district cited only one ADU may be permitted, provided that the lot or parcel is not of lesser size and dimension due to a lot of record status. In the R-0.5 and R-1 districts, maximum lot coverage shall not exceed 60%. In the FR-2.5, F-R, FR-2, and A-1 districts, maximum coverage shall not exceed 45%.

*Comment: Section relocated from Section 2.03.02.*

(B) Within residential areas, only one accessory dwelling unit may be provided in addition to the primary dwelling unit. An accessory dwelling unit shall be permitted only as accessory to, and on the same lot as, a single-family dwelling, and are not permitted as accessory to a two-family dwelling, multifamily dwelling, or manufactured home dwelling. All new construction shall meet the most current requirements of the Florida Building Code and related codes.

(C) The accessory dwelling unit may be located within/attached to the primary building (i.e. mother-in-law suite) or may be a detached, separate building (i.e. guesthouse) on the lot or parcel. An accessory dwelling unit attached to the principal dwelling shall have an operative interconnecting door with the principal dwelling and shall have a principal access only from the side or rear yard of the principal dwelling.

(C) The accessory dwelling unit may not be sold independent of the principal structure.

(D) The use of a mobile home, recreational vehicle, or a similar vehicle as an accessory dwelling unit is prohibited.

(E) Accessory dwelling units located within/attached to the primary building (i.e. mother-in-law suites) must meet the following requirements:

(1) No more than one shall be permitted on any residential lot or parcel.

(2) Shall be located within or attached to the principal building. The principal building shall be construed to mean the dwelling unit or house located on the lot or parcel, and not any other accessory structure. ~~Addition~~ Attached herein means either a physical connection to an existing wall or walls of the principal structure or by an attached roof breezeway not to exceed a length of ten (10) feet.

- (3) Shall not exceed more than 40 percent of the principal residence's total floor area, not more than 800 square feet, or less than 300 square feet, nor have more than two bedrooms.
- (4) As viewed from the street the use of the residential property shall be consistent with the uses of the residential areas that surround the property. External modifications to the property to accommodate an accessory dwelling unit shall conform to the residential character and architectural aesthetics of the neighborhood.
- (5) Front and rear setbacks shall comply with the setbacks established in the allowed zoning districts.
- (F) Detached Accessory dwelling units, which are dwelling units not located within the principal building (i.e. guesthouse), must meet the following requirements:

  - (1) Shall be no closer than five feet to the principal building or any other accessory building.
  - (2) Shall not exceed more than 40 percent of the gross square feet of the principal building, not more than 800 square feet, or less than 300 square feet, nor have more than two bedrooms.
  - (3) The accessory dwelling unit shall be located within the building envelope for the lot or parcel.
  - (4) As viewed from the street the use of the residential property shall be consistent with the uses of the residential areas that surround the property. External modifications to the property to accommodate an accessory dwelling unit shall conform to the residential character and architectural aesthetics of the neighborhood.
  - (5) Setbacks shall comply with the setbacks established for accessory structures.
  - (6) A building permit application for an accessory dwelling unit requires a restrictive covenant to restrict the subdivision and sale of an accessory dwelling unit separately from the primary dwelling and to provide notice of County Code requirements to future purchasers of the property. This restrictive covenant shall be notarized and then recorded with the Hardee County Clerk and Recorder's office. Please submit this restrictive covenant

with the recordation information with any building permit application associated with the Accessory Dwelling Unit (ADU).

- (G) The construction or addition of an accessory dwelling unit shall not cause the maximum lot coverage established by the zoning district to be exceeded.
- (H) At least one (1), but no more than two (2), off-street parking spaces shall be provided for an accessory dwelling unit (in addition to the off-street parking required for the principal use).
- (I) A certificate of occupancy shall be required for all accessory dwelling units.
- (J) Permitting

A request for an ADU shall be processed as a ~~Special Exception~~ Permitted with Conditions Use. Upon approval, an applicant shall file for a building permit, following the procedures as set forth in ~~Section 8.01.07~~ of this Code. ~~An ADU shall be designed and constructed within the existing footprint of the principal structure or an addition to the principal structure. Addition herein means either a physical connection to an existing wall or walls of the principal structure or by an attached roof breezeway not to exceed a length of ten (10) feet. Front and rear setbacks shall comply with the setbacks established in the allowed zoning districts. Where water and sewer utilities are available, ADUs shall be required to connect to said utilities. Where on-site utilities are the sole method of potable water and wastewater treatment supply, the ADU shall be required to have its own septic tank; however, the ADU may share an existing potable water supply. In any instance, permitting permits from the Hardee County Health Department for on-site water and septic systems shall be required.~~

*Comment: Section relocated from Section 2.03.03, language specific to construction inside the existing footprint deleted as no longer applicable.*

### **2.16.02- Boat Slips/Ramps, Docks, Boathouses and Fishing Piers-**

Boat slips/ramps, docks, boathouses, and fishing piers are permitted in ~~R-1, R-2, R-3, F-R, C-1, PR and CN-zoned~~ 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 or waterbody, providing they comply with the following:

- (A) Docks shall not extend into the lake a distance greater than 50 feet measured from the regulatory water line, ~~which shall be established by the Board of County Commissioners on any lake that is not a meandering lake; and.~~



- (B) In residential districts, no boathouse 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 Hardee County; ~~and.~~
- (C) ~~No permit shall be issued for a boathouse, dock, pier, boat slip or boat ramp, except with the review and approval of the Board of County Commissioners. The applicant shall provide to the Building Department complete plans, specifications, and details, at least 30 days prior to a regular meeting of the Board of County Commissioners at which the proposed structure is to be considered. The Building Department shall determine if such plans meet all requirements of this Code, any State or other governmental rules or regulations and transmit the findings to the Board of County Commissioners. The applicant shall post a cash or surety bond, as the Board of County Commissioners may determine, to assure that the work proposed is completed in a manner fully consistent with an approved Development Order; and.~~
- (D) Any dock, pier, boat slip, or boat ramp shall be required to secure all appropriate State and Federal permits.

*Comment: Section relocated from Section 2.30.02 and updated to ensure consistency with permitting requirements established by FDEP.*

#### **~~2.30.05 Bulk Propane Gas Storage and Sales.~~**

~~Bulk storage of propane gas and sales of that gas is a permitted accessory use in mobile home parks and recreational vehicle parks. All storage must be a minimum of 50 feet from any unit or building.~~

*Comment: Section relocated from Section 2.30.05 and deleted as the language will be added specific to the related uses.*

#### **2.16.03 Cargo Containers for Permanent Storage**

Cargo containers shall be permitted in accordance with the following:

- (A) As a temporary use in any zoning district in conjunction with an authorized construction project. It shall be removed upon completion of the project unless properly permitted to remain as permanent storage in accordance with Section 2.20.03(B).

(B) Cargo containers are permitted to be used as accessory structures for permanent storage in the A-1, C-2, I-1, I-2, P-1, and CIBC zoning districts.

~~(1) A cargo container may be utilized as an accessory structure w~~Within the A-1 and C-2 zoning districts, cargo containers are permitted -at a density of one container unit per acre, or fraction thereof, up to a maximum of three units, ~~so long as the container secures a permit from the County building department and meets all required setbacks except separation setbacks, and either:~~ as long as they meet the requirements of Section (B)(3).

~~a. Is placed on the property in such a manner as not to be visible from any public or private right of way; or~~

~~b. Is maintained in good condition without rust or visible deterioration, and landscaped on three of its four sides with a well maintained, minimum ten-inch wide "Type A" landscape buffer, per Section 3.15 of this Code.~~

(2) Cargo containers may also be utilized as an accessory structure wWithin the I-1, I-2, and C/IBC zoning districts cargo containers are permitted without a density limitation so long as ~~the units are placed in the rear yard, meet all required setbacks, and are not stacked~~ they meet the requirements of Section (B)(3).

(3) All cargo containers must be in accordance with the following requirements:

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

(b) All cargo containers shall be placed in either the side or rear yard and meet accessory structure setbacks for the applicable zoning district or the set back as outlined in the Condition (3)(b), whichever is more restrictive.

(c) Cargo containers located on a residentially developed lot, or that is adjacent to residentially developed lots or structures, shall be buffered and/or screened from the adjacent off-site residential lot or structure with a well maintained, minimum ten-inch wide "Type A" landscape buffer, per Section ~~3.15~~ 5.13.07 of this Code. Additionally, they shall maintain a minimum setback of 15 feet.

- (d) Cargo container shall not be stacked above the height of a single container.
- (e) Cargo containers shall not be located within any drainage easements.
- (f) Cargo containers shall not occupy any required off-street parking spaces, vehicular access points or drive aisles, pedestrian facilities, or landscape areas for the site. Cargo containers may not be placed in a manner that renders the site nonconforming with off-street parking, loading landscaping areas, or lot coverage requirements.
- (g) Cargo containers shall not be permitted to have signage of any type.
- (h) Cargo containers shall be maintained free from rust and graffiti.
- (4) Requests for an exception to this section may be submitted directly to the Planning and Development Director for consideration. The Director's final decision may be appealed to the County Manager and the Board of County Commissioners in accordance with Section 11.04.00.
- (C) Cargo Containers may be modified or retrofitted for habitation in accordance with the Florida Building Code and all other requirements of the Code.

*Comment: Language relocated from Section 2.30.00(I) and updated to better clarify the use of cargo containers.*

#### **2.16.04 Carports**

Carports are permitted to be free-standing structures that meet the general requirements for accessory structures. A carport may also be attached to or located within three (3) feet of the principal structure.

*Comment: New Section added to address carport provision currently located within the carport definition.*

#### **2.16.05. Fences, Height Limitations, Walls, Hedges, and Architectural Features.**

- (A) Permit. Existing residence shall not require a fence permit, but fence construction must comply to County standards per the Unified Land Development Code. In new subdivisions, a wall shall require a permit and comply with County standards.

A fence in a new subdivision shall be reviewed for approval by the Planning and Development Director.

(B) Location. No fence or solid wall on any property shall exceed six feet in height in any residential zoning district, or eight feet in any commercial or industrial zoning district, except as required by issuance of a Development Order or Special Exception. All fences must be located outside of a public right-of-way. No fence or other obstruction, including signs walls, hedges, or other structures shall be permitted within the Clear Visibility Triangle, as defined by Section 3.02.03 5.02.02(C) of this Code unless specifically allowed by that Section. In all zoning districts, fence or walls shall be limited to four feet in height within required front setback areas.

(C) Height. Unless required through a special use, administrative approval, or approved as a variance, the height requirements below must be followed.

(1) Residential Uses and Zoning Districts

(a) No fence or wall above four (4) feet in height shall be allowed in front or side street setback areas. Side yard fences shall be permitted to a height of six (6) feet from the rear property line to a point parallel to the front yard setback line. See Figures 2.16.05(A) through 2.16.05(D).

(b) On a through lot, other than a corner lot, a six-foot fence may be placed on the rear property line adjacent to an Arterial Road, and in such instances, such lot shall not be treated as a through lot for setback purposes. If residential structures on abutting properties face or have access to the Arterial Road, this exception shall not apply.

**Figure 2.16.05(A): Residential Zoning Fence Requirements**



**Figure 2.16.05(B): Illustration of Fencing on Corner and Interior Lots**



**Figure 2.16.05(C): Illustration of Fencing on Corner and Interior Lots**



**Figure 2.16.05(D): Illustration of Fencing on Corner and Interior Lots**



(c) Unless otherwise specified in this Code, permitted non-residential uses in residential zoning districts may have a fence up to six (6) feet in height to ensure compatibility between residential uses and more intense non-residential uses.

(d) Exemptions

The following uses shall be exempt from these requirements:

1. Utility and power substations.
2. Water and wastewater facilities.
3. Public swimming facilities.
4. Stormwater retention ponds.
5. Farm fences (per Florida Statutes 604.50).

(2) Non-Residential Uses and Zoning Districts

Unless otherwise specified in the Code:

- (a) Fences placed on property located in an office, commercial, or industrial zoning district, which is presently being utilized for residential purposes, shall have a maximum fence height of six (6) feet in the front, rear, and side yards.
- (b) Fences shall be a maximum of eight (8) feet in height in front, rear, and side yards.

(3) Height Measurement

Fence and wall height shall be measured as the vertical distance between the lowest finished grade at the base of the fence and the top edge of the fence material. Posts or columns may include a cap piece which may extend up to 12 inches above the allowable fence height. The finished grade shall be that as shown on the approved grading plan for the site at the time of initial development of the residential subdivision, multifamily development, or nonresidential development. In cases where a retaining wall does not require the approval of a grading plan, the finished grade shall be as determined by the Public Works Director, or designee.

- (a) Berms. 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.
- (b) Retaining Walls. When a fence or wall is placed atop a retaining wall, the height of the fence shall be determined exclusive of the height of the retaining wall such that the top of the retaining wall is considered the finished grade.
- (c) Barbed Wire. Barbed wire located at the top of substation fencing is appropriate for safety.

(D) Materials and Design



(1) No fences shall be installed, constructed, or erected without complying with the following regulations:

(a) No fence shall contain any substance designed or reasonably likely to inflict injury to any person or animal, including, but not limited to, razor or barbed wire, glass, materials with sharp edges, or electrically charged wire; with the exception that barbed wire may be used consistent with Section 2.16.05(C)(3)(c).

(b) Notwithstanding the provisions of this Section, the use of security fencing may be used at sites, such as electrical substations and communications facilities, where such fencing is required by Federal, State, or local law, or other sections of this Code. Further, temporary security fencing may be utilized for construction sites while a permit for the work is active for the construction site. All temporary fences shall be removed prior to the issuance of a Certificate of Occupancy.

(2) Residential properties that are less than 1/3 (one-third) acre in size must have the finished side of all fencing facing outward.

(E) Swimming Pools

Swimming pools shall be fenced as required by State statute.

(F) Gates

All gates or double gates intended for the use for vehicles, trailers, boats, RVs, and other recreation equipment for ingress/egress purposes shall be setback a minimum of ten (10) from all property lines. If there is a natural or physical obstruction and visibility is not impaired, a reduction in the ten (10) feet may be administratively approved by the Planning and Development Director.

(G) Architectural Features

Architectural features, eaves, chimneys, fireplaces, balconies, stoop, steps, handicapped ramps, and the like may not project into the required front yard setback by more than thirty percent (30%) of the required front yard setback or two and half feet (2½) into the side or rear yards in all residential zoning districts.

*Comment: Section relocated from Section 2.10.00 and updated.*

### **2.16.06 Home Based Occupations-**

Authorized home occupations shall comply with all of the following provisions:

- ~~(A) No more than two individuals 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) No sign or display shall be provided to indicate from the exterior that the building is being used in whole or in part for any purposes other than that of a dwelling;~~
- ~~(D) Business activities associated with a home occupation, including storage of merchandise and materials, shall take place only in the principal structure except in A-1 and F-R zoned districts where activities may be located inside an enclosed accessory building;~~
- ~~(E) No home occupation shall occupy more than a total of 500 square feet of floor area in principal structures in R-1, R-2 and R-3 zoned areas. A-1 and F-R zoned areas may utilize 500 square feet of an accessory structure or a combination of principal structure and accessory structure, not to exceed 500 square feet;~~
- ~~(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 3.11.00;~~
- ~~(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; and,~~
- ~~(H) No articles or materials pertaining to the home occupation shall be stored on the premises, except inside the principal structure.~~

A home-based occupation may be conducted within a residential dwelling that is zoned for residential use under the following provisions:

- (A) *Accessory to Residential Use.* The home occupation shall be conducted within the residential dwelling that is the residence of the home occupation practitioner and

shall be clearly incidental and subordinate to the use of the dwelling for residential purposes.

- (B) *Employees.* Employees of the business who work at the residential dwelling must also reside in the residential dwelling, except up to a total of two (2) people or independent contractors who do not reside at the residential dwelling may work at the business. The business may also have remote employees who do not work at the residential dwelling.
- (C) *Residential Character.* Under no circumstance shall the residential character of the property be changed by the home occupation. As viewed from the street the use of the residential property shall be consistent with the uses of the residential areas that surround the property. External modifications to the residential dwelling to accommodate a home occupation shall conform to the residential character and architectural aesthetics of the neighborhood.
- (D) *Retail Transactions.* The business shall not conduct retail transactions at a structure other than the residential dwelling; however incidental business uses and activities may be conducted at the residential property.
- (E) *Signage.* A non-illuminated sign, not exceeding two (2) square feet in area, may be displayed provided the sign is affixed flat against the exterior wall of the residential dwelling.
- (F) *Parking.* The home occupation shall not generate parking needs in greater volume than would normally be expected to serve a similar residence where no business is conducted. No additional parking spaces shall be provided in excess of those required to serve the residential unit under Section 5.09.00 "Off-Street Parking and Loading". Vehicles and trailers associated with a home occupation business must be parked in legal parking spaces and not within the right-of-way, on or over a sidewalk, or on any unimproved surfaces at the residence.
- (G) *Parking or Storage of Heavy Equipment.* Parking or storage of heavy equipment shall comply with the standards under Section 5.09.02(B)(1) "Parking of Heavy Trucks, Commercial Motor Vehicles, Trailers, Semitrailers". For the purposes of this paragraph, the term "heavy equipment" means commercial, industrial, or agricultural vehicles, equipment, or machinery.
- (H) *Performance Standards.* No home occupation shall involve equipment or processes that may create or cause to be created noise, odors, vibration, glare, smoke, dust, electrical interference or hazards dangerous to the public health, safety and welfare, consistent with the standards of performance under Section 5.12.00. In case of electrical interference, no equipment or process shall be used

that creates visual or audible interference in radio, camera, computerized equipment, or television receivers, or causes fluctuations in line voltages off the premises.

*Comment: Section relocated from Section 7.14.00, deleted, and replaced with language consistent with the recently adopted Florida Statutes*

**~~7.14.01. Procedure for Approval of a Home Occupation.~~**

~~A home occupation may be approved administratively by the County Manager /designee upon payment of a review fee established by the Board of County Commissioners and submission of an application containing the following information and documentation:~~

- ~~(A) Name(s) of owner(s) and a copy of the deed to the property;~~
- ~~(B) Legal description of the property;~~
- ~~(C) Complete written description of the activity proposed as a home occupation;~~
- ~~(D) Copy of Hardee County Property Appraiser's map showing subject property and all surrounding properties within a 100 foot radius of subject property's boundaries;~~
- ~~(E) Signatures of all neighbors within a 100 foot radius signifying they have no objection to the proposed use; and~~
- ~~(F) Certified survey of subject property (at County Manager's/designee's discretion).~~

~~The County Manager or his/her designee may refer the matter to the Planning and Zoning Board for approval if signatures from all property owners within the 100 foot radius of the subject property cannot be obtained, or for any other reason that may justify such referral. Home occupation approvals shall be handled through the same process as a Special Exception approval.~~

*Comment: Section relocated from Section 7.14.01 and deleted consistent with recently adopted Florida Statutes.*

**2.16.07- Radio, tv antenna, Satellite Dishes, and Hamm Radios and Antennas**

The requirements for Communication towers and Communication Antennas are located in Section 4.02.13.

To the extent not superseded by Federal Law or regulation, radio and television antennae and dishes shall be considered accessory structures subject to the following requirements and conditions:

- (A) A freestanding satellite dish and/or antenna shall be an accessory use only, and shall not be the principal use of the property.
- (B) Antennas and/or freestanding satellite dishes shall not exceed 50 feet in height. Where mounted on a building, the combined height of the building and the antenna shall not exceed the maximum permitted building height in the applicable zoning district.
- (C) Antennas and/or satellite dishes shall not be located forward of the front building line or within a required side street setback area.
- (D) An antenna and/or satellite dish not mounted on or affixed to a principal structure shall be set back from all property lines a distance equal to its height. Setbacks shall be measured from the outermost projection of the antenna or supporting structure.
- (E) The following regulations apply to antennas and/or satellite dishes in R-0.5-, R-1-, R-2-, R-3-, and F-R, A-1, FR-2, and FR-2.5-zoned districts:
  - (01) A satellite dish and/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 or a recreational vehicle park.
  - (02) Roof-mounted satellite dishes and/or antennas shall be permitted in single-family developments, multi-family developments, mobile home parks and recreational vehicle parks. Roof-mounted satellite dishes and/or antennas in mobile home parks or recreational vehicle parks shall be affixed only to buildings of conventional construction.
  - (03) Only one satellite dish and/or antenna of each type is allowed (e.g. Television, Citizens Band, Radio and Ham operations).
  - (4) No installation, including supports, shall be located in any required yard(s) or in any easement or right-of-way; and
  - (5) No advertising material shall be allowed on any antenna or dish; and

- (6) All antenna and dish installations shall be constructed of materials that blend with the surroundings.
- (F) The following regulations apply to antennas and/or satellite dishes in C-1-, C-2-, I-1-, I-2- and P-I-zoned districts.
- (Ø1) A satellite dish and/or antenna shall be permitted either as an accessory use or, if permissible in the zoning district, a principal use. However, the satellite dish and/or antenna, if an accessory use, shall not be installed prior to construction of principal use.
- (Ø2) More than one satellite dish and/or antenna per lot is permitted in commercial and industrial districts.
- (3) Freestanding (not affixed on top of a building) radio and television antenna and dishes shall set back from all property lines a distance of at least fifty (50) percent of the height of the antenna or dish.
- (4) No installation, including supports, shall be located in any required easement or right-of-way.
- (5) Antenna and dishes that are roof mounted shall be located and designed to minimize the visual impact on surrounding properties and from public right-of-way.
- (6) All antenna and dish installations shall be constructed of materials and in colors that blend into the surroundings and shall be screened by harmonious, architectural features and landscaping.
- (G) Exceptions:
- (1) Radio and television antenna and dishes installed for use by military and emergency personnel including, but not limited to, civil defense, police, and fire personnel and agencies, may be erected and operated in any location and shall be exempt from the provisions of Subsections (E) and (F) above.
- (2) Subject to prior review and approval by the County Commission, radio and television receiving and transmitting antenna and dishes in conjunction with places of public assembly may be permitted.

- (3) Nothing in this Section shall preclude the erection and operation of ham radio transmitting antenna and dishes which comply with Subsections (E) and (F) above.

*Comment: Section relocated from Section 2.30.04; Language added to address height, setback distances, and that communication towers and communication antennae are addressed in a different section.*

### **2.16.08- Swimming Pools and Screened Enclosures.**

- (A) Residential Swimming Pools for Single-family/Duplex/Individual Townhouse.

~~Swimming Pools are permitted in all residential districts as an accessory use. Pools located in any residential district shall meet the following requirements:~~  
Swimming Pools are permitted for all single-family homes and duplexes as an accessory, and must comply with all applicable regulations. Single-family swimming pools shall meet the following requirements:

- (A1) Swimming pools shall be permitted accessory to a single-family home, duplex, or individual townhouse use only in accordance with Chapter 515 of the Florida Statutes and the Florida Building Code as an accessory to a residential use only, and shall be at least ~~five~~ seven (7) feet from any lot line or five (5) feet from any building line, as measured from the edge of the water.
- (B2) Swimming pools, including all decking and screened enclosures, shall be located to the rear of the front building line, and shall not encroach into side street setback areas on corner lots.
- (C3) Screened enclosures over and around swimming pools shall be erected so as to be at least five feet from any side or rear property line, as measured from the edge of the structure, and such enclosures may be attached to the principal building. Lighting for pools shall be located and installed such that no direct lighting or reflected lighting is visible on adjoining property. A screened enclosure over a patio without a swimming pool may be constructed if it meets the above requirements.
- (D4) Swimming pools shall not be located within public utility or drainage easements alongside and rear lot lines. For purposes of setback measurement, the term "swimming pool" shall include all surrounding decking and vertical supports for screened enclosures.

- (E5) All swimming pools including aboveground pools, shall be completely enclosed by a fence, screened enclosure or a wall not less than four feet high. Per Florida Statute 515, the structure of an above ground swimming pool may be used as its barrier or the barrier for such a pool may be mounted on top of its structure; however, such structure or separately mounted barrier must meet all barrier requirements of this section. In addition, any ladder or steps that are the means of access to an aboveground pool must be capable of being secured, locked, or removed to prevent access or must be surrounded by a barrier that meets the requirements of this section.
- (F6) No swimming pools in residential districts may be used for commercial purposes unless designed and permitted as a public pool meeting all the requirements for public use.

(B) Public Swimming Pools

- (1) Public Swimming Pools in residential districts include swimming pools at multi-family developments and other shared facilities. They shall meet the applicable district accessory structure setback requirements and public swimming pools in non-residential districts shall meet the requirement of 2.16.00(l). For purposes of setback measurement, the term "swimming pool" shall include all surrounding decking and vertical supports for screen enclosures.
- (2) Swimming pools shall not be located within public utility, drainage easements, or landscape buffers along side and rear lot lines.
- (3) The swimming pool must meet the safety requirements as outlined in Florida Statutes Chapter 514

*Comment: Section relocated from Section 2.30.01; language updated to differentiate between residential and public swimming pools; language updated to permit screen enclosures without swimming pools.*

**~~2.28.04. Temporary, Off-Premises Sales of Motor Vehicles and Vessels.~~**

- ~~(a) It shall be a violation of this section for any person engaged in the business of buying, selling, or dealing in motor vehicles required to be registered and titled under Florida Statutes Chapters 319 and 320, to conduct tent sales, parking lot sales or other outdoor sales of such motor vehicles in the unincorporated area of Hardee County without first obtaining a permit in accordance with this section unless the real property on which the sales are conducted is owned by the person~~



~~conducting the sales or is leased to that person exclusively for an initial term of at least six months.~~

~~For purposes of this section, the term "sale" shall include lease as well as lease-purchase transactions.~~

- ~~(b) — A minimum of 20 business days before occupying the property on which the motor vehicles are to be offered for sale, the person applying to conduct the sale shall file a complete application with the County Manager or his designee accompanied by:~~
- ~~(1) — A copy of any surety bond required by the Florida Department of Motor Vehicles.~~
  - ~~(2) — A surety bond in the amount of \$100,000.00 issued by a surety company authorized to do business in the State of Florida as a surety, in the form approved by resolution of the Hardee County Board of County Commissioners. This surety bond shall not be required if, at the time the application is filed, the person applying to conduct the sale is a motor vehicle dealer selling motor vehicles in the county at a location owned by or exclusively leased to that motor vehicle dealer for an initial term of at least six months.~~
  - ~~(3) — Evidence of current public liability insurance coverage, issued by a company authorized to do business in the State of Florida, in the minimum amount of \$300,000.00 for any one person and \$600,000.00 for any one incident.~~
  - ~~(4) — A nonrefundable application fee of \$500.00 to cover the expenses of Hardee County incident to processing the application for permit.~~
  - ~~(5) — A copy of all deeds of record conveying title of the real property on which sales are to be conducted to the current owners of record.~~
  - ~~(6) — A notarized authorization of all property owners of record for use of the real property for the sale.~~
  - ~~(7) — A copy of the lease, if any, to the applicant of the real property on which the sales are to be conducted.~~
  - ~~(8) — A signed contract with a solid waste collection company for removal of debris, including temporary structures, left on the property more than 48 hours after conclusion of the sale.~~

- 
- ~~(9) — A copy of the permit issued by the Florida Division of Motor Vehicles for the proposed sales.~~
- ~~(10) — A letter from the Planning and Development Director confirming that the proposed sales are allowed by the zoning regulations of the zoning district of the real property on which the sales are to be conducted.~~
- ~~(c) — The application shall contain the following information:~~
- ~~(1) — The name, physical headquarters address, mailing address, telephone number, and federal tax identification number of the applicant.~~
- ~~(2) — The address and legal description of the real property where the motor vehicles will be sold and the name, address, and telephone number of every owner of that real property.~~
- ~~(3) — The date or dates of the proposed sale.~~
- ~~(4) — The proposed hours of operation.~~
- ~~(5) — A site plan, drawn to scale at one inch equals 100 feet or less, showing the following:~~
- ~~a. — Vehicular access onto the property from a public street which provides the minimum required street frontage required by the Hardee County land development regulations. No vehicular traffic shall be allowed ingress to or egress from the property on any residential street.~~
- ~~b. — Location and use of any permanent buildings and a statement of uses existing on the property.~~
- ~~c. — Location and amount of existing off-street parking areas, proposed temporary additional off-street parking areas and aisles, including dimensions, location of traffic markings, and signs. All parking spaces may be on an unpaved surface and shall equal or exceed 20 parking spaces or one parking space for every five motor vehicles which are to be for sale on the property, whichever is greater. Temporary barriers, guides, signs, and other temporary markings shall be erected and placed around and within the parking area to facilitate safe and efficient vehicular traffic flow on-site. Parking~~

~~spaces required by this subparagraph are in addition to the space required for motor vehicles which are for sale.~~

~~(d.) Location and amount of sanitary facilities, lighting, and public water.~~

~~(6) Evidence that adequate sanitary facilities approved by the Hardee County Health Department will be provided by permanent facilities on the property or by temporary or portable facilities.~~

~~(d) Upon approval of the application, the County Manager, or his designee, shall issue a permit to conduct a temporary motor vehicle sale subject to the following permit conditions:~~

~~(1) That the information provided in the application and with the application is accurate and complete.~~

~~(2) That the temporary permit is for a period of not more than five consecutive business days, the location, and dates of which are contained in the permit.~~

~~(3) That the hours of operation are limited to the hours of operation contained in the permit, which shall be the hours of operation proposed in the application, falling between the hours of 8:00 a.m. to 10:00 p.m., Sunday through Thursday and 8:00 a.m. to midnight on Friday and Saturday.~~

~~(4) That no motor vehicles shall be placed on the real property prior to the dates of sale contained in the permit.~~

~~(5) That not less than 48 hours prior to putting motor vehicles on the property for sale, the applicant has all adjacent public right of way posted as a no parking area and has those signs removed not more than 48 hours after the last date of sale allowed by the permit.~~

~~(6) That prior to putting motor vehicles on the property for sale, all sanitary facilities, lighting, public water, parking spaces, barriers, guides, signs, and other temporary markings must be installed as shown in the permit application.~~

~~(7) That no vehicular traffic shall be allowed ingress to or egress from the property on any residential street, that no vehicular traffic shall be allowed ingress to or egress from the property at any other location other than that shown on the plan submitted with the application, and that traffic control shall be provided by or provided as approved by the Hardee County~~

~~Sheriff's Department according to arrangements made by and paid for by the applicant.~~

- ~~(8) That any sounds or noises caused by the temporary use of the property for sale of motor vehicles shall not adversely affect any surrounding property.~~
- ~~(9) That a copy of the permit must be filed in advance of the sale with the law enforcement and fire departments which may be involved in traffic enforcement or provision of emergency services.~~
- ~~(10) That existing required parking for any existing business on the property plus the required parking for the temporary use does not exceed available parking spaces.~~
- ~~(11) That no activity, temporary tent, mechanical device, or temporary sanitary facility shall be located closer than 100 feet from any residentially zoned property, nor closer than 25 feet from a public or private street right-of-way line.~~
- ~~(12) That no permanent or temporary lighting may be installed without an electrical permit and inspection.~~
- ~~(13) That permanent or temporary lighting used to illuminate the property after dusk shall be designed and arranged to only illuminate into the property and away from adjacent property, including road right-of-way.~~
- ~~(14) That any temporary structure shall satisfy all permit and inspection requirements of all applicable county and state agencies, shall not be used for living quarters, and shall be removed from the property within 48 hours after the conclusion of the sale.~~
- ~~(15) That only two double-sided signs with text advertising the sale may be erected on the property where the event will be held, which shall be a temporary sign or signs not more than 200 square feet collectively in sign area, not higher than ten feet off the ground measured from the top, to be erected not more than seven business days prior to the event at a location set back at least 10 feet from the front property line, and which does not interfere with the visibility of the intersection of any public or private streets, and which shall be removed by the permit holder at the conclusion of the sale.~~
- ~~(16) That the site of the sale must be cleared of all debris and all temporary structures removed within 48 hours after the conclusion of the sale.~~

- ~~(17) That all motor vehicles must be removed from the property within 24 hours after the last sale date allowed in the permit and the property shall be restored to its pre-sale condition within 48 hours after the conclusion of the sale.~~
- ~~(18) That the length of any warranty on each motor vehicle and the location at which that warranty work shall be performed or, if no warranty, a statement of that fact, shall be conspicuously posted on the property on which the sales are to be conducted and on each motor vehicle.~~
- ~~(19) That the permit holder shall comply and shall require all officers, employees, and agents to comply fully with all applicable county, state, and federal laws and ordinances regarding the sale of motor vehicles.~~
- ~~(20) That the permit holder shall deliver to the County Manager, within three business days after the conclusion of the sale, a list of the motor vehicles sold, leased, and lease-purchased during the sale, together with the vehicle identification number of each motor vehicle on the list.~~
- ~~(eE) Within ten business days after the filing of a complete application with all required attachments, the County Manager, or his designee, shall review the application, inspect the property, and either issue or deny the permit. Reasons for denial of the permit shall be stated in writing and mailed to the applicant at the mailing address stated in the application.~~
- ~~(fE) In any three-month period, not more than one permit shall be issued pursuant to this section for a specific location. No more than two permits shall be issued on an annual basis for a specific location.~~
- ~~(gG) Failure to comply with any of the permit conditions listed in subsection (d) of this section shall constitute grounds for revocation of the permit by the County Manager or his designee, if not promptly corrected by the person issued the permit.~~
- ~~(h) No permit shall be issued pursuant to this article to any person who has failed to comply with any of the permit conditions listed in subsection (d) of this section for a period of 24 months after the violation unless all deficiencies which are violations of permit conditions are promptly corrected by the person issued the permit.~~

*Comment: Section Relocated from Section 2.28.04 and deleted as it is no longer a necessary provision.*

**~~2.28.04.01. Enforcement and penalties.~~**

~~(a) Hardee County Code Enforcement Officers employed by the Hardee County Board of County Commissioners shall have the primary responsibility for the enforcement of this article. The Hardee County Sheriff's Office is also hereby authorized to enforce this article.~~

*Comment: Section Relocated from Section 2.28.04.01 and deleted as it is no longer a necessary provision.*

**~~2.28.04.02 Other remedies.~~**

~~The Board of County Commissioners or any substantially affected person may bring suit in the Circuit Court of the County to restrain, enjoin or otherwise prevent the violation of this article.~~

*Comment: Section Relocated from Section 2.28.04.02 and deleted as it is no longer a necessary provision.*

**~~2.28.04.03. No liability for reasonable, good faith trespass by enforcement officer.~~**

~~The sheriff, any deputy sheriff and any code enforcement officer as well as Hardee County shall be immune from prosecution, civil or criminal, for reasonable, good faith trespass upon private property while in the discharge of duties under this article.~~

*Comment: Section Relocated from Section 2.28.04.03 and deleted as it is no longer a necessary provision.*

**SECTION 2.17.00 OUTDOOR SALES AND DISPLAY**

Unless specifically addressed in another location, the following requirements pertain to outdoor sales and display.

**(A) General Requirements**

- (1) Is limited to items normally sold or produced in the respective business.
- (2) Must be brought inside when the business is closed (excludes propane tanks, vending machines, and approved short-term, seasonal agricultural products).

- (3) Must be accessory to business in an enclosed building. Sales must be conducted by employees of the principal business.
- (4) Cannot be used for storage purposes.
- (5) Such areas shall be accurately delineated on applicable site plans for new development.

(B) Location Requirements

- (1) Outdoor sales and display shall be limited to 10 percent of the floor area of the primary structure.
- (2) Such sales and display shall be limited to 1/3 the length of the façade on which it is located within.
- (3) Such sales and display shall not extend more than 5' from the wall of the principal structure.
- (4) Such sales and display shall not exceed 5 feet in height.
- (5) Any material located within 3 feet of any building entry shall not exceed 3.5 feet in height.
- (6) Sales and display must be adjacent to the principal building(s) of the business.
- (7) Such sales and display shall not block windows, entrances, or exits.
- (8) Items shall be located on a hard, durable surface.
- (9) Items for sales and storage cannot be located in public right-of-way without the required permits.

**Figure 2.17.00(A): Outdoor Sales and Display****(C) Safety**

- (1) Outdoor sales and display shall not impair pedestrian use of the building.
- (2) Outdoor sales and display shall not be located in or block fire lanes, emergency access ways, maneuvering aisle, driving aisles, driveways, unloading/loading areas, or a parking space necessary to meet the minimum parking requirements of the use(s) on the property.

**(D) Specific Uses**

- (1) Short-term, Seasonal Agricultural Products.  
Produce, nursery stock, pumpkins, farmers markets and similar items, are subject to the approval of a Temporary Use Permit.
- (2) Outdoor Vending Machines (excludes newspaper racks, payphones, air pumps, vacuum machines, and ATMs).
  - (a) Outdoor Vending Machines shall be located within a clearly delineated, contained, architecturally screened area.
  - (b) Decorative structures, such as, but not limited to, screen walls, trellises, columns, and roof covers, shall be used to contain the vending machine area if the existing architecture or building form does not already contain a location.
  - (c) Such use shall be coordinated with the architectural features of the building when possible.



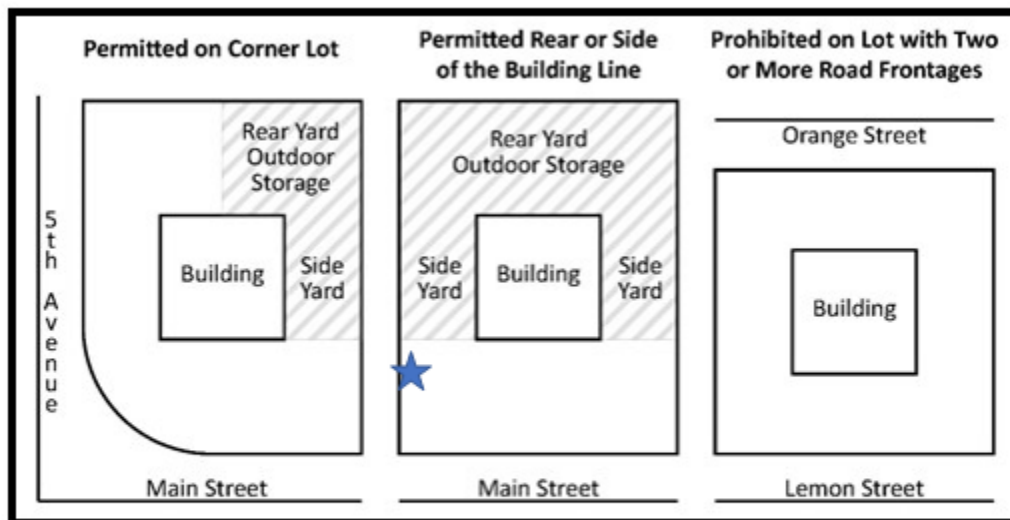
- (d) Outdoor vending machines shall not cover up or obscure existing architectural features such as but not limited to, windows, landscape planters, and decorative trim.

*Comment: New Section added to address outdoor sales and display.*

## **SECTION 2.18.00 OUTDOOR STORAGE**

Unless specifically addressed in another location, all outdoor storage shall meet the following standards. Figure 2.18.00(A) provides illustration of outdoor storage options for various lot configurations.

- (A) Outdoor storage shall be allowed to the rear and sides of the lot.
- (B) Outdoor storage may be located in one side yard, not both side yards.
- (C) Outdoor storage forward of the front building line is prohibited.
- (D) On corner lots, outdoor storage shall not extend toward the road frontage by more than one half the length of the building structure in the rear yard or forward of the front building line in the side yard.
- (E) Outdoor storage shall be prohibited on through-lots.
- (F) Outdoor storage for multiple buildings, within a project or on a parcel, shall be permitted in a manner consistent with the intent of Figure 2.18.00(A). Outdoor storage for multiple buildings shall only be permitted behind the front building line of the building that is farthest from any street.
- (G) All outdoor storage shall be screened from off-site view.

**Figure 2.18.00(A): Outdoor Storage**

★ *Outdoor storage may be located in one side yard only but not in both side yards. This graphic is intended to indicate side yard storage may be in either yard.*

*Comment: New Section added to address outdoor storage.*

### **SECTION 2.19.00- 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 Hardee County, and to establish procedures to preserve them. The Board of County Commissioners, after receiving a request from a property owner and recommendation(s) from the Planning and Zoning Board, shall designate historic sites based on the following criteria:

- (Ø1) 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;
- (Ø2) The property is one that, by its location, design, setting, materials, workmanship, feeling and association adds to the County's sense of time and place and historical development;

- (03) The property's design, setting, materials, workmanship, feeling and association have not been so altered that the overall integrity of the site has been irretrievably lost; ~~and.~~
- (04) The structure or site is more than 50 years old, unless there is a strong justification concerning its historical or architectural merit, or the historical attributes of the structure or site are considered to be less than 50 years old.

All properties listed in the National Register of Historic Places and/or the Florida Master Site File of Historic Places is presumed to meet the above criteria, and may be classified as Designated Historic Sites if requested by property owners. Any other property may be so classified by the Board of County Commissioners upon a finding that it meets the above criteria. The County 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 Florida 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:

- (01) 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;
- (02) Activity that restores the structure's original appearance, or a reasonable approximation, as documented by an approved plan;
- (03) Activity approved by the Board of County Commissioners that will not preserve or re-create the structure's original appearance. The Planning and Zoning Board shall review the proposal and make a recommendation prior to the Board of County Commissioners' vote.

(C) New Construction on Historic Sites. All new construction within a Designated Historic Site shall be reviewed by the Planning and Zoning Board and approved by the Board of County Commissioners. New structures, parking lots, drainage facilities, and other objects shall be depicted on a Site Development Plan, which shall be submitted to the planning and development division prior to review by the Planning and Zoning Board. All site alterations shall be consistent with the approved site plan.

In approving new structures or facilities on a historic site, the Board of County Commissioners shall determine that the proposal would not hinder the use or enjoyment of the historic site or surrounding historic properties. Also, the Board of County Commissioners 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 Board of County Commissioners may place any conditions on approval that it determines are necessary to protect the integrity of the historic site or area.

*Comment: Section relocated from Section 2.02.01.*

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## ARTICLE 3 ZONING DISTRICTS, DIMENSIONAL REQUIREMENTS, AND RESTRICTIONS

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## ARTICLE 3 ZONING DISTRICTS AND USES

Text that is underlined is text to be added and text that is shown as ~~strikeout~~ is to be removed. *Comments* provided for information and are not adopted as part of the Unified Land Development Code text.

### **SECTION 3.01.00. GENERAL PROVISIONS-**

The Hardee County Comprehensive Plan establishes various Future Land Use classifications and contains a Future Land Use Map indicating the location of lands to which each of the classifications applies. This Unified Land Development Code establishes zoning districts to implement the Comprehensive Plan through detailed regulations and design standards that apply generally to all of the established land uses, such as residential, commercial, industrial, public, recreation, and conservation land uses. 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 zoning~~ districts that identify the location of land uses in the Hardee County, establish standards for ~~land use zoning districts~~ in the County, and provide for a map locating the permitted land uses in the County. All land in unincorporated Hardee County shall be subject to the provisions of this Article, and shall be shown on the Official Zoning Map as provided in Section ~~8-04.00~~ 10.08.00.

*Comment: Language relocated from Section 2.01.00 and updated to address the relationship between the Future Land Use classification and the zoning districts.*

#### **3.01.01 Development Approval**

- (A) No development approval shall be issued unless the proposed development conforms to the design regulations prescribed within the applicable zoning district. The design regulations, including lot layout, height, and density/intensity standards, are included in Table 3.03.00(C).
- (B) No use is permitted unless it is listed as a Permitted (P), Permitted with Conditions (PWC), or Special Exception (SE) in the Table of Land Uses. However, uses that are required to be permitted in any zoning district by state statute may be permitted in accordance with state law whether or not the use is included in the Table of Land Uses.
- (C) A use not specifically mentioned or described by category in the Table of Land Uses is prohibited. Evaluation of these uses shall be as set forth in Section 3.01.02 of this Article.

*Comment: Section added to address development approval.*

### **3.01.02 Interpretation – Materially Similar Uses**

(A) The Planning and Development Director shall determine if a use not mentioned can reasonably be interpreted to fit into a use category where similar uses are described. It is the intent of this Code to group similar or compatible land uses into specific zoning districts, either as permitted uses (P), uses permitted with conditions (PWC), or uses authorized as special exceptions (S). Uses required to be approved through Planned Unit Development (PUD) are listed in Table 3.03.00(B). Uses not listed in the Table of Uses (Table 3.03.00 (A)) as P, PWC, or S are presumed to be prohibited from the applicable zoning district. In the event that a particular use is not listed in the Table of Uses, and such use is not listed as a prohibited use under the specific zoning district and is not otherwise prohibited by law, the Planning and Development Director shall determine whether a materially similar use exists in this section.

(1) Should the Planning and Development Director determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed, and the Planning and Development Director's decision shall be recorded in writing.

#### (B) Rules of Interpretation

(1) The Planning and Development Director may determine that a use is materially similar if the use is of the same general type as the uses permitted there by this Code based on characteristics, use patterns, and land use and traffic impacts.

(2) The Planning and Development Director may utilize the following resources in making a determination of materially similar use.

(a) The use is listed as within the same structure or function classification as the use specifically enumerated in the Table of Land Uses, as determined by the Land-Based Classification Standards (LBCS) of the American Planning Association (APA). The Planning and Development Director shall refer to the following documents in making this determination, which documents are incorporated by reference and are maintained on file in the office of the planning department:

1. LBCS Activity Dimension with Detail Descriptions (April 1, 2001)



2. LBCS Function Dimension with Detail Descriptions (April 1, 2001)
3. LBCS Structure Dimension with Detail Descriptions (April 1, 2001)
4. LBCS Tables (April 1, 2001).

The use shall be considered materially similar if it falls within the same LBCS classification.

- (b) If the use cannot be located within one of the APA’s LBCS classifications pursuant to subsection (A), above, the Planning and Development Director may refer to the most recent North American Industry Classification System (NAICS) Manual. The use shall be considered materially similar if it falls within the same industry classification of the most recent NAICS Manual.

*Comment: Section added to provide for materially similar uses.*

**SECTION 3.02.00. – ESTABLISHMENT OF ZONING DISTRICTS**

The County hereby establishes the zoning districts listed in this Article in order to implement the policies of the Hardee County Comprehensive Plan and 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 areas of the unincorporated Hardee County is~~ are classified into one of the following districts:

A-1	Agriculture
<u>FR-2.5</u>	<u>Farm Residential-2.5</u>
<u>FR-2</u>	<u>Farm Residential-2</u>
F-R	Farm-Residential
<u>R-05</u>	<u>Low Density Single-Family Residential</u>
R-1	Single-Family Residential
R-2	Two-Family Residential
R-3	Multiple-Family Residential

C-1	Neighborhood Commercial
C-2	General Commercial
I-1	Light Industrial
I-2	Heavy Industrial
P-I	Public Institutional District
P-R	Public Recreation District
CN	Conservation
C/IBC	Commercial/Industrial Business Center
PUD	Planned Unit Development (Read in Conjunction with Sections <del>7.05.00</del> <u>3.05.00</u> and <u>9.05.00</u> )

Each zoning district established herein is consistent with the Hardee County Comprehensive Plan, particularly with the goals, objectives, policies, and map of the Future Land Use Element. The Future Land Use designation of the property shall be the first consideration when designating a specific zoning classification on a parcel or parcels of land. However, a property owner shall not necessarily be entitled nor be automatically permitted the most dense or intense (highest and best) use or zoning for their property. The appropriate zoning district among the range of eligible zoning districts within a specific future land use classification shall be decided on a case-by-case basis dependent upon the location and characteristics of the subject property and upon determining that such zoning would promote the public health, safety, general welfare, convenience, aesthetics, and economic order.

*Comment: Relocated from Section 2.29.00; Table updated to reflect new zoning district; Language added to address relationship to Future Land Use designation.*

### **3.02.01 Relationship of Zoning Districts to Future Land Use Element**

~~The following zoning districts implementing the future land use element of the comprehensive plan are hereby established within Hardee County:~~

All real property within unincorporated Hardee County has a Future Land Use designation, which are described and mapped in the Future Land Use Element of the Hardee County Comprehensive Plan. The designation explains what types of uses can be built at that location and how many houses (dwelling units/DU) or how much nonresidential use is allowed (Floor Area Ratio/FAR measured in square feet). The Future Land Use districts shall be used to establish the density and intensity of development. The Future Land Use designation generally guides the type of use and the maximum density and intensity allowed within each designation. The zoning classification explains how those uses can be built.

The following Future Land Use categories, as established through the Future Land Use Element of the Hardee County Comprehensive Plan, are delineated on the Future Land Use Map. Future Land Use is the basis for zoning and other land use and development decisions and guides land use for every parcel in unincorporated Hardee County. Any changes to the use of land must be consistent with the guidance of the Future Land Use Element and Map.

**Table 2-29-02**  
**LDC DEVELOPMENT DISTRICTS**

<b>FLU CATEGORIES</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>F-R</b>	<b>C-1</b>	<b>C-2</b>	<b>I-1</b>	<b>I-2</b>	<b>A-1</b>	<b>P-1</b>	<b>P-R</b>	<b>CN</b>	<b>G/IBC</b>
Town Center	✗	✗	✗	✗	✗	✗	✗	✗					
Highway Mixed Use	✗	✗	✗	✗	✗	✗	✗	✗					✗
Commerce Park					✗	✗	✗	✗					✗
Industrial							✗	✗					✗
Residential Mixed Use	✗	✗	✗	✗	✗	✗							
Rural Center	✗	✗	✗	✗	✗	✗	✗	✗					✗
Residential High		✗	✗										
Residential Medium		✗	✗										
Residential Low	✗	✗		✗									
Rural Village	PUD-ONLY												
Residential Estate				✗									
Agricultural				✗	✗	✗	✗	✗	✗				✗
Conservation												✗	
Public/Institutional										✗			
Recreation											✗		

**TABLE 3.02.01(A)  
FUTURE LAND USE MAP DESIGNATIONS AND COMPATIBLE ZONING DISTRICTS**

FUTURE LAND USE CATEGORIES	COMPATIBLE ZONING DISTRICTS
<p><b><u>Town Center (TC)</u></b></p> <ul style="list-style-type: none"> <li>• <u>Residential: Max 12 du/acre</u></li> <li>• <u>RV park: Max 15 du/acre</u></li> <li>• <u>General and Neighborhood Commercial: Max 2.0 FAR and 40% of Town Center</u></li> <li>• <u>Industrial: Max 1.0 FAR and 20% of Town Center</u></li> <li>• <u>Existing Agricultural Uses are Permitted</u></li> </ul>	<p>(FR) (R-0.5) (R-1) (R-2) (R-3) (C-1) (C-2) (I-1) (I-2) (PUD)</p>
<p><b><u>Highway Mixed Use</u></b></p> <ul style="list-style-type: none"> <li>• <u>Residential: Max 12 du/acre</u></li> <li>• <u>RV park: Max 15 du/acre</u></li> <li>• <u>General and Neighborhood Commercial: Max 2.0 FAR and 40% of Town Center</u></li> <li>• <u>Industrial: Max 1.0 FAR and 15% of Town Center</u></li> <li>• <u>Existing Agricultural Uses are Permitted</u></li> </ul>	<p>(FR) (R-0.5) (R-1) (R-2) (R-3) (C-1) (C-2) (I-1) (I-2) (PUD)</p>
<p><b><u>Commerce Park</u></b></p> <ul style="list-style-type: none"> <li>• <u>Residential: Max 12 du/acre and 10% of Commerce Park</u></li> <li>• <u>RV park: Max 15 du/acre</u></li> <li>• <u>General and Neighborhood Commercial: Max 0.5 FAR and 10% of Commerce Park</u></li> <li>• <u>Employment Center Development: Max 1.0 FAR and 50% of Commerce Park</u></li> <li>• <u>Mining Activities: Limited</u></li> <li>• <u>Existing Agricultural Uses are Permitted</u></li> </ul>	<p>(C-1) (C-2) (C/IBC) (I-1) (I-2) (PUD)</p>
<p><b><u>Industrial</u></b></p> <ul style="list-style-type: none"> <li>• <u>Light and Heavy Industrial Development: Max 1.0 FAR and 50% of Commerce Park</u></li> <li>• <u>Mining Activities: Limited</u></li> <li>• <u>Existing Agricultural Uses are Permitted</u></li> </ul>	<p>(C/IBC) (I-1) (I-2) (PUD)</p>
<p><b><u>Residential Mixed Use</u></b></p> <ul style="list-style-type: none"> <li>• <u>Residential: Max 12 du/acre</u></li> <li>• <u>RV park: Max 15 du/acre</u></li> <li>• <u>Residential Max 45% of area</u></li> <li>• <u>Commercial: Limited size; 5% of Residential Mixed Use</u></li> </ul>	<p>(FR) (R-1) (R-2) (R-3) (C-1) (C-2)</p>

FUTURE LAND USE CATEGORIES	COMPATIBLE ZONING DISTRICTS
<ul style="list-style-type: none"> <li><u>New Agricultural Uses are Permitted at a max of 50% of uses</u></li> </ul>	(PUD)
<p><b>Rural Center</b></p> <ul style="list-style-type: none"> <li><u>Residential: Max 12 du/acre</u></li> <li><u>RV park: Max 15 du/acre</u></li> <li><u>Commercial: Max 1.5 FAR; 15% of Rural Center</u></li> <li><u>Light Industrial: Max 1.0 FAR; 15% of Rural Center</u></li> <li><u>Existing Agricultural Uses are Permitted at a max of 50% of uses</u></li> </ul>	(FR) (R-1) (R-2) (R-3) (C-1) (C-2) (I-1) (PUD)
<p><b>Residential High:</b></p> <ul style="list-style-type: none"> <li><u>Residential: Max 12 du/acre</u></li> <li><u>Commercial: Limited; Max FAR 0.3</u></li> <li><u>Existing Agricultural Uses are Permitted</u></li> </ul>	(R-3) (PUD)
<p><b>Residential Medium:</b></p> <ul style="list-style-type: none"> <li><u>Residential: Max 8 du/acre</u></li> <li><u>Commercial: Limited; Max FAR 0.3</u></li> <li><u>Existing Agricultural Uses are Permitted</u></li> </ul>	(R-2) (PUD)
<p><b>Residential Low:</b></p> <ul style="list-style-type: none"> <li><u>Residential: Between 1 du/acre and 4 du/acre</u></li> <li><u>Commercial: Limited; Max FAR 0.3</u></li> </ul>	(R-0.5) (FR) (FR-2) (FR-2.5) (PUD)
<p><b>Rural Village:</b></p> <ul style="list-style-type: none"> <li><u>Minimum 500 acres</u></li> <li><u>Minimum two land use types</u></li> <li><u>Residential: Min 6 du/acre and min 15% of site</u></li> <li><u>RV park: Max 12 du/acre gross site and 15 du/acre developable site</u></li> <li><u>Non-residential Uses: Between 5% and 40% of site; Max 0.25 FAR</u></li> <li><u>Recreation: Min 10% of the developable site</u></li> <li><u>Development Standards</u></li> </ul>	(PUD)
<p><b>Residential Estate:</b></p> <ul style="list-style-type: none"> <li><u>Residential: Max 1 du/2.5 acres</u></li> <li><u>Commercial: Max 0.3 FAR and 10% of the site</u></li> </ul>	(FR-2.5) (PUD)

FUTURE LAND USE CATEGORIES	COMPATIBLE ZONING DISTRICTS
<ul style="list-style-type: none"> <li>Existing Agricultural Uses are Permitted and Expansion of Existing Agricultural Uses allowed with consideration to compatibility.</li> </ul>	
<p><b>Agricultural</b></p> <ul style="list-style-type: none"> <li>Residential: Max 1 du/5 acres</li> <li>Commercial: Not exceed 3 acres</li> <li>Industrial: Special conditions</li> <li>Special Conditions for development</li> </ul>	<p>(A-1)  <del>(FR-2)</del>  <del>(FR-2.5)</del>            (C-1)            (C-2)            (I-1)            (PUD)</p>
<p><b>Recreation</b></p> <ul style="list-style-type: none"> <li>Recreation and Open Space</li> </ul>	<p>(P-R)            (CON)</p>
<p><b>Public/Institutional</b></p> <ul style="list-style-type: none"> <li>Land and facilities recognized as serving the public.</li> </ul>	<p>(P/I)</p>
<p><b>Conservation</b></p> <ul style="list-style-type: none"> <li>Residential: Max 1 du/20 acres for support of conservation areas</li> </ul>	<p>(CN)</p>

*Comment: Relocated from Section 2.29.02 and updated to clarify relationship to the Future Land Use Element; Table updated to reflect new zoning districts and to provide detail for the Future Land Use Districts; Table updated to put zoning district in order of intensity and to add clarity for Residential Estate Future Land Use by adding language from the Comprehensive Plan.*

**SECTION 3.03.00 ZONING DISTRICT SUMMARY TABLES.**

The tables on the following pages present, in a quick reference format, information regarding permitted, permitted with conditions, 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 ~~2.29.02~~ 4.02.00 and the supplemental standards and regulations as prescribed in Article 4 and the Future Land Use Element. The key to the tables is as follows:

P =	<u>Permitted Use; (see notes 1, 2) – Use is permitted by right subject to all other applicable standards including the submittal of a site plan or subdivision plan as applicable.</u>
<u>PWC =</u>	<u>Permitted with Conditions – Use is permitted if it meets the listed conditions in Article 4, and subject to all other applicable standards. At the Planning and Development Director’s discretion, any development plans larger than 5 acres or development plans that may have compatibility concerns based upon intensity, location, or use may be sent to the Planning and Zoning Board for approval.</u>
S =	<del>Special Exception Use: Recommendation from Planning and Zoning Board; action by Board of County Commissioners</del> <u>Use is permitted if it meets the listed conditions in Article 4, subject to all other applicable standards, and only after review and approval of a Special Exception Permit by the Planning and Zoning Board.</u>
<del>D =</del>	<del>Site Development Plan: Site Development Plan review required; recommendation by Development Review Committee, action by the Planning and Zoning Board; (see note 1)</del>
M =	<u>Mining Major Special Exception (recommendation from Planning and Zoning Board; action by Board of County Commissioners) subject to the requirements in Article 13</u>

**Notes:**

- ~~1. Any "P" uses meeting the following criteria or otherwise classified by the Director of Planning and Development shall be considered 'D' uses for purposes of this code: retail, commercial and office uses greater than 10,000 sf. gfa; residential uses over ten dwelling units; warehouse and industrial uses greater than 50,000 sf. gfa; any use involving new construction; and, agricultural uses at the Director of Planning and Development's discretion.~~

~~2. "P" uses that are proposed for existing structures may be required to obtain administrative approval from the Development Review Committee (DRC) based upon a case by case determination of the Planning and Development Director, or designee of the County Manager.~~

~~Any use or structure not specifically, provisionally, or by reasonable implication incidental to a use permitted here, or permissible by Special Exception or Major Special Exception, may be allowed as a Special Exception or Major Special Exception as determined by the Director or Planning and Development. Uses not such classified shall be prohibited.~~

~~\* See Table 3.03.00(B) for uses that require approval of a Planned Unit Development including conditions as outlined in Section 3.05.00.~~

*Comment: Relocated from Section 2.29.01 and updated to address the new approval process.*

**Table ~~2.29.02(A)~~ 3.03.00(A)  
Table of Land Uses**

Category/Use	Zoning Districts															
	A-1	<del>FR-2.5</del>	<del>FR-2</del>	FR	<del>R-0.5</del>	R-1	R-2	R-3	C-1	C-2	C/IBC	I-1	I-2	P-I	P-R	CN
<b>Agriculture Uses<sup>1</sup></b>																
Agriculture Equipment Rentals/Sales	<del>D</del> PWC		PWC							<del>D</del> PWC	P					
Auction House ( <del>a</del> Agriculturally- <del>r</del> Related)	S		<del>S</del>													
Citrus <del>g</del> Grove/ <del>e</del> Orchard	P		<del>P</del>	P						P						
Dairy	S		<del>S</del>													
<u>Equestrian Facility, Private Stables</u>	<del>P</del>		<del>P</del>	<del>P</del>												
<u>Equestrian Facility, Commercial Stable Commercial</u>	<del>D</del> PWC		PWC													
Feedlot	S		<del>S</del>													
Grove <del>s</del> Services	P		<del>P</del>							P		P	P			
Manufacture of Finished Products and Repair ( <del>a</del> Agriculturally- <del>r</del> Related)	S		<del>S</del>							<del>D</del> PWC	P	<del>D</del> PWC	<del>D</del> PWC			
Processing/Shipping (Agriculturally-Related)	<del>D</del> PWC		PWC							<del>D</del> PWC						



Category/Use	Zoning Districts															
	A-1	FR-2.5	FR-2	FR	R-0.5	R-1	R-2	R-3	C-1	C-2	C/IBC	I-1	I-2	P-I	P-R	CN
Ranching/Pasturing	P		P	P						P						
Retail Sales (Agriculturally-Related)	D PWC									D PWC						
Silviculture (Forestry)	P									P						
<del>Slaughterhouse (Commercial)</del>													S			
Slaughterhouse (Non-commercial)	MS												MS			
Sod Farm	P									P						
Storage (Agriculturally-Related)	P															
Tree Farm/Plant Nursery, Wholesale/Retail	P									P						
Truck Farming/Row Cropping	P									P						
Wholesale Sales (Agriculturally-Related)	D PWC										P					
<b>Livestock, Commercial</b>																
<del>Hogs/Pigs</del>	P															
<del>Fowl/Poultry (including Ostrich/Emu/Rhea)</del>	P															
<del>Poultry Farm</del>	P															
<del>Birds/Bees/Fish/Rabbits</del>	P															
<del>Goats/Sheep/Llamas</del>	P															
<del>Cattle/Ruminants</del>	P															
Reptile, Non-Poisonous	S															
Exotic, Class 1, 2, 3	MS															
<b>Livestock, Non-commercial</b>																
<del>Hogs/Pigs</del>	P															
<del>Fowl/Poultry (including Ostrich/Emu/Rhea)</del>	P															
<del>Birds/Bees/Fish/Rabbits</del>	P															
<del>Goats/Sheep/Llamas</del>	P															
<del>Cattle/Ruminants</del>	P															
<del>Horses</del>	P															
Reptile, Non-Poisonous	S															
Exotic, Class 1, 2, 3	MS															
<b>Farmworker Housing</b>																
Farmworker Housing, Group Quarters	D PWC															
Farmworker Housing, Resident	D PWC															

Category/Use	Zoning Districts															
	A-1	FR-2.5	FR-2	FR	R-0.5	R-1	R-2	R-3	C-1	C-2	C/IBC	I-1	I-2	P-I	P-R	CN
Farmworker Housing, Migrant/H-2A	P							D PWC	D PWC	D PWC						
<b>Single Family, Detached Residential</b>																
Duplex, Two-family	P	P	P	P	P		P	P								
Mobile Home Park	S			S					S							
RV Park																
Single Family, Standard Construction and Modular	P	P	P	P	P	P	P	P							P	
Single Family, Modular	P			P	P	P	P	P							P	
Single Family, Manufactured/Mobile Home	P	PWC	PWC	PWC	PWC	P	PWC	PWC							PWC	
Single Family, Mobile Home	P			S			P	P							P	
<b>Accessory Residential</b>																
Guest House/Accessory Dwelling Unit	P	P	P	P	P	P	P	P								
<b>Multi-Family Residential</b>																
Apartment Building							D PWC		D PWC	D PWC						
Boarding House							P		P	P						
Town House Townhouse				D PWC			D PWC	D PWC	D PWC							
Triplex, Three Family								P								
<b>Group Care Facilities</b>																
<b>Family Care<sup>3</sup>:</b>																
Adult Family Care Home (up to 5 persons)				P		P	P	P								
Community residential Home (up to 6 residents) – May not be located with 1,000-foot radius of same use				P		P	P	P								
Community Residential Home (7 to 14 residents)				S				S	S	S						
<b>Special Needs Care Facilities<sup>3</sup>:</b>																
ALF: Adult Living Facility Assisted Living Facility	S			S				S	SP	SP					S	
Daycare Center Child Care Facility	S			P				S	S	P	D PWC	D PWC	P	P	P	P
Disabled Home (< 7 persons) Disabled Home Care (up to 3 persons)				SP		SP	SP	SP								
Disabled Home (7 – 15 persons)				S				S								
Foster Home (&lt; 3 persons) Facility (up to 3 persons)	P	P	P	P	P	P	P	P					P			
Foster Home (4+ persons)	P			P			P	P	P							
Group Home (&lt; 7 persons) Facility (4 – 6 residents)				S		S	S	S	S							
Group Home (7 – 14 persons)				S				S	S	S						
Group Home (15+ persons) Facility (7-15 residents)		S		S	S			S	S						S	
Halfway Home (< 7 persons)	S	S		S			S	S	S							
Halfway Home (7 – 14 persons)		S		S			S	S	S							
Halfway Home (15+ persons)		S		S				S	S	S					S	
Hospice Residential Unit	S	S	S	S		S	S	S	PWC	PWC					PWC	

Category/Use	Zoning Districts															
	A-1	FR-2.5	FR-2	FR	R-0.5	R-1	R-2	R-3	C-1	C-2	C/IBC	I-1	I-2	P-I	P-R	CN
Nursing Home Facility	S	<u>S</u>		S					<u>D</u> PWC	<u>D</u> PWC				<u>D</u> PWC		
<b>Lodging</b>																
Bed and Breakfast	P			P			P	P	P	P		P	P			
Hotel/Motel									P	P					S	
RV Park/Campground				S				S	S	S		P	P			
<b>Office/Financial/Medical Facilities Club</b>																
<del>Professional</del> Bank/Financial Institution									P	P	<u>D</u> PWC	P	P			
<del>Clinic</del>									P	P		P	P			
Funeral Home/Mortuary									P	P		P	P			
Hospital				<u>D</u>			<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>		<u>D</u>	<u>D</u>			
Medical Laboratory									P	P	<u>D</u> PWC	P	P			
Professional Office	S								P	P	<u>D</u> PWC	P	P	<u>P</u>		
Real Estate/Business Office									P	P	<u>D</u> PWC	P	P			
<b>Personal Services</b>																
<u>Barber and Beauty Shops</u>									<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>			
<u>Body Art Shop (Piercing and Tattoos)</u>									<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>			
<u>Fitness Center/Health Club</u>									<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>			
<u>Laundromat</u>									<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>			
<u>Laundry/Dry Cleaning Drop-off and Pick-up</u>									<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>			
<u>Nail Salons</u>									<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>			
<u>Pet Groomer, No Boarding</u>									<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>			
<u>Seamstress/Tailor</u>									<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>			
<u>Shoe Repair</u>									<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>			
<u>Spa, Daytime</u>									<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>			
<b>Retail Commercial, No Outdoor Storage/ or Activities</b>																
Adult Entertainment Establishment														<u>MS</u>		
Antique Store	S								<u>D</u> PWC	P		P				
<u>Bakery, Retail (Bakeshop)</u>									<u>P</u>	<u>P</u>		<u>P</u>				
Building Supply, indoor									<u>D</u> PWC	P	<u>D</u> PWC	P				
Convenience Store <u>without Gas</u>	S			<u>MS</u>		<u>MS</u>	<u>MS</u>	<u>MS</u>	<u>D</u> PWC	<u>D</u> PWC	<u>D</u> PWC	<u>D</u> PWC	<u>D</u> PWC			
Drinking Establishment									S	S	<u>D</u> PWC	P	P			

Category/Use	Zoning Districts															
	A-1	FR-2.5	FR-2	FR	R-0.5	R-1	R-2	R-3	C-1	C-2	C/IBC	I-1	I-2	P-I	P-R	CN
General Retail Store				MS		MS	MS	MS	P	P	D PWC	P	P			
<u>Kennels, Commercial (Indoor)</u>									P	P		P	P			
<u>Nursery and Garden Center, Indoor</u>	P								P	P		P	P			
<u>Pawn Shops</u>									P	P		P	P			
<u>Recirculating Farms (Hydroponics, Aquaculture, and/or Aquaponics)</u>	PWC	PWC	PWC	PWC					PWC	PWC	PWC	PWC	PWC			
<u>Recycling eCenter (Indoor)</u>									D PWC	D PWC	D PWC	P	P	P		
Restaurant	S			MS		MS	MS	MS	D PWC	D PWC	D PWC	D PWC	D PWC			
<u>Shopping Center (less than 250,000 GLA)</u>									S	S		S	S			
<u>Shopping Center (more than 250,000 GLA)</u>									M	M		M	M			
<u>Used Appliances Repair/Sales</u>									P	P		P	P			
<u>Used Furniture Sales</u>										P		P				
<u>Veterinary Clinic, Animal Hospital, No Outdoor Kennels</u>									P	P		P	P			
<u>Mini Warehouse Warehouse, Mini, Self Storage</u>									D PWC	D PWC	D PWC	P	P			
<b>Retail Commercial, Outdoor Storage</b>																
<u>Auto Sales</u>									P	P		P				
<u>Boat Ramps/Docks, Commercial</u>	S			P		P			P		D PWC				P	P
<u>Boat Sales</u>									P	P		P				
<u>Building Supply Sales, Outdoor</u>									D PWC	P	D PWC	P				
<u>Car Washing and Detailing</u>									PWC	PWC		PWC				
<u>Commercial Parking Lot</u>													S			
<u>Craft Breweries, Distilleries, and Wineries</u>									PWC	PWC	PWC					
<u>Farmer's Market</u>	PWC		PWC	PWC												
<u>Flea Market</u>	S									S		S	S			
<u>Kennel (Outdoor)</u>	PWC		PWC							PWC						
<u>Nursery and Garden Center, Outdoor</u>	PWC		PWC	PWC					P	P						
<u>Recycling Collection Center, Outdoor</u>	S									D PWC	D PWC	D PWC	D PWC	D PWC		
<u>Truck Stop</u>										P PWC	S	P PWC	P PWC			
<u>Veterinary Clinic w/ kennel or Hospital with Outdoor Kennels</u>	PWC		PWC						S	S		P	P	S	S	
<b>Motor Vehicle Sales, Repairs, Rentals, Parts (from least intensive to most intensive)</b>																
<u>Auto Parts, Retail Sales</u>									P	P	D PWC	P	P			
<u>Auto Salvage Yard/Wholesale Parts</u>													P			

Category/Use	Zoning Districts															
	A-1	FR-2.5	FR-2	FR	R-0.5	R-1	R-2	R-3	C-1	C-2	C/IBC	I-1	I-2	P-I	P-R	CN
Automobile, Truck, Boat, Mobile Home, and RV Sales and/or Rental/Leasing Establishments, No Repair Facilities										P	PWC	P	P			
Automobile, Truck, Boat, Mobile Home, and RV Sales and/or Rental/Leasing Establishments with Repair Facilities													P			
Boat Repair, No Sales									P	P	D	P				
Gasoline Sales (Filling Station; Convenience Store with Gas), No Service	S		S						D PWC	P		P	P			
Junkyard													MS			
Major Automotive Repairs, Including automobiles, trucks, boats, and RVs, with No Sales										P	D PWC	P	P			
Service Station/Minor Automotive Repairs, Service Station, No Sales									D PWC	P		P	P			
Mobile Home Sales/RV Sales									P	P		P				
<b>Nonretail/Service Commercial/Light Industrial</b>																
Airports/Aviation Uses	M										D PWC	M	M	M		
Contractor Storage Yard										P		P	P			
Land Excavation/Borrow Pit	MS															
Mining – To of Less Than Up to 5 ac: 1 ac./yr./5-ac. site)	P															
Printing/Publishing										D PWC	D PWC	D PWC	D PWC			
Sales, Minor Storage of Propane Gas	P									P		P	P			
Sales/Repair of Heavy Equipment	S									S	D PWC	P	P			
Warehouse	S									P	D PWC	P	P			
Welding										P	D PWC	P	P			
Wholesale Distributor (<50,000+ s.f. sq ft)										D PWC	D PWC	P	P			
Wholesale Distributor (>50,000+ s.f. sq ft)											D PWC	D PWC	P			
<b>Food and Beverage Manufacturing, Processing, and Packaging, Light Industrial</b>																
Bottling Plant/Bakery										D PWC	D PWC	D PWC	D PWC			
Food Processing/Packaging											D PWC	D PWC	D PWC			
Manufacture of Finished Products, Light Industrial										D PWC	D PWC	D PWC	D PWC			
<b>Heavy Industrial</b>																

Category/Use	Zoning Districts															
	A-1	FR-2.5	FR-2	FR	R-0.5	R-1	R-2	R-3	C-1	C-2	C/IBC	I-1	I-2	P-I	P-R	CN
Building Supply Salvage Yard											Ⓟ PWC	Ⓟ PWC	Ⓟ PWC			
Bulk Storage of Chemicals/Explosive Gases/Products	MS										Ⓟ PWC		MS			
<del>Chemical Plant</del>											M		M			
Commercial Incinerator	MS										MS	MS	MS			
<b>Food and Beverage Manufacturing, Processing, and Packaging, Heavy Industrial</b>																
Cannery	MS										Ⓟ PWC	Ⓟ PWC				
Food Processing/Packaging Plant	MS										Ⓟ PWC	P				
Fertilizer Plant	MS										MS		MS			
Freight/Trucking Terminal										Ⓟ PWC	Ⓟ PWC	Ⓟ PWC	Ⓟ PWC			
Incinerator, Commercial	MS										MS	MS	MS			
Manufacture of Building Materials	MS										Ⓟ PWC		Ⓟ PWC			
<u>Manufacture</u> /Processing of Raw Materials											Ⓟ PWC		MS			
Manufacture/Storage of Explosives											MS		MS			
Mining, greater than 1 ac./yr.	MS															
Mining, Phosphate	M															
Recycled Materials Processing Facility	Ⓟ PWC										Ⓟ PWC	Ⓟ PWC	Ⓟ PWC			
Storage of Sand/Gravel/Blocks											Ⓟ PWC	Ⓟ PWC	Ⓟ PWC			
<b>Places of Public Assembly</b>																
Civic center/Auditorium									P	P				P	P	
<del>Private Club Fraternal, Civic</del>	P		P						P	P	P	P	P	P	P	P
Community Center	P	P	P	P	P	Ⓟ PWC	Ⓟ PWC	Ⓟ PWC	P	P				P		
Museum	S								P	P		P	P	P	P	
<del>Church</del> Places of Worship	P	P	P	Ⓟ-P	P	Ⓟ-P	Ⓟ-P	Ⓟ-P	P	P	P	P	P	P	P	
Public Library (Hardee County)	P	P	P	P	P	P	P	P	P	P		P	P	P	P	
<b>Public/Semi Public Educational/Cultural Facilities</b>																
College/University									P	P		P	P	P		
School (grades K—12, public or private)	Ⓟ PWC	P	P	MP	P				Ⓟ-P	Ⓟ-P	P	P	P	Ⓟ-P	Ⓟ-P	
<del>School, Vocational/Technical/Trade School</del>	S			S		MP	MP	MP	Ⓟ PWC	Ⓟ PWC	Ⓟ PWC	Ⓟ PWC	Ⓟ PWC	Ⓟ PWC		

Category/Use	Zoning Districts															
	A-1	FR-2.5	FR-2	FR	R-0.5	R-1	R-2	R-3	C-1	C-2	C/IBC	I-1	I-2	P-1	P-R	CN
<b>Recreation Conservation Uses</b>																
Golf Course	∅ PWC	PWC	PWC	∅ PWC	PWC	∅ PWC	∅ PWC	∅ PWC	∅ PWC	∅ PWC				∅ PWC	∅ PWC	∅ PWC
Indoor Gun Range		P	P	P					∅ PWC	∅ PWC		∅ PWC	∅ PWC			
Park	P								P	P	∅ PWC	P	P	P	P	P
Recreation Commercial, Indoor			∅ PWC		P				P	P		P	P			
Recreation, <del>Outdoor</del> , Commercial, <del>Outdoor</del>	∅ PWC	P	P	P		P	P	P		∅ PWC		∅ PWC	∅ PWC	∅ PWC	S	∅ PWC
Recreation, <del>indoor</del> , public, <del>Indoor</del>	P	P	P						P	P				P	P	
Recreation, outdoor, commercial	∅ PWC	P	P	P												
Recreation, outdoor public	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P
Rifle/Archery Range	S		S													
<b>Public/Semi Public Service Facilities</b>																
Cemetery, public	P	PWC	PWC	∅ PWC	PWC	∅ PWC	∅ PWC	∅ PWC	P	P		P	P	P	P	
Communication Tower w/100% Setback	S			S					S	S	∅ PWC	S	S	S		
Communication Tower w/50%—99% Setback	S			S							∅ PWC	S	S	S		
<b>Government Facilities and Structures</b>																
Auto Licensing/Tag Facility									P	P	∅ PWC			P		
County Buildings	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Correctional Facility (State/Commercial)	MS													MS		
Electric Power Plant	MS											MS	MS	∅ PWC		
Fire Station	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Jail (Hardee County)	P								P	P		P	P	P		
Maintenance Facilities and Storage Yards for Schools, Government Agencies, Telephone and Cable Companies	PWC		PWC							P		P	P	P		
Pipelines for Distribution	P	P	P	P	P	P	P	P	P	P	∅ PWC	P	P	P	∅ PWC	∅ PWC
Post Office	∅ PWC								∅ PWC	∅ PWC	P					
Public Wellfield <del>w/o</del> without Treatment														S	M	
Sanitary Landfill	S													S		
Septage Treatment Facility	MS															

Category/Use	Zoning Districts															
	A-1	FR-2.5	FR-2	FR	R-0.5	R-1	R-2	R-3	C-1	C-2	C/IBC	I-1	I-2	P-I	P-R	CN
Septage, Agricultural Disposal	P															
Sheriff Station	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Solar Power Generation Facility	PWC		PWC								PWC		PWC	PWC		
Transmission Lines	M			M		M	M	M	M	M	M	M	M	M	M	M
Utility Substation	P	PWC	P	D PWC	PWC	D PWC	D PWC	D PWC	P	P	D PWC	P	P	P		
Waste Sludge, Land Disposal Excluding Hazardous/Bio-Hazardous	S															
Sewerage Wastewater Disposal Facility												D PWC	P	P		
Sewer-Wastewater Lift Station	P	P	P	P	P	P	P	P	P	P		P	P	P	P	
Sewer-Wastewater /Water Plant (Off-site)	M S											P	P	P		
Sewer-Wastewater/Water Plant (On-site)	D PWC	PWC	PWC	D PWC	PWC	D PWC	D PWC	D PWC	P	P	PWC	P	P	P		
Water Tower	D PWC			D PWC			D PWC	D PWC	P	P	D PWC	P	P	P		

<sup>1</sup>See Florida Statutes – Right to Farm Act.

<sup>2</sup>Permitted in the F-R zoning district subject to the following limitations:

- 1 hogs/pigs per acre, up to a maximum of 5.
- 10 fowl or poultry per acre, up to a maximum of 50.
- 1 goat, sheep or llama per acre, up to a maximum of 5.
- 1 cow or ruminant per 1.0 acres, up to a maximum of 5.
- 1 horse per 1.0 acres, up to a maximum of 5.

<sup>3</sup> For homes of 6 or fewer residents, see definition of Community Residential Home.

*Comment: Table amended to address new uses and new approval process; Table reordered for zoning district order.*



**Table 3.03.00(B)**  
**Uses that Require Approval of a Planned Unit Development**

<u>Airports/Aviation Uses</u>
<u>Chemical Plant</u>
<u>Correctional Facility</u>
<u>Hospital</u>
<u>Sanitary Landfill</u>
<u>Multi-family development with more than 125 units</u>
<u>Single family development with more than 225 units</u>

\*Requires approval as Outlined in Section 9.05.00

*Comment: Table added to address Uses that Require Approval of a Planned Unit Development.*

**Table 2.29.02(C) 3.03.00(C)**  
**TABLE OF DEVELOPMENT STANDARDS**

	<b>Max. Density (units/ac.)</b>	<b>Min. Lot Size (s.f.)</b>	<b>Min. Lot Width (ft.)</b>	<b>Min. Lot Depth (ft.)</b>	<b>Min. Floor Area (s.f.)</b>	<b>Floor Area Ratio</b>	<b>Setbacks (ft.) Front</b>	<b>Setbacks (ft.) Rear</b>	<b>Setbacks (ft.) Side</b>	<b>Max Lot Coverage % Lot</b>	<b>Max. Building Height (ft.)</b>
A-1	1.0 /5 acres	5 ac.	200	<del>200</del>	780	—	50	50	25	—	40
<u>FR-2.5</u>	<u>1.0/2.5 acres</u>	<u>2.5 ac</u>	<u>100</u>		<u>780</u>	<u>—</u>	<u>50</u>	<u>50</u>	<u>25</u>	<u>—</u>	<u>35</u>
<u>FR-2</u>	<u>1.0/2 acres</u>	<u>2.0 ac</u>	<u>100</u>		<u>780</u>	<u>—</u>	<u>50</u>	<u>50</u>	<u>25</u>	<u>—</u>	<u>35</u>
F-R	1.0	1.0 ac.	100	<del>100</del>	780	—	30	25	10	35%	35
<u>R-05</u>	<u>2.00</u>	<u>21,000</u>	<u>80</u>		<u>780</u>	<u>—</u>	<u>30</u>	<u>25</u>	<u>10</u>	<u>35%</u>	<u>35</u>
R-1	4.47	8,000	80	<del>100</del>	1,500	—	30	25	10	35%	35

Table 2.29.02(C) 3.03.00(C)											
TABLE OF DEVELOPMENT STANDARDS											
	Max. Density (units/ac.)	Min. Lot Size (s.f.)	Min. Lot Width (ft.)	Min. Lot Depth (ft.)	Min. Floor Area (s.f.)	Floor Area Ratio	Setbacks (ft.) Front	Setbacks (ft.) Rear	Setbacks (ft.) Side	Max Lot Coverage % Lot	Max. Building Height (ft.)
R-2-One Family	4.84	7,500	75	<del>100</del>	780	—	30	20	7	40%	35
R-2-Two Family	4.84	7,500	75	<del>100</del>	750 unit	—	30	20	7	40%	35
R-3-One Family	4.84	7,500	75	<del>100</del>	780	—	30	20	7	40%	35
R-3-Two Family	9.70	7,500	75	<del>100</del>	750 unit	—	30	20	7	40%	35
R-3-Multiple Family	12.0	7,500	75	<del>100</del>		—	30	20	7	40%	35
1 BR					350						
2 BR					500						
3 BR					^600						
^plus 100 s.f. for each additional bedroom											
MH					780						
C-1	—	8,000	80	<del>100</del>	450	2.0	20	10	10	50%	40
C-2	—	4,000	40	<del>100</del>	750	2.0	50	15	0	80%	40
C/IBC	—	7,000	70	100	750	1.0	50	20	10	75%	40
I-1	—	20,000	70	<del>100</del>	—	1.0	50	15	10	—	40

Table 2.29.02(C) 3.03.00(C) TABLE OF DEVELOPMENT STANDARDS											
	Max. Density (units/ac.)	Min. Lot Size (s.f.)	Min. Lot Width (ft.)	Min. Lot Depth (ft.)	Min. Floor Area (s.f.)	Floor Area Ratio	Setbacks (ft.) Front	Setbacks (ft.) Rear	Setbacks (ft.) Side	Max Lot Coverage % Lot	Max. Building Height (ft.)
I-2	—	20,000	70	<del>100</del>	—	1.0	50	20	20	—	40
P-I	—	7,000	70	<del>100</del>	300	2.0	25	20	10	30%	45
P-R	—	7,000	70	<del>100</del>	300	—	25	20	10	—	40
CN*	1.0/20 acres	—	—	—	—	—	—	—	—	—	—

\*\*1 unit per 5 acres \*See Section 3.04.15(B)

*Comment: Table amended to add new Zoning districts; Minimum lot depth removed because it does not allow for flexibility in lot design; Table reordered to match zoning order from previous sections.*

## **SECTION 3.04.00 – ZONING DISTRICTS**

*Comment: New Section title added to differentiate zoning district descriptions from the Table of Uses and Development Standards.*

### **3.04.01. A-1 Agricultural District.**

- (A) ~~FLUM Designation: Agricultural Classification~~
- (BA) *Purpose:* The primary purpose of this zoning district is to provide areas in Hardee County for the primary practice of unlimited agriculture, very low density residential, low intensity commercial services, industrial, public and community services, and recreation and open space land uses. Recreation uses are consistent and compatible with the Agriculture (A-1) district, when the primary function is public or private, not-for-profit recreation. ~~In accordance with the Hardee County Comprehensive Plan, residential development may be single family detached dwellings, and farmworker housing development at a permitted density of not more than one dwelling unit per five gross acres.~~
- (CB) *Permitted Principal Uses and Structures:* ~~Uses permitted in this district are detailed in the Table of Land Uses in Section 2.29.02(B). Uses permitted in this district are detailed in the Table of Land Uses in Section 2.29.02(B). Permitted uses in this district are detailed in the Table of Land Uses in Section 3.03.00(A) and are designated by the letter "P". They are permitted by right subject to all other applicable standards. Any number of permitted uses may be conducted at the same time in the principal structure; such as a retail store with a living unit above. Review of an application for approval of a Site Development Plan is governed by Article 7.~~
- (C) *Principal Uses and Structures Permitted with Conditions:* ~~Uses Permitted with Conditions in this district are detailed in the Table of Land Uses in Section 3.03.00(A). Permitted with Conditions uses are designated by the letters "PWC". Uses Permitted with Conditions are permitted if they meet the listed conditions in Article 4, and subject to all other applicable standards. At the Planning and Development Director's discretion, any development plans larger than 5 acres or development plans that may have compatibility concerns based upon intensity, location, or use may be sent to the Planning and Zoning Board for approval.~~
- (D) *Accessory Uses:* ~~Accessory uses and structures are clearly secondary, 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 2.30.00–2.16.00 contains detailed guidance and regulations for permitted accessory uses.~~

- (E) *Special Exception Uses:* Uses permitted as Special Exceptions ~~and Major Special Exceptions~~ in this district are detailed in the Table of Land Uses in Section ~~2.29.02(B)~~ 3.03.00(A). Such uses are designated by the letter "S" for Special Exceptions and "M" for Major Special Exceptions. ~~Both types of uses require the submission of an application and approval by the Board of County Commissioners prior to application for a Development Permit. Review of an Application for Approval of a Special Exception or a Major Special Exception is governed by Article 7.~~ Special Exception uses must meet the listed conditions in Article 4 and subject to all other applicable standards.
- (F) *Development Standards:* Development standards for uses in this district are detailed in the Table of Development Standards in Section ~~2.29.02(C)~~ 3.03.00(C). 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:~~
- ~~(01) Home Occupation: An activity conducted in a residential dwelling unit that employs only members of the immediate family residing there. The activity may not occupy more than 500 square feet of the dwelling nor may it display anything that will indicate from the exterior that the building is being utilized for any purpose other than that of a dwelling. Allow freestanding sign no larger than two square feet. Specific regulations are contained in Section 7.14.00 of this Code.~~
- ~~(02) Bed and Breakfast: Property shall front on a paved road. Primary points of ingress-egress shall connect to such roadway. Signs shall be in accordance with regulations in Article 4. Parking requirements shall be one space per unit available for rent.~~
- ~~(03) Single Family Residential Mobile Home Unit or Single Family Manufactured Home Unit: A single-family residential mobile home unit or a single-family manufactured home unit is permitted in this district provided that a permanent underpinning/skirting of masonry construction or a permanent underpinning/skirting that matches in color and material the exterior of the mobile home unit or the manufactured home unit, and for new and used units the roof has a minimum 2.5:12 pitch. All standards of the Florida Building Code must be met.~~
- ~~(04) Single Family Residential Mobile Home Unit or Single Family Manufactured Home Unit: A single-family residential mobile home unit or~~

~~manufactured home unit is permitted in this district provided that a permanent underpinning/skirting of masonry construction or a permanent underpinning/skirting that matches in color and material the exterior of the mobile home unit or the manufactured home unit, and for already in the County units the roof has a minimum 2:12 pitch. All standards of the Florida Building Code must be met.~~

- (05) ~~*Produce Sales:* Produce and other agricultural products harvested from an owner's private farm or parcel, may be sold on their premises to the general public by the means of a roadside stand or similar structure. All setbacks must be a minimum of 50 feet from front property line. All other setbacks will be observed as is required for an accessory structure.~~

*Comment: Section relocated from Section 2.29.02.09; FLUM designation removed because it is duplicative; Language relating to allowances from Future Land Use District removed to avoid confusion; Permitted with Conditions Uses added; Major Special exception removed since not applicable; Home occupations removed because they are addressed elsewhere; manufactured home unit and bed and breakfast relocated to Article 4; Produce sales deleted as it is address via Right-to-Farm.*

### **3.04.02 FR-2.5 Farm Residential-2.5.**

- (A) *Purpose:* The primary purpose of this zoning district is to provide areas in Hardee County for very low density residential development in combination with limited agriculture, public and community services, infrastructure, and recreation and open space land uses. In accordance with the Hardee County Comprehensive Plan, residential development may be single-family ~~attached or detached~~ dwellings, at a permitted density of not more than one dwelling unit per 2.5 acres. Development within this zoning district must be accessed by County-maintained roadways. Development within this zoning district shall be no further than two miles from existing high-density land uses and/or incorporated boundaries.
- (B) *Permitted Principal Uses and Structures:* Permitted uses in this district are detailed in the Table of Land Uses in Section 3.03.00(A) and are designated by the letter "P". They are permitted by right subject to all other applicable standards.
- (C) *Principal Uses and Structures Permitted with Conditions:* Uses Permitted with Conditions in this district are detailed in the Table of Land Uses in Section 3.03.00(A). Permitted with Conditions uses are designated by the letters "PWC". Uses Permitted with Conditions are permitted if they meet the listed conditions in Article 4, and subject to all other applicable standards. At the Planning and Development Director's discretion, any development plans larger than 5 acres or

development plans that may have compatibility concerns based upon intensity, location, or use may be sent to the Planning and Zoning Board for approval.

- (D) Accessory Uses: Accessory uses and structures are clearly secondary, 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 2.20.00 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 3.03.00(A). Such uses are designated by the letter "S". Special Exception uses must meet the listed conditions in Article 4, and subject to all other applicable standards.
- (F) Development Standards: Development standards for uses in this district are detailed in the Table of Development Standards in Section 3.03.00(C). Specifically, standards are established, as applicable, for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Floor Area; Floor Area Ratio; Setbacks; Maximum Lot Coverage; and Maximum Building Height.

*Comment: New Section added to address new zoning district consistent with the Residential Estate Future Land Use District; Language added for clarification with requirements from the Comprehensive Plan.*

### **3.04.03 FR-2 Farm Residential-2.**

- (A) Purpose: The primary purpose of this zoning district is to provide areas in Hardee County for very low density residential development in combination with limited agriculture, public and community services, infra-structure, and recreation and open space land uses. In accordance with the Hardee County Comprehensive Plan, residential development may be single-family attached or detached dwellings, and farmworker housing development at a permitted density of not more than one dwelling unit per 2.0 acres.
- (B) Permitted Principal Uses and Structures: Permitted uses in this district are detailed in the Table of Land Uses in Section 3.03.00(A) and are designated by the letter "P". They are permitted by right subject to all other applicable standards.
- (C) Principal Uses and Structures Permitted with Conditions: Uses Permitted with Conditions in this district are detailed in the Table of Land Uses in Section 3.03.00(A). Permitted with Conditions uses are designated by the letters "PWC". Uses Permitted with Conditions are permitted if they meet the listed conditions in Article 4, and subject to all other applicable standards. At the Planning and

Development Director's discretion, any development plans larger than 5 acres or development plans that may have compatibility concerns based upon intensity, location, or use may be sent to the Planning and Zoning Board for approval.

- (D) Accessory Uses: Section 2.20.00 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 3.03.00(A). Such uses are designated by the letter "S". Special Exception uses must meet the listed conditions in Article 4 and subject to all other applicable standards.
- (F) Development Standards: Development standards for uses in this district are detailed in the Table of Development Standards in Section 3.03.00(C). Specifically, standards are established, as applicable, for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Floor Area; Floor Area Ratio; Setbacks; Maximum Lot Coverage; and Maximum Building Height.

*Comment: New Section added to address new zoning district.*

#### **3.04.04 FR Farm-Residential District.**

- (A) ~~FLUM Designation:~~ ~~Town Center Classification~~  
~~Highway Mixed Use Classification~~  
~~Residential Mixed Use Classification~~  
~~Rural Center Classification~~  
~~Agricultural Classification~~  
~~Residential Low Classification~~  
~~Residential Estate Classification~~
- (BA) *Purpose:* The primary purpose of this zoning district is to provide areas in Hardee County for very low density residential development in combination with limited agriculture, public and community services, infra-structure, and recreation and open space land uses. ~~In accordance with the Hardee County Comprehensive Plan, residential development may be single-family attached or detached dwellings, and farmworker housing development at a permitted density of not more than one dwelling unit per gross acre.~~ In accordance with the Hardee County Comprehensive Plan, residential development may be single-family dwellings, at a permitted density of not more than one dwelling unit per acre. Development within this zoning district must be accessed by County-maintained roadways. Development within this zoning district shall be no further than two miles from existing high-density land uses and/or incorporated boundaries.



- (~~C~~B) Permitted Principal Uses and Structures: Uses permitted in this district are detailed in the Table of Land Uses in Section 2.29.02(B). Review of an application for approval of a Site Development Plan is governed by Article 7. Permitted uses in this district are detailed in the Table of Land Uses in Section 3.03.00(A) and are designated by the letter "P". They are permitted by right subject to all other applicable standards.
- (C) Principal Uses and Structures Permitted with Conditions: Uses Permitted with Conditions in this district are detailed in the Table of Land Uses in Section 3.03.00(A). Permitted with Conditions uses are designated by the letters "PWC". Uses Permitted with Conditions are permitted if they meet the listed conditions in Article 4, and subject to all other applicable standards. At the Planning and Development Director's discretion, any development plans larger than 5 acres or development plans that may have compatibility concerns based upon intensity, location, or use may be sent to the Planning and Zoning Board for approval.
- (D) Accessory Uses: Accessory uses and structures are clearly secondary, 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 2.30.00 2.20.00 contains detailed guidance and regulations for permitted accessory uses.
- (E) Special Exception Uses: Uses permitted as Special Exceptions and Major Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.29.02(B) 3.03.00(A). Such uses are designated by the letter "S" for Special Exceptions and "M" for Major Special Exceptions. Both types of uses require the submission of an application and approval by the Board of County Commissioners prior to application for a Development Permit. Review of an Application for Approval of a Special Exception or a Major Special Exception is governed by Article 7. Special Exception uses must meet the listed conditions in Article 4, and subject to all other applicable standards.
- (01) Single Family Residential Mobile Home Unit or Single Family Manufactured Home Unit: A single-family residential mobile home unit or a single-family manufactured home unit is permitted in this district provided that a permanent underpinning/skirting of masonry construction or a permanent underpinning/skirt that matches in color and material the exterior of the mobile home unit or the manufactured home unit, and for new and used units the roof has a minimum 2.5:12 pitch. All standards of the Florida Building Code must be met.
- (02) Single Family Residential Mobile Home Unit or Single Family Manufactured Home Unit: A single-family residential mobile home unit or

~~manufactured home unit is permitted in this district provided that a permanent underpinning/skirting of masonry construction or a permanent underpinning/skirting that matches in color and material the exterior of the mobile home unit or the manufactured home unit, and for already in the County units the roof has a minimum 2:12 pitch. All standards of the Florida Building Code must be met.~~

(F) *Development Standards:* Development standards for uses in this district are detailed in the Table of Development Standards in Section ~~2.29.02(C)~~3.03.00(C). 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:~~

~~(01) Home Occupation: An activity conducted in a residential dwelling unit that employs only members of the immediate family residing there. The activity may not occupy more than 500 square feet of the dwelling nor may it display anything that will indicate from the exterior that the building is being utilized for any purpose other than that of a dwelling. Allow freestanding sign no larger than two square feet. Specific regulations are contained in Section 7.14.00 of this Code.~~

~~(02) Bed and Breakfast: Property shall front on a paved road. Primary points of ingress/egress shall connect to such roadway. Signs shall be in accordance with regulations in Article 46. Parking requirements shall be one space per unit available for rent.~~

~~(03) Produce Sales: Excess produce and other products that are agricultural in nature and harvested from orchards, vineyards, nurseries, ornamental horticultural areas, groves, noncommercial greenhouses, etc., as well as excess produce, etc., harvested from any commercial farm, may be sold on the premises to the general public by the means of a roadside stand or similar structure. All setbacks must be a minimum of 50 feet from front property line. All other setbacks will be observed as is required for an accessory structure.~~

*Comment: Section relocated from Section 2.29.02.04; FLUM designation removed because it is duplicative; Language relating to allowances from Future Land Use District removed to avoid confusion; Permitted with Conditions Uses added; Major Special exception removed since not applicable; Home occupations removed because they are addressed elsewhere; manufactured home unit language and bed and breakfast language relocated to Article 4; produce sales deleted as it is addressed via*

*right-to-farm; Language added for clarification with requirements from the Comprehensive Plan.*

### **3.04.05 R-05 Low Density Single-Family Residential District.**

- (A) Purpose: To provide the opportunity for conventional single-family development in appropriate areas of the County, compatible with existing development. Density shall not exceed 1 dwelling unit per one-half acre.
- (B) Permitted Principal Uses and Structures: Permitted uses in this district are detailed in the Table of Land Uses in Section 3.03.00(A) and are designated by the letter "P". They are permitted by right subject to all other applicable standards.
- (C) Principal Uses and Structures Permitted with Conditions: Uses Permitted with Conditions in this district are detailed in the Table of Land Uses in Section 3.03.00(A). Permitted with Conditions uses are designated by the letters "PWC". Uses Permitted with Conditions are permitted if they meet the listed conditions in Article 4, and subject to all other applicable standards. At the Planning and Development Director's discretion, any development plans larger than 5 acres or development plans that may have compatibility concerns based upon intensity, location, or use may be sent to the Planning and Zoning Board for approval.
- (D) Accessory Uses: Accessory uses and structures are clearly secondary, 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 2.16.00 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 3.03.00(A). Such uses are designated by the letter "S". Special Exception uses must meet the listed conditions in Article 4, and subject to all other applicable standards.
- (F) Development Standards: Development standards for uses in this district are detailed in the Table of Development Standards in Section 3.03.00(C). Specifically, standards are established, as applicable, for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Floor Area; Floor Area Ratio; Setbacks; Maximum Lot Coverage; and Maximum Building Height.
- (G) Other Requirements: None

*Comment: New Section added to address new zoning district: Density limitation requirement added to provide consistency with the Comprehensive Plan.*

**3.04.06. R-1 Single-Family Residential District.**

- (A) ~~FLUM Designation:~~ ~~Town Center Classification~~  
~~Highway Mixed Use Classification~~  
~~Residential Mixed Use Classification~~  
~~Rural Center Classification~~  
~~Residential Low Classification~~
- (BA) *Purpose:* The primary purpose of this zoning district is to provide areas in Hardee County for low density residential development in combination with public and community services, infrastructure, and recreation and open space land uses. ~~In accordance with the Hardee County Comprehensive Plan, permitted density of residential development is less than six dwelling units per gross acre.~~
- (CB) *Permitted Principal Uses and Structures:* ~~Uses permitted in this district are detailed in the Table of Land Uses in Section 2.29.02(B). Review of an application for approval of a Site Development Plan is governed by Article 7. Permitted uses in this district are detailed in the Table of Land Uses in Section 3.03.00(A) and are designated by the letter "P". They are permitted by right subject to all other applicable standards.~~
- (C) *Principal Uses and Structures Permitted with Conditions:* Uses Permitted with Conditions in this district are detailed in the Table of Land Uses in Section 3.03.00(A). Permitted with Conditions uses are designated by the letters "PWC". Uses Permitted with Conditions are permitted if they meet the listed conditions in Article 4, and subject to all other applicable standards. At the Planning and Development Director's discretion, any development plans larger than 5 acres or development plans that may have compatibility concerns based upon intensity, location, or use may be sent to the Planning and Zoning Board for approval.
- (D) *Accessory Uses:* Accessory uses and structures are clearly secondary, 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 ~~2.30.00~~ 2.16.00 contains detailed guidance and regulations for permitted accessory uses.
- (E) *Special Exception Uses:* ~~Uses permitted as Special Exceptions and Major Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.29.02(B) 3.03.00(A). Such uses are designated by the letter "S" for Special Exceptions and "M" for Major Special Exceptions. Both types of uses require the submission of an application and approval by the Board of County Commissioners prior to application for a Development Permit. Review of an Application for Approval of a Special Exception or a Major Special Exception is governed by Article~~

~~7. Special Exception uses must meet the listed conditions in Article 4, and subject to all other applicable standards.~~

(F) *Development Standards:* Development standards for uses in this district are detailed in the Table of Development Standards in Section ~~2.29.02(C)~~3.03.00(C). 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:~~

~~(01) Home Occupation: An activity conducted in a residential dwelling unit that employs only members of the immediate family residing there. The activity may not occupy more than 500 square feet of the dwelling nor may it display anything that will indicate from the exterior that the building is being utilized for any purpose other than that of a dwelling. No signs allowed in R-1 zoned districts unless required by law and then no larger than two square feet. Specific regulations are contained in Section 7.14.00 of this Code.~~

*Comment: Section relocated from Section 2.29.02.01; FLUM designation removed because it is duplicative; Language relating to allowances from Future Land Use District removed to avoid confusion; Permitted with Conditions Uses added; Major Special exception removed since not applicable; Home occupations removed because they are addressed elsewhere.*

### **3.04.07. R-2 Two-Family Residential District.**

~~(A) FLUM Designation:~~ Town Center Classification  
 Highway Mixed Use Classification  
 Residential Mixed Use Classification  
 Rural Center Classification  
 Residential High Classification  
 Residential Medium Classification  
 Residential Low Classification

~~(BA) Purpose:~~ The primary purpose of this zoning district is to provide areas in Hardee County for low and medium density residential development in combination with public and community services, infrastructure, and recreation and open space land uses. ~~In accordance with the Hardee County Comprehensive Plan, residential development may be single family attached or detached dwellings, and multi-family residential at a permitted density of less than 12 dwelling units per gross acre; except that Residential Mixed Use area located to the east of Wauchula in Sections 02, 11, and 14 of Township 34 South, Range 25 East shall be limited to a~~

~~maximum residential density of six dwelling units per acre until such time as central water and sewer service is available.~~

- (~~B~~) *Permitted Principal Uses and Structures:* ~~Uses permitted in this district are detailed in the Table of Land Uses in Section 2.29.02(B). Review of an application for approval of a Site Development Plan is governed by Article 7. Permitted uses in this district are detailed in the Table of Land Uses in Section 3.03.00(A) and are designated by the letter "P". They are permitted by right subject to all other applicable standards.~~
- (C) *Principal Uses and Structures Permitted with Conditions:* Uses Permitted with Conditions in this district are detailed in the Table of Land Uses in Section 3.03.00(A). Permitted with Conditions uses are designated by the letters "PWC". Uses Permitted with Conditions are permitted if they meet the listed conditions in Article 4, and subject to all other applicable standards. At the Planning and Development Director's discretion, any development plans larger than 5 acres or development plans that may have compatibility concerns based upon intensity, location, or use may be sent to the Planning and Zoning Board for approval.
- (D) *Accessory Uses:* Accessory uses and structures are clearly secondary, 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 ~~2.30.00~~ 2.20.00 contains detailed guidance and regulations for permitted accessory uses.
- (E) *Special Exception Uses:* ~~Uses permitted as Special Exceptions and Major Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.29.02(B)~~ 3.03.00(A). Such uses are designated by the letter "S" for Special Exceptions and "M" for Major Special Exceptions. Both types of uses require the submission of an application and approval by the Board of County Commissioners prior to application for a Development Permit. Review of an Application for Approval of a Special Exception or a Major Special Exception is governed by Article 7. Special Exception uses must meet the listed conditions in Article 4, and subject to all other applicable standards.
- (F) *Development Standards:* Development standards for uses in this district are detailed in the Table of Development Standards in Section ~~2.29.02(C)~~ 3.03.00(C). 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:~~

- ~~(01) *Home Occupation*: An activity conducted in a residential dwelling unit that employs only members of the immediate family residing there. The activity may not occupy more than 500 square feet of the dwelling nor may it display anything that will indicate from the exterior that the building is being utilized for any purpose other than that of a dwelling. Allow freestanding sign no larger than two square feet. Specific regulations are contained in Section 7.14.00 of this Code.~~
- ~~(02) *Bed and Breakfast*: Property shall front on a paved road. Primary points of ingress/egress shall connect to such roadway. Signs shall be in accordance with regulations in Article 4. Parking requirements shall be one space per unit available for rent.~~
- ~~(03) *Single Family Residential Mobile Home Unit or Single Family Manufactured Home Unit*: A single family residential mobile home unit or manufactured home unit is permitted in this district provided that a permanent underpinning/skirting of masonry construction or a permanent underpinning/skirting that matches in color and material the exterior of the mobile home unit or the manufactured home unit, and for new and used units the roof has a minimum 2.5:12. All standards of the Florida Building Code must be met.~~
- ~~(04) *Single Family Residential Mobile Home Unit or Single Family Manufactured Home Unit*: A single family residential mobile home unit or manufactured home unit is permitted in this district provided that a permanent underpinning/skirting of masonry construction or a permanent underpinning/skirting that matches in color and material the exterior of the mobile home unit or the manufactured home unit, and for already in the County units the roof has a minimum 2:12 pitch. All standards of the Florida Building Code must be met.~~

*Comment: Section relocated from Section 2.29.02.02; FLUM designation removed because it is duplicative; Language relating to allowances from Future Land Use District removed to avoid confusion; Permitted with Conditions Uses added; Major Special exception removed since not applicable; Home occupations removed because they are addressed elsewhere; manufactured home unit language and bed and breakfast relocated to Article 4.*

### **3.04.08. R-3 Multiple Family Residential District.**

- ~~(A) *FLUM Designation*: Town Center Classification  
Highway Mixed Use Classification  
Residential Mixed Use Classification  
Rural Center Classification~~

~~Residential Medium Classification~~  
~~Residential High Classification~~

- ~~(BA) Purpose: The primary purpose of this zoning district is to provide areas in Hardee County for low and medium density residential development in combination with public and community services, infrastructure, and recreation and open space land uses. In accordance with the Hardee County Comprehensive Plan, residential development may be single family attached or detached dwellings, and multi-family residential development at a permitted density of up to 12 dwelling units per gross acre.~~
- ~~(CB) Permitted Principal Uses and Structures: Uses permitted in this district are detailed in the Table of Land Uses in Section 2.18.02(B). Review of an application for approval of a Site Development Plan is governed by Article 7.~~

~~Permitted in this district are multiple family dwelling units. The minimum square feet for each type of unit is listed below:~~

<del>Mobile home:</del>	<del>780 s.f.</del>
<del>One bedroom apartment:</del>	<del>350 s.f.</del>
<del>Two bedroom apartment:</del>	<del>500 s.f.</del>
<del>Three bedroom apartment:</del>	<del>600 s.f. plus 100 s.f. for each additional bedroom</del>

~~Permitted uses in this district are detailed in the Table of Land Uses in Section 3.03.00(A) and are designated by the letter "P". They are permitted by right subject to all other applicable standards.~~

- ~~(C) Principal Uses and Structures Permitted with Conditions: Uses Permitted with Conditions in this district are detailed in the Table of Land Uses in Section 3.03.00(A). Permitted with Conditions uses are designated by the letters "PWC". Uses Permitted with Conditions are permitted if they meet the listed conditions in Article 4, and subject to all other applicable standards. At the Planning and Development Director's discretion, any development plans larger than 5 acres or development plans that may have compatibility concerns based upon intensity, location, or use may be sent to the Planning and Zoning Board for approval.~~
- (D) *Accessory Uses:* Accessory uses and structures are clearly secondary, 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 ~~2.30.00~~ 2.20.00 contains detailed guidance and regulations for permitted accessory uses.

- (E) *Special Exception Uses:* Uses permitted as Special Exceptions ~~and Major Special Exceptions~~ in this district are detailed in the Table of Land Uses in Section ~~2.29.02(B)~~ 3.03.00(A). Such uses are designated by the letter "S" for Special Exceptions and "M" for Major Special Exceptions. ~~Both types of uses require the submission of an application and approval by the Board of County Commissioners prior to application for a Development Permit. Review of an Application for Approval of a Special Exception or a Major Special Exception is governed by Article 7.~~ Special Exception uses must meet the listed conditions in Article 4, and subject to all other applicable standards.
- (F) *Development Standards:* Development standards for uses in this district are detailed in the Table of Development Standards in Section ~~2.29.02(C)~~ 3.03.00(C). 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:~~
- ~~(01) Home Occupation: An activity conducted in a residential dwelling unit that employs only members of the immediate family residing there. The activity may not occupy more than 500 square feet of the dwelling nor may it display anything that will indicate from the exterior that the building is being utilized for any purpose other than that of a dwelling. Allow freestanding sign no larger than two square feet. Specific regulations are contained in Section 7.14.00 of this Code.~~
- ~~(02) Bed and Breakfast: Property shall front on a paved road. Primary points of ingress/egress shall connect to such roadway. Signs shall be in accordance with regulations in Article 46. Parking requirements shall be one space per unit available for rent.~~
- ~~(03) Single Family Residential Mobile Home Unit or Single Family Manufactured Home Unit: A single-family residential mobile home unit or a single family manufactured home unit is permitted in this district provided that a permanent underpinning/skirting of masonry construction or a permanent underpinning/skirting that matches in color and material the exterior of the mobile home unit or the manufactured home unit, and for new and used units the roof has a minimum 2.5:12 pitch. All standards of the Florida Building Code must be met.~~

~~(04) *Single Family Residential Mobile Home Unit or Single Family Manufactured Home Unit:* A single-family residential mobile home unit or manufactured home unit is permitted in this district provided that a permanent underpinning/skirting of masonry construction or a permanent underpinning/skirting that matches in color and material the exterior of the mobile home unit or the manufactured home unit, and for already in the County units the roof has a minimum 2:12 pitch. All standards of the Florida Building Code must be met.~~

*Comment: Section relocated from Section 2.29.02.03; FLUM designation removed because it is duplicative; Language relating to allowances from Future Land Use District removed to avoid confusion; Multi-family information removed as it is included in the Table of Development Standards; Permitted with Conditions Uses added; Major Special exception removed since not applicable; Home occupations removed because they are addressed elsewhere manufactured home unit language and bed and breakfast relocated to Article 4.*

### **3.04.09. C-1 Neighborhood Commercial District**

- ~~(A) *FLUM Designation:* Town Center Classification  
Highway Mixed Use Classification  
Residential Mixed Use Classification  
Rural Center Classification  
Agricultural Classification  
Commerce Park Classification~~
- (BA)** *Purpose:* The primary purpose of this zoning district is to provide areas in Hardee County for mix of retail commercial, professional offices, and medium density residential land uses. Uses are intended to be developed in close proximity to one another to maintain or reduce distance between residences, employment areas, commercial services and sales, and entertainment areas.
- (CB)** *Permitted Principal Uses and Structures:* ~~Uses permitted in this district are detailed in the Table of Land Uses in Section 2.29.02(B).~~ Permitted uses in this district are detailed in the Table of Land Uses in Section 3.03.00(A) and are designated by the letter "P". They are permitted by right subject to all other applicable standards. Any number of permitted uses may be conducted at the same time in the principal structure; such as a retail store with a living unit above it. Review of an application for approval of a Site Development Plan is governed by Article 7.
- (C)** *Principal Uses and Structures Permitted with Conditions:* Uses Permitted with Conditions in this district are detailed in the Table of Land Uses in Section 3.03.00(A). Permitted with Conditions uses are designated by the letters "PWC". Uses Permitted with Conditions are permitted if they meet the listed conditions in

Article 4, and subject to all other applicable standards. At the Planning and Development Director's discretion, any development plans larger than 5 acres or development plans that may have compatibility concerns based upon intensity, location, or use may be sent to the Planning and Zoning Board for approval.

- (D) *Accessory Uses:* Accessory uses and structures are clearly secondary, 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 ~~2.30.00~~ 2.16.00 contains detailed guidance and regulations for permitted accessory uses.
- (E) *Special Exception Uses:* Uses permitted as Special Exceptions and ~~Major Special Exceptions~~ in this district are detailed in the Table of Land Uses in Section ~~2.29.02(B)~~ 3.03.00(A). Such uses are designated by the letter "S" for Special Exceptions and "M" for Major Special Exceptions. ~~Both types of uses require the submission of an application and approval by the Board of County Commissioners prior to application for a Development Permit. Review of an Application for Approval of a Special Exception or a Major Special Exception is governed by Article 7.~~ Special Exception uses must meet the listed conditions in Article 4 and subject to all other applicable standards.
- (F) *Development Standards:* Development standards for uses in this district are detailed in the Table of Development Standards in Section ~~2.29.02(C)~~ 3.03.00(C). 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~~

*Comment: Section relocated from Section 2.29.02.05; FLUM designation removed because it is duplicative; Permitted with Conditions Uses added; Major Special exception removed since not applicable.*

### **3.04.10. C-2 General Commercial District.**

- ~~(A) *FLUM Designation:*~~ ~~Town Center Classification~~  
~~Highway Mixed Use Classification~~  
~~Residential Mixed Use Classification~~  
~~Rural Center Classification~~  
~~Agricultural Classification~~  
~~Commerce Park Classification~~

- (BA) *Purpose:* The primary purpose of this zoning district is to provide areas in Hardee County for the establishment of major commercial centers serving the needs of the community and the region. Other land uses encouraged in the district include: professional offices, limited medium density residential, light industrial, public and community services and recreation facilities land uses.
- (CB) *Permitted Principal Uses and Structures:* ~~Uses permitted in this district are detailed in the Table of Land Uses in Section 2.29.02(B).~~ Permitted uses in this district are detailed in the Table of Land Uses in Section 3.03.00(A) and are designated by the letter "P". They are permitted by right subject to all other applicable standards. Any number of permitted uses may be conducted at the same time in the principal structure; such as a building with a combination of offices, and restaurants, and living units above. Review of an application for approval of a Site Development Plan is governed by Article 7.
- (C) *Principal Uses and Structures Permitted with Conditions:* Uses Permitted with Conditions in this district are detailed in the Table of Land Uses in Section 3.03.00(A). Permitted with Conditions uses are designated by the letters "PWC". Uses Permitted with Conditions are permitted if they meet the listed conditions in Article 4, and subject to all other applicable standards. At the Planning and Development Director's discretion, any development plans larger than 5 acres or development plans that may have compatibility concerns based upon intensity, location, or use may be sent to the Planning and Zoning Board for approval.
- (D) *Accessory Uses:* Accessory uses and structures are clearly secondary, 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 2.30.00~~ 2.16.00 contains detailed guidance and regulations for permitted accessory uses.
- (E) *Special Exception Uses:* ~~Uses permitted as Special Exceptions and Major Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.29.02(B) 3.03.00(A). Such uses are designated by the letter "S" for Special Exceptions and "M" for Major Special Exceptions. Both types of uses require the submission of an application and approval by the Board of County Commissioners prior to application for a Development Permit. Review of an Application for Approval of a Special Exception or a Major Special Exception is governed by Article 7.~~ Special Exception uses must meet the listed conditions in Article 4 and subject to all other applicable standards.
- (F) *Development Standards:* Development standards for uses in this district are detailed in the Table of Development Standards in Section ~~2.29.02(C)~~ 3.03.00(C). 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~~

*Comment: Section relocated from Section 2.29.02.06; FLUM designation removed because it is duplicative; Permitted with Conditions Uses added; Major Special exception removed since not applicable.*

### **3.04.11 C/IBC Commercial/Industrial Business Center District.**

~~(A) FLUM Designation: Agriculture Classification  
Highway Mixed Use Classification  
Rural Center Classification  
Industrial Classification  
Commerce Park Classification~~

~~(BA) Purpose:~~ The primary purpose of this zoning district is to provide areas in Hardee County for a mix of commercial, commercial retail, professional offices, warehousing, heavy and light industrial land uses. Uses are intended to be developed to accommodate a mix of uses in close proximity to one another and centralize resources.

~~(CB) Permitted Principal Uses and Structures: Uses permitted in this district are detailed in the Table of Land Uses in Section 2.29.02(B). Permitted uses in this district are detailed in the Table of Land Uses in Section 3.03.00(A) and are designated by the letter "P". They are permitted by right subject to all other applicable standards. Any number of permitted uses may be conducted at the same time in the principal structure, such as retail and offices combined. Review of an application for approval of a Site Development Plan is governed by Article 7.~~

~~(C) Principal Uses and Structures Permitted with Conditions: Uses Permitted with Conditions in this district are detailed in the Table of Land Uses in Section 3.03.00(A). Permitted with Conditions uses are designated by the letters "PWC". Uses Permitted with Conditions are permitted if they meet the listed conditions in Article 4, and subject to all other applicable standards. At the Planning and Development Director's discretion, any development plans larger than 5 acres or development plans that may have compatibility concerns based upon intensity, location, or use may be sent to the Planning and Zoning Board for approval.~~

~~(D) Accessory Uses: Customary uses that are secondary and incidental to principal uses, including restrooms, caretakers' 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 3.03.00(A). Such uses are designated by the letter "S" for Special Exceptions. Special Exception uses must meet the listed conditions in Article 4 and subject to all other applicable standards.
- (F) Development Standards: Development standards for uses in this district are detailed in the Table of Development Standards in Section 3.03.00(C). Specifically, standards are established for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Floor Area; Floor Area Ratio (as applicable); Setbacks; Maximum Lot Coverage; and Maximum Building Height

*Comment: Section relocated from Section 2.29.02.13; Permitted with Conditions Uses added; Major Special exception removed since not applicable.*

### **3.04.12. I-1 Light Industrial District.**

- (A) ~~FLUM Designation:~~ Town Center Classification  
 Highway Mixed Use Classification  
 Rural Center Classification  
 Agricultural Classification  
 Commerce Park Classification
- (BA) *Purpose:* The primary purpose of this zoning district is to provide areas in Hardee County for the establishment of major commercial and industrial centers to serve the buying, employment and production needs of the community and the region. Other land uses encouraged in the district include: professional offices, a full range of light and general industrial, public and community services and a limited range of recreation land uses. These areas are to be located in close proximity to transportation facilities and areas intended to serve the light manufacturing, storage, distribution, and other general industrial functions of the region.
- (CB) ~~Permitted Principal Uses and Structures:~~ ~~Uses permitted in this district are detailed in the Table of Land Uses in Section 2.29.02(B). Uses permitted in this district are detailed in the Table of Land Uses in Section 2.29.02(B).~~ Permitted uses in this district are detailed in the Table of Land Uses in Section 3.03.00(A) and are designated by the letter "P". They are permitted by right subject to all other applicable standards. Any number of permitted uses may be conducted at the same time in the principal structure; such as retail and offices combined. ~~Review of an application for approval of a Site Development Plan is governed by Article 7.~~
- (C) Principal Uses and Structures Permitted with Conditions: Uses Permitted with Conditions in this district are detailed in the Table of Land Uses in Section

3.03.00(A). Permitted with Conditions uses are designated by the letters "PWC". Uses Permitted with Conditions are permitted if they meet the listed conditions in Article 4, and subject to all other applicable standards. At the Planning and Development Director's discretion, any development plans larger than 5 acres or development plans that may have compatibility concerns based upon intensity, location, or use may be sent to the Planning and Zoning Board for approval.

- (D) *Accessory Uses:* Accessory uses and structures are clearly secondary, 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 ~~2.30.00–2.16.00~~ contains detailed guidance and regulations for permitted accessory uses.
- (E) *Special Exception Uses:* Uses permitted as Special Exceptions ~~and Major Special Exceptions~~ in this district are detailed in the Table of Land Uses in Section ~~2.29.02(B)~~ 3.03.00(A). Such uses are designated by the letter "S" for Special Exceptions and "M" for Major Special Exceptions. ~~Both types of uses require the submission of an application and approval by the Board of County Commissioners prior to application for a Development Permit. Review of an Application for Approval of a Special Exception or a Major Special Exception is governed by Article 7.~~ Special Exception uses must meet the listed conditions in Article 4 and subject to all other applicable standards.
- (F) *Development Standards:* Development standards for uses in this district are detailed in the Table of Development Standards in Section ~~2.29.02(C)~~ 3.03.00(C). 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~~

*Comment: Section relocated from Section 2.29.02.07; FLUM designation removed because it is duplicative; Permitted with Conditions Uses added; Major Special exception removed since not applicable.*

### **3.04.13. I-2 Heavy Industrial District.**

- (A) ~~FLUM Designation:~~ ~~Town Center Classification~~  
~~Highway Mixed Use Classification~~  
~~Rural Center Classification~~  
~~Agricultural Classification~~  
~~Industrial Classification~~  
~~Commerce Park Classification~~

- (BA) *Purpose:* The primary purpose of this zoning district is to provide areas in Hardee County for the establishment of major industrial, manufacturing and processing centers to serve the employment and production needs of the community and the region. Other land uses encouraged in the district include professional offices, a full range of light and general industrial, public and community services, and a limited range of recreation land uses. Uses in this district are heavy industrial, because of the potential to generate noise, odor, dust, pollution, or other noxious effects created by their activities. The location of these areas shall minimize or eliminate unnecessary industrial traffic through non-industrial areas.
- (CB) *Permitted Principal Uses and Structures:* ~~Uses permitted in this district are detailed in the Table of Land Uses in Section 2.29.02(B). Uses permitted in this district are detailed in the Table of Land Uses in Section 2.29.02(B). Permitted uses in this district are detailed in the Table of Land Uses in Section 3.03.00(A) and are designated by the letter "P". They are permitted by right subject to all other applicable standards. Any number of permitted uses may be conducted at the same time in the principal structure; such as retail and offices combined. Plan prior to application for a Development Permit. Review of an application for approval of a Site Development Plan is governed by Article 7.~~ Permitted uses in this district are detailed in the Table of Land Uses in Section 3.03.00(A) and are designated by the letter "P". They are permitted by right subject to all other applicable standards. Any number of permitted uses may be conducted at the same time in the principal structure; such as retail and offices combined. Plan prior to application for a Development Permit. Review of an application for approval of a Site Development Plan is governed by Article 7.
- (C) Principal Uses and Structures Permitted with Conditions: Uses Permitted with Conditions in this district are detailed in the Table of Land Uses in Section 3.03.00(A). Permitted with Conditions uses are designated by the letters "PWC". Uses Permitted with Conditions are permitted if they meet the listed conditions in Article 4, and subject to all other applicable standards. At the Planning and Development Director's discretion, any development plans larger than 5 acres or development plans that may have compatibility concerns based upon intensity, location, or use may be sent to the Planning and Zoning Board for approval.
- (D) *Accessory Uses:* Accessory uses and structures are clearly secondary, 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 ~~2.30.00-2.16.00~~ contains detailed guidance and regulations for permitted accessory uses.
- (E) *Special Exception Uses:* ~~Uses permitted as Special Exceptions and Major Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.29.02(B) 3.03.00(A). Such uses are designated by the letter "S" for Special Exceptions and "M" for Major Special Exceptions. Both types of uses require the submission of an application and approval by the Board of County Commissioners prior to application for a Development Permit. Review of an Application for Approval of a Special Exception or a Major Special Exception is governed by Article~~ Uses permitted as Special Exceptions and Major Special Exceptions in this district are detailed in the Table of Land Uses in Section 3.03.00(A). Such uses are designated by the letter "S" for Special Exceptions and "M" for Major Special Exceptions. Both types of uses require the submission of an application and approval by the Board of County Commissioners prior to application for a Development Permit. Review of an Application for Approval of a Special Exception or a Major Special Exception is governed by Article



~~7. Special Exception uses must meet the listed conditions in Article 4 and subject to all other applicable standards.~~

- (F) *Development Standards:* Development standards for uses in this district are detailed in the Table of Development Standards in Section ~~2.29.02(C)~~ 3.03.00(C). 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~~

*Comment: Section relocated from Section 2.29.02.08; Language relating to allowances from Future Land Use District removed to avoid confusion; Permitted with Conditions Uses added; Major Special exception removed since not applicable.*

### **3.04.14. P-I Public Institutional District.**

~~(A) FLUM Designation: Public Institutional Classification~~

- ~~(BA) Purpose:~~ The primary purpose of this zoning district is to provide areas in Hardee County to accommodate existing and future land and facilities recognized as serving the public. This includes lands and facilities publicly owned, or owned by private or non-profit entities and intended for public, educational, or institutional use.

~~(CB) Permitted Principal Uses and Structures: Uses permitted in this district are detailed in the Table of Land Uses in Section 2.29.02(B). Uses permitted in this district are detailed in the Table of Land Uses in Section 2.29.02(B). Permitted uses in this district are detailed in the Table of Land Uses in Section 3.03.00(A) and are designated by the letter "P". They are permitted by right subject to all other applicable standards. Any number of permitted uses may be conducted at the same time in the principal structure. Review of an application for approval of a Site Development Plan is governed by Article 7.~~

(C) Principal Uses and Structures Permitted with Conditions: Uses Permitted with Conditions in this district are detailed in the Table of Land Uses in Section 3.03.00(A). Permitted with Conditions uses are designated by the letters "PWC". Uses Permitted with Conditions are permitted if they meet the listed conditions in Article 4, and subject to all other applicable standards. At the Planning and Development Director's discretion, any development plans larger than 5 acres or development plans that may have compatibility concerns based upon intensity, location, or use may be sent to the Planning and Zoning Board for approval.

- (D) *Accessory Uses:* Accessory uses and structures are clearly secondary, 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 ~~2.30.00~~ 2.16.00 contains detailed guidance and regulations for permitted accessory uses.
- (E) *Special Exception Uses:* Uses permitted as Special Exceptions and ~~Major Special Exceptions~~ in this district are detailed in the Table of Land Uses in Section ~~2.29.02(B)~~ 3.03.00(A). Such uses are designated by the letter "S" for Special Exceptions and "M" for Major Special Exceptions. ~~Both types of uses require the submission of an application and approval by the Board of County Commissioners prior to application for a Development Permit. Review of an Application for Approval of a Special Exception or a Major Special Exception is governed by Article 7.~~ Special Exception uses must meet the listed conditions in Article 4 and subject to all other applicable standards.
- (F) *Development Standards:* Development standards for uses in this district are detailed in the Table of Development Standards in Section ~~2.29.02(C)~~ 3.03.00(C). 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:~~
- ~~(01) *Single Family Residential Mobile Home Unit or Manufactured Home Unit:* A single family residential mobile home unit or manufactured home unit is permitted in this district provided that a permanent underpinning/skirting of masonry construction or a permanent underpinning/skirting that matches in color and material the exterior of the mobile home unit or the manufactured home unit, and the roof has a minimum 3:12 pitch. All standards of the Florida Building Code must be met.~~

*Comment: Section relocated from Section 2.29.02.10; Language relating to allowances from Future Land Use District removed to avoid confusion; Permitted with Conditions Uses added; Major Special exception removed since not applicable; mobile home.*

### **3.04.15. P-R Public Recreation District.**

~~(A) *FLUM Designation:* Recreation Classification~~

~~(BA) *Purpose:* The primary purpose of this zoning district is to provide areas in Hardee County to accommodate existing and future recreation land and facilities~~

recognized as serving the public. The district includes lands and facilities publicly owned, or owned by private or non-profit entities, which utilize it for recreation or open space uses and allow the general public access.

- (~~CB~~) *Permitted Principal Uses and Structures:* ~~Uses permitted in this district are detailed in the Table of Land Uses in Section 2.29.02(B). Uses permitted in this district are detailed in the Table of Land Uses in Section 2.29.02(B). Permitted uses in this district are detailed in the Table of Land Uses in Section 3.03.00(A) and are designated by the letter "P". They are permitted by right subject to all other applicable standards. Any number of permitted uses may be conducted at the same time in the principal structure. Review of an application for approval of a Site Development Plan is governed by Article 7.~~
- (C) Principal Uses and Structures Permitted with Conditions: Uses Permitted with Conditions in this district are detailed in the Table of Land Uses in Section 3.03.00(A). Permitted with Conditions uses are designated by the letters "PWC". Uses Permitted with Conditions are permitted if they meet the listed conditions in Article 4, and subject to all other applicable standards. At the Planning and Development Director's discretion, any development plans larger than 5 acres or development plans that may have compatibility concerns based upon intensity, location, or use may be sent to the Planning and Zoning Board for approval.
- (D) *Accessory Uses:* Accessory uses and structures are clearly secondary, 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 2.30.00~~ 2.16.00 contains detailed guidance and regulations for permitted accessory uses.
- (E) *Special Exception Uses:* ~~Uses permitted as Special Exceptions and Major Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.29.02(B) 3.03.00(A). Such uses are designated by the letter "S" for Special Exceptions and "M" for Major Special Exceptions. Both types of uses require the submission of an application and approval by the Board of County Commissioners prior to application for a Development Permit. Review of an Application for Approval of a Special Exception or a Major Special Exception is governed by Article 7. Special Exception uses must meet the listed conditions in Article 4 and subject to all other applicable standards.~~
- (F) *Development Standards:* Development standards for uses in this district are detailed in the Table of Development Standards in Section ~~2.29.02(C)~~ 3.03.00(C). 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.~~

*Comment: Section relocated from Section 2.29.02.11; Permitted with Conditions Uses added; Major Special exception removed since not applicable.*

### **3.04.16. CN Conservation District.**

~~(A) FLUM Designation: Conservation Classification~~

~~(BA) Purpose:~~ The primary purpose of this zoning district is to designate areas in Hardee County for the preservation and protection of unique natural resources through public ownership and regulation. Areas regulated are vital to the maintenance of environmental quality; they are the least tolerant to changes caused by development; and they are vital to the ecological integrity of the region.

~~(CB) Permitted Principal Uses and Structures: Uses permitted in this district are detailed in the Table of Land Uses in Section 2.29.02(B). Uses permitted in this district are detailed in the Table of Land Uses in Section 2.29.02(B). Permitted uses in this district are detailed in the Table of Land Uses in Section 3.03.00(A) and are designated by the letter "P". They are permitted by right subject to all other applicable standards. Any number of permitted uses may be conducted at the same time in the principal structure. Review of an application for approval of a Site Development Plan is governed by Article 7.~~

(01) Commercial and industrial development are prohibited.

(02) Structures and facilities, including residential development at a density not to exceed one unit per 20 acres for park rangers, security and/or necessary maintenance personnel, are permitted, provided that they further the intent of the district and are necessary for the public appreciation of such area.

(C) Principal Uses and Structures Permitted with Conditions: Uses Permitted with Conditions in this district are detailed in the Table of Land Uses in Section 3.03.00(A). Permitted with Conditions uses are designated by the letters "PWC". Uses Permitted with Conditions are permitted if they meet the listed conditions in Article 4, and subject to all other applicable standards. At the Planning and Development Director's discretion, any development plans larger than 5 acres or development plans that may have compatibility concerns based upon intensity, location, or use may be sent to the Planning and Zoning Board for approval.

- (D) *Accessory Uses:* Customary uses that are secondary and incidental to principal uses, including restrooms, caretakers' 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 3.03.00(A). Such uses are designated by the letter "S" for Special Exceptions. Special Exception uses must meet the listed conditions in Article 4 and subject to all other applicable standards.
- (F) *Development Standards:* Development standards for uses in this district are detailed in the Table of Development Standards in Section 3.03.00(C). Specifically, standards are established for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Floor Area; Floor Area Ratio (as applicable); Setbacks; Maximum Lot Coverage; and Maximum Building Height

*Comment: Section relocated from Section 2.29.02.12; Permitted with Conditions Uses added; Special Exception Use information added; Development Standards added; Other requirements added.*

### **SECTION 3.05.00 PUD PLANNED UNIT DEVELOPMENT**

*Comment: Section title relocated from Sections 2.29.02.14 and 7.05.00.*

#### 2.29.02.14 PUD Planned Unit Development

- (A) ~~*FLUM Designation:* All designations, except Conservation.~~
- (B) ~~*Purpose:* Planned Unit Development (PUD) districts are intended for specialized purposes, where a proposed project warrants greater flexibility than a standard district provides; when the Comprehensive Plan requires a Planned Unit Development review process; or when the ability to attach conditions to a site plan is warranted. The PUD district is established to provide for well planned and/or orderly mixed use development in any area of the County, except Conservation districts.~~

~~The process for obtaining PUD zoning, and PUD development requirements, are found in Section 7.05.00 of this Code.~~

*Comment: Section relocated from Sections 2.29.02.14(A) and (B); language deleted in favor of new PUD language below.*

#### 7.05.01. Purpose.

~~Planned Unit Development (PUD) districts are intended for specialized purposes, where a proposed project warrants greater flexibility than a standard district provides; when the Comprehensive Plan requires a Planned Unit Development review process; or when the ability to attach conditions to a site plan is warranted.~~

~~Planned Unit Development (PUD) districts may be used as a vehicle to permit developments when the innovative use of buffering and modern design techniques mitigates the external impacts of development and create a helpful physical environment. Through the utilization of a Planned Unit Development District, the County Commission may allow mixed dwelling types and/or housing densities; provide for the safe, efficient, convenient, harmonious groupings of structures, uses, facilities, and support uses; provide for appropriate relationships of space, inside and outside buildings, for intended uses; provide for preservation of desirable natural features; and minimum disturbance of natural topography.~~

~~Within Planned Unit Development districts, regulations adapted to such unified planning and development are intended to:~~

- ~~1. Accomplish the purposes of zoning and other applicable regulations to an equivalent or higher degree than where such regulations are intended to control unscheduled development on individual lots;~~
- ~~2. Promote economical and efficient land use; improve levels of amenities for harmonious, creative design, and a better environment.  
In view of the substantial public advantage of Planned Unit Development districts, it is the intent of these regulations to permit development in this form, where appropriate, in location and character.  
The Planned Unit Development (PUD) district is established to provide for well-planned and/or orderly mixed-use development in any area of the County. Further, PUDs may:~~
- ~~3. Promote flexibility in development design;~~
- ~~4. Promote the efficient use of land;~~
- ~~5. Preserve, as much as possible, existing landscape features and amenities;~~
- ~~6. Provide for more usable and suitably located recreation facilities and other public and common facilities than would otherwise be provided;~~
- ~~7. Combine and coordinate architectural styles, building forms and building relationships within the planned development;~~

- ~~8. Lessen the burden of traffic conflict on streets and highways;~~
- ~~9. Provide for a balanced land use mixture.~~

*Comment: Section relocated from Sections 7.05.01; language deleted in favor of new PUD language below.*

~~7.02.02 Relationship of PUD Regulations to the Comprehensive Plan, Land Development Code, or Other Regulations.~~

~~The development of land uses within a PUD shall be consistent with the pattern of land use designations established on the Future Land Use Map of the Comprehensive Plan. Residential densities in a PUD shall not exceed the permitted densities established in the Comprehensive Plan. Where there are conflicts between these special PUD provisions and other regulations in this Code, these special regulations shall apply. Where no standard is designated in this Section for a particular element of a PUD, appropriate regulations set forth in other sections of this Code shall apply. In a unique situation where no standard is specified, the County Commission Board of County Commissioners shall determine the appropriate standard.~~

*Comment: Section relocated from Sections 7.05.02; language deleted in favor of new PUD language below.*

~~7.05.03. Permitted Principal Uses and Structures.~~

~~All development within a PUD district shall comply strictly with its approved Master Development Plan, the Land Development Code, and the Comprehensive Plan. Platting of property for residential or non-residential uses shall be carried out according to the requirements of Section 7.07.00. Development on individual sites, other than single-family development, shall be reviewed and approved according to the site development plan review requirements of Section 7.06.00. Development within the PUD may occur in stages consistent with Section 7.05.10.~~

*Comment: Section relocated from Sections 7.05.03; language deleted in favor of new PUD language below.*

~~7.05.04. Planned Unit Development (PUD) Districts~~

~~Five Planned Unit Development Districts are provided within the County and include:~~

- ~~Planned Unit Development—Residential (PUD-R)~~
- ~~Planned Unit Development—Office (PUD-O)~~
- ~~Planned Unit Development—Commercial (PUD-C)~~

~~Planned Unit Development—Industrial (PUD-I)  
Planned Unit Development—Mixed Use (PUD-MU)~~

*Comment: Section relocated from Sections 7.05.04; language deleted in favor of new PUD language below.*

~~7.05.04.01. Planned Unit Development—Residential (PUD-R).~~

- ~~(A) *Purpose:* It is the intent of these regulations to provide for residential development in areas adequately served, or which can be served, by necessary utilities and services, in locations that are compatible with adjacent and surrounding land uses, in accord with the goals, objectives, and policies of the Comprehensive Plan and the standards set forth herein. It is further the intent to permit such districts where Master Site Plan design will allow for internal convenience and ease of use, as well as external compatibility. PUD R districts may provide a broad range of housing types appropriate to the general need of the area served.~~
- ~~(B) *Permitted Uses:* Uses in PUD R districts shall be consistent with Comprehensive Plan requirements. Uses and structures which are customarily and clearly incidental to permitted principal uses and structures shall also be permitted.~~

*Comment: Section relocated from Sections 7.05.04.01; language deleted in favor of new PUD language below.*

~~7.05.04.02. Planned Unit Development—Office (PUD-O).~~

- ~~(A) *Purpose:* It is the intent of these regulations to provide for office development in appropriate locations, in conformance with the goals, objectives, and policies of the Comprehensive Plan and the standards set forth herein. It is further the intent to permit such districts where Master Site Plan design will allow for internal convenience and ease of use, as well as external compatibility. PUD O districts may provide a broad range of office facilities and services appropriate to the general need of the area served.~~
- ~~(B) *Location:* PUD O districts shall be located to facilitate ease and convenience of use. Negative impacts on the surrounding transportation systems, public services, and surrounding land uses shall be minimized; the use shall be compatible with surrounding land uses; the intensity of the project shall be consistent with the use it provides; and the development~~



~~shall not encourage the expansion of office or commercial strip development along adjacent streets.~~

- ~~(C) *Permitted Uses:* Uses in PUD O districts shall be consistent with Comprehensive Plan requirements. Uses and structures which are customarily and clearly incidental to permitted principal uses and structures shall also be permitted.~~

*Comment: Section relocated from Sections 7.05.04.02; language deleted in favor of new PUD language below.*

~~7.05.04.03. Planned Unit Development—Commercial (PUD-C).~~

- ~~(A) *Purpose:* It is the intent of these regulations to provide for commercial development in scale with surrounding market areas, at appropriate locations, in conformance with the goals, objectives, and policies of the Comprehensive Plan and the standards set forth herein. It is further the intent to permit such districts where Master Site Plan design will allow for internal convenience and ease of use, as well as external compatibility. PUD C districts may provide a broad range of commercial facilities and services appropriate to the general need of the area served.~~

- ~~(B) *Location:* PUD C districts shall be located to facilitate ease and convenience of use. Negative impacts on the surrounding transportation systems, public services, and surrounding land uses shall be minimized; the use shall be compatible with surrounding land uses; the intensity of the project shall be consistent with the use it provides; and the development shall not encourage the expansion of office or commercial strip development along adjacent streets.~~

- ~~(C) *Permitted Uses:* Uses in PUD C districts shall be consistent with Comprehensive Plan requirements. Uses and structures which are customarily and clearly incidental to permitted principal uses and structures shall be also permitted.~~

*Comment: Section relocated from Sections 7.05.04.03; language deleted in favor of new PUD language below.*

~~7.05.04.04. Planned Unit Development—Industrial (PUD-I).~~

- ~~A. *Purpose:* It is the intent of the PUD-I district to encourage complimentary groupings of manufacturing, processing, assembly, research, distribution, office and associated uses, on sites with adequate frontage and depth,~~

~~adjacent to major streets, or streets serving industrial areas, whereby street access may be controlled and traffic friction reduced. It is further the intent of the PUD-I to serve as an alternative to further extensions of industrial zoning that allow disorderly strip development, and to protect the stability and property values of surrounding neighborhoods.~~

~~B. *Location:* PUD-I districts shall be permitted where they facilitate ease and convenience of use; where negative impacts on the surrounding transportation systems, public services, and surrounding land uses will be minimized; where the use is compatible with surrounding land uses; and where the intensity of the project is consistent with the use that it provides.~~

~~C. *Permitted Uses:* Uses in PUD-I districts shall be consistent with Comprehensive Plan requirements. Uses and structures which are customarily and clearly incidental to permitted principal uses and structures shall be also permitted.~~

*Comment: Section relocated from Sections 7.05.04.04; language deleted in favor of new PUD language below.*

~~7.05.04.05. Planned Unit Development – Mixed Use (PUD-MU).~~

~~(A) *Purpose:* The PUD-MU district is intended to provide for and encourage a compatible mix of uses, rather than a separation of uses, in accordance with the Comprehensive Plan. PUD-MU districts are defined for purposes of these regulations as planned development districts for the establishment of complimentary groupings of residential, commercial, office, industrial, or other uses.~~

~~It is the intent of these regulations to provide for development of such districts at appropriate locations, in accord with the goals, objectives, and policies, of the Comprehensive Plan, and the standards set forth herein. It is further intended that PUD-MU development shall consist of interdependent uses/tracts and/or complexes, where planned site design, including the siting of buildings, parking, service areas, and landscaped open spaces will allow for scale and balance, compatibility with adjacent and surrounding land uses, and a reduction in general traffic congestion.~~

~~(B) *Location:* PUD-MU districts shall be permitted where they facilitate ease and convenience of use; where negative impacts on the surrounding transportation systems, public services, and surrounding land uses will be minimized; where the use is compatible with surrounding land uses; and~~

~~where the intensity of the project is consistent with the use that it provides.~~

~~(C) *Permitted Uses:* All uses in PUD MU districts shall be consistent with Comprehensive Plan requirements. In the determination of what constitutes a primary use in a PUD MU district, percentage of land area, percentage of building square footage, and percentage of impacts such as traffic shall be considered. Exceeding fifty one percent (51%) shall be considered to be a primary use.~~

~~PUD MU districts shall:~~

- ~~1. Provide appropriate areas for and facilitate quality mixed use development that is consistent with the Comprehensive Plan's land use and transportation goals, objectives, and policies;~~
- ~~2. Accommodate intensities and patterns of development that can support multiple modes of transportation, including public transit and walking;~~
- ~~3. Group and link places used for living, working, shopping, schooling, and recreating, thereby reducing vehicle trips and relieving traffic congestion in the County;~~
- ~~4. Provide a variety of residential housing types and densities to assure activity in the district to support a mix of uses and enhance the housing choices of County residents; and~~
- ~~5. Integrate new mixed use development with its surroundings by encouraging connections for pedestrians and vehicles and by assuring sensitive, compatible use, scale, and operational transitions to neighboring uses.~~

~~(D) *Intensity:* Application of appropriate review criteria shall be based upon the specific facts of the proposal. The ranges of land use intensity shall generally be approved according to the guidelines set forth in the single use PUD districts, which correspond to the uses in the PUD MU district. In no event shall uses permitted in a PUD MU district exceed the maximum intensity standards established in the Future Land Use categories.~~

*Comment: Section relocated from Sections 7.05.04.05; language deleted in favor of new PUD language below.*

~~7.05.05. Development Standards for PUD Districts.~~

~~The purpose of this Section is to provide development design and improvement standards applicable to all PUD districts within Hardee County. The provisions found herein are intended to ensure functional and attractive development for all PUD districts.~~

*Comment: Section relocated from Sections 7.05.05; language deleted in favor of new PUD language below.*

~~7.05.05.01. Density.~~

~~The total number of permitted dwelling units within a PUD shall be based on the gross acreage of the overall development site, including all open space, recreation areas, drainage facilities, road rights of way, and areas proposed for commercial use. These units may be clustered or otherwise arranged according to sound planning principles throughout the PUD site, providing a mixture of housing types, densities, and price ranges in a creative development design that is appealing to residents and beneficial to the County as a whole.~~

~~Where a PUD site lies within two or more land use designations, as shown on the Future Land Use Map (such as Residential Low and Residential Medium), separate dwelling unit calculations shall be made, using the appropriate permitted density value for each.~~

~~Dwelling units permitted under each category shall be located on portions of the site lying within the respective land use designation. This requirement may be waived by the County Commission upon recommendation of the Planning and Zoning Board. In this situation, both bodies shall find that the distribution of residential units without regard to land use designation boundaries is in harmony with the intent of the Comprehensive Plan, will not create adverse impacts on surrounding properties, and is justified in order to fulfill a beneficial development concept. In no case, however, shall the total number of units within a development exceed the overall number of allowable units under the provisions of the Comprehensive Plan.~~

*Comment: Section relocated from Sections 7.05.05.01; language deleted in favor of new PUD language below.*

~~7.05.05.02. Common Properties.~~

~~(A) *Designated Open Space*: The developer shall establish a property owner's association or similar legal entity for the perpetual ownership and maintenance of open space, drainage facilities and other community~~

~~facilities designated on the Master Development Plan and subdivision or site development plans for individual tracts. Designated open space shall be defined as the total area within the PUD that has been set aside for recreational use, stormwater management, or for preservation in its natural condition, for the benefit of the residents of the development. Open space shall be shown on the Master Development Plan.~~

~~1. The minimum open space required in a PUD district shall be thirty percent (30%) of the gross site area, and may include, but shall not be limited to, the following:~~

~~a. Common Recreation Areas, as defined below in Section B., Common Recreation Area.~~

~~b. Areas equivalent to no more than fifty percent (50%) of the total acreage of wetlands, lakes, drainage retention/detention areas, and other permanent or semi-permanent water bodies.~~

~~c. Scrub or other natural areas to be set aside for the preservation of endangered plant or animal species.~~

~~d. Golf courses.~~

~~e. Stormwater retention/detention areas, but not ditches and swales.~~

~~2. Designated open space shall not include the following:~~

~~a. Lands designated for residential, commercial, office, industrial use, or a combination thereof, (regardless of density or intensity of these uses).~~

~~b. Parking areas, except those that are accessory to recreational uses.~~

~~c. Utility easements and road rights of way.~~

~~d. Perimeter setback areas, unless developed with bicycle or pedestrian trails.~~

~~e. Sewer and/or water treatment plant sites.~~

~~f. Land that has been or is to be conveyed to a public agency for public use via a purchase agreement or dedication for schools, parks, community buildings, or other public facilities (excluding drainage facilities).~~

~~(B) Common Recreation Area: Common recreation area shall be designated as such on the Master Development Plan, shall be distributed throughout the PUD, and shall be integrated into its overall design. Common Recreation Area shall constitute not less than one-half (½) of the total area qualifying as designated open space as defined above in Section (A), Designated Open Space.~~

~~Recreation areas shall be usable and accessible, and shall be improved with facilities to allow a specific use or range of uses. Types of recreation facilities and the acreage assigned to each shall be shown in tabular form on the Plan.~~

~~1. Common Recreation Area may include the following uses and associated facilities:~~

~~a. Swimming pools, tennis courts and playing fields.~~

~~b. Playgrounds.~~

~~c. Picnic areas and pavilions (up to 20 percent of total required Common Recreation Area acreage).~~

~~d. Golf courses (up to 50 percent of total required Common Recreation Area acreage).~~

~~e. Rights of way for nature trails, jogging/bicycle paths, or other pedestrian facilities, up to 15 feet in width (excluding sidewalks in residential or commercial areas).~~

~~2. The following shall not be included in Common Recreation Areas:~~

~~a. Streets, road right of way, and parking areas.~~

~~b. All easements.~~

~~c. Water bodies and wetlands, except within designated right-of-way for nature trails.~~

~~d. Ditches, swales, retention areas and other stormwater management facilities.~~

~~e. Areas of less than 50 feet in width and 5,000 square feet in size, unless incorporated into a pedestrian or bicycle circulation system.~~

*Comment: Section relocated from Sections 7.05.05.02; language deleted in favor of new PUD language below.*

#### ~~7.05.05.03. Public Easements.~~

~~The County shall be granted easements allowing access to and use of tracts designated for open space, recreation, drainage facilities, sewer and water facilities and private roads, should public maintenance and/or repair become necessary.~~

*Comment: Section relocated from Sections 7.05.05.03; language deleted in favor of new PUD language below.*

#### ~~Section 7.05.05.04. Access.~~

~~All residential, commercial, office and industrial properties, or a combination thereof, shall have direct frontage on a public right-of-way or private right-of-way dedicated to common use by all residents of the development.~~

*Comment: Section relocated from Sections 7.05.05.04; language deleted in favor of new PUD language below.*

#### ~~7.05.05.05. Landscaping.~~

~~(A) Landscaping requirements shall be as set forth in Section 3.15.00.~~

~~(B) Along public or private rights of way, including those bordering the perimeter of the PUD, one large tree shall be planted for every 50 feet of right-of-way. Planting of such trees shall meet the suggested species type, minimum planting height, planting area, and distance from pavement requirements as set forth in the Landscaping section of Section 3.15.00.~~

~~(C) The County Commission shall be permitted to impose any additional landscaping requirements that it determines are necessary, either within the PUD or along its perimeter, to prevent or minimize adverse impacts between potentially incompatible land uses.~~

*Comment: Section relocated from Sections 7.05.05.05; language deleted in favor of new PUD language below.*

~~7.05.05.06. Other Requirements.~~

- ~~(A) *Unified Control:* All land included for the purpose of development within a Planned Unit Development shall be 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.~~
- ~~(B) *Subdivision of Property:* Property in a Planned Unit Development shall be platted in accordance with Section 7.07.00 prior to the issuance of building permits. In the case of lands that have been platted prior to the adoption of this Code, the landowner may, as applicable, be required to vacate the previous plat or pre-platted lands before any rezoning and Master Development Plan approval will be considered. In addition, all payments, easements, and dedications required by this Code and other County ordinances shall be applicable to any development within a Planned Unit Development, whether vacating an existing plat or replatting, or unplatted lands, so that all new development within the County will bear its fair share of provision of public services.~~
- ~~(C) *Private Roads:* Internal roads serving the PUD may remain in the private ownership of the developer or may be conveyed to a property owner's association or similar entity created under the provisions of Section 7.05.11, "Ownership and Maintenance of Common Property". However, such roads must be designed and constructed to meet all standards applicable to a public road serving the same function, including right-of-way widths. No private road that constitutes the primary access to residential or commercial properties within a PUD shall be built on an easement.~~

*Comment: Section relocated from Section 7.05.05.06; language deleted in favor of new PUD language below.*

~~7.05.12. Private Roads.~~

~~Internal roads serving the PUD may remain in the private ownership of the developer or may be conveyed to a property owner's association or similar entity created under the provisions of Section 7.05.11, "Ownership and Maintenance of Common Property". However, such roads must be designed and constructed to meet all standards applicable~~



~~to a public road serving the same function, including right-of-way widths. No private road that constitutes the primary access to residential or commercial properties within a PUD shall be built on an easement.~~

~~Hardee County shall have no responsibility for maintenance of private roads. Should such roads be offered for public dedication in the future, the County shall not accept the dedication unless the roads are in good repair and conform to all codes and standards in effect at the time of dedication.~~

~~If a guard house or other form of barrier is placed at the entrance to the PUD for the purpose of restricting access, the developer or property owner's association shall be responsible for ensuring entry to the property for emergency vehicles. The County shall have no liability for injury or loss of life resulting from restricted access to the development.~~

*Comment: Section relocated from Section 705.12 Private Roads; language deleted in favor of new PUD language below.*

### **3.05.01 Intent and Applicability**

It is the intent of this Article to provide procedures and standards for the creation of Planned Unit Development zoning districts as an alternative to conventional zoning districts. PUD zoning is intended to facilitate flexibility to respond to special circumstances and to promote design innovation that provides qualitative improvement over normal design standards. It is the intent of this Article that PUD districts shall respect the intent of the conventional zoning district, and context sub-district, be compatible with adjacent land uses and zoning and conform to the Comprehensive Plan. Areas shall be zoned Planned Unit Development District only upon a determination that the criteria in Section 3.05.02 are or will be met.

A Planned Unit Development is a development which conforms to all of the following:

- (A) It is a development which is planned and carried out under unified control in a single development operation or an approved series of development operations.
- (B) It is a development which includes principal and accessory uses and structures which are compatible with the character of the development itself and the surrounding area of which it is part.
- (C) It is a development which is carried out according to comprehensive plans.

- (D) It is development which includes a program for the full maintenance and operation of common areas, common improvements or common facilities if any such areas, improvements or facilities are included in the development.

*Comment: New Section added to address PUD Intent and Applicability.*

### **3.05.02 General Standards for Planned Unit Development Zoning**

*Comment: New Section title added to address General Standards for PUD Zoning.*

#### **3.05.02.01 Unified Control**

The Board of County Commissioners shall enact PUD zoning only after making a determination that the proposed development will be carried out under unified control in a single development operation or an approved series of development operations. For the purposes of this section, unified control shall mean control which is:

- (A) Exercised by a controlling entity such as a person, corporation or partnership or a group of persons, or partnerships;
- (B) Sufficient to enable the controlling entity to ensure the planned unit development will be completed in full compliance with the enacted Site Development and Standards Plan and any conditions attached thereto by the County pursuant to enactment; and
- (C) Evidenced by County-approved agreements, contracts, covenants, deed restrictions, sureties, and other instruments which bind the controlling entity and all existing and successive holders of title to the subject property to full compliance with the enacted detailed Site Development and Standards Plan and any conditions attached thereto by the County pursuant to enactment.

*Comment: New Section added to address requirements for unified control.*

#### **3.05.02.02 Use Compatibility**

The Board of County Commissioners shall enact PUD zoning only after making a determination that the proposed uses and the density and intensity of uses are consistent with the Hardee County Comprehensive Plan and are compatible with surrounding land uses.

*Comment: New Section added to address use compatibility.*

### **3.05.02.03 Environmental Compatibility**

The Board of County Commissioners shall enact PUD zoning only after making a determination that the site conforms to the following criteria:

- (A) It is suitable for development in the manner proposed without hazards to any persons or property from possible flooding, erosion, or other dangers greater than would result from conventional development which could be approved pursuant to the Comprehensive Plan; and
- (B) Its soils, ground water, drainage, and topography are appropriate to the kind and pattern of use proposed. Such a determination shall be based on a consideration of all relevant information that can be obtained about the site, including any special surveys, samples, and tests of site characteristics which the County deems necessary.

*Comment: New Section added to address environmental compatibility.*

### **3.05.02.04 Site Development and Standards Plan**

The Board of County Commissioners shall enact PUD zoning only after making a determination that the Site Development and Standards Plan to be incorporated in the enacting ordinance fulfills the requirements of this Code, is consistent with the Comprehensive Plan, and otherwise promotes the public health, safety and welfare.

*Comment: New Section added to address Site Development and Standards Plan.*

### **3.05.02.05 Assurances**

The Board of County Commissioners shall enact PUD zoning only after making a determination that there are assurances which guarantee, insofar as is practical and necessary, that development of the subject property will proceed according to the Site Development and Standards Plan. Such assurances may include performance guarantees, bonds, letters of credit and other financial instruments as well as the agreements, contracts, covenants, deed restrictions and similar instruments included as part of the Site Development and Standards Plan.

*Comment: New Section added to address Assurances.*

### **3.05.02.06 Dedication of Public Facilities and Sites**

The Board of County Commissioners shall enact PUD zoning only after making a determination that the need for public facilities and services generated by the proposed PUD will be adequately met. The Board of County Commissioners may make such a determination conditional upon the dedication of public facilities and/or public facility sites including, but not limited to, facilities and sites for parks, schools, public safety, and vehicular and pedestrian traffic.

*Comment: New Section added to address Dedication of Public Facilities and Sites.*

### **3.05.02.07 Maintenance Provisions**

The Board of County Commissioners shall enact PUD zoning only after making a determination that there is a feasible program for the full maintenance and operation of common areas, common improvements, and common facilities if any such areas, improvements or facilities are included in the Site Development and Standards Plan. The program for maintenance and operation shall include provision for the County to assess private property with an interest in common open space for the cost of maintenance if inadequate private maintenance results in a public nuisance.

*Comment: New Section added to address Maintenance Provisions.*

### **3.05.02.08 Minimum Land Area Requirements**

There shall be no minimum land area requirements for a Planned Unit Development.

*Comment: New Section added to address Minimum Land Area Requirements.*

### **3.05.03 Use Restrictions**

*Comment: New Section title added to address Use Restrictions.*

#### **3.05.03.01 Principal Uses Permitted by Right**

Provided that it is consistent with the Comprehensive Plan, any use permitted by this Code in any other district may be permitted in a Planned Unit Development. However, the uses permitted on any specific parcel of land or portion thereof shall include only those uses which are specifically listed as permitted on that parcel or portion thereof by the applicable adopted Concept Plan and Conditions (Master Development Plan). Uses not specifically listed shall not be permitted.

Uses identified in Table 3.03.01(B) require approval of a PUD.

*Comment: New Section added to address Principal Uses Permitted by Right.*

**3.05.03.02 Accessory Uses, Buildings and Structures Permitted by Right**

Provided that it is consistent with the Comprehensive Plan, any use, building, or structure permitted as an accessory use in any other district of this code shall be permitted as an accessory to such other use, building or structure in a Planned Unit Development District, unless restricted through adopted Conditions of the Planned Unit Development.

*Comment: New Section added to address Accessory Uses, Buildings and Structures Permitted by Right.*

**3.05.04 Development Regulations**

*Comment: New Section title added to address Development Regulations.*

**3.05.04.01 Lot Area, Setback, Height**

Lot area, setback, height, and other development regulations applicable to individual lots within a planned unit development shall be established by the adopted Concept Plan and Conditions (Master Development Plan).

*Comment: New Section added to address Lot Area, Setback, Height.*

**3.05.04.02 Access Requirements**

Every dwelling unit or other use shall have access to a public street, either directly or by a private road, pedestrian way, court, or other specifically designated area.

*Comment: New Section added to address Access Requirements.*

**3.05.04.03 Internal Street Design, Construction and Width Requirements**

**(A) Internal Street Construction Requirements**

Internal streets which are dedicated to public use shall be constructed according to Article 9 (Subdivision Regulations). Internal streets which are reserved for private use shall be constructed with subgrade, base and

surface combinations meeting minimal structural requirements established by the Public Works Department.

(B) Internal Street Width Requirements

Right-of-way and pavement widths shall be determined according to function and anticipated traffic volume.

*Comment: New Section added to address Internal Street Design, Construction and Width Requirements.*

**3.05.04.04 Underground Installation of Utilities**

Underground installation shall be required for all utilities including, but not limited to, telephone lines, television cable lines and electrical lines. The following facilities may be installed above ground:

(A) Those primary facilities which provide service directly to a planned unit development site from outside the development and those which carry service across a planned unit development from one location outside the development to another location outside the development; and

(B) Utility system appurtenances which are required to be placed at grade level for service purposes.

*Comment: New Section added to address Underground Installation of Utilities.*

**3.05.04.05 Applicability of Other Zoning Regulations**

PUD zoning is generally intended as an alternative to use and development standard regulations which are set forth in articles applying to specific zoning districts. PUD zoning is not generally intended to substitute for other regulations of this Code. Accordingly, all regulations of this Code shall apply to Planned Unit Developments unless the adopted Concept Plan and any conditions attached thereto (Master Development Plan) specifically provide alternative regulations.

*Comment: New Section added to address Applicability of Other Zoning Regulations*

## ARTICLE 4 STANDARDS FOR SPECIFIC USES AND SPECIAL SITUATIONS

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## ARTICLE 4

### STANDARDS FOR SPECIFIC USES AND SPECIAL SITUATIONS

Text that is underlined is text to be added and text that is shown as ~~strikeout~~ is to be removed. *Comments* provided for information and are not adopted as part of the Unified Land Development Code text.

#### **SECTION 4.01.00 GENERAL PROVISIONS**

These specific special uses have unique characteristics that require the imposition of development criteria 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 specific use. They are listed in alphabetical order and these criteria/minimum standards shall be met in addition to all other standards of this Code, unless specifically addressed in this section, and all applicable regulations of other governmental agencies.

*Comment: Language added to address general provisions.*

#### **~~3.16.00. – Development Standards for Uses Requiring a Site Development Plan.~~**

~~The purpose of this Section is to set the standards and requirements for those uses requiring Site Development Plan review as set forth in Table 2.29.02(B). The intent of this Section is to ensure that such uses minimize site-specific impacts 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 the standard established in the relevant zoning district shall apply.~~

*Comment: Language relocated from Section 3.16.00 and deleted for new format.*

#### **~~3.17.00. – Development Standards for Major Special Exception Uses.~~**

~~The purpose of this Section is to set criteria for approval of Major Special Exception Uses. Major Special Exception 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. Major Special Exception Use Permits shall be granted in accordance with the provisions of Section 7.12.00. Special standards and requirements presented in this Section are conditions for approval of Major Special Exception Uses and shall be binding on all development authorized under the Major Special Exception 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 section of the relevant zoning district shall apply.~~

*Comment: Language relocated from Section 3.17.00 and deleted because Major Special Exceptions are now Major Mining Special Exceptions, which are addressed in Article 13*

#### **4.01.01 Development Standards for Uses Permitted with Conditions (PWC)**

The purpose of this Section is to set the standards and requirements for Uses Permitted with Conditions. It is the intent of this Section to identify certain activities or structures, which, if the use or structure complies with specifically identified conditions, may be treated as a permitted use. At the Planning and Development Director's discretion, any development plans larger than 5 acres or development plans that may have compatibility concerns based upon intensity, location, or use may be sent to the Planning and Zoning Board for approval. For the purposes of this Code, these uses shall be known as "Uses Permitted with Conditions."

The standards for Uses identified in Section 4.02.00 apply to uses listed as "PWC" Permitted with Conditions in Section 3.03.00, Table 3.03.00(A), and approved under the provisions of Article 9, Section 9.07.00. 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.

No person shall have any right to operate a use identified as a Use Permitted with Conditions unless all of the conditions specified in the section related to that use or conditions set by the Planning and Zoning Board are currently and continuously complied with. It shall be a violation of this Code to operate any use delineated in this Article without complying with the applicable conditions.

*Comment: New Section added to address the standards for uses permitted with Conditions.*

#### **4.01.02- Development Standards for Uses Permitted By Special Exception-**

~~The purpose of this Section is to create an approval process~~ set the standards and requirements 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 ~~7.13.00~~ 9.08.00. 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 for Uses identified in Section 4.02.00 apply to uses listed as "S" Special Exceptions in Section ~~2.29.01~~ 3.03.00, Table ~~2.29.01~~ 3.03.00 (A), and approved under the provisions of Article ~~79~~, Section ~~7.13.00~~ 9.08.00. 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.

No person shall have any right to operate a use identified as a Special Exception unless all the conditions specified in the section related to that use or conditions set by the Board of County Commissioners are currently and continuously complied with. It shall be a violation of this Code to operate any use delineated in this Article without complying with the applicable conditions.

*Comment: Language relocated from Section 3.18.00 and updated to clarify the role the conditions play.*

### ~~2.28.00. General Regulations for Commercial/Industrial Zoning Districts.~~

*Comment: Section title relocated from Section 2.28.00 and deleted as uses reorganized alphabetically.*

### ~~3.16.02. Multiple-Family Residential.~~

*Comment: Section title relocated from Section 3.16.02 and deleted as uses reorganized alphabetically.*

### ~~3.16.04. Automotive.~~

*Comment: Section title relocated from Section 3.16.04 and deleted as uses reorganized alphabetically.*

### ~~3.16.05. Retail Commercial: Outdoor Storage Allowed.~~

*Comment: Section title relocated from Section 3.16.05 and deleted as uses reorganized alphabetically.*

**~~3.16.06. Non-retail/Service Commercial~~**

*Comment: Section title relocated from Section 3.16.06 and deleted as uses reorganized alphabetically.*

**~~3.16.09. Public Service Facilities.~~**

*Comment: Section title relocated from Section 3.16.09 and deleted as uses reorganized alphabetically.*

**~~3.17.05. Heavy Industry.~~**

*Comment: Section title relocated from Section 3.17.05 and deleted as uses reorganized alphabetically.*

**~~3.17.07. Public Service Facilities.~~**

*Comment: Section title relocated from Section 3.17.07 and deleted as uses reorganized alphabetically.*

**~~3.18.01. Single-Family Detached Dwelling Units.~~**

*Comment: Section title relocated from Section 3.18.01 and deleted as uses reorganized alphabetically.*

**~~3.20.00. Retail Commercial, No Outdoor Storage or Activities.~~**

*Comment: Section title relocated from Section 3.20.00 and deleted as uses reorganized alphabetically.*

**~~3.21.04. Public Service Facilities.~~**

*Comment: Section title relocated from Section 3.21.04 and deleted as uses reorganized alphabetically.*

**~~3.22.18. Educational/Cultural Facilities.~~**

*Comment: Section title relocated from Section 3.22.18 and deleted as uses reorganized alphabetically.*

## **SECTION 4.02.00 SPECIFIC USES**

*Comment: Section title added to address specific uses.*

### **4.02.01. Adult Entertainment Establishment.**

It is the purpose and intent of this Section to provide appropriate sites within the County for adult entertainment establishments, and to ensure the peace and tranquility of the community.

- (A) The establishment must be located at least 1,500 feet from a ~~church, place of worship,~~ daycare, or any school (Pre-Kindergarten, Kindergarten, Elementary, Junior High, High School, Junior College, or College) whether public or private.
- (B) The establishment must be located at least 1,000 feet from any residence or residentially-zoned property.
- (C) Points of ingress/egress to the property must connect to a road having a functional classification of Collector or higher.

*Comment: Section relocated from Section 3.17.01; change the word "church" to "place of worship" consistent with RLUIPA.*

### ~~**2.05.00. Adult Living Facility and Nursing Home.**~~

- ~~(A) Facility shall be licensed by the State of Florida.~~

*Comment: Section relocated from Section 2.05.00 and deleted as a requirement for licensing by the state does not need to be included as a requirement in the ULDC.*

### **4.02.02. - Agricultural Disposal of Septage.**

Land application of septage for agricultural purposes shall be permitted in A-1- zoned district upon the following conditions:

- (A) The State of Florida Department of ~~Health and Rehabilitative Services~~ Environmental Protection has approved the site for septage disposal; ~~and.~~
- (B) Land application of septage shall only occur after it has been properly treated by a septage stabilization process as approved by the State of Florida Department of ~~Health and Rehabilitative Services~~ Environmental Protection; ~~and.~~
- (C) *Letter of credit or bond.* An irrevocable letter of credit or bond in the amount of \$10,000.00 from the septage hauler/contractor who is applying for on-site

disposal of septage, or operation of the Septage Treatment Facility shall be made payable to Hardee County, for the purposes of correcting any environmental damage or public health threat caused by the land application of septage. Only one \$10,000.00 irrevocable letter of credit or bond is required to cover all sites operated by one septage hauler/contractor. The irrevocable letter of credit or bond shall be for a period of one year and shall be renewed each year that the State of Florida Department of ~~Health and Rehabilitative Services~~ Environmental Protection, re-permits the site. No septage can be applied or disposed on-site without such irrevocable letter of credit or bond. This provision shall not apply to any government agency; ~~and.~~

- (D) *Setbacks.* The land application area must comply with the following minimum setbacks:

Surface Feature	Setback Distance in feet
Class I waterbody or Outstanding Florida Water (OFW)	3,000
Peace River, Horse Creek, Charlie Creek, Payne Creek, Little Payne Creek	3,000
Any river, stream or tributary	1,000
Any other surface water, including wetlands, except canals or waterbodies used for irrigation that are located entirely within the site and which will not discharge from the site at any time	200
Any public potable water supply well	1,000
Any private potable water supply well located off-site	1,000*
Any private potable water supply well located on-site	300
Any irrigation well (that is not drawing from the Floridan Aquifer)	100
Any building occupied by the general public	500
Any occupied residence	500*
Any property line	200**

The setback may be reduced to 300 feet minimum with an affidavit from affected property owner(s) granting such reduction. The affidavit must be dated, contain original signature(s) and signature(s) must be properly notarized, and affidavit must be recorded with the property owner(s) deed with the Clerk of the Court.

The setback may be reduced to 75-foot minimum with an affidavit from affected property owner(s) granting such reduction. The affidavit must be dated, contain original signature(s) and signature(s) must be properly notarized, and affidavit must be recorded with the property owner(s) deed with the Clerk of the Court.



*Comment: Section relocated from Section 2.26.00.*

**4.02.03. ~~Light Industry:~~ Airports and Aviation Uses.**

- (A) Landing strips and heliports, accessory hangers and sheds are subject to the intensity class performance criteria applicable to the underlying zoning district.
- (B) The area proposed for this use shall be sufficient and the site otherwise adequate to meet the standards of the FAA.
- (C) Any proposed runway or landing strip shall be situated so that any structures, high voltage power lines, towers, chimneys, and natural obstructions within the approach zones shall comply with regulations for height restrictions in airport approach zones of the FAA.
- (D) There shall be sufficient distance between the end of each usable landing strip and the airport boundary to satisfy the requirements of the FAA. If air rights or easements have been acquired from the owners of abutting properties in which approach zones fall, proof thereof shall be submitted with the application.
- (E) No existing or planned approach areas shall be permitted over existing residential areas or over vacant areas zoned for future residential development; however, approach areas may be allowed over such vacant areas if deed restrictions or other mechanisms ensure that they will not be developed for residential uses.
- (F) Off-street parking required: one space for every plane space within the hangers plus one space for every tie-down space plus one space for every two employees.
- (G) *Building setback:* All hangers or structures other than administration buildings shall be at least 100 feet from any street or lot line.
- (H) All repair of airplanes and machinery shall be done at least 100 feet from any street or lot line.
- (I) Residential uses shall not be located within the approach path or the noise zone.

*Comment: Section relocated from Section 3.17.04.*

### ~~2.28.01 Sale and Consumption of Alcoholic Beverages.~~

~~The sale of alcoholic beverages for consumption on the premises where such beverages are sold is prohibited, except as provided in this subsection. "Bottle clubs" or other establishments where alcoholic beverages are consumed, but not sold, on the premises, shall be prohibited, except as provided below:~~

~~(A) Private Clubs.~~

~~Private clubs, including country clubs and civic or fraternal organizations, may serve alcoholic beverages upon obtaining the necessary licenses and permits from the State of Florida, 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.~~

~~(B) Established Business.~~

~~The sale of alcoholic beverages in established businesses shall be permitted in C-1 and C-2 zoned districts with a special exception; shall be permitted as a use by right ("P") in the I-1 and I-2 zoned districts; and shall be permitted with a Site Development Plan in the C/IBC zoned district. "Established business" is defined in Article 9 of this Code. Review of an application for approval of a Site Development Plan is governed by Article 7. In these districts the sale of alcoholic beverages is subject to the following standards:~~

~~(01) More than 50 percent of the established business' revenues are derived from the sale of food;~~

~~(02) All public entrances of the established business are located at least 500 feet from an established church, an established day care center or an established school which distance shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the main public entrance of said established business to the nearest entrance of the established church, established day care center or established school;~~

~~(03) All public entrances of the established business are located at least 1,500 feet from any residentially zoned property;~~

~~(04) Points of ingress/egress to the property connect to a road having a functional classification of Collector or higher.~~

~~(C) Restaurants.~~

~~Any food service establishment whose revenues derived from the sale of prepared food exceed 50 percent of its revenues may sell alcoholic beverages for consumption on the premises.~~

*Comment: Section relocated from Section 2.28.01 and deleted because the County is limited in location, hours, types of entertainment, and sanitary issues.*

**4.02.04 Alcoholic Beverages General Provisions.**

~~Sale and Consumption of Alcoholic Beverages.~~

(A) Generally

~~(02)~~ All vendors shall be licensed by the Division of Alcoholic Beverages and Tobacco of the State Department of Business, shall comply with all laws of the State of Florida and all rules and regulations promulgated by the Division in the conduct and operation of all businesses authorized to sell, serve and dispense alcoholic beverages, and reference is hereby made to Chapters 561 through 568 of the Florida Statutes, and the same are hereby incorporated herein by reference and adopted as part hereof, except as portions thereof may be modified hereinafter.

~~(06)~~ No manufacturer, distributor, exporter or vendor of alcoholic beverages, including wine and/or beer, shall engage in the business and/or operation of selling alcoholic beverages, including wine and/or beer, without first having secured and/or obtained a license from the Division of Alcoholic Beverages and Tobacco of the State Department of Business Regulation.

~~(AB)~~ Hours of Sale.

~~(01)~~ It shall be unlawful for any alcoholic beverages, including wines and/or beers, to be sold, served, dispensed, consumed or permitted to be served or consumed on the premises of any licensee operating under a valid license issued by the Division of Alcoholic Beverages and Tobacco of the State Department of Business regulation between the hours:

<u>Day</u>	<u>Hours</u>
Sunday	1:00 a.m. and Noon
Monday	1:00 a.m. and 7:00 a.m.
Tuesday	1:00 a.m. and 7:00 a.m.
Wednesday	1:00 a.m. and 7:00 a.m.

Thursday	1:00 a.m. and 7:00 a.m.
Friday	1:00 a.m. and 7:00 a.m.
Saturday	1:00 a.m. and 7:00 a.m.

Division of Alcoholic Beverages and Tobacco of the State Department of Business Regulation is defined in Article 914 of this Code.

In addition to the hours of sale provided in Paragraph (01), the sale of alcoholic beverages shall be allowed for an additional hour from 1:00 a.m. and 2:00 a.m. on January 1st.

(C) Location

~~(031) No license shall be granted to a vendor to sell, serve or dispense alcoholic beverages, including wine and/or beer~~ No person shall construct or use any building for selling, serving, or dispensing alcoholic beverages, including wine and/or beer including for consumption on the vendor's property by the Division, whose place of business for selling, serving or dispensing alcoholic beverages, including wine and/or beer, is or shall be within 500 feet of an established church place of worship, school, or day care which distance shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the main entrance of said alcoholic beverage business to the nearest entrance of the established church, school or day care drawing a straight line from the nearest property line of the pre-existing protected use to the nearest line of the proposed alcoholic beverage business.

~~(Ba) Drinking Establishments.~~

~~The on-premises consumption of alcoholic beverages in drinking establishments shall be permitted in C-2, I-1, and I-2 zoned districts with a Site Development Plan Minor and permitted with a Site Development Plan Major in C-1 zoned district. Review of an application for approval of a Site Development Plan is governed by Article 7. In these districts t~~The sale of alcoholic beverages is subject to the following standards:

~~(01).~~ All public entrances of the establishment are located at least 500 feet from a church place of worship, day care center, or an established school;

- ~~(02).~~ All public entrances of the establishment are located at least 1,500 feet from any residentially-zoned property;
- ~~(03).~~ Points of ingress/egress to the property connect to a road having a functional classification of Collector or higher.
- ~~(a)~~ No vendor licensed by the Division to sell, serve or dispense alcoholic beverages, including wine and/or beer, shall conduct his/her place of business within 500 feet of an established church, which distance shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the main entrance of the established church.
- ~~(b)~~ No vendor licensed by the Division to sell, serve or dispense alcoholic beverages, including wine and/or beer, shall conduct his/her place of business within 500 feet of an established school, which distance shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the main entrance of said place of business to the nearest point of the school grounds in use as part of the school facilities.
- ~~(c)~~ No vendor licensed by the Division to sell, serve or dispense alcoholic beverages, including wine and/or beer, shall conduct his/her place of business within 500 feet of an established day care, which distance shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the main entrance of said place of business to the nearest point of the day care grounds in use as part of the day care facilities.
- (04D) No certificate of use or occupancy, building, plumbing, electrical or other permit, including, but not limited to, health permits, shall be issued to any person, firm, association or corporation conducting and/or operating a business for sale of alcoholic beverages, including wine and/or beer, at a location prohibited, pursuant to Paragraph[s] ~~(03)(a), (03)(b), (03)(c)~~ above this Article.
- (05E) The provision of Paragraph[s] ~~(03)(a) and (03)(b)~~ shall not apply to licensed vendors:
- ~~(a1)~~ Holding valid licenses on January 01, 2001, for the sale of beer; but the license of any such vendor shall not be transferred to another location prohibited herein.
- ~~(b2)~~ Of beer and/or wines for consumption off the premises only;

- (~~€3~~) Of an "established business" as defined in Article ~~914~~ of this Code.
- (~~07E~~) It shall be unlawful for any person, firm, association or corporation, or the officers, agents, or employees, to sell, give, serve, or permit to be served, any alcoholic beverages, including wine and/or beer, to any of the following enumerated persons or to permit any of the following enumerated persons to consume any of said beverages on licensed premises, to-wit:
- (~~a1~~) Any person under 21 years of age;
  - (~~b2~~) Any person who is intoxicated;
  - (~~€3~~) Any person who is mentally incompetent and known to be so by the seller or any person whom the seller has good reason to believe might be mentally incompetent; or
  - (~~d4~~) Any person who is a habitual drunkard and known to be so by the seller or any person whom the seller has good reason to believe might be a habitual drunkard.
- (~~08G~~) No person shall possess an open container of an alcoholic beverage while in the parking lots or outside the premises for which a valid license for the sale of alcoholic beverages has been issued by the Division of Alcoholic Beverages and Tobacco of the State Department of Business Regulation.
- (~~09H~~) No person shall possess an open container of alcoholic beverages or consume any alcoholic beverages, including wine and/or beer, upon the public streets, roads, public parking lots or rights-of-way within the unincorporated areas of Hardee County, Florida, or upon the premises or parking lot or parking area of any club or business that operates a business other than the sale or consumption of alcoholic beverages.
- (~~10I~~) Open containers ~~is~~ are defined as any container whose contents are immediately capable of being consumed from, or the seal of which has been broken or tampered with.
- (~~11J~~) Upon receipt of written request, the Board of County Commissioners in writing may waive Paragraphs (~~08G~~), (~~09H~~) or (~~10I~~) for special events on a time and site-specific basis.
- (~~12K~~) Hardee County adopts by reference the definitions set out in Section 561.01, Florida Statutes, as they may, from time to time be amended.

- (13L) These provisions of ~~(A)(01) through (A)(14)~~ inclusive shall apply to and be in full force and effect in all unincorporated areas of Hardee County, Florida.
- (14M) Any expansion of the premises to include outside areas will not be considered an expansion of a non-conforming use so long as additional impervious area is not added. The perimeter of all approved outside areas shall either be fenced or delineated in a manner which will permit an objective determination of the boundary of the approved premise for enforcement purposes.
- ~~(15) The Board of County Commissioners shall review each "sketch" submitted to identify the premises and shall either approve, approve with conditions, or deny based upon compliance with provisions contained herein and other applicable provisions of the Land Development Code.~~
- (EN) Prohibited Acts in Licensed Alcoholic Beverage Establishments.
- (01) It shall be unlawful for any person to appear in a licensed alcoholic beverage establishment or licensed premises, as defined in Section 561.01, Florida Statutes in such a manner or attire as to expose to public or private view, or to employ any device or covering that is intended to give the appearance of, any portion of the pubic area, anus, vulva or genitals, or, if such person is female, the area of the breast directly or laterally below the top of the areola.
- (02) It shall be unlawful for any person owning, maintaining, operating or leasing a licensed alcoholic beverage establishment or licensed premises as defined in Section 561.01, Florida Statutes, or any other person, to permit any violation of subsection ~~(EN)~~(01) of this Code.
- (03) It shall be unlawful for any person to engage in any activity commonly referred to as a "lap dance" or "private table-side dancing" whereby the lap dancer or private table-side dancer intentionally sits upon or rubs against the clothed or unclothed genitals, vulva, anus or buttock of any patron, customer or spectator therein in exchange for receiving a tip, donation, gratuity or anything of value, including, but not limited to, money, or for no consideration at all. It shall be unlawful as well for the patron, customer, or spectator upon whose body the lap dancer or private table-side dancer is committing the above-proscribed activity to permit the activity to occur.
- (04) It shall be unlawful for any person owning, maintaining, operating or leasing a licensed alcoholic beverage establishment or licensed premises

as defined in Section 561.01, Florida Statutes, to permit the construction, maintenance or use of areas completely or partially partitioned, curtained or screened from public view that are permitted to be used for the activities prescribed in (€N)(Ø1) and (€N)(Ø3) of this Code.

*Comment: Section relocated from Section 2.28.02; language relating to levels of approval in zoning districts deleted as it is addressed in the Table of Uses.*

#### **4.02.05. Apartment Buildings.**

(A) Area Requirements:

<b>Lot Area</b>	<b>Requirement</b>
Lot minimum:	10,000 square feet
<u>Lot</u> Width minimum:	85 feet at the front building setback line
<u>Lot</u> Depth minimum:	100 feet

(1) The first four units of any multi-family structure shall require a minimum of 10,000 square feet of lot area.

(2) For each dwelling unit in excess of four on the first two floors, there shall be an additional 1,200 square feet of lot area.

(3) For each dwelling unit on the third floor there shall be an additional 900 square feet of lot area.

(B) *Building Height Regulations:* Maximum of 35 feet in height from final ground level of building.

(C) *Maximum Land Coverage:* The maximum area of land coverage by structures shall be regulated by the setbacks of this Section.

(D) Yard Regulations:

(Ø1) *Front Yard.* Twenty-five feet in depth measured from any right-of-way line to the front of the structure.

(Ø2) *Rear and Side Yard.* Fifteen feet for the first two stories, and 20 feet for three stories. Any rear or side yard abutting a street shall be 25 feet.

(E) *Off-Street Parking.* See Section ~~3-11-00~~ 5.09.00, Off-Street Parking Requirements.



*Comment: Section relocated from Section 3.16.02.01.*

#### **4.02.06. Bed and Breakfast**

Property shall front on a paved road. Primary points of ingress/egress shall connect to such roadway. Signs shall be in accordance with regulations in Article 46. Parking requirements shall be one space per unit available for rent.

*Comment: New title added; Language relocated from multiple sections in Article 3.*

#### **4.02.07. Building Supply Sales, Outdoor.**

- (A) Property shall be at least one acre in size.
- (B) Storage areas shall be screened from view with a wall or opaque fence. A fence must be constructed along the property line adjacent to residential land use in addition to the buffer yard required by Section ~~3.07.00~~ 5.13.00. This fence may be constructed of wood, chain link with inserts, masonry, or metal, no less than six feet in height. Specifications for the type of fences are as follows:
  - (Ø1) *Wood fence:* Privacy fence constructed of cypress, redwood, or wood treated for outdoor exposure;
  - (Ø2) *Chain link with inserts:* Must be of non-corrosive construction; inserts must be maintained so that there are no breaks or gaps; inserts must be metal or plastic;
  - (Ø3) *Masonry:* Shall be constructed and maintained to present a clean, uniform appearance; or
  - (Ø4) *Metal:* Shall be constructed and maintained to present a clean, uniform appearance with no rust and with no gaps showing.

*Comment: Section relocated from Section 3.16.05.01.*

#### **4.02.08. Building Supply Salvage Yard.**

This use shall conform to the General Requirements for Heavy Industrial Uses listed in Section ~~3.16.09~~ 4.02.21 except fencing, as detailed below.

Fencing must conform to those standards in Section ~~3.16.09(D)~~ 4.02.21(D) except that fencing must be no less than 10 feet in height.

*Comment: Section relocated from Section 3.16.08.01.*

**4.02.09. Bulk Storage of Chemicals, Petroleum Products, and/or Explosive Gases.**

- (A) Adequate containment must be utilized. Facilities and procedures shall be designed to prevent substances from entering the water or soil, and employ adequate means for prompt and effective cleanup of spills that do occur. See Article ~~57~~, Section ~~5.03.08~~ 7.02.08 for more specific guidelines.
- (B) Containment must be adequate for any leaks or spills that may occur.
- (C) Storage of these kinds of materials must be appropriate to the surrounding land uses.
- (D) The facility shall meet applicable standards for noise, smoke, lighting, and gases established in Section ~~3.14.00~~ 5.12.00, Performance Standards.
- (E) Setback for the bulk storage and disbursement of chemicals and explosive gases must meet all applicable State and Federal Standards.

*Comment: Section relocated from Section 3.17.05.01.*

**4.02.10. Cannery.**

- (A) Minimum lot size shall be one-half acre.
- (B) The buffer yard abutting the right-of-way of a public road shall be a buffer yard "D", see ~~Table 3.15F, Figure D~~ Section 5.13.07.
- (C) All lights shall be shielded to focus and direct lighting onto the uses established, and away from adjacent property, but may be of sufficient intensity to discourage vandalism and theft. Reference Section ~~3.14.00~~ 5.12.00, Performance Standards, for applicable glare and lighting standards.
- (D) Stored material shall be completely screened from view by an opaque fence no less than eight feet in height in addition to the buffer yard required by Section ~~3.15.00~~ 5.13.00. This fence may be constructed along the property line of wood, chain link with inserts, masonry, or metal. Specifications for the type of fences are as follows:
  - (01) *Wood fence:* Privacy fence constructed of cypress, redwood, or wood treated for outdoor exposure;

- (02) Chain *link with inserts*: Must be of non-corrosive construction; inserts must be maintained so that there are no breaks or gaps; inserts must be metal or plastic~~;~~
- (03) Masonry: Shall be constructed and maintained to present a clean, uniform appearance~~;~~~~or~~
- (04) *Metal*: Shall be constructed and maintained to present a clean, uniform appearance with no rust and with no gaps showing.

*Comment: Section relocated from Section 3.17.05.02.*

#### **4.02.11 Car Washing and/or Detailing**

- (A) Purpose. Car washes and detailing establishments are intended to provide service cleaning for motor vehicles and domestic equipment. However, car wash and detailing uses have the potential to generate undesirable conditions for adjacent properties including noise, particle disbursement and untreated runoff. The purpose and intent of this section is to establish appropriate standards which allow for the typical range of activities, while mitigating the associated undesirable impacts.
- (B) Applicability. This section shall apply to car wash and detailing uses. This section does not apply to temporary car wash activities that occur no more than three consecutive days at the same location.
- (C) Standards.
  - (1) When within or adjacent to a residential district the following standards shall apply:
    - (a) Sound from radios, stereos, or other sound amplification devices shall not be audible from the adjacent residential district. Signs shall be conspicuously posted notifying persons of these prohibitions.
    - (b) Car washing and detailing activities shall be limited to the hours from 7:00 a.m. to 9:00 p.m.
    - (c) Generators shall not be used in conjunction with exterior washing and detailing.

(d) A six-foot high opaque wall or fence shall be provided along rear and side property lines around the car wash/detailing facility and its associated operations.

(2) Vacuum stations.

(a) Vacuum stations and related equipment shall comply with the setbacks for the principal structure.

(b) Outside vacuum stations and related equipment are prohibited along any side of a building abutting a residential district.

(3) Traffic circulation and vehicle stacking.

(a) Drive-lanes and parking spaces shall be clearly delineated.

(b) A bypass lane shall be provided to allow vehicles a way to enter and exit the site without having to turn around on the site or travel through a car wash tunnel or bay.

(4) All carwash bays and tunnels and all carwash equipment shall be designed to minimize the creation, and carrying off the premises, of airborne particles of water, chemicals, and dust. No wash-water runoff generated by the carwash facility may be conveyed off site into the Municipal Separate Storm Sewer Systems (MS4). Runoff must be directed to either a recycling system or other water quality treatment facility.

*Comment: Language added to address car washing and/or detailing.*

#### **4.02.12 Day Child Care Center.**

~~Special Exception approval is required in R-2, R-3 and A-1 zoned districts.~~

Child care centers shall meet NFPA-101 Life Safety Code, and all regulations specified by state law and County regulations.

(A) Child care centers shall have direct access to a public street, including a sidewalk, which will accommodate separate pedestrian and vehicle traffic to and from the use, as determined by the Planning and Development Director.

(B) All child care centers within residential zoning districts shall meet the following standards. Child care centers that do not meet these standards may still be allowed but only through a Special Exception.

(1) The child care center shall be located upon a roadway classified as a collector or higher on the Roadway Functional Classification Map; and

(2) The child care center shall be located at the edge of a neighborhood, at a corner location or be an integral part of a multifamily development.

*Comment: Section relocated from Section 3.22.18.01; Special Exception requirements deleted as addressed through the Table of Uses; and additional requirements added.*

#### **4.02.13. Commercial Incinerator.**

~~Major Special Exception Use approval is required in I 1, I 2 and A 1 zoned districts.~~

~~(A) Incinerator facility shall be located at least, 1,000 feet from any property line.~~

~~(B) Landscaping shall be provided in all setback areas according to Landscape Standard "D" See Section ~~3.15.00~~ 5.13.00.~~

~~(C) Incinerator facility shall meet applicable standards for noise, smoke, lighting, and gas established in Section 3.14.00, Performance Standards.~~

*Comment: Section relocated from Section 3.17.05.03; Language deleted as level of approval is addressed in the Table of Uses and all uses must meet performance standards.*

#### **4.02.14. Communications Towers.**

The purpose of this section is to provide for the siting, performance, development standards, and general regulations governing communications towers and antennas.

Special Exception approval is required in F-R, I-1, I-2, A-1 and P-I-zoned districts where the tower will not meet the 100% setback requirement. The tower may be set back a distance no less than 50% of its height:

~~(01A)~~ When 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 has been received, and

~~(02B)~~ When the Board of County Commissioners determines that all safety concerns have been met the tower shall meet all applicable standards of the FCC, the FAA and any other relevant Federal or State agency.

(C) This Section shall not apply to the following:

- (1) Any communication tower or antenna that is placed in response to an emergency, as declared by Hardee 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);
- (2) Any communication tower or antenna that is operated solely by an amateur radio operator licensed by the FCC; and,
- (3) Antennas placed on alternative support structures and antennas placed on communication towers which do not add to the height of an existing communication tower.

(D) General guidelines and requirements shall include the following:

- (1) 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 setbacks, 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 portion of land. 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.
- (2) Aesthetics and lighting shall conform to the following:
  - (a) 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.

- (b) 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.
- (c) 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.
- (3) 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.
- (4) 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 Florida Building Code requirements 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.
- (5) In addition to the required fee for review, 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.
- (6) 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.

- (7) 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.
- (8) 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.
- (9) All communication towers legally existing on the effective date of this Code may continue in use regardless of whether or not such structures would be authorized under the provisions of this Section. Notwithstanding, antennas may be co-located on nonconforming communication towers and nonconforming communication towers which have been damaged or destroyed beyond 50 percent may be repaired or replaced.
- (10) 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.
- (11) 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.
- (12) 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:
- (a) No existing structures are located within the applicant's search ring.



- (b) Existing structures are of insufficient height to meet the applicant's engineering requirements.
  - (c) Existing structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
  - (d) 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.
  - (e) The fees, costs or other contractual provisions required by the owner of an existing structure for co-location or the engineering costs to adapt an existing structure for co-location are unreasonable. Fees and costs which exceed the costs to design and construct a new communication tower shall be presumed to be unreasonable.
  - (f) Other factors exist that render existing structures unsuitable.
- (13) 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.

*Comment: Section relocated from Section 3.21.04.01. Text added to provide clarity in regulations.*

#### **4.02.15 Craft Breweries, Distilleries, and Wineries**

All craft breweries, distilleries, or wineries which produces alcoholic beverages for consumption on premise or provide retail sales, shall comply with the following requirements:

- (A) All mechanical equipment used in the alcohol production process shall be behind a wall or fence that separates the equipment from any property line abutting a public street other than an alley when viewed along a line perpendicular or radial to such property line. The wall or fence shall be opaque and have a minimum height of six feet.
- (B) Loading and unloading areas shall be provided to the side or rear of the building. Loading and unloading areas shall not be along the front of the building.
- (C) Spent or used grain or similar wastes may be placed outdoors for a period not to exceed 24 hours. The temporary stockpiling for spent or used grain shall be:
  - (1) Clearly shown on a detailed dimensional and labeled drawing that depicts the location of the stockpiled spent grains on the property and the distance of the stockpiled grains from the property lines and the building containing the artisan brewery, distillery, or winery.
  - (2) Located only along the side or rear of the building.
  - (3) Fully enclosed in containers that are behind an opaque wall or fence. The wall or fence shall have a minimum height of six feet. Cargo containers and tractor trailers shall not be utilized for the temporary stockpiling of spent or used grains even if the cargo containers and tractor trailers are behind an opaque wall or fence.

*Comment: New Section added to address craft breweries, distilleries, and wineries.*

#### **4.02.16. Drinking Establishment.**

Reference Section ~~2.28~~ 4.02.04) for regulations regarding Drinking Establishments.

*Comment: Section relocated from Section 3.16.03.04 .*

#### **3.20.01. Drinking Establishment.**

~~Section 2.28 contains the criteria and standards for this use.~~

*Comment: Section relocated from Section 3.20.01 and deleted as it is duplicate language from current 3.16.03.04.*

#### **4.02.17. Farmworker Housing.**

Farmworker housing is provided specifically to house those persons engaged in agricultural labor on Hardee County groves/farms/ranches/dairies. It is recognized that farm labor currently is not limited to housing on groves/farms/ranches/dairies; however, new housing specifically directed at housing farmworkers is established to provide decent, safe, and sanitary accommodations including, but not limited to workers on groves, farms, ranches, and dairies.

Recognizing that differences in employment patterns exist between citrus operations, dairy/ranch operations and truck farming, different types of housing to accommodate the different operations and industries which are most suitable to their operations is necessary. And, since the intent of creating farmworker housing is for farm labor on Hardee County farms, farmworker housing may be located on non-contiguous lands owned by the grove/farm/ranch/dairy which are an integral part of the afore cited operation, farmworkers housed in farmworker housing shall be substantially employed within Hardee County. Conversely, it is not the intent of this section to establish farmworker housing for lease unless leased to entity principally controlled or owned by landowner applicant. Substantially employed as referenced herein shall mean that not less than 51 percent of the work performed shall be within Hardee County, as measured by the industry standard measurement of production. Nothing herein shall prevent the Board of County Commissioners, under its emergency powers, to grant relief from this requirement.

##### **4.02.17.01. Farmworker Housing, Group Quarters.**

A Site Development Plan shall be processed prior to Site Construction Plan approval and building permitting. Farmworker, Group Quarters, housing may consist of single-family detached dwellings, two-family dwellings (duplex) or congregate living dwellings, such as dormitories. Housing density shall not exceed the density permitted within the Agricultural land use category and the A-1 zoning districts. In addition, population density shall not exceed 3.75 persons per gross acre.

- (A) *Locational Criteria:* In addition to being located in Agricultural/A-1 land use/zoning districts, Farmworker, Group Quarters, housing shall be further located as follows:

- ~~(01-)~~ The minimum lot/parcel size shall be 40 acres; the maximum size shall not exceed 100 acres; with maximum population of between 150 and 375 persons, respectively.
- ~~(02-)~~ Parcels shall front publicly-maintained paved roads. The minimum lot frontage width shall be 200 feet, except lots of record. The Board of County Commissioners may grant a variance from the paved road requirement pursuant to the review criteria set forth in Section ~~7.12~~ 9.08.00 of this Code.
- ~~(03-)~~ Housing areas, as measured linearly from property line to property line, shall not be located closer than five miles between each other. The Board of County Commissioners may grant a variance from this distance requirement pursuant to the review criteria set forth in Section ~~7.12~~ 9.08.00 of this Code.

(B) Development Criteria:

- ~~(01-)~~ Housing units shall be clustered on the site to minimize the space on the property used for the housing proposal. Structure separation shall be a minimum of 15 feet; structure setback from property lines shall be a minimum of 300 feet.
- ~~(02-)~~ Structures shall be limited to one story; however, the Board of County Commissioners may grant a ~~variance~~ waiver to permit two-story structures pursuant to the review criteria set forth in section ~~7.12~~ 11.02.00 of this ~~e~~Code.
- ~~(03-)~~ Buffering of the clustered footprint shall be required. Buffering is meant to provide visual and audio screens between the housing area and surrounding properties. Where existing vegetation does not exist, or is impractical to provide, other opaque screens may be considered, including but not limited to masonry walls, PVC fencing, berming, combinations of the described, or other approved buffer.

(C) Structure Criteria:

- ~~(01-)~~ All structures shall comply with the Florida Building Code and related codes (electrical, mechanical, plumbing).

Nothing herein shall prohibit the Planning and Zoning Board from requiring appropriate conditions when considering approval of a

Site Development Plan beyond the requirements set forth herein due to unique site-specific conditions.

#### **4.02.17.02 Farmworker Housing, Resident.**

A Site Development Plan shall be processed prior to building permitting. Farmworker Housing, Resident housing, shall be limited to single-family detached and duplex (two-family) housing structures. Housing density shall not exceed the density permitted within the Agricultural land use category and the A-1 zoning district.

- (A) *Criteria:* In addition to being located in Agricultural/A-1 land use/zoning districts, Farmworker Housing, Resident housing, shall be further located as follows:
01. For single-family dwelling units on parcels less than 20 acres, and/or two-family dwellings (duplex) on 20 or greater acres, compliance with Section ~~7.07.00~~ 9.11.00, Subdivision Regulations.
  02. Where minimum parcel sizes for each housing are 20 acres, said parcels will be denoted/identified on the Site Development Plan with a metes and bounds description of each proposed parcel. The Site Development Plan shall also identify access to each 20-acre tract.

#### **4.02.17.03. Farmworker Housing/H-2A**

Housing for persons working on groves/farms/ranches and not otherwise meeting the above definitions and criteria, and reviewed and permitted by the Hardee County Department of Health (DOH) as migrant housing, said housing, shall be considered by the County as Farmworker Housing, Migrant/H-2A housing. Within the R-3, C-1 and C-2 zoned districts, the housing can be constructed as a dormitory or multi-family style residential development. And, in addition to being limited to the A-1, R-3, C-1, and C-2 zoning districts, housing designated as Farmworker Housing, Migrant/H-2A housing shall also be required to obtain an annual operating permit from the County to ensure compliance with the adopted International Property Maintenance Code as minimum living standards.

*Comment: Section relocated from Section 3.16.01 and subsections*

#### **3.17.05.04. Fertilizer Plant.**

~~The facility shall meet applicable standards for noise, smoke, lighting, and gases established in Section 3.14.00, Performance Standards.~~

*Comment: Section relocated from Section 3.17.05.04 and deleted as all uses must meet performance standards.*

**4.02.18 Flea Market.**

It is the purpose of these standards to provide minimum development guidelines for a flea market, to protect established or permitted uses under ~~these regulations~~ this Code in the vicinity of such a facility, and to protect and promote the orderly growth and development of unincorporated Hardee County.

(A) General Requirements.

Flea Markets shall be permitted only on property fronting on a Principal or Minor Arterial road, with all major points of ingress and egress connecting to that road.

At least one enclosed building of 300 square feet or more in size shall be constructed on the property.

(B) Development Requirements.

(01) *Minimum Lot Size.* An area with a minimum width of 200 feet and minimum depth of 300 feet.

(02) *Setbacks.*

Yard	Setback
Front:	50 feet;
Side:	100 feet if contiguous to property <del>designated</del> <u>zoned</u> for residential use on the <del>Future Land Use</del> <u>Zoning Map</u> ; 30 feet if contiguous to property <del>designated</del> <u>zoned</u> for commercial or industrial use on the <del>Future Land Use</del> <u>Zoning Map</u> ;
Rear:	100 feet if contiguous to property <del>designated</del> <u>zoned</u> for residential use on the <del>Future Land Use</del> <u>Zoning Map</u> ; 30 feet if contiguous to property <del>designated</del> <u>zoned</u> for commercial or industrial use on the <del>Future Land Use</del> <u>Zoning Map</u> .

(03) No more than 40% of the development site shall be covered by tents or structures.

(C) Design Requirements.

- (Ø1) *Lighting.* All lights shall be shielded to focus and direct lighting onto the uses established, and away from adjacent property, but may be of sufficient intensity to discourage vandalism and theft. Reference Section ~~3.14.00~~ 5.12.00, Performance Standards, for applicable glare standards.
- (Ø2) *Fencing.* Where a property line abuts and is contiguous to property zoned for a residence or residential use, a fence no less than six feet in height, of wood, chain link with inserts, masonry, or metal, shall be constructed along the property line. Specifications for the type of fences are as follows:
- (a-) Wood fence: Privacy fence constructed of cypress, redwood, or wood treated for outdoor exposure;
- (b-) Chain link with inserts: Must be of non-corrosive construction; inserts must be maintained so that there are no breaks or gaps; inserts must be metal or plastic;
- (c-) Masonry: Shall be constructed and maintained to present a clean, uniform appearance; or,
- (d-) Metal: Shall be constructed and maintained to present a clean, uniform appearance with no rust and with no gaps showing.
- (Ø3) *Signs.* Signs are permitted according to the standards established in Article 46.
- (Ø4) *Drives.* Drives shall have a smooth, stabilized, and dustless surface.
- (Ø5) *Parking.* Parking shall adhere to the off-street parking standards in Section ~~3.11.00~~ 5.09.00.
- (Ø6) *Landscaping.* Landscaping of vehicle use areas shall be in accordance with Section ~~3.15.00~~ 5.13.00. Landscaping shall be provided in all setback areas according to Figure "D", except where a fence is required.
- (Ø7) *Restrooms.* Restroom facilities shall be provided to adequately serve the customers and vendors anticipated to frequent the flea market in accordance with State standards.

*Comment: Section relocated from Section 3.21.00.*

**4.02.19. - Light Industry: Food Packaging.**

This use shall comply with the General Requirements for Light Industrial Uses listed in Section ~~3.08.09~~ 4.02.25 as well as the below standards.

- (A) Minimum lot size shall be one acre unless in an approved industrial park.
- (B) Structures shall be set back 50 feet from all lot lines.
- (C) Canopy and buffer yards shall be provided in accordance with the standards of Section ~~3.15.00~~ 5.13.07 and Figure "D".
- (D) A six-foot fence must be constructed along the property line adjacent to residential land use in addition to the buffer yard required by Section ~~3.15.00~~ 5.13.07. This fence may be constructed of wood, chain link with inserts, masonry, or metal. Specifications for the type offences are as follows:
  - (Ø1) Wood fence: Privacy fence constructed of cypress, redwood or wood treated for outdoor exposure;
  - (Ø2) Chain link with inserts: Must be of non-corrosive construction; inserts must be maintained so that there are no breaks or gaps; inserts must be metal or plastic;
  - (Ø3) Masonry: Shall be constructed and maintained to present a clean, uniform appearance; or
  - (Ø4) Metal: Shall be constructed and maintained to present a clean, uniform appearance with no rust and with no gaps showing.

*Comment: Section relocated from Section 3.21.03.*

**~~3.17.05.05. Food Processing Plant.~~**

~~The facility shall meet applicable standards for noise, smoke, lighting, and gases established in Section 3.14.00, Performance Standards.~~

*Comment: Section relocated from Section 3.17.05.05 and deleted since all uses must meet performance standards.*

**4.02.20. Freight or Trucking Terminal.**



This use shall conform to the General Requirements for Light Industrial Uses listed in Section ~~3.08.09~~ 4.02.25 in addition to the below standards:

- (A) The terminal must be located on an Arterial or a Major Rural Collector road;
- (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. Adjacent to a residential area a fence is required as described in General Requirements for Light Industrial Uses, Section ~~3.16.08(D)~~ 4.02.23(D);
- (C) Truck parking areas shall be set back at least 20 feet from any property zoned or designated on the Future Land Use Map for commercial or industrial use;
- (D) Mechanical work shall be performed in an enclosed building or screened from general or casual view by landscaping or by a fence as described in General Requirements for Light Industrial Uses, Section ~~3.16.08(D)~~ 4.02.23(D).

*Comment: Section relocated from Section 3.16.07.01.*

#### **4.02.21 Group Care Facilities.**

*Comment: Section title relocated from Section 3.19.00.*

##### **4.02.21.01 Adult Family Care Home.**

Adult Family-Care Home is a full-time, family-type living arrangement, in a private home, under which a person who owns or rents the home provides room, board, and personal care, on a 24-hour basis, for no more than five disable adults or frail elders who are not relatives. The following family-type living arrangements are not required to be licensed as an adult family-care home:

- (A) An arrangement whereby the person who owns or rents the home provides room, board, and personal services for not more than two adults who do not receive optional state supplementation under s. 409.212, F.S. The person who provides the housing, meals, and personal care must own or rent the home and reside therein.
- (B) An arrangement whereby the person who owns or rents the home provides room, board, and personal services only to his or her relatives.
- (C) An establishment that is licensed as an assisted living facility. (429.65, F.S.)

*Comment: New Section added consistent with Florida Statutes.*

**4.02.21.02 ALF: Adult Living Facility.**

- (A) Facility shall be licensed by the State of Florida.

*Comment: Section relocated from Section 3.19.00.*

**4.02.21.03 Foster Home, Group Home, and Halfway House.**

- (A) Facility shall be licensed by the State of Florida.
- (B) No staff shall be employed on a full-time or live-in basis other than the owner/operator of the facility and his/her immediate family members.
- (C) The total number of residents shall not exceed 15, including the owner/operator and immediate family members.

*Comment: Section relocated from Section 2.04.00.*

**4.02.21.04. Group Homes with greater than 15 Persons.**

- (A) The facility shall be licensed by the State of Florida.
- (B) Facilities shall be separated by no less than 1,000 feet, as measured between the closest point of the properties.
- (C) No sign larger than two square feet shall be displayed indicating the purpose or nature of the facility shall be permitted in any residential district in accordance with Article 46 of this Code.
- (D) In addition to parking spaces normally required for a residential dwelling unit, a space shall be provided for each five residents, excluding staff and immediate family members. See ~~Section 3.11.00~~ Section 5.09.00.

*Comment: Section relocated from Section 3.19.02.*

**4.02.21.05. Halfway Home with greater than 15 Persons.**

- (A) The facility shall be licensed by the State of Florida.
- (B) Facilities shall be separated by no less than 1,000 feet, as measured between the closest point of the properties.

- (C) No sign larger than two square feet shall be displayed indicating the purpose or nature of the facility shall be permitted in any residential district in accordance with Article 4 of this Code.
- (D) In addition to parking spaces normally required for a residential dwelling unit, one space shall be provided for each five residents, excluding staff and immediate family members. See Section 3.11.02.

*Comment: Section relocated from Section 3.19.03. Clarification provided regarding Adult Family Care Home.*

#### **4.02.22. Heavy Industry.**

General requirements for all Heavy Industrial Uses:

- (A) Minimum lot size shall be one-half acre;\_
- (B) The buffer yard abutting the right-of-way of a public road shall be a buffer yard "D", ~~see Table 3.15F, Figure D;~~ in Section 5.13.07.
- (C) 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 ~~3.14.00~~ 5.12.00, Performance Standards, for applicable glare and lighting standards;\_
- (D) Stored material shall be completely screened from view by an opaque fence no less than six feet in height in addition to the buffer yard required by Section ~~3.07.00~~ 5.13.07. This fence may be constructed along the property line of wood, chain link with inserts, masonry, or metal. Specifications for the type of fences are as follows:
  - (01) *Wood fence:* Privacy fence constructed of cypress, redwood, or wood treated for outdoor exposure;\_
  - (02) *Chain link with inserts:* Must be of non-corrosive construction; inserts must be maintained so that there are no breaks or gaps; inserts must be metal or plastic;\_
  - (03) *Masonry:* Shall be constructed and maintained to present a clean, uniform appearance; ~~or.~~

- (04) *Metal*: Shall be constructed and maintained to present a clean, uniform appearance with no rust and with no gaps showing.

*Comment: Section relocated from Section 3.16.08.*

**4.02.23. Indoor Gun Range.**

- (A) The facility shall be located in a completely enclosed building.
- (B) The facility shall be adequately soundproof so that no noise from the range shall emanate outside the building in which it is located.
- (C) Construction of the facility shall comply with all local, state, and federal safety specifications required for indoor ranges prior to the issuance of a certificate of occupancy.
- (D) The National Rifle Association (NRA) publication titled "The NRA Range Sourcebook" should be consulted in planning and constructing indoor shooting ranges.
- (E) The National Association of Shooting Ranges (NASR) and the Occupational Safety and Health Administration (OSHA) publication titled "Lead Management and OSHA Compliance for Indoor Shooting Ranges" should be consulted in planning and constructing indoor shooting ranges.
- (F) The facility shall be constructed in such a way so that no bullet or projectile that is fired from within can penetrate the walls, ceiling, or floor of the range.

*Comment: Language relocated from Section 3.16.00.00.*

**4.02.24. ~~Automotive~~ Junkyard.**

The following standards apply:

- (A) Storage of Materials.
- (01) In no case shall material that is not salvageable be buried or used as fill.
- (02) Junkyard operators shall be responsible for compliance with all applicable Federal and State regulations.
- (03) In any open storage area, it shall be prohibited to keep any icebox, refrigerator, deep-freeze locker, clothes washer, clothes dryer, or similar

air-tight unit having an interior storage capacity of 1½ cubic feet or more from which the door has not been removed;

- (04) There shall be no accumulation or storage of materials greater than the height of the fence.
- (B) *Screening.* All junkyards shall comply with the following screening requirements:
- (01) All outdoor storage facilities shall be surrounded by a dirt berm or a fence no less than eight feet in height, of the following choices: wood, chain link with inserts, masonry or metal; which shall be in addition to the buffer yard required by Section ~~3.15.00~~ 5.13.00 shall be constructed along or within 10 feet of the property line. Specifications for the type of fences are as follows:
- (a-) Wood fence: Privacy fence constructed of cypress, redwood or wood treated for outdoor exposure;
- (b-) Chain link with inserts: Must be of non-corrosive construction; inserts must be maintained so that there are no breaks or gaps; inserts must be metal or plastic;
- (c-) Masonry: Shall be constructed and maintained to present a clean, uniform appearance; or
- (d-) Metal: Shall be constructed and maintained to present a clean, uniform appearance with no rust and with no gaps showing.
- (02) Gates at entrance or exit shall be of a material without openings;
- (03) The screen shall be constructed of the same type of material throughout;
- (04) Screens shall be maintained and in good repair at all times.

*Comment: Language relocated from Section 3.17.03.*

#### **4.02.25. Light Industry.**

General requirements for all Light Industrial Uses:

- (A) Minimum lot size shall be one acre unless in an approved industrial park;
- (B) Structures shall be set back 50 feet from all lot lines;

- (C) Canopy and buffer yards shall be provided in accordance with the standards of Section ~~3.15.02~~ 5.13.00 and a buffer yard "D";
- (D) A six-foot fence must be constructed along the property line adjacent to residential land use in addition to the buffer yard required by Section ~~3.15.04~~ 5.13.00. This fence may be constructed of wood, chain link with inserts, masonry, or metal. Specifications for the type of fences are as follows:
- (01) Wood fence: Privacy fence constructed of cypress, redwood or wood treated for outdoor exposure;
- (02) Chain link with inserts: Must be of non-corrosive construction; inserts must be maintained so that there are no breaks or gaps; inserts must be metal or plastic;
- (03) Masonry: Shall be constructed and maintained to present a clean, uniform appearance; or
- (04) Metal: Shall be constructed and maintained to present a clean, uniform appearance with no rust and with no gaps showing.

*Comment: Language relocated from Section 3.16.07.*

#### **~~3.17.05.06. Manufacture of Building Materials.~~**

~~The facility shall meet applicable standards for noise, smoke, lighting, and gases established in Section 3.14.00, Performance Standards.~~

*Comment: Section relocated from 3.17.05.06 and deleted as all uses must meet performance standard requirements.*

#### **~~3.17.05.07. Manufacture or Storage of Explosives.~~**

~~The facility shall meet applicable standards for noise, smoke, lighting, and gases established in Section 3.14.00, Performance Standards.~~

*Comment: Section relocated from 3.17.05.07 and deleted as all uses must meet performance standard requirements.*

**4.02.26. Manufactured/Mobile Home Parks.**

The purpose of this Section is to establish locations suitable for manufactured/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. All manufactured/mobile homes must be tied down, according to the standards set forth in the F.A.C.

The development standards set forth in this Section shall supersede normal development standards applicable in R-2-zoned district.

**Table 3.18-02-01 4.02.26(A) Table of Development Standards  
Manufactured/Mobile Home Park**

Per Tract or Per Unit	Max. Density (units/acre)	Minimum Tract/Lot Size	Minimum Tract/Lot Width	Floor Area of Living Area	Setbacks (feet)			Max. Bldg. Height (feet)
					Front	Rear	Sides	
Per Tract	1–12*	20 acres	150		30	30	30	35
Per Unit	1–12*	4,000 s.f.	0	500 s.f. min.	20	15	7.5	35

\* = Maximum density determined by Future Land Use category.  
Note: 15 feet must be between mobile home units, i.e. 7.5 foot side setback on each side.

(A) *Tract Requirements.* The tract requirements are listed in the Table of Development Standards, Table 4.02.24(A) above, with additional requirements as follows:

(Ø1) Minimum Yard Requirements:

(a-) No manufactured/mobile home or structure shall be placed less than 30 feet from the front property line or 30 feet from other property 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-) Manufactured/mobile homes and structures shall be placed at least 20 feet from the pavement edge of private park roads.

(c-) Each manufactured/mobile home shall be set back 7½ feet from the property line. There shall be a minimum of 15 feet between manufactured/mobile homes and between all other structures. In making an addition to a manufactured/mobile home, a carport or other appurtenant structure, the minimum standard of 15 feet between structures must be met.

(02) *Manufactured/Mobile Home Park Abutting Residential Areas.* Where any property line of a manufactured/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 fence no less than six feet in height, which shall be in addition to the buffer yard required by Section ~~3.15.00~~ 5.13.00. This fence may be constructed of wood, masonry, or metal. Specifications for the type of fences are as follows:

(a-) *Wood fence:* Privacy fence constructed of cypress, redwood or wood treated for outdoor exposure;

(b-) *Masonry:* Shall be constructed and maintained to present a clean, uniform appearance;

(c-) *Metal:* Shall be constructed and maintained to present a clean, uniform appearance with no rust and with no gaps showing.

(d-) All fencing shall be maintained.

(03) *Mobile Home Park Abutting an Agricultural Use Area.* Where a mobile home park abuts an Agricultural use, the park setbacks shall be 30 feet for the front, sides, and rear.

(04) *Mobile Home Park Within an Agricultural Use Area.* From the Hardee County Comprehensive Plan: "Within an Agricultural use area, the approval of residential development shall acknowledge that the protection of agricultural land management activities associated with agricultural uses may be incompatible with residential development. However, such management activities are considered to be an essential element of the protection of successful operations on agricultural lands and the continuation of such activities shall take precedence" in all areas where there is existing agricultural uses or where the Comprehensive Plan Future Land Use Map allows agricultural uses.



(B) Allowable Accessory Uses.

- (Ø1) 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.
- (Ø2) Storage area for boats, RVs, 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.

(C) Other Requirements.

- (Ø1) *Ownership.* Mobile home parks may not be platted or otherwise divided by fee simple ownership unless it is platted per subdivision requirements; the sale of interests or memberships on a condominium basis is not permitted, unless it is platted per subdivision requirements. All facilities, including roads, shall be privately owned or owned in common by residents of the park, and shall not occupy parcels of land which are deeded separately from the rest of the park. Hardee County shall not be responsible for maintenance and/or repair of common facilities within a mobile home park.
- (Ø2) *Parking.* See Section ~~3-11.00~~ 5.09.00, Off-Street Parking Requirements.
- (Ø3) *Common Open Space.* An area comprising ten percent of the development site or five acres, whichever is less, shall be set aside as open space as defined in Article 9.
- (Ø4) *Hurricane Shelter.* Each mobile home park must provide one or more buildings to houseguests in a permanent building in the event of a hurricane, at a rate of 20 square feet 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 Florida 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 percent of the total park population.

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

(05) *Internal Streets.* All Internal streets are to be paved with an asphalt or concrete surface. Road surfacing shall meet the following minimum width requirements:

~~(a-)~~ One-way travel: 12 feet; or

~~(b-)~~ Two-way travel: 20 feet.

(06) *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.

(07) *Sanitary Connections.* Each park shall be provided with individual connections to each vehicle site in the park or connected to an on-site sewage disposal system or available public system, in accordance with design and construction requirements as established by the State of Florida.

(08) *Electrical and Gas Systems.* Each park shall be provided with an electrical or gas system, which shall be installed and maintained in accordance with applicable codes and regulations.

~~(09) *Nonconformities.* No new mobile home spaces or lots may be added to an existing mobile home park 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 7.16.00.~~

*Comment: Deleted and Relocated to Article 11.*

~~(109)~~ *Site Development Plan.* No manufactured/mobile homes, structures or facilities shall be installed or constructed until a Site Development Plan meeting the requirements of Section ~~7.06.00~~ 9.10.00 of this Code has been submitted to and approved by the Planning and Zoning Board. All improvements, regardless of timing or project phasing, shall be substantially consistent with the approved Site Development Plan.

Where an existing mobile home park has no Site Development Plan, such a plan shall be prepared and submitted to the Planning and Zoning Department and approved by the Planning and Zoning Board prior to the addition, improvement, rearrangement or replacement of park facilities or mobile homes.

*Comment: Section relocated from Section 3.18.01.01*

#### **4.02.27. Manufactured/Mobile Home, Single Family Unit**

A single-family residential mobile home unit or manufactured home unit is permitted in this district provided that a permanent underpinning/skirting of masonry construction or a permanent underpinning/skirting that matches in color and material the exterior of the mobile home unit or the manufactured home unit, and for new and used units the roof has a minimum 2.5:12 pitch and for already-in-the-County units the roof has a minimum 2:12 pitch. All standards of the Florida Building Code must be met.

*Comment: Manufactured home unit language relocated from Article 2 under several zoning districts and combined.*

#### **~~3.16.07.02. Mining: 1 acre/year or Less.~~**

~~See definition in Article 9.~~

*Comment: Section relocated from Section 3.16.07.02 and deleted because reference is not needed as it is outlined in the Definitions as stated.*

#### **~~3.17.06. Mining: Greater than 1 Acre/Year.~~**

~~The standards and criteria of Section 3.14.03 et seq. shall apply.~~

*Comment: Section relocated from Section 3.17.06 and deleted because reference is included on the Table of Uses.*

#### **4.02.28. 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~~ this Code in the vicinity of such a facility.

No storage bay or unit in a mini-warehouse shall be used as a place of business by persons renting storage space, and no Certificate of Completion shall be approved for the property other than that of the mini-warehouse owner/operator.

No mini-warehouse shall be used as a place of residence or as a storage location for hazardous materials.

(A) Development Site Requirements.

(Ø1) *Minimum Lot Size.* An area not less than 20,000 square feet with a minimum width of 100 feet and a minimum depth of 200 feet.

(Ø2) Setbacks.

<u>Location</u>	<u>Requirement</u>
Front:	35 feet.
Side:	40 feet if contiguous to property <del>designated</del> <u>zoned</u> for residential use on the <del>Future Land Use</del> <u>Zoning</u> Map.
	10 feet if contiguous to property <del>designated</del> <u>zoned</u> for commercial or industrial use on the <del>Future Land Use</del> <u>Zoning</u> Map.
Rear	40 feet if contiguous to property <del>designated</del> <u>zoned</u> for residential use on the <del>Future Land Use</del> <u>Zoning</u> Map. 20 feet if contiguous to property <del>designated</del> <u>zoned</u> for commercial or industrial use on the <del>Future Land Use</del> <u>Zoning</u> Map.

(Ø3) *Maximum Lot Coverage.* No more than 40% of the development site shall be covered by structures.

(B) Design Standards.

(Ø1) *Lighting:* All lights shall be shielded to focus and direct light onto the uses established, and away from adjacent property, but of sufficient intensity to discourage vandalism and theft. See Section ~~3.14.00~~ 5.12.00, Performance Standards, for applicable glare and lighting standards.

(Ø2) *Fencing:* A fence must be constructed along the property line adjacent to residential land use In addition to the buffer yard required by Section ~~3.15.00~~ 5.13.00. This fence may be constructed of wood, chain link with inserts, masonry, or metal. Specifications for the type of fences are as follows:

- (a-) *Wood fence:* privacy fence constructed of cypress, redwood, or wood treated for outdoor exposure;
  - (a-) *Chain link with inserts:* must be of non-corrosive construction; inserts must be maintained so that there are no breaks or gaps; inserts must be metal or plastic;
  - (c-) *Masonry:* Shall be constructed and maintained to present a clean, uniform appearance; or
  - (d-) *Metal:* Shall be constructed and maintained to present a clean, uniform appearance with no rust and with no gaps showing.
- (03) *Signs:* See Article 46.
- (04) *Landscaping:* Landscaping shall be provided in all required setback areas according to the standards of Section ~~3.15.00~~ 5.13.00.
- (05) *Parking:* See Section ~~3.11.00~~ 5.09.00, Off-Street Parking Requirements.
- (06) *Pavement:* Each access to an individual storage unit must be paved with 10 feet by 20 feet apron.

*Comment: Section relocated from Section 3.16.03.05.*

#### ~~3.22.18.02. Museum.~~

~~Special Exception approval is required in A-1 zoned district.~~

*Comment: Section relocated from Section 3.22.18.02 and deleted because this information is included in the Table of Uses.*

#### **4.02.29. Nursing Home Facility.**

- (A) For parking requirements, see Section ~~3.11.00~~ 5.09.00.
- (B) Facility shall be licensed by the State of Florida.
- (C) Facilities shall be separated by no less than 1,000 feet, as measured between the closest points of the properties.

- (D) No sign larger than two square feet shall be displayed indicating the purpose or nature of the facility shall be permitted in any residential district, in accordance with Article 46.
- (A) In addition to parking spaces normally required for a residential dwelling unit, one space shall be provided for each five residents, excluding staff and immediate family members. See Section ~~3.11.02~~ 5.09.00.

*Comment: Section relocated from Section 3.19.04.*

#### **~~3.17.05.08. Processing of Raw Materials.~~**

~~The facility shall meet applicable standards for noise, smoke, lighting, and gases established in Section 3.14.00, Performance Standards.~~

*Comment: Section relocated from Section 3.17.05.08 and deleted because all uses must meet the performance standards.*

#### **~~3.22.18.04. Recreation/Conservation Uses: Rifle or Archery Range.~~**

~~Special Exception approval is required in A-1 zoned district.~~

*Comment: Section relocated from Section 3.22.18.08 and deleted because there are no conditions included.*

#### **4.02.30 Recirculating Farms (Hydroponics, Aquaculture, and/or Aquaponics)**

A site plan must be submitted for review. The screening of outdoor activities from adjacent properties must be provided in all districts except A-1, FR-2.5, FR-2, and FR. Accessory uses include greenhouses, lighting and climate control systems, irrigation equipment, and storage facilities for water and the nutrient mediums. This use is also allowed in the PUD zoning district.

*Comment: New Section added to address recirculating farms.*

#### **4.02.31. Recreation, Outdoor, Commercial.**

- (A) Property shall be at least one acre in size.
- (B) No outdoor commercial recreation facility shall be located within 300 feet of any existing residences or property designated for residential use on the Future Land Use Map of Hardee County. This distance shall be measured from the boundary of the property on which the proposed outdoor recreation enterprise would be located.

- (C) 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.
- (D) Outdoor recreation activities shall be subject to applicable Performance Standards provided in Section ~~3.14.00~~ 5.12.00.
- (E) No building, mobile home, trailer, vehicle, or mechanical equipment shall be located within 50 feet of any property line.

*Comment: Section relocated from Section 3.16.05.02.*

~~**3.21.01. – Recreation, Outdoor, Commercial.**~~

- ~~(A) Property shall be at least one acre in size.~~
- ~~(B) No outdoor commercial recreation facility shall be located within 300 feet of existing residences or property designated for residential use on the Future Land Use Map of Hardee County. This distance shall be measured from the boundary of the property on which the proposed outdoor recreation enterprise would be located.~~
- ~~(C) 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.~~
- ~~(D) Outdoor recreation activities shall be subject to applicable Performance Standards provided in Section 3.14.00.~~
- ~~(E) No building, mobile home, trailer, vehicle, or mechanical equipment shall be located within 50 feet of any property line.~~

*Comment: Section relocated from Section 3.21.01 and deleted as it is a duplicate of 3.16.05.02.*

**4.02.32 – Recreational Resort.**

~~3.23.01.01. – Recreational resort.~~

It is the purpose of these standards to provide minimum development guidelines for a Recreational Resort designed to accommodate Recreational Vehicles, tents and cabins in a campground setting which may be located to chance the enjoyment of leisure time

activities on a temporary basis. These provisions are intended to protect established or permitted uses in the vicinity of such a Recreational Resort, and to protect and promote the orderly growth and development of the County. Recreational Resort activities are recognized as a significant tourist-attracting hospitality industry.

(A) *General Requirements.* Recreational Resorts shall be permitted with approval of a Special Exception in A-1-zoned districts only with a corresponding Future Land Use Designation of Agriculture.

(B) *Allowed and Prohibited Uses.* All permitted uses will be defined as part of the Special Exception approval, both in the record of decision and on the master site plan; the following are the intended base uses.

~~(1-)~~ Primary Allowed Uses.

~~(a-)~~ Campsites for tents, travel trailers and recreational vehicles and cabins,

~~(b-)~~ Community recreational facilities,

~~(c-)~~ Fish camps with camping or with cottage facilities may have boat rentals, bait sales, etc., and

~~(d-)~~ Agricultural Uses.

~~(2-)~~ Service Buildings and Facilities.

~~(a-)~~ Management offices, repair shops and storage areas,

~~(b-)~~ Sanitary facilities,

~~(c-)~~ Laundry facilities,

~~(d-)~~ Indoor recreation areas.

~~(3-)~~ Recreational Resorts do not have to provide hurricane shelters. All visitors are to evacuate in the event of a natural disaster such as a hurricane.

~~(4-)~~ Accessory Uses.

~~(a-)~~ Storage area for boats, RVs, and other types of vehicles that exceeds 30 feet in length. Storage area is for the use of Recreational Resorts residents only, and shall be fenced with a fence no less than



six feet in height, which shall be in addition to the buffer yard required by Section ~~3-15.00~~ 5.13.00. Specifications for the type of fences are as follows:

- (1) *Wood fence*: Privacy fence constructed of cypress, redwood or wood treated for outdoor exposure;
  - (2) *Chain link with inserts*: Must be of non-corrosive construction; inserts must be maintained so that there are no breaks or gaps; inserts must be metal or plastic;
  - (3) *Masonry*: Shall be constructed and maintained to present a clean, uniform appearance; or
  - (4) *Metal*: Shall be constructed and maintained to present a clean, uniform appearance with no rust and with no gaps showing.
- ~~(5-)~~ *Fires and Incinerator Facilities*. All outdoor cooking, campfires 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.
- ~~(6-)~~ Recreational Resort Owner or Operator Residence.
- ~~(a-)~~ One single-family residence, or a manufactured home for Recreational the Resort owner or operator;
  - ~~(b-)~~ Storage buildings for Recreational Resort owner's equipment and supplies.
- ~~(7-)~~ Prohibited Uses.
- ~~(a-)~~ Park Model trailers;
  - ~~(b-)~~ General retail;
  - ~~(c-)~~ Bulk propane sales;
  - ~~(d-)~~ Any length of stay over six months or farmworker housing of any length.

(C) 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.

**Table 3.18.01.01 4.02.32(A)**  
**Table of Development Standards**

<u>Per Tract or Per Unit</u>	<b>Maximum Density (units per acre)</b>	<b>Minimum Tract/Lot Size</b>	<b>Minimum Tract/Lot Width/Length (feet)</b>	<b>Setbacks</b>		
				<b>Front</b>	<b>Rear</b>	<b>Sides</b>
Per Tract/Project Area	1	20 acres	150/200	25	25	25
Per Unit/Unit Area	5	1200 s.f.	20/40	10	15	15

(D) *Tract Requirements.* The tract requirements are listed in the Table of Development Standards, Table 4.02.01(A) above, with additional requirements as follows:

- (1) The tract shall have at least 75 feet of frontage on a paved road;
- (2) The minimum width of the tract shall be 150 feet at the front building setback line;
- (3) Where any property line of a Recreational Resort abuts land either zoned for residential use or occupied by a residential use, there shall be provided and maintained along or within 10 feet of said property line a fence no less than six feet in height, which shall be in addition to the buffer yard required by Section ~~3.15.00~~ 5.13.00. Fences shall meet the specifics as defined in this section, and shall be maintained in good condition to ensure functionality;
- (4) Where a Recreational Resort abuts an agricultural use or zoning, the tract setbacks shall be 30 feet on the front, sides, and rear.

- (5) *Vegetative Buffering and Fencing.* A combination of vegetative buffering and fencing will be required as deemed appropriate for site conditions. These requirements will be partially based on the provisions in Section ~~3.15.00~~ 5.13.00 of this Code.
- (E) *Unit Area Requirements.* The individual RV/unit requirements are listed in the Table of Development Standards, Table 4.02.01(A) above, with additional requirements as follows:
- (1) For the purpose of determining recreational 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 Recreational Resort road shall be 15 feet;
  - (3) Each recreational 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 a Recreational Resort.
  - (5) Tents.
    - (a-) Each tent shall be erected or placed on a site not less than 30 feet by 40 feet in area, clearly defined by markers at each corner;
  - (6) Cabins.
    - (a-) Each cabin shall be erected or placed on a site not less than 30 feet by 40 feet in area, clearly defined by markers at each corner, and

no cabin used for temporary living or sleeping quarters shall be less than 280 square feet.

(b-) Each cabin shall meet the applicable standards contained in the Florida Building Code.

(F) *Recreation and Open Space Requirements.* There shall be provided within a Recreational Resort at recreational and open space areas consistent with Comprehensive Plan requirements for the Agricultural land use.

(1) At least one area designed for recreational use that is easily accessible from all vehicle sites. The size of such recreation area shall not be less than 10% of the entire tract area. Recreation area is defined as a specific area dedicated to active or passive recreation activities.

For purposes of this section such activities could include shuffleboard courts, tennis courts, basketball courts and the similar facilities or resource based activities such as equestrian or agricultural uses such as community gardening. Consideration will be given to site specific conditions such as but not limited to the proximity of public recreational facilities, the number of RVs, tents and cabins etc. when specifying the type and size of required facilities.

(2) The following planning controls shall establish the total open space requirements which includes the aforementioned recreational area requirements:

(a) Developments of four units or less are not required to retain open space except as otherwise required in this ~~Comprehensive Plan~~ or Unified Land Development Code;

(b) Developments in excess of four units but less than 20 units shall retain a minimum of 50% of the project site as open space, and shall be clustered or otherwise developed as suitable for the site to protect agricultural areas, wetlands, native vegetative communities and wildlife habitats;

(c) Development of 20 units or more shall retain a minimum of 80% of the project site as open space, and shall be clustered or otherwise developed as suitable for the site to protect agricultural areas, wetlands, native vegetative communities and wildlife habitats.

(G) *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 that shall be well drained.
  - (2) *Access.* Access to a Recreational Resort 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 Recreational Resort 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.
    - (b-) Each Recreational Resort 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 shall have a hard, stabilized surface acceptable to the County Engineer. Road surfacing shall meet the following minimum width requirements:
    - (a-) One-way travel: 12 feet; or
    - (b-) Two-way travel: 20 feet.
  - (4) *Off-Street Parking and Maneuvering Space.* Parking for visitors, towed and towing vehicles shall be provided consistent with Section ~~3.11.00~~ 5.09.00, Off-Street Parking/Loading requirements.
- (H) Utilities.
- (1) *Watering Stations.* Each Recreational Resort 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.
  - (2) *Sanitary Facilities.* The type of sanitary facilities shall be determined by the composition of RVs, cabins, and tents indicated in the Special Exception application.

- (a) RVs Central Facilities dumping or connection facilities shall be provided in accordance with design and construction requirements as established by the Department of Health.
  - (b) Each Recreational Resort where cabins, tents, or RV's without self-contained facilities are erected or placed and where private conveniences for each site or cottage are not provided, shall provide, at locations herein defined, toilets, urinals, wash basins, slop basins, showers or baths, water faucets or spigots in accordance with the following:
    - (c) Buildings shall be well lighted at all times, day or night, well ventilated with screened openings and constructed of such moisture-proof material as shall permit rapid and satisfactory cleaning, scouring and washing.
  - (3) *Electrical and Gas Systems.* Each Recreational Resort shall be provided with an electrical or gas system, which shall be installed and maintained in accordance with applicable codes and regulations.
- (I) Refuse Handling.
- (1) *General.* The storage, collection, and disposal of refuse (garbage, ashes, and rubbish) in a Recreational Resort 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 weekly.
- (J) Permit Procedures and Requirements.
- (1) *Site Approvals.* Any applicant for the required permits to establish, construct, alter or extend a Recreational Resort in Hardee County shall first request and receive approval of a Special Exception in accordance with the provisions of Section ~~7.13.00~~ 9.08.00 of this Code and a Site Development Plan.
  - (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 Recreational Resort from the Hardee County Health Department and the State of Florida in accordance with the requirements of appropriate agencies.

(K) Other Requirements.

- (1) *Ownership.* Recreational Resorts may not be platted or otherwise divided by fee simple ownership while actively operating. All facilities, including roads, shall be privately owned and shall not occupy parcels of land which are deeded separately from the rest of the Recreational Resort. Hardee County shall not be responsible for maintenance and/or repair of common facilities within a Recreational Resort.
- (2) It shall be the duty of the owner, his/her agent or manager to keep a register of all persons accommodated in the Recreational Resort, such register to include the names of all persons, home addresses, the number and description of his/her automobiles or other vehicles; to prescribe rules and regulations for the management of the Recreational Resort; to make adequate provisions for the enforcement of such rules; and to subscribe to and adopt such general rules and regulations which may be hereafter adopted for the management of such Recreational Resort.
  - (a-) Provide for regular inspection of the water and the sanitary conveniences;\_
  - (b-) Provide for the collection and removal of garbage or other waste material;\_
  - (c-) Prohibit the placing or enclosed storage of unsightly material or vehicles of any kind;\_
  - (d-) Provide for the regular cleaning, painting, repairing and disinfecting of all buildings;\_
  - (e-) Take such other measures as may be deemed to be necessary by the County and State to preserve the health, comfort and safety of all persons residing in the Recreational Resort and of the general public;\_
  - (f-) Cause each dog, cat or other pet animal to be kept under control at all times, either being tied, leashed or confined in a proper, humane enclosure;\_

- ~~(g-)~~ Report to the County and State all cases of communicable disease or suspected cases of communicable disease affecting any guest of the Recreational Resort;
  - ~~(h-)~~ Report immediately to the public authority all acts of disorderly character committed by any person inside the Recreational Resort;
  - ~~(i-)~~ See that copies of standard rules and regulations shall be prepared and posted in conspicuous locations throughout the Recreational Resort.
- (L) *{Signage Requirements.}* Recreational Resorts shall have signage criteria determined during the Special Exception process with guidance from Article 4 of this code and the following standards:
- (1) No sign within 50 feet of a property line;
  - (2) Signage limited to ground signs;
    - ~~(a-)~~ No ground sign to exceed 6 six feet in overall height above ground;
  - (3) No internally illuminated signage;
  - (4) No off-site signs permitted;
  - (5) The number of signs per project shall be determined by the size, road frontage, road classification, surrounding land uses and other factors as determined during the approval process.

*Comment: Section relocated from Section 3.23.01.01; Title 3.23.01 deleted since it is duplicative.*

#### **4.02.33. Recreation Vehicle (RV) Parks and RV Campgrounds.**

It is the purpose of these standards to provide minimum development guidelines for an RV Park and an RV Campground designed only to accommodate the RV. For the purposes of this ordinance, an RV Park is defined as a development in which RV's, and/or "park model" RV's or 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 or Campground, and to protect and promote the orderly growth and development of the County.



- (A) *General Requirements.* The Special Exception standards of this Section shall apply to both RV Parks and Campgrounds.

An RV Park or Campground meeting the required design and compatibility standards shall accommodate the traveling public for a defined maximum time period associated with the specialized seasonal vacation and transient characteristics of such development, in contrast to the more permanent and extended stay characteristics of an RV Park and a Mobile Home Park.

- (B) Environmental Requirements.
  - (01) *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.
  - (02) *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.
  - (03) *Drainage Requirements.* Surface drainage plans for the entire tract shall be reviewed by appropriate County staff, who shall determine whether the proposed plan is compatible with the surrounding existing drainage pattern and any relevant drainage plan of the site area or Hardee County, prior to approval of a Special Exception and issuance of building permits. No permit shall be issued in such instance where the County finds the plan to be incompatible with surrounding areas.

**Table ~~3.18.001.02~~ 4.02.33.01(A)**  
**Table of Development Standards**  
**RV Park or Campground**

<u>Per Tract or Per Unit</u>	<b>Max. Density (units/acre)</b>	<b>Minimum Tract/Lot Size</b>	<b>Minimum Tract/Lot Width (feet)</b>	<b>Setbacks (feet)</b>		
				<b>Front</b>	<b>Rear</b>	<b>Sides</b>
Per Tract	15	20 acres	150/200	25	25	25
Per Unit	15	1200 s.f.	20/40	10	5	5

- (C) *Tract Requirements.* The tract requirements are listed in the Table of Development Standards, Table ~~3.18.01.024.02.33.01(A)~~ 4.02.33.01(A) above, with additional requirements as follows:
- (01) The tract shall have at least 75 feet of frontage on a paved Principal Arterial, Minor Arterial, Major Collector or Minor Collector roadway, as designated on the Future Traffic Circulation Map of the Hardee County Comprehensive Plan;
  - (02) The minimum width of the tract shall be 150 feet at the front building setback line;
  - (03) Where any property line of a RV Park or 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 10 feet of said property line a fence no less than six feet in height, which shall be in addition to the buffer yard required by Section ~~3.15.00~~ 5.13.00. This fence may be constructed of wood, chain link with inserts, masonry, or metal. Specifications for the type of fences are as follows:
    - (a-) *Wood fence:* Privacy fence constructed of cypress, redwood or wood treated for outdoor exposure;
    - (b-) *Chain link with inserts:* Must be of non-corrosive construction; inserts must be maintained so that there are no breaks or gaps; inserts must be metal or plastic;
    - (c-) *Masonry:* Shall be constructed and maintained to present a clean, uniform appearance; or
    - (d-) *Metal:* Shall be constructed and maintained to present a clean, uniform appearance with no rust and with no gaps showing.
  - (04) Where an RV Park or Campground abuts an agricultural use, the tract setbacks shall be 30 feet on the front, sides, and rear.
- (D) *Vehicle Site Requirements.* The individual site requirements are listed in the Table of Development Standards, Table ~~3.18.02.02(A)~~ 4.02.33.01(A) above, with additional requirements as follows:
- (01) 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;

- (02) The minimum distance between RVs shall be ten feet at the rear and sides. The minimum distance between an RV and any structure shall be ten 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 ten feet;
  - (03) Each vehicle site shall be clearly defined by a permanent marker, constructed of a durable material such as masonry or metal;
  - (04) 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. Such additions to "park model RVs" and RVs may be permitted in an RV Park, so long as they meet all required setbacks and all other requirements of this Code.
- (E) *Recreation and Open Space Requirements.* There shall be provided within a RV Park or 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 10 percent of the entire tract area.
- (F) *Street System and Off-Street Parking Requirements.*
- (01) *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 that shall be well drained.
  - (02) *Access.* Access to a RV Park or 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 parking areas shall be through such entrances and exits.
    - (a-) The entrance to each RV Park or 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.

- (b-) Each RV Park or 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.
  
- (03) *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; or
  - (b-) Two-way travel: 20 feet.
  
- (04) *Off-Street Parking and Maneuvering Space*. See Section ~~3-11-00~~ 5.09.00, Off-Street Parking Requirements.
  
- (G) Utilities.
  - (01) *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.
  
  - (02) *Watering Stations*. Each RV Park or 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.
  
  - (03) *Sanitary Connections*. Each RV Park or Campground shall be provided with individual connections to each vehicle site in the RV Park or Campground connected to an on-site sewage disposal system or available public system, in accordance with design and construction requirements as established by the State of Florida.
  
  - (04) *Electrical and Gas Systems*. Each RV Park or 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.
  - (01) *General*. The storage, collection, and disposal of refuse (garbage, ashes, and rubbish) in a RV Park or 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.

(02) *Location.* All refuse shall be stored in watertight, fly-proof, rodent-proof containers, which shall be located within 500 feet or reasonable proximity of any site, as approved by the Board of County Commissioners.

(03) *Collection.* All refuse containing garbage shall be collected at least twice weekly.

(I) Service Buildings and Facilities.

(01) *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.~~

(02) *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 or Campground, which provides vehicle sites for dependent vehicles. Service buildings shall be located within a reasonable proximity for all of the sites to be served, as approved by the Board of County Commissioners.

~~(03) Reserved.~~

(043) *Service Facilities in Connection with Other Businesses.* When an RV Park or 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.

(054) *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.

- ~~(065)~~ *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.
- (01) *Site Development Plan.* Any applicant for the required permits to establish, construct, alter or extend an RV Park or Campground in Hardee County shall first request and receive approval of a Special Exception in accordance with the provisions of Section ~~7.13.00~~ 9.08.00 of this Code.
- (02) *Health and Sanitation Permit.* After receipt of required land use approvals, applicant shall then apply and receive a health and sanitation permit for the proposed RV Park or Campground from the Hardee County Health Department and the State of Florida in accordance with the requirements of appropriate agencies.
- (03) *Building Permit.* Upon completion of (A) and (B) above, application shall be made to the Building Department for the building permit to construct, alter, or extend an RV Park or Campground in accordance with the provisions of this Section. Before issuing a building permit for the construction, alteration or extension of an RV Park or Campground, the Building Director shall determine that all applicable review procedures and standards required under this Code have been satisfactorily met.
- (K) Accessory Uses.
- (01) An allowable accessory use is the storage of RV units. However, no RV may be stored in any tract setback area.
- (02) Storage area for boats, RVs, 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 with a fence no less than six feet in height, which shall be in addition to the buffer yard required by Section ~~3.15.00~~ 5.13.00. This fence may be constructed of wood, chain link with inserts, masonry, or metal. Specifications for the type of fences are as follows:
- ~~(a-)~~ Wood fence: Privacy fence constructed of cypress, redwood or wood treated for outdoor exposure;

- ~~(b-)~~ Chain link with inserts: Must be of non-corrosive construction; inserts must be maintained so that there are no breaks or gaps; inserts must be metal or plastic;
  - ~~(c-)~~ Masonry: Shall be constructed and maintained to present a clean, uniform appearance; or
  - ~~(d-)~~ Metal: Shall be constructed and maintained to present a clean, uniform appearance with no rust and with no gaps showing.
- (L) Other Requirements.
- (Ø1) *Ownership.* RV Campgrounds may not be platted or otherwise divided by fee simple ownership unless it is platted per subdivision requirements; the sale of interests or memberships on a condominium basis is not permitted, unless it is platted per subdivision requirements. All facilities, including roads, shall be privately owned, or owned in common by residents of the campground, and shall not occupy parcels of land which are deeded separately from the rest of the campground. Hardee County shall not be responsible for maintenance and/or repair of common facilities within a campground.

*Comment: Section relocated from Section 3.18.01.02.*

#### **4.02.34. Recycling Center, Indoor.**

Facilities shall be subject to the following requirements:

- (A) All processing activities, as well as associated machinery or equipment, shall be located inside a permanent enclosed 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.

*Comment: Section relocated from Section 3.16.03.06.*

#### **4.02.35. Recycling Collection Center, Outdoor.**

Recycling "center" in this context refers to a collection point for glass, paper, newspaper, cardboard, aluminum cans, plastic containers and/or wood for woodchips. No processing shall be allowed and no collection of hazardous materials shall be allowed. Storage of

materials must be in an approved storage container that is watertight, child-proof, and sanitary.

*Comment: Section relocated from Section 3.16.05.03.*

### **~~3.21.02. Recycling Collection Center, Outdoor.~~**

~~Recycling Center in this context refers to a collection point for glass, paper, newspaper, cardboard, aluminum cans, plastic containers and/or wood for woodchips. No processing shall be allowed and no collection of hazardous materials shall be allowed. Storage of materials must be in an approved storage container that is watertight, child-proof and sanitary.~~

*Comment: Section relocated from Section 3.21.02 and deleted as it is a duplicate of Section 3.16.05.03.*

### **4.02.36. Recycled Materials Processing Center.**

This use shall conform to the General Requirements for Light Industrial Uses listed in Section ~~3.08.09~~ 4.02.25 in addition to the below standards:

- (A) All processing activities and associated machinery or equipment not located inside an enclosed structure shall be screened from general or casual view by a six-foot solid wall;
- (B) All recycled materials stored outdoors, either before or after processing shall be screened from general or casual view by a six-foot solid wall;
- (C) Structures shall be set back 40 feet from all lot lines;
- (D) 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;
- (E) Truck parking areas shall be set back at least 20 feet from any property zoned or designated on the Future Land Use Map for commercial or industrial use.

*Comment: Section relocated from Section 3.16.07.03.*

### **4.02.37. Restaurant.**

All parking must be off-street See Section ~~3.11.02~~ 5.09.00.

*Comment: Section relocated from Section 3.16.03.07.*



**3.20.02. Restaurant.**

All parking must be off street. See Section 3.11.00.

*Comment: Section relocated from Section 3.20.02 and deleted as it is a duplicate of Section 3.16.03.07.*

**4.02.38. Restaurant, Drive-Thru (and Other Drive-Thru Establishments).**

The following standards shall apply to all drive-through facilities, including but not limited to restaurants, banks, drug stores, car washes, and dry cleaners.

- (A) All vehicular stacking areas associated with drive through facilities shall be set back at least thirty (30) feet from adjacent residential zoning/uses.
- (B) Drive through drive aisles shall be screened from adjacent residential zoning/uses by a six (6) foot solid fence and landscaping equal to sixty (60) percent opacity on the outside of the fence.
- (C) On-site traffic circulation shall be designed in such a manner so that no cars are stacked on any rights-of-way, drive aisle or blocking any parking or loading space.
- (D) Each stacking lane shall have a minimum width of nine (9) feet. Each stacking space shall have a minimum length of nineteen (19) feet.
- (E) All drive-through facilities shall provide a by-pass lane, or safe means of egress around drive-through lanes, unless waived by the Planning Director due to specific mitigating site or operational conditions.
- (F) One-way drive aisles which serve automobile-oriented uses may be reduced to eight (8) feet in width when adequate access for emergency vehicles is provided to the principal entrance of the building by other drives and when not encroaching upon a fire lane or walkway.

*Comment: New section to address Drive-thru establishments.*

**4.02.39. Sales or Minor Storage of Propane Gas.**

This use shall conform to the General Requirements for Light Industrial Uses listed in Section ~~3.08.09~~ 4.02.25 in addition to the below standards:

Storage area must be a minimum of 20 feet from any property line and 20 feet from any structure on-site and comply with National Fire Protection Association (NFPA) standards.

*Comment: Section relocated from Section 3.16.07.04.*

**Sec. 4.02.40. Sales/~~r~~Repair of ~~h~~Heavy ~~e~~Equipment.**

~~A special exception approval is required for sites located in all three of the following areas: Agricultural Future Land Use, the A-1 zoned district, and the Mining Overlay of the adopted comprehensive plan. A special exception approval is also required for sites located in the C-2 zoned district.~~

~~In addition to the applicable regulations in Article 3, ~~t~~~~ The following standards shall apply to the sale/repair of heavy equipment use:

~~(a)~~ (A) Development Requirements

- (1) Minimum lot size shall be five acres in the A-1-zoned district and two acres in the C-2-zoned district.
- (2) All new sites shall have frontage along a principal or minor arterial road; however, when adjacent to a collector or local road shall access the roadway of lesser classification as defined by the Hardee County Comprehensive Plan's Future Traffic Functional Classification Map.
- (3) Direct access to principal or minor arterial shall only be allowed with approval by the county engineer and the Florida Department of Transportation.
- (4) All new sites accessing a collector or local roadway that is substandard due to pavement width shall increase the pavement width to 24 feet in both directions and equally on both sides of the road along the existing roadway right-of-way for a distance as specified by the county engineer.
- (5) When abutting a residential district or use, all equipment display and/or storage shall be setback a minimum of 50 feet from the property line. However, this distance may be reduced with increased buffering and screening as determined by the board of county commissioners.
- (6) All vehicle/equipment repair structures shall be set back a minimum of 100 feet when abutting a residential district or use. However, this distance may

be reduced with increased buffering and screening as determined by the board of county commissioners.

(b) Design Requirements.

- (1) A six-foot fence must be constructed along the property line adjacent to a residential district or use in addition to the buffer yard required by Section ~~3.15.00~~ 5.13.00. This fence may be constructed of wood, chain link with inserts, masonry, or metal. Specifications for the type of fences are as follows:
  - (a-) *Wood fence*: Privacy fence constructed of cypress, redwood or wood treated for outdoor exposure;
  - (b-) *Chain link with inserts*: Must be of non-corrosive construction; inserts must be maintained so that there are no breaks or gaps; inserts must be metal or plastic;
  - (c-) *Masonry*: Shall be constructed and maintained to present a clean, uniform appearance; or,
  - (d-) *Metal*: Shall be constructed and maintained to present a clean, uniform appearance with no rust and with no gaps showing.
- (2) Any security lighting provided shall be directed away from and not radiate on adjacent properties or any roadway.
- (3) All heavy machinery equipment repairs shall be conducted within an enclosed structure.
- (4) All facilities shall be maintained so as not to create environmental or health hazards that pose a threat to ground or surface water quality, air quality, wildlife, or humans. Used tires and worn out batteries may not be stored onsite and all fluids shall be drained from inoperable vehicles or equipment stored for parts or salvage purposes.
- (5) Equipment storage and display areas may be left unpaved provided they are surfaced and maintained to provide a durable, dust-free surface and provide adequate drainage facilities for disposal of all collected surface water. Surfacing materials may include, but are not limited to, pavement, granite gravel, or pervious paving materials as approved by the County Engineer. Paved drive aisles shall be provided for internal circulation from the parking areas to public or private roadways.

*Comment: Section relocated from Section 3.24.00.*

**4.02.41. Service Station/Minor Automotive Repair.**

- (A) *Site—Service Station.* The minimum frontage on an Arterial or Collector road shall be 150 feet. The minimum area of service station development site shall be 15,000 square feet. 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 square feet.

*Site—Truck Stop.* Development site shall be at least two acres in size, and shall have no less than 150 feet of frontage on an Arterial roadway. Mechanical work shall be limited to minor automotive repairs as defined in Article 914.

- (B) *Service Area.* Service areas shall be provided as follows:

(01) *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 area;

(02) *Curb.* At the property line, face each street side of the service area which is not included in a driveway with a concrete vertical curb 6" wide by 13" deep with a top six inches above the finished pavement grade except where a transition is made to driveway;

(03) *Equipment.* Pits, hoists, and all lubricating, washing, and repair equipment and workspace shall be enclosed within an approved sand and grease trap, drainfield and dry well, in accordance with all State standards;

(04) *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;

(05) *Truck Parking Areas—Truck Stop.* Truck parking areas shall be set back at least 50 feet from any property zoned or designated on the ~~Future Land Use~~ Zoning Map for residential use.

- (C) *Bulk Storage.* Liquid petroleum fuels shall be stored in accordance with applicable State standards. No loading or unloading of freight shall be permitted on the site.
- (D) *Structures.* Structures shall conform to the following standards:
- (Ø1) *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 10 feet from interior property lines. A canopy overhead shall not project more than 10 feet from the canopy vertical supports;
  - (Ø2) *Pump Islands.* Pump islands shall be set back a minimum of 25 feet from any property line;
  - (Ø3) *Exterior Lighting.* Exterior lighting fixtures shall cast no glare beyond a property line.
- (E) *Outdoor Display.* Outdoor display shall be limited to the following:
- (Ø1) Racks containing cans of lubricating oil may be displayed on each service island;
  - (Ø2) 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;
  - (Ø3) One stationary storage cabinet may be located no more than four feet from the wall of the main structure, excluding vending machines;
  - (Ø4) The display of standards, banners, flags, and any sign not specifically authorized by this Code 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.
  - (Ø5) 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, the drainage shall be in accordance with Section ~~3.13.00~~ 5.11.00, Stormwater Management.

- (F) *Shopping Centers.* One service station may be constructed at a shopping center provided all other requirements of this Section are met.
- (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 square feet of land over 15,000 square feet 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 square feet of lot area is provided for each rental vehicle and/or trailer.

Storage of vehicles that are used for parts or that are stored in connection with a wrecker or towing service have a maximum accumulation time of two months.

*Comment: Section relocated from Section 3.16.04.01.*

#### **4.02.42. Sewage Disposal Facility.**

~~A Site Development Plan is required in I-2 zoned district.~~

- (A) All facilities or disposal activities, including spray equipment and over-land flow areas, shall be set back no less than 100 feet from all lot lines.
- (B) Property shall be screened from outside view by vegetative buffer areas. See Section ~~3.15.04~~ 5.13.00.
- (C) Facility shall meet all applicable standards of the State of Florida.

*Comment: Section relocated from Section 3.16.09.01; Reference removed as site development plans are required for all development.*

#### **4.02.43. Shopping Center (Less than 250,000 s.f.).**

It is the purpose of these standards to provide minimum development guidelines for a shopping center of less than 250,000 square feet of gross leasable area (SFGLA). These provisions are intended to protect established or permitted uses in the vicinity of such a shopping center and to protect and promote the orderly growth and development of Hardee County.

## (A) Development Site Requirements.

(Ø1) *Minimum Lot Size.* An area not less than 50,000 square feet with a minimum frontage of 300 feet.

(Ø2) Setbacks.

<u>Yard</u>	<u>Setback Requirement</u>
Front:	35 feet;
Side:	40 feet if contiguous to property designated for residential use on the <del>Future Land Use</del> <u>Zoning Map</u> .
	20 feet if contiguous to property designated for commercial or industrial use on the <del>Future Land Use</del> <u>Zoning Map</u> ;
Rear:	50 feet if contiguous to property designated for residential use on the <del>Future Land Use</del> <u>Zoning Map</u> . 30 feet if contiguous to property designated for commercial or industrial use on the <del>Future Land Use</del> <u>Zoning Map</u> .

(Ø3) *Maximum Lot Coverage.* No more than 30% of the development site shall be covered by structures.

## (B) Design Standards.

(Ø1) *Lighting:* All lighting shall be shielded to focus and direct lighting onto the uses established, and away from adjacent property, but of sufficient intensity to discourage vandalism and theft. See Section 3.14.00, Performance Standards, for applicable glare and lighting standards.

(Ø2) *Fencing:* Where a property line abuts and is contiguous to any residential land use classification, a fence no less than six feet in height, which shall be in addition to the buffer yard required by Section ~~3.15.00~~ 5.13.00. This fence may be constructed of wood, chain link with inserts, masonry, or metal. Specifications for the type of fences are as follows:

(a-) Wood fence: Privacy fence constructed of cypress, redwood or wood treated for outdoor exposure;

(b-) Chain link with inserts: Must be of non-corrosive construction; inserts must be maintained so that there are no breaks or gaps; inserts must be metal or plastic;

- (c-) Masonry: Shall be constructed and maintained to present a clean, uniform appearance; or
- (d-) Metal: Shall be constructed and maintained to present a clean, uniform appearance with no rust and with no gaps showing.
- (03) *Signs*: See Article ~~46~~, ~~Section 4.04.01~~.
- (04) *Landscaping*: Landscaping shall be provided in all required setback areas according to the standards of Section ~~3.15.00~~ 5.13.00.
- (05) *Parking*: See Section ~~3.11.00~~ 5.09.00, Off-Street Parking Requirements.
- (06) *Off-Street Loading*: There shall be a minimum of one off-street loading space for each 25,000 SFGLA in the center.
- (07) *Road Frontage*: Road frontage must have direct access onto an Arterial or Collector road.
- (08) *Driveway*: No driveway shall be closer than 60 feet to a Collector road and 60 feet to an Arterial road that adjoins at an intersection.

*Comment: Section relocated from Section 3.20.03.*

#### **4.02.44. Shopping Center (250,000+ s.f.).**

It is the purpose of these standards to provide minimum development guidelines for a shopping center of greater than 250,000 s.f. of gross leasable area (SFGLA). These provisions are intended to protect established or permitted uses in the vicinity of such a shopping center and to protect and promote the orderly growth and development of Hardee County.

##### (A) Development Site Requirements.

- (01) *Minimum Lot Size*. An area not less than 550,000 square feet, with a minimum frontage of 1,000 feet.
- (02) *Setbacks*.



<u>Yard</u>	<u>Setback Requirement</u>
Front:	75 feet
Side:	50 feet if contiguous to property designated for residential use on the <del>Future Land Use</del> <u>Zoning Map</u> .
	30 feet if contiguous to property designated for commercial or industrial use on the <del>Future Land Use</del> <u>Zoning Map</u> .
Rear:	75 feet if contiguous to property designated for residential use on the <del>Future Land Use</del> <u>Zoning Map</u> .
	40 feet if contiguous to property designated for commercial or industrial use on the <del>Future Land Use</del> <u>Zoning Map</u> .

(03) *Maximum Lot Coverage.* No more than 27% of the development site shall be covered by structures.

(B) Design Requirements.

(01) *Lighting:* All lights shall be shielded to focus and direct lighting onto the shopping center, and away from adjacent property, but may be of sufficient intensity to discourage vandalism and theft. Reference Section ~~3.14.00~~ 5.12.00, Performance Standards, for applicable glare and lighting standards.

(02) *Fencing:* Where a property line abuts and is contiguous to any residential land use classification, a six-foot solid face masonry wall, in addition to required buffer yards, shall be constructed along, or within 10 feet, of the property line.

(03) *Signs:* See Article ~~46~~, ~~Section 4.04.01~~.

(04) *Landscaping:* Canopy and buffer yards shall be provided in accordance with the standards of Section ~~3.15.00~~ 5.13.00.

(05) *Parking:* There shall be a minimum of 5.5 parking spaces per 1,000 SFGLA.

(06) *Off-Street Loading:* There shall be a minimum of one off-street loading space for each 25,000 SFGLA in the center.

*Comment: Section relocated from Section 3.17.02.*

**4.02.45. Slaughterhouse.**

- (A) Adequate containment must be provided on the site in accordance with State and Federal Standards.
- (B) Disposal of by-products must be done on the site. Containment must be adequate to control all unpleasant odors from escaping the site.
- (C) Must be set back at least 100 feet from any property line; must not be located within 1,000 feet of a residence or residentially zoned area.

*Comment: Section relocated from Section 3.17.05.09.*

**4.02.46. Solar Power Generation Facility.**

- (A) Generally. All solar equipment and devices shall comply with Florida law and shall be certified by the Florida Solar Energy Center. The regulations imposed herein are not intended to prohibit or have the effect of prohibiting the installation of energy devices based on renewable resources pursuant to F.S. § 163.3205.
- (B) Design standards. The following provisions are intended to facilitate the commercial generation and distribution of solar power within the County. The Table of Uses, outlines the zoning districts where solar power generation facilities are allowed.
  - (1) Types of Solar Panels. The solar panels shall be ground mounted and may be fixed mount or solar tracker.
  - (2) Minimum lot size. The minimum lot size shall be ten (10) acres.
  - (3) Placement. The devices that capture energy and convert it to electricity shall not be placed in wetlands, environmentally sensitive resources, or habitats, imperiled and critically imperiled habitats as defined by the Florida Natural Areas Inventory, and buffers.
  - (4) Setbacks. All solar panels and related equipment shall be setback a minimum of 50 feet from all property lines and shall comply with all applicable right-of-way setbacks. On-site power lines and interconnections to electrical grids shall be placed underground where feasible. Transmission lines and supporting poles necessary to move electricity off-site are excluded from this requirement.
  - (5) Height. The maximum height allowed for all equipment associated with the solar power generation facilities shall be limited to 15 feet in height, excluding

transmission lines, supporting poles, and communication equipment. Solar panel height is measured when the panels are tilted to the design degree that creates the greatest overall height. All other structures shall conform with principal structure height requirements of the zoning district.

- (6) *Fencing.* Physical access to a solar power generation facility shall be restricted by fencing or walls. The security fence shall be a minimum height of six feet high and a maximum of eight feet high. When immediately adjacent to single and multi-family residential uses, community uses and commercial uses, opaque fencing shall be required. All fencing and wall details shall be shown on the site plan.
- (7) *Impervious Surfaces and Landscaping.* Solar panels associated with solar power generation facilities are considered pervious if configured to promote sheet flow of stormwater from panels and natural stormwater infiltration into the ground beneath the panels. The solar panels are not subject to lot coverage restrictions or canopy tree landscaping requirements. Solar power generation facilities must meet the buffering requirements of Section 3.07.04 of this code. However, walls, fences, and berms (or a contribution thereof) a minimum of six feet in height throughout the buffer may be installed to reduce the buffer width and planting requirements by 50%.
- (8) *Glare Reduction.* Where ground mounted solar panels face abutting residentially developed or zoned parcels or public roadways, the panels shall be made of glare reducing materials.
- (9) *Emergency access and response.* Reasonable accessibility for emergency service vehicles shall be provided and noted on the site plan. An emergency response plan including access routes, documents, schematics, and important contacts and other technical material must be submitted to the County.
- (10) *Internal access roads.* Internal access roads are not required to meet the street design standards of Section 5.02.02 but must provide sufficient capacity to serve emergency vehicles as established in the emergency response plan.
- (11) *Maintenance.* Solar panels and associated equipment shall be maintained in proper working order and shall not be allowed to enter a state of disrepair.
- (12) *Abandonment.* A solar power generation facility shall be considered abandoned after a one-year period without energy production. The property owner shall be responsible for removing all energy production and transmission equipment and appurtenances within 120 days of abandonment.

- (13) Utility Coordination. Prior to site plan approval, the applicant shall submit proof of notice to the utility company that operates the power grid where the solar power generation facility will be located of the intent to develop an interconnected power generation facility. Prior to site construction plan approval, the applicant shall submit proof of an executed interconnection agreement with the utility or other written proof of an agreement with the utility that construction can proceed.

*Comment: Language added to address Solar Power generation facilities.*

#### **4.02.47. Townhouses.**

All construction of townhouses is subject to the following conditions:

- (A) *Approval.* Townhouses shall be approved for a specific site only if:
- (Ø1) The proposed site shall be adequately served by all private, public, or tie into existing utilities and adequate streets; and
  - (Ø2) The proposed site is of such size and proportions so as to be adaptable to townhouse development in accordance with the site development standards and requirements of this Section.
- (B) Site Development Standards.
- (Ø1) *Lot Area Requirements.* Where townhouses are proposed for development upon existing platted lots or within a proposed subdivision of conventional lot and block design, the minimum area for townhouse development shall be that area comprising all lots within a block fronting upon a single street, provided that the minimum frontage area may be reduced to a minimum of 100 lineal feet.  
  
Where townhouse development is proposed as a unit with common parking and open areas provided, the minimum gross site area shall be one acre.
  - (Ø2) *Curved Frontage.* Where a lot fronts on a cul-de-sac or other curved right-of-way, there shall be no less than 12 feet of frontage, as measured along the arc of the curve.
  - (Ø3) Individual Lot Requirements.

<u>Specific</u>	<u>Requirement</u>
Minimum lot area:	1,800 square feet
Minimum width:	18 feet
Front yard minimum depth:	15 feet
Rear yard minimum depth:	30 feet

Exception: Front yard having a minimum depth of 20 feet shall have a rear yard with a minimum depth of 25 feet.

- (04) *Density*. No less than three dwelling units and no more than nine dwelling units shall be contiguous. No more than two contiguous units shall be built in a row with the same or approximately the same front line. No contiguous unit or series of units shall be more than 162 feet in length without provision for space between units.
- (05) *Minimum Difference in Building Line Setback*. The minimum difference in building line setback to provide variation shall be two feet.
- (06) *Setback Between Buildings*. No portion of a townhouse or accessory structure in or related to one group of contiguous townhouses shall be closer than 20 feet to any portion of a townhouse or accessory structure related to another group, or to any building outside the townhouse area. A side yard having a minimum width of 10 feet shall be provided adjacent to any public right-of-way, except that no structure may be located within 40 feet of the centerline of any public road.
- (07) *Minimum Floor Area of a Unit*. Five hundred square feet.
- (08) *Maximum Building Height from Final Ground Level of Building*. Thirty-five feet.
- (09) *Off-Street Parking Requirements*. See Section ~~3.11.00~~ 5.09.00, Off-Street Parking Requirements.
- (10) *Common Areas*. Townhouse development of 20 or more dwellings shall have common open areas suitably developed for recreation purposes, not including parking lots, equal to 300 square feet per dwelling. Said requirement shall apply whether or not actual construction and/or development is carried out by units or sections having less than 20 dwellings.

- (11) *Accessory Structures:* Clubhouse, laundry, swimming pool, hurricane shelter, convenience store (no gasoline sales), and other shared facilities for the common use of the residents of a development.
- (C) *Private Garage or Carport.* A private garage or carport may be free-standing; constructed as part of the main building; or, be attached to the main building by a covered passage. It must conform to the architectural style of the project.
- (D) *Sign Advertising a Vacant Unit or Lot.* No sign exceeding nine square feet in area shall be permitted.
- (E) *Consistent Design Standards.* No change may be made to the originally approved architectural style.

*Comment: Section relocated from Section 3.16.02.02.*

**3.17.07.01. Transmission Lines.**

~~Lines of greater than 250 KW must be set back 500 feet from a residence in all districts.~~

*Comment: Section relocated from Section 3.17.07.01 and deleted as it is removed from the Table of Uses.*

**4.02.48. Utility Substation.**

- (A) Facility shall be surrounded by a fence at least six feet in height to deter unauthorized entry. Barbed wire may be placed on top for safety.
- (B) All structures and/or equipment shall be set back not less than 15 feet from all property lines. Canopy and buffer yards shall be provided in accordance with the standards of Section ~~3.15.00~~ 5.13.00 and a buffer yard "D".

*Comment: Section relocated from Section 3.16.09.02.*

**3.22.18.03. Vocational/Technical School.**

~~Special Exception approval is required in F-R- and A-1-zoned districts.~~

*Comment: Section relocated from Section 3.22.18.03; Deleted as information is included on the Table of Uses.*

**4.02.49. Wastewater Residuals and Domestic Septage.**

*Comment: Section Title relocated from Section 3.22.00.*

**4.02.49.01. Intent and Purpose.**

- (A) To provide a mechanism to promote a more efficient and effective method of regulating land spreading of domestic wastewater residuals, and industrial residuals, and to ensure protection of the public health, safety, and welfare.
- (B) To protect against the creation of a public nuisance through improper handling and disposal of domestic wastewater residuals and industrial residuals.
- (C) To ensure County control over the domestic wastewater residuals, and industrial residuals land application areas.
- (D) To ensure that proper pre-treatment of domestic wastewater residuals, and industrial residuals is occurring prior to land application, thereby protecting the land, water, and environment in general.

*Comment: Section relocated from Section 3.22.01.*

**4.02.49.02. Adoption of State and Federal Rules by Reference.**

The following rules, as may be renumbered or re-designated from time to time, are hereby adopted by this reference as fully as if set forth herein as Hardee County's regulatory standards governing the application and disposal of residuals, and sludges except to the extent modified by this Section:

- (A) F.A.C. Chapter 62-640;
- (B) F.A.C. Chapter 62-660;
- (C) F.A.C. Chapter ~~64E-6~~ 62-6;
- (D) 40 CFR, Part 503 Federal Regulation.

*Comment: Section relocated from Section 3.22.02.*

**4.02.49.03. Definitions.**

- (A) Definitions shall be as set forth in Rules 62-640 and 62-660, F.A.C., ~~64E-6~~ 62-6, F.A.C., and 40 CFR, Part 503, Federal Regulations, or as adopted under this Section. To the extent of a conflict or inconsistency, the

following shall prevail. References to the Department of Environmental Protection ("the Department") and the Secretary of the Department of Environmental Protection ("the Secretary") within Chapters 62-640 and 62-660, F.A.C., shall be construed to refer to the Hardee County Planning and Development Division. Specific definitions are included in Article 14.

*Comment: Section relocated from Section 3.22.03(A); reference to definitions in Article 14 added.*

#### **4.02.49.04. Exemptions.**

The following shall be considered exempt from this Section:

- (A) Any transportation of domestic wastewater residuals only on the site of a wastewater treatment plant.
- (B) Any land spreading of domestic septage, chemical portable toilet sludge, holding tank sludge and food service sludge which is permitted by the Department of ~~Health and Rehabilitative Services~~ Environmental Protection under Rule ~~64E-6-62-6~~.
- (C) Land spreading of vegetable waste for purposes of feeding livestock.

*Comment: Section relocated from Section 3.22.04.*

#### **4.02.49.05. Prohibited Acts.**

- (A) The land spreading of residuals, or any solid wastes, except as provided herein.
- (B) The land spreading of residuals, or any materials whatsoever, that may be toxic or hazardous in nature, or which may include substances considered as hazardous waste, hazardous materials, or toxic waste.
- (C) The land spreading of residuals in areas used for food crops.
- (D) The land spreading of untreated, improperly treated, or unstabilized residuals inconsistent with an approved DEP permit, or residuals generated from a facility not permitted under Chapter 62-620, F.A.C.
- (E) The land spreading of residuals in areas other than improved pasture, or for any reason(s) other than agricultural enhancement or bona fide agricultural purposes.



- (F) The land spreading of residuals or materials in such a manner as to potentially create point source(s) or non-point source(s) of pollution.
- (G) The application of domestic wastewater residuals which do not meet at least Class B pathogen reduction requirements and vector attraction reduction requirements of 40 CFR, Part 503 or similar requirements of Chapter 62-640 F.A.C. may be applied.
- (H) Land spreading of wastewater residuals and septage shall be prohibited between the hours of 8:00 p.m. and 6:00 a.m., except for scheduled maintenance operations at a wastewater treatment plant (WWTP) or emergency conditions as determined by the WWTP owner or operator. Written notification by the Owner/Manager of a WWTP of the need to engage in land spreading activity during prohibited hours as a result of a scheduled maintenance event shall be provided to the Planning and Development Division 72 hours prior to the maintenance event. In the event of an emergency condition, verbal notification of the need to land spread during prohibited hours, shall be provided to the Planning and Development on the next working day, followed by written notice within 72 hours.
- (I) The co-mingling of domestic septage, chemical/portable toilet sludge, holding tank sludge, food service sludge, or domestic wastewater residuals together with hazardous wastes, industrial residuals, air treatment sludges or water treatment sludges, and land spreading such mixtures on land within Hardee County is prohibited.
- (J) No person may cause, allow, or permit the discharge of air pollutants that cause or contribute to an objectionable odor or a sanitary nuisance as a result of any operation by any person regulated by this Section.

*Comment: Section relocated from Section 3.22.05.*

**4.02.49.06. Land Spreading Permit Required.**

- (A) Any person who intends to land spread domestic wastewater residuals for agricultural purposes, including, but not limited to, air treatment sludges and/or water treatment sludges, in Hardee County, shall first obtain a permit for such activity from the Planning and Development Division. Such permit may be revoked or denied for failure to comply with any of the requirements of this Section. Approval of a permit shall be contingent upon the applicant adequately providing the following minimum

information. Hardee County shall not be responsible for any errors or omissions pertaining to the information provided:

- (01) Location map of the proposed land spreading site(s).
- (02) Most recent aerial photo available at a scale of 1" = 200', no more than five years old, of each or all land spreading sites, with overlay, or separate drawing/graphic, depicting and delineating spreading site(s), setbacks, and the locations and aerial extents of wetlands, wells, floodplain boundaries, hydric soils, roads, entrance points, signage, residences, and other features, as relevant.
- (03) Proof of permission from property owners, or their agent, to accept industrial or domestic wastewater residuals on the site and their signature on the application accepting the conditions set forth in this Section.
- (04) The results of a soil analysis of specific land spreading sites within the property, conducted by a County approved testing laboratory within six months prior to permit application. At a minimum, the analysis will adhere to the following: (a) an array of soil samples/cores the type, number, and locations of which to be determined by the County and the USDA-NRCS, and; (c) analysis of said samples for pH, lime requirement, Phosphorus, Potassium, Calcium, Magnesium, Copper, Zinc, Sodium, Boron, Molybdenum, Nitrate, Sulfate, and Iron, and any additional parameter which may be required to develop a conservation plan.
- (05) An approved USDA-NRCS Conservation Plan for the parcel of land to be permitted for land spreading of residuals. If the permittee is unable to obtain the required conservation plan from the NRCS with a reasonable time period, Hardee County may be petitioned for an extension in order to meet the plant requirements.
- (06) The permittee is required to submit a repeat soil analysis, as specified in subsection (04) above, on an annual basis to Hardee County and to the USDA-NRCS for monitoring of the total nutrient management plan for the project.
- (07) Best Management Practices (BMPs) are encouraged, to the extent that they are not inconsistent with the provisions herein.

- (08) Transport routes, points of ingress and egress to the spreading site, and an estimate of the number of daily truck trips to the land spreading site.
- (09) Classes of residuals to be land spread, the land spreading rates for each land spreading area.
- (10) Agriculture Use Plan, as required in Chapter 62-640, F.A.C.
- (11) A copy of the written request for modification of the wastewater treatment facility's current FDEP operation or construction permit.
- (12) The permanent location and address of the business where transporting/land spreading operations will originate and where equipment is stored when it is not in use.
- (13) Certification by the lead operator, licensed in the State of Florida, documenting the ability of each wastewater treatment plant to achieve the minimum residuals stabilization levels required by Chapter 62-640, F.A.C. and 40 CFR, Part 503.
- (14) Certification by the lead operator that the wastewater residuals have been properly treated and stabilized, according to Rule 62-640, F.A.C. and 40 CFR, Part 503.
- (15) Proof that required residuals sampling and analyses, as specified in Rule 62-640, F.A.C., are being performed during periods of representative waste stream flow into the wastewater treatment plant. Non-representative flows include extended low flow periods during the off-season and other similar situations.
- (16) A surety bond in the amount of one million U.S. dollars, payable to Hardee County, for the purpose of correcting any environmental damage or public health threat caused by the permit holder.
- (17) All vehicles used to transport and/or apply residuals in Hardee County must be registered with the Planning and Development Division. Additional vehicles must be registered within 30 days of purchase or use in the County.
- (18) The applicable permit fees and registration fees.

- (19) The proposed land spreading must comply with all zoning requirements of the Hardee County Unified Land Development Code.
- (B) The County permit number, along with the company name, address, and telephone number shall be prominently displayed on the tank portion of the service truck in three-inch tall or larger letters. The County permit number and the vehicle's identification number shall be located on both sides and rear of the vehicle. If the service truck is used for both residuals and septage/related waste hauling, the Department of ~~Health and Rehabilitative Services~~ Environmental Protection's truck identification number shall also become Hardee County permit number (if requested by the permittee). This identification signage must be permanently applied to the vehicle(s). Signage must be a contrasting color to the vehicle color.
- (C) The permit shall not be transferable.
- (D) All land spreading sites whether new or existing must comply with this Section.
- (E) The term for each permit issued shall be for one year. A permittee must submit an application for renewal at least 30 calendar days prior to the expiration of the valid permit. However, even in the event that this Section is repealed in whole or in part, any permit issued hereunder for bona fide agricultural uses shall remain in effect until the expiration of the term of the permit.
- (F) The applicant shall allow the Planning and Development Division or designated enforcement officer to inspect the proposed land spreading site(s) for compliance with all applicable rules and regulations prior to an initial permit becoming effective and at all times during the life of the permit. All discrepancies must be corrected prior to permit approval.
- (G) Whenever a permit applicant is denied an initial permit or permit renewal or permittee has had a valid permit revoked, the applicant may appeal to the Hardee County Board of County Commissioners. A written appeal must be filed with the Planning and Development Division within 30 days of denial of the permit. The applicant or permittee must set forth in the written appeal reasons why the permit should not have been denied or revoked.

- (H) Permit applicants requesting multi-application-area approvals: All proposed residuals application areas located on contiguously-owned property may be considered as one site for application purposes.
- (I) Completed forms as listed in Chapter 62-640, F.A.C., may be submitted as part of the required information to obtain a land spreading permit.

*Comment: Section relocated from Section 3.22.06.*

#### **4.02.49.07. Permit Application Review and Issuance.**

Upon determination that a received application is complete, the Planning and Development Division shall have 60 working days to approve, approve with conditions, or deny the permit application. The Planning and Development Division shall have authority to impose specific conditions in a permit which are necessary to mitigate potential environmental impacts associated with the application activity.

Specific conditions may include, but are not limited to:

- (01) Setbacks exceeding the minimums as required in Section ~~3.22.09~~ 4.02.471.09 of this Section;
- (02) Limitation of land application based on soil types, aquifer recharge potential, pollutant transport (migration) risks, historical groundwater table levels or fluctuations, or other potentially sensitive environmental factors;
- (03) Setbacks from residences where it has or can be proven to cause objectionable odors and/or nuisances injurious to health;
- (04) Limitations on types of agricultural practices;
- (05) Any other conditions determined to be reasonable and necessary by the Planning and Development Division.

*Comment: Section relocated from Section 3.22.07.*

#### **4.02.49.08. Modifications to Permits.**

The permittee shall notify the Planning and Development Division, in writing, of any significant changes anticipated to operations in Hardee County prior to the fact, except for emergencies. The Planning and Development Division will then

decide whether a permit modification will be required. A written notification of operational changes due to an emergency must be submitted to the Planning and Development Division immediately.

*Comment: Section relocated from Section 3.22.08.*

**04.02.49.09. Land Spreading Site Requirements.**

- (A) Land spreading is permitted for necessary and bona fide agricultural purposes only.
- (B) Each permittee/property owner must endeavor to restrict access to the land spreading site(s) by the use of "No Trespassing" signs as required by this Section, suitable fencing or other effective means.
- (C) The maximum rate of application on any permitted site shall not exceed Hardee County's acceptable safe standards for approved land spreading applications as determined by the Board of County Commissioners.
- (D) All setback areas shall be vegetated with non-wetland vegetation, and not consists, in whole or in part, of bare ground.
- (E) Residuals shall be incorporated into the soil within 48 hours of application. Class B residuals must be incorporated within 24 hours. The stockpiling of residuals is prohibited. The testing of untreated residuals on a regular basis, the testing of soils prior to land spreading, and the regular testing of soils after treatment, shall be used to assist in monitoring compliance with the provisions of this Section, and to determine the appropriateness of the agricultural enhancement programs.
- (F) At access points on each road along the site perimeter, signs shall be posted stating:

"NO TRESPASSING - LAND SPREADING OF DOMESTIC WASTEWATER RESIDUALS/SEPTAGE".

The lettering on these signs shall be at least two inches high and of a contrasting color to the sign background.

- (G) A permittee may not land spread residuals within the following minimum setbacks:

SURFACE FEATURE	DISTANCE FEET	
	Class A/AA	Class B
Class 1 waterbody or Outstanding Florida Water (OFW)	1,500	1,500
Any river, stream or tributary	1,000	1,000
Any other surface water, including wetlands, except non-jurisdictional canals or non-jurisdictional, temporary, man-made waterbodies used for irrigation that are located entirely within the site and which will not discharge from the site at any time	Ø200	Ø500
Floodplains (100-Year Floodplain)	Ø200*	Ø500
Any public potable water supply well	1,000	1,000
Any public private water supply well	Ø500**	1,000
Any irrigation well	Ø100	Ø500
Any building occupied by the general public	Ø500	1,000
Any occupied or habitable residence	Ø500**	1,000
The nearest property line	Ø500***	1,000
Any public right-of-way easement	Ø500	1,000

\* The 200' setback may be reduced to 100' if residuals are injected into soil or a conservation plan is provided pursuant to Chapter 62-640, F.A.C.

\*\* The setback may be reduced to 300' with an approved written waiver granted by the County Manager/designee. Said waiver must contain letters of agreement for such reduction from affected property owners, and said waiver shall be prepared in such a form as to be acceptable for recording in the public records of Hardee County, Florida.

\*\*\* Setback may be waived by the County Manager/designee if property within 500' is similarly permitted or has received written permission to reduce setbacks from all of the property owners whose property is located within the 500' setbacks. Where any conflict or conflicts in the application of required setbacks exist, the greater distance shall apply.

*Comment: Section relocated from Section 3.22.09.*

#### **4.02.49.10. Vehicle Registration Requirements.**

All vehicles used to transport and/or apply residuals to land in Hardee County shall be registered with the Planning and Development Division.

*Comment: Section relocated from Section 3.22.10.*

**4.02.49.11. Permit Fees.**

Permitting fees shall be established by resolution.

*Comment: Section relocated from Section 3.22.11.*

**4.02.49.12. Reporting Requirements.**

- (A) Residuals transporters and applicators shall submit transporting/application records to the Planning and Development Division on a quarterly basis (due on April 15, July 15, October 15 and January 15 of each year), documenting the following:
- (01) Source, classification, and volume of residuals transported/land applied;
  - (02) Date, time and place (site and speeding zones) of application, including dates of spreading and incorporation;
  - (03) Transport routes within Hardee County;
  - (04) Weather conditions at time of application;
  - (05) Water table measurement below land surfaces, as determined by the use of monitoring wells or piezometers at representative locations on the site(s) unless the seasonal high water table can accurately be determined as greater than two feet below ground surface by use of the USDA Soil Survey of Hardee County Florida;
  - (06) Truck identification and registration number;
  - (07) Transporter's name;
  - (08) Transporter's signature;
  - (09) Method of incorporation;
  - (10) Non-use of application site.
- In addition, an annual summary of the total amount of residuals applied to each site and spreading zone shall be provided, with an annual update to the agricultural use plan, by the 1st of March for operations during the prior calendar year.
- (B) ~~INCIDENT REPORTING~~ Incident Reporting



The following shall be required in the event of an incident involving the transporting, handling, or disposing of wastes regulated by this Section:

- (01) The transporter, applicator, or generator responsible for creating a defined incident situation, shall immediately report the fact to the Hardee County Emergency Management Department and Planning and Development Division and local Public Health Office. Incidents occurring after hours or on weekends shall be reported immediately to Hardee County Emergency Management Department.
- (02) An attempt shall be made to contain the spilled material and reduce the number of pathogenic organisms by application of lime or other suitable biocide to the spilled waste material.
- (03) Begin cleanup and removal of spilled waste material as soon as possible.
- (04) Submit a written report of the incident within seven working days to the Planning and Development Division. This report shall include the following minimum information:
  - (a) The name and address of the responsible person(s);
  - (b) Action taken to mitigate the incident;
  - (c) The final disposal site for the waste material;
  - (d) The cause of the incident;
  - (e) Location of incident;
  - (f) Location of all water supply wells within 100 feet of the incident site;
  - (g) Agency name and name of person incident was reported to.

*Comment: Section relocated from Section 3.22.12.*

#### **4.02.49.13. Monitoring and Inspection.**

Soil sample analysis shall be obtained from an independent testing agency by Hardee County, and reported and submitted in writing by the testing agency on a semi-annual basis to Hardee County Planning and Development Division while the permit is in effect and at termination of spreading operations. All soil sample analyses costs shall be borne by the permit-holder.

Land spreading residuals of AA classification are exempt from semi-annual site testing and termination site testing but are subject to random testing. The County shall have right of entry for purposes of ascertaining compliance with this Section, and the County shall have the right to perform any additional monitoring and testing for purposes of ascertaining compliance with this Section. All costs of additional monitoring, testing and inspections shall be borne by the permit-holder.

*Comment: Section relocated from Section 3.22.13.*

#### **4.02.49.14. Forms.**

Standard forms utilized by the Florida Department of Environmental Protection ~~or the Florida Department of Health and Rehabilitative Services~~, as amended, may be submitted when completed to satisfy certain requirements of this Section. Any information required by this Section that is not contained within such forms shall be submitted separately.

*Comment: Section relocated from Section 3.22.14.*

#### **4.02.49.15. Enforcement and Penalties.**

The Code Enforcement Officer may issue a Notice of Violation per violation/incident and/or issue a Cease and Desist Order for:

- \* Any violation of this Section,
- \* An act of fraud,
- \* Misrepresentation with respect to the application or permit,
- \* ~~v~~Violation of conditions imposed pursuant to the permit for any site where work has commenced and a permit has not been obtained, but is required by applicable agency (ies), or other good cause.

The property owner and Lessee, if any, is responsible for monitoring the residual spreading for compliance with this Section.

Any person receiving such an order for cessation of operations shall immediately comply with the requirements thereof. It shall be a violation of this Section for any person to fail to or refuse to comply with a Cease and Desist Order issued and served under the provision of this Section.

Any person who is a recipient of a Cease and Desist Order and/or a Notice of Violation may appeal to the Special Master. A written appeal must be filed with the Planning and Development Division within 10 days of receipt of the Notice of Violation and/or Cease and Desist Order. The recipient must set forth in the written appeal reasons why the Cease and Desist Order and/or the Notice of Violation should be rescinded.

In the event of appeal by the alleged violator, the Special Master shall hold a quasi-judicial hearing at which it shall take evidence and witnesses. The alleged violator shall be given written notice of the hearing no less than 10 days prior to the hearing, and each side shall be given the right to be heard and to present evidence and witnesses. The Special Master, upon finding of violation may impose fines up to \$25,000.00 per incident against the operator/spreader, which shall include any and all administrative costs associated with the incident, and up to \$5,000.00 per incident for any property owner and lessee found not to have complied with its obligation hereunder.

In the event the alleged violator fails to pay such fine within 30 days of imposition thereof, upon recommendation of the Special Master, the Board of County Commissioners may revoke any permit issued under this Section and all spreading of residuals shall immediately cease.

*Comment: Section relocated from Section 3.22.15.*

#### **4.02.49.16. Annual Review.**

By March 1 of each year, the Board of County Commissioners shall review the number of applications for sludge spreading permits submitted in the previous calendar year, the number of permits issued, the locations of spreading sites, and other material and relevant factors to determine whether an amendment, modification, or repeal of this Section in whole, or in part, is reasonably required for the protection and preservation of the health, safety and welfare of the citizens of Hardee County.

*Comment: Section relocated from Section 3.22.16.*

#### **4.02.50. Wastewater Septage Treatment Facility Site in A-1-Zoned District.**

Special Exception approval is required in A-1-zoned zoning district for any septage treatment facility.

- (A) The site must be approved for septage by State of Florida Department of ~~Health and Rehabilitative Services~~ Environmental Protection; and
- (B) *Setbacks.* The Septage Treatment Facility Site shall meet the following minimum setbacks:

Surface Feature	Setback Distance in feet
Class I waterbody or Outstanding Florida Water (OFW)	3,000
Peace River, Horse Creek, Charlie Creek, Payne Creek, Little Payne Creek	3,000
Any river, stream or tributary	1,000
Any other surface water, including wetlands, except canals or waterbodies used for irrigation that are located entirely within the site and which will not discharge from the site at any time	200
Any public potable water supply well	1,000
Any private potable water supply well located off-site	1,000*
Any private potable water supply well located on-site	300
Any irrigation well (that is not drawing from the Floridan Aquifer)	100
Any building occupied by the general public	500
Any occupied residence	500*
Any property line	200**
* = The setback may be reduced to 300 feet minimum with an affidavit from affected property owner(s) granting such reduction. The affidavit must be dated, contain original signature(s) and signature(s) must be properly notarized, and affidavit must be recorded with the property owner(s) deed with the Clerk of the Court.	
** = The setback may be reduced to 75-foot minimum with an affidavit from affected property owner(s) granting such reduction. The affidavit must be dated, contain original signature(s) and signature(s) must be properly notarized, and affidavit must be recorded with the property owner(s) deed with the Clerk of the Court.	

- (C) *Topographic Grades.* Land application topographic grades shall not exceed 2% unless a Florida-registered professional engineer has certified that all runoff will be contained. In no event may the topographic grade exceed 8%; and

- (D) *Septage Treatment Facility* is permitted on-site providing it has been permitted by State of Florida, Department of Health and Rehabilitative Services, as an approved septage stabilization process and meets the same setbacks requirements for land spreading of septage; and
- (E) *Letter of credit or bond.* An irrevocable letter of credit or bond in the amount of \$10,000.00 from the owner of the Septage Treatment Facility shall be made payable to Hardee County, for the purposes of correcting any environmental damage or public health threat caused by the land application of septage. The irrevocable letter of credit or bond shall be for a period of one year and must be renewed each year that the State of Florida Department of ~~Health and Rehabilitative Services~~ Environmental Protection, re-permits the site. No Septage Treatment Facility can be used without such irrevocable letter of credit or bond. This provision shall not apply to any government agency.

*Comment: Section relocated from Section 3.22.17.*

#### **4.02.51. Water Tower.**

Each tower shall be set back from all property lines a distance equal to its height. Alternatively, the 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. The tower shall meet all applicable standards of the FCC, the FAA, and any other relevant Federal or State agency.

*Comment: Section relocated from Section 3.16.09.03.*

#### **4.02.52. Wholesale Distributor More Than 50,000 s.f.**

- (A) Minimum lot size shall be two acres.
- (B) The terminal must be located on an Arterial or a Major Rural Collector road.
- (C) Truck parking areas shall be set back at least 50 feet from any property zoned or designated on the ~~Future Land Use~~ Zoning Map for residential use.
- (D) Truck parking areas shall be set back at least 20 feet from any property zoned or designated on the ~~Future Land Use~~ Zoning Map for commercial or industrial use.
- (E) Canopy and buffer yards shall be provided in accordance with the standards of Section ~~3.15.02~~ 5.13.00 and a buffer yard "C".

*Comment: Section relocated from Section 3.16.06.01.*

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## ARTICLE 5 INFRASTRUCTURE DESIGN AND IMPROVEMENT STANDARDS

Text that is underlined is text to be added and text that is shown as ~~strikeout~~ is to be removed. *Comments* provided for information and are not adopted as part of the Unified Land Development Code text.

### **SECTION 5.01.00 GENERAL PROVISIONS**

The purpose of this Article is to provide development and infrastructure design and improvement standards applicable to all development activity within unincorporated Hardee County.

*Comment: Language relocated from Sections 3.01.00 and 3.01.01.*

#### **5.01.01 Building and Construction - Safety Standards**

- (A) *Purpose.* To protect the public health, safety, and welfare of the residents of the County, the construction related to building code/safety standards and Florida Statutes, as published by the International Code Congress International, Inc., the National Electrical Code, State of Florida, and Hardee County, as listed below, are adopted by reference, and made a part of this Unified Land Development Code.
- (B) *Minimum Standards.* The construction safety standards/ codes hereby adopted by the County include the following, as updated, and amended.
- (1) Florida Building Code: Building, current edition, and Supplements, as amended.
  - (2) Florida Building Code: Residential, current edition, and Supplements, as amended.
  - (3) Florida Building Code: Existing Building, current edition, and Supplements, as amended.
  - (4) Florida Building Code: Plumbing, current edition, and Supplements, as amended.
  - (5) Florida Building Code: Fuel Gas, current edition, and Supplements, as amended.
  - (6) Florida Building Code: Mechanical, current edition, and Supplements, as

amended.

(7) Florida Building Code: Test Protocols, current edition, Supplements, as amended.

(8) Florida Building Code: Energy, current edition, and Supplements, as amended.

(9) Chapter 514, Florida Statutes, Public Swimming and Bathing Facilities, as amended.

(10) Chapter 515, Florida Statutes, Residential Swimming Pool Safety Act, as amended.

(11) National Electrical Code, current edition, as amended, as amended.

(12) Chapter 582, Florida Statutes, Soil and Water Conservation, as amended.

(13) Chapter 553 Part II, Florida Statutes, Accessibility by Handicapped Persons, as amended.

(14) Chapter 633, Florida Statutes, Fire Prevention and Control, as amended.

(C) Interpretations. The County Building Official/Engineer shall review all written requests or inquiries and prepare interpretations to the Florida Building Code pursuant to 533.775, Florida Statutes, for all of the applicable building, construction, and safety codes.

(D) Appeals. All appeals to all applicable County Building, Construction, and Safety Codes and Interpretations, if permitted by law, shall be conducted in accordance with the applicable Florida Statutes and/or the Florida Administrative Code. The appellant shall bare all the costs and the responsibility to file such an appeal.

(E) Conflicts. In the event of a conflict between the requirements/standards listed in this Article, or a conflict with the requirements/standards in the Hardee County Technical Standards Manual, the more restrictive or stringent requirement/standard shall apply, as determined by the Planning and Development Director, Building Official, Fire Marshal/Inspector, Public Works Director, or County Engineer/Consultant.

*Comment: Language added to address building and construction safety standards.*

**5.01.02- Responsibility for Improvements-**

Unless otherwise specifically provided, all improvements required by ~~this Article~~ these Codes and the Hardee County Technical Standards Manual shall be designed, installed, and paid for by the ~~Developer~~ Applicant.

*Comment: Language relocated from Section 3.01.02 and updated to reflect requirements throughout the Code and in the Technical Standards Manual.*

**5.01.03- Principles of Development Design-**

The provisions of this Article are intended to ensure functional and attractive development. Development design shall first consider the protection of natural resources as prescribed in Article 7 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.

*Comment: Section relocated from Section 3.01.03; Language added to incorporate natural resources.*

**5.01.04 Blocks, Yards, and Lots**

(A) Blocks.

As used in this Article, a block is a group of lots entirely surrounded by streets, railroad right-of-way, water courses, subdivision boundaries, or any combination thereof. The lengths, widths, and shapes of blocks shall be determined with regard to the following:

- (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, where appropriate.
- (3) Block lengths shall not exceed 1,000 feet in length or be less than 500 feet in length, except as may be approved by the Planning and Zoning Board. In blocks over 800 feet in length, the County may require one or more pedestrian-ways or crosswalks with a right-of-way not less than 10 feet and to extend entirely across the block and at locations deemed necessary.

Cul-de-sac arrangements may be less than 500 feet in length.

*Comment: Section relocated from Section 3.02.03(E); Language added to clarify the term block and to add restrictions for block lengths with the opportunity for interconnectivity consistent with current 3.08.00(B)(6).*

(B) Yards and Lots.

(1) Obstructions to vision at street intersections shall not be allowed. See Section 5.02.02(C), "Clear Visibility Triangle".

(2) Double frontage lots shall, on both of the adjacent streets, meet the front yard regulations of the district in which they are located.

(a) For new, residential construction on a through lot, each lot must maintain the front yard setback from both streets.

(b) An exception to (2)(a) is buffer yards between residential and nonresidential uses. One of the front yard setbacks may be reduced from a front yard setback to 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 preliminary site plan and approved by the Planning and Development Director and shall be no less than 50 feet in width.

(c) Ingress/egress from a through lot in residential or mixed neighborhoods must be addressed in a preliminary site plan and approved by the Planning and Development Director.

(3) Corner Lots.

For residential construction on a corner lot, every corner lot has **two front yards** and must maintain the setback for front yards on both streets. For purposes and intent of this Code, a street-side yard is considered a front yard.

(4) The creation of flag lots shall not be permitted.

(5) No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that lot area, yard, width or other dimension

and area regulations of this Code are not maintained. This Section shall not apply when a portion of a lot is acquired for a public purpose.

- (6) The subdividing of the land shall be such as to provide, by means of a public street or an approved private street, each lot with satisfactory access to an existing public street. In no case shall a lot be less than 40 feet in width at the front property line. Minimum lot width must be met at the front setback.
- (7) Side lot lines shall be substantially at right angles or radial to street lines. Unless otherwise approved, no lot shall have an interior angle less than 30 degrees.

*Comment: Language added to address lots and yards.*

#### **5.01.05- Requirements for Lots Divided by a Right-Of-Way-**

Where a single lot or parcel that has been recorded in the public records of Hardee 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 or easement meets the minimum ~~size requirement~~ lot width and area required of the applicable zoning district, the property shall be considered two (2) lots for the purposes of this Code.
- (B) Where the land area on one (1) or both sides of the right-of-way or easement fails to meet the minimum size requirement, then the property shall be considered one (1) lot for the purposes of this Code. The principal structure shall be located on the larger portion of the property, if it meets the minimum lot width, and area requirements of the applicable zoning district.
- (C) No subdivision plat that includes a lot divided by a right-of-way or easement shall be approved unless such lot meets the applicable minimum lot size requirements on at least one (1) side of the right-of-way or easement required by the applicable zoning district.

*Comment: Language relocated from Section 2.07.00. The language has been amended to provide greater clarity.*

**SECTION 5.02.00 TRANSPORTATION SYSTEMS**

*Comment: Title relocated from Section 3.02.00*

**5.02.01 General Provisions:**

- (A) *Purpose.* This Section establishes minimum requirements applicable to the development of the 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~~ ensure 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 provided in compliance with the "Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways", and engineering design and construction standards adopted in ~~Appendix A of this Code~~ the Technical Standards Manual.

*Comment: Language relocated from Section 3.02.01; language added to address bikeways.*

~~**3.02.02. Base Building Lines.**~~

- ~~(A) *General.* The general purposes and intent of the County 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 County.~~
- ~~(B) *Base Building Lines Established.* Base building lines are hereby established for all Arterial and Collector roads as shown on the Roadway Functional Classification Map of Hardee County. Base building lines shall run parallel to the right of way centerline of such roads at a distance of ½ 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:~~

	<b>R/W Width</b>	<b>Base Building Line</b>
<b>Principal Arterials</b>	<b>150 feet</b>	<b>75 feet</b>



Minor Arterials	100 feet	50 feet
Rural Major Collectors	50 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 County.~~
- ~~(D) *Base Building Lines for Canals.* No canal shall be located within 30 feet of centerline right of way of any local road. Canal is defined as in Chapter 17.312.02(3), F.S.~~
- ~~(E) *Base Building Lines for Tree(s).* No tree(s) shall be planted within 20 feet of right-of-way line for local roads. The intent of this provision is to prevent tree overhang onto public right-of-way.~~

*Comment: Language relocated from Section 3.02.02 and deleted because it is in conflict with some setback requirements and may have legal implications.*

#### **5.02.02- Street Design Standards:**

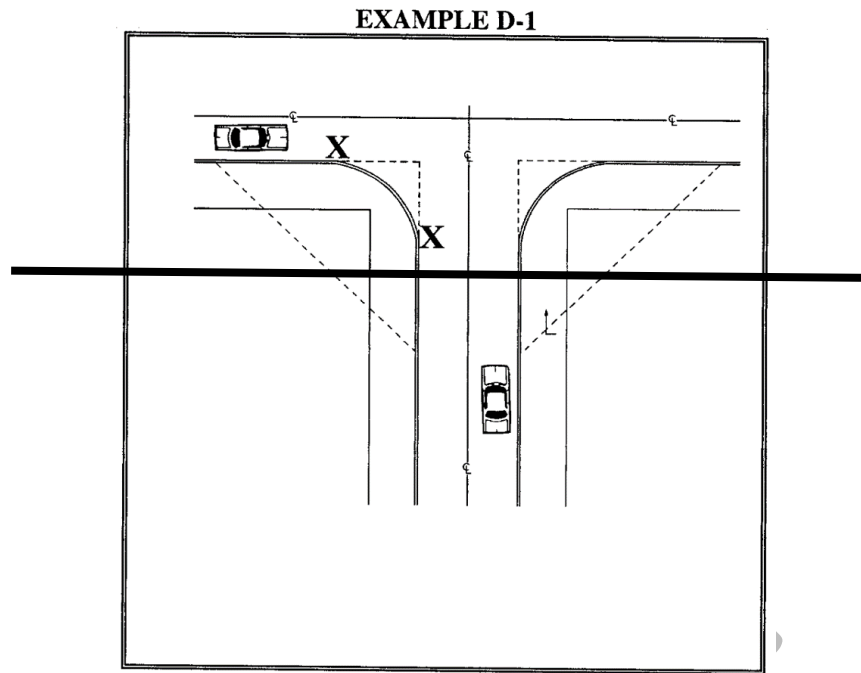
- (A) General Design Standards.
- (Ø1) All streets in a new development shall be designed and constructed pursuant to all engineering design standards adopted by the Hardee County. Streets shall be dedicated to the County upon completion, inspection, and acceptance by the County unless approved as private streets.
- (Ø2) 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.
- (Ø3) Streets shall be laid out to avoid environmentally sensitive areas.

- (04) Private streets may be allowed within any residential subdivision platted and approved in accordance with Section ~~7.07.00~~ 9.11.00, provided they are designed and constructed pursuant to Hardee County standards applicable to public roads of the same functional classification. Private ownership of streets within a residential platted subdivision and approved in accordance with Section ~~7.07.00~~ 9.11.00, may be permitted with approval by the County Commission, if the developer, in writing, assures the County that these private improvements shall be kept in a satisfactory state of repair and maintained by the developer or by legally established homeowners' association, which shall be clearly stated on the face of the final plat. Private streets may be allowed in a Planned Unit Development in accordance with Section ~~7.05.12~~ 3.05.04.02.
- (05) The street layout in all new development shall be coordinated with and interconnected to the street system of the surrounding area.
- (06) 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.
- (07) Residential streets shall be arranged to discourage through traffic, but not eliminate it.
- (08) 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 may be found in ~~Appendix A to this Code~~ the Technical Standards Manual.
- (C) Clear Visibility Triangle.
- ~~In order to~~ 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:
- (01) 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 (2) feet and ten (10) feet above the grade, measured at the centerline of the intersection (see Figure 5.02.02(A)).

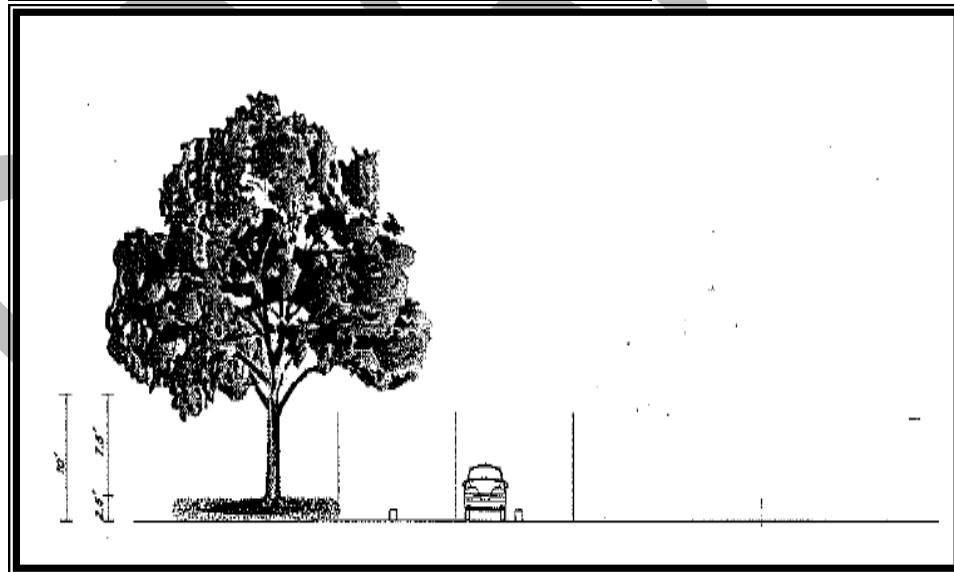
- (02) The clear visibility triangle shall be formed by ~~connecting a point along extending a line from~~ the edge of pavement or surface of ~~each street two intersecting roadways to a point of intersection, to be located at the distance from the intersection of the edge of pavement or surface of each street as indicated in Exhibit D-1, measuring a prescribed distance from the point in both directions, and drawing~~ a third line connecting the two points.
- (03) The distance from the intersection of the lines extended from the edge of pavement or surface of each street for the various road classifications ~~(shown as an "X" in the diagram) shall be as follows~~ are shown in Figure 5.02.02(B).

<b>Type of Street</b>	<b>Distance from Intersection of Edge of Pavement or Street Surface</b>
Principal Arterial	106 feet
Minor Arterial	71 feet
Major Rural Collector	71 feet
Local	60 feet
Commercial Driveway	40 feet

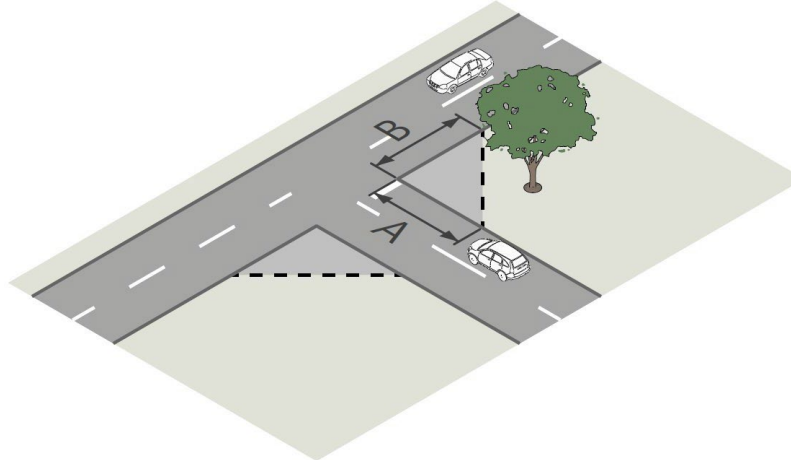
- (04) Where roads of different functional classifications intersect, the distances (A or B) for each street type as listed in Figure 5.02.02(B) shall be used. ~~For example, when a Principal Arterial and a Minor Arterial intersect, there shall be no obstructions 106 feet along the Principal Arterial and 71 feet along the Minor Arterial, from the intersection of the two streets.~~



**Figure 5.02.02(A): Clear Visibility Triangle Vision**



**Figure 5.02.02(B): Clear Visibility Triangle Illustration and Table of Distances**



Type of Street	Distance from Intersection of Edge of Pavement or Street Surface
Principal Arterial	106 feet
Minor Arterial	71 feet
Major Rural Collector	71 feet
Local	60 feet
Commercial Driveway	40 feet

(D) *Signage and Signalization.* The developer shall provide and install all necessary roadway signs and traffic signalization as may be required by the County, based upon County or state traffic standards ([Section 5.06.00](#)). 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.

*Comment: Language relocated from Section 3.02.03.*

**SECTION 5.03.00- STANDARD CRITERIA FOR STREETS-**

*Comment: Title relocated from Section 3.03.00.*

### **5.03.01- Functional Classification of Streets-**

The arrangement of streets shall provide an efficient and orderly hierarchy of streets in accordance with the following definitions of functional classifications:

- (A) *Arterials*. Arterials provide a through traffic function principally for intra-regional destinations. They connect to other arterials or collectors and they do not penetrate identifiable residential neighborhoods. Through traffic movement will always take precedence over access to private property. Use of frontage roads and consolidation of access is strongly promoted. Individual curb cuts are undesirable and the curb cuts that are permitted require a configuration that permits faster entry and exit speeds to and from the arterial. These may be further stratified into principal and minor arterials.
- (B) *Collectors*. Two types of collector streets are identified herein:
  - (Ø1) Major collectors generally emphasize through movement, but the trip lengths are shorter, providing for inter- and intra-city destinations. Major collectors provide connections to arterials and other collectors and collect traffic from local commercial streets and other commercial collectors. While there is access to individual businesses, they should not interfere with the through movement of traffic and consolidation of access is promoted.
  - (Ø2) Minor collectors generally provide for the collection of local residential traffic from neighborhoods and connect to other collectors or arterials. There is less emphasis on through movement of traffic and more emphasis on access to residential property; however, access and traffic considerations should be balanced so as not to create delays.
- (C) *Local streets*. Two types of local streets are identified herein:
  - (Ø1) Local commercial streets are similar to residential collectors in that they have less emphasis on through traffic, but again the traffic and access considerations should be balanced. Local commercial streets provide access to abutting properties and connections to collector streets.
  - (Ø2) Local residential streets are strictly for access to individual residences and provide for connections from other local streets to collectors. There is no emphasis on through traffic movement and minor delays to traffic on local

residential streets are acceptable. Local residential streets are typically internal subdivision streets.

*Comment: Section relocated from Section 3.03.01.*

**5.03.02- Other Criteria-**

- (A) Streets shall also be arranged in accordance with the following criteria:
- (Ø1) Conform to the overall highway and street plan as may be determined applicable by Hardee County;
  - (Ø2) Be integrated with the street system of the surrounding area in a manner that is not detrimental to existing neighborhoods;
  - (Ø3) Use of local streets by through traffic is discouraged.
- (B) Facilitate and coordinate with the desirable future development of adjoining property of a similar character and provide for local circulation and convenient access to neighborhood facilities.
- (C) Subdivisions
- (1) No half roads will be accepted along a boundary of a subdivision.
  - (2) Where a proposed subdivision has no frontage on an existing county road, the subdivider must provide and dedicate to the County a suitable facility meeting County standards to connect the proposed subdivision to an existing county road.

*Comment: Section relocated from Section 3.03.02; Section (C)(1) and (2) relocated from Appendix A, Sections 2.4 and 2.5.*

**5.03.03- Minimum Standards for Right-of-Way Improvements-**

Streets abutting rights-of-way shall be designed as hereinafter specified. A minimum of one paved access on public rights-of-way shall be provided to connect to the existing network of paved streets. Improvements of existing streets to meet the following criteria may be required for this access. At the option of the ~~Director of~~ Planning and Development Director, more than one paved access may be required.

*Comment: Section relocated from Section 3.03.03.*

**5.03.04- Design Specifications-**

Streets shall be classified based on the definitions described above, unless superseded by alternative criteria adopted by the Board of County Commissioners. Where the Board of County Commissioners has adopted a higher classification than the classification based on projected traffic volumes, the higher classification shall be used. All streets shall be designed in accordance with the "Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways", the Technical Standards Manual, and the following minimum specifications and improvements in accordance with this Code, except that greater requirements must be met when imposed by an agency having jurisdiction of a particular road.

*Comment: Section relocated from Section 3.03.04.*

**5.03.05- Cul-de-sac-**

Cul-de-sacs shall be provided with a turnaround having an outside roadway diameter of at least 80 feet, and a street right-of-way diameter of at least 100 feet. Cul-de-sacs shall have a maximum length of 800 feet including the turnaround. On-street parking shall be prohibited in the turnaround area. "T" turnarounds may be permitted by the Director of Public Works.

Whenever an island is proposed in the center of a cul-de-sac turnaround, the pavement shall be 24 feet, exclusive of curbs.

*Comment: Language relocated from Section 3.03.05 and portion of 3.05.00.*

**5.03.06- Continuation of Existing Street Pattern-**

A proposed street layout shall be coordinated with the street system of the surrounding area. Arterial and collector streets on a proposed site shall be connected to arterial and collectors streets in adjacent areas where required to provide for proper traffic circulation.

*Comment: Section relocated from Section 3.03.06.*

**5.03.07- Street Access to Adjoining Property-**

Street stubs to adjoining areas shall be provided when required to give access to such areas or to provide for proper traffic circulation. Street stubs in excess of 250 feet shall be provided with a temporary cul-de-sac turnaround. This temporary cul-de-sac shall



meet the requirements as specified in ~~§~~Subsection ~~3~~5.03.05, above. The developer of the adjoining area shall pay the cost of restoring the street to its original design cross section and extending the street.

*Comment: Section relocated from Section 3.03.07.*

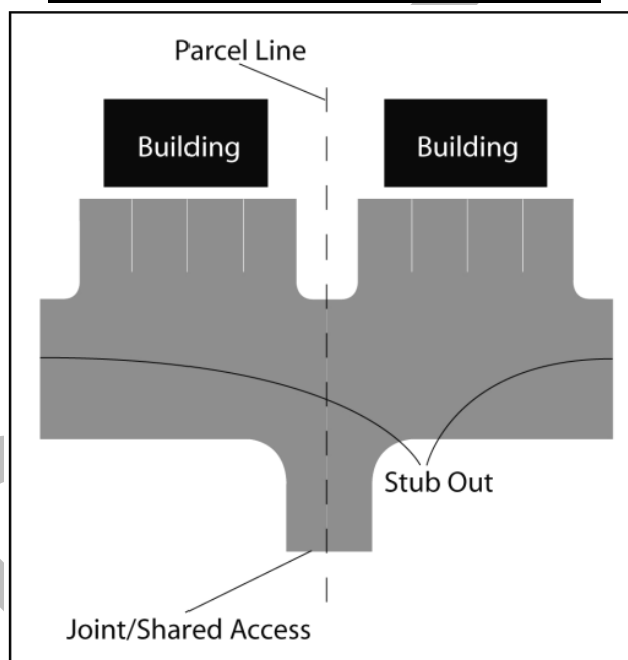
#### **5.03.08 Cross Access and Joint Access**

- (A) If the connection spacing standards of this section cannot be achieved, then joint use connections and/or cross access easements shall be required.
- (B) Applicants for all non-residential developments may be required to use cross access easements and joint use connections to connect adjacent properties to reduce curb cuts, to increase the area for parking and landscaping, and to preserve the capacity and safety of the roadway system.
- (C) Property owners utilizing joint and/or cross access shall record with the Hardee County Clerk of Court:

  - (1) An easement allowing cross access to and from the adjacent properties;
  - (2) A joint maintenance agreement defining maintenance responsibility of property owners that share the joint use connection and cross access system.
- (D) Property owners that provide for joint and cross access may be granted a temporary connection permit, where necessary, to provide reasonable access until such time as the joint use connection and cross access connections are provided with adjacent properties.
- (E) Within six months after construction of a joint use or cross access connection, property owners utilizing such access shall close and remove any existing temporary connections provided for access in the interim.
- (F) Development may be required to construct a paved stub-out to the property line in anticipation of a future cross access connection. (See Figure 5.03.08(A)).
- (G) The design of the cross access corridor or joint connection including driveway apron shall conform to the Engineering Standards. The design shall ensure efficient and safe vehicular operation and pedestrian movements for internal traffic circulation and for traffic mobility on the adjacent roadway.

- (H) Cross access easements are not intended to be publicly maintained.
- (I) Properties that provide for joint use driveways under this section shall be eligible for a reduction in the number of required off-street parking spaces of up to 15 percent, subject to review and approval of the Planning and Development Director.

**Figure 5.03.08(A): Cross Access Stub-outs**



*Comment: New Section added to address cross access and joint access.*

### **5.03.09- Intersection Design-**

Streets shall be laid out to intersect as nearly as possible at right angles; however, no street shall intersect any other street at less than 75 degrees. Multiple intersections involving the juncture of more than two streets shall be prohibited. Sight distances shall be provided to comply with the specifications contained in Section ~~5.02.02 (C)~~ ~~3.02-03(C)~~ of this Code but, in all cases, the minimum sight distance of 200 feet from any intersection shall be maintained on the intersecting streets. This requirement shall not be construed to increase the minimum allowable intersection separation of local residential streets of 150 feet. The gradient within 100 feet of intersections should not exceed three percent.

*Comment: Section relocated from Section 3.03.08.*

**5.03.10- Intersection Separation-**

Intersections on streets or roads designated as arterials should not be less than 1,320 feet apart; intersections on streets or roads designated as collectors should not be less than 660 feet apart. All measurements shall be from centerline to centerline of intersections. On local streets, intersections with centerline offsets of less than 150 feet shall be prohibited.

*Comment: Section relocated from Section 3.03.09.*

**5.03.11- Dedication of Additional Right-of-Way-**

On any arterial or collector street within a minimum of 150 feet of its intersection with another arterial or collector street, or at any other location where provisions of this Article require additional right-of-way, the right-of-way shall be increased by at least ten feet to permit proper design of auxiliary lanes and tapers. This additional right-of-way shall be dedicated or conveyed as a public right-of-way easement.

*Comment: Section relocated from Section 3.03.10.*

**5.03.12- Radii at Intersections-**

The minimum intersection radii of back of curb at all typical intersections approximating a right angle shall be as follows:

**Table 5.03.12(A): Radii at Intersections**

Category Radius	Minimum
Local to Local	30'
Local or Collector to Collector	35'
Local or Collector to Arterial	40'

The Director of Public Works may require a greater radius than those established consistent with public safety. For example, where a local road is being accessed for use by large trucks and semi-tractor trailers, the Director of Public Works may require a larger radius to improve the safety of vehicles using the intersection.

A taper or deceleration lane may be required on roads with a functional classification of collector or higher, or on roads with design speeds 35 miles per hour or greater.

Appropriate special radii shall be designed, subject to approval by the Director of Public Works, for other than right angle intersections.

*Comment: Section relocated from Section 3.03.11.*

## **SECTION 5.04.00- STREET SPECIFICATIONS-**

For all new developments, and for existing platted subdivisions being developed with four lots (inclusive of the parent parcel) or more, except where specifically exempted in this Section, street improvements designed as above shall conform to functional classifications as set forth in this Section and, where a proposed development includes or abuts an existing full or half right-of-way, said street improvements shall also be improved as required by the following schedule:

*Comment: Section relocated from Section 3.04.00.*

### **5.04.01- Street Schedule-**

- (~~01~~A) Grading and centerline gradients shall be provided per plans approved by the Director of Public Works consistent with the Technical Standards Manual.
- (~~02~~B) Arterial streets shall maintain a minimum right-of-way of 150 feet and shall be improved with two 24-foot pavements, with no inverted crowns, and a 20-foot median. The developer shall be required to install the second 24-foot pavement only in large developments where the projected average daily traffic generated on the arterial by such development exceeds 7,000. Phased improvements may be accepted by the eCounty.
- (~~03~~C) On divided two-lane roads (boulevards), the minimum right-of-way width shall be 100 feet and the pavement width for each lane shall be 14 feet, exclusive of curbs and gutters. On four-lane roads, minimum lane widths shall be 12 feet each, with provisions for left-turn storage, acceleration, deceleration, tapers, or channels as may be required by the Director of Public Works.
- (~~04~~D) Major Collector streets shall be improved as follows:
- Minimum right-of-way width: 80 feet.  
Minimum pavement width: 24 feet.
- (~~05~~E) Minor Collector streets shall be improved as follows:
- Minimum right-of-way width: 60 feet.

Minimum pavement width: 22 feet.

~~(06F)~~ Local streets shall be improved as follows:

Minimum right-of-way width: 60 feet.

Minimum pavement width: 20 feet.

The minimum right-of-way width of 60 feet may be reduced to 50 feet provided that curb and gutter drainage is constructed and an additional five-foot easement, located on each side of the right-of-way, is provided and reflected on the final plat.

~~(07G)~~ Curbs and gutters, when provided, shall be as follows:

Standard curb and gutter or Miami curb.

~~(08H)~~ Sub-grade shall be approved by the Director of Public Works as being suitable material prepared in accordance with the design standards established by this Code and the Technical Standards Manual.

~~(09I)~~ Pavement base shall be improved as follows:

Arterials, collectors, and local streets: shell, limerock, or like material as approved by the Director of Public Works, meeting the design standards of this Code and the Technical Standards Manual.

~~(10J)~~ Wearing surface shall be improved as follows:

(1) Arterials and collectors: 1 1/2 inches of asphaltic concrete surface course.

(2) Local streets: 1 1/2 inches of asphaltic concrete surface course, or alternate as may be approved by the Director of Public Works based on conditions such as total street length, number of lots being accessed by the street or other consideration as may be approved by the Director of Public Works.

~~(11K)~~ Sodding and maintenance of swales, parkway medians, percolation areas, and planting strips shall be in accordance with the standards established by this Code.

~~(12L)~~ Street name signs with appropriate block numbers shall be installed at all intersections and all costs for these signs are to be paid by the developer.

- ~~(13M)~~ Street lighting, where required, shall be installed by the developer. Lighting shall be installed as approved by the Director of Public Works in coordination with the local utilities. All utilities shall be installed underground. See Section 5.10.00.
- ~~(14N)~~ Intersection improvements and traffic control devices such as acceleration, deceleration, and turning lanes, signalization devices, and other traffic control devices shall be installed by the developer within the project area and on abutting streets and highways in accordance with the Manual for Uniform Control Devices as directed by the Director of Public Works, who will provide specifications on required materials.
- ~~(15O)~~ For two years from issuance of the Certificate of Completion, the developer shall be responsible for the maintenance of all facilities in public rights-of-way and easements.

*Comment: Section relocated from Section 3.04.01; references to the Technical Design Standards added.*

#### **5.04.02- Street Schedule—Existing Unpaved Public Streets-**

The provisions of this Section shall apply solely to streets with a local functional classification. For existing, active unpaved local streets within the County, street improvements shall conform to the following schedule:

~~(01A)~~ Streets shall be improved as follows:

Minimum right-of-way shall be determined by the Director of Public Works; however, in no instance shall the right-of-way be less than 50 feet. Existing unpaved streets with less than 50 feet right-of-way shall not be identified by the County for improvement. Travel width shall be determined by the Director of Public Works but in no event shall be less than 18 feet.

*Comment: Section relocated from Section 3.04.02 and 3.04.02(A); remainder relocated to Technical Standards Manual.*

#### **5.04.03- Street Schedule Platted Unopened Streets-**

Unopened platted, local streets, excepting new development and existing platted subdivisions being developed with four lots or more, may be improved and accepted by the County for maintenance under the following provisions:

- ~~(01A)~~ Any request for approval of an alternate street standard pursuant to this Section shall be in an existing, platted subdivision recorded in the Public Records of Hardee County. New subdivisions, or land not platted within a recorded subdivision, or land recorded in a subdivision without platted public rights-of-way, shall not be eligible for consideration.
- ~~(02B)~~ Any request for approval of an alternate standard street shall be limited solely to streets classified as local streets. Streets classified as collector or higher shall not be eligible for consideration.
- ~~(03C)~~ Any request for approval of an alternate standard street must be a function of an extension of a street currently maintained by the County. No new street, in and of itself, would be eligible for consideration.
- ~~(04D)~~ The level of improvement shall be approved by the Director of Public Works; however, at minimum the Director of Public Works shall require the following:
- ~~a.~~(1) The right-of-way as identified on the plat shall not be reduced, and all work shall occur within the right-of-way.
  - ~~b.~~(2) The street shall be constructed with an appropriate sub-base and base surface to permit vehicle support and access, specifically emergency vehicles, in all usual weather conditions.
  - ~~c.~~(3) The street shall be so designed and constructed to direct stormwater off the street and into, at a minimum, swale drainage on each side of the street to prevent water accumulation on the street and flooding of properties.
  - ~~d.~~(4) The travel surface of the street shall be a minimum of 18 feet in width, and be of an appropriate material which will minimize washing out and support emergency vehicles.
- ~~(05E)~~ The length of the proposed alternate standard street shall not exceed 500 feet, nor shall the proposed alternate standard street access more than four developable lots/parcels meeting minimum zoning standards of the district in which the parcels are located.
- (1) Such extension and construction of an alternate standards street as set forth above shall be considered only once for the subdivision where the

alternate street standard is being proposed. Additional extensions of the alternate street standard shall be prohibited.

Applicants proposing the extension of an alternate standard street shall coordinate with the Hardee County Public Works division to establish the parameters of the alternate street design. Once established, the applicant shall prepare a cross-section plan of the street identifying the limits of the right-of-way, limits of drainage, sub-base area and material type, base area and material type with dimensions of drainage, sub-base and base limits and submit six copies, along with a completed application and application fee to the Planning and Development division for processing and distribution. Upon approval of the alternate street plan the applicant shall be authorized to begin construction and shall request staged inspections as follows: at completion of sub-base; at completion of base and drainage. Where required by the Public Works Director, stabilization in the form of sod or approved alternate shall be installed to minimize erosion. Upon completion and final inspection/approval by the Director of Public Works, the Board of County Commissioners shall consider an ordinance accepting the street for maintenance.

Where applicable, and when it may be required by the Director of Public Works and the County Manager, the provisions of ~~s~~Section 35.03.02 shall apply to this Section.

In the case of existing platted subdivisions being developed with four lots or more the Board of County Commissioners may approve a level of street improvement consistent with the prevailing level of improvement and as provided for above.

*Comment: Section relocated from Section 3.04.03.*

#### **SECTION 5.05.00-    **ADDITIONAL    RIGHT-OF-WAY    AND/OR    PAVEMENT WIDTH-****

Additional right-of-way and/or pavement width may be required by the Director of Public Works at his/her discretion to promote public safety and convenience or to ensure adequate access, circulation, and parking. Whenever any street shows need for improvement within the area to be developed, the appropriate right-of-way and pavement shall be required. Where a development abuts or contains an existing street of inadequate right-of-way or pavement width, additional right-of-way and pavement in conformance with the minimum standards of this Code shall be required to be dedicated.



Half streets and substandard rights-of-way and pavement widths shall be prohibited. Where a previously dedicated incomplete street, improved or unimproved, abuts or is within a tract to be developed, the remainder of the right-of-way shall be dedicated and the full street improved according to ~~city~~ County standards.

Right-of-way requirements shall be based upon a 20-year planning period, according to the official ~~€~~County transportation plan as may be adopted. All rights-of-way shall be transferred to the ~~€~~County by means of a recorded deed, or by dedication to and official acceptance by the Board of County Commissioners.

~~Whenever an island is proposed in the center of a cul-de-sac turnaround, the pavement shall be 24 feet, exclusive of curbs.~~

*Comment: Section relocated from Section 3.05.00; Deleted language relocated to Section 5.03.04.*

#### **5.05.01- Private Road Acceptance for County Maintenance and Operation-**

All private roads to be accepted by Hardee County for County maintenance and operation must meet the following:

- (A) Petitioner(s) must submit a written request to the Board of County Commissioners; which request must contain the following:
  - (01) A field survey defining the boundaries of the road and a map of the survey including description provided by a registered land surveyor;
  - (02) A statement that certifies that Hardee County will be provided right-of-way sufficient to meet the minimum standards as called for in Florida Administrative Code 14-15.002;
  - (03) A statement that certifies all fences, buildings, other structures, trees or physical barriers of any type shall be removed from the right-of-way at the expense of the Petitioner(s) prior to the Board of County Commissioners accepting the road;
  - (04) A statement that certifies all necessary drainage improvements, including structures, pipe, ditches, and easements shall be installed by the Petitioner(s) in accordance to plans and specifications prepared by a registered professional engineer and as approved by appropriate State agencies, Southwest Florida Water Management District (SWFWMD) and

Hardee County and/or as directed by the Consultant Engineer to Hardee County, or Staff;

- (05) A statement that certifies the road does or the road does not meet the minimum standards for design, construction and operation for streets and highways used by the public and consistent with Florida Administrative Code 14-15.002; the Petitioner(s) will make all necessary improvements to the road so that it meets minimum standards;
- (B) The road shall be of benefit to the general public and provide access to an average of one dwelling unit per 450 feet of frontage;
- (C) The road shall intersect or be an extension of an existing County- or State-maintained road;
- (D) The road shall be paved and must meet the minimum standards for design, construction, and operation for streets and highways used by the general public and consistent with Florida Administrative Code 14-15.002. If improvements to the road and drainage system are required to be made in order to meet minimum standards, all such costs of improvements shall be the responsibility of the Petitioner(s), and all such improvements shall be completed before the Board of County Commissioners of Hardee County, Florida will accept the road;
- (E) The Petitioner(s) shall have the right to appear before the Board of County Commissioners of Hardee County, Florida and request waiver of strict adherence to portions of the criteria above-cited. The Board of County Commissioners of Hardee County, Florida will make the final determination if criteria above-cited causes an undue hardship or results in unfair or unnecessary harsh treatment to the Petitioner(s).

*Comment: Section relocated from Section 3.05.01.*

## **SECTION 5.06.00- STREET IDENTIFICATION AND SIGNAGE-**

*Comment: Section Title relocated from Section 3.06.00.*

### **5.06.01- Street Names-**

New street names shall not duplicate or closely approximate phonetically, in spelling or by use of alternative suffixes, such as "lane," "way," "drive," "court," "avenue," or

"street," the names of existing streets. All proposed new street names shall be submitted to the ~~County Fire Department~~ Sheriff's 911 Office for approval.

*Comment: Section relocated from Section 3.06.01; updated the department to approve.*

#### **5.06.02- Street Signage-**

The developer shall be responsible for providing and installing street signage within the development. Said signage shall include, but not be limited to, street name signs, traffic control signs, traffic information signs, etc.

In developments where improvements are dedicated to the County a payment to the County in lieu of providing and installing signage may be approved, provided that such payment equals the cost of the signage and installation. This provision shall not apply to privately owned development projects.

*Comment: Section relocated from Section 3.06.02.*

#### **SECTION 5.07.00- SIDEWALKS-**

(A) All developments having lots primarily facing Arterial or Collector roads shall provide concrete pedestrian ways on the right-of-way of these roads. If existing right-of-way is insufficient, additional right-of-way must be provided for pedestrian way construction.

(B) *Design and Construction Standards.* Design and construction of sidewalks and other footpaths shall conform to all applicable engineering requirements adopted by Hardee County, including provisions for access by physically handicapped persons.

(A1) New subdivisions abutting Principal and Minor Arterials and Major Rural Collectors shall provide sidewalks adjacent to such roadways. The ~~Location~~ of sidewalks shall be consistent with planned roadway improvements. Sidewalk construction shall be exempt in F-R and A-1 zoning districts. Developments of one acre or more in the ~~R-05~~, R-1, R-2, R-3, R-2.5, and PUD overlay zoning districts may request the sidewalk requirements to be paid in lieu of construction. The Board of County Commissioners may at the time of Subdivision Plat approval, approve payment in lieu of construction. The fee shall be based on calculated costs of construction and approved by the Director of Public Works prior to Board action.

(B2) Sidewalks shall be provided on both sides of all residential streets where the average lot width at the street is less than 150 feet, except as otherwise exempted.

- (C3) Where a proposed development includes improvements or new construction of Collector or Arterial facilities, facility designs shall include provision for sidewalks and footpaths within the right-of-way.
- (D4) Residential developments adjacent to or in the immediate vicinity of commercial, office, service, schools, or recreation activities shall provide pedestrian and bicycle access from the development to the activity center.
- (E5) Sidewalks shall be of concrete construction, a minimum of 5 feet in width and 4 inches in thickness.
- (F6) Pedestrian-ways or crosswalks, ~~not less than 10 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 consistent with Section 5.01.04(A)(3).

*Comment: Section (A) relocated from Section 1.6 of Appendix A and the remainder is relocated from Section 3.08.00; Language added to reflect new zoning districts.*

**SECTION 5.08.00. ACCESS POINTS ONTO STREETS.**

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

- (A) Number of Access Points.
  - (01) The maximum number of points of access permitted onto any one road shall be as follows: shown in Table 5.08.00(A).

**Table 5.08.00(A): Number of Access Points**

Lot Width Abutting Road	Number of Points of Access
Less than 65 feet	1
65 feet to 200 feet	2
Over 200 feet	2 plus 1 for each additional 200 feet

- (02) For commercial, residential, and public institutional development accessing a private or County maintained road, each access point shall have a minimum width

of 20 feet at the property line with appropriate turning radius, and a maximum width of 30 feet with appropriate turning radius to property line from the road. For industrial development accessing a private or County maintained road, each access point shall have a minimum width of 30 feet at the property line with appropriate turning radius, and a maximum width of 50 feet with appropriate turning radius to property line from the road.

- (Ø3) 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.
  - (Ø4) 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.
- (Ø1) There shall be a minimum setback of 12 feet from the edge of a driveway and the nearest side property line except in the case of a shared access easement.
  - (Ø2) No point of access shall be allowed within 40 feet of the intersection of the right-of-way lines of any public road.
- (C) *Access to Residential Lots.* No residential lot having a width less than 125 feet shall abut a Principal or Minor Arterial without also directly abutting a Local or Rural Major Collector.

*Comment: Section title relocated from Section 3.09.00*

### **SECTION 5.09.00- OFF-STREET PARKING AND LOADING-**

*Comment: Section title relocated from Section 3.11.00*

#### **5.09.01- Applicability-**

- (A) 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.
- (B) There shall be provided, at the time of the erection of any main building or structure or at the time any main building or structure is enlarged or increased in capacity by adding dwelling units, guest rooms, floor area or seats, minimum off-street automobile parking space with adequate provisions for access in

accordance with the following requirements. The Planning and Zoning Board may modify, upon submission of a study by the developer, parking space requirements. Sufficient parking space, as set forth in the requirements of this Code shall be in place before a Certificate of Occupancy is issued.

- (C) As to all other uses, the Planning and Zoning Board shall determine the off-street parking facilities that will be required, according to circumstances surrounding a particular activity.

*Comment: Language relocated from Section 3.11.01; language added to address places of assembly with occasional use.*

**5.09.02- 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 or as conditioned in a Special Exception or Planned Unit Development. The maximum permitted off-street parking is 10 percent the amount permitted in Table 5.09.02 (A).

**Table 5.09.02(A): Minimum Required Off-Street Parking Spaces**

Land Use and/or Building Type	Per Unit	Per 1,000 SFGFA* <sup>1</sup> or SFGLA** <sup>2</sup>	Per Student/Member Seat/Employee/Etc.
Single-family Dwelling Unit	2.0		
Mobile Home Unit	2.0		
Duplex	2.0		
Multi-family	1.7		
Boarding House	0.5		
RV Park/Campground	1.0		
ACLF/Nursing Home			0.2*
Senior Citizen Multi-family	1.1		
Nursing Home			0.5* <sup>3</sup>
Bed and Breakfast	1.0		
Hotel and Motel	1.0		
Office and Banks		6.0	
Medical, Dental, Optical, Chiropractic Office		3.0	

Land Use and/or Building Type	Per Unit	Per 1,000 SFGFA* <sup>1</sup> or SFGLA** <sup>2</sup>	Per Student/Member Seat/Employee/Etc.
Medical Clinic and Professional Buildings		4.5	
General Retail Sales		3.0	
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	
Supermarket and Discount Store		4.0	
Furniture Store		1.5	
Flea Market* <sup>4</sup>			
Bowling Alley, per lane			4.5
Daycare Center/School, per employee			1.3
Putt-Putt/Miniature Golf, per hole			1.0
Theaters, Freestanding, per seat			0.3
Stadiums, Football/Baseball, per seat			0.4
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
Church Places of Worship, per seat in sanctuary			<del>0.3</del> 0.2
Hospital, per bed			2.0
Nursing Home, per room			0.2* <sup>3</sup>
Industrial Park with Offices		1.8	
Light Industry		1.8	
Manufacturing		1.0	
Warehouse and Distribution Center		0.4	

Land Use and/or Building Type	Per Unit	Per 1,000 SFGFA <sup>*1</sup> or SFGLA <sup>**2</sup>	Per Student/Member Seat/Employee/Etc.
Recreation Club (golf, yacht, etc.), per member			0.2
Lodges and Assembly, per seat			0.2

**Key to \*:**

- <sup>1</sup> *Square Feet, Gross Floor Area (SFGFA)* is defined as the total floor area of a building from its outside dimensions.
- <sup>2</sup> *Square Feet, Gross Leasable Area (SFGLA)* is defined as the floor area of a building, less administrative, public, and similar areas.
- <sup>3</sup> *ACLF/Nursing Home Facility* shall provide at least two off-street parking spaces, plus one additional space for each 200 s.f. of floor area devoted to medical or therapeutic treatment activities, plus one space for each five residents, excluding staff and immediate family members.  
*Foster/Group/Halfway Home:* In addition to parking spaces normally required for the district, one space shall be provided for each five residents, excluding staff and immediate family members.
- <sup>4</sup> *Flea Market:* Flea markets must provide: 1) parking for the vendors; 2) parking for the customers; and 3) parking cannot be in the public right-of-way.

**(€B)** Special Parking Restrictions in R-0.5, R-1, R-2, and R-3 Districts.

- (Ø1) *Parking of Heavy Trucks, Commercial Motor Vehicles, Trailers, Semitrailers.* Within the R-0.5, R-1, R-2, and R-3 zoning districts, ~~no~~ heavy trucks, commercial motor vehicles, trailers or semitrailers for non-recreational use shall be parked for storage purposes, including overnight, ~~on any public right-of-way or on private property, except~~ within a completely enclosed garage. No such heavy trucks, commercial motor vehicles, trailers or semitrailers shall be parked on a public right-of-way. This ~~s~~Subsection shall also apply to empty trailers designed to carry commercial boats or other vehicles.
- (Ø2) *Storage of Boats and Recreational Vehicles.* Within said districts, recreational vehicles (including collapsible camping trailers), and boats on trailers may be parked for storage purposes only within the side yard area not less than five feet from the side property line, and within the rear yard area not less than five feet from the rear property line. No recreational vehicle or boat may be parked between any public street and the living areas of the principal building, except on a driveway.



(03) Parking of Recreational Vehicles.

- ~~(a-)~~ No recreational vehicle may be parked between any public street and the living areas of the principal building, except on a drive-way, and then only for a period not to exceed two weeks.
- ~~(b-)~~ A self-contained recreational vehicle owned by a visitor or owned by the owner of the residential property on which a dwelling is located may be used temporarily by a visitor for a period not to exceed a total of two weeks in any one calendar year. The owner of a residential property may, submit a written petition to the County Manager/designee for one extension not to exceed two additional weeks; said request for extension must be made to the County Manager or his/her designee at least three business days prior to the expiration of the two weeks.
- ~~(c)~~ Parked recreational vehicles are prohibited as living quarters except within a delineated RV park.

(04) Parking Restrictions in RE-2.5, F-R, A-1, and A-2 Districts.

- ~~(a-)~~ No loading of agricultural products may take place in the public right-of-way.
- ~~(b-)~~ Recreational vehicles, including collapsible camping trailers, and boats on trailers may be parked for storage purposes only within the side yard area not less than five feet from the side property line, within the rear yard area not less than five feet from the rear property line, or in the front yard meeting the required front yard setback.

*Comment: Language relocated from Section 3.11.02 except B; table updated to provide consistency for RLUIPA uses; Language added to address people cannot live in parks RVs; Maximum off-street parking requirement added.*

**5.09.03 Handicapped Parking**

~~(B) Off Street Parking for the Physically Disabled. All development covered by 316.1955—316.1956, F.S., shall provide parking for the physically disabled pursuant to the requirements of those sections. In addition, all multi-family~~

~~residential developments with greater than 25 required parking spaces shall comply with the requirements of 316.1956, F.S.~~

Parking spaces designated for physically handicapped people and accessible passenger loading zones that serve a particular building shall be located on the shortest possible accessible circulation route to an accessible entrance of the building. In separate parking structures or lots that do not serve a particular building, parking spaces for physically handicapped people shall be located on the shortest possible circulation route to an accessible pedestrian entrance of the parking facility.

*Comment: Language relocated from Section 3.11.02(B); Language updated to provide current requirements.*

#### **5.09.03.01 Handicapped Parking Spaces**

Any property owner offering parking for the general public shall provide specially designed and marked parking spaces for the exclusive use of physically disabled persons who have been issued parking permits pursuant to Florida Statutes and the Florida Accessibility Code.

- (A) Diagonal or perpendicular parking spaces shall be a minimum of twelve (12) feet wide measured from center to center of the blue demarcation lines. Parallel parking spaces shall be located either at the beginning or end of a block or adjacent to alley entrances. Curbs adjacent to such spaces shall be of a height which will not interfere with the opening and closing of motor vehicle doors.
- (B) Each parking space shall be conspicuously outlined in blue paint, and shall be posted and maintained with a permanent, above-grade sign bearing the international symbol of accessibility or the caption "PARKING BY DISABLED PERMIT ONLY," or bearing both sign and symbol. The signs shall not be obscured by a vehicle parked in the space. All handicapped parking spaces must be signed and marked in accordance with the standards adopted by the U.S. Department of Transportation.
- (C) All spaces shall have an adjacent access aisle sixty (60) inches wide minimum. Parking access aisles shall be part of the accessible route to the building or facility entrance. Two (2) accessible parking spaces shall share a common access aisle. Parked vehicle overhangs shall not reduce the clear width of an accessible circulation route.

(D) All spaces shall provide accessibility to a curb-ramp or curb-cut, when necessary, to allow access to the building or use served, and shall be located so that users will not be compelled to wheel behind parked vehicles.

(E) The minimum number of such parking spaces shall comply with the following schedule:

**Table 5.09.03.01 (A) Required Number of Handicapped Accessible Parking Spaces**

<u>Total Parking in Required Lot</u>	<u>Required Number of Handicapped Accessible Spaces</u>
<u>Up to 25</u>	<u>1</u>
<u>25 to 50</u>	<u>2</u>
<u>51 to 75</u>	<u>3</u>
<u>76 to 100</u>	<u>4</u>
<u>101 to 150</u>	<u>5</u>
<u>151 to 200</u>	<u>6</u>
<u>201 to 300</u>	<u>7</u>
<u>301 to 400</u>	<u>8</u>
<u>401 to 500</u>	<u>9</u>
<u>501 to 1,000</u>	<u>2% of Total</u>
<u>Over 1,000</u>	<u>20 plus 1 for each 100 over 1,000</u>

(F) *Passenger Loading Zones:* Passenger loading zones shall provide an access aisle at least sixty (60) inches wide and twenty (20) feet long adjacent and parallel to the vehicle pull-up space. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp shall be provided. A minimum vertical clearance of one hundred eight (108) inches shall be provided at accessible passenger loading zones and along vehicle access routes to the area from site entrances.

(G) Curb Ramps.

(1) Curb ramps complying with Section 4.7, Curb Ramps, of the current edition of the Florida Accessibility Code for Building Construction shall be provided whenever an accessible route crosses a curb. Ramps or curb cuts from parking areas that are privately owned, to the walkway level, shall be provided and if more than one is provided, shall be spaced along such walkways at intervals of no

more than one-hundred (100) feet and such ramps or curb cuts shall be located as close as practical to main entrances and exits to buildings. All requirements contained herein for curb cuts pertain only to such features when located on privately owned property.

- (2) Slope: Slopes of curb ramps shall comply with the Section 4.8.2, Slope and Rise, of the current edition of the Florida Accessibility Code for Building Construction. The slope shall be measured as shown in the figure. Maximum counter slope of adjoining gutters and road surfaces immediately adjacent to the curb ramp or accessible route shall not exceed a ratio of one (1) to twenty (20). Curb cuts used in lieu of ramps shall have a maximum rise of eight (8) inches.
- (3) Width: The minimum width of a curb ramp shall be forty-four (44) inches, exclusive of flared sides.
- (4) Surface: Surfaces of curb ramps shall comply with Section 4.5, Ground and Floor Surfaces, of the current edition of the Florida Accessibility Code for Building Construction.

*Comment: New Section added to address requirements for ADA Parking.*

#### **5.09.04 Location of Parking Spaces**

- (D) ~~Location of Parking Spaces.~~ Parking spaces required by this Section shall be located as follows:
- (01A) Parking spaces required in this Section shall in no part exist upon, and no portion of any vehicle shall over-hang, 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.
- (02B) Parking spaces for all other ~~dwellings~~ structures shall be located within the same development site as the main building.
- (C) Satellite parking facilities may be utilized with approval of the Planning and Development Director.
- (1) All required ADA accessible parking spaces must be located on the same development site as the main building.

- (2) Satellite parking facilities must be within a quarter mile (1,320 feet) linear walkable route to the primary entrance of the use served and are located within the same or more intense zoning district as the principal use served.
- (3) If the property is not owned by the applicant, the applicant shall provide adequate documentation to verify permission to utilize a satellite parking location.
- (4) The site will maintain the buffering requirements as outlined in Section 5.13.07.04.
- (D) 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.

*Comment: Language relocated from Section 3.11.02(D); language added to provide for satellite parking and common parking areas.*

#### **5.09.05 Required Parking Lot Improvements**

- ~~(C) **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:~~
  - ~~(01A) **Buffer and Canopy.** The parking area will be buffered and canopy provided pursuant to Sections ~~3.07.00~~ 5.13.06 and 5.13.07.~~
  - ~~(02B) **Surfacing.**~~
    - (1) 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, except where a permeable surface is approved, and shall be so graded and drained as to provide for the adequate runoff and disposal of surface water, and shall be constructed in accordance with standards of the County Engineer.

- (2) For public and private schools offering academic courses, places of worship, and other large non-commercial areas of public assembly, general overflow parking involving only occasional use, which shall be considered not in excess of an average of three times per week, may consist of grass or paver parking.
- (03C) *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.
- (D) All automobile and truck parking, loading, and unloading spaces and access thereto shall be surfaced in a stable manner.

*Comment: Language relocated from Section 3.11.02(E); language added to require stabilized surfaces; language added to provide for grass or paver parking for overflow parking at specific uses.*

#### **5.09.06      Bicycle Parking**

(A)      General.

- (1) Each required bike parking space shall be at least 2 feet by 6 feet. Where a bike can be locked on both sides of a bike rack without conflict, each side may be counted as a required space.
- (2) Bike racks shall be securely anchored, usable with both U-locks and cable locks, and support a bike at 2 points of contact to prevent damage to the bike wheels and frame.
- (3) No fee may be charged for bike parking where free automobile parking is provided.
- (4) Bike parking shall be provided in a well-lit area.
- (5) Bike parking shall be located adjacent to pedestrian areas but shall not block or interfere with pedestrian movements.
- (6) Be located to prevent damage to bicycles by cars.
- (7) Be located so as not to interfere with pedestrian movements.

(B) Calculations.

Bicycle parking spaces shall be provided as identified in Table 5.09.06 (A), or fraction thereof.

**Table 5.09.06 (A) Required Bicycle Parking Spaces**

<u>Use</u>	<u>Required Bicycle Spaces</u>
<b><u>Residential</u></b>	
<u>Single-Unit</u>	<u>N/A</u>
<u>Multi-unit</u>	<u>0.5 per unit</u>
<b><u>Educational</u></b>	
<u>Elementary and Middle School</u>	<u>5 per vehicle space</u>
<u>High School and College</u>	<u>1 per 10 vehicle spaces</u>
<b><u>Non-Residential</u></b>	
<u>Other non-residential open for public use</u>	<u>1 per 10 vehicle spaces</u>

*Comment: New Section added to address bicycle parking.*

**5.09.07:- Off-Street Loading Requirements-**

No motor vehicle shall be allowed to extend onto a public street, sidewalk, or alley while loading or unloading. Off-street loading spaces shall be provided in accordance with the following standards:

- (A) Every hospital, institution, commercial or industrial building or similar use shall be provided with one loading space for each 10,000 square feet 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 10,000 square feet of gross floor area, or fraction thereof, immediately adjacent to the principal building; All manufacturing, industrial, warehouses and similar establishments customarily receiving and distributing goods by motor vehicle shall provide loading and unloading facilities on the premises. The minimum number of spaces shall be determined according to the following floor area schedule:

**Table 5.09.07 (A): Minimum Loading Berths for Manufacturing, Industrial, Warehouses**

<u>Floor Area (Square Feet)</u>	<u>Minimum Number of Berths</u>
<u>10,001 to 20,000</u>	<u>1</u>
<u>20,001 to 40,000</u>	<u>2</u>
<u>40,001 to 100,000</u>	<u>3</u>
<u>100,001 to 200,000</u>	<u>4</u>
<u>200,001 to 320,000</u>	<u>5</u>
<u>320,001 to 400,000</u>	<u>6</u>
<u>Each 90,000 above 400,000</u>	<u>1</u>

- (B) Retail operations, wholesale operations, and industrial operations, with a gross floor area of less than 10,000 square feet 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) Table 5.09.07(B) includes the minimum loading spaces for Retail and service operations over 10,000 square feet.

**Table 5.09.07 (B): Minimum Loading Berths for Retail and Service Operations over 10,000 SF**

<u>Floor Area (Square Feet)</u>	<u>Minimum Number of Berths</u>
<u>10,001 to 20,000</u>	<u>2</u>
<u>20,001 to 50,000</u>	<u>3</u>
<u>50,001 to 75,000</u>	<u>4</u>
<u>75,001 to 100,000</u>	<u>5</u>
<u>100,001 to 125,000</u>	<u>6</u>
<u>125,001 to 150,000</u>	<u>7</u>
<u>150,001 to 175,000</u>	<u>8</u>
<u>755,001 and above</u>	<u>9</u>

- (D) Every off-street loading and unloading space shall have a direct access to a public street or alley, and shall have the following minimum dimensions:
- a.(1) Length: 55 feet;
  - b.(2) Width: 12 feet;
  - c.(3) Height: 14 feet;



- (D) ~~Mobile~~ Manufactured home and recreational vehicle sales establishments shall provide adequate space off ~~of~~ the public right-of-way for the maneuvering of ~~mobile~~ manufactured homes and recreational vehicles into position on the property without blocking traffic on the abutting street or road.

*Comment: Language relocated from Section 3.11.03; Term updated from mobile home to manufactured home; off-street loading requirements updated.*

**5.09.08- Design Standards for Off-Street Parking and Loading Areas-**

- (A) *Location.* All required off-street parking spaces shall be located on the same parcel as the use they are intended to serve. Parking spaces required for residential uses shall 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.

- (B) *Size.*

- (01) Standard and compact parking spaces shall be sized according to ~~Figure~~ Table A as follows.
- (02) 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.

Figure A-Table 5.09.08 (A): Parking Space Design Requirements

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	29.2	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

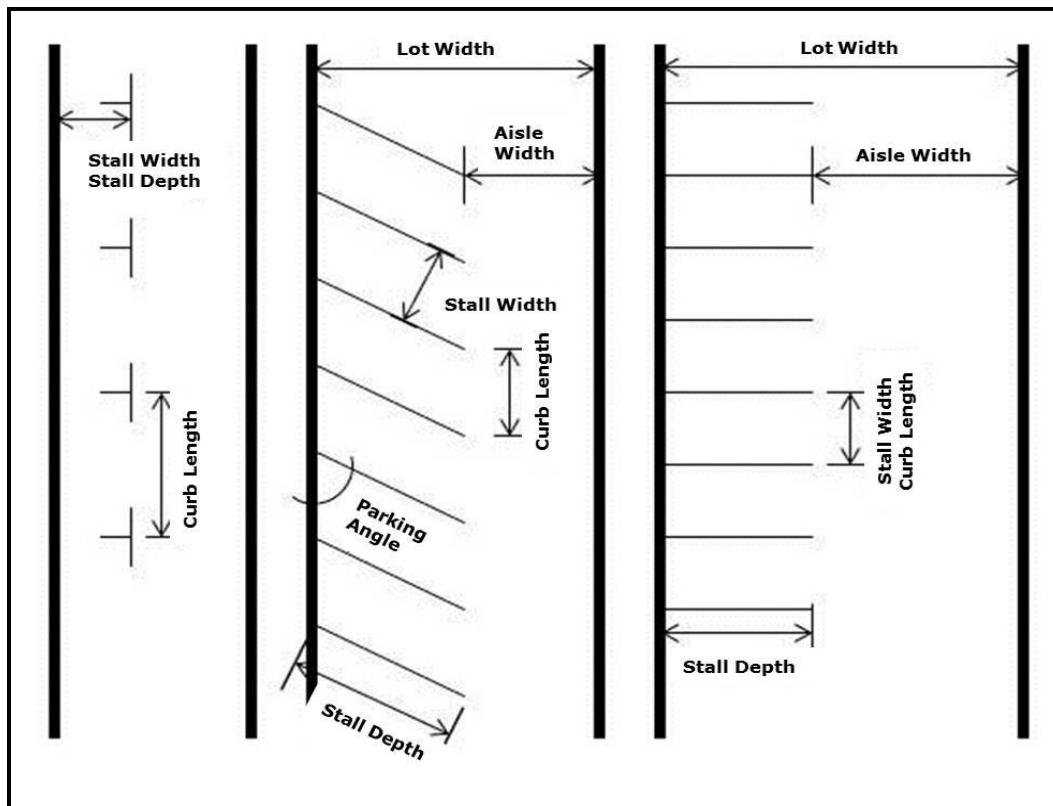
C = Stall Depth

D = Aisle Width

E = Curb Length Per Car

F = Lot Width

**Figure 5.09.08 (B)**  
**Parking Space Illustration**



- (03) Tandem parking spaces must be a minimum of nine feet wide and 20 feet long.
- (04) A standard motorcycle parking space shall be 4 1/4 feet wide and 9 1/4 feet long.
- (05) ~~The minimum off-street loading space shall be 10 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 is addressed in Section 5.09.07.~~
- (06) The Board of County Commissioners may modify these requirements where necessary to promote a substantial public interest relating to environmental protection, heritage conservation, aesthetics, tree

protection, or drainage. The requirements may also be amended administratively as described in Section 11.05.00. The County Engineer shall certify that the modification does not create a serious hazard or inconvenience, and the Board of County Commissioners shall submit a written statement of the public interest served by allowing the modification.

(C) Layout.

- (01) Pedestrian circulation facilities, roadways, driveways, and off-street parking and loading areas shall be designed to be safe and convenient.
- (02) 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.
- (03) 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.
- (04) 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.
- (05) 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.
- (06) 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 Planning and Development Director based on the size and accessibility of the driveway.
- (07) 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.

- (08) 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.
- (09) No parking space shall be located so as to block access by emergency vehicles.

*Comment: Language relocated from Section 3.11.04; Deleted language for loading areas and included reference to Section 5.09.08 added language to reference administrative approval of parking requirements.*

### **SECTION 5.10.00- UTILITIES-**

*Comment: Section title relocated from Section 3.12.00.*

#### **5.10.01- Requirements for All Developments-**

Utility easement of 10 feet will be accepted as a minimum if adjacent to a public street. Utility easements shall not be less than 15 feet wide or 7.5 feet on each side of a lot. The following basic utilities are required for all developments subject to the criteria listed herein:

- (A) Water and Sewer. Every principal use and every lot within a newly platted subdivision shall have central potable water and wastewater hookup whenever required by the Comprehensive Plan and where the topography permits the connection to a public water or sewer line by running a connecting line no more than 200 feet from the lot to such line.
  - (1) All new water lines shall be PVC or ductile iron pipe.
  - (2) All PVC pipe shall meet the requirements for minimum 150 psi pressure rating, American Water Works Association (AWWA) C-900 or C-905 pipe, as applicable, and shall be laid with 14-gauge copper trace wire.
  - (3) Installation shall be in accordance with County standards.
  - (4) All fittings shall be mechanical joint, short-body ductile iron.
  - (5) All valves shall be gate valves with all valves larger than 3" being of the resilient wedge type. All valves shall meet applicable AWWA standards.
- (B) Stormwater and Drainage. Where a lot is traversed by a watercourse, drainage way, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse

and width adequate for its purpose, access, and maintenance. Parallel streets or parkways may be required in connection therein.

- ~~(C)~~ *Septic Tanks.* Where septic tanks are permitted, each individual single-family residence shall have its own septic tank. No septic tank system, including drain field, may be located less than five feet from any property line. Any system shall comply with and be permitted by the Florida Department of Health.
- ~~(BD)~~ *Fire Hydrants.* All developments served by a central water system shall include a system of fire hydrants consistent with design standards adopted by Hardee County and approved by the Hardee County Fire Department as set forth in the Hardee County Fire Prevention Ordinance.
- ~~(CE)~~ *Electricity, Communication, and Cable Television.* Every principal use and every lot within a subdivision shall have available to it a source of electric power, telephone, and cable television adequate to accommodate the reasonable needs of such use and every lot within such subdivision, and shall be placed underground, except as follows:
- (1) Equipment appurtenant to underground facilities, such as surface mounted transformers, pedestal mounted terminal boxes, and meter cabinets.
  - (2) Emergency Back-up Generators shall be required for all new multi-family buildings containing 4 or more units, apartment complexes, commercial, retail, stand-only offices, office parks, public/institutional, manufacturing/warehousing, mixed-use and industrial buildings.
  - (3) Emergency Back-up Generators shall be required for all new residential and non-residential subdivision developments for lift stations, street lighting, other utilities, and community/common area structures, such as a Clubhouse, laundry facilities or other similar type amenities.
  - (4) Poles supporting only street lights.
- ~~(DE)~~ *Telephone.* Every principal use and every lot within a subdivision shall have available to it a telephone service cable adequate to accommodate the reasonable needs of such use and every lot within such subdivision.
- ~~(G)~~ *Illumination.* All streets, driveways, sidewalks, bikeways, parking lots and other common areas and facilities in developments shall provide illumination meeting

design standards adopted by Hardee County.

- (1) Each new subdivision or development, with public or private streets, shall have a minimum of one street light at the entrance, one at each street intersection and a minimum of one street light along the streets with a maximum spacing of 400 feet.
- (2) All street lights shall be installed on poles with a high-pressure sodium fixture with a minimum of 70-watt lamp. Lighting fixtures meeting International Dark Shy program requirements are preferred. The applicant may submit plans for light standards with concrete poles, which shall be approved by the Planning and Development Director.
- (3) All private developments planned and operated as a single entity, such as multiple family developments, apartments, condominiums, commercial, industrial, or any other private land developments, shall be required to provide street lighting adequate for the safety and wellbeing of the occupants. The amount and number of street lights shall be determined by the County Engineer/Consultant and approved by the Planning and Development Director.
- (4) As a condition of plat approval of a residential development in an R-0.5, R-1, R-2, R-3, or Planned Unit Development (PUD) zoning district, and commercial or industrial development where the streets and rights-of-way are dedicated to the public, the developer shall provide for the installation, operation, and maintenance of street lights. Said provisions of street lighting shall be implemented through the creation of a nonprofit property owners' association under Chapter 617, Florida Statutes or a community development district under Chapter 190, Florida Statutes. Said property owners' association shall meet the requirements set forth in paragraph ~~(01a)~~ below:

  - (01a) Each property owners' association established pursuant to this Section shall meet the following criteria, as a general condition of final acceptance and plat approval for any portion of the project:

    - a1. The property owners' association shall be properly incorporated under Chapter 617, Florida Statutes and the articles of incorporation shall be filed with the secretary of state, or established under a community development district under Chapter 190, Florida Statutes; and.

- ~~B2.~~ Membership in the property owners' association shall be mandatory for each property owner within the project. Such membership shall be established in a declaration of restrictive covenants or other instrument prepared by the ~~developer~~ applicant, recorded in the public records of Hardee County, Florida, and binding upon each parcel of land located within the project and each owner thereof, its heirs, successors, and assigns. Such restriction shall be deemed a covenant running with the land, and shall be clearly stated therein; ~~and.~~
- ~~C3.~~ The property owners' association shall have the right to collect an assessment from each unit owner's pro rata share assessment of the cost of installing, maintaining, operating, repairing or replacing said street lights. All such assessments shall constitute a lien against the property of the unit owner, which lien shall be subject to foreclosure in accordance with state law.
- ~~(02b)~~ The ~~developer~~ applicant shall enter into an applicant's agreement with the utility as may provide electric service to the project, for the installation, operation and maintenance of street lights as prescribed by the County. The form and content of such agreement shall be acceptable to the County. Said agreement shall set forth the installation costs of said street lights, the operating charges, and the provisions for adjustments in the operating charges. The ~~developer~~ shall pre-pay said installation costs, if any. The ~~developer's~~ agreement shall reference the declaration of covenants and restrictions, or other instrument recorded by the ~~developer~~ applicant.
- ~~(03c)~~ The ~~developer~~ applicant shall submit to the county a copy of the ~~developer's~~ agreement with the utility company; a copy of the declaration or restriction or other instrument as referenced in paragraphs ~~(01)a., b. and c.~~ (1)(a), (b), and (c); a copy of the articles and bylaws of the property owners' association and such other documents or information as the County shall request.
- ~~(04d)~~ In the event no property owners' association is created, as a condition of final inspection, or issuance of a Certificate of



Occupancy for any portion of a residential, commercial, or industrial development, whether approved by issuance of a single permit, a final site plan or a final plat, the ~~developer~~ applicant shall be required to pay to the county an amount of money that will produce the required monthly charge on an annual basis for all street lighting facilities being installed or constructed as a result of such development activity if invested at the then current interest rate applicable to final judgment in the circuit court as set by Florida Statutes. If for any reason no such interest rate has been established in the Florida Statutes, the said interest rate shall be eight percent. An appropriate sum of money shall be required for each lighting pole or other lighting facility to offset the cost of any pole rental charges, annual power consumption charges or any other user charges established by the electric utility supplying the same, as such charges are then in effect. Upon such payment, the ~~developer~~ applicant shall have met the requirements for the installation of street lights or other illumination devices for the project.

- (05e) The County shall maintain such fees in a trust account, and the interest or other returns thereon shall be used solely for the payment of the County's street lighting facilities charges assessed by the appropriate utility or other provider. These trust funds may be invested by the County in accordance with law and shall be used only for the purposes expressed therein.

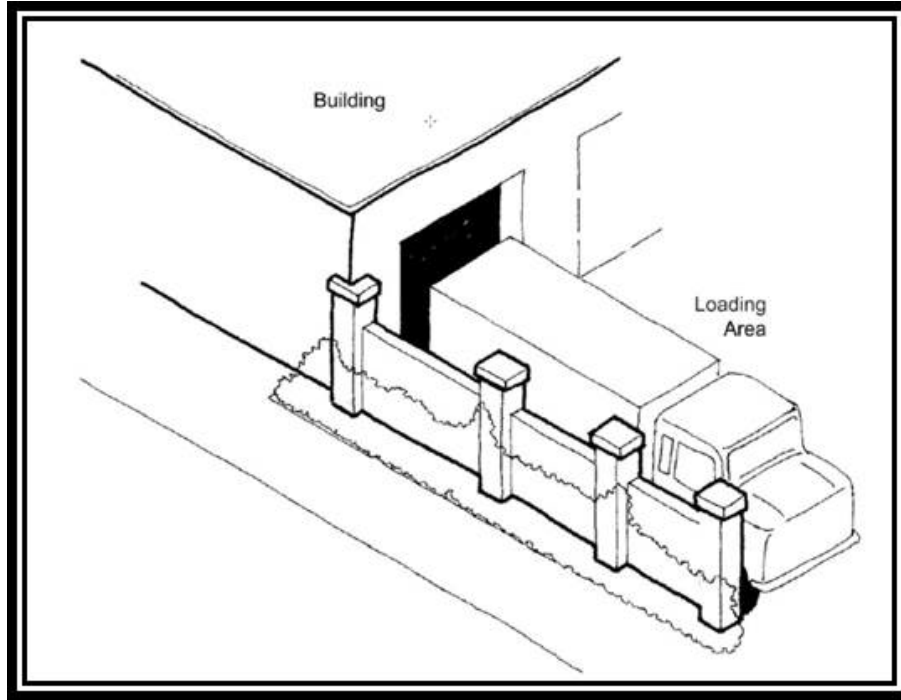
*Comment: Language relocated from Section 3.12.01; Septic tank language relocated from Section 2.12.00; Language added for water and stormwater, septic, communication, and Illumination; Illumination language relocated from Section 3.07.00.*

**5.10.02- Design Standards-**

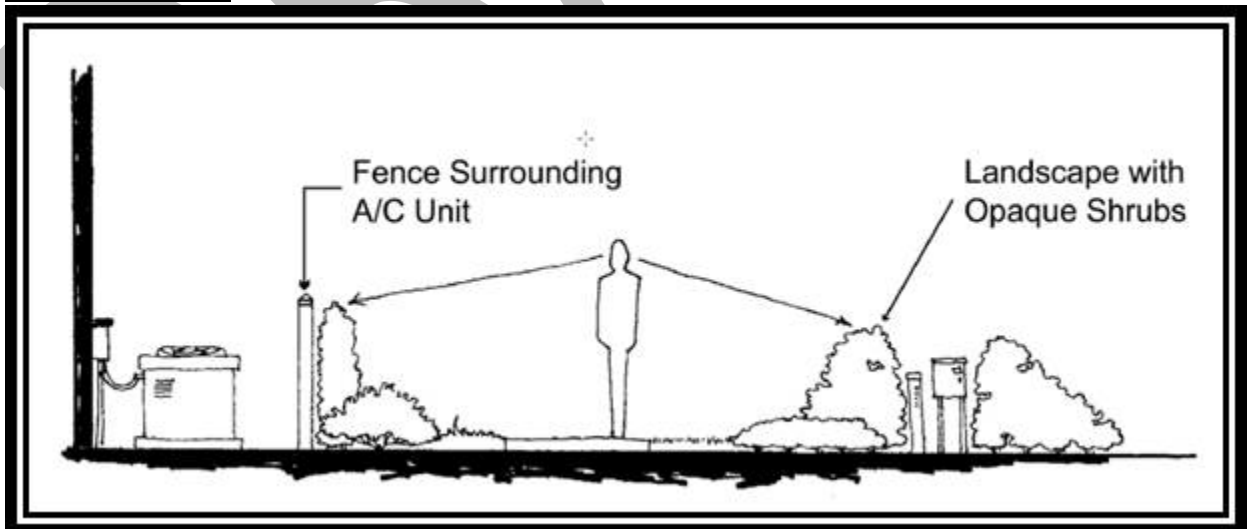
- (A) *Compliance with Technical Construction Standards.* All utilities required by this ~~Chapter~~ Article shall meet or exceed minimum standards adopted by Hardee County.
- (B) *Placement of Utilities Underground.* All subdivision residential lots of one acre or more are exempted from the following regulations:

- (01) 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 exceed three feet square), and gas distribution lines shall be placed underground within easements or dedicated public rights-of-way, installed in accordance with the County's adopted design standards;
- (02) 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 in accordance with the provisions of Hardee County Public Works Department, ~~Appendix C of this Code~~ Technical Standards Manual.
- (C) *Screening of Above Ground Utility Apparatus.* Screening of any utility apparatus placed above ground with a footprint of three-square feet or more shall be buffered with a Figure "C" buffer yard, where it abuts a residential lot. Buffer yards are outlined in Section ~~3.07.04.04(C)~~ 5.13.07.
- (D) Screening of Service, Utility, Display, and Storage Areas
- (1) Utilities for all new commercial developments shall be located underground. Utility boxes must be totally screened from view of principal streets, as well as pedestrian walkways and areas.
- (2) Loading areas or docks (See Figure 5.10.02(A)), outdoor storage, waste disposal, mechanical equipment (See Figure 6.03.01(B)), satellite dishes, truck parking, and other service support equipment shall be located behind the building line and shall be fully screened from the view of adjacent properties both at ground and roof top levels.
- (3) The display area of an automobile sales outlet shall not dominate the site frontage. Cars shall not be raised above the landscaping along the front yard.
- (4) Refuse containers, air conditioners and similar elements shall be screened from view.

**Figure 5.10.02(A)**



**Figure 5.10.02(B)**



*Comment: Language relocated from Section 3.12.02; Reference to Appendix C changed to Technical Standards Manual; Language added to address screening of Service, Utility, Display, and Storage Areas.*

#### **5.10.03- Utility Easements-**

When an ~~developer~~ applicant 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~~ applicant, the ~~developer~~ applicant shall transfer to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities in accordance with the provisions of Hardee County Public Works Department, ~~Appendix C of this Code~~ Technical Standards Manual.

*Comment: Language relocated from Section 3.12.03; Reference to Appendix C changed to Technical Standards Manual.*

### **SECTION 5.11.00- 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 County. The design and performance of all stormwater management systems shall comply with applicable state regulations and the rules of the Southwest Florida Water Management District (SWFWMD). 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 state regulations. Steps to control erosion and sedimentation shall be taken for all development.

*Comment: Language relocated from Section 3.13.00*

#### **5.11.01- Stormwater Management Requirements-**

- (A) *Performance Standards.* All development must be designed, constructed, and maintained to meet the following performance standards and the Hardee County Technical Standards Manual, whichever is more restrictive:
- (01) 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;

- (02) Maintenance activity may be undertaken so long as it does not change or affect the quality, rate, volume or location of stormwater flows on the site or of stormwater runoff;
  - (03) Actions may be undertaken during emergency conditions that violate these regulations to prevent imminent harm or danger, or to protect property from fire, violent storms, hurricanes, or other hazards. Upon cessation of the emergency, all activities shall conform to this Section;
  - (04) Agricultural activity may be engaged in, provided farming activities are conducted in accordance with the requirements set forth in an approved USDA Natural Resources Conservation Service (formerly known as the 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 Florida Administrative Code (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 and the Hardee County Technical Standards Manual, whichever is more restrictive.
- (01) *New Construction*. For the purposes of determining whether residential development of one to four 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 waterbody; 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.
  - (02) *Infill development*. Infill development within an existing subdivision or a developed residential area is exempt from a retention area when:

- (a) Infill residential development shall be designed so as not ~~not~~ lower the receiving water quality or degrade the receiving waterbody below the minimum conditions necessary to maintain their classifications as established in Chapter ~~1762~~-302, F.A.C.

*Comment: Language relocated from Section 3.13.01; references to the Technical Standards Manual are added; outdated reference to an outside document is updated.*

**5.11.02- Design Standards-**

To comply with the foregoing performance standards, the proposed stormwater management system shall conform to the following design standards and the Hardee County Technical Standards Manual, whichever is more restrictive.

- (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 to exceed the peak predevelopment rate. Overland flow over roadways shall not be permitted.
- (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, regardless of how many years the phasing may take.
- (N) All detention and retention basins, except natural waterbodies used for this purpose, shall be accessible for maintenance from streets or public rights-of-way.

*Comment: Language relocated from Section 3.13.02; references to the Technical Standards Manual are added;*

### **5.11.03- Dedication or Maintenance of Stormwater Management Systems-**

If the Director of Public Works determines that a stormwater management system approved under this Code will function as an integral part of a County-maintained drainage system, then the Hardee County Board of County Commissioners will consider an application to dedicate the facilities to the County. The Board of County Commissioners reserve the right to accept or reject the dedication. The applicant must be an acceptable entity and must 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 Hardee County shall be operated and maintained by one of the following entities:

- (A) 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.;
- (B) A State or Federal agency;
- (C) An officially franchised, licensed, or approved communication, water, sewer, electrical or other public utility;
- (D) The property owner or ~~developer~~ applicant if: the following items are submitted.
  - (01) 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) through (C) above, will accept the operation and maintenance of the stormwater management and discharge facility at a time certain in the future;
  - (02) A bond or other assurance of continued financial capacity to operate and maintain the system is submitted.
- (E) For-profit or non-profit corporations including homeowners' associations, property owners' associations, condominium owners' associations or master associations if:
  - (01) The owner or ~~developer~~ applicant submits documents constituting legal capacity and a binding legal obligation between the entity and the County affirmatively taking responsibility for the operation and maintenance of the stormwater management facility;
  - (02) The association has sufficient powers reflected in its organizational or operational documents to operate and maintain the stormwater management system as permitted by the County, 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;
  - (03) A bond or other assurance of continued financial capacity to operate and maintain the system is submitted.



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.

*Comment: Language relocated from Section 3.13.03.*

#### **5.11.04 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.

*Comment: New Section added to address special considerations.*

#### **5.11.05 Maintenance Requirements**

It shall be the duty of the applicant/property owner to provide proper maintenance of the stormwater management system so that the system continues to meet the requirements of this Section. The County shall have access to inspect stormwater management systems and facilities and to require such maintenance, repair, and replacement of facilities as necessary.

*Comment: New Section added to address maintenance of stormwater facilities.*

### **SECTION 5.12.00 PERFORMANCE STANDARDS GOVERNING WASTE AND EMISSIONS**

*Comment: New Section title added to address waste and emissions*

#### **5.12.01- General Provisions-**

~~The purpose of this Section is to provide additional and supplementary regulation for specific development types permitted in the County that, by their nature and characteristics, require additional definition and procedural requirements. In addition, this Section contains procedures and requirements for activities pursuant to permitted and special exception uses special approvals and permits as identified in this Code.~~

All uses shall conform to the standards of performance described in this Section 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.

*Comment: Section relocated from Section 3.14.01 and first portion deleted as it is not related to the specific standards.*

#### **5.12.02 Specific Standards**

*Comment: New Section title added.*

##### **5.12.02.01- Noise: Reserved**

*Comment: Section title relocated from Section 2.15.00; Section deleted to be relocated to the new Code section.*

##### **2.15.01. Scope.**

~~This section shall apply to the unincorporated areas of the Hardee County, Florida.~~

*Comment: Section relocated from Section 2.15.01; Section deleted to be relocated to the new Code section.*

##### **2.15.02. Loud and Raucous Noise and Public Nuisances Prohibited.**

~~It shall be unlawful for any person to willfully make, continue or cause to be made or continued, any excessive, unnecessary, or unreasonable noise which disturbs the peace, quiet or enjoyment of any neighborhood or~~

~~residence or which would cause discomfort or annoyance to any reasonable person of normal sensitivities, or any loud and raucous noise or public nuisance heard upon:~~

- ~~(a) — Public streets;~~
- ~~(b) — In public parks;~~
- ~~(c) — In any school or public building, or upon the grounds thereof while in use;~~
- ~~(d) — In any church or hospital or upon the grounds thereof while in use;~~
- ~~(e) — Upon any parking lot open to the members of the public as invitees or licenses;~~
- ~~(f) — Or in any occupied residential unit which is not the source of the noise or upon the grounds thereof;~~
- ~~(g) — From a location not less than 50 feet from the source of the noise, measured in a straight line from the source of the noise.~~

~~Any such excessive, unnecessary, or unreasonable noises, loud and raucous noises or public nuisances are deemed to be in violation of this Code.~~

*Comment: Section title relocated from Section 2.15.02; Section deleted to be relocated to the new Code section.*

### **2.15.03. Definitions.**

~~In addition to the definitions set forth in Article 9 of this Code, the following definitions contained herein shall apply unless otherwise specifically stated. When not inconsistent to the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. Use of the masculine gender shall include the feminine gender. The word "shall" is always mandatory and not merely discretionary.~~

~~**Loud and Raucous Noise** means any sound which, because of its volume level, duration, and character, annoys, disturbs, injures, or endangers the~~

~~health, safety, comfort, peace, tranquility, or general welfare of reasonable persons or ordinary sensibilities within Hardee County.~~

*Comment: Section relocated from Section 2.15.03; Section deleted to be relocated to the new Code section.*

#### **2.15.04. Enumerated Public Nuisances.**

~~The following enumerated acts shall constitute public nuisances for the purposes of this Section:~~

- ~~(a) *Radios, stereos, amplifiers, tape players, compact disc players, digital playing device, live bands, and like devices.* The using, operating or permitting to be played, used or operated, any radio, stereo, amplifier, tape player, compact disc player, digital playing device, musical instrument or other device for the producing or reproducing of sound in such a manner as to cause loud and raucous noise.~~
- ~~(b) *Lawnmowers, trimmers, blowers, and like devices.* The operation of any lawnmower, trimmer, blower or any internal combustion engine, the operation of which causes loud and raucous noise, unless the noise from such lawnmower, trimmer, blower or like device is muffled or such engine is equipped with a muffler device sufficient to prevent loud and raucous noise. For the purposes of this Section, muffling to the manufacturer's specifications shall be deemed sufficient to prevent a loud and raucous noise.~~
- ~~(c) *Sound vehicles.* No amplifier or loudspeaker in, upon or attached to a sound vehicle or other device for amplifying sound which emits loud and raucous noise shall be operated or permitted to operate within the County.~~
- ~~(d) *Animals and birds.* It shall be a violation of this Section for the owner or custodian of any animal or bird, other than a farm animal on real property zoned for agricultural use, to allow that animal or bird to frequently or continuously howl, bark, meow, squawk or make other sounds indigenous to such animal which creates a noise disturbance which is plainly audible across a residential or commercial real property line. It shall be a violation of this Section for the owner or custodian of any dog to allow that dog to bark,~~

~~bay, cry, howl or make other similar noise continuously for a period of ten minutes or bark intermittently for one half hour or more to the disturbance of any person at any time, day or night, regardless of whether the dog is physically situated in or upon private property. It shall not be a violation of this Section, however, for any animal or bird to give a sound of danger warning under circumstances reasonably requiring the need for a warning.~~

~~(e) *Defect in vehicle load.* The use of any motor vehicle so out of repair, so loaded or in such manner as to create loud, grating, grinding, rattling or other loud and raucous noise or which is not equipped with a muffler in good working order and in constant operation as to prevent loud and raucous noise.~~

~~(f) *Horns, signaling devices, and like devices.* The sound of any horn, whistle, or other audible signaling device as to create a loud and raucous noise.~~

~~(g) *Noises heard within schools, public buildings, churches, hospitals.* The creation of any loud and raucous noise heard within any school, public building, church or hospital, or the grounds thereof, while in use, which interferes with the workings of such institution, or which disturbs or annoys hospital patients.~~

~~(h) *Noises to attract attention.* The use of and drum or other instrument or device to create a loud and raucous noise.~~

~~(i) *Discharge of firearms.* The discharging of firearms to create loud and raucous noise between the hours of one half hour after dusk and one half hour before sunrise; continuous discharge for one hour or longer.~~

*Comment: Section relocated from Section 2.15.04; Section deleted to be relocated to the new Code section.*

#### **2.15.05 Exceptions.**

The term "loud and raucous noise" does not include noise or sounds generated by the following:

- ~~(aA) Persons engaging in constitutionally protected speech as provided for in the Constitution and Laws of the United States and the State of Florida;~~
- ~~(aB) Cries for emergency assistance and warning calls;~~
- ~~(cC) Radios, sirens, horns and bells on law enforcement, fire, emergency medical services, or other emergency response vehicles;~~
- ~~(dD) Motor vehicle horns sounded to alert or warn other motorists of pedestrians;~~
- ~~(eE) Fire alarms and burglar alarms;~~
- ~~(fF) Locomotives and other railroad equipment, aircraft, National Guard or Reserve equipment;~~
- ~~(gG) Construction or repairing of buildings, except where such noise is further regulated through other provisions of this Code;~~
- ~~(hH) The operation of industrial or agricultural equipment, such as power units and sprayers, provided such equipment is muffled or equipped with a muffler device sufficient to prevent loud and raucous noise. For purposes of this Section, muffling to the manufacturer's specifications shall be deemed muffling sufficient to prevent a loud and raucous noise;~~
- ~~(ii) Boom cannon used in agricultural activities to keep away birds and other pests at certain times of the year;~~
- ~~(aJ) Night time hunting as permitted through the Florida Fish and Wildlife Commission.~~

*Comment: Section relocated from Section 2.15.05; Section deleted to be relocated to the new Code section.*

#### **2.15.06. Violations.**

Any person violating any of the provisions of the Section, upon conviction thereof, shall be punishable as provided in Article 8 of this Code.

*Comment: Section relocated from Section 2.15.06; Section deleted to be relocated to the new Code section.*

**2.15.07. Standards.**

- ~~(a) The following standards shall be applied as a method of determining violation of the provisions contained herein.~~
- ~~(b) The following standards may be considered in determining if violations of these sections exist:~~
- ~~(01) The volume of the noise;~~
  - ~~(02) The intensity of the noise;~~
  - ~~(03) Time of day of the noise;~~
  - ~~(04) Time duration of the noise;~~
  - ~~(05) Whether the nature of the noise is usual or unusual;~~
  - ~~(06) The volume and intensity of the background noise, if any;~~
  - ~~(07) The proximity of the noise to residential areas;~~
  - ~~(08) The nature and zoning of the area from which the noise emanates;~~
  - ~~(09) The nature and zoning of the receiving land.~~
- ~~(c) Sound levels prima facie but not exclusive. Violations of the sound limits proscribed by this Section shall constitute prima facie evidence of a violation of this Section. However, sound level measurements are not necessary for enforcement of this Section. Notwithstanding any other provision of this or any other County Code to the contrary, neither the sound level measurements made pursuant to this Section nor any other sound measurement is necessary to prove a violation of this Section.~~
- ~~(d) Maximum sound level generated across property lines. The sound from any activity or from any permissible use of property within the~~

~~applicable zoning district classifications of Hardee County or from the use of any vessel or other watercraft on the waters of Hardee County shall be deemed excessive, unnecessary, offensive or unusually loud if the total sound level due to both ambient sound and the alleged source of the excessive, unnecessary, offensive or unusually loud sound exceeds the sound levels prescribed in Table 2.15.07.01 of this Section as measured in decibels on the A Scale from the receiving property.~~

**TABLE 2.15.07.01:  
APPLICABLE SOUND LIMITS  
Sound level in Decibels A Scale (DBA)**

<b>Zoning District</b>	<b>Day 6:00 a.m.—9:00 p.m.</b>	<b>Night 9:00 p.m.—6:00 a.m.</b>
Agricultural	65	60
Residential	65	60
Commercial or Business	75	75
Industrial or Manufacturing	75	75

~~(e) Interior sound within multi family dwelling units. Notwithstanding any other provisions of this Article, it shall be a violation of this Section for any person to create, maintain or cause to be maintained any sound for any period of time within the interior of any multi family dwelling unit which causes the sound level in any other dwelling unit to exceed the limits prescribed in Table 2.15.07.02 of this Section.~~

**TABLE 2.15.07.02:  
APPLICABLE SOUND LIMITS FOR MULTI-FAMILY DWELLING UNITS  
Sound level in Decibels A Scale (dBA)**

	<b>Day 6:00 a.m.—9:00 p.m.</b>	<b>Night 9:00 p.m.—6:00 a.m.</b>
Multi-Family Dwelling Units	55	45



- ~~(f) *Vessels and watercraft.* In accordance with §§ 327.65 and 327.60(1), F.S., no person shall operate or give permission for the operation of any vessel on the waters of Hardee County, in such a manner as to exceed a maximum sound level of 90 dbA at a distance of 50 feet from the vessel.~~
- ~~(g) *Measurement of sound.* For purposes of this Section, the measurement of sound shall be made with a sound level meter meeting the standards prescribed by the American National Standards Institute (ANSI), S1.4 American Nation Standard Specifications for sound level meters. The instruments shall be maintained in calibration and good working order. A calibration check shall be made of the system at the time of any sound measurement, both before and after the measurement is taken. Measurements shall be taken so as to provide a proper representation of the sound source. The microphone, during measurement, shall be positioned so as not to create any unnatural enhancement or diminution of the measured sound. No individual other than the operator shall be within ten (10) feet of the sound level meter during the sample. A windscreen for the microphone shall be used at all times.~~
- ~~(h) The sound level meter shall be of at least type 2 ANSI requirements. The sound level meter shall utilize the A-weighted network when measurements are taken. The microphone shall be oriented in accordance with the instrument manufacturer's instructions.~~
- ~~(i) For outside sound, the measurement shall be made at the nearest adjacent real property line from the property on which the sound source is located. Outside sound measurements shall be made at least four (4) feet above the ground and at a point at least ten (10) feet away from any walls, barriers, or other obstructions. Sound measurements inside multi-family dwelling units shall be made at least three (3) feet from any wall, ceiling, or partition.~~
- ~~(j) All sound measurements provided for in this Section shall be made by code enforcement officers who are qualified to operate the apparatus used to make the measurements as provided for in this Section.~~

~~(k) The Code Enforcement Officer conducting the sound measurements shall document all sound measurement results in a written record. That record shall include the following:~~

~~(01) Instrument used, name, make type, serial and model number;~~

~~(02) Date of last laboratory calibration;~~

~~(03) On site calibration before and after reading;~~

~~(04) Name and location of measuring area;~~

~~(05) Detailed sketch of measuring area;~~

~~(06) Time and date of measuring;~~

~~(07) Weather conditions; and,~~

~~(08) Names of observers.~~

*Comment: Section relocated from Section 2.15.07; Section deleted to be relocated to the new Code section.*

**2.15.08. Waivers and Permits.**

~~(A) Waiver. Applications for a waiver for relief from the maximum allowable sound level limits designated in this Article shall be made in writing. Such applications, along with a fee established by resolution of the Board of County Commissioners, shall be made to the County Manager/designee. Any waiver granted by the County Manager/designee hereunder must be in writing and shall contain all conditions upon which the waiver shall be effective. The County Manager/designee may grant the requested waiver under the following conditions:~~

~~(01) The County Manager/designee may prescribe any reasonable conditions or requirements deemed necessary to minimize adverse effects upon the community or the surrounding neighborhood, including but not limited to, the~~

~~use of mufflers, screens, or other sound attenuating devices.~~

~~(02) Waivers from maximum allowable sound level limits may only be granted for noises created by operations which were in existence on the effective date of this Article.~~

~~(03) Waivers may be issued for no longer than 365 days, renewable by further application to the County Manager/designee.~~

~~(B) *Permits.* Any person desiring relief from the provisions of this Section not provided for by waiver shall apply for a permit to cause or create noise which would otherwise be in violation of this Article. Such applications, with the fee established by resolution of the Board of County Commissioners, shall be made in writing to the County Manager/designee at least 21 days prior to the date for which the relief is requested. The County Manager/designee may grant a permit under the following conditions:~~

~~(01) Additional time is necessary for the applicant to alter or modify the activity or noise source in order to comply with this Article, and~~

~~(02) The activity, operation or noise source will be of a temporary duration and cannot be done in a manner that would comply with the provisions of this Article, and~~

~~(03) No reasonable alternative is available to the applicant.~~

~~Applicants for permits issued pursuant to this Section shall comply with all reasonable conditions and requirements deemed necessary by the County Manager/designee including effective date, time of activity, location and equipment limitations, and sound attenuation devices. No permit shall be issued for a period in excess of 15 consecutive days. Any permit granted may be renewed upon application to the County Manager/designee by showing that the reasons for which the permit was granted still exist. No permit granted pursuant to this Section shall be renewed more than once.~~

~~(C) Appeals. Any person aggrieved by the action taken by the County Manager/designee to approve or deny an application for a waiver or a permit may appeal that decision by filing a written notice of appeal in the office of the County Manager within 30 days after the date of the approval or denial of the waiver or permit. The County Manager shall schedule said appeal before the County Commission at its next regularly scheduled meeting.~~

*Comment: Section relocated from Section 2.15.08; Section deleted to be relocated to the new Code section.*

~~**2.15.09. Enforcement and Penalties.**~~

~~(A) Responsibility for enforcement. Hardee County Code Enforcement Officers employed by the Hardee County Board of County Commissioners shall have the primary responsibility for the enforcement of this Section. The Hardee County Sheriff's Office shall also be responsible for enforcement of this Section. Enforcement of Section 2.15.04 of this Section pertaining to "animals and birds" shall also be the responsibility of Hardee County Animal Control Officers. Code Enforcement Officers shall have the powers and authority to enforce this Section as set forth in Article 8 of this Code.~~

~~(B) Enforcement procedures. A violation of this Section shall be enforced pursuant to the procedures set forth in Article 8, Section 8.10.00, of this Code.~~

*Comment: Section relocated from Section 2.15.09; Section deleted to be relocated to the new Code section.*

~~**2.15.10. Other Remedies.**~~

~~The Board of County Commissioners or any substantially affected person may bring suit in the Circuit Court of the County to restrain, enjoin or otherwise prevent the violation of this Section.~~

*Comment: Section relocated from Section 2.15.10; Section deleted to be relocated to the new Code section.*

~~**2.15.11. No Liability for Reasonable, Good Faith Trespass by Enforcement Officer.**~~

~~The Hardee County Sheriff, any Code Enforcement Officer, any Animal Control Officer, and the County shall be immune from prosecution, civil or criminal, for reasonable, good faith trespass upon private property while in the discharge of duties under this Article.~~

*Comment: Section relocated from Section 2.15.11; Section deleted to be relocated to the new Code section.*

**5.12.02.02-      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. Unless otherwise cited herein, vibration standards shall be consistent with those identified in ~~Section 3.14.02, Article 13, Land Excavation and Mining Regulations,~~ of this Code. An exception to this standard shall be when such vibration is generated during permitted construction of a temporary nature.

*Comment: Language relocated from Section 2.16.00.*

**5.12.02.03-      Smoke-**

~~Unless otherwise cited herein, smoke standards shall be consistent with those identified in Section 3.14.02, mining regulations, of this Code.~~

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.

*Comment: Language relocated from Section 2.17.00 and updated to provide more clarity in the requirement.*

**5.12.02.04- 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 FDEP rules.

*Comment: Language relocated from Section 2.18.00.*

**5.12.02.05- Industrial Sewage and Waste-**

Every use shall be so operated as to prevent the discharge into any stream, lake, 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. ~~Any and a~~All discharge shall comply with applicable rules of the State of Florida.

*Comment: Language relocated from Section 2.19.00.*

**5.12.02.06- Hazardous Wastes-**

The handling, generating, storing, disposing and/or treating of all hazardous waste shall follow all applicable standards established by the U.S. Congress, State of Florida, and the County Health Department. Appropriate County 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.

*Comment: Language relocated from Section 2.20.00.*

**5.12.02.07- Odors-**

Where Federal and State regulations are not applicable, no use subject to this Section shall emit any continuous, frequent, or repetitive odor or odor-causing substance that is detectable at or beyond the lot line. An odor that is emitted no more than 15 minutes in any one day or more than two days out of the calendar month shall not be deemed to be continuous, frequent, or repetitive under this ~~s~~Subsection. The existence of an odor shall be presumed when the concentration of the odor-causing substance in the air or beyond the lot line exceeds the lowest concentration listed as the odor threshold for such a substance in TABLE III, ODOR THRESHOLDS, appearing in Chapter 5 "Physiological Effects", The Air Pollution Abatement Manual", Manufacturing Chemists' Association (1952), 1825

Connecticut Avenue, Washington, DC 20009, or any subsequent amendments or revisions thereto. Substances that are not listed in that Table shall not be deemed to be odorous unless analysis by a competent chemist demonstrates that a discernible odor is being emitted.

*Comment: Language relocated from Section 2.21.00.*

**5.12.02.08- Glare-**

No direct or sky-reflected glare, whether from floodlights or from high temperature processes, such as combustion or welding, shall cause illumination in excess of 0.5 foot-candles at the lot line. Buffering may provide a means of meeting this standard.

*Comment: Language relocated from Section 2.22.00; Language added to address options to meet the standard.*

**5.12.02.09- 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.

*Comment: Language relocated from Section 2.23.00.*

**5.12.02.10- Heat, Cold, Dampness, or Movement of Air-**

Where the Federal and State regulations are not applicable, no continuous, frequent, or repetitive discharge or emission of heat shall be allowed if it increases the ambient air or water temperature by one degree centigrade (1 degree Celsius) or more or beyond the lot line by one degree centigrade (1 degree Celsius) or more or beyond the lots line of the property from which it is being emitted or discharged.

*Comment: Language relocated from Section 2.24.00.*

**5.12.02.11- Fire and Safety Hazard-**

(A) 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 Hardee County and the State of Florida.

(B) Access to Structures or Areas.

- (1) Access Box or Boxes. The Fire Chief/Marshall/Inspector shall have the authority to require an access box or boxes to be installed in an accessible location to allow access to or within a structure or area.
- (2) The Fire Chief/Marshall/Inspector shall have the authority to require fire department access be provided to all new development, expansion of existing development, gated subdivisions, new structures, or expansion of existing structures through the use of an approved device or system.
- (3) The developer/owner/operator/occupant of a structure or area, with required fire department access as specified above, shall notify the Fire Chief/Marshall/Inspector when the access is modified in a manner that could prevent fire department access.

*Comment: Language relocated from Section 2.25.00; Language added to address fire safety*

**5.12.02.12 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.

*Comment: Language added to address radioactive emission.*

**5.12.02.13 Electromagnetic Radiation**

- (A) Compliance with Federal Communications Commission Regulations. 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) Evaluation of Performance. 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.

(C) Recognizing the special nature of many of the operations that may be conducted in connection with 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 which exceeds 1,000 watts.

*Comment: Language added to address electromagnetic radiation.*

## **SECTION 5.13.00. COMPATIBILITY, LANDSCAPING AND BUFFERING STANDARDS.**

*Comment: Title relocated from Section 3.15.00*

### **5.13.01 Purpose and Intent**

The Board of County Commissioners finds that landscaping makes important contributions to the public safety and the general welfare of the County. 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 County. 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, Hardee County 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:~~

*Comment: Language relocated from Section 3.15.00.*

### **5.13.02 General Provisions, Applicability of this Section, and Exemptions**

Applicability: Except as specifically excluded in the exemptions below, the requirements and regulations of this Article shall apply to the following:

- (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.

*Comment: Language relocated from Section 3.15.00; New Section title added.*

### **5.13.03 Permitting: Landscape Plans and Permits**

Prior to issuance of any Development Permit, 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 9.10.00.

(A) Nature of Required Plan.

The landscape plan for all other development shall be prepared by and bear the seal of a Landscape Architect; or otherwise be prepared by persons authorized to prepare landscape plans or drawings by Chapter 481, Part II, (Landscape Architecture) of Florida Statutes. Plans may be prepared by other legally qualified persons, such as: Architects, where applicable; Engineers, where applicable; Nurserymen; Nursery stock dealers; and Nursery agents.

(B) Contents of Landscape Plans. Landscape plans shall, at a minimum, contain the following information, as applicable:

- (1) A title block that contains the date, scale, north arrow, project name and the name and address of the person preparing the plan, including property lines, property dimensions and distances.
- (2) The location, dimensions and setbacks of all existing and proposed structures, fire hydrants, pumps, lift stations, lighting, other hardscape, right-of-way, easements, underground utilities, and other utilities, including power lines.
- (3) Delineate the existing and proposed parking spaces, or other vehicular areas, access aisles, driveways, and similar features. Also provide percentage of vehicle use area to be covered by tree canopy. The location, quantity, container size or tree.
- (4) The location and dimensions of all proposed landscaping, buffering, and screening areas.
- (5) The location, species, size, and existing base elevation of any existing trees to be preserved, and counted against total requirements of this Section, and location and detail of protective barriers.
- (6) Delineate and label the location of sprinklers or water outlets.
- (7) Designate by name and location the plant material to be installed or preserved in accordance with the requirements of this Article. The location, quantity, container size or tree caliper and existing diameter

- breast height (dbh), common names and botanical names of all proposed planted materials.
- (8) Identify and describe the location and characteristics of all other landscape materials to be used.
- (9) The street and lot layout showing existing pavement and interior parking areas including any detention and retention areas.
- (10) The size, in square feet, of all landscape islands and medians in the parking areas.
- (11) The location of irrigation well(s) or any other water sources used for irrigation on the site, if applicable.
- (12) The location of irrigation control unit, lines, water use zones, rain/moister sensors, backflow preventers and sprinkler heads and emitters.
- (13) A zone chart that identifies the flow rate (gallons per minute), pressure, head type, water use type, precipitation rate and run time for each zone on the site, including the delineation and labeling of all water use zones.
- (14) Show all landscape features, including areas of vegetation required to be preserved by law, in context with location and outline of existing and proposed buildings and other improvements upon the site, if any.
- (15) Include tabulation clearly displaying the relevant statistical information necessary for Planning and Development Director to evaluate compliance with the provisions of this Article. This includes gross acreage, area of preservation areas, number of trees to be planted or preserved, square footage of paved areas, and such other information as the Planning and Development Director may require.
- (16) Contain such other information that may be required by the Planning and Development Director that is reasonable and necessary to a determination that the landscape plan meets the requirements of this Article.
- (17) Delineate and label all wetland jurisdiction lines and upland buffers.
- (18) All Landscape Plans shall include cross-sections of all proposed landscape areas and buffers, and

(19) All Landscape shall include elevations and renderings of all proposed landscape areas and buffers.

(C) Permitting. No County department shall issue a permit provided for herein in violation of this Article.

*Comment: New language addressing details added for the requirements of a landscape plan.*

#### **5.13.04 Land Clearing/ Vegetative Protection and Preservation**

*Comment: New Section added to address land clearing and vegetation protection.*

##### **5.13.04.01 Objectives**

The objectives of this Section in limiting land clearings are:

(A) To limit the use of irrigation water in open space areas by promoting the preservation of existing native plant communities.

(B) To limit the removal of valuable existing native vegetation in advance of the approval of land development plans.

(C) To limit the removal of valuable existing native vegetation when no comparable vegetation plan has been prepared for the site.

*Comment: New Section added to address the objectives of land clearing/vegetative protection and preservation.*

##### **5.13.04.02 Preservation of Existing Native Vegetation**

Existing native vegetation and plant communities shall be protected and incorporated into the landscape plan wherever feasible.

(A) General. All existing native plant communities on sites proposed for development shall be preserved in as much as they can be incorporated into the required open space. Existing plant communities that are specified to remain shall be preserved in their entirety, with all trees, understory, and ground covers left intact and undisturbed. The purpose of the preservation of existing plant communities is to decrease the initial

costs of site development, decrease future water and maintenance requirements and benefit the aesthetic appearance of the property.

- (B) Existing Native Plant Communities Required to Remain. When existing native plant communities occur on a parcel of land to be developed, at least 25% of the required open space shall be in the form of preserved native plant communities.
- (C) Open Space Credit for the Preservation of Existing Native Plant Communities. Portions of existing viable, healthy native plant communities over and above the minimum required to be preserved by paragraph (A), that are preserved in a natural state, and are capable of sustaining life with adjoining site development, shall be credited as open space at 1.5 times the actual area of the protected plant community. The minimum size of a preserved plant community eligible for the open space credit shall be 1/8 acre.
- (D) Required Management Plan. For all areas of preserved native plant communities larger than ½ acre in area, the owner shall submit, for the approval of the building department, a management plan indicating the manner in which the owner will preserve the native plant communities. The plan shall include the following items at a minimum.
- (1) Whether or not the existing vegetation is to be preserved in the existing species composition.
  - (2) If applicable, the manner in which the composition of existing plant material is to be preserved (hand removal of invasion species, prescribed burning, etc.).
  - (3) The schedule for the removal of exotic species.
  - (4) The schedule for the removal of debris.
  - (5) Other information that may be required by the building department that is reasonable and necessary to make a determination that the management plan meets the requirements of this Article.
- (E) Requirement of owner's covenant with the County for the maintenance of preserved native plant communities receiving open space credit. In order

to receive open space credit for areas of preserved native vegetation, the owner shall covenant with the County, in a form acceptable to the County, that the preserved plant community will be maintained as per the accepted management plan.

*Comment: New Section added to address the preservation of existing native vegetation.*

**5.13.04.03 Protection of Native Vegetation and Trees During Construction**

- (A) General. During construction, all steps necessary to prevent the destruction or damaging of native vegetation and trees to be protected on the site shall be taken. Native vegetation and trees destroyed or receiving major damage must be replaced by vegetation of equal environmental value, as specified by the Planning and Development Department.
- (B) Excavation. Unless otherwise authorized by the vegetation removal permit, no soil is to be removed from within the drip line of any that is to remain at its original location.
- (C) Filling and Construction Debris. During construction, unless otherwise authorized by the approved site construction plan, no excess soil, additional fill, equipment, liquids, or construction debris, shall be placed within the drip line of any tree that is required to be preserved in its present location.
- (D) Attachments. No attachments or wires other than those of a protective or non-damaging nature shall be attached to any protected vegetation during construction.
- (E) Protective Barriers.
- (1) Installation of Protection Barriers. All protection barriers shall be installed and maintained for the period of time beginning with the commencement of any land clearing or building operations and ending with the completion of the permitted clearing or building construction work on the site.
- (2) On-site Representative Required. The applicant shall, at the time of application, designate an on-site representative who will be

responsible for the installation and the maintenance of all protection barriers. The representative shall be responsible for supervising the removal of all existing vegetation permitted to be removed. The representative shall be on-site at all times during the vegetation clearing operations.

- (3) *Protection of Large Areas of Native Vegetation.* When the circumference of an area of vegetation to be preserved is more than 200 linear feet, the area shall be protected during land alternation and construction activities by placing 2x2 wood stakes a maximum of 20 feet apart around the perimeter of the area of vegetation, and tying ribbon, survey flagging, rope, or similar material at a minimum height of three (3) feet from stake to stake along the perimeter of such areas to be preserved.
- (4) *Protection of Small Areas of Native Vegetation.* When the circumference of an area of protected vegetation is less than 200 linear feet, a protective barrier shall be placed around the groups of trees and understory that are indicated to remain. The barrier shall be not less than three (3) feet in height, shall limit access to the protected area, and shall be composed of wood, metal, or other suitable materials, which ensures compliance with the intent of the Article. The barrier shall be highlighted with strips of survey flagging placed no more than five (5) feet on center. The provided barrier shall not harm the protected vegetation through construction or any other means.
- (5) *Protection of Individual Trees.* When the retention of single trees is required by this Article, a protective barrier, similar to that required in paragraph (4) above, shall be placed around the tree at a minimum distance from the trunk of six (6) feet or 2/3 of the drip line, whichever is greater of a hardwood tree, and six (6) feet or the drip line, whichever is greater for a softwood tree, or as otherwise determined by the Planning and Development Department.

*Comment: New Section added to address the protection of vegetation and landscaping during construction.*



### **3.15.01. 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.

<b>Class</b>	<b>LAND-USE CLASSIFICATIONS</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 four units per acre; outdoor recreation facilities; and cemeteries.
III	Professional offices with no more than eight off-street parking spaces; and childcare centers in converted residential structures.
IV	Duplex, single family attached, mobile home parks and multi family residential developments at a density of four to eight units per acre.
V	Mobile home parks, single family attached, and multi family residential developments at a density of more than eight units per acre; substations, switching stations, or transfer facilities for electric power, natural gas, telephone and cable television service.
VI	Professional offices with nine 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.

*Comment: Language relocated from Section 3.15.01 and deleted as new tables do not rely on a numbering system for classifications.*

### **5.13.05 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 vehicular

use areas, sidewalks, and other paved surfaces; and the design, selection of trees and shrubbery, and the planting and establishment of buffer yards.

The standards provided in this Section shall be considered the minimum requirements for the installation of all plant materials within the County.

*Comment: Language relocated from Section 3.15.02; language added to address minimum standards.*

#### **5.13.05.01 Selection of New Trees and Shrubs; Site Conditions**

~~Canopy trees, small trees for buffer yards, and shrubbery that are best acclimated to the environment in the County are listed in Tables 3.15A through 3.15C. Canopy areas shown in Table 3.15A 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.~~

All plants identified in this Article are “Florida Friendly” plants for Hardee County, and are well suited to the environment in the County. A Florida Friendly Landscape is designed to reduce impacts to the environment through the selection of the right plant for the right location, thereby reducing the need for greater landscape maintenance and irrigation.

All new living plant material to be installed shall be nursery grown and root pruned stock, free of insects, disease, and defects, and shall satisfy the requirements of this Article and be Florida Grade No. 1 or better as defined in the most current edition of Grades and Standards for Nursery Plants, Florida Department of Agriculture and Consumer Services, Florida Division of Plant Industry. All plants installed on the site shall be in accordance with the plans stamped approved by the County.

*Comment: Section relocated from Section 3.15.02.01; Language updated to address the selection of new trees, not just buffer yard trees.*

#### **5.13.05.02 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 ~~3.15A~~ 5.13.11(A), 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 except for those trees that are classified as nuisance trees by the State of Florida (e.g., Melaleuca, Australian Pine

and Brazilian Pepper) and to the County, and shall be maintained in their natural setting.

*Comment: Section relocated from Section 3.15.02.02.*

**5.13.05.03 Exotic and Nuisance Plants**

The use of exotic and nuisance plants is prohibited and shall not be accepted as part of an approved landscape plan. For purposes of this Section, exotic and nuisance plants shall be those provided in the most recent Invasive Plant List of the Florida Exotic Pest Plant Council.

*Comment: New Section added to address exotic and Nuisance Plants*

**5.13.05.04 Minimum Tree Planting Height, Planting Area, and Distance from Pavement**

<b><u>Maximum Tree Size at Maturity</u></b>	<b><u>Minimum Planting Height</u></b>	<b><u>Planting Area</u></b>	<b><u>Minimum Distance from Pavement</u></b>
<u>(Small) Less than 30 feet tall</u>	<u>6 feet</u>	<u>50-150 square feet</u>	<u>2 feet</u>
<u>(Medium) Less than 50 feet tall</u>	<u>8 feet</u>	<u>150-300 square feet</u>	<u>4 feet</u>
<u>(Large) Taller than 50 feet</u>	<u>10 feet</u>	<u>More than 300 square feet</u>	<u>More than 6 feet</u>

*(Source: University of Florida "Planting Area Guidelines," 2011; planting area and distance from pavement; based on minimum 3' soil depth).*

All newly planted trees shall be staked and guyed immediately after installation and shall remain supported until the root systems have established themselves to adequately support the tree.

*Comment: New Section added to address minimum tree planting requirements.*

**5.13.05.05 Minimum Shrub Planting Requirements**

Shrubs shall be a minimum of two (2) foot tall at the time of planting, except where they are to act as required screening for residential uses and districts, in which case they shall be a minimum of three (3) feet in height at the time of planting and maintained at a minimum height of five (5) feet at maturity. One (1) foot high shrubs shall be spaced no greater than thirty (30) inches on center and three (3) foot high shrubs shall be spaced no greater than thirty-six (36) inches on center.

The County may authorize alternate spacing for species which have especially broad coverage.

*Comment: New Section added to address minimum shrub planting requirements.*

#### **5.13.05.06 Ground Covers**

Ground covers shall be spaced no greater than eighteen (18) inches on center and may be planted in lieu of lawn grass. A list of recommended ground cover species is provided in Table 5.13.11(F) of this Article.

*Comment: New Section added to address minimum ground cover planting requirements.*

#### **5.13.05.07 Lawn Grass**

Grass may be sodded, plugged, sprigged, or seeded except that solid sod shall be used in swales or other areas subject to erosion (generally slopes steeper than 10:1). Grassed areas that are installed by methods other than sod shall attain a full grassed coverage within three (3) months of the date of installation. A list of lawn grass species and their characteristics, including drought tolerance level, soil type, light requirements, wear tolerance and plant maintenance, are provided in Table 5.13.11(G). The selection of lawn grasses shall be based upon the species and characteristics which are most appropriate for the site.

*Comment: New Section added to address lawn grass planting requirements.*

#### **5.13.05.08 Mulch**

Planting beds shall be mulched with standard accepted mulch materials to 1) prevent the invasion of other plant species; 2) to absorb moisture for the benefit of the plants; and 3) to present a neat and orderly appearance of the landscaped area. The mulched bed shall have a uniform coverage and a minimum depth of two inches (2"). Mulched areas around trees should be at least 8 feet in diameter. The use of pine, rather than cypress (or other valuable species) mulch is encouraged.

*Comment: New Section added to address mulching.*

#### **5.13.05.09 Planting Beds**

The planting bed for all landscaping materials shall be free of weeds, debris, and nuisance/invasive materials, and shall consist of a healthy plant growth medium. The planting bed soil shall provide adequate support, drainage, and nutrients for the plants.

*Comment: New Section added to address mulching.*

#### **5.13.05.10 Landscaping for Decorative and Masonry Walls**

Residential subdivisions and commercial and industrial developments may have decorative entrance and screening walls. Landscaping (a combination of trees and shrubbery) shall be installed within the property setback/buffer yard area. If there are no specific buffer yard requirements for the development, one (1) tree shall be planted for each fifty (50) linear feet of wall. Buffer yard trees and shrubs required by this Article shall be planted on the street side of the wall.

*Comment: New Section added to address landscaping for walls.*

#### **5.13.05.11 Encroachments**

(A) Structures. Accessory uses, buildings, and dumpster pads shall not encroach upon or conflict with required landscaped areas.

(B) Parking Stalls. No more than two (2) feet of vehicular overhang shall be allowed into a landscape area and no trees and shrubs shall be planted within the area of encroachment.

*Comment: New Section added to address encroachments.*

#### **5.13.05.12 Landscaping in Rights-of-Way**

(A) Maintaining safe sight distance at intersections and points of access. Landscaping shall comply with the following:

- (1) Sight distance for landscaping adjacent to public rights-of-way, points of access to off-street parking and loading areas shall be provided to permit visibility for vehicular and pedestrian traffic. When an access-way intersects a public right-of-way or when the subject property abuts the intersection of two or more rights-of-way, all landscaping within the triangular area described in this

Code shall provide an unobstructed cross-visibility at a level between two (2) and ten (10) feet.

(2) No wall, fence, vegetative planting, earthen berm, or other visual obstruction between a height of two (2) and ten (10) feet above the average finished grade measured at the road centerline shall be established within the clear visibility triangle.

(B) Placement of plants and landscape material.

(1) The building department shall have the final authority to approve or disapprove the location of plants and landscaping with respect to safe and proper engineering practices.

(2) Plants may be permitted within the rights-of-way of streets provided that they comply with the roadside recovery area provision of the State of Florida Department of Transportation's Manual of Uniform Minimum Standards for Design, Construction, and Maintenance of Streets and Highways, (commonly known as the "DOT Green Book"), as amended.

(C) Maintenance. The permittee, or the successor in interest, shall be responsible for the proper maintenance of all landscaping and shall keep the area free from any refuse or debris.

*Comment: New Section added to address landscaping in rights-of-way.*

**5.13.06- Canopy Coverage and Trees Species-**

Canopy trees shall be required for the purpose of shading impervious surfaces associated with all development in the County, except single family, detached residences and detached duplex structures. Structures shall not be used in calculating or estimating the area of impervious surface. Trees providing canopy coverage shall be required for the purpose of shading vehicular use areas, sidewalks and other paved surfaces associated with all development in the County, thereby lowering the ambient temperature of the air through increased shading; conserving water; enhancing the appearance of properties; improving property values; and protecting the general health, safety, and welfare of the public through the improvement of the quality of the human environment. Buildings and structures shall not be counted as impervious surface for the purpose of calculating the areas that must be shaded with canopy trees. 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 200 square feet 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 3.15A~~ Table 5.13.11(A) and planted no closer than five feet to any paved surface.
- (B) Planting areas for canopy trees shall be no less than 100 square feet in area.
- (C) Planting areas under canopy trees shall be planted in compatible shrubs from ~~Table 3.15C~~ Table 5.13.11(C) or groundcovers.
- (D) Trees located in buffer yards may receive partial credit in meeting vehicular use areas interior landscaping canopy requirements.

Species	Common Name	Height (feet)	Canopy (sq. ft.)
<del>Acer Rubrum</del>	<del>Red maple</del>	<del>35-50</del>	<del>500</del>
<del>Carya glabra</del>	<del>Pignut hickory</del>	<del>80-100</del>	<del>700</del>
<del>Carya Illinoensis</del>	<del>Pecan</del>	<del>60-100</del>	<del>700</del>
<del>Carya tomentosa</del>	<del>Mockernut hickory</del>	<del>80-100</del>	<del>700</del>
<del>Celtis laevigata</del>	<del>Sugarberry (Hackberry)</del>	<del>40-60</del>	<del>1,300</del>
<del>Cinnamomum camphora</del>	<del>Camphor</del>	<del>40-50</del>	<del>700</del>
<del>Fraxinus caroliniana</del>	<del>Pop ash</del>	<del>40-60</del>	<del>500</del>
<del>Liquidambar styraciflua</del>	<del>Sweetgum</del>	<del>60-100</del>	<del>500</del>
<del>Magnolia grandiflora</del>	<del>Southern magnolia</del>	<del>50-100</del>	<del>500</del>
<del>Pinus clausa</del>	<del>Sand pine</del>	<del>60-80</del>	<del>500</del>
<del>Pinus elliottii</del>	<del>Slash pine</del>	<del>80-100</del>	<del>500</del>
<del>Pinus elliottii var. densa</del>	<del>South Florida pine</del>	<del>80-100</del>	<del>500</del>
<del>Pinus palustris</del>	<del>Longleaf pine</del>	<del>80-100</del>	<del>500</del>
<del>Platanus occidentalis</del>	<del>Sycamore</del>	<del>50-80</del>	<del>700</del>

<i>Quercus laurifolia</i>	Laurel oak	60-100	970
<i>Quercus nigra</i>	Water oak	60-100	700
<i>Quercus virginiana</i>	Live oak	50-60	2,000
<i>Tilia Caroliniana</i>	Carolina basswood	50-60	500
<i>Ulmus slata</i>	Winged elm	20-25	500
<i>Ulmus americana</i>	Florida elm	80-100	700

**Table 3.15B, Small Trees for Buffer Yards**

Species	Common Name	Height (feet)	Canopy (sq. ft.)
<i>Baccharis halimifolia</i>	Groundsel tree salt bush	7-12	50
<i>Betula nigra</i>	River birch	45-65	200
<i>Callistemon viminalis</i>	Weeping bottlebrush	15-20	80
<i>Carpinus caroliniana</i>	American hornbeam	25-35	120
<i>Carya folridana</i>	Scrub hickory	10-20	120
<i>Chionanthus virginicus</i>	Fringe tree	15-25	80
<i>Cornus florida</i>	Flowering dogwood	20-30	200
<i>Crataegus</i>	Hawthorne	15-20	120
<i>Eriobotrya japonica</i>	Loquat, Japanese plum	15-20	80
<i>Eucalyptus cinerea</i>	Silver dollar eucalyptus	15-25	120
<i>Gleditsia aquatica</i>	Water locust	40-60	180
<i>Gordonia lasianthus</i>	Loblolly bay	30-40	200
<i>Ilex attenuata</i>	East palatka holly	25-30	200
<i>Ilex cassine</i>	Dahoon holly	25-30	200
<i>Ilex opaca</i>	American holly	30-45	200
<i>Juniperus silicicola</i>	Southern red cedar	25-30	120
<i>Koelreuteria elegans</i>	Golden rain tree	30-50	320
<i>Lagerstroemia indica</i>	Crepe myrtle	15-25	120
<i>Magnolia virginiana</i>	Sweetbay magnolia	30-60	200



<i>Osmanthus americana</i>	Wild olive, Devilwood	15-30	50
<i>Osmanthus megacarpa</i>	Scrub olive	12-15	80
<i>Parkinsonia aculeata</i>	Jerusalem thorn	20-30	200
<i>Persea borbonia</i>	Red bay	20-60	120
<i>Prunus caroliniana</i>	Cherry laurel	30-40	120
<i>Prunus serotina</i>	Wild black cherry	50-65	320
<i>Quercus chapmanii</i>	Chapman oak	15-20	180
<i>Quercus geminata</i>	Sand live oak	15-30	120
<i>Quercus incana</i>	Bluejack oak	20-30	120
<i>Quercus laevis</i>	Turkey oak	40-50	180
<i>Quercus myrtifolia</i>	Myrtle oak	15-20	80
<i>Taxodium distichum</i>	Bald cypress	60-100	320
<i>Ulmus parvifolia</i>	Drake elm, Chinese elm	30-40	320

**Table 3.15C, Shrubs for Buffer Yards**

Species	Common Name	Species	Common Name
<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>Juniperus 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

Gardenia jasminoides	Gardenia	Photinia glabra	Red tip
Hydrangea macrophylla	Hydrangea	Pittosporum tobira	Green pittosporum
Hypericum hypericoides	St. Andrew's cross	Pittosporum tobira "compacta"	Compact pittosporum
Hypericum reductum	St. John's wort	Pittosporum tobira "variegata"	Variegated pittosporum
Ilex cornuta "Bufordi"	Buford holly	Raphiolepis indica	India hawthorn
Ilex cornuta "Dwarf Bufordi"	Dwarf Buford holly	Rhododendron "Duc de Rohan"	Azalea, "Duc de Rohan"
Ilex cornuta "rotunda"	Rotunda holly	Rhododendron simsii	Indian azalea
Ilex glabra	Gallberry	Rhododendron serrulatum	Swamp azalea
Ilex opaca arenicola	Scrub holly	Serenoa repens	Saw palmetto
Ilex vomitoria "nana"	Shillings holly	Thryallis glauca	Thryallis, Shower of gold
Ilex vomitoria "Pendula"	Weeping yaupon holly	Vaccinium darrowi	Little blueberry
Illicium anisatum	Japanese anise	Viburnum obovatum	Blackhaw
Illicium floridanum	Star anise	Viburnum odoratissimum	Sweet viburnum
Illicium parviflorum	Florida anise	Viburnum suspensum	Sandankwa viburnum
Itea virginica	Virginia willow	Zamia floridana	Coontie
Jasminum natidum	Shining jasmine		

*Comment: Section relocated from Section 3.15.03 and updated to address canopy tree coverage.*

### **5.13.07- Buffer Yards-**

A buffer yard is a landscaped strip along parcel boundaries ~~that serves as a buffer~~ containing plant material, fences, walls and/or berms which provide a visual screen and physical separation between incompatible or potentially incompatible uses ~~and zoning districts~~. 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. The purpose of this ~~s~~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.

*Comment: Section relocated from Section 3.15.04 and 3.15.04.01 and updated to provide clarity for buffer yard requirements.*

### ~~3.15.04.01. Establishment of Buffer Yards.~~

~~Table 3.15D establishes the buffer yard between a proposed and an existing land use. Table 3.15E 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.~~

*Comment: Section relocated from Section 3.15.04.01; a portion relocated to Section 5.13.07; remainder addressed in other sections.*

### ~~5.13.07.01- 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 that specify the number of each type of plant required per 100 linear feet. For each buffer yard standard, several options for the developer as to the width are offered and different numbers of each type of plant are specified, depending on the width. From the buffer yard requirement, the developer is free to choose the option that best fits the site constraints and the features of the site design. 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 except those listed by the State of Florida as nuisance species (i.e. Melaleuca, Australian Pine, Brazilian Pepper, etc.).

*Comment: Section relocated from Section 3.15.04.02.*

### ~~5.13.07.02- Buffer Yards Between Proposed Uses and Vacant Property.~~

When the property adjacent to a proposed development is vacant, the need for a buffer yard is determined by the zoning classification of the vacant site. If the zoning will permit the development of a land use that requires a buffer, the buffer standard that applies will be found in Table 5.13.07 (B) 3.15E. Generally, the buffer yards for vacant property are only about half of those required next to an existing land use.

Class		Existing									
		I	II	III	IV	V	VI	VII	VIII	IX	
Proposed Use	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 childcare 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

<b>Table 3.15E Landscape Requirements Between Proposed Land Uses and Vacant Property</b>											
Class		Principal Use Permitted by Zoning District on Vacant Adjoining Property									
		I	II	III	IV	V	VI	VII	VIII	IX	
Proposed Use	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 childcare 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

*Comment: Section relocated from Section 3.15.04.03; tables deleted as relocated and updated in another section.*

**5.13.07.03- Buffer Yards Between Proposed Uses and Streets.**

- (A) To complete calculations for buffer yards, one must determine the requirement along the street. First, determine the classification of the type of street: Principal Arterial, Minor Arterial, Major Rural Collector (Non-residential), Major Rural Collector (Residential) or Local. Then, determine the width for the required buffer yard by using Table ~~3-15F~~ 5.13.07(C).
- (B) When determining the length of a buffer yard along a front property line, driveway cuts do not figure into the total length and a visibility triangle must be maintained:
- (B1) Driveway access from an abutting street to your property will not count against the buffer yard. This means that the width, or widths of the driveways will be subtracted from the length of the property line they cross, and only the unpaved portion of the property line must have a buffer yard. As an example, if there is a property line that is 200 feet long next to a street, and there will be a two-way driveway somewhere along that property line, 40 feet for the two driveways is subtracted from the 200 feet, leaving 160 feet that will be the length of the buffer yard.
- (B2) The visibility triangle, which is the subject of regulations set forth in Section 5.02.02 (C) ~~3.02.03 (D)~~, shall be provided at all locations where a driveway intersects with a street. This means that plant materials must be sized to provide clear view of on-coming traffic, where the buffer yard is adjacent to the street.
- (C) Utility easements in a buffer yard do not prohibit the planting of shrubs in the area of the easement for an underground utility, but no trees will be planted within 12 feet of a buried utility. Easements for overhead wires only prohibit the planting of large trees, so understory trees are allowed in narrow buffer yards under power lines.
- (D) Shrubs planted around pad-mounted county water meter boxes and sewer cleanouts, and transformers appurtenances should be set back far enough not to be damaged by maintenance of the ~~transformer~~ appurtenances, approximately 10 feet from the front and three feet from the other three sides.
- (E) No trees shall be planted within 12 feet of road rights-of-way.

(F) No utility pads or utility structures, except water and wastewater, shall be placed within 40 feet of centerline of road rights-of-way.

(G) Railroad Rights-of-Way.

Commercial and industrial land uses located along railroad rights-of-way shall not be required to provide buffering between the use and the right-of-way. New residential developments, excluding individual single-family home sites, individual duplex units and individual infill lot development shall meet the requirements of a “D” buffer yard as illustrated under Section 5.13.07.07 of this Article.

**Table 3.15F**  
**Landscape Requirements Between Land Uses and Streets**

Proposed Land Use		Principal Arterial	Minor Arterial	Major Rural Collector Non-Resident	Major Rural Collector	Local Street
I.	Single family detached dwellings.	C	C	B	A	A
II.	Duplex; s.f. attached; m.f. residential up to 4 units/acre; outdoor recreation facilities and cemeteries.	C	B	B	A	A
III.	Prof. offices with up to 8 parking spaces; and childcare centers in converted residential structures.	B	B	A	B	B
IV.	Duplex, s.f. attached, mobile home parks and m.f. developments at 4—8 units/acre.	B	B	B	B	B
V.	Mobile home parks, s.f. attached, m.f. developments at 8+ units per acre; utility substations, switching stations, etc.	B	B	B	B	C
VI.	Prof. offices with 9+ off-street parking spaces; churches; schools; government facilities; and commercial development sites with up to 10 parking spaces.	B	B	B	C	C
VII.	Other retail, wholesale, service businesses; automobile service stations; shopping centers; hotels/motels; hospitals.	B	B	B	C	D

VIII.	Light industry; governmental public works storage/equipment facilities.	B	B	B	€	Ð
IX.	Heavy industry; water and sewer treatment facilities.	€	€	€	Ð	Ð

*Comment: Section relocated from Section 3.15.04.04; Language added to address buffers against railroad rights-of-way; Table deleted as relocated and updated in another section.*

### **5.13.07.04 Buffer Yards for Free Standing or Satellite Parking Lots**

Buffer yards for free standing or satellite parking lots shall meet the following requirements:

(A) Residential Zoning Districts: Standing or satellite parking lots located in residential zoning districts, which serve adjacent zoned businesses, shall meet the following requirements.

(1) Where the parking lot is contiguous to side lot lines of residentially zoned property, buffered front and side yards at least ten feet (10') in width shall be provided. A four foot (4') tall wall will be installed within the front setback area of the property. The remainder of the property may have a six foot (6') tall wall.

(2) All yard spaces between the required wall and lot lines shall be landscaped with at least one hedgerow of hardy shrubs, not less than five feet (5') in height, placed next to the walls. The remainder of such yard space shall be covered by lawn grass or other approved ground covers as provided in Tables 5.13.11(F) and 5.13.11(G). All such landscaping shall be maintained in a healthy, growing condition, neat and orderly in appearance. Yard spaces shall be kept free of refuse or debris.

(B) All Other Zoning Districts: With the exception of letter (A) above, free standing or satellite parking lots located in all other zoning districts shall be designed in accordance with the following requirements.

(1) The parking area shall be provided with a buffer yard at least ten feet (10') in width along all property lines and streets on which the off-street parking area is located.



- (2) See Section 5.13.07.03, Buffer Yards Between Proposed Uses and Streets, for landscape buffer requirements adjacent to public rights-of-way.
- (3) A waiver of buffer yard requirements may be granted by the Planning and Development Director or designee along property lines where adjoining businesses propose to share a common parking lot. A site plan is required for review and approval.

*Comment: New Section added to address buffering of free-standing parking lots.*

### **5.13.07.05 Buffers Between Vehicular Use Areas and Lot Lines**

Every vehicular use area shall be screened from view from abutting properties. Unless this Article specifies some other perimeter landscape treatment, a perimeter landscape strip shall be created which meets the following minimum standards.

(A) Minimum dimensions.

- (1) Minimum width. The minimum width of the perimeter landscape strip shall be 10 feet.
- (2) Minimum length. The perimeter landscape strip shall extend along the length of the boundary between the vehicular use area and the abutting property. The landscape strip may be pierced by accessways as necessary to comply with the requirements of this Article or other applicable provisions.

(B) Minimum planting requirements. One tree shall be planted for each 30 linear feet (or fraction thereof) of the perimeter landscape strip.

(C) A buffer shall not be required if:

- (1) the vehicular use area is entirely screened from the view from the right-of-way by buildings or structures; or
- (2) when the vehicular use area abuts a dedicated alley.

*Comment: New Section added to address buffering of vehicular use areas.*

**5.13.07.06 Buffer Yards Around Schools**

Buffers for public or private elementary, middle, and high schools shall include shrubs and canopy trees. The plant selection and landscape design shall be developed in accordance with the Florida Safe Schools Design Guidelines to promote natural surveillance from roads and surrounding property and to prevent crime through proper environmental design. Alternative landscape buffer designs, developed in accordance with the Florida Safe Schools Design Guidelines, will not be subject to waiver requirements.

*Comment: New Section to address buffering around schools.*

**Table 5.13.07(A)**  
**Buffer Yard Requirements Between Proposed and Existing Abutting Land Uses**

<b>PROPOSED LAND USE</b>	<b>EXISTING ABUTTING LAND USE</b>									
	<u>Single family detached dwellings</u>	<u>Duplex; Single family attached; multi-family up to 4 units per acre; outdoor recreation facilities; cemeteries</u>	<u>Professional office with up to 8 parking spaces; child care centers in converted residential structures</u>	<u>Duplex, single family attached, mobile home parks and multi-family at 4-8 units per acre</u>	<u>Single family attached, multi-family at 8+ units per acre; Utility substations, switching stations, etc.</u>	<u>Mobile Homes</u>	<u>Professional office with 9+ parking spaces; Places of Worship; Schools; Government facilities; Commercial &amp; business development sites with up to 10 parking spaces</u>	<u>Other commercial &amp; business, wholesale, service businesses; Self-storage; Automobile service stations; Shopping centers; Hotels, motels; Hospitals</u>	<u>Light Industry; PWS; Governmental public works storage/equipment facilities</u>	<u>Heavy industry; Water and wastewater treatment facilities</u>
<u>Single family detached dwellings</u>	N	A	B	B	C	C	C	C	D	D
<u>Duplex; Single family attached; multi-family up to 4 units per acre; outdoor recreation facilities; cemeteries</u>	A	N	A	B	B	B	C	C	D	D
<u>Professional office with up to 8 parking spaces; child care centers in converted residential structures</u>	B	A	N	A	B	B	B	C	C	D
<u>Duplex, single family attached, mobile home parks &amp; multi-family at 4-8 units per acre</u>	B	B	A	N	A	A	B	C	C	D
<u>Single family attached, multi-family at 8+ units per acre up to &amp; including 12 units per acre; Utility substations, switching stations, etc.</u>	C	B	B	A	N	A	A	B	C	D
<u>Mobile home parks</u>	C	B	B	A	A	N	A	B	C	D
<u>Professional office with 9+ parking spaces; Places of Worship; Schools; Government facilities; Commercial &amp; business development sites with up to 10 parking spaces</u>	C	C	B	B	A	A	N	A	C	C
<u>Other commercial &amp; business, wholesale, service businesses; Self-storage; Automobile service stations; Shopping centers; Hotels, motels; Hospitals</u>	C	C	C	C	B	B	A	N	B	C
<u>Light Industry; PWS; Governmental public works storage/equipment facilities</u>	D	D	C	C	C	C	C	B	N	B
<u>Heavy industry; Water &amp; wastewater treatment facilities</u>	D	D	D	D	D	D	C	C	B	N

**Table 5.13.07(B)  
Buffer Yard Requirements Between Proposed Land Uses and Vacant Land**

<b>PROPOSED LAND USE</b>	<b>PRINCIPAL USE PERMITTED BY ZONING DISTRICT ON VACANT ADJOINING PROPERTY</b>									
	<u>Single family detached dwellings</u>	<u>Duplex; Single family attached; multi-family up to 4 units per acre; outdoor recreation facilities; cemeteries</u>	<u>Professional office with up to 8 parking spaces; child care centers in converted residential structures</u>	<u>Duplex, single family attached, mobile home parks and multi-family at 4-8 units per acre</u>	<u>Single family attached, multi-family at 8+ units per acre; Utility substations, switching stations, etc.</u>	<u>Mobile Homes</u>	<u>Professional office with 9+ parking spaces; Places of Worship; Schools; Government facilities;</u>	<u>Commercial &amp; business development sites with up to 10 parking spaces</u>	<u>Other commercial &amp; business, wholesale, service businesses; Self-storage; Automobile service stations; Shopping centers; Hotels, motels; Hospitals</u>	<u>Light Industry; PWS; Governmental public works storage/equipment facilities</u>
<u>Single family detached dwellings</u>	N	N	N	N	A	A	A	B	B	D
<u>Duplex; Single family attached; multi-family up to 4 units per acre; outdoor recreation facilities; cemeteries</u>	N	N	N	N	N	N	A	B	B	D
<u>Professional office with up to 8 parking spaces; child care centers in converted residential structures</u>	N	N	N	N	N	N	N	A	B	D
<u>Duplex, single family attached, mobile home parks &amp; multi-family at 4-8 units per acre</u>	A	N	N	N	N	N	A	A	B	C
<u>Single family attached, multi-family at 8+ units per acre up to &amp; including 12 units per acre; Utility substations, switching stations, etc.</u>	B	A	N	A	N	N	N	A	A	C
<u>Mobile home parks</u>	B	A	N	A	N	N	N	A	A	C
<u>Professional office with 9+ parking spaces; Places of Worship; Schools; Government facilities; Commercial &amp; business development sites with up to 10 parking spaces</u>	B	B	A	B	A	N	N	N	A	B
<u>Other commercial &amp; business, wholesale, service businesses; Self-storage; Automobile service stations; Shopping centers; Hotels, motels; Hospitals</u>	C	C	B	B	B	B	N	N	N	B
<u>Light Industry; PWS; Governmental public works storage/equipment facilities</u>	C	C	C	C	B	B	B	N	N	A

Heavy industry; Water & wastewater treatment facilities	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>B</u>	<u>B</u>	<u>N</u>
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**Table 5.13.07(C)  
Buffer Yard Requirements Between Proposed Land Uses and Rights-of-Way**

<u>PROPOSED LAND USE</u>	<u>Right-of-Way Designation</u>				
	<u>Principal Arterial</u>	<u>Minor Arterial</u>	<u>Major Rural Collector Non-Resident</u>	<u>Major Rural Collector</u>	<u>Local Street</u>
Single family detached dwellings	<u>C</u>	<u>C</u>	<u>B</u>	<u>A</u>	<u>A</u>
Duplex; Single family attached; multi-family up to 4 units per acre; outdoor recreation facilities; cemeteries	<u>C</u>	<u>B</u>	<u>B</u>	<u>A</u>	<u>A</u>
Professional office with up to 8 parking spaces; child care centers in converted residential structures	<u>B</u>	<u>B</u>	<u>A</u>	<u>B</u>	<u>B</u>
Duplex, single family attached, mobile home parks & multi-family at 4-8 units per acre	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>
Single family attached, multi-family at 8+ units per acre up to & including 12 units per acre; Utility substations, switching stations, etc.	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>C</u>
Mobile home parks	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>C</u>
Professional office with 9+ parking spaces; Places of Worship; Schools; Government facilities; Commercial & business development sites with up to 10 parking spaces	<u>B</u>	<u>B</u>	<u>B</u>	<u>C</u>	<u>C</u>
Other commercial & business, wholesale, service businesses; Self-storage; Automobile service stations; Shopping centers; Hotels, motels; Hospitals	<u>B</u>	<u>B</u>	<u>B</u>	<u>C</u>	<u>D</u>
Light Industry; PWS; Governmental public works storage/equipment facilities	<u>B</u>	<u>B</u>	<u>B</u>	<u>C</u>	<u>D</u>

Heavy industry: Water & wastewater treatment facilities	<u>C</u>	<u>C</u>	<u>C</u>	<u>D</u>	<u>D</u>
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*Comment: Updated buffer tables provided.*

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### **5.13.07.07 Buffer Yard Diagrams**

Upon determining the type of buffer yard required for a property (Type A, B, C, or D), the yard width and number of plantings shall be calculated. Three options are offered within each buffer yard type, allowing a buffer yard which best fits the constraints and features of the site. Any of the options within a particular buffer yard type will fulfill the buffer yard requirement. For example, if a Buffer Yard A is required, there are three options to choose from a ten (10) foot wide buffer, a fifteen (15) foot wide buffer, or a twenty (20) foot wide buffer. The number of trees and shrubs to be planted within the buffer yard area is dependent upon the buffer yard width chosen; a wider buffer yard requires less plant material.

The diagrams specify the number of each type of plant required per 100 linear feet, excluding any driveway access. The plant material does not need to be equally spaced and may be placed in any configuration or grouped to best display the plant material within the required buffer yard area. When natural plant material is present, it may be counted towards the total buffer yard requirement for trees and shrubs provided the existing material is generally consistent with the intent of this Article.

*Comment: New Section added to explain buffer yard diagrams; buffer yard diagrams updated.*

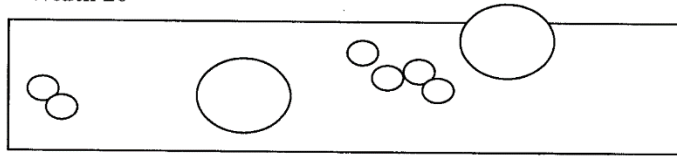
# Buffer Yard

**A**

Plant Material/100'

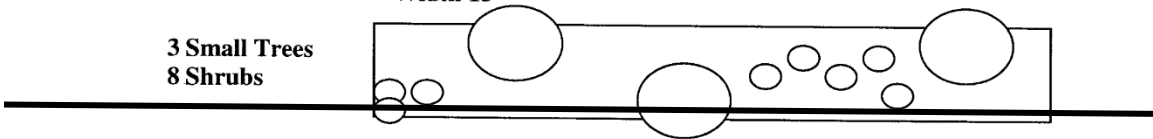
Width 20'

2 Small Trees  
6 Shrubs



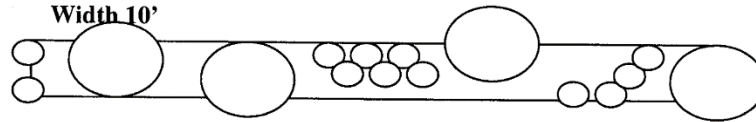
Width 15'

3 Small Trees  
8 Shrubs



Width 10'

4 Small Trees  
12 Shrubs



○ = Small Tree

○ = Shrub

*Comment: Figure deleted to be replaced with Buffer Yard A diagram below.*



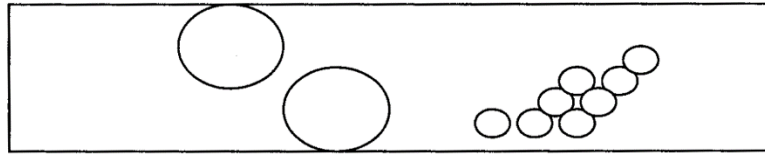
# Buffer Yard

# B

Plant Material/100'

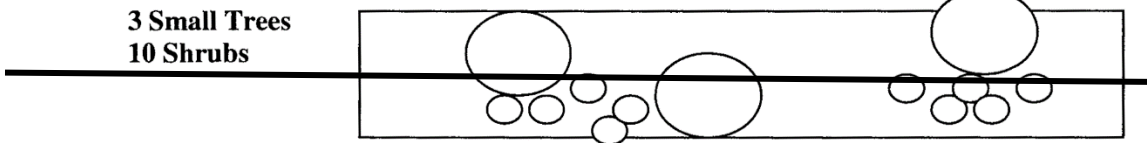
2 Small Trees  
8 Shrubs

Width 25'

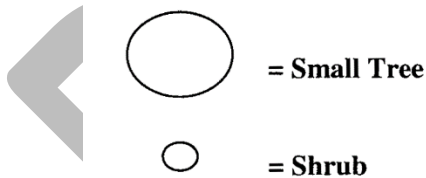
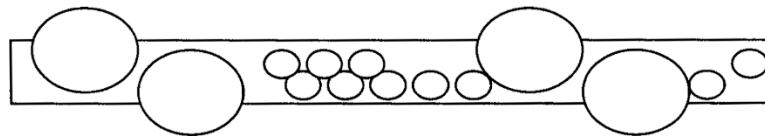


3 Small Trees  
10 Shrubs

Width 20'



4 Small Trees  
10 Shrubs



*Comment: Figure deleted to be replaced with Buffer Yard B diagram below.*

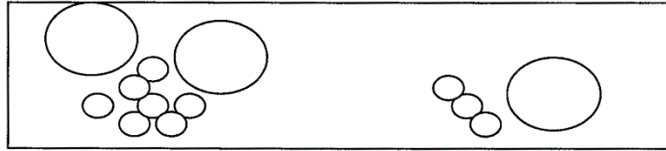
# Buffer Yard

C

Plant Material/100'

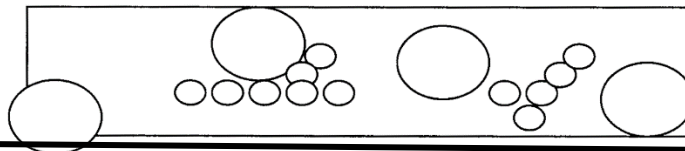
3 Small Trees  
10 Shrubs

Width 30'



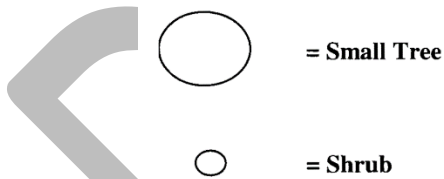
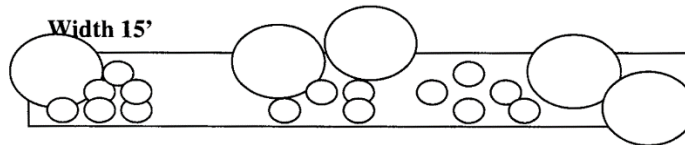
4 Small Trees  
12 Shrubs

Width 20'



5 Small Trees  
15 Shrubs

Width 15'

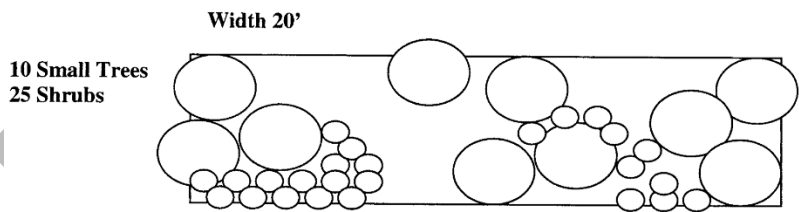
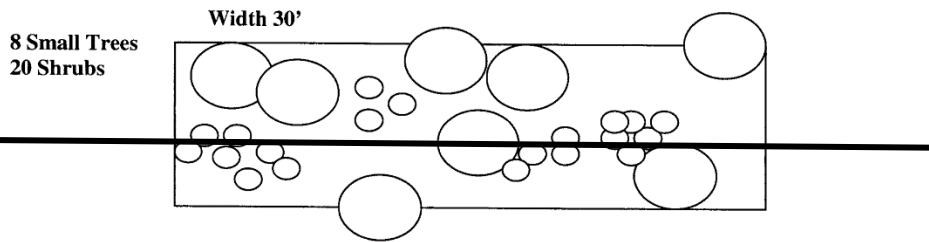
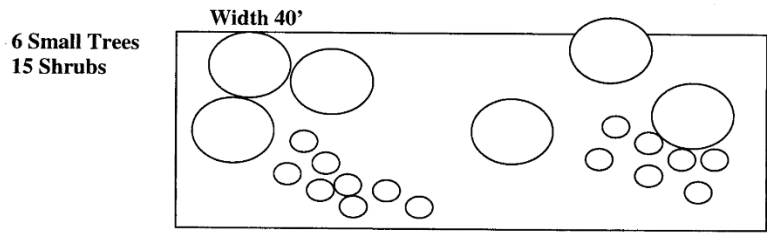



*Comment: Figure deleted to be replaced with Buffer Yard C diagram below.*


# Buffer Yard

# D

Plant Material/100'



 = Small Tree

 = Small Tree

*Comment: Figure deleted to be replaced with Buffer Yard D diagram below.*

# Buffer Yard

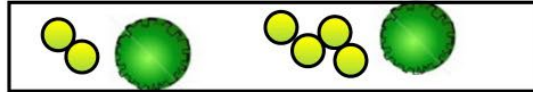
Plant Material per 100 ft

**A**

## PLAN VIEW

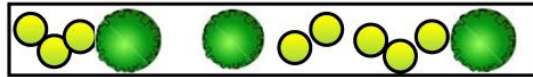
Width 20 ft

2 Small Trees  
6 Shrubs



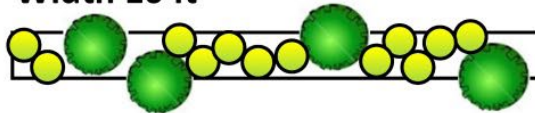
Width 15 ft

3 Small Trees  
8 Shrubs



Width 10 ft

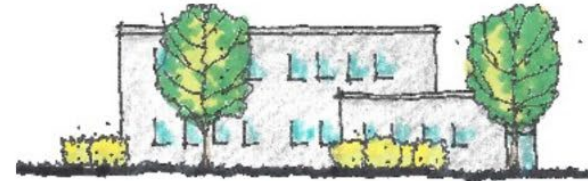
4 Small Trees  
12 Shrubs



### Legend



## ELEVATION



*Comment: Figure replaces Buffer Yard A diagram above.*

# Buffer Yard

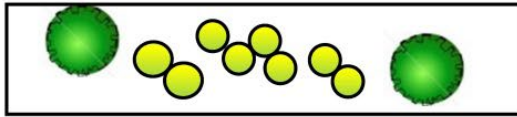
Plant Material per 100 ft

**B**

## PLAN VIEW

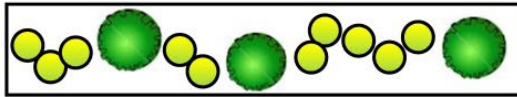
Width 25 ft

2 Small Trees  
8 Shrubs



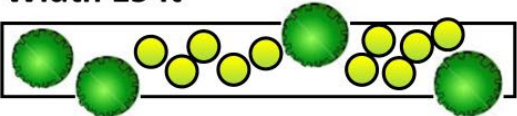
Width 20 ft

3 Small Trees  
10 Shrubs



Width 15 ft

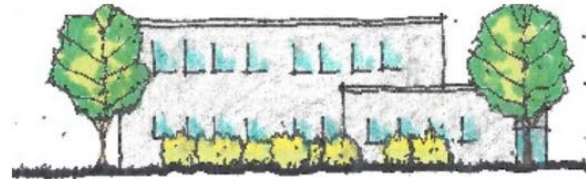
4 Small Trees  
10 Shrubs



### Legend

-  Small Tree
-  Small Shrubs

## ELEVATION



*Comment: Figure replaces Buffer Yard B diagram above.*

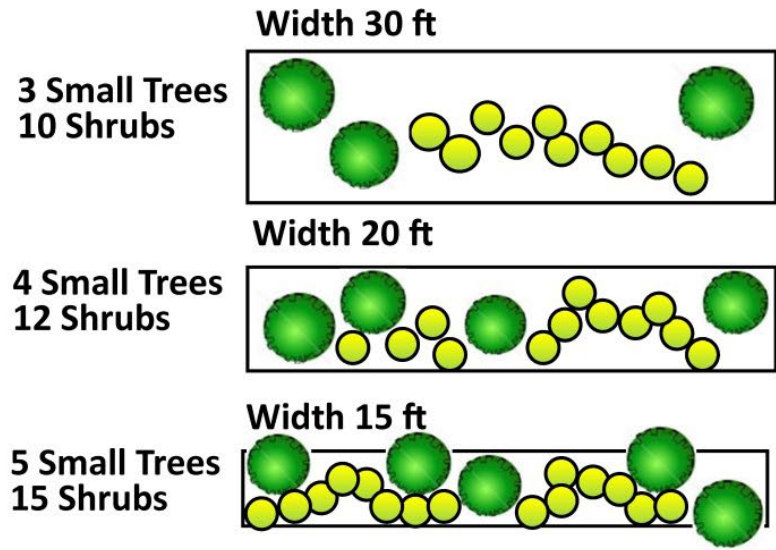
# Buffer Yard

Plant Material per 100 ft

C

## PLAN VIEW

## ELEVATION



Comment: Figure replaces Buffer Yard C diagram above.

# Buffer Yard

D

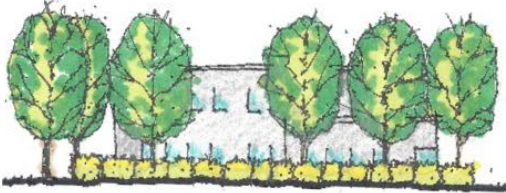
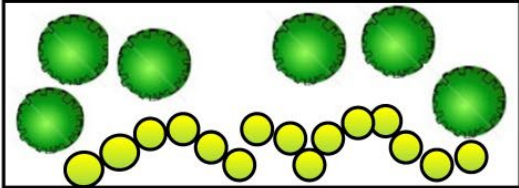
Plant Material per 100 ft

### PLAN VIEW

### ELEVATION

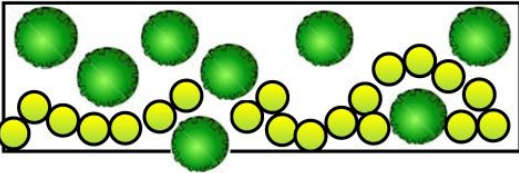
Width 40 ft

6 Small Trees  
15 Shrubs



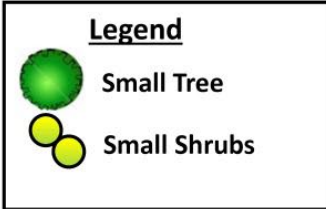
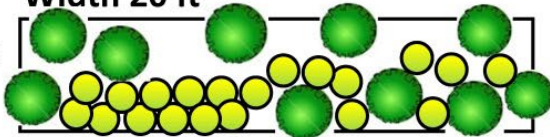
Width 30 ft

8 Small Trees  
20 Shrubs



Width 20 ft

10 Small Trees  
25 Shrubs



Comment: Figure replaces Buffer Yard D diagram above.

### **5.13.07.08 Buffer Yards, Utilities, and Utility Easements**

Utility easements in a buffer yard do not prohibit the planting of shrubs in the easement of an underground utility, but no tree shall be planted within twelve feet (12') of a buried utility. Tree planting restrictions in relation to overhead power lines are identified in Figure 5.13.11 (A) of this Article. Large and medium sized trees should not be planted closer than fifteen feet (15') to any light pole.

*Comment: New Section added to address utilities and utility easements.*

### **5.13.08- Installation, Irrigation, Inspection, and Certificate of Occupancy, and Maintenance.**

*Installation of Plants.* All plants shall be "Florida No. 1" or better, shall be healthy and free of diseases and pests, and shall be selected from ~~Tables 3.07A through 3.07C~~ the Tables under Section 5.13.11. The trunks of canopy trees at the time of planting shall be a minimum of three inches in diameter; small trees shall be a minimum of 1-1/2" in diameter. There is no minimum standard for ground-cover.

- (A) 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 in an amount sufficient to ensure that the required landscaping is installed.
- (B) 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 or road right-of-way maintenance.
- (C) 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.
- ~~(D) Properties on which required landscape areas are in disrepair or improperly maintained shall be subject to Code Enforcement action by the County.~~
- (D) Areas within public rights-of-way, and areas off-site which have been disturbed by construction activity, shall be cleaned of all debris, re-graded to the proper elevations, and sodded to restore the area to a stabilized and planted state.



- (E) Irrigation. See the Technical Standards Manual for detailed irrigation system design, installation, operation, and maintenance standards.
- (F) Inspection and Certificate of Occupancy. The County shall inspect the landscaping installation to ensure that it is in conformance with the requirements set forth in this Article and with the approved landscape plan, prior to issuance of a Certificate of Occupancy.

*Comment: Section relocated from Section 3.15.05; Language relating to maintenance deleted as addressed in following Section; Language added to address irrigation and inspection and Certificate of Occupancy.*

### **~~3.15.06. Exemptions.~~**

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

- ~~(A) Single family and duplex development on individual lots;~~
- ~~(B) Alteration of an existing development site that qualifies as a minor modification under Section 8.09.00.~~

*Comment: Section relocated from Section 3.15.06 and deleted because exemptions are addressed in other sections.*

### **5.13.09 Landscape Maintenance**

- (A) General Standards. The developer, property owner, Home Owners Association (HOA), or other responsible entity of land, subject to this Section, shall be responsible for the perpetual care, maintenance, and upkeep of all landscaped areas so as to present a neat, healthy, and orderly appearance free from refuse and debris.
- (B) Mowing. Grass shall be mowed as necessary in order to encourage deep root growth and, therefore, the preservation of irrigation water.
- (C) Watering. All watering of planted areas shall be conducted in accordance with County or Water Management District rules and water restrictions, whichever are more restrictive.
- (D) Replacement of Dead Plant Materials. All plant material which dies shall be replaced with plant material of required variety and size within thirty (30) days from the date of official notification.

*Comment: New Section added to address maintenance requirements.*

#### **5.13.10 Violations and Penalties**

- (A) If a restoration plan is presented and differs from the original approved landscape plan, three (3) copies of such restoration plan shall be submitted and approved by the Planning and Development Director, or designee. Planning and Development Director, or designee, shall re-inspect the property for compliance after the restoration is complete.
- (B) Each failure to comply with any of the provisions of this Article shall constitute an individual violation. Failure to maintain viable landscaping consistent with the approved landscape plan shall constitute a violation subject to penalties and shall be subject to code enforcement action by the County.

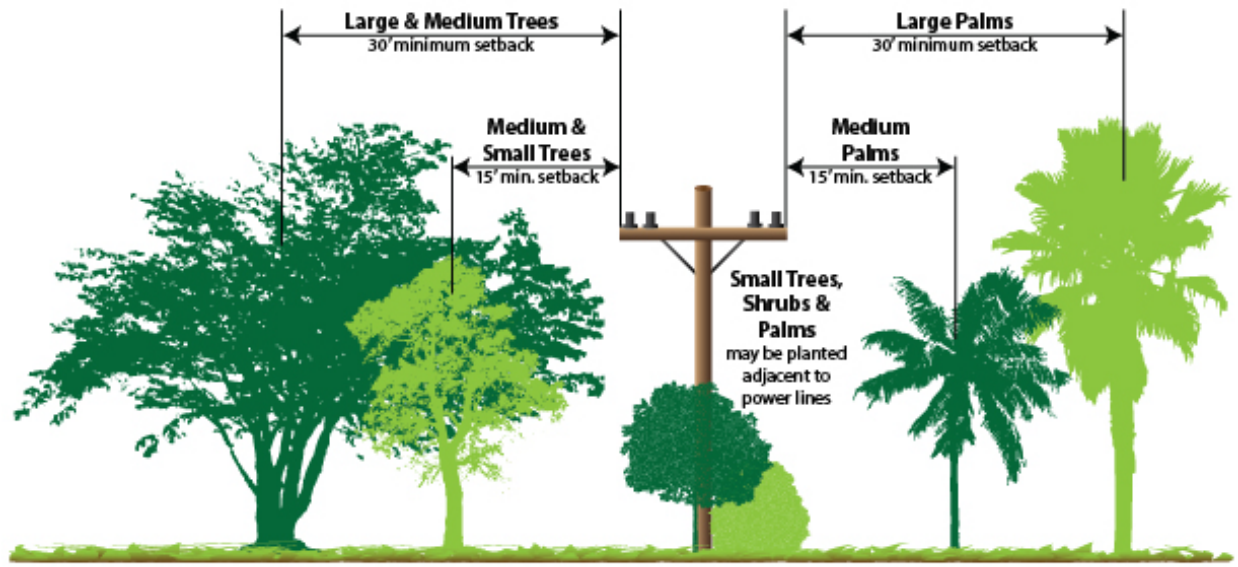
*Comment: New Section added to address violations and penalties.*

#### **5.13.11 Plant Species List**

Plants species identified in this Section include “Florida-Friendly” native and non-native plants. The species lists are recommended lists developed using the Florida-Friendly Landscaping Guide to Plant Selection and Landscape Design published by the University of Florida/Institute of Food and Agricultural Sciences (UF/IFAS), Florida-Friendly Landscaping Program. The species identified in these lists have been carefully selected, based on cold hardiness zone. “Right Plant, Right Place” should govern the selection of plant species for a given site, bearing in mind soil, light, water, proximity to power lines (see Figure 5.13.11 (A)), and other site-specific conditions.

Any new plant material, which will serve to meet the County’s minimum landscape requirements, shall be selected from the following plant species tables. The Building Official, or his or her designee, may approve an applicant’s request to use a plant species not included in the following tables if a landscape architect certifies that the proposed species meets the intent of this code and provides the relevant information as included in the tables for said species.

In calculating canopy requirements, each existing tree to be preserved, and each new tree to be planted shall be credited with its mature canopy, as provided in this Article. If an on-site preserved tree is not listed as an invasive plant in the most recent Invasive Plant List of the Florida Exotic Pest Plant Council, and its actual canopy exceeds the canopy area identified in this Article, the greater canopy area may be used in calculating canopy coverage.



**Figure 5.13.11 (A) Planting Distance from Power Lines**

**Table 5.13.11(A)**  
**Large Trees**

<u>Species</u>	<u>Common Name</u>	<u>Type</u>	<u>Soil</u>	<u>Light</u>	<u>Drought Tolerance</u>	<u>Mature Height</u> (feet)	<u>Mature Crown Spread</u> (feet)	<u>Mature Canopy Area</u> (sq. ft.)	<u>P/L</u> (feet)
<i>Acer barbatum</i>	Florida Maple	D	A	F, P	High	35-50	25	491	15-30
<i>Acer rubrum</i>	Red Maple	D	A	F, P	Medium	35-50	25	491	15-30
<i>Betula nigra</i>	River Birch	D	A	F, P	Low	40-50	25	491	15-30
<i>Carya spp.</i>	Hickory, Pecan	D	WD-M	F, P, S	High	50-100	30	707	30+
<i>Fraxinus caroliniana</i>	Pop Ash	D	W	P, F	Medium	30-50	30	707	15-30
<i>Fraxinus pennsylvanica</i>	Green Ash	D	M-W	P, F, S	Medium	50-100	50	1964	30+
<i>Gordonia lasianthus</i>	Loblolly Bay	E	WD-M	P, F	Low	30-40	16	201	15-30
<i>Liquidambar styraciflua</i>	Sweetgum	D	WD-M	F, P	Medium	40-100	30	707	30+
<i>Magnolia grandiflora</i>	Southern Magnolia	E	WD-M	F, P	Medium	40-80	25	491	30+
<i>Magnolia virginiana</i>	Sweet Bay Magnolia	E	M-W	P, F	None	30-60	16	201	15-30
<i>Pinus clausa</i>	Sand Pine	E	WD	F, P, S	High	25-40	25	491	15-30
<i>Pinus elliottii densa</i>	Southern Slash Pine	E	WD-M	F, P	High	75-100	25	491	15-30
<i>Pinus palustris</i>	Longleaf Pine	E	WD-M	F	High	60-80	25	491	15-30
<i>Platanus occidentalis</i>	Sycamore	D	A	F, P	Medium	75-90	30	707	30+
<i>Quercus alba</i>	White Oak	D	WD-M	F, P	Medium	60-100	35	962	30+
<i>Quercus austrina</i>	Bluff Oak	D	WD-M	F	High	40-80	35	962	30+
<i>Quercus falcata</i>	Turkey Oak	D	WD	F	High	40-50	25	431	30+
<i>Quercus laurifolia</i>	Laurel Oak	Semi D	M	F, P	Medium	60-100	35	962	30+
<i>Quercus muhlenber</i>	Pin Oak	D	M-W	F	Medium	90	35	962	30+
<i>Quercus nigra</i>	Water Oak	Semi D	M-W	F, P	High	60-100	30	707	30+
<i>Quercus shumardii</i>	Shumard Oak	D	WD-M	F	High	60	40	1256	30+
<i>Quercus virginiana</i>	Live Oak	E	M-W	F, P	High	50-60	50	1964	30+
<i>Taxodium distichum</i>	Bald Cypress	D	A	F, P	High	60-100	20	314	15-30
<i>Ulmus alata</i>	Winged Elm	D	A	F, P	High	20-25	25	491	15-30
<i>Ulmus Americana</i>	American Elm	D	A	F, P	High	80-100	30	707	30+
<i>Ulmus parvifolia</i>	Drake Elm	D	WD-M	F, P	High	30-40	16	201	15-30

**Key**

**Type:** D = Deciduous, E = Evergreen

**Soil Type:** WD = Well Drained, M = Medium Drained, W = Wet, A = All Types

**Light:** S = Shade, P = Partial Shade, F = Full Sun      **P/L:** Distance from Power Lines

**Table 5.13.11(B)**  
**Medium and Small Trees**

<b>MEDIUM SIZED TREES</b>									
<u>Species</u>	<u>Common Name</u>	<u>Type</u>	<u>Soil</u>	<u>Light</u>	<u>Drought Tolerance</u>	<u>Mature Height</u>	<u>Mature Crown Spread</u>	<u>Mature Canopy Area (sq. ft.)</u>	<u>P/L</u>
<i>Carpinus caroliniana</i>	American Hornbeam	D	A	F, P, S	Medium	25-35'	12'	113	15-30
<i>Cercis canadensis</i>	Eastern Redbud	D	WD	F, P, S	High	20-30'	10'	201	0
<i>Crataegus spp.</i>	Hawthorn	D	A	F, P	High	15-20'	12'	113	0
<i>Cupressus arizonica</i>	Arizona Cypress	E	WD	F	High	30-40'	15'	177	15-30
<i>Elaeocarpus decipiens</i>	Japanese Blueberry	E	WD	F, P	High	30-40'	30'	707	30+
<i>Ilex attenuata</i>	East Palatka Holly	E	WD	F, P	Medium	25-30'	16'	201	15-30
<i>Ilex cassine</i>	Dahoon Holly	E	M-W	F, P, S	Medium	25-30'	16'	201	15-30
<i>Ilex opaca</i>	American Holly	E	A	F, P	High	30-45'	16'	201	15-30
<i>Ilex rotunda</i>	Rotund Holly	E	WD	F, P	Medium	20-30'	20'	315	15-30
<i>Juniperus silicicola</i>	Southern Red Cedar	E	WD	F, P	High	25-30'	12'	113	15-30
<i>Lagerstroemia indica</i>	Crape Myrtle	D	WD-M	F	High	15-25'	12'	113	0
<i>Persea borbonia</i>	Red Bay	E	A	F, P	High	20-60'	12'	113	15-30
<i>Quercus lyrata</i>	Overcup Oak	D	WD-M	F, P	Medium	30-40'	35'	962	30+
<i>Tabebuia chrysostricha</i>	Yellow Trumpet Tree	Semi E	WD	F	Medium	25-35'	25'	0	15-30
<i>Tabebuia heterophylla</i>	Pink Trumpet Tree	D	WD	F	High	20-30'	20'	0	15-30
<i>Tabebuia impetiiginosa</i>	Purple Trumpet Tree	Semi E	WD	F	High	12-18'	10'	0	0
<b>SMALL SIZED TREES</b>									
<u>Species</u>	<u>Common Name</u>	<u>Type</u>	<u>Soil</u>	<u>Light</u>	<u>Drought Tolerance</u>	<u>Mature Height (feet)</u>	<u>Mature Crown Spread (feet)</u>	<u>Mature Canopy Area (sq. ft.)</u>	<u>P/L (feet)</u>
<i>Aesculus pavia</i>	Florida Buckeye	D	WD-M	S, P	Medium	15-20	20	315	0
<i>Callistemon rigidus</i>	Bottlebrush, stiff	E	M-W	F, P	High	8-15	5	20	0
<i>Callistemon viminalis</i>	Bottlebrush, weeping	E	W	F	High	15-20	10	79	0
<i>Chionanthus virginicus</i>	Fringetree	D	WD-M	P, F, S	Medium	15-25	10	79	0'
<i>Cornus florida</i>	Flowering Dogwood	D	WD	P, F, S	Medium	20-30	16	201	15-30
<i>Eriobotrya japonica</i>	Loquat	E	WD	F, P	Medium	15-20	10	79	0
<i>Ilex vomitoria</i>	Yaupon Holly	E	A	P, F	High	15-25	8	50	0
<i>Magnolia Xsoulangiana</i>	Saucer Magnolia	D	WD-M	F, P	Low	20-25	20	0	0
<i>Osmanthus americanus</i>	Wild Olive	E	A	F, P	Medium	15-30	8	50	0
<i>Prunus angustifolia</i>	Chickasaw Plum	D	WD	P, F	High	15-20	15	177	0
<i>Prunus umbellate</i>	Flatwoods Plum	D	M	P, F	Medium	12-20	15	177	0
<i>Quercus geminata</i>	Sand Live Oak	E	WD	F	High	15-30	12	113	0
<p><b>Key</b>  <b>Type:</b> D = Deciduous, E = Evergreen  <b>Soil Type:</b> WD = Well Drained, M = Medium Drained W = Wet, A = All Types  <b>Light:</b> S = Shade, P = Partial Shade, F = Full Sun <b>P/L:</b> Distance from Power Lines</p>									

**Table 5.13.11(C)**  
**Palms Trees and Palm-Like Plants**

<u>Species</u>	<u>Common Name</u>	<u>Soil</u>	<u>Light</u>	<u>Drought Tolerance</u>	<u>Height (feet)</u>	<u>Mature Crown Spread (feet)</u>	<u>Mature Canopy Area (sq. ft.)</u>	<u>P/L (feet)</u>
<i>Acoelorrhaphe wrightii</i>	Paurotis Palm, Saw Cabbage Palm	WD-M	F, P	M	15-30'	10-15'	150	15-30'
<i>Bismarckia nobilis</i>	Bismarck Palm	WD	F, P, S	H	40-70'	15-20'	200	30'
<i>Butia capitata</i>	Pindo Palm, Jelly Palm	WD	F, P	H	15-25'	10-15'	150	15-30'
<i>Phoenix spp.</i>	Date Palms	WD-M	F, P	H	6-80'	6-25'	150	30'
<i>Rhapidophyllum hystrix</i>	Needle Palm, Porcupine Palm	WD-M	P, S	M-H	2-6'	2'-6'	0	0
<i>Sabal palmetto</i>	Cabbage Palm, Sabal Palm, Cabbage Palmetto	A	F, P	H	25-60'	10-15'	150	30'
<i>Serenoa repens</i>	Saw Palmetto	WD	F, P, S	H	3-10'	4-10'	0	0
<i>Wodyetia bifurcata</i>	Foxtail Palm	WD	F, P	H-M	6-30'	15-20'	200	15-30'
<i>Zamia floridana</i>	Coontie, Florida Arrowroot, Florida Zamia	WD	F, P, S	H	1-5'	3-5'	0	0

**Key**

**Soil Type:** WD = Well Drained, M = Medium Drained, W = Wet, A = All Types

**Light:** S = Shade, P = Partial Shade, F = Full Sun

**Drought Tolerance:** H = High, M = Medium, L = Low, N = None

**P/L:** Distance from Power Lines

**Table 5.13.11(D)**  
**Large Shrubs**

<b>Species</b>	<b>Common Name</b>	<b>Soil</b>	<b>Light</b>	<b>Drought Tolerance</b>	<b>Height</b>	<b>Spread</b>
<i>Abelia Xgrandiflora</i>	Glossy Abelia	WD	F, P	M	6-10'	6-10'
<i>Agarista populifolia</i>	Fetterbush	A	S, P	M	8-12'	5-10'
<i>Allamanda nerifolia</i>	Bush Allamanda	WD	P, S	M	5-15'	4-10'
<i>Aloysia virgate</i>	Sweet Almond Bush	M	F	H	6-12'	6-12'
<i>Asimina spp.</i>	Pawpaw	WD-M	F, P, S	M	15-20'	15-20'
<i>Baccharis halimifolia</i>	Groundsel Bush, Salt Bush	A	F	M	8-10'	6-12'
<i>Berberis julianae</i>	Wintergreen Barberry	M	F, P	M	4-6'	2-5'
<i>Brunfelsia grandiflora</i>	Yesterday-Today-and-Tomorrow	WD	F, P, S	M	7-10'	5-8'
<i>Buddleia lindleyana</i>	Butterfly Bush	WD	F	M	4-6'	4-6'
<i>Calliandra haematocephala</i>	Red Powderpuff	WD	F, P	H	6-8'	8-12'
<i>Callicarpa americana</i>	Beautyberry	WD	P, S	H	6-8'	6-8'
<i>Calycanthus floridus</i>	Eastern Sweetshrub	WD-M	P, S	M	6-9'	6-12'
<i>Camellia japonica</i>	Camellia	M	P, S	M	10-20'	10-20'
<i>Carissa macrocarpa</i>	Natal Plum	WD	F, P	H	2-20'	2-20'
<i>Cestrum aurantiacum</i>	Orange Jessamine	WD	P, F	M	4-10'	6-8'
<i>Clethra alnifolia</i>	Sweet Pepperbush	A	P, F, S	M	4-8'	4-8'
<i>Crataegus spp.</i>	Hawthorn	A	F, P	H	20-35'	15-40'
	Golden Dewdrop					
<i>Erythrina herbacea</i>	Coral Bean	WD-M	F, P	H	5-10'	8-12'
<i>Forestiera segregate</i>	Florida Privet	WD-M	P, F	H	4-15'	3-12'
<i>Galphimia glauca</i>	Thryallis	WD	F	M	5-9'	4-6'
<i>Gardenia jasminoides</i>	Gardenia	WD	S, P	M	4-8'	4-8'
<i>Hamelia atens</i>	Firebush	WD-M	F, P, S	M	5-20'	5-8'

**Key**

**Soil Type:** WD = Well Drained, M = Medium Drained, W = Wet, A = All Types

**Light:** S = Shade, P = Partial Shade, F = Full Sun

**Drought Tolerance:** H = High, M = Medium, L = Low, N = None

**Table 5.13.11(D)**  
**Large Shrubs**

<b>Species</b>	<b>Common Name</b>	<b>Soil</b>	<b>Light</b>	<b>Drought Tolerance</b>	<b>Height</b>	<b>Spread</b>
<i>Heptapleurum arboricola</i>	Dwarf Schefflera	WD-M	P, F	H	10-15'	6-15'
<i>Hibiscus spp.</i>	Hibiscus	WD-M	F, P	M	4-12'	3-10'
<i>Hydrangea arborescens</i>	Wild Hydrangea	WD-M	P	N	6-10'	6-10'
<i>Hydrangea macrophylla</i>	French Hydrangea	WD-M	S, P	M	6-10'	6-10'
<i>Hydrangea quercifolia</i>	Oakleaf Hydrangea	WD-M	F, P, S	M	6-10'	6-8'
<i>Ilex X' Mary Nell'</i>	Mary Nell Holly	WD-M	F, P	M	10-20'	10-15'
<i>Ilex cornuta</i>	Chinese Holly	WD	P, F	H	15-25'	15-25'
<i>Illicium spp.</i>	Star Anise	WD	P, F	M	10-15'	6-15'
<i>Jasminum mesnyi</i>	Primrose Jasmine	WD-M	F	M	5-10'	2-5'
<i>Jasminum multiflorum</i>	Downy Jasmine	WD	F, P	M	5-10'	5-10'
<i>Jasminum nitidum</i>	Star Jasmine	WD	F	M	10-20'	5-10'
<i>Jatropha integerrima</i>	Peregrina	WD	F, P	H	8-15'	5-10'
<i>Ligustrum japonicum</i>	Ligustrum	WD	F, P	H	8-12'	15-25'
<i>Loropetalum chinense</i>	Chinese Fringe Bush	WD	F, P	M	6-15'	8-10'
<i>Malvaviscus arboreus</i>	Turk's Cap	WD-M	F	M	6-12'	3-5'
<i>Myrica cerifera</i>	Wax Myrtle	A	F, P	M	10-40'	20'-25'
<i>Nerium oleander</i>	Oleander	WD	F, P	H	4-18'	3-15'
<i>Osmanthus fragrans</i>	Tea Olive	WD	F, P	M	15-30'	15-20'
<i>Philadelphus inodorus</i>	English Dogwood	M-W	P, F	H	10-12'	6-10'
<i>Philodendron bipinnatifidum</i>	Tree Philodendron	WD-M	S, P	M	6-12'	10-15'
<i>Philodendron cvs.</i>	Philodendron	A	S, P	M	1-12'	2-15'
<i>Pittosporum tobira cvs.</i>	Pittosporum	WD	F, P	H	8-12'	12-18'
<i>Plumbago auriculata</i>	Plumbago	WD	F	M	3'-6'	3'-6'
<i>Podocarpus macrophyllus</i>	Podocarpus	WD	F, P	H	30-40'	20-25'
<i>Rhamnus caroliniana</i>	Carolina Buckthorn	WD	F, P, S	H	12-15'	10-15'
<i>Rhododentron cvs.</i>	Azalea	WD	P	M	3-12'	3-10'
<i>Sabal minor</i>	Dwarf Palmetto	WD-M	P, F, S	H	4-9'	4-8'
<i>Thunbergia erecta</i>	King's Mantle, Bush Clock Vine	WD-M	P, F	M	4-6'	5-8'

**Key**

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**Light:** S = Shade, P = Partial Shade, F = Full Sun

**Drought Tolerance:** H = High, M = Medium, L = Low, N = None



**Table 5.13.11(D)  
Large Shrubs**

<b>LARGE SHRUBS</b>						
<b>Species</b>	<b>Common Name</b>	<b>Soil</b>	<b>Light</b>	<b>Drought Tolerance</b>	<b>Height</b>	<b>Spread</b>
<i>Vaccinium arboreum</i>	Sparkleberry	WD-M	P, F, S	M	12-18'	10-15'
<i>Viburnum obovatum</i>	Walter's Viburnum	WD	P, F, S	H	8-25'	6-10'
<i>Viburnum odoratissimum</i>	Sweet Viburnum	WD	F, P, S	M	15-30'	15-25'
<i>Viburnum rufidulum</i>	Southern Blackhaw	WD-M	F, P, S	H	20-25'	20-25'
<i>Viburnum suspensum</i>	Sandankwa Viburnum	WD	P, S	L	6-12'	6-12'
<i>Vitex agnus-castus</i>	Chaste Tree	WD	F, P, S	H	10-20'	15-20'
<i>Yucca spp.</i>	Yucca	WD	F, P	H	3-30'	3-15'

**Key**  
**Soil Type:** WD = Well Drained, M = Medium Drained W = Wet, A = All Types  
**Light:** S = Shade, P = Partial Shade, F = Full Sun  
**Drought Tolerance:** H = High, M = Medium, L = Low, N = None

**Table 5.13.11(E)  
Small Shrubs**

<b>SMALL SHRUBS</b>						
<b>Species</b>	<b>Common Name</b>	<b>Soil</b>	<b>Light</b>	<b>Drought Tolerance</b>	<b>Height</b>	<b>Spread</b>
<i>Caesalpinia spp. And cvs.</i>	Poinciana	WD-M	F	M	8-35'	10-35'
<i>Gamolepis spp.</i>	Bush Daisy	WD	F	M	2-4'	3-4'
<i>Ixora coccinea</i>	Ixora	WD	F	M	10-15'	4-10'
<i>Lantana depressa</i>	Weeping Lantana	WD	F	M	3-6'	3-6'
<i>Leucophyllym frutescens</i>	Texas Sage, Silverleaf	WD	F	H	3-5'	3-5'
<i>Lyonia lucida</i>	Fetterbush	WD-M	F, P	H	3-15'	2-5'
<i>Mahonia fortune</i>	Fortune's Mahonia	WD	S, P	M	3-5'	3-5'
<i>Pyracantha coccinea</i>	Firethorn	WD-M	F, P	M	10-15'	8-12'
<i>Raphiolepis spp. And cvs.</i>	Indian Hawthorn	WD-M	F, P	H	2-10'	2-6'
<i>Rosa spp.</i>	Rose	WD	F	M	1-20'	2-8'
<i>Rosmarinus spp.</i>	Rosemary	WD-M	F, P	H	3-6'	4-5'
<i>Russelia equisetiformis</i>	Coral Plant	WD	F	H	3-5'	6-12'
<i>Russelia sarmentosa</i>	Firecracker Plant	WD	F, P	M	3-4'	2-4'
<i>Sabal etonia</i>	Scrub Palmetto	WD	F, P	H	4-6'	4-6'

**Key**  
**Soil Type:** WD = Well Drained, M = Medium Drained W = Wet, A = All Types  
**Light:** S = Shade, P = Partial Shade, F = Full Sun  
**Drought Tolerance:** H = High, M = Medium, L = Low, N = None

**Table 5.13.11(F)**  
**Ground Covers**

<u>Species</u>	<u>Common Name</u>	<u>Soil</u>	<u>Light</u>	<u>Drought Tolerance</u>	<u>Height</u>	<u>Spread</u>
<i>Aloe spp.</i>	Aloe	WD	F, P	H	1-3'	1-3'
<i>Anthericum sanderi</i>	St. Bernard's Lily	WD	F, P	M	1- 1½'	½ - 1'
<i>Arachis glabrata</i>	Perennial Peanut	WD	F	H	½ - 1'	1-8'
<i>Aspidistra elatior</i>	Cast Iron Plant	WD	P, S	M	1-3'	1-3'
<i>Cyrtomium falcatum</i>	Holly Fern	WD-M	P, F, S	M	2-3'	3-4'
<i>Dyschoriste oblongifolia</i>	Twin Flower	WD	F, P	H	½ - 1'	1- 1½'
<i>Evolvulus glomeratus</i>	Blue Daze	WD	P	M	½ - 1'	1-2'
<i>Glandularia tampensis</i>	Tampa Vervain	WD	F	H	1½ - 2'	1 -1 ½'
<i>Hedera canariensis</i>	Algerian Ivy, Canary Ivy	WD	S	M	½ - 1'	1-6'
<i>Helianthus debilis</i>	Beach Sunflower	WD	F	H	Up to 2'	6' or more
<i>Ipomoea spp.</i>	Sweet Potato Vine	WD-M	F, P	H	10-20'	10-40'
<i>Juniperus conferta and cvs.</i>	Shore Juniper	WD	F	H	1-2'	6-10'
<i>Lantana montevidensis</i>	Trailing Lantana	WD	F	M	1-3'	4-8'
<i>Liriope muscari and cvs.</i>	Liriope, Monkey Grass, Border Grass	WD	F, P, S	M	1-2'	1-2'
<i>Mimosa strigillosa</i>	Powderpuff, Sunshine Mimosa	WD	F	M	½ - ¾'	8-10
<i>Ophiopogon japonicas and cvs.</i>	Mondo Grass, Dwarf Liriope	WD	S, P	M	½ - 1'	½ - 2'
<i>Phyla nodiflora</i>	Capweed	WD-M	F, P	M	½ - 1'	8-10'
<i>Trachelospermum jasminoides</i>	Confederate Jasmine, Star Jasmine	WD-M	F, P	M	1-3'	1-30'
<i>Vinca major</i>	Periwinkle	WD-M	P, F, S	M	1-2'	1-5'

**Key**

**Soil Type:** WD = Well Drained, M = Medium Drained, W = Wet, A = All Types

**Light:** S = Shade, P = Partial Shade, F = Full Sun

**Drought Tolerance:** H = High, M = Medium, L = Low, N = None

**Table 5.13.11(G)  
Lawn Grass Species**

<b>CHARACTERISTICS</b>	<b>LAWN GRASSES</b>					
	<b>BAHIA</b>	<b>BERMUDA</b>	<b>CARPETGRASS</b>	<b>SEASHORE PASPALUM</b>	<b>ST. AUGUSTINE</b>	<b>ZOYSIA</b>
<b>Area Adapted To</b>	<u>Statewide</u>	<u>Statewide</u>	<u>Wet Areas</u>	<u>Statewide</u>	<u>Statewide</u>	<u>Statewide</u>
<b>Soil</b>	<u>Acid, Sandy</u>	<u>Whole Range</u>	<u>Acid, Wet</u>	<u>Wide Range</u>	<u>Wide Range</u>	<u>Wide Range</u>
<b>Leaf Texture</b>	<u>Coarse-Medium</u>	<u>Fine-Medium</u>	<u>Medium</u>	<u>Fine-Medium</u>	<u>Coarse-Medium</u>	<u>Fine-Medium</u>
<b>Drought Tolerance</b>	<u>Excellent</u>	<u>Good</u>	<u>Poor</u>	<u>Good</u>	<u>Fair</u>	<u>Medium</u>
<b>Shade Tolerance</b>	<u>Poor</u>	<u>Poor</u>	<u>Fair</u>	<u>Poor</u>	<u>Good</u>	<u>Good</u>
<b>Wear Tolerance</b>	<u>Poor</u>	<u>Good-Excellent</u>	<u>Poor</u>	<u>Good-Excellent</u>	<u>Poor</u>	<u>Good-Excellent</u>
<b>Nematode Tolerance</b>	<u>Very Good</u>	<u>Poor</u>	<u>Poor</u>	<u>Good</u>	<u>Good</u>	<u>Poor</u>
<b>Maintenance Levels</b>	<u>Low</u>	<u>Medium-High</u>	<u>Low</u>	<u>Medium</u>	<u>Medium</u>	<u>High</u>
<b>Uses</b>	<u>Lawns, roadsides</u>	<u>Athletic Fields, golf courses</u>	<u>Wet Areas</u>	<u>Lawns, athletic fields, golf courses</u>	<u>Lawns</u>	<u>Lawns</u>
<b>Establishment Methods</b>	<u>Seed, Sod</u>	<u>Sod, sprigs, plugs, some seed</u>	<u>Seed, sprigs</u>	<u>Sod, plugs, sprigs</u>	<u>Sod, plugs, sprigs</u>	<u>Sod, plugs, sprigs</u>

Source: "Selecting a Turf Grass for Florida Lawns," University of Florida IFAS Extension (ENHO4, 2007).

*Comment: New Section added to address plant species lists, which replace existing lists..*

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**SECTION 5.14.00 WATER CONSERVATION FOR LANDSCAPE IRRIGATION, IRRIGATION SYSTEM DESIGN AND INSTALLATION STANDARDS, AND EFFICIENT PLUMBING REQUIREMENTS**

*Comment: New Section and Subsections added to address water conservation*

**5.14.01 Intent and Purpose**

It is the intent and purpose of this Section to implement uniform procedures that promote water conservation through more efficient landscape design and irrigation methods and through the installation of more efficient plumbing fixtures.

**5.14.02 Definitions**

For definitions related to this Section, see "Landscape Irrigation Water Conservation Definitions" in Article 14, Definitions and Acronyms.

**5.14.03 Efficient Plumbing Requirements**

- (A) Applicability. Contractors obtaining Hardee County Building Permits, for all new residential, commercial, and institutional construction, no more than 60 days after the effective date of this Section, shall incorporate WaterSense plumbing fixtures and Energy Star appliances into said construction. All new construction shall incorporate WaterSense plumbing fixtures and Energy Star appliances prior to issuance of a Certificate of Occupancy.
- (B) Exceptions. In applications where WaterSense plumbing fixtures and Energy Star appliances are not available, a written request for an exception must be submitted and approved by the Planning and Development Director. For the exception to be approved, a best alternative water and/or energy conservative fixture and/or appliance must be identified in the submittal.

**5.14.04 Irrigation System Design and Installation Standards**

- (A) Applicability. Irrigation system design and installation standards shall apply to the following:
- (1) All new residential, commercial, and institutional construction where a new landscape irrigation system is required.
  - (2) Where significant rehabilitation (50% or greater) of an existing landscape irrigation system will be conducted.
- (B) General.
- (1) Requirements for installing irrigation systems are specified in other

locations within Section 5.14.00 of the Unified Land Development Code.

- (2) All irrigation systems shall be designed by an irrigation design professional consistent with the irrigation systems standards and as set forth in this Section.
  - (3) A "Letter of Certification of the Design for an Irrigation System" by an irrigation design professional certifying the design is consistent with the requirements of this Section shall be required to obtain a building or irrigation permit before issuance of said permit.
  - (4) A "Letter of Completion Certifying Compliance with Design for Irrigation System" by an irrigation design professional consistent with the design shall be required before issuance of a certificate of completion.
  - (5) Compliance with this Section shall not exempt an individual from any other local, state, or federal requirements.
  - (6) Irrigation systems shall satisfy the requirements of Section 5.14.04 prior to the issuance of a Certificate of Occupancy.
- (C) *System Design and Installation Standards.* Irrigation system design and installation shall be consistent with the irrigation systems standards and the following requirements:
- (1) The maximum total irrigated area on residential lots, regardless of lot size, shall not exceed 0.5 acres. This provision does not apply to temporary irrigation such as portable hoses and portable sprinklers.
  - (2) High volume irrigation area shall not exceed 60 percent of the landscaped area. This standard is applicable on residential and commercial lots over 1/8 acre. This standard applies to common and open space areas. This standard excludes vegetable gardens and fruit or nut trees on individual lots or in community gardens.
  - (3) Narrow areas, four feet (4') wide or less, shall not be irrigated unless correctly installed low volume irrigation is used.
  - (4) High volume irrigation shall not be used for trees, shrubs, or groundcover beds. Permanent low volume irrigation may be used in these areas. The County encourages the use of temporary establishment irrigation.
  - (5) Irrigation zones shall be divided according to vegetated groupings (e.g.,

turfgrass, shrubs, native plants, trees) and the water requirements of the plants. Turf grass and landscaped beds, such as trees, shrubs, and groundcover beds, shall not be irrigated in the same zone as each other.

- (6) Sprinkler head types, such as spray heads and rotors, shall not be mixed in the same zone.
- (7) Distribution equipment in a given zone shall have matched precipitation rates.
- (8) Rotors and spray sprinkler heads in turfgrass areas shall be spaced to provide head to head coverage.
- (9) A minimum separation of four inches (4") shall be required between distribution equipment and pavement.
- (10) A minimum separation of 24 inches shall be required between distribution equipment and buildings and other vertical structures, except fences and walls.
- (11) Technology that inhibits or interrupts operation of the system during periods of sufficient moisture shall be required on all irrigation systems to avoid irrigation during periods of sufficient rainfall. Examples of such devices include soil moisture sensors, weather stations, rainfall shut-off devices and smart-control systems. The technology shall override the irrigation cycle when adequate rainfall has occurred. Technology that depends on rainfall for bypassing irrigation shall be placed where it is exposed to unobstructed natural rainfall and in compliance with Section 373.62, Florida Statutes, as amended.
- (12) Permanent irrigation systems shall be equipped with an automatic control system to provide the following minimum capabilities:
  - (a) Ability to be programmed in minutes, by day of week, season, and time of day;
  - (b) Ability to accommodate multiple start times and programs;
  - (c) Automatic shut-off during rainfall or after adequate rainfall events;
  - (d) Ability to maintain time during power outages; and Operational flexibility to meet applicable year-round water conservation requirements.

- (13) Check valves which are capable of holding a minimum of a five-foot head shall be used in low-lying areas to prevent head drainage.
- (14) Irrigation system equipment shall be installed in accordance with manufacturer's specifications.
- (15) No direct spray shall be allowed onto walkways, buildings, roadways, and drives.
- (16) Pipelines shall be designed to provide the system with the appropriate pressure required for maximum irrigation uniformity.
- (17) All sprinkler heads with spray nozzles (non-rotary) shall be pressure-regulated at the head.
- (18) All irrigation system underground piping shall have minimum soil cover of six (6) inches.

#### **5.14.05 Operation and Maintenance of Irrigation Systems**

- (A) An irrigation professional responsible for installing or substantially modifying an irrigation system shall provide the property owner with a maintenance checklist affixed to or near the controller and accompanied by a recommended maintenance schedule, proper irrigation system settings according to season, recommendations for checking technology that inhibits or interrupts operation of the system during periods of sufficient moisture, filter cleaning recommendations, if applicable, and information on the current water restrictions.
- (B) A property owner shall ensure that irrigation systems on their property are inspected at least annually for leaks, overspray, maladjusted heads, and heads that may be capped due to changes in the landscape, such as maturity or changes in plants. Technology that inhibits or interrupts operation of the system during periods of sufficient moisture may need to be replaced every few years and shall be correctly functioning to be in compliance with this article. Irrigation systems with known leaks shall not be operated until the leaks are repaired, except for testing purposes.
- (C) Within 60 calendar days after installation, the property owner shall ensure that the irrigation controller is adjusted to operate according to normal, established landscape conditions or irrigation restrictions, if the irrigation system is installed as part of newly established landscaping.

#### **5.14.06 Exemptions**

The following are exempted from the provisions of this article, but should follow applicable Florida Friendly Best Management Practices for Protection of Water Resources by the Green Industries:

- (A) Bona fide agricultural activities;
- (B) Vegetable gardens and fruit and nut trees;
- (C) Athletic fields;
- (D) Golf course play areas;
- (E) Cemeteries;
- (F) Nurseries; and
- (G) Temporary establishment irrigation.

#### **5.14.07 Alternative Compliance**

- (A) An applicant may submit a proposal that varies from the strict application of the requirements of this Section (also known as "alternative compliance") to accommodate unique site features or characteristics, utilize innovative design, prevent extraordinary hardship, or to promote the overriding public interest or general public welfare. Diminished value of property or inconvenience is not an extraordinary hardship.
- (B) An applicant seeking authorization for alternative compliance shall have the burden of demonstrating to the County the reasons why the strict application of the requirements of this Section should not apply.
- (C) Requests for alternative compliance shall be submitted as part of the irrigation system approval process.
- (D) The County may approve an alternative compliance plan upon finding that the alternative compliance plan fulfills the intent and purpose of this Section.
- (E) The County may require a site inspection and corresponding site inspection fee for systems which are installed following a department-approved alternative compliance plan.



**5.14.08 Enforcement**

Violation of any provision of this Article shall be subject to penalties as provided in the Hardee County Code of Ordinances and Unified Land Development Code or any other remedy available at law or equity.

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**ARTICLE 6  
SIGN REGULATIONS**

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## ARTICLE 6 SIGN REGULATIONS

Text that is underlined is text to be added and text that is shown as ~~strikeout~~ is to be removed. *Comments* provided for information and are not adopted as part of the Unified Land Development Code text.

### **SECTION 6.01.00 GENERAL PROVISIONS.**

These ~~sSign r~~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.

*Comment: Section relocated from Section 4.01.00.*

### **SECTION 6.02.00 PURPOSE, INTENT, AND SCOPE**

The purpose of the Sign Regulations is to make known that signs provide an important medium through which businesses and individuals may convey a variety of commercial and noncommercial messages. When left unregulated, signs can become a threat to public safety as a traffic hazard, and a detriment to property values and the County's overall public welfare as an aesthetic nuisance. Therefore, the intent of these Sign Regulations is to:

- (A) Preserve the right of free speech and expression in the display of signs.
- (B) Further the objectives of Hardee County's Comprehensive Plan.
- (C) Protect the public health, safety, and welfare of the County's citizens.
- (D) Reduce traffic and pedestrian hazards.
- (E) Protect property values by minimizing signs' possible adverse effects.
- (F) Promote economic development.
- (G) Ensure the fair and consistent enforcement thereof.

*Comment: Section added to address the purpose, intent, and scope of the sign code.*

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### **SECTION 6.03.00 SUBSTITUTION OF NONCOMMERCIAL SPEECH FOR COMMERCIAL SPEECH**

Notwithstanding anything contained in this Article or Code to the contrary, any sign erected pursuant to the provisions of this Article or Code may, at the option of the owner, contain a noncommercial message in lieu of a commercial message and the noncommercial copy may be substituted at any time in place of the commercial copy. The noncommercial message (copy) may occupy the entire sign face or any portion thereof. The sign face may be changed from commercial to noncommercial messages, or from one noncommercial message to another noncommercial message, provided that the size, height, setback, and other dimensional criteria comply with the provisions of this Article and other applicable requirements have been satisfied.

*Comment: Section added to address the language permitted on signs.*

### **SECTION 6.04.00 CONTENT NEUTRALITY AS TO SIGN MESSAGE (VIEWPOINT)**

Notwithstanding anything in this Article or Code to the contrary, no sign or sign structure shall be subject to any limitation based upon the content (viewpoint) of the message contained on such sign or displayed on such sign structure.

*Comment: Section added to address content neutrality for sign messages.*

### **SECTION 6.05.00 SIGN PERMITS**

Unless specifically exempt, no temporary sign greater than thirty-two (32) square feet in size, and no permanent sign, shall be placed, newly constructed, enlarged, or relocated in Hardee County until a sign permit has been issued by the County. No additional sign permits shall be required when changes are made to existing permitted signs if the location, sign area, and other dimensional elements of the existing sign remain the same. However, signs with electronic and/or lighting components may be subject to electrical permits, as required by these Sign Regulations and applicable State of Florida law. Applications for permits shall be submitted to the County, together with an application fee as established by resolution of the Board of County Commissioners.

A sign permit shall become null and void if the work for which the permit was issued has not been started within a period of six (6) months after the date of the issuance of the permit. Additionally, any work started, but discontinued for a period greater than six (6) months shall cause the permit to become null and void.

*Comment: Section added to address sign permits.*

### **SECTION 6.06.00 EXEMPTED SIGNS-**

The following signs are exempt from the operation of these ~~s~~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 and that all remaining requirements of these regulations, including but not limited to construction and maintenance standards, shall be met.

- (A) Signs that are not designed or located so as to be visible from any street or adjoining property;
- (B) Permanent on-premises ~~S~~signs of two (2) 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 the public 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~~ Tablet signs no larger than 2 square feet 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;~~ Flags in all zoning districts shall not count as chargeable square footage under these Sign Regulations provided no more than three (3) flags may be displayed per premises and each flag must be flown from a flagpole;
- (~~J~~) ~~Construction signs not exceeding 16 square feet in size~~ On-premise temporary signs up to thirty-two (32) square feet in sign area;
- (~~K~~) ~~Real estate yard signs not exceeding six square feet in size~~ Signs incorporated into machinery or equipment by a manufacturer or distributor, ex. Caution signs for users;



Figure 6-1: Example of Sign Incorporated into Machinery or Equipment

- (L) ~~Political signs.~~ Signs located on or within public or semi-public athletic fields affixed to scoreboards, buildings, or structures facing the field.

*Comment: Section relocated from Section 4.02.00; Many of the edits in this Section are based on neutrality issues that involve speaker or content issues; (G) deleted because it is addressed in (C) or (H).*

### **SECTION 6.07.00 PROHIBITED SIGNS:**

The following types of signs are prohibited in all districts:

- (A) Signs that are in violation of the adopted building or electrical codes;.
- (B) Any sign that, in the opinion of the County Manager/designee, constitutes a safety hazard;.
- (C) ~~Blank temporary signs~~ Abandoned signs;.
- (D) Signs imitating or resembling official traffic or government signs or signals;.
- (E) ~~Snipe signs and signs attached to trees, telephone poles, streetlights, or signs placed on any public property or public right-of-way;~~
- (F) ~~Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign (this does not apply to permitted portable signs or to signs or lettering on buses, taxis, or vehicles operating during the normal course of business)~~ Vehicular signs;.
- (G) Any sign obstructing traffic visibility;.
- (H) Signs with illuminated, moving, revolving, or rotating parts causing traffic hazards, ~~except trademark signs,~~ not to exceed 12 feet in height and rotating at no more than two revolutions per minute. 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;.

- (I) Signs emitting sound, odor, smoke, or steam;
- (J) Parasite signs.
- (K) Signs that interfere with any fire escape, emergency exit, standpipe, or any window to the extent that light or ventilation is reduced to a point below that required by any provision of this Section or other applicable regulation.
- (L) Signs containing any statement, word, character, or illustration of an obscene, indecent or immoral nature that are not protected by the First Amendment of the United States and Chapter I §4 of the Constitution of the State of Florida.
- (M) Any sign not specifically permitted by these Sign Regulations is prohibited.

*Comment: Section relocated from Section 4.03.00; C., Blank sign faces are addressed under Section 6.12.00, Sign Removal; E., deleted information describing a snipe sign, since it is defined in Article 14.; F., deleted information describing vehicular signs since they are defined in Article 14; H., edited for neutrality; J., through M., added to address additional signs not permitted by the sign code.*

## **SECTION 6.08.00 PERMITTED SIGNS:**

The following signs are permitted within Hardee County, subject to the standards provided under this Section.

*Comment: Section relocated from Section 4.04.00.*

### **6.08.01 On-Site Commercial Signs Nonresidential Zoning Districts**

*Comment: Section relocated from Section 4.04.01 formerly known as On-Site Commercial Signs; Retained setback requirements in amended text. New shopping center requirements provided. Sign height is revised.*

- (A) Permanent On-Premises Freestanding Signs
- (1) On-site commercial signs are permitted accessory to commercial or industrial structures on property zoned for such uses.
- ~~(A) Number of Signs Permitted. No more than two signs shall be permitted for each development site. For lots or parcels situated at intersections, one sign is permitted on a lot or parcel for each frontage of 75 feet or more on a publicly maintained road. For parcels having 250 feet or more of frontage on a single road, an~~



~~additional sign per entrance shall be allowed and sign shall be located near the entrance.~~

(2) One (1) sign shall be allowed for each road frontage, up to a maximum of two (2) signs for each development site.

(a) Where a single business, building, or facility is located at an intersection of two (2) or more streets, up to two (2) freestanding signs shall be allowed, provided each sign is clearly designed to be read from a different street.

(b) Where multiple businesses share a single building or facility (multiple occupancy building), only one (1) freestanding sign shall be allowed for the building or facility per road frontage, not to exceed a total of two (2) freestanding signs, provided each sign is clearly designed to be read from a different street.

(3) Freestanding signs shall not exceed one (1) square foot of area for each linear front foot of the premises, measured upon the street, with no sign to exceed one hundred fifty (150) square feet.

(4) Pole signs and monument signs shall not exceed fifteen (15') in height. Ground signs shall not exceed six feet (6') in height.

~~(B) *Design Standards.* Except as otherwise provided, no on-site commercial sign shall exceed 200 square feet in size. On-site commercial signs exceeding 200 square feet may be permitted as a Special Exception in shopping centers subject to development standards provided in Article 3.~~

(5) Maximum height for a sign shall be the same as permitted building height for the applicable zoning district. Minimum setbacks for a sign shall be 15 feet (15') from any road right-of-way, measured from the leading edge of the sign, and 10 feet (10') from all other property lines.

(6) Any freestanding sign may display a single face, double face, or multi-face.

*Comment: Language updated to address sign sizes and heights; Language rewritten to address single and multiple businesses; the limit of two signs per property is retained from the current Code.*

(B) Wall and Fascia Signs

(1) Single Use Buildings

- (a) One (1) wall or fascia sign shall be allowed for each public street the building faces, up to a maximum of two (2) signs per building.
- (b) Signs on buildings located at the intersection of two or more streets shall be clearly designed to be read from the streets.
- (c) Each wall/fascia sign shall not exceed one (1) square foot of area for each linear front foot of the premises, measured upon the street, with the total of all wall/fascia signs not to exceed one hundred fifty (150) square feet of area.
- (d) Wall/fascia signs shall not extend above the roof line or beyond the exterior wall to which it is attached.
- (2) Shopping Centers and Other Multiple Occupancy Buildings
- (a) One (1) wall or fascia sign per use or business shall be allowed for that portion of the building where such use or business faces the street.
- (b) One and one-half (1½) square foot of sign area is permitted for each linear front foot of the building frontage where the use or business faces the street that serves the shopping center or use. The total area of wall signs permitted shall apply with respect to each building, and separately to the exterior wall included in an occupant's individually owned or leased premises.
- (c) Wall signage for uses with more than 40,000 square feet in shopping centers or multiple occupancy buildings, and with frontage on an arterial or collector road, may be increased by two hundred percent (200%) when the building is setback at least two hundred (200) feet from the public right-of-way.
- (d) Where an individually owned or leased premise does not include part of an exterior wall of a principal building, the occupant may display one (1) sign up to six (6) square feet of sign area on one side of the principal building in which the occupant is located.

*Comment: Language added to address wall and fascia signs.*

(C) Roof Signs

- (1) Roof signs shall be permitted only in commercially zoned districts.
- (2) Roof signs shall be no more than thirty percent (30%) of the road front roof face upon which it is situated.

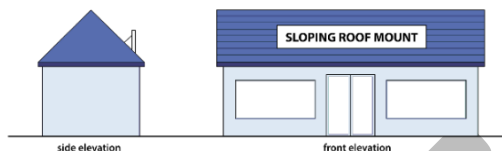


Figure 6-2: Example Roof Signs

*Comment: Language added to address roof signs.*

#### **~~4.04.02 Permanent Off-Site Directional Signs~~**

~~Permanent offsite commercial directional signs are permitted on commercially or agriculturally zoned property owned or leased by the business owner, subject to the following restrictions.~~

- ~~• No more than 1 off-site directional sign per parcel or lot.~~
- ~~• No more than 72 inches in height of the sign area.~~
- ~~• No more than 72 square feet in area of the sign area.~~
- ~~• Located outside of any right of way.~~
- ~~• Be in compliance with Section 3.02.03(C), Clear Visibility Triangle.~~
- ~~• Meet all requirements of the Florida Building Code.~~
- ~~• Be permitted by the Hardee County Building Department.~~
- ~~• Not be internally illuminated.~~
- ~~• No interchangeable copy or message board signs.~~

~~Billboard signs are regulated under Section 4.04.03 of the Hardee County ULDC.~~

*Comment: Language deleted for content neutrality.*

#### **~~6.08.02 Signs in Residential Areas Residential Zoning Districts:~~**

- ~~(A) *Neighborhood Identification Signs.* Non illuminated ground or wall signs identifying a neighborhood for residential areas which include at least five acres of land area shall be allowed. These signs shall only 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.~~

~~Non-residential Special Exceptions to have non-illuminated signs no larger than 24 square feet in area may be allowed.~~

~~(B) *Bed and Breakfast.* In residential areas, signs are permitted of two square feet or less in a window, on the building or freestanding. A setback of 10 feet must be maintained from all property lines. Such signs must be unlighted and made of metal or wood. The stand for the sign and the sign itself cannot exceed four feet in height from the ground.~~

~~(C) *Churches and religious buildings.* On site commercial signs are permitted accessory to church or religious buildings on property zoned for such use.~~

(A) Residential development entryway signs and signage for Residential Support Uses shall be permitted as follows:

(1) Freestanding Signs

(a) One (1) ground or monument sign shall be permitted for each main entrance on a public right-of-way.

(b) The maximum sign face area shall be thirty-two (32) square feet, and the total sign area, including mounting and support structures shall not exceed fifty (50) square feet.

(c) The maximum sign height shall be five (5) feet.

(d) A setback of ten feet (10') must be maintained from all property lines.

(e) A single monument sign, located within a median, as part of a boulevard entrance, may be used in lieu of a sign established on either side of a subdivision entrance.

(2) Wall Signs

A wall sign shall be proportionate to the wall on which it is located, but shall not exceed thirty-two (32) square feet in sign area or extend more than twelve inches (12") from the wall to which it is attached.

(3) Illumination

The only form of artificial illumination allowed shall be indirect illumination.

(B) Signage for other permitted uses shall be as follows:

(1) Signs of two (2) square feet or less are permitted in a window or on the building. Building signs shall be affixed flat against the exterior wall of the residence.

(2) Permitted lodging uses, as identified in the permitted land uses Zoning District Table 3.03.00 (A), are allowed a metal or wood freestanding sign, up to two (2) square feet in area. Such a sign shall not exceed four feet (4') in height from the ground and shall maintain a minimum ten-foot (10') setback from all property lines.

(3) Signage shall be unlighted.

*Comment: Relocated from Section 4.04.05; Part A updated for neutrality and provided for in new (A); Part B deleted because two square foot signs are currently exempt signs; Part C deleted because they are included in the definition for Residential Support Uses, which uses are provided for in the new Part (A).*

**6.08.03 Electronic Message Center Signs**

(A) Residential Properties

Electronic message center signs located within fifty feet (50') of any residential property line, as measured from the property line to the sign, shall display static images only. When possible, the sign shall be oriented so that no portion of the sign face is visible from an existing or permitted principal structure on that lot.

(B) State and County Highways

Electronic message center signs located on properties along State and County highways may be subject to State and County sign and permitting requirements.

(C) Sign Standards

- (1) All electronic message center signs shall come equipped with automatic shut-off technology so that the display will go dark during sign malfunction.
- (2) All electronic message center signs shall comply with the Building and the National Electrical Code.
- (3) All electronic message center signs shall come equipped with automatic dimming technology which automatically adjusts the sign's brightness based on ambient light conditions.
- (4) Electronic message center signs shall not be placed or illuminated so as to obscure or interfere with traffic control devices.
- (5) No electronic message center sign shall exceed a brightness level of 0.3-foot candles above ambient light as measured using a foot candle (Lux) meter at a preset distance depending on sign area, measured as shown on Table 6.08.03(A). For signs with an area in square feet other than those specifically listed in the table (e.g., 12 sq. ft., 400 sq. ft., etc.) the measurement distance may be calculated with the following formula: Measurement Distance =  $\sqrt{\text{Area of Sign Sq. Ft.} \times 100}$ .

**Table 6.08.03(A)**  
**Electronic Message Center Sign Brightness Level Standard**

<u>Area of Sign (Sq. Ft.)</u>	<u>Distance Measurement (Feet)</u>
<u>10</u>	<u>32</u>
<u>15</u>	<u>39</u>
<u>20</u>	<u>45</u>
<u>25</u>	<u>50</u>
<u>30</u>	<u>55</u>
<u>35</u>	<u>59</u>
<u>40</u>	<u>63</u>
<u>45</u>	<u>67</u>
<u>50</u>	<u>71</u>
<u>55</u>	<u>74</u>
<u>60</u>	<u>77</u>
<u>65</u>	<u>81</u>
<u>70</u>	<u>84</u>
<u>75</u>	<u>87</u>
<u>80</u>	<u>89</u>
<u>85</u>	<u>92</u>
<u>90</u>	<u>95</u>
<u>95</u>	<u>97</u>
<u>100</u>	<u>100</u>

*Comment: New Section to address electronic message center signs.*

#### **6.08.04 Special-Event Temporary Signs-**

Signs or objects are allowed on a temporary basis in connection with a special event for a period not to exceed 30 days, after which time the sign or object shall be removed. Temporary signs shall be allowed in all zoning districts and shall comply with the following requirements:

##### (A) Generally

- (1) Temporary signs may be ground or building signs but shall not be allowed as permanent signage.
- (2) Signs may be on-premises or off-premises. Off-premises signs shall require express consent of the property owner.
- (3) The square footage of a temporary sign shall not be included in the calculation of the total sign area allowance for a parcel.
- (4) On-premises temporary signs, up to thirty-two (32) square feet in total sign area, require no sign permit.
- (5) One additional temporary sign is allowed for a parcel that has no permanent sign, provided that such sign is not displayed for a period of more than sixty (60) days or until installation of the permanent sign, whichever occurs first. The additional sign shall comply with the dimensional requirements provided in letter G., below.
- (6) All temporary signs that may be readily moved from place to place shall be moved to a secure location upon a warning of high winds or hurricane by the National Weather Service.

##### (B) Duration

Temporary signs shall be removed within ten (10) calendar days after the end of the scheduled occurrence or purpose to which they relate.

##### (C) Portable Message Center Signs

- (1) Portable message center signs shall only be allowed with one-time display (event) permitting.

- (2) Only one (1) sign shall be allowed on an individual property at any one time.
- (3) Portable message center signs shall be allowed for a maximum of fourteen (14) consecutive calendar days per occurrence.

(D) Banners and Blade Signs

Banners and blade signs shall only be allowed with one-time display (event) permitting.

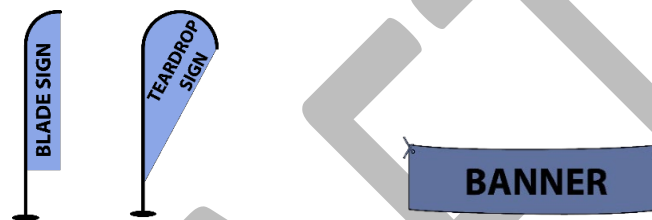


Figure 6-3: Example Blade Signs      Example Banner

(E) One-Time Display (Event) Signs

One-time display (event) signs shall be allowed no more than four (4) times per year, up to a maximum of fourteen (14) days per occurrence. A sign permit is required. Signs may include banners, blade signs, temporary inflatable signs, portable message center signs and other allowable temporary signs. The aggregate sign area of one-time display (event) signs shall not exceed two hundred (200) square feet.

(F) Temporary Inflatable Signs

- (1) Temporary inflatable signs shall only be allowed with one-time (event) displays.
- (2) Temporary inflatable signs shall only be allowed for nonresidential uses in commercial and industrial zoning districts, on property which abuts an arterial roadway.
- (3) No more than one (1) temporary inflatable sign shall be permitted on a single property at one time.



- (4) Inflatable displays shall be securely anchored or attached to prevent dislocation, entanglement or encroachment onto adjacent properties or public streets and to prevent undue hazards to motorists and pedestrians.
- (5) Inflatable displays shall not be attached to fences, landscaping, utility poles or private light poles.

(G) Off-Premise Temporary Signs

Off-premises temporary signs shall require written consent of the property owner and an annual sign permit. The annual sign permit number shall be printed on, or affixed, to the sign.

(H) Dimensional Requirements

- (1) A parcel may display temporary signs with an aggregate sign area of up to thirty-two (32) square feet.
- (2) Parcels exceeding one acre, and multiple-occupancy developments (e.g., strip shopping centers or strip malls) shall be permitted temporary signs not to exceed sixty-four (64) square feet of aggregate sign area. The owner of the strip shopping center or mall shall be responsible for any penalties accrued for non-compliance by the tenants.
- (3) Temporary signs shall not exceed six feet (6') in height in residential districts and eight feet (8') in height in nonresidential districts.
- (4) Temporary signs shall have a minimum five-foot (5') setback from the property line and shall not be located within the clear visibility triangle (Section 5.02.02(C)).

(I) Maintenance

Temporary signs are subject to the standards provided in Section 6.11.00, Maintenance Standards.

*Comment: Section relocated from Section 4.04.04 and updated to address temporary signs to meet neutrality requirements.*

**6.08.05 Billboards-**

(A) General Provisions-

Billboards, as defined in Article ~~9~~ 14 of this Code, shall be permitted in C-1, C-2, A-1, ~~A-2~~, I-1, and I-2 zoned districts adjacent to roads classified as arterial or collector in the Transportation Element of the Comprehensive Plan only, subject to the requirements provided in this Section and Chapter 479, F.S.

(B) Design Standards-

- (1) Maximum height shall be forty (40) feet, with a minimum ground clearance of eight (8) feet. Height shall be measured from the highest point of the sign, excluding embellishments, to the highest elevation of the adjoining road.
- (2) ~~Billboards~~ Setbacks shall be ~~set back~~ no less than fifteen (15) feet from the right-of-way line and no less than one hundred (100) feet from adjacent property owners.
- (3) ~~Billboards~~ Signs shall not exceed nine hundred fifty (950) square feet in size, including all embellishments.

(C) Illumination-

Illumination shall be directed only at the advertising surface(s) of the billboards, and no lighting tubes or bulbs shall be visible from adjoining roads or properties.

(D) Multiple Panels-

- (1) A billboard having two sign panels back-to-back, separated by a distance of no more than four feet, shall be considered as one sign, and each face shall be permitted the full size permitted in ~~Section 4.04.02(B)(3)~~ letter (B) above.
- (2) For billboards having back-to-back panels separated by more than four feet, multiple panels facing in the same direction, or multiple panels arranged in a V-shape or other configuration, the combined surface area of all panels shall not exceed the full size permitted in letter (B) above ~~Section 4.04.02(B)(3)~~.

(E) Placement Intervals-

- (1) No billboard shall be placed within 1,500 feet of an existing or permitted billboard on the same side of the road.

- (2) Where the rear of a sign would be visible from any street or from adjoining district of residential classification, the exposed structural members of such sign shall be concealed by painted latticework or by plantings, and such back screening shall be properly maintained.

*Comment: Section relocated from Section 4.04.03; Language added to clarify location of billboards.*

## **SECTION 6.09.00 SIGN MEASUREMENT**

### **(A) Sign Area**

#### **(1) Calculating Geometric Figures**

The area of the geometric figures, or the sum of the combination of geometric figures, which comprise the sign face shall comprise the sign area. Calculate the sign area by the actual panel surrounding copy. The area of a sphere shall be computed as the area of a circle.



Figure 6-4: Signage Calculations

#### **(2) Architectural Features**

Do not calculate embellishments. Architectural features that are either part of the building or part of a freestanding structure, and not an integral part of a freestanding sign, shall not be included in the sign area. A pole or other structural support of a freestanding sign shall not be included in the sign area unless such pole or structural support is internally illuminated or otherwise so designed to constitute a display device, or a part of a display device up to a maximum of 75% of the total size of the maximum allowed sign area. Any area of the structural support or cladding greater than 75% of the sign area shall count as part of the sign. Examples of measurable sign area:

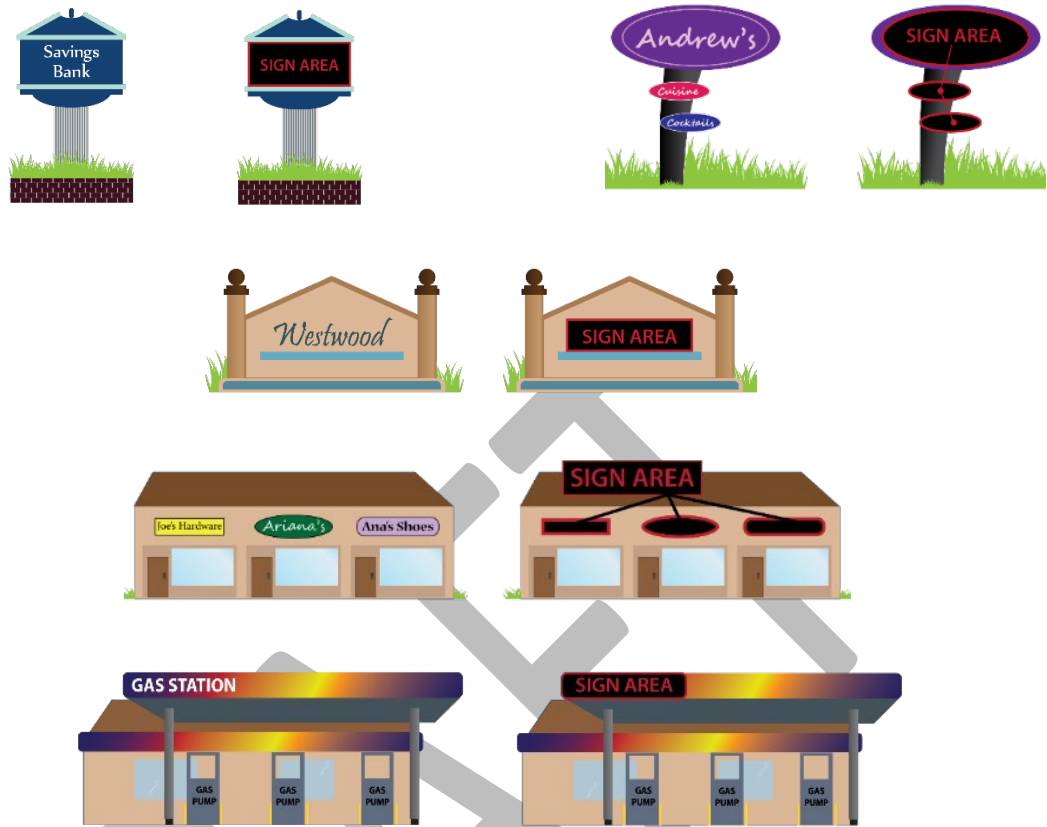


Figure 6-5: Examples of Measurable Sign Area

(3) Canopy Signs

The area of a canopy sign shall be included in the calculation for wall/fascia signs.

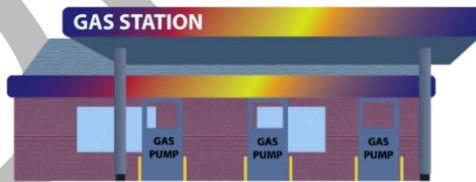


Figure 6-6: Example Canopy Sign

(4) Multi-Faced Signs

(a) Double-faced signs of equal size. When two (2) identical sign faces are placed back-to-back so that both faces cannot be viewed from any point at the same time, and are part of the same sign structure, the sign area shall be computed as the measurement of one of the two (2) faces.

(b) Double-faced signs not of equal size. Where two (2) sides of a sign are not of equal size, the larger of the two (2) sides shall be used in determining sign area.

(c) Multiple faced signs. The area of multiple faced signs in which the interior angle formed by the faces is greater than ninety-one degrees (91°) shall be expressed as the sum of the areas of all the faces, except for multiple faced signs containing faces that are configured back-to-back, in which case the area of the faces configured back- to-back shall be calculated according to the rule for double-faced signs.

(5) Three-Dimensional Signs

Signs that consist of, or have attached to them, one or more three-dimensional or irregularly shaped objects shall have a sign area that is the sum of the area of two adjacent vertical sign faces of the smallest cube encompassing the sign or object.



Figure 6-7: Example of a Three-Dimensional Sign

(B) Sign Setbacks

(1) No permanent sign shall be placed or constructed within a clear visibility triangle, Section 5.02.02(C).

(2) Setbacks shall be measured from the leading edge of the sign to the property or right-of-way line, as applicable.

(C) Sign Height

Sign height shall be measured as the vertical distance between the top of a sign structure and the finished grade elevation, or the average elevation of the abutting roadway, nearest the base of the sign to the highest point on the sign.

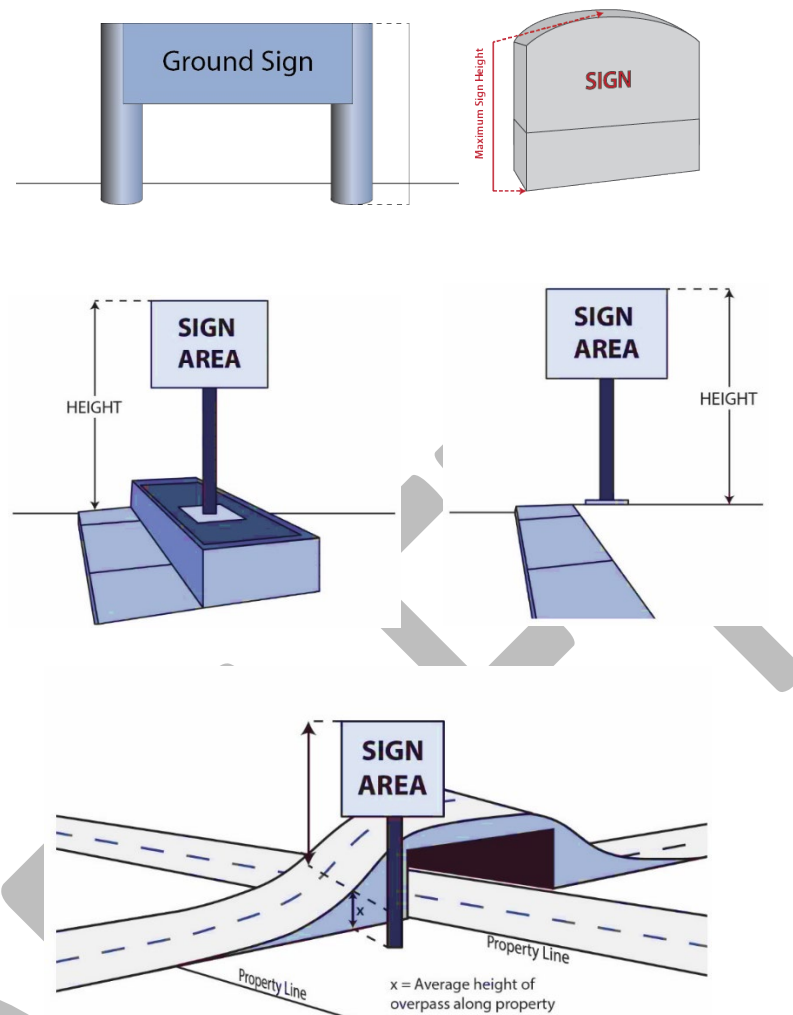


Figure 6-8: Examples of Sign Height

*Comment: Section added to address sign measurements. Includes illustrations.*

### **SECTION 6.10.00 ILLUMINATION STANDARDS**

- (A) All lighted signs shall conform to all applicable requirements of the Florida Building Code and the National Electrical Code.
- (B) Sign lighting shall not be designed or located to interfere with traffic lights.
- (C) Illumination by floodlights, spotlights, or unshielded bulbs is permissible so long as none of the light emitted shines onto an adjoining property or into the eyes of motorists or pedestrians using or entering public streets. This standard applies to sign illumination

originating inside of business windows or sign illumination originating on signs which are outside.

- (D) Lights used for external sign illumination shall be so designed as to concentrate the illumination upon the sign, with steady, stationary, light, and such lights shall not glare upon the street or upon adjacent property.
- (E) Unshielded illuminated devices that produce glare or are a hazard or a nuisance to motorists or occupants of adjacent properties are prohibited.
- (F) Unless otherwise provided in this sign code, various types of sign illumination, including neon, incandescent, LED, and similar, compatible, or comparable lighting technologies, are permitted consistent with all applicable requirements of this sign code.
- (G) Internally illuminated signs in mixed use developments and in residential districts where residential support uses are located shall not be illuminated between the hours of 11:00 p.m. and 6:00 a.m.

*Comment: New Section added to address illumination standards.*

#### **SECTION 6.11.00 MAINTENANCE STANDARDS:**

All signs, including their supports, braces, guys and anchors, electrical parts and lighting fixtures, and all painted and display areas, shall be maintained in accordance with the building and electrical codes adopted by Hardee County, and shall present a neat and clean appearance. The vegetation around, in front of, behind, and underneath the base of ground signs for a distance of 10 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. Damaged faces and/or structural members shall be repaired, replaced, or removed consistent with Section 6.12.00.

*Comment: Section relocated from Section 4.04.06 and language added to address repairs.*

#### **SECTION 6.12.00 NONCONFORMING SIGNS**

A nonconforming sign is one that was legally erected prior to the adoption of these current Sign Regulations, and which does not conform to the requirements herein.

##### (A) Nonconforming Sign Alterations and Repairs

- (1) A nonconforming sign shall not be enlarged or increased in any way from its existing size at the time of the adoption of these Sign Regulations.

(2) Nonconforming signs shall not be repaired, or reestablished after damage or destruction, if the estimated cost of reconstruction or repair exceed fifty percent (50%) of the reproduction and installation cost of the sign.

(3) Nonconforming signs or sign structures that are defined as abandoned signs under these Sign Regulations shall not be permitted for reuse.

(B) Removal of Nonconforming Signs

All nonconforming and non-permitted signs, shall be removed within thirty (30) days after the date upon which a violation notice is issued. If the sign is not removed or the violation, if correctable, is not corrected within the prescribed period, the County may remove the sign without further notice and may enter upon private property consistent with Section 12.03.02, Right of Entry. The cost of removing a nonconforming sign shall be assessed against the owner of the sign, by the County, and shall be enforceable consistent with Section 6.13.00 of this Article.

(C) Casual, Temporary, or Illegal Use

The casual, temporary or illegal use of any sign shall not be sufficient to establish the existence of a nonconforming use or to create any rights in the continuance of such use.

*Comment: New Section added to address nonconforming signs.*

**SECTION 6.13.00 SIGN REMOVAL**

(A) Prohibited Signs

(1) Prohibited signs on public property or rights-of-way shall be removed immediately and may, without notice, be removed by the County or its agent.

(2) Illegal or prohibited signs shall be removed within forty-eight (48) hours after receipt of written notification of the County Manager, or designee. If the sign is not removed within this time frame, the County may remove it at the owner's expense and/or the Code Enforcement Officer may process the violation consistent with the provisions set forth in Section 12.01.00 of this Code.

(B) Unsafe and/or Deteriorated Signs

Should any sign become structurally insecure, in disrepair, deteriorated or otherwise unsafe, the County Manager, or designee, shall provide written notification to the owner, or person or firm maintaining it. Upon receipt of written notification, the owner shall:



(1) In the case of imminent danger

- (a) Immediately secure the sign or cause it to be placed in good repair (in a manner approved by the Building Official); or
- (b) Immediately remove the sign.

(2) All other instances

- (a) Secure the sign or cause it to be placed in good repair (in a manner approved by the Building Official) within ninety (90) days after the date upon which a violation notice is issued; or
- (b) Remove the sign within ninety (90) days after the date upon which a violation notice is issued.

(C) Broken or Missing Sign Panel

In no case shall a sign box be left with a broken or missing sign panel. Such signs are subject to either (B)(1) or (B)(2), above, whichever is applicable.

(D) When a business leaves a location

When a business leaves a location, the signs pertinent to that business shall be removed by either the tenant or the landlord. If a new business will be moving in immediately, a box-type sign cabinet may be re-used by the new business operator by inserting a new "face" in the sign.

If a new business is not moving in within ninety (90) days of the former leaving, then one of the following shall be required until a new business rents the space:

- (1) A blank panel may be inserted to replace the sign face of the prior business;
- (2) The existing sign face may be reversed so that the blank side of the panel is showing;
- (3) A sock or boot may be used to cover the sign.

In cases where totally new signs are being installed, the old signs they replace shall be completely removed upon installation of said new signs.

(E) Illegally Erected Signs

If a sign has been illegally erected the owner of the property where such illegally erected sign is located and the lessee, if applicable, and within ten (10) days after notification by the County Manager or designee, shall either:

- (1) Have the sign immediately removed; or
- (2) Secure a permit for such sign, subject to all applicable County inspections.

*Comment: Section added to address sign removal.*

### **SECTION 6.14.00 VIOLATIONS OF THIS ARTICLE**

It is a violation of this Article for property owners, tenants or occupants of property to maintain, install or allow a sign which is not permitted, exempt from the permit requirements of this Article, or otherwise not in compliance with this Article, to be on property which they own, lease or otherwise occupy, and any such violation of this Article is subject to the provisions set forth in Section 12.01.00 of this Code.

*Comment: Section added to address the violations of this article.*

### **SECTION 6.15.00 SEVERABILITY**

(A) If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article.

(B) Severability Where Less Speech Results

Without diminishing or limiting in any way the declaration of severability set forth in subsection (A) above, or elsewhere in this Article, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.

(C) Severability of Provisions Pertaining to Prohibited Signs

Without diminishing or limiting in any way the declaration of severability set forth in subsections (A) or (B) above, or elsewhere in this Article, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article or any other law is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article that pertains to prohibited signs, including specifically those signs and sign-types prohibited and not allowed under Section 6.07.00 of this Article. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of Article 6 is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of Article 6.

*Comment: Section added to address severability related to the sign code.*

## ARTICLE 7 FLOODPLAIN MANAGEMENT AND RESOURCE PROTECTION STANDARDS

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## ARTICLE 7 FLOODPLAIN MANAGEMENT AND RESOURCE PROTECTION

Text that is underlined is text to be added and text that is shown as ~~strikeout~~ is to be removed. *Comments* provided for information and are not adopted as part of the Unified Land Development Code text.

### **SECTION 7.01.00- DEVELOPMENT IN FLOOD-PRONE AREAS-**

*Comment: Title and Subsections relocated from Section 5.01.00; numbering otherwise kept the same since this language is based on the FEMA template and was approved by FEMA.*

#### **7.01.01.01 Administration General-**

##### **7.01.01.01.01 Title-**

These regulations shall be known as the Floodplain Management Ordinance of Hardee County, hereinafter referred to as "this Section."

##### **7.01.01.01.02 Scope-**

The provisions of this Section shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

##### **7.01.01.01.03 Intent-**

The purposes of this ~~s~~Section and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

1. Minimize unnecessary disruption of commerce, access, and public service during times of flooding;



2. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
3. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
4. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
5. Minimize damage to public and private facilities and utilities;
6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
7. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
8. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

*Comment: Correction of reference.*

**7.01.01.01.04 Coordination with the Florida Building Code-**

This Section is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.

**7.01.01.01.05 Warning-**

The degree of flood protection required by this Section and the Florida Building Code, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This Section does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency,

requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this Section.

**7.01.01.01.06 Disclaimer of Liability-**

This Section shall not create liability on the part of the Board of County Commissioners of Hardee County or by any officer or employee thereof for any flood damage that results from reliance on this Section or any administrative decision lawfully made thereunder.

**7.01.01.02 Applicability-**

**7.01.01.02.01 General-**

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

**7.01.01.02.02 Areas to Which This Section Applies-**

This Section shall apply to all flood hazard areas within the unincorporated areas of Hardee County as established in Section ~~5~~7.01.01.02.03.

**7.01.01.02.03 Basis for Establishing Flood Hazard Areas-**

The Flood Insurance Study for Hardee County, Florida and Incorporated Areas dated ~~May 4, 1988~~ November 6, 2013, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Hardee County Planning Department, 110 S 9th Ave, Wauchula, FL 33873.

*Comment: Flood Insurance Study date changed consistent with Ordinance 2013-13.*

**7.01.01.02.03.01 Submission of Additional Data to Establish Flood Hazard Areas-**

To establish flood hazard areas and base flood elevations, pursuant to Section ~~5~~7.01.01.05 the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

1. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this ~~§~~Section and, as applicable, the requirements of the Florida Building Code.

Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.

**7.01.01.02.04 Other laws-**

The provisions of this ~~§~~Section shall not be deemed to nullify any provisions of local, state, or federal law.

**7.01.01.02.05 Abrogation and greater restrictions-**

This Section supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the Florida Building Code. In the event of a conflict between this Section and any other ordinance, the more restrictive shall govern. This Section shall not impair any deed restriction, covenant, or easement, but any land that is subject to such interests shall also be governed by this Section.

**7.01.01.02.06 Interpretation-**

In the interpretation and application of this ~~§~~Section, 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.

**7.01.01.03 Duties and Powers of the Floodplain Administrator-****7.01.01.03.01 Designation-**

The ~~Director of Planning and Development~~ Director is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.

**7.01.01.03.02 General-**

The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this Section. The Floodplain Administrator shall have the authority to render interpretations of this Section consistent with the intent and purpose of this Section and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this Section without the granting of a variance pursuant to Section ~~57.01.01.07~~.

**7.01.01.03.03 Applications and Permits-**

The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:

1. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
2. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this Section;
3. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
4. Provide available flood elevation and flood hazard information;
5. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
6. Review applications to determine whether proposed development will be reasonably safe from flooding;

7. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures, and facilities exempt from the Florida Building Code, when compliance with this Section is demonstrated, or disapprove the same in the event of noncompliance; and
8. Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this Section.

**7.01.01.03.04 Substantial Improvement and Substantial Damage Determinations**

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this Section is required.

**7.01.01.03.05 Modifications of the Strict Application of the Requirements of the Florida Building Code-**

The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to Section 57.01.01.07.

**7.01.01.03.06 Notices and Orders-**

The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this Section.

**7.01.01.03.07 Inspections-**

The Floodplain Administrator shall make the required inspections as specified in Section 57.01.01.06 for development that is not subject to the Florida Building Code, including buildings, structures, and facilities exempt from the Florida Building Code. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

**7.01.01.03.08 Other Duties of the Floodplain Administrator-**

The Floodplain Administrator shall have other duties, including but not limited to:

1. Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 57.01.01.03.04;
2. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
3. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within six months of such data becoming available;

4. Review required design certifications and documentation of elevations specified by this Section and the Florida Building Code and this Section to determine that such certifications and documentations are complete; and
5. Notify the Federal Emergency Management Agency when the corporate boundaries of Hardee County are modified.

#### **7.01.01.03.09 Floodplain Management Records-**

Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this Section and the flood resistant construction requirements of the Florida Building Code, including Flood Insurance Rate Maps; Letters of Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this Section; notifications to adjacent communities, FEMA, and the ~~s~~State related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this Section and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at 110 South 9th Avenue, Wauchula, FL.

#### **7.01.01.04 Permits-**

##### **7.01.01.04.01 Permits Required-**

Any owner or owners authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this ~~s~~Section, including buildings, structures, and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area, shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this ~~s~~Section and all other applicable codes and regulations has been satisfied.

##### **7.01.01.04.02 Floodplain Development Permits or Approvals-**

Floodplain development permits or approvals shall be issued pursuant to this Section for any development activities not subject to the requirements of the

Florida Building Code, including buildings, structures, and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

**7.01.01.04.02.01 Buildings, Structures and Facilities Exempt from the Florida Building Code-**

Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures, and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this section:

1. Railroads and ancillary facilities associated with the railroad.
2. Nonresidential farm buildings on farms, as provided in F.S. § 604.50.
3. Temporary buildings or sheds used exclusively for construction purposes.
4. Mobile or modular structures used as temporary offices.
5. Those structures or facilities of electric utilities, as defined in F.S. § 366.02, which are directly involved in the generation, transmission, or distribution of electricity.
6. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
7. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.



8. Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
9. Structures identified in F.S. § 553.73(~~1D~~10)(k) are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on Flood Insurance Rate Maps.

*Comment: Corrected typo in Florida Statutes reference.*

#### **7.01.01.04.03 Application for a pPermit or aApproval-**

To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:

1. Identify and describe the development to be covered by the permit or approval.
2. Describe the land on which the proposed development is to be conducted by legal description, street address, or similar description that will readily identify and definitively locate the site.
3. Indicate the use and occupancy for which the proposed development is intended.
4. Be accompanied by a site plan or construction documents as specified in Section ~~5~~7.01.01.05.
5. State the valuation of the proposed work.
6. Be signed by the applicant or the applicant's authorized agent.
7. Give such other data and information as required by the Floodplain Administrator.

#### **7.01.01.04.04 Validity of Permit or Approval-**

The issuance of a floodplain development permit or approval pursuant to this Section shall not be construed to be a permit for, or approval of, any violation of this Section, the Florida Building Codes, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.

**7.01.01.04.05 Expiration-**

A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

**7.01.01.04.06 Suspension or Revocation-**

The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate, or incomplete information, or in violation of this ~~§~~Section or any other ordinance, regulation, or requirement of this community.

**7.01.01.04.07 Other Permits Required-**

Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

1. The Southwest Florida Water Management District; F.S. § 373.036.
2. Florida Department of ~~Health~~ Environmental Protection for onsite sewage treatment and disposal systems; F.S. § 381.0065 and Chapter ~~64E-6~~ 62-6, F.A.C.
3. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit, F.S. § 161.055.
4. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
5. Federal permits and approvals.

*Comment: Department of Health changed to Department of Environmental Protection and FAC reference updated (per DOH).*

**7.01.01.05 Site Plans and Construction Documents-****7.01.01.05.01 Information for Development in Flood Hazard Areas-**

The site plan or construction documents for any development subject to the requirements of this ~~§~~Section shall be drawn to scale and shall include, as applicable to the proposed development:

1. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
2. Where base flood elevations, or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section ~~§~~7.01.01.05.02(2) or (3).
3. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section ~~§~~7.01.01.05.02(1).
4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures.
5. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
6. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
7. Existing and proposed alignment of any proposed alteration of a watercourse.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this ~~§~~Section but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this ~~§~~Section.

**7.01.01.05.02 Information in Flood Hazard Areas Without Base Flood Elevations (Approximate Zone A)-**

Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:

1. Require applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
2. Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source, or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
3. Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
  - a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
  - b. Specify that the base flood elevation is two feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two feet.
4. Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

**7.01.01.05.03 Additional Analyses and Certifications-**

As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this Section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

1. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the

encroachment of the proposed development will not cause any increase in base flood elevations: where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in ~~§~~Subsection ~~57.01.01.05.04~~ of this Section and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.

2. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM, and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
3. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Section ~~57.01.01.05.04~~.

#### **7.01.01.05.04 Submission of Additional Data-**

When additional hydrologic, hydraulic, or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

**7.01.01.06 Inspections-****7.01.01.06.01 General-**

Development for which a floodplain development permit or approval is required shall be subject to inspection.

**7.01.01.06.01.01 Development Other Than Buildings and Structures-**

The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this Section and the conditions of issued floodplain development permits or approvals.

**7.01.01.06.02 Buildings, Structures and Facilities Exempt from the Florida Building Code-**

The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this Section and the conditions of issued floodplain development permits or approvals.

**7.01.01.06.02.01 Buildings, Structures, and Facilities Exempt from the Florida Building Code, Lowest Floor Inspection-**

Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure, or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the Floodplain Administrator:

1. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
2. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 57.01.01.05.02(3)(b), the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

**7.01.01.06.01.02 Buildings, ~~s~~Structures, and ~~f~~Facilities  
~~e~~Exempt from the Florida Building Code,  
~~f~~Final iInspection-**

As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section ~~57.01.01.06.02.01~~05.03.

**7.01.01.06.01.03 Manufactured ~~h~~Homes-**

The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this ~~s~~Section and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Floodplain Administrator.

**7.01.01.07 Variances and Appeals-**

**7.01.01.07.01 General-**

The Board of County Commissioners shall hear and decide on requests for appeals and requests for variances from the strict application of this ~~s~~Section. Pursuant to F.S. § 553.73(5), the Board of County Commissioners shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code.

**7.01.01.07.02 Appeals-**

The Board of County Commissioners shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this Section. Any person aggrieved by the decision of Board of County Commissioners may appeal such decision to the Circuit Court, as provided by Florida Statutes.

**7.01.01.07.03 Limitations on Authority to Grant Variances-**

The Board of County Commissioners shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Section ~~57.01.01.07.06~~, the conditions of issuance set forth in Section ~~57.01.01.07.07~~, and the comments and recommendations of the Floodplain Administrator and the Building Official. The Board of County Commissioners has

the right to attach such conditions as it deems necessary to further the purposes and objectives of this Section.

**7.01.01.07.03.01 Restrictions in Floodways-**

A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Section 57.01.01.05.03.

**7.01.01.07.04 Historic Buildings-**

A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, Chapter 11 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.

**7.01.01.07.05 Functionally Dependent Uses-**

A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this Section, provided the variance meets the requirements of Section 57.01.01.07.03.01, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

**7.01.01.07.06 Considerations for Issuance of Variances-**

In reviewing requests for variances, the Board of County Commissioners shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this Section, and the following:

1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
2. The danger to life and property due to flooding or erosion damage;



3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
4. The importance of the services provided by the proposed development to the community;
5. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
6. The compatibility of the proposed development with existing and anticipated development;
7. The relationship of the proposed development to the Comprehensive Plan and floodplain management program for the area;
8. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
10. 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, streets, and bridges.

**7.01.01.07.07 Conditions for Issuance of Variances:**

Variances shall be issued only upon:

1. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this Section or the required elevation standards;
2. Determination by the Board of County Commissioners that:
  - a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;

- b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws and ordinances; and
    - c. The variance is the minimum necessary, considering the flood hazard, to afford relief;
  3. Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and
  4. If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25.00 for \$100.00 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

#### **7.01.01.08 Violations-**

##### **7.01.01.08.01 Violations-**

Any development that is not within the scope of the Florida Building Code, but that is regulated by this Section, that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this Section, shall be deemed a violation of this Section. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this Section or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.

##### **7.01.01.08.02 Authority-**

For development that is not within the scope of the Florida Building Code, but that is regulated by this Section, and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

**7.01.01.08.03. Unlawful eContinuance-**

Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

**7.01.02.01. Definitions—General-****7.01.02.01.01 Scope-**

Unless otherwise expressly stated, the following words and terms shall, for the purposes of this sSection, have the meanings shown in this sSection.

**7.01.02.01.02 Terms dDefined in the Florida Building Code-**

Where terms are not defined in this Section and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that eCode.

**7.01.02.01.03 Terms Not Defined.**

Where terms are not defined in this Section or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.

**7.01.02.02 Definitions of Terms Used-**

*Alteration of a watercourse.* A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard, or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

*Appeal.* A request for a review of the Floodplain Administrator's interpretation of any provision of this sSection or a request for a variance.

*ASCE 24.* A standard titled Flood Resistant Design and Construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

*Base flood.* A flood having a one-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 1612.2.] The base flood is commonly referred to as the "100-year flood" or the "one-percent-annual chance flood."

*Base flood elevation.* The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 1612.2.]

*Basement.* The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 1612.2.]

*Design flood.* The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

1. Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or
2. Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

*Design flood elevation.* The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to two feet. [Also defined in FBC, B, Section 1612.2.]

*Development.* Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations, or any other land disturbing activities.

*Encroachment.* The placement of fill, excavation, buildings, permanent structures, or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

*Existing building and existing structure.* Any buildings and structures for which the "start of construction" commenced before April 14, 1988 [Also defined in FBC, B, Section 1612.2.]

*Existing manufactured home park or subdivision.* 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 April 14, 1988.

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

*Federal Emergency Management Agency (FEMA).* The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

*Flood or flooding.* A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 1612.2.]

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

*Flood damage-resistant materials.* Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 1612.2.]

*Flood hazard area.* The greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

1. The area within a floodplain subject to a one-percent or greater chance of flooding in any year.
2. The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

*Flood Insurance Rate Map (FIRM).* The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 1612.2.]

*Flood Insurance Study (FIS).* The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 1612.2.]

*Floodplain Administrator.* The office or position designated and charged with the administration and enforcement of this Section (may be referred to as the Floodplain Manager).

*Floodplain development permit or approval.* An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this Section.

*Floodway.* The channel of a river or other riverine 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 one (1) foot. [Also defined in FBC, B, Section 1612.2.]

*Floodway encroachment analysis.* An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

*Florida Building Code.* The family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

*Functionally dependent use.* A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

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

*Historic structure.* Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 11 Historic Buildings.

*Letter of Map Change (LOMC).* An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

1. *Letter of Map Amendment (LOMA):* An amendment based on technical data showing that a property was incorrectly included in a designated

special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

2. *Letter of Map Revision (LOMR):* A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
3. *Letter of Map Revision Based on Fill (LOMR-F):* A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
4. *Conditional Letter of Map Revision (CLOMR):* A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum National Flood Insurance Program (NFIP) requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

*Light-duty truck.* As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle; or
2. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
3. Available with special features enabling off-street or off-highway operation and use.

*Lowest floor.* The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access, or limited storage, provided that such enclosure is not built so as to render the

structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 1612.2.]

*Manufactured home.* A structure, transportable in one or more sections, which is eight feet or more in width and greater than 400 square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

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

*Market value.* The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this Section, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

*New construction.* For the purposes of administration of this Section and the flood resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after April 14, 1988 and includes any subsequent improvements to such structures.

*New manufactured home park or subdivision.* 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 April 14, 1988.

*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. [Defined in F.S. § 320.01]

*Recreational vehicle.* A vehicle, including a park trailer, which is: [See F.S. § 320.01]

1. Built on a single chassis;



2. Four hundred square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

*Special flood hazard area.* An area in the floodplain subject to a one-percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1—A30, AE, A99, AH, V1—V30, VE or V. [Also defined in FBC, B Section 1612.2.]

*Start of construction.* The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. 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. [Also defined in FBC, B Section 1612.2.]

*Substantial damage.* Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 1612.2.]

*Substantial improvement.* Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 1612.2.]

1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the ~~h~~Building ~~o~~Official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

*Variance.* A grant of relief from the requirements of this ~~s~~Section, or the flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this Section or the Florida Building Code.

*Watercourse.* A river, creek, stream, channel, or other topographic feature in, on, through, or over which water flows at least periodically.

#### **7.01.03.01 Flood Resistant Development: Buildings ~~A~~and Structures-**

##### **7.01.03.01.01 Design and Construction of ~~b~~Buildings, Structures and Facilities Exempt from the Florida Building Code-**

Pursuant to Section ~~5~~7.01.01.04.02.01, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures, and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of Section ~~5~~7.01.03.07.

#### **7.01.03.02 Flood Resistant Development: Subdivisions-**

##### **7.01.03.02.01 Minimum Requirements-**

Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

#### **7.01.03.02.02 Subdivision Plats-**

Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

1. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
2. Where the subdivision has more than 50 lots or is larger than five acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 57.01.01.05.02(1); and
3. Compliance with the site improvement and utilities requirements of Section 57.01.03.03.

#### **7.01.03.03 Flood Resistant Development: Site Improvements, Utilities, And Limitations-**

##### **7.01.03.03.01 Minimum Requirements-**

All proposed new development shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

##### **7.01.03.03.02 Sanitary Sewage Facilities-**

All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite

sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

**7.01.03.03.03 Water Supply Facilities-**

All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

**7.01.03.03.04 Limitations on Sites in Regulatory Floodways-**

No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Section ~~75.7.01.01.05.03(1)~~ demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

**7.01.03.03.05 Limitations on Placement of Fill-**

Subject to the limitations of this sSection, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code.

**7.01.03.04 Flood Resistant Development: Manufactured Homes-**

**7.01.03.04.01 General-**

All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to F.S. § 320.8249, and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this sSection.

**7.01.03.04.02 Foundations-**

All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that are designed in accordance with the foundation requirements of the Florida Building Code Residential Section R322.2 and this Section.

**7.01.03.04.03 Anchoring-**

All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

**7.01.03.04.04 Elevation-**

Manufactured homes that are placed, replaced, or substantially improved shall comply with Section 57.01.03.04.04.01 or 57.01.03.04.04.02, as applicable.

**7.01.03.04.04.01 General Elevation Requirement-**

Unless subject to the requirements of Section 57.01.03.04.04.02, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A).

**7.01.03.04.04.02 Elevation Requirement for Certain Existing Manufactured Home Parks and Subdivisions-**

Manufactured homes that are not subject to Section 57.01.03.04.04.01, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

1. Bottom of the frame of the manufactured home is at or above the elevation required in the Florida Building Code, Residential Section R322.2 (Zone A); or
2. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.

**7.01.03.04.05 Enclosures:**

Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322 for such enclosed areas.

**7.01.03.04.06 Utility Equipment:**

Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322.

**7.01.03.05 Flood Resistant Development: Recreational Vehicles and Park Trailers:****7.01.03.05.01 Temporary Placement:**

Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

1. Be on the site for fewer than 180 consecutive days; or
2. Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks, and porches.

**7.01.03.05.02 Permanent Placement:**

Recreational vehicles and park trailers that do not meet the limitations in Section 57.01.03.05.01 for temporary placement shall meet the requirements of Section 57.01.03.04 for manufactured homes.

**7.01.03.06 Flood Resistant Development: Tanks:****7.01.03.06.01 Underground Tanks:**

Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

**7.01.03.06.02 Above-Ground Tanks, Not Elevated-**

Above-ground tanks that do not meet the elevation requirements of Section 57.01.03.06.03 shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

**7.01.03.06.03 Above-Ground Tanks, Elevated-**

Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse, or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

**7.01.03.06.04 Tank Inlets and Vents-**

Tank inlets, fill openings, outlets, and vents shall be:

1. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

**7.01.03.07 Flood Resistant Development: Other Development-****7.01.03.07.01 General Requirements for Other Development-**

All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this Section or the Florida Building Code, shall:

1. Be located and constructed to minimize flood damage;
2. Meet the limitations of Section 57.01.03.03.04 if located in a regulated floodway;

3. Be anchored to prevent flotation, collapse, or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
4. Be constructed of flood damage-resistant materials; and
5. Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

**7.01.03.07.02 Fences in Regulated Floodways-**

Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section ~~57.01.03.03.04~~.

**7.01.03.07.03 Retaining Walls, Sidewalks and Driveways in Regulated Floodways-**

Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section ~~57.01.03.03.04~~.

**7.01.03.07.04 Roads and Watercourse Crossings in Regulated Floodways-**

Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section ~~57.01.03.03.04~~. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section ~~57.01.01.05.03(3)~~.

**7.01.04.01 Administrative Amendments to the Florida Building Code Pertaining to Flood Damage Prevention-**

1. Add a new Sec. ~~107.6.1~~ as follows:

**~~107.6.1~~ Building permits issued on the basis of an affidavit.** Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), the authority granted to the Building Official to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant



to Section 105.14 and Section 107.6- shall not extend to the flood load and flood resistance construction requirements of the Florida Building Code.

2. ~~Add a new Sec. 117 as follows:~~

### **~~117 VARIANCES IN FLOOD HAZARD AREAS~~**

#### **~~117.1~~**

**Flood hazard areas.** Pursuant to ~~§~~Section 553.73(5). F.S., the variance procedures adopted in the local floodplain management ordinance shall apply to requests submitted to the Building Official for variances to the provisions of Section 1612.4 of the Florida Building Code, ~~Building or~~, as applicable, the provisions of R322 of the Florida Building Code, Residential. This ~~§~~Section shall not apply to Section 3109 of the Florida Building Code, Building.

*Comment: Text removed related to numbering of Section.*

### **SECTION 7.02.00 WETLANDS PROTECTION-**

*Comment: Section Title relocated from Section 5.03.00.*

#### **7.02.01 Purpose and Intent-**

The Hardee County Board of County Commissioners 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 Hardee County 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 Hardee County 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.

*Comment: Section relocated from Section 5.03.01.*

#### **7.02.02 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.

*Comment: Section relocated from Section 5.03.02.*

### **7.02.03 Protection Zones Established-**

Two zones of protection for wetlands are hereby established. The protection zones shall be known as the wetland protection and wetland transitional zones.

- (A) *Wetland Protection Zone.* There is hereby created a wetlands protection zone in which special restrictions on development apply. The boundaries of this zone shall be the most landward extent of the following:
- (01) Areas within the dredge and fill jurisdiction of the State of Florida as authorized by Section 403, F.S.;
  - (02) 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;
  - (03) Areas within the jurisdiction of the Southwest Florida Water Management District pursuant to Rule 40D-4, F.A.C.;
  - (04) Development requiring a permit or permits from one or more of the U.S. Army Corps of Engineers, State of Florida, and the SWFWMD, shall have the most restrictive agency wetlands boundary determination recognized by the County as the wetlands boundary. The term most restrictive is used here to mean the boundary covering the largest area;
  - (05) 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; and;
  - (06) 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) *Wetland Transitional Zone.* There is hereby created a wetland transitional zone adjacent to each wetland protection zone. The transitional zone is an area having a direct ground or surface water influence and functions as a buffer between wetlands and development. The purpose of the transitional zone is to minimize the adverse effects of development upon the wetland itself. This zone shall encompass all land within ~~200~~ 25 feet of the boundary of the wetland protection zone ~~unless the applicant is able to demonstrate to the Board of County~~

~~Commissioners' satisfaction that the functions of the wetland can be protected with a smaller transitional zone. In no case, however, shall a transitional zone of less than 40 feet be approved.~~

*Comment: Section relocated from Section 5.03.03; Wetland Transitional Buffer changed to match requirements from SWFWMD.*

#### **7.02.04 Permits Required:**

Except as provided in Subsection ~~5.03.05~~ 7.02.05, 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 as approved by the appropriate State or Federal agency, to the Planning and Development Division and obtaining from the Planning and Development Division a wetland alteration permit. This permit may be issued concurrently with any other land development permits issued by the County.

*Comment: Section relocated from Section 5.03.04.*

#### **7.02.05 Exemptions:**

Activities or development types that are exempted from this Section include:

- (A) Non-mechanical 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) Catwalks and docks five 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) Development in wetlands 1/2-acre or smaller, provided, however, that if the entire wetland exceeds this threshold for exemption whether on one or more lots, then the entire wetland is regulated as otherwise provided in this Section.

- (I) Activities within artificial wetlands that are created as part of a man-made wastewater treatment system;\_
- (J) Activities approved by a Federal, State, or Regional Agency prior to adoption of this Section;\_and\_
- (K) Preexisting agriculture activities.

*Comment: Section relocated from Section 5.03.05.*

### **7.02.06 Development Standards\_**

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 protection zone.

- (A) ~~Wetland Protection 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 protection zone.~~

*Activities Permitted in Wetland Protection Zones.* The following activities and development types generally may be undertaken unless the County determines in a specific case that a listed activity or development type would have a significant adverse impact on the wetland protection zone:

- (01) Scenic, historic, wildlife, or scientific preserves;\_
- (02) Minor maintenance or emergency repair to existing structures or improved areas;\_
- (03) Cleared walking trails of five feet or less in width and having no structural components;\_
- (04) Catwalks and docks five feet or less in width;\_
- (05) Commercial or recreational fishing or hunting, and creation and maintenance of temporary blinds;\_
- (06) Cultivating agricultural or horticultural products that occur naturally ~~on the site~~ in the wetland;\_
- (07) Constructing fences where no fill activity is required and where navigational access will not be impaired by construction of the fence;\_

- (08) Developing an area that no longer functions as a wetland, except a former wetland that has been filled or altered in violation of any Federal, State, or local rule, regulation, or statute. This condition shall be certified by the State of Florida or other appropriate agency.
- (09) Developing a Wetlands Storm Water Discharge Facility, in accordance with State permits received under Chapters 17-25, F.A.C.
- (10) Water dependent activities that cannot feasibly be located outside the wetland protection zone. The following are permissible water dependent activities:
  - (a-) Projects not exceeding 10,000 cubic yards of material placed in or removed from watercourses, waterbodies, or wetlands.
  - (b-) Installation of channel markers, signs, and fences.
  - (c-) Installation of underwater utility lines or facilities, including water, wastewater, electricity, communication cables, oil, or gas. Lines may be entrenched in (not exceeding 10,000 cubic yards of dredging), laid on, or embedded in bottom waters.
  - (d-) Construction of footbridges and vehicular bridges.
  - (e-) Replacement or widening of bridges on pilings or trestles where the effects of pollutants discharged into open waters is minimized.
- (B) *Wetland Transitional Zone.* All development in a wetland transitional zone shall be designed, constructed, and maintained to avoid significant adverse effects on the adjacent wetland area. Where a development site lies partly within the wetland protection zone and partly within the wetland transitional zone, the acreage within a wetland protection 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 protection zone to the wetland transitional zone.

*Special Standards for Wetland Transitional Zones.* The following standards shall apply within wetland transitional zones:

  - (01) Natural vegetative buffer areas shall be retained between all development and all wetland protection zones, where such buffer areas exist. The minimum width of the buffer shall be 30 feet, or as the appropriate State or Federal agency determines to be appropriate. 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;

- (02) The developer shall completely restore any portion of a wetland protection zone damaged as a result of construction activity in the wetland transitional zone; such restoration shall meet the applicable State Standards;
- (03) The Board of County Commissioners may require other reasonable protective measures to be undertaken within the wetland transitional zone as necessary to prevent significant adverse effects on a wetland protection zone. 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; and,
  - (d-) Prohibiting or limiting the use of septic tanks.

*Comment: Section relocated from Section 5.03.06; Language relocated for clarity; Language added to provide the County options relating to wetland protection...*

#### **7.02.07 Mitigation-**

The Board of County Commissioners 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 County. Mitigation shall not contribute to the production of mosquitoes by creating mosquito larval habitat or by eliminating habitat for predatory fish. The mitigation plan may include, but is not limited to, the following actions:

- (A) Repairing, rehabilitating, or restoring the wetland area;
- (B) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the development;

- (C) Compensating for the impact through enhancement of existing wetlands, reestablishment of wetlands that are no longer functioning, or the creation of new wetlands;
- (D) Specific design requirements, to be determined by the Board of County Commissioners, 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; and
- (F) Preserving or creating an upland habitat as an adjacent transitional zone on mitigated sites.

A developer of a compensatory mitigation plan shall grant a conservation easement in accordance with Section 704.06, F.S., and Section ~~5.06.00~~ 7.08.00 of this Code on the newly purchased, created, enhanced, or restored environmentally-sensitive lands to protect them from future development. The Board of County Commissioners must specifically approve and accept the conservation easement. A legal mechanism other than a conservation easement may be considered, if appropriate, to carry out the purpose of this subsection. Any other legal mechanism must be approved and accepted by the Board of County Commissioners.

*Comment: Section relocated from Section 5.03.07;*

#### **7.02.08 Prohibited Ongoing Activities:**

The following standards apply to post-development activities taking place within any wetland protection zone or wetland transitional 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.* Developments where fuel or toxic substances will be stored, transferred, or sold shall employ the best available facilities and procedures for the prevention, containment, recovery, and mitigation of spillage of fuel and toxic substances. Facilities and procedures shall be designed in accordance with State and Federal standards, to prevent substances from entering the water or soil, and employ adequate means for prompt and effective cleanup of spills that do occur; and

- (C) *Fertilizers, Herbicides, or Pesticides.* No fertilizers, herbicides, or pesticides shall be applied in a wetland protection zone except for those projects permitted by the governing State agencies.

*Comment: Section relocated from Section 5.03.08*

### **7.02.09 Identification Within a Subdivision and Site Plans**

Subdivision and site plans submitted for development approval by the County shall be required to identify the extent and location of all wetlands upon or adjacent to the development site and provide measures that maintain their normal function and quality.

*Comment: New Section added to address identification of wetlands on subdivision and site plans.*

## **SECTION 7.03.00 LAKESHORE PROTECTION**

*Comment: Section added to address lakeshore protection.*

### **7.03.01 Findings, Purposes, and Objectives**

- (A) Shoreline vegetation is necessary for the health and viability of a lake system. Sediments and nutrients, contributed both by stormwater runoff and recirculation within the lakes' waters, are removed by shoreline vegetation and associated areas by means of filtration and recycling through the shoreline vegetation.
- (B) Both wave action and stormwater runoff will cause extensive erosion of nutrient-laden soils, particularly where those soils have been destabilized by removal of shoreline vegetation.
- (C) Erosion of lakeshore soils not only contributes to the slow filling-in of lakes, but the soils also entrap and entrain quantities of organic materials which contribute to the nutrient load of a lake. This soil stabilization, in conjunction with the natural uptake and assimilative capacities of shoreline vegetation, reduces the quantity of nutrients available for both cultural and natural eutrophication.
- (D) Shoreline vegetation both protects and improves lake water quality and should be protected from substantial clearing.
- (E) The Board of County Commissioners is authorized, pursuant to general law, to regulate and control conservation and beach erosion control programs.
- (F) The Board of County Commissioners is authorized to regulate and control all lakes, canals, streams, waterways, inlets, bays, and their alteration by dredging, filling,



pumping and otherwise altering the shoreline, land contours and/or water areas in the interest of public rights, public welfare, protection of public riparian property rights, and preservation of the natural beauty and attractiveness of the lakes, canals, streams, waterways, inlets and bays.

- (G) To protect the public health, safety, and welfare, preserve the natural beauty and attractiveness of waters of the county, and maintain lake water quality and reduce nutrient loading in public lakes, the Hardee County Lakeshore Protection Regulations are hereby enacted as one measure to protect the legitimate public interest by restricting the amount of clearing or removal of shoreline vegetation.

*Comment: Section added to reflect the overall goals of lakeshore protection.*

### **7.03.02 Relationship to Other Requirements Relating to Lake Protection**

In addition to meeting the requirements of this Section, development plans shall comply with applicable fFederal, sState, and wWater mManagement dDistrict regulations. In all cases the strictest of the applicable standards shall apply.

*Comment: Section added to address how the County's lakeshore protection requirements relate to other jurisdictional protection requirements*

### **7.03.03 Exemptions**

The provisions of this Article shall not apply to:

- (A) Emergency repairs on public or private projects necessary for the preservation of life, health, or property where taken to implement and accomplish the beneficial purposes of this Article under such circumstances where it would be impractical to obtain approval from the building department prior to making such emergency repairs.
- (B) Maintenance of public or privately owned portions of a structural stormwater or drainage control system which does not constitute major construction or rebuilding.
- (C) Lawn mowing, trimming of vegetation, and other lawn maintenance activities which will not result in the clearance of aquatic vegetation.
- (D) A property owner whose shoreline has previously been cleared and if the clearing is continuously maintained, it shall not be necessary to obtain a permit for the maintenance. However, if shoreline vegetation is allowed to be reestablished, a permit must be obtained to clear it.
- (E) Activities, by State and local agencies, associated with the construction of docks or public boat ramps, canals, and/or seawalls for the purpose of navigation.

*Comment: Section added to provide exemptions to the requirements.*

**7.03.04 Permit Required for Shoreline Clearing**

- (A) A property owner clearing less than fifty (50) feet or fifty (50) percent of owned shoreline, whichever is less, shall not be required to obtain a permit.
- (B) A property owner who desires to clear more than fifty (50) feet or fifty (50) percent of owned shoreline, whichever is less, must obtain all State and Federal permits.
- (C) No fill material of any kind shall be placed below the 100-year floodplain elevation without proper permitting from applicable jurisdictional agencies.
- (D) No fill material of any kind shall be placed below the high-water mark established by the County for a given named waterbody.

*Comment: Section added to clarify permit for clearing requirements.*

**SECTION 7.04.00 PROTECTION OF WILDLIFE HABITAT AND VEGETATIVE COMMUNITIES-**

The Hardee County Board of County Commissioners has determined that wildlife habitat of endangered or threatened species of animals, flora, and fauna serve important functions and therefore require protection. The Board of County Commissioners has further determined that such habitat includes unique and important vegetative communities in Hardee County, and that the following standards are adequate to protect such communities.

It is the purpose of this Section to provide standards necessary to protect endangered, rare, and threatened animal and plant species through the preservation of native vegetative communities and wildlife habitat of species of animals, flora, and fauna, as required in the Conservation Element of the Hardee County Comprehensive Plan.

*Comment: Section relocated from Section 5.05.00.*

**7.04.01 Development Application Requirements-**

- (A) *Inventory Requirement and Management Plan with Application.* At the time the development application is submitted, the applicant must show acceptance of applicable inventory or inventories by the appropriate State or Federal agency and, where applicable, an approved management plan accepted by the appropriate State or Federal agency.
- (B) *Exemptions.* Inventories and management plans are not required for any development project of less than 10 acres in land area and less than two acres in impervious area.

*Comment: Section relocated from Section 5.05.01.*

**7.04.02 Habitat Management Plan-**

- (A) *Conformity of Final Development Plan.* The Final Development Plan approved for a development shall conform to the recommendations in the Habitat Management Plan.

*Comment: Section relocated from Section 5.05.02.*

**7.04.03 Habitat Preservation-**

- (A) *Mandatory.* Preservation area of the occupied habitat zone and occupied habitat buffer zone must meet applicable State and Federal Standards for the entire property acreage.
- (B) *Preservation of Land.* Where land on a proposed development site is to be preserved as habitat of rare, endangered, or special concern species, such land shall be adjacent to existing viable habitat, a significant wetland system, floodplain, or wildlife corridor. If such lands are not adjacent to the development site, land to be set aside shall be of such quantity and quality as to provide viable habitat, as documented in the study required in ~~paragraph (B) above~~ Section 7.04.01(A).
- (C) *Optional Habitat Preservation.* In order to promote habitat preservation in excess of the minimum habitat preservation requirements of this Section, the following incentive is offered. This incentive shall only apply to those areas that are not already preserved under other resource protection provisions of this Article. The incentive is as follows:
- (01) Transfer of density and intensity is permitted from the area to be preserved for habitat to the developable portion of the site, provided that all other applicable requirements of this Code are met.

*Comment: Section relocated from Section 5.05.03.*

**7.04.04 Protection of Natural Function of 100-Year Floodway of the Peace River, Horse Creek, Charlie Creek, and Payne Creek**

To protect the natural function of the 100-year floodway of the Peace River, Horse Creek, Charlie Creek, and Payne Creek, a setback from the banks of the waterways is hereby established, in which only pasturing of livestock and residential development at a density of not more than one dwelling unit per twenty gross acres are permitted. The Board of

County Commissioners may grant an exception to said gross density for a lot of record, established and recorded in the public records of Hardee County prior to the effective date of policy C2.5 of the Conservation Element of the 2030 Comprehensive Plan; provided however, that the maximum gross density permitted on any such lot of record shall not be greater than one dwelling unit per five acres. Structures must be flood-proofed and the floor level shall be at least one foot above the 100-year flood elevation. The setback shall be 500 feet on each side of the river and creeks or the width of the 100-year floodway as shown on the FEMA flood map, whichever is less. In considering such an exception for a lot of record, the Board of County Commissioners shall review the proposed exception for consistency with the review criteria established for Variances in the Hardee County Unified Land Development Code and shall further require additional mitigation measures to protect the waterbodies, such as the creation of a conservation easement over the floodway and associated wetlands on the lot. In addition, the primary structure, drainfield, and driveway must be located on the least environmentally-sensitive portion of the lot as determined by the Planning and Development Director after consultation with a professional biologist or hydrologist from Hardee County, the Florida Department of Environmental Protection, or the Southwest Florida Water Management District.

*Comment: Requirement added from Policy C2.5 of the Conservation Element of the Comprehensive Plan.*

## **SECTION 7.05.00 PUBLIC POTABLE WATER WELLHEAD PROTECTION AREAS:**

*Comment: Section relocated from Section 5.02.00; name amended to reflect requirements address public wellheads..*

### **7.05.01 Purpose and Intent:**

The purpose and intent of this Section is to safeguard the health, safety, and welfare of the citizens of Hardee County by registering all land uses and activities that occur within Water Wellhead Protection Areas surrounding public potable water supply wells, thereby providing protection of the principal source of water for domestic, agricultural, and industrial use. The availability of adequate and dependable supplies of potable quality water is of primary importance to the future of the County; 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 water wellheads to protect water supplies from potential contamination.

*Comment: Section relocated from Section 5.02.01; "public" added to clarify this is for public water supply.*

### **7.05.02 Establishment of Water Wellhead Protection Area-**

Development regulations established in this Section shall be applicable to designated Water Wellhead Protection areas for all public supply water wells. Prior to designation of, or in the absence of sufficient information for Water Wellhead Protection areas, the official Water Wellhead Protection Area shall consist of a radius of 400 feet around each of the County's public supply potable water wells, as provided for in ~~Future Land Use Policy L4.2~~ Conservation Element ~~Policy C3.2~~ of the Comprehensive Plan of Hardee County (see Figure ~~17.3~~). An official map of wells and their Water Wellhead Protection Areas shall be maintained by the Planning and Development Division.

Where a property lies partly outside the Water Wellhead Protection Area, development standards contained in this Section shall apply only to that part of the property lying within the Water Wellhead Protection Area. Where the Water Wellhead Protection Area boundary passes through a building, the entire building shall be considered to be in the Protection Area.

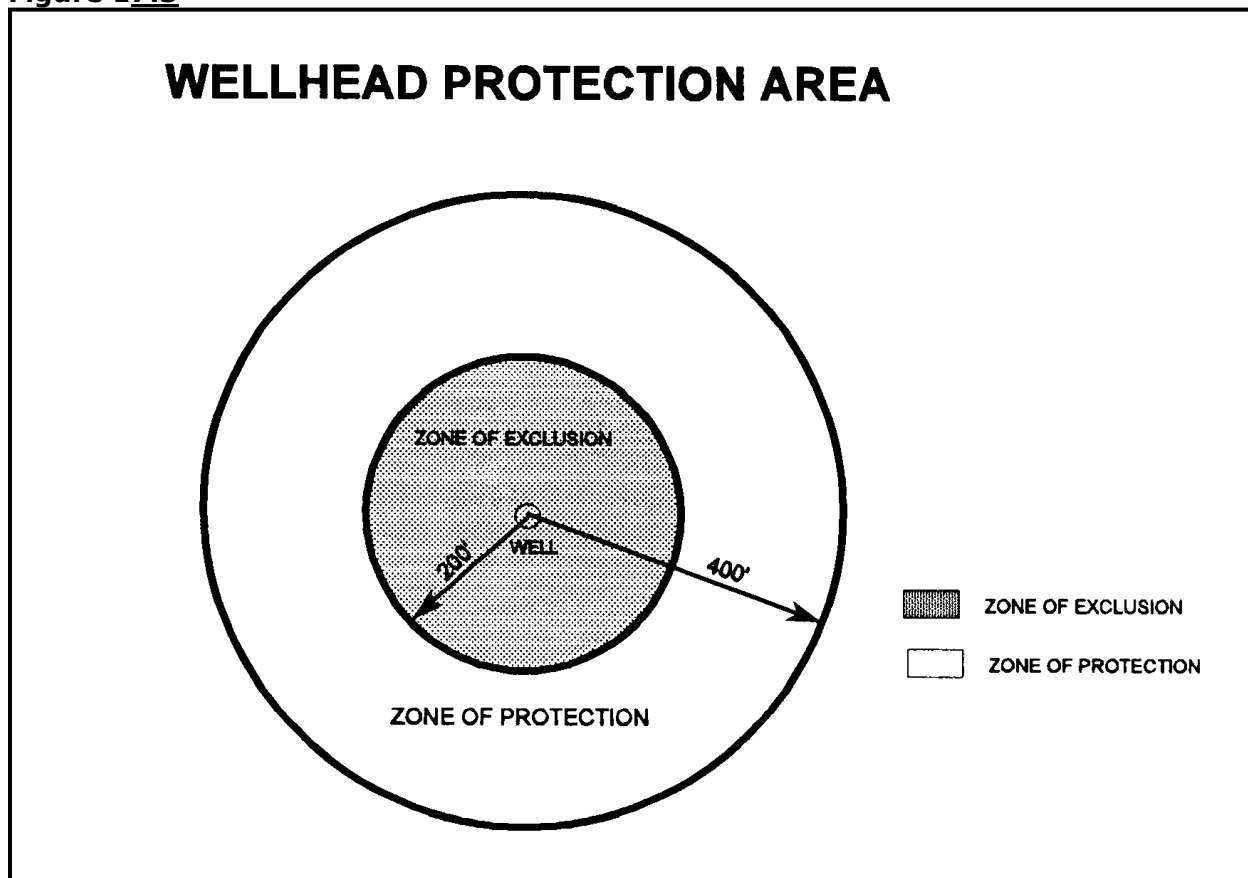
*Comment: Section relocated from Section 5.02.02; Reference in the Comprehensive Plan updated.*

### **7.05.03 Water Wellhead Protection Area Land Use Restrictions-**

- (A) *Zone of Exclusion.* The first 200-foot radius from a well shall be a Zone of Exclusion, where all development activities are prohibited (see Figure ~~17.3~~). It is the intent and purpose of the County to eliminate all activity of a hazardous nature or that produces hazardous materials/waste within 200 feet of a wellhead. In accordance with ~~Policy L4.2~~ C3.2 of the ~~Future Land Use~~ Conservation Element of the Comprehensive Plan of Hardee County, the footprint of a low-density residential structure may encroach upon the Zone of Exclusion, but no septic tank nor drain-field shall be permitted.
- (B) *Zone of Protection.* This Zone is the area from 200 feet to 400 feet from a water wellhead (see Figure ~~17.3~~).
- (Ø1) All activities located 200 feet to 400 feet from a water wellhead are permitted in accordance with the zoning district and the table of land uses, except in the handling, production, or storage of hazardous substances, which shall be prohibited within the Water Wellhead Protection Area.
- (Ø2) The County shall maintain a list of all land uses and activities within the Water Wellhead Protection Area Zone of Protection by requiring all activities to be registered with the County. The County shall register all

activities from 200 to 400 feet of a well within one year of the adoption of this Code.

**Figure 7.3**



(C) *Prohibited Land Uses and Activities.* The following land uses and activities are prohibited in the entire Water Wellhead Protection Area, including the Zone of Protection:

- (01) Landfills;
- (02) Facilities for bulk storage, handling, or processing of materials on the Florida Substance List;
- (03) Activities that require the storage, use, handling, production or transportation of restricted substances, agricultural chemicals, petroleum products, hazardous toxic waste, medical waste, or similar substances; non-residential use, handling, production, or storage of hazardous substances in any quantity and residential use of more than five gallons;

- (04) Feed lots or other commercial animal facilities;
  - (05) Wastewater treatment plants, percolation ponds, or similar facilities;
  - (06) Mines; and
  - (07) Excavation of waterways or drainage facilities that intersect the water table.
- ~~(C) The wellhead protection area shall be reviewed at least every two (2) years. The protection area may be modified based on changes in the technical knowledge of the applicable aquifer; changes in pumping rate of wellfields; wellfield configuration; or designation of new wellfields.~~
- ~~(D) Except as otherwise provided, no person shall construct, modify, install, or replace a hazardous substance storage system within the wellhead protection area.~~
- ~~(E) Unless otherwise provided, **new** non-residential use, handling, production, or storage of hazardous substances shall be prohibited within the wellfield protection zone.~~
- ~~(F) Any such use existing prior to adoption of this Code, including the use, handling, production, or storage of hazardous substances, and the storage of more than five gallons in connection with a residential use, shall be contained in the appropriate manner, in accordance with all Local, County, State and Federal guidelines.~~
- ~~(G) In the event of a spill, the County shall maintain a list of businesses and their uses that may be potential polluters of any public water supply within the 400-foot wellhead protection area of each well.~~

*Comment: Section relocated from Section 5.02.03; Reference in the Comprehensive Plan updated; Language added to address further protections of the wellhead protection area.*

#### **7.05.04 Registration of Land Uses and Activities in Water Wellhead Protection Areas:**

All land uses and activities within the Water Wellhead Protection Area must be identified and registered with the County. The registration is to enable the County to eliminate all potential sources of contamination of the potable water supply.

- (A) *Registration Within One Year.* All land uses and activities from 200 to 400 feet of a water wellhead shall be registered with the County within one year from the adoption of this Section, without a fee. Thereafter, said person shall be subject to the fee schedule adopted in connection with this Code.

- (B) *Exemptions.* The following activities or uses are exempt from registration requirements in the Zone of Protection:
- (01) 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.;
  - (023) 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;
  - (035) Repairing or maintaining any facility or improvement on lands within the Zone of Protection; and
  - (046) Geotechnical borings.
- (C) *Registration Procedure.* Each landowner with a legal use or activity between 200 feet and 400 feet of a water wellhead shall notify the County as to the nature of the use or activity. The information shall be sent to the Planning and Development Division by letter. The information required is as follows:
- (01) Name, address, email address, and phone number of the property owner, operator, and/or agent, and the Tax Parcel Number;
  - (02) Signature of agent or owner;
  - (03) Location description of the property, such as "located on Highway 17 between Pine and Redwood Streets;"
  - (04) A description of the land use or activity at the location;
  - (05) A list of all known hazardous substances that may be utilized, generated and/or stored at the described property;
  - (06) If required by the ~~Director of Planning and Development~~ Director, a survey or scale drawing of the property, identifying existing structures, adjacent streets, and waterbodies in relation to the water wellhead.



*Comment: Section relocated from Section 5.02.04; Language added to clarify exemption; requirement for email address added for ease of use.*

**7.05.05      Modification of Requirements-**

- (A) Any person affected by this Section may petition the Board of County Commissioners for modification from the prohibitions and registering requirements 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.
- (B) The Board of County Commissioners shall determine whether the land use or activity shall be approved under the provisions of this Section. In making this decision, the Board of County Commissioners shall consider:
- (A1) The cumulative impacts of the land use or activity on the Zone of Protection in combination with other uses or activities that have been permitted within said Zone; and
- (B2) Whether the proposed use end product that is a threat to the water supply can be contained in the case of a spill.

*Comment: Section relocated from Section 5.02.05.*

**7.05.06      Notification of Discontinuation of Land Use or Activity in a Water Wellhead Protection Zone-**

- (A) It is the intent and purpose of the County to eliminate all land uses and activities within 200 feet of a water wellhead. All activities from 200 feet to 400 feet from a water wellhead are limited, with some activities prohibited. Those prohibited activities are listed in this Article, specifically in Section ~~5.02.03(D)~~ 7.05.03(C). An owner of a property that falls within the Water Wellhead Protection Zone is required to register ~~his~~ their land use activity with the County as outlined in this Article, specifically in Section ~~5.02.04~~ 7.05.04.
- (B) A record will be kept on file of all land uses and activities within the 400-foot Water Wellhead Protection Area of all wells. If a land use or activity ceases, the owner must notify the County by registered letter within 30 days of cessation of use.

*Comment: Section relocated from Section 5.02.06.*

**7.05.07 Fee Resolution-**

The Board of County Commissioners may, at their option, adopt a fee schedule by resolution to provide for funding for the administration of this Section.

*Comment: Section relocated from Section 5.02.07.*

**5.02.08. Location of New Water Wells.**

~~No new public supply water wells shall be located such that the Water Wellhead Protection Area extends past the owners' property boundaries.~~

*Comment: Section relocated from Section 5.02.08 and deleted because it places an undue hardship on the County in establishing new water well locations.*

**SECTION 7.06.00 WATER SHORTAGE**

- (A) The Board of County Commissioners may declare a water shortage exists within all or part of the County's ground or surface water basin(s) or areas that are supplied water from the affected source, when a water shortage or water shortage emergency is declared to exist by SWFWMD, in accordance with Florida Statute Chapter 40D-21 F.A.C. "Water Shortage Plan" whereas the Board of County Commissioners determines insufficient water is available to meet public supply requirements, drought indicators specified in Table 21-1 of FS. Chapter 40D-21 F.A.C., current regional lake levels at lower than normal values, current and recent precipitation outlooks, or when conditions require a temporary reduction in total use within the area to protect water resources from serious harm.
- (B) Certain non-essential uses of water shall be restricted or curtailed during the existence of a water shortage or water shortage emergency. The following shall be unlawful:
- (1) The sprinkling, watering, or irrigating of shrubbery, trees, lawns, ground covers, plants, vines, and gardens, except on the days and between the hours established by the SWFWMD. This Article does not apply to irrigation for bona fide commercial agricultural purposes.
  - (2) The escape of water through defective plumbing, which means to knowingly allow water to escape through a system that is in disrepair.
  - (3) The washing of sidewalks, driveways, porches, exterior of homes, apartments, or other outdoor surfaces.
  - (4) The washing of business or industrial equipment and machinery, except as

required for public health or to avoid direct damage to such equipment or machinery.

- (5) The operation of any outdoor ornamental fountain or other structure using water with or without a recirculation system.
- (6) The filling of swimming pools or wading pools not using a filter or recirculating system.
- (7) The washing of automobiles, trucks, trailers, railroad cars, manufactured homes, recreational vehicles, or any other type of mobile equipment, except at a business enterprise established for such purpose.
- (8) The use of water for dust control, except as required for public health.

*Comment: Section added to address water shortage provisions.*

## **SECTION 7.07.00    EROSION CONTROL-**

*Comment: Section relocated from Section 5.04.00.*

### **7.07.01    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 County to prevent erosion and depositing of soils off the construction site;
- (B) *After Construction.* All disturbed areas shall be mulched, seeded, or sodded as required by the County, 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.

*Comment: Section relocated from Section 5.04.01.*

## **SECTION 7.08.00    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~~ 9.20.00 of this Code, any person, corporation, or entity owning property in Hardee County may create a conservation easement.

Conservation easements shall be subject to the provisions of the Section 704.06, F.S. Florida Statutes, and may be used to prevent or prohibit the following activities:

- (A) Construction or placing of buildings, roads, signs or other advertising, utilities, or other structures, on or above the ground.
- (B) Dumping or placing of soil or other substances or materials as landfill, and dumping 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 a manner as to affect the surface of the ground.
- (E) Any use that alters the natural condition of the land or water area.
- (F) Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation.
- (G) Any use that is detrimental to the retention of land or water areas.
- (H) Any use that is detrimental to the preservation of 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 Hardee County in the same manner as any other instrument affecting the title to real property.

*Comment: Section relocated from Section 5.06.00; Language added to address areas conservation easements may address.*

**ARTICLE 8  
PUBLIC FACILITY MONITORING AND PERMITTING**

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## ARTICLE 8 PUBLIC FACILITY MONITORING AND PERMITTING

Text that is underlined is text to be added and text that is shown as ~~strikeout~~ is to be removed. *Comments* provided for information and are not adopted as part of the Unified Land Development Code text.

### **SECTION 8.01.00 - CONCURRENCY**

*Comment: Title relocated from Section 6.01.00.*

#### **8.01.01 - General Provisions**

The purpose of this Section is to ensure that facilities and services needed to support development are available concurrent with the impacts of development. The following public facilities and services are subject to concurrency evaluation: roads, potable water, sanitary sewer, drainage, solid waste, and recreation.

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 to serve a proposed development, 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:
- (01) The necessary facilities and services are in place at the time a development permit is issued; or
  - (02) 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
  - (03) The necessary facilities are under construction at the time a permit is issued; or
  - (04) The necessary facilities and services are guaranteed in an enforceable development agreement that includes provisions (01) - (03) 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 163.3220—163.3243, 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) *Transportation System Standard.* These regulations apply to the transportation system throughout Hardee County including bikeways, and pedestrian access. This ~~a~~Article shall be construed and implemented to create an efficient, safe, and balanced system of traffic circulation accommodating vehicles, bicycles, and pedestrians. The concurrency requirement may be met by satisfying the conditions listed in paragraphs (A)(01)-(04) above, and by complying with the following standards and those described in the Hardee County Traffic Impact Study Procedures Manual:
- (01) The Capital Improvements Element of the Hardee County Comprehensive Plan and 5-Year Schedule of Capital Improvements must be financially feasible, and may recognize and include transportation projects listed in the first three years of the applicable FDOT 5-Year Work Program;
  - (02) The 5-Year Schedule of Capital Improvements must include facilities necessary to maintain the adopted level of service standards to serve the proposed new development, and the facilities necessary to eliminate those portions of existing deficiencies that are a priority to be eliminated during the five-year period in which the Capital Improvements Plan is to be implemented;
  - (03) 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;
  - (04) The 5-Year Schedule of Capital Improvements must include the estimated date of commencement of actual construction and the estimated date of project completion;
  - (05) 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;
  - (06) A plan amendment would be required to eliminate, defer or delay construction of any road that is needed to maintain the adopted level of service standard and that is listed in the 5-Year Schedule of Capital Improvements;



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- (07) The County will adopt land development regulations that, in conjunction with the Capital Improvements Element, ensure that development orders and development permits are issued in a manner that will assure that the necessary public facilities will be available to accommodate the impact of that development;
- (08) A monitoring system shall be adopted that enables the County to determine whether it is adhering to the adopted level of service standards and its capital improvements schedule; and
- (09) The Comprehensive Plan shall clearly designate those areas within which facilities will be provided by the County with public funds in accordance with the 5-Year Schedule of Capital Improvements.
- (10) A traffic impact study shall be prepared and submitted by an applicant seeking development approval for certain developments as part of the concurrency review required by these regulations. The requirements shall be as follows unless otherwise determined by the County Engineer or designee:
- (a-) Small projects (i.e., de minimis projects). No traffic impact study will be required for developments generating less than one hundred fifty (150) average daily trips. Traffic impact from these developments will be reviewed by the County Engineer or designee who will assign driveway or road connection requirements in accordance with this Article.
  - (b-) Minor Traffic Impact Analysis (TIA). Developments generating at least one hundred fifty (150) but less than or equal to one thousand (1,000) average daily trips will be required to submit a minor TIA. Requirements are explained in the Hardee County Traffic Impact Study Procedures Manual.
  - (c-) Major Traffic Impact Analysis (TIA). A major TIA shall be required for all developments generating more than one thousand (1,000) average daily trips. Requirements for this study can also be found in the Hardee County Traffic Impact Study Procedures Manual.

- (d-) Each traffic impact study shall be designed to predict the impact of the proposed development on the county's transportation system. The following general information shall be provided as a part of the traffic impact study:
- (1-) A statement explaining the assumptions used in the study including existing average daily background traffic, background traffic growth rate, directional splits, average trip length, major attractions;
  - (2-) Estimates and projections of average daily background traffic and the effect of projected development generated traffic on the level of service adopted by the county;
  - (3-) The need for frontage or access roads parallel to the primary access road;
  - (4-) The need for signalization; and,
  - (5-) Provisions for maintaining the minimum level of service adopted by the county for affected roadways and affected intersections.
- (C) *Parks and Recreation.* The concurrency requirement may be met by satisfying the conditions listed in paragraphs (A)(01)–(04) above, or by complying with the following standards:
- (01) At the time the development permit is issued, the necessary public facilities and services are the subject of a binding executed contract that provides for the commencement of the actual construction of the required public facilities or the provision of services within one year of the issuance of the development permit; or,
  - (02) The necessary public facilities and services are guaranteed in an enforceable development agreement that requires the commencement of the actual construction of the public facilities or the provision of services within one year of the issuance of the applicable development 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.

*Comment: Section relocated from Section 6.01.01.*

**8.01.02- Concurrency Management System-**

The Concurrency Management System (CMS) shall identify and inventory existing service capacities available for development as part of a roadway network database (RND), which is further described in the Hardee County Traffic Impact Study Procedures Manual. It shall include facility and service improvements approved in the first three years of the County's 5-Year Schedule of Capital Improvements. No development order or development permit may be issued by the County that results in a reduction in Level of Service (LOS) below the adopted standard.

*Comment: Section relocated from Section 6.01.02.*

**8.01.02.01- Concurrency Test Statement-**

Concurrency Test Statements shall be filed with and reviewed by the County, 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.

*Comment: Section relocated from Section 6.01.02.01.*

**8.01.02.02- Procedure-**

The following procedure shall be carried out in order to obtain a determination of concurrency:

- ~~(01A)~~ Prepare Concurrency Test Statements on forms available at the office of the Planning and Development Division;
- ~~(02B)~~ Completed Concurrency Test Statements shall include the following information:
  - ~~a.(1)~~ A legal description of the site proposed to be developed along with a map identifying the site in relationship to the County's boundaries;
  - ~~b.(2)~~ A narrative description of the proposed development identifying the type of development and all land uses proposed within the site;

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- ~~e.~~(3) 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 Level of Service;
  - ~~d.~~(4) Projected Average Daily Traffic (ADT) and peak-hour traffic generated by the proposed development and the traffic distribution on the existing roadway(s) consistent with procedures described in the Hardee County Traffic Impact Study Procedures Manual;
  - ~~e.~~(5) Projected potable water demand generated by the proposed development and identification of the service provider;
  - ~~f.~~(6) Projected wastewater demand generated by the proposed development and identification of the service provider;
  - ~~g.~~(7) Projected solid waste generation and identification of the service provider;
  - ~~h.~~(8) 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;
  - ~~i.~~(9) Identification of required park and recreation facilities, if any, and method of providing said facilities; ~~and,~~
  - ~~ii.~~(10) 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 Planning and Development Director may, at ~~his/her~~ their 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 Planning and Development Director shall distribute the completed Concurrency Test Statement to appropriate County 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 Hardee County, the County Manager/designee 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, if all requirements are met as defined in Article 35, Section 35.05.01 (B), Residential Design Standards.

~~The applicant shall be notified within 30 calendar 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 County and the developer to mitigate the identified deficiency.~~

*Comment: Section relocated from Section 6.01.02.01; The 30-day notification requirement is removed as the timeline should be set as Department policy rather than through the Land Development Code.*

#### **8.01.03- Fees-**

Fees for staff review of Concurrency Test Statements shall be established, and may be changed from time to time, by resolution of the Board of County Commissioners.

*Comment: Section relocated from Section 6.01.03*

#### **8.01.04- Developments to be Consistent with Concurrency Test Statements-**

All development proposals submitted to the County for review shall be consistent with the data established in the Concurrency Test Statement. Those exceeding the service demand levels established in the Concurrency Test Statement shall not be processed. The applicant shall be provided with a written notice that a new Concurrency Test Statement shall be required.

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 County shall not be required to approve a development plan that meets the concurrency requirement but does not satisfy other provisions of this Code.

*Comment: Section relocated from Section 6.01.04*

**8.01.05- Allocation of Public 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. Reservation of service capacity shall be deemed complete when all infrastructure is completed and in place;
- (B) *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 12 months from the date of Site Development Plan approval. Application for extension must be made from the original approving agency;
- (C) *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 Planning and Development Division. Allocation of service capacity shall be valid until the expiration date of the building permit or the issuance of a Certificate of Occupancy. Construction must occur within six months for allocation of service capacity to be valid.

*Comment: Section relocated from Section 6.01.05*

**8.01.06- Levels of Service-**

Through the Concurrency Management System, Hardee County shall maintain the following levels of service for public facilities: as established in the Comprehensive Plan.

Facility	Level of Service
Principal Arterial Roadways	D
Backlogged Facilities	Maintain and Improve
Minor Arterial Roadways	D
Major and Minor Collector Roadways	D
Recreation	15 acres per 1,000 residents
Sanitary Sewer	100 gallons per Unit per day
Potable Water	* 150 gallons per capita per day
	* Storage capacity sufficient to meet DER requirements
	* Water pressure of 20 psi
Solid Waste	4.12 pounds per capita per day
Drainage	Design Storm
	* 25-year frequency
	* 24-hour duration
	* Current FDOT manual
	* Stormwater quality pursuant to Chapters 17-25 and 17-3, F.A.C.

All development that was not approved through a subdivision plat, Special Exception, 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 Planning and Development Director shall determine whether a proposed change in existing development requires an Adequacy Determination.

*Comment: Section relocated from Section 6.01.06; Level of Service tables deleted and statement added to provide consistency with Level of Service tables in the Comprehensive Plan*

**8.01.07- 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.

*Comment: Section relocated from Section 6.01.07*

**8.01.07.01- Adequacy of the Road System-**

A traffic impact study shall be prepared and submitted by an applicant seeking development approval for certain developments as part of the concurrency clearance required by these regulations. The requirements shall be as follows unless otherwise determined by the County Engineer:

- (A) *Small projects (i.e., de minimis projects).* No traffic impact study will be required for developments generating less than one hundred fifty (150) average daily trips. Traffic impact from these developments will be reviewed by the county engineer who will assign driveway or road connection requirements in accordance with this aArticle.
- (B) *Minor Traffic Impact Analysis (TIA).* Developments generating at least one hundred fifty (150) but less than or equal to one thousand (1,000) average daily trips will be required to submit a minor TIA. Detailed requirements for this study are described in the Hardee County Traffic Impact Study Procedures Manual.
- (C) *Major Traffic Impact Analysis (TIA).* A major TIA shall be required for all developments generating more than one thousand (1,000) average daily trips. Detailed requirements for this study are described in the Hardee County Traffic Impact Study Procedures Manual.

For the purpose of this Section, improvements to State roads resulting in an improvement in the Level of Service, and that are scheduled to occur by the third year of the FDOT's Five-Year Work Program, shall be considered concurrent. If it is determined that such capacity will not be available, then the specific improvements necessary to enable the road network to reach such capacity shall be identified, through the completion of a detailed transportation study conducted by a professional in the field of transportation planning, and the application may be granted with an express condition regarding the adequacy of the County's transportation network. At the sole discretion of the Board of County Commissioners, such condition shall require one of the following:



- (01) 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
- (02) That the applicant deposit money into a "road fund" equal to the share of the cost of the improvements that would otherwise be required.
- (03) That the applicant enter into an agreement to apply Proportionate Fair Share as set forth in Section ~~68~~.01.07.02 of this Code.

*Comment: Section relocated from Section 6.01.07.01*

**8.01.07.02- Transportation Proportionate Fair-Share-**

- (01A) *Purpose and Intent:* The purpose of this Section is to establish a method whereby the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors, to be known as the Transportation Proportionate Fair-Share Program, as required by and in a manner consistent with Section 163.3180(16)(5)(h), F.S.

*Comment: Section relocated from Section 6.01.07.02; Language updated to correct Florida Statutes section numbers*

- (02B) *Applicability:* The Transportation Proportionate Fair-Share Mitigation Program shall apply to all developments in the County that have been notified of a lack of capacity to satisfy transportation concurrency on a transportation facility in the County's Concurrency Management System (CMS), including transportation facilities maintained by FDOT or another jurisdiction that are relied upon for concurrency determinations, pursuant to the requirements of Section ~~68~~.01.07.03.

The Transportation Proportionate Fair-Share Mitigation Program does not apply to developments of regional impact (DRIs) using proportionate fair-share under Section 163.3180(12)(5)(h)(c), F.S., or to developments exempted from concurrency as provided in the Hardee County Comprehensive Plan, Goals, Objectives and Policies, Concurrency Management System, ~~Adopted June 20, 2002~~, and/or Section 163.3180, F.S., regarding exceptions and de minimis impacts. The Transportation Proportionate Fair-Share Program does not preclude applicants from

funding transportation improvements pursuant to a development agreement to meet concurrency requirements.

*Comment: Section relocated from Section 6.01.07.02; Language updated to correct Florida Statutes section numbers; Comprehensive Plan adoption date removed since it is updated.*

### **8.01.07.03- General Requirements-**

(~~01~~A) An applicant may choose to satisfy the transportation concurrency requirements of the County by making a proportionate fair-share contribution, pursuant to the following requirements:

- (~~a~~1) The proposed development is consistent with the comprehensive plan and applicable land development regulations.
- (~~b~~2) The five-year schedule of capital improvements in the County's CIE or the long-term schedule of capital improvements for an adopted long-term CMS includes the construction phase of a transportation improvement(s) that, upon completion, will satisfy the requirements of the County's transportation CMS.

The County may choose to allow an applicant to satisfy transportation concurrency through the Proportionate Fair-Share Program by adding an improvement (construction phase) to the CIE or adopted long-term CMS that will satisfy the requirements of the County transportation CMS. For the purposes of the Proportionate Fair-Share Program, no capacity road project shall be added to the CIE unless any required alignment study or a Project Development and Environmental (PD&E) Study has been completed with an endorsed build alternative.

To implement this option, the County shall adopt, by resolution, a commitment to add the improvement to the five-year schedule of capital improvements in the CIE or long-term schedule of capital improvements for an adopted long-term CMS no later than the next regularly scheduled update. To qualify for consideration under this Section, the proposed improvement must be reviewed by Hardee County, and be determined to be financially feasible pursuant to ~~§163.3180(16)(b)1, F.S.~~, consistent with the comprehensive plan, and in compliance with the provisions of this Section. Any improvement project proposed to meet the developer's fair-share obligation must meet the design standards of the jurisdiction with maintenance responsibility for the subject transportation facility.

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*Comment: Section relocated from Section 6.01.07.03; Language updated to remove Florida Statutes section numbers.*

**8.01.07.04- Application Process-**

- (~~01~~A) Upon notification of a lack of capacity to satisfy transportation concurrency, the applicant shall also be notified in writing of the opportunity to satisfy transportation concurrency through the Proportionate Fair-Share Program pursuant to the requirements of Section ~~68~~.01.07.03.
- (~~02~~B) Prior to submitting an application for a proportionate fair-share agreement, a pre-application meeting shall be held to discuss eligibility, e.g., project status in CIE, application submittal requirements, potential mitigation options, and related issues. If the impacted facility is on the Strategic Intermodal System (SIS), or any state transportation facility, then the FDOT will be notified and invited to participate in the pre-application meeting.
- (~~03~~C) Eligible applicants shall submit an application to the County that includes an application fee of ~~\$5,000.00~~ and the following:
- (~~a~~1) Name, address, and phone number of owner(s), developer and agent;
  - (~~b~~2) Property location, including parcel identification numbers;
  - (~~c~~3) Legal description and survey of property;
  - (~~d~~4) Project description, including type, intensity, and amount of development;
  - (~~e~~5) Phasing schedule, if applicable;
  - (~~f~~6) Description of requested proportionate fair-share transportation mitigation method(s);
  - (~~g~~7) Copy of concurrency application;
  - (~~h~~8) Copy of the project's traffic study or traffic impact analysis; and
  - (~~i~~9) Location map depicting the site and affected road network.

- (D) ~~The County shall review the application and certify that the application is sufficient and complete within 15 business days.~~ If an application is determined to be insufficient, incomplete, or inconsistent with the general requirements of the Proportionate Fair-Share Transportation Mitigation Program as indicated in Section ~~68.01.07.03~~, then the applicant will be notified in writing of the reasons for such deficiencies ~~within 10 business days of submittal of the application.~~ If such deficiencies are not remedied by the applicant within 30 days of receipt of the written notification, then the application will be deemed abandoned. The Board of County Commissioners may, at its discretion,
- (Ø1) Grant an extension of time not to exceed 90 days to cure such deficiencies, provided that the applicant has shown good cause for the extension and has taken reasonable steps to effect a cure.
- (Ø2) Pursuant to §163.3180(16)(e)(5)(h), F.S., proposed proportionate fair-share mitigation for development impacts to facilities on the SIS requires the consent of the ~~FOOT~~ FDOT. The applicant shall submit evidence of an agreement between the applicant and the FDOT for inclusion in the proportionate fair-share agreement.
- (Ø3) When an application is deemed sufficient, complete, and eligible, the applicant shall be advised in writing and a proposed proportionate fair-share obligation and binding agreement will be prepared by the County or the applicant with direction from the County and delivered to the appropriate parties for review, including a copy to the FDOT for any proposed proportionate fair-share mitigation on a SIS facility, or any state transportation facility, no later than 60 days from the date at which the applicant received the notification of a sufficient application and no fewer than 30 working days prior to the Board of County Commissioners meeting when the agreement will be considered.
- (Ø4) The County shall notify the applicant regarding the date of the Board of County Commissioners meeting when the agreement will be considered for final approval. No proportionate fair-share transportation mitigation agreement will be effective until approved by the Board of County Commissioners.

*Comment: Section relocated from Section 6.01.07.04; fee removed from (3) because it should be established via department policy or resolution; The application process section includes business day deadlines for review. These are removed as the timeline should be set as Department policy rather than through the Land Development Code. The Section includes the application fee, which is removed*

*because it should be set via resolution.*

**8.01.07.05- Determining Transportation Proportionate Fair-Share Mitigation Obligation-**

- (01A) Proportionate fair-share mitigation for concurrency impacts may include, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities ~~as provided in Subsection 163.3180(16)(c), F.S.~~
- (02B) A development shall not be required to pay more than its proportionate fair-share. The fair market value of the proportionate fair-share mitigation for the impacted facilities shall not differ based on the form of mitigation ~~as provided in Subsection 163.3180(16)(c), F.S.~~ (contributions of private funds, land or facility construction).
- (03C) The methodology used to calculate an applicant's proportionate fair-share obligation shall be as provided for in Subsection 163.3180(5)(h), F. S., as follows:

The cumulative number of peak hour, peak direction trips from the complete buildout of the proposed development, or buildout of the stage or phase being approved, that are assigned to the proportionate share program segment as defined by traffic impact analysis divided by the change in the peak hour maximum service volume (MSV) of the proportionate share program segment resulting from construction of the proportionate share program improvement, multiplied by the anticipated cost of the proportionate share project. In this context, cumulative does not include project trips from previously approved stages or phases of development.

This methodology is expressed by the following formula:

$$\text{Proportionate Fair Share} = \left[ \frac{\text{Development Trips}_{\text{sub}}}{\text{SV Increase}_{\text{sub}}} \right] \times \text{Cost}_{\text{sub}} \text{ Where:}$$

=	Sum of all deficient links proposed for proportionate fair-share mitigation for a project;
Development Trips; <sub>sub</sub> =	Those trips from the stage or phase of development under review that are assigned to roadway segment "i" and have triggered a deficiency per the concurrency management system (CMS);

SV Increase;sub \sub; =	Service volume increase provided by the eligible improvement to roadway segment "i" ;
Cost;sub \sub; =	Adjusted cost of the improvement to segment "i". Cost shall include the cost of all project phases (preliminary engineering or alignment study, design, rights-of-way acquisition and construction) in the years said phases will occur with all associated costs.

- (04D) The cost of the proportionate fair-share project shall be determined by the maintaining jurisdiction.
- (05E) The value of right-of-way dedications used for proportionate fair-share payment shall be subject to the approval of the maintaining jurisdiction. No value shall be assigned to right-of-way dedications required under ordinance or as a condition of development approval.

*Comment: Section relocated from Section 6.01.07.05; references to Florida Statutes updated.*

#### **8.01.07.06- Impact Fee Credit for Proportionate Fair-Share Mitigation-**

- (01A) Impact fee credits for the proportionate fair-share contribution will be determined when the transportation impact fee obligation is calculated for the proposed development. Impact fees owed by the applicant will be reduced per the Proportionate Fair-Share Agreement as they become due per the Hardee County Impact Fee Ordinance, if adopted. If the applicant's proportionate fair-share obligation is less than the development's anticipated road impact fee for the specific stage or phase of development under review, then the applicant or its successor must pay the remaining impact fee amount to the County pursuant to the requirements of the County's impact fee ordinance.
- (02B) The proportionate fair-share obligation is intended to mitigate the transportation impacts of a proposed development at a specific location. As a result, any road impact fee credit based upon proportionate fair-share contributions for a proposed development cannot be transferred to any other location unless provided for within the local impact fee ordinance.
- (03) ~~Reserved.~~
- (04C) The amount of traffic impact fee credit for a proportionate fair-share contribution may be up to, but shall not exceed, the project's

proportionate fair-share amount and will be determined based on the following formula:

$$\text{Credit} = (\text{Cost of Proportionate Share Project}) \times (\text{Total Project Traffic Impact Fee Liability})$$

*Comment: Section relocated from Section 6.01.07.06; Language updated to reflect the Hardee County Impact Fee Ordinance is not currently adopted.*

**8.01.07.07: Proportionate Fair-Share Agreements-**

- ~~(01A)~~ Upon execution of a proportionate fair-share agreement and satisfying other concurrency requirements, an applicant shall receive a Hardee County certificate of concurrency approval. Should the applicant fail to apply for building permits within the timeframe provided for in the County concurrency certificate, then the project's concurrency vesting shall expire, and the applicant shall be required to reapply. Once a proportionate fair-share payment for a project is made and other impact fees for the project are paid, no refunds shall be given. All payments, however, shall run with the land.
- ~~(02B)~~ Payment of the proportionate fair-share contribution for a project and other road impact fees not subject to an impact fee credit shall be due and must be paid within 60 days of the effective date of the proportionate fair share agreement. The effective date shall be specified in the agreement and shall be the date the agreement is approved by the Board of County Commissioners.
- ~~(03C)~~ All developer improvements accepted as proportionate fair share contributions must be completed within three years of the issuance of the first building permit for the project which is the subject of the proportionate fair share agreement and be accompanied by a security instrument that is sufficient to ensure the completion of all required improvements. It is the intent of this Section that any required improvements be completed within three years of the issuance of the first building permit for the project, which is the subject of the proportionate fair share agreement.
- ~~(04D)~~ Dedication of necessary right-of-way for facility improvements pursuant to a proportionate fair-share agreement must be completed prior to the effective date of the proportionate fair share agreement.

- (05E) Any requested change to a development project subsequent to issuance of a development order shall be subject to additional proportionate fair-share contributions to the extent the change would generate additional traffic that would require mitigation.
- (06F) Applicants may submit a letter to withdraw from the proportionate fair-share agreement at any time prior to the execution of the agreement. The application fee and any associated advertising costs to the County shall be nonrefundable.

*Comment: Section relocated from Section 6.01.07.07*

**8.01.07.08: Appropriation of Fair-Share Revenues.**

- (01A) Proportionate fair-share revenues shall be placed in the appropriate project account for funding of scheduled improvements in the County's CIE, or as otherwise established in the terms of the proportionate fair-share agreement. Proportionate fair-share revenues may also be used as the 50% local match for funding under the FDOT TRIP.
- (02B) In the event a scheduled facility improvement is removed from the CIE, then the revenues collected for its construction may be applied toward the construction of another improvement within that same corridor or sector that would mitigate the impacts of development.

*Comment: Section relocated from Section 6.01.07.08*

**SECTION 8.02.00. 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. The development order shall require that the applicant meet the following Level of Service standards, where applicable, prior to any plan approval.

- (A) *Road Protection.* Residential streets having not more than 50 feet of pavement width shall have crown elevations equal to the 100-year flood elevation. Rights-of-way having greater than 50 feet of pavement width shall have a final edge of pavement elevation no lower than the 100-year flood elevation.
- (B) *Buildings.* The lower floor elevation for buildings shall be no lower than one foot above the 100-year elevation. Refer to ~~Article 5, Section 5.01.04(B)~~ Florida Building Code.



- (C) *Off-Site Discharge.* Off-site discharge is not to exceed the standards allowed by the SWFWMD and this Code.
- (D) *Storm Sewers.* The design frequency applicable to storm sewers is the 25-year, 24-hour storm event.

*Comment: Section relocated from Section 6.02.00; reference to buildings no lower than one foot above the 100-year flood elevation updated to the Florida Building Code.*

### **SECTION 8.03.00- ADEQUACY OF POTABLE WATER SERVICE-**

Potable water service must be available for the needs of the proposed development at the adopted Level of Service. 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.~~ Chapter 62-550.102 et seq. F.A.C.

~~If Hardee County were to establish a public water system, then w~~Where adequate potable water capacity is available in Hardee County's water system, the Concurrency Test Statement shall include a certification from the appropriate County 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 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. For purposes of the Concurrency Test Statement, the ~~Director of Planning and Development~~ Director shall certify that such a plan exists.

An agreement will be required between the County and the developer prior to approval in order to provide for the expansion of water treatment facilities necessary to serve the proposed development. County 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.

*Comment: Section relocated from Section 6.03.00; reference to Florida Administrative Code updated; Statement regarding Hardee County establishing a public water system since the County has a system.*

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**SECTION 8.04.00- ADEQUACY OF WASTEWATER TREATMENT AND DISPOSAL SERVICES-**

Sanitary sewer service must be available for the needs of the proposed development at the adopted Level of Service. 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.

~~If Hardee County were to establish a County wastewater treatment system, then w~~Where adequate sanitary sewer capacity is available in Hardee County's wastewater treatment system, the Concurrency Test Statement shall include a certification from the appropriate County 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. For purposes of the Concurrency Test Statement, the Director of Planning and Development shall certify that such a plan exists.

An agreement will be required between the County and the developer prior to approval in order to provide for the expansion of wastewater treatment facilities necessary to serve the proposed development. County approval of an application for plat approval shall not create a reservation of wastewater plant or network capacity, or a commitment to provide service.

*Comment: Section relocated from Section 6.04.00; Statement regarding Hardee County establishing a public water system since the County has a system.*

**SECTION 8.05.00- ADEQUACY OF SOLID WASTE DISPOSAL SITES OR FACILITIES-**

Solid waste disposal sites or facilities shall be available prior to development approval to provide for the needs of the proposed development at the Level of Service shown in Section ~~68.01.06~~. Certification shall be made by the appropriate County agency, in a form acceptable to the ~~Building Official~~ Planning and Development Director, that adequate landfill capacity is available to meet the needs of the proposed development. Certification may be made on a project-by-project basis, or through a written statement, renewed at regular intervals, that sufficient capacity exists to meet Hardee County's needs during a specific time period. In the latter instance, the Director of Planning and Development shall provide Solid Waste Disposal certification on the Concurrency Test Statement.

A finding that solid waste disposal sites or facilities are available must be based on a demonstration that existing facilities have sufficient capacity to provide for the needs of the development proposed and for other developments in the service area that are occupied, or available for occupancy, for which building permits have been issued, or for which solid waste disposal capacity has been reserved. If existing capacity is unavailable, conditional approval may be granted if it is shown that there is a financially feasible plan to expand solid waste disposal capacity so that sufficient capacity will be available to accommodate the solid waste of the proposed development and for other developments within the service area that are occupied or available for occupancy, for which building permits are in effect, or for which solid waste disposal capacity has been reserved.

*Comment: Section relocated from Section 6.05.00; reference changed from Building Official to Planning and Development Director.*

### **SECTION 8.06.00- 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 Level of Service. ~~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 for the proposed development at the time that Certificates of Occupancy are anticipated to be requested.

If sufficient capacity does not exist for park and recreational facilities at the time the developer 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 Level of Service standard for park and recreational facilities, or make payment in lieu of land dedication. See Section 8.11.01.

*Comment: Section relocated from Section 6.06.00; calculation language deleted because average household size is not in the Comprehensive Plan.*

### **SECTION 8.07.00 ADEQUACY OF SCHOOL FACILITIES**

Consistent with the Public School Facilities Element of the Comprehensive Plan, school facilities shall be available prior to development approval for any residential development to meet the needs of that development at the adopted Level of Service.

A finding that school 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 school facilities so that sufficient capacity will be available for the proposed development at the time that Certificates of Occupancy are anticipated to be requested.

*Comment: Section added to address school concurrency as required through the Comprehensive Plan.*

### **SECTION 8.08.00- 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. In addition, any developer sponsored facility or service placed into service as a result of mitigation shall be accounted for in the specific facility/service provided. Upon calculation of available capacities under this method, all capital improvements projects budgeted and approved by the Board of County Commissioners 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 then 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
	Available Capacity (Nth year)

If capital projects identified in the first year of the County'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 facility/service provider. The Concurrency Management System shall be approved by resolution of the Board of County Commissioners on the first regularly scheduled Board of County Commissioners meeting in September of each year.

*Comment: Section relocated from Section 6.07.00;*

#### **SECTION 8.09.00- APPEALING COUNTY'S ADEQUACY DETERMINATION-**

A developer may challenge any concurrency determination made by the County by appealing the decision to the Planning and Zoning Board. 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 County as a result of special circumstances of that development;
- (B) Based on the County's own information, the analysis being used has an error in its base data;
- (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 County'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 County 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.

*Comment: Section relocated from Section 6.08.00;*

#### **SECTION 8.10.00- 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 County in form and amount, to guarantee the applicant's pro rata share of the cost of completing or providing any public facilities and services that may be necessary to maintain the adopted Level of Service standards for the subject property:
- (01) Cash escrow;
  - (02) Irrevocable letter of credit;
  - (03) 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 County shall do one of the following:
- (01) 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
  - (02) Obtain assurances from other sources similar to those described above in this Section; or
  - (03) 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) *Approval of Methodology.* The County, based upon technical review, must approve any method for achieving compliance from the developer before that chosen method will qualify to satisfy the concurrency requirement.

*Comment: Section relocated from Section 6.09.00;*

### **SECTION 8.11.00. - DEVELOPMENT EXACTIONS AND DEDICATIONS.**

*Comment: Title relocated from Section 6.11.00*

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**8.11.01. Dedication of Sites for Public Uses or Fee in Lieu.**

## (A) Parks.

- (01) 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 County or pay a fee that is equal to the fair market value of the land otherwise required to be dedicated, including development cost. The required acreage or fee shall be determined by the Board of County Commissioners based on information supplied in the Concurrency Test Statement submitted in connection with the proposed development.

Conditions for the County's acceptance of dedicated recreation land shall be established in a Development Agreement under the provisions of Section ~~68~~.02.00.

- (02) Where dedication of recreation land is not required to maintain the adopted Level of Service the County 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 Hardee County 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 County (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 ~~35~~ 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 County 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 County may refuse to accept such right-of-way, or establish such conditions for acceptance as the Board of County Commissioners determines to be reasonable.

*Comment: Section relocated from Section 6.11.01*

**8.11.02- 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 County Engineer deems necessary, shall be dedicated for the installation of underground utilities by the County 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 County Engineer.

**APPLICATION FOR CONCURRENCY EVALUATION**  
Hardee County

This application, together with all required attachments, shall be completed and filed with the Planning and Development Division prior to making application for Site Development Plan, Subdivision, or Building Permit approval. A finding of non-deficiency only entitles the owner to apply for Development permits pursuant to the time parameters established in Article 6 of the Hardee County Land Development Code.

Type or Print the following information.

Owner	Applicant	
Address	Address	
Zip	Zip	
Phone #	Phone #	
<b>PROPERTY DESCRIPTION</b>		
Adjacent Road(s)		
Township	Range	Section
Subdivision Name	Block	Lot/Parcel
Plat Book / Page Number (if applicable)		
<b>PROPOSAL</b>		
<input type="checkbox"/> Site Development Plan <input type="checkbox"/> Subdivision <input type="checkbox"/> Building Permit		
<b>DEVELOPMENT INFORMATION</b>		
Acreage / Lot Dimensions	Zoning District	
<input type="checkbox"/> Residential Development		
Type(s) of Units	Maximum Number of Units	
<input type="checkbox"/> Non-Residential Development		
Specific Use(s)	Floor Area or Acreage*	
* Other measures of intensity may be substituted as appropriate for the proposed use, such as number of students (schools), seating capacity (churches and theaters), etc.		



CONCURRENCY EVALUATION WORKSHEET

<b>TRANSPORTATION FACILITIES</b>	
Primary Access Street(s)	
Classification	Current PHT
Current V/C and LOS	Adopted Level of Service Standard
Required facility improvement scheduled in: <input type="checkbox"/> 5-Year Schedule of Capital Improvements <input type="checkbox"/> FDOT Five-Year Work Program (no later than 3rd year) <input type="checkbox"/> No facility improvement needed	
Potential PHT generated by development	V/C ratio & Level of Service with development
Further evaluation of traffic impacts needed <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>POTABLE WATER FACILITIES</b>	
Is proposed development within an existing potable water service area? <input type="checkbox"/> Yes (Capacity Certification attached) Supplier of potable water service _____ <input type="checkbox"/> No	
Are facility expansions or improvements needed to service the development? <input type="checkbox"/> Yes <input type="checkbox"/> Needed facilities included in 5-Year Schedule of Capital Improvements <input type="checkbox"/> Needed facilities will be provided by applicant <input type="checkbox"/> Needed facilities will be provided by other means (explain below) _____ _____ <input type="checkbox"/> No	
<b>SANITARY SEWER FACILITIES</b>	
Is proposed development within an existing sanitary sewer service area? <input type="checkbox"/> Yes (Capacity Certification attached) Supplier of sanitary sewer service _____ <input type="checkbox"/> No (Attach copy of Septic Tank Permit)	
Are facility expansions or improvements needed to service the development? <input type="checkbox"/> Yes <input type="checkbox"/> Needed facilities included in 5-Year Schedule of Capital Improvements <input type="checkbox"/> Needed facilities will be provided by applicant <input type="checkbox"/> Needed facilities will be provided by other means (explain below) _____ _____ <input type="checkbox"/> No	

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<b>PARKS AND RECREATION FACILITIES (Residential proposals only)</b>	
Potential population of development proposal	
Existing Level of Service	Level of Service based on proposal's potential
Additional recreation property/funding required to service development <input type="checkbox"/> Yes <input type="checkbox"/> No	

<b>SOLID WASTE DISPOSAL</b>
Solid Waste facility to be used:
Adequate facility capacity is available to service the development <input type="checkbox"/> Yes (Capacity Certification attached) <input type="checkbox"/> No

<b>DRAINAGE</b>
This development is designed such that post-development runoff does not exceed pre-development runoff for a 25-year storm even of 24-hour duration. <input type="checkbox"/> Yes (Engineering plans or certification attached) <input type="checkbox"/> No

**SUMMARY OF CONCURRENCY EVALUATION RESULTS**  
 Using the information provided in items A through F of the worksheet, will the development proposal be served by the following facilities and services with the adopted Level of Service Standards of the Hardee County Comprehensive Plan?

	Yes	No	Unknown (Explain below)
Transportation			_____ _____
Potable Water			_____ _____
Sanitary Sewer			_____ _____
Solid Waste			_____ _____
Parks/Recreation			_____ _____
Drainage			_____ _____

*Comment: Section relocated from Section 6.11.02; Forms deleted because they should be adopted as department policy.*

## ARTICLE 9 APPLICATION REVIEW AND DECISION MAKING

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## ARTICLE 9 APPLICATION REVIEW AND DECISION MAKING

Text that is underlined is text to be added and text that is shown as ~~strikeout~~ is to be removed. ~~Comments~~ provided for information and are not adopted as part of the Unified Land Development Code text.

### **SECTION 9.01.00 DEVELOPMENT APPROVAL PROCESS**

*Comment: New Section to address development approval process.*

#### **9.01.01 Approval from State and/or Federal Agencies**

For this Section, a development permit includes any zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.

Consistent with Florida Statute 125.022, for any development permit application filed with the County after July 1, 2012, the County does not require, as a condition of processing or issuing a development permit, that an applicant obtain a permit or approval from any state or federal agency unless the agency has issued a final agency action that denies the federal or state permit before the municipal action on the local development permit. Issuance of a development permit by the County does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

It is the applicant's responsibility to obtain all required state and federal permits.

*Comment: New Section added from Florida Statutes addressing the applicant's responsibility to obtain state and/or federal permits.*

### **SECTION 9.02.00. DRC REVIEW MEETING.**

A Development Review Committee (DRC) review meeting will be held for each new Comprehensive Plan amendment, Zoning amendment, Permitted with Conditions Use, Site Development Plan, Master Development Plan, Construction Plan, or Subdivision Plat submitted to the County for approval. In addition, upon request by the Planning and Development Director, the DRC will meet to consider amendments, whether internally or externally requested, to this Unified Land Development Code or the Comprehensive Plan. The DRC meeting will be scheduled upon submission of an application and payment of required fees. A DRC meeting may not be required for proposals involving existing development sites and meeting the following

conditions:

- (01) *Site Development Plan*: Proposed change does not generate the need for additional parking spaces;
- (02) *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.

*Comment: Section relocated from Section 702.00; language added to incorporate Permitted with Conditions uses and amendments to the Comprehensive Plan.*

### **SECTION 9.03.00- COMPREHENSIVE PLAN AMENDMENTS-**

Pursuant to Chapter 163, Florida Statutes, there are three general types of Comprehensive Plan amendments: expedited state review, state coordinated review, and small-scale. The expedited state review process is utilized for most Comprehensive Plan amendments adopted by local governments. The state coordinated review process is utilized for amendments that are in an area of critical state concern, amendments that propose a rural land stewardship area, amendments that propose a sector plan, or amendments that update a Comprehensive Plan based on an evaluation and appraisal report. The small-scale process is utilized for amendments that qualify as small-scale development amendments. Section 10.09.00 outlines the public notice requirements for the three types of Comprehensive Plan amendments.

*Comment: Section title relocated from 7.03.00; Language added to explain the three types of Comprehensive Plan amendments.*

#### **9.03.01- Intent and Purpose-**

An amendment to the Comprehensive Plan may either be a change to the goals, objectives, and policies of the Comprehensive Plan known as a “text amendment”; or, the amendment of a land use classification shown on the Future Land Use Map or amendment to another map in the map series, known as a “map amendment”. Any Comprehensive Plan Amendment may be initiated by the County, 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 County for consideration.

The basis for review of a proposed Comprehensive 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 Comprehensive Plan Amendment: analysis of the impact of the Amendment on public facility Levels of Service and the Capital Improvements Budget of the County; and an analysis of the need for the proposed Amendment in relation to the existing structure of the County and the future as delineated in the goals, objectives and policies of the Comprehensive Plan.



The review process for comprehensive plan amendments shall be as follows:

- (A) *Expedited State Review Process and State Coordinated Review Process:* The Planning and Zoning Board as the Local Planning Agency shall review and provide a recommendation for the proposed Comprehensive Plan amendment, the Board of County Commissioners shall consider the proposed Comprehensive Plan amendment for transmittal to the DOC and state reviewing agencies, upon receipt of the comments from the DOC and state reviewing agencies, the Board of County Commissioners shall consider the proposed Comprehensive Plan Amendment for adoption.
- (B) *Small Scale Amendment:* The Planning and Zoning Board as the Local Planning Agency, shall review and provide a recommendation for the proposed small scale amendment, the Board of County Commissioners shall consider the proposed small scale amendment for adoption. The County shall transmit the adopted small scale amendment to the DCO so that the Department can maintain a complete and up-to-date copy of the County's Comprehensive Plan.

*Comment: Section title relocated from 7.03.01; Language added to clarify the different type of amendments and transmittal process.*

**9.03.02. Statutory Requirements for Plan Amendments Contents of the Application for Comprehensive Plan Amendments.**

~~There are two general types of Comprehensive Plan Amendments: text amendments; and, amendments effecting land use, development standards, and maps. Additionally, there are two scales of comprehensive plan amendments: large scale and small scale amendments. All requests for comprehensive plan amendments shall be submitted on application forms provided by the Planning and Development Division, together with applicable fees, which shall have been established by resolution of the Board of County Commissioners. Specific regulations for Comprehensive Plan Amendments applications are detailed in Section 7.03.03.~~

**7.03.03. Contents of the Application for Comprehensive Plan Amendments.**

- (A) *Application Contents for Text Amendments.* The application shall contain the following items, as applicable:
- (Ø1) A description of the proposed Comprehensive Plan Amendment, specifying the goals, objectives, and policies of the Comprehensive Plan that are to be modified;

- (02) Data and analysis that supports the requested change ~~applied for~~. Specifically, new data that would alter the assumptions in the Comprehensive Plan and would, therefore, justify the Comprehensive Plan Amendment of a goal, objective, or policy.
- (B) *Application Contents for Amendments Effecting Future Land Use, Development Standards, and Maps*. The application shall contain the following items, as applicable:
- (01) A description of the proposed ~~Comprehensive Plan Amendment~~, specifying the goals, objectives, and policies of the Comprehensive Plan that are to be modified;
- (02) Where the Comprehensive Plan Amendment proposed will change the Future Land Use Map, a legal description of the property;
- (03) A concurrency analysis of all public facilities and services for which a Level of Service has been established in the Comprehensive Plan;
- (04) ~~An~~ Site Evaluation and Appraisal Report (EAR), the format of which is outlined in (C) below.
- (C) ~~Comprehensive Plan Amendment Evaluation and Appraisal Report (EAR)~~ Site Evaluation Report Required from the Applicant. Based on the data found in the Comprehensive Plan Data and Analysis sections, the ~~Evaluation and Appraisal~~ Site Evaluation Report shall contain the following, as applicable.
- (01) 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 floodplains 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 grasslike plants.
- (02) *Inventory and Analysis of Land Use*; Location in the County; former use; existing surrounding land uses; and, analysis of type of buffer needed between proposed project site and existing land uses;
- (03) *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.
- (04) *A statement and evaluation of the need for the proposed amendment.*

*Comment: Section relocated from combination of Section 7.03.02 and 7.03.03; Language changed from Evaluation and Appraisal Report to Site Evaluation Report to avoid confusion with the state mandated Evaluation and Appraisal Report process.*

### **9.03.03- Planning and Zoning Board Standards for Evaluation-**

~~The Planning and Zoning Board shall review every Comprehensive Plan Amendment. In reviewing and formulating recommendations to the Board of County Commissioners on proposed Amendments to the Comprehensive Plan, and particularly, the Future Land Use Element and Future Land Use Map, the Planning and Zoning Board shall specifically consider and evaluate the proposed amendments against the following standards:~~

When considering an application for a Comprehensive Plan amendment, the review shall include the standards and criteria as set forth below:

- (A) The proposed Comprehensive Plan Amendment is consistent with the goals of the Hardee County Comprehensive Plan. Objectives and policies of the Comprehensive Plan may be proposed for modification by the Amendment;
- (B) The proposed Comprehensive 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 County and to the developer;

- (C) In the case of a proposed Comprehensive 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 compatibilities and the general welfare of the County. 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 Comprehensive 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 County, and an assessment of the need to provide or maintain a proper mix of uses within Hardee County;~~
- ~~(01) The proposed Comprehensive Plan Amendment shall not result in either a detrimental over concentration of a particular use within the County or within the immediate area;~~
- ~~(02) The Comprehensive Plan Amendment contains sufficient proof to convince the Planning and Zoning Board and the Board of County Commissioners that the proposed Comprehensive Plan Amendment and Land Use Classification supplants the analysis that supported the establishment of the existing Land Use Classification.~~

*Comment: Section relocated from Section 7.03.04; Section title changes to reflect standards for evaluation for all bodies, not just the Planning and Zoning Board Part (D) language relating to need removed as it is no longer required by Florida Statutes.*

#### **9.03.04- Public Hearings-**

~~No Comprehensive Plan Amendment may be considered by the Planning and Zoning Board 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~~

Comprehensive Plan amendments shall be considered at duly notices public hearings in accordance with Article 10 and applicable provisions contained in Section 125.66, 163.3174, and 163.3184, Florida Statutes.

*Comment: Section relocated from 7.03.05; language deleted and replaced with language to reflect the location of the advertisement requirements in Article 10.*

**7.03.06. Findings and Recommendation to Approve a Comprehensive Plan Amendment.**

The Planning and Zoning Board may recommend approval of an application for a Comprehensive Plan Amendment only when all of the following conditions are met:

- (A) The proposed Comprehensive Plan Amendment is, or proposes objectives and policies, that will be consistent with the Hardee County Comprehensive Plan;
- (B) The proposed Comprehensive 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 County as stated in the Capital Improvements Element;
- (C) There is a community need for the proposed Comprehensive Plan Amendment. This finding must be based on an analysis of existing and proposed land uses of a similar nature in the County, and an assessment of the need to provide or maintain a proper mix of land uses within Hardee County.

*Comment: Section relocated from 7.03.06 and deleted because it is too narrowly defined.*

**7.03.07. Findings and Recommendation to Deny a Comprehensive Plan Amendment.**

The Planning and Zoning Board may recommend denial of any application for a Comprehensive Plan Amendment for one or more of the following reasons:

- (A) The proposed Comprehensive Plan Amendment is inconsistent with the Hardee County Comprehensive Plan;
- (B) The proposed Comprehensive 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 Comprehensive Plan Amendment at the proposed location.

*Comment: Section relocated from 7.03.07 and deleted because it is too narrowly defined.*

### **9.03.05- Action by Board of County Commissioners-**

~~Within 30 days of receipt of the Planning and Zoning Board recommendation, the Board of County Commissioners shall hold a public hearing, after due public notice, on all recommendations associated with a Comprehensive Plan Amendment from the Planning and Zoning Board. It may accept, reject, modify, return, or continue and seek additional information on those recommendations. No approval of a Comprehensive Plan Amendment shall be granted unless approved by a majority of the Commissioners voting. Comprehensive Plan Amendments are subject to review by the State of Florida under Chapter 163, F.S.~~

~~(A) Local Planning Agency Review. The Planning and Zoning Board shall serve as the Local Planning Agency (LPA). The Local Planning Agency shall review and consider all applications for amendments to the Comprehensive Plan in accordance with Ch. 163, F.S.~~

~~(B) Local Planning Agency Recommendation. The LPA shall submit a recommendation, including the applications' consistency with the Comprehensive Plan, to the BOCC regarding each application, and may recommend that an application be:~~

~~(1) Approved;~~

~~(2) Approved subject to modifications; or~~

~~(3) Denied.~~

~~(C) BOCC Review.~~

~~(1) Required Public Hearings for Expedited State Review Process and State Coordinated Review Process Amendments. The BOCC shall hold two (2) public hearings, as provided below, to consider the expedited state review process and state coordinated review process Comprehensive Plan amendments.~~

~~(a) Transmittal public hearing. A public hearing shall be held prior to transmittal of all proposed Comprehensive Plan amendments to the State Land Planning Agency for review.~~

~~1. The public hearing shall be held following receipt of recommendations from the Local Planning Agency.~~

~~2. At the public hearing, the BOCC may:~~

- a. Approve an application for transmittal;
- b. Approve an application for transmittal subject to modification; or
- c. Deny transmittal of an application.

(b) Adoption Public Hearing for Expedited State Review Process and State Coordinated Review Process Amendments. A public hearing shall be held within one hundred eighty (180) days of receipt of State agency comments or the objections, recommendations, and comments report on each proposed Comprehensive Plan amendment. At the public hearing, the BOCC may take action to:

1. Approve an amendment;
2. Approve an amendment subject to modification; or
3. Deny an amendment.

(2) Adoption Public Hearing for Small-Scale Amendments. An adoption public hearing shall be held following receipt of recommendations from the LPA. No transmittal hearing is required for small-scale amendments. The County shall transmit the adopted small-scale amendment to the DCO so that the Department can maintain a complete and up-to-date copy of the County's Comprehensive Plan. At the public hearing, the BOCC may:

- (a) Approve an amendment;
- (b) Approve an amendment subject to modification; or
- (c) Deny an amendment.

*Comment: Section relocated from 7.03.08 and updated to address Florida Statutes Chapter 163.*

#### **SECTION 9.04.00- REZONING-**

*Comment: Title relocated from 7.04.00*

**9.04.01- Purpose and Intent-**

A rezoning may be initiated by the County, 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.

*Comment: Section relocated from 7.04.01*

**9.04.02- Contents of the Application-**

Rezoning requests shall be submitted to the Planning and Development Division on an application form provided by the County, together with applicable fees, which shall have been established by resolution of the Board of County Commissioners. The application shall contain, at a minimum, the following information at the Planning and Development Director's discretion:

- (A) A legal description of the property, including the size of the area in acres. For all property not included in a platted and recorded subdivision, a certified boundary survey of the property to be rezoned.
- (B) A description of the proposed rezoning, specifying the goals, objectives, and policies of the Comprehensive Plan that it supports and advances.
- (C) A detailed map showing the location of the property in the County, existing land use, existing surrounding land uses; existing zoning and boundaries of the zoning district, and the proposed boundaries of the rezoned district.
- (D) 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.
- (E) The functional classification of all roadways that will be impacted by development permitted by the proposed zoning district, with current and estimated future daily traffic volumes.
- (F) The location of all public and private streets, driveways, and utility easements within and adjacent to the site.
- (G) A description of the terrain and the vegetation on the site, including an aerial photograph of the site itself, and in relation to surrounding properties.



- (H) An inventory and description of surface water and wetlands; and any floodplains on the site;
- (I) A general inventory of plant and animal species common to the area, any endangered plant and animal species, and habitats present on the site.
- (J) An 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.

*Comment: Section relocated from 7.04.02; language added to address flora and fauna.*

#### **9.04.03- Planning and Zoning Board Standards for Evaluation-**

When considering an application for a rezoning, the review shall include the standards and criteria set forth below:

The Planning and Zoning Board shall review every request for rezoning. In reviewing and formulating recommendations to the Board of County Commissioners on rezoning applications, the Planning and Zoning Board shall specifically 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 Hardee County 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 County and to the developer; for transportation concurrency, this determination shall consist of a preliminary assessment of the impacted segments on the adjacent street system. Additional analysis may be made based on procedures described in the Hardee County Traffic Impact Study Procedures Manual based on the discretion of the County Engineer or designee;
- (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 County, ~~such as the following:~~

- (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 County; and;\_~~
- ~~(G)~~ (H) Compatibility Standards.
- a.(1) Whether one or more of the following design standards proposed for the subject property will differ substantially from the design standards currently allowed for any of the adjacent properties, such as:
- (01a) Yards;
  - (02b) Setbacks;
  - (03c) Height;
  - (04d) Lot Coverage;
  - (05e) Impervious Surface Coverage;
  - (06f) Parking;
  - (07g) Hours of Operation.
- b.(2) Whether the intensity or density of use will be greater or lesser than that currently permitted for adjacent or currently existing properties;\_

- ~~e.~~(3) Whether the proposed change in land use will adversely alter the existing land use pattern;\_
- ~~d.~~(4) Whether the proposed change in land use will significantly increase traffic congestion or otherwise affect public safety;\_
- ~~e.~~(5) Whether the proposed change in land use will adversely affect the drainage of the property;\_
- ~~f.~~(6) Whether the proposed change in land use will decrease the quality of water, air, or light to adjacent properties;\_
- ~~g.~~ ~~Whether the proposed change in land use will adversely affect the property values of the adjacent properties;~~
- ~~h.~~(7) Whether the proposed change in land use will cause noticeable glare, noise, or odors for the adjacent properties;\_
- ~~i.~~(8) Whether the proposed change in land use would create a mixture of land uses so dissimilar to the existing pattern of development, that the overall quality and character of the surrounding neighborhood would be degraded; ~~and.~~\_
- ~~j.~~(9) Whether the detrimental effects of any identified incompatibilities can be mitigated or eliminated by adequate buffering.

*Comment: Section relocated from 7.04.03; Section title changes to reflect standards for evaluation for all bodies, not just the Planning and Zoning Board; language relating to adversely affecting property values deleted because it is subjective; language relating to time vacant deleted because it is onerous.*

#### **9.04.04- Public Hearings-**

~~*Due Public Notice.* No request for rezoning may be considered by the Planning and Zoning Board 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 8.05.00 of this Code.~~

Applications for rezoning shall be considered at duly noticed public hearings in accordance with Article 10 and applicable provisions contained in Section 125.66, Florida Statutes.

*Comment: Section relocated from 7.04.04.*

**9.04.05- Findings and Recommendation to Approve a Rezoning-**

The Planning and Zoning Board may consider the following conditions when recommending approval of an application for a rezoning ~~only when all of the following conditions are met:~~

- (A) The proposed rezoning is consistent with the Hardee County 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 County as stated in the Capital Improvements Element; ~~and,~~
- (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 Planning and Zoning Board's recommendation. By this analysis the Planning and Zoning Board determines whether or not the proposed rezoning provides "appropriate use" of the property.~~

*Comment: Section relocated from 7.04.05.*

**9.04.06- Burden of Proof for a Rezoning-**

The burdens of proof in a rezone are as follows:

- (A) The initial burden is upon the applicant to prove that the rezoning proposal is consistent with the Comprehensive Plan and complies with all procedural requirements of this Unified Land Development Code.
- (B) At this point, the burden shifts to the County to demonstrate that maintaining the existing zoning classification with respect to the property accomplishes a legitimate public purpose. The County has the burden of showing that the refusal to rezone is not arbitrary, discriminatory, or unreasonable.

*Comment: Section relocated from 7.04.06.*

#### **9.04.07- Decision by Board of County Commissioners. Review of Rezoning Applications**

Within 30 days of receipt of the Planning and Zoning Board recommendation, the Board of County Commissioners shall hold a public hearing, after due public notice, on all recommendations associated with a rezoning from the Planning and Zoning Board. 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 Commissioners voting.

(A) Planning and Zoning Board Review. The Planning and Zoning Board shall serve as the Local Planning Agency. The Local Planning Agency (LPA) shall review and consider all applications for rezoning in accordance with Ch. 163, F.S.

(B) Planning and Zoning Board Recommendation. The Board shall submit a recommendation, including the applications' consistency with the Comprehensive Plan, to the BOCC regarding each application, and may recommend that an application be:

(1) Approved;

(2) Approved subject to modifications; or

(3) Denied.

(C) BOCC Review.

(1) Required Public Hearings for Rezoning Applications. In accordance with Section 125.66, Florida Statutes, the BOCC shall hold a minimum of (1) public hearing to consider the rezoning application. The public hearing shall be held following receipt of recommendations from the Planning and Zoning Board. At the public hearing the BOCC may take action to:

1. Approve an amendment;

2. Approve an amendment subject to modification; or

3. Deny an amendment.

*Comment: Section relocated from 7.04.07; language deleted and updated with language consistent with Florida Statutes.*

## **SECTION 9.05.00 PLANNED UNIT DEVELOPMENT(PUD)**

*Comment: Section title relocated from 7.05.00.*

### **~~7.05.06. Procedures for Obtaining a PUD Zoning Designation.~~**

~~The PUD approval process shall address land use density and intensity, building types, location of major roads and interior road networks, and the design for public utility service(s). The County Commission may exercise broad discretion in the Master Development Plan review process, and such review process shall be deemed to be an integral part of the zoning decision pertaining to such property.~~

~~As a condition for processing a PUD application, the County Manager, or his or her designee, the Planning and Zoning Board, and/or the County Commission may require the owner of the property to undertake specific studies or reports to be submitted regarding soil types, environmental aspects of the land or the impact of the proposed development on County utilities, roads, or other facilities. Proximity to wetlands, nature of vegetation, site specific and off-site environmental characteristics and impacts, and other appropriate matters of impact on the community may also be taken into consideration. The property owner may be required to provide whatever design features are necessary to minimize adverse impacts on the community or abutting properties, including the provision of any needed off-site improvements.~~

~~(A) *Master Development Plan:* Development requirements in a PUD are established through an approved Master Development Plan (MDP), to be consistent with the County's Comprehensive Plan. The MDP shall establish the overall development concept, dividing the development site into tracts and assigning generalized land use types to each (i.e., recreation, retail commercial, townhouses, low density single family, etc.), and depicting the approximate locations of roads, water bodies, utility plants, and other features of the development site.~~

~~(B) *Master Development Plan Conference:* At the option of the applicant, the County Manager, or his or her designee shall schedule a Master Development Plan pre-application conference, at which time the applicant may outline the proposal to all appropriate County staff members. The purpose of the pre-application conference is to assist the developer in clearly understanding all relevant County Code requirements, identify development issues specific to the proposed project, and discuss any other procedural matters relative to the review of the request.~~

~~(C) Requirements for Master Development Plan Review: The review and approval of a Master Development Plan constitutes a zoning change resulting in a PUD zoning designation. The determination by the Planning and Zoning Board and Commission concerning the appropriateness of the MDP shall be based on the same factors as any other change of zoning designation, including consistency with the Future Land Use Map and compatibility with surrounding land uses. In addition to other requirements of the rezoning process, applications for PUD designation shall include the following:~~

- ~~1. A letter of transmittal officially submitting the proposal for approval, signed by the developer or his authorized representative, stating which type of PUD is being proposed.~~
- ~~2. Firm evidence of unified control by the developer of the entire proposed PUD site and a signed statement that, if he proceeds with the proposed development, he will:
  - ~~a. A statement to abide by the officially approved Master Development Plan of the development, and such other conditions and modifications as may be included.~~
  - ~~b. Provide proposed agreements, covenants, or other appropriate mechanisms for completion of the undertaking in accordance with the approved Master Development Plan, as well as for the continuing operation and maintenance of such areas, functions, and facilities; and thereby as such are not to be provided, operated, and maintained at general public expense.~~
  - ~~c. Documentation to bind the applicant, developer, or owner, as applicable, and any successors in title to any commitments made as a condition of development approval.~~
  - ~~d. Secure written consents and agreements from all property owners of record within the PUD that they have given the applicant authority to act in their behalf and that said representative or agent has the delegated authority to represent the owner or owners and they agree that all commitments made by the aforementioned representative or agent are binding.~~~~
- ~~3. A statement of the applicant's interest in the property to be rezoned, including certificate of title or attorney as to ownership and, if a contract purchaser, written consent of the seller/owner; or, if a lease, a copy of the lease agreement and written consent of the owner(s).~~

- ~~4. A certified boundary survey of the tract prepared by a surveyor registered with the State of Florida showing the location and type of boundary evidence related to the State Plane Coordinate System; the accurate legal description of the property in metes and bounds; and a computation of the total acreage of the tract to the nearest tenth of an acre. The survey must have been completed within one year prior to filing.~~
- ~~5. Copies of a scaled Master Development Plan, the number to be determined by the County Manager, or his or her designee, of the entire proposal showing the following information:~~
  - ~~a. A key map at a scale of one inch (1") equals one hundred feet (100') showing existing roads, streams, street rights-of-way and street intersections; the location of the nearest public roads on all four sides; a statement indicating the distance to all public improvements such as schools, firehouses, public recreational areas and the like, that would serve the subject development; a description of how the proposed development is in conformity with the Hardee County Comprehensive Plan and all relevant laws, ordinances, and regulations, and the type of PUD.~~
  - ~~b. Location, with pavement type, right-of-way, names, and other related appurtenances of all existing public streets adjoining or traversing the site. In the event no public street now adjoins the site, sufficient description by metes and bounds as to identify the location of the site shall be required.~~
  - ~~c. Identification of the name, plat book and page number of any recorded subdivision comprising all or part of the site.~~
  - ~~d. Identification and location of any existing water courses, lakes, wooded areas, or other significant natural physical features upon the site, as well as on adjacent property within 200 feet of outside boundaries and proposed alterations to said features.~~
  - ~~e. Location and spatial arrangement of all land uses proposed, including the number of acres in each land use, proposed residential densities, and development type (i.e., single family residential, multifamily residential, commercial shopping center, hotel/motel, mixed use, etc.).~~



- ~~f. All existing and proposed means of vehicular access to and from the site, including an internal traffic circulation plan depicting arterial and collector streets.~~
- ~~g. A traffic impact analysis based on procedures described in the Hardee County Traffic Impact Study Procedures Manual (may be waived at the County Manager, or his or her designee's, discretion).~~
- ~~h. Location of existing structures and/or open space facilities of adjacent properties within 250 feet of any boundary line of the site (use of a recent aerial photo is adequate).~~
- ~~i. A statement by the applicant of the major planning assumptions and objectives of the development project including but not limited to:
  - ~~1) Size and/or scope of development including number and type of residential dwelling units and square feet of non-residential uses.~~
  - ~~2) Projected Population.~~
  - ~~3) Proposed timing and phases of development.~~
  - ~~4) Proposed ownership and forms of organization to maintain common open space and facilities.~~~~
- ~~j. A general layout of the types, quantities and location of trees and other such significant vegetative features (use of a recent aerial photo is adequate).~~
- ~~k. A soils classification map or soils conservation survey map as determined by the Natural Resource Conservation Service (NRCS).~~
- ~~l. A general floodplain map indicating areas subject to inundation and high groundwater levels up to the 100-year flood zone boundary, at a scale of one inch to 500 feet.~~
- ~~m. Delineation of all wetland areas on the site including type (i.e., FDEP jurisdictional, SWFWMD isolated, and all others). For the purpose of Master Development Plan review, wetland areas may be assumed using the best available data sources including, but not~~

~~limited to, aerial photographs, recognized published reports/studies, etc.~~

- ~~n. The most recent aerial photograph available, delineating the areas to be modified.~~
- ~~o. Preliminary drainage plan showing existing topographic contours at one (1) foot intervals, identification of the major natural drainage basin(s) of the site, areas for proposed stormwater management retention/detention basins, and location of outfall.~~
- ~~p. A description of anticipated potable water and sanitary sewer demands of the proposed development and what facilities are available or projected to be available to meet this demand.~~
- ~~q. Any other reasonable information that may be required by the County Manager, or his or her designee, that is commensurate with the intent and purpose of this Code.~~

~~Upon receipt of the materials described above, the County Manager, or his or her designee, shall transmit copies of the MDP and any relevant materials to the Development Review Committee, and other County officials and agencies, as appropriate. The County Manager, or his or her designee, shall also notify all adjacent units of government within a 1,000-foot radius of any proposed PUD that such review is under way and shall include their comments and recommendations into the record.~~

~~When review of the proposed PUD is complete, the Development Review Committee, shall recommend approval, conditional approval, or denial to the Planning and Zoning Board for its review and consideration. The Development Review Committee, shall include with its recommendations, the zoning application and a written report that shall include all pertinent documents, comments of the reviewing officials, and any other applicable documentation or graphics.~~

- ~~(D) *Planning and Zoning Board Review and Recommendations:* The Planning and Zoning Board shall hear the request at a regularly scheduled public hearing, and recommend to the County Commission whether the proposed rezoning be approved, approved with modifications or conditions, or denied. The official minutes of the meeting shall include a summary of the reasons for Board's advisory recommendation. In support of its recommendation, the Board shall make findings as to:~~

- ~~1. The suitability of the area for the type and pattern of development proposed in relation to the physical characteristics of the land, relation to surrounding areas, concurrency, and other requirements of this Code.~~
- ~~2. Conformity of the proposed development with the Hardee County Comprehensive Plan.~~
- ~~3. Conformity with these regulations, or as to desirable modification of such regulations in the particular case, based on determination that such modifications are justified as meeting public purposes.~~
- ~~4. Compatibility with surrounding land uses.~~
- ~~5. All such other review criteria as may be appropriate.~~

~~In consultation with the County Attorney, the Planning and Zoning Board shall also assess the adequacy of the following items relating to arrangements for ownership, operation and maintenance of common properties and/or facilities that are not provided at public expense:~~

- ~~1. Evidence of unified control of the overall development site.~~
- ~~2. Suitability of any proposed agreements, or contracts, or other instruments that are to be executed to create or provide the facilities.~~
- ~~3. The need for such instruments or for amendments in those that have been proposed.~~

~~(E) Action by County Commission: Upon completion of the required actions by the Planning and Zoning Board, the County Manager, or his or her designee, shall transmit the application to the County Commission and place the item on the next available regular agenda. That transmittal may include all pertinent documents submitted by the applicant, the Development Review Committee report and recommendation, the Planning and Zoning Board findings and any other applicable documentation or graphics. The County Clerk shall keep all this material as part of the public record of the County Commission. The County Commission may:~~

- ~~1. Grant conditional approval or modification of the application, attaching whatever reasonable conditions or requirements the County Commission deems necessary to ensure compliance with these standards or maximum mitigation of any adverse impacts of the development.~~

- ~~2. Modify the application so that these standards are met.~~
- ~~3. Phase the application to ensure compliance with the standards herein and other standards and requirements in this Code.~~
- ~~4. Deny the application.~~

*Comment: Section relocated from 7.05.06; language deleted in favor of new PUD language below.*

**~~7.05.07. Development Conditions.~~**

~~Conditions placed on a request by the County Commission may include requiring the applicant, at his or her cost and expense, to:~~

- ~~(A) 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.~~
- ~~(B) Finance or construct potable water, wastewater, or drainage facilities.~~
- ~~(C) Any other reasonable conditions necessary to ensure compliance with these standards, 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. Attachment of these conditions shall be voluntary on the part of the applicant, and agreement by the applicant to provide any conditions will not, in any way, obligate the County to approve the subject application. 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 County unless the standards of the Planned Unit Development district are thereby met.~~

*Comment: Section relocated from 7.05.07; language deleted in favor of new PUD language below.*

**~~7.05.08. Approval of a PUD.~~**

- ~~(A) *General:* Approval of a Planned Unit Development shall constitute a rezoning of the subject property and amendment to the Official Zoning Map. Any and all~~

~~development of the approved PUD shall be in strict conformance with the Master Development Plan, as approved by the County Commission.~~

~~In the event of an amendment to the Comprehensive Plan, the Land Development Code, or other applicable regulations that occurs prior to completion of construction of the PUD, all subsequent development that has not received approval in accordance with Section 7.07.00 (Subdivision Regulations) or Section 7.06.00 (Development Plans) as of the date of the amendment shall be consistent with the new regulations. Approval of development under these Articles of the Code shall be valid for one (1) year. Unless construction begins on or before the first anniversary date, development approval shall be null and void, and the new standards shall apply.~~

~~Previous approval of a Master Development Plan shall not by itself convey the right to develop property in a manner that is inconsistent with the Comprehensive Plan and current codes. Prior to approval of further subdivision plats or site development plans within the PUD, the Master Development Plan shall be amended to reflect amended codes or other requirements.~~

~~(B) *Approval of Special Exception Uses:* No separate approval of a Special Exception use shall be required within a PUD, provided that the proposed use and its location are noted on the Master Development Plan. Allowable uses for any tract within a PUD shall include those listed in the Table of Land Uses as either a Permitted or Special Exception Use for the equivalent zoning district for that tract. However, any use listed in the Table as a Special Exception may be denied if the County Commission determines the proposed use would be incompatible with surrounding land uses either inside or outside the PUD. Additional uses proposed after approval and/or development of the PUD shall be authorized as a PUD amendment rather than through the Special Exception process.~~

*Comment: Section relocated from 7.05.08; language deleted in favor of new PUD language below.*

#### **7.05.09. Amendment or Termination of a PUD.**

~~Once PUD approval is granted, all development within the PUD development site shall conform to the approved Master Development Plan. In the event a developer wishes to deviate significantly from the approved development pattern, he/she shall either submit an amended Master Development Plan or apply for a conventional zoning classification through the normal rezoning process.~~

~~The addition to or removal of any tract or parcel from a PUD shall require an amendment to the Master Development Plan. Any amendment, variation or adjustment of a Master Development Plan shall require review and approval according to the following:~~

- ~~1. *Major Amendment:* Submission for review, first by the Development Review Committee, followed by review and approval by the Planning and Zoning Board and County Commission.~~
- ~~2. *Minor Amendment:* Submission for review and approval by the County Manager, or his or her designee.~~

~~The County Manager, or his or her designee, shall determine whether a proposed Master Development Plan amendment is a major amendment or a minor amendment. Determinations shall be based on, but not limited to the following:~~

- ~~(A) *Considerations for Determining a Major Amendment:* Any substantial change to the MDP, including increase in density, change in permitted uses, change in stormwater runoff characteristics, rearrangement of designated open space or recreation areas, change in traffic patterns and/or trip generation, or other similar changes.~~
- ~~(B) *Considerations for Determining a Minor Amendment:* Any proposed changes in configuration or other changes as deemed not to alter the intent and purpose of the approved overall development plan.~~

~~The County Manager, or his or her designee, may, at their discretion, forward any application for a plan amendment to one or more individual departments for review and recommendation both as to its classification as a major or minor amendment and as to whether it should be approved, approved with conditions, or denied.~~

*Comment: Section relocated from 7.05.09; language deleted in favor of new PUD language below.*

#### **7.05.10. Development in Stages.**

~~Rather than construct the entire PUD at once, the developer may choose to build the project in stages. Phased development of a PUD is permissible under the following conditions:~~

- ~~1. Developer must submit a construction schedule covering all phases of the PUD to the County Manager, or his or her designee. This schedule may be revised from time to time as necessary.~~

- ~~2. All roads, drainage and utility facilities needed to support any stage shall be completed and available for use prior to issuance of any building permits.~~
- ~~3. At least thirty percent (30%) of the total acreage of each stage shall qualify as Designated Open Space, as defined in Section 7.05.05.02(A)(1). No less than one-half of this acreage shall be developed as Common Recreation Area, as defined in Section 7.05.05.02(B). All recreation facilities shall be completed and available for use prior to issuance the first certificate of occupancy.~~
- ~~4. No individual stage of the PUD shall exceed the overall density approved on the Master Development Plan for the PUD as a whole.~~

*Comment: Section relocated from 7.05.10; language deleted in favor of new PUD language below.*

#### **~~7.05.11. Ownership and Maintenance of Common Property.~~**

~~The developer shall establish a property owner's association or similar legal entity for the perpetual ownership and maintenance of open space, drainage facilities and other community facilities designated on the Master Development Plan and subdivision or site development plans for individual tracts. These facilities include, but are not limited to, pedestrian or bike paths, playgrounds, landscaped open spaces, lakes, swimming pools, bath houses, tennis courts, parking lots, utilities, drainage channels, and retention/detention ponds. Roads shall also be included unless dedicated to Hardee County for public use. Such organizations shall be created by covenants running with the land, and such covenants shall be included as part of the final site development plan or subdivision plat of each phase, subject to County Commission approval.~~

~~In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after the establishment of a PUD fails to maintain the common areas as previously defined above, in reasonable order and condition, and in accordance with the adopted Master Development Plan and subsequent final development plans, the County may serve written notice upon such organization and/or the owners or residents of the PUD and hold a public hearing. If deficiencies of maintenance are not corrected within thirty (30) days after such notice and hearing, the County shall call upon any public or private agency to maintain the common open space for a period of one year. If the County determines that the subject organization is not prepared or able to maintain the common open space, such public or private agency shall continue maintenance for yearly periods. The cost of such maintenance by the designated public or private agency shall be assessed proportionately against the properties within the PUD that have a right of enjoyment of the common open space, and shall become a lien on said properties.~~

~~Applicable requirements of this subsection shall be inserted into the legal documents of the homeowners association or similar organization having legal ownership of common properties. These legal documents shall be structured to serve the following purposes:~~

- ~~1. To define what is owned and by whom, including the specific location and parameters of the individual units and the ownership interest in the common elements of the owners of the association or organization;~~
- ~~2. To establish a system of interlocking relationships binding each owner to all other owners for the purpose of maintaining and preserving what is owned and used in common;~~
- ~~3. To establish an array of protective standards or restrictions designed to establish limits and assure that a certain level of appearance is maintained;~~
- ~~4. To create an administrative vehicle, the owners association, to manage those elements shared in common and to enforce standards;~~
- ~~5. To provide for the operation and financing of the association;~~
- ~~6. To specify the process involved in effecting the transfer of control of the association and responsibility for the common elements from the developer to the unit owners collectively; and,~~
- ~~7. To set forth proper access and utility easements for the owners and the association.~~

~~All common areas are to be properly defined in legal descriptions and must be consistent with the Master Development Plan and subsequent final development plans of the PUD.~~

*Comment: Section relocated from 7.05.11; language deleted in favor of new PUD language below.*

#### **7.05.12. Private Roads.**

~~Internal roads serving the PUD may remain in the private ownership of the developer or may be conveyed to a property owner's association or similar entity created under the provisions of Section 7.05.11, "Ownership and Maintenance of Common Property". However, such roads must be designed and constructed to meet all standards applicable to a public road serving the same function, including right of way widths. No private road that constitutes the primary access to residential or commercial properties within a PUD shall be built on an easement.~~



~~Hardee County shall have no responsibility for maintenance of private roads. Should such roads be offered for public dedication in the future, the County shall not accept the dedication unless the roads are in good repair and conform to all codes and standards in effect at the time of dedication.~~

~~If a guard house or other form of barrier is placed at the entrance to the PUD for the purpose of restricting access, the developer or property owner's association shall be responsible for ensuring entry to the property for emergency vehicles. The County shall have no liability for injury or loss of life resulting from restricted access to the development.~~

*Comment: Section relocated from 7.05.12; language deleted in favor of new PUD language below.*

### **~~7.05.13. Bonding.~~**

~~Prior to commencement of construction within any tract of a PUD, the developer shall file the following items with the Planning and Development Division:~~

- ~~1. A performance, labor and material payment bond for the completion of the construction of all public improvements specified in the Preliminary Subdivision Plan or Site Development Plan within one year.~~
- ~~2. A performance, labor and material payment bond for the completion of the construction of all common properties specified in the Preliminary Subdivision Plan or Site Development Plan within one year.~~
- ~~3. A maintenance warranty bond in the amount of 10 percent of the total cost of the construction of all public improvements, to be in force for a period of two years following acceptance by the County of the final construction of said public improvements.~~
- ~~4. In lieu of any bond, the developer may use an escrow account to insure the performance of the construction as planned if said account and the administration thereof are approved by the County Commission.~~

~~All bonds shall be from a company licensed as a surety in the State of Florida, listed by the U.S. Treasury Department and rated A:AAA in Best's Insurance Guide. Upon acceptance of all improvements, said performance and payment bonds shall be released.~~

*Comment: Section relocated from 7.05.13; language deleted in favor of new PUD language below.*

### **9.05.01 General PUD Requirements**

PUD zoning shall be enacted following the same general procedures set forth in Article 9 for zoning amendments. However, the additional provisions set forth in this section shall also apply.

*Comment: New Section added to address General PUD Requirements.*

#### **9.05.01.01 Conditions**

The Board of County Commissioners may attach suitable conditions which shall be binding upon the applicant and any successors in interest. Any such conditions shall be incorporated in the ordinance enacting PUD zoning for the subject property.

*Comment: New Section added to address PUD conditions.*

#### **9.05.01.02 Concept Plan Review**

Prior to submitting an application for PUD zoning or for modification of existing PUD zoning, the applicant shall submit concept plans for review and comment by applicable County departments in accordance with administrative procedures established for concept reviews. The purpose of such review is to provide applicants and their agents with information which will help in the preparation of a PUD zoning petition that conforms to the requirements of this code. At a minimum, concept plans shall:

- (A) Include a map showing dimensioned boundaries of the subject parcel or parcels, all existing streets, buildings, water courses, and other relevant existing physical features in and adjoining the project.
- (B) Designate various modules of land, the approximate acreage of each and the use or uses to which each module of land will be placed.
- (C) Designate the number of residential units or the gross square footage of nonresidential uses in each module.
- (D) Designate the location and size of thoroughfares and other vehicular and pedestrian circulation facilities to be located in the planned unit development.
- (E) Include such other information as may be required by the County to determine conformance with standards of this Code.

*Comment: New Section added to address Concept Plan Review.*

#### **9.05.01.03 Planning and Zoning Board Action**

Upon review of an application for Planned Unit Development zoning and completion of one or more public hearings as required by this Code, the Planning and Zoning Board shall:

- (A) Recommend enactment of a requested Planned Unit Development zoning if it determines that the requested zoning will conform to the criteria set forth in Section 3.05.00;
- (B) Recommend enactment of a requested Planned Unit Development Zoning including Concept Plan and Conditions (Master Development Plan) subject to conditions if it determines that the requested zoning subject to the recommended conditions will conform with the criteria set forth in Section 3.05.00 and that the applicant accepts the conditions; or
- (C) Recommend denial of the requested zoning if it determines that the requested zoning does not conform to the criteria set forth in Section 3.05.00 or that the applicant does not accept conditions which will result in conformity to the criteria.

*Comment: New Section added to address Planning and Zoning Board action.*

#### **9.05.01.04 Board of County Commissioners Action**

Upon review of an application and Planning and Zoning Board recommendations and upon completion of one or more public hearings as required by this Code, the Board of County Commissioners shall:

- (A) Enact the requested Planned Unit Development zoning if it determines that the requested zoning will conform with the criteria set forth in Section 3.05.00;
- (B) Enact the requested Planned Unit Development zoning subject to the Concept Plan (Master Development Plan) and conditions if it determines that the requested zoning subject to said conditions will conform with the criteria set forth in Section 3.05.00 and that the applicant accepts the conditions; or
- (C) Deny the requested zoning if it determines that the requested zoning application does not conform to the criteria set forth in Section 3.05.00 or

that the applicant does not accept conditions which will result in conformity to the criteria.

*Comment: New Section added to address Board of County Commissioners action.*

### **9.05.02 PUD Application Requirements**

- (A) Applicants for PUD zoning shall submit the same information required for a rezoning pursuant to the provisions of Article 9.
- (B) Applicants for PUD zoning shall also submit a Site Development and Standards Plan which shall at a minimum:
- (1) Include a legal description of the subject parcel or parcels along with the total acreage of each parcel.
  - (2) Include a map showing dimensional boundaries of the subject parcel or parcels, all existing streets, easements, buildings, water courses, and other relevant existing physical features in and adjoining the project.
  - (3) Designate various modules of land and the acreage of each.
  - (4) Designate the use or uses to which each module of land will be placed.
  - (5) Designate the number of residential units of various types along with the gross residential density to be located in each module of land.
  - (6) Designate the square footage of gross building area to be devoted to each type of residential and non-residential use in each module.
  - (7) Include alternative development regulations which provide at least as much development guidance as would conventional zoning regulations and a justification statement outlining why such alternative regulations should be granted.
  - (8) Designate the location and size of thoroughfares and other vehicular and pedestrian circulation facilities to be located in the planned unit development.
  - (9) Designate the location and size of main sewer, water, electrical, and other utility lines to serve the site.
  - (10) Include such agreements, contracts, covenants, deed restrictions, and

other instruments which the County may require to bind the controlling entity and all existing and successive holders of title to the subject property to full compliance with the enacted development standards plan and any conditions attached thereto by the County pursuant to enactment.

- (11) Include a schedule for completion of the Planned Unit Development in a single development operation or in a programmed series of development phases.
- (12) Include such additional development details or other documentation as may be deemed necessary by the County to determine compliance with all requirements of this code. Such additional development details may, but will not necessarily include, property surveys, subdivision plats and subdivision construction plans, utility plans, site plans, building elevations, and building floor plans.

*Comment: New Section added to address PUD application requirements.*

### **9.05.03 Effect of Planned Unit Development Zoning**

*Comment: New Section title added to address the effect of PUD Zoning.*

#### **9.05.03.01 Site Plan Review and Approval Required.**

After a parcel or group of parcels has been zoned as a PUD, all improvements not subject to review and approval pursuant to the subdivision regulations of this Code shall be subject to site plan review. Except, however, site plan review shall not be required:

- (A) For the construction of single-family and two-family dwellings and related improvements on lots designated by the Concept Plan and Conditions (Master Development Plan) for such purposes; or
- (B) For the construction of any improvements which are specified in the Concept Plan and Conditions (Master Development Plan) to a level of detail equal to or greater than is required pursuant to the site plan review provisions of this Code.

*Comment: New Section added to address requirements for site development plans.*

#### **9.05.03.02 Changes to Site Development and Standards Plans, Conditions and Covenants**

Proposed changes to PUD Concept Plan (Master Development Plan), conditions, covenants and any other provision incorporated as part of the ordinance enacting PUD zoning for a particular parcel or parcels, shall be reviewed by the Planning and Development Director to determine whether the change is a major or minor modification from previously approved plans or conditions. Any modification of an approved PUD plan which involves a change in land use shall be considered a major modification. Other modifications may be declared major modifications if the Planning and Development Director determines they deviate substantially from an approved PUD plan. Requests for major modifications shall follow the same procedure set forth herein for PUD zoning.

Any proposed change to an approved PUD which does not constitute a major modification shall be considered a minor modification. At the discretion of the Planning and Development Director, minor modifications may be referred to the Planning and Zoning Board with a recommendation or, if the Planning and Development Director deems the proposed change to be de minimus, they may make the minor modification administratively. Action by the Planning and Zoning Board or Planning and Development Director in such cases shall be final. Requests for minor modifications shall include a revised PUD plan indicating the effect of the proposed changes and the reasons why the changes are necessary.

*Comment: New Section added to address Changes to Site Development and Standards Plans, Conditions and Covenants.*

#### **9.05.04 Preceding PUD Ordinances Incorporated**

Prior to the effective date of this Article, parcels of land were zoned Planned Unit Development. It is the intent of this Article that parcels which were so zoned, and which are zoned Planned Unit Development pursuant to this Article, shall be regulated by the language contained in the particular ordinance which designated them as Planned Unit Developments. However, this intent does not apply to parcels which were at one time zoned Planned Unit Development, but which were specifically rezoned by subsequent ordinances including those ordinances enacted prior to and after this Article. Notwithstanding the foregoing, nothing herein is intended to or shall be interpreted as limiting the County's authority to initiate the rezoning of any parcel of land.

*Comment: New Section added to address the incorporation of preceding PUD Ordinances.*

### **SECTION 9.06.00 APPLICATION PROCESS FOR LIMITED SPECIAL USE PERMITS FOR SERIOUS MEDICAL AND FAMILY ISSUES IN A RESIDENTIAL DISTRICT.**

Limited Special Use Permits in a residential district for serious medical and family issues may be approved as outlined in Section 2.07.00.

*Comment: New Section added to address applications for Temporary Special Use permits.*

**9.06.01- Application.**

- (A) *Application; Fees.* All requests for ~~Temporary Limited~~ Special Use Permits shall be submitted on an application form available from the Planning and Development ~~Division-Department~~, together with all applicable fees as provided by resolution.
- (B) *Contents.* The application shall contain the following items, as applicable:
- (01) A legal description and street address of the property;
  - (02) Notarized authorization of the owner if the applicant is other than the owner or an attorney for the owner;
  - (03) Narrative description of the request along with a justification for its consideration;
  - (03[04]) Concept Development Plan.

*Comment: Section relocated from Section 7.15.01; Term changed to Limited Special Use Permit since it may be approved for longer than a temporary period.*

**9.06.02- Criteria for Granting a ~~Temporary Limited~~ Special Use Permit.**

The granting of a ~~Temporary Limited~~ Special Use Permit shall be based on a determination by the Board of County Commissioners at an advertised public hearing that the request will not be permanent and thus be contrary to the public interest and the intent of this Code. Considerations of health, convenience, or economics shall be considered as justification for a Temporary Special Use Permit. Approval of a ~~Temporary Limited~~ Special Use Permit shall be completed via Resolution and 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 applicant involved, which include but are not limited to, temporary siting of mobile homes on a large residential lot - at minimum, within F-R and A-1 zoned districts on properties meeting the minimum lot area requirements - for temporary living quarters for family members who may be mentally or physically handicapped;
- (B) Special conditions are temporary and do not destroy the character of the residential district;

- (C) 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;
- (D) That the permit granted is the minimum ~~Temporary~~ Limited Special Use Permit that will make possible a reasonable use of the land or structure;
- (E) That the granting of the ~~Temporary~~ Limited Special Use Permit will be in harmony with the general intent of this Code, and that such ~~Temporary~~ Limited Special Use Permit will not be injurious to the area involved or otherwise detrimental to the public welfare; ~~and,~~
- (F) That the permit will be granted for not more than two years and expire thereon. Sixty days before expiration, the applicant may apply to the Planning and Development ~~Division~~ Department to renew the permit. A renewal fee will be charged and shall be granted by the Planning and Development Director if the circumstances have remained the same and none of the above has been violated. The ~~Temporary~~ Limited Special Use Permit must be renewed every six months thereafter. A renewal application and fee will be required every six months, and will be subject to the same regulations listed here.
- (G) A ~~Temporary~~ Limited Special Use Permit shall become null and void if it is not exercised, as evidenced by the pulling of all necessary permits within 12 months of the date of approval by the BOCC.

For each ~~Temporary~~ Limited Special Use permit granted, the applicant shall sign an affidavit stating that when the ~~Temporary~~ Limited Special Use permit for the specific individual use/need is no longer applicable, the temporary structure shall be removed from the property, ~~the~~ Board of County Commissioners shall approve, and the Chairman shall sign ~~a record of final decision~~ the Resolution listing the above criteria and attesting that each has been satisfied.

*Comment: Section relocated from Section 7.15.02; Term changed to Limited Special Use Permit since it may be approved for longer than a temporary period; language added to reference requirement for a public hearing and adoption via Resolution.*

## **SECTION 9.07.00 PROCEDURE FOR USES PERMITTED WITH CONDITIONS**

Hardee County finds that there are certain uses that exist which may be constructed, continued, and/or expanded provided they meet certain mitigating conditions specific to their design and/or



operation, in addition to the general requirements provided by this Zoning Code. Such conditions ensure compatibility among building types so that different uses may be located in proximity to one another without adverse effects to either. Uses Permitted with Conditions are those uses that may be treated as a permitted use if the use or structure complies with specifically identified conditions. It is the purpose of this Section to describe the standards and the review process for a Use Permitted with Conditions.

Uses Permitted with Conditions are permitted, as identified in the Table of Land Uses, if they meet the listed conditions in Section 4.02.00, and subject to all other applicable standards.

At the Planning and Development Director's discretion, any development plans larger than 5 acres or any development plans that may have compatibility concerns based upon intensity, location, or use may be sent to the Planning and Zoning Board for approval. The regulations that govern Uses Permitted with Conditions are set forth in Section 4.02.00. Where standards provided in Section 4.02.00 exceed and/or create greater restrictions than those of the underlying zoning district, Section 4.02.00 shall supersede any other provision of this Code. Where no standard is established in Section 4.02.00, that of the relevant zoning district and/or conditions as assigned by the Planning and Zoning Board shall apply. Upon determination that the proposed use can meet the required conditions, the Applicant/Property Owner may proceed with the site plan, subdivision plan, and/or submittal of Engineering/Construction Plans and/or Building Permits, as required.

*Comment: Section added to address the procedure for Permitted with Conditions Uses.*

#### **9.07.01 Application.**

The Planning and Development Director will determine the required materials for submittal to determine if the proposed use and site meet the conditions required for the use as set forth in Section 4.02.00.

(A) Contents. The application shall contain the following items, as applicable.

(1) A legal description and/or parcel ID 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 the following items.

(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 the following items.
  - (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.
- (5) Other pertinent information as determined by the Planning and Development Director.

*Comment: Section added to address the application for Permitted with Conditions Uses.*

### **9.07.02 Process**

#### **(A) Application**

A pre-application conference is optional at the applicant's and/or the Planning and Development Director's request if the applicant intends to operate a use or develop a structure that is intended to be occupied by a use set forth as a use Permitted with Conditions in the Table of Uses. The purpose of the conference is to advise the applicant of any additional information required for the review of the application for a Permitted with Conditions use. The Planning and Development Director shall inform the applicant if the application materials are sufficient for review and whether the application will require DRC or Planning and Zoning Board review.

It is anticipated that there may be instances in which the applicant may not know at the time of the pre-application conference/original application all of the uses to which structure(s) in a development will be assigned, therefore, the applicant may seek a determination on whether a proposed use qualifies as a Use Permitted with Conditions from the Planning and Development Director at any time. An application shall be submitted with information, as the Planning and Development Director shall request. The Planning and Development Director shall inform the applicant of whether the application materials are sufficient for review and whether the application will require Planning and Zoning Board review.

No person, however, shall have any right to operate a use identified as a Use Permitted with Conditions unless all the conditions specified in Section 4.02.00 related to that use and/or conditions set by the Planning and Zoning Board are currently and continuously complied with. It shall be a violation of these Regulations to operate any use delineated in this Article without complying with the applicable conditions.

(B) Review and Approval

At the Planning and Development Director's discretion, any development plans larger than 5 acres or any development plans that may have compatibility concerns based upon intensity, location, or use. All other applications will be approved administratively.

(1) *Administrative.* The Planning and Development Director, and any necessary staff, will review the application for Use Permitted with Conditions to determine if the proposal meets the conditions as outlined in Section 4.03.00. If the proposal meets the required conditions, the Use Permitted with Conditions is approved, the applicant can move forward as a permitted use.

(2) *Planning and Zoning Board.* The Planning and Zoning Board shall hold a public hearing for each application that requires review by the Planning and Zoning Board. The Planning and Development Director shall submit a written report containing their recommendations relating to the proposed Use Permitted with Conditions to the Planning and Zoning Board 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 and Zoning Board may impose conditions or safeguards found to be necessary to ensure the compatibility of the Permitted with Conditions Use 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.

(C) Basis of Review

In considering any application for a Use Permitted with Conditions permit, the Planning and Development Director and the Planning and Zoning Board may consider the following minimum criteria, to the extent they are pertinent to the particular application.

- (1) Character of the neighborhood.
- (2) Compatibility with adjacent property uses and zoning.
- (3) Suitability of the property for which the conditional use is being requested.
- (4) Consistency with permitted uses in the area in which the permitted with conditions use is sought.
- (5) Extent to which the proposed use will negatively impact the aesthetics of the property and adjoining properties.
- (6) Impact of additional storm water runoff to the existing system or to the watershed area if no storm sewer is available.
- (7) Impact of noise pollution or other environmental harm.

Conditions provided in Section 4.02.00 should be utilized for consideration of conditions to be applied to address potential incompatibility issues when reviewing proposed Uses Permitted with Conditions.

*Comment: Section added to address the procedure for Permitted with Conditions Uses.*

## **SECTION 9.08.00 PROCEDURE FOR SPECIAL EXCEPTION USES**

*Comment: Section Title added to combine special exception use requirements.*

### **9.08.01- Purpose and Intent-**

~~In a given Zoning District, certain uses may be identified that are not generally appropriate within the District, but can be allowed in certain locations, if specific requirements are met. Such uses are small-scale, normally involving no more than one lot or building site. The process set forth in this Article is established to expeditiously handle relatively minor~~

~~matters of land use compatibility, not involving impacts on public facilities or environmental resources that would entail special mitigation plans or actions; and to allow appeal to the Board of County Commissioners of the decisions of the Administrative Official (See Section 8.02.00).~~

It is the intent of this section to provide the process for review of "Special Exception" uses. Special Exception uses are those uses that have some special impact or uniqueness such that their effect on the surrounding environment cannot be accurately determined in advance of the use being proposed. Special Exception Uses are generally considered to be appropriate for any zoning district that permits that particular use but may require more close examination for compatibility at a particular location.

*Comment: Section relocated from Section 7.13.01 and updated to address special exception uses.*

### **9.08.02: Identification by Table of Land Uses, Location of Development Standards, and Hearing Body. Special Exception Uses**

~~Uses designated as Special Exception Uses are identified in the Table of Land Uses 2.29.01(A), Article 2. Special Exception Uses shall be granted under specific circumstances and on a case-by-case, site-by-site basis only for those uses specified as Special Exception Uses on the Table of Land Uses. They are designated by the letter "S" and require approval of an application by the Board of County Commissioners as outlined in the following sections. Minimum Development Standards for Special Exception Uses are found in Article 34, Section 3.10.00~~ 4.02.00.

The Planning and Zoning Board will hear and make recommendations on Special Exception applications ~~and Variance applications~~ to the Board of County Commissioners. The Board of County Commissioners shall hear and decide applications for Special Exceptions ~~and Variances~~ authorized under this Code in the manner prescribed ~~as follows:~~ below.

*Comment: Section relocated from Section 7.13.02 and updated to address special exception uses.*

### **9.08.03: Application:**

- (A) *Application; Fees.* All requests for Special Exceptions Use ~~or a Variance~~ shall be submitted on an application form available from the Planning and Development Division, together with all applicable fees as provided by resolution.
- (B) *Contents.* The application shall contain the following items, as applicable:
  - (01) A legal description and street address of the property;

- 
- (02) Notarized authorization of the owner if the applicant is other than the owner or an attorney for the owner;
- (03) Narrative description of the request along with a justification for its consideration;
- (04) Concept Development Plan or Site Development Plan at the discretion of the Planning and Development Director.
- (5) A concurrency analysis of all public facilities and services for which a Level of Service has been established in the Comprehensive Plan, pursuant to the standards and procedures of these Codes.
- (6) A detailed Site Development Plan drawn to scale showing the following.
- (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.
- (7) 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.

*Comment: Section relocated from Section 7.13.05 and language added to address requirements of the application.*

**9.08.04 Review and Approval or Denial of Proposed Special Exception Use or Variance**

(A) *Completeness Review.* Within 30 calendar days of receipt of an application, the Planning and Development Division shall:

(Ø1) Determine that the information submitted as the application is incomplete and inform the applicant in writing of any deficiencies; ~~and,~~

(Ø2) Determine that the plan is complete and proceed with formal review.

(B) *Incomplete Application Expiration:* Applications that are not made complete by the applicant will expire after 90 days.

~~7.13.03~~(C) Standards of Review for Special Exceptions Uses.

At the time of a proposal for a particular Special Exception Use, a detailed review of the location, design, configuration, and impact will be conducted by comparing the proposed use to fixed standards. Of particular importance are standards for weighing the public need for and benefit to be derived from the use, against the greater than local impact that it may cause. The review considers the proposal in terms of:

(A~~1~~) Whether and to what extent, the Special Exception Use at the particular location for which it is proposed, is necessary or desirable and in the interest of furthering the Comprehensive Plan, of providing for the public convenience, or of contributing to the general welfare of Hardee County; ~~and,~~

(B~~2~~) Whether and to what extent all steps possible have been taken by the developer to minimize any adverse effects of the Special Exception Use on the immediate vicinity and on the public health, safety, and welfare in general; ~~and,~~

(C~~3~~) Whether and to what extent, planned and proposed public and private developments may be adversely affected by the Special Exception Use; ~~and,~~

(D~~4~~) Whether and to what extent, existing zoning, and land use in the vicinity of the Special Exception Use require special considerations and conditions.

- (~~E~~5) Whether and to what extent, the proposed Special Exception is compatible with the following standards:
- (~~01~~a) Whether one or more of the following design standards proposed for the subject property will differ substantially from the design standards currently allowed for any of the adjacent properties, such as:
- ~~a~~.1. Yards;
  - ~~b~~.2. Setbacks;
  - ~~c~~.3. Height;
  - ~~d~~.4. Lot Coverage;
  - ~~e~~.5. Impervious Surface Coverage;
  - ~~f~~.6. Parking;
  - ~~g~~.7. Hours of Operation.
- (~~02~~b) Whether the intensity or density of use will be greater or lesser than that currently permitted for adjacent or currently existing properties;
- (~~03~~c) Whether the proposed change in ~~land~~ use will adversely alter the existing land use pattern;
- (~~04~~d) Whether the proposed change in ~~land~~ use will significantly increase traffic congestion or otherwise affect public safety;
- (~~05~~e) Whether the proposed change in ~~land~~ use will adversely affect the drainage of the property;
- (~~06~~f) Whether the proposed change in ~~land~~ use will decrease the quality of water, air, or light to adjacent properties;
- (~~07~~g) Whether the proposed change in ~~land~~ use will adversely affect the property values of the adjacent properties;
- (~~08~~h) Whether the proposed change in ~~land~~ use will cause noticeable glare, noise, or odors for the adjacent properties;



- (09i) Whether the proposed change in ~~land~~ use would create a mixture of land uses so dissimilar to the existing pattern of development, that the overall quality and character of the surrounding neighborhood would be degraded, ~~and~~.
- (10i) Whether the detrimental effects of any identified incompatibilities can be mitigated or eliminated by adequate buffering.
- (B) *Report to Planning and Zoning Board.* Each application shall include a written report containing recommendations on the proposed Special Exception or Variance to the Planning and Zoning Board 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 and Zoning Board 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 and Zoning Board Hearing.* The Planning and Development Director, or their designee, shall forward the application, any attachments, and a staff report to the Planning and Zoning Board for their consideration. The Planning and Zoning Board shall hold a public hearing on each application to consider the application and shall make a recommendation to approve, to approve with conditions, or to deny the request to the Board of County Commissioners. Public notice shall be provided consistent with Section 10.10.00.
- (F) *Board of County Commissioners Review.* The Planning and Development Director, or their designee, shall forward the application, any attachments, a staff report, and the Planning and Zoning Board's recommendation, to the Board of County Commissioners. The Board of County Commissioners shall hold a public hearing to consider the application and make a final decision on the request. Public notice shall be provided consistent with Section 10.09.00. The Board of County Commissioners shall accept, reject, modify, return, or continue for the purpose of obtaining additional information on any conditions or issues associated with the application. No approval shall be granted unless the request is approved by a majority of the Board of County Commissioner members voting. Approval of a Special Exception request shall be in the form of a record of decision that may, at the discretion of the County Attorney, be required to be recorded as a restrictive covenant.
- (D) *Restrictions, Stipulations, Conditions, and Safeguards.* The development and use of the site of an approved Special Exception Use shall be in accordance with the approved sSite Development pPlan and application materials. The approved sSite Development pPlan shall be filed with the Building Official be adopted as part of

the Record of Decision approving the Special Exception Use, and all development shall be in compliance with that plan. The Planning and Zoning Board may recommend and the Board of County Commissioners may recommend and may impose on the grant of any before granting any Special Exception Use, any restrictions, stipulations, conditions, or safeguards found to be necessary to ensure the compatibility of the Special Exception Use with surrounding properties or the community in general. These may include, but are not limited to:

- (1) Requiring restrictions on hours of operation and size of buildings;
- (2) Requiring additional landscape and buffer areas;
- (3) Limiting vehicular access points and;
- (4) Prescribing the location of off-street parking.
- (5) and similar conditions. Other conditions which are reasonable and necessary to preserve the General Welfare of Hardee County.
- (6) A time limitation on the length of the permit in accordance with the provisions of Section (G) below and may require the posting of a guarantee or bond in a reasonable amount by the applicant.

Violation of any such condition or safeguard shall be deemed a violation of these Regulations and may result in a revocation of any Special Exception Use in addition to any other remedy for such violation provided in this Code.

(H) Time Limitations, Extensions, Renewals. In addition to the time limits set forth in this Article, the Board of County Commissioners may require, as a condition to the approval of any Special Exception Use, that it shall be approved for a specified period of time; that it may be subsequently extended for a designated period by the Board of County Commissioners; or that it may be periodically reviewed and renewed by the Board of County Commissioners.

(E) Burden of Proof for a Special Exception Use. The burdens of proof for a Special Exception Use are is as follows:

- (Ø1) The initial burden is upon the applicant to prove that the Special Exception Use request is consistent with the Comprehensive Plan and complies with all procedural requirements of the Unified Land Development Regulations Code.

~~(02) At this point, the burden shifts to the County to demonstrate that granting the Special Exception would be adverse to the public interest.~~

(J) Findings for Approval of a Special Exception Use. The Planning and Zoning Board may recommend and the Board of County Commissioners may approve a Special Exception Use application when the set criteria listed below has been met. The criteria include, but are not limited to, the following:

- (1) The proposed Special Exception Use is consistent with the Hardee County Comprehensive Plan.
- (2) The proposed Special Exception Use would 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.
- (3) The proposed Special Exception Use at the proposed location will not result in adverse impacts to adjacent property, the character of the neighborhood, traffic conditions, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety, and general welfare.

(K) Findings for Denial of a Special Exception Use. The Planning and Zoning Board may recommend and the Board of County Commissioners may deny an application for any Special Exception Use for one or more of the following reasons:

- (1) The proposed Special Exception Use is inconsistent with the Hardee County Comprehensive Plan.
- (2) The proposed Special Exception Use would degrade the Level of Service of one of more public facilities and services and contains no commitment to make improvements to maintain acceptable Levels of Service.
- (3) No community need can be demonstrated for the proposed Special Exception Use at the proposed location.
- (4) The proposed Special Exception Use does not meet all of the standards and requirements of this Code that are applicable to it.
- (5) The proposed Special Exception Use at the proposed location results in an adverse impacts on adjacent property, the character of the neighborhood, traffic conditions, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety, and general welfare; and

no reasonable conditions have been, or can be, derived or agreed upon that will address the concerns of the Planning and Zoning Board and/or Board of County Commissioners and mitigate the impact of the proposed Special Exception Use.

- (L) Approval by Record of Decision. The Board of County Commissioners by a Record of Decision shall approve Special Exception Uses. The approved concept plan and all conditions shall be attached to the Record of Decision. All development and use of the property shall comply with that Record of Decision and shall be considered binding on the applicant and any subsequent owners. The approval may, at the discretion of the County Attorney, be required to be recorded as a restrictive covenant.
- (FM) Written Findings. The Board of County Commissioners shall make written findings, based on one or more of the reasons listed above, in support of a denial of an application for a Special Exception or Variance of its decision, which shall be furnished to the applicant. If the Special Exception Use is approved, a copy of the signed Record of Decision will be sent to the applicant.

*Comment: Section relocated from Section 7.13.06; language added to address incomplete application expiration; Section (C) includes language relocated from Section 7.13.03 and amended to remove "land" to avoid confusion with Future Land Use; Language added to address review and hearing process.*

#### **9.08.05 Effect of Approval of a Special Exception Use**

- (A) Special Exception Uses Run with the Land. Special Exception Uses are not personal in nature and shall run with the land. However, a Special Exception Use shall be approved only on the basis of the concept plan submitted with the application and shall be valid only for the location and area shown on the approved development plan which shall include a floor plan, if applicable.
- (B) Activating a Special Exception Use. Approval of the Special Exception Use shall give the applicant authority to submit an application for development permits and/or other appropriate approval. Where the Special Exception Use approval does not require development permits, the applicant shall provide written evidence to the County that the activity granted has been initiated within the time prescribed by the County, or that right or privilege shall expire.

*Comment: Section added to address the effect of Special Exception uses.*

#### **9.08.06- Extension of Approved Special Exception or Major Special Exception.**

Applicants ~~whom~~ who have obtained an approval for a Special Exception ~~or Major Special Exception~~ by the Hardee County Board of County Commissioners but will be unable to initiate the development, use, or activities permitted by the granting of the Special Exception ~~or Major Special Exception~~ within one year of the date of approval or as required by Section ~~7.13.07~~ 9.08.05, may apply to the Planning and Development Division for an extension of the approval. The request for an Extension must be in writing on forms provided by the Planning and Development Division.

The request shall contain the following information.

(A)      Copy of the Record of Decision.

(B)      Narrative describing:

- (1-) Reason(s) why the Special Exception Use ~~or Major Special Exception~~ cannot be activated within 12 months of the date of approval.
- (2-) Anticipated timeline for activation of the Special Exception Use ~~or Major Special Exception~~.
- (3-) Extension period requested.

The Planning and Development Director shall review the application for extension, and provide written notification to the applicant of approval or approval with conditions. Any request for an extension of a Special Exception Use ~~or Major Special Exception~~, which, in the Planning and Development Director's determination, cannot be reasonably supported for approval or approval with conditions, shall be brought before the Board of County Commissioners for consideration.

Only one extension may be granted administratively by the Planning and Development Director, ~~and if the applicant can demonstrate good faith reliance.~~ Good faith reliance may include, but is not limited to, the securing of any required permits from other governmental agencies/jurisdictions or the expenditure of substantial funds in reliance on the approved Special Exception Use. ~~‡The extension shall not exceed 24 months~~ 180 days (6 months) from the date of the original approval by the Board of County Commissioners. Two additional extensions may be granted by the Board of County Commissioners only, but the sum of all extensions granted shall not exceed ~~48~~ 24 months from the date of the original approval.

*Comment: Section relocated from Section 7.12.06; References to major special exceptions removed; Time of extensions changed from 12 months to 180 days and a total of 48 months (4 years) to 24 month (2 years) as base conditions change significantly in one or four years from the approval.*

#### **9.08.07 Amendments**

Minor amendments not altering the intent and purpose of the approved Special Exception Use may be approved by the Planning and Development Director after such departmental comment as they deem appropriate. Amendments to an approved Special Exception Use, which the Planning and Development Director deems to be major, shall require the submittal of an application and compliance with the review procedures as set forth in this section and as otherwise provided in this Article.

*Comment: New Section added to address amendments to the Special Exception Use.*

#### **9.08.08 Operation and Maintenance in Accordance with Special Exception Use Approval**

It shall be the responsibility of the owner of the property and the operator of the use for which a Special Exception Use has been granted to develop, improve, operate, and maintain the use, including the site, buildings, and all site elements, in accordance with the provisions of these Codes and all conditions of Special Exception Use approval until the use is discontinued. Failure to comply with the provisions of this Section shall be a violation of the use provisions of this Code and shall be subject to the same penalties appropriate for a use violation.

The County may make periodic investigations of developments for which a Special Exception Use has been approved. Noncompliance with requirements or conditions of approval in the Record of Decision shall constitute grounds for the Board of County Commissioners to rescind Special Exception Use approval.

*Comment: New Section added to address the operation and maintenance requirements of Special Exception uses.*

#### **9.08.09 Review and Revocation of Special Exception Use.**

- (A) *Jurisdiction.* The Board of County Commissioners hereby reserves to itself the jurisdiction and authority to review and revoke Special Exception Use approvals.
- (B) *Revocation.* The Board of County Commissioners may revoke the Special Exception Use if the use violates the conditions or site plan in the Record of Decision approving the Special Exception Use.

*Comment: New Section added to address review and revocation of Special Exception uses.*

#### **9.08.10 Expiration or Abandonment of Special Exception Use-**

If a Special Exception Use does not begin to serve the purpose for which it was granted permission within ~~one year~~ 180 days from the date of approval, it shall expire unless granted an extension by the Planning and Development Director or the Board of County Commissioners in accordance with Section ~~7.12.06~~ 9.08.05 of this Code. Provided, however, that the Board of County Commissioners may establish a shorter or longer period for a Special Exception Use to commence. 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~~ 180 days, it shall expire unless granted an extension by the Planning and Development Director or the Board of County Commissioners in accordance with Section ~~7.12.06~~ 9.08.06 of this Code.

~~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. The Planning and Development Division will establish a process to perform an annual review to determine continuing need of any and all Special Exceptions.~~

*Comment: Section relocated from Section 7.13.07 (misabeled for 7.12.07) and Section 7.13.07; Duplicative language removed.*

### **SECTION 9.09.00 PROCEDURE FOR MINING MAJOR SPECIAL EXCEPTION**

The procedures for Mining Major Special Exceptions are addressed in Article 13.

*Comment: New Section added to reference Mining Major Special Exception permits in Appendix A.*

### **SECTION 9.10.00- DEVELOPMENT PLANS-**

*Comment: Title relocated from Section 7.06.00.*

#### **9.10.01- Intent and Purpose-**

Development Plans shall be required for all subdivision, multi-family residential, and nonresidential development, to ensure that site specific development projects meet the requirements of this Code prior to the issuance of a building permit or business license, if

applicable. It is the intent of this Section that the Development Plan process be 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. The Development Plan process is also used to verify compliance with Code requirements as sites change uses.

Notwithstanding the Master Development Plan required for Planned Unit Development zoning requests and the subdivision review process, ~~four~~ three types/levels of development plans are established by this Code: Concept Development Plans, Site Development Plans, and Construction Plans.

*Comment: Section relocated from Section 7.06.01; Language added related to business licenses if applicable; Language added address changes of use.*

#### **9.10.02- Concept Development Plans-**

The purpose for the Concept Development Plan is to present information in an illustrative form to supplement, graphically, requests typically described narratively. Concept Development Plan approval shall be required prior to issuance of a building permit for the following: (This is a representative list. For a complete list, see Table of Land Uses, Article 23, Table ~~2.29.02(B)~~ 3.03.00(A)).

- (A) Requests for variances, waivers, and administrative adjustments.
- (B) Requests for Temporary Special Use Permits.
- (C) Special Exceptions.
- (D) Any other type of request that the Planning and Development Director determines to be appropriate to provide adequate information for review, ~~and order~~ to protect the public health, safety, and welfare.

*Comment: Section relocated from Section 7.06.02.*

#### **9.10.03- Site Development Plans-**

The purpose for the Site Development Plan is to provide a true code compliance review for site improvements being proposed by development. Information on the plan, both graphically and tabularly, must be in such form and detail to verify that code compliance can be met, including but not limited to concurrency.

~~The Planning and Zoning Board shall have final approval authority over Site Development Plans.~~



Site Development Plan approval shall be required prior to the issuance of a building permit for the following: (This is a representative list. For a complete list, see Table of Land Uses, Article 23, Table ~~2.29.02(B)~~ 3.03.00(A)).

- ~~(A) Residential subdivisions meeting the requirements of a major subdivision;~~
- ~~(B)~~ (BA) All non-residential uses, including hotels, motels, and RV parks;
- ~~(C)~~ (CB) Multiple-family residential use;
- ~~(D)~~ (DC) Manufactured/mobile home parks;
- ~~(E)~~ (ED) Clubhouses or similar facilities built on common property within a subdivision;
- ~~(F)~~ (FE) 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);
- ~~(G)~~ (GF) An expansion or reconfiguration of any of those types of development that are subject to Site Development Plan requirements; or
- ~~(H)~~ (HG) Any other type of development that the Planning and Development Director determines to be appropriate for the Site Development Plan review process in order to protect the public health, safety, and welfare;
- ~~(I)~~ (IH) Farmworker housing.
- (I) For changes of use to verify compliance with Code requirements.

*Comment: Section relocated from Section 7.06.03; reference to Planning and Zoning Approval removed as not necessary in this Section; reference to need for site plan added for properties that change use to verify compliance with Code requirements.*

#### **9.10.04- Construction Plans-**

The purpose of the Construction Plan is to provide sufficient technical information to proceed with site construction. Construction Plans shall be technically complete and contain complete working drawings and design specifications. Construction Plans shall be signed and sealed by a professional engineer. All required extra-jurisdictional permitting shall be in place prior to any earth movement.

*Comment: Section relocated from Section 7.06.04*

### **9.10.05- Review Procedures-**

*Comment: Section Title relocated from Section 7.06.05*

#### **9.10.05.01- Concept Development Plan-**

The Concept Development Plan shall be an attachment to the application, narrative description and any other supporting documentation required for review and processing, and the requisite application fee. Concept development plans, being illustrative in nature, are established to provide information and context to requests such as variances, temporary special use permits, special exceptions, and other requests where concept development plans are permitted. In effect, the plan itself is not approved; only the nature of the request the plan illustrates. For example, a concept development plan will be required when evaluating a request for a setback variance. However, what is being evaluated and approved is the setback variance, not the concept development plan. The plan is an illustrative tool for staff, the Planning and Zoning Board, and the Board of County Commissioners, as necessary, to use to visually understand the scope of the request.

Those developments subject to Site Development Plan review as identified in the preceding paragraph shall be processed in the manner below.

*Comment: Section relocated from Section 7.06.05.01*

#### **9.10.05.02- Site Development Plan-**

Twenty Five paper copies (or as many as required by the Planning and Development Director) and a digital format acceptable to the County of the Site Development Plan, 20-completed application forms, all necessary attachments and supporting documentation, and the requisite application fee shall be submitted to the Planning and Development Division to initiate processing of the plan. Additional site development plans shall be provided for review by other State, Regional, and County agencies upon staff request.

- (A) *Site Development Plan Preparation Requirements.* Where referenced in Section ~~7.06.03~~ 9.10.03 and as further established in Table ~~2.29.02(B)~~ 3.03.00(A), the Site Development Plan shall be required in the form established in this Section ~~7.06.10~~.
- (B) *Filing of Site Development Plan Applications.* Applications for Site Development Plan review shall be accepted on the first Friday of each

month and shall be scheduled for the DRC meeting according to the requirements of Section ~~7.02.00~~ 9.02.00.

Where the proposed development involves only the expansion of existing structures, the Planning and Development Director may reduce or waive certain criteria, data, or other submission requirements as appropriate provided that the following conditions are met:

- (Ø1) No existing structure will be expanded by more than 30 percent of its total floor area and/or seating;
  - (Ø2) No change in the existing use of the site is proposed;
  - (Ø3) No existing nonconforming use would be expanded, and all other aspects of the site are in conformity with the requirements of this Code; and,
  - (Ø4) The development site will not be reduced in size.
- (C) *Staff Review.* The Development Review Committee and other appropriate individuals, if applicable, shall review all Site Development Plans with specific regard to the codes and ordinances of Hardee County.
- The staff review shall identify matters of development policy concern and code compliance to which the developer shall address particular attention. The applicant is encouraged to respond to staff comments at this stage of review. The DRC staff shall provide specific written comments to be addressed based on review of the plan.
- (D) *Revised Plans.* Upon agreement by the applicant to incorporate the staff review comments into the plan, the applicant shall submit revised Site Development Plans in which all concerns of the staff have been addressed. At the Planning and Development Director's discretion, the revised plans may be considered at a second DRC meeting.
- (Ø1) When the Planning and Development Director determines that all DRC comments have been adequately addressed; ~~he/she shall prepare a report and schedule the Site Development Plan~~ they will forward the site plan and any DRC reports for review and final action by the ~~Planning and Zoning Board~~ department or board that is vested with said authority.

*Comment: Section relocated from Section 7.06.05.02; Language added to reflect that not all site plans need to go to the Planning and Zoning Board.*

#### **9.10.05.02.01. Development Site to be Unified.**

When requesting Site Development Plan approval, the applicant shall be owners of record and upon approval of the Site Development Plan the owners must show proof of undivided interest in the property and shall furnish proof that the development site is unified by title or a covenant in lieu of unity of title, subject to the County attorney review and approval, 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 ~~7.05.07~~ 9.10.05.05.

*Comment: Section relocated from Section 7.06.05.02.01.*

#### **9.10.05.03. Planning and Zoning Board Site Development Plan Review and Action.**

The ~~Planning and Zoning Board~~ Site Development Plan shall be reviewed and approved, approved with conditions, or deny denied Site Development Plan applications. In such cases, ~~the Planning and Zoning Board shall review and evaluate the Site Development Plan~~ shall be reviewed and evaluated with specific regard to the Comprehensive Plan, applicable County codes, and the advisory recommendations of County staff. ~~The Planning and Zoning Board shall approve, approve with conditions, or deny the Site Development Plan.~~

~~In the alternative, the Planning and Zoning Board 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. Appeal of the denial may be appealed to the Board of County Commissioners within 30 calendar days of the decision.~~

*Comment: Section relocated from Section 7.06.05.03; Language updated to reflect review and approval process not specific to the Planning and Zoning Board.*

#### **9.10.05.04- Approval of Site Development Plans**

On approval of a Site Development Plan, an applicant may submit complete site construction plans with engineering for county staff review. Construction plans submitted following an approved site development plan shall be substantially similar to the approved Site Development Plan.

Approved Site Development Plans shall remain valid for one year after approval. Granting of extensions for approval may be made by the Planning and Development Director for a single period up to 12 months from the date when a Site Development Plan would have otherwise expired. An extension may be granted if the Planning and Development Director concludes that conditions have not changed substantially so as to warrant a new application. All such requests for extensions must be submitted in writing, with the required fee, not less than 30 days before the expiration of the approved Site Development Plan stating the reason(s) for the time extension request.

*Comment: Section relocated from Section 7.06.05.04*

#### **9.10.05.05- Modification of Site Development Plans-**

Any major modification, variation or adjustment of an approved Site Development Plan shall require approval of the original approving body.

The Planning and 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.

*Comment: Section relocated from Section 7.06.05.05*

#### **9.10.05.06- Integration of Other Review Procedures-**

Any development involving the following provisions of this Code shall be coordinated as set forth as follows:

- (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 original 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.

As part of the application for Site Development Plan approval, the developer shall submit a proposed schedule for completion of such improvements. Once a schedule has been approved and made part of the Site Development Plan requirements by the Planning and Development Department, no land may be used and no building may be occupied except in accordance with the schedule approved as part of the site plan. If no schedule has been approved, no more than two years shall elapse between the filing of successive Site Development Plans.

- (B) Those developments requiring a variance from any applicable regulation of this Code, a ~~Temporary Limited Special Use Permit request, an~~ Special Exception use, or any other use established pursuant to Table ~~2.29.02(B)~~ 3.03.00(A) shall be required to submit a Concept Development Plan; however, nothing herein shall prevent an applicant from submitting a Site Development Plan meeting the data requirements established for Site Development Plan in lieu of the Concept Development Plan should the final request require a Site Development Plan. The Site Development Plan may be reviewed concurrently with review and action on the variance request, but the Site Development Plan shall not be approved until the variance has been approved. ~~All specific requests must receive final approval by the Board of County Commissioners.~~

*Comment: Section relocated from Section 7.06.05.06; Language amended since all actions do not receive final approval from the BoCC.*

#### **9.10.06- Construction Plans-**

All development proposals as set forth in this Section and subject to Site Development Plan approval shall require approval of Construction Plans prior to actual development.

*Comment: Section relocated from Section 7.06.06*

#### **9.10.06.01- Approval of Construction Plans-**

- (A) Upon approval of a Site Development Plan, an applicant may proceed to submit Construction Plans—detailed construction drawings—to the Planning and Development Division. These drawings shall include, but are not limited to, detailed site construction plans, drainage and stormwater

management facilities, utility plans, plans and profiles and road and connection construction specifications. The applicant shall submit eight copies of signed and sealed site construction plans (or as many as required by the Planning and Development Director) and a digital format acceptable to the County, along with completed applications, supporting documentation and the requisite fee, along with all required permitting, including but not limited to the Southwest Florida Water Management District, Florida Department of Transportation, Florida Department of Environmental Protection, or any other agency with jurisdiction over the project, or evidence that such permitting has been filed with the appropriate agencies. Nothing contained herein shall preclude the processing of a Site Development Plan concurrently with a Construction Plan; however, at the Planning and Development Director's discretion, such concurrent review may be denied based on the complexity of the project.

- (B) ~~The DRC shall review and take action on all construction plans for site plan compliance, code compliance, and technical accuracy. The applicant shall submit twelve copies of the site plan sheet for review and action by the DRC.~~ The DRC, through review of the Construction Plan, may request that an applicant provide additional features to ~~insure~~ ensure that the public health, safety, and welfare is protected; however, the DRC shall not approve any plan that does not meet code compliance or is otherwise at variance to any provision of this Unified Land Development Code.
- (C) ~~Upon approval by the DRC, each copy of the signed/sealed site construction plans shall be stamped approved and initialed and dated by each DRC member.~~ the Planning and Development Director. Each DRC county office shall retain one copy, as necessary; for its files; the applicant shall be provided two copies, one of which shall remain on the job site for inspection purposes. Nothing herein shall prevent an applicant from filing Construction Plans concurrently with Site Development Plans.
- (D) ~~Approved Construction Plans shall remain valid for five years after approval. Granting of extensions for approval may be made by the Planning and Development Director for a single period up to 12 months from the date when a Construction Plan would have otherwise expired. An extension may be granted if the Planning and Development Director concludes that conditions have not changed substantially so as to warrant a new application. All such requests for extensions must be submitted in writing, with the required fee, not less than 30 days before the expiration of the approved Site Development Plan stating the reason(s) for the time extension request.~~ Approval of construction plans shall be valid for 36

months from the original date of approval. If construction has not commenced within this time frame, and the applicant has not requested an extension as outlined in this section, the applicant shall submit new construction plans for approval. Construction may not commence prior to receiving approval of the new construction plans.

- (E) An applicant may apply for one additional time extension. Said time extension shall be for a maximum of one year and shall be reviewed by the DRC. When reviewing a request for a time extension, the DRC may request changes to the approved construction plans only to reflect policy changes to this Code, since the original construction plans were approved, relative to the health, safety, and welfare of the general public. Applications for time extension, as identified in this section, shall be submitted prior to the expirations of the approved construction plans. If an application for time extension has been submitted prior to expiration of construction plan approval but has not been acted upon by the DRC prior to the date of expiration, the request for extension shall still be considered by the DRC, and the project shall not expire until the DRC renders a final decision either approving or denying the request. However, in no instance may a time extension be granted for a period to exceed one year from the date of the original construction plan approval, regardless of when the DRC acts upon an application for a time extension.

*Comment: Section relocated from Section 7.06.06.01; Language amended to clarify the approval and time extension process and to permit construction plans to be approved for 36 months instead of 5 years.*

#### **9.10.07- Non-Compliance.**

Failure to comply with a stamped approved Construction 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 Construction 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.

*Comment: Section relocated from Section 7.06.07*

#### **9.10.08- Plan Content.**

*Comment: Section Title relocated from Section 7.06.08*



**9.10.08.01- Concept Development Plans-**

- (A) *Boundary Sketch.* Each Concept Development Plan will contain a separate sheet identifying the boundary of the parcel under consideration. Said boundary sketch may be from a parcel map, an older survey or property boundary, or other instrument that depicts the parcel of property under consideration.
- (B) *Contents of Plan.* The following information may be required on or in an acceptable form so as to allow the Planning and Development Division to determine sufficiency of the Concept Development Plan:
- (01) Date, north arrow, and scale not less than 1"= 100'.
  - (02) Site location map related to Hardee County.
  - (03) Title block identifying the name and/or title of the proposal:
  - (04) Name, address, email address, and telephone number of the applicant, property owner, if different from the applicant, and the person preparing the plan.
  - (05) Legal description of the property. The 18-digit property identification is sufficient.
  - (06) Land use category and zoning district assigned to the property.
  - (07) All roads, with functional classification identified; utilities, if any; watercourses, drainage ditches, canals, and bodies of water on the site.
  - (08) General delineation of areas within the 100-year floodplain; general delineation of wetland areas.
  - (09) Existing and proposed utilities, if any.
  - (10) Any easements or other recorded restrictions/encumbrances on the parcel.
  - (11) Proposed layout of streets, blocks, lots, stormwater management area, buffer areas, etc., if subdivision, or proposed building, parking, drive aisle, etc., depiction is non-residential, or

required/proposed setbacks, lot dimension, lot size, etc., if a variance.

- (12) Open space/common area, if proposed.
- (13) Typical lot detail identifying lot width, ~~depth~~, area, setback requirements and structural placement.
- (14) Tabular data block including total site area in acres or square feet depending on the size of the parcel, area in wetlands/floodplain, if applicable, total number of lots and gross density or, if multifamily residential, commercial, or industrial, number of units, gross square footage of building(s), floor area ratio, area of impervious surface and impervious surface ratio, area in stormwater management and area in common area/recreation/open space.

*Comment: Section relocated from Section 7.06.08.01*

#### **9.10.08.02, Site Development Plans.**

- (A) *Site Survey.* A survey of the proposed parcel drawn to a minimum scale of 1" = 50' shall accompany the application, prepared by a surveyor registered in the State of Florida prepared within one year of Site Development Plan application.
- (B) *Contents of Plan.* Site Development Plans shall be drawn to a minimum scale of 1" = 50' on an overall sheet size not to exceed 24 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.

The following information shall be required:

- (01) Site Development Plan name.
- (02) The property owner's name, address, and telephone number; and the designated project applicant or representative if other than the property owner.
- (03) The preparer's name, address, telephone number, and email address.
- (04) North arrow, scale, and date prepared.

- (05) Land use designation and zoning district assigned to the property that is the subject of the plan and to the properties contiguous thereto.
- (06) Location map at a scale of not less than 1" = 2000' and indicating State Plan Coordinates, if available.
- (07) A specific delineation of watercourses, wetlands and the 100-year floodplain on the site. Delineation should be accurate based on expertise or filed verified data.
- (08) If a residential subdivision, accurate depiction of lot layout with the lot size proposed, accurate depiction of internal roadway configuration with drainage features; e.g., if curb and gutter drainage identify curbing and curbing type on the plan; if swale drainage, identify swales and cross-section detail.
- (09) Accurate depiction of stormwater systems, including drainage flow, conveyance systems, pond location(s) with approximate size area and structures.
- (10) Location of all easements to be proposed on the site and individual lots/properties.
- (11) If multifamily residential or non-residential, location of all buildings/structures, number of floors and gross square footage, setbacks and building separations.
- (12) Location of major roads/streets at the site, along with functional classification, right-of way width, and physical characteristics of the roadway (pavement width and drainage type) and the location of all proposed accesses into the site with radii.
- (13) Completion of a traffic impact analysis based on procedures described in the Hardee County Traffic Impact Study Procedures Manual.
- (14) Location of vehicular use areas.
- (15) Depiction of proposed parking spaces and size of parking spaces.

- (16) Type, size, and location of utilities proposed, if any, including potable water, sewer, reuse, and fire hydrants.
- (17) Depiction of all buffer and landscape areas with vegetation size and type proposed. Location of all walls or fences.
- (18) Sign location and size, if any.
- (19) Typical details including roadway cross section, typical building lot with setbacks and similar details.
- (20) Tabular data block including area of the site, in acres or square feet as appropriate, area in wetlands and floodplains, if applicable, total number of lots and gross density or, if multifamily, commercial or industrial, number of units, gross square footage of building(s), floor area ratio, area of impervious surface and impervious surface ratio, area in stormwater management, area in common/open space, number of parking spaces and any other information necessary to determine code compliance of the project
- (21) Completion of Application for Concurrency/Worksheet.

*Comment: Section relocated from Section 7.06.08.02*

#### **9.10.08.03. Construction Plans.**

All information as required by the Site Development Plan process as well as the following:

- (01) A certified survey of the site prepared by a surveyor registered in the State of Florida completed within one year of the Construction Plan application;
- (02) Plan scale shall be no greater than one inch = 50 feet;
- (03) Plans shall be signed and sealed by an engineer registered in the State of Florida;
- (04) All horizontal dimensions shown on the plan shall be in feet and in decimal fractions of a foot to the nearest one-tenth and all bearings in degrees, to the nearest minute;
- (05) Existing topography and proposed finished topography and finished grading with a one-foot contour interval;

- (06) Final alignments, dimensions, grades, and profiles of all proposed improvements including but not limited to streets, utilities, drainage, parking areas, structures, etc.;
- (07) Finished elevations of buildings, stormwater systems, and other improvements;
- (08) Such other calculations, computations, locations, and details as may be necessary to determine the limits of wetlands, stormwater outfalls, and other technical information that may be specified by the County;
- (09) Any agency permits including, but not limited to, FDOT, FDEP, etc.;
- (10) Required stormwater permit from the SWFWMD;
- (11) Any other required permitting approving utility plans.

*Comment: Section relocated from Section 7.06.08.03*

## **SECTION 9.11.00. SUBDIVISION REGULATIONS PLATTING REQUIREMENTS.**

*Comment: Section relocated from 7.07.00 and title expanded.*

### **9.11.01. Purpose and Intent.**

The purpose of this Section is to establish minimum procedures and standards to further the provisions of State Law that requires and regulates the platting of land for development; to further the goals and policies of the Hardee County Comprehensive Plan; and to set forth a process for approval of the subdivision of land within the jurisdiction of the County. Where provisions for subdividing land are either more restrictive or less restrictive than other land development codes, resolutions or rules adopted by the County, those provisions that are more restrictive and impose higher standards or requirements shall govern.

Subdivision approval procedures are set forth herein as a ~~three~~ four-step process: ~~the~~ Concept Plan Review; ~~Construction and Engineering Plan Review~~; and Final Subdivision Plat Approval. This process is intended to permit comprehensive review by the County and to benefit the ~~developer~~ applicant 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~~ applicant to check all State and local regulations governing the subdivision of land and to adhere strictly to the procedures therein.

*Comment: Language relocated from Section 707.01.01; Language updated to include a four-step process.*

### **9.11.02- Applicability-**

These regulations shall apply to all subdivisions, including those intended for residential, 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 two or more parcels, lots, tracts, or sites for the purpose of transfer of ownership or building development. ~~each of which is 20 acres or greater in size, shall be exempt from subdivision regulations. Also exempt from the provisions of these subdivisions regulations, except as set forth herein, are divisions and exchanges of land between contiguous landowners resulting in no more parcels than existed prior to the division and exchange, provided that the resulting parcels meet all the criteria set forth in these regulations for minor subdivisions. Upon application, staff shall review to confirm all criteria are met and shall forward to the County Manager for final approval.~~

*Comment: Language relocated from Section 707.01.02; Language updated to include a four-step process; Language relating to exemptions removed and relocated to Section 9.11.03.*

### **9.11.03- Exemptions- Including Large Lot Subdivisions**

Land that is subdivided into lots, parcels, sites, or tracts, each of which is 20 acres or greater in size, shall be exempt from subdivision regulations; however, such subdivision shall comply with minimum right-of-way dimension requirements for access and minimum lot frontage requirements. Also exempt from the provisions of these subdivisions regulations, except as set forth herein, are divisions and exchanges of land between contiguous landowners resulting in no more parcels than existed prior to the division and exchange, provided that the resulting parcels meet all the criteria set forth in these regulations for minor subdivisions. Upon application, staff shall review to confirm all criteria are met and shall forward it to the County Manager for final approval.

*Comment: Language relocated from Section 7.07.01.02 and renamed to include lot subdivisions; Language updated to include a four-step process.*

### **9.11.04 Subdivision of Land by Administrative Approval**

#### **(A) Lot divisions by survey or legal description**

The Planning and Development Director may administratively approve the division of property for residential use by means of a survey or metes and bounds legal

description rather than a plat under the following conditions:

- (1) The approval does not result in the creation of more than one new lot.
- (2) The approval does not create a lot which does not meet applicable zoning district standards for width, depth, and area.
- (3) Each lot has frontage on a public road, and no new public streets are needed to serve either property.
- (4) No extension of a public water or sewer system is needed.
- (5) There will be no necessity for drainage facilities serving other properties to cross either lot affected by the administrative approval (certification shall be provided by a professional engineer registered in the State of Florida).

(B) In requesting the administrative approval, the applicant shall provide the following items:

- (1) Copy of the deed to the property. If the applicant does not own the property, they must obtain written permission from the owner, including a notarized signature, authorizing them to make the application.
- (2) Copy of the official property appraiser's map indicating the subject property and all other properties within 200 feet.
- (3) Certified survey (if necessary).
- (4) Applicable fee as established by resolution of the Board of County Commissioners.

(C) Adjustments to Existing Plats.

Minor adjustments to a subdivision plat may be authorized by the Planning and Development Director without the requirement to replat, where all of the following conditions are satisfied:

- (1) No more than two new lots or tracts may be created.
- (2) No new street is proposed, or additional right-of-way is needed.
- (3) No vacation or elimination of streets, setback, access control or easements

are required or proposed.

- (4) Such action will not result in significant increases in service requirements or interfere with maintenance of existing levels of service.
- (5) All easement requirements have been or will have been satisfied.
- (6) Such division will not result in a tract or lot without direct access to a street.
- (7) A nonconforming lot, either by dimension or area as prescribed by the applicable zoning district, will not be created.

In granting approval, the Planning and Development Director may impose such conditions, safeguards, and requirements as deemed necessary to implement the intent and purpose of this Section. The Planning and Development Director may require any division or combination of previously platted property to comply with the complete the platting process as set forth in this section where warranted.

*Comment: New Section to address administrative approvals of one-lot splits.*

#### **9.11.05- Minor Subdivisions-**

A minor subdivision means a division of land into not more than five lots/parcels — four new lots/parcels and a remaining lot/parcel, each with its own parcel ID. If the remaining lot/parcel is 20 acres or greater in size, said lot/parcel may stand alone and may be eligible for future subdividing through the minor subdivision process.

*Comment: Language relocated from Section 7.07.02.*

#### **9.11.05.01- Approval of Minor Subdivisions-**

A minor subdivision of land may be approved by the Board of County Commissioners without the requirement to plat pursuant to these regulations where all of the following conditions are satisfied:

- (Ø1) The subject property has not previously been processed through this minor subdivision procedure;
- (Ø2) The approval does not result in the creation of more than five lots/parcels—defined as four new lots or parcels and a remaining lot/parcel;
- (Ø3) The approval does not create a lot/parcel, or lots/parcels, that do not meet applicable zoning district standards for width, depth, and area.



~~(a-)~~ *Exception:* Exceptions to the minimum lot size for a residential lot in the ~~Agricultural Future Land Use category and the A-1 zoning district~~ may be granted by the County to transfer to an immediate family member to serve as ~~his/her~~ their primary residence. No subdivision of land approved by exception shall result in less than 2.5-acre parcels, and shall require its own access with a minimum frontage on a county maintained or private road of 30 feet. Said frontage and access may be owned in fee-simple or by easement recorded in the public records of Hardee County. Where owned fee simple, the access may be included within the minimum acreage requirement. Additionally, nothing herein shall prohibit shared access of a single easement, provided that the easement is amended to include the party sharing the easement. Immediate family member is defined as persons related by blood, marriage or adoption and is limited to parents, spouses, siblings, children, grandparents, and grandchildren. Such an exception may not be granted more than one time for each family member. Exceptions shall be exercised within one year of approval or shall become null and void. Exercised, as used herein, shall mean the act of securing a building permit. ~~An Appeal of Decision by the County Manager, or a time extension shall be made directly to the Hardee County Board of County Commissioners;~~

- (04) Each lot/parcel has the minimum required frontage as set forth in the zoning district in which the lot/parcel lies on a maintained public road as adopted for maintenance by the Board of County Commissioners, and as identified by the County Road and Bridge Department, and no new streets, either public or private, are needed to serve either property. Minimum frontage shall be owned in fee-simple;
- (05) No extension of a public water or sewer system is needed;
- (06) The creation of a parcel wholly within the 100-year flood zone is prohibited;
- (07) No vacation or elimination of streets, setbacks, access control, or easements are required or proposed;
- (08) Such action, either individually or cumulatively, will not result in significant increases in service requirements, interfere with maintenance of existing levels of service, or create specific service deficiencies, such as drainage, roadway maintenance, or other deficiencies.

- (09) If a drainage facility is needed an easement if favor of the party responsible for maintenance must be recorded in the public records of Hardee County prior to the transfer of ownership of the lots/parcels created through minor subdivision. A maintenance agreement imposing responsibility for maintenance of drainage facility shall be required.
- (10) If the property is located on an access management roadway corridor, the site development plan must demonstrate compliance with the applicable access management standards.

*Comment: Language relocated from Section 7.07.02.01; Reference to Agriculture Future Land Use removed; Language related to appeals removed as appeals are addressed in Article 11.*

#### **9.11.05.02, Minimum Review Requirements.**

In requesting an approval of a minor subdivision, the applicant shall provide the following information:

- (01) A copy of the deed to the property. If the applicant does not own the property, ~~he/she~~ they must obtain written permission from the owner, including a notarized signature, authorizing ~~him/her~~ them to ~~make~~ submit the application~~;~~.
- (02) A copy of the official property appraiser's map indicating the subject property and all other properties within 200 feet~~;~~.
- (03) A certified boundary survey of the proposed property completed by a surveyor registered in the State of Florida within one year of the minor subdivision application~~;~~.
- (04) A minor subdivision drawing shall include a boundary survey of the property, along with a sketch, and metes and bounds description of each land lot/parcel within the property boundary to be subdivided. Individual land lots/parcels within the surveyed boundary shall be identified as lots/parcels~~;~~ ~~and~~.
- (05) If the property being divided is located in an identified stormwater problem area as shown on a map available from the County Engineer and the resultant lots/parcels are less than one acre in size, the application must also include drainage plans meeting the following requirements:

- (a) The ~~developer~~ applicant shall submit drainage calculations and plans for the collection, control, and disposal of run-off from a critical duration storm, up to, and including, a 100 year, 24-hour storm event. The calculations and plans shall be in accordance with specifications as required by the County Engineer, and shall include design and performance standards pursuant to Section 62.25.025 and Section 17-3.051, Florida Administrative Code. On-site retention and detention storage shall be provided for the increased storm water run-off from the proposed development and off-site contributing areas for all critical duration design storms up to and including the 24-hour, 100-year frequency storm. The drainage facilities shall provide a release mechanism to limit the storm water run-off peak rate and timing from the storage facility to that which would have been expected from the development site under natural or pre-developed conditions up to and including a 100-year critical duration storm. The County Engineer may decrease the allowed release rate for those developments which have documented significant downstream stormwater impacts to pre-developed stormwater runoff rate from a ten-year storm. The County Engineer may require that the design of drainage construction for major channels or under major roads be predicated upon a more severe storm. Drainage systems in areas with no positive drainage outlet shall be designed to more stringent criteria to include retention of the 24-hour, 100-year frequency storm with no offsite discharge. Compliance with rules and regulations of State and Federal regulatory agencies, including, but not limited to, the Florida Department of Environmental Protection and the United States Environmental Protection Agency, is the responsibility of the ~~developer~~ applicant and/or ~~his~~ their engineer and proof of such compliance in the form of permits (when required by the above agencies) must be submitted prior to the approval of the subdivision.
- (b) Drainage plans shall include provisions which incorporate natural drainage features into the overall drainage pattern when such incorporation does not negatively impact sensitive natural resources. Channeling runoff directly into water bodies or functioning wetlands is prohibited. Calculations for capacity of retention or detention facilities shall indicate the capacity of the facility to retain or detain with filtration at least the first inch of runoff for the design storm event. The calculations must demonstrate that the one-inch retention volume will be percolated

in 72 hours, and the entire retention volume will be recovered within 360 hours.

- (c) The degree of protection from flooding offered by the stormwater management requirements of the minor subdivision review as described in Section ~~7.07.02.02-9.11.05.02(05)~~b is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. The stormwater management requirements for minor subdivisions in identified stormwater problem areas do not imply that minor subdivisions located outside of the identified stormwater problem areas or uses permitted within such areas will be free from flooding or flood damages. Section ~~7.07.02.02-9.11.05.02(04)~~b shall not create liability on the part of Hardee County or by any officer or employee thereof for any flood damages that result from reliance on this Section or any administrative decision lawfully made thereunder.

- (06) Any established application fee, compliance review fee, plus the per-lot/parcel fee for minor subdivision shall be charged.

An application for minor subdivision approval shall be reviewed pursuant to the minimum requirements established in Subsections ~~7.07.02.01(01—10)~~ ~~9.11.05.01(1—10)~~, above, and any other information deemed necessary to fully review the request.

In recommending approval, the County Manager/designee may propose such conditions, safeguards and requirements as deemed necessary to implement the intent and purpose of this Section and this Code. In the alternative, the County Manager/designee may recommend any division or combination of previously platted property to comply with the complete platting process as set forth in this Section where warranted.

Minor subdivisions recommended for approval by the County Manager/designee shall be ~~amended for approval by consent by the Board of County Commissioners. Nothing herein shall prevent any member of the Board from removing a minor subdivision from consent for questions or additional information.~~ Submitted to the Board of County Commissioners for final action.

*Comment: Language relocated from Section 7.07.02.02; Language amended to remove the review from the BoCC's consent agenda.*

**9.11.05.03--Processing Requirements.**

Any minor subdivision of land offered for processing in Hardee County shall conform to the following:

- (01) The minor subdivision drawing shall be presented on 24" × 36" sheets and shall be drawn with a marginal line completely around each sheet and placed so as to leave at least a 1/2-inch margin on three sides and a 3-inch margin on the left.
- (02) The minor subdivision drawing shall include a boundary survey of the property, along with a sketch, and metes and bounds description of each land lot/parcel within the property boundary to be subdivided. Individual land lots/parcels within the surveyed boundary shall be identified as lots/parcels.
- (03) A prominent "north arrow" shall be drawn on every sheet included showing any portion of the lands subdivided. The bearing or azimuth reference shall be clearly stated on the face of the sheet in the notes or legend.
- (04) A permanent reference monument must be placed at each corner or change of direction.
- (05) Each survey shall show the section, township, and range as applicable, or, if in a land grant, the survey will so state. Each boundary survey shall show a description of the lands subdivided, and the description shall be the same in the title certification. The description must be so complete that from it, without reference, the starting point and boundary can be determined.
- (06) Hardee County, Florida shall appear under the name of the minor subdivision drawing in legible Arabic letters.
- (07) Certification blocks for the following shall be provided:
  - (a) Chairman, Board of County Commissioners;
  - (b) Surveyor
  - (c) Property Owners;
- (08) Approval blocks for the following shall be provided:
  - (a) County Planning and Development Director/Designee;
  - (b) Public Works Director/Designee;

- (09) Location, width, and names of all streets, waterways, or other rights-of-way shall be shown, as applicable.
- (10) Location and width of easements shall be shown on the minor subdivision drawing or in the notes or legend, and their intended use shall be clearly stated.
- (11) The application for minor subdivision drawing shall include a copy of the minor subdivision in electronic format on a digital storage media.

Upon approval of a minor subdivision, the County shall ensure one legible copy of the minor subdivision drawing and the boundary survey containing the depiction of each land lot/parcel is provided to the Hardee County Property Appraiser's Office, and one legible copy is provided to the Hardee County GIS Department for inclusion in the County's GIS system. The GIS copy shall be in electronic format in DWG or DXF format on a digital storage media or other media as identified by the County. Additionally, upon approval of the minor subdivision, the County shall prepare a Record of Decision for signature by the Chairman, Board of County Commissioners and shall record the Record of Decision with the Hardee County Clerk of Court.

Prior to any application for building permit, the parcel requesting the building permit must have its own established parcel identification number.

*Comment: Language relocated from Section 7.07.02.03; language added to reflect other options for GIS submittal.*

#### **9.11.06- Procedure for Securing Approval of Subdivision Plans and Final Plats-**

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 the authorized agent, shall apply for and secure approval of the proposed subdivision through submission of the following documents:

- (A) Site Development Plan;
- (B) Construction Plan;
- (C) Final Subdivision Plat.

This three-part process is designed to maintain consistency of the development process; from site design (site development), actual development (construction), and legal land sales instrument (final plat).

*Comment: Language relocated from Section 7.07.03.*

**9.11.06.01- Site Development Plan-**

The Site Development Plan shall be the beginning process for subdivision and final plat approval.

*Comment: Language relocated from Section 7.07.03.01.*

**9.11.06.02- Submittals-**

Submittal of Site Development Plans shall be as set forth in Section ~~7.06.08.02~~ 9.10.08.02 as to procedure and content.

*Comment: Language relocated from Section 7.07.03.02;*

**9.11.06.03- Construction Plans-**

Submittal of Construction Plans shall be as set forth in Section ~~7.06.08.03~~ 9.10.08.03 as to procedure and content.

*Comment: Language relocated from Section 7.07.03.03;*

**9.11.07- Performance Bond or Irrevocable Letter of Credit-**

If at the time of application for Final Subdivision Plat approval all improvements are not satisfactorily installed, the subdivider shall post a bond or an irrevocable letter of credit of 125 percent of the amount estimated as sufficient to secure to the County the satisfactory construction, installation, and dedication of all required improvements. Such performance bond or irrevocable letter of credit shall comply with all statutory requirements and shall be satisfactory to the County Attorney as to form, sufficiency, and manner of execution as set forth in ~~these regulations~~ this Code. The period within which required improvements must be completed shall be specified by the Board of County Commissioners as part of the approval action on the Final Subdivision Plat and shall be incorporated in the bond or irrevocable letter of credit and shall not in any event exceed two years from date of final County approval. The Board of County Commissioners may at any time during the period of such bond or irrevocable letter of credit accept a substitution of principal or sureties on the bond upon recommendation of the County Attorney.

~~If the construction/installation of model homes has been approved through another process within this Code, Section 2.09.00 addresses the approval of model homes and temporary sales offices. Consistent with this section, Final Certificates of Occupancy for model homes shall not be issued until the Board of County Commissioners has accepted the Final Subdivision Plat and recorded with the Clerk of the Circuit Court for Hardee County.~~

*Comment: Language relocated from Section 7.07.04; language added to address model homes and temporary sales offices in Section 2.09.00.*

#### **9.11.08- Construction Inspection-**

The County 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 approved plans and the County'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 a performance bond covers the cost of improvements, the sub-divider and the bonding company shall be severally and jointly liable for completing the improvements according to specifications.

*Comment: Language relocated from Section 7.07.05.*

#### **9.11.09- As-Built Engineering Drawings-**

Three sets of County-approved engineering as-built drawings shall be submitted with the Final Subdivision Plat application. 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.

*Comment: Language relocated from Section 7.07.06.*

#### **9.11.10. Maintenance Guarantee-**

The ~~developer~~ applicant 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 Hardee County. A bond or irrevocable letter of credit in an amount equal to 125 percent of the value of improvements shall be required for the maintenance and repair requirements to cover faulty plans, materials, or workmanship. The value of the improvements shall be determined by the Consulting County Engineer. The bond or irrevocable letter of credit shall be effective for one year.



*Comment: Language relocated from Section 7.07.08.*

## **SECTION 9.12.00- FINAL SUBDIVISION PLAT-**

Upon the acceptance by the County of all subdivision improvements, the ~~developer~~ applicant may present a Final Subdivision Plat for approval. The intent of the Final Subdivision Plat is to establish a legal record of the subdivision. The Final Subdivision Plat may not be approved unless it is in strict conformance to details of the approved construction plans and any changes required by, and approved by the County.

*Comment: Language relocated from the first Section 7.08.00, Final Plat Subdivision.*

### **9.12.01- Submission of Final Subdivision Plat-**

- (A) *Submittal.* An application for Final Subdivision Plat approval shall be submitted with an appropriate fee established by the Board of County Commissioners and with accompanying documents as specified herein to the planning and development division. The ~~Planning and Development~~ Director shall forward copies of the Final Subdivision Plat to the County Attorney, and other staff, as appropriate, for their review and comments, and shall place the application on the agenda of the Board of County Commissioners for final review and approval.
- (B) *Required Information.* Although it may constitute only that portion of the construction plan that the developer proposes to develop and record at the time, the Final Subdivision Plat for recording shall be prepared in conformance with the requirements specified herein. Eight copies of the Final Subdivision Plat (or as many as required by the Planning and Development Director) and a digital format acceptable to the County shall be submitted with the request for approval, and shall show, in addition to the data provided on the construction plan, the following:
- (Ø1) The Final Subdivision 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 Subdivision Plat is one inch = 100 feet. If a different scale is used for the recorded plat, a facsimile scaled to one inch = 100 feet on stable base film shall be provided to the submitted;
- (Ø2) Name of plat;
- (Ø3) 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, and shall further include:

- (a) The section, township, and range, as applicable, or, if in a land grant, the plat will so state. If the subdivision is in an area where State Plane Coordinates or Geodetic Control Points have been established, the State Plan Coordinate values shall be annotated on the face of the plat for at least two Permanent Reference Monuments (PRM's) on every development of 40 acres or less and at least one additional PRM for every additional 40 acres. The coordinate datum shall be based on NGRS, current adjustment, and shall meet or exceed the accuracy standards for Second Order, Class I GPS surveys as specified by the FGCC.
  - (b) A copy of the drawing file in DXF format is required, along with coordinate points in World File format.
  - (c) Conservation and preservation areas. Exact locations of all conservation and preservation tracts or easements, including wetlands when density transfers are uplands, mitigated wetlands and upland preserves, shall be identified.
  - (d) Two vertical control points (VCP) shall be required for every development of 40 acres or less. A VCP shall be a two-inch diameter or greater brass disk set into concrete where appropriate, or aluminum cap mounted on 5/8-inch rebar consisting of a minimum of 24 inches in length, and shall be located in a right-of-way, drainage control structure, end wall or other suitable concrete structure. The elevation of the VCP shall be referenced from Mean Sea Level (MSL) datum and shall be annotated on the face of the plat and stamped into the disk together with the license number of either the Surveyor of the business entity.
  - (e) Where the plat boundary falls within a water boundary, a meander line shall be established at or near the ordinary high water line and monumented in accordance with Chapter 61G17-6, F.A.C. This line shall not constitute a line of ownership.
  - (f) There shall be no areas without designation on the plat. Areas shall be designated lots, tracts, and rights-of-way.
- (94) All required final permits and approvals issued by agencies and governing bodies having jurisdiction over properties being subdivided shall be

furnished to the Consulting County Engineer. The Board of County Commissioners shall not approve the Final Subdivision Plat without proper submission of the final permits and approvals;

- (05) All easements or rights-of-way provided for public services or utilities, and limitations of such easements;
- (06) 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;
- (07) A statement shall be included on the Final Subdivision Plat indicating the final length of roads, water and sewer lines installed;
- (08) A statement on the plat whether the streets/roadways within the plat are to be dedicated to and maintained by the public or whether the streets/roadways are to be private, and maintained privately by a homeowners' association or other approved instrument;
- (09) 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;
- (10) 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;
- (11) All interior excepted parcels shall be clearly indicated and labeled "Not A Part of This Plat";
- (12) 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 Subdivision Plat;
- (13) County signature spaces for the Board of County Commissioners' Chairman, Ex-Officio Clerk to the Board of County Commissioners, Planning and Development Director, and;
- (14) The Clerk of the Circuit Court of Hardee County certificate and the land surveyor's certificate and seal.

(C) *Plat Documentation Requirements.* The following documentation shall accompany the Final Subdivision Plat:

(01) The Final Subdivision Plat for recording shall conform with all requirements set forth in Chapter 177, F.S., including dedications and reservations executed by the developer and certification by a registered land surveyor;

(02) 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" shall be filed together with the Final Subdivision 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 Subdivision Plat;

(03) 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; and,

(04) Certification that all real estate taxes have been paid.

(D) Procedure.

The Board of County Commissioners shall take action on the Final Subdivision Plat. Approval of the Final Subdivision Plat and acceptance of public improvements and dedications shall be by resolution and shall authorize the Board of County Commissioners' Chairman and Ex-Officio Clerk to the Board of County Commissioners to sign the copy of the plat to be recorded.

(E) Recording.

Upon approval by the Board of County Commissioners, the Final Subdivision Plat shall be filed by the County Manager's office and recorded with the Clerk of the Circuit Court. The Final Subdivision Plat shall be recorded prior to the issuance of any building permits within the subdivision.

*Comment: Language relocated from Section 7.08.01.*

**SECTION 9.13.00- - VACATING OF SUBDIVISION PLATS AND REPLATS-**

The vacating of a recorded plat is to cause that recorded document to cease having any rights or privileges platted property may enjoy. For purposes of this Section, vacating and/or replatting shall not include rearranging lots within a recorded subdivision by combining all or parts of platted lots to create new building parcels provided the following are met:

- (01A) The total number of parcels created by combining/rearranging platted lots does not result in an increase in the number of lots previously platted and recorded.
- (02B) Parcels created by combining/rearranging platted lots shall meet or exceed the minimum lot area and dimension as set forth in the zoning district where the plat exists.
- (03C) Any such request shall remove any and all rights typically associated with lots of record, and no rights afforded lots of record shall pertain to combined/rearranged platted lots.

Requests to combine/rearrange platted lots to create new parcels shall be filed with the Planning and Development Division on an application form approved by the division, along with a surveyed drawing of the combined/rearranged lots to be considered. Upon review and approval by the DRC, said combined/rearranged lots shall be eligible for building permit review.

Before acting on a proposal for vacation and annulment of subdivided land the Board of County Commissioners shall hold a public hearing upon providing written notice to property owners within the vacated portions of the subdivision. Notwithstanding these provisions, the County may require conformity with existing standards for all or parts of subdivisions as outlined in this Section.

*Comment: Language relocated from second Section 7.08.00 (2nd numbering).*

**9.13.01- Vacating of Subdivision Plat by Owner-**

The owner of any land subdivided into lots may petition the County under the provisions of Chapter 177.101, F.S., to remove, vacate, and annul the existing subdivision plat, or portion thereof, from the official records of Hardee County. The applicant vacating a subdivision plat, or a part thereof, shall file the petition, proof of publication of notice of intent, certificate of title, statement of taxes and resolution with the Planning and Development Division, and shall pay the appropriate filing fee as established by resolution of the Board of County Commissioners. Following review by the DRC and recommendation by the Planning and Zoning Board, the petition shall be acted on by the Board of County Commissioners. The Planning and Development Division shall be responsible for recording the petition and the proof of publication with the Clerk of the Circuit Court for Hardee County.

*Comment: Language relocated from Section 7.08.01 (2nd numbering).*

**9.13.02- Vacating of Subdivision Plat by County-**

The Board of County Commissioners 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 Board of County Commissioners; and
- (B) No more than 10% of the total subdivision, or part thereof, has been sold as lots by the original subdivider or ~~his~~ their successor in title. Such action shall be based on a finding by the Board of County Commissioners that the proposed vacation and annulment of the subdivision plat will result in greater conformity with the Comprehensive Plan of the County, and the public health, safety, and welfare will be promoted.

*Comment: Language relocated from Section 7.08.02*

**SECTION 9.14.00- 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 subdivision plat, or a portion of a subdivision 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.

*Comment: Language relocated from Section 7.09.00*

**SECTION 9.15.00- EXCEPTIONS TO THE MINIMUM LOT SIZE FOR RESIDENTIAL DEVELOPMENT IN A-1 ZONING DISTRICTS-**

Exceptions to the minimum lot size for a residential lot in an A-1 zoning district may be granted by the County to transfer to an immediate family member to serve as ~~his/her~~ their primary residence. No subdivision of land approved by exception shall result in less than 2.5-acre parcels, and shall require its own access with a minimum frontage on a county maintained or private road of 50 feet. Said frontage and access may be owned in fee-simple or by easement recorded in the public records of Hardee County. Where owned fee simple, the access may be included within the minimum acreage requirement. Additionally, nothing herein shall prohibit shared access of a single easement, provided that the easement is amended to include the party sharing the easement. Immediate family member is defined as persons related by blood, marriage or adoption and is limited to parents, spouses, siblings, children, grandparents, and grandchildren. Such an exception may not be granted more than one time for each family member. Exceptions

shall be exercised within one year of approval or shall become null and void. Exercised, as used herein, shall mean the act of securing a building permit. ~~An Appeal of Decision by the County Manager, or a time extension shall be made directly to the Hardee County Board of County Commissioners.~~

*Comment: Language relocated from Section 7.10.00; Language related to appeals removed as appeals are addressed in Article 11.*

#### **SECTION 9.16.00- ACCESSIBILITY-**

Where a proposed subdivision has no frontage on an exiting county road, the subdivider must provide and dedicate to the County a suitable facility meeting County standards to connect the proposed subdivision to an existing county road.

*Comment: Language relocated from Appendix A, Section 2.5*

#### **SECTION 9.17.00- MINIMUM REQUIREMENTS FOR SUBSTANDARD PRIVATE ROAD SUBDIVISION-**

Unless the Board of County Commissioners shall otherwise provide in granting a ~~Variance~~ Waiver pursuant to the Section ~~5-2~~ 11.04.01 for the subdivision of land in a zoning district, which ~~Variance~~ Waiver allows the substandard construction and private ownership and maintenance of roads, such ~~Variance~~ Waiver shall be deemed to be conditioned upon compliance with the following minimum requirements:

- (1) A plat must be recorded which shows a statement prohibiting further re-subdividing of any platted tract;
- (2) Each tract shall not have less than 50 feet abutting the private road easement;
- (3) Recorded easements with minimum width of 60 feet (included in plat) granting easement over private road for ingress and egress and utilities to serve each lot which easement shall connect to a public road and reciting requirement of maintenance by owner;
- (4) Recorded plat of subdivision designating private nature of roads and drainage features and the County will not maintain same and reciting condition of subdivision regulations Variance including lot size limitation for building permits;
- (5) Deed restrictions must provide mechanism approved by Board for collection and performance of all maintenance and improvement functions;
- (6) Signs designating that roadways are private roads and showing street names at entrance;

- (7) Submit engineering plans for roadways and drainage including grades and typical section, along with a filing fee in such amount as the Board shall establish by Resolution. The engineering plans shall conform to the Typical sectioned details depicted in (1) above;
- (8) Buyer must sign that ~~he/she has~~ they have read Deed Restrictions and easement agreement and plat;
- (9) Show any areas in flood zone and also 100-year flood elevation; ~~and~~;
- (10) Developer and engineer's certification of improvements required upon final plat approval.

*Comment: Language relocated from Appendix A, Section 5.3; Variance amended to waiver consistent with the proposed waiver process.*

### **SECTION 9.18.00. ACCEPTANCE OF IMPROVEMENTS.**

*Comment: Section Title relocated from Appendix A, Section 6*

#### **9.18.01- Acceptance for Maintenance-**

The County shall accept for maintenance only those subdivision roads and drainage facilities which are constructed in accordance with ~~these regulations~~ this code and which are dedicated to the public by recorded plat.

*Comment: Section Title relocated from Appendix A, Section 6.1*

#### **9.18.02- Subdivider Responsibility After Acceptance-**

Prior to acceptance by the County, the subdivider's engineer should provide a certificate attesting to the fact that the improvements have been completed in accordance with the approved plans and specifications. If all work is found to be satisfactorily completed, the County Engineer will recommend to the Board such improvement for permanent maintenance by the County, with the express provision that the subdivider guarantees said work for a period of one year.

In the event of failures within the said period, the subdivider will be required to make necessary repairs.

*Comment: Section Title relocated from Appendix A, Section 6.2*

### **SECTION 9.19.00 RECORDING OF COMMON AREAS, EASEMENTS**

The following procedure shall be required after development approval by the Board of County



Commissioners, Planning and Zoning Board, or Planning and Development Director as appropriate to the specific case:

- (A) Any development that contains commonly owned areas, whether in the form of easements, drainage ways, open space, recreation space, buildings, or other structures, shall not be issued a building permit until all such common areas have been recorded in the office of the Hardee County Clerk.
- (B) Evidence in the form of certified copies of the Homeowner's Association shall be required for permit issue and shall be made a part of the permit file until completion thereof.

*Comment: New Section added to address recording of common areas and easements.*

### **SECTION 9.20.00- DEVELOPMENT AGREEMENTS.**

*Comment: Section title relocated from Section 6.10.00.*

#### **9.20.01- General Provisions-**

The lack of certainty in the approval of development can result in a waste of economic and land resources, discourage sound capital improvement planning and financing, escalate the cost of housing and development, and discourage commitment to comprehensive planning. Assurance to a developer that upon receipt of ~~his~~ their Development Permit the developer may proceed in accordance with existing laws and policies, subject to the conditions of a Development Agreement, strengthens the public planning process, encourages sound capital improvement planning and financing, assists in assuring there are adequate capital facilities for the development, encourages private participation in comprehensive planning, and reduces the economic costs of development.

It is the intent of this Section to encourage a stronger commitment to comprehensive and capital facilities planning, ensure the provision of adequate public facilities for development, encourage the efficient use of resources, and reduce the economic cost of development, all in conformity with and to carry out the purposes of the Hardee County Comprehensive Plan and the Local Government Comprehensive Planning and Unified Land Development Regulation Act.

*Comment: Relocated from Section 6.10.01.*

#### **9.20.02. Authority.**

This intent is affected by exercising the authority granted the County to enter into Development Agreements with developers under F.S. Sections 163.3220 through

163.3243. This Section shall be regarded as supplemental and additional to the powers conferred upon the County by other laws and shall not be regarded as in derogation of any powers now existing.

*Comment: Relocated from Section 6.10.02.*

### **9.20.03. Procedures.**

*Comment: Title Relocated from Section 6.10.03.*

#### **9.20.03.01. Application for Development Agreement.**

The developer shall make application for a Development Agreement through the Planning and Development Division and pay an application fee set by resolution.

*Comment: Relocated from Section 6.10.03.01.*

#### **9.20.03.02. Public Hearing.**

Before entering into, amending, or revoking a Development Agreement, the County shall conduct at least two public hearings, one of which shall be held by the Planning and Zoning Board.

*Comment: Relocated from Section 6.10.03.02.*

#### **9.20.03.03. Notice of Hearing.**

Notice of intent to consider a Development Agreement shall be advertised a minimum of seven days before each public hearing in a newspaper of general circulation and readership in Hardee County. 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. (Chapter 163.3225, F.S.)

*Comment: Relocated from Section 6.10.03.03.*

#### **9.20.03.04. Contents of Notice.**

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.  
(Subsection 163.3225(b), F.S.)

*Comment: Relocated from Section 6.10.03.04.*

**9.20.04. Contents and Duration of Development Agreement.**

- (A) *Contents.* A Development Agreement shall include, in accordance with Section 163.3227, F.S., the following:
- (01) A legal description of the land subject to the agreement and the names of its legal and equitable owners;
  - (02) The duration of the agreement;
  - (03) The development uses permitted on the land, including population densities, and building intensities and height;
  - (04) 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;
  - (05) A description of any reservation or dedication of land for public purposes;
  - (06) A description of all local Development Permits approved or needed to be approved for the development of the land;
  - (07) A finding that the development permitted or proposed is consistent with the County's Comprehensive Plan and Unified Land Development regulations Code;
  - (08) A description of any conditions, terms, restrictions, or other requirements determined to be necessary by the County for the public health, safety, or welfare of its citizens;
  - (09) 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; and,

- (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 unless otherwise specified in the Development Agreement. (Section 163.3229, F.S.) It may be extended by mutual consent of the County and the developer, subject to a public hearing ~~in accordance with Sections 6.02.03.02—6.02.03.04 above.~~

*Comment: Relocated from Section 6.10.04.*

**9.20.04.01. Applicability of Laws.**

- (A) *Consistency with Plan and Regulations.* A Development Agreement and authorized development shall be consistent with the County's Comprehensive Plan and this Code.
- (B) *Development Governed by Laws in Effect at Execution.* The County's laws and policies governing the development of land at the time of the execution of the Development Agreement shall govern the development of the land for the duration of the Development Agreement.
- (C) *Applicability of Subsequent Laws.* The County may apply subsequently adopted laws and policies to a development that is subject to a Development Agreement only if the County has held a public hearing and determined:
- (01) 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;
- (02) 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;
- (03) They are specifically anticipated and provided for in the Development Agreement;
- (04) The County demonstrates that substantial changes have occurred in pertinent conditions existing at the time of approval of the Development Agreement; or

(05) 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.

*Comment: Relocated from Section 6.10.04.01.*

**9.20.05- Review, Amendment, Termination-**

- (A) *Periodic Review of Agreements.* The County 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. (Section 163.3235, F.S.) If the County 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 County.
- (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. (Section 163.3241, F.S.)

*Comment: Relocated from Section 6.10.05.*

**9.20.06- Recording and Enforcement-**

- (A) *Recording of Agreement.* Within 14 days after the County enters into a Development Agreement, the County shall record the Agreement with the Clerk of the Circuit Court. A certified copy of the recorded Development Agreement shall be mailed to the ~~Department of Community Affairs~~ Department of Commerce 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. (Section 163.3239, F.S.)

- (B) *Enforcement of Agreement.* Any party, any aggrieved or adversely affected person as defined in F.S. 163.3215(2), 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.

*Comment: Relocated from Section 6.10.06*

#### **~~7.11.00. Cluster/Zero Lot Line Development.~~**

~~The purpose of this Section is to encourage creative development design in Hardee County and to provide a mechanism for preserving open space, protecting natural resources, or reserving land for recreational facilities to serve the County'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 Board of County Commissioners 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; or, both may be used with conventional, detached, single family lots.~~

*Comment: Section relocated from Section 7.11.00 and deleted because cluster/zero lot line developments may be achieved via a PUD.*

#### **~~7.11.01. 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 County 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 2.29.01(B). 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 County.~~
- ~~(B) *Development Site to Be Unified.* In making application for approval of a 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 Planning and Development Division 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 7.07.03. 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 Planning and 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) *Private Streets.* Where internal streets are to be retained in private ownership, a security gate or other form of barrier to restrict access may be installed. However, the developer or homeowners' association shall be responsible for providing access to County emergency vehicles when necessary.~~

~~Private streets shall be placed on private right of way of development meeting width requirements applicable to a public road. The use of easements to provide access to residential lots shall be prohibited. Private streets shall conform to minimum County road standards.~~

~~(E) *Lot Size and Lot Coverage.* The normal minimum residential lot size and lot coverage requirements established in Table 2.29.01(B) shall be waived under this special exception. Where cluster subdivision development has been approved, minimum lot requirements shall be as follows:~~

District	Min. Lot Size	Min. Lot Width	Max. Lot Coverage
R-1	6,500 s.f.	65 feet	45%
R-2	6,000 s.f.	58 feet	50%
R-3	5,400 s.f.	50 feet	50%

~~(F) *Development Standards.*~~

~~(01) *Minimum Development Site Requirements*~~

Duplexes:	<del>7,500 square feet</del>
Three units or more:	10,000 square feet
Minimum site width:	<del>75 feet</del>
Minimum site depth:	100 feet

~~(02)~~ Setbacks

- ~~a.~~ All structures shall be located at least 25 feet from the front lot line and 20 feet from the rear lot line. Side street setbacks on corner lots shall be at least 25 feet.
- ~~b.~~ All principal structures shall be located at least 10 feet from side lot lines where there is no common wall.
- ~~c.~~ Accessory structures on residential lots, where permitted, shall be set back at least 7 1/2 feet from side and rear lot lines. This requirement shall apply to swimming pools and screen enclosures.

~~(03)~~ Other Requirements

- ~~a.~~ Each unit shall have an individual access to the outside, both in the front and rear.
- ~~b.~~ Where ingress/egress to residential lots is from an Arterial or Collector road, driveway access points shall be limited to one per structure or one for each 50 feet of frontage, whichever is less.
- ~~c.~~ All accessory structures are prohibited on residential lots of less than 5,000 square feet. On lots of 5,000 square feet or more, accessory structures are limited to a cumulative total of 400 square feet per lot.
- ~~d.~~ Swimming pools and screen enclosures are not subject to the size limitation.

~~(G)~~ Non-Residential Tracts.

- ~~(01)~~ Prior to approving the Final Subdivision Plat for recording in the public records of Hardee County, the Planning and Development Director shall verify that all parcels or tracts not intended for use as residential lots are clearly delineated on the Final Subdivision Plat as to size and dimension. The purpose, ownership, and responsibility for maintenance for each parcel or tract shall be noted on the plat.



~~Unless specifically accepted by the Board of County Commissioners, Hardee County shall not be responsible for maintenance and/or repair of any common facilities or properties.~~

~~(02) Clubhouses, swimming pools, and other structures erected on common property shall be approved only after submittal of a Site Development Plan in accordance with the requirements of Section 7.06.00.~~

~~(H) *Open Space.* The Preliminary and Final Subdivision Plats for the cluster subdivision shall designate a specific parcel as an open space tract, which 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 the open space.~~

~~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. Permitted uses include boat ramps, playing fields, nature trails and boardwalks. Uses requiring off-street parking and utilities shall not be included in the calculation of open space.~~

~~The minimum size of an open space tract shall be equal to 10% of the total area of the site, less the area of street right of way.~~

~~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. Waterbodies 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 Planning and 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 Planning and Development Division 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 Hardee County, unless specifically accepted by the Board of County Commissioners.~~

*Comment: Section relocated from Section 7.11.01 and deleted because cluster/zero lot line developments may be achieved via a PUD.*

### **7.11.02. 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 7.06.00.

- (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 2.29.01(B). 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 County.~~
- (B) ~~*Platting.* Building permits shall not be issued in a zero lot line subdivision until all requirements of Section 7.07.00 have been met.~~
- (C) ~~*Lot Size and Lot Coverage.* The normal minimum residential lot size and lot coverage requirements established in Table 2.29.01(B) shall be waived under this subdivision option. Where zero lot line subdivision development is proposed, minimum lot requirements shall be as follows:~~

District	Min. Lot Size	Min. Lot Width	Max. Lot Coverage
R-1	7,200 s.f.	72 feet	35%
R-2	6,750 s.f.	63 feet	40%
R-3	6,000 s.f.	54 feet	50%

- (D) ~~*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 firewall 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 Subdivision Plat, along with an indication of the lot to which each easement is assigned.~~

- ~~(E) **Setbacks.** Each dwelling unit in a zero lot line subdivision shall be set back 12 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 square feet regardless of their number.~~

- ~~(F) **Open Space.** At the option of the developer, the Preliminary and Final Subdivision Plats for the zero lot line 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 the open space.~~

~~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. Permitted uses include boat ramps, playing fields, nature trails and boardwalks. Uses requiring off street parking and utilities shall be prohibited.~~

*Comment: Section relocated from Section 7.11.02 and deleted because cluster/zero lot line developments may be achieved via a PUD.*

#### ~~7.12.00. Major Special Exception Use Permit.~~

*Comment: Section relocated from Section 7.12.00 and deleted because the proposed development approval levels in Article 3 do not include major special exception uses except for mining major special exceptions.*

#### ~~7.12.01. Purpose and Intent.~~

~~Certain large scale uses, because of their size, character or unique combination of impacts on public facilities and environmental resources, require extraordinary review when proposed for a particular location within the County. Such uses may be private or public, high density or low density, and may involve extreme lot coverage or open space. Examples of these uses include: junkyards, airports, phosphate mining operations, race~~

~~track, power plant, wellfield or sewer treatment plant. The distinction between Major Special Exception Uses and Special Exception Uses is one of scale; but more so, one of undefined impacts associated with the Major Special Exception Use, and simple land use compatibility in the case of Special Exceptions, where no more than one lot or building site is involved. As a result, a Major Special Exception Use is subjected to a higher standard of review, and combines the analysis and considerations required for rezoning, review of a Site Development Plan, and other standards detailed in this Article 7. Before a Major Special Exception Use permit can be issued, a comprehensive plan amendment may be required. If so, the plan amendment must be completed prior to the Major Special Exception application being accepted. It is the purpose of this Section to identify the standards and the review process for a Major Special Exception Use Permit.~~

*Comment: Section relocated from Section 7.12.01 and deleted because the proposed development approval levels in Article 3 do not include major special exception uses except for mining major special exceptions.*

#### ~~**7.12.02. Identification by Table of Land Uses, Location of Development Standards, and Hearing Body.**~~

~~Uses designated as Major Special Exception Uses are identified in the Table of Land Uses 2.29.01(A), Article 2. Major Special Exception Uses are designated by the letter "M". Development Standards for Major Special Exception Uses are found in Article 3, Section 3.17.00. Major Special Exception Uses require approval of an application by the Planning and Zoning Board and the Board of County Commissioners as outlined in the following sections.~~

*Comment: Section relocated from Section 7.12.02 and deleted because the proposed development approval levels in Article 3 do not include major special exception uses except for mining major special exceptions.*

#### ~~**7.12.03. Standards of Review.**~~

~~At the time of a proposal for a particular Major Special Exception Use, a detailed review of the location, design, configuration, and impact will be conducted by comparing the proposed Major Special Exception Use to fixed standards. Of particular importance are standards for weighing the public need for and benefit to be derived from the use, against the greater than local impact that it may cause. The review considers the proposal in terms of:~~

~~(A) Whether and to what extent, the Major Special Exception Use at the particular location for which it is proposed, is necessary or desirable and in the interest of~~

~~furthering the Comprehensive Plan, of providing for the public convenience, or of contributing to the general welfare of Hardee County;~~

- ~~(B) Whether and to what extent all steps possible have been taken by the developer to minimize any adverse effects of the Major Special Exception Use on the immediate vicinity and on the public health, safety, and welfare in general;~~
- ~~(C) Whether and to what extent, planned and proposed public and private developments may be adversely affected by the Major Special Exception Use; and~~
- ~~(D) Whether and to what extent, existing zoning and land use in the vicinity of the Major Special Exception Use require special considerations and conditions.~~
- ~~(E) Whether and to what extent, the proposed Major Special Exception is compatible with the following standards:~~
- ~~(01) Whether one or more of the following design standards proposed for the subject property will differ substantially from the design standards currently allowed for any of the adjacent properties, such as:~~
- ~~a. Yards;~~
  - ~~b. Setbacks;~~
  - ~~c. Height;~~
  - ~~d. Lot Coverage;~~
  - ~~e. Impervious Surface Coverage;~~
  - ~~f. Parking;~~
  - ~~g. Hours of Operation.~~
- ~~(02) Whether the intensity or density of use will be greater or lesser than that currently permitted for adjacent or currently existing properties;~~
- ~~(03) Whether the proposed change in land use will adversely alter the existing land use pattern;~~
- ~~(04) Whether the proposed change in land use will significantly increase traffic congestion or otherwise affect public safety;~~
- ~~(05) Whether the proposed change in land use will adversely affect the drainage of the property;~~
- ~~(06) Whether the proposed change in land use will decrease the quality of water, air or light to adjacent properties;~~

- ~~(07) Whether the proposed change in land use will adversely affect the property values of the adjacent properties;~~
- ~~(08) Whether the proposed change in land use will cause noticeable glare, noise, or odors for the adjacent properties;~~
- ~~(09) Whether the proposed change in land use would create a mixture of land uses so dissimilar to the existing pattern of development, that the overall quality and character of the surrounding neighborhood would be degraded; and~~
- ~~(10) Whether the detrimental effects of any identified incompatibilities can be mitigated or eliminated by adequate buffering.~~

*Comment: Section relocated from Section 7.12.03 and deleted because the proposed development approval levels in Article 3 do not include major special exception uses except for mining major special exceptions.*

#### **7.12.04. Application.**

All requests for Major Special Exception Uses shall be submitted in writing to the Planning and Development Division, together with applicable fees, which shall have been established by resolution of the Board of County Commissioners.

~~(A) Contents.~~ The application shall contain the following items, as applicable:

- ~~(01) A legal description and street address of the property;~~
- ~~(02) Notarized authorization of the owner if the applicant is other than the owner or an attorney for the owner;~~
- ~~(03) A concurrency analysis of all public facilities and services for which a Level of Service has been established in the Comprehensive Plan, pursuant to the standards and procedures in Article 6 of this Code;~~
- ~~(04) A detailed Site Development 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;~~

~~e. The measurements of existing and proposed adjacent rights of way, setbacks, distances between buildings, widths of accessways and driveways, and sidewalks; and,~~

~~(05) 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; and,~~

~~d. Number of required and provided off-street parking and loading spaces, existing and proposed density, and number of existing and proposed units.~~

*Comment: Section relocated from Section 7.12.04 and deleted because the proposed development approval levels in Article 3 do not include major special exception uses except for mining major special exceptions.*

#### **7.12.05. Review of Proposed Major Special Exception Use.**

~~(A) Sufficiency Review. Within five working days of receipt of an application for a Major Special Exception Use, the Planning and Development Division shall:~~

~~(01) Determine that the plan is complete and proceed with formal review;~~

~~(02) Determine that the information submitted as the application is not complete and inform the developer in writing of any deficiencies;~~

~~a. The developer shall submit any required information within 15 working days, or submit a letter indicating that in his/her judgment the application is complete. In the second case, the developer shall specifically request that formal review commence; and,~~

~~b. If as a result of the Planning and Development Division's comments the developer chooses to submit an amended application, he/she shall do so within 60 working days without payment of an~~

~~additional fee. If more than 60 working days pass, the developer shall file a new application, which may be subject to additional fees.~~

- ~~(B) *Report to Planning and Zoning Board.* The Planning and Development Division shall submit a written report containing their recommendations on the proposed Major Special Exception Use to the Planning and Zoning Board prior to the meeting of the Planning and Zoning Board at which the application will be heard. A copy of the report shall be made available to the applicant.~~
- ~~(C) *Planning and Zoning Board Hearing.* Within 30 days of submission of the staff report, the Planning and Zoning Board shall hold a public hearing on the application for a Major Special Exception Use and shall forward its recommendations to the Board of County Commissioners. The Planning and Zoning Board review and recommendations shall specifically address:~~
- ~~(01) *Concurrency management issues and considerations associated with the proposed Major Special Exception Use, pursuant to the standards and procedures in Article 6 of this Code;*~~
- ~~(02) *The need to formally amend the Comprehensive Plan. Should the Planning and Zoning Board find that a Comprehensive Plan Amendment is required, then the Comprehensive Plan Amendment review shall be conducted in accordance with the standards and procedures set forth in Section 7.03.00 of this Code. Depending on the nature of the Plan Amendment, further consideration of the application for a Major Special Exception Use may be placed on hold until the amendment is adopted;*~~
- ~~(03) *Rezoning issues and recommended conditions for the proposed Major Special Exception Use pursuant to Section 7.04.00 of this Code; and*~~
- ~~(04) *Site Development Plan issues and conditions for the proposed Major Special Exception Use pursuant to Section 7.06.00 of this Code.*~~
- ~~(D) *Findings and Recommendation to Approve a Major Special Exception Use.* The Planning and Zoning Board may recommend approval of an application for a Major Special Exception Use only when all of the conditions below are met:~~



~~(01) The proposed Major Special Exception Use is consistent with the Hardee County Comprehensive Plan;~~

~~(02) The proposed Major Special Exception Use would 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;~~

~~(03) The proposed Major Special Exception Use at the proposed location will not result in adverse impacts to adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights of way, or other matters affecting the public health, safety, and general welfare; either as they now exist or as they may exist in the future, as a result of the implementation of the goals, objectives and policies of the Comprehensive Plan; and~~

~~(04) The proposed Major Special Exception Use meets all of the standards and requirements of this Code that are applicable to it; and~~

~~(05) Reasonable conditions can be derived and agreed upon that will address the concerns of the Planning and Zoning Board and mitigate adverse impacts of the proposed Major Special Exception Use.~~

~~(E) *Findings and Recommendation to Deny a Major Special Exception Use.* The Planning and Zoning Board may recommend denial of any application for any Major Special Exception Use for one or more of the following reasons:~~

~~(01) The proposed Major Special Exception Use is inconsistent with the Hardee County Comprehensive Plan;~~

~~(02) The proposed Major Special Exception Use would degrade the Level of Service of one or more public facilities and services, and contains no commitment to make improvements to maintain acceptable Levels of Service;~~

~~(03) The proposed Major Special Exception Use at the proposed location results in an adverse impacts on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights of way, or other matters affecting the public health, safety, and general welfare; and no~~

~~reasonable conditions have been, or can be, derived or agreed upon that will address the concerns of the Planning and Zoning Board and mitigate the impact of the proposed Major Special Exception Use.~~

~~(F) *Decision by Board of County Commissioners.* Within 30 days of receipt of the Planning and Zoning Board recommendation, the Board of County Commissioners shall hold a public hearing after due public notice on all recommendations associated with a Major Special Exception Use from the Planning and Zoning Board. The Board of County Commissioners may approve, approve with conditions, or deny the Major Special Exception request. In the alternative, the Board of County Commissioners may continue the request and seek additional information on those recommendations. No approval of a Major Special Exception Use shall be granted unless approved by a majority of the Commissioners voting.~~

~~(G) *Conditions and Safeguards.* The development and use of the site of an approved Major Special Exception Use shall be in accordance with the approved Site Development Plan and application materials. The approved Site Development Plan shall be filed with the Planning and Development Division, and all development shall be in compliance with the Site Development Plan. The Planning and Zoning Board may recommend and the Board of County Commissioners may impose on the granting of any Major Special Exception Use any conditions or safeguards found to be necessary to ensure the compatibility of the conditional use with surrounding properties or the community in general. These may include, but are not limited to:~~

~~(01) Requiring restrictions on hours of operation and size of buildings;~~

~~(02) Requiring additional landscape and buffer areas;~~

~~(03) Limiting vehicular access points;~~

~~(04) Prescribing the location of off-street parking; and~~

~~(05) Other conditions which are reasonable and necessary to preserve the general welfare of Hardee County.~~

~~Violation of any such condition or safeguard shall be deemed a violation of this Code and may result in a revocation of any Major Special Exception Use permit, in addition to any other remedy for such violation provided in this Code.~~

~~(H) — *Burden of Proof for a Major Special Exception Use.* The burdens of proof for a Major Special Exception are as follows:~~

~~(01) — The initial burden is upon the applicant to prove that the major special exception request is consistent with the Comprehensive Plan and meets all criteria of the Land Development Code for granting such exception;~~

~~(02) — At this point, the burden shifts to the County to demonstrate that granting the Major Special Exception would be adverse to the public interest.~~

~~(I) — *Findings.* The Board of County Commissioners shall make written findings of its decision, which shall be furnished to the applicant within five working days of the action. Any conditions adopted as a part of the approval of a Major Special Exception Use shall be explicitly stated in the correspondence, and shall be the basis for any subsequent Development Agreement or Development Order associated with the Major Special Exception Use. In the instance of a denial, the written finding shall state the reason, or reasons, for the denial from the list above, in sufficient detail to eliminate misunderstanding on the part of the applicant, any future applicant, and the officials of Hardee County.~~

*Comment: Section relocated from Section 7.12.05 and deleted because the proposed development approval levels in Article 3 do not include major special exception uses except for mining major special exceptions.*

~~**7.13.00. Special Exception Permit; Variances; Appeals of the Decisions of the Administrative Official.**~~

*Comment: Section title relocated from Section 7.13.00 and deleted because the Section is not needed; the subsection contents are relocated to other sections as explained with each subsection.*

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## ARTICLE 10 ADMINISTRATION AND ENFORCEMENT

Text that is underlined is text to be added and text that is shown as ~~strikeout~~ is to be removed. *Comments* provided for information and are not adopted as part of the Unified Land Development Code text.

### **SECTION 10.01.00 DEVELOPMENT OFFICIALS**

The purpose of this Article is to establish the procedures to administer and enforce all matters arising under this Code to: 1) set forth the procedural rules associated with land development in the County; 2) minimize developer expense while facilitating compliance with the provisions of this Code and the Comprehensive Plan; 3) establish a procedure to amend provisions of this Code and the Comprehensive Plan; 4) establish a procedure for relief from specified regulations in this Code; and 5) establish the functions and responsibilities of those public entities charged with the administration of this Code as established by state statute, administrative regulation, and prevailing practice.

The ~~Director of Planning and Development~~ Director shall administer this Unified Land Development Code and the administrative elements of the Florida Building Code; the Building Official shall administer the technical elements of the Florida Building Code. The ~~Director of Planning and Development~~ Director and Building Official are authorized to act through aides and assistants, and in the performance of their duties, may request the assistance of any appropriate officer or agency of Hardee County.

*Comment: Language relocated from Section 8.01.00; Language amended to clarify role of Planning and Development Director and the Building Official.*

#### **10.01.01 ~~Director of Planning and Development~~ Director**

The Planning and Development Director shall supervise and administer all staff activities regarding comprehensive planning, zoning, development review, issue development and building permits, certificates of occupancy and code enforcement. The Planning and Development Director shall perform duties prescribed by this Code, as well as any others assigned by the Board of County Commissioner. The Planning and Development Director shall be duly qualified for these responsibilities through appropriate education and work experience. The Planning and 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 Planning and Development Director shall be made to County Manager consistent with Section 10.04.00.

~~The~~ Other specific duties of the ~~Director of Planning and Development~~ Director are as follows:

- (A) ~~Advise the~~ Under the direction of the County Manager, cooperate with the Planning and Zoning Board and the Board of County Commissioners in the implementation, amendment, and enforcement of this Code and the Comprehensive Plan;
- (B) Attend all public hearings at which comprehensive planning, zoning, and Land Development Code matters are discussed, including meetings of the Planning and Zoning Board and the Board of County Commissioners;
- (C) Accept and process all applications for amendments to the Comprehensive Plan, Land Development Code, zoning actions, site development plans, subdivision plans, and variances;
- (D) Certify the accuracy of the Official Zoning Map and amendments thereto;
- (E) Chair the Development Review Committee;
- (F) Collect and account for all required application fees, except building permit and related fees;
- (G) Grant or deny such administrative approvals and waivers as are allowed under the provisions of this Code;
- (H) ~~Receive applications and application fees for Site Development Plan, Rezoning, Subdivision Plat, Special Exceptions, Major Special Exception Use, Temporary Special Use Permit, and Exception to Policy L1.15 approvals;~~ Evaluate all applications for development permits provided by this Code.
- ~~(I) Evaluate each proposed Site Development Plan, subdivision plat and Major Special Exception Use for consistency with this Code and the Comprehensive Plan;~~
- ~~(J) Evaluate each application for a development order to determine whether it meets applicable Concurrency requirements;~~
- (K) Ensure that all time limits prescribed by this Code are met;
- (L) Monitor the progress of all development applications through the review process and be available to respond to inquiries from interested persons;

- (L) Process and submit copies of all Comprehensive Plan amendments to the Department of Commerce (DOC) and the other state agencies in accordance with Florida Statutes.
- (~~M~~K) Maintain the concurrency management system and evaluate each application for a development order, including building permits, to determine whether it meets applicable Concurrency requirements.
- (~~N~~L) Any other duties assigned by the County Manager.

*Comment: Language relocated from Section 8.02.00; Language added to clarify the role of the Planning and Development Director; Language added related to the waiver process; Language combined under evaluation of applications; Language amended to reflect appeals of Planning and Development Director decisions to be made to the County Manager.*

#### **10.01.02- Building Official-**

The Building Official shall supervise and administer all staff activities regarding issuance of building and other permits regulated by the Florida Building Code (FBC), enforcement of the FBC, and County Code Enforcement. The Building Official shall be duly qualified for these responsibilities through appropriate certification, education, and work experience.

Powers and duties, as detailed in Article 12, include, but are not limited, to the following:

- (A) Enforce the provisions of the FBC.
- (B) Enter premises for inspections.
- (C) Issue stop work orders.
- (D) Revoke permits.

*Comment: Language relocated from Section 8.01.01; Language added to address the powers and duties of the Building Official and to provide a reference to Article 12.*

#### **10.01.03 County Engineer or Consultant**

The duties and responsibilities of the County Engineer or Consultant under this Code shall include, but not be limited to, the following:

- (A) Provide technical information and assistance to the Planning and Development Director in the interpretation and application of this Code.



- (B) Assist the Floodplain Administrator to make necessary interpretations to determine the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).
- (C) Assist the Floodplain Administrator to review all commercial, retail, industrial, subdivision proposals, and other proposed developments to determine whether such proposals will be reasonably safe from the base flood elevation.
- (D) Review preliminary site plans and construction/engineering plans for compliance with the standards set forth within the Unified Land Development Code, Hardee County Comprehensive Plan, Engineering Technical Standards Manual, Florida Building Code, and all other applicable codes, standards, and regulations.

*Comment: Language added to address the role of the County Engineer or Consultant.*

## **SECTION 10.02.00 ADMINISTRATIVE APPROVALS OF THE PLANNING AND DEVELOPMENT DIRECTOR.**

The Planning and Development Director shall have the authority to approve the following, subject to conditions set forth below and in applicable provisions of this Code: Administrative Adjustments are located in Section 11.05.00.

*Comment: Section relocated from 8.02.01; Language added to address the powers and duties of the Planning & Development Director and to provide a reference to Article 11.*

### **10.02.01 Setback Adjustments**

See Section 11.05.04.03.

*Comment: New Section added to include a reference to setback adjustments located in Section 11.05.00(A).*

### **(B)10.02.02 Temporary Office or Construction Trailer.**

The Planning and Development Director may authorize the use of a temporary structure not meeting the requirements of the Florida Building Code at the construction site of an approved Site Development Plan. The temporary structure may be used only as an administrative or sales office, tool shed, or other facility in support of construction work, and shall not be used for living accommodations 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.

*Comment: Language relocated from 8.02.01(B) and title expanded.*

**(C)10.02.03 Temporary RV for Use During Construction of a Residence or as Disaster Relief not Related to a Declaration of Emergency.**

The Planning and Development Director may authorize the use and permitting of a RV as a temporary residence during construction of a permanent residence or in the case of a disaster situation such as fire, flood, or hurricane under the ~~following~~ conditions listed below. The Use of Temporary Shelters after the declaration of a State of Emergency are addressed in Section 10.02.04.

- (01A) The lot or building site is at least ~~one~~ one-quarter acre in size;
- (02B) The applicant has received approval of a building permit for construction of a single-family residence on the property;
- (03C) The foundation and rough plumbing for the permanent structure have been completed and approved by a County Building Inspector, except for disaster relief;
- (04D) The temporary RV shall be placed at least 20 feet from all lot lines, and 10 feet from any other existing or planned structure;
- (05E) The temporary unit must be connected to a public sewer system or to a septic tank permitted by the Hardee County Health Department;
- (06F) Wheels and axles of the temporary unit shall not be removed;
- (07G) The temporary RV shall be removed from the building site ~~prior to issuance~~ within 30 days of the Certificate of Occupancy for the permanent residence, or at the end of a one-year period commencing at the date of its installation, whichever comes first; ~~and~~;
- (08H) This administrative approval may be renewed or granted one time for an additional six-month period.

*Comment: Language relocated from 8.02.01(C); Language added to address disaster relief not related to Declarations of Emergency.*

#### **10.02.04 Use of Temporary Shelter after Declaration of Emergency**

The County enforces temporary shelter requirements after a Declaration of Emergency consistent with the Requirements from Florida Statutes Section 166.0335.

- (A) For the purposes of this section, the term “temporary shelter” includes, but is not limited to, a recreational vehicle, trailer, or similar structure placed on a residential property.
- (B) Notwithstanding any other law, ordinance, or regulation to the contrary, following the declaration of a state of emergency issued by the Governor for a natural emergency as defined in s. 252.34(8) during which a permanent residential structure was damaged and rendered uninhabitable, a municipality may not prohibit the placement of one temporary shelter on the residential property for up to 36 months after the date of the declaration or until a certificate of occupancy is issued on the permanent residential structure on the property, whichever occurs first, if all of the following circumstances apply:
- (1) The resident makes a good faith effort to rebuild or renovate the damaged permanent residential structure, including, but not limited to, applying for a building permit, submitting a plan or design to the municipality, or obtaining a construction loan.
  - (2) The temporary shelter is connected to water and electric utilities and does not present a threat to health and human safety.
  - (3) The resident lives in the temporary structure.

*Comment: Section added consistent with requirements as adopted through Senate Bill 250 (2023).*

#### **10.02.05 Continued Use of Existing Single Family Home During Construction of a Replacement Single Family Home**

The Planning and Development Director or Building Official may authorize the continued use of an existing single-family home during the construction of a new replacement single-family home with the following conditions:

- (A) The lot or building site is large enough to accommodate the existing single-family home and the construction of the replacement home while meeting all development standards for the district as listed in Table 3.03.00(C).

- (B) The property owner must provide a notarized letter explaining the reason why the existing home should remain during construction and the owner's intent to move into the new construction and have the existing house demolished within 30 days after the final Certificate of Occupancy on the new construction is issued.
- (C) Demolition of the existing single-family structure must occur within 30 days after issuance of the temporary Certificate of Occupancy.

*Comment: New Section added to address the use of existing single-family home during construction of a replacement single family home.*

**~~(D)~~ 10.02.06 Temporary Mobile Manufactured Home for Security Purposes:**

- (A) The Planning and Development Director may authorize the temporary use and permitting of a mobile manufactured home for security purposes for a period not to exceed one (1) year in the A-1 zoned district under the following conditions:
- (01) Unit shall be placed on contiguous property at least 10 acres in size.
  - (02) Wheels and axles shall not be removed from the temporary mobile manufactured home, and no appurtenant structures shall be added to the unit, such as carports, screen rooms, etc.
  - (03) The temporary unit shall be connected to a septic tank or sewer system in accordance with Hardee County Health Department regulations.
  - (04) The temporary unit shall be set back at least 100 feet from all property lines; and
  - (05) Temporary mobile manufactured homes permitted for security purposes in A-1 zoned districts shall be limited to a maximum of 780 square feet in size.
- (B) Application and Building Permit.
- (1) Upon application for administrative approval, a certified survey of the property on which the temporary mobile manufactured home will be placed shall be submitted to the Planning and Development Division. The proposed location of the temporary unit shall be shown on the survey.
  - (2) The applicant shall execute an agreement with the County, which shall be signed by the County Manager or designee on behalf of the County, in which the applicant agrees to the terms and conditions of this Section. This

agreement must be recorded in the public records of Hardee County, prior to issuance of a building permit.

- (3) After approval of the temporary manufactured home by the Planning and Development Director, the applicant shall obtain a building permit prior to any development or construction on the site.
- (4) The applicant shall post a bond for removal of the temporary manufactured home. The applicant may give the County cash or a surety bond in the amount of five thousand dollars (\$5,000.00) guaranteeing that: (1) the manufactured home shall remain on the site only as long as the manufactured home qualifies under this Section for placement upon the property; and (2) the manufactured home shall be removed when the need for the temporary manufactured home ceases to exist. The cash or bond shall be used to remove the manufactured home if the applicant fails to do so upon the ending of the need for the temporary manufactured home.

(C) Extension of Approval; Termination of Use.

- (1) *Extension of Approval.* If the applicant desires to renew the approval for the temporary manufactured home, such request and affidavit should be filed prior to the expiration of the existing approval. The Planning and Development Director shall grant a one (1) year extension if all the requirements of 10.02.05(B) continue to be met. The applicant shall be entitled to successive one (1) year extensions if all the requirements of 10.02.05(B) are met each year and if an application is filed.
- (2) *Notification by Applicant; Termination of Temporary Use; Removal of Manufactured Home.* When there is no further need for the temporary use, the applicant shall notify the County within thirty (30) days and the temporary manufactured home approval shall be terminated. At the termination of the temporary manufactured home approval, because of no further need, or because of non-renewal, the mobile home shall be removed from the property and any well or septic tank used solely for the temporary dwelling shall be properly abandoned.

*Comment: Language relocated from 8.02.01(D); reference to A-1 zoning district removed as it should be permitted in all districts; language added to clarify the size limit is a maximum limit; language added to address application, time limits, posting of bond, and termination of use.*

## **SECTION 10.03.00 ENFORCEMENT OF DEVELOPMENT PERMITS AND ORDERS**

The County Manager/designee is the enforcement officer for all regulations contained in this Code. Procedures for periodic inspection of development work in progress, to ensure compliance with a development permit and final development order that authorized the activity, is found within this Code.

*Comment: Language relocated from 8.09.00.*

### **10.03.01 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 Building Department for a Certificate of Occupancy. The Building Official shall inspect the work and issue the Certificate, if all work is found to be in conformity with the permit or order.

- (A) New or Different Use (Change of Use). No building or structure, or part thereof, or premises, which are erected or altered or changed in occupancy, or land upon which a new or different use is established, shall be occupied, or used until a Certificate of Occupancy has been issued.
- (B) New Use of Existing Buildings. No building or structure, or part thereof, shall be changed to, or occupied by, a use of a different kind unless a Certificate of Occupancy is first obtained for the new or different use.
- (C) Existing Uses. Certificates of Occupancy shall be issued for existing buildings, structures, or parts thereof, or existing uses of land, if after inspection it is found that such buildings, structures, or uses of land are in conformity with the applicable provisions of this Code.
- (D) Accessory Buildings. Accessory buildings or structures shall not require separate certificates of occupancy but may be included in the Certificate of Occupancy for the dwelling when shown on the lot plan and when completed at the same time as such dwelling.
- (E) Temporary. Nothing in this Code shall prevent the issuance of a temporary Certificate of Occupancy for a portion of a building or structure in the process of erection or alteration, provided that such temporary certificate shall not be effective for a period in excess of six (6) months and provided further that such portion is in conformity with this Article and Article 12.
- (F) Numbers or Address Letters. No Certificate of Occupancy shall be issued until

permanent and proper numbers or address letters are displayed. Such numbers or letters shall be visible and legible from the street. Where the principal entrance of the building is clearly visible from the street, numbers or letters must be posted on the building over or near the principal entrance to be legible from the street. Where the principal entrance is not clearly visible from the street, numbers or letters must be affixed to a structure located at the intersection of the street and the building entrance way.

- (G) Fire Code Inspection. A new building shall not be occupied, or a change be made in occupancy or the nature or the use of a building or part of a building, until the Fire Official has conducted a fire code inspection and the building is found to be in compliance with the fire code and the Fire Official has signed the required Certificate of Occupancy.
- (H) Building Plans, Specifications, and Drawings for Fire Protection and Fire Equipment Systems. The Fire Official shall require a copy of building plans, specifications, and drawings, drawn to scale, with sufficient clarity and detail to indicate the type, nature, and character of the work of all fire protection and fire equipment systems.

*Comment: Language relocated from 8.09.01; Language added to provide details on the different types of Certificates of Occupancy.*

### **10.03.02- Administrative Approval of Minor and Major 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; minor and major field adjustments shall be subject to the provisions of Section 11.05.00 Administrative Adjustments.

- ~~(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 applicant shall be required to submit a revised site plan showing the deviations and amend the development order to conform to actual development. The County Manager or his/her designee may, however, refer any minor field adjustment that~~

significantly affects the development's compliance with the purposes of this Code to the Planning and Zoning Board for treatment as a major deviation; and,

- ~~(D) Major Deviation Defined. A major deviation is a deviation other than a minor field adjustment, from a final development order.~~

*Comment: Section relocated from Section 8.09.02; Language deleted in favor of new language located in Section 11.05.00.*

~~**8.09.03. Major Deviation from Development Permits and Development Orders.**~~

- ~~(A) If the work is found to have one or more major deviations, the Planning and Development Division shall:~~

~~(01) Place the matter on the next agenda of the Board of County Commissioners, allowing for adequate notice, and recommend appropriate action for the Board of County Commissioners to take,~~

~~(02) 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 County Manager/designee determines that work or occupancy may proceed pursuant to the decision of the Planning and Zoning Board; and,~~

~~(03) Refer the matter to the Code Enforcement Department, if it appears that the developer has committed violations of the development order.~~

- ~~(B) The Code Enforcement Officer shall follow the process set forth in Section 8.10.00 of this Code.~~

*Comment: Section relocated from Section 8.09.03; Language deleted in favor of new language located in Section 11.05.00.*

~~**10.03.03. 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.

*Comment: Section relocated from Section 8.09.04.*



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**SECTION 10.04.00 APPEALS OF ADMINISTRATIVE DETERMINATIONS, DECISIONS, AND INTERPRETATIONS.**

- (A) Appeals of Administrative Determinations, Decisions and Interpretations ~~Any person aggrieved, or any interest affected~~ A substantially affected person may appeal by a decision of the Director of Planning and Development Director made in the administration of this eCode, may appeal the decision to the County Manager subject to the following.
- (1) ~~Appeals of the Director's decision shall be in conformance with the requirements of this Code, and shall be applied for in writing, through the County Manager's Office within 30 calendar days of the Director's official written response. An application and notice of appeal shall be filed with the Planning and Development Director no more than thirty (30) days after issuance or denial of the permit or order in question.~~
  - (2) ~~Upon receipt of the written notice of appeal from the County Manager, within 10 calendar days the Director shall transmit to the County Manager all the documents constituting the record upon which the decision was made. The County Manager shall then have 10 calendar days to prepare a written response to the original appeal request. If the appellant has not received a written response from the County Manager within the specified time frame, the appeal shall be directly forwarded by the Planning and Development Director to the Board of County Commissioners. An application for an appeal shall include:~~
    - (a) A statement as to each provision of the Code which is in question;
    - (b) The interpretation, application, or determination made by the Planning and Development Director from which the applicant appeals;
    - (c) A statement of the interpretation, application, or determination of law or fact advanced by the applicant; and
    - (d) The reason why the applicant believes their interpretation, application or determination is correct in law or fact.
  - (3) ~~The County Manager's written decision may be appealed to the Board of County Commissioners by filing a notice of appeal with the Planning and Development Department within 10 calendar days of receipt of the County Manager's official written response. The Planning and Development Department shall prepare a report which shall include:~~

- (a) The Department's agreement or disagreement with the applicants statement of the law or fact in question;
  - (b) The interpretation of the Department with regard to the law or fact in question;
  - (c) The basis for the Department's interpretation; and
  - (d) The reason why the Department believes its interpretation, application, or determination is correct in law or fact.
- (4) The Board of County Commissioners, upon receipt of the appeal of the County Manager's decision, shall within 30 calendar days schedule an appeals hearing and give public notice to the interested/affected parties, and render a decision. Within forty-five (45) days after receipt of a complete application and notice of appeal, the Planning and Development Director shall schedule a public hearing before the Board of County Commissioners. Published notice of the public hearing shall be given in accordance with the requirements of Section 10.09.00. Mailed and posted notices shall not be required.
- (5) The Board of County Commissioners shall hear and rule upon the appeal after a public hearing. The criteria for review is whether the administrative interpretation, application or determination at issue is clearly erroneous.
- (6) The final order of the Board of County Commissioners shall either affirm or reverse, in whole or in part, the interpretation, application or determination made by the Planning and Development Director in accordance with the above criteria.
- (7) The final order shall be effective thirty (30) days from the date of filing of the executed order.
- (B) Appeals of Planning and Zoning Board and Board of County Commissioner Determinations, Interpretations and Decisions. Any person/s jointly or severally aggrieved by any decision of the Planning and Zoning Board or the Board of County Commissioners may, within thirty (30) days of rendition of a decision, but not thereafter, apply to the courts for relief in the manner provided by the laws of the state.

*Comment: Section relocated from Section 8.02.02; Language deleted and replaced with more current language.*

## **SECTION 10.05.00 DEVELOPMENT BOARDS AND COMMITTEES**

*Comment: Section title relocated from Section 8.03.00 and language added to include committees.*

**10.05.01- Development Review Committee-**

A Development Review Committee (DRC) is hereby established to afford a multidisciplinary, interdepartmental review and assessment of the orderliness and impact of proposed development within the County. The DRC includes the Planning and Development Director, County Engineer, Public Works Director, Utilities Director, Fire Chief, Parks and Recreation Director, and Building Official. The Planning and Development Director may invite other County staff members or other agency representatives to participate in the DRC as needed. The DRC shall be responsible for reviewing development applications, site plans, landscape plans, subdivision plats, minor subdivision plats, and applications requiring Planning and Zoning Board and Board of County Commissioners action. The Planning and Development Director, or their designee, shall be charged with coordinating the activities of this Committee.

The DRC shall meet on a regular schedule to be determined by the Planning and Development Director. Meetings shall be noticed on the County Calendar and meeting minutes shall be recorded. The DRC meetings shall be open to the public.

*Comment: Language relocated from Section 7.01.00 and expanded to address the DRC.*

**7.01.01. Composition and Appointment-**

~~The committee shall initially be comprised of the following seven members:~~

- ~~1. County Engineer.~~
- ~~2. Director of Public Works.~~
- ~~3. Director of Utilities.~~
- ~~3. Fire Chief.~~
- ~~4. Director, Planning and Development.~~
- ~~5. Director, Parks and Recreation.~~
- ~~6. Building Official.~~
- ~~6[7]. School District Representative.~~

~~The County Manager/designee shall be empowered to augment or otherwise change the composition of the committee with other county staff persons or outside experts as may be necessary to increase the committee's efficiency and advance its stated purpose.~~

*Comment: Language relocated from Section 7.01.01 and deleted as it is addressed in Policy 7.01.00 as part of the less formal DRC policy.*

**7.01.02. Officers.**

~~The Planning and Development Director shall serve as chairman and the committee shall elect a vice chairman from among its members. The vice chairman shall preside at meetings in the absence of the chairman.~~

*Comment: Language relocated from Section 7.01.02 and deleted as it is not necessary as part of the less formal DRC policy.*

**7.01.03. Rules and Regulations.**

~~The committee may establish any rules necessary for the orderly conduct of its business. Meetings shall be held at the call of the chairman or at the direction of the County Manager.~~

*Comment: Language relocated from Section 7.01.03 and deleted as it is not necessary as part of the less formal DRC policy.*

**7.01.04. Powers and Duties.**

~~The committee shall have the following powers and duties:~~

- ~~(01) To develop recommendations that will enhance the public health, safety, order, convenience and general welfare of the County.~~
- ~~(02) To establish cooperative relationships between different departments and appropriate individuals, groups or boards in the county to promote awareness of activities that affect the community, and to encourage recommendations and acceptance of actions taken to improve the community.~~
- ~~(03) To submit recommendations and reports to the county manager on issues referred to the committee by the County Manager including but not limited to site plan review.~~
- ~~(04) To review ongoing and planned activities in such areas as parks and recreational facilities, streets, roads and sewer construction, residential and business development, and traffic control.~~
- ~~(05) To recommend approval, approval with conditions or denial of development plan applications to the Planning and Zoning Board.~~

*Comment: Language relocated from Section 7.01.04 and deleted as it is not necessary as part of the less formal DRC policy.*

**10.05.02- Planning and Zoning Board-**

## (A) Functions, Powers, and Duties.

- (01) Act as Local Planning Agency pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, Ch. 163, Part II, F.S., and perform all functions and duties prescribed in the statute.
- ~~(2)~~ Review and make recommendations to the governing body on any matter relating to the planning of the County, including the evaluation and appraisal of the Comprehensive Plan, Comprehensive Plan Amendments, the development and amendment of the Unified Land Development Code, the Official Zoning Map, and other matters the Board of County Commissioners may defer or refer to the Planning and Zoning Board.
- ~~(023)~~ ~~Obtain and maintain~~ Consider 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 County.
- ~~(034)~~ ~~Advise~~ Review and make recommendations to the Board of County Commissioners to approve, approve with conditions, or deny ~~regarding~~ applications for ~~amendments to the Official Zoning Map and requests for~~ Major Mining Special Exception Uses, Special Exceptions, Development Agreements, Planned Unit Developments, or other special designations on property within the County.
- ~~(045)~~ ~~Advise~~ Review and make recommendations to the Board of County Commissioners to approve, approve with conditions, or deny regarding the approval, approval with conditions, or denial of Special Exceptions. applications for site development plans that require final approval by the Board of County Commissioners.
- ~~(6)~~ Approve, approve with conditions, or deny applications for a Permitted with Conditions use, site development plans, or a request for a waiver from the ULDC.
- ~~(05)~~ ~~At the request of the Planning and Development Director, interpret and determine the intent of provisions of this Code that are unclear or in conflict with other regulations.~~
- ~~(067)~~ Consider the need for revision or addition of regulations in this Code, and recommend changes to the Board of County Commissioners.

- (078) Consider the need for revision of the Comprehensive Plan, and recommend changes to the Board of County Commissioners.
- (089) Other duties as assigned by the Board of County Commissioners.
- (B) Appointment of Members.
- (01) The Planning and Zoning Board shall have seven members, to be appointed by the Board of County Commissioners and shall include a representative of the school district appointed by the school board as a nonvoting member of the local planning agency or equivalent agency.
- (02) Each member of the Planning and Zoning Board shall reside in the County.
- (03) Each member shall be appointed to a three-year term. In the event ~~that~~ all members are appointed at the same time, three members 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.
- (04) The terms of all appointments, except those made to fill vacancies, shall expire on January 1. Members shall serve until the end of their term or until a successor has been appointed, whichever occurs later.
- (05) If a position becomes vacant before the end of a term, the Board of County Commissioners shall appoint a substitute member to fill the vacancy for the duration of the vacated term. A member whose term expires may continue to serve until a successor is appointed and qualified.
- (06) Members may be removed without notice and without assignment of cause by a majority vote of the Board of County Commissioners.
- (07) At the first meeting held after January 1 of each year, the Planning and Zoning Board shall elect a Chairman, Vice-Chairman and such other officers as deemed necessary. The Chairman, or in ~~his/her~~their absence the Vice-Chairman, shall preside over all meetings of the Board. Officers shall serve terms of one year.
- (08) The Chairman will establish subcommittees and appoint members as needed to carry out the purposes of the Planning and Zoning Board.

- (09) Members shall not be compensated, but may be reimbursed for travel and other expenses incurred on Planning and Zoning Board business.
- (10) If any member fails to attend three successive meetings, the Planning and Zoning Board may declare the member's office vacant and notify the Board of County Commissioners.
- (C) Procedures.
- (01) The Planning and Zoning Board shall adopt procedures to carry out its purposes. All rules must conform to this Code, other County ordinances, and State law.
- (02) Regular meetings of the The Planning and Zoning Board shall be held as necessary. 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. Meetings may be called by the chairperson or the majority of the Board of County Commissioners, the chairperson or the majority of the Planning and Zoning Board, or by the County Manager or designee.
- (03) ~~The Planning and Zoning Board~~ County Clerk shall keep minutes of its proceedings, indicating the attendance of each member, and the decision on every question.
- (04) ~~Four~~ A majority of the voting members shall constitute a quorum.
- (05) Each decision of the Planning and Zoning Board must be approved by ~~a majority vote of the members present at a meeting in which a quorum is present and voting~~ no less than three voting members.
- (D) Notice of Public Hearings.

Section 10.09.00 addresses notice requirements.

*Comment: Language relocated from Section 8.03.01; language added to address additional requirements of the Planning and Zoning Board; language added to include Florida Statute requirement for a school board representative; language added to clarify when meetings occur; language related to property values removed because it can be subjective; language added to clarify the County Clerk keeps the meeting minutes and that the quorum is made of voting members; language added to address notice of public hearings.*

**10.05.03- Duties of the Board of County Commissioners Related to Planning-**

- (A) Powers and Duties in the Areas of Development and Land Use Regulation.
- (01) Adopt and amend the Comprehensive Plan, including the map series.
  - (02) Adopt and amend the Unified Land Development Code, including the Official Zoning Map.
  - (03) Appoint members of the Planning and Zoning Board.
  - (04) Determine the need for and appoint members of additional Boards, committees, and subcommittees to investigate and make recommendations or decisions on various land use/development issues.
  - (05) Establish, by Resolution, fees for Comprehensive Plan Amendments, zoning actions, Site Development Plan reviews, Mining Major Special Exception Use reviews, Variances, Special Exceptions, Planned Unit Development, and other activities carried out under the provisions of this Code.
  - (06) Make final decisions on requested changes to the Comprehensive Plan, Unified Land Development Code and Official Zoning Map, Planned Unit Developments, Special Exceptions and Mining Major Special Exceptions, Rezones, Temporary Special Use Permits, Variances, Development Agreements, Final Plats, vacation of plats, minor subdivisions, Site Development Plans included as part of an application for Planned Unit Development, Special Exceptions, Mining Major Special Exceptions, Rezoning, Temporary Special Use Permit, Variances and Development Agreements, and Appeals of an Administrative Decision.
  - (07) Make final decisions on acceptance of public improvements constructed pursuant to the platting of approved subdivisions.
  - (08) Take any other actions that it deems appropriate to implement the intent of this Code and the Comprehensive Plan.

*Comment: Language relocated from Section 8.03.02; Title expanded to clarify the duties are related to planning; Language added to address acceptance of final plats and vacations of plats and rights-of-way and to include different application types.*

## **SECTION 10.06.00 COMPREHENSIVE PLAN AMENDMENT**

The Hardee County Comprehensive Plan shall be amended by a recommendation from the



Planning and Development Director or request by an interested party, and hearings with the Planning and Zoning Board, and the Board of County Commissioners, after due public notice consistent with Section 10.09.00.

*Comment: New Section added to address amendments to the Comprehensive Plan.*

### **SECTION 10.07.00 UNIFIED LAND DEVELOPMENT CODE AMENDMENT**

This Code shall be amended by a recommendation from the Planning and Development Director or request by an interested party, and hearings with the Planning and Zoning Board, and Board of County Commissioners, after due public notice consistent with Section 10.09.00.

*Comment: New Section added to address amendments to the Unified Land Development Code.*

### **SECTION 10.08.00- OFFICIAL ZONING MAP AND AMENDMENTS-**

- (A) The districts listed in Article ~~2~~ 3 and the boundaries thereof are shown upon the Official Zoning Map or series of maps of the County enacted as law immediately upon enactment of this Code and made a part thereof, such maps being designated as the Official Zoning Map of Hardee County. 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 may be amended at any time, with a recommendation by the Planning and Development Director or request by an interested party, and hearings with the Planning and Zoning Board, and the Board of County Commissioners, after due public notice consistent with Section 10.09.00.
- (D) The Official Zoning Map may correct drafting and clerical errors or omissions in the prior Official Zoning Map, but no such corrections shall have the effect of amending the Code or any subsequent amendment thereto without duly noticed public hearings consistent with Section 10.09.00.
- (E) Within five working days of action by the Board of County Commissioners, the Official Zoning Map series 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 Hardee County after the effective date of the relevant Ordinance, Resolution, or Record of Decision.

When any Official Zoning Map is replaced, the prior Map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption and amendment.

*Comment: Section relocated from Section 8.04.00; Language added to address the amendment of the Official Zoning Map and the five working day requirement removed because it should be set by County policy; Zoning map changes to map series as the zoning map does not reflect special exceptions and variances.*

**~~(A)10.08.01 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:

- ~~(01A)~~ ~~Boundaries~~ indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines~~;~~
- ~~(02B)~~ ~~Boundaries~~ indicated as approximately following platted lot lines shall be construed as following such lot lines~~;~~
- ~~(03C)~~ ~~Boundaries~~ indicated as following railroad lines shall be construed to be midway between the main tracks~~;~~
- ~~(04D)~~ ~~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~~;~~
- ~~(05E)~~ ~~Boundaries~~ indicated as following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines~~;~~ ~~and,~~
- ~~(06E)~~ ~~Boundaries~~ indicated as parallel to or extensions of features indicated in subsections ~~(01A)~~ through ~~(05E)~~ above shall be so construed.

The legal description advertised for public hearing purposes on a zoning action or ~~V~~variance on any parcel of property shall override any and all of the above rules for interpretation of district boundaries.

*Comment: Section relocated from Section 8.04.00(A).*

**SECTION 10.09.00: PUBLIC NOTICE OF HEARINGS/PUBLIC NOTICES:**

Applicability. Where a public hearing is required pursuant to this Unified Land Development Code, the County shall provide a notice of public hearing in the manner set out in this Section.

- (A) ~~Public Notice Required.~~ In addition to any statutory notice requirements, the following shall be complied with: *Publication*. The requirements for this type of notice shall be as follows:
- (01) ~~Due Public Notice.~~ No change in land use classification or designation, Variance, or amendment to this Code may be considered by the Planning and Zoning until due public notice has been given of a public hearing; Notice shall be published at least one (1) time in the non-legal section (unless specified otherwise) of a newspaper of general circulation published in Hardee County, Florida, at least ten (10) days prior to the date of any required public hearing.
- (02) ~~15-Day Advance Notice.~~ Public hearing notice shall be given at least 15 days in advance of the hearing by the publication in a newspaper of regular and general circulation in the County, and notice shall be posted at the County administration buildings. No official action may be taken unless and until the public hearing has been advertised. The notice of hearing shall state the date, time, and place of the meeting; the titles of the proposed ordinances or resolution or a description of the substance of the matter being considered; and the place within the County where the proposed ordinances or other materials may be inspected by the public. The notice shall also state that interested parties may appear at the meeting and be heard with respect to the matter.
- (3) A copy of the notice shall be available for public inspection at the County Administration Building during the regular business hours of the County.
- (034) ~~Contents of Advertisement.~~ The advertised notice shall contain the name of the applicant, the legal description of the affected property or a location map of the parcel(s), the existing land use classification, and any special designation(s), the request being considered by the Planning and Zoning Board, and the time and place of the public hearing at which the application will be considered;. Notice for ordinances that change the actual list of permitted, permitted with conditions or prohibited uses, within a zoning category/district, or ordinances initiated by the County that change the actual zoning map designation of a parcel or parcels of land involving ten (10) contiguous acres or more, shall be published at least ten (10) days prior to the planning and zoning board public hearing, again at least seven (7) days prior to the first Board of County Commissioner's public hearing and again at least five (5) days prior to the second Board of County Commissioner's adoption hearing. Public notice shall be provided as described in the following subsections:
- (a) The required advertisements shall be no less than two (2) columns wide by ten (10) inches long in a standard size tabloid size newspaper and the

headline in the advertisement shall be in a type no smaller than eighteen (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 paid circulation in the County, not one of limited subject matter, pursuant to F.S. Ch. 50. Whenever possible, the advertisement shall appear in a newspaper that is published at least five (5) days a week unless the only newspaper in the County is published less than five (5) days a week.

- (b) The advertisement shall be in substantially the following form:

Notice of (Type) Change

Hardee County proposes to adopt the following ordinance or approve the following application: (title of ordinance or description of application).

A public hearing on the ordinance or application will be held on (date) at (time) at (location).

The proposed ordinance or application materials are available for inspection at the office of Planning and Development during normal business hours.

Interested parties may appear at the meeting and will be given the opportunity to be heard on the matter.

- (c) Except for amendments which change the actual list of permitted, permitted with conditions or prohibited uses within a zoning category, the advertisement shall also contain a geographic location map which clearly indicates the area covered by the proposed ordinance or application. The map shall include major street names as a means of identification of the general area.
- (d) In lieu of publishing the advertisement set out in this section, the County may mail a notice to each person owning real property within three hundred (300) feet of the property covered by the ordinance or application. Such notice shall clearly explain the proposed ordinance or application and shall notify the persons of the date, time and location of any public hearing on the proposed ordinance or application. The notice shall also inform the persons that the materials are available for inspection and of their opportunity to attend the meeting and be heard.

- (045) ~~300' Radius for Notification Area~~ For each zoning or Variance application to be considered at a public hearing, a notice shall be mailed as a courtesy to all property owners of record within a radius of 300 feet of the affected property; provided, however, that failure to receive such notice shall not invalidate any action or proceedings taken at the public hearing; Ordinances initiated by other than the County that would change the actual zoning map designation of a parcel of land or parcels of land shall be read by title, in full, at two (2) separate Board of County Commissioner hearings and shall be published at least ten (10) days before the planning and zoning board meeting, at least seven (7) days before the first Board of County Commissioner hearing and again at least ten (10) days before the second Board of County Commissioner adoption hearing which shall be at least ten (10) days after the first hearing. At least one Board of County Commissioner's hearing shall be held after 5 p.m. on a weekday, unless the Board, by a majority plus one vote, elects to conduct that hearing at another time of day.
- (056) ~~Posting of Property.~~ For each zoning or Variance application to be considered at a public hearing, the subject property shall be posted stating the requested action, the date and place of the public hearing, and where copies of the application and supporting documents may be viewed; Notice of small-scale development amendments to the comprehensive land use plan, initiated by someone other than the County, shall be published at least ten (10) days before the planning and zoning board public hearing and again at least five (5) days before the Board of County Commissioner's adoption hearing.
- (067) ~~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, so that it may have an opportunity to send a representative to the public hearing to speak on its behalf. All comprehensive land use plan amendments, other than small-scale amendments, shall be published at least ten (10) days before the planning and zoning public hearing, and again at least seven (7) days before the first Board of County Commissioner's meeting, and again at least five (5) days before the Board of County Commissioner's adoption hearing.
- (8) Failure to provide advertised notice as set forth in the foregoing notice requirements shall not affect any action or proceedings taken under this section unless such notice is required by Florida Statutes.

~~(B) Public Notice Requirements for Amendments to Official Zoning Map Initiated by the Board of County Commissioners.~~

~~(01) Notification by Mail.~~

- ~~a. Where a zoning action has been initiated or undertaken at the direction of the Board of County Commissioners, and involves less than five percent of the total land area of the County, the Board of County Commissioners shall direct the Planning and Development Division to notify by mail each property owner whose land the County will rezone or whose land will be affected by the change in permitted use.~~
- ~~b. Such notice shall be given at least 30 days prior to the date set for the public hearing, and a copy of the notice shall be kept available for public inspection during regular business hours at the Office of Planning and Development.~~
- ~~c. The notice shall state the substance of the proposed ordinance as it affects that property owner and shall set a time and place for one or more public hearings on the ordinance.~~
- ~~d. The subject property shall be posted stating the requested action, the date and place of the public hearing, and where copies of the application and supporting documents may be viewed.~~
- ~~e. The Board of County Commissioners shall hold a public hearing on the proposed Ordinance and may, upon conclusion of the hearing, immediately adopt the Ordinance.~~

~~(02) Advertisement of Public Hearings.~~

- ~~a. Where a zoning action has been initiated or undertaken at the direction of the Board of County Commissioners, and involves five percent or more of the total land area of the County, the Board of County Commissioners shall hold two advertised public hearings on the proposed Ordinance.~~
- ~~b. Both hearings shall be held after 5:00 p.m. on a weekday, and the first shall be held approximately seven days after the day that the first advertisement is published.~~

- ~~e. The second hearing shall be held approximately two weeks after the first hearing and shall be advertised approximately five days prior to the public hearing.~~
- ~~d. The date, place, and time at which the second public hearing will be held shall be announced at the first public hearing.~~
- ~~e. The required advertisements shall be no less than one quarter page in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point.~~
- ~~f. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear.~~
- ~~g. The advertisement shall be published in a newspaper of general circulation in the County and of general interest and readership in the community.~~
- ~~(03) The advertisement shall be in the following form:~~

<p><del>NOTICE OF ZONING (PERMITTED USE) CHANGE</del>  <del>The Hardee County Board of County Commissioners proposes to rezone</del>  <del>(change the permitted use of) the land within the area shown in the map in this</del>  <del>advertisement.</del>  <del>A public hearing on the rezoning will be held on (date and time) at (meeting</del>  <del>place).</del></p>
--

~~The advertisement shall also 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 of identification of the area.~~

(B) Posting property.

- (1) All specific property being considered at a public hearing shall be posted at least ten (10) days in advance of the public hearing, provided however that the posting of specific property shall not be required when the property subject to change constitutes more than ten (10) contiguous acres. Such posting shall consist of a sign, the face surface of which shall not be larger than five hundred seventy- six (576) square inches in area, with black lettering and shall contain the following language:

[NAME OF DECISION-MAKING BODY]

NOTICE OF PUBLIC HEARINGPHONE:HEARING DATE:HEARING TIME:HEARING NUMBER:ACTION REQUESTED:ADDRESS:INTERESTED PARTIES MAY APPEAR AT THE MEETING AND WILL BE GIVEN THE OPPORTUNITY TO BE HEARD ON THE MATTER.

- (2) The sign shall be erected in full view of the public on each street side of the subject property. Where large parcels of property are involved with street frontages extending over considerable distances, as many signs shall be erected on the street frontage as may be deemed adequate by the County staff to inform the public.
- (3) The sign shall be located within the boundaries of the subject property and visible from the street.
- (4) The height of such sign shall be erected to project not more than seven (7) feet above the surface of the ground.
- (5) Failure to post specific property shall not affect any action or proceeding taken under the provisions of the Unified Land Development Code.

(C) Mailed Notices.

- (1) A notice of public hearing affecting specific properties containing general information as to the date, time, place of the hearing, property location and general nature of the application may be mailed to the property owners whose addresses are known by reference to the latest ad valorem tax record, within a three hundred (300) foot radius. This notification requirement is measured in feet from the perimeter boundaries of the subject property. The expense of mailing notice shall be borne by the applicant.

The Planning and Development Department may require that an additional area receive a courtesy notice on any application. The planning and development department may also require courtesy notices on applications that are not typically required to be so noticed if it is determined that such notice is desirable.

- (2) Courtesy notices shall be mailed at least ten (10) days prior to the date of the public hearing.



- (3) When a proposed ordinance is initiated by the County that changes the actual zoning map designation for a parcel or parcels of land less than ten (10) acres, the Planning and Development Department shall notify, by mail, each real property owner whose land the County will redesignate by enactment of the ordinance and whose address is known by reference to the latest ad valorem tax records. In addition, the notice will be mailed to all owners of property within a three hundred (300) foot radius of the subject property. The notice shall state the substance of the proposed ordinance as it affects that property owner and shall set a place and time for the public hearing on such ordinance. Such notice shall be given at least ten (10) days prior to the date of the planning and zoning board meeting and again at least thirty (30) days prior to the date of the Board of County Commissioner's public hearing.
- (4) Notice of small-scale development amendments to the Future Land Use Map, initiated by the County, shall be mailed to each owner of record of the property subject to the amendment in the current tax rolls. The notice shall state the substance of the proposed ordinance as it affects that property owner and shall set a time and place for the public hearing on such ordinance. Such notice shall be given at least ten (10) days prior to the date of the planning and zoning board public hearing and again at least thirty (30) days prior to the date of the Board of County Commissioner's public hearing.
- (5) Notice for ordinances that change the actual list of permitted, permitted with conditions or prohibited uses or special exceptions within a zoning category/use district, or ordinances initiated by the County that change the actual zoning map designation of a parcel or parcels of land involving ten (10) contiguous acres or more, shall be mailed at least ten (10) days prior to the planning and zoning board public hearing, again at least seven (7) days prior to the first Board of County Commissioner's public hearing and again at least five (5) days prior to the second Board of County Commissioner's adoption hearing.
- (6) A copy of mailed notice shall be available for public inspection during the regular business hours of the County.
- (7) Failure to mail where required by the Unified Land Development Code or receive notice shall not affect any action or proceeding taken under the Unified Land Development Code. The applicant shall be required to provide a mailing list and labels of the area within the radius prescribed above to the County. The mailing list shall be accompanied by a map certified by a registered surveyor or engineer or sworn to by a person regularly in the business of providing such lists, indicating the property within a three hundred (300) foot radius of the subject property.

*Comment: Section relocated from Section 8.05.00; and amended to be consistent*

*with Florida Statutes and more concise.*

#### **~~8.06.00. STATUTORY REQUIREMENTS FOR COMPREHENSIVE PLAN AMENDMENTS.~~**

~~There are two general types of Comprehensive Plan Amendments: text amendments; and, amendments effecting land use, development standards, and maps.~~

*Comment: Section relocated from Section 8.06.00 and deleted; Section held as reserved.*

#### **SECTION 10.11.00 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 Planning and Development Division. Such materials shall be available for public inspection between the hours of 8:00 a.m. and 4:00 p.m. on weekdays at the office of the Planning and Development Division. Copies shall be made available at a price reflecting the County's reproduction costs.

*Comment: Section relocated from Section 8.07.00.*

#### **SECTION 10.11.00 ADMINISTRATIVE FEES**

~~The Board of County Commissioners shall, by separate resolution, 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 County's costs of administration, inspection, and enforcement.~~

A schedule of fees may be established by resolution of the Board of County Commissioners to cover the costs of technical and administrative activities required pursuant to these regulations. Unless specifically exempted by the provisions of these regulations or by the County Manager or designee based upon a showing of hardship, an applicant for any development that is subject to the regulations set out in this Code shall bear the costs stipulated within such fee schedule. An application shall not be deemed sufficient until all required fees have been paid.

All costs of advertising, mailing, and posting shall be borne by the applicant. For the purpose of the Planning and Zoning Board and Board of County Commissioner advertisements as set forth in this Section, the applicant shall pay a pro-rata share of the advertisement cost for each item submitted for review with any other applicant on the same agenda.

*Comment: Section relocated from Section 8.08.00; Language updated to address fees.*

**ARTICLE 11  
 VARIANCES, WAIVERS, ADMINISTRATIVE ADJUSTMENTS, AND NON-  
 CONFORMITIES**

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## **ARTICLE 11**

### **VARIANCES, WAIVERS, ADMINISTRATIVE ADJUSTMENTS, AND NON-CONFORMITIES**

Text that is underlined is text to be added and text that is shown as ~~strikeout~~ is to be removed. *Comments* provided for information and are not adopted as part of the Unified Land Development Code text.

#### **SECTION 11.01.00 GENERALLY**

(A) An applicant may seek relief, deviations, and/or adjustments from the dimensional and technical provisions of this Code as a variance, waiver and/or administrative adjustment. A variance requires a public hearing before the Board of County Commissioners; a waiver requires Planning and Zoning Board or Board of County Commissioners approval; and an administrative adjustment allows for County staff to decide minor adjustments to Code standards specified in this Article. These processes are further described in individual Sections of this Article.

(B) A variance, waiver, and/or administrative adjustment may not be granted to the following:

(1) Density and intensity limitations of the Code and the Comprehensive Plan.

(2) Land usage restrictions of the Code and the Comprehensive Plan.

(3) Review and procedural requirements of the Code.

(4) State and federal rules, regulations, and standards.

(C) Required Information.

Requests must be submitted to the Planning and Development Director and shall include the following information at the discretion of the Planning and Development Director:

(1) A proposed site development diagram (concept plan) drawn to scale.

(2) An accurate survey of the subject site and proposed adjustments.

(3) A written explanation and justification of the requested variance, waiver, and/or administrative adjustment.

(4) A written response for each of the criteria for granting variances, waivers and/or administrative adjustments as listed in this division.

(5) Other supplementation information as required by the Planning and Development Director or designee.

(D) Initiation of Construction.

A variance, waiver, or administrative adjustment issued under the provisions of this division shall automatically expire within two years from the date of granting such approval if construction of the project has not commenced and continued in good faith. All site plans must be approved and development orders must be finalized; and the granting of any variance, waiver, or administrative adjustment shall not be deemed as automatic approval for any such permit or site plan required.

(E) Extensions.

The Planning and Development Director may grant an extension of up to one year upon showing of good cause, provided the request for extension is submitted in writing stating the reason for the extension, and it is received prior to the expiration of the variance, waiver, or administrative adjustment.

(F) Expiration.

Variance, waivers, and administrative adjustment approvals shall automatically expire in the event a subject structure is removed from the site or a subject use is discontinued for a period of 180 consecutive days.

(G) Economic hardship shall not be a justifiable reason for granting a variance, waiver, or administrative adjustment.

*Comment: New Section added to address general requirements for variances, waivers, and administrative adjustments.*

## **SECTION 11.02.00 COMPARISON OF VARIANCES, WAIVERS, AND ADMINISTRATIVE ADJUSTMENTS**

The following table provides a comparison of the variance, waiver, and administrative adjustment process.

**Table 11-01**  
**Comparison of Variance, Waiver, and Administrative Adjustment**

<u>Item</u>	<u>Variance</u>	<u>Waiver</u>	<u>Administrative Adjustment</u>
<u>Level of Approval</u>	<u>BoCC</u>	<u>BoCC or P&amp;Z</u>	<u>Administrative</u>
<u>Quasi-judicial Hearing</u>	<u>X</u>	<u>X</u>	
<u>Required Public Hearing</u>	<u>X</u>	<u>X</u>	
<u>May be approved with undue hardship created by unique circumstances that the property owner did not create.</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>May be approved if the hardship is created by the property owner.</u>		<u>X</u>	<u>X</u>
<u>Authorized only for height, area, size of structure or size of yards and open spaces, or other dimensional requirements.</u>	<u>X</u>		

*Comment: New Section added to provide clarity in the processes.*

## **SECTION 11.03.00 VARIANCES**

### **(A) Generally.**

A variance is the process under which the Board of County Commissioners may grant relief from dimensional standards established by this Code.

- (1) Variances shall be heard and decided by the Board of County Commissioners in a public hearing that has been advertised in accordance with Section 10.09.00.
- (2) Any person, firm, or corporation owning property in Hardee County may apply for a variance.
- (3) A variance request shall be submitted on an application form, provided by the County, together with all applicable fees as established by resolution by the Board of County Commissioners.
- (4) A variance is authorized only for height, area, size of structure or size of yards and open spaces, or other dimensional requirements. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance nor shall the variance be granted because of the presence of non-conformities in the zoning district or classification or in the adjoining zoning districts or classifications. Provisions relating to concurrency or consistency with the Comprehensive Plan shall not be allowed a variance.

- ~~(5) Variances shall be granted only by the Board of County Commissioners that in a public hearing that has been advertised in accordance with Section 8.05.00 of this Code. Variances granted by the Board of County Commissioners that 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 of County Commissioners that deems appropriate.~~

*Comment: Language relocated from Section 7.13.04. and from the Definitions Section; Language updated to provide greater clarification on variances.*

(B) Criteria for Granting a Variance.

The granting of a variance shall be based on a determination by the Board of County Commissioners 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:

- ~~(A1)~~ 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;
- ~~(B2)~~ The special conditions and circumstances do not result from the actions of the applicant;
- ~~(C3)~~ 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;
- ~~(D4)~~ 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;
- ~~(E5)~~ ~~That~~ ~~the~~ The variance granted is the minimum variance that will make possible a reasonable use of the land or structure;
- ~~(F6)~~ ~~That~~ ~~the~~ 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;



~~(G) Whether and to what extent, the proposed Variance is compatible with the following standards:~~

~~(01) Whether one or more of the following design standards proposed for the subject property will differ substantially from the design standards currently allowed for any of the adjacent properties, such as:~~

~~a. Yards;~~

~~b. Setbacks;~~

~~c. Height;~~

~~d. Lot Coverage;~~

~~e. Impervious Surface Coverage.~~

~~f. Parking;~~

~~g. Hours of Operation.~~

~~(02) Whether the intensity or density of use will be greater or lesser than that currently permitted for adjacent or currently existing properties;~~

~~(03) Whether the proposed change in land use will adversely alter the existing land use pattern;~~

~~(04) Whether the proposed change in land use will significantly increase traffic congestion or otherwise affect public safety;~~

~~(05) Whether the proposed change in land use will adversely affect the drainage of the property;~~

~~(06) Whether the proposed change in land use will decrease the quality of water, air or light to adjacent properties;~~

~~(07) Whether the proposed change in land use will adversely affect the property values of the adjacent properties;~~

~~(08) Whether the proposed change in land use will cause noticeable glare, noise, or odors for the adjacent properties;~~

- ~~(09) Whether the proposed change in land use would create a mixture of land uses so dissimilar to the existing pattern of development, that the overall quality and character of the surrounding neighborhood would be degraded; and~~
- ~~(10) Whether the detrimental effects of any identified incompatibilities can be mitigated or eliminated by adequate buffering.~~

*Comment: Language relocated from Section 7.13.04.01; language deleted because variances are permitted for dimensional relief only.*

(C) Term of Variance.

Variances granted by the Board of County Commissioners are valid per Section 11.01.00 (D), or 11.01.00(E) as applicable, and the variance runs with the property. If an improvement associated with the issuance of a variance is removed, the variance shall automatically expire as provided in Section 11.01.00(F).

*Comment: Language added to clarify term of variance approval.*

## **SECTION 11.04.00 WAIVERS**

*Comment: New Section title.*

### **11.04.01 Waiver for a Specific Subdivision Requirement**

(A) General.

Where the Board of County Commissioners finds that undue hardship due to unreasonable practical difficulties may result from strict compliance with the requirements for subdivisions only, the Board of County Commissioners may approve a waiver to the requirements if the waiver serves the public interest.

(B) Conditions of Waiver for Subdivisions.

An applicant seeking a waiver shall submit a written request to the Planning and Development Director stating the reasons for the waiver and the facts which support the waiver. The Board of County Commissioners shall not approve a waiver unless it determines the following:

- (1) The particular physical conditions, shape, or topography of the specific property involved causes an undue hardship to the applicant if the strict letter of the Article is carried out.

- (2) The granting of the waiver will not be injurious to adjacent properties.
- (3) The conditions upon which a request for a waiver are based are unique to the property for which the waiver is sought and do not result from actions of the applicant.
- (4) The waiver is consistent with the intent and purpose of the Unified Land Development Code, the Comprehensive Plan, and the requirements of this Article. If the Board of County Commissioners approves a waiver, the Board of County Commissioners may attach such conditions to the waiver as will ensure that the waiver will comply with the intent and purpose of this Article.

*Comment: New section added to address a waiver process to subdivision requirements.*

#### **11.04.02 Waivers from Unified Land Development Code Requirements**

(A) General.

Except for those waivers authorized by Section 11.04.01, the Planning and Zoning Board may approve a waiver where it is determined that undue hardship due to unreasonable practical difficulties may result from strict compliance with a requirement of the Unified Land Development Code.

(B) A waiver shall not modify any requirement or term customarily considered as a variance.

(C) A waiver shall be considered only in cases where alternative administrative procedures are not set forth within the Unified Land Development Code.

(D) A waiver may be approved only upon showing of good cause, and upon evidence that an alternative to a specific provision(s) of the Code shall be provided, which conforms to the general intent and spirit of the Unified Land Development Code. In considering any request for a waiver, the Planning and Zoning Board may require conditions as appropriate to ensure that the intent of this Unified Land Development Code is enforced.

(E) Conditions of Waiver.

An applicant seeking a waiver shall submit a written request to the Planning and Development Director stating the reasons for the waiver and the facts which

support the waiver. The Planning and Zoning Board shall not approve a waiver unless:

- (1) Compliance with such provision(s) would be unreasonable; or
- (2) Compliance with such provision(s) are in conflict with the public interest; or
- (3) Compliance with such provision(s) are a practical impossibility.

*Comment: New section added to address a waiver process other than subdivision requirements.*

## **SECTION 11.05.00 ADMINISTRATIVE ADJUSTMENTS**

*Comment: New Section title to address administrative adjustments.*

### **11.05.01 Purpose and Intent**

The purpose and intent of the administrative adjustment process is to provide flexibility in property development without requiring the time and expense of adjustments from this Code through a public hearing process, and to provide a streamlined alternative to the variance and waiver processes heard by the Board of County Commissioners or the Planning and Zoning Board.

*Comment: New Section added to address the purpose and intent of administrative adjustments.*

### **11.05.02 Authority**

The Planning and Development Director shall have the authority to approve, approve with conditions, or deny applications for administrative adjustments consistent with the requirements specified in this Section. Any such adjustment shall be from the requirements of this Code only. The Planning and Development Director does not have the authority to approve an administrative adjustment for: allowable uses, density, intensity, or any other provision prescribed in the Comprehensive Plan; any requirement of the flood hazard area regulations; allowing expansion of any non-conforming use or structure; or as otherwise specified in this Code.

*Comment: New Section added to address the authority of administrative adjustments.*

### **11.05.03 Review Guidelines**

The Planning and Development Director shall make a final decision regarding an application for administrative adjustment based upon consideration of the following factors:

- (A) The administrative adjustment will not interfere with the rights of others or create harm or hardship for other property owners, nor will it otherwise constitute a threat to the general health, safety, and welfare of the public.
- (B) The action involved provides a reasonable adjustment under the specific circumstances of each application.
- (C) The action involved is generally consistent with the spirit and intent of this Code and the Comprehensive Plan.
- (D) The action involved is the absolute minimum necessary to provide relief under the specific circumstances of each application.
- (E) The action involved otherwise complies and is consistent with other applicable requirements of this Code and any other county, state, or federal laws and regulations.

*Comment: New Section added to address review guidelines for administrative adjustments.*

#### **11.05.04 Allowable Adjustments**

Only the following adjustments may be approved by the Planning and Development Director pursuant to Sections 11.05.02 and 11.05.03.

*Comment: New Section added to address the allowable administrative adjustments.*

##### **11.05.04.01 Administrative Approval of Minor Field Adjustments**

The Planning and Development Director or Building Official, in the event the request is governed by the Florida Building Code, has the authority to approve 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 (5) feet.

- (B) Reduction of the total amount of the yard area associated with any single structure by not more than 10 percent.
- (C) Reduction of the total amount of open space by not more than 10 percent associated with any single structure.
- (D) If the work is found to have one or more minor field adjustments, the applicant shall submit a revised site plan showing the deviations and the development order to conform to the actual development. Any minor field adjustment that significantly affects the development's compliance with the purposes of this Code to the Board of County Commissioners.

*Comment: New Section added to address reference to Minor deviations from development permits and development orders.*

#### **11.05.04.02 Major Deviation from Development Permits and Development Orders**

A major deviation is a deviation from a final development order other than a minor field adjustment.

Failure to adhere to the terms and conditions of a development order shall be considered a violation of the County Code and any persons found violating the conditions shall be subject to the penalties prescribed by Section xxx of the Code of Ordinances, including but not limited to, the revocation of any of the approval(s) granted by the development order.

*Comment: New Section added to address reference to Major deviations from development permits and development orders; Reference to language to be adopted in the Code of Ordinances.*

#### **11.05.04.03 Setback Adjustments**

In single-family zoning districts ~~land use classifications~~ only, the Planning and Development Director may approve the reduction of front, side, and rear building setbacks for principal and accessory structures (excluding swimming pools) by no more than 10% subject to the following conditions:

- (01) The setback requirement is established by the zoning district ~~land use classification~~ and no other Section of this Code;
- (02) The total structural coverage of the lot or building site shall not exceed ~~25~~ 45%.

- (03) The approval would not result in the encroachment of a structure into an existing utility or drainage easement held by the County;
- (04) A certified survey shall be submitted by the applicant verifying building locations and structural coverage; and,
- ~~(05) A statement of no objection shall be provided with notarized signatures of owners of all adjoining properties.~~

~~At his/her discretion, the Planning and Development Director may deny the request for setback adjustment and refer the application to the Board of County Commissioners as a Variance, or for approval of a Site Development Plan.~~

*Comment: Language relocated from Section 8.02.01(A); Language requiring signatures of adjacent property owners removed as a 10 percent change to a setback is minor (Range of 0.7 to 3 feet); Language allowing item to be forwarded to Board of County Commissioners as a variance deleted because that is an existing option of the ULDC.*

#### **11.05.04.04 Parking and Loading Requirements**

Parking spaces required pursuant to the Americans with Disabilities Act or Florida Accessibility Code are not eligible for an administrative adjustment.

- (1) The minimum number of parking and/or loading spaces may be adjusted up to 20 percent or two spaces, whichever is greater; this adjustment may not be permitted in addition to the other administrative reductions outlined in Section 11.05.00.
- (2) The minimum parking/loading dimensions may be adjusted up to 20 percent or two feet whichever is greater.
- (3) The requirement for paving and striping of parking lots, except handicapped parking requirements, prescribed in Subsection 11.05.04.04 of this Code, may be reduced or waived after approval from the Public Works Department.

*Comment: Language added to address administrative adjustments for parking and loading requirements.*

#### **11.05.04.05 Landscaping, Compatibility Screening, and Buffering**

- (1) Landscaping and tree preservation requirements may be adjusted up to 50 percent. This may include adjustments to plant quantity, plant size, buffer width, and location.
- (2) Screening and buffering requirements may be reduced or waived when it can be conclusively demonstrated that compatibility buffering is not necessary to protect adjacent land uses.

*Comment: Language added to address administrative adjustments for landscaping, compatibility screening, and buffering.*

#### **11.05.04.06 Sign Dimensional Standards**

Sign dimensional standards may be adjusted up to 20 percent. This is limited to adjustments to sign placement on the site.

*Comment: Language added to address administrative adjustments for sign dimensional standards.*

#### **11.05.04.07 Construction Standards and Materials**

Construction standards and materials for sidewalks, roadways, driveways, and similar elements may be varied and/or adjusted when alternative materials or methods are used that meet or strengthen the intent. Dimensional requirements may be adjusted up to 20 percent. Adjustments pertaining to ADA standards are not permitted.

*Comment: Language added to address administrative adjustments for construction standards and materials.*

### **SECTION 11.06.00 NON-CONFORMITIES:**

~~Non-conformities 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, non-conformities 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.~~

The regulations of this Article govern uses, structures, lots, signs, and other situations that came into existence legally but that do not conform to one or more requirements of this Unified Land Development Code. These are referred to in this Code as "nonconformities."



To encourage development consistent with this Unified Land Development Code and provide owners with reasonable use of their land, it is the general policy of the County to allow uses, structures, signs, lots, and other situations that came into existence legally, in conformance with then applicable requirements, to continue to exist and be put to productive use, but to bring as many aspects of such situations into compliance with existing regulations as is reasonably possible in a manner consistent with the Comprehensive Plan.

The regulations of this Article are intended to:

- (A) Recognize the interests of owners in continuing to use their property;
- (B) Promote reuse, rehabilitation, and redevelopment of existing buildings and sites; and
- (C) Prohibit the expansion and alteration of nonconformities that have the potential to adversely affect surrounding properties or the community as a whole.

Any nonconformity that existed on the effective date of this Code or that becomes non-conforming upon the adoption of any amendment to this ULDC, may be continued in accordance with the provisions of this Article.

The burden of proving that a nonconformity exists rests with the subject owner. Non conformity status runs with the land and is not affected by changes of tenancy, ownership, or management.

*Comment: Language relocated from Section 7.16.00 and updated to better explain non-conformities.*

**11.06.01- Non-conforming Uses-**

Non conforming uses shall not be:

- ~~(A) Enlarged, increased or expanded to occupy a greater land or floor area than at the effective date of this Code or amendment to the Code, whichever date created the non conformity;~~
- ~~(B) Enlarged or intensified through the erection of any additional structure or use that is not permitted under the provisions of this Code;~~
- ~~(C) Re-established if destroyed or if use is discontinued for 90 consecutive days;~~
- ~~(D) 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;~~

~~(E) Where the non-conforming lots were created by the exercise of the power of eminent domain, or threat there, or as a result of a court order, the combination of the lots shall not be required; and,~~

~~Non-conforming 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 non-conforming.~~

A use permitted by temporary use permit, or a use permitted by special use permit or special exception under previous zoning regulations; and which is a permitted use under the current Code shall be allowed to continue, extend, enlarge, expand, rebuild, or repair consistent with the requirements of the current Code, subject to voluntary termination of the previous approval in accordance with its approval process. So long as the existing permit remains valid, the use may continue, extend, enlarge, expand, rebuild, or repair consistent with the conditions of the existing development order.

(A) *Nonconforming Uses.* A nonconforming use of a structure shall be allowed to continue provided that it shall not be:

(1) Changed to another nonconforming use except where it is determined by the BOCC in accordance with the review process identified in Article 9, that:

(a) The design, construction, and character of the building is unsuitable for uses permitted in the district in which such nonconforming use is situated;

(b) It is further determined that the proposed nonconforming use, including its customary accessory uses, is equally or more appropriate to the district than the existing nonconforming use; and

(c) That the relation of the structure to the surrounding properties is such that adverse effects on occupants of neighboring properties will not be greater than if the existing nonconforming use is continued.

(2) Extended, enlarged, or expanded; unless under one of the following exceptions:

(a) Structural alterations to single-family residences shall be permitted if the cost of the structural alteration does not exceed fifty (50) percent of the market value of the structure.

(b) A single unenclosed covered structure less than one thousand five hundred (1,500) square feet may be added to non-residential sites provided that such structure complies with any required setbacks.

(c) A manufactured or mobile home established as a legal permanent residence prior to the effective date of this Code and which has not been vacant for longer than one hundred eighty (180) days may be repaired, rebuilt, or replaced in accordance with the following requirements:

1. The repaired, rebuilt, or replaced manufactured or mobile home meets the requirements and limitations, with the exception of zoning district, in \_\_\_\_\_; and
2. The Planning and Development Director determines that the replacement mobile home or manufactured home is newer than the unit being replaced.

(B) Loss of Nonconforming Use Status. Once a nonconforming use is abandoned, the use's nonconforming status is lost, and any subsequent use of the property shall comply with the regulations of the zoning district in which it is located. A nonconforming use will be considered abandoned when any of the following occurs:

- (1) The intent of the owner to discontinue the use is apparent;
- (2) The use has been discontinued for a period of eighteen (18) months or more;
- (3) A demolition permit has been applied for;
- (4) The characteristic equipment and furnishings associated with the nonconforming use have been removed from the premises and have not been replaced by similar equipment within ninety (90) days, unless other facts show intention to resume the nonconforming use;
- (5) The nonconforming use has been replaced by a conforming use; or
- (6) A building permit to reconstruct a damaged nonconforming use has not been secured within twelve (12) months of the date of

occurrence of such damage or construction has not been diligently pursued.

(C) When a building or structure, the use of which does not conform to the provisions of this Code, is damaged to the extent of more than fifty percent (50%) of its fair market value immediately prior to the time of destruction, as determined by the County property appraiser, the use may not be restored except in conformity with the regulations of the applicable zoning district. This provision does not apply to single-family dwellings.

(D) *Discontinuance of Nonconforming Uses of Land.* Nonconforming uses of land, not contained within principal buildings and any open use of land that becomes nonconforming because of subsequent amendments to this Code, including but not limited to open storage; building supplies; vehicle, implement and machinery storage, either on the same lot or on another lot with a plant, factory or sales facility; junkyards; kennels; commercial dairies that did not exist prior to the effective date of this Code; commercial animal raising and similar uses shall comply with this Code or be discontinued on or before eighteen (18) months following notice by certified mail by the County, unless that time period for conformance or extension is extended by the BOCC. Prior to the conclusion of eighteen (18) months following notice of nonconformance by the County, a property owner may submit an application for an extended time period for conformance or discontinuance of a nonconforming open use of land in accordance with Article 9, Application Review and Decision Making. At a properly noticed public hearing, the BOCC shall consider the following as part of its decision to approve or deny an application for an extended time period for conformance or discontinuance of a nonconforming use, and, if approved, its decision of how long to extend the time period:

(1) To what extent the nonconforming use adversely affects the health, safety, and welfare of the public; and

(2) Whether and to what extent, before the use became nonconforming, the owner made a substantial change in position or incurred extensive obligations and expenses that cannot be mitigated or recovered on or before eighteen (18) months following notice of nonconformance by the County.

The BOCC may require that satisfactory provisions be made to reduce noise, glare or odor effects on surrounding properties as a condition of granting an extension of the time period for conformance or discontinuance. These provisions may include, but are not limited to, increased setbacks from the property lines,

additional screening or buffering from neighboring properties, and limited hours of operation. If a property owner or other lawful occupant of a property for which the BOCC has approved a time period extension, fails to comply with the conditional provisions of the approval, the Board may, at a properly noticed public hearing, revoke the time period extension. Nothing in this provision prevents the BOCC from requiring the immediate conformance or discontinuance of a nonconforming use if it determines a particular use to be an imminent and substantial threat or nuisance to the health, safety, and welfare of the public.

- (E) Accessory Uses and Structures. A use accessory to a principal nonconforming use or structure may not be continued after the principal use or structure has lost its nonconforming status or been discontinued.

*Comment: Language relocated from Section 7.16.01(A) through (E) and deleted; New language added to address nonconforming uses and structure.*

**11.06.02- Non-conforming Structures-**

Structures qualifying as non-conforming shall not be:

- (A) Moved in whole or in part, if non-conforming by use, to another location on the same parcel or lot that it occupies;;
- ~~(B1)~~ Transported to any other parcel of land unless such transport would render the structure conforming to all applicable provisions of this Code;;
- ~~(C2)~~ Enlarged or expanded in any manner, unless such enlargement reduces the degree of non-conformity and is carried out in accordance with the provisions of this Code;~~or;~~
- ~~(D3)~~ Rebuilt, repaired, or renovated in excess of 50% of the assessed value of the structure, as determined by the Hardee County Property Appraiser.
- (B) Structures that are non-conforming by size, but not by use, may be enlarged if the addition will reduce non-conformity of floor area and will meet required setbacks. Structures that are non-conforming by setback, but not by use, may be enlarged if all new construction meets required setbacks.
- ~~(C)~~ A non-conforming structure which is hereafter damaged or destroyed in excess of 50 percent or more of its assessed value, for the life of the structure, by deterioration, flood, fire, explosion, earthquake, hurricane, tornado, war, riot, or act of God, may not be reconstructed or restored for use except in compliance with the requirements of this Code.

*Comment: Language relocated from Section 7.16.03 and 7.16.01(F).*

**11.06.03 Non-conforming 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 Hardee County prior to the ~~date of adoption~~ effective date 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 square feet in size without a variance authorized by the Board of County Commissioners;
- (B) All other structures shall be built on lots of no less than 60 feet in width and 6,000 square feet in size without a variance authorized by the Board of County Commissioners;
- (C) Contiguous platted subdivision lots that are of single ownership, and do not separately meet width, depth and area requirements of the applicable land use/zoning district, shall be considered a single lot for development purposes;
- (D) Non-conforming lots of record shall not be reduced in size, width or depth without a variance authorized by the Board of County Commissioners;
- (E) All development permitted on non-conforming lots of record shall be subject to normal setbacks and all other requirements of this Code; ~~and,~~
- (F) A legal lot cannot be created by creating an illegal, non-conforming remnant, parcel, or lot.

*Comment: Language relocated from Section 7.16.02*

**11.06.04 Non-conforming Mobile Home Parks**

- (A) Existing mobile home parks that are non-conforming by use and design shall not be redesigned, expanded in area, or modified to accommodate additional mobile homes.
- (B) ~~No new mobile home spaces or lots may be added to an existing mobile home park 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. Mobile home parks which are nonconforming by design only may be expanded in area and/or modified so as to reduce or eliminate those aspects of design which render it nonconforming. The Planning and Development Director may authorize additional mobile home sites in such parks upon submission of a site development plan showing a redesign of the park which substantiates the following:

- (1) Overall density of the park will not exceed the allowable density established in the Comprehensive Plan and the appropriate section of this Code.
- (2) An area comprising 10 percent of the development site or five acres, whichever is less, shall be set aside as common open space as defined in Article 14.
- (3) No new mobile home will be placed within 20 feet of any property line.
- (4) Where possible, all development standards of the zoning district have been met, or the degree of non-conformity reduced. In no case shall the degree of non-conformity of any design aspect be increased.

A redesign proposal which does not include the addition of new mobile home spaces shall not be subject to conditions (1) and (2) above.

*Comment: Language relocated from Section 7.16.04 and Section 3.18.01.01(C)(9); Language updated and added to address non-conforming uses versus non-conforming structures.*

#### **11.06.05 Nonconforming Mobile Homes**

The replacement of an existing mobile home on property which is not designated for mobile home use on the official zoning map shall be prohibited.

*Comment: New Section added to address non-conforming mobile homes.*

#### **11.06.06- Non-conforming Agricultural Disposal of Septage/ Non-conforming Septage Treatment Facility Site and Septage Treatment Facility Site-**

Agricultural disposal of septage and Septage Treatment Facility sites shall be considered non-conforming land uses of those sites for which:

- (A) The State of Florida Department of ~~Health~~ Environmental Protection has issued a permit pursuant to the Florida Administrative Code, Chapter ~~10D-6~~ 64E-6,

approving the site for disposal of septage and/or for a Septage Treatment Facility site; and,

- (B) The property owner establishes by a preponderance of the evidence that ~~he/she~~ has they have relied in good faith on an act or omission of the County to make such a substantial change in position or incur such extensive obligations and expenses that it would be highly unjust and inequitable to destroy the grandfather rights acquired. The acquisition of property shall not be considered a substantial change in position of occurrence of extensive obligation.

*Comment: Language relocated from Section 7.16.05; State department name update; FAC Code reference updated.*

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## ARTICLE 12 CODE COMPLIANCE

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## ARTICLE 12 CODE COMPLIANCE

Text that is underlined is text to be added and text that is shown as ~~strikeout~~ is to be removed. *Comments* provided for information and are not adopted as part of the Unified Land Development Code text.

### **SECTION 12.01.00 CODE ENFORCEMENT- BUILDINGS AND CONSTRUCTION**

*Comment: Section title relocated from Section 8.10.00 and replaced as Buildings and Construction.*

#### ~~8.10.01. Authority and Purpose.~~

- ~~(A) This Section is adopted pursuant to Section 125.69 and Chapter 162, Part II, Florida Statutes, as a supplemental method of enforcing certain of the codes and ordinances of Hardee County, and is enacted to protect the public health, welfare, and safety of the citizens of said Hardee County;~~
- ~~(B) Nothing in this Section shall be construed to prohibit Hardee County from enforcing its codes and ordinances by any other means including, but not limited to, a summons, a notice to appear in the County Court, an arrest, an action before the Code Enforcement Board or Special Master, a civil action for injunctive relief, a stop work order, or demolition.~~

*Comment: Section relocated from Section 8.10.01 and deleted as it will be adopted through the updated Code of Ordinances.*

#### ~~8.10.02. Designation of Code Enforcement Officers.~~

- ~~(A) The Board of County Commissioners of Hardee County, Florida hereby designates all code inspectors, sworn law enforcement officers, and fire inspectors as Code Enforcement Officers" who shall have the powers and authority to enforce the codes and ordinances of Hardee County as set forth in this Section;~~
- ~~(B) The training and qualifications of the Code Enforcement Officers shall be established by the Board of County Commissioners, Hardee County, Florida;~~
- ~~(C) Except as to sworn law enforcement officers, designation as a Code Enforcement Officer does not confer the power of arrest or other law enforcement powers, nor subject the Code Enforcement Officers to the provisions of Chapter 943, Florida Statutes;~~

- ~~(D) Nothing in this Section shall be construed to amend, alter, or contravene the provision of any retirement or pension plan or system administered by Hardee County.~~

*Comment: Section relocated from Section 8.10.02 and deleted as it will be adopted through the updated Code of Ordinances.*

**12.01.01: Definitions:**

The following words, terms, and phrases, when used in this Section, shall have the meanings described to them in ~~this Section~~ Article 14, Construction and Construction Related Terms, except where the context clearly indicates a different meaning. Additional definitions relative to this Section and Article ~~812~~ generally may be found in Article 914, Definitions and Acronyms, Land Development Code.

*Comment: Section relocated from Section 8.01.05; definitions relocated to Article 14.*

~~8.10.03. Citation Authorization; Violation As Civil Infraction; Maximum Civil Penalty.~~

- ~~(A) Any Code Enforcement Officer designated pursuant to Section 8.10.2. of this Code is hereby authorized to issue a citation to a person when, based upon personal investigation, the Code Enforcement Officer has reasonable cause to believe that the person has committed a violation of this Code or ordinance adopted by the Board of County Commissioners;~~
- ~~(B) A code or ordinance violation, for which a citation may be issued pursuant to this Section, shall be deemed to be a civil infraction;~~
- ~~(C) The maximum civil penalty for such a civil infraction shall not exceed \$500.00 per day per violation plus all applicable costs of prosecution and legislative assessments plus court costs of \$10.00~~
- ~~(D) Each violation of a code or ordinance shall be a separate civil infraction. Each day such violation shall continue shall be deemed to constitute a separate civil infraction.~~

*Comment: Section relocated from Section 8.10.03 and deleted as it will be adopted through the updated Code of Ordinances.*

~~8.10.03.01. Notice Prior to Citation Issuance; Exception.~~

- ~~(A) Prior to issuing a citation, a Code Enforcement Officer shall provide notice to the person that the person has committed a violation of a code or ordinance and shall establish a reasonable time period within which the person must correct the violation. Such time period shall be no more than 30 calendar days. If, upon personal investigation a Code Enforcement Officer finds that the person has not corrected the violation within the time period, the Code Enforcement Officer may issue a citation to the person who has committed the violation.~~
- ~~(B) A Code Enforcement Officer shall not be required to provide the person with a reasonable time period to correct the violation prior to issuing a citation and may immediately issue a citation if a repeat violation is found or if the Code Enforcement Officer has reason to believe that the violation presents a serious threat to the public health, safety, or welfare, or if the violation is irreparable or irreversible.~~

*Comment: Section relocated from Section 8.10.03.01 and deleted as it will be adopted through the updated Code of Ordinances.*

~~8.10.03.02. Service of Warning Notice or Citation.~~

- ~~(A) Written warning notices, if applicable, and citations shall be provided to the alleged violator by hand delivery by the Code Enforcement Officer. In the absence of the alleged violator, issuance of a written warning notice or citation may be accomplished by leaving a copy at the alleged violator's residence with any person residing therein who is 15 years of age or older and informing the person of the contents and serving the alleged violator a copy of the citation to the alleged violator's residence by registered mail or by certified mail, return receipt requested.~~
- ~~(B) Issuance of a written warning notice or citation to a business may be accomplished by hand delivery by the Code Enforcement Officer to the owner of the business, or by leaving a copy at the business, during regular business hours, with any employee and informing the employee of the contents and serving the owner of the business a copy of the citation to the business address by registered mail or by certified mail, return receipt requested.~~

~~Each employee of the business shall be deemed to be an agent of the business for service of warning notices and citations.~~

*Comment: Section relocated from Section 8.10.03.02 and deleted as it will be adopted through the updated Code of Ordinances.*

~~8.10.03.03. Form of Contents of Citation; Filing with Court.~~

~~A citation issued by a Code Enforcement Officer shall be in a form prescribed by the Board of County Commissioners, or promulgated by administrative order issued by the Chief Judge of the Tenth Judicial Circuit in the case of a Uniform Code Citation, and shall contain:~~

- ~~(A) The date and time of issuance;~~
- ~~(B) The name and address of the person to whom the citation is issued;~~
- ~~(C) The date and time the civil infraction was committed documented;~~
- ~~(D) The facts constituting reasonable cause;~~
- ~~(E) The number of the section of the code or ordinance violated;~~
- ~~(F) The name and authority of the Code Enforcement Officer;~~
- ~~(G) The procedure for the person to follow in order to pay the civil penalty or to contest the citation;~~
- ~~(H) The applicable civil penalty if the person elects not to contest the citation;~~
- ~~(I) The applicable civil penalty if the person elects to contest the citation; and~~
  - ~~a. Each citation issued shall include a hearing date to appear before the County Court. After issuing a citation to an alleged violator, a Code Enforcement Officer shall deposit the original copy of the citation with the County Court, by filing same with the Clerk of the Court.~~

*Comment: Section relocated from Section 8.10.03.03 and deleted as it will be adopted through the updated Code of Ordinances.*

~~8.10.03.04. Refusal to Sign Citation.~~

- ~~(A) Any person who willfully refuses to sign and accept a citation issued by a Code Enforcement Officer shall be guilty of a misdemeanor of the second degree pursuant to Section 162.21(6), Florida Statutes.~~

- ~~(B) If the person cited so refuses to sign the citation, the Code Enforcement Officer shall write the words "Refused" or "Refused to Sign" in the space provided for the person's signature and shall then leave a copy of the citation with the person cited, if possible.~~
- ~~(C) Following such refusal to sign, the Code Enforcement Officer shall contact the Hardee County Sheriff's Department to report such refusal as a violation of Section 162.21(6), Florida Statutes.~~

*Comment: Section relocated from Section 8.10.03.04 and deleted as it will be adopted through the updated Code of Ordinances.*

~~8.10.03.05. Payment of Civil Penalty; Court Hearings.~~

- ~~(A) If the person elects not to contest the citation, the person shall pay in full the applicable civil penalty, as set forth herein, to the Clerk of the Court no later than one day prior to the date of the scheduled court hearing.~~
- ~~(B) If the person cited fails to pay the civil penalty prior to the date of the scheduled court hearing the person shall appear in County Court on the date cited on the citation to explain his/her failure to comply. Failure to appear may result in an Order to Show Cause, and may result in issuance of an arrest warrant.~~
- ~~(C) The County Court, after a hearing on the citation, shall make a determination whether or not a violation of the code or ordinance cited has been committed. If a violation is found to have occurred, the County Court may order the violator to correct the violation and may impose a civil penalty in an amount up to the maximum civil penalty.~~
- ~~(D) The County Court may provide for the civil penalty to be paid, and the violation to be corrected, within such time as the County Court determines to be appropriate. If the person found to be in violation fails to pay the civil penalty or correct the violation within the time provided, the code enforcement officer shall schedule the matter before the County Court, and the County Court may issue a civil judgment against that person in an amount up to the maximum civil penalty.~~
- ~~(E) Should the person cited willfully fail to comply with a County Court Order to abate or correct the violation, the County Court, after due notice and hearing on the matter, may Order the violator to pay a fine in an amount specified for each day the repeat violation continues past the date of notice to the violator, or may Order mitigation.~~

- ~~(F) — In the event that a civil judgment is entered against the person cited as provided herein, the County may record a certified copy of said judgment in the Official Records of Hardee County and the same shall thereafter constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator.~~
- ~~(G) — In the event that an Order is entered finding that a violation of the Ordinance cited has been committed, the County may record a certified copy of said Order in the Official Records of Hardee County and the same shall thereafter constitute notice to and be binding upon the violator and any subsequent purchasers, successors in interest or assigns if the violation concerns real property.~~
- ~~(H) — At any hearing pursuant to this Section, the commission of a violation of a code or ordinance must be proved by a preponderance of the evidence. The Florida Rules of Civil Procedure and the Florida Evidence Code shall be applicable to any such hearing.~~

*Comment: Section relocated from Section 8.10.03.05 and deleted as it will be adopted through the updated Code of Ordinances.*

~~12.01.04.06. — Amounts and Procedure for Payment of Civil Penalty.~~

~~Civil penalties shall be imposed as follows: (1) first offense/citation — \$125.00; (2) second offense/citation — \$250.00; (3) third and subsequent offenses/citations — \$500.00. A habitual offender may be issued the maximum penalty on a first offense. Payment of any civil penalty imposed by this Section shall be made to the Clerk of the Court, who shall forward the monies collected to the County's Director of Finance for deposit into the County's fund. If a judgment has been entered for the civil penalty, the Clerk of the Court shall notify the County when the judgment has been paid and the necessary Satisfaction of Judgment shall be prepared by the County Attorney and recorded in the Official Records of Hardee County.~~

*Comment: Section relocated from Section 8.10.03.06 and deleted as it will be adopted through the updated Code of Ordinances.*

### **12.01.02- Administration of the Florida Building Code:**

The Florida Building Code (FBC) is hereby declared to be remedial and shall be construed to secure the beneficial interests and purposes thereof, which are public safety, health, and general welfare through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards attributed to the



built environment including alteration, repair, removal, demolition, use and occupancy of buildings, structures or premises, and by regulating the installation and maintenance of all electrical, gas, mechanical and plumbing systems, which may be referred to as service systems. Quality control of materials and workmanship is not within the purview of the FBC except as it relates to the purposes stated herein.

*Comment: Section relocated from Section 8.01.02.*

### **12.01.03     Permitting and Inspection-**

The inspection or permitting of any building, system, or plan by the County under the requirements of the FBC shall not be construed in any court as a warranty of the physical condition of such building, system, or plan or their adequacy. Neither the County nor any employee thereof shall be liable in tort damages for any defect or hazardous or illegal condition or inadequacy in such building, system, or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting, unless the County employee is found to have acted in bad faith or with malicious purpose in a manner exhibiting wanton and willful disregard of the safety, health, and welfare of the public.

*Comment: Section relocated from Section 8.01.03.*

#### **12.01.03.01.     Applicability.**

*Comment: Section title relocated from Section 8.01.04.*

##### **(A)-     General-**

Where, in any specific case, different sections of the FBC specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

*Comment: Section relocated from Section 8.01.04.01.*

##### **(B)     Building-**

~~(A)~~ The provisions of the FBC shall apply to the construction, erection, alteration, modification, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every public and private building, structure or facility, or any appurtenances connected or attached to such buildings, structures, and facilities. Additions, alterations, repairs, and changes of use or occupancy

group in all buildings and structures shall comply with the provisions provided in Chapter 34 of the FBC.

~~The following buildings, structures, and facilities are exempt from the FBC as provided by law, and any future exemptions shall be as determined by the legislature and provided by law:~~

~~(01) Buildings and structures specifically regulated and preempted by the Federal government.~~

~~(02) Railroads and ancillary facilities associated with the railroad.~~

~~(03) Nonresidential farm buildings on farms.~~

~~(04) Temporary buildings or sheds used exclusively for construction purposes.~~

~~(05) Mobile homes as temporary offices, except that the provisions of Part V, Sections 553.501—553.513, F.S., relating to accessibility by persons with disabilities shall apply to such mobile homes.~~

~~(06) Those structures or facilities of electric utilities, as defined in F.S. Section 366.02, which are directly involved in the generation, transmission, or distribution of electricity.~~

~~(07) Temporary sets, assemblies, or structures used in commercial motion picture or television production, or any sound-recording equipment used in such production, on or off the premises.~~

~~(08) Chikees constructed by the Miccosukee Tribe of Indians of Florida of the Seminole Tribe of Florida. As used in this paragraph, the term "chikee" means a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other nonwood features.~~

~~(B) The FBC does not apply to, and no code enforcement action shall be brought with respect to, zoning requirements, land use requirements and owner specifications or programmatic requirements which do not pertain to and govern the design, construction, erection, alteration, modification, or repair or demolition of public or private buildings, structures, or facilities or to programmatic requirements that do not pertain to enforcement of the FBC.~~

~~(C) Residential buildings or structures moved into or within the county shall comply with the requirements of this Code.~~

~~(D) Unsafe buildings shall be abated using the International Property Maintenance Code, 2003 edition, promulgated by the International Code Council, subject to all amendments, modifications or deletions hereinafter contained.~~

~~(E) This section does not apply to the jurisdiction and authority of the Department of Agriculture and Consumer Services to inspect amusement rides or the Department of Insurance to inspect state-owned buildings and boilers.~~

*Comment: Section relocated from Section 8.01.04.02; Some language removed as it is addressed in the Florida Building Code.*

#### ~~8.01.04.03. Electrical.~~

~~The provisions of Chapter 27, FBC, Building, shall apply to the installations of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances thereto.~~

*Comment: Section relocated from Section 8.01.04.03 and deleted because it is addressed in the Florida Building Code.*

#### ~~8.01.04.04. Gas.~~

~~The provisions of the FBC, Fuel Gas, shall apply to the installation of consumers' gas piping, gas appliances and related accessories as covered in the FBC. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances, and the installation and operation of residential and commercial gas appliances and related accessories.~~

*Comment: Section relocated from Section 8.01.04.04 and deleted because it is addressed in the Florida Building Code.*

#### ~~8.01.04.05. Plumbing.~~

~~The provisions of the FBC, plumbing, shall apply to every plumbing installation including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances and when connected to a water or sewerage system and all aspects of a medical gas system.~~

*Comment: Section relocated from Section 8.01.04.05 and deleted because it is addressed in the Florida Building Code.*

**~~8.01.04.06. Federal and State Authority.~~**

~~The provisions of the FBC shall not be held to deprive and federal or state agency, or applicable governing authority having jurisdiction, of any power or authority which it had on the effective date of the adoption of the FBC or any remedy then existing for the enforcement of its orders, nor shall it deprive any individual or corporation of its legal rights as provided by law.~~

*Comment: Section relocated from Section 8.01.04.06 and deleted because it is addressed in the Florida Building Code.*

**~~8.01.04.07. Referenced Standards.~~**

~~Standards referenced in the technical codes shall be considered an integral part of the codes without separate adoption. If specific portions of a standard are denoted by code text, only those portions of the standard shall be enforced. Permissive and advisory provisions in a standard shall not be construed as mandatory.~~

*Comment: Section relocated from Section 8.01.04.07 and deleted because it is addressed in the Florida Building Code.*

**~~8.01.04.08. Units of Measure.~~**

~~The inch pound system of measurement is applicable to the provisions of the FBC. Metric units indicated in parenthesis following inch pound units are approximate equivalents and are provided for information purposes only.~~

*Comment: Section relocated from Section 8.01.04.08 and deleted because it is addressed in the Florida Building Code.*

**~~8.01.04.09. Accessibility.~~**

~~For provisions related to accessibility, refer to Chapter 11, FBC, Building.~~

*Comment: Section relocated from Section 8.01.04.09 and deleted because it is addressed in the Florida Building Code.*

**~~8.01.04.10. Energy.~~**

~~For provisions related to energy, refer to Chapter 13, FBC, Building.~~

*Comment: Section relocated from Section 8.01.04.10 and deleted because it is addressed in the Florida Building Code.*

## **SECTION 12.02.00- BUILDING OFFICIAL POWERS AND DUTIES**

*Comment: Section title relocated from Section 8.01.06 and expanded to reference the Building Official.*

### **12.02.01- General-**

The Building Official is hereby authorized and directed to enforce the provisions of the Florida Building Code (FBC). The Building Official shall have the authority to render interpretations of the FBC and develop procedures in order to clarify the application of its provisions. Such interpretations and procedures shall be in compliance with the intent and purpose of the FBC, and shall not have the effect of waiving requirements specifically provided for in the FBC. Other powers and duties of the Building Official are addressed in Article 10.

*Comment: Section relocated from Section 8.01.06.01; reference to location of other powers and duties of the Building Official added.*

### **12.02.02- Right of Entry-**

- (A) Whenever necessary to make an inspection to enforce any of the provisions of the FBC, or whenever the Building Official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, premises, electrical, gas, mechanical or plumbing systems unsafe, dangerous or hazardous, the Building Official may enter such building, structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the ~~the~~ Building Official by the FBC and ~~the~~ Land Development Code. If such building or premises are occupied, the ~~the~~ Building Official shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, the ~~the~~ Building Official shall first make a ~~reasonable~~ reasonable effort to locate the owner or other persons having charge or control of such and request entry. If entry is refused, the Building Official shall have recourse to every remedy provided by law to secure entry.
- (B) When the Building Official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail to neglect, after proper request is made and herein provided, to promptly permit entry therein by the ~~the~~ Building Official for the purpose of inspection and examination pursuant to the FBC and ~~the~~ Land Development Code.

*Comment: Section relocated from Section 8.01.06.02.*

**12.02.03- Stop Work Orders-**

Upon notice from the Building Official, work on any building, structure, electrical, gas, mechanical or plumbing system that is being done contrary to the provisions of the FBC or Land Development Code, or in a dangerous or unsafe manner, shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to ~~his~~ their agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, the ~~the~~ Building Official shall not be required to give written notice prior to stopping the work.

*Comment: Section relocated from Section 8.01.06.03.*

**8.01.06.04. Revocation of Permits.**

- (A) ~~— Misrepresentation of application. The Building Official may revoke a permit or approval issued under the provisions of the FBC and land development code in case there has been any false statement or misrepresentation as to any material fact in the application or plans on which the permit or approval was based.~~
- (B) ~~— Violation of code provisions. The Building Official may revoke a permit upon determination by the building official that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the building, structure, electrical, gas, mechanical or plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of the FBC and land development code.~~

*Comment: Section relocated from Section 8.01.06.04 and deleted because it is addressed in the Florida Building Code.*

**12.02.04- Unsafe Buildings or Systems-**

All buildings, structures, electrical, gas, mechanical, or plumbing systems which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, are considered unsafe buildings or service systems. All such unsafe buildings or service systems are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of the Standard Unsafe Building Abatement Code or other County ordinance.

*Comment: Section relocated from Section 8.01.06.05.*

**12.02.05- Requirements Not Covered by Code-**

Any requirements necessary for the strength, stability, or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public health, welfare, and safety, not specifically covered by this or other technical codes, shall be determined by the County.

*Comment: Section relocated from Section 8.01.06.06.*

**SECTION 12.03.00- PERMITS-**

Except as otherwise provided in the FBC or Land Development Code, any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy or occupant content of a building or structure, or any outside area being used as the building's designated occupancy (single or mixed), or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the technical codes, or to cause any such work to be done, shall first make application to the building department and obtain the required permit for the work.

*Comment: Section relocated from Section 8.01.07.*

**8.01.07.01- Exceptions.**

~~(A) Work authorized. A building, electrical, gas, mechanical or plumbing permit shall carry with it the right to construct or install the work, provided the same is shown on the plans and set forth in the specifications filed with the application for permit. Where these are not shown on the drawings and covered by the specifications submitted with the application, separate permits shall be required.~~

~~(B) Minor repairs. Ordinary minor repairs may be made with the approval of the building official without a permit, provided that such repairs do not violate any of the provisions of the technical codes.~~

*Comment: Section relocated from Section 8.01.07.01 and deleted because it is addressed in the Florida Building Code.*

**8.01.07.02- Information Required.**

~~Each application for a permit, along with the required fee, shall be filed with the building department on forms furnished for that/those purpose(s) and shall contain a general description of the proposed work and its location. The owner or~~

~~his/her authorized agent shall sign the application. The building permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure, and shall contain other information as may be required by the building department.~~

*Comment: Section relocated from Section 8.01.07.02 and deleted because it is addressed in the Florida Building Code.*

#### **~~8.01.07.03. Time Limitations.~~**

~~Except as otherwise provided in this Section an application for permit for any proposed work shall be deemed to have been abandoned, and shall expire by limitation and become null and void six months after the date of filing for the permit. One or more extensions of time for periods of not more than 90 days may be allowed by the Building Official; provided the extension is requested in writing and justifiable cause is demonstrated.~~

*Comment: Section relocated from Section 8.01.07.03 and deleted because it is addressed in the Florida Building Code.*

#### **~~8.01.07.04. Notice of Commencement.~~**

~~As per F.S. Section 713.135, when any person applies for a building permit the permit placard shall have printed upon it in no less than 18-point, capitalized, boldfaced type: "**WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.**"~~

*Comment: Section relocated from Section 8.01.07.04 and deleted because it is addressed in the Florida Building Code.*

#### **~~8.01.07.05. Asbestos.~~**

~~The County shall require each building permit for the demolition or renovation of an existing structure to contain an asbestos notification statement which indicates the owner's or operator's responsibility to comply with the provisions of Section 469.003, F.S., and to notify the Department of Environmental Protection of his/her intentions to remove asbestos, when applicable, and in accordance with state and federal law.~~

*Comment: Section relocated from Section 8.01.07.05 and deleted because it is*



*addressed in the Florida Building Code.*

#### **~~8.01.07.06. Drawings and Specifications.~~**

~~A minimum of two copies of specifications, and of drawings drawn to scale with sufficient clarity and detail to indicate the nature and character of the work, shall accompany the application for a permit. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to comply with the technical codes. Such information shall be specific, and the technical codes shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent be used as a substitute for specific information. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design.~~

*Comment: Section relocated from Section 8.01.07.06 and deleted because it is addressed in the Florida Building Code.*

#### **~~8.01.07.07. Roof Assemblies.~~**

~~For roof assemblies required by the FBC, the construction documents shall illustrate, describe, and delineate the type of roofing system, materials, fastening requirements, flashing requirements and wind resistance rating that are required to be installed. Product evaluation and installation shall indicate compliance with the wind requirement required in Hardee County.~~

*Comment: Section relocated from Section 8.01.07.07 and deleted because it is addressed in the Florida Building Code.*

#### **~~8.01.07.08. Additional Data.~~**

~~The Building Official shall be allowed to require details, computations, stress diagrams, and other necessary data to describe the construction or installation and the basis of calculations.~~

*Comment: Section relocated from Section 8.01.07.08 and deleted because it is addressed in the Florida Building Code.*

#### **~~8.01.07.09. Design Professional.~~**

~~If the design professional is an architect or engineer legally registered under the laws of the state regulating the practice of architecture or engineering, then he/she shall affix his seal to said drawings, specifications and accompanying data, as required by Florida Statute.~~

*Comment: Section relocated from Section 8.01.07.09 and deleted because it is addressed in the Florida Building Code.*

**~~8.01.07.09.01. Certification by Contractors.~~**

~~Certification by contractors authorized under the provisions of Section 489.115(4)(b), F.S., shall be considered to be equivalent to sealed plans and specifications by a person licensed under Chapter 471, F.S. or Chapter 481, F.S. for plans review for permitting purposes relating to compliance with the wind resistance provisions of the FBC or alternate methodologies approved by the Florida Building Commission for one and two family dwellings. The County may rely upon such certification by contractors that the plans and specifications submitted conform to the requirements of the FBC for wind resistance. Upon good cause shown, the County may accept or reject plans sealed by persons licensed under Chapters 471, 482, or 489, F.S.~~

*Comment: Section relocated from Section 8.01.07.09.01 and deleted because it is addressed in the Florida Building Code.*

**~~8.01.07.10. Structural and Fire Resistance Integrity.~~**

~~Plans for all buildings shall indicate how required structural and fire resistance integrity will be maintained where a penetration of a required fire resistant wall, floor or partition will be made for electrical, mechanical, plumbing and communications conduits, pipes and systems. Such plans shall also indicate in sufficient detail how the fire integrity will be maintained where required fire-resistant floors intersect with exterior walls and where joints occur in required fire-resistant assemblies.~~

*Comment: Section relocated from Section 8.01.07.10 and deleted because it is addressed in the Florida Building Code and Florida Fire Code.*

**12.03.01- Site Drawings-**

At the Planning and Development Director or Building Official's discretion, a site drawing, boundary sketch, or survey of the lot or site may be required. Drawings shall show, on a boundary survey of the lot or site, if less than one acre, or The boundary sketch and/or survey if one acre or greater, shall be prepared by a land surveyor registered in the State of Florida within 12 months of the date of the permit application, if less than one acre, and shall depict the location of the proposed building or structure, and of every other building or structure on the lot or site.

*Comment: Section relocated from Section 8.01.07.11 and updated to reflect current requirements.*

**~~8.01.07.11.01. Hazardous Occupancies.~~**

The Building Official may require the following:

- ~~(01) *General site plan.* A general site plan drawn at a legible scale which shall include, but not be limited to, the location of all buildings, exterior storage facilities, permanent access ways, evacuation routes, parking lots, internal roads, chemical loading areas, equipment cleaning areas, storm and sanitary sewer accesses, emergency equipment and adjacent property uses. The exterior storage areas shall be identified with the hazardous classes and the maximum quantities per hazard class of hazardous materials stored.~~
- ~~(02) *Building floor plan.* A building floor plan drawn to a legible scale, which shall include, but not be limited to, all hazardous materials storage facilities within the building and shall indicate rooms, doorways, corridors, exits, fire rated assemblies with their hourly rating, location of liquid tight rooms, and evacuation routes. Each hazardous materials storage facility shall be identified on the plan with hazard class and quantity range per hazard class of the hazardous material stored.~~

*Comment: Section relocated from Section 8.01.07.11.01 and deleted because it is addressed in the Florida Building Code.*

**~~8.01.07.12. Certificate of Protective Treatment for Termite Prevention.~~**

~~A weather resistant jobsite posting board shall be provided to receive duplicate treatment certificates as each protective treatment is completed, providing a copy for the person the permit is issued to and another copy for the building permit files. The treatment certificate shall provide the product used, identity of the applicator, time and date of treatment, site location, area treated, chemical used, percent concentration and number of gallons used, to establish a verifiable record of protective treatment. If the soil chemical barrier method for termite prevention is used, final exterior treatment shall be completed prior to final building approval.~~

*Comment: Section relocated from Section 8.01.07.12 and deleted because it is addressed in the Florida Building Code.*

**~~8.01.07.13. Notice of Termite Protection.~~**

~~A permanent sign which identifies the termite treatment provider and need for re-inspection and treatment contact renewal shall be provided. The sign shall be posted near the water heater or electric panel.~~

*Comment: Section relocated from Section 8.01.07.13. and deleted because it is addressed in the Florida Building Code.*

**~~8.01.08. Examination of Documents.~~**

*Comment: Section title relocated from Section 8.01.08 and deleted because it is addressed in the Florida Building Code.*

**~~8.01.08.01. Plan Review.~~**

~~One and two family, manufactured, and mobile home permit applications shall require that all construction plans and required documents/specification be filed in duplicate. For commercial construction all plans and required documents/specifications shall be filed in triplicate. The building official shall examine or cause to be examined each application for a permit and the accompanying documents, consisting of drawings, specifications, and additional data, and shall ascertain by such examinations whether the construction indicated or described is in accordance with the requirements of the technical codes and all other pertinent laws or ordinances.~~

*Comment: Section relocated from Section 8.01.08.01 and deleted because it is addressed in the Florida Building Code.*

**~~12.03.02. Minimum Plan Review Criteria - Buildings.~~**

~~The examination of documents by the Building Official shall include the following minimum criteria and documents: a floor plan, site plan, foundation plan, floor/roof framing plan or truss layout and exterior elevation.~~

~~(A) Residential (one and two family) building:~~

~~(01) Site Requirements: Original lot/site surveys prepared within the last 12 months of a permit application, signed and sealed by a land surveyor licensed/registered in the State of Florida; except that on lots or parcels of one acre or greater in area a boundary sketch may be considered; soil tests (if deemed necessary by the building official); plot plans of the surveyed/sketched lot/site depicting the structure(s) drawn to scale, dimensions of the front, side and rear setbacks, location and dimension of~~

~~the driveway(s) and walkway(s); location of water and sewer lines (where applicable) or location of well and septic tank with Hardee County Health Department permit/approval, where applicable; location of laterals and connections to the structure(s), where applicable; location of the nearest fire hydrant to the lot/site, where applicable; proposed lot grading plan; base floor and lowest floor elevation.~~

~~(02) *Structural requirements:* Foundation plan; wall section from foundation through roof, including assembly and materials; connector tables; wind requirements; structural calculations; roof framing plan; truss drawings (prepared by the manufacturer).~~

~~(03) *Floor plan requirements:* Identification of spaces on each level; breakdown of the square footage (living area, porch(s), garage, lanai, patio, etc.); typical interior wall sections; stair location; exterior/interior door location/dimensions; kitchen/bath identification with fixture identification; hot water heater location.~~

~~(04) *Building elevation requirements:* North/south/east/west elevations; egress window size and location; stairs construction requirements; siding type; roofing type.~~

~~(05) *Electrical requirements:* Electric layout per floor plan; electric riser diagram including main panel size; electric load calculations.~~

~~(06) *Plumbing requirements:* Plumbing riser diagram.~~

~~(07) *Mechanical requirements:* Mechanical layout; compressor location; energy calculations signed by the preparer.~~

~~(08) *Fire safety requirements:* Fire resistant construction, if required; smoke detector locations.~~

~~(09) *Accessibility requirements:* Show/identify accessible bath.~~

~~(BA)~~ Manufactured and mobile homes:

(01) *Site Requirements:* Original lot/site surveys prepared within the last 12 months of a permit application, signed and sealed by a land surveyor licensed/registered in the State of Florida; except that on lots or parcels of one acre or greater in area a boundary sketch may be considered; soil tests (if deemed necessary by the Building Official); plot plans of the surveyed lot/site depicting the structure(s) drawn to scale, dimensions of the front,

side and rear setbacks, location and dimension of the driveway(s) and walkway(s); location of water and sewer lines or location of well and septic tank, if applicable; location of laterals and connections to the structure(s); location of the nearest fire hydrant to the lot/site, where applicable; proposed lot grading plan; base floor and lowest floor elevation.

- (02) *Structural requirements:* Wind zone; anchoring; blocking.
- (03) *Mechanical:* Exhaust systems (clothes dryer exhaust; kitchen equipment exhaust).
- (04) *Electrical:* Exterior disconnect location; electric riser diagram, including main panel size.
- (05) *Plumbing:* Water/sewer connections.

*Comment: Section relocated from Section 8.01.08.02 and portion of language deleted because it is addressed in the Florida Building Code; references to mobile homes deleted as they are no longer constructed.*

**12.03.03- Minimum Construction, Design, and Quality, and Condition Standards - Used/Pre-Owned Manufactured and Mobile Homes:**

*Comment: Section title relocated from Section 8.01.08.03 references to mobile homes deleted as they are no longer constructed.*

**12.03.03.01 Definitions:**

See definitions specific to this topic in Article 14.

*Comment: Section title relocated from 8.01.08.03.01; definitions relocated to Article 14.*

**12.03.03.02- Prohibited Manufactured/~~Mobile~~ Homes:**

Any manufactured/~~mobile~~ home constructed prior to June 15, 1976, shall be prohibited from being permitted and installed within Hardee County.

- (A) Inspection requirements.

At the time of a permit application, any pre-owned or occupied ~~mobile home or any pre-owned or occupied~~ manufactured housing unit shall require a pre-inspection by the Hardee County Building Department, or its designee, prior to transport, installation, or commencement of work on

such unit within Hardee County. The purpose of the pre-inspection is to determine compliance with this Section.

(B) Repair and remodeling standards.

When repair or remodeling is necessary to bring a ~~preowned/occupied mobile home or~~ preowned/occupied manufactured housing unit into compliance with the housing standards contained herein, such repair or remodeling shall conform to the ~~Mobile/~~Manufactured Home Repair and Remodeling Code adopted by Rule 15C-22.0081 of the Florida Department of Motor Vehicles, ~~as set forth in Appendix 1 of this Code.~~ Any and all repairs shall be completed prior to being moved into the County or relocated to a new lot/parcel within the County.

(C) Requirements.

To qualify for a permit to install or set up a ~~used or preowned mobile home or~~ used or preowned manufactured housing unit, such ~~used or preowned mobile home or~~ used or preowned manufactured housing unit shall comply with the following minimum standards:

~~(a-1)~~ Structural system~~;~~

~~(01a)~~ The exterior bearing wall assembly including but not limited to framing, studs, upper and lower plates, wall sheathing and bracing system, shall be structurally sound and intact as a designed assembly;

~~(02b)~~ The floor joist system and floor sheathing shall be structurally sound, solidly secured, and intact as a designed assembly~~;~~

~~(03c)~~ The roof joists, rafters or trusses shall be structurally sound and intact as a designed assembly~~;~~

~~(04d)~~ The exterior siding and roof covering shall be free from rot, rust, decay, open seams, or physical damage, or any other openings permitting moisture, or insect or rodent penetration. The general condition of the exposed exterior shall be of sufficient appearance and quality to ensure continued service life with minimal maintenance~~;~~

~~(05e)~~ All exterior doors and windows shall be of an approved exterior type, suitable for ~~mobile home or a~~ manufactured

housing use, and in good condition and working order. Exterior doors shall be equipped with working key locksets. All exterior glass or windowpanes shall be intact and without cracks or breaks. Window openings where a window-type air conditioner has been removed for unit transport may be exempt;

(06f) All exposed siding or exterior materials shall be protected by sealing, priming, and painting, coating, or other product prescribed methods of protection;

(07g) The following shall not exist to a degree that compromises the structural integrity of the ~~used or preowned mobile home~~ or used or preowned manufactured housing unit:

~~a.~~(1) Rot;

~~b.~~(2) Rust;

~~c.~~(3) Neglected appearance;

~~d.~~(4) Physical damage; or

~~e.~~(5) Excessive yielding of structural systems in bearing walls, floor system, roof system or permanent chassis that poses a threat of premature failure.

(08h) Visual evidence of existing repairs at time of pre-inspection that are considered covering internal structural damage or unpermitted repairs shall authorize the inspector to order such covering to be removed, opened, or otherwise uncovered so as to allow proper inspection;

(09i) Used or preowned ~~mobile homes~~ or used or preowned manufactured housing units failing structural inspection requirements under this Section may, at the Applicant's discretion, be put to an independent test. Such tests shall be certified by a Professional Engineer or State-approved inspection facility. Upon satisfactory test results, the written report shall be submitted with reapplication for permits. Testing report shall include, but not be limited to, structural load testing and roof load testing by acceptable



engineering non-destructive test methods. Fees for such special services shall be the responsibility of the Applicant.

~~(b-2)~~ Electrical system:

- ~~(01a)~~ Electrical equipment, wiring, fixtures, and devices shall be properly attached and securely mounted to solid construction.
- ~~(02b)~~ Any electrical equipment, wiring, fixtures, and devices showing signs of breakage, arcing, dry rot, or high temperature damage shall be replaced.
- ~~(03c)~~ Any external wiring, boxes or devices shall be securely attached, protected and weather tight.
- ~~(04d)~~ Electrical equipment, wiring, fixtures, and devices shall be protected by approved over current devices sized and installed according to the National Electrical Code as adopted by Hardee County.

~~(c-3)~~ Plumbing system:

- ~~(01a)~~ Plumbing fixtures, commodes, sinks, hose bibs, tub and shower enclosures, valves, piping, and similar plumbing components shall be securely attached to adjoining floor or wall construction.
- ~~(02b)~~ The plumbing system shall include:
  - ~~a-(1)~~ A bathroom which provides privacy and which contains a bathtub and/or shower, a toilet, and a sink.
  - ~~b-(2)~~ A kitchen sink.
  - ~~c-(3)~~ An approved hot water heater.
- ~~(03)c.~~ Fixture drains shall be trapped.
- ~~(04)d.~~ Fixtures shall be free of cracks or similar damage.

~~(d-4)~~ H.V.A.C system:

~~(01a)~~ H.V.A.C. air duct systems, whether intended for use or not, shall be tight, secure, and free of leaks, breaks or any exposure to outside entry or infiltration; and must have "fixed heat".

~~(e-5)~~ Fire safety:

~~(01a)~~ Existing interior materials that do not meet original HUD flame-and-smoke spread rating minimum standards, shall be replaced with approved materials complying with original HUD Standards;

~~(02b)~~ Approved smoke detectors shall be installed near all sleeping areas.

*Comment: Section relocated from Section 8.01.08.03.02; references to mobile homes deleted as they are no longer constructed; requirement for fixed heat added.*

#### ~~8.01.08.04. Commercial Building:~~

~~(01) Site requirements, pursuant to Section 7.06.00, Land Development Code.~~

~~(02) Occupancy group and special occupancy requirements shall be delineated.~~

~~(03) Minimum type of construction shall be determined (Table 500, FBC).~~

~~(04) Fire resistant construction requirements shall include the following components: fire resistant separations; fire resistant protection for type of construction; protection of openings and penetrations of rated walls; fire blocking and draft stopping; calculated fire resistance.~~

~~(05) Fire suppression systems shall include: early warning; smoke evacuation systems schematic; fire sprinklers (where required); standpipes pre-engineered systems; riser diagram.~~

~~(06) Life safety systems shall be determined and shall include the following requirements: occupant load and egress capacities; smoke control; stair pressurization; systems schematic.~~

~~(07) Occupancy load/egress requirements shall include: occupancy load (gross and net); means of egress — exit access, exit, exit discharge; stairs construction/geometry of protection; doors; emergency lighting and exit~~

~~signs; specific occupancy requirements; construction requirements; horizontal exists/exit passageways.~~

~~(08) Structural requirements shall include: soil conditions/analysis; termite protection; design loads; wind requirements; building envelope; structural calculations, if required; foundation; wall systems; floor systems; roof systems; threshold inspection plan; stair system.~~

~~(09) Materials shall be reviewed and shall at a minimum include the following: wood; steel; aluminum; concrete; plastic; glass; masonry; gypsum board and plaster; insulating roofing; insulation.~~

~~(10) Accessibility requirements shall include the following: site requirements; accessible route; vertical accessibility; toilet and bathing facilities; drinking fountains; equipment; special occupancy requirements; fair housing requirements.~~

~~(11) Interior requirements shall include the following: interior finished (flame spread/smoke development); light and ventilation; sanitation.~~

~~(12) Special systems: elevators, escalators; lifts.~~

~~(13) Swimming pools: barrier requirements; spas; wading pools.~~

*Comment: Section relocated from Section 8.01.08.04 and language deleted because it is addressed in the Florida Building Code.*

#### ~~8.01.08.05. Commercial Electrical.~~

~~(01) Electrical wiring services; feeders and branch circuits; over-current protection; grounding; wiring methods and materials; GFCI's.~~

~~(02) Equipment.~~

~~(03) Special occupancies.~~

~~(04) Emergency systems.~~

~~(05) Communication systems.~~

~~(06) Low voltage.~~

~~(07) Load calculations.~~

*Comment: Section relocated from Section 8.01.08.05 and deleted because it is addressed in Florida Building Code.*

**~~8.01.08.06. Commercial – Plumbing.~~**

~~(01) Minimum plumbing facilities.~~

~~(02) Fixture requirements.~~

~~(03) Water supply piping.~~

~~(04) Sanitary drainage.~~

~~(05) Water heaters.~~

~~(06) Vents.~~

~~(07) Roof drainage.~~

~~(08) Back flow prevention.~~

~~(09) Irrigation.~~

~~(10) Location of water supply line.~~

~~(11) Grease traps.~~

~~(12) Environmental requirements.~~

~~(13) Plumbing riser.~~

*Comment: Section relocated from Section 8.01.08.06 and deleted because it is addressed in Florida Building Code.*

**~~8.01.08.07. Commercial – Mechanical.~~**

~~(01) Energy calculations.~~

~~(02) Exhaust systems: clothes dryer exhaust; kitchen equipment exhaust; specialty exhaust systems.~~

~~(03) Equipment.~~

- ~~(04) — Equipment location.~~
- ~~(05) — Make up air.~~
- ~~(06) — Roof mounted equipment.~~
- ~~(07) — Duct systems.~~
- ~~(08) — Ventilation~~
- ~~(09) — Combustion air.~~
- ~~(10) — Chimneys, fireplaces, and vents.~~
- ~~(11) — Appliances.~~
- ~~(12) — Boilers.~~
- ~~(13) — Refrigeration.~~
- ~~(14) — Bathroom ventilation.~~
- ~~(15) — Laboratory.~~

*Comment: Section relocated from Section 8.01.08.07 and deleted because it is addressed in Florida Building Code.*

#### ~~8.01.08.08. Commercial Gas.~~

- ~~(01) — Gas piping.~~
- ~~(02) — Venting.~~
- ~~(03) — Combustion air.~~
- ~~(04) — Chimneys and vents.~~
- ~~(05) — Appliances.~~
- ~~(06) — Type of gas.~~
- ~~(07) — Fireplaces~~

~~(08) — LP tank location.~~

~~(09) — Riser diagrams/shut offs.~~

*Comment: Section relocated from Section 8.01.08.08 and deleted because it is addressed in Florida Building Code.*

#### ~~8.01.08.09. Commercial — Demolition.~~

~~(A) — Asbestos removal.~~

~~(01) — Affidavits. The Building Official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical codes. For buildings and structures, the affidavit shall state that the plans conform to the laws of egress, type of construction and general arrangement and, if accompanied by drawings, show the structural design and that the plans and design conform to the technical codes as to strength, stresses, strains, loads, and stability. The building official may, without any examination or inspection, accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the building official copies of inspection reports as inspections are performed and upon completion of the structure, electrical, mechanical, or plumbing systems a certification that the structure, electrical, gas, mechanical or plumbing system has been erected in accordance with the requirements of the technical codes and other pertinent laws or ordinances. The Building Official shall ensure that any person conducting plans review is qualified as a plans examiner under Chapter 468, F.S., Part XII, and that any person conducting inspections is qualified as a building inspector under Chapter 468, F.S., Part XII.~~

~~(02) — Issuing permits. The building official shall act upon an application for a permit without unreasonable or unnecessary delay. If the building official is satisfied that the work described in the application for a permit and the contract document filed therewith conform to the requirements of the technical codes and other pertinent laws and ordinances, he/she shall issue a permit.~~

~~No permit may be issued for any building construction, erection, alteration, modification, repair, or addition unless the applicant for such permit provides to the building department any of the~~

~~following documents which apply to the construction for which the permit is to be issued and which shall be prepared by or under the direction of an engineer registered under Chapter 471, F.S.:~~

- ~~(a) Electrical documents for any new building or addition which requires an aggregate service capacity of 600 amperes (240 volts) or more on a residential electrical system or 800 amperes (240 volts) on a commercial or industrial electrical system and which costs more than \$50,000.00.~~
- ~~(b) Plumbing documents for any new building or addition which requires a plumbing system with more than 250 fixtures or which costs more than \$50,000.00.~~
- ~~(c) Fire sprinkler documents for any new building or addition that includes a fire sprinkler system which contains 50 or more sprinkler heads. A Contractor I, Contractor II, or Contractor IV, certified under F.S. Section 633.521, may design a fire sprinkler system if the alteration consists of the relocation, addition, or deletion of not more than 49 heads, notwithstanding the size of the existing fire sprinkler system.~~
- ~~(d) Heating, ventilation and air conditioning documents for any new building or addition which requires more than a 15-ton per system capacity which is designed to accommodate 100 or more persons or for which the system costs more than \$50,000.00. This paragraph does not include any document for the replacement or repair of an existing system in which the work does not require altering a structural part of the building or for work on a residential one-family, two-family, three-family, or four-family structure.~~

~~An air conditioning system may be designed by an installing air conditioning contractor certified under F.S. Chapter 489 to serve any building or addition which is designed to accommodate fewer than 100 persons and requires an air-conditioning system with value of \$50,000.00 or less; and, when a 15-ton per system or less is designed for a singular space of a building and each 15-ton per system or less has an independent duct system. Systems not complying with~~

~~the above require design documents that are to be sealed by a professional engineer.~~

~~Example 1: When a space has two ten ton systems with each having an independent duct system, the contractor may design these two systems since each is less than 15 tons.~~

- ~~(e) Any specialized mechanical, electrical, or plumbing document for any new building or addition which includes medical gas, oxygen, steam, vacuum, toxic air infiltration, halon, or fire detection and alarm system which costs more than \$5,000.00.~~

~~Documents requiring an engineer seal by this part shall not be valid unless a professional engineer who possesses a valid certificate of registration has signed, dated, and stamped such document as provided in F.S. Section 471.025.~~

~~The county may not issue a building permit for any building construction, erection, alteration, modification, repair or addition unless the permit either includes on its face or there is attached to the permit the following statement: "NOTICE: In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of Hardee County, and there may be additional permits required from other governmental entities such as water management districts, state agencies, or federal agencies."~~

~~A building permit for a single family residential dwelling must be issued within 30 working days of the application therefore, unless unusual circumstances require a longer time for processing the application or unless the permit application fails to satisfy the FBC or the county's laws or ordinances.~~

- ~~(03) Refusal to issue permit. If the application for a permit and the accompanying contract documents describing the work do not conform to the requirements of the technical codes or other pertinent laws or ordinances, the Building Official shall not issue a permit, but shall return the contract documents to the applicant~~



with his/her refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reason for refusal.

~~(04) Identification of minimum premium policy. Except as otherwise provided in Chapter 440, F.S., Workers Compensation, every employer shall, as a condition of receiving a building permit, show proof that it has secured compensation for its employees as provided in Sections 440.10 and 440.38, F.S.~~

~~(05) Asbestos removal. Moving, removal or disposal of asbestos-containing materials on a residential building where the owner occupies the building, the building is not for sale or lease, and the work is performed according to the owner-builder limitations in this paragraph may be exempt from asbestos removal provisions under the FBC. To qualify for exemption under this paragraph, an owner must personally appear and sign the building permit application. The building department shall provide the person with a disclosure statement in substantially the following form:~~

~~Disclosure Statement:~~

~~State law requires asbestos abatement to be done by licensed contractors. You have applied for a permit under an exemption to that law. The exemption allows you, as the owner of your property, to act as your own asbestos abatement contractor even though you do not have a license. You must supervise the construction yourself. You may move, remove or dispose of asbestos-containing materials on a residential building where you occupy the building and the building is not for sale or lease, or the building is a farm outbuilding on your property. If you sell or lease such building within one year after the asbestos abatement is complete, the law will presume that you intended to sell or lease the property at the time the work was done, which is in violation of the exemption. You may not hire an unlicensed person as your contractor. Your work must be done according to all local, state and federal laws and regulations, which apply to asbestos abatement projects. It is your responsibility to make sure that people employed by you have licenses required by state and county ordinances.~~

~~(06) Special foundation permit. When application for permit to erect or enlarge a building has been filed, and pending issuance of such permit, the Building Official may, at his/her discretion, issue a special permit for the foundation only. The holder of such permit is proceeding at their own risk and without assurance that a permit~~

~~for the remainder of the work will be granted nor that corrections will not be required in order to meet the provisions of the technical codes.~~

~~(07) *Public right of way.* A permit shall not be issued by the Building Official for the construction of any building where said building is to be changed and such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting on any street, alley, or public land, or for the placing on any lot or premises of any building or structure removed from another lot or premises, unless the applicant has made application for right-of-way permits from the county.~~

*Comment: Section relocated from Section 8.01.08.09 and deleted because it is addressed in the Florida Building Code.*

#### **8.01.08.10. Conditions of the Permit.**

~~(A) *Permit intent.* A permit issued shall be construed as a license to proceed with the work and not as authority to violate, cancel, alter, or set aside any of the provisions of the technical codes, nor shall the issuance of a permit prevent the Building Official from thereafter requiring a correction of errors in plans, construction, or violations of the FBC. Every permit issued shall become invalid unless the work authorized by such permit is commenced within six months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six months after the time of the work is commenced. Failure to obtain an approved inspection within 180 days of the previous approved inspection shall constitute suspension or abandonment. One or more extensions of time, for periods of not more than 180 days each, may be allowed by the building official, provided the extension requested is in writing and justifiable cause is demonstrated prior to the expiration date. The building official shall record the extension of time granted.~~

~~If work has commenced and the permit is revoked, becomes null and void, or expires due to lack of progress or abandonment, a new permit, with all applicable fees covering the proposed construction, shall be obtained before proceeding with the work.~~

~~If a new permit is not obtained within 180 days from the date the initial permit became null and void, the building official is authorized to require that any work, which has been commenced or completed, be removed from the building site. Alternatively, a new permit may be issued on~~

~~application, providing the work in place and required to complete the structure meets all applicable regulations in effect at the time the initial permit became null and void, and any regulations which may have become effective between the date of the expiration and the date of issuance of the new permit.~~

~~Work shall be considered in active progress when the permit has received an approved inspection within 180 days. This provision shall not be applicable in case of civil commotion or strike or when building work is halted due directly to judicial injunction, order, or similar process.~~

~~The fee for renewal, re-issuance, and extension of a permit shall be established by resolution of the Board of County Commissioners.~~

~~Permits issued for the demolition of a structure shall expire 60 days from the date of issuance. For a justifiable cause, one extension of time for a period not exceeding 30 days may be allowed. Such requests shall be in writing to the building official.~~

~~(B) *Permit issued on the basis of affidavit.* Whenever a permit is issued in reliance upon an affidavit or whenever the work involves installation under conditions which, in the opinion of the Building Official, are hazardous or complex, the building official shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations shall supervise such work. In addition, they shall be responsible for conformity of the permit, provide copies on inspection reports as inspections are performed, and upon completion make and file with the building official written affidavit that the work has been done in conformity to the reviewed plans and with the structural provisions of the technical codes. In the event such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are reviewed by the building official. The building official shall insure that any person conducting plans review is qualified as a plans examiner under Chapter 468, F.S., Part XII, and that any person conducting inspections is qualified as a building inspector under Chapter 468, F.S., Part III.~~

~~(C) *Plans.* When the Building Official issues a permit, he/she shall endorse, in writing or by stamp, all sets of the reviewed plans "Reviewed for Code Compliance." The County shall retain one set of reviewed plans and the other sets shall be returned to the applicant. The permit drawings shall be kept at the job site and shall be open to inspection by the building official and/or county inspectors.~~

- ~~(D) *Posting of permit.* Work requiring a permit shall not commence until the permit holder or his agent posts the permit placard in a conspicuous place on the premises. The permit shall be protected from the weather and located in such position as to permit inspectors to conveniently make the required entries thereon. The permit placard shall be maintained in such a position by the permit holder until the Certificate of Occupancy is issued by the building official.~~

*Comment: Section relocated from Section 8.01.08.10 and deleted because it is addressed in the Florida Building Code.*

**12.03.03.03- Fees-**

- (A) *Proscribed fees.* A permit shall not be issued until fees, ~~proscribed~~ established by resolution of the Board of County Commissioners, have been paid. Said fees shall be those authorized under F.S. Section 553.80, as well as any impact, assessment, capacity, or capital fees the Board of County Commissioners may establish from time to time. Nor shall an amendment to a permit be released until the additional fee, if any, due to an increase in the estimated cost of the building, structure, electrical, mechanical, plumbing or gas systems has been paid.
- (B) *Work commencing before permit issuance.* Any person who commences any work on a building, structure, electrical, mechanical, plumbing or gas system prior to obtaining the necessary permits shall be subject to a penalty of 100 percent of the usual permit fee in addition to the required permit fees. This provision shall not apply to emergency work when delay would clearly have placed life or property in imminent danger. But in all such cases the required permit(s) must be obtained within three business days and any unreasonable delay in obtaining those permit(s) shall result in a charge of a double fee. The payment of a double fee shall not preclude or be deemed a substitute for prosecution for commencing work without first obtaining a permit. The ~~Building~~ Official may grant extensions of time or waive fees when justifiable cause has been demonstrated in writing.
- (C) *Accounting.* The ~~County~~ County shall keep a permanent and accurate accounting of all permit fees and monies collected, the names of all persons upon whose account was paid, along with the date and amount thereof.
- (D) *Schedule of permit fees.* On all buildings, structures, electrical, mechanical, plumbing, and gas systems, as well as any other work established by the ~~County~~ County requiring a permit, a fee for each permit shall be paid prior to

issuance of any permit, in accordance with the fee established by the Board of County Commissioners.

*Comment: Section relocated from Section 8.01.08.11.*

**12.03.03.04- Inspections-**

*Comment: Section title relocated from Section 8.01.08.12.*

**12.03.03.04.01- Existing Building Inspections-**

Before issuing a permit, the Building Official may examine any building, electrical, mechanical, plumbing, gas, or life safety systems for which an application has been received for a permit to enlarge, alter, repair, move, demolish, install, or change the occupancy thereof. There shall be a record made of such examination and inspection and of all violations of the technical codes.

*Comment: Section relocated from Section 8.01.08.12.01.*

**12.03.03.04.02- Inspections Prior to Issuance of Certificate of Occupancy-**

The Building Official shall inspect or cause to be inspected, at various intervals, all construction work for which a permit is required, and a final inspection shall be made of every building, structure, electrical, mechanical, gas or plumbing system upon completion, prior to the issuance of the certificate of occupancy.

*Comment: Section relocated from Section 8.01.08.12.02.*

**12.04.03.04.03 Site Debris**

**8.01.08.12.03. Required Inspections.**

~~The Building Official, upon notification from the permit holder or his agent, shall make the following inspections and shall either release that portion of the construction or shall notify the permit holder or his agent of any violations which must be corrected in order to comply with the technical codes. The building official shall determine the timing and sequencing of when inspections occur and what elements are inspected at each inspection.~~

~~(A) Building-~~

~~(01) Foundation inspection: To be made after trenches are excavated and forms erected and shall include the following building components:~~

- ~~\* Footers/grade beams~~
- ~~\* Stem wall~~
- ~~\* Piling/pile cap~~
- ~~\* Monolithic slab on grade~~

~~(01.1) Slab inspection: To be made after the reinforcement is in place, all concealed conduit, piping, ducts and vents are installed and the electrical, plumbing and mechanical work is complete. Slab shall not be poured until all required inspections have been made, required soil compaction to at least 95 percent modified proctor has been certified, and evidence of soil treatment for termites has been certified.~~

~~A foundation survey shall be required for all new construction prior to vertical construction. The survey shall certify the placement of the building on the site, illustrate all surrounding setback dimensions, illustrate the lowest floor elevation, and shall be available at the job site for review by the building inspector and for the building permit file.~~

~~(02) Framing inspection. To be made after the roof, all framing, fireblocking and bracing is in place, all concealing wiring, all pipes, chimneys, ducts and vents are complete and shall include the following components:~~

- ~~\* Window/door framing and installation~~
- ~~\* Vertical cells/columns~~
- ~~\* Lintel/tie beams~~
- ~~\* Framing/trusses/bracing/connectors~~
- ~~\* Draft stopping/fireblocking~~
- ~~\* Curtain wall framing~~
- ~~\* Energy insulation~~
- ~~\* Accessibility~~

~~Roof truss plans, signed and sealed by the manufacturer shall be available at the job site for review by the building inspector and for the permit file.~~

~~(03) Sheathing inspection. To be made either as a part of a dry-in inspection or done separately at the request of the~~

~~contractor after all roof and wall sheathing and fasteners are complete and shall include the following components:~~

- ~~\* Roof sheathing~~
- ~~\* Wall sheathing~~
- ~~\* Sheathing fasteners~~
- ~~\* Roof/wall/dry in~~
- ~~\* Drywall fasteners~~

~~(04) Roofing inspection. To be made as two inspections on tile, slate or similar roof coverings or as one inspection on all other coverings, and shall include the following building components:~~

- ~~\* Dry in~~
- ~~\* Insulation~~
- ~~\* Roof coverings~~
- ~~\* Flashing~~

~~(05) Final inspection. To be made after the building is complete and ready for occupancy and shall include the following, when applicable:~~

- ~~\* Driveway/sidewalk~~
- ~~\* Deck/fencing~~
- ~~\* Irrigation/landscaping~~

~~(06) Swimming pool inspection.~~

- ~~\* First inspection to be made after excavation and installation of reinforcing steel, bonding and main drain, and prior to placing of concrete.~~
- ~~\* Second inspection to be made for electrical and plumbing system components.~~
- ~~\* Final inspection to be made when the swimming pool is complete and all required enclosure requirements are in place. In order to pass final inspection a residential swimming pool shall meet the requirements relating to pool safety features as described in section 424.2.17, FBC.~~

~~(07) Demolition inspections.~~

- ~~\* First inspection to be made after all utility connections have been disconnected and secured in such manner that no unsafe or unsanitary conditions exist during or after demolition operations.~~

~~\* Final inspection to be made after all demolition work is completed.~~

~~(B) Electrical.~~

~~(01) Underground inspection: to be made after trenches or ditches are excavated, conduit or cable is installed, and before any backfill is replaced.~~

~~(02) Rough-in: To be made after the roof, framing, fireblocking and bracing is in place and prior to the installation of wall or ceiling membranes.~~

~~(03) Final inspection: To be made after the building is complete, all required electrical fixtures are in place and properly connected or protected, and the structure is ready for occupancy.~~

~~(C) Mechanical.~~

~~(01) Underground inspection: To be made after trenches or ditches are excavated, underground duct and fuel piping installed, and before any backfill is replaced.~~

~~(02) Rough-in inspection: To be made after the roof, framing, fireblocking and bracing is in place and all ducting and other concealed components are complete, and prior to the installation of wall and ceiling membranes.~~

~~(03) Final inspection: To be made after the building is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.~~

~~(D) Plumbing.~~

~~(01) Underground inspection: To be made after trenches or ditches are excavated, piping installed, and before any backfill is replaced.~~

~~(02) Rough-in: To be made after the roof, framing, fireblocking and bracing is in place and all soil, waste, and vent piping is complete, and prior to the installation of wall or ceiling members.~~



~~(03) Final inspection: To be made after the building is complete, all required plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.~~

~~(E) Gas.~~

~~(01) Rough piping inspection: To be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed, or any fixtures or gas appliances have been connected.~~

~~(02) Final piping inspection: To be made after all portions which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been connected. This inspection shall include a pressure test.~~

~~(03) Final inspection: To be made on all new gas work authorized by the permit and such portions of existing systems as may be affected by the new work or any changes; to ensure compliance with all requirements of the FBC and to assure that the installation and construction of the gas system is in accordance with reviewed plans.~~

~~(FA) Site debris.~~

~~(01) The contractor and/or owner of any active or inactive construction project shall be responsible for the clean-up and removal of all construction debris or any other miscellaneous discarded articles prior to receiving final inspection approval. Construction job sites must be kept clean, such that accumulation of construction debris must not remain on the property for a period of time exceeding 14 days.~~

~~(02) All debris shall be kept in such manner as to prevent it from being spread by any means.~~

*Comment: Section relocated from Section 8.01.08.12.03; deleted text is addressed via the Florida Building Code; Only text retained is Site Debris, so retitled to accommodate topic.*

**~~8.01.08.13. Written Release.~~**

~~Work shall not be done on any building, structure, electrical, mechanical plumbing, or gas system beyond the point indicated in each successive inspection without first receiving a written release (passing inspection) from the county's inspector(s).~~

*Comment: Section relocated from Section 8.01.08.13; language removed because it is addressed in the Florida Building Code.*

**~~8.01.08.14. Reinforcing Steel and Structural Frames.~~**

~~Reinforcing steel or structural framework of any part of any building or structure shall not be covered or concealed without first passing inspection.~~

*Comment: Section relocated from Section 8.01.08.14; language removed because it is addressed in the Florida Building Code.*

**~~8.01.08.15. Plaster Fire Protection.~~**

~~In all buildings where plaster is used for fire protection purposes, the permit holder or his agent shall request an inspection from the county after all lathing and backing is in place.~~

*Comment: Section relocated from Section 8.01.08.15; language removed because it is addressed in the Florida Building Code.*

**~~8.01.08.16. Fire Resistant Joints and Penetrations.~~**

~~The protection of joints and penetrations in required fire resistant construction assemblies shall not be covered or concealed from view without first passing inspection.~~

*Comment: Section relocated from Section 8.01.08.16; language removed because it is addressed in the Florida Building Code.*

**~~8.01.08.17. Termites.~~**

~~Building components and building surroundings required to be protected from termite damage in accordance with sections 1503.4.4, 1804.6.2.7, 1916.7.5, 2303, or 2603.3, FBC, are specifically required to be inspected for termites in accordance with section 2116, FBC, or required to have chemical soil treatment in accordance~~

~~with section 1816, FBC, shall not be covered or concealed without first passing inspection.~~

*Comment: Section relocated from Section 8.01.08.17; language removed because it is addressed in the Florida Building Code.*

#### ~~8.01.08.18. Threshold Building.~~

~~All requirements pursuant to Section 19.3.6, FBC, shall be complied with.~~

*Comment: Section relocated from Section 8.01.08.18; language removed because it is addressed in the Florida Building Code.*

#### ~~8.01.09. Certificate of Occupancy.~~

*Comment: Section title relocated from Section 8.01.09 and deleted because it is addressed in the Florida Building Code.*

#### ~~8.01.09.01. Building Occupancy.~~

~~A new building shall not be occupied, or a change made in the occupancy, nature or use of a building or part of a building until after the building official has issued a certificate of occupancy. Said certificate shall not be issued until all required electrical, mechanical, plumbing, gas and fire protection systems have been inspected for compliance with the technical codes and other applicable laws and ordinances and released by the building official and, where applicable, the fire chief.~~

*Comment: Section relocated from Section 8.01.09.01 and deleted because it is addressed in the Florida Building Code.*

#### ~~8.01.09.02. Issuing Certificate of Occupancy.~~

~~Upon completion of construction of a building or structure and installation of electrical, mechanical, plumbing, and gas systems in accordance with the technical codes, reviewed plans and specifications, and after final inspection, and after verification that all septic system permits have received final inspection where applicable, the building official shall issue a Certificate of Occupancy stating the nature of the occupancy permitted, the number of persons for each floor when limited by law, and the allowable load per square foot for each floor in accordance with the provisions of the FBC.~~

*Comment: Section relocated from Section 8.01.09.02 and deleted because it is addressed in the Florida Building Code.*

**SECTION 12.04.00- SERVICE UTILITIES-**

*Comment: Section title relocated from Section 8.01.10.*

**12.04.01- Connection of Service Utilities-**

No person shall make connections from a utility source of energy, fuel, or power to a building or system which is regulated by the technical codes for which a permit is required, until released by the Building Official and a Certificate of Occupancy is issued.

*Comment: Section relocated from Section 8.01.10.01.*

**12.04.02- Temporary Connection-**

The Building Official, by written approval, may authorize the temporary connection of a nonresidential building or system to the utility source of energy, fuel, or power, for the purpose of testing building service systems.

*Comment: Section relocated from Section 8.01.10.02.*

**12.05.03- Authority to Disconnect Service Utilities-**

The Building Official shall have the authority to authorize disconnection of utility service to a building, structure or system regulated by the technical codes in case of emergency where necessary to eliminate an immediate hazard to life or property. The Building Official shall notify the serving utility, and whenever possible the owner and occupant of the building, structure, or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter

*Comment: Section relocated from Section 8.01.10.03.*

**~~2.27.00. ABANDONED, WRECKED, DISMANTLED, OR INOPERATIVE MOTOR VEHICLES~~**

*Comment: Section title relocated from Section 2.27.00 and deleted as it will be adopted through the updated Code of Ordinances.*

**~~2.27.01 Definitions.~~**

~~In addition to the definitions enumerated in Article 9 of this Code the following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:~~

~~Code enforcement officer means the Code Enforcement Officer of Hardee County.~~

~~County means the unincorporated area of Hardee County, as well as the municipalities of Bowling Green and Zolfo Springs.~~

~~Junked motor vehicle means any motor vehicle, as defined in this Section, the condition of which is wrecked, dismantled, partially dismantled, inoperative, unlicensed, abandoned or discarded. Within Agricultural Land Use categories and A-1 zoned districts, inoperable and partially dismantled vehicles shall be exempt; however, the AG/A-1 property must be an operating agricultural enterprise. The number of said inoperable and partially dismantled vehicles shall not exceed the number meeting the definition of a junk or salvage yard, except where, consistent with an bona fide agricultural operation, the County Manager/designee has approved additional vehicles up to a maximum of six vehicles. Any number of vehicles meeting the definition of junk vehicles under this Section beyond six shall require approval by the Board of County Commissioners. The Board of County Commissioners, in considering requests for junk vehicles beyond six vehicles may impose conditions to protect the public.~~

~~Motor vehicle means any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to, automobiles, buses, motorbikes, motorcycles, motor scooters, trucks, tractors, go carts, golf carts, campers, trailers, recreational vehicles and all terrain vehicles (ATV).~~

~~Private property means any real property within the County which is privately owned and which is not public property as defined in this Section.~~

~~Public property means any street or highway, which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and shall also mean any other publicly owned property or facility.~~

*Comment: Relocated from Section 2.27.01 and deleted as it will be adopted through the updated Code of Ordinances.*

**~~2.27.02. Storing, Parking, or Leaving Junked Motor Vehicle Prohibited; Declared Nuisance; Exception.~~**

~~No person shall park, store, leave, or permit the parking, storing, or leaving of more than one junked motor vehicle of any kind which is in an abandoned, wrecked, dismantled, inoperative, junked, unlicensed, or partially dismantled condition, whether attended or not, upon private property within the County for a period of time in excess of 48 hours.~~

~~No person shall park, store, leave, or permit the parking, storing, or leaving of more than one junked motor vehicle of any kind which is in an abandoned, wrecked, dismantled, inoperative, junked, unlicensed, or partially dismantled condition, whether attended or not, upon any public property within the County for a period of time in excess of 48 hours.~~

~~The presence of a junked motor vehicle on private or public property is hereby declared a public nuisance, which may be abated as such in accordance with the provisions of this Section. This Section shall not apply to any vehicle enclosed within a building on private property.~~

*Comment: Section relocated from Section 2.27.02 and deleted as it will be adopted through the updated Code of Ordinances.*

~~**2.27.03. Penalty for Violation of this Section.**~~

~~Any person violating any of the provisions of this Section shall be subject to fines as imposed by the County Court.~~

*Comment: Section relocated from Section 2.27.03 and deleted as it will be adopted through the updated Code of Ordinances.*

~~**2.27.04. Notice to Remove.**~~

~~Whenever it comes to the attention of the Code Enforcement Officer that any nuisance as defined in this Section exists in the County, a notice in writing shall be served upon the vehicle, the occupant of the land where the nuisance exists, or in case there is no such occupant, then upon the owner of the property or its agent, or the owner of the junked motor vehicle, either or all of them, notifying them of the existence of the nuisance and requesting its removal in the time specified in this Section.~~

*Comment: Section relocated from Section 2.27.04.*

~~**2.27.05. Responsibility for Removal.**~~

~~Upon proper notice and opportunity to be heard, the owner of an abandoned, wrecked, dismantled, unlicensed, or inoperative vehicle, or the owner or occupant of the private property on which such vehicle is located, either or all of them, shall be responsible for its removal. In the event of removal and disposition by the County, the owner, or occupant of the private property where such vehicle is located, shall be liable for the expenses incurred.~~

*Comment: Section relocated from Section 2.27.05.*

**2.27.06. — Notice Procedure.**

The Code Enforcement Officer shall give notice of removal to the owner or occupant of the private property, or the owner of the abandoned, wrecked, dismantled, unlicensed, or inoperative vehicle, either or all of them, where it is located, at least five days before the time of compliance. It shall constitute sufficient notice when a copy of the notice is posted on the vehicle upon the private property on which the vehicle is located or when notice is sent by certified mail to the owner or occupant of the private property at his/her last known address.

*Comment: Section relocated from Section 2.27.06 and deleted as it will be adopted through the updated Code of Ordinances.*

**2.27.07. — Contents of Notice.**

The notice provided in this Section shall contain the request for removal within the time specified in this Section, and the notice shall advise that upon failure to comply with the notice to remove, the County or its designee shall undertake such removal with the cost of removal to be levied against the owner or occupant of the property.

*Comment: Section relocated from Section 2.27.07 and deleted as it will be adopted through the updated Code of Ordinances.*

**2.27.08. — Request for Hearing.**

The persons to whom the notices under this Article are directed, or their duly authorized agents, may appear for hearing before the Judge of the County Court as stipulated on the notice, for the purposes of defending the charges made by the County.

*Comment: Section relocated from Section 2.27.08 and deleted as it will be adopted through the updated Code of Ordinances.*

**2.27.09. — Removal of Motor Vehicle from Property.**

If the violation described in the notice under this Section has not been remedied within the prescribed period of compliance, and the existence of the violation is affirmed by the County Judge, the Court may order a duly licensed towing company to take possession of the junked motor vehicle and remove it from the premises. Such removal shall be promptly reported to the Hardee County Sheriff's Office and the Office of Hardee County Code Enforcement by the towing company. It shall be unlawful for any person to interfere with, hinder, or refuse to allow such persons to enter upon private property for the purpose of removing a vehicle under the provisions of this Section. The Code Enforcement Officer shall be immune from prosecution, civil or criminal, when conducting reasonable

~~good faith trespass upon private property while in the discharge of duty imposed by this Section.~~

*Comment: Section relocated from Section 2.27.09 and deleted as it will be adopted through the updated Code of Ordinances.*

**~~2.27.10. Notice of Removal.~~**

~~Within 48 hours of the removal of a junked vehicle under this Section, the County Manager/designee shall give notice to the registered owner of the junked motor vehicle, if known, and also to the owner or occupant of the private property from which the vehicle was removed, that such vehicle has been impounded and stored for violation of this Article. The notice shall give the location of where the vehicle is stored, and the costs incurred by the County for removal.~~

*Comment: Section relocated from Section 2.27.10 and deleted as it will be adopted through the updated Code of Ordinances.*

**~~2.27.11. Disposition of Vehicles.~~**

~~Upon removing a vehicle under the provisions of this Section, the County shall after ten days cause such vehicle to be appraised by a person knowledgeable as to junked motor vehicle values. If the vehicle is appraised at \$200.00 or less, the County Manager/designee shall execute an affidavit so attesting and describing the vehicle, including the license plates, if any, and stating the location and appraised value of the vehicle. The County Manager/designee, after complying with the above provisions, may summarily dispose of the junked motor vehicle and execute a certificate of sale. If the vehicle is appraised at over \$200.00, the County Manager/designee shall give notice of public sale not less than 30 days before the date of the proposed sale.~~

*Comment: Section relocated from Section 2.27.11 and deleted as it will be adopted through the updated Code of Ordinances.*

**~~2.27.12. Contents of Public Sale Notice.~~**

~~The notice of public sale shall state:~~

- ~~(01) The sale is of abandoned property in the possession of the County.~~
- ~~(02) A description of the vehicle, including make, model, license number and any other information which will accurately identify the vehicle.~~
- ~~(03) The terms of the sale.~~



~~(04) — The date, time, and place of the sale.~~

*Comment: Section relocated from Section 2.27.12 and deleted as it will be adopted through the updated Code of Ordinances.*

~~**2.27.13. — Public Sale.**~~

~~The junked motor vehicle sold at public sale under the terms of this Article shall be sold to the highest bidder. At the time of payment of the purchase price, the County Manager/designee shall execute a certificate of sale in duplicate, the original of which is to be given to the purchaser, and the copy thereof to be filed with the County Clerk. Should the sale for any reason be invalid, the County's liability shall be limited to the return of the purchase price.~~

*Comment: Section relocated from Section 2.27.13 and deleted as it will be adopted through the updated Code of Ordinances.*

~~**2.27.14. — Redemption of Impounded Vehicles.**~~

~~The owner of any junked motor vehicle seized under the provisions of this Article may redeem such vehicle at any time after its removal, but prior to the sale or destruction thereof, upon proof of ownership and payment to the County finance director of such sum as the County Manager/designee may determine and fix for the actual and reasonable expense of administration and removal, and any preliminary sale advertising expenses, attorney's fees, plus reasonable storage fees, for each vehicle redeemed.~~

*Comment: Section relocated from Section 2.27.14 and deleted as it will be adopted through the updated Code of Ordinances.*

~~**2.27.15. — Liability of Owner or Occupant.**~~

~~Upon the failure of the owner or occupant of property on which junked motor vehicles have been removed by the County to pay the un-recovered expenses incurred by the County in such removal and disposition, a lien shall be placed upon the said real property for the amount of such expenses, pursuant to an order of the County Court.~~

*Comment: Section relocated from Section 2.27.15 and deleted as it will be adopted through the updated Code of Ordinances.*

**ARTICLE 13  
LAND EXCAVATION AND MINING**

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## ARTICLE 13 LAND EXCAVATION AND MINING

Text that is underlined is text to be added and text that is shown as ~~strikeout~~ is to be removed. *Comments* provided for information and are not adopted as part of the Land Development Code text.

*Comment: Language relating to land excavation and mining relocated to Article 13 for ease of use.*

### **SECTION 13.01.00.—LAND EXCAVATION:**

*Comment: Title relocated from Section 3.25.00.*

#### **13.01.01      General Provisions:**

~~(A) *Short Title.* This Section shall be known and may be cited as the "Hardee County Land Excavation Regulations."~~

(BA) *Purpose.* The purpose of this ~~Section~~ Article is to protect the public health, safety, and welfare through the establishment of reasonable standards for the review and regulation of the location and operation of land excavation activities for materials to meet the demands of construction projects within Hardee County. ~~It is intended that this division be used in conjunction with the provisions of Article 7 of this Code pertaining to a Major Special Exception Use Permit. This section~~ Article shall fairly and equitably allow the operation of borrow pits or other non-mining land excavation activities, which are not covered by Section ~~3.14.00~~ 13.03.00 of the Code, while at the same time protecting the following needs and interests of Hardee County.

- (1) Reuse of property excavated;
- (2) Reclamation of excavated area;
- (3) Surrounding land use;
- (4) Transportation concerns;
- (5) Environmentally sensitive areas and heavily treed sites;
- (6) Water quality;
- (7) Water quantity;

- (8) Drainage;
- (9) Public safety;
- (10) Fugitive dust attenuation;
- (11) Noise levels;
- (12) Property values; and
- (13) Compliance with the Hardee County Comprehensive Plan.

All land excavations authorized by the Southwest Florida Water Management District (SWFWMD) or Florida Department of Environmental Protection (FDEP) for the purpose of agricultural irrigation, including cattle ponds, shall be exempt from this ~~Section~~ Article of the Code. If more than one dump truck of excavated material leaves the site it is no longer exempt.

*Comment: Section relocated from Section 3.25.01; Section A Short title deleted as it is not accurate for the section and not needed; Language referencing Article 7 deleted as it is incorporated in this Article; Language added to clarify if excavated materials leave the site they are no longer exempt.*

### **13.01.02 Requirements-**

- (A) *Permits.* Unless specifically exempted by this ~~Article Code~~, it shall be unlawful for any person, persons, firm, or corporation either individually, collectively, or through an agent to cause land excavation, as defined in this ~~Article Code~~, including pre-excavation site preparatory activities thereto, within the unincorporated areas of Hardee County without having first obtained a Major Special Exception Use Permit for land excavation pursuant to this Article 7 of the Unified Land Development Code.
- (B) *Compliance with Other Regulations.* Issuance of a ~~Major~~ Special Exception Use Permit by Hardee County, or exemption from the requirement thereof, does not abrogate any legal requirement to comply with the regulations of any other governmental agency, local, state, or federal, which may have jurisdiction over the proposed activity upon the land.

*Comment: Section relocated from Section 3.25.02.*

**13.01.03 Review Procedures-**

## (A) Application.

An application for a ~~Major~~ Special Exception Use Permit shall be submitted to the Planning and Development Department and shall contain the required information as set forth in ~~this Article 7 of the Unified Land Development Code~~. Afterwards, the ~~Planning Director of Planning and Development~~, or their designee, shall distribute copies of the application to the Mining Department as well as to the members of the Development Review Committee (DRC) and the Planning and Zoning Board for review and comment.

*Comment: Section relocated from Section 3.25.03(A)*

## (B) Determination by the Board of County Commissioners.

(1) The Board of County Commissioners (BoCC) shall review the ~~Major~~ Special Exception Use Permit application as well as the required Site and Development Plan and make a determination as to compliance with the provisions of this ~~Section Article~~ as well as the Unified Land Development Code and the Comprehensive Plan. If, the ~~Major~~ Special Exception Use Permit is approved, then the applicant may apply for a Land Excavation Operating Permit from the Mining Department.

*Comment: Section relocated from Section 3.25.03(B)*

## (C) Issuance of Land Excavation Operating Permit.

(1) A land excavation operating permit shall be obtained from the Mining Coordinator prior to commencing land excavation and must be in effect at all times during such land excavation.

(2) The land excavation operating permit shall be consistent with the ~~Major~~ Special Exception Use Permit's conditions of approval, ~~and issued for an operating period no longer than that approved by the Board~~.

(3) A protected, complete copy of the permit shall be posted at the site entrance where it is visible for public viewing.

~~(4) Within ten calendar days following a decision of the Mining Coordinator to issue or deny a land excavation operating permit, the applicant shall post~~

~~notice in a conspicuous location on the land excavation site informing the public of the decision, the right to appeal, and the date by which an appeal must be filed with the County pursuant to Administrative Appeals process contained in this Code.~~

*Comment: Section relocated from Section 3.25.03(C); Language deleted related to notice placed on the property for the denial of a permit as the requirements is a burden on staff and is not necessary since Records of Decisions or other official public documents record the decision.*

- (D) Land Excavation Operating Permit Application Procedures.
- (1) *Land Excavation and Reclamation Plan:* The Applicant shall submit 25 copies of a proposed Land Excavation and Reclamation Plan to the Mining Department which outlines the proposed excavation or earth moving activity, waste disposal, water use, land reclamation and monitoring for the project. It shall include at a minimum:
- ~~(a-)~~ *Owner:* The names, addresses and telephone numbers of the owner(s) of the project and its agents ~~located in Hardee County~~ upon which service of any papers under this Section may be made;
- ~~(b-)~~ *Applicant/Operator:* The names, addresses and telephone numbers of the Applicant if other than the owner, and its agent ~~residing in Hardee County~~ upon which service of any papers under this Section may be made;
- ~~(c-)~~ *Engineer:* The name, address and telephone number of the Florida registered professional engineer of record for the project, who shall prepare and sign all engineering documents submitted to the County;
- ~~(d-)~~ *Survey and Legal Description:* A boundary and topographic survey signed and sealed by a licensed surveyor in the State of Florida that includes a legal description of the Excavation Site and the Excavation Limits and the extent of all wetlands on the proposed site;
- ~~(e-)~~ *Material:* Type and volume of material to be extracted;
- ~~(f-)~~ Topographic Maps:

- (01) A topographic map or maps of the entire tract covered in the application shall be provided. Said map shall show contour lines at two-foot intervals accurate within one foot, which depict the actual ground contours prior to the commencement of mining operations. The contour map or maps shall be indexed using a grid system of one sheet per section on a 1" = 400' scale with the section corners located;
- (02) There shall also be provided a composite topographic map on a single sheet, not to exceed 72 inches by 72 inches in size, using an appropriate scale;
- ~~(g-)~~ *Land Excavation and Reclamation Plan.* Maps and other appropriate documents depicting the project tract and including:
- (01) Owners and locations of all tracts of land contiguous to the tracts of land under consideration, for the project;
- (02) Locations of each excavation unit or borrow pit;
- (03) Excavation sequence of the units for the life of the site shown on a year-by-year basis;
- (04) The schedule of operation and completion of each unit for the life of the site shown on a year-by-year basis;
- (05) Locations and sizes of proposed ponds;
- (06) Location and general description of all physical facilities or other structures, including pipelines;
- (07) Location and general description of all stormwater management facilities;
- (08) Location and general description of all points of discharge for air pollutants, wastewater, and stormwater runoff;
- (09) Location and general description of all wetlands, existing natural and man-made streams and lakes, and definition of the 100-year and 25-year flood plains



pursuant to methodology approved by the Southwest Florida Water Management District, or its successor;

- (10) Location and description of all existing wells;
- ~~(11) Contour elevations of the limestone strata beneath the tracts under consideration;~~
- ~~(12) Type and classification of the soil overburden;~~
- ~~(13)~~ (13~~1~~) Water table elevations both existing and the historical high;
- (14~~2~~) A transportation analysis, unless one was provided through the Mining Major Special Exception process that is current;
- ~~(15)~~ (15~~3~~) The results of a detailed survey of the entire tract by a qualified archeologist in order to make a full assessment of its archeological and historical resources;
- (16~~4~~) The location of any archeological sites, historical sites, cemeteries or burial grounds contained on the tract and what, if any, measures the Applicant proposes to preserve or dispose of such findings;
- ~~(17)~~ (17~~5~~) Location of all existing utility lines, easements, and existing roads, public or private;
- ~~(18)~~ (16) Results of a general wildlife survey and any species specific surveys conducted.
- ~~h. *Monitoring Plan.* A composite map or maps, or other appropriate document shall be provided depicting as to the project showing:~~
  - ~~(01) Locations and description of each monitoring station or group of stations;~~
  - ~~(02) The type of device or monitoring procedure for each station;~~
  - ~~(03) Monitoring schedules for each stations;~~

- ~~(04) A detailed plan for compiling and submitting reports of the results from each monitoring station;~~
- ~~(05) The allowable limits for each parameter being monitored.~~

~~i. (h) *Inspection Plan.* The Applicant shall provide a plan for quarterly inspection of site and operation. This plan shall include inspection of the perimeter and silt screen that is placed around the excavation. A copy of the inspection results shall be provided to the County;~~

~~j. (i) *Reclamation Plan.* A composite and other map(s) shall be provided depicting as to the project tract;~~

~~(01)i. Contours to which the tract will be graded or restored;~~

~~(02)ii. Location of each pond or other water bodies proposed, as necessary;~~

~~(03)iii. Sequence of reclamation for the site on a year-by-year basis;~~

~~(04)iv. Schedule of reclamation and completion of the site on a year-by-year basis;~~

~~(05)v. General description and density of plantings;~~

*Comment: Section relocated from Section 3.25.03(D); Language deleted and updated to remove the requirement for a Monitoring Plan as monitoring is not always required for excavation. Language updated to remove quarterly inspection requirements since the timing will be addressed in the Special Exception conditions; Language added requiring results of inspections to be submitted to the County. Other changes require wetlands to be included on the survey, provide flexibility in the provision of a Transportation Analysis, require wildlife survey results be provided, mandate inspection of perimeter and silt fences, remove the requirement that the agent be located in the County and remove the requirement that geological elevations and soil types be provided.*

(E) Compliance Review.

Every year after issuance of the operating permit, the Mining Department shall review the land excavation for compliance with the conditions of the operating permit as well as the Major Special Exception Use Permit. Any new conditions or

requested modifications ~~shall~~ can be addressed at this time and may require Board of County Commissioner approval.

*Comment: Section relocated from Section 3.25.03(E); Language deleted and updated to provide flexibility in compliance review.*

(F) Transfer of Permit.

- (1) If ownership of the property for which the land excavation permit has been issued should change during the initial or extended term of the permit, the new owner shall be required to apply for and receive from the Mining Coordinator a transfer of the original permit. The new owner shall furnish the Mining Coordinator an Ownership and Encumbrance Report prepared not more than 30 days prior to the date of request to transfer the permit. The new owner shall also obtain the written consent of all mortgagees and attach the original of said consent to the application for transfer.
- (2) The transferred permit shall be in the name of the new owner and shall be required prior to the new owner conducting land excavation activities. The new owner shall post the entire financial security required pursuant to ~~3.25.04~~ Section 13.01.04 prior to the transfer of the permit. The new owner shall also submit an affidavit to complete reclamation as required in the Code, and an irrevocable license to enter the site to reclaim as required in ~~3.25.04~~ Section 13.01.04 prior to transfer of the permit. The transferred permit shall be valid for the remaining term of the permit.
- (3) Failure to obtain a transfer of permit prior to the new owner conducting land excavation activities may result in penalties or temporary, if not permanent closure of the operation.

*Comment: Section relocated from Section 3.25.03(F)*

(G) Appeal of Determination of Operating Permit.

Appeals of determination of Operating Permits are to comply with Section ~~8.02.02, 10.04.00~~ of the Unified Land Development Code.

*Comment: Section relocated from Section 3.25.03(G)*

(H) Fees.

The Board of County Commissioners is authorized to set reasonable fees for the implementation of this Section. In addition to the fee which accompanies the

application, the ~~per~~Permittee shall also submit to the County a signed, dated, notarized document indicating the number of cubic yards of material removed from the excavation and the fee based upon this amount. The amount of this fee shall be established by resolution of the Board of County Commissioners. The notarized document indicating the number of cubic yards of material removed from the excavation and the corresponding fee shall be submitted to the Mining Coordinator each quarter until the land excavation ceases. The fee shall be payable to the Board of County Commissioners. Final calculation of fees shall be based on calculations submitted by an Engineer registered in the State of Florida. Calculations shall be based on a topographic survey of 100-foot grids prepared by a surveyor registered in the State of Florida or a calculation of the cubic yards excavated by multiplying the maximum depth of the excavation by the surface area of the excavation. The amount collected shall be used by the County to offset expenses incurred in enforcement and inspection procedures.

*Comment: Section relocated from Section 3.25.03(H)*

(I) Inspection.

The Mining Coordinator, or designee, shall have the right to inspect the lands affected by this Article. Permitted land excavations shall be inspected to ensure compliance with this Article and all conditions of the permit.

*Comment: New Section added to address inspections*

**13.01.04 Financial Security for Reclamation Plan-**

(A) Financial Security.

Financial security is required per the procedure contained in this Section.

- (1) A surety in the amount to be established by the Board of County Commissioners shall be deposited into a restricted escrow account or a performance bond in that amount shall be secured. The amount will be based on quantities mined in relation to the acres reclaimed and evaluated on an annual basis. Escrow funds or the performance bond shall forfeit to the County should the mining operator fail to perform according to the approved mining reclamation plan and schedule.
- (2) The surety must be for 18 months or the length of the permit plus six months, whichever is less, for reclamation. Likewise, it must also be in a form that is acceptable to the Mining Coordinator, the County Engineer, and the Board of County Commissioners' Attorney, and it is subject to final

acceptance by the BoCC. This surety will have to be renewed on an annual basis until the permitted mining operation is completed. At the time of renewal, the amount of the surety will be adjusted for reclamation performed and any changes in the quantities to be mined.

(B) Release of Financial Security ~~To~~ Ensure Reclamation.

(1) The ~~p~~Permittee shall notify the Mining Coordinator in writing to request the release of financial security. Prior to the release, the following shall occur:

(a-) The Mining Coordinator shall complete a final inspection and approve reclamation of the site;

(b-) The ~~p~~Permittee shall submit a signed, sealed and dated topographic survey to indicate total cubic yards of material excavated or a calculation of the cubic yards excavated by multiplying the maximum depth of the excavation by the surface area of the excavation;

(c-) The ~~p~~Permittee shall submit the balance of payment in full for the total cubic yards of material excavated.

(2) The ~~Administrator~~ County Manager or designee shall return the released financial security to the permittee within 30 days of approval.

*Comment: Section relocated from Section 3.25.04.*

**13.01.05 Operating Standards-**

*Comment: Section title relocated from Section 3.25.05*

(A) Staking.

Prior to excavation, the perimeter of the land excavation shall be adequately staked to delineate the excavation. These stakes shall be maintained throughout the duration of excavation and reclamation. The Mining Coordinator may require a legal description of the land excavation when necessary for determining staking and location of the land excavation.

*Comment: Section relocated from Section 3.25.05(A).*

(B) Protection of Water Resources.

- (1) Land excavation operations shall not have an adverse impact on the quality of either surface water or groundwater on surrounding property. Applicants must ensure the proposed operations meet the standards of the County, the Florida Department of Environmental Protection, and other applicable regulatory agencies.
- (2) Land excavation operations shall not have any adverse impact on water levels of either surface water or groundwater on surrounding property. The Mining Coordinator may set limits on water level declines at the property line, may require the applicant to install appropriate monitoring/observation wells, and may require the applicant to submit monitoring reports regarding water level fluctuation.
- (3) Land excavation operations shall not breach the semi-confining layer beneath the surficial aquifer. A minimum thickness of ten feet of the semi-confining unit must remain beneath the base of the excavation at all times.
- (4) All lake creations will be subject to the regulations of the County, Southwest Florida Water Management District, the Florida Department of Environmental Protection, and other applicable regulatory agencies.
- (5) Except as otherwise restricted by this Code, agriculture irrigation reservoir authorizations issued through the Southwest Florida Water Management District or Florida Department of Environmental Protection under Environmental Resource Permit or Water Use Permit rules, including permits and exemptions, will be accepted as meeting the protection of water resource criteria of this Section.
- (6) Silt fencing may be required in areas that require protection upon review of the application.

*Comment: Section relocated from Section 3.25.05(B); Language added to address silt fencing for protection.*

(C) Noise.

Land excavation operations shall not create a sound level which exceeds ~~the limits established by Hardee County~~ 75 decibels as measured at the property boundary.

*Comment: Section relocated from Section 3.25.05(C); Language added to clarify*

*noise requirement.*

(D) Toxic or Hazardous Substances.

There shall be no disposal of any toxic or hazardous substances, or vegetative material or any other discarded material into the land excavation or on the land excavation site either during or subsequent to land excavation operations. The property owner shall be responsible for the immediate removal of all unauthorized materials disposed of in excavated areas or on the land excavation site with or without ~~his~~ their knowledge or consent.

Any unauthorized materials existing on the land excavation site must be removed prior to permit issuance. Vegetative material from the site may be burned if properly permitted. All other unauthorized materials must be transported to a permitted landfill, transfer station or other approved disposal site.

*Comment: Section relocated from Section 3.25.05(D)*

(E) Slopes.

(1) The standard slope for the side of a lake creation, including ditches, shall be four feet measured horizontally to one foot measured vertically (4:1) to a depth of six feet below normal water level, then no steeper than two feet measured horizontally to one foot measured vertically (2:1) to the bottom of the excavation. The side slopes of excavations for the purpose of agriculture irrigation reservoirs shall be designed and constructed as authorized by the Southwest Florida Water Management District or the Florida Department of Environmental Protection. Proof of permitted design shall be submitted at the time of Operating Permit application. Dry land excavations shall be no steeper than four feet measured horizontally to one foot measured vertically (4:1) to the bottom of the excavation. Any mitigated wetlands shall be sloped and vegetated as approved by the State of Florida.

(2) Required side slopes shall be constructed and maintained as excavation progresses. Side slopes shall not be excavated and backfilled, unless approved by the Board of County Commissioners.

*Comment: Section relocated from Section 3.25.05(E)*

(F) Haul Roads.

The land excavation property owner shall control dust generated by the land excavation's trucks within 500 feet of any residence. Additionally, if an offsite haul route contains a dirt segment of a public road, the land excavation property owner may be required by the BoCC, as part of the Mining Major Special Exception Use Permit's conditions of approval, to pave the dirt segment of the public road in accordance with the County's requirements.

*Comment: Section relocated from Section 3.25.05(F)*

(G) Dust and Smoke.

- (1) The land excavation shall be operated in such a manner that fugitive dust emissions are minimized. To minimize dust and to prevent the deposit of land excavation material on paved roads, trucks shall be covered with their tailgates securely latched. Dirt road segments of the designated haul route may require regular watering to minimize dust generated by hauling activities.
- (2) Open burning associated with land excavation must be processed in accordance with County's requirements.

*Comment: Section relocated from Section 3.25.05(G)*

(H) Ingress/Egress.

- ~~(1) Ingress/egress aprons are required for all land excavations from which material is excavated and transported on a public road(s). Aprons shall be geometrically designed according to the specifications for a Type II Turnout as provided in the Florida Department of Transportation Standard Sheet #516.~~
- ~~(2) The minimum pavement of the apron shall be one and three fourths inches of asphaltic concrete type S-1 over eight inches of limerock base over 12 inches of stabilization (minimum LBR 40), or equivalent as approved by the County Administrator or his designee.~~
- ~~(3) The ingress/egress apron shall be maintained throughout the duration of the land excavation activities.~~
- (1) A copy of the permit or no permit required from Road and Bridge must be provided.



- (42) A stop sign shall be posted at the land excavation site access onto a public road.
- (53) On-site, excavated material shall be transported along a course from the land excavation to the point of ingress/egress access which would have the least adverse impact, if any, on surrounding land uses and/or environmentally sensitive areas.

*Comment: Section relocated from Section 3.25.05(H); Language updated to give access management issues to the Road and Bridge Department*

- (I) ~~Trees and~~ Upland and Significant Habitat.
- (1) ~~The applicant shall locate the proposed excavation to minimize the removal of trees having a DBH of five inches or greater. However, the applicant for an excavation authorized by SWFWMD or FDEP for the purpose of agricultural irrigation may, as necessary, remove these trees.~~
- (2) ~~Upland significant and essential wildlife habitat shall be protected in accordance with the standards and guidelines as set forth by the rules and regulations of the State of Florida.~~

*Comment: Section relocated from Section 3.25.05(I); Language updated to defer to state requirements.*

- (J) Compliance With FDEP and Other Regulatory Agency Requirements.
- (1) ~~The land excavation shall comply with the Florida Department of Environmental Protection (FDEP) Reclamation Requirements for Solid Resources other than Phosphate, Limestone, Heavy Minerals, and Fuller's Earth. Prior to permit issuance, the applicant must show proof of notification to the FDEP in accordance with Florida Statutes Chapter 378, and other state and federal regulatory agencies.~~

*Comment: Section relocated from Section 3.25.05(J); Language updated to require proof of state notification.*

**13.01.06 Standards for Reclamation-**

*Comment: Section title relocated from Section 3.25.06*

(A) Grading.

- (1) Side slopes of the land excavation shall be fine graded to a slope of four feet measured horizontally to one foot measured vertically (4:1) to a depth of six feet below normal water level, then no steeper than two feet measured horizontally to one foot measured vertically (2:1) to the bottom of the excavation. The side slopes of excavations for the purpose of agriculture irrigation reservoirs shall be designed and constructed as authorized by the SWFWMD or FDEP. Proof of permitted design shall be submitted at the time of Operating Permit application. Dry land excavations shall be no steeper than four feet measured horizontally vertically (4:1) to the bottom of the excavation.
- (2) All disturbed upland areas within the land excavation site shall be graded to elevations which existed prior to permit approval. Notwithstanding, in the case of excavations for the purpose of agricultural irrigation the site shall be graded to the elevations authorized by SWFWMD or/or FDEP. Proof of approved grading requirements shall be submitted at time of Operating Permit application.

*Comment: Section relocated from Section 3.25.06(A)*

(B) Vegetation.

- (1) A landscaped littoral shelf shall be incorporated along a minimum of 30 percent of the bank along the entire perimeter of the excavation. The littoral shelf shall be landscaped with native wetland plants. This landscaping material shall consist of a diversity of herbaceous and/or forested plants as recommended by the Mining Department. This requirement shall not apply to excavations authorized by the SWFWMD or FDEP for the purpose of agricultural irrigation.
- (2) Lake Creation—All side slopes shall be stabilized by seed and mulch or sod to a minimum elevation of six feet below at the normal low water level.
- (3) Dry Land Excavations.
  - (a-) The entire area of the land excavation (side slopes and bottom) shall be seeded and mulched or sodded.

~~(b-)~~ Prior to the commencement of onsite activities, all required buffer areas, as determined by the County, shall be planted with a maximum of 30 trees per acre ~~of disturbed land shall be planted within all required buffer areas, as determined by the County.~~

(1) Tree species selected shall be suitable to the site conditions, representative of the surrounding plant ecology, and freeze tolerant.

(2) The trees shall be an assortment of large (mature height of 50 feet or greater), medium (mature height from 25 to 50 feet), and small trees (mature height from 15 to 25 feet) planted on 20-foot centers in offset rows.

(3) To the extent feasible, the planting format should create, upon maturity, a tiered effect, with the large trees planted closest to the excavation, medium trees in the middle, and small trees planted closest to the property line.

(4) At installation, all trees shall be six feet in height and meet Florida Grade #1 or better quality as specified in the "latest" Grades and Standards for Nursery Plants, Part II, Florida Department of Agriculture and Consumer Services.

(5) A low volume irrigation system or suitable alternative is required to ensure that adequate water is available for the establishment and maintenance of the trees.

(6) Replacement of dead, diseased, or irreparably damaged trees may be required at any time during the operation or reclamation of the land excavation if the number of healthy trees drops below approximately 75 percent of the number originally planted.

(4) All upland disturbed areas within the land excavation site shall be seeded and mulched or sodded.

*Comment: Section relocated from Section 3.25.06(B); Language updated to clarify the buffer land prior to commencement of excavation should be planted with trees.*

**13.01.07 Fees-****(A) Application Fees.**

(1) The Board of County Commissioners finds these fees to be fair, reasonable, and necessary to the effective administration and enforcement of this Section. Therefore, the following fees shall apply upon adoption of this Section. In addition, the Board of County Commissioners may adjust these fees from time to time via resolution of the Board of County Commissioners.

(a-) Operating Permit Fee—\$500.00 plus \$10.00 for each acre over 100;

(b-) Annual Progress Report Fee—\$300.00.

*Comment: Section relocated from Section 3.25.07.*

**SECTION 13.02.00 MINING MAJOR SPECIAL EXCEPTION USE PERMIT-**

*Comment: Title relocated from Section 7.17.00.*

**13.02.01 General Purpose****(A) Purpose and Intent.**

Large-scale use such as Phosphate Mining and related industrial activities associated with the transportation and beneficiation of phosphate ore and mineral processing, due to the size, character, and unique combination of impacts on public facilities and environmental resources, requires extraordinary review when proposed for a particular location within the County. A Mining Major Special Exception Use is subjected to a higher standard of review which combines the analysis and considerations required for rezoning, review of a Master Mining and Reclamation Plan, and other standards detailed in ~~Article 7 and Article 3~~ Section 3.14.02 this Article. The Mining Major Special Exception Use Permit has been created given the unique and specific types of impacts associated with mining operations. Before a Mining Major Special Exception Use permit can be issued, a ~~Comprehensive~~ Comprehensive ~~Plan~~ Plan amendment and/or rezoning may be required. If so, the ~~Comprehensive~~ Comprehensive ~~Plan~~ Plan amendment and/or rezoning may be reviewed at the same hearing as the Mining Major Special Exception Use and the Master Mining and Reclamation Plan. It is the purpose of this ~~s~~Section to identify the standards and the review process for a Mining Major Special Exception Use Permit and for modifications thereto.

*Comment: Language relocated from Section 7.17.01(A).*

**(B)** Status of DRI Development Orders.

A solid mineral mine subject to a development-of-regional-impact development order that became effective prior to the effective date of the ordinance from which this ~~s~~Section derives shall continue to be governed by, and may be completed in reliance upon and pursuant to, the development-of-regional-impact development order unless the landowner has followed the procedures for rescission required by state law. Any proposed addition to, expansion of, or other change to such a mine shall be subject to review and approval pursuant to this Mining Major Special Exception Use regulation and shall not be subject to further development-of-regional-impact review or approval for such addition, expansion, or change.

A developer or landowner may request that the Board of County Commissioners rescind the development-of-regional-impact development order for such a mine. Upon a showing that the developer or landowner has met the requirements for rescission established by state law, the Board of County Commissioners shall by resolution rescind the development-of-regional-impact development order and incorporate its terms and conditions into a local development order. Any provision of this Code related to the processing of mining approvals as developments of regional impact are null and void as to mining and shall be deemed superseded by the corresponding provision within this ~~s~~Section.

*Comment: Language relocated from Section 7.17.01(B).*

**13.02.02 Hearing Body-**

A Mining Major Special Exception Use includes all activities directly related to the proposed pre-mining and mining operations, such as the transportation and beneficiation of phosphate ore and mineral processing. Mining Major Special Exception Uses require review and a recommendation by the Planning and Zoning Board and approval by the Board of County Commissioners as outlined in the following ~~s~~Sections.

*Comment: Language relocated from Section 7.17.02.*

**13.02.03 Standards of Review-**

At the time of a proposal for a Mining Major Special Exception Use, a detailed review of the location, design, configuration, and impact will be conducted by comparing the proposed Mining Major Special Exception Use to fixed standards. Of particular importance are standards for weighing the public need for and benefit to be derived from

the use, against the greater than local impact that it may cause. The review considers the proposal in terms of:

- (A) Whether and to what extent, the Mining Major Special Exception Use at the particular location for which it is proposed, is necessary or desirable and in the interest of furthering the Comprehensive Plan, of providing for the public convenience, or of contributing to the general welfare of Hardee County;
- (B) Whether and to what extent all steps possible will be taken by the developer to minimize any adverse effects of the Mining Major Special Exception Use on the immediate vicinity and on the public health, safety, and welfare in general;
- (C) Whether and to what extent, planned and proposed public and private developments may be adversely affected by the Mining Major Special Exception Use; and
- (D) Whether and to what extent, existing zoning, and land use in the vicinity of the Mining Major Special Exception Use require special considerations and conditions.
- (E) Whether and to what extent, the proposed Mining Major Special Exception is consistent with the established standards related to:
  - (Ø1) Whether one or more of the following design standards proposed for any proposed beneficiation plant will differ substantially from the design standards currently allowed for any of the adjacent properties, such as:
    - (a) Yards;
    - (b) Setbacks;
    - (c) Height;
    - (d) Lot coverage;
    - (e) Impervious surface coverage;
    - (f) Parking;
    - (g) Hours of operation.
  - (Ø2) Whether the intensity or density of use will be greater or lesser than that currently permitted for adjacent or currently existing properties;

- (03) Whether the proposed change in land use will adversely alter the existing land use pattern;\_
- (04) Whether the proposed Mining Major Special Exception Use will significantly increase traffic congestion or otherwise affect public safety;\_
- (05) Whether the proposed Mining Major Special Exception Use will adversely affect the drainage of the property;\_
- (06) Whether the proposed Mining Major Special Exception Use will decrease the quality of water, air, or light to adjacent properties;\_
- (07) Whether the propose Mining Major Special Exception Use will adversely affect the property values of the adjacent properties;\_
- (08) Whether the proposed Mining Major Special Exception Use is consistent with the provisions of Section ~~2.15~~ 5.12.02.01 regarding noise, Section ~~2.21~~ 5.12.02.07 regarding odors, and Section ~~2.22~~ 5.12.02.08 regarding glare within land areas protected by Section ~~3.14.02.06.A.(01)b~~ 13.03.03(A)(1)(b) 13.03.06(A)(1)(b). The noise level of 75 decibels provided in Section ~~3.14.02.06.A.(06)~~ 13.03.06(A)(6) shall apply along all other boundaries of the property.;
- (09) Whether the proposed Mining Major Special Exception Use would create a mixture of land uses after reclamation so dissimilar to the existing pattern of development, that the overall quality and character of the surrounding neighborhood would be degraded; ~~and~~ \_
- (10) Whether the detrimental effects of any identified incompatibilities can be mitigated or eliminated by adequate buffering and reclamation.
- (11) Whether the proposed Mining Major Special Exception Use will adversely affect federally listed plants within the proposed project\_
- (12) Whether the proposed Mining Major Special Exception Use will adversely affect state and/or federally listed wildlife and vegetative species within the proposed project.

*Comment: Language relocated from Section 7.17.03.*

### **13.02.04 Pre-Application Process**

A pre-application conference is required for all applications for Mining Major Special Exception Use approval. The pre-application conference is a meeting between Hardee County staff and representatives of the developer that will apply for the Mining Major Special Exception Use permit. Information required to conduct the pre-application conference must be submitted to the County at least 15 days prior to the meeting. Note that the following information lists the minimum information for a pre-application conference. The County may have more stringent information requirements for a pre-application conference specific to the proposed development, and County staff should be consulted prior to the pre-application conference.

Provide the following information about the proposed development, based on publicly available information:

- (A) General Information.
  - (1) Name of the development.
  - (2) Name, address, and telephone number of the applicant.
  - (3) Name, address, and telephone number of the authorized agent.
- (B) Project Description.
  - (1) A general description of the mine, mine addition and/or plant infrastructure. If a preliminary master plan has been developed, please provide.
  - (2) Proposed mining and reclamation sequence of the project, including project buildout date.
- (C) Site Information.
  - (1) Describe the existing land uses and vegetative associations. Provide a recent aerial photograph of the site.
  - (2) Provide an environmental assessment of the site, encompassing such topics as the probable occurrence of wetlands and listed plant and animal species.
  - (3) Indicate which portions of the site, if any, are within the 100-year floodplain.



- (4) Provide a letter from the Division of Historical Resources indicating if there are potential historic or archeological resources on the site which are listed in the Florida Master Site File.

(D) Impact Area Information.

- (1) Provide a general location map. Indicate on this map adjacent land uses, the existence of public facilities, and any boundaries of incorporated municipalities.
- (2) Provide a map of the surrounding roadway network likely to be included in a transportation analysis. Indicate the functional classification and number of lanes of all roadways in the study area except residential streets.

(E) Permitting and Approval Information.

- (1) Indicate if a Comprehensive Plan amendment and/or rezoning will be required for this development.
- (2) Provide a list of all permits which are required for the Mining Major Special Exception Use including those permits already applied for or received, specifying the date of application, issuing agency, and function of the permit.
- (3) Copies of local, state and federal permit applications and/or approvals including but not limited to an Environmental Resource Permit, Conceptual Reclamation Plan, Section 404 Clean Water Act Permit, Water Use Permit, and National Pollutant Discharge Elimination System Permit, may be submitted to fulfill the requirements of subsections ~~7.17.05, (14)–(22)~~ 13.02.06(K) below 13.02.05 (14)–(22). An applicant who chooses to submit such permit applications or approvals to fulfill the stated requirements must clearly cross reference the applicable permit or approval to the subsection and requirement it fulfills.

(F) Methodologies, Assumptions, Findings, and Agreements.

Provide a summary of each of the proposed methodologies, assumptions, models, criteria, etc., that will be used to address traffic, vegetation, wildlife, surface and groundwater quantity and quality and flood modeling in the Mining Major Special Exception Use permit application. The methodologies, assumptions, etc., should

be specific enough so that once agreement is reached, the applicant and the County will have a clear understanding of what will be provided in the application. The intent of this agreement is to streamline the review period and decrease the number of insufficiency findings wherever possible. The County should be consulted prior to the pre-application conference to explain the proposed methodologies.

Within 30 days following the pre-application conference, the Planning and Development Division shall document the findings and agreements made by the participants, including a summary of all assumptions and methodologies agreed upon at the conference. This documentation shall be provided to all participants at the pre-application conference, who shall have a specified time period, but not less than 30 days, to comment, agree, or disagree in writing with the summary. Any disagreements shall be resolved within 60 days after the pre-application conference. After agreement has been reached regarding an assumption or methodology, neither the applicant nor County staff may subsequently object to the assumption or methodology, unless subsequent changes to the project or information obtained during the review make the assumption or methodology inappropriate. In addition to meetings, pre-application conference activities may consist of telephone calls, written correspondence or reports, or other means of communication.

*Comment: Language relocated from Section 7.17.04.*

### **13.02.05 Application-**

All requests for a Mining Major Special Exception Use shall be submitted in writing to the Planning and Development Division, together with applicable fees, which shall have been established by resolution of the Board of County Commissioners. A request for a Mining Major Special Exception Use permit shall be accompanied by an application for Master Mining and Reclamation Plan approval which meets all the requirements of Section 13.03.00 ~~3.14.02~~ of this Code. The request for a Mining Major Special Exception Use permit will be considered for approval concurrently with the consideration of the Master Mining and Reclamation Plan.

- (A) *Contents.* The application shall contain the following items, as applicable:
- (Ø1) A Statement of Intent to apply for a Mining Major Special Exception Permit;
  - (Ø2) Notarized authorization of the owner if the applicant is other than the owner or an attorney for the owner;

- (03) Authorized Agent and Consultants (name, address, phone);
- (04) Attach a notarized authorization from all persons or corporations (or authorized agents of said persons or corporations) having fee simple or lessor estate in the site indicating that each of these parties is aware of, and concurs with, the development of this property as described in this Mining Major Special Exception application. Include the names and addresses of all parties with an interest in the property;
- (05) Attach a legal description of the development site. Include section, township, and range;
- (06) List all agencies (local, state and federal) from which approval and/or a permit must be obtained prior to initiation of development. Indicate the permit or approval for each agency and its status;
- (07) Provide the following maps:
- (a-) Map A - A general location map. Indicate the surrounding municipalities, major roads etc.
  - (b-) Map B - A recent vertical aerial photo of the site showing project boundaries which reasonably reflects current conditions. Specify the date the photo was taken.
  - (c-) Map C - A topographic map with project boundaries identified (contour intervals from one to five feet should be determined in consultation with the Hardee County Mining Department during the pre-application process). Delineate 100-year flood plain areas and indicate major land surface features.
  - (d-) Map D - A land use map showing existing and approved uses on and abutting the site. The uses shown should include existing on-site land uses, recreational areas, utility and drainage easements, wells, right-of-way, and historic, archaeological, scientific, and architecturally significant resources and lands held for conservation purposes.
  - (e-) Map E - A soils map of the site, with an identification of the source of the information. The use of a source other than the most recently published U.S.D.A. Natural Resources Conservation Service (NRCS) soil surveys should be determined in consultation with the County at the pre-application conference.

- (f-) Map F - A vegetation associations map indicating the total acreage of each association, based on the ~~Level III~~ vegetation type described in the most recent edition of the Florida Land Cover Classification System. ~~The Florida Land Use, Cover, and Forms Classification System~~
- (g.) Map G - A location map of all transects, trap grids, or other sampling stations used to determine the on-site status of listed wildlife and plant resources. Show location of all observed listed wildlife and plant resources, and show location of suitable habitat for all significant resources expected to be on-site.
- (h-) Map H - A master conceptual mine and reclamation plan for the site. Indicate proposed mine and reclamation sequence, major public facilities, utilities, disturbed areas, preservation areas, easements, right-of-way roads, and a conceptual site plan for any proposed beneficiation facilities.
- (i-) Map I - A master drainage plan for the site. Delineate existing and proposed: drainage basins, flow direction, water retention areas, drainage structures, flow route offsite, drainage easements, waterways, and other major drainage features. (This information may be presented on two separate maps (existing and proposed), if desired.)
- (j-) Map J - A map of the existing highway and transportation network within the study area. The study area includes the site, and locations of all transportation facilities which are substantially impacted. This area should be finally defined on the basis of the findings of the traffic impact analysis, including determinations of where the criteria for a substantial impact are met. Completion of a traffic impact analysis shall be consistent with procedures described in the Hardee County Traffic Impact Study Procedures Manual.
- (k-) Map K - A map of the existing wetlands with acreage. Also, indicate which wetlands will be disturbed and provide the acreage and limits of disturbance for each wetland on the map.
- (l-) Map L - A map of all land within the proposed project area that will be left undisturbed/preserved. Also indicate any proposed wildlife corridors that are proposed.

(08) Project description—Provide the following:

- (a-) Describe and discuss in general terms the plan for mining and reclamation.
- (b-) Provide a breakdown of the existing and proposed land uses on the site Use Level III ~~of~~ based on the most recent edition of the Florida Land Cover Classification System, The Florida Land Use and Cover Classification System, and Forms: A Technical Report (September 1999). Refer to Maps D (Existing Land Use) and H (Master Plan).
- (c-) Briefly describe previous and existing activities on site. Identify any constraints or special planning considerations that these previous activities have with respect to the proposed development.
- (d-) Demonstrate how the proposed project is consistent with the local ~~Comprehensive Plan and Land Development regulations Code~~. Indicate whether the proposed project will require an amendment to the adopted local ~~Comprehensive Plan~~, including the ~~Capital Improvements Element~~. If so, please describe the necessary changes.
- (e-) Provide a table detailing the employment generated by this project and the income range.
- (f-) Summarize the impacts this project will have on natural resources.
- (g-) The existing and proposed location of buildings on the property.
- (h-) Provide the overall acreage of the project.

(09) Revenue generation summary—Provide the following:

- (a-) Project the revenues anticipated to be generated by the project. This projection should include any source or use of funds which could have any reasonable connection to the proposed development.
- (1-) Make the following projections by year, including the first and last year in which mining takes place:

- (a) Yearly ad valorem and tangible personal property tax receipts.
  - (b) Yearly fees collected.
  - (c) Yearly sales tax received by local government.
  - (d) Yearly gasoline tax received by local government.
  - (e) Yearly projections of any other revenues by any other sources generated as a result of development of the proposed project within the region.
- ~~(2-)~~ List all assumptions used to derive the above projections and estimates, show the methodologies used and describe the generally accepted accounting principles used in all assumptions, estimates and projections.
- (10) Vegetation and Wildlife—Provide the following:
- ~~(a-)~~ Identify the dominant species and other unusual or unique features of the plant communities on Map F. Identify and describe the amount of all plant communities that will be preserved in a natural state following development as shown on Map H. Provide acreages in a table, ~~of FLUCCFS~~ based on the most recent edition of the Florida Land Cover Classification System (FLCS), and identify what is to be disturbed, enhanced, preserved, and reclaimed.
  - ~~(b-)~~ Discuss what survey methods were used to determine the absence or presence of state or federally listed wildlife and plants. State actual sampling times and dates, and discuss any factors that may have influenced the results of the sampling effort. Show on Map G the location of all transects, trap grids, or other sampling stations used to determine the on-site status of state or federally listed wildlife and plant resources.
  - ~~(c-)~~ List all species listed by state or federal agencies that were observed on the site and show location on Map G. Given the plant communities on-site, list any additional species listed by state or federal agencies expected to occur on the site and show the location of suitable habitat on Map G. Additionally, address any unique wildlife and plant resources, such as colonial bird nesting sites and migrating bird concentration areas. For species that are either observed or expected to utilize the site, discuss the known

or expected location and population size on-site, existence (and extent, if known) of adjacent, contiguous habitat off-site, and any special habitat requirements of the species.

(d-) Indicate what impact development of the site may have on species listed by state or federal agencies that are known to occur on site based on the surveys conducted pursuant to §sub-question (10)b.

(e-) Discuss what measures are proposed to be taken to mitigate impacts to species listed by state and federal agencies. If protection is proposed to occur on-site, describe what legal instrument will be used to protect the site, and what management actions will be taken to maintain habitat value. If protection is proposed to occur off-site, identify the proposed amount and type of lands to be mitigated as well as whether mitigation would be through a regional mitigation land bank, by acquisition of lands that adjoin existing public holdings, or by other means.

(11) Wetlands—Provide the following:

(a-) Acreage and percentage of property which is currently wetlands. These wetlands should be shown on Map F, Vegetation Associations and identified by individual reference numbers.

(b-) Historic hydroperiods and seasonal water elevations of on-site wetlands.

(c-) Acreage and location of wetlands which are to be preserved in their natural or existing state, including proposed hydroperiods, seasonal water elevations and methods for preservation.

(d-) Complete and provide Uniform Mitigation Assessment Method (UMAM) scores for all wetlands within the project boundary.

(e-) Acreage and location of areas to be enhanced, including proposed hydroperiods, seasonal water elevations and methods of enhancement.

(f-) Actions taken to minimize or mitigate impacts on wetland areas, including maintaining the hydroperiod and providing buffers.

- (g-) Acreage and location of wetlands which will be disturbed or altered, including a discussion of the specific alterations and disturbances.
        - (h-) Precautions to be taken during mining or construction of plant facilities to protect wetland areas that will not be mined.
        - (i-) Provide jurisdictional determinations for all wetlands within the project boundary.
        - (j-) Provide any proposed plans (conceptual or specific) for created or enhanced wetland areas, including littoral lake slopes, buffers, vegetative species to be planted, etc.
- (12) Water—Provide the following:
  - (a-) Describe the existing hydrologic conditions (both ground and surface water) on and abutting the site including identification and discussion of any potential aquifer recharge areas. Please identify and describe any Outstanding Florida Waters, Wild and Scenic Rivers, Florida Aquatic Preserves or Florida Class I or II Waters that occur within, abutting or downstream of the site and that are located in Hardee County.
  - (b-) Describe, in terms of appropriate water quality parameters, the existing ground and surface water quality conditions on the site. (The appropriate parameters and methodology should be agreed to by the County at the pre-application conference stage.)
  - (c-) Describe the measures which will be used to mitigate (or avoid where possible) potential adverse effects upon ground and surface water quality, including any resources identified in sub-question (12)a.
- (13) Soils—Provide the following:
  - (a-) Provide a description of each of the soils indicated on Map E. The description provided should include the following:
    - (1-) Soil name and map symbol.
    - (2-) Description of the soil.



- (3-) Seasonal high water depth.
  - (4-) Permeability rate.
  - (b-) Describe the potential for subsidence and any unique geologic features (such as sand dunes, bluffs, sinkholes, springs, steepheads, etc.) on the site. Discuss what aspects of the site plan will be used to compensate for or take advantage of these features.
  - (c-) Provide site specific studies and other relevant information that have been completed relative to sinkhole development within the project boundaries.
  - (d-) Where a soil presents a limitation to the type of use proposed in the development, state how the limitation will be overcome. Specify construction methods that would be used for buildings, road and parking lot foundations, lake or canal bank stabilization, clay settling area dams, beneficiation plants, etc.
  - (e-) What steps will be taken during site preparation and construction to prevent or control wind and water soil erosion? Include a description of proposed plans for clearing and grading as related to erosion control.
  - (f-) To what degree and in what location(s) will the development site for permanent structures be altered by fill material? If known, specify the source location and composition of the fill. Also identify the disposal location for any overburden or spoil.
- (14) Floodplains—Provide the following:
- (a-) Identify any pre- and post-reclamation flood plain areas.
  - (b-) If any structures, roadways or utilities are proposed within the post-reclamation 100-year flood plain area, identify their location and indicate what measures will be taken to mitigate the potential flood hazard and to maintain the 100-year floodplain storage volume.
  - (c-) Discuss any potential increases in the off-site flooding due to the development of this project.

- (d-) Provide a dam breach flooding analysis for each proposed clay settling area. The County may require the application of additional administrative or engineering controls, and/or additional purpose-designed flood control features, to control potential offsite flooding in the event of a dam failure.
  - (e-) Provide an emergency response plan for each clay settling area to be placed into service.
- (15) Water supply – Provide the following:
  - (a-) Provide a projection of the average daily potable and non-potable water demands at the end of each phase of development. If significant seasonal demand variations will occur, discuss anticipated peaks and duration.
  - (b-) Describe how this demand information was generated, including the identification of the consumption rates assumed in the analysis.
  - (c-) Provide a breakdown of sources of water supply, both potable and non-potable, by development phase through project completion.
  - (d-) If water wells exist on-site, locate them on Map H and specify those that will continue to be used. Also locate on Map H all proposed on-site wells. Indicate the diameter, depth, and pumping rates (average and maximum) for each of the existing wells and project this information for the proposed wells. Also provide a breakdown of the wells with regard to potable and non-potable sources.
  - (e-) If on-site water wells are used, will this result in interference with other water wells or result in adverse impacts to underlying or overlying aquifers? Document the assumptions underlying this response.
  - (f-) Please describe any water conservation methods or devices incorporated into the plan of development. What percentage of reduction is anticipated over conventional plans?
- (16) Wastewater management—Provide the following:

- (a-) Provide the projected wastewater generation and proposed wastewater treatment. Identify the assumptions used to project this demand.
  - (b-) Indicate if wastewater will be introduced to the project from an offsite source. Include the source, location of discharge and quantity.
- (17) Stormwater management—Provide the following:
- (a-) Describe the existing drainage patterns on-site as shown on Map I, including any potential flooding and erosion problems.
  - (b-) Describe the various elements of the proposed drainage system shown on Map I, including any wetlands to be used as part of the system, and discuss the design criteria (including stage-storage/ stage discharge assumption) to be used for the various elements. Provide typical cross-sections (showing dimensions, slopes, and control elevations) for any proposed lakes or swales. Identify the control elevation for all drainage structures. Include information as to what design storm will be used for the system.
  - (c-) From Map I, indicate the total number of acres in each drainage area and specify the acreage of any portions of drainage areas outside the site boundaries.
  - (d-) Specify and compare the volume and quality of run-off from the site in its existing condition to the anticipated run-off at the end of each reclamation parcel (as defined by the DEP reclamation program). (The parameters to be used to define "quality" and methodology shall be agreed to by the County at the pre-application conference stage.) Identify any changes in timing or pattern of water flows between pre- and post-reclamation conditions. Indicate major points of discharge and ultimate receiving water body(ies). Indicate what provisions will be incorporated in the design of the drainage system, including a summary description of any Best Management Practices to be utilized, to minimize any increase in run-off from the site and to minimize any degradation of water quality in the County receiving body over that occurring in its pre-reclamation state.
- (18) Solid waste/hazardous waste/medical waste—Provide the following:

- (a-) Provide a projection of the average daily volumes of solid waste generated.
  - (b-) Please specify the extent to which this project will contain laboratories, storage facilities, and warehouse space where hazardous materials may be generated or utilized. What types of hazardous waste or toxic materials are likely to be generated? Will a hazardous materials management plan be prepared covering all uses of hazardous materials on-site? If so, please discuss contents and enforcement provisions.
  - (c-) Please discuss what measures will be taken to separate hazardous waste from the solid waste stream. What plans and facilities will be developed for hazardous or toxic waste handling, generation, and emergencies?
  - (d-) Please identify off-site disposal plans for hazardous waste generated by this development and provide assurance of proper disposal by a qualified contractor.
  - (e-) For all waste disposal planned (on or off site), attach a copy of the letter from the developer describing the types and volumes of waste and waste disposal areas requested, and attach a letter from the agencies or firms providing services.
- (19) Transportation resource impacts—Provide the following:
- (a-) Complete a traffic impact analysis based on procedures described in the Hardee County Traffic Impact Study Procedures Manual.
  - (b-) Identify the anticipated number and general location of access points for driveways, median openings, and roadways necessary to accommodate the proposed development. Describe how the applicant's access plan will minimize the impacts of the proposed development and preserve or enhance traffic flow on the existing and proposed transportation system. This information will assist the applicant and County in reaching conceptual agreement regarding the anticipated access points. While the Mining Major Special Exception Permit application may constitute a conceptual review for access points, it is not a permit application and, therefore, the applicant is not required to include specific design requirements (geometry) until the time of permit application.

~~(c-)~~ If applicable, describe how the project will complement the protection of existing, or development of proposed, transportation corridors designated by local governments in their Comprehensive Plans. In addition, identify what commitments will be made to protect the designated corridors such as inter-local agreements, right-of-way dedication, building set-backs, etc.

(20) Air quality—Please provide the following:

~~(a-)~~ Document the steps which will be taken to contain fugitive dust during site preparation and while mining operations take place.

~~(b-)~~ Specify structural or operational measures that will be implemented by the development to minimize air quality impacts.

(21) Historical and archeological sites:

~~(a-)~~ Describe any known historical or archaeological sites on the development site. Provide a letter from the Department of State, Division of Historical Resources (DHR), which includes a list of known sites within the development site, the likelihood of historical or archaeological sites occurring within the development site, whether a site survey is needed, and whether any known sites are significant.

~~(b-)~~ If DHR recommends that a site survey be done, the results of such a survey, conducted for the mining area by an acceptable professional, shall be provided. Contact County staff prior to any survey.

~~(c-)~~ If significant historical or archaeological sites exist on-site, indicate what measures would be taken to protect them, or to minimize or mitigate impacts to them. Where appropriate, describe the measures for providing public access to the sites.

(22) Mining Operation—Please provide the following information:

~~(a-)~~ Type of mining operation;

~~(b-)~~ Mineral being mined;

- (c-) Proposed annual area in acres to be mined and total annual area disturbed by mining, roads, overburden deposit, processing, etc. (~~Specify total ultimate area to be mined or disturbed~~);
- (d-) Estimated annual extraction of minerals, thickness of the ore zone, amount of material spoiled, thickness of overburden being spoiled, and spoil location; ~~and~~
- (e-) Amount of clay and sand.
- (f-) Discuss the proposed water use plans in terms of daily withdrawal, consumptive use, source of supply, recycling, type of use, quality and method of treatment, and point and amount of discharge. This requirement may be satisfied by attachment of a consumptive use permit and related application materials.
- (g-) Discuss the effects of the water withdrawals on adjacent aquifers in terms of quantity, quality, and pressure. Are test wells or monitoring wells planned to evaluate drawdown effects? This requirement may be satisfied by attachment of a consumptive use permit and related application materials.
- (h-) What provisions, if any, will be made for periodic inspection and maintenance of retaining dikes, dam walls, any structure responsible for impoundment?
- (i-) Indicate whether on-site beneficiation of ore or minerals is planned. If so, describe the type and location of the beneficiation operation.
- (j-) Identify the potential for the release of radioactive materials into ground water, surface water or into the air. Discuss in detail what measures will be taken to prevent or minimize any such releases.
- (k-) Reclamation—Provide a proposed reclamation program which includes the following:
- (1-) A map showing what mined and disturbed areas are to be reclaimed;
  - (2-) Estimated acreage of the total mined and disturbed areas that would be reclaimed;

- (3-) An annual reclamation schedule which includes reclaimed acreage;
  - (4-) The proposed uses for the reclaimed land;
  - (5-) Methods for reclaiming waste storage areas;
  - (6-) Description of surface drainage within reclaimed areas;
  - (7-) Specific vegetative types to be used for reclamation, and the ~~proposed~~ classification of such vegetation, as described in the most recent edition of the Florida Land Use and Cover Classification System; and ~~Forms classification~~;
  - (8-) The general topography and slopes that will be created by reclamation.
- (l-) To what location(s) will the minerals being mined on the site be shipped? Include all trans-shipment points. Will further processing occur at these locations?
  - (m-) By what transportation mode will the minerals be shipped? Specify all carriers, and provide a percentage breakdown by mode.
  - (n-) Will the proposed mining operations require any expansion of transportation facilities within the region (rail, port, etc.)?

*Comment: Language relocated from Section 7.17.05.*

### **13.02.06 Review of Proposed Mining Major Special Exception Use-**

*Comment: Section Title relocated from Section 7.17.06.*

- (A) *Sufficiency Review.* Within 60 days of receipt of an application for a Mining Major Special Exception Use, the Planning and Development Division shall:
  - (01) Determine that the application is complete and proceed with formal review;
  - (02) Determine that the information submitted as the application is not complete and inform the developer in writing of any deficiencies;

- (a-) The developer shall submit any required information or request additional time in which to submit such information within 30 days, or submit a letter indicating that in ~~his/her~~ their judgment the application is complete. If additional time is requested County shall specify in writing how much additional time applicant has. In the second case, the developer shall specifically request that formal review commence; and
- (b-) If as a result of the Planning and Development Division's comments the developer chooses to submit an amended application, ~~he/she~~ they shall do so within 60 working days or within such time as the County may in writing agree. If more than 60 working days or the additional agreed time passes, the developer shall file a new application, which may be subject to additional fees.

The Planning and Development Division may request additional information no more than twice, unless the applicant waives this limitation.

- (B) *Report to Planning and Zoning Board.* Within 60 days of a determination that the application is complete, the Planning and Development Division shall submit a written report containing their recommendations on the proposed Mining Major Special Exception Use to the Planning and Zoning Board. The report shall be made available at least ten days prior to the meeting of the Planning and Zoning Board at which the application will be heard. A copy of the report shall be made available to the applicant.
- (C) *Planning and Zoning Board Hearing.* Within 45 days of submission of the staff report, the Planning and Zoning Board shall hold a public hearing on the application for a Mining Major Special Exception Use and shall forward its recommendations to the Board of County Commissioners. The Planning and Zoning Board review and recommendations shall specifically address:
- (Ø1) Concurrency management issues and considerations associated with the proposed Mining Major Special Exception Use, pursuant to the standards and procedures in this Article 7 ~~of this Code;~~
- (Ø2) *The need to formally amend the Comprehensive Plan.* Should the Planning and Zoning Board find that a Comprehensive Plan A amendment is required, then the Comprehensive Plan A amendment review shall be conducted in accordance with the standards and procedures set forth in ~~Section 7.03.00 of this Code~~ Article 9. The ~~Comprehensive~~ Plan amendment may be reviewed at the same hearing as the Mining Major



- Special Exception Use. However, depending on the nature of the Plan amendment, further consideration of the application for a Mining Major Special Exception Use may be placed on hold until the amendment is adopted;
- (03) Rezoning issues, if any, and recommended conditions for the proposed Mining Major Special Exception Use pursuant to ~~Section 7.04.00 of this Code~~ this Article. The rezoning request may be reviewed at the same hearing as the Mining Major Special Exception Use; ~~and~~.
  - (04) Master Mining and Reclamation Plan issues and Standards of Review, including any recommended conditions for the proposed Mining Major Special Exception Use pursuant to Section ~~3.14.02~~ 13.03.05 of this Code.
- (D) *Findings and Recommendation to Approve a Mining Major Special Exception Use.* The Planning and Zoning Board may recommend approval of an application for a Mining Major Special Exception Use only when all of the conditions below are met;
- (01) The proposed Mining Major Special Exception Use is consistent with the Hardee County Comprehensive Plan;
  - (02) The proposed Mining Major Special Exception Use would 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;
  - (03) The proposed Mining Major Special Exception Use at the proposed location will not result in adverse impacts to adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety, and general welfare; either as they now exist or as they are reasonably expected to exist in the future, as a result of the implementation of the goals, objectives and policies of the Comprehensive Plan; ~~and~~.
  - (04) The proposed Mining Major Special Exception Use meets all of the standards and requirements of this Code that are applicable to it; ~~and~~.
  - (05) Reasonable conditions can be derived and agreed upon that will address the concerns of the Planning and Zoning Board and mitigate adverse impacts of the proposed Major Special Exception Use.

- (E) *Findings and Recommendation to Deny a Mining Major Special Exception Use.* The Planning and Zoning Board may recommend denial of any application for any Mining Major Special Exception Use for one or more of the following reasons:
- (01) The proposed Mining Major Special Exception Use is inconsistent with the Hardee County Comprehensive Plan;
  - (02) The proposed Mining Major Special Exception Use would degrade the Level of Service of one or more public facilities and services, and contains no commitment to make improvements to maintain acceptable Levels of Service;
  - (03) The proposed Mining Major Special Exception Use at the proposed location results in an adverse impact on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety, and general welfare; and no reasonable conditions have been, or can be, derived or agreed upon that will address the concerns of the Planning and Zoning Board and mitigate the impact of the proposed Mining Major Special Exception Use; and
  - (04) The proposed Mining Major Special Exception Use does not otherwise meet all of the standards and requirements of this code that are applicable to it.
- (F) *Decision by Board of County Commissioners.* Within 30 days of receipt of the Planning and Zoning Board recommendation, the Board of County Commissioners shall hold a public hearing after due public notice on the Mining Major Special Exception Use and shall consider the recommendations of the Planning and Zoning Board. The Board of County Commissioners may conduct a joint hearing with the Planning and Zoning Board and extend the timing requirements for the Planning ~~& and~~ Zoning Board decision (~~section see (C) above~~) accordingly if the applicant concurs. The Board of County Commissioners by resolution shall enter a development order which shall approve, approve with conditions, or deny the Mining Major Special Exception request. The development order shall set forth specific findings of fact and conclusions of law as to whether the proposed Mining Major Special Exception Use is consistent with the standards and procedures of Section ~~7-17.03~~ 13.02.03. In the alternative, the Board of County Commissioners may continue the request and seek additional information. No approval of a Mining Major Special Exception Use shall be granted unless approved by a majority of the Board of County Commissioners voting.

- (G) *Conditions and Safeguards.* The development and use of the site of an approved Mining Major Special Exception Use shall be in accordance with the approved development order and Master Mining and Reclamation Plan. The Planning and Zoning Board may recommend and the Board of County Commissioners may impose on the granting of any Mining Major Special Exception Use any conditions or safeguards found to be necessary to ensure compatibility with surrounding properties or the community in general. These may include, but are not limited to:
- (01) Requiring restrictions on hours of operation and size of buildings;
  - (02) Requiring additional landscape and buffer areas;
  - (03) Limiting vehicular access points; and
  - (04) Other conditions which are reasonable and necessary to preserve the general welfare of Hardee County.

Violation of any such condition or safeguard shall be deemed a violation of this Code and may result in a revocation of any Mining Major Special Exception Use permit, in addition to any other remedy for such violation provided in this Code.

- (H) *Burden of Proof for a Mining Major Special Exception Use.* The burdens of proof for a Mining Major Special Exception are as follows:
- (01) The initial burden is upon the applicant to prove that the Mining Major Special Exception request is consistent with the Comprehensive Plan and meets all criteria of the Unified Land Development Code for granting such exception;
  - (02) At this point, the burden shifts to the County to demonstrate that granting the Mining Major Special Exception does not meet the applicable standards and would be adverse to the public interest.
- (I) *Findings.* The Board of County Commissioners shall make written findings of fact and conclusions of law of its decision, which shall be furnished to the applicant within five working days of the action. Any conditions adopted as a part of the approval of a Mining Major Special Exception Use shall be explicitly stated in the development order, and shall be the basis for any subsequent Development Agreement or Development Order associated with the Mining Major Special Exception Use. In the instance of a denial, the written finding shall state the reason, or reasons, for the denial from the list above, in sufficient detail to eliminate misunderstanding on the part of the applicant, any future applicant, and

the officials of Hardee County and shall indicate any changes in the application that would make it eligible to receive approval.

- (J) *Proposed Changes.* Any proposed change to a previously approved project or development order condition which, either individually or cumulatively with other changes, exceeds any of the following criteria shall constitute a substantial deviation and shall cause the development to be subject to further Mining Major Special Exception Use review without the necessity for a finding of same by the local government through the public hearing process:
- (01) A 25 percent increase in the number of external vehicle trips generated by the development above that which was projected during the original Mining Major Special Exception Use review.
  - (02) Any acreage increase to the project equal to or greater than 10 percent of the approved project area.
  - (03) Any change that would result in development of any area which was specifically set aside in the Mining Major Special Exception Use application or in the development order for preservation or special protection of endangered or threatened plants or animals designated as endangered, threatened, or species of special concern and their habitat, any species protected by 16 U.S.C. ss. 668a-668d, primary dunes, or archaeological and historical sites designated as significant by the Division of Historical Resources of the Department of State.
  - (04) An extension of the date of buildout of a development, or any phase thereof, by more than five years is presumed to create a substantial deviation subject to further Mining Major Special Exception Use review. This presumption may be rebutted by clear and convincing evidence.
- (K) *Proposed Change Review Process for Non-Substantial Deviations.*
- (01) The developer shall submit to the Planning and Development Division the request for approval of a proposed change not enumerated in ~~subsection (J)~~ above. Applications for non-substantial deviations shall comply with the submittal requirements of Section ~~7-17.04~~ 13.02.04. The applicant and County staff may agree that the circumstances surrounding the proposed non-substantial deviation also require the submittal of one or more of the items identified in subsection ~~7-17.05~~ 13.02.05.
  - (02) No sooner than 30 days but no later than 45 days after submittal by the Developer, Hardee County shall give 15 days' notice and schedule a public

hearing to consider the change that the developer asserts does not create a substantial deviation. This public hearing shall be held within 60 days after submittal of the proposed changes, unless that time is extended by the developer.

- (03) At the public hearing, the Board of County Commissioners shall determine whether the proposed change requires further Mining Major Exception Use review. The Board of County Commissioners shall also determine whether the proposed change is consistent with the standards and procedures of Section ~~7.17.03~~ ~~13.03.03~~ 13.02.03 and shall by resolution enter a development order which shall approve, approve with conditions, or deny the proposed change.
- (04) If the Board of County Commissioners determines that the proposed change does not require Mining Major Special Exception Use review and is otherwise approved, Hardee County shall issue an amendment to the development order incorporating the approved change and conditions of approval relating to the change. The decision of the local government to approve, with or without conditions, or to deny the proposed change that the developer asserts does not require further review shall be subject to appeal in circuit court.

*Comment: Language relocated from Section 7.17.06(A-K).*

### **SECTION 13.03.00 MINING REGULATIONS:**

The purpose of this Section is to protect the public health, safety and general welfare; to ensure the orderly development of mineral resources in a manner compatible with all development of the County as set out in the Hardee County Comprehensive Plan to ensure that mined or excavated areas can be put to some worthwhile use after the mining or earth moving operation is completed and to establish procedures: (a) for monitoring the effects on the environment caused by mining activities, (b) to ensure the timely reporting of the results of monitoring of mining, (c) for making any revisions to existing plans relating to mining necessary to ensure the use of best management practices and developing technology for the control of pollution and other adverse impacts of such activities, (d) to ensure reclamation of the affected areas, (e) to ensure that it is in the public interest of the citizens of Hardee County to allow specific mining activity. The provisions set forth herein shall apply to any mining activity proposed in Hardee County, whether phosphate, limerock, shell, sand, or other mineral/material. In the event the provisions of these mining regulations are inconsistent with other provisions of the County Unified Land Development Code, the mining regulations shall control.

*Comment: Language relocated from Section 3.14.02.*

**13.03.01 Policy Considerations-**

- (A) It is specifically recognized that methods and procedures for mineral extraction and land reclamation must be adaptable to changing markets, developing technologies and public interest considerations because of the significant impact on the environment, the length of time necessary to complete such activities and the impossibility of predicting technology available and conditions existing in the future.
- (B) The intent of this Section is to provide a flexible frame of regulations within which the County may consider each application for a Master Mining and Reclamation Plan for mineral extraction in the context of the technology and conditions existing at the time of application, but preserving the ability of the Applicant/Operator to submit, and the County to require detailed design plans and specifications prior to each stage of development of a mining unit, which detailed plans shall utilize the best management practices and technology then available, and shall conform to all applicable Hardee County, state and federal laws then in force.
- (C) Except as may contradict or be less stringent than the terms of this Section all applicable Hardee County, state, or federal laws now or at any time in the future in force relating to mining, including but not limited to dam construction, waste disposal or reclamation are made a part of this Section. A violation of any such laws which does occur in Hardee County shall be deemed to be a violation of this Section. The County expressly reserves the right to amend or revise any permits granted hereunder pursuant to the procedures set out herein to conform to all adopted Hardee County, state or federal laws as may be now or in the future in force.
- (D) *Applicability.* This Section shall apply to all applications for Master Mining and Reclamation Plan and Annual Review approval for mining activities conducted within the boundaries of Hardee County, Florida filed on or after its effective date. No mining activities may be conducted within Hardee County except those for which appropriate zoning, Master Mining and Reclamation Plan, and development approvals (if applicable) have been obtained. All requirements of this Section shall apply to applications for amendments or transfers of a Master Mining and Reclamation Plan issued before the effective date hereof to the extent that the subject of such amendment or transfer constitutes a change to the Master Mining and Reclamation Plan and shall be reviewed for new or different effects of the mining activity in the context of the requirements of this Section. Revised application fees, financial responsibility requirements, and other administrative provisions shall apply to approved mining operations beginning with the first Annual Review for that operation after the effective date hereof. Reclamation schedules as specified in Section ~~3.14.02.05 (C)(01)(c)~~ 13.03.05(C)(1)(c), must also

be included, but mining and reclamation plans and schedules previously approved by Hardee County will remain in effect unless the operator is unable to comply therewith or otherwise requests significant modification thereof, in which case the requirements of this Section shall comply to the extent of the modification. The Annual Review Fees and Annual Monitoring Fees established by Subsection ~~3.14.02.09~~ 13.03.09 ~~of this Section~~ shall be effective on the effective date of this Code. Operators shall remit within 60 days of the effective date of this Code the pro-rated increase in the Annual Review Fees and Annual Monitoring Fees. For the purpose of this Section the "pro-rated increase" in fees shall mean that amount equal to the difference between the fees owed under the fee schedule set forth in Section ~~3.14.02.09~~ 13.03.09, less the fees paid by the operator at its last Annual Review, times the ratio of the number of days until the next Annual Review over 365.

- (E) ~~Review by Planning and Zoning Board:~~ All applications for rezoning, DRI (Development of Regional Impact) approvals, Mining Major Special Exception Use Permit (MMSE), Master Mining and Reclamation Plan approval and Annual Unit Review shall be referred to and reviewed by the Hardee County Planning and Zoning Board for consistency with the Hardee County Comprehensive Plan and compliance with all applicable Hardee County Ordinances. Such reviews shall be conducted at a regularly scheduled meeting of the Planning and Zoning Board, which ~~Board~~ shall make a written report of its findings and recommendations to, the Hardee County Board of County Commissioners. Joint meetings of the two Boards for the purpose of the Annual Unit Review required by this Section may be held at the request of either Board.

*Comment: Language relocated from Section 3.14.02.01; Topic titles in (D) & (E) deleted to be consistent with (A) thru (C) format.*

### **13.03.02 Zoning Requirements-**

Except as otherwise provided herein, no mining activities shall be conducted on any land in Hardee County except when such land has been properly zoned, and a Master Mining and Reclamation Plan for mineral extraction has been granted by the Board of County Commissioners to conduct such activities. Copies of the applications for or approvals of any necessary rezoning, special exceptions, or variances shall accompany the application for Master Mining and Reclamation Plan approval and may be processed by the County simultaneously.

*Comment: Language relocated from Section 3.14.02.02.*

### **13.03.03 Definitions-**

In addition to the definitions enumerated in Article ~~9~~ 14 of this Code, the following terms as used in this Section have the meanings set forth below, unless the context clearly indicates otherwise.

- (A) **Active Dewatering Activities:** Those activities conducted for the purpose of accelerating the dewatering of clay settling ponds and sand clay mix areas to achieve adequate crustal development to support reclamation. Such activities may include but are not necessarily limited to construction and use of perimeter and internal drainage ditches.
- (B) **Air Quality:** The applicable concentration levels for those pollutants for which the Florida Department of Environmental Protection has promulgated ambient air quality standards under Chapter 403, Florida Statutes.
- (C) **Applicable Hardee County, State, and Federal Laws:** When used in this Section, unless otherwise specifically provided, this phrase shall mean those laws, standards, regulations, rules, orders, or other official act of a governmental authority with jurisdiction over a project for mineral extraction or mining activity as defined herein. This phrase shall not include matters relating exclusively to the internal management of such authority, the procedures for processing applications, rulemaking, the administration or conduct of any type, of hearing, appeals or other procedural matters. Where there is a conflict, the more stringent or stricter standard shall apply, except as may otherwise be provided by law.
- (D) **Anniversary Date:** The annual recurrence of the date of execution of the Development Order by the Chairman of the Board of County Commissioners.
- (E) **Annual Unit Review:** The procedure whereby each mining and reclamation unit, covering at least one year's operation, is submitted to the Board of County Commissioners for detailed examination for compliance with the Master Mining and Reclamation Plan, the Development Order, and for compliance with all applicable Hardee County, state, and federal laws. The term Annual Review shall include both the Annual Unit Review and the Annual Operating Report as the text requires.
- (F) **Annual Operating Report:** The yearly progress report submitted by the Applicant/Operator to the Board of County Commissioners describing the past year's operations and the progress of ongoing reclamation so that the Board of County Commissioners may review the activities for continuing compliance with the Master Mining and Reclamation Plan, the Development Order, and all applicable Hardee County, state, and federal laws.



- (G) **Applicant/Operator:** The person, firm or corporation named on the Application for Master Mining and Reclamation Plan approval as the intended Operator of the project.
- (H) **Approved Reclaimed Land:** Land upon which reclamation activities have been completed and all reclamation criteria in this code have been satisfied including ~~BOCC~~ BoCC approval.
- (I) **Beneficiation:** The process whereby the matrix is washed to separate the mineral from the earthen materials with which it is naturally combined. Specifically for purposes of this Section, beneficiation shall mean the processing of the matrix to separate phosphate rock from the sand and clay soils in which it exists in a natural state.
- (J) **Board:** The Board of County Commissioners of Hardee County, Florida; designee and/or authorized representative.
- (K) **Dam or Dike:** A barrier erected to impound or restrain the flow of water or liquid materials.
- (L) **Development Order:** As defined by the Florida Statutes, but excluding zoning approvals, except as otherwise provided by law.
- (M) **Development of Regional Impact (DRI):** As defined by the Florida Statutes.
- (N) **Disturbed Lands:** All lands disturbed by mining activity, including mineral extraction, beneficiation, use for settling ponds, and/any other lands which are an integral part of the mining operation.
- (O) **Flood Elevations:** The surface water elevation which has an average recurrence interval in which a flood equal to or greater than that magnitude specified as an annual maximum as determined by the methodology approved by the Mining Coordinator.
- (P) **Future Land Use Map:** The ~~Conceptual~~ Future Land Use Map, contained in the Hardee County Comprehensive Plan as currently adopted by Hardee County.
- (Q) **Ground Water:** That water occurring beneath the surface of the ground whether or not flowing through known or definite channels.
- (R) **Initial Revegetation:** Process in which reclamation unit has been recontoured and vegetation has been established in accordance with the approved Master Mining and Reclamation Plan (MMRP).

- (S) **Legal Description:** A property description as recorded in the office of the Clerk of the Circuit Court for Hardee County.
- MMSE:** Mining Major Special Exception.
- (T) **Master Mining and Reclamation Plan (MMRP):** The general plan describing the overall scope of the mining activities for the life of the mine, and describing the general nature of the operations, geographic characteristics, impacts, monitoring, reclamation, and other features relevant to the plan of the mine.
- (U) **Matrix:** The ore body consisting of the phosphate rock and other earthen materials naturally occurring with it.
- (V) **Mineral Extraction:** The extraction of ore from the earth by whatever method including the removal of overburden for the purpose of reaching underlying ore. Such term shall also include the treating, crushing, cleaning, beneficiation, or other processing of rocks sand, clays, gravel, or other materials extracted from the earth for the purpose of further extracting the ore from the matrix. This term shall not include chemical processing, refining, manufacturing of materials from the ore nor shall it include earth moving or dolomite mining.
- (W) **Mineral or Ore:** Any material extracted from the land for commercial purposes, other than limestone.
- (X) **Mining Activity:** The extraction and transportation of ore, storing of wastes, ore or material, reclamation of disturbed land and other operations necessary for ore extraction in a manner consistent with the public health, safety, and welfare.
- (Y) **Mining Coordinator:** The person so designated and appointed by the Board of County Commissioners or its designated representative.
- (Z) **Mining Operations:** Those physical activities other than prospecting and site preparation, which are necessary for extraction, waste disposal, storage, or dam maintenance prior to abandonment.
- (AA) **Mining Unit:** An area of land as specified in the Master Mining and Reclamation Plan from which minerals will be extracted within a period of at least one year and not exceeding four years. Such period of time shall be referred to as the unit year.
- (BB) **Monitoring Station:** A device or procedure for monitoring any aspect of air, water, radiation or other medium of the environment. Each device or sampling point shall be a station.

- ~~(CC)~~ **Natural Ground:** The surface of the earth as it exists prior to the beginning of pre-mining activities and mining and includes the surface of any land previously mined or excavated by earlier operators whether reclaimed or not.
- ~~(DD)~~ **Operator:** The person, firm or corporation engaged in the extraction of phosphate rock.
- ~~(EE)~~ **Overburden:** The collective term for all earthen material overlying mineral ore deposit.
- ~~(FF)~~ **Owner:** A person, firm, or corporation who has the primary possessors' legal interest in the tract of land under consideration.
- ~~(GG)~~ **Permit:** A written approval, permit or license granted by the Board of County Commissioners in accordance with this Section authorizing the commencement and conduct of mining activity.
- ~~(HH)~~ **Phosphatic Clays:** A waste product from phosphate beneficiation operations that consists of a mixture of water and suspended fine solid particles less than 105 microns (150 Tyler Screen) in size, usually containing a high percentage of clays.
- ~~(II)~~ **Pre-mining Activity:** Those activities as specified in an approved Master Mining and Reclamation Plan which are necessary to prepare for commencement of mining activity and may include excavation for construction of water recirculation systems, perimeter ditch and berm systems, settling areas, construction of the dragline, and construction of beneficiation facilities, as specified in the Development Order and Master Mining and Reclamation Plan.
- ~~(JJ)~~ **Production Use of Water:** All surface, stream and subsurface waters diverted for use in Applicant's operations but not including waters impounded and entirely isolated on private property owned and used by Applicant/Operator as part of a water recirculation system.
- ~~(KK)~~ **Professional Engineer:** An engineer registered in the State of Florida.
- ~~(LL)~~ **Project:** The total area and scope of operations to be conducted on a given tract, and for which a permit is sought under this ~~Section~~ Article.
- ~~(MM)~~ **Reclamation:** The restructuring, reshaping, and restoration or revegetation of disturbed lands to a form in which the lands may be of beneficial use and as required by this ~~Section~~ Article and all applicable Hardee County, state, and federal laws.

~~(NN)~~ **Reclamation Unit:** A specified area of land upon which reclamation activities will be accomplished within a period of time as specified in the Master Mining and Reclamation Plan.

~~(OO)~~ **Reclaimed Land:** Land upon which reclamation activities have been completed through initial revegetation by the Operator.

**Resource:** Soil, clay, peat, stone, gravel, sand, metallic ore, or any other solid substance, except phosphate, limestone, heavy minerals, and fuller's earth, of commercial value found in natural deposits on or in the earth.

*Comment: Definition relocated from Article 9 Definitions*

**Resource Recovery:** The process of recovering materials or energy from solid waste, excluding those materials or solid waste under control of the Nuclear Regulatory Commission.

*Comment: Definition relocated from Article 9 Definitions*

~~(PP)~~ **Settling Ponds:** Areas surrounded by dams into which fluids are placed for the purpose of separating suspended solid matter from water, but not including mined out areas in which sand/clay reclamation is being conducted.

~~(QQ)~~ **Spoil:** Displaced overburden.

~~(RR)~~ **Sand Tailings:** A product of phosphate beneficiation operations that consists of solid particles generally larger than 105 microns (150 Tyler Screen) in size and usually consisting of a water/sand mix.

~~(SS)~~ **Thickener:** A mechanism constructed for the purpose of reducing the water content of the waste product from phosphate beneficiation operations.

~~(TT)~~ **Toe (of a dam):** The junction between the exterior face of the dam and the adjacent terrain.

~~(UU)~~ **Tract:** The area of land under consideration.

~~(VV)~~ **Uplands:** Those areas which are landward of waters of the state and the landward extent of waters of the state as defined in Chapter 62-340, Florida Administrative Code, or other Hardee County, state, and federal laws.

~~(WW)~~ **Water Recirculation Systems:** Those structures used primarily for mine and process water clarification, including reservoirs, dams, dikes, canals, and other impoundment structures.

~~(XX)~~ **Wetlands:** Those lands submerged under waters of the state, and the landward extent of waters of the state as defined by Chapter 62-340, Florida Administrative Code or other Hardee County, state, and federal laws.

*Comment: Language relocated from Section 3.14.02.03; MMSE acronym added since it is used throughout the text.*

#### **13.03.04 Exemptions.**

The following activities shall not be subject to the procedures set out in this Section: Normal site preparation and grading necessary for the commencement of construction or other activities permitted by the Hardee County Unified Land Development Code, but not including pre-mining activities.

*Comment: Language relocated from Section 3.14.02.04.*

#### **13.03.05 Administrative and Permit Procedures.**

(A) Administration:

The requirements of this Section shall be administered by the Board of County Commissioners through the Mining Coordinator acting as the coordinating department head for review by other concerned County departments.

(B) Procedures for Master Mining and Reclamation Plan Review:

In addition to any submittals or procedures required by this Section or any other applicable Hardee County, state or federal law including those relating to developments of regional impact (if applicable), applications for mining activities shall comply with the following:

(01) Master Mining and Reclamation Plan:

The Applicant/Operator shall submit 25 copies of a proposed Master Mining and Reclamation Plan which outlines the proposed mining or earth moving activity, waste disposal, water use, land reclamation and monitoring for the project and shall include at a minimum:

- (a-) *Owner*: The names, addresses and telephone numbers of the owner(s) of the project and its agents located in Hardee County upon which service of any papers under this Section may be made.
- (b-) *Applicant/Operator*: The names, addresses, and telephone numbers of the Applicant if other than the owner, and its agent residing in Hardee County upon which service of any papers under this Section may be made.
- (c-) *Engineer(s)*: The name(s), address(es), and telephone number(s) of the Florida registered professional engineer(s) of record for the project, who shall prepare and sign all engineering documents submitted to the County.
- (d-) *Legal Description*: The legal description of the project tract and the acreage included in said description and the nature of the Applicant/Operator's legal interest in the lands comprising the project tract.
- (e-) *Material*: Type and volume of material to be extracted.
- (f-) *Topographic Maps*:
- (01) A topographic map or maps of the entire tract covered in the application shall be provided. Said map shall show contour lines at two-foot intervals accurate within approximately one foot, which depict the actual ground contours prior to the commencement of mining operations. The contour map or maps shall be indexed using a grid system of one sheet per section on a 1" = 400' scale with the section corners located;
- (g-) *Mining Plan*: Maps and other appropriate documents depicting the project tract and including:
- (01) Owners and locations of all tracts of land contiguous to the tracts of land under consideration, for the project;
- (02) Locations of each mining unit;
- (03) Mining sequence of the units for the life of the mine shown on a year-by-year basis;

- (04) The schedule of operation and completion of each mining unit for the life of the mine shown on a year-by-year basis;
- (05) Locations and sizes of proposed settling ponds together with a breach analysis depicting an estimate of the maximum area which would be affected by a dam breakage; the breach analysis shall include the estimated depth of water/material at all areas affected by the breach;
- (06) Locations and sizes of proposed thickeners and appurtenant devices together with an estimate of the maximum area which would be affected by a dam breakage;
- (07) Location and general description of all physical plant facilities or other structures, including permanent pipelines and pipelines at road crossings to be constructed on the project tract;
- (08) Location and general description of all flood control features including approximate dimensions of each;
- (09) Location and general description of all points of discharge for air pollutants, wastewater, and stormwater runoff;
- (10) Location and general description of all existing natural and man-made streams and lakes, and definition of the 100-year and 25-year flood plains pursuant to methodology approved by the Mining Coordinator;
- (11) Location and description of all points of withdrawal of water for production use, whether surface or subsurface;
- (12) Location and description of all existing and proposed monitoring stations;
- (13) Location and description of all existing wells;
- (14) Type and classification of the soil overburden;
- (15) Water table elevations both existing and the historical high;

- (16) Results of the exploratory drilling showing the elevation of the base of the ore zone;
  - (17) A detailed transportation analysis if deemed necessary by the Mining Coordinator under MMSE or DRI requirements as applicable;
  - (18) The results of a detailed survey of the entire tract by a qualified archeologist in order to make a full assessment of its archeological and historical resources;
  - (19) The location of any archeological sites, historical sites cemeteries or burial grounds contained on the tract and what, if any, measures the Applicant/Operator proposes to preserve or dispose of such findings;
  - (20) Location of all existing utility lines, easements, and existing roads, public or private;
  - (21) If sand/clay mix disposal is to be used as a reclamation technique, the details of the nature and placement of such materials, including the specifications of retaining dams, estimated settling and dewatering period and the physical characteristics of the sand/clay mix including the types of reagents used in the sand/clay mix and expected residual levels;
- (h-) *Monitoring Plan:* A composite map or maps, or other appropriate document shall be provided depicting as to the project showing:
- (01) Locations and description of each monitoring station or group of stations;
  - (02) The type of device or monitoring procedure for each station;
  - (03) Parameters that will be monitored for each station and the standards used for each parameter;
  - (02) Monitoring schedules for each stations;
  - (03) A detailed plan for compiling and submitting reports of the results from each monitoring station;



(04) The allowable limits for each parameter being monitored as applicable.

~~(i-)~~ *Inspection Plan:* The Applicant/Operator shall provide a plan for regular inspection of all dams, settling ponds, thickeners, and any other operational features of the mining activities.

~~(j-)~~ *Production Water Use Plan:* The Applicant/Operator shall provide a plan for the production use of water and data verifying the availability of the quantity required, including any water use permits, water balance report and water recirculation plan.

~~(k-)~~ *Reclamation Plan:* A composite and other map(s) shall be provided depicting as to the project tract:

(01) Contours to which the tract will be graded or restored;

(02) Location of each reclamation unit;

(03) Sequence of reclamation of the units for the life of the mine shown on a year-by-year basis;

(04) Schedule of reclamation and completion of each unit for the life of the mine shown on a year-by-year basis;

(05) Detailed description and density of plantings for each land use/cover type;

(06) Post reclamation land use and cover (based on the descriptions in the most recent edition of the Florida Land Cover Classification System and Cooperative Land Cover Map). ~~FLUCFCS FDOT 1999 or similar~~).

(02) Pre-Mining Activities:

A detailed schedule and plans outlining all pre-operating construction and other activities necessary to prepare the tract for start-up of mining activity including the process of conducting pre-clearing vegetation/wildlife surveys and identification of potential listed species.

(03) Financial Responsibility:

- (a-) Every Applicant/Operator shall furnish to the Board of County Commissioners evidence of financial responsibility in an amount based upon the total number of acres to be mined or excavated or utilized as settling pond areas during the first year of actual mining operations under the proposed mining and reclamation plan according to the following schedules:
- (01) For each acre of land to be mined or excavated, \$15,000.00;
  - (02) For each acre-foot of the maximum above grade of the largest settling pond, sand/clay mix settling area or thickening pond proposed during the first year of actual mining, \$1,000.00.
- (b-) Such evidence of financial responsibility shall be by:
- (01) Evidence of insurance, surety bonds, letters of credit, or other financial instruments acceptable to Hardee County, where a payee is required it shall be payable to Hardee County to cover all costs and expenses of completion of reclamation of any areas which are not reclaimed as required by the approved Master Mining and Reclamation Plan and the costs of cleanups of any pollutants released by failure of any settling or thickening pond, dam, spillway or other outlet structure and damages to public lands and waters caused thereby; or
  - (02) A financial statement which has been audited and certified without qualification by a certified public accountant giving indication of ability to respond to liability in the amounts determined according to the above schedule. If the statement reflects the financial position of the Applicant/Operator as of a date more than 60 days prior to the date of filing of the application it shall be accompanied by copies of all interim balance sheets if any, of the Applicant/Operator certified by the chief financial officer to be true and correct; and if the latest interim balance sheet reflects the Applicant/Operator's financial position as of a date more than 60 days prior to filing of the application, by a certification of the chief financial officer of the Applicant/Operator dated no earlier than 60 days prior to filing that no material adverse changes have occurred to the

Applicant/Operator's financial condition in the interim. Applicant/Operator shall be responsible for payment of all reasonable costs incurred by the County, including but not limited to the fees of any accountant or financial consultant, in the review of such financial statement. The above notwithstanding, if at any time the Board of County Commissioners should determine that the Applicant/Operator is of doubtful ability to respond to liability in the amount determined according to schedule in subsection a- above, the Board of County Commissioners may require the Applicant/Operator to provide evidence of financial responsibility in the manner provided in subsection b- (01).

(c-) Subsequent Proofs:

At the time of submission of the Annual Report ~~required by Subsection 13.14.03.05 (C) of this Section~~, the Applicant/Operator shall provide updated financial information and proof of financial responsibility applicable to each prospective unit.

(04) Operating Plans:

In order for the Board of County Commissioners to adequately review the operations to be conducted pursuant to the Master Mining and Reclamation Plan, the Applicant/Operator shall also submit the following:

- (a-) Copies of all local, state, and federal permits issued for the project or any applications for any such permits pending but not yet issued. The Applicant/Operator shall also file a summary listing of all project permits by agency, identification number and date of issuance and expiration;
- (b-) An updated proof of financial responsibility, if necessary;
- (c-) Detailed engineering specifications and drawings of any plants, structures dams or dikes constructed or to be constructed preparatory to initial mining activities;
- (d-) Current high resolution aerial photographs taken along flight lines out to a distance of one mile on adjacent properties. These aerial photographs shall be provided at a scale of 1" = 400'. Additional

enlargements shall be furnished by the Applicant/Operator at the request of the Mining Coordinator;.

(e-) The detailed unit design and plan information for the initial mining unit.

(05) Procedures for Review;.

Within 60 days from the date of submittal the Applicant/Operator shall be notified in writing by the Mining Coordinator as to the completeness of the applications, if additional information is required, the Applicant/Operator shall provide it within 30 days or such other reasonable time as may be approved by the Mining Coordinator. Upon receipt of all required information the application shall be deemed complete, and the Mining Coordinator shall prepare a staff report and recommendation and proposed MMRP Approval, which shall be forwarded to the Planning and Zoning Board for review. The Planning and Zoning Board shall review the application as required by this Section, and shall recommend approval with conditions or disapproval of the Master Mining and Reclamation Plan, MMSE, and shall provide its recommendation to the Board of County Commissioners with a request to set a public hearing date.

(06) Public Hearing;.

The Board of County Commissioners upon receipt of notification from the Mining Coordinator shall set a public hearing date on each application within 30 days after receipt of notice to be no later than 90 days after the issuance of notice by the Mining Coordinator that a public hearing may be set, unless extended by mutual agreement of the Board of County Commissioners and the Applicant/Operator. Notice of the time and place of the hearing shall be given in the same manner as for a rezoning. Within 30 days of the close of the public hearing, the Board of County Commissioners shall approve, approve with conditions, or disapprove the Master Mining and Reclamation Plan in writing and giving the reasons for any conditions or disapproval.

(07) Effect of Master Mining and Reclamation Plan Approval;.

Approval of the Master Mining and Reclamation Plan shall be deemed to be permission to operate the project and approval of all necessary pre-operating construction activities, but shall not relieve the Applicant/Operator of compliance with any other applicable Hardee

County, state, or federal laws nor with the requirements of this ordinance for annual review of the operations.

(08) Term of Master Mining and Reclamation Plan Approval:

Once Master Mining and Reclamation Plan, approval is granted the Applicant/Operator shall have three years within which to commence approved operations unless some other time is specified by the Board of County Commissioners in the Master Mining and Reclamation Plan approval.

(09) Scope:

The scope of or limitations on operations permitted under any Master Mining and Reclamation Plan shall be specified in the order of approval, which may reference the whole or any part of the Development Order, the Master Mining and Reclamation Plan or any other recommendation submitted to the Board of County Commissioners by a County department, public or private agency, or individual. A copy of any so incorporated documents, recommendations or pertinent part thereof shall be attached and made a part of the Plan.

(10) Effect of Unit Review:

At the time of Annual Unit Review as provided for in this Section, each mining unit then under consideration shall be reviewed in detail and the Board of County Commissioners expressly reserves the right to alter, amend or modify the Master Mining and Reclamation Plan to incorporate any reasonable additional conditions to the permit relating to a particular unit, if such changes are found to be in the public interest or necessary to ensure compliance with the then applicable Hardee County, state or federal laws.

(11) Inspection:

A condition of the approval of each Master Mining and Reclamation Plan under this Section shall be the agreement of the Applicant/Operator to allow designated representatives of the Board of County Commissioners upon appropriate notice to enter upon the premises of any operations conducted thereunder for the purpose of inspection to ensure compliance with the terms and conditions of the plan approval, this Section, and applicable Hardee County, state, or federal laws.

(12) Absolute Liability:

- (a-) As a further condition of the issuance of any Master Mining and Reclamation Plan approval under this Section the Applicant/Operator shall be subject to absolute liability, without, the necessity of proof of negligence in any form or manner, to any injured party for damages resulting from failure of any dam, impoundment, spillway, or other outlet structure, settling pond or thickening pond, sand/clay mix area, or from failure of the Permittee to complete any reclamation of lands as required;
- (b-) The liability of this Section shall be in addition to those imposed as civil or criminal penalties by any other section of this ~~Article Section~~ or any other applicable Hardee County, state, or federal law.

(C) Annual Unit Review:

(Ø1) Submittal of Unit Plan:

Twenty-five copies of a detailed mining and reclamation plan for each unit as identified in the MMSE or DRI (if applicable) and Master Mining and Reclamation Plan for at least one year's operation shall be submitted yearly by the Applicant/Operator 60 days prior to the anniversary date of approval of the Master Mining and Reclamation Plan. An alternative anniversary date for the purposes of setting the annual recurrence date for the Annual Unit Review and submittal of the Unit Plan may be established by the Board of County Commissioners. The Unit Plan shall conform to the approved Master Mining and Reclamation Plan, and DRI if applicable. No mining operations within a unit shall commence prior to receiving written approval from the Mining Coordinator or by annual unit review approval from the Board of County Commissioners.

- (a-) *Unit Mining Plan:* A map of the mining unit shall be provided in an appropriate scale depicting as to that unit:
- (Ø1) The existing ground contours with contour lines at least two-foot intervals accurate within approximately one foot;
- (Ø2) Location of the unit with respect to the tract;
- (Ø3) The schedule of operation and completion of the unit;

- (04) Location and construction plans of all settling ponds and sand clay mix areas;
- (05) Location and construction plans of all thickeners and appurtenant devices;
- (06) Location and construction plans of all physical plant facilities;
- (07) Location and construction plans of all major pipelines, roadway, and related items;
- (08) Location and construction plans of all storm drainage and flood control structures and their relationships with the approved Master Mining and Reclamation Plan;
- (09) Location of all points of discharge for air pollutants, waste water and storm water runoff, together with an estimate of the quantities, chemical and physical characteristics of each. Only those pollutants regulated under any federal, state, or local standards shall be required to be identified and quantified individually;
- (10) Location of all natural and manmade streams;
- (11) Sources of and data pertinent to production water to be used for the unit;
- (12) Location of all existing utility lines and existing roads public and private;
- (13) An aerial photo of appropriate scale to show the unit and surrounding areas of comparable size;
- (14) If sand/clay mix, disposal is to be used as a reclamation technique, the details of the nature and placement of such materials including the specifications of retaining dams, estimated settling and dewatering period and the estimated settling and dewatering period and the physical characteristics of the sand/clay mix including the types of reagents used in the sand/clay mix and expected residual levels.

(b-) *Monitoring and Inspection Plan*: A composite map, maps, or other documents shall be provided depicting:

- (01) Location and description of all monitoring stations within the unit;
- (02) Types of devices, including manufacturer and model numbers and procedure of each station;
- (03) Monitoring schedule at each station;
- (04) A detailed plan for compiling and submitting reports of the results from each monitoring station;
- (05) A proposal detailing the Operator's course of action if monitoring indicates that the allowable levels have been exceeded;
- (06) A proposal detailing the Operator's inspection plans for the unit, including items to be inspected and the frequency of inspection for each item.

(c-) *Reclamation Plan*: A composite map or, maps, and other documents shall be provided depicting:

- (01) Location of the reclamation unit with respect to the tract;
- (02) Proposed final ground contours using contour lines at least two -foot intervals;
- (03) Schedule of reclamation operations and completion of each reclamation unit;
- (04) Detailed description and location of vegetation to be planted;
- (05) After the completion of the initial units a detailed description, including maps, and aerial photographs of the reclamation progress of prior units.

(d-) *Emergency Response Plans*: The Operator shall discuss emergency response plans to be followed in the event of a dam failure for each settling pond, sand clay mix area or thickening pond currently



active or to become active in the following operational year. Each plan shall include mapping showing areas subject to downstream flooding and a notification of local and state officials. All appropriate Operator employees shall be trained in the implementation of the emergency response plans. The Operator shall maintain records documenting such training.

(02) Annual Operating Report:

Each year at the same time as the submission of the Mining Unit design for annual review or, if no mining unit is submitted for review that year, within 60 days prior to the anniversary date of the issuance of the Master Mining and Reclamation Plan the Applicant/Operator shall file 25 copies of an Annual Operating Report with the Board of County Commissioners. An alternative anniversary date for the purposes of setting the annual recurrence date for the submittal of the Annual Operating Report may be established if approved by the Board of County Commissioners. The report shall:

- (a-) Review mining operations that have occurred during the reporting period and include in tabular form acreages mined, disturbed, areas utilized for mining operations, reclamation in progress, reclamation complete and reclamation approved.
- (b-) Reclamation progress of all areas that have been mined and or disturbed that are not in active mine use.
- (c-) Summarize all monitoring and inspection results including graphical and tabular representation of environmental monitoring data during the preceding operational year.
- (d-) Identify all lands upon which operations will be performed during the upcoming reporting period.

(03) Financial Responsibility:

Each year at the time of Annual Review the Applicant/Operator shall furnish to the Board of County Commissioners evidence of financial responsibility updated to the anniversary date. The amount shall be based upon the following schedule:

- (a-) For each acre of land to be mined in the year following the anniversary date, \$15,000.00.

- (b-) For each acre of land mined or previously covered by a settling pond, sand clay mix area, or thickening pond but not reclaimed in compliance with this Section and the permit as of the anniversary date \$15,000.00;
- (c-) For each acre-foot of the maximum above grade storage of the largest settling pond, sand/clay mix settling area or thickening pond in the year following the anniversary date, \$1,000.00;
- (d-) At the Annual Review when the last mining unit of the Master Mining and Reclamation Plan is presented, the Operator shall demonstrate to the Board of County Commissioners adequate financial ability to ensure the completion of all land reclamation in adherence to the Master Mining and Reclamation Plan. Such evidence shall be by:
- (01) Evidence of insurance, surety bonds, letters of credit, or other financial instruments acceptable by Hardee County, where a payee is required it shall be payable to Hardee County, to cover all costs and expenses of completion of reclamation of any areas which are not reclaimed as required by the approved Master Mining and Reclamation Plan and the costs of cleanups of any pollutants released by failure of any settling or thickening pond, dam, spillway or other outlet structure and damages to public lands and waters caused thereby; or
- (02) A financial statement which has been audited and certified without qualification by a certified public accountant giving indication of ability to respond to liability in the amounts determined according to the above schedule. If the statement reflects the financial position of the Applicant/Operator as of a date more than 60 days prior to the date of submission of the Annual Unit Review and the Annual Operating Report it shall be accompanied by copies of all interim balance sheets if any, of the Applicant/Operator certified by the chief financial officer to be true and correct; and if the latest interim balance sheet reflects the Applicant/Operator's financial position as of a date more than 60 days prior to the submission of the Annual Unit Review and Annual Operating Report, by a certification of the chief financial officer of the

Applicant/Operator dated no earlier than 60 days prior to filing that no material adverse changes have occurred to the Applicant/Operator's financial condition in the interim. The Applicant/Operator shall be responsible for payment of all reasonable costs incurred by the County, including but not limited to the fees of any accountant or financial consultant, in the review of such financial statement. The above notwithstanding, if at any time the Board of County Commissioners should determine that the Applicant/Operator is of doubtful ability to respond to liability in the amount determined according to schedule in subsection a- above, the Board of County Commissioners may require the Applicant/Operator to provide evidence of financial responsibility in the manner provided in Subsection ~~13.14.02.05(B)(03)~~ 13.03.05(B)(3).

(04) *Procedures for Annual Review*: The procedures for the Annual Review shall be the same as for issuance of the Master Mining and Reclamation Plan.

(05) *Standard of Review*: At the public hearings all persons shall be heard. The Board of County Commissioners shall review the Annual Operating Report and Unit Plan for compliance with the Development Order, Master Mining and Reclamation Plan and supporting documents and all applicable Hardee County, state, or federal laws then and any time before in effect and applicable to the project, and shall render its findings in writing, approving, or disapproving, or approving with conditions, the unit plan for the next unit and the Annual Operating Reports.

(D) Dam Construction Plans Review:

At the time the Operator submits dam construction plans to the State, they shall be concurrently submitted to Hardee County for review. At that time ~~€~~contingency plans for containment and cleanup of any spill from a dam breakage shall also be submitted for review and approval.

*Comment: Language relocated from Section 3.14.02.05.*

### **13.03.06 Standards**

All mining and reclamation activities within Hardee County shall at a minimum conform to these standards.

(A) Mining Standards:

- (01) No mining operations, except temporary storage of excavated materials, shall be performed within:
- (a-) One-quarter mile from the following future land use classifications specified and shown on the Future Land Use Map: incorporated towns and cities; Town Center; Highway Mixed Use; Residential Mixed Use; and Rural Center. The Board of County Commissioners may allow mining operations within one-quarter mile upon demonstration by the Applicant/Operator/Owner that such mining operations will not significantly interfere with current or planned uses within or adjacent to such land use classification;
  - (b-) Five hundred feet from a public park boundary, cemetery, historical site, or permanent buildings (including Mobile Homes or Manufactured Housing) used for residential, commercial, ~~church~~ places of worship, or public purposes, on site at time of application for a mining unit approval, in areas not controlled by Paragraph (A)(01)(a-) above;
  - (c-) One hundred feet from an existing public right-of-way, or public easement for drainage, utility or road purposes, in areas not controlled by Paragraphs (A)(01)(a-) and (01)(b-) above;
  - (d-) Fifty feet from Permittee's property line, in areas not controlled by paragraphs (A)(01)(a-), (A)(01)(b-), and (A)(01)(c-) above.
- (02) No settling pond, sand clay mix area, or thickening pond shall be constructed within:
- (a-) Five hundred feet from a public park boundary, cemetery, historical site, or permanent buildings (including Mobile Homes or Manufactured Housing) used for residential, commercial, ~~church~~ places of worship, or public purposes on site at time of application for mining unit approval;
  - (b-) Five hundred feet from any right-of-way line of any public road;
  - (c-) Two hundred feet from Permittee's property line in areas not controlled by Paragraphs (A)(02)(a-) and (A)(02)(b-) above.
- (03) No excavated material or stock pile shall be left longer than 14 days within:

- (a-) Five hundred feet of the Applicant/Operator's property line which abuts a public park boundary, cemetery, historical site, or permanent building (including Mobile Homes or Manufactured Housing) used for residential, commercial, ~~church~~ places of worship, or public purposes, on site at time of application for mining unit approval;
- (b-) One hundred feet from an existing public right-of-way or public easement for drainage, utility or road purposes, in areas not controlled by Paragraph (A)(03)(a-) above;
- (c-) Fifty feet from Permittee's property line in areas not controlled by paragraphs (A)(03)a- and (A)(03)(b-) above.
- (04) Effect on Adjoining Owners:
- (a-) The above setback requirements are the minimum, and the Board of County Commissioners expressly reserves the right to require whatever setbacks may be necessary, on a case-by-case evaluation, to protect adjoining property uses, including but not limited to citrus operations and improved pasture;
- (b-) The setback requirements described in subparagraphs (01) through (03) above shall not apply where owners of the land protected by said setbacks have expressly consented to a reduction thereof by written instrument executed with the formality of a deed and recorded in the public records of Hardee County, Florida. Such consent and recordation must occur prior to any mining activities by the Applicant/Operator in the areas subject to the agreement and certified copies of the recorded instrument shall be furnished to the Mining Coordinator, who shall acknowledge receipt in writing.
- (05) Excavated materials and stock piles shall not be higher than a slope-line of 1 vertical to 5 horizontal projected from the nearest point of Applicant/Operator's property line.
- (06) Increases to ambient noise levels resulting from mining operations shall not result in readings in excess of 75 decibels as measured at the Applicant/Operator's property lines, nor shall mining operations generate noise in excess of that allowed by any applicable Hardee County, state, or federal law.

- (07) Soil vibrations caused by any mining operations shall be below the levels which would be detrimental to the health, welfare and wellbeing of the general public or existing structures.
- (08) No blasting or other use of explosives shall be performed without the written permission of the Board of County Commissioners. Should blasting or other use of explosives be permitted, the transportation, handling, storage, and use of explosives shall be directed and supervised by a person of proven experience and ability in blasting operations, and shall conform to all applicable Hardee County, state, or federal laws.
- (09) Spillways and other outlet structures from settling ponds shall be designed and constructed in accordance with a plan developed and certified by a professional engineer. The minimum design capacity shall be based on a 12-inch, 24-hour rainfall.
- (10) All clay settling ponds and sand clay mix areas shall be contained within fenced areas or shall otherwise be blocked to public access.
- (11) Archeological and historical sites, cemeteries, and burial grounds shall be preserved, or if removal of remains is deemed necessary, it shall be accomplished by process of applicable law.
- (12) No mining, placement of fill, construction of permanent buildings or other facilities inside the 100-year floodplain shall be permitted unless the Applicant/Operator can show that the operations will not increase the flood hazards. Dragline crossings are permitted as approved under the Master Mining and Reclamation Plan.
- (B) Monitoring Standards:-

Monitoring and reporting in accordance with these regulations shall be performed by the Applicant/Operator for a minimum period of one year prior to beginning mining operations, with continuous monitoring and reporting until all mining operations cease. The Board of County Commissioners may, at any time, order additional monitoring as may be reasonably necessary to protect the public health, safety, and welfare.

- (01) The waters of all natural and man-made streams entering upon the Operator's property shall be monitored once weekly at the point of entry and exit, or at a location and frequency specified by the Mining Coordinator, to determine the quantity and quality.

- (02) The air quality shall be monitored around the Applicant/Operator's property by monitoring devices. The monitoring devices shall be installed at intervals not to exceed 5,280 feet from the areas where mineral is being extracted, or in accordance with a suitable air monitoring plan prepared under the seal of a professional engineer. The monitoring shall be performed according to the approved monitoring plan.
- (03) Observation wells shall be constructed around the boundary of the Applicant/Operator's property for purposes of monitoring the ground water levels potentiometric level of the aquifer(s) from which production water is being withdrawn and the water quality of each. The monitoring for the water levels shall be done on a continuous basis. The monitoring of the water quality shall be performed once monthly or periodically as specified by the Mining Coordinator as necessary to monitor ground water quality.
- (04) Rainfall gauges shall be installed on the Applicant/Operator's property. They shall be placed at random with an average density of one per two square miles or two minimum, whichever is the greater number, or at locations or densities as specified by the Mining Coordinator. The monitoring shall be performed on a continuous basis with recordings tabulated monthly.
- (05) Effluent from all sewage treatment plants shall be monitored for quantity and quality. The water quality and monitoring of the effluent shall meet the standards established by applicable Hardee County, state, and federal laws.
- (06) The effluent from all operations and treatment plants other than sewage shall be monitored for quantity and quality. The water quality and monitoring shall meet the standards established by applicable Hardee County, state, and federal laws.
- (07) Water for production use, as defined herein shall be monitored for quantity and quality. The monitoring for quantity shall be performed on a continuous basis. The monitoring for quality shall be performed once monthly or periodically as specified by the Mining Coordinator as necessary to monitor water quality.
- (08) All dams shall be inspected daily by a representative of the Applicant/Operator and in accordance with all applicable Hardee County, state, and federal laws.

- (C) Reclamation Standards:
- (01) Between one-quarter mile and one-half mile from the following future land use classifications specified and shown on the Future Land Use Map: incorporated towns and cities; Town Center; Highway Mixed Use; Residential Mixed Use; and Rural Center, the reclamation by placement of sand tailings, and/or over burden or a combination of both, shall be considered the method of maximizing urban land development potential. The use of land/lakes reclamation is also encouraged. Between one-half mile and one mile from the same future land use classifications there shall be a Reclamation Transition Zone, in which reclamation shall maximize the opportunity for urban development of mined land. The Board of County Commissioners may allow alternative methods of reclamation upon demonstration by the Applicant/Owner that such reclamation will not significantly interfere with current or planned uses within or adjacent to such land use classification.
  - (02) The restoration of wetlands and construction of lakes are encouraged in Reclamation Transition zone, and shall be considered maximization of urban land development potential.
  - (03) All reclamation within 300 feet from the right-of-way of arterial and collector roads shall be by sand tailings and/or overburden or a combination of both.
  - (04) Except as provided otherwise in this Section, all duly adopted state and federal reclamation criteria and standards shall apply to reclamation or restoration of lands located in Hardee County, Florida.
  - (05) All surface areas of the mining site actually mined or disturbed by mining activities, and lying within one-half mile of incorporated towns and cities, and Future Land Use Classifications of Town Center; Highway Mixed Use; Residential Mixed Use; and Rural Center shall be reclaimed not later than two years after completion of mineral extraction in all areas not containing an active corridor or a Clay Settling Area.
  - (06) All surface areas of the mining site actually mined or disturbed by mining activities and lying within 300 feet from the right-of-way of arterial and collector roads shall be reclaimed not later than two years after completion of mineral extraction.
  - (07) All other areas shall be reclaimed as follows:



- (a-) Areas not including settling ponds, sand clay mix areas, sand tailings piles or recirculating water systems shall be reclaimed within four (4) years from the date mining operations are completed. All backfilling and reshaping must be completed within 18 months. All soil treatment, soil enrichment and grassing (or temporary vegetation) must be completed within two years. All initial permanent vegetation (trees and shrubs) must be completed within three years. The fourth year shall include at least a one-year growing season for the permanent vegetation. Shade adapted or other species specific site requirements may be planted at a later date than specified;
- (b-) Settling ponds and sand clay mix areas shall be reclaimed within four years after active dewatering activities are complete and the area is sufficiently consolidated to support reclamation activities being taken out of use as settling ponds, using the same requirements as paragraph (a-) above;
- (c-) Recirculating water systems and sand tailings piles shall be reclaimed within two years after commencement of reclamation. All backfilling, reshaping, enrichment and treatment of the soil, and all revegetation must be completed within one year. The second year shall include the one-year growing season for permanent vegetation;
- (d-) The Board of County Commissioners of Hardee County, Florida may require a more expeditious reclamation schedule in order to minimize impacts to neighbors, wetlands, offsite drainage or floodplains. Also, the Board of County Commissioners may grant a more lengthy reclamation schedule, if there are circumstances outside the Applicant's/Operator's control that delays the reclamation process.
- (08) All reclaimed land shall be revegetated in accordance with the approved Development Order, Master Mining and Reclamation Plan, and in accordance with any Conceptual Reclamation Plan submitted and approved in accordance with applicable state and federal laws. In addition to other requirements relating to revegetation, the Operator shall guarantee a plant survival rate of 80%, established ground cover one year after planting, excluding areas such as roads, groves, or row crops. Forested areas will be considered to be reforested if a stand density of 200 trees/acre is achieved at the end of one year after planting and maintained until approval. In the event the survival rate is not maintained, the

Operator shall replant as necessary to achieve such rate. Coverage of nuisance exotic plant species shall be 10% or less of the overall reclamation parcel.

- (09) During backfilling, if tailings are used, such tailings shall be placed in the fill area first and overburden shall be used for topsoil. Areas where this process is not applicable must be defined within each annual report required by this code. If sand/clay mix is used to reclaim mined out areas, reclamation shall be completed in the period of time specified for a particular unit in the Development Order and Master Mining and Reclamation Plan.
- (10) After mining operations cease on the entire site, no more than 30 percent of the land area shown on the Master Mining and Reclamation Plan as settling areas shall be covered by un-reclaimed settling ponds or pits.
- (11) After mining is complete, all phosphatic clay pits and settling ponds shall be restricted from public access until reclamation is complete.
- (12) No permanent body of water with a bottom width of less than 100 feet or an average bottom diameter of less than 100 feet, if circular in shape, shall be permitted.
- (13) Reclamation of Agricultural/Cropland, Pine Flatwoods, Upland Hardwood Forests Forested Wetlands, Herbaceous Wetlands and Lakes shall be reclaimed as follows:
- ~~(a-)~~ Agricultural Lands.
    - ~~i-~~(1) Agricultural Lands shall, at a minimum, be compacted sufficiently, to permit the safe operation of conventional farm and agricultural equipment and other ordinary agricultural use of land.
    - ~~ii-~~(2) The land shall have a slope that does not exceed 4:1.
    - ~~iii-~~(3) Ground cover in pasture shall be perennial vegetation. Ground cover shall be a minimum eighty (80) percent areal coverage following one full growing season. This coverage shall be maintained until approval.

~~iv.~~(4) Planting shall be completed in accordance with the Planting Descriptions/Plans in the approved Master Mining and Reclamation Plan.

~~v.~~(5) The area should be kept free from livestock grazing for one year after initial reclamation is completed.

~~(b.)~~ Pine Flatwoods.

~~i.~~(1) Flatwoods shall contain native tree, shrub, forbs, and grasses that will be diverse. The areas shall be suitable for livestock grazing with little maintenance while also providing a corridor for wildlife movement.

~~ii.~~(2) Sand tailings or overburden shall be graded to gradual slopes with little topographical relief and covered with a layer of topsoil (when available) from an area with similar community structure.

~~iii.~~(3) Vegetation shall be diverse with tree species including, but not limited to longleaf pine, slash pine and oak. Ground cover shall include low shrubs, native grasses, legumes, and forbs that will provide soil stability and be beneficial for livestock grazing.

~~iv.~~(4) Planting shall be completed in accordance with the Planting Descriptions/Plans in the approved Master Mining and Reclamation Plan.

~~v.~~(5) Livestock grazing shall not occur for a minimum of three years after planting.

~~(c.)~~ Upland Hardwood Forests.

~~i.~~(1) Upland Hardwood Forests shall contain native tree, shrub, forbs, and grasses that will be diverse. The areas shall be between upland communities and waterways and/or wetlands providing a corridor for wildlife movement.

~~ii.~~(2) Sand tailings or overburden shall be graded to gradual slopes with little topographical relief and covered with a layer of topsoil (when available) from an area with similar community structure.

~~iii.~~(3) Trees shall include, but not be limited to Oak, Magnolia, Cabbage Palm, and Pines. Ground cover shall be diverse and include, but not be limited to native shrubs, native grasses, and forbs that will provide soil stability.

~~iv.~~(4) Planting shall be completed in accordance with the Planting Descriptions/Plans in the approved Master Mining and Reclamation Plan.

~~v.~~(5) Livestock grazing shall not occur for a minimum of three years after planting.

~~(d.)~~ Forested Wetlands.

~~i.~~(1) Forested Wetlands shall contain native tree, shrub, forbs, and grasses that will be diverse.

~~ii.~~(2) Sand tailings or overburden shall be graded covered with a minimum 3-inch layer of topsoil/muck from a wetland (when available) of similar community structure.

~~iii.~~(3) Trees shall include at least three different species. Ground cover shall be diverse and include but not be limited to native shrubs, and native herbaceous plant species that will provide soil stability.

~~iv.~~(4) Planting shall be completed in accordance with the Planting Descriptions/Plans in the approved Master Mining and Reclamation Plan.

~~v.~~(5) The area shall be protected from livestock grazing until established or approved as reclaimed.

~~(e.)~~ Herbaceous Wetlands.

~~i.~~(1) Herbaceous Wetlands shall contain native shrub, forbs and grasses that will be diverse.

~~ii.~~(2) Sand tailings or overburden shall be graded covered with a minimum 3-inch layer of wetland muck or topsoil when available. In the event that insufficient wetland muck or

topsoil is available, the Applicant/Operator shall use other appropriate organic materials.

~~iii.~~(3) Ground cover shall be diverse and include but not be limited to native shrubs, and native herbaceous plant species that will provide soil stability.

~~iv.~~(4) Planting shall be completed in accordance with the Planting Descriptions/Plans in the approved Master Mining and Reclamation Plan.

~~v.~~(5) The area shall be protected from livestock grazing until established or approved as reclaimed.

~~(f.)~~ Lakes.

~~i.~~(1) In order to encourage a variety of emergent habitats and a balance of deep and shallow water bodies throughout the mined area in Hardee County, the development of deeper lakes or water bodies, with a smaller littoral zone than that set out in Section 62C-16.051, Florida Administrative Code, may be permitted if specifically approved by the Board of County Commissioners.

~~ii.~~(2) All such deeper lakes shall be a minimum of eight feet deep as measured from the water surface, with a maximum side slope of one vertical and four horizontal. This depth requirement may be reduced to six feet where bedrock would otherwise have to be pierced.

(14) Approval of Reclamation:

~~(a.)~~ After reclamation of an area, the Operator shall make written application to the Mining Coordinator for review. Upon completion of review and the application is considered complete, the Mining Coordinator will present the request to the Board of County Commissioners for approval/denial of the reclamation. The application shall identify the lands and contain certification by the project superintendent or manager that reclamation has been performed according to these regulations. The Board of County Commissioners reserves the right to require a certification from a professional engineer or a professional geologist.

- (b-) The application shall include:
- i-(1) Description of all areas in which Reclamation Approval is being requested, including identifying the land use and acreage of each reclamation parcel.
  - ii-(2) General Location Map that identifies roadways and all reclamation parcels.
  - iii-(3) Aerial Map with all reclamation parcels and identifying parcels in which Approval is requested.
  - iv-(4) Land Use and Cover Map (based on the most recent edition of the Florida Land Cover Classification System and Cooperative Land Cover Map). ~~FLUCFCS FDOT 1999 or similar~~.
  - v-(5) Copies of all State and Federal (if applicable) letters granting release of reclamation.
- (c-) At the time of Annual Unit and Operating Review, the Operator shall also file the status of any reclamation permit or approval as applied for pending or received from any other local, state, or federal governmental authority;
- (d-) The Board of County Commissioners shall act upon the application within thirty days of receipt of the complete information. In the event the reclamation is not approved, the Board of County Commissioners shall inform the Operator in writing of the specific areas of non-compliance and shall specify a reasonable period of time for compliance. Failure to comply with such reclamation order within the time specified shall be a violation of this Section subject to the enforcement procedures set out herein.
- (D) Standard for Production Use of Water;

The water usage for operations subject to this Section shall not exceed the available water supply as determined by these standards or the standards set by any other applicable regulatory agency, whichever allows the lesser usage rate.

- (Ø1) A proposed rate of withdrawal for production use of any ground water shall be determined after analyzing the results of an onsite test well program performed by the Applicant/Operator. The test program and

analysis shall be performed under the control and seal of a professional engineer or certified hydrologist.

(a-) Test wells shall be drilled to determine the depth and characteristics of the subsurface, geologic, and hydrologic units and variations in water quality and potentiometric levels.

(b-) Detailed pumping tests shall be conducted on the aquifer(s) from which production withdrawal is proposed with monitoring of water level and potentiometric levels in the pumped aquifer, and all overlying aquifers by means of observation wells located at various distances from the pumping wells.

(c-) The hydrogeologic characteristics, including transmissivity and storage coefficient of the pumped aquifers, and coefficient of vertical permeability of the confining layers shall be determined.

(d-) The proposed production withdrawal rates shall be that amount which can be shown not to cause any significant lowering of the potentiometric levels of the production aquifer beyond the project boundaries.

(e-) The effects of production withdrawal shall be monitored during mining operations. Withdrawal rates shall be adjusted as required to maintain the permitted potentiometric levels at the project boundaries.

(02) Unreasonable changes of the natural hydraulic connections between the surficial water bearing material and the ~~Floridan~~ Floridan aquifer or the introduction of deleterious chemical or physical constituents into the local ground water or surface water shall not be permitted. The Board of County Commissioners may order the Applicant/Operator to take whatever measures are necessary to alleviate adverse impacts due to lowering of the water level, or if water quality deterioration is occurring beyond the project boundaries. In the event that such measures do not appear to alleviate the water problem the Board of County Commissioners may temporarily direct that all mining activities cease while a thorough investigation is made.

(03) The Applicant/Operator shall provide a complete inventory of all existing wells on the property under consideration including locations, potentiometric elevations complete chemical analysis, proposed disposition and in so far as possible, depths, diameters, casing schedules,

types of pumps and logs. All wells not proposed for use in the mining operations may be plugged in accordance with accepted standard procedures, as specified by the Board of County Commissioners. All free-flowing wells shall be sealed immediately after obtaining the required measurement.

*Comment: Language relocated from Section 3.14.02.06; references to churches changed to places of worship consistent with RLUIPA.*

### **13.03.07 Inspection and Reporting Requirements**

- (A) The Mining Coordinator or delegated mining staff may inspect the Applicant/Operator's property at any reasonable time. Prior to inspection, the Applicant/Operator shall be informed of the presence of county inspection personnel, and during the inspection the Applicant/Operator shall accompany and provide adequate protection for the safety of the inspection personnel.
- (B) The Applicant/Operator shall perform the following:
  - (01) Inspection of all dams daily;
  - (02) Keep available at all time, any required records of inspection and the results of monitoring;
  - (03) Retain a representative of the company on site while operations are in progress;
  - (04) Retain on site a copy of the approved Master Mining and Reclamation Plan, and a copy of all approved Unit Plans.
- (C) During the interval between the date of issuance of the Master Mining and Reclamation Plan and the date of commencement of mining operations the Operator shall submit to the County quarterly, one copy of a tabulation of readings, observations and measurements obtained from all monitoring and inspections.
- (D) At quarterly intervals after the date of issuance of the Master Mining and Reclamation Plan until the date mining operations begin, and at quarterly intervals beginning within one week after mining operations begin, the Operator shall submit to the County one copy of the tabulation of readings observation and measurements obtained from all monitoring and inspections, along with a report,



interpreting and analyzing the effects of the mining operation under the seal of a professional engineer or other qualified person.

- (E) Dam inspection reports, signed by each inspector making the inspection daily and counter-signed by a competent supervisor shall be submitted to the Mining Coordinator monthly.
- (F) In order to ensure that the County has a complete record relating to the project, the Operator shall immediately provide the County with copies of all permits, applications for permits, orders, reports, studies or other documents at any time submitted to or received from any Hardee County, state or federal agency relating to the projects unless such material duplicates information already submitted to the County in which case the Applicant/Operator shall be required only to notify the County of the submittal or receipt of such material to or from the agency and the purpose for which it is being used.

*Comment: Language relocated from Section 3.14.02.07.*

### **13.03.08 Transfers, Amendments, and Substantial Deviation-**

- (A) Transfer of Permit:
  - (01) Prior to the transfer of rights under any existing Development Orders or the Master Mining and Reclamation Plan or other permit, the Permittee and the prospective transferee must apply to the Board of County Commissioners for a transfer permit. Such transfer shall apply to changes in ownership of land or transfer of rights under existing permits but shall not involve or authorize any other changes to or deviation from the Development Order or Master Mining and Reclamation Plan. Any other change to or deviation from the terms of the Development Order or Master Mining and Reclamation Plan may be deemed an amendment, subject to other provisions of this Section.
  - (02) At the same time as the application for transfers, the prospective transferee must also furnish proof of financial responsibility as is required herein, covering all lands or rights to be transferred.
  - (03) If the Board of County Commissioners finds adequate proof of responsibility by the prospective transferee, the transfer shall be approved by the Board of County Commissioners.
  - (04) Upon acceptance of the transfer, the transferee becomes the Applicant/Operator under this Section and assumes the responsibility of

compliance with all the terms of this Section and Code, regulations adopted hereunder, and of the Development Order and Master Mining and Reclamation Plan.

(B) Amendments:

Amendment to the Master Mining and Reclamation Plan or provisions thereunder may be sought from time to time by the Applicant/Operator.

(Ø1) Any application for amendment shall follow the procedures outlined for the original application for Master Mining and Reclamation Plan approval.

(Ø2) In the case of non-substantive matters, the Board of County Commissioners may elect to act upon any application for amendment without a public hearing.

(C) Substantial Deviation Determination:

(Ø1) With any Operator initiated amendment to or change in the Master Mining and Reclamation Plan or the Development Order, the Operator shall also submit a request for determination of substantial deviation from the development order as required by the approved Hardee County MMSE. The Board of County Commissioners shall make such determination prior to review of and decision on the amendment. No amendment which is determined to be a substantial deviation shall become effective until the completion of all procedures relating to substantial deviations as set out in the approved Hardee County MMSE.

(Ø2) The Board of County Commissioners expressly reserves the right to find that the addition of property to any mining tract, by itself or together with any simultaneous or prior additions, is a substantial deviation, regardless of earlier approvals of additions of property to the tract.

*Comment: Language relocated from Section 3.14.02.08.*

**13.03.09 Fees:**

(A) A schedule of nonrefundable fees is hereby established and may be revised periodically by resolution, by the Board of County Commissioners. It is expressly recognized that these fees are reasonable and necessary to help offset the additional cost to Hardee County incurred in the adequate review of these ongoing projects, to ensure the health, safety, and welfare of the citizens of Hardee County. Such costs are extraordinary and are more justly borne by the

Applicant/Operator who will receive great financial benefit from mining and earth moving activities in Hardee County.

- (B) Hardee County Mining Fee Schedule;
- (01) *Initial Application Fee:* \$1.20 per acre of land under consideration in the Master Mining and Reclamation Plan and shall be payable one time upon application.
  - (02) *Operating-Approval Fee:* This fee shall be paid in lieu of any impact review fee required by other ordinance: \$8.40 per acre of any land to be disturbed by mining, earth moving, and related activities as set out in the Master Mining and Reclamation Plan. This fee shall be paid within 30 days after the Development Order has been issued by the Board of County Commissioners approving the Master Mining and Reclamation Plan.
  - (03) *Annual Review Fee:* After the initial mining unit, \$7.00 per acre disturbed and not reclaimed, and to be disturbed in the coming unit year by mining or related activities, excluding any acreage that has been reclaimed in accordance with the requirements of this Section and payable annually after the first year of operation. This fee shall be paid annually 60 days prior to the anniversary date of approval of the Master Mining and Reclamation Plan or the approved Annual Review date if different from the anniversary date.
  - (04) *Amendment Fee:* \$8.40 per acre of land not already being considered for mining activity or under permit for mining activity payable upon application, plus all costs of review payable upon invoice by Hardee County.
  - (05) *Annual Monitoring Fee:* \$1.20 per acre of land within the tract subject to the Master Mining and Reclamation Plan, payable annually 60 days prior to the anniversary date of approval of the Master Mining and Reclamation Plan.

*Comment: Language relocated from Section 3.14.02.09.*

### **13.03.10 Compliance-**

- (A) Failure to comply with these regulations or any orders, stipulations, or requirements of the Board of County Commissioners, may constitute grounds for suspension or revocation of the permit by the Board of County Commissioners.

- (01) Notice of Violation: The Operator shall provide the County with copies of any notice of violation, noncompliance order, stop-work order or other written notification by any Hardee County, state, or federal agency of any alleged violation or failure to comply with any law, ordinances, rules, regulations, standards, or orders within 48 hours of receipt by the Operator. Failure to provide such copy shall be considered a violation of this Section, subject to all penalties provided hereunder.
- (02) If at any time during the term of the permit the Operator fails to comply with these rules and regulations, approved development orders, the appropriate rules and regulations of other departments, regulatory agencies of the County, the State of Florida or the federal government, or with the terms of the permit, the Mining Coordinator/designee shall immediately notify the Operator in writing and order that the violative activity cease and appropriate corrective measures be instituted within a specified period of time.
- (03) The Operator may appeal such orders to the Board of County Commissioners no later than ten days following their receipt. The appeal shall be heard and decided by the Board of County Commissioners at its next regularly scheduled meeting within two weeks from the date of the notice of appeal.
- (04) Compliance with the orders shall be reported to the Board of County Commissioners in writing and confirmed in writing by the Mining Coordinator.
- (05) Should the Operator fail to comply with or appeal the notice of violation and corrective orders within the specified time period the Board of County Commissioners may suspend the Master Mining and Reclamation Plan approval and permission to operate until such time as compliance is proven by the Applicant/Operator.
- (06) A timely filed appeal shall stay the effect of the notice of violation unless the Mining Coordinator certifies to the Board of County Commissioners, and the Board of County Commissioners finds that there is an imminent peril to the public health, safety, and welfare. In any event, once a timely filed appeal has been found in favor of the County, the Board of County Commissioners may suspend the Master Mining and Reclamation Plan approval and permission to operate until such time as compliance is proven by the Applicant/Operator.

- (B) Failure on the part of the Applicant/Operator to begin operations within a period of three years from approval of the Master Mining and Reclamation Plan may be cause for revocation of the Master Mining and Reclamation Plan approval and the permission to operate. Any subsequent application for permission to commence mining will be treated as an initial application.

*Comment: Language relocated from Section 3.14.02.10.*

### **13.03.11 Penalties-**

- (A) *Criminal Penalty:* Violation of this ~~Section~~ Article and rules and regulations adopted hereunder, may, at the discretion of the Board of County Commissioners be subject to the penalties and procedures established by Section 125.69 Florida Statutes, including approved mining operation and completion schedule of each mining unit and/or approved reclamation operation and completion schedule of each reclamation unit. Under Section 125.69, such violations shall be prosecuted in the same manner as misdemeanors in the name of the state in a court having jurisdiction of misdemeanors by the prosecuting attorney thereof and upon conviction and shall be punishable by fines ~~not to exceed \$500.00~~ or by imprisonment in the county jail, ~~not to exceed six months~~ or both such fine and imprisonment, consistent with Section 125.69. Each day on which a violation of a continuing nature occurs shall be a separate violation. Procedures include notice of an apparent violation by the County to the Owner/Operator and an opportunity to correct such violation.

*Comment: Language updated because Current F.S. imprisonment time does not exceed 60 days. Deleted info. to only reference Statutes in case future changes are made.*

- (B) *Civil and Injunctive Relief:* In addition, the County may institute a civil action in the Circuit Court to seek injunctive relief to enforce compliance with this Article ~~Section~~, including approved mining operation and completion schedule of each mining unit and/or approved reclamation operation and completion schedule of each reclamation unit, and may also seek the imposition and recovery of damages and a civil penalty for each violation in an amount not less than \$2,500.00 nor to exceed \$5,000.00 per violation. Each day during any portion of which a continuing violation occurs shall be a separate violation. It shall not be a defense to any judicial remedy for injunction, damages, or civil penalty that the County has failed to serve a notice of violation or to pursue any administrative remedy, or that criminal proceedings or other enforcement proceedings are pending, except those remedies to recover damages are alternative and shall preclude recovery of damages more than once by the County.

- (C) In addition, failure of any dam, spillway, or other outlet structure or settling pond, sand clay settling area, or thickening pond or any other cause attributable to the Operator's mining operation resulting in degradation of the quality of any waters outside the Operator's property, shall subject the Operator to a civil penalty to be paid to the County in an amount equal to the cost of restoration of water quality in the affected area plus all costs of cleanup and administrative costs to the County.
- (D) In addition, failure of an Operator to have completed reclamation of lands as required at the conclusion of any unit year may subject the Operator to a civil penalty to be paid to the County in an amount equal to the evidence of financial responsibility required to be maintained on account of the lands involved.
- (E) In addition, the Board of County Commissioners may require the Operator to provide evidence of financial responsibility in the manner provided in paragraph ~~3.14.02.05(C)(3)(a)~~ 13.03.05(C)(3)(a), to ensure that a violation of this ~~Section Article~~, the rules and regulations adopted hereunder, including approved mining operations and completion schedule of each mining unit and/or approved reclamation operation and completion schedule of each reclamation unit, is corrected or cured. The Board of County Commissioners may, at any time take such actions as it deems necessary to cure a violation. The Operator shall be liable for all cost of the County in curing a violation or completing reclamation, and the County shall have the right to proceed against any financial responsibility in order to recover such cost. The remedies provided for in this paragraph (E) are cumulative to remedies and penalties set forth in paragraphs (A) through (D).

*Comment: Language relocated from Section 3.14.02.11.*

### **13.03.12 Waiver-**

Upon application by the Operator the Board of County Commissioners may waive any portion of these regulations as to the Operator's project, upon a showing that the Operator shall suffer undue hardship if required to comply or if Applicant/Operator demonstrates good cause, and upon a finding by the Board of County Commissioners that such waiver will not result in increased adverse impacts nor be harmful to the health, safety, and welfare of the citizens of Hardee County.

*Comment: Language relocated from Section 3.14.02.12.*

### **13.03.13 Expert Certification-**

When any drawing, document or other information are required by the terms of this Article Section to be certified, signed and/or sealed by a Florida Registered Professional

Engineer or other qualified professional person the certification shall state that person executing the document is personally familiar with and has reviewed the document in question and that the information reflected therein meets generally accepted professional practices in the field in which they are an expert.

*Comment: Language relocated from Section 3.14.02.13.*

**13.03.14 Duplication of Information-**

Whenever any information is required to be submitted by the terms of this ~~Section~~ Article and such information has previously been submitted or exists within the County's records, in lieu of submitting duplicate or redundant information, the Applicant/Operator may notify the County in writing by letter to the Mining Coordinator specifying the information previously submitted, and stating where such information already exists within the County records.

*Comment: Language relocated from Section 3.14.02.14.*

**13.03.15 Computation of Time-**

Whenever an act is required or allowed to be done within a specified time by the terms of Section ~~3.14.02.05~~ 13.03.05, such times shall be computed in accordance with the Florida Rules of Procedure. If such time periods conflict with any scheduling mandated by applicable state or federal laws, then the time periods in question shall be adjusted to comply with such state or federal laws but shall be kept as close to the time periods set out herein as possible. All time periods may be extended by the Board of County Commissioners for good cause.

*Comment: Language relocated from Section 3.14.02.15.*

**ARTICLE 14**  
**DEFINITIONS AND ACRONYMS**

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## ARTICLE 14 DEFINITIONS AND ACRONYMS

Text that is underlined is text to be added and text that is shown as ~~strikeout~~ is to be removed. *Comments* provided for information and are not adopted as part of the Unified Land Development Code text.

### **SECTION 14.01.00 INFORMATION**

For the purposes of this Code, the following terms shall have the meanings set forth below or as specifically defined in another Article. 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. For any definition not found here, refer to a published dictionary form.

*Comment: Language relocated from Article 9; Language added to reference definitions existing in other articles.*

### **SECTION 14.02.00 DEFINITIONS GENERALLY**

The rules of interpretation included in Section 1.05.06 apply to the definitions. All words in this Code shall have the customary dictionary meaning. The present tense includes the future tense, and the future tense includes the present tense. The singular includes the plural and the plural includes the singular. The word "person" includes a firm, corporation, association, organization, trust, or partnership. The word "shall" is always mandatory. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

*Comment: New Section added to explain general rules of interpretation and referring back to Section 1.05.06.*

### **SECTION 14.03.00 RULES OF GENERIC USE DEFINITION**

(A) Certain terms in this Article are defined to be inclusive of many uses to eliminate overly detailed lists of uses in the zoning districts established by this Code. These terms are referred to as "generic uses."

(B) A use that is not specifically listed in a zoning district, does not fall within a generic use definition as defined in this Article, or is not interpreted as part of a generic use is prohibited.

(C) Any use specifically listed within the Table of Uses or within the definitions cannot be considered part of a generic use definition.

*Comment: New Section added to explain generic use definitions.*

**SECTION 14.04.00 NO VARIANCE**

The definitions of this article cannot be waived. No variances are permitted to general term of generic use definitions.

*Comment: New Section added clarifying the prohibition of variances to the definitions.*

**SECTION 14.05.00 LIST OF DEFINITIONS AND ACRONYMS**

~A~

~~**AASHTO:** American Association of State Highway and Transportation Officials.~~

*Comment: Relocated to the Acronym Section.*

**Abandoned, Wrecked, Dismantled, or Inoperative Motor Vehicles.** Supplementary terms include:

~~In addition to the definitions enumerated in Article 9 of this Code the following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:~~

~~**Code enforcement officer** means the Code Enforcement Officer of Hardee County.~~

~~**County** means the unincorporated area of Hardee County, as well as the municipalities of Bowling Green and Zolfo Springs.~~

~~**Junked ~~m~~Motor ~~v~~Vehicle** means any motor vehicle, as defined in this Section, the condition of which is wrecked, dismantled, partially dismantled, inoperative, unlicensed, abandoned or discarded.~~

*Comment: Relocated from Section 2.26.01.*

~~**Motor ~~v~~Vehicle** means any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to, automobiles, buses, motorbikes,~~

motorcycles, motor scooters, trucks, tractors, go-carts, golf carts, campers, trailers, recreational vehicles, and all-terrain vehicles (ATV).

**Private ~~p~~Property** means any real property within the County which is privately owned and which is not public property ~~as defined in this Section~~.

**Public ~~p~~Property** means any street or highway, which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and shall also mean any other publicly owned property or facility.

*Comment: Section relocated from Section 2.27.01; Definition for Code Enforcement Officer and County deleted since they should match the general definition*

**Abandonment of Use:** The intent on the part of the user to abandon ~~his~~ their right to a nonconforming use of the premises, as well as an actual cessation of the use in issue. Any use discontinued for a period of 90 days shall be deemed an abandoned use unless otherwise stated in the Code.

*Comment: Language updated to reflect other abandonment time frames as included in the Code.*

**Accessory Building/Structure:** 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. Accessory structures should constitute a minimal investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory buildings/structures include detached garages, carports, storage sheds, pole barns, and hay sheds.

*Comment: Language updated to reflect detached accessory dwelling units.*

**Accessory Dwelling Unit:** An ancillary or secondary living unit, that has a separate kitchen, bathroom, and sleeping area, existing either within the same structure, or on the same lot, as the primary dwelling unit.

*Comment: Language added to define accessory dwelling units.*

**Accessory Use:** A use customarily incidental to the principal use of the property.

**Acres, Gross:** The entire acreage of a site; includes the entire land and water area within the property boundaries.

**Acres, Net:** The portion of a site that can actually be built upon. The following are generally not included in the net acreage of a site: public or private road rights-of-way, public open space, lakes, and flood ways.

**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 firewall. Any walled and roofed addition that is connected by a firewall or is separated by independent perimeter load-bearing walls is new construction.

**Administrative Approval:** Approval given by the County Manager/designee for permitting based on standards and criteria in ~~the ordinance for Temporary Special Use Permits and for the construction of farmworker housing~~ this Code.

*Comment: Language amended because administrative approval addresses more than temporary special use permits.*

**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 require such services. Any building, buildings, or part of a building, 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 persons who are 18 years of age or older, who are not related to the owner/operator by blood or marriage, and who require such services. (F.S. 429.901 (1)).~~

*Comment: Updated to F.S. definition.*

**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 Family-Care Home:** Per F.S. 429.65(2), A full-time, family-type living arrangement, in a private home, under which a person who owns or rents the home provides room, board, and personal care, on a 24-hour basis, for no more than five disabled adults or frail elders who are not relatives. The following family-type living arrangements are not required to be licensed as an adult family-care home:

- (A) An arrangement whereby the person who owns or rents the home provides room, board, and personal services for not more than two adults who do not receive optional state supplementation under F.S. 409.212. The person who provides the housing, meals, and personal care must own or rent the home and reside therein.

(B) An arrangement whereby the person who owns or rents the home provides room, board, and personal services only to his or her relatives.

(C) An establishment that is licensed as an assisted living facility under F.S. Chapter 429.

*Comment: Language added from F.S. 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 Health and Rehabilitative Services.~~

*Comment: Definition replaced with Adult-Family Care Home.*

~~**Adult 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 s. 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.~~

~~[Note: as defined by the State of Florida, an ALF with six residents or less is classified as a single family residence.]~~

*Comment: Replaced with Assisted Living Facility to be updated to F.S. definition.*

**Affordable Housing:** Housing costs that, on a monthly basis, require rent or mortgage payments of no more than 30% of a household's monthly gross income.

**Agriculture or Agricultural:** The use of land for ~~commercial~~ cultivation of crops or the raising of animals or for preservation of land in its natural state.

*Comment: Reference to "commercial" removed since not all agriculture is commercial.*

**Agricultural Building or Structure:** Any building or structure that is accessory to the principal agricultural use of the land.

**Agricultural Uses:** Activities within land areas which are predominantly used for the cultivation of crops and livestock including: crop land; pastureland; intensive dairy operations; confined feeding operations; poultry raising; egg production; hatcheries; ~~slaughterhouses~~; orchards; vineyards; nurseries; ornamental horticulture areas; groves; specialty farms; aquaculture operations; beekeeping operations; and silviculture areas.

*Comment: "slaughterhouses" removed as they are industrial uses.*

**Agricultural Uses, Short Term:** Temporary agricultural uses projected to transition to another land use in the future. For the purpose of this Code, the term Short-Term Agricultural Uses shall not include confined feedlot operations, poultry farms and similar establishments used for the housing, exhibiting, displaying or keeping of Class I or II type wildlife as defined in Rule 68A-6.002, FAC).

*Comment: Definition added to address short term agricultural uses.*

**Alterations:** Any change or additions to the load-bearing members or the foundation of a structure.

**Ambient Air Quality Standards:** Standards that establish acceptable concentration levels for major classes of pollutants in the "ambient air" (that portion of the atmosphere which is external to buildings and accessible to the general public).

**Amendment, Comprehensive Plan:** Any action of a local government which has the effect of amending, adding to, deleting from or changing an adopted comprehensive plan element or map or map series, including an action affecting a prior plan or plan amendment adoption ordinance, but shall not mean a legislative act which only codifies local legislation or makes corrections, updates and modification of the capital improvements element concerning costs, revenue sources, acceptance of facilities or facility construction dates consistent with the plan as provided in Subsection 163.3177(3)(b), F.S., and corrections, updates or modifications of current costs in other elements, as provided in Subsection 163.3187(2). F.S.

*Comment: Definition added to address amendments.*

**Amnesty Days:** A period of time authorized by the state for the purpose of purging small quantities of hazardous waste, free of charge, from the possession of homeowners, farmers, schools, state agencies, and small businesses.

**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 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~~ an application for the purpose of obtaining approval ~~thereof of a request~~.

*Comment: Definition updated to address all applicants not just subdivision applications.*

**Aquifer:** A water bearing stratum of permeable rock, sand, or gravel.

**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.

**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 10 inches per year.

**Prime Aquifer Recharge Areas:** Geographic areas of recharge to the aquifer system, to be designated by the appropriate Southwest Florida Water Management District, as critical for the continuation of potable ground water supplies.

*Comment: Sub-terms relocated from other parts of the definition section.*

~~**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.~~

*Comment: Definition deleted as flood related definitions are located in Article 7.*

~~**Area of Special Flood Hazard:** Land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.~~

*Comment: Definition deleted as flood related definitions are located in Article 7.*

~~**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.~~

*Comment: See Roadway Functional Classification.*



**Assessed Value:** The value of real property and improvements thereon as established by the Hardee County Property Appraiser's Office.

*Comment: Definition relocated from Section 8.01.05 since it applies to more sections.*

**Assisted Living Facility:** Any building or buildings, section of a building, or distinct part of a building, private home, boarding home, home for the aged or other residential facility, whether operated for profit or not, which through its ownership or management to provides housing, meals, and one or more personal service for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator. (F.S. 429.02 (5))

*Comment: Language added from F.S. definition.*

**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 that performs minor automotive repair may include the sale of motor fuels.

**Automotive Restoration/Antique or Classic (Private and "Not for Profit"):** Restoring of classic vehicles (more than 20 years old) or antique vehicles (25 years or older) 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 set back 10 feet from side and rear property lines. An individual who is restoring a classic or antique vehicle, may have three inoperable vehicles as long as they are of the same make and model of the vehicle he is restoring being restored.

*Comment: Requirements for amount and location relocated to Article 2.*

**Auto Salvage Yard:** A commercial business that disassembles inoperable vehicles for the purpose of resale of automobile parts. Not more than three inoperable vehicles may be stored at any one time. See "Junkyard" for a business that 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.

**~B~**

**Bar:** Means and includes the terms "cocktail lounge", "tavern", "pub", "~~sports bar~~", and similar terms, synonyms and uses in which alcoholic beverages are sold and/or consumed on the

premises and in which no customer dancing, or paid entertainment other than music is permitted. Any establishment serving alcoholic beverages, and not meeting the criteria for a restaurant as defined in this Code, regardless of any State licenses that they may possess, shall be classified as a bar.

*Comment: Pub added as another term for bar; sports bar removed as there is a separate definition for that use.*

**Sports Bar:** Any establishment which sells, serves, dispenses, or provides alcoholic beverages for the consumption on premises, even if incidental to the sale of food and nonalcoholic beverages, where indoor recreational uses are provided on the same premises including, but not limited to the following: pool tables, dart games, air hockey, dancing, and/or more than two video games/pinball/arcade machines per 100 seats.

**Bakery, Retail (Bakeshop):** A retail bakery sells baked goods directly to customers, as opposed to selling through other businesses or distributors.

*Comment: Bakeshop added to Table of Uses.*

**Barbershop or Beauty Salon:** an establishment in which hairdressing, makeup, and similar cosmetic treatments are carried out professionally. Any place or part thereof wherein cosmetology, barbering, electrology, or nail technology, or any of its practices, are practiced, whether such place is known or designated as a cosmetologically establishment, beauty salon, barber shop, nail salon, or electrology establishment, or where the person practicing cosmetology, barbering, nail technology or electrology therein holds oneself out as a cosmetician, cosmetologist, beauty culturist, barber, nail technician or electrologist, or by any other name or designation indicating that cosmetology or barbering is practiced therein.

~~**Base Flood:** The flood having a one percent chance of being equaled or exceeded in any given year.~~

*Comment: Definition deleted as all flood definitions are located in Article 7.*

**Basement:** That portion of a building having its floor subgrade (below ground level) on all sides.

**Bed and Breakfast:** An owner-occupied dwelling unit containing no more than six guest rooms where lodging, with or without meals, is provided for compensation.

**Best Management Practice (BMP):** A practice or combination of practices that are determined to be the most effective, practical means of preventing or reducing pollution.

**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.

**Bin (Container):** A receptacle used for storage of parts or material.

**Bio-Hazardous Waste:** Infectious agents or other hazardous biological materials that present a risk (or potential risk) to the health of humans, animals, or the environment.

**Board:** The Board of County Commissioners of Hardee County, Florida.

**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.

**Bottle Club:** Means an establishment providing facilities for the consumption of alcoholic beverages by its patrons on the premises, but not licensed to sell alcoholic beverages, without regard to whether the patrons are required to be members of the club or establishment.

**Breakaway Wall:** 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.

**Buffer Yard:** 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 and Building Related Definitions:**

To be read in conjunction with Construction and Construction Related Definitions.

*Comment: Section added to address building and building related definitions.*

**Building:** A fully enclosed structure created to shelter any form of human activity. This may refer to a house, garage, ~~church~~ religious institution, hotel, packinghouse, or similar structure. Buildings may refer to a historically or architecturally related complex, such as a house or jail.

*Comment: Definition updated to change the word "church" to "religious institution" consistent with RLUIPA.*

**Building Area:** The total ground area taken on a horizontal plane at the mean grade level, of each building and accessory building but not including uncovered entrance platforms, terraces, and steps.

**Building Component:** ~~means a~~ An element or assembly of elements integral to or part of a building.

*Comment: Definition relocated from Section 8.01.05.*

**Building Height:** The vertical distance measured from the established ~~mean~~ grade at the front building line to the highest point of the building.

**Building Line:** The vertical projection of the outer limits of the roof and portions of the structure onto the ground.

**Building Permit:** ~~A permit that 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.~~ An official document authorizing the performance of a specific activity regulated by the FBC (Florida Building Code).

*Comment: Definition updated consistent with Florida Building Code.*

**Building Shell:** ~~means~~ ~~€~~ The structural components that completely enclose a building, including but not limited to, the foundation, structural frame, floor slabs, exterior walls, and roof system.

*Comment: Definition relocated from Section 8.01.05.*

**Building Site:** The lot, lots, ~~or~~ parcel, or parcels of land upon which a building or use of land has been located or is proposed to be located.

**Building Supply Salvage Yard:** An activity involving the on-site reclamation of used or recycled building materials offered for sale.

~C~

**Cabin:** In a recreational resort, a cabin is Any building or structure used by a single family as temporary living or sleeping quarters.

*Comment: Definition updated to reflect use as included under Recreational Resort.*

**Camping Trailer:** See Recreation Vehicle.

**Canal:** A trench, the bottom of which is normally covered by water with the upper edges of its two sides normally above water.

**Canopy:** Canopy refers to the area shaded by the crown of mature trees, which is listed among the approved species.

**Capital Budget:** The portion of each local government's budget that reflects capital improvements scheduled for a fiscal year.

**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 that have been identified as existing or projected needs in the individual Comprehensive Plan elements shall be considered capital improvements.

**Capital Improvement Program (CIP):** A five-year listing of proposed capital improvement projects included in the County's Comprehensive Plan.

*Comment: Location of the CIP added.*

**Carport:** A roofed area open on one or more sides ~~and that~~ is attached to or is within three feet of the principal building and designed or intended for storage of one or more motor vehicles, trailers, boats, or other moveable property.

**Car Wash and Detailing:** Establishments providing full- or self-service washing and detailing for motor vehicles and domestic equipment. Retail sale of automotive products is permitted as an accessory use.

*Comment: Definition added for use included on Table of Uses.*

**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.

**Change of Use:** A change from one permitted land use to another permitted land use.

*Comment: Definition added to address change of use.*

**Chemical Plant:** A plant where substances are produced by chemicals.

**Child Care:** The care, protection, and supervision of a child, for a period of less than 24 hours a day on a regular basis, which supplements parental care, enrichment, and health

supervision for the child, in accordance with his or her individual needs, and for which a payment, fee, or grant is made for care. (F.S. 402.302 (1)).

**Child Care Facility:** (F.S. 402.302 (2)). “Child care facility” includes any child care center or child care arrangement which provides child care for more than five children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit. The following are not included:

- (a) Public schools and nonpublic schools and their integral programs, except as provided in F.S. 402.3025;
- (b) Summer camps having children in full-time residence;
- (c) Summer day camps;
- (d) Bible schools normally conducted during vacation periods; and
- (e) Operators of transient establishments, as defined in F.S. Chapter 509, which provide child care services solely for the guests of their establishment or resort, provided that all child care personnel of the establishment are screened according to the level 2 screening requirements of F.S. Chapter 435.

~~**Church:** Building used only for nonprofit purposes by a recognized and legally established sect solely for purposes of religious worship and related activities.~~

*Comment: Definition deleted and replaced with "Religious Institution" consistent with RLUIPA.*

**Citrus Grove:** Land established to raise citrus and other tree fruit, including but not limited to oranges and grapefruit, and all varieties thereof.

**Citrus Harvesting:** The act of picking, combining, and loading for transport citrus fruit from a citrus grove.

**Classic Car/Vehicle:** A vehicle 20 years or older.

**Clerk:** Ex-Officio Clerk of the Board of County Commissioners of Hardee County, Florida; also, Clerk of the Court.

**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.~~

*Comment: Definition deleted because use removed from the Table of Uses.*

~~**Cocktail Lounge:** Means and includes the terms "tavern", "pub", "sports bar," and similar terms, synonyms and uses in which alcoholic beverages are sold and/or consumed on the premises and in which no customer dancing, or paid entertainment other than music is permitted. Any establishment serving alcoholic beverages, and not meeting the criteria for a restaurant as defined in this Code, regardless of any State licenses that they may possess, shall be classified as a bar.~~

*Comment: Definition is included in the definition for "Bar".*

~~**Collector Road:** A roadway providing service that is of relatively moderate traffic volume, moderate trip length, and moderate operating speed. Collector roads collect and distribute traffic between local roads or Arterial roads.~~

*Comment: Definition deleted as it is also included under Roadway Functional Classification.*

**Commercial Building:** A building where commercial activities take place. Commercial buildings include office buildings, retail space, restaurants, warehouses, and more.

*Comment: Definition added for Commercial Building.*

**Commercial Motor Vehicle:** Any vehicle which is not owned or operated by a governmental entity, which uses special fuel or motor fuel on the public highways, and which has a gross vehicle weight ~~in excess of 26,001 pounds~~ or more, or has three or more axles regardless of weight, or is used in combination when the weight of such combination exceeds 26,001 pounds gross vehicle weight. (Section 320.01 (25), F.S.)

**Commercial Uses:** Activities within land areas that are predominantly connected with the sale, rental and distribution of products, or performance of services.

**Commercial, Limited:** Uses that include, but are not limited to, barber and beauty shops, chiropodists, shoe repair, book and record sales, laundry pickup and delivery, antique shops, camera and photographic supplies and sales, medical supply and pharmaceutical sales, decorators, tea rooms or tea houses not for sale of alcoholic beverages, social clubs, bakery shops, swimming services, custodial care centers for preschoolers or elderly persons, educational facilities public or private, florist shops, jewelers, television sales and service, and any similar use which is not prohibited by this ordinance but which, after a public hearing, may be determined to be similar by the Board of County Commissioners.

**Communication Tower:** Mast, pole, or other structure exceeding 30 feet in height, on which are mounted one or more antennas, receivers, signal generator, or similar equipment, whose purpose is to receive television or radio signals directly from ground-based sources, or to transmit such signals directly to ground-based receivers.

**Community Residential Home:** (F.S. 419.01 (1)(a)). A dwelling unit licensed to serve residents who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Families or licensed by the Agency for Health Care Administration which provides a living environment for 7 to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

Homes of six or fewer residents which otherwise meet the definition of a community residential home shall be deemed a single-family unit and a noncommercial, residential use for the purpose of local laws and ordinances. Homes of six or fewer residents which otherwise meet the definition of a community residential home shall be allowed in single-family or multifamily zoning without approval by the local government, provided that such homes are not located within a radius of 1,000 feet of another existing such home with six or fewer residents or within a radius of 1,200 feet of another existing community residential home.

**Compatibility:** The appropriate use of a site, as it relates to suitability. When considering the "compatibility of a land use", the land, the location and the amount of property should be suitable for the proposed zoning or land use designation change. The requested zoning or land use classification should be compatible with development on surrounding property, or can be made so with the imposition of conditions, buffers or limitations on the uses allowed.

**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.

**Concurrent with the Impacts of Development:** 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. Mechanisms and processes for attaining concurrency adherence is further described in the Unified Land Development Code.



~~**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. See Article 3, Section 3.09.00.~~

*Comment: Definition deleted because it is not a term utilized in the existing code or proposed for the amended code.*

**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.

**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 Use:** Publicly owned wetlands, floodplains, and other areas in which limited development is permitted in order to preserve a natural resource. Water wellfields and associated facilities, docks, and marinas, provided that all structures and parking areas are above the 100-year flood elevation.

### **Construction and Construction Related Terms.**

To be read in conjunction with Building and Building Related Definitions.

*Comment: Section added to include the definitions from Section 8.01.05 and other construction related definitions; definitions deleted because they are addressed in the Florida Building Code.*

**Abandon or Abandonment:** (1) termination of a construction project by a contractor without just cause or proper notification to the owner including the reason for termination; (2) failure of a contractor to perform work without just cause for 90 days; (3) failure to obtain an approved inspection within 180 days from the previous approved inspection.

~~**Appraised Value:** means, for purposes of this Section construction, either (01) 120 percent of the assessed value of a structure or improvement as indicated by the Hardee County Property Appraisers Office or (02) the value as indicated in a certified appraisal from a certified appraiser.~~

**Authorized Agent:** A person specifically authorized by the holder of a Certificate of Competency to obtain permits in ~~his/her~~ their stead.

**~~Basic w~~Wind s~~Speed l~~Line**: Established to be 110 mph.

**~~Certificate of competency~~** means an official document evidencing that a person is qualified to engage in the business of contracting, subcontracting or the work of a specific trade.

**~~Certificate of experience~~** means an official document evidencing that an applicant has satisfied the work experience requirements for a certificate of competency.

**~~Certificate of e~~Occupancy (C.O.)**; means aAn official document evidencing that a building satisfies the requirements of the County for the occupancy of the building.

**~~Certified contractor~~** means any contractor who possesses a certificate of competency issued by the Department of Professional Regulation of the State of Florida.

**~~Change of e~~Occupancy**; means aA change from one Building Code occupancy classification or subclassification to another.

**~~Commercial building~~** means any building, structure, improvement or accessory thereto, other than a one or two family dwelling.

**Construction**: The process of adding structure to real property.

*Comment: New definition for construction.*

**~~Cumulative construction cost~~** means the sum total of costs associated with any construction work done to a building or structure either at one time or at different times within a specified period of time.

**~~Examination~~** means an exam prepared, proctored and graded by a recognized testing agency unless otherwise implied in a context or specifically stated otherwise.

**~~Imminent Danger~~**; means sStructurally unsound conditions of a structure or portion thereof that is likely to cause physical injury to a person entering the structure; or due to structurally unsound conditions, any portion of the structure is likely to fall, be carried by the wind, or otherwise detach or move, and in so doing so cause physical injury or damage to a person on the property or to a person or property nearby; or the condition of the property is such that it harbors or is inhabited by pests, vermin, or organisms injurious to human health, the presence of which constitutes an immediate hazard to people living within the vicinity.

**~~Inspection Warrant~~**; means aA court order authorizing the county manager/designee(s) to perform an inspection of a particular property named in the warrant.

**~~Interior finish~~** means the preparation of interior spaces of a commercial building for the first occupancy thereof.

**~~Licensed contractor~~** means a contractor certified by the State of Florida.

**~~New Construction~~**: Buildings for which the "start of construction" commenced on or after ~~May 4, 1988~~ the effective date of this Code. The term also includes any subsequent improvements to such structures. For floodplain management purposes, see New Construction under the definition for Flood or Flooding in Article 7.

*Comment: Language added to reference flood related term located in the Flood Section.*

**~~Permit~~** means an official document authorizing the performance of a specific activity regulated by this Section of the FBC.

**~~Permit placard~~** means a document issued by the county evidencing the issuance of a permit and recording of inspections.

**~~Qualifying agent, primary~~** means a person who possesses the requisite skill, knowledge, experience and certificate of competency, and has the responsibility to supervise, direct, manage, and control the contracting activities of the business organization with which he is associated; who has the responsibility to supervise, direct, manage and control construction activities on a job for which he has obtained a permit; and whose technical and personal qualifications have been determined by investigation and examination and is evidenced by his possession of a certificate of competency.

**~~Qualifying agent, secondary~~** means a person who possesses the requisite skill, knowledge, experience and certificate of competency, and has the responsibility to supervise, direct, manage and control construction activities on a job for which he has obtained a permit, and whose technical and personal qualifications have been determined by investigation and examination and is evidenced by his possession of a certificate of competency.

**~~Registered contractor~~** means a contractor who has registered with the Department of Professional Regulation of the State of Florida pursuant to fulfilling the competency requirements of the county.

**~~Registration~~** means the act of or process of registering a locally obtained certificate of competency with the state, or in the act or process of registering a state issued certificate of competency with the county.

**~~Remodeling~~** means work which changes the original size, configuration or material of the components of a building.

~~**Residential building** means any one or two family building or accessory.~~

~~**Roofing** means the installation of roof coverings.~~

~~**Spa** means any constructed or prefabricated pool containing water jets.~~

~~**Specialty contractor** means a contractor whose services do not fall within the categories specified in F.S. Section 489.105(3), as amended.~~

~~**Start of Construction:** Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction or improvement was within 180 days of the permit date. The "actual start" means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of pilings, construction of columns or any work beyond the stage of excavation or the placement of a manufactured home or 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 accessory buildings, such as garages or sheds not occupied or dwelling units or not part of the main building.~~

~~**Start of construction** means, as to:~~

~~**Site:** The physical clearing of the site in preparation for foundation work including, but not limited to, site clearing, excavation, dewatering, pilings and soil testing activities;~~

~~**Building:** The removal, disassembly, repair, replacement, installation or assembly of the building, structure, building system or building components in whole or parts thereof.~~

~~**Stop work order** means an order by the Building Official/designee that requires the immediate cessation of all work activities described in the order.~~

~~**Structural component** means any part of a system, building or structure, load bearing or non load bearing, which is integral to the structural integrity thereof, including but not limited to walls, partitions, columns, beams and girders.~~

~~**Structural work or alteration** means the installation or assembling of new structural components into a system, building or structure. Also, any~~

~~change, repair or replacement of any existing structural component of a system, building or structure.~~

~~**Substantial completion** means where the construction work has been sufficiently completed in accordance with applicable local, state and federal codes, so that the owner can occupy or utilize the project for the use for which it was intended.~~

~~**Value** means job cost.~~

**Consumptive Use Permit:** A permit issued by the Southwest Florida Water Management District which allows the production (or pumping) of groundwater up to a specified amount, usually expressed in gallons per day.

**Convenience Store:** A building and land used or intended for 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).

~~**Corner Lot:** A lot in the junction of and fronting on two or more intersecting streets. See Corner Lot definition under the Lot definitions.~~

*Comment: Reference to definition under Lot definitions.*

**County:** Hardee County, Florida.

**County Engineer:** The person so designated and appointed by the Board of County Commissioners or his/her their designated representative.

**County Road:** Those roads contained in the County Road Inventory listing, as officially adopted by the Board of County Commissioners.

**Craft/Artisan Production:** Any production, including assembly and transformation of raw materials, to make unique custom goods through the use of hand tools or small scale equipment to include, but not limited to: microbreweries, micro-distilleries, micro-wineries, artist studios and/or classes, coffee roasting/shops, confectionary production/shops, furniture making/upholstery, clothing and accessory production/repair/sales, custom cabinetry or woodwork, jewelry crafting, custom paper-making and printers, and specialty/cottage food production/preparation. All uses in this category shall be open to the public, have on-site retail and/or consumption components, and may have retail sales/distribution to a non-local destination.

*Comment: Use added to Table of Uses. Definition needed.*

## ~D~

**Dairy Farm:** A farm where cows are raised for milk and milk production.

**Dairy Operations:** The act of maintaining cows for milk and milk production.

**Datum:** A reference surface used to ensure that all elevation records are properly related. The current national datum used herein is the North American Vertical Datum (NAVD), 1988.

~~**Day Care Center:** An establishment which receives for care and supervision four or more children for less than 24 hours per day unattended by parent or legal guardian, and shall include day nurseries, kindergartens, daycare services, nursery schools and play schools.~~

*Comment: See Child Care Facility.*

**Demolition:** The act of razing, dismantling, or removing a building or structure, or a portion thereof, to the ground level. 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.

*Comment: Section 8.01.05 includes a duplicate definition.*

**Density:** The average number of families or dwelling units per acre of land.

**Density Bonus:** An additional number of dwelling units above what would otherwise be permissible within a particular zoning classification or future land use classification.

**Density, Gross:** The overall number of units per acre in a development, including all supporting facilities.

**Density, Net:** Number of units per buildable acre of land, excluding supporting facilities such as subdivision road right-of-way, water and wastewater treatment plants, and property owned or used in common by the residents of a development (e.g., clubhouse or golf course).

~~**Developer:** Any person undertaking the use of land, the construction, reconstruction, or demolition of structures or improvements thereon, or the preparation of land for use. A developer shall be the legal or beneficial property owner of the land involved, or the authorized agent thereof. Any person, including a governmental agency, undertaking any development. (§380.031 F.S.)~~

*Comment: Definition updated consistent with Florida Statutes.*

**Development:** ~~Any man-made change to improved or unimproved real estates, including, but not limited to buildings or other structures, mining, dredging, filling, paving, excavating, drilling operations, or storage of materials or equipment, the dividing of land into three or more parcels. 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. (§380.04 F.S.)~~

*Comment: Definition updated consistent with Florida Statutes.*

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 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. Work by any utility and other persons engaged in the distribution or transmission of gas, electricity, 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. This provision conveys no property interest and does not eliminate any applicable notice requirements to affected land owners. The

listed operations or uses shall not be taken for the purpose of this section to involve "development."

"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 are not development (§380.04 F.S.).

*Comment: Definition added to clarify utility work as it relates to development.*

**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 of Regional Impact (DRI):** Any development that, 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, plat approval, or rezoning, certification, variance, or other action having the effect of permitting development(§380.031 F.S.).

**Development Review:** See Site Plan Review.

*Comment: Definition added to address development review.*

**Dilapidated Dwellings:** From the Comprehensive Plan of Hardee County, Data and Analysis s. of the Housing Element, Page IV-11: A housing survey was undertaken in 1988 and housing units were classified by exterior condition and categorized as either A) sound, B) deteriorating, or dilapidated. A dilapidated dwelling is a structure that exhibits a number of structural or environmental defects suggesting a condition beyond corrective maintenance; included in this category are abandoned structures in a state of decay. A deteriorated dwelling is one that can still be repaired to meet the building code and is defined as: a structure that exhibits one or more obvious structural or environmental defects that can be repaired to meet the Florida Building Code; included in this category, for example, are structures with roof damage, rotting pillars, crumbling steps and porches.



**Dimensional Variances:** A departure from the terms of these Codes pertaining to height, width, depth, and area of structures and size of yards and open spaces, where such departure will not be contrary to the public interest, and where, owing to conditions peculiar to the property because of its size, shape, or topography, and not as a result of the actions of the applicant, the literal enforcement of these Codes would result in unnecessary and undue hardship.

*Comment: Definition added to address dimensional variances.*

**Disabled Adult:** Any person at least 18 years of age, but under 60 years of age, who is not eligible for vocational rehabilitation services and who has one or more permanent physical or mental limitations that restrict his or her ability to perform the normal activities of daily living and impede his or her capacity to live independently. (F.S. 410.032 (2))

*Comment: Added for context for Disabled Adults Home Care definition.*

**Disabled Adults Home Care:** A full-time, family-type living arrangement in a private home under which a person or group of persons provides, on a nonprofit basis, basic services of maintenance and supervision, and any necessary specialized services as are needed, for three or fewer disabled adults. (F.S. 410.032 (3))

~~**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.~~

*Comment: See Disabled Adults Home Care; updated to F.S. definition.*

**Disabled Individual:** Is an individual having a permanent or temporary physical or mental impairment that substantially limits one or more of the major life activities of such individual, which are seeing, hearing, speaking, walking, breathing, performing manual tasks, learning, caring of oneself, and working. An individual with epilepsy, paralysis, a substantial hearing or visual impairment, mental retardation, or learning disability would fall under the definition of disabled, but an individual with a minor, non-chronic condition of short duration, such as a sprain, infection, or broken limb, generally would not be considered disabled. Equal opportunity must be given to disabled individuals in employment, transportation, telecommunication, and places of public accommodations. (American Disabilities Act, 1990)

**Division:** The Division of Alcoholic Beverages and Tobacco of the State Department of Business Regulation.

**Drainage Basin:** The area defined by topographic boundaries that contributes stormwater to a drainage system, estuarine waters, or oceanic waters, including all areas artificially added to the basin.

**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.

**Dredging:** Excavation by any means in any waterbody or wetland. Excavation or creation of a waterbody that is, or is to be connected to waters, directly or via excavated waterbodies or a series of excavated waterbodies.

**Drinking Establishment:** An establishment where on-premises consumption of alcoholic beverages, but not including hard liquor, is permitted.

**Dripline:** Dripline is the boundary under a tree or other plant beyond which water will not drip from its foliage.

*Comment: Definition added for vegetation protection requirements.*

**Duplex:** A building designed and intended for or occupied exclusively by two families living independently of each other.

**Dwelling:** A building or portion thereof, designed or used exclusively for residential occupancy but not including hotels, lodging houses, boarding houses, motels, non-residential manufactured (mobile) homes or residential care facilities.

**Dwelling Unit:** A room or rooms comprising the essential elements of a single housekeeping unit. Facilities for preparation, storage, and keeping of food for consumption within the premises shall identify the unit as a dwelling unit.

~E~

**Earth Removal:** The removal or extraction of any stone, sand, gravel, loam, topsoil, or other earth or earth product from a lot or parcel of land, except where such removal is for the purpose of grading a lot upon which a building is to be erected, a roadway to be built, or a platting thereof to be made. This shall not include mining or the extraction of minerals whose activities are to be governed by ~~other provisions of this Code~~ Article 13.

**Easement:** A right given by the owner of land to another party for specific limited use of that land. For example, a property owners may give or sell an easement on ~~his~~ their property to allow utility facilities like power lines or pipelines, or to allow access to another property. A

Property owners 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.

**Eaves:** The extension or overhang of a roof, measured horizontally from the outer face of exterior walls or columns to the most distant point of the roof system.

**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.

**Elevated Building:** A non-basement building built to have the lowest floor elevated above the ground level by means of foundation walls, pilings, columns (posts and piers), shear walls or breakaway walls.

**Engineer:** A civil engineer, registered and currently licensed to practice in the State of Florida, retained by the subdivider for the purpose of design and construction supervision.

**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.

**Erosion:** The washing away or scouring of soil by water or wind action.

*Comment: Definition added to clarify term in text.*

**Exceptional Hardship:** A burden on a property owner that substantially differs in kind or magnitude from the burden imposed on other similarly situated property owners. Financial difficulty/hardship does not qualify as exceptional hardship.

*Comment: Definition added to clarify term in text.*

**Expansion of Nonconforming Use:** Extending a nonconforming use to occupy a greater amount of area or intensity beyond that which it occupied on the date the use became nonconforming.

*Comment: Definition added to clarify term in text.*

**Established Business:** ~~Any restaurant or food service business in which customers are seated, served food and beverage, and which otherwise would qualify for the issuance of a beer license, wine license and/or liquor license pursuant to state statute, that is in existence at the effective date of this ordinance.~~

*Comment: See Restaurant.*

**Existing Construction:** ~~For the purposes of floodplain management, structures for which "the start of construction" commenced before the date of the initial Flood Insurance Rate Map (FIRM). Existing construction, means for the purposes of determining rate structures for which the "start of construction" commenced before May 4, 1988. This term may also be referred to as "existing structures."~~

*Comment: Definition deleted as flood related definitions are located in Article 7.*

**Exotic Animals:** Any wild animal not customarily confined or cultivated by humans for domestic or commercial purposes.

~F~

**Factory built Housing:** ~~Shall mean any residential building, or building component or building system therefor, 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 therefor of open construction made or assembled in manufacturing facilities for installation or assembly and installation on the building site.~~

*Comment: See Manufactured Building.*

**Family:** An individual, or two or more persons related by blood, marriage, or adoption, living together as a single household unit.

**Family Circumstance/Medical Condition:** The grounds upon which a Temporary Special Use Permit may be applied for and granted only in a residential district.

**Farm Operations:** All conditions or activities by the owner, lessee, agent, independent contractor, or supplier which occur on a farm in connection with the production of farm, honeybee, or apiculture products or in connection with complementary agritourism activities. These conditions and activities include, but are not limited to, the marketing of farm products at roadside stands or farm markets; the operation of machinery and irrigation pumps; the generation of noise, odors, dust, fumes, and particle emissions; ground or aerial seeding and spraying; the placement and operation of an apiary; the application of chemical

fertilizers, conditioners, insecticides, pesticides, and herbicides; agritourism activities; and the employment and use of labor (FS 823.14(3)(d)).

*Comment: Definition added to address farm operations as referenced under the protection of agriculture section.*

**Farmers' Market:** The sale of organic, non-organic, or otherwise locally grown fruits, vegetables, and other agricultural products directly to the consumer by the farmer, typically in an outdoor setting or an association of local farmers who assemble at a defined location for the purpose of selling their produce directly to consumers.

*Comment: Definition needed. Use of Farmers' Market added to the Table of Uses.*

### **Farmworker, Farmworker Housing, and Related Definitions.**

**Farmworker:** A person(s) employed to perform citrus harvesting, dairy operations, ranch operations and/or truck farm operations whether seasonally or year-round.

**Farmworker 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.

**Farmworker Housing, Group Quarters:** Housing for person(s) working on citrus groves truck farms or ranches/dairies wherein housing is provided by farm/ranch/dairy operation at no charge to the farmworker in a dormitory style.

**Farmworker Housing, Migrant:** Housing available to farmworkers for rent/monetary consideration.

**Farmworker Housing, Resident:** One and two-family dwellings on farms/dairies/ranches made available to farmworkers at no charge to the farmworker.

**Feedlot:** A type of animal feeding operation which is used in intensive animal farming for finishing livestock, notably beef cattle, but also swine, goats, sheep, turkeys, chickens or ducks prior to slaughter.

**Fence:** Any structure composed of wood, iron, steel, masonry, stone, or other material and erected in such a manner and in such location as to enclose, secure, partially enclose or secure, provide privacy, decorate, define, or enhance all or any part of any premises. Trellises or other structures supporting, or for the purpose of supporting, vines, flowers, and other vegetation, when erected in such a position as to enclose all or any part of the premises or otherwise satisfy the intent of this definition shall be considered a fence.

*Comment: Definition added for fence.*

**Filling Station:** See Gasoline Sales (No Service).

**Fitness Center:** The Fitness Center is a health, recreational, and social facility geared towards exercise, sports, and other physical activities.

**Flag Lot:** A flag lot is a residential lot that does not provide the minimum required frontage width on a public or privately maintained street but is created to be served by a private driveway extending along a stem from the street to the portion of the lot which is deemed to be buildable.

*Comment: Definition added for flag lot.*

**Flood and Flood related definitions are located in Article 7.**

*Comment: Definitions related to flood and flooding are located in Article 7 consistent with the adoption of the FEMA approved ordinance language. Related definitions shown as sub-definitions and deleted in deference to the definitions located in Article 7.*

~~**Flood or Flooding:** A general and temporary condition of partial or complete inundation of normally dry land areas from:~~

- ~~(1) The overflow of inland or tidal waters.~~
- ~~(2) The unusual and rapid accumulation or runoff of surface waters from any source.~~
- ~~(3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a) (2) of this definition and are akin to a river of liquid and flowing mud on the surface of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.~~

*Comment: Definition deleted as flood related definitions are located in Article 7. LILY*

~~**Flood Boundary and Floodway Map (FBFM):** The official map of the community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as only Approximate Zone A.~~

*Comment: Definition deleted as flood related definitions are located in Article 7*

~~**Flood Insurance Rate Map (FIRM):** An official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.~~

*Comment: Definition deleted as flood related definitions are located in Article 7*

~~**Flood Insurance Study:** The official report provided by the Federal Emergency Management Agency. The report contains flood profiles as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.~~

*Comment: Definition deleted as flood related definitions are located in Article 7*

~~**Flood Protection Elevation:** The elevation of the base flood plus one foot.~~

*Comment: Definition deleted as flood related definitions are located in Article 7.*

~~**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.~~

*Comment: Definition deleted as flood related definitions are located in Article 7*

**Floodproofing:** Any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved property, water and sanitary facilities, structures, and their contents.

~~**Floodway:** 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.~~

*Comment: Definition deleted as flood related definitions are located in Article 7*

~~**Floodway Fringe:** that area of the floodplain on either side of the regulatory floodway where encroachment may be permitted without additional hydraulic and/or hydrologic analysis.~~

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

*Comment: Definition deleted as flood related definitions are located in Article 7*

**Floor:** The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

**Floor Area:** The sum of gross horizontal area of the several stories of the building measured from the exterior faces of the exterior walls or from the centerline of party walls. Included shall be any basement floor, interior, balconies and mezzanines, elevator shafts and stairwells.

The minimum floor area calculation for ~~mobile homes or~~ manufactured housing units shall be measured from exterior walls excluding any tongue, roof overhang or additions.

**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.

**Food and Beverage Manufacturing, Processing and Packaging, Heavy Industrial:** Meets the definition of “Food and Beverage Manufacturing, Processing and Packaging, Light Industrial” and allows the uses listed within that definition. In addition, the following uses are also included: citrus processing; fats and oil product manufacturing; grain mill products and by-products; meat and poultry canning, curing, and byproduct processing; animal food production.

*Comment: Definition added to address use on Table of Uses.*

**Food and Beverage Manufacturing, Processing and Packaging, Light Industrial:** Manufacturing establishments producing or processing foods and beverages for human consumption, and certain related products. Includes bakeries; bottling plants; breweries; candy, sugar, and confectionery products manufacturing; catering services separate from stores or restaurants; coffee roasting; dairy products manufacturing; fruit and vegetable canning, preserving, related processing; seafood processing and canning; soft drink production; miscellaneous food item preparation from raw products. This definition does not include bakeries (retail) which sell all products on-site.

*Comment: Definition added to address use on Table of Uses.*

**Food Stand:** Booths, platforms, food trucks, and stands used for the production and sale of prepared or processed food products, such as hot dog and portable barbecue stands.

*Comment: Definition added to address use on Table of Uses.*

**Foster Care Facility:** A residential 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 its~~ residents. In accordance with (F.S. 393.063 (18)) the capacity of such a facility may not be more than three residents. ~~And serving either children or adult foster residents.~~

*Comment: Updated to F.S. definition.*

### **Frontage Related Definitions:**



**Double Frontage:** A parcel of land having frontage on two or more roads, including, but not limited to through lots and corner lots.

*Comment: Definition added.*

**Lot Frontage:** ~~Street frontage shall mean all of the property abutting one side of a street right-of-way between two intersecting streets measured along the adjacent street right-of-way line in all directions. Lot frontage shall mean the width of a lot or parcel of land measured along the adjacent street right-of-way line between opposite property lines.~~

*Comment: Definition created from existing "Frontage" definition.*

**Street Frontage:** ~~Street frontage shall mean all of the property abutting one side of a street right-of-way between two intersecting streets measured along the adjacent street right-of-way line in all directions. Lot frontage shall mean the width of a lot or parcel of land measured along the adjacent street right-of-way line between opposite property lines.~~

*Comment: Definition created from existing "Frontage" definition.*

**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 as a "service road.")

~G~

**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, 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 the storage of automobiles or other wheeled property belonging primarily to occupants of the premises.

### **Garbage, Litter, Trash and Yard Trash Related Definitions.**

*Comment: Term added to group related definitions.*

**Garbage:** All kitchen and table refuse, offal, swill and every accumulation of animal and vegetable matter that attend the preparation, decay, dealing in or storage of meats, fish, fowl, game, or vegetable matter. The term “garbage” shall include combustible waste, such as paper, rags, pasteboard boxes and berry boxes used in connection with the preparation, distribution or storage of food, and glasses, bottles, tin cans or other disposable receptacles of food or food products.

*Comment: Definition added to address litter.*

**Litter:** Litter means any garbage, rubbish, trash, refuse, can, bottle, box, container, paper, tobacco product, tire, appliance, furniture; mechanical equipment or part, construction or demolition material, tool, machinery, wood, motor vehicle or motor vehicle part, vessel, aircraft, farm machinery or equipment, sludge from a waste treatment facility, water supply treatment plant, or air pollution control facility, or substance in any form resulting from domestic, industrial, commercial, mining, agricultural or governmental operations.

*Comment: Definition added to address the term garbage.*

**Trash:** Grass cuttings, leaves, and other vegetable waste not included in the term “garbage”; and wastepaper, glass, straw, excelsior or other rubbish and waste not connected with the preparation, distribution or storage of food.

*Comment: Definition added for trash.*

**Yard Trash:** Every waste accumulation of lawn, grass or shrubbery cutting or clippings and dry-leaf rakings, rocks, branches, palm fronds, tree branches, parts of trees, bushes or shrubs, green-leaf cuttings, coconuts, fruit or other matter usually created as refuse in the care of trees or large bushes.

*Comment: Definition added to address yard trash.*

**Garden Home:** See Single-Family Attached Dwelling Unit.

**Gasoline Sales (No Service)/Gas Station/Filling Station/Convenience Store with Gas:** A building and land used or intended for use to dispense, sell, or offer for sale any motor fuels, oils, or automotive accessories, and 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, parking lots and maintenance facilities.

**Grade:** The inclination, to the horizontal, of any line which is generally expressed by stating the vertical rise or fall as a percentage of the horizontal distance.

**Established Grade:** The average elevation of the finished grade of the ground immediately surrounding a building or structure and when used with reference to a street, means the elevation of the street.

**Existing Grade:** The grade prior to the start of work.

**Finished Grade:** The final elevation of the ground after the completion of construction which conforms to the approved plan.

**Highest Adjacent Grade:** The highest natural elevation of the ground surface, next to the proposed walls of a building.

**Lowest Adjacent Grade:** The lowest elevation, after the completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

*Comment: Established grade is used in the definition of building height. Updated to be more complete.*

**Group Home Facility:** A residential facility which provides a family living environment including supervision and care necessary to meet the physical, emotional, and social needs of its residents. The capacity of such a facility shall be at least 4 but not more than 15 residents. (F.S. 393.063 (19)). A Facility that 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. Adult 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.

*Comment: Updated to F.S. definition.*

**Growth Management Act:** Chapter 163, Part II, F.S., known and cited as the “Local Government Comprehensive Planning and Land Development Regulation Community Planning Act.”

*Comment: Updated to F.S. term.*

**Guesthouse:** An accessory building which is detached from the principal building and which contains one dwelling unit; which is not for rental but for short term visitors; which is not for permanent occupation; and, which may not be used for farmworker housing.

## ~H~

**Habitual:** Doing, practicing, or acting in some manner on a regular basis.

**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. A halfway house is designed to assist persons to reenter society and learn to adapt to independent living.

*Comment: Text added for clarity.*

**Hardship:** Conditions peculiar to a property and not the result of the actions of the applicant, previous owners, or physical circumstances.

**Hazardous Material:** Any hazardous chemical, toxic chemical, or extremely hazardous substance, as defined in s. 329 of EPCRA (Emergency Planning and Community Right-to-Know Act of 1986, Title III, Superfund Amendments and Reauthorization Act of 1986 ss. 300-329, (42 U.S.C. ss. 11001, et seq.)) and federal regulations adopted thereunder. (F.S. Section 252.82 (5) and (6) F.S.)

*Comment: References in Definition updated.*

**Hazardous Waste:** Those wastes as defined in 40 CFR, Part 261, Federal Regulations, as hazardous due to their ignitability, corrosivity, reactivity, or toxicity, or §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.

*Comment: Definition updated based on definition in Section 3.22.02.*

**Highest Adjacent Grade:** The highest natural elevation of the ground surface, next to the proposed walls of a building.

**Historic Resources:** Historically significant structures or archeological sites.

**Florida Master Site File:** The state’s clearinghouse for information on archaeological sites, historical structures, and field surveys for such sites. A combination of both paper and computer files, it is administered by the Bureau of Archaeological Research, Division of Historical Resources, Florida Department of State.

**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.

**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.

**Home Occupation:** ~~An accessory use in a residential area consisting of an occupation carried on entirely within a dwelling; where no evidence of the home occupation is noticeable from off of the premises except a sign as regulated in the sign ordinance located in Article 4; where no pedestrian or vehicular traffic in excess of that customary in residential areas is generated; and where no commercial vehicles are kept on the premises or parked overnight on the premises unless otherwise permitted by these regulations. Usual home occupations include, but are not limited to, personal services such as are furnished by a musician, artist, beauty operator, seamstress, notary public, home party makeup sales such as Avon and Mary Kay, home party clothing sales, home party appliance sales such as Tupperware, home party cleaning product and catalog sales such as Amway, insurance work and computer work. An occupation, profession, or business activity conducted within a residential dwelling by a resident residing in the dwelling unit, where such use is clearly incidental and subordinate to the residential use and where the residential character of the dwelling shall not change. The term is synonymous with “home-based occupation”.~~

*Comment: Definition updated consistent with Florida Statutes.*

**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, seven days a week, and is provided on the basis of need regardless of inability to pay. (Section 400.601, F.S.) A centrally administered~~

corporation or a limited liability company that provides a continuum of palliative and supportive care for the terminally ill patient and his or her family. (F.S. 400.601 (3)).

**Hospice Residential Unit:** A homelike living facility, other than a facility licensed under other parts of F.S. Chapter 400 (Nursing Homes and Related Health Care Facilities), or F.S. Chapter 395 (Hospital Licensing and Regulation), or under F.S. Chapter 429 (Assisted Care Communities), that is operated by a hospice for the benefit of its patients and is considered by a patient who lives there to be his or her primary residence. (F.S. 400.601 (5))

**Hospice Services:** Items and services furnished to a patient and family by a hospice, or by others under arrangements with such a program, in a place of temporary or permanent residence used as the patient's home for the purpose of maintaining the patient at home; or, if the patient needs short-term institutionalization, the services shall be furnished in cooperation with those contracted institutions or in the hospice inpatient facility. (F.S. 400.601 (6)).

**Palliative Care:** Services or interventions which are not curative but are provided for the reduction or abatement of pain and human suffering. (F.S. 400.601 (7))

*Comment: Updated to F.S. definition. Expanded to include F.S. definitions for hospice residential unit, hospice services, and palliative care.*

**Hotel:** A building or other structure used and maintained as primarily a place where sleeping and supplemental accommodations are supplied transient guests. Serving of alcoholic beverages is allowed where serving of such is an accessory use. In accordance with F.S. 509.242 (1)(a), a hotel provides sleeping room accommodations for 25 or more guests.

*Comment: Updated to include F.S. requirement.*

**Hurricane Shelter:** A structure designated by local officials as a place of safe refuge during a storm or hurricane.

*Comment: See Public Facilities.*



**Impervious Surface:** Impervious surfaces shall include all land paved with concrete or asphalt that is used for off-street parking, driveways, sidewalks, patios, and service areas.

**Improper Outdoor Storage:** Improper outdoor storage means the excessive accumulation of material(s) or item(s) defined as litter, trash, junk, or debris that are stored or placed outside unless such outdoor storage is on properties specifically zoned or permitted to

store, accumulate, or dispose of such items such as junk yards, automobile wrecking yards, metal salvage yards, or solid waste management facilities.

*Comment: Definition for Improper Outdoor Storage added.*

**Incinerator, Accessory:** Solid waste disposal facility, accessory to a permitted principal use or activity, authorized only to burn materials generated at the location of the permitted use or activity. Facility must meet all applicable State and Federal air quality emissions standards.

**Incinerator, Commercial:** Solid waste disposal facility authorized to burn non-hazardous materials generated on and transported from properties other than the location of the incinerator facility. Disposal activities are carried out on a large scale or for-profit basis. The burning of bio-hazardous waste and the disposal of radioactive material is not permitted. Facility must meet all applicable State and Federal air quality emissions standards.

**Indoor Gun Range:** An indoor (enclosed by walls and ceiling) target range for firearms practice or competition, which includes one or more firing lanes. The use may also include retail sales and gunsmithing services.

**Industrial Uses:** The activities within land areas predominantly connected with manufacturing, assembly, processing, or storage of products.

**Heavy Industry:** The processing, fabricating, preparing, extracting, assembling, packaging, cleaning, servicing, testing, repairing, storage or warehousing of raw materials, products or equipment in a manner which may involve significant air, water, noise, radiation or other adverse or hazardous impacts on surrounding properties. This term shall be deemed to include among other things, all developments of regional impact as that term is defined in s. 380.06(1), F.S., fertilizer products processing plants, petroleum or asphalt refining, chemical processing of wood materials and other similar and potentially noxious activities as determined by the Hardee County Board of County Commissioners. This term shall not include any mining activity nor hospitals, health-related facilities, and residential developments.

*Comment: Relocated from Heavy Industry.*

**Light Industry:** A use engaged in the manufacture, processing, fabrication, assembly, treatment, and/or packaging of finished products or parts, predominantly from previously prepared materials.

*Comment: Relocated from Light Industry.*

**Inoperable Vehicle:** A motor vehicle which does not have a current state license plate; or a vehicle which is licensed but is disassembled or wrecked in part or in whole and is unable to move under its own power.

**Intensification of Use:** ~~means a~~ An increase in capacity or number of units of a residential or commercial building.

*Comment: Relocated from Section 8.01.05 since it applies to more than construction.*

## ~J~

**Junkyard:** Included, but not limited to, 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 three inoperable vehicles, so long as they are of the same make and model of the vehicle being restored.]

## ~K~

**Kenel:** A facility for the overnight boarding of animals, where outside runs or pens are provided.

**Kenel, Commercial:** A building or premises where animals are boarded for compensation or are bred or raised on a commercial scale; does not include a veterinary facility, pet shop, humane society shelter, or animal shelter.

*Comment: Added to Table of Uses. Definition needed.*

## ~L~

**Land Development Regulations Codes:** Includes local zoning, subdivision, building, and other regulations controlling the development of land.

*Comment: Term updated to the Unified Land Development Code.*

**Land Excavation:** The removal of sand, dirt or any other earthen material from one location to be used or sold for fill in another off-site location, resulting in an excavation pit which may also be known as a “borrow pit.”

**Land Surveyor:** A person registered and currently licensed to practice land surveying in the State of Florida.



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**Landscape Irrigation Water Conservation Definitions:**

**Automatic Irrigation System.** An irrigation system designed to operate following a preset program entered into an automatic controller.

**Distribution Equipment.** The water emitters on irrigation systems, including but not limited to sprinklers, rotors, spray heads and micro-irrigation devices.

**Energy Star.** Energy Star is the joint program of the U.S. Environmental Protection Agency and the U.S. Department of Energy, which certifies products and practices that protect the environment and lead to money saving through energy and water conservation.

**Florida Water Star.** A water conservation certification program for new and existing residential and commercial developments that meet specific water-efficiency criteria for indoor fixtures and appliances, landscape design and irrigation systems.

**Florida Water Star Certifier.** A person who verifies Florida Water Star <sup>SM</sup> program criteria in accordance with program documents. Certifiers demonstrate sufficient knowledge to verify appropriate subcategories, such as; irrigation, landscape, and plumbing, and have passed the certifier exam and are current with their CEUs per the requirements of the Florida Water Star <sup>SM</sup> program. Certifiers are independent third parties who may inspect irrigation systems modified or installed by irrigation professionals.

**Florida Water Star Irrigation and Landscape Accredited Professional.** A landscape or irrigation professional who has successfully passed the Florida Water Star <sup>SM</sup> accredited professional exams for landscaping and irrigation and is currently in good standing with the program.

**Head to Head Coverage.** The spacing of sprinkler heads so that each sprinkler throws water to the adjacent sprinkler.

**High Volume Irrigation.** An irrigation system with a minimum flow rate per emitter of more than 30 gallons per hour ("GPH") or higher than 0.5 gallons per minute ("GPM"). High volume emitter flow rates are usually measured in GPM.

**Irrigation Professional.** Any person installing or maintaining an irrigation system in the City of Davenport for payment.

**Irrigation System.** A set of components that may include the water source, water distribution network, control components, and other general irrigation equipment which has been installed to provide irrigation.

**Landscaped Area.** The entire parcel less the building footprint, driveways, hardscapes such as decks and patios, and other non-planted areas. Water features are included in the calculation of the landscaped area. Landscaped area includes Florida-Friendly landscaped areas.

**Licensed Irrigation Professional.** An irrigation specialty contractor who obtains the irrigation specialty license from The Florida Construction Industry Licensing Board and maintains continuing education requirements.

**Low Volume Irrigation.** Any emitter or sprinkler that applies less than 30 GPH or 0.5 GPM.

**Matched precipitation.** Irrigation in which all of the sprinklers in a particular zone apply similar amounts of water to a given area.

**Micro-Irrigation.** The frequent application of small quantities of water directly on or below the soil surface or plant root zone, usually as discrete drops, tiny streams, or miniature sprays through emitters placed along the water delivery pipes. Micro-irrigation encompasses a number of methods or concepts, including drip, subsurface, bubbler and micro-spray irrigation, previously known as trickle irrigation. Micro-irrigation is typically a form of low volume irrigation.

**Rotors.** Sprinkler heads in lawn areas that provide water as they rotate through a set arc of operation.

**Spray Heads.** Irrigation heads that pop up with water pressure and provide a continuous spray pattern throughout a given arc of operation.

**Substantial Modification.** Any modification to existing irrigation systems such that 50 percent or more of the irrigation system (by area) is replaced or altered.

**Temporary Establishment Irrigation.** The temporary use of irrigation for the establishment of new vegetation that shall be removed once the plants are established or within two years, whichever occurs first.

**WaterSense.** A U.S. Environmental Protection Agency (EPA) program for the management of water supplies by working with manufacturers and retailers to establish efficient plumbing standards, guidelines, and certifications.

**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. Level of Service, as it pertains to the Hardee County Comprehensive Plan is for Levels of Service for potable water, sanitary sewer, roads, and recreation.

**Litter:** See Garbage, Litter, Trash, and Yard Trash

**Livestock:** Livestock means grazing animals, such as cattle, horses, sheep, swine, goats, other hoofed animals, ostriches, emus, and rheas which are raised for private use or commercial purposes. (F.S. 585.01 (13))

**Living Area:** ~~All of the~~ area measured within the outside foundation walls of the principal structure, including such areas as utility rooms, pantries and storage closets; excluding such areas as attic storage, garages, carports, breezeways, patios and porches (screened, roofed or otherwise).

**Loading Space:** ~~A space on the lot or parcel of land accessible to an alley or street not less than 12 feet in width, 55 feet in depth and 14 feet in height. An off- street space that is accessible to a street or alley and which is located on the same lot as the building, or contiguous to a group of buildings, for the temporary parking of a commercial motor vehicle while loading or unloading merchandise or materials.~~

*Comment: Definition updated because specific measurements should be located in the off-street parking and loading section of the Code.*

**LOS:** Level of Service, as it pertains to the Hardee County Comprehensive Plan for Levels of Service for potable water, sanitary sewer, roads and recreation.

*Comment: See Level of Service.*

**Local Comprehensive Plan:** Any or all local comprehensive plans or elements or portions thereof prepared, adopted, or amended pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, as amended. (§380.031 F.S.)

*Comment: Definition added to address the Local Comprehensive Plan.*

**Local Planning Agency (LPA):** Pursuant to Chapter 163, F.S., the LPA means the entity responsible for preparation of the Comprehensive Plan and amendments for approval by Hardee County and performance of other duties of a local planning agency as provided in Chapter 163, Florida Statutes, the codes of the Hardee County.

*Comment: Definition added to address the Local Planning Agency.*

**Lot:** A parcel of land under one property ownership occupied by or to be occupied by one principal building and its accessory buildings and including the open spaces and yards required under this Code.

**Lot, Corner:** A lot in the junction of and fronting on two or more intersecting streets. The applicable front setback requirement shall apply to both street frontages of a corner lot. 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, Interior:** Any lot that is not a corner lot.

**Lot, Through:** Lot, other than a corner lot, having two road frontages. Through lots shall not be required to meet the applicable lot width requirement on both frontages. The owner of such a lot may choose the narrower end of the lot as the front for purposes of accessory structures.

**Lot Depth:** Distance between the midpoints of the front and rear lot lines. On irregular lots for which there is no clear rear lot line, depth shall be measured as follows:

- (1) At a distance equal to 125% of the normal lot depth requirement for the applicable land use classification, draw a line parallel to the front setback line.
- (2) The length of this line, as measured from property boundaries on each end, must be at least 50% of the normal lot width requirement for the applicable land use classification.

**Lot Line, Front:** In cases where the lot fronts on only one street, the lot line adjacent to the street. For corner lots, the side meeting minimum width requirements; if width requirements are met on both frontages, the front lot line shall be the frontage which is most nearly perpendicular to the line along which the lot depth requirement is met. For through lots and corner lots meeting width and depth requirements on both frontages, the property owner may choose one as the front lot line for the purpose of placement of accessory structures.

**Lot Line, Rear:** Lot line opposite and most distant from the front lot line. For purposes of measuring depth of irregular lots, see definition of Lot Depth.

**Lot Line, Side:** All lot lines that are not rear or front lot lines.

**Lot of Record:** A lot that is duly recorded in the public records of Hardee County.

**Lot Width:** The distance between side lot lines measured at the front setback line. In cases where side lot lines are not parallel because the lot fronts on a curved right-of-way, minimum width at road frontage shall be as follows:

- (1) Curved right-of-way: 75% of width requirement established by the applicable zoning district.
- (2) Subdivision cul-de-sac: 67% of width requirement established by the applicable zoning district.

Width at road frontage shall be measured along a straight line connecting the foremost points of side lot lines.

**Lounge:** Any establishment where the on-premises consumption of alcoholic beverages, but not including hard liquor, is permitted.

**Lowest Adjacent Grade:** The lowest elevation, after the completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

~~**Lowest Floor:** 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 nonelevation design standards of this Code.~~

*Comment: Definition deleted as flood related definitions are located in Article 7*

## ~M~

~~**Mangrove Stand:** An assemblage of mangrove trees which are mostly low trees noted for copious development of interlacing adventurous roots above 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*).~~

*Comment: Definition deleted as mangroves are not located in Hardee County.*

**Manufacture:** The process of making, fabricating, constructing, forming, or assembling a product from raw, unfinished, semifinished, or finished materials. (F.S. 553.36 (12)).

**Manufactured Building:** "Manufactured building", "modular building," or "factory-built building" means a closed structure, building assembly, or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service systems manufactured in manufacturing facilities for installation or erection as a finished building

or as part of a finished building, which shall include, but not be limited to, residential, commercial, institutional, storage, and industrial structures. The term includes buildings not intended for human habitation such as lawn storage buildings and storage sheds manufactured and assembled offsite by a manufacturer certified in conformance with this part. This part does not apply to mobile homes. (F.S. 553.36 (13)).

**Manufactured Home:** A mobile home fabricated on or after June 15, 1976, in an offsite manufacturing facility for installation or assembly at the building site, with each section bearing a seal certifying that it is built in compliance with the federal Manufactured Home Construction and Safety Standard. (F.S. 320.01 (2) (b))

~~**Manufactured 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. Manufactured buildings must be constructed to meet the requirements of the Standard Building Code, must be certified by the DEO/OEO, and any other design standards the County may adopt which apply to conventional construction. Manufactured buildings may include residential, commercial, institutional, storage, and industrial structures. For purposes of this Code, manufactured buildings shall not include mobile homes.~~

*Comment: Updated to the F.S. definitions.*

~~**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 interferences to television, radio or communication systems off the premises.~~

*Comment: Definition related with "Manufacture"; the text in the existing definition should be included in performance standards instead of the definition.*

~~**Market Value:** The building value, which is the property value excluding the value of the land and that of the detached accessory structures and other improvements on site (as agreed to between a willing buyer and a willing seller) as established by what the local real estate market will bear. Market value can be established by an independent certified appraisal (other than a limited or curbside appraisal, or one based on income approach), Actual Cash Value (replacement cost depreciated for age and quality of construction of building), or adjusted tax-assessed values.~~

**Master Development Plan (MDP).** A development plan for the PUD detailing all land uses, lot layouts, street locations and specification, recreation areas, non-residential areas, etc., to enable a thorough review of the proposed PUD.

~~**Mean Sea Level:** The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this code, the term is synonymous with North American Vertical Datum (NAVD) of 1988.~~

*Comment: Definition deleted as flood related definitions are located in Article 7.*

**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.

**Minimum Construction, Design, Quality, and Condition Standards - Used/Pre-Owned Manufactured and Mobile Homes Related Definitions:**

~~The following words, terms and phrases, when used in this Section, shall have the meanings described to them in this Section, except where the context clearly indicates a different meaning. Additional definitions relative to this Section and Article 8 generally may be found in Article 9, Definitions, Land Development Code.~~

**Agent.** A person or persons, with or without compensation, acting for or on behalf of another in the transaction of business.

**Board.** In cases involving the Appeals process, applicant, applicants, or Department may request a hearing for finding of fact or formal ruling before the Hardee County Board of County Commissioners.

**Building Department.** The Hardee County Building Department.

**Good Proof.** A certificate of Title as provided for in Chapter 319, Florida Statutes.

**Mobile Home.** As defined in section 320.01(2)(a), Florida Statutes.

**Manufactured Home.** As defined in section 320.01(2)(b), Florida Statutes.

**Permits.** Permitting as related to either rebuilding, installing, or occupying a mobile home or manufactured housing unit.

**Used or Preowned.** Any mobile home or manufactured housing unit that does not hold a new Certificate of Title or has been occupied for a period of 24 hours or more. A Certificate of Title assigned to a licensed mobile home or manufactured housing

unit manufacturer, broker, dealer, or dealership "show models" offering full new factory warranty shall not be considered as used.

*Comment: Section relocated from Section 8.01.08.03.01.*

**Mining:** The act of taking mineral substances from a pit or excavation in the earth.

**Mining Major Special Exception Use Permit:** A Major Mining Special Exception is a permit for the review and consideration of Phosphate Mining and related industrial activities associated with the transportation and beneficiation of phosphate ore and mineral processing.

*Comment: Definition deleted as flood related definitions are located in Article 7.*

**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. Storage may include the outside storage of RVs, boats, etc.

*Comment: Definition updated to recognize storage of vehicles.*

**Mitigation:** Any action, including but not limited to, restoration, enhancement, or creation of wetlands, required to be taken in order to offset environmental impacts on permitted activities.

**Mobile Home:** ~~A pre-constructed 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 only 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.~~ A residential structure, transportable in one or more sections, which is 8 body feet or more in width, over 35 body feet in length with the hitch, built on an integral chassis, designed to be used as a dwelling when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein and not originally sold as a recreational vehicle. A mobile home is any residential unit constructed to standards promulgated by the United States Department of Housing and Urban Development. (F.S. 723.003 (8) & F.S. 553.36 (14))

*Comment: Updated to F.S. definition.*



**Mobile Home Park:** A lot or parcel under single ownership or control designed and developed with necessary sanitary and utility facilities, as required by Hardee County ordinances and state regulatory agencies, for the purpose of offering providing lots or spaces for rent or lease three or more mobile homes, and which the primary use of the park is residential, intended to be used as temporary or permanent living facilities.

**Mobile Home Subdivision:** A subdivision of mobile homes where individual lots are owned by owners and where a portion of the subdivision or the amenities exclusively serving the subdivision are retained by the subdivision developer. (F.S. 723.003 (14))

*Comment: Definition added to address mobile home subdivisions.*

**Motel:** A building or groups of buildings, whether detached or in connected units, used as sleeping accommodations designed primarily for transient automobile travelers. In accordance with F.S. 509.242 (1)(b), a motel has at least six rental units, an exit to the outside of each rental unit, off-street parking for each unit, and a central office on the property with specified hours of operation. 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:** 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.~~

*Comment: Definition deleted as flood related definitions are located in Article 7.*

**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 that accommodate the flow of stormwater, such as streams, rivers, lakes, and wetlands.

**Natural Reservations:** Areas designated for conservation purposes, and operated by contractual agreement with or managed by a Federal, State, Regional or local government or nonprofit

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.

**Natural Resources:** Land, air, surface water, ground water, drinking water supplies, fish and their habitats, wildlife and their habitats, biota, and other such resources.

**Nightclub:** Means a commercial establishment dispensing alcoholic beverages for consumption on the premises and in which customer dancing may be permitted, and/or provides floor shows, paid entertainment or disc jockeys.

~~**Nonconforming Use:** Any building or land lawfully occupied by a use at the effective date of this Code or amendment thereto, which does not conform after the passage of this Code or amendment with the use requirement of the district in which it is situated.~~

*Comment: Definition deleted in favor of non-conforming definitions provide below.*

**Non-conforming:** A lot, use of land, building, use of buildings, or use of buildings and land in combination which lawfully existed prior to the enactment of these Codes, but which fails by reason of such enactment to conform to the regulations of the zoning district in which it is located.

**Non-conforming, Lot:** Any lot which does not meet the minimum dimensions, area, or other regulations of the zoning district in which it is located.

**Non-conforming, Lot of Record:** A lot which is part of a subdivision recorded in the office of the Clerk of the Circuit Court of Hardee County, or a parcel recorded by metes and bounds, which was in existence prior to the time of the adoption of these Codes and which fails to meet the requirements for area, width, and/or depth for any permitted use within the zoning district in which it is located.

**Non-conforming, Structure:** A structure which was lawfully established in compliance with all applicable ordinances and laws, but which because of the application of a subsequent zoning ordinance no longer conforms to the setback, height, maximum lot coverage, or other building development requirements.

**Non-conforming, Use of Building or Structure:** The use of any building or structure, other than a use specifically permitted in the district in which the lot or parcel of land is located, existing at the effective date of the ordinance from which ~~these Regulations is~~ this Code is derived, or the effective date of any amendment thereto.

**Non-conforming, Use of Land:** The use of any land, other than a use specifically permitted in the zoning district in which the lot or parcel of land is located, existing at the effective

date of the ordinance from which this Code is derived, or the effective date of any amendment thereto.

*Comment: Non-conforming definitions expanded to address the different types of non-conformities.*

**Noxious Material:** Material which ~~is capable of causing~~ can cause injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical, mental or economic well-being of individuals.

**Nursing Home Facility:** 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 that regularly provides such services.

## ~O~

**Open Space:** Undeveloped lands suitable for passive recreation or conservation uses.

**Overland Flow Area:** A system designed to spray very clean water (effluent) from sewage treatment plants over vacant fields in sheets. The water percolates slowly into the ground and is purified before reaching the aquifer.

**Owner's Agent:** A person, firm or entity authorized in writing by the owner to act for or in place of the owner.

*Comment: Definition relocated from Section 8.01.05.*

## ~P~

**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 Lot:** An area or plot of ground used for the storage or parking of motor vehicles either for compensation or to provide an accessory service to a business.

**Parking Space:** ~~An area enclosed in the main building or in an accessory building, or unenclosed having an area of not less than 200 s.f., exclusive of driveways, permanently reserved for the temporary storage of one automobile and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobiles. An enclosed or unenclosed covered or open area where space is permanently reserved for the parking of a motor vehicle and where such space is connected to a street or alley by a surfaced driveway that affords satisfactory ingress and egress for automobiles.~~

*Comment: Specifics, such as measurements should be located under the off-street parking section of the Code instead.*

**Performance or Surety Bonds:** Written agreements made between the developer and the County for the amount of the estimated cost of construction guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the development agreement.

*Comment: Definition added to address bonds.*

**Person:** Any individual, group of individuals, firm, corporation, association, organization, or any legal entity.

**Personal Services:** Those business establishments customarily providing services rather than goods to individuals. Such uses include: barber shops and beauty salons (including tanning and nails), seamstress/tailors/shoe repair/daytime spas, dry cleaning and laundry dropoff point, fitness and weight loss centers, learning centers, tattoo shops, and other similar, compatible, or ancillary services.

*Comment: Definition added to address personal services.*

**Place of Worship:** A church, ecclesiastical or denominational organization, or established physical place for worship at which nonprofit religious services and activities are regularly conducted and carried on and includes those bona fide religious groups that do not maintain specific places of worship. (F.S. 496.404 (23)).

*Comment: Definition added consistent with RLUIPA.*

**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. A type of development and the regulatory process that permits a developer to meet overall community density and land use goals without being bound by existing zoning requirements. A PUD is planned and built as a unit thus fixing the type and location of uses and buildings over the entire project.~~

*Comment: Definition added to clarify Planned Unit Development.*

**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.

**Pollutant:** Any substance, contaminant, noise, or man-made 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 man-made 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.

**Nonpoint Source Pollution:** Any source of water pollution that is not a point source.

**Point Source Pollution:** Any source of water pollution that constitutes a discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

**Porch, Enclosed and Open:** An enclosed porch is a roofed space attached to the outside of the outer wall of the building, ~~one~~ on one or more sides, which has railings or screened enclosures. An open or unenclosed porch is a roofed space attached to an outer wall of a building open on one or more sides without railing, glass, canvas, screen, or similar materials on the open sides.

**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 a 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.

**Potable Water Wellfield Protection Zone:** In accordance with Policy 3.2 of the Conservation Element of the Hardee County Comprehensive Plan, the protection zone is defined as the area within a 400-foot radius of the location of the wellhead. Within a 200-foot radius of the wellhead is a zone of exclusion, in which no new land uses may be established.

**Poultry Farm:** A parcel of land used to raise more than 50 adult birds for commercial sale or distribution, primarily for meat and eggs but also for feathers.

**Professional Offices:** Those uses that 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.

~~**Program Deficiency:** A defect in the County's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations or of the standards required by the National Flood Insurance Program.~~

*Comment: Definition deleted as flood related definitions are located in Article 7*

**Project Area:** The area within the total land area of a proposed development (Residential, Mixed-Use or Non-Residential), which is or will be served by a surface water management system (on-site or off-site), access to public roadways and including any private roadways or frontage/service roads (on-site or off-site) that provide access to the proposed development.

*Comment: Definition added to address project area.*

**Property Owner:** Any owner of fee title to the land in question. Also, see Developer.

**Public Buildings and Grounds:** 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.

**Public 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. Individual private potable water wells or septic systems are not public facilities.

**Public Hurricane Shelter:** A structure designated by local emergency management officials and the American Red Cross as a shelter during a hurricane.

**Public Notice or Due Public Notice:** Public notice or due public notice, as used in connection with the phrase “public hearing or hearing to be held after due public notice”, means publication of notice of time, place, and purpose of such hearing according to the requirements of Chapter 166.041 and/or Chapter 163, F.S., governing the particular action to be considered.

*Comment: Definition added to address public notice.*

**Public Safety and Nuisance:** Anything which is injurious to safety and health of the entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

**Public Shelter Space:** An area within a public hurricane shelter that can accommodate a temporary refugee during a storm or hurricane. Generally, public shelter space is measured as a minimum of 20 square feet per person.

**Public Supply Potable Water Wellfield:** A potable water wellfield that serves a public supply water system.

**Public {Supply} Sanitary Sewer facilities:** Sanitary sewer facilities that serve at least 15 service connections, or regularly serve at least 25 residents. Generally, a multi-user septic tank is not a public sanitary sewer Facility.

**Public Supply Water System:** A potable water Facility that serves at least 15 service connections, or regularly serves at least 25 residents.



**Radioactive Waste:** As defined by the Nuclear Regulatory Commission.

**Ranch:** A farm or pastureland consisting of a large tract of land along with facilities needed to raise livestock (especially cattle).

**Ranch Operations:** The act of maintaining livestock, ranch lands and infrastructure.

**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.~~

*Comment: Definition deleted in favor of existing definition in Article 13 Land Excavation and Mining.*

**Reclamation Plan:** ~~Plan for the rehabilitation, per Chapter 378, F.S., of land from which a mineral resource has been extracted.~~

*Comment: Definition relocated to Article 13 Land Excavation and Mining.*

**Recirculating Farms (Hydroponics, Aquaculture, and/or Aquaponics):** A recirculating farm uses clean recycled water as a basis to grow food. These farms can grow plants (hydroponics), fish (aquaculture), or both plants and fish together (aquaponics).

**Recreation:** The pursuit of leisure time activities occurring in an indoor or outdoor setting.

**Recreation Facility:** A component of a recreation site used such as a trail, tennis court, basketball court, athletic field, golf course or swimming pool.

**Recreation Uses, Indoor Commercial:** This category consists of commercial 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 theatre, theatres and auditoriums, and indoor skating rinks.

*Comment: Definition amended to clarify public versus commercial indoor recreation uses.*

**Recreation Uses, Indoor Public:** Indoor public 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.

*Comment: Definition amended to clarify public versus commercial indoor recreation uses.*

**Recreation Uses, Outdoor Commercial:** This group includes commercial 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.

*Comment: Definition amended to clarify public versus commercial indoor recreation uses.*

**Recreation Uses, Outdoor Public:** Outdoor Public 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.

*Comment: Definition amended to clarify public versus commercial outdoor recreation uses.*

**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.

**Recreation Vehicle Campgrounds:** A development designed specifically to accommodate recreation vehicles for overnight or limited vacation-season stays. See Recreational Vehicle Parks.

**Recreation Vehicle Parks:** ~~A development designed specifically to accommodate recreation vehicles in which recreation vehicles and/or "park model" units may be sited; occupancy is typically seasonal.~~ A place set aside and offered by a person, for either direct or indirect remuneration of the owner, lessor, or operator of such place, for the parking, accommodation, or rental of five or more recreational vehicles or tents; and the term also includes buildings and sites set aside for group camping and similar recreational facilities. For the purposes of this definition, the terms "campground," "camping resort," "RV resort," "travel resort," and "travel park," or any variations of these terms, are synonymous with the term "recreational vehicle park." (F.S. 513.01 (11))

*Comment: Updated to F.S. definitions.*

**Recreation Vehicle Unit: (F.S. 320.01 (1) (b)).** Those units primarily designed as temporary living quarters for recreation, camping or travel use, that either have their own mode of power or are mounted on or drawn by another vehicle. They are:

- (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~~  $8\frac{1}{2}$  feet and an overall body length of no more than ~~35~~ 40 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 truck equipped with a portable unit, designed to be loaded onto, or affixed to, the bed or chassis of ~~a~~ the truck, and 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; and
- (5) **"Park Model Recreation Vehicle"**: ~~See Park Model RV (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 square feet 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.

*Comment: Definition for Park Model Trailer combined from stand alone definition.*

**Unit or Unit Area:** Any section or plot of ground upon which is erected any recreational vehicle, travel trailer, cabin, or tent.

**Recreational Resort:** A significant tourist-attracting hospitality industry that accommodates recreational vehicles, tents, and cabins in a campground setting which may be located to chance the enjoyment of leisure time activities on a temporary basis.

*Comment: Definition added to address recreational resorts.*

**Redevelopment:** Undertakings, activities, or projects of a county, municipality, or community redevelopment agency in a community redevelopment area 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 in a community redevelopment area or rehabilitation or conservation in a community redevelopment area, or any combination or part thereof, in accordance with a community redevelopment plan and may include the preparation of such a plan.

~~**Regulatory Floodway:** 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 the designated height.~~

*Comment: Definition deleted as flood related definitions are located in Article 7*

**Remedy a Deficiency or Violation:** To bring the regulation, procedure, structure, or other development into compliance with State of Florida, Federal or county floodplain management regulations; or if this is not possible, to reduce the impacts of its noncompliance. Ways the impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this code or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

**Residence:** A single-family dwelling or dwelling unit in a multiple family dwelling, which contains sleeping, bathroom, food refrigeration, cooking, and dining facilities.

~~**Residential Building:** means any one or two family building or accessory. A building used for residential use, containing a dwelling unit, or dwelling units.~~

*Comment: Definition relocated from Section 8.01.05 and updated to provide a broader term for residential building.*

**Residential Support Uses:** The use of land, buildings, or structures for uses specifically permitted in the applicable zoning district, which include but are not limited to child care centers, schools, religious institutions, and cultural facilities.

*Comment: Definition added for Residential Support Uses.*

**Residential Uses:** Activities within land areas used predominantly for housing.

**Restaurant:** Any establishment where food is served or prepared or both, for public consumption on or off the premises.

***Drive-In/Drive-Thru/Take-Out Restaurant:*** A business establishment where food or drink is served to patrons in automobiles, or which have drive-thru or take-out services with or without minimal table service, or which provide ~~parking spaces or~~ outside tables for use by patrons.

***Established Business:*** Any restaurant or food service business in which customers are seated, served food and beverage, and which otherwise would qualify for the issuance of a beer license, wine license and/or liquor license pursuant to State Statute, that is in existence at the effective date of this ordinance.

***Resource:*** ~~Soil, clay, peat, stone, gravel, sand, metallic ore, or any other solid substance, except phosphate, limestone, heavy minerals, and fuller's earth, of commercial value found in natural deposits on or in the earth.~~

*Comment: Definition relocated to Article 13 Land Excavation and Mining.*

***Resource Recovery:*** ~~The process of recovering materials or energy from solid waste, excluding those materials or solid waste under control of the Nuclear Regulatory Commission.~~

*Comment: Definition relocated to Article 13 Land Excavation and Mining.*

***Retail Sales:*** Any legal use of land or building that offers goods or services for retail sale or rental to the public or any sector of the public. Such uses shall include but are not limited to new and used cars, truck, tractor, or farm equipment display for any retail sale; mobile home display and sale, ~~outdoor advertising structures and devices which meet setback requirements;~~ small bakeries where ~~not more than four persons are employed and~~ the products produced are primarily sold on the premises; food and drink establishments for both conventional and drive-in or delivery sales and services; repair of any goods or machinery and; any combination of permitted uses.

***Rezoning:*** The act of, or request for, changing or redesignation of the zoning of a particular lot, parcel, or tract of land.

***Right-of-Way:*** Land in which the State, a County, or a Municipality owns the fee simple title or has an easement dedicated or required and is intended to be occupied by a road, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for similar special use.

***Riverine:*** Relating to, formed by or resembling a river (including tributaries), streams, brook, etc.

***Road:*** A general term used to describe a facility that provides for vehicular movement. ~~Roads are classified, by function, as follows:~~

*Comment: The road classifications (1-3) are relocated under "Roadway Functional Classification".*

**Roadway:** The portion of the right-of-way that 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.

~~(01)~~ **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. Every United States numbered highway is an arterial road;

~~(02)~~ **Collectors:** Collector roads are intended to serve as the connecting link for local roads and highways and to provide intra-neighborhood transportation. Collector roads collect and distribute traffic between local roads or arterial roads. The traffic characteristics generally consist of moderate to 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; ~~and.~~

~~(03)~~ **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 low traffic volumes, short trip lengths, low speeds, and high volume land access for abutting property ~~small traffic volumes~~. The design of the network should be directed toward eliminating through traffic from these facilities.

*Comment: Arterials, collectors, and locals relocated from "Road".*

**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 10 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.

**Row House:** See Single-Family Attached Dwelling Unit.



**Seamstress/Tailor:** A person whose occupation is making or altering outer garments.

**Sales/Repair of Heavy Equipment:** Establishment primarily engaged in the retail sale, leasing and service of new or used heavy machinery or equipment. Heavy machinery or equipment includes, but is not limited to, earth movers, cranes and similar-size vehicles, machinery, and equipment.

**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 four days.

**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.

**School:** A place for systematic instruction in any recognized branch or branches of knowledge.

***Private School:*** A school that 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.

***Public School:*** A school giving regular instructions, with a recognized general curriculum on an elementary, secondary, or higher academic level at least five days a week, except holidays, for a normal school year of not less than seven months, which school is held, used or controlled exclusively for public purposes by a department or branch of government without reference to the ownership of the building or structure or the realty upon which it is situated. This term shall not be deemed to include day care centers unless such centers are conducted as part of the school of general education, but shall include vocational schools or other special education facilities if such facilities are held, used or controlled exclusively for public purposes as described above.

**Shoe Repair:** The repairing of shoes.

**Silviculture:** The branch of forestry dealing with the development and care of forests and forest products.

*Comment: Silviculture is in the Table of Uses but is not defined. This definition has been added.*

**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.

**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.

**Setback:** ~~The distance between a street right-of-way line and the front building line of a principal building or structure, projected to the side lines of the lot, and including drive ways and parking areas except where otherwise restricted by this Code.~~ The required minimum horizontal distance between the front, rear, or side property lines and the front, rear, or side lines of a principal or accessory building or structure, as measured from any vertical wall or support of said building or structure. For corner lots, regardless of the standard side setback requirement of the applicable zoning district, the side street setback shall be equal to the front setback requirement of the adjacent interior lot.

*Comment: Written to include front, rear and side yard setbacks and provide for corner lots consistent with existing Code requirements.*

**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, overland flow and artificial wetlands, including a private package treatment plant.

**Shallow Flooding:** ~~The same as~~ See Area of Shallow Flooding under definition of Flood or Flooding.

*Comment: Updated to reference definitions under flooding.*

**Shopping Center:** A group of not less than five contiguous retail stores, originally planned and developed as a single unit, having a total ground floor building area of not less than 20,000 square feet, with immediate adjoining off-street parking facilities for not less than 100 automobiles.

~~**Side Street Setback:** On a corner lot, the required setback distance for principal and accessory structures from the street frontage not deemed to be the front lot line. Regardless of the standard side setback requirement of the applicable zoning district, the side street setback shall be equal to the front setback requirement of the adjacent interior lot.~~

*Comment: Deleted; information has been incorporated into "Setback".*

~~**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.~~

*Comment: See definition under 'Yard'.*

#### **Sign and Sign Related Definitions:**

~~**Sign:** Any advertisement, announcement, direction, or communication produced in whole or in part by the construction, erection, affixing, or placing of a structure or any land or any other structure, or produced by painting or posting, or placing any printed, lettered, pictured, figured, or color material in any building, structure, or surface. Signs placed or erected by governmental agencies or nonprofit civic associations for a public purpose in the public interest shall not be included herein, nor shall this include signs that are a part of the architectural design of a building. Any letters, numbers, symbols, graphic, pictures, or figures or combination thereof which are erected, constructed, placed, painted, tethered or attached to a structure or the ground, which identify, advertise, communicate, or direct attention to a product, business, institution, place, person or event. When not modified by the term "structure" or "face", the term "sign" shall include all parts of the sign and its supporting structure.~~

~~**A-Frame Sign:** A temporary double-faced sign attached at the top and with the bottom spread apart to form a stable base (also known as a Sandwich Board Sign). See Sandwich Board Sign for example.~~

~~**Abandoned Sign:** A sign shall be considered abandoned when the business activity or firm, which such sign advertises, is no longer in operation for a period of at least ninety (90) days, or does not have a current occupational license from the County. In the~~



alternative, a sign which is non-commercial in nature and its purpose has elapsed or expired in the preceding sixty (60) days.

**Aggregate Sign Area:** The total calculated sign area.

**Awning:** Any structure made of cloth or metal, which is supported by an open metal framework, and which is temporarily or permanently attached to, and extends from, an exterior wall or any other exterior portion of a building.

**Backlit Sign:** A sign where the light source is typically placed behind, and faces towards, the sign graphic.



**BACKLIT SIGN**

**Example Backlit Sign**

**Banner:** Any temporary strip of cloth, plastic or other flexible, lightweight, material on which a sign is printed, painted, or otherwise displayed and which is intended to be hung or mounted to a structure by cord, rope, cable, or similar method. “Banner” does not include blade signs or flags.



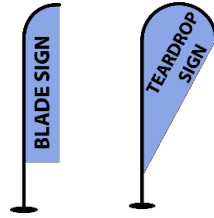
**BANNER**

**Example Banner**

**Billboard Advertising Sign:** A permanently constructed freestanding sign, usually designed for use with changing advertising copy, which is used for the advertisement of goods produced or services rendered at locations other than the premises on which the sign is located, not otherwise exempted or permitted by this Code which is used for the display of off-premises messages and which is not otherwise exempted or prohibited by the Sign Regulations.

*Comment: Definition relocated from other parts of the definition section; language updated consistent with current requirements.*

**Blade Sign (aka feather sign, teardrop sign):** A temporary sign that is constructed of cloth, canvas, plastic fabric or similar lightweight, non-rigid material and that is supported by a single vertical pole mounted into the ground or on a temporary, readily movable, structure.



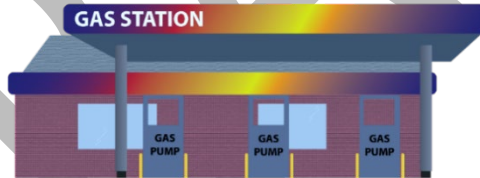
**Example Blade Signs**

**Building Sign:** A permanent on-premises sign displayed upon or attached to any part of the exterior of a building.



**Example Building Signs**

**Canopy Sign:** A permanent sign attached to any roof-like structure that is open on at least three (3) sides, utilized as protection from the rain or sun, such as over gasoline pumps. Canopy signs may be located on any side of the canopy.



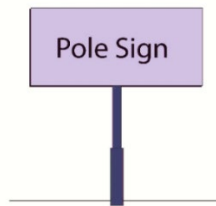
**Example Canopy Sign**

**Changeable Copy Sign, Manual:** Any sign with copy that can be manually changed, rearranged, or altered without changing the face of the sign.



**Example Changeable Copy Sign, Manual**

**Cladding:** A covering or enclosure designed to conceal the actual poles and/or other structural supports of a sign.



**Example Exposed Pole Support**



**Example Concealed Pole Support Using Cladding**

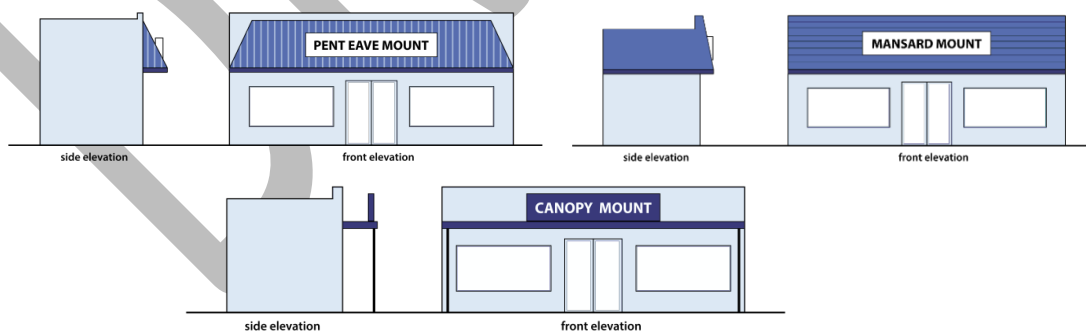
**Directional Sign:** Any sign whose sole purpose is to provide direction for pedestrian and vehicular traffic. A directional sign may be a permanent sign or a temporary sign.

**Display Board:** A permanent sign, flush-mounted to the exterior wall of a building, which displays information to public view.

**Double-Faced Sign:** A sign with back-to-back faces provided the faces are joined on the same support.

**Electronic Message Center Sign:** A variable-message sign that changes at regular intervals via a computer-controlled interface or some other electronic means of changing copy. An Electronic Message Center Sign may be a permanent sign or a temporary sign.

**Fascia Sign:** A permanent building mounted sign. (The example fascia signs, as shown below, are located on roof like structures; however, these are not roof signs).



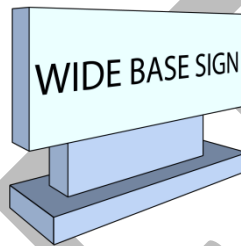
**Example Fascia Signs**

**Flag:** A usually rectangular piece of fabric that is used as a symbol or emblem and which is attached to a flagpole by being tethered along one side.

**Flagpole:** A freestanding or temporary ground mounted structure, or a structure mounted to a building or wall and used for the sole purpose of displaying a flag.

**Freestanding Sign:** A permanent sign that is supported by one or more columns, uprights, or braces, and set firmly in or upon the ground surface, not attached to or forming part of any building or other structure. Freestanding signs include ground, monument, and pole signs.

**Freestanding, Wide-Base Sign:** Any permanent, freestanding sign in which the uprights or braces are clad in a permanent material such that the entire base has a monolithic or columnar line that maintains essentially the same contour. Wide-base signs shall be allowed where ground, monument, and pole signs are allowed.



**Example Wide-Base Sign**

**Front Foot of The Building Frontage:** Each foot or major portion thereof, measured along the main entry side of a building.

**Front Foot of The Parcel or Premises:** Each foot or major portion thereof, measured along the public right-of-way where the subject property abuts said right-of-way.

**Grade Elevation:** The final elevation of the ground surface after development, excluding berms or landscape treatments specifically designed to raise the height of the sign.

**Ground Sign:** A freestanding sign permanently attached to or supported by the ground by two (2) or more support posts at the outside edge, not attached to any structure.



**Example Ground Sign**

**Height of Sign:** The vertical distance measured between the top of a sign structure and the finished grade elevation, or the average elevation of the abutting roadway, nearest the base of the sign to the highest point on the sign.

**Inflatable Sign:** A sign consisting of a flexible, non-porous material, which is inflated or shaped from inserted air or other gas. Inflatable displays include air or gas blown

devices. This definition shall not include individual latex balloons less than eighteen inches (18") in size.

**Illuminated Sign:** A sign that uses artificial light, either internal or external to the sign faces, to draw attention to the sign or otherwise increase its visibility.

**Marquee Sign:** A permanent sign attached to a structure projected from and supported by a building, which extends beyond the building line and usually fully or partially covers a sidewalk, porch, public entrance or other pedestrian way. See Building Sign definition for example illustration.

**Monument Sign:** A permanent, freestanding sign, with a solid base, designed with a continuous structural element of approximately the same dimension from the ground to the top of the sign.



**Example Monument Sign**

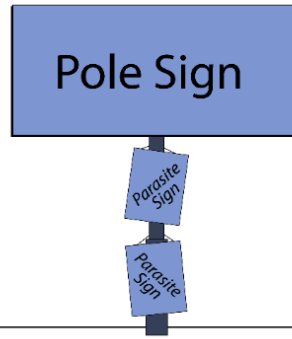
**Neon Sign:** A sign with tubing that is internally illuminated by neon or other electrically charged gas.

**Nonconforming Sign:** A sign legally erected or installed in the County before the adoption of the Sign Regulations, which was in compliance with all of the provisions of the County then in effect, but which does not presently conform to the requirements of the Sign Regulations.

**Off-Premises Sign:** A sign relating to an activity or place that is not on the same premises on which the sign is located. A sign bearing a non-commercial message is deemed to be on-premises.

**On-Premises Sign:** Any sign relating to an activity or place on the same premises on which the sign is located.

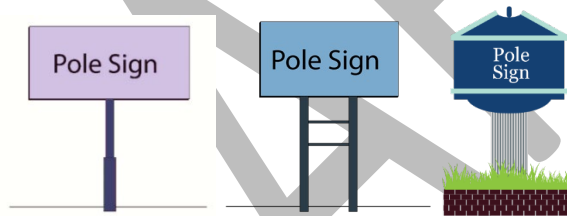
**Parasite Sign:** Any sign not exempted by the Sign Regulations, for which no permit has been issued, and which is attached to another sign.



**Example Parasite Signs**

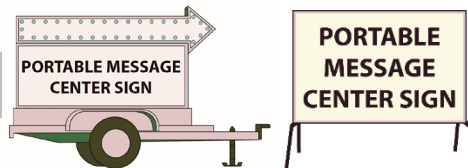
**Permanent Sign:** A sign designed and constructed to be attached to a building or structure, or to the ground, in a manner that precludes ready removal or movement of the sign, and whose intended use appears to be indefinite.

**Pole Sign:** A permanent, freestanding sign, other than a ground or monument sign, which is mounted on a freestanding pole, or poles, embedded in the ground.



**Example Freestanding Pole Signs**

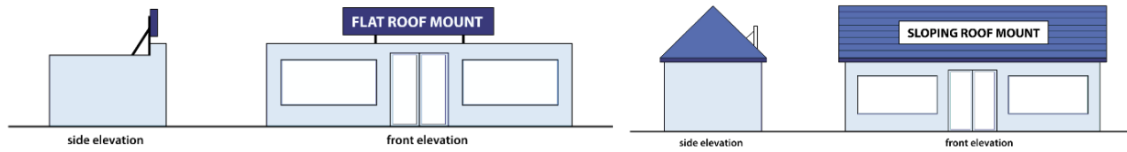
**Portable Message Center Sign:** Any sign which is designed to be transported by a vehicle, trailer, or on its own wheels, including any such electronic, digital, or manual changeable copy sign where the wheels may be removed and the remaining chassis or support structure may be attached temporarily to the ground. This definition shall not include banner signs, blade signs, yard signs, and sidewalk signs as provided in the Sign Regulations.



**Example Portable Message Center Signs**

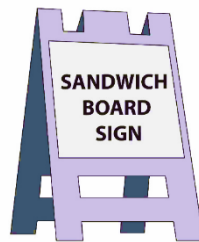
**Public Purpose Sign:** Regulatory signs and any notice or warning signs required by Local, State, or Federal Government law, ordinance, regulation, or resolution.

**Roof Sign:** A permanent sign painted on or affixed to the roof of a building and primarily supported by that roof structure.



### Example Roof Signs

**Sandwich Board:** *An unsecured double or single faced temporary sign, most often forming the cross-sectional shape of the letter “A” when viewed from the side, and which may be readily moved from place to place (also known as an A-Frame Sign).*



### Example A-Frame/Sandwich Board Sign

**Setbacks for Signs:** *The setbacks for signs specified in this Chapter shall be measured horizontally from the vertical plane of the property line or right-of-way line to the closest point of the sign.*

**Sign Area:** *The area of any geometric figures which contains the entire sign face upon which copy may be placed.*

**Sign Copy:** *The letters, numerals, figures, symbols, logos, and graphic elements comprising the content or message of a sign exclusive of the street name and numerals identifying a street address.*

**Sign Face:** *The surface upon, against, or through which the sign copy is displayed or illustrated.*

**Sign Structure:** *The uprights, supports, braces and framework supporting a sign.*

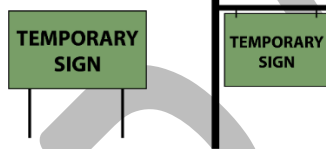
**Snipe Sign:** *Any sign of any size, made of any material, including paper, cardboard, wood and metal, when such sign is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, fences or other objects.*



**Example Snipe Sign**

**Tablet Sign:** A permanent sign located on a building which is cut into any masonry surface, or when constructed of bronze or other durable material and attached to the surface of a building.

**Temporary Sign:** Any sign designed, constructed, and intended to be used on a limited-term basis, and which is not permanently installed. A permanent sign with periodic changes to the message shall not be considered a temporary sign. This definition shall include, but is not limited to, such signs as banner signs, blade signs, yard signs, portable message center signs, and sandwich board signs. “Temporary Sign” does not include vehicular signs.



**Example Temporary Yard Signs**



**Example A-Frame/Sandwich Board Sign**

**V-Style Sign:** A sign having two (2) sign faces where the width between the faces does not exceed more than 4 feet apart when measured at the widest point, and erected back-to-back at an approximate 45° angle to form a “V”.

**Vehicular Sign:** Vehicular sign means a sign attached or affixed to a parked vehicle or trailer in such a manner that the sign is not incidental to the vehicle, but is the primary use of that vehicle, providing a base for such sign, or constituting the sign itself. This definition shall not include the use of business logos, identification, or advertising on vehicles primarily and actively used for transportation.

**Wall Sign:** Any sign affixed to an exterior wall of a building.

**Single-Family Attached Dwelling Unit:** Residential dwelling unit designed and constructed to meet Florida 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 s. 7.06.00~~. 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, drawn to scale by a licensed professional engineer, showing uses, structures and all other physical features proposed for a development site. It includes lot lines, streets, building sites, parking spaces, walkways, reserved open spaces, easements, buildings, and major natural and man-made landscape features, and other pertinent information, per ~~Section 7.05.00~~ Article 9 of this Code.

**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.

#### **Solar Power Generation Facility Related Definitions**

**Customer-owned Renewable Generation System:** An electric generating system located at a customer's premises that uses one or more of the following fuels or energy sources; hydrogen, biomass, solar energy, geothermal energy, wind energy, ocean energy, waste heat, or hydroelectric power as defined in Section 377.803, Florida Statutes, and is primarily intended to offset part or all of the Customer's current electrical requirements. The system is considered to be either Tier 1 or Tier 2 based on its rated alternating current (AC) power output. A Tier 1 system is rated at no more than 10 kilowatts (10kW) alternating current (AC) power output and a Tier 2 system is rated at more than 10 kilowatts (10kW) but not greater than 100 kilowatts (100kW) alternating current (AC) power output. Utility-owned Renewable Generation System: Any municipal or investor-owned electric utility generation system that uses a Photovoltaic System as its fuel source and is designed to supply less than 75 megawatts of regulated power into the electrical grid, as defined in Section 403.501 - 518, Florida Statutes.

**Electrical Power Plant:** An electrical power generating facility using any process or fuel including the associated facilities and those directly associated transmission lines required to connect the electrical power plant to an existing transmission network or rights-of-way. This term does not include any solar power generation facility of less than 75 megawatts in capacity.

**Photovoltaic (PV) Systems:** Solar technology systems that use photovoltaic cell technology to harness radiant energy from the sun and create electricity. These cells are often packaged into panels that can be placed on rooftops or mounted on the ground. The cells can also be incorporated into other building materials such as roofing

materials, facades, and even glass; an arrangement that is commonly known as “building-integrated PV.”

**Solar Energy System:** The equipment used for collecting, transferring, converting, storing, and/or using solar energy for the generation of electricity. Devices could include solar panels, films, shingles, or other solar components. The equipment could be used for water heating, space heating, cooling, or other applications that normally require an energy source and are located on the same property on which the solar energy is collected. A solar energy system may be mounted on the building or on the ground, and as deemed in these regulations, is not the principal use of the property but is an accessory to a private use.

**Solar Panel:** A device comprised of solar cells, also known as photovoltaic devices, which convert sunlight into electricity.

**Solar Power Generation Facility:** A type of electrical power generation facility which utilizes a collection of ground mounted solar panels to produce electricity for off-site use. These facilities are a principal use of a property and include directly associated transmission lines required to connect the solar power generation facility to an existing transmission network or rights-of-way. A solar power generation facility can also be known as a solar power plant, solar farm, or solar generation station.

**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.

**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.

**Solid Waste Processing Plant:** A facility for incineration, resource recovery, or recycling of solid waste prior to its final disposal.

**Solid Waste Transfer Station:** A facility for temporary collection of solid waste prior to transport to a processing plant or to final disposal.

**Special Exception:** ~~A use which may be permitted in a district through the granting by the Board of County Commissioners of a Special Exception upon a finding by that Board that it meets conditions specified by this Code. A Special Exception is a permit for a use or structure that is not allowed as a matter of right, but may be permitted, if certain standards defined in the Code are met. A Special Exception use is one that may be appropriate in certain site~~

locations but not in all locations; thus, review is made on a case-by-case basis to ensure the surrounding area and wider community are not adversely affected by the use.

*Comment: Definition updated to define Special Exception uses as proposed in these amendments.*

**Special Flood Hazard Area:** ~~The same as area of special flood hazard.~~ See definition of Flood or Flooding.

*Comment: Amended to reference flooding definitions.*

**Standard Housing:** Dwelling units that meet the Federal Minimum Housing Quality Standards as established for the HUD's. 8 Program.

**Stormwater:** The flow of water that results from a rainfall event.

**Street:** A public accessway 20 feet or more in width dedicated or otherwise having legal sanction for unlimited public use, includes the terms road, avenue, lane, boulevard, thoroughfare, highway, place, way, drive, and terrace.

**Structure:** Anything constructed or installed that is rigidly and permanently attached to the ground or to another object that 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; walled and roofed buildings, including gas or liquid storage tanks that are principally above ground, as well as a manufactured home.

**Subdivision and Subdivision Related Definitions:**

*Comment: Section added to address definitions related to the subdivision process.*

**Concept Plan:** A plan which describes generally, in narrative and with maps and/or drawings, the layout and vision of a project and its goals and objectives.

*Comment: Definition added to address concept plans for subdivision review.*

**Minor Subdivision:** Any division of a lot, parcel, or tract of land not involving the construction of new roadway or drainage facilities, wetland or flood plain impact or mitigation, or reconstruction of these facilities.

*Comment: Definition added to address minor subdivisions.*

~~**Subdivision:** The platting of real property into two or more lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land, for development or sale; and includes establishment of new streets and alleys, additions, and re-subdivisions; and, when~~

~~appropriate to the context, relates to the process of subdividing or to the lands or area subdivided. Parcels of land subdivided into parcels, lots, tracts or sites in a size 20 acres or greater shall be exempt from subdivision regulations. The division of land into three or more lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land; and includes establishment of new streets and alleys, additions, and resubdivisions; and, when appropriate to the context, relates to the process of subdividing or to the lands or area subdivided. F.S. 177.031 (18).~~

*Comment: Updated to F.S. definition.*

**Substantial Damage:** 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% of the market value of the structure before the damage occurred.

**Substantial Improvement:** Any repair, reconstruction, alteration or improvement to a structure, the cost of which equals or exceeds 50% of the market value of the structure, either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications that are solely necessary to assure safe living conditions.

**Substantially Improved Existing Mobile/Manufactured Home Parks or Subdivisions:** Where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50% of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

**Support Documents:** Any surveys, studies, inventory maps, data, inventories, listings, or analyses used as bases for or in developing the local Comprehensive Plan.

**Surety or Performance Bonds:** See Performance or Surety Bonds.

*Comment: Term added for references.*

**Swimming Pool:** ~~Any body of water or receptacle for water having a depth at any point greater than 18 inches, used or intended to be used for swimming or bathing, and constructed, installed or maintained in or above the ground. Any structure, located in a residential area, that is intended for swimming or recreational bathing and contains water over 24 inches deep, including, but not limited to, in-ground, aboveground, and on-ground swimming pools; hot tubs; and nonportable spas. This definition does not include public swimming pools. (F.S. 515.25(11))~~

*Comment: Updated to differentiate residential from commercial swimming pools and to be consistent with F.S. definition.*

**Swimming Pool, Public:** A watertight structure of concrete, masonry, or other approved materials which is located either indoors or outdoors, used for bathing or swimming by humans, and filled with a filtered and disinfected water supply, together with buildings, appurtenances, and equipment used in connection therewith. A public swimming pool or public pool shall mean a conventional pool, spa-type pool, wading pool, special purpose pool, or water recreation attraction, to which admission may be gained with or without payment of a fee and includes, but is not limited to, pools operated by or serving camps, churches, cities, counties, day care centers, group home facilities for eight or more clients, health spas, institutions, parks, state agencies, schools, subdivisions, or the cooperative living-type projects of five or more living units, such as apartments, boardinghouses, hotels, mobile home parks, motels, recreational vehicle parks, and townhouses (F.S. 514.011(2)).

*Comment: Definition added to differentiate residential from commercial swimming pools and to be consistent with F.S. definition.*

**Special Needs Housing:** Facilities that provide 24-hour care, services, and housing in an institutional or residential setting for adults and/or children with conditions, disabilities or circumstances that qualify them for short or long-term housing and care. Such facilities include, but are not limited to: Adult Family-Care Home, Assisted Living Facility, Family Foster Home, Foster Care Facility, Group Home Facility, Hospice Residential Unit, Nursing Home Facility, and other similar facilities and homes; all of which are defined elsewhere in this Article.

*Comment: New definition added for reference.*

~T~

**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.

**Temporary Special Use Permit:** A use that may be allowed in a residential district temporarily. The Board of county Commissioners has authority to issue the permit. The County Manager or ~~his/her~~ their designee has authority to renew the permit.

**Townhouse:** A design term, referring to the physical form of more than two single-family attached homes, each with its own ground-floor entry. Also, see Single-Family Attached Dwelling Unit.

**Trash:** See Garbage, Litter, Trash, and Yard Trash

*Comment: Term added to provide direction to grouped definitions.*

**Travel Trailer:** See Recreation Vehicle.

**Truck:** Any motor vehicle with a net vehicle weight of 5,000 pounds or less and which is designed or used principally for the carriage of goods and includes a motor vehicle to which has been added a cabinet box, a platform, a rack, or other equipment for the purpose of carrying goods other than the personal effects of the passengers. (F.S. 320.01 (9)). For trucks over 5,000 pounds, See Truck, Heavy. For other related definitions, see Semitrailer, Truck Tractor, Commercial Motor Vehicle.

**Semitrailer:** Any vehicle without motive power designed to be coupled to or drawn by a motor vehicle and constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle (F.S. 320.01 (5)).

**Trailer:** Any vehicle without motive power designed to be coupled to or drawn by a motor vehicle and constructed so that no part of its weight or that of its load rests upon the towing vehicle (F.S. 320.01 (4))

**Truck, Heavy:** Any motor vehicle with a net vehicle weight of more than 5,000 pounds, which is registered on the basis of gross vehicle weight in accordance with F.S. 320.08(4), and which is designed or used for the carriage of goods or designed or equipped with a connecting device for the purpose of drawing a trailer that is attached or coupled thereto by means of such connecting device and includes any such motor vehicle to which has been added a cabinet box, a platform, a rack, or other equipment for the purpose of carrying goods other than the personal effects of the passengers. (F.S. 320.01 (10))

**Truck Tractor:** A motor vehicle which has four or more wheels and is designed and equipped with a fifth wheel for the primary purpose of drawing a semitrailer that is attached or coupled thereto by means of such fifth wheel and which has no provision for carrying loads independently. (F.S. 320.01 (11))

**Truck Camper:** See Recreation Vehicle.

**Truck Farm:** Land established for the raising of ground, bush and vine fruits and vegetables, including but not limited to, cucumbers, tomatoes, peppers, watermelons, cantaloupes, blueberries, and similar produce.

**Truck Farm Operations:** The act of preparing the land for planting, cultivating, and harvesting produce from truck farms.

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## ~U~

**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:** ~~Urban development or uses which are located in predominantly rural areas, or rural areas interspersed with generally low intensity of low density urban uses, and which are characterized by one or more of the following conditions: (a) The premature or poorly planned conversion of rural land to other uses; (b) The creation of areas of urban development or uses which are not functionally related to land uses which predominate the adjacent area; or (c) The creation of areas of urban development or uses which fail to maximize the use of existing public facilities or the use of areas within which public services are currently provided. Urban sprawl typically manifests itself in one or more of the following land use or development patterns: 1) leapfrog or scattered development; 2) ribbon or strip commercial or other development; and 3) large expanses of predominantly low intensity, low density, single dimensional development. A development pattern characterized by low density, automobile-dependent development with either a single use or multiple uses that are not functionally related, requiring the extension of public facilities and services in an inefficient manner, and failing to provide a clear separation between urban and rural uses. FS 163.3164~~

*Comment: Definition updated to reflect current Florida Statute definition.*

## ~V~

**Variance:** A modification of this Code when such variance will not be contrary to the public interest, and when, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Code would result in unnecessary and undue hardship. A variance is authorized only for height, area, size of structure or size of yards and open spaces, or other dimensional requirements. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance nor shall the variance be granted because of the presence of nonconformities in the zoning district or classification or in the adjoining zoning districts or classifications.

**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.

**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~~ For a non-conforming 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 non-conforming 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.

~W~

### Wastewater Residuals and Domestic Septage Related Definitions.

*Comment: Section added to address definitions specific to Wastewater Residuals and Domestic Septage; Section relocated from Section 3.22.03(B).*

~~(01) Aquifer – A water bearing stratum of permeable rock, sand, or gravel.~~

*Comment: Definition deleted because it exists in Definitions section.*

~~(02) Best Management Practices (BMPs) – A practice or combination of practices that are determined to be the most effective, practical means of preventing or reducing pollution.~~

*Comment: Definition deleted because it exists in Definitions section.*

~~(03) CFR – means Code of Federal Regulations, a codification of the general and permanent rules published in the Federal Register by departments and agencies of the Federal Government~~

*Comment: Located in Acronyms Section.*



- ~~(04) **Chemical/Portable Toilet Sludge:** shall mean a~~ All solid or liquid wastes containing human feces, or residuals of such, that have been pumped from chemical or portable toilets.
- ~~(05) **Commission** shall mean the Board of County Commissioners of Hardee County, Florida.~~

*Comment: Commission explained in other parts of the Code.*

- ~~(06) **Domestic Septage** —a~~ A mixture of sludge, fatty materials, human feces, and wastewater removed during the pumping of an onsite sewage treatment and disposal system. This term does not include: food service sludges, industrial sludges, water treatment sludges, air treatment sludges, chemical/portable toilet sludges, holding tank sludges, or domestic wastewater treatment residuals.
- ~~(07) **Domestic Wastewater Residuals** - shall mean~~ The solid, semi-solid, and/or liquid residue removed during the treatment of domestic wastewater. This term does not include the treated effluent or reclaimed water from a domestic wastewater treatment plant.
- ~~(08) **F.A.C.** means the Florida Administrative Code, an annotated official compilation of the Rules and Regulations of the State of Florida, published by the Florida Secretary of State.~~

*Comment: Located in Acronyms Section.*

- ~~(09) **FEMA** Federal Emergency Management Agency.~~

*Comment: Located in Acronyms Section.*

- ~~(10) **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. (s. 9J 5.003 F.A.C.).~~

*Comment: Definition deleted because it exists in Definitions section.*

- ~~(11) **Food Service Sludge:** shall mean~~ Oils, greases, and grease trap pumpings generated by a food service operation.
- ~~(12) **Hazardous Material** A hazardous chemical, toxic chemical, or extremely hazardous substance, as defined in s. 329 of Title III, Superfund Amendments and Reauthorization Act of 1986 (42 USC s. 11001, et seq.) (s. 252.82 F.S.).~~

*Comment: Definition deleted because it exists in Definitions section.*

- ~~(13) **Hazardous Waste** shall mean those wastes as defined in 40 CFR, Part 261, Federal Regulations, as hazardous due to their ignitability, corrosivity, reactivity, or toxicity, or 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 (5-9J 5.003 F.A.C.), which every is most inclusive.~~

*Comment: Definition deleted because it exists in Definitions section; Portions of this definition relocated to existing Hazardous waste definition.*

- (14) **Holding Tank Sludge:** - A mixture of human body wastes and wastewater, kitchen wastes, and similar wastes produced at locations that lack permanent sanitary facilities and operate only for short periods of time.
- (15) **Incident:** - ~~a~~An unusual occurrence including, but not limited to, spills, leaks, or discharges to the environment of wastes regulated by this ordinance, which has the potential to endanger public health, or the environment.
- (16) **Incorporate:** - ~~€~~To add to the soil by thoroughly tilling, disking, or injecting in to the upper surface, to a depth of no more than 12 inches, and which is above the NRCS published seasonal high water table for each soil type involved.
- (17) **Industrial Sludge or Residuals:** ~~shall mean s~~Sludges that are primarily composed of materials generated through a manufacturing or other industrial process, including air treatment sludges, and water treatment sludges.
- (18) **Lead Operator:** - Chief Wastewater Treatment Operator in charge of the Wastewater Treatment Plant.
- (19) **Nuisances Injurious to Health:** ~~means €~~Those conditions that are defined in Chapter 386.041, F.S.
- (20) **Objectionable Odor** - shall be construed to be any odor present in the outdoor atmosphere which by itself, or in combination with other odors, is or may be harmful or injurious to human health or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance, or any noisome odor which materially offends the sense of smell and which is created during the disposal, treatment, or management of septage, domestic wastewater residuals, or industrial wastewater residuals and prevents the reasonable and comfortable use and enjoyment of property by the public when such odor can be detected by the human senses beyond the property limits of the

person responsible for the source thereof, or the property limits of the site where such residual is applied.

- (21) **Occasional User:** ~~shall mean a~~ Not more than one application per year, per site.
- (22) **Person** ~~means a~~ Any individual, association, partnership, corporation, or other entity, including any officer, employee, department, agency or instrumentality of the United States, the State, or any political subdivision thereof.
- (23) **Point Source Pollution** ~~Any source of water pollution that constitutes a discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture (s. 9J 5.003 F.A.C.).~~

*Comment: Definition deleted because it exists in Definitions section.*

- (24) ~~Pollution~~ ~~The presence in the outdoor atmosphere, ground or water of any substances, contaminants, noise, or man-made 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 (s. 9J 5.003 F.A.C.).~~

*Comment: Definition deleted because it exists in Definitions section.*

- (25) **Residuals** ~~means~~ the solid, semisolid, and/or liquid residue removed during the treatment of domestic or industrial wastewater in a wastewater treatment plant (WWTP). Not included are the solids removed from pump stations and lift station screenings and grit removed from the preliminary treatment components of WWTPs. Also not included are ash generated during the incineration of biosolids; domestic septage; treated effluent or reclaimed water from a WWTP.
- (26) ~~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 (s. 9J 5.003 F.A.C.).~~

*Comment: Definition deleted because it exists in Definitions section.*

**Septage:** A mixture of sludge, fatty materials, human feces, and wastewater removed during the pumping of an on-site sewage treatment and disposal system. This

includes food service sludge(s), chemical/portable toilet sludge(s) or holding tank sludge(s) from domestic wastes. This does not include industrial sludges, water treatment sludges, air treatment sludges or domestic wastewater treatment residuals. (Pursuant to Hardee County Ordinance No. 1998-04).

**Septage, Agricultural Disposal:** The disposal of septage through the land application of properly treated septage through an approved septage stabilization process by State of Florida, Department of Health, and permitted under F.A.C. Chapter 10D-6.

**Septage, Treatment Facility:** A facility for the treatment of septage by an approved septage stabilization process, including lime stabilization. The facility must be approved by the State of Florida, Department of Health. (Pursuant to Hardee County Ordinance No. 1998-04)

(27) **Surface Waters:** - A recognizable body of water, including but not limited to wetlands, swamps, or marsh areas, bayheads, cypress ponds, sloughs, and natural or constructed ponds contained within a recognizable boundary.

(28) **Transporters:** ~~shall mean~~ Those persons or companies that operate vehicles within the boundaries of Hardee County to collect, transport or land spread domestic wastewater residuals, industrial wastewater residuals, holding tank sludge, chemical/portable toilet sludge, food service sludge or domestic septage.

(29) **Wastewater Treatment Plant (WWTP) or Facility:** ~~shall mean a~~ A central public or private facility for the processing and treatment of wastewater, which is the combination of liquid, solid or semi-solid wastes from residences, commercial buildings, industrial plants and institutions, together with any entrained groundwater, surface runoff or leachate which may be present. "Wastewater treatment plant or facility" shall not be construed to mean portable toilets or septic tanks.

(30) ~~Wetlands - Those areas that are inundated or saturated by surface water or groundwater at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological, or reproductive adaptations, have the ability to grow, reproduce, or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps and other similar areas. Florida wetlands generally do not~~

~~include longleaf or slash pine flatwoods with an understory dominated by saw palmetto (373.019 F.S.).~~

*Comment: Definition deleted because it exists in Definitions section.*

**Waterbody:** Any natural or artificial pond, lake, reservoir, or other area with a discernible shoreline that ordinarily or intermittently contains water.

**Watercourse:** A lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. Watercourses may include specifically designated areas in which substantial flood damage may occur.

~~**Water Surface Elevation:** The height, in relation to the North American Vertical Datum (NAVD) of 1988, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.~~

*Comment: Definition deleted as all flood definitions are located in Article 7.*

**Water Wells:** Wells excavated, drilled, dug, or driven for the supply of industrial, agricultural or potable water for general public consumption.

~~**Wetland Vegetation:** Vegetation identified as wetland species in Rule 17 301.400 Florida Administrative Code. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological, or reproductive adaptations, have the ability to grow, reproduce, or persist in aquatic environments or anaerobic soil conditions as provided in FS 373.019(27).~~

*Comment: Language updated to relate to definitions in Florida Statutes.*

~~**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, Florida Administrative Code. Those areas that are inundated or saturated by surface water or groundwater at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial or possess characteristics that are associated with reducing soil conditions. Florida wetlands generally include swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies,~~

riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps and other similar areas. Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto as provided in FS 373.019(27).

*Comment: Language updated to relate to definitions in Florida Statutes.*

~X~

**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.

~Y~

**Yard:** An open space on the same lot with a building unoccupied and unobstructed from the ground upward, except by trees or shrubbery or as otherwise provided herein.

**Yard, Front:** A yard across the full width of the lot, extending from the building line of the building to the line of the street on which it faces.

**Yard, Rear:** A yard extending across the rear of a lot measured between lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projection other than steps, unenclosed balconies or unenclosed porches. ~~On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner and interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard.~~

**Yard, Side:** A yard between the building and the sideline of the lot and extending from the front yard to the rear yard.

*Comment: Definition of Rear Yard amended so it is not dependent on the proximity to the front yard; picture added to provide clarity.*

**Yard Sale:** An informal event for the sale of used goods by private individuals held in the yard or garage of the seller's residence within any of the agricultural or residential zoning districts.

**Yard Trash:** See Garbage, Litter, Trash, and Yard Trash

*Comment: Term added to provide direction to grouped definitions.*

## ~Z~

~~**Z-lot Development:** See Single Family Attached Dwelling Unit.~~

*Comment: Definition deleted since no longer included in the ULDC.*

~~**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 that specifically authorize the zero lot line approach do so as an exception to prevailing regulations and under clearly defined circumstances.~~

*Comment: Definition deleted since no longer included in the ULDC.*

## ~Acronyms~

*Comment: Acronyms included in the existing definitions relocated to this Section. New Acronyms shown with underlining.*

**AASHTO:** American Association of State Highway and Transportation Officials.

~~**DABT Division:** The Division of Alcoholic Beverages and Tobacco (of the State Department of Business and Professional Regulation).~~

~~**DEO/OEO:** The Florida Department of Economic Opportunity/Office of Economic Opportunity.~~

*Comment: Acronym deleted because House Bill 5 renamed the Department of Economic Opportunity (DEO) to the Department of Commerce.*

**DOC**                      The Florida Department of Department of Commerce

*Comment: Acronym added because House Bill 5 renamed the Department of Economic Opportunity (DEO) to the Department of Commerce.*

**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.

**DRC** Development Review Committee

**FAA:** Florida Aviation Administration.

**F.A.C.:** Florida Administrative Code.

**FCC:** Communication Commission.

**~~FCILB:~~** ~~Florida Construction Industry Licensing Board.~~

*Comment: Acronym removed as it is addressed in the Florida Building Code.*

**FDEP:** Florida Department of Environmental Protection.

**~~FDER:~~** ~~Florida Department of Environmental Regulations, now known as Florida Department of Environmental Protection.~~

*Comment: Acronym removed as no longer included in the Code.*

**FEMA:** Federal Emergency Management Agency.

**F.S.:** Florida Statutes.

**LOS** Level of Service

**~~U.S.C. & G.S:~~** ~~United States Coast and Geodetic Survey.~~

*Comment: Deleted since Hardee County does not have a coast.*



Text that is underlined is text to be added and text that is shown as ~~strikeout~~ is to be removed. Comments provided for information and are not adopted as part of the Unified Land Development Code text.

*Comment: Appendix A deleted from LDC to be updated and adopted as the Technical Standards Manual via Resolution; Portions to be included in updated Land Development Code identified below.*

## ~~APPENDIX A – TO THE UNIFIED LAND DEVELOPMENT CODE –ENGINEERING DESIGN STANDARDS FOR HARDEE COUNTY~~

### ~~SECTION 1. – GENERAL REQUIREMENTS.~~

*Comment: Relocated to Technical Design Standards to be adopted via Resolution.*

#### ~~SECTION 1.1. MEDIAN STRIPS.~~

~~Arterial and Collector road pavement, divided by a median strip, shall have a minimum width of 16 feet on each side of the median. Design of roadways and median strips shall provide for safe movement of anticipated traffic. Divided local road pavement will be considered for approval on an individual basis by the County Engineer.~~

*Comment: Relocated to Technical Design Standards to be adopted via Resolution.*

#### ~~SECTION 1.2. CLEARING OF RIGHT OF WAY.~~

~~Clearing and grubbing shall be accomplished on the entire width of right of way. The surface shall be plowed to a depth of six inches to expose and remove all roots. All stumps within the right of way shall be removed.~~

*Comment: Relocated to Technical Design Standards to be adopted via Resolution.*

#### ~~SECTION 1.3. UNSUITABLE MATERIAL.~~

~~Muck and phosphate slimes will be completely removed 20 feet each side of centerline of roadway. Other unsuitable plastic materials, identified as A-2-6, A-2-7, A-5, A-6, and A-7 (AASHTO designation) will be removed to a depth of two feet below finished grade.~~

*Comment: Relocated to Technical Design Standards to be adopted via Resolution.*

**~~SECTION 1.4. GRASSWAY AND MULCHING.~~**

~~All right of way, other than pavement, shall be grasses and mulched in accordance with D.O.T. specifications, except that only Bahia, Bermuda, and Centipede or St. Augustine grasses will be permitted unless specifically approved by the County Engineer.~~

*Comment: Relocated to Technical Design Standards to be adopted via Resolution.*

**~~SECTION 1.5. CONCRETE MATERIAL.~~**

~~For all concrete structures, minimum compressive strength and maximum slump of concrete shall be as required by D.O.T. specification.~~

*Comment: Relocated to Technical Design Standards to be adopted via Resolution.*

**~~SECTION 1.6. PEDESTRIAN WAYS AND BIKE PATHS.~~**

~~All developments having lots primarily facing Arterial or Collector roads shall provide concrete pedestrian ways on the right of way of these roads.~~

~~Pedestrian ways or bike paths shall be a minimum of five feet in width. Where the subdivider elects to provide a pedestrian corridor on a local road, the corridor may be incorporated as part of the lot outside of, but adjacent to and abutting, the right of way lines, as an easement, and no obstructions will be allowed in these areas, without a variance.~~

~~If existing right of way is insufficient, additional right of way must be provided for pedestrian way construction.~~

*Comment: Relocated to Section 5.07.00(A).*

**~~SECTION 1.7. TURNAROUNDS.~~**

~~Turnarounds constructed in accordance with details shown in Figure 1.7.1 shall be required at the end of all cul de sac roads.~~

*Comment: Relocated to Technical Design Standards to be adopted via Resolution.*

**~~SECTION 1.8. REDUCED PAVEMENT WIDTHS.~~**

~~Pavement having a driving surface or 20 feet wide may be constructed for local roads meeting the following requirements:~~

- ~~(1) Local cul-de-sac road, having no intersecting side roads and having a turn-around, as specified in Section 4.07.~~
- ~~(2) Twenty residential units maximum, having lot frontage on the 20 foot wide driving surface.~~
- ~~(3) Lots forming a continuous line of residential dwellings along the perimeter of the cul-de-sac road which would prevent future extension of, or intersection with, the 20 foot wide driving surface.~~

*Comment: Relocated to Technical Design Standards to be adopted via Resolution.*

#### **~~SECTION 1.9. NAMES OF ROADS.~~**

~~The name of a road shall not duplicate names of roads on record.~~

*Comment: Relocated to Technical Design Standards to be adopted via Resolution.*

#### **~~SECTION 1.10. PRIVATE ROADS.~~**

~~In order to hold roads or other right-of-way improvements in private ownership, the subdivider shall have secured prior approval of the Board, which approval may be granted if procedures acceptable to the Board are instituted to advise lot owners that the right-of-way improvements will not be maintained by the County.~~

*Comment: Relocated to Technical Design Standards to be adopted via Resolution.*

#### **~~SECTION 1.11. ROAD MARKERS.~~**

~~Road name signs and all traffic control signs meeting county specifications shall be erected or security posed for their erection, at no expense to the County, within the subdivision prior to final acceptance and recording of a plat.~~

*Comment: Relocated to Technical Design Standards to be adopted via Resolution.*

### **~~SECTION 2. RIGHT-OF-WAY REQUIREMENTS.~~**

*Comment: Relocated to Technical Design Standards to be adopted via Resolution.*

#### **~~SECTION 2.1. WIDTH OF RIGHTS OF WAY.~~**

~~The width of all right-of-way shall conform to the requirements of the typical sections contained in these regulations. The width of all easements and right-of-way for drainage~~

~~shall be sufficient to permit maintenance by standard mechanical equipment, as determined by the County Engineer.~~

*Comment: Relocated to Technical Design Standards to be adopted via Resolution.*

**~~SECTION 2.2. TABLE OF MINIMUM WIDTH OF ROADSIDE RECOVERY AREA.~~**

**TABLE 2A**

Typical Section Type	Design Speed		
	Below 35 MPH	35 MPH– 45 MPH	50 MPH & ABOVE
Section w/o Concrete Barrier Curb	6'	14'	30'
*Section w/ Concrete Barrier Curb	4'	4'	14'
* – From face of Curb			

*Comment: Relocated to Technical Design Standards to be adopted via Resolution.*

**~~SECTION 2.3. RE-SUBDIVISION.~~**

~~In the development of an existing platted subdivision or a new subdivision adjacent to an existing county road where right of way from the centerline of the existing county road adjacent to the proposed subdivision of sufficient width to meet the requirements of these regulations.~~

*Comment: Section deleted as it does not provide clear direction.*

**~~SECTION 2.4. BOUNDARY ROADS.~~**

~~No half roads will be accepted along a boundary of a subdivision.~~

*Comment: Section relocated to Section 5.03.02.*

**~~SECTION 2.5. ACCESSIBILITY.~~**

~~Where a proposed subdivision has no frontage on an existing county road, the subdivider must provide and dedicate to the County a suitable facility meeting County standards to connect the proposed subdivision to an existing county road.~~

*Comment: Section relocated to Section 5.03.02.*

### **SECTION 3. — DRAINAGE REQUIREMENTS.**

*Comment: Relocated to Technical Design Standards to be adopted via Resolution.*

#### **SECTION 3.1. GENERAL DRAINAGE REQUIREMENTS.**

~~Drainage easement or right of way shall be provided by the subdivider, where needed, of sufficient width to permit maintenance by standard mechanical equipment, as determined by the County Engineer. Plans for enlargement of existing drainage systems that would be overloaded, due to the proposed developed area, shall be included and the cost for all improvements borne by the subdivider.~~

- ~~(1) Existing roadway ditches and outfall ditches may be used as drainage facilities for proposed subdivisions, provided those facilities are not overloaded by the additional runoff caused by development. The capacity of existing ditches shall be determined by the County Engineer. A drainage map shall be provided showing all areas that drain into, or through the proposed subdivision and the subdivision outfall system. The diameter, type, size, and flow lines of all existing and designed storm sewer and cross drain pipes shall be shown, along with the drainage area, in tenths of acres, and the "C" factor used. All drainage calculations will be submitted with the construction plans.~~
- ~~(2) The subdivider shall obtain necessary permits from the appropriate regulatory agencies to discharge runoff into bodies of waters or streams.~~
- ~~(3) The County will not accept any drainage facilities other than that located in the County right of way.~~

*Comment: Relocated to Technical Design Standards to be adopted via Resolution.*

#### **SECTION 3.2. FLOOD PLAIN AREAS.**

~~Lands depicted on the Flood Hazard Boundary Maps as being subject to periodic flooding shall be developed in compliance with applicable regulations.~~

*Comment: Relocated to Technical Design Standards to be adopted via Resolution.*

#### **SECTION 3.3. STORM SEWER DESIGN.**

~~Manning's equation will be used for storm sewer design with coefficient roughness (n) of 0.012 for concrete pipes and 0.012 for smooth lined corrugated metal pipes. Coefficient of roughness (n) for all other pipes shall be as shown in Table 3A.~~

**TABLE 3A**

Values of Coefficient of Roughness (n) for Standard Corrugated Steel Pipe (Manning's Formula)								
Corrugations	Annular	Helical						
	2 2/3" x 1/2"	1 1/2" x 1/4" 11,12		2 2/3" x 1/2"				
	All Diameter	8"	10"	12"	18"	24"	36"	48"
Unpaved	.024	.012	.014	.011	.014	.016	.019	.020
25% Paved	.021						.017	.020
Fully Paved	.012						.012	.012

Corrugations	Annular 3" x 1"	Helical 3" x 1"					
	All Diam.	36"	48"	54"	60"	66"	72"
Unpaved	.027	.021	.023	.023	.024	.025	.026
25% Paved	.023	.019	.020	.020	.021	.022	.022
Fully Paved	.012	.012	.012	.012	.012	.012	.012

When pipe is sized using full flow conditions, the hydraulic gradient shall be at least one foot below the gutter profile. Sufficient head should be allowed at inlet entrances to force the flow to the velocity required at full flow conditions. When the design is based on partial depth flows, the depth of flow shall not be over 2/3 pipe diameter at velocities exceeding 15 fps. Pipes will have a physical slope sufficient for minimum flow velocity of 2.5 feet per second.

Inlets not in sump position shall be spaced to receive 80% of the runoff in curb and gutter, village or urban sections. Inlets shall be carefully placed near intersection returns to avoid flooding adjacent properties and intersections.

Capacity of inlets in sump position shall not exceed 12 cfs D.O.T. Inlet Types "P" and "J", with inlet throats Types 1, 2, 5 and 6 shall be used on curbed sections. D.O.T. gutter inlet type "V" may be used only in village sections. Grates shall be parallel to centerline profile grade.

~~D.O.T. Standard ditch bottom inlets "C", "D", "E" and "H" shall be used in ditches or low areas where water would be collected. Where debris is a problem and there is no safety hazard, slots will be used.~~

~~The Rational Method of analysis shall be used in the design of storm sewer systems and small culverts.~~

$$Q = C I A$$

~~Q = runoff in cubic feet per seconds (cfs)~~

~~I = rainfall intensity in inches per hour~~

~~A = drainage areas, in acres~~

~~C = coefficient of runoff (See Table 13B)~~

~~"I" will be determined by using the intensity duration curves shown in Figure 3.3.1. The rainfall intensity, as determined by the 3-year curve, will be used for storm sewers. The 10-year curve for minor crossdrain culverts and Collector road culverts and the 25-year curve for Arterial road culverts.~~

~~Time of Concentration will be determined by using the Figure 3.3.2 "Velocity of Runoff". Computations will be ten minutes.~~

**TABLE 3B**

Average Slope of Terrain	Lots Per Acre	"C" Factor
More Than 0.5%	More Than 3	0.50
	2.5 to 3	0.45
	2 to 2.5	0.40
	Less Than 2	0.35
Less Than 0.5%	More Than 3	0.45
	2.5 to 3	0.40
	2 to 2.5	0.35
	Less Than 2	0.30

**TABLE 3C**

MAXIMUM CAPACITY (Q/tot/cfs) FOR 80% CAPACITY									
		CROSS SLOPES		LONGITUDINAL SLOPES					
	in/ft.	0.20%	0.50%	1.0%	2.0%	3.0%	4.0%	5.0%	6.0%
Type 1 Inlet	1/4	6.5	5.0	4.0	3.2	2.5	2.3	2.0	1.5
	3/8	*7.3/85	6.8	5.5	4.7	4.2	3.5	3.0	2.3
	1/2	*5.5/95	7.7	6.6	4.9	4.5	4.0	3.5	2.8
	5/8	*3.9/100	8.5	7.9	6.5	5.3	4.5	4.0	3.5
	3/4	*2.7/100	6.7/95	8.6	7.7	8.7	5.9	4.9	4.0
Type 3 Inlet	1/4	3.0	2.3	1.8	1.6	1.3	1.1	0.9	0.8
	3/8	4.3	3.8	3.2	2.7	2.4	2.1	1.8	1.5
	1/2	5.1	4.1	3.3	2.6	1.8	1.6	1.4	1.2
	5/8	*7.0/75	5.0	3.9	3.2	2.7	2.3	1.9	1.6
	3/4	*6.0/85	5.8	4.5	3.7	3.0	2.7	2.4	2.0
Type 5 Inlet	1/4	4.8	4.3	3.7	3.2	2.8	2.7	2.6	2.5
	3/8	6.4	5.7	5.2	4.6	4.2	3.8	3.6	3.3
	1/2	7.7	7.2	6.7	6.1	5.7	5.3	4.9	4.6
	5/8	*5.6/95	*8.0/80	7.5	6.9	6.2	5.5	5.2	5.0
	3/4	*4.9/100	*7.0/90	*7.6/85	8.2	7.5	7.0	6.5	6.2
Type Y Inlet	3/4	9.3/82.5	—	8.0/75	6.0	8.0/72.5	8.5/75	—	—
* = Roadway Flooded @ cfs / % eff									
— = No data									

*Comment: Relocated to Technical Design Standards to be adopted via Resolution.*



**SECTION 3.4. DITCHES.**

The maximum ditch velocity allowed, without erosion protection, shall be governed by the following table:

Type of Soil	Max. allowable Velocity (feet per second)
Fine sand	1.5
Silt Loam	2.0
Fine Gravel	2.5
Clay	3.0

**DITCH PROTECTION**

Grade	Flow	Protection
Less than 2%	Less than allowable Velocities shown above	Grass and Mulch
Less than 2%	More than allowable	*Sod
Up to 3%	Less than 15 cfs	*Sod
Exceeds 3%	Exceeds 15 cfs	Paved
* = Where watering natural or artificial, is available.		

Outfall ditches and ditches not adjacent to a roadway shall be situated within a drainage easement of sufficient width to allow a 15-foot wide maintenance berm on one side and a five foot stability berm on the opposite side. The bottom width of an outfall ditch should be two feet wider than any culvert it serves. Side slopes of outfall ditches shall be 3:1 or flatter, where soil conditions dictate, unless ditches are paved. Drainage easements located on subdivision lots will be noted on the plat to be maintained by the property owner. Drainage easements will not serve as utility easements.

- (1) Highway section ditches shall be a minimum of two feet below shoulder point elevation. Higher centerline grades shall be used where wet conditions are encountered and damage to base material is possible. Ditch bottom width shall not be less than four feet.
- (2) Roadside "V" or swale ditches may require storm sewer protection. Roadside "V" or swale ditches will be permitted only where soil conditions and grades are favorable.

*Comment: Relocated to Technical Design Standards to be adopted via Resolution.*

**~~SECTION 3.5. CULVERTS, BRIDGES AND PIPES.~~**

~~Pipe culverts shall be reinforced concrete, bituminous coated corrugated metal or aluminum. The minimum diameter shall be 18 inches. When hydraulic conditions indicate the need for a headwall, a D.O.T. standard headwall will be required. Mitered pipe end sections are required. Bridges and box culverts shall be designed to D.O.T. Specifications.~~

*Comment: Relocated to Technical Design Standards to be adopted via Resolution.*

**~~SECTION 3.6. SIDE DRAINS.~~**

~~Side drains may be bituminous coated corrugated metal pipe, reinforced concrete pipe or aluminum pipe. The minimum size shall be an 18 inch diameter with poured concrete mitered ends as specified by D.O.T. Specifications.~~

*Comment: Relocated to Technical Design Standards to be adopted via Resolution.*

**~~SECTION 3.7. GROUND WATER.~~**

~~Soil borings will be taken and analyzed to a depth of six feet below natural ground or profile grade, whichever is the lower. Sufficient borings will be taken to determine the soil conditions and highest ground water evident throughout the proposed subdivision.~~

~~If high ground water has been determined to be a problem, provisions acceptable to the County Engineer shall be made to protect proposed limerock base, underdrains will be required in sections without highway ditch protection, unless alternate base material is selected which is resistant to ground water.~~

~~Underdrains will be placed on the uphill side of the roadway (or on both sides, where needed) with the crown of the underdrain pipe four feet below natural ground or 1.5 feet below the base, whichever is the lower. The underdrain systems shall be shown, along with the pipe sizes, flow lines, cleanouts and outfalls. Where required, underdrains shall be designed in accordance with details shown in Figure 3.7.1. Alternate underdrain designs shall be approved by the County Engineer.~~

*Comment: Relocated to Technical Design Standards to be adopted via Resolution.*

**~~SECTION 3.8. ON SITE RETENTION.~~**

~~On site retention may be permitted where conditions are suitable. Retention type swales cannot be located in road right of way to be dedicated to the County. The maximum grade on retention swales shall be 0.3%. Where necessary, swales will outfall into a~~

~~retention area that will contain a 10-year frequency storm with provisions for overflow conditions that will occur on a frequency in excess of 10 years.~~

~~Retention areas designed to contain a 100 year frequency storm will not require provisions for positive outfall.~~

~~Where on-site retention is to be considered, ground water shall be sufficient distance below natural grade or proposed profile grade of ditches to allow a percolation rate of one inch per minute. Total percolation rate used in calculations shall be 1.5 feet per hour.~~

~~When lakes and retention ponds are incorporated within a subdivision and abutted by lots, such abutting lot lines shall be extended into the lake or pond to incorporate all of the area of the lake or pond into the abutting lots.~~

~~Retention areas should not have side slopes exceeding 4:1. Retention areas shall be designed, and noted on the plat, as drainage easements to be maintained by the property owners.~~

~~Preliminary plans on retention type subdivisions shall be reviewed by the Hardee County Engineering Department to determine feasibility.~~

~~It shall be noted on the plat that runoff water will be retained within the subdivision and that temporary ponding conditions will occur.~~

*Comment: Relocated to Technical Design Standards to be adopted via Resolution.*

#### **~~SECTION 4. -- ROADWAY CONSTRUCTION REQUIREMENTS.~~**

*Comment: Relocated to Technical Design Standards to be adopted via Resolution.*

##### **~~SECTION 4.1. NOTIFICATION REQUIREMENT.~~**

~~The subdivider or contractor retained by the subdivider to construct the subdivision shall give the County at least one week's notice before the commencement of any construction.~~

*Comment: Relocated to Technical Design Standards to be adopted via Resolution.*

##### **~~SECTION 4.2. INSPECTION.~~**

~~The engineer or his/her representative shall make periodic inspections on the project during the construction period and all work shall be done under the supervision of said engineer and performed to his/her satisfaction in accordance with the approved plans and specifications. If any change affecting conformance to standard or performance in~~

~~systems is required in said plans during the period of construction, such changes must first be approved, in writing, by the County Engineer or his/her authorized representative.~~

~~The County Engineer reserves the right to perform any inspection necessary to verify conformance with plans and specifications.~~

*Comment: Relocated to Technical Design Standards to be adopted via Resolution.*

#### **~~SECTION 4.3. TESTING OF MATERIALS.~~**

~~The engineer shall, at the completion of construction, certify to the County on the standard form, provided by the County Engineer, that work has been performed in accordance with the approved plans and specifications. Reports on all required tests shall be submitted with this certification.~~

~~A certified commercial testing laboratory or registered engineer shall certify to the County Engineer that all materials and workmanship entering into the completed work are in accordance with the approved plans and D.O.T. specifications, as modified by (1) below. The County may also conduct any tests deemed necessary.~~

- ~~(1) The requirements of D.O.T. specifications for testing the surface of base courses and the surface testing requirements for asphaltic concrete surface courses are not excluded from these subdivision regulations on all local roads.~~

*Comment: Relocated to Technical Design Standards to be adopted via Resolution.*

#### **~~SECTION 4.4. TESTS REQUIRED.~~**

~~All tests shall be performed and samples taken at intervals defined as job control samples in the current D.O.T. "Guide Schedule for Sampling and Testing Materials."~~

*Comment: Relocated to Technical Design Standards to be adopted via Resolution.*

#### **~~SECTION 4.5. STABILIZED SUBGRADE.~~**

~~All roadway subgrade, where applicable, shall be stabilized to the required depth and required Florida bearing value, six inches outside the edge of base on each side of the roadway, and shoulders shall be stabilized six inches deep to Florida bearing value of 60. Where existing soils to be used in roadway subgrade have the required bearing value, no additional material is added.~~

~~The stabilizing material, if required, shall be high bearing value soil, clay-sand, limerock, shell or other material conforming to D.O.T. specifications.~~

*Comment: Relocated to Technical Design Standards to be adopted via Resolution.*

#### **~~SECTION 4.6. BASE COURSE.~~**

~~The materials permitted as base course for flexible pavement shall be limerock, oyster shell, hotplant mix asphaltic concrete or soil cement and shall meet D.O.T. specifications.~~

*Comment: Relocated to Technical Design Standards to be adopted via Resolution.*

#### **~~SECTION 4.7. SURFACE COURSE.~~**

~~Any D.O.T. approved asphaltic concrete surface course will be permitted. Only one type surface course will be permitted in each subdivision or phase of a development. Minimum thickness for all surface courses shall be 1 1/2".~~

*Comment: Relocated to Technical Design Standards to be adopted via Resolution.*

#### **~~SECTION 4.8. FLEXIBLE PAVEMENT ROADWAY DESIGN.~~**

~~The method of determining roadway subbase, base and pavement thickness for standard typical sections shown in Figure 4.8.1, shall be the structural number criterion as set forth in the "Procedure Manual for Flexible Pavement Design" prepared by the D.O.T.~~

~~The minimum structural number allowable for any roadway section designed for local residential traffic will be 1.58, as determined by the layer coefficient shown in Table 4A. The minimum surface course thickness shall be one and one half inch.~~

~~The total layer coefficient allowed for the subgrade designed for local residential traffic shall not exceed the value assigned for eight inch thickness. The base material specified in Section 4.6 shall be used. The proposed typical section shall be shown on the plans and the structural number computation included under the typical section.~~

~~Proposed roadways which are to accommodate commercial or industrial traffic shall be designed for 18 kip single axle load application, as set forth in the "Procedures Manual for Flexible Pavement Design" prepared by the D.O.T.~~

- ~~(1) Table 4A is a suggested starting place for determining pavement layer type and material use based on previous general experience. Pavement sections differing from these guidelines are feasible when justified by local experience, construction procedure or appropriate supporting data.~~
- ~~(2) Thickness not to be more than the maximum or less than the minimum thickness shown above. In any case, the pavement structure must be adequate and meet all requirements for service.~~

(3) For cost comparison purposes, it may be desirable to use the thicknesses of ABC in increments of one inch.

**TABLE 4A**

FLEXIBLE PAVEMENT ROADWAY DESIGN GUIDELINES				
D.O.T. Spec. Section No.	Layer Coeff.	Layer	(b) Thickness	D.O.T. Manual Section No. Remarks
160.3	0.10	Stabilized Subbase	As shown in the plans	5.3, Commercial Material blend 6" into top of finished Type B Stabilized Subgrade LBR 40
160	0.06	Type A, B Stabilization	8" only	5.2, FBV 60 Required
170	0.12	Cement Treated Subgrade (300 PSI)	6"	5.2
290 (sp)	0.15	Limerock Subbase (LBR 100)	4", 6"	5.4
200	0.15	Limerock Base (LBR 100)	5", 6", 8", 10"	5.5
230	0.12	Limerock Stabilized Base (LBR = 70)	6", 8", 10"	5.5
250	0.12	Shell Base (LBR = 70)	5", 6", 8", 10"	5.5
270	0.22	Soil Cement Base (MR = 600 psi)	6", 8", 10"	5.5
280 (sp)	0.21	ABC Type 1	(c)4", 5", 6", 8"	5.5
280 (sp)	0.25	ABC Type 2	(c)4", 5", 6", 8"	5.5
280 (sp)	0.30	ABC Type 3	(c)4", 5", 6", 8", 10", 12", 14"	5.5
331	0.40	Type S-I AC	1" to 6" increments by item no.	5.6.1
332	0.20	Type II AC	1" to 6" increments by item no.	5.6.2
333	0.30	Type III AC	0.5" to 6" increments by item no.	5.6.3

338 (sp)	0.20	Skid-Resistant Wearing Course	1"	5.7
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*Comment: Relocated to Technical Design Standards to be adopted via Resolution.*

#### **~~SECTION 4.9. RIGID PAVEMENT DESIGN.~~**

~~Portland cement concrete pavement designed in accordance with the requirements of the American Concrete Paving Association Guide Specifications and Design Standards, contained in the "Municipal Concrete Paving Manual," or an equivalent specification will be approved by the County Engineer for construction.~~

*Comment: Relocated to Technical Design Standards to be adopted via Resolution.*

#### **~~SECTION 4.10. TYPICAL ROADWAY SECTIONS AND STANDARD INTERSECTION DETAILS.~~**

~~The following sections and details shall govern minimum design of all pavements, except as modified by Section 4.8.~~

*Comment: Relocated to Technical Design Standards to be adopted via Resolution.*

#### **~~SECTION 5. VARIANCES.~~**

*Comment: Title Deleted as subsections relocated to Articles 9 or 11 of the ULDC.*

#### **~~SECTION 5.1. MINIMUM STANDARDS.~~**

~~These subdivision regulations set forth minimum requirements. The Board may impose higher standards and additional requirements if the Board finds that such are necessary to protect the public health, safety and welfare.~~

*Comment: Deleted as addressed in Code*

#### **~~SECTION 5.2. VARIANCES.~~**

~~The Board may grant Variances to these subdivision regulations provided that the public welfare is protected. In granting any Variance, the Board may prescribe and impose such conditions as it deems necessary or appropriate to the circumstances of the Variance requested, including, without limitation, requirements for record notice of substandard or private roads, minimum size for building sites, and methods for financing future maintenance of private roads by the owners thereof.~~

*Comment: Deleted in favor of waiver process.*

**SECTION 5.3. MINIMUM REQUIREMENTS FOR SUBSTANDARD PRIVATE ROAD SUBDIVISION:**

~~Unless the Board shall otherwise provide in granting a Variance pursuant to the Section 5.2 for the subdivision of land in a zoning district, which Variance allows the substandard construction and private ownership and maintenance of roads, such Variance shall be deemed to be conditioned upon compliance with the following minimum requirements:~~

- ~~(1) A plat must be recorded which shows a statement prohibiting further re-subdividing of any platted tract;~~
- ~~(2) Each tract shall not have less than 50 feet abutting the private road easement.~~
- ~~(3) Recorded easements with minimum width of 60 feet (included in plat) granting easement over private road for ingress and egress and utilities to serve each lot which easement shall connect to a public road and reciting requirement of maintenance by owner;~~
- ~~(4) Recorded plat of subdivision designating private nature of roads and drainage features and the County will not maintain same and reciting condition of subdivision regulations Variance including lot size limitation for building permits;~~
- ~~(5) Deed restrictions must provide mechanism approved by Board for collection and performance of all maintenance and improvement functions;~~
- ~~(6) Signs designating that roadways are private roads and showing street names at entrance;~~
- ~~(7) Submit engineering plans for roadways and drainage including grades and typical section, along with a filing fee in such amount as the Board shall establish by Resolution. The engineering plans shall conform to the Typical sectioned details depicted in (1) above;~~
- ~~(8) Buyer must sign that he/she has read Deed Restrictions and easement agreement and plat;~~
- ~~(9) Show any areas in flood zone and also 100-year flood elevation; and~~
- ~~(10) Developer and engineer's certification of improvements required upon final plat approval.~~

*Comment: Relocated to Section 9.17.00*



**~~SECTION 6. ACCEPTANCE OF IMPROVEMENTS.~~**

*Comment: Relocated to Section 9.20.00*

**~~SECTION 6.1. ACCEPTANCE FOR MAINTENANCE.~~**

~~The County shall accept for maintenance only those subdivision roads and drainage facilities which are constructed in accordance with these regulations and which are dedicated to the public by recorded plat.~~

*Comment: Relocated to Section 9.20.01.*

**~~SECTION 6.2. SUBDIVIDER RESPONSIBILITY AFTER ACCEPTANCE.~~**

~~Prior to acceptance by the County, the subdivider's engineer should provide a certificate attesting to the fact that the improvements have been completed in accordance with the approved plans and specifications. If all work is found to be satisfactorily completed, the County Engineer will recommend to the Board such improvement for permanent maintenance by the County, with the express provision that the subdivider guarantees said work for a period of one year.~~

~~In the event of failures within the said period, the subdivider will be required to make necessary repairs.~~

*Comment: Relocated to Section 9.20.02.*

Text that is underlined is text to be added and text that is shown as ~~strikeout~~ is to be removed. Comments provided for information and are not adopted as part of the Unified Land Development Code text.

*Comment: Appendix B deleted because it is not current; Article 10 addresses the relevant items.*

## ~~APPENDIX B – TO THE UNIFIED LAND DEVELOPMENT CODE~~

### ~~SMALL SCALE AMENDMENT STANDARDS FOR HARDEE COUNTY~~

#### ~~Small Scale Plan Amendments Exempt from DCA Review~~

~~Plan Amendments may be submitted to the Department of Community Affairs (DCA) by the County no more than twice yearly for review pursuant to the procedures established in Chapter 163.3187 F.S.~~

~~Plan amendments that are defined as Small Scale Amendments must also be submitted to DCA, but are exempt from the annual amendment quota established by law. Small Scale Plan Amendments are defined by "Florida Statutes" as a proposed amendment in a residential land use category of 10 acres or less and a density of 10 units per acre, or less, or one that involves other land use categories, singularly or in combination with residential uses of 10 acres or less and:~~

- ~~(A) The cumulative effect of the above amendments shall not exceed 80 acres annually;~~
- ~~(B) The proposed amendment does not involve the same property more than once a year;  
and,~~
- ~~(C) The proposed amendment does not involve the same owner's property within 200 feet of property granted a change within a period of 12 months.~~

~~Upon adoption of Small Scale Plan Amendments by the County, property owners may begin the rezoning application process, but development orders cannot be issued until receipt and acknowledgement by DCA. Small Scale Plan Amendments are subject to all other standards and review procedures as set forth in Section 7.02.00.~~

~~The following form must be submitted with all Small Scale Plan Amendments, in order that a running total of acres of small scale amendments to date for each year is known.~~

### ~~SMALL SCALE DEVELOPMENT AMENDMENT SUBMITTAL FORM~~

~~01. Name of Local Government: HARDEE COUNTY~~

~~Person completing this form \_\_\_\_\_~~

~~Telephone Number \_\_\_\_\_~~

~~Name of Newspaper that notice of Small Scale Development Amendment was published: \_\_\_\_\_~~

~~Date of Publication Notice \_\_\_\_\_ (Please attach copy of notice)~~

~~02. Number of acres of small scale development amendments contained in package:~~

~~a. Within Urban Infill, urban Redevelopment or Downtown Revitalization as defined by Section 163.3164, F.S. \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_~~

~~b. Within transportation Concurrency Exception Area pursuant to Section 163.318(5), F.S. \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_~~

~~c. Within regional Activity Centers or urban Central Business Districts pursuant to Section 380.06(2)(e), F.S. \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_~~

~~d. Outside categories a., b. and c. \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_~~

~~03. Cumulative total number of acres of Small Scale Development Amendments for the calendar year:~~

~~a. Categories listed in Item 02 a., b., and c. above \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_~~

~~b. Categories listed in Item 02 d. above \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_~~

~~04. Total number of acres of Small Scale Development Amendments in this package that are located within a coastal high hazard area as identified in the Comprehensive Plan.~~

~~\_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_~~

~~Pursuant to Rule 9J-11.015(2), F.A.C., this form must be mailed with all Small Scale Development Amendments as defined by Section 163.3187(1)(c) F.S. to:~~

**DEPARTMENT OF COMMUNITY AFFAIRS**  
**BUREAU OF STATE PLANNING, PLAN PROCESSING SECTION**  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

Text that is underlined is text to be added and text that is shown as ~~strikeout~~ is to be removed. *Comments* provided for information and are not adopted as part of the Unified Land Development Code text.

*Comment: Appendix C deleted because the Ringlemann Smoke Chart No. 7 for mines is available from other sources.*

**~~APPENDIX C – TO THE UNIFIED LAND DEVELOPMENT CODE~~**

~~Insert a copy of the Ringleman Smoke Chart No. 7 published by the United States Bureau of Mines.~~

DRAFT