

ARTICLE 3

DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS

3.01.00 General Provisions

3.01.01 Purpose

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

3.01.02 Responsibility for Improvements

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

3.01.03 Principles of Development Design

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

3.02.00 Transportation Systems

3.02.01 General Provisions

- (A) *Purpose.* This Section establishes minimum requirements applicable to the development 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 insure 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 engineering design and construction standards adopted by the City of Wauchula.

3.02.02 Right-of-Way Widths

Table 3.1 Right-of-Way Widths

Road Classification	Minimum Number of Lanes	Minimum Pavement Widths	Minimum Right-of-Way Widths
Local: One Way	1-10' Moving & No Parking	10'	60'
	or 1-10' Moving & 1-8' Parking	18'	60'
Local: Two Way	2-10' Moving & No Parking	20'	60'
	or 2-10' Moving & 1-8' Parking	28'	60'
Collector	2-10' Moving & No Parking	20'	60'
Arterial	2-11' Moving & No Parking & No Median	22'	70'
	or 2-12' Moving & No Parking & 1-6' Median	30'	70'

3.02.03 Street Design Standards

(A) General Design Standards

- (1) All streets in a new development shall be designed and constructed pursuant to all engineering design standards adopted by the City of Wauchula. Streets shall be dedicated to the City upon completion, inspection, and acceptance by the City.
- (2) The street system of the proposed development shall, to the extent practicable, conform to the natural topography of the site, preserving existing hydrological and vegetative patterns, and minimizing erosion potential, runoff, and the need for site alteration. Particular effort should be directed toward securing the flattest possible grade near intersections.
- (3) Streets shall be laid out to avoid environmentally sensitive areas.
- (4) Private streets may be allowed within any development, provided they are designed and constructed pursuant all engineering standards applicable to public roads of the same functional classification.
- (5) Private ownership of streets may be permitted with approval by the City Council, if the developer, in writing, assures the City that these private improvements shall be kept in a satisfactory state of repair and maintenance by the developer or by legally established homeowners association, which shall be clearly stated on the face of the final plat.
- (6) The street layout in all new development shall be coordinated with and

interconnected to the street system of the surrounding area.

- (7) Streets in proposed subdivisions shall be connected to rights-of-way in adjacent areas to allow for proper inter-neighborhood traffic flow. If adjacent lands are unplatted, stub-outs in the new development shall be provided for future connection to the adjacent unplatted land.
 - (8) Residential streets shall be arranged to discourage through traffic, but not eliminate it.
 - (9) Streets shall intersect as nearly as possible at right angles and in no case shall be less than 75 degrees.
 - (10) *Paving Thickness.* Pavement thickness shall be minimum of 1.5 inch asphalt concrete (compacted thickness) and a minimum four inch limerock base course (compacted thickness). Standard stability requirements on the asphalt and standard acceptable density requirements on the limerock base course shall be met. These specifications may be increased at the discretion of the City Council.
 - (11) *Curbing Requirement.* Curbing shall be required for the purposes of drainage, safety, and delineation and protection of pavement edge along streets where the surface drainage plan requires curbing to channel stormwater. All curbing shall conform to the general engineering and construction standards for the City.
 - (12) *Shoulders.* Shoulders, where required, shall measure at least four feet in width and shall be required on each side of streets and shall be located within the right-of-way. Shoulders shall consist of stabilized turf or other material permitted by the City.
- (B) *Pavement Widths.* Pavement widths for each street classification shall be as provided in the following table:

Table 3.2 Pavement Widths

Type of Street	Curb and Gutter	No Curb and Gutter
Arterial	22 feet	22 feet
Collector	20 feet	20 feet
Local Road	20 feet	20 feet

(C) *Cul-de-sac Turnarounds and Alleys*

- (1) **Cul-de-Sacs.** Permanent dead-end streets extending more than two lots or more than 125 feet shall provide a cul-de-sac turnaround, the location and specification of which shall be established by the Consulting City Engineer and the Fire Department.

An unobstructed 12-foot wide moving lane with a minimum outside turning radius of 38 feet shall be provided at the terminus of every permanent cul-de-sac. Each cul-de-sac shall not exceed 250 feet in length.

- (3) **Alleys.** Alleys shall be provided in commercial and industrial districts or areas except that the Planning and Zoning Board may waive requirement where other definite and positive provisions are made for service access, off-street loading, unloading or parking.

a. **Width.** The width of any alley shall not be less than 10 feet and not more than 30 feet.

b. **Intersections, direction changes.** Alley intersections and sharp changes of direction shall be avoided. When necessary, all corners shall be rounded to a minimum radius of 20 feet to facilitate safe vehicular movement.

c. **Dead ends.** Dead end alleys shall be prohibited unless provided with a turnaround or cul-de-sac.

- (D) ***Signage and Signalization.*** The developer shall deposit with the City sufficient funds to provide all necessary roadway signs and traffic signalization as may be required by the City, based upon City or State traffic standards. At least two street name signs shall be placed at each four-way street intersection, and one at each "T" intersection. Signs shall be installed under light standards and free of visual obstruction. The design of street name signs shall be consistent, of a style appropriate to the community, and of a uniform size and color.

3.02.04 Clear Visibility Triangle

In order to provide a clear view of intersecting streets to the motorist, there shall be a triangular area of clear visibility formed by two intersecting streets or the intersection of a driveway and a street. The following standards shall be met:

- (A) Nothing shall be erected, placed, parked, planted, or allowed to grow in such a manner as to materially impede vision between a height of three feet and 8 feet above the grade, in the visibility triangle; and
- (B) Within 20 feet of the street curblines of the road right-of-way lines in both

directions.

3.02.05 Blocks, Yards, Lots and Fences

(A) Blocks

- (1) Where a tract of land is bounded by streets forming a block, said block shall have sufficient width to provide for two tiers of lots of appropriate depths.
- (2) The lengths, widths, and shapes of blocks shall be consistent with adjacent areas.
- (3) Block lengths shall not exceed 1,000 feet in length or be less than 400 feet in length, except as may be approved by the Planning and Zoning Board.

(B) Yards and Lots

- (1) Clear Visibility Triangle. Obstructions to vision at street intersections shall not be allowed. See Section 3.02.03 (D), "Clear Visibility Triangle".
- (2) Front Yard Regulations for Double Frontage Lots. Double frontage lots shall, on both of the adjacent streets, meet the front yard regulations of the district in which they are located.
- (3) Yard Regulations for Corner Lots.
 - a. On corner lots in any zoning district where front yards are required, no obstruction shall be permitted to impede visibility between a height of three feet and eight feet above the grades of the intersecting streets, within 20 feet of the intersection.
 - b. On corner lots abutting two intersecting streets, both yards facing both streets shall be front yards and shall maintain the front yard required setback listed in the Table of Development Standards, Table 2.05.01(B).
 - c. The side and rear yards for the corner lot shall be designated by the applicant at the time of his application for a Building Permit.
- (4) Application of yards to one building only. No part of a yard required for any building may be included as fulfilling the yard requirements for an adjacent building.
- (5) Use of front yards for accessory buildings. No accessory buildings are permitted in front yards. They are permitted in rear or side yards

according to the dimension and area regulations.

- (6) Reduction in lot area prohibited. 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.

(C) *Yard Setbacks*

- (1) The minimum front yard setback shall be that which is in the Table of Development Standards of this Article, for each zoning district.
- (2) The Board of Adjustment may, however, grant a variance where existing development on adjoining lots does not meet this front yard requirement.
- (3) All lots shall front on a dedicated public street for a minimum distance of 50 feet, except that those lots which front on the turnarounds of permanent dead-end streets shall be permitted a minimum distance of 40 feet.
- (4) Lots of record less than 51 feet in width and more than 25 feet in width shall have a minimum side yard setback of five feet.

(D) *Yard Setbacks in P-1, C1 and C2:*

- (1) When commercial property adjoins residential property along a street line, the front setback of the commercial property improved must equal that required of the adjoining residential property.
- (2) There shall be a minimum side or rear yard setback of not less than 25 feet where the side or rear of the commercial property adjoins residential property.
- (3) If a nonresidential building is used also for residential purposes above the first story, there shall be a rear yard with a minimum depth of 30 feet. However, no rear yard shall be required within 50 feet of any front street line behind any story. An outside fire escape, stairway or balcony may project not more than five feet into a rear yard.
- (4) Residential buildings in P-1, C1 and C2 shall have yards equal in width as specified for such dwellings in the least restrictive residential district.

- (E) *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:

- (1) Where the land area on each side of the right-of-way meets the minimum size requirement of the applicable zoning district, the property shall be considered two lots for the purposes of this Code.
 - (2) Where the land area on one or both sides of the right-of-way fails to meet the minimum size requirement, then the property shall be considered one lot for the purposes of this Code. The principal structure shall be located on the larger portion of the property.
 - (3) No subdivision plat that includes a lot divided by a right-of-way shall be approved unless such lot meets the applicable size requirement on at least one side of the right-of-way.
- (F) *Alteration of Lot Size.* No existing lot shall be reduced in area or dimension below the minimum requirements applicable to such lot under the provisions of this Code, except that when a lot is reduced in dimension or total area by 20 percent 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.
- (G) *Fence Height Limitations* A permit is required from the Development Director before erecting any fence.
- (1) *Residential Zoning Districts.* In all residential zoning districts, no fence or solid wall on any property shall exceed six feet in height. A solid fence may be added in the front yard as long as it does not exceed four feet in height and has a 10 foot minimum setback from the property line. A chain-link type fence (without slats) may be placed within the front setback area as long as it does not exceed four feet in height. Similarly, no fence shall exceed six feet in height in the rear and side yard; and a solid fence may be added in the side yard as long as a 10 foot minimum setback from the front property line is maintained. A chain-link type fence (without slats) may be placed within the side yard setback area up to the front property line and may not exceed four feet in height for the first ten feet from the front property line.
 - (2) *Other Zoning Districts.* No fence or solid wall on any property shall exceed eight feet in height in any commercial or industrial zoning districts.
 - (3) *Clear Visibility Triangle.* In all districts, no fence or other obstruction, including signs having less than 8 feet of ground clearance, walls, hedges,

or other structures shall exceed three feet in height within 20 feet minimum of any corner street curblin intersection so as to interfere with traffic visibility across the corner.

- (4) *Finished Side Facing Out.* Any fence located adjacent to a public right-of-way or private road shall be placed with the finished side facing that right-of-way.
- (5) *Pools.* Unless the pool is entirely enclosed or screened-in with approval screen, it must be surrounded by a protective wall or chain link fence no less than four feet in height.
- (6) *Double Frontage Lots.* See Section 3.02.05.(B)(2).
- (H) *Fencing of Outdoor Storage Areas in Commercial and Industrial Zoning Districts.* All outdoor storage areas will be enclosed by suitable vegetation, fences or walls. Commercial and Industrial uses next to residential uses are required to have a landscape buffer. See Article 3, Section 3.07.00, "Landscaping," for details.

Fencing of all industrial uses is required, unless the activity is conducted wholly within a permanent structure which obscures the use from public view.

3.02.06 Sidewalks and Bikeways

Design And Construction Standards. Design and construction of sidewalks and bikeways shall conform to all applicable engineering requirements adopted by the City of Wauchula, including provisions for access by physically handicapped persons.

- (A) Projects abutting collector or arterial facilities shall provide sidewalks adjacent to such roadways. Location of sidewalks shall be consistent with planned roadway improvements.
- (B) Sidewalks shall be provided on both sides of all residential streets where the average lot width at the street is 60 feet or less.
- (C) Sidewalks shall be provided on one side of all residential streets where the average lot width at the street is greater than 60 feet.
- (D) Where a proposed development includes improvements or new construction of collector or arterial facilities, facility designs shall include provision for sidewalks and bikeways within the right-of-way.
- (E) Residential projects adjacent to or in the immediate vicinity of commercial, office, service, schools or recreation activities shall provide sidewalks from the development to the activity center.

- (F) 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.

3.02.07 Access Points Onto Streets

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

Table 3.3 Distance Between Access Points

Type of Roadway	Distance Between Access Points
Arterial	300 feet
Collector	140 feet

- (A) In lieu of any two openings onto any one road, there may be permitted a single point of access 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.
- (B) Adjacent uses may share a common driveway provided that appropriate access easements are granted between or among the property owners.
- (C) *Separation Of Access Points*
 - (1) There shall be a minimum distance of 12 feet, measured at the property line, between any two openings onto the same street.
 - (2) No point of access shall be allowed within 40 feet of the intersection of the right-of-way lines of any public road.
 - (3) The distance between access points shall be measured from the centerline of the proposed driveway or roadway to the centerline of the nearest adjacent driveway or roadway, at the property line.
- (D) *Access To Residential Lots*
 - (1) No residential lots having a width less than 125 feet shall abut an arterial without also directly abutting a local or collector street.
 - (2) No lot in a subdivision shall be approved with less than 50 feet of frontage on a public street right-of-way.
 - (3) All vehicular access points shall be at least five feet from all side or rear

property lines.

(E) *Access To Off-street Parking Spaces*

- (1) There shall be only one access point, not to exceed 48 feet in width; or, two access points, not to exceed 24 feet in width each, permitted on the street on which the off-street parking space is located. Requests for additional access points must go before the Board of Adjustment and Appeals.
- (2) All off-street parking space access points on a street shall be located at least 50 feet, or two-thirds the distance of the lot frontage on the street, whichever is less, from the intersection of any right-of-way lines of streets or a street and a railroad and at least two and one-half feet from all side or rear property lines. There shall also be a minimum distance of 20 feet between any two access points serving the property.

3.02.08 Standards for Drive-in Facilities

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

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

turning radius shall be 25 feet.

- (H) Construction of stacking lanes shall conform to all engineering design standards adopted by the City of Wauchula.

[RESERVED]

3.03.00 Off-Street Parking And Loading

3.03.01 Applicability

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

3.03.02 Number of Required Spaces

In R1A, a minimum of three off-street parking spaces are required for every residential unit. In all other residential districts, a minimum of two off-street parking spaces are required for every residential unit. One additional car parking space shall be provided for each secondary dwelling unit (garage apartment). Off-street parking shall be surfaced in a stable manner and shall have vehicular access to a dedicated public street or alley.

- (A) *Number Of Required Spaces.* In all districts, off-street parking shall be provided as set forth in the following Table of Required Parking Spaces.
- (B) *Off-Street Parking for the Physically Disabled.* All development covered by 316.1955-1956, F.S., shall provide parking for the physically disabled pursuant to the requirements of those sections. In addition, all residential developments with greater than 25 required parking spaces shall comply with the requirements of 316.1956, F.S.
- (C) *Exceptions to Off-street Parking Spaces Required for uses in Historic Structures.* Upon approval of a site plan by the Development Director, off-street parking may be waived or reduced, provided the following determinations are made:
 - (1) Construction of the required spaces on-site would prevent the continuous development of a compact and coordinated row of commercial buildings fronting on an already established commercial block or shopping area;
 - (2) The required spaces cannot be reasonably provided. In residential zoning districts and in conjunction with historic structures, parking may be allowed on the street, if the character of the neighborhood is not altered.
 - (3) The principal building and use proposed is not designed or oriented to providing sales or services to persons remaining in vehicles;
 - (4) Construction of the required space would detract from the overall shopping desirability of the adjoining buildings and premises and would result in the incompatible mixing of vehicles, buildings and pedestrian shoppers.
- (D) Front setbacks of less than 25 feet in commercial and professional districts do not

allow for pull-in parking and is prohibited. All parking must be in the rear or on the side of the building(s).

- (E) *Parking Of Commercial Vehicles in Residential Districts.* Parking of commercial vehicles (truck, tractor trailer or the like) that exceed 4,000 pounds (a two-ton axle) is prohibited in all residential districts.

The City Council may designate a city parking lot that can be used for the overnight and weekend parking of commercial vehicles. The City assumes no liability for the safety of any vehicle or its contents; and no commercial vehicle shall be abandoned at the designated lot.

- (F) *Parking Of Boats and Recreational Vehicles in Residential Districts.* Within any residential district, recreational vehicles (including collapsible camp 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 area of the principal building, except on the designated driveway.

Table 3.4 Required Parking Spaces

Land Use and/or Building Type	Per Unit	Per 1,000 SFGFA* or SFGLA**	Per Student/Member Seat/Employee/Etc.
Residential, Group Care and Lodging			
R1A district Single family dwelling unit	3.0		
Single family dwelling unit in all other districts	2.0		
Secondary dwelling unit (e.g. garage apt.)	1.0		
Duplexes	2.0		
Multifamily units	1.5		
Adult congregate living facility	0.7		
Bed and Breakfast inn, per room rented			1.0
Plus one space for owner			2.0
Boarding house, per room rented			1.0
Plus one space for Resident Manager			2.0
Hospital, per bed			2.0
Hotel and motel	1.1		
Plus per Resident Manager	1.0		
Plus per Restaurant Seat	0.2		
Nursing home, per bed			0.7
Commercial, Professional and Office Uses			
Antique store, per 100 s.f. of building		0.8	
Auto, Boat or Truck establishments, per 100 s.f. of building			0.5
Plus per regular employee			1.5
Bank with drive-through		3.0	
Banks without drive-through		2.5	
Bowling alley, per lane			4.5
Building materials establishments, per 100 s.f. of building			0.6

Land Use and/or Building Type	Per Unit	Per 1,000 SFGFA* or SFGLA**	Per Student/Member Seat/Employee/Etc.
Plus per regular employee			1.5
Fast food restaurant with drive-in, per seat			0.5
Furniture store		1.5	
Convenience store, per 100 s.f. of building			0.8
General retail sales		4.0	
Laundry & dry cleaning plants, per regular employee			2.0
Medical, dental, optical, chiropractor office		3.0	
Medical clinic and professional buildings		4.5	
Office (less than 3,000 SFGFA)		3.0	
Office (more than 3,000 SFGFA)		2.5	
Putt-putt golf, per hole		14	0.03
Restaurant, per seat			0.4
Restaurant with lounge, per seat			0.5
Roadside Agriculture Stand		3.0	
Shopping center		4.0	
Stable-Public, per 5 stalls			1.0
Supermarket and discount store		3.5	
Theaters, freestanding, per seat			0.3
Day Care and Schools			
Day care center/school, per employee			1.3
Elementary and junior high school, per teacher			1.2
Senior high school, per student			0.4
University or college, per daytime student			1.0
Industrial Uses			
Industrial park with offices		1.8	
Light industry		1.8	
Manufacturing		1.0	
Warehousing and distribution centers			1.0
Other Uses			
Correctional Facility per inmate Plus Per employee			1/25 inmates 1.0
Cultural facility; or Land area devoted to assembly or visitor use		3.0 0.1	
Church, per seat in sanctuary			0.3
Recreation clubs (golf, yacht, etc.), per member			0.2

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

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

3.03.03 Bicycle Parking

- (A) One bicycle parking space shall be provided for every 10 automobile parking spaces, or fraction thereof, required for the use, except as provided below:

Table 3.5 Required Bicycle Spaces

Use	Required Bicycle Spaces
Educational	
Elementary and Junior High	5.0 per required auto space
Senior High Schools	1.0 per required auto space
Colleges	.5 per required auto space
Entertainment and Recreation	
Arcades, games, skating, tennis, handball, racquetball, swimming pool	.25 per required auto space

- (B) Design Standards
- (1) The Development Director shall maintain a list of approved bicycle parking facilities.
 - (2) Other bicycle parking devices may be used if it is established to the satisfaction of the Department that the standards below are met.
 - (3) The rack or other facility shall:
 - a. Be designed to allow the frame and wheels of each bicycle to be secured against theft.
 - b. Be designed to avoid damage to the bicycles.
 - c. Be anchored to resist removal and solidly constructed to resist damage by corrosion and vandalism.
 - d. Be located to prevent damage to bicycles by cars.
 - e. Be located so as not to interfere with pedestrian movements.

3.03.04 Location of Parking Spaces

Parking spaces required by this Section shall be located as follows:

- (A) Parking spaces required in this Section shall in no part exist upon, and no portion of any vehicle shall overhang, the right-of-way of any public road, street, alley, or walkway. There shall be no off-street parking in the front yards of single-family residences, except as normally exists in driveways.
- (B) Parking spaces for all other dwellings shall be located on the same development

site as the main building.

- (C) 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.

3.03.05 Required Parking Lot Improvements

Any off-street parking lot serving any use other than dwellings of two units per building or less shall meet the following requirements for off-street parking lot improvements:

- (A) The parking area will be buffered and canopy provided pursuant to Section 3.07.00.
- (B) 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 stabilized surface 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 City Engineer.
- (C) 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.

3.03.06 Off-Street Loading Requirements

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 20,000 s.f. or more of floor area, and requiring the receipt or distribution by vehicles of materials or merchandise shall have at least one permanent off-street loading space for each 20,000 s.f. of gross floor area, or fraction thereof, immediately adjacent to the principal building.
- (B) Retail operations, wholesale operations, and industrial operations, with a gross floor area of less than 20,000 s.f. shall provide sufficient space for loading and unloading operations in order that the free movement of vehicles and pedestrians over a sidewalk, street or alley shall not be impaired.
- (C) 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:
 - (1) Depth: 40 feet;

- (2) Width: 12 feet;
 - (3) Overhead Clearance: 13.5 feet.
- (D) Manufactured home and recreational vehicle sales establishments shall provide adequate space off the public right-of-way for the maneuvering of manufactured homes and recreational vehicles into position on the property without blocking traffic on the abutting street or road.

3.03.07 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 which they serve.
- (B) *Size.* Standard and compact parking spaces for varying parking lot designs shall be sized according to Table 3.6 below.
- (1) 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.
 - (2) Tandem parking spaces must be a minimum of nine feet wide and 20 feet long.
 - (3) A standard motorcycle parking space shall be four feet wide and nine feet long.
 - (4) The length of one or more of the loading spaces shall be increased up to 55 feet, if full-length tractor-trailers must be accommodated.

Table 3.6 Size of Parking Spaces

A (Degrees)	B (Feet)	C (Feet)	D (Feet)	E (Feet)	F (Feet)
45	9.5	21.2	12.0	14.1	54.4
60	9.5	22.3	18.0	11.5	62.6
90	10.0	20.0	24.0	10.0	68.0

A = Parking Angle B = Stall Width C = Stall Depth D = Aisle Width E = Curb Length Per Car F = Lot Width
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- (C) *Layout.* Pedestrian circulation facilities, roadways, driveways, and off-street parking and loading areas shall be designed to be safe and convenient.

- (1) 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.
- (2) Aisles and driveways shall not be used for parking vehicles, except that the driveway of a single-family or two-family residence may be counted as meeting the parking space requirements for the dwelling unit, provided it is at least 20 feet in length.
- (3) The design shall be based on a definite and logical system of drive lanes to serve the parking and loading spaces.
- (4) 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.
- (5) No parking space shall be located so as to block access by emergency vehicles.

3.04.00 Utilities

3.04.01 Requirements for All Developments

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). The developer shall pay for all water and sewer “taps” provided by the City at the City’s regular “tapping” fees and shall pay for any additional costs incurred by the City to extend, enlarge, add lift stations, or otherwise modify the City’s potable water or wastewater system(s) required to provide adequate service to the development.

(2). Upon contractual agreement with the City, the developer shall install all potable water and waste water facilities within the development, including labor and materials. Said contract shall require that all materials to be installed be approved by the City, and, further, that upon proper installation said facilities shall become the property of the City and thereafter the City will maintain said facilities.

(3). Each single-family residence, each unit of a duplex, or other multi-unit structure, each commercial unit, each industrial unit, or other individual unit will be

considered a single point of service for billing purposes; and the developer shall provide separate metering of water flow for each unit.

(4). The developer shall pay whatever potable water and wastewater impact fees in force at the time of final approval of the developer's facilities together with all other financial obligations of the developer to the City before the City will accept said facilities and render service.

(5). Private potable water wells shall be permitted within the City only upon a finding by the Development Director that City potable water service is not available. Any such wells so permitted shall be constructed pursuant to the requirements of the Florida Statutes and the Florida Administrative Code.

(6). Any private potable water systems servicing the public shall be permitted and constructed in accordance with the requirements of Florida Statutes, Florida Administrative Code and City regulations.

(7). Septic tanks or other onsite wastewater disposal systems shall be permitted within the City only upon a finding by the Development Director that City wastewater service is not available. Any such septic tanks or other wastewater disposal systems so permitted by the City shall be constructed pursuant to the requirements of Florida Statutes, Florida Administrative Code and the City's regulations.

(8). Any wastewater collection systems shall be constructed by the developer pursuant to the requirements of Florida Statutes, Florida Administrative Code and the City's regulations.

(B) *Stormwater and Drainage.* Where a lot is traversed by a watercourse, drainageway, channel or stream, there shall be provided a storm water 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) *Fire Hydrants.* All developments served by a central water system shall include a system of fire hydrants consistent with design standards adopted by the City of Wauchula.

(D) *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; and
- (2) Poles supporting only street lights.

- (3) Upon written application of the owner or subdivider, the City Council may, by resolution, waive or modify any provisions for underground requirements.
- (E) *Illumination.* All streets, driveways, sidewalks, bikeways, parking lots and other common areas and facilities in developments shall provide illumination meeting design standards adopted by the City of Wauchula.

3.04.02 Design Standards

- (A) *Compliance With Technical Construction Standards.* All utilities required by this Chapter shall meet or exceed minimum design standards adopted by the City of Wauchula.
- (B) *Placement of Utilities Underground*
 - (1) All electric, telephone, cable television, and other communication lines (exclusive for transformers or enclosures containing electrical equipment, including but not limited to switches, meters, or capacitors that may be pad mounted), and gas distribution lines shall be placed underground within easements or dedicated public rights-of-way, installed in accordance with the City's adopted design standards.
 - (2) At the discretion of the Development Director, lots abutting existing easements or public rights-of-way where overhead electric, telephone, or cable television distribution supply lines and service connections have previously been installed, may be supplied with such services from the utility's overhead facilities, provided the service connection to the site or lot is placed underground.
 - (3) Screening of any utility apparatus placed above ground shall be required.

3.04.03 Utility Easements

When a developer installs or causes the installation of water, sewer, electrical power, telephone, or cable television facilities and intends that such facilities shall be owned, operated, or maintained by a public utility or any entity other than the developer, the developer shall transfer to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities.

3.05.00 Stormwater Management

Treatment of stormwater runoff shall be required for all development, redevelopment and, when expansion occurs, existing developed areas, as required by SWFWMD. 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 (Chapter 17-25 and Chapter 17-302, Florida Administrative Code) and the rules of the SWFWMD stated in Chapter 40D-4, F.A.C. Stormwater discharge facilities shall be designed so as to not lower the receiving water quality or degrade the receiving water body below the minimum conditions necessary to maintain their classifications as established in Chapter 17-302, F.A.C. Steps to control erosion and sedimentation shall be taken for all development.

3.05.01 Stormwater Management Requirements

- (A) *Performance Standards.* All development must be designed, constructed and maintained to meet the following performance standards:
- (1) While development activity is underway and after it is completed, the characteristics of stormwater runoff shall approximate the rate, volume, quality, and timing of stormwater runoff that occurred under the site's natural unimproved or existing state, except that the first one inch of stormwater runoff shall be treated in an off-line retention system or according to FDEP's Best Management Practices.
 - (2) 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.
 - (3) 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.
 - (4) Agriculture activity may be engaged in, provided farming activities are conducted in accordance with the requirements set forth in an approved Soil Conservation Service conservation Plan. If the Conservation Plan is not implemented accordingly, this exemption shall become void and a stormwater permit shall be required.
- (B) *Residential Performance Standards.* It is intended that all of the standards in the citations from the Florida Administrative Code are to apply to all development and redevelopment and that exemptions based on project size thresholds and individual structures do not apply for concurrency determinations. All development must meet F.A.C. and subsequently meet the following performance standards.
- (1) New Construction. For the purposes of determining whether residential development of 1-4 units on an individual lot, retention is required if any one of the following standards exists:

- a. Structure and any impervious surface is closer than 100 feet from the receiving water body;
 - b. the topography of the lot is greater than a 6% slope;
 - c. the total of all impervious surface is 25% or more for buildings and paved areas of the total lot area.
- (2) Infill development. Infill development within an existing subdivision or a developed residential area is exempt from a retention area, when the following condition has been met:
- a. Infill residential development shall be designed so as to not lower the receiving water quality or degrade the receiving water body below the minimum conditions necessary to maintain their classifications as established in Chapter 17-302, F.A.C.

3.05.02 Design Standards

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

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

ratio and shall be planted with appropriate vegetation.

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

3.05.03 Dedication or Maintenance of Stormwater Management Systems

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

- (A) The property owner or developer if:
 - (1) Written proof is submitted in the appropriate form by either letter or resolution, that a governmental entity or such other acceptable entity will accept the operation and maintenance of the stormwater management and discharge facility at a time certain in the future; or
 - (2) A bond or other assurance of continued financial capacity to operate and maintain the system is submitted;
- (B) For-profit or non-profit corporations including homeowners associations, property owners associations, condominium owners associations or master associations if:
 - (1) The owner or developer submits documents constituting legal capacity and a binding legal obligation between the entity and the City affirmatively taking responsibility for the operation and maintenance of the stormwater management facility; or
 - (2) The association has sufficient powers reflected in its organizational or operational documents to operate and maintain the stormwater management system as permitted by the City, establish rules and regulations, assess members, contract for services and exist perpetually, with the Articles of Incorporation providing that if the association is dissolved, the stormwater management system will be maintained by an acceptable entity as described above;
- (C) An active water control district created pursuant to Chapter 298, Florida Statutes, or drainage district created by special act, or Community Development District created pursuant to Chapter 190, Florida Statutes, or Special Assessment District created pursuant to Chapter 170, Florida Statutes;
- (D) A State or Federal agency;
- (E) An officially franchised, licensed or approved communication, water, sewer, electrical or other public utility; or

(F) Hardee County.

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

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

3.06.00 Performance Standards Governing Waste and Emissions

3.06.01 General Provisions

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.

3.06.02 Specific Standards

3.06.02.01 Vibration

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

3.06.02.02 Smoke

Every use shall be so operated as to prevent the emission of smoke, from any

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

3.06.02.03 Noise

No relative increase of 5dBA or greater is allowed as determined by the existing noise background level.

3.06.02.04 Dust and Dirt

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

3.06.02.05 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. Industries shall comply with applicable FDEP rules.

3.06.02.06 Hazardous Wastes

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

3.06.02.07 Odors

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

3.06.02.08 Glare

Every use shall be so operated as to prevent the emission of glare of such intensity as to be readily perceptible at any point on the lot line of the property on which the use is located. Buffering may provide a means of meeting this standard.

3.06.02.09 Fumes, Vapors and Gases

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

3.06.02.10 Heat, Cold, Dampness, or Movement of Air

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

3.06.02.11 Fire and Safety Hazard

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

3.06.02.12 Radioactive Emission

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

3.06.02.13 Electromagnetic Radiation

(A) *Compliance with FCC 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.

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 1000 watts.

[RESERVED]

3.07.00 Compatibility, Landscaping and Buffering Standards

The City Council finds that landscaping makes important contributions to the public safety and the general welfare of the City. The purpose and intent of this Section is to set forth requirements and standards for the provision of canopy trees, buffer yards, the conservation of native plants and trees, and the conservation of water resources in the City. Specifically, it is intended that buffer yards will aid in reducing the potential negative impacts caused by glare, noise, dust, dirt, litter, odors and view of various land uses on adjacent land uses.

It is further intended that the planting of canopy trees will aid in lowering the ambient temperature of the air through increased shading; in conserving water; in enhancing the appearance of properties; in improving property values; and generally in protecting the health, safety and welfare of the public through the improvement of the quality of the human environment. As part of the development approval process, the City of Wauchula shall ensure that all new development is properly buffered to prevent adverse impacts on surrounding land uses.

The requirements of this Section shall apply to:

- (A) The construction of any new building or improvements that require off-street parking and other impervious surfaces to be constructed on the site, other than a single-family, detached residence or duplex 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 duplex, 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.

Exemptions:

- (A) A single-family, detached residence or duplex are exempt from all provisions of this Section, except the requirement of one canopy tree per lot. One canopy tree of ten feet in height and four inches in diameter at the time of planting is required for each 5,000 square feet of lot of a new residential unit; and shall be planted no closer than five feet to any paved surface to keep the roots of the tree from breaking up the pavement.
- (B) The Historic Zoning District is exempt from all provisions of this Section. See regulations for this District in Article 2, Section 2.05.02.11.

Installation of Plants:

- (A) Prior to the issuance of any Certificate of Occupancy, **all landscaping must be in place.**
- (B) ***Landscape Plan Required.*** For development requiring a landscape plan: Prior to issuance of any Development Permit, the Landscape Plan shall be submitted and approved, showing tree canopy and buffer yard information required by this Section. The Landscape Plan shall be drawn to a scale with sufficient clarity and detail to indicate the type, nature and character of the improvements on the site, and the relative location of all landscaping in relation to said improvements. The Landscape Plan may be submitted separately, but shall be a part of the Site Development Plan, when a Site Development Plan is required under Section 7.05.00.
- (C) At the discretion of the Development Director, installation of plants may be postponed to 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 insure that the required landscaping is installed.

3.07.01 Classification of Land Uses

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

Table 3.7 Land Use Classifications for Landscaping Tables

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

Class	Land Use
IX	Heavy industrial uses; water and sewer treatment facilities.

3.07.02 Landscaping

Landscaping shall include the conservation of native plants and trees; the selection and planting of canopy trees to shade parking areas and other impervious surfaces; and the design, the selection of trees and shrubbery, the planting and the establishment of buffer yards.

3.07.02.01 Selection of New Trees and Shrubs

Canopy trees, small trees for buffer yards, and shrubbery that are best acclimated to the environment in the City are listed in Tables 3.10 through Table 3.12. Canopy areas shown in Table 3.10 are for the mature growth canopy of each tree, that 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. In addition:

- (A) All plants shall be "Florida No. 1" or better, shall be healthy and free of diseases and pests, and shall be selected from Tables 3.10 through 3.12.
- (B) Canopy trees shall not be less than 10 feet in height and four inches in diameter at the time of planting. Small trees shall be a minimum of six feet in height and 1.5 inches in diameter at the time of planting;
- (C) Palm trees may **not** be counted as canopy trees, as they provide little or no shade, but they may be counted as shrubs in buffer strips;
- (D) Canopy trees must reach a minimum of 25 feet at maturity;
- (E) Shrubs shall not be less than 30 inches at planting, with the capability of reaching maturity within two years;
- (F) Vines, when used in conjunction with fences, screens or walls, shall cover a minimum of 30 square inches and maintain a minimum of 2.5 feet in height one year after planting;
- (G) Ground covers used in lieu of grass shall provide full coverage within one year from planting; and
- (H) Mulch shall consist of a minimum of three inches of chipped material or two inches of rock. A pre-emergent herbicide or weed barrier cloth shall be incorporated at the time of planting; and

- (I) Grass seed shall be sown for immediate effect and solid sod shall be used in areas subject to erosion (slopes of 6:1 or greater).

3.07.02.02 Preservation of Existing Trees and Shrubs

- (A) No person, organization, society, association or corporation shall cut down, destroy, remove or effectively destroy through damage, any tree situated within the City of Wauchula without first obtaining a permit. A tree is defined for this purpose as having a diameter of twelve inches measured 4.5 feet above ground level, and having a height of ten feet or more. (See Article 3, Section 3.07.00 for complete landscaping regulations.
- (B) Applications for a tree removal permit shall be filed with the Development Director and shall contain: a sketch of the site; approximate location of all trees; and designation of trees to be removed.
- (C) Except on a single family residential lot that is not being prepared for development, a tree may not be removed unless one of the following conditions exists.
 - (1) The tree is located where a structure or improvement is proposed to be placed and it unreasonably restricts the permitted use of the property;
 - (2) The tree is diseased, injured, or in danger of falling too close to existing or proposed structures.
 - (3) It is in the welfare of the general public that the tree be removed for a reason other than set forth above.
 - (4) Dead trees may be removed without a permit; and pruning and trimming may be performed without a permit.
 - (5) The Development Director may waive the tree removal permit requirement after a major storm event.
- (D) As a condition to the granting of a permit for removal, the applicant may be required to relocate the tree somewhere within the site or replace the tree with another tree.
- (E) During land clearing and construction, the developer shall clearly mark all trees to be maintained and shall erect and maintain barriers around all such trees.
- (F) During construction of any development, the developer shall not allow the

cleaning of equipment or material within the crown of any tree or groups of trees to be maintained.

- (F) An existing canopy tree shall be preserved whenever possible and its canopy calculated as it exists or from Table 3.10, whichever is greater. When a buffer is to be provided by preserving existing trees and shrubs, all healthy species growing in the location shall be acceptable to the City, and shall be maintained in their natural setting.
- (G) *Minimum Number of Canopy Trees.* Unless otherwise provided in this section, the minimum number of canopy trees, exclusive of buffers, to be planted or preserved upon each lot is as follows:

Table 3.8 Canopy Tree Requirements

Zoning District	Requirement
Residential zoning districts	1 tree per 5,000 s.f.
Multifamily Residential Manufactured Home Subdivisions, RV Parks/Campgrounds	8 per acre
C-1 zoning district	6 per acre
C-2 and Industrial zoning districts	4 per acre

- (H) *Credits for Existing Trees.* Where trees are required under this section, credit for the use of existing trees shall be given according to the tree size as provided in the following table:

Table 3.9 Tree Credit for Existing Trees

Crown Spread (in Feet)	Avg. Diameter at 4.5 feet above the Ground (in Inches)	Number of credits
90 or more	35 or more	7
60-89	30 to 34	6
50-59	25 to 29	5
40-49	20 to 24	4
30-39	15 to 19	3
20-29	10 to 14	2
5-19	2 to 9	1

3.07.03 Canopy Trees

Canopy trees shall be required for the purpose of shading impervious surfaces associated with all new development in the City. One canopy tree of ten feet in height and four inches in diameter at the time of planting is required for each 5,000 square feet of lot of a new residential lot; and shall be planted no closer than five feet to any paved surface to keep the roots from breaking up the pavement.

- (A) This subsection requires the calculation of the total impervious surface on a given site, including structures, parking areas, loading zones, sidewalks and other paved surfaces, with the exception of swimming pool decks and aprons, and the shading of **one-third of that total** impervious surface.
- (B) To standardize the calculation, each paved parking space shall be considered to be 20 feet by 10 feet. Therefore, to shade an entire space, a tree with a canopy of at least 200 s.f. is required.
- (C) Canopy trees shall be selected from Table 3.10 and planted no closer than **five feet** to any paved surface, to minimize root damage to the paved surface.
- (D) Planting areas for canopy trees shall be no less than **100 s.f.** in area, to provide adequate room for the tree to reach maturity.
- (E) Planting areas under canopy trees shall be planted in compatible shrubs from Table 3.12 or ground covers, **but not planted in grass.**

Table 3.10, Canopy Trees

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

Table 3.11 Small Trees for Buffer Yards

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

Table 3.12 Shrubs

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

3.07.04 Buffer Yards

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

3.07.04.01 Establishment of Buffer Yards

Table 3.13 establishes the buffer yard between a proposed and an existing land use. Table 3.14 establishes the buffer yard between a proposed land use and a vacant property. Table 3.15 establishes the bufferyard between a proposed land use and a roadway. A buffer is required for vacant property based on its zoning district classification at the time of the proposal to develop the abutting property. Buffer yards are intended as landscaped open space, therefore, they shall be free of pavement and permanent structures other than fences, play equipment, unpaved pedestrian paths, and drainage and retention facilities.

3.07.04.02 Buffer Yard Width and Landscaping Requirements

- (A) The number of trees and shrubs required in a buffer yard depends on the nature of the adjoining land uses.
- (B) 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.
- (C) For each buffer yard standard, as seen in Figures A-D, 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. **Any option** fulfills the buffer yard requirement, therefore, the developer **is free to choose the option that best fits** the site constraints and the features of the site design.
- (D) 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.
- (E) When natural plant material is present, it counts toward fulfilling the total requirement for trees and shrubs. See the table under Section 3.07.02.02 for amount of credit calculation for trees preserved on a site.

Table 3.13 Landscape Requirements Between Proposed and Existing Land Uses

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

N = No buffer required

3.07.04.03 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 3.14. Generally, the buffer yards for vacant property are only about half of those required next to an existing land use.

Table 3.14 Landscape Requirements Between Proposed Land Uses and Vacant Property

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

N = No buffer required

3.07.04.04. Bufferyards Between Proposed, Land Use and Roadways. Where the proposed development abuts a public roadway the required buffer yard shall be determined by the classification of the roadway and Table 3.15.

**Table 3.15 Landscape Requirements Between
Proposed Land Uses and Roadways**

Class	ADJACENT ARTERIAL, COLLECTOR OR RESIDENTIAL STREET					
	MAJOR ARTERIAL	MINOR ARTERIAL	COLLECTOR NONRESIDENTIAL	COLLECTOR VACANT	COLLECTOR RESIDENTIAL	RESIDENTIAL STREET
I. Single family detached	C	C	B	N	A	N
II. Multi-family <4du/ac., recreational facilities and cemeteries	C	B	B	A	A	A
III. Small offices and day care centers	B	B	A	A	B	B
IV. Mobile home parks up to 8 du/ac. Multi-family (4.01 - 8 du/ac.) and townhouses at any density	B	B	B	B	B	B
V. Mobile home parks, recreation vehicle parks and multi-family greater than 8.0 du/ac., utility substations, etc.	B	B	B	B	B	C
VI. Offices, churches, schools, other government buildings and small retail business, nursing homes, ACLFs	B	B	B	B	C	C
VII. All other businesses, service stations, truck stops, motels, hotels and hospitals	B	B	B	B	C	D
VIII. Light industry and governmental public works storage facilities	B	B	B	C	C	D
IX. Heavy industry and water and sewer treatment facilities	C	C	C	C	D	D

N = No landscape required

3.07.05 Installation, Irrigation and Maintenance

- (A) At the discretion of the Development Director, installation of plants may be postponed to 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 insure that the required landscaping is installed.
- (B) Landscape plants shall not interfere at maturity with power, cable television, or telephone lines, storm sewer or water pipes, or any other existing or proposed overhead or underground utility service.
- (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) All landscaped areas shall be provided with an appropriate irrigation system, consistent with the needs of the plants contained therein. Properties on which required landscape areas are in disrepair or improperly maintained shall be subject to Code Enforcement action by the City.

[RESERVED]

Insert Drawing A here

Insert Drawing B Here

Insert Drawing C Here

Insert Drawing D Here

3.08.00 Development Standards for Uses Requiring a Site Development Plan

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

3.08.01 Group Care Facilities: Child Care Facilities

A Site Development Plan is required in residential and commercial districts. Each facility shall be designed to be compatible with the surrounding uses in architectural form and design. The following applies:

- (A) All facilities shall be licensed according to State regulations.
- (B) No sign, visible from the street or sidewalk, may be erected or displayed in connection therewith if located within a residential zoning district.
- (C) Minimum lot requirements in any zone shall be 10,000 square feet.
- (D) Play and recreation areas shall be enclosed by a fence, wall or other barrier and shall be **shaded at least 50 percent**.
- (E) The Planning and Zoning Board shall determine that adequate provision is shown for safe loading and unloading of children and other passengers from vehicles.
- (F) The Planning and Zoning Board shall determine that traffic and noise caused by such uses will not unreasonably and adversely affect the use and enjoyment of neighboring property by the owners thereof.
- (G) The Planning and Zoning Board shall determine that such uses and buildings meet a community need without adversely affecting the adjacent properties.
- (H) The Planning and Zoning Board may impose additional and further appropriate conditions and safeguards designed to preserve the general character of the district in which such uses are proposed to be located.

3.08.02 Retail Commercial, No Outdoor Storage or Activities: Adult Entertainment Establishments

- (A) *New Establishments*. New adult entertainment establishments shall be permitted in I district subject to the following standards:
 - (1) No adult entertainment establishment shall be located within 500 feet of

any property zoned Residential, or property within unincorporated Hardee County zoned for agricultural or residential use;

- (2) No adult entertainment establishment shall be located within 2,000 feet of any day care center or public recreation facility;
- (3) No adult entertainment establishment shall be located within 2,500 feet of any church or school; and
- (4) No adult entertainment establishment shall be located within 1,000 feet of another adult entertainment establishment.

- (B) *Non-Conforming Establishments.* Adult entertainment establishments legally in operation prior to the effective date of this Code may continue to operate as a non-conforming use in accordance with Article 7.

Adult entertainment businesses established under paragraph (A) above shall not be rendered non-conforming by any of the following subsequent occurrences:

- (1) The rezoning of property within the City of Wauchula or unincorporated Hardee County for agricultural or residential use;
- (2) The placement of a day care center or public recreation facility within 2,000 feet; and
- (3) The placement of a church or school within 2,500 feet.

- (C) *Measurement of Distances.* Distances shall be measured from property line to property line, along the shortest distance between property lines, without regard to the route of normal travel.

- (D) *Applicability of Other Laws and Ordinances.* Nothing in this subsection shall be construed to permit the operation of any business or the performance of any activity prohibited under any other section of this Code or other applicable law or regulation. Additionally, nothing in this Code shall be construed to authorize, allow, or permit the establishment of any business, the performance of any activity, or the possession of any item, which is obscene under the judicially established definition of obscenity.

**3.08.03 *Retail Commercial, No Outdoor Storage or Activities:
Mini-warehouse***

- (A) It is the purpose of these standards to provide minimum development guidelines for a mini-warehouse facility and to protect established or permitted uses under these regulations in the vicinity of such a facility.
- (B) No mini-warehouse shall be used as a place of residence or as a storage location for hazardous materials.
- (C) *Design Requirements*
 - (1) Lighting: All lights shall be shielded to focus and direct light onto the uses established, and away from adjacent property, but may be of sufficient intensity to discourage vandalism and theft. Reference Section 3.06.00, “Performance Standards,” for applicable glare and lighting standards.
 - (2) Parking: There shall be a minimum of two parking spaces, that shall be located in proximity to the business or manager's office on the site.

**3.08.04 *Retail Commercial, No Outdoor Storage or Activities:
Shopping Center (150,000 SFGLA, or less)***

A Site Development Plan is required in all districts. It is the purpose of these standards to provide minimum development guidelines for a shopping center of less than 150,000 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 Wauchula.

- (A) *Design Requirements*
 - (1) Lighting: All lights shall be shielded to focus and direct light onto the shopping center, and away from adjacent property, but may be of sufficient intensity to discourage vandalism and theft. Reference Section 3.06.00, Performance Standards, for applicable glare and lighting standards.
 - (2) Fencing: Where a property line abuts and is contiguous to any residential land use classification, a six-foot solid face masonry wall, in addition to required buffer yards, shall be constructed along, or within 10 feet, of the property line.

**3.08.05 *Retail Commercial, No Outdoor Storage or Activities:
Veterinary Clinic, Animal Hospital, General and Small***

- (A) All activities, with the exception of animal exercise yards, shall be conducted within an enclosed building.
- (B) If completely enclosed with four solid walls, buildings housing animal hospitals or veterinary clinics shall be located no closer than 50 feet from any adjacent residentially zoned property. Those that are not fully enclosed shall not be located closer than 150 feet from any adjacent residentially zoned property.
- (C) Exercise and confinement yards shall not be less than 200 feet from any dwelling unit on adjacent property and 150 feet from any residentially zoned property.
- (D) The operator of the animal hospital or clinic shall be responsible for using good management practices to discourage undesirable odors, insects, and excessive noise.

**3.08.06 *Motor Vehicle Sales, Repairs, Parts:
New or Used Sales***

Automotive uses involving the storage, repair, sales and rental of motor vehicles will conform to all applicable provisions of this Code and, in addition, the following requirements will apply.

- (A) A Site Development Plan is required in all districts.
- (B) All used car lots and rental lots shall be provided with a sales office located within a building on the premises.
- (C) All inoperative motor vehicles shall be stored in the rear of the premises and shall be permanently screened from adjoining properties and/or public streets by a visual buffer such as a wall, fence, evergreen hedge and or other approved enclosure. Such wall, etc., shall be approved by the administrative official and shall be at least six feet in height.
- (D) No inoperative vehicle shall be permitted to be stored on the premises exceeding six months.
- (E) All lots shall be surfaced in a stable manner.
- (F) Landscaping and buffers are required.

**3.08.07 *Retail Commercial, Outdoor Storage:
Temporary Uses: Tents, Circus, Carnival***

A permit is required from the Development Director before erecting any temporary use. Such uses may be erected temporarily on property in a commercial district where a commercial structure is already established; or on property occupied by a church, regardless of its zoning district; or on a vacant lot subject to the approval of the Development Director; and subject to the following requirements:

- (A) Temporary uses may not be erected more than two times per year, for periods not to exceed 21 days;
- (B) The temporary use shall not block any point of ingress or egress to the site;
- (C) All electrical connections must be inspected and approved by the Building Department and the Fire Department.
- (D) Adequate restroom facilities are required at the discretion of the Development Director.

[RESERVED]

3.09.00 Development Standards for Uses Permitted by Special Exception

Special Exceptions shall be granted in accordance with the provisions of Article 7, Section 7.09.00 “Special Exceptions.” Special standards and requirements presented in this Section are conditions for approval of the Special Exception and shall be binding on all development authorized under the Special Exception.

The following standards apply to uses listed as "S" Special Exceptions in Article 2, Section 2.04.01, Table 2.04.01 (A), and approved under the provisions of Article 7, Section 7.09.00 “Special Exceptions.” **Once granted, the Special Exception runs with the owner of the property. If the ownership changes, the Special Exception must be applied for again.** Where standards provided herein exceed and/or create greater restrictions than those of the underlying zoning district, this Section shall supersede any other provision of this Code. Where no standard is established in this Section, that of the relevant zoning district shall apply.

3.09.01 Retail Commercial, Outdoor Storage: Flea Market

It is the purpose of these standards to provide minimum development guidelines for a flea market in the C2 and Industrial Zoning District, to protect established or permitted uses under these regulations in the vicinity of such a facility, and to protect and promote the orderly growth and development of Wauchula.

- (A) *General Requirements.* Flea markets shall be permitted only on property fronting on a principal arterial road, with all major points of ingress and egress connecting to that road. At least one enclosed building of 300 square feet in size shall be constructed on the property.
- (B) *Development Requirements.* The minimum size shall be 10 vendor spaces and five acres. Each vendor space must be a minimum of 100 square feet per space. No more than 40% of the development site shall be covered by permanent or temporary structures. The lot width shall be a minimum of 100 feet. The setbacks shall be 50 feet from the front, 30 feet from the side and 30 feet from the rear.
- (C) *Fees.* An applicant for a flea market business license shall pay any and all fees, as set by the City Council.
- (D) *Design Requirements*
 - (1) Lighting. All lights shall be shielded to focus and direct light onto the uses established, and away from adjacent property, but may be of sufficient intensity to discourage vandalism and theft. Reference Section 3.06.00, “Performance Standards,” for applicable glare standards.
 - (2) Fencing. Where a property line abuts and is contiguous to property zoned

for residential use, a six foot solid masonry wall shall be constructed along the property line. At the discretion of the Development Director, a landscaped buffer may be substituted for this requirement in accordance with Section 3.07.00. Within required structural setback distances from public roads, the height of the wall shall be four feet.

- (3) Drives. Drives shall have a smooth, stabilized and dustless surface.
- (4) Landscaping. Landscaping of vehicle use areas shall be in accordance with Section 3.07.00. Landscaping shall be provided in all setback areas according to Landscape Standard "D", except where a solid face masonry wall is required.
- (5) Restrooms. Restroom facilities shall be provided to adequately serve the customers anticipated to frequent the flea market.

[RESERVED]

3.10.00 Development Standards for Conditional Uses

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

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

3.10.01 Agricultural Uses: Farm Labor Camp

- (A) All facilities shall be constructed and licensed according to State regulations.
- (B) The maximum density of the farm labor camps shall not exceed the density permitted in the Comprehensive Plan.
- (C) Farm labor camps shall provide front, side and rear yards of at least fifty feet.
- (D) A buffer area shall be provided according to Article 2, Section 3.07.00, between the camp and adjacent properties if the camp building footprint is located within 200 feet of the zoning lot line, or the adjacent property under different ownership.
- (E) All structures containing dwelling units shall meet applicable Building Code Standards and shall be located a minimum of ten feet apart unless the structure is a dormitory. Dormitories shall be separated from other structures by a minimum of twenty feet.
- (F) All access drives serving the camp shall be packed shell, gravel or a similar material which will provide a relatively dust free surface.
- (G) All camps shall provide adequate sewage disposal and water supply systems which meet all Federal, State and local requirements.
- (H) All camps shall be maintained in a neat, orderly and safe manner.

3.10.02 Single Family Detached: Manufactured Home Subdivision (Mobile Home Park)

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 manufactured home subdivision setting.

Manufactured home subdivisions are a permitted use in a R4 district. However, the development standards set forth in this Section shall supersede normal development standards applicable in R4. Development standards can be found in Article 2, Table of Development Standards, 2.05.01(B), under R4 zoning district.

3.10.02.01 Development Standards

(A) *Minimum Lot Requirements for the Subdivision:*

- (1) Minimum size for development site: five acres with a minimum of 25 units. The maximum allowable density for a manufactured home subdivision is 10 units per acre as per the Comprehensive Plan of the City of Wauchula.

(B) *Minimum Yard Requirements for the Subdivision:*

- (1) No manufactured home or structure shall be placed less than 25 feet **from the perimeter lot line** and said 25 foot setback shall be landscaped as a buffer area. The premises shall be permanently screened from adjoining and contiguous properties by a wall, fence, evergreen hedge or other approved enclosure and shall have a minimum height of five feet and a maximum height of eight feet.
- (2) Manufactured homes and structures shall be placed at least 20 feet from the pavement edge of private subdivision roads, which shall also be landscaped.

(C) *Individual Unit Requirements:*

- (1) The manufactured (mobile) home may not be more than five years old or have a roof pitch of less than 3:12.
- (2) The manufactured (mobile) home must be skirted within 30 days of placement on the lot.
- (3) The manufactured (mobile) home must be tied down according to State regulations.

3.10.02.02 Allowable Accessory Uses

- (A) Clubhouse, laundry, swimming pool, and other shared facilities for the common use of the residents of a development are allowed.
- (B) No more than one conventionally constructed single family home may be located in each subdivision, and of at least 600 square feet in size, for the use of a resident manager.
- (C) Porches, and awnings that are physically attached to manufactured homes are allowed.
- (D) At least one storage area for boats, recreational vehicles, and other types of vehicles that exceed 30 feet in length is required. This storage area is for the use of subdivision residents only, and shall be fenced and landscaped. Storage of these units shall be prohibited on individual manufactured home sites or on subdivision roads.

3.10.02.03 Other Requirements

- (A) *Parking.* For each manufactured home site, one paved off-street parking space of 10 feet by 20 feet, and surfaced in a stable manner, shall be provided. In addition, for every three manufactured home units, one visitor parking space must be provided.
- (B) *Hurricane Shelter.* Each manufactured home subdivision shall provide one or more buildings to house guests in a permanent building in the event of a hurricane, at a rate of 20 square feet of habitable floor space per person. In addition, the following shall be provided and maintained: 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 subdivision). Each building shall be built to conform with the Standard Building Code for hurricane shelters.

To calculate the number of persons per subdivision that would require shelter, each manufactured home unit will be counted at a minimum of two persons per unit. Shelter space shall be provided for 100% of the total subdivision population figured at that rate.

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

- (C) *Common Open Space.* An area comprising 20 percent of the development site or 5 acres, whichever is less, shall be set aside as common open space

as defined in Article 9.

- (D) *Nonconformities.* No new manufactured homes may be added to an existing manufactured home subdivision in a R4 zone that does not comply with applicable requirements of this Code. However, previously installed units may be moved and additional property and common facilities may be incorporated into the site if such activities will eliminate nonconforming conditions or reduce the degree of nonconformity. See Article 7, Section 7.11.00 “Nonconforming Uses.”
- (E) *Site Development Plan Required for Residential Manufactured Home Subdivision.* A strictly residential manufactured home subdivision, with no recreational facilities or large-scale commercial operations within the subdivision, such as golf courses or boating and fishing lakes with facilities or the like, are permitted in zoning category R4 with the approval of a Site Development Plan. No manufactured homes, structures or facilities shall be installed or constructed until a site development plan meeting the requirements of Article 7, Section 7.05.00 “Site Development Plan” of this Code has been submitted to and approved by the City of Wauchula. All improvements, regardless of timing or project phasing, shall be substantially consistent with the approved site development plan.

Where an existing manufactured home subdivision in R4 district has no site development plan, such a plan shall be prepared and submitted to the City prior to the addition, improvement, rearrangement or replacement of subdivision facilities or manufactured homes.

- (F) *Manufactured Home Subdivision as a PUD.* **All mixed use manufactured home subdivisions** shall be subject to the regulations set forth in this Code for a Planned Unit Development (PUD), Article 7, Section 7.04.00 “Planned Unit Development.” A mixed use manufactured home subdivision is one that contains recreational or large-scale commercial operations within the subdivision, such as golf courses or boating and fishing lakes with facilities and the like.
- (G) *Plat.* The plat submitted to the administrative official shall contain the information required to plat a subdivision, found set out in Article 7, Section 7.06.00 “Subdivision Regulations,” plus contain the additional information listed below:
 - (1) Name of subdivision;
 - (2) the numbering plan with an actual street address. Each manufactured home space shall be numbered according to US Postal Standards; and

- (3) a large scale plan of one typical manufactured home space, showing the manufactured home location, automobile parking space and open space.

3.10.03 Lodging: RV Park/Campground

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 (recreational vehicle). For the purposes of this Code, an RV Park and RV Campground are defined as follows:

RV Park (formerly known as a Mobile Home Park): a development in which RVs and/or “park model manufactured homes” are permanently sited and occupied year round. A “park model” cannot exceed 14 feet in width. The difference between an RV Park and a Mobile Home Subdivision is in the width of the lots and the width of the units. See the Development Standards Table, Article 2, Section 2.05.01, Table 2.05.01(B).

RV Campground: a development for overnight or limited vacation and/or seasonal short term stays, designed exclusively for pull-through models.

Manufactured (mobile) Home Subdivision: not designed for pull-through models. Development standards can be found in this Article, Section 3.08.01 “Manufactured Home Subdivision.”

3.10.03.01 General Requirements

The development standards of this section shall apply to both RV Parks and RV Campgrounds.

3.10.03.02 Environmental Requirements

- (A) *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.
- (B) *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.
- (C) *Drainage Requirements.* Surface drainage plans for the entire tract shall be reviewed by appropriate City staff, who shall determine

whether the proposed plan is compatible with the surrounding existing drainage pattern and any relevant drainage plan of Hardee County, prior to issuance of Site Development Plan approval and building permits. No permit shall be issued in such instance where the Development Director finds the plan to be incompatible with surrounding areas.

3.10.03.03 Tract Requirements

- (A) The tract shall have at least 175 feet of frontage on a Principal Arterial roadway, as designated on the Future Traffic Circulation Map of the Wauchula Comprehensive Plan.
- (B) Minimum tract size for a RV park or campground development shall be five acres.
- (C) Minimum width of the tract shall be 100 feet at the front building setback line.
- (D) Minimum depth of the tract shall be 200 feet.
- (E) Minimum perimeter setbacks shall be as follows:
 - (1) No RV or structure shall be placed less than 25 feet from the any lot line and said 25 foot setback shall be landscaped as a buffer area. The premises shall be permanently screened from adjoining and contiguous properties by a wall, fence, evergreen hedge or other approved enclosure and shall have a minimum height of five feet and a maximum height of eight feet.
 - (2) RVs and structures shall be placed at least 20 feet from the pavement edge of private park roads, which shall also be landscaped.
- (F) *RV Park/Campground Abuts Residential Use.* Where any property line of an 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 solid face masonry wall, with a finish of stucco or other texture, no less than six feet in height, that shall be in addition to the buffer yard required by Section 3.07.00.

3.10.03.04 Vehicle Site Requirements

- (A) Maximum density shall be 10 sites per net acre.

- (B) Each vehicle site shall be clearly defined by a permanent marker, constructed of a durable material such as masonry or metal, placed at all corners.
- (C) 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 may be permitted in an RV Park, so long as they meet all required setbacks and all other requirements of this Code and State Regulations.
- (D) Each RV Park site shall contain a concrete patio slab not less than ten feet by 20 feet in dimension.

3.010.03.05 Recreational 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 or 5 acres whichever is less.

3.10.03.06 Street System and Off-Street Parking Requirements

- (A) *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 stable surface that shall be well drained.
- (B) *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.
- (C) *Internal Streets.* The designation of private right-of-way for internal streets is optional. Road surfacing shall meet the following minimum width requirements:
 - (1) One-way travel: 12 feet.
 - (2) Two-way travel: 20 feet.

- (3) All travel trailer spaces shall abut upon a driveway of not less than 20 feet in width, which shall have unobstructed access to a the park street system.

(D) *Off-Street Parking and Maneuvering Space*

- (1) Each RV Park site shall contain a designated area for the parking of at least one automobile.
- (2) Each RV Park shall have an additional vehicular parking area for guest parking, to provide parking at a ratio of one parking space for every two home sites. Each RV Campground shall provide guest parking at a ratio of one parking space for every five home sites.
- (3) Each RV park or campground shall be designed so that parking, loading or maneuvering of vehicles incidental to parking spaces shall not necessitate the use of any public street, sidewalk, or right-of-way, or any private grounds not part of the RV park or campground parking area.
- (4) Sufficient maneuvering space and off-street parking facilities shall be provided at each site to accommodate a towing vehicle, if any.

3.10.03.07 Service Requirements

- (A) *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. Each space shall be provided with a cold water tap at least four inches above the ground.
- (B) *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.
- (C) *Sewage Disposal System.* The RV park or campground sewerage system shall be connected to the City's public sewage system. The distribution system shall be designed, constructed and maintained in accordance with requirements of this Code and by the State of Florida.
- (D) *Sanitary Connections.* Each RV park or campground shall be

provided with individual connections to each vehicle site in the RV park or campground.

There shall be toilet and other sanitation facilities and lavatory, shower and dressing room facilities provided, one for each ten spaces or fraction thereof for RV campgrounds.

- (E) *Laundry Facilities.* One automatic washer, one automatic dryer and one double sink shall be provided for each 25 spaces or fraction thereof for RV Campgrounds.
- (F) *Electrical and Gas Systems.* Each RV park or campground shall be provided with an electrical or gas system that shall be installed and maintained in accordance with applicable codes and regulations. Each space shall be provided with an electrical outlet consistent with the National Electric Code.
- (G) *Walkways and Driveways Lighted.* All driveways and walkways within the park/campground shall be hard-surfaced and lighted at night with electric lamps type sodium vapor of not less than 100 watts each, spaced at intervals of not more than 100 feet, and in accordance with the requirements of the Wauchula Building Code.
- (H) *Hurricane Shelter.* RV Campgrounds do not have to provide hurricane shelters. All campers are to evacuate in the event of a natural disaster such as a hurricane. RV Parks that are combined with Campgrounds must provide hurricane shelters for those persons who are living, either permanently or seasonally, in an RV unit which is not portable and cannot be driven out of the area on short notice.

Each RV Park shall provide one or more buildings to house guests in a permanent building in the event of a hurricane, at a rate of 20 square feet of habitable floor space per person. In addition, the following shall be provided and maintained: alternative cooking fuel sources; electrical generation for emergency lighting; sanitary sewer facilities; and, an alternate source of water separate from the Park source (e.g. stored water in drums or a separate well). Each building shall be built to conform with the Standard Building Code for hurricane shelters.

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

of total park spaces calculated at that rate.

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

3.10.03.08 Refuse Handling

- (A) *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. Each space shall be provided a garbage can of not less than 20 gallon capacity and not more than 35 gallon capacity.
- (B) *Location.* All refuse shall be stored in watertight, fly-proof, rodent-proof containers, that shall be located within 300 feet of any vehicle.
- (C) *Collection.* All refuse containing garbage shall be collected at least twice weekly, in accordance with requirements established by the State of Florida.

3.10.03.09 Service Buildings and Facilities

- (A) *General.* The requirements of this section shall apply to service buildings, recreation buildings and other service facilities, such as management offices; repair shops and storage areas; sanitary facilities; laundry facilities; or indoor recreation areas.
- (B) *Service Building 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 a RV park campground that provides vehicle sites for dependent vehicles. Service buildings shall be conveniently located within a radius of approximately 300 feet of the sites to be served.
- (C) *Service Facilities in Connection with Other Businesses.* When a 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.

- (D) *Pedestrian Access to Service Buildings and Facilities.* Surfaced, appropriately drained walkways having a width of not less than 3 feet shall be provided from the vehicle sites to all service buildings and facilities, refuse collection areas, and recreation areas.
- (E) *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.

3.10.03.10 General Operating Requirements

- (A) *General.* The person to whom appropriate permits and licenses are issued shall operate the RV park or campground at all times in compliance with applicable state and local laws pertaining to the management and operation of such a facility.
- (B) *Duration of Stay in a RV Campground.* Vehicle sites shall be rented by the day or week only, and the occupant of a vehicle site shall remain at that site and within the RV campground for a limited period of time consistent with the special seasonal, vacation and transient requirements of the RV user, **but in no case exceeding 120 calendar days within any 360 day period**, whether accumulated consecutively or intermittently.

It shall be the duty of each licensee and permittee to keep a register containing a record of all RV owners and occupants within the park/campground.

- (C) *Duration of Stay in a RV Park.* Vehicle sites are intended for year round occupancy.

3.10.03.11 Permit Procedures and Requirements

- (A) *Site Development Plan.* Any applicant for the required permits to establish, construct, alter or extend a RV park or campground in Wauchula shall first request and receive approval of a Site Development Plan in accordance with the provisions of Section 7.05.00 of this Code.
- (B) *Health and Sanitation Permit.* After receipt of required land use approvals, applicant shall then apply for and receive a health and

sanitation permit for the proposed RV park or campground from the Hardee County Health Department and the State of Florida in accordance with the requirements of appropriate agencies. A Certificate of Occupancy will not be issued until a permit has been obtained.

- (C) License. A license is required to operate an RV park or campground. The license is valid for one year from date of issuance and must be reviewed yearly or may be transferred to a new owner as follows:
 - (1) Upon application in writing by a licensee for renewal of license and upon payment of the annual license fee, the city may issue a new license.
 - (2) Upon application in writing for transfer of a license and payment of the transfer fee, the city may issue a new license to the transferee.
 - (3) The license required must be posted conspicuously in the office of the park at all times.
- (D) Building Permit. Upon completion of (A), (B) and (C) above, application shall be made to the Building Director for the building permit to construct, alter, or extend a RV park or campground in accordance with the provisions of this Section. Before issuing a building permit for the construction, alteration or extension of a RV park or campground, the Building Director shall determine that all applicable review procedures and standards required under this Code have been satisfactorily met.

**3.10.04 Retail Commercial, No Outdoor Storage or Activities:
Shopping Center or Superstore (> 150,000 SFGLA)**

It is the purpose of these standards to provide minimum development guidelines for a shopping center of greater than 150,000 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 Wauchula.

(A) Design Requirements

- (1) Lighting: All lights shall be shielded to focus and direct light onto the shopping center, and away from adjacent property, but may be of sufficient intensity to discourage vandalism and theft. Reference Section 3.06.00, Performance Standards, for applicable glare and lighting

standards.

- (2) Fencing: Where a property line abuts and is contiguous to any residential land use classification, a six-foot solid face masonry wall, in addition to required buffer yards, shall be constructed along, or within 10 feet, of the property line.
- (3) Signs: A single sign shall be permitted for each abutting road right-of-way, not to exceed 20 feet in height and 150 s.f. in gross surface area. No other free-standing signs shall be permitted on the property, except traffic directional signage. Signs shall be set back 10 feet from all property lines.
- (4) Landscaping: Canopy and buffer yards shall be provided in accordance with the standards Buffer Yard "D". See Section 3.07.00.

3.10.05 Motor Vehicle Sales, Repairs, Rental, Parts: Auto Salvage Yard

- (A) All inoperative motor vehicles shall be stored in the rear of the premises and shall be permanently screened from adjoining properties and/or public streets by a visual buffer such as a wall, fence, evergreen hedge and or other approved enclosure. Such wall, etc., shall be approved by the administrative official and shall be at least six feet in height.
- (B) No inoperative vehicle shall be permitted to be stored on the premises exceeding six months.
- (C) Not more than three inoperable vehicles may be stored at any one time. See "Junkyard" for a business which stores more than three inoperable vehicles.

3.10.06 Motor Vehicle Sales, Repairs, Rental, Parts: Junkyards

- (A) *Storage Of Materials*
 - (1) Material that is not salvageable shall not be permitted to accumulate, except in bins or containers, and shall be disposed of in an approved sanitary landfill. The period of accumulation is limited to two months.
 - (2) In no case shall material that is not salvageable be buried or used as fill.
 - (3) Any items that can be recycled or salvaged shall be accumulated in bins or containers to be sold to a recycling firm.
 - (4) Recyclable material that cannot be stored in bins or containers may be stored in the open for a period not to exceed 30 days.
 - (5) Junkyard operators shall be responsible for compliance with all applicable

Federal and State regulations pertaining to the handling, storage, and disposal of waste fluids. In no case shall disposal of waste fluids be permitted on-site, except with the express approval of the FDEP.

- (6) In any open storage area, it shall be prohibited to keep any ice box, refrigerator, deep-freeze locker, clothes washer, clothes dryer, or similar air-tight unit having an interior storage capacity of 1.5 cubic feet or more from which the door has not been removed.
- (B) *Screening.* All junkyards shall comply with the following screening requirements:
- (1) All outdoor storage facilities shall be surrounded by a substantial continuous masonry, wood or metal fence (not including chain link fences), or a wall, any of which shall be a minimum of eight feet in height without openings of any type except for one entrance and/or one exit that shall not exceed 25 feet in width.
 - (2) Gates at entrance or exit shall be of a material without openings.
 - (3) The screen shall be constructed of the noncorrosive material throughout.
 - (4) Screens shall be maintained and in good repair at all times.
- (C) *Buffer In Lieu Of Screening.* Where an outdoor storage facility does not abut a public street or highway, a vegetative buffer may be permitted in lieu of screening. Such buffer may be approved by the City Council after a finding that the proposed buffer would provide screening equivalent to that required in Paragraph (B) above.

3.10.07 Communications Towers and Antennas

- (A) *Receive Only Antennas/Residential Personal Wireless Services.* This section shall not apply to antennas that are used exclusively to receive signals, such as those that receive video programming services via multi-point distribution services, and those which receive television broadcast signals. Further, this section shall not apply to antennas attached to single family dwelling units that are utilized, solely, to provide personal wireless services to the occupants of the single family dwelling unit. Regulations for those type of antennas and dishes are found in Article 2, Section 2.06.02.
- (B) *Conditional Use.* Communications Towers and Antennas shall only be allowed as a Conditional Use and only in agriculture and industrial zoning districts, as designated in Article 2, Section 2.04.00, Table 2.04.01(A) "Table of Land Uses" of this Code. The Conditional Use request shall be considered and reviewed

under the regulations set forth in Article 7, Section 7.08.00 “Conditional Uses,” except as noted here under (I), (J) and (K).

- (C) *Purpose.* The purpose of this section is to provide for the siting, performance, and construction standards and general regulations governing communications towers and antennas; and to:
- (1) Minimize adverse visual impacts of communications towers and antennas through appropriate design, siting, and landscape screening; and
 - (2) Accommodate the growing need for communications towers and antennas, while promoting and encouraging collocation of antennas on new and existing towers as a primary option rather than construction of additional single use towers.
- (D) *Definitions.* Definitions for *Camouflaged Construction, Communications Tower, Communications Antenna, FAA and FCC* shall be added to Article 9. As used in this section, the following terms shall have the meanings as set forth below:
- (1) *Height* shall mean, when referring to a communications tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.
- (E) *Applicability.* All new communications towers and communications antennas located in the City shall be subject to the regulations contained in this section except as provided herein.
- (F) *Exceptions*
- (1) *Amateur radio station operators.* This section shall not apply to any communications tower or communications antenna that is owned and operated by a federally licensed amateur radio station operator that is less than the maximum height allowed in any zoning district. In addition, the said owner/operator must comply with any and all applicable federal and state laws, regulations and standards and the installation and use of the equipment must be in accordance with manufacturer’s specifications, and grounding standards in conformance with those established by the National Electric Safety Code.
 - (2) *AM Array.* For purposes of this section, an AM array, consisting of one or more tower units and supporting ground system that functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM Array. Additional tower units may be added within the perimeter of the AM Array.

- (3) *Antennas installed prior to this amendment.* All communications towers and communications antennas legally installed in the City prior to the effective date of this amendment to the Unified Land Development Code shall be considered permitted nonconforming uses, allowed to continue their usage as they presently exist; provided, however, that anything other than routine maintenance, shall comply with the requirements of this section. See Article 7, Section 7.11.00 “Nonconformities”, and specifically Section 7.11.07 for further regulations.
 - (4) *Government owned and/or operated antennas.* This section shall not apply to communications towers and communications antennas approved by the City and that are governmentally owned and/or operated and primarily used for public health and safety.
- (G) *Regulations for Communications Antennas*
- (1) To encourage collocation and to minimize the number of communications towers within the City, communications antennas shall be considered a permitted **accessory use** when placed on or attached to any structure which constitutes a principal use, including existing communications towers (whether or not such tower is considered a principal or accessory use). Subject to the height restrictions for each zoning district and set forth in the Table of Development Standards, Article 2, Table 2.04.01(B) for communications towers, communications antennas height restrictions shall be as follows:
 - a. In approved zoning districts, communications antennas shall not extend more than the district height maximum requirement as listed in Article 2, Table 2.04.01(B).
 - (2) Communications antennas shall not be placed on, or attached to, any structure used as a single family dwelling unit;
 - (3) Communications antennas, including any supporting electrical and mechanical equipment, must be operated and installed in accordance with all applicable state or federal laws, regulations and standards, including applicable FCC regulations relating to radio frequency emissions and manufacturer standards.
 - (4) Where reasonably practical, communications antennas, and any supporting electrical and mechanical equipment, shall be designed and installed to blend into or meet the aesthetic character of the principal structure to which it is attached. Other than camouflaged communication antennas, communications antennas shall not be placed on historic landmarks, recognized by federal, state, local law or ordinance, or listed in the

National Register of Historic Places.

- (5) If a communications antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment shall be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- (6) Communications antennas, including any supporting electrical or mechanical equipment, shall comply with the minimum accessory building setback requirements of the district in which they are located.

(H) *Regulations for Communications Towers*

- (1) *Lot size.* For purposes of determining whether the installation of a communications tower complies with the Table of Development Standards, Section 2.04.01(B) in any zoning district, the dimensions of the entire lot shall control, even though the tower may be located on leased parcels within such lot.
- (2) Communications towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness. Communications towers not requiring FAA painting/markings shall have either a galvanized finish or be painted a noncontrasting blue, gray, or black finish. The color should be selected so as to minimize the equipment's obtrusiveness.
- (3) The design of the buildings and related structures at a tower site shall, to the extent practicable, use materials, colors, and textures that will blend them into the natural setting and surrounding buildings.
- (4) *Building Codes and Safety Standards.* To ensure the structural integrity of towers, the owner of a tower shall ensure that communications towers, and any accessory structures are designed, constructed, and maintained in compliance with the City's codes and to the extent not in conflict therewith, the applicable standards that are published by the Electronic Industries Association, as amended. Designs for new communications towers shall be signed and sealed by an engineer registered in the State of Florida.
- (5) *Setbacks.* Communications tower setbacks shall be measured from the base (including foundations above ground level) of the tower or protruding accessory building structure at the base of the tower, whichever is closest to the property line of the parcel on which it is located.

Each tower shall be set back from all property lines a distance equal to its

height. Alternatively, a statement from a registered engineer in the State of Florida may be provided to certify that, in the event of structural failure, the tower would fall within the boundaries of the property on which it is located. In no case shall the tower be set back a distance of less than 50 percent of its height.

- (6) *Separation from off-site uses/Designated areas.* The following separation from off-site uses/designated areas shall apply to all communications towers. Communications tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated area as specified in Table 3.15 below.

Table 3.16 Separation Distance for Communications Towers

Off-site Use/Designated Area	Separation Distance
Single family or duplex residential units, including modular homes and mobile homes used for living purposes.	200 feet or 300% height of tower, whichever is greater.
Vacant land zoned residential single family or duplex, which is either platted or has preliminary subdivision plan.	200 feet or 300% height of tower, whichever is greater. Separation is measured from base of tower to closest residential lot line.
Vacant unplatted residentially zoned lands. Includes any unplatted residential use properties without a valid preliminary subdivision plan or valid development plan approval and any multi-family residentially zoned land greater than duplex.	100 feet or 100% height of tower, whichever is greater.
Existing multi-family residential units of a greater density than duplex units.	100 feet or 100% height of tower, whichever is greater.
All lands zoned or used other than for residential.	None; only setbacks set forth in Subsection (5) "Setbacks."

- (7) *Separation distances between communications towers.* Separation distances between communications towers shall be measured between the proposed tower and the preexisting tower and shall be as specified in Table 3.16 below. The separation distance shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan.

Table 3.17 Separation Distance between Towers

	Lattice	Monopole or Guyed Greater than 75 feet	Monopole, Camouflaged, or Guyed up to 75 feet
Lattice	2500 feet	1500 feet	750 feet
Monopole or Guyed greater than 75 feet	1500 feet	1500 feet	750 feet
Monopole, Camouflaged, or Guyed up to 75 feet	750 feet	750 feet	750 feet

- (8) *Security fencing.* Communications towers, including accessory structures, shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device.

- (9) *Landscaping.* Landscaping, as required by this section, shall be installed on the outside of security fences. Further, existing vegetation shall be preserved to the maximum extent and may be used as a substitute of or in supplement towards meeting landscaping requirements. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent. In cases such as towers sited on large, wooded lots, natural growth around the property perimeter may be a sufficient buffer. Further, in cases where the tower is sited on paved or impervious surfaces, such as parking lots, the placement of landscaping required by this subsection may be modified so long as equivalent screening is provided. Camouflaged communication towers are exempt from the requirements of landscaping and buffering. The following landscaping and buffering of communications towers shall be required around the perimeter of the tower and accessory structures:
- a. A row of trees a minimum of eight feet tall and a maximum of twenty-five feet apart shall be planted around the perimeter of the fence and be in place when the tower is completed; and
 - b. A continuous hedge at least 30 inches high at planting capable of growing to at least 36 inches in height within 18 months shall be planted in front of the tree line referenced above; and
 - c. All landscaping shall be of the evergreen variety; and once installed, shall be preserved and maintained in an appropriate manner.
- (10) *Height.* No communications tower, whether freestanding or installed on another structure, shall exceed 200 feet in height from ground level. An existing communications tower may be modified to a taller height, not to exceed 200 feet in total height, to accommodate the collocation of an additional communications antenna(s); provided however, that any communications tower modified by greater than 40 feet must continue to be in compliance with all requirements of this section.
- (11) *Type of Construction.* Communications towers shall be monopole, guyed, lattice, or camouflaged construction.
- (12) *Signs and Advertising.* The use of any portion of a communications tower for sign or advertising purposes including, without limitation, company name, banners, or streamers, is prohibited.
- (13) *Illumination.* Communications towers shall not be artificially lighted except to assure human safety or as required by the FAA.
- (14) *Collocation*

- a. Monopole communications towers shall be engineered and constructed to accommodate a minimum of one additional communication service provider.
 - b. Lattice communications towers shall be engineered and constructed to accommodate a minimum of two additional communication service providers.
 - c. Camouflaged communication towers may be engineered and constructed without accommodating additional communication service providers.
 - d. Communications towers located within electrical substations may be engineered and constructed without accommodating additional communication service providers.
 - e. *Onsite relocation.* A communications tower which is being rebuilt to accommodate the collocation of an additional communication antenna may be moved onsite within 50 feet of its existing location, however, the tower shall meet the setback requirements of this section. After the communications tower is rebuilt to accommodate collocation, only one tower may remain on the site. The relocation of a tower in accordance with this subsection shall in no way be deemed to cause a violation of this section.
- (15) *Noninterference.* No communications tower or communications antenna shall interfere with public safety communication. Frequency coordination is required to ensure noninterference with public safety systems and/or public safety entities.
- (I) *Procedure for Obtaining a Conditional Use.* **In addition to** the requirements of Article 7, Section 7.08.00 “Procedure for Obtaining a Conditional Use”, the following items are required.
- (1) *Site Plan.* A site plan, scaled at a standard engineering scale, clearly indicating the location, type and height of proposed tower, on-site land uses and zoning, adjacent land uses and zoning, separation distances as set forth in Tables 3.15 and 3.16 of this section, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of proposed tower and any other structures, topography, parking, and any other information deemed by the City to be necessary to assess compliance with this section;
 - (2) Separation distances between proposed tower and nearest residential unit; and between the proposed tower and other existing towers within one mile of the site including information about the nearest tower including height

and design;

- (3) Proposed landscape plan;
 - (4) Method of fencing, finished color, and if applicable, the method of camouflage and illumination;
 - (5) A notarized statement of the applicant as to whether construction of the tower will accommodate collocation of additional communications antennas for future users.
 - (6) Identification by map of applicant's existing communications towers within the City; and
 - (7) A description of the applicant's authorized radio frequencies.
- (J) *Approval by the City Commission.* In determining whether to grant a Conditional Use pursuant to this section, the City Commission shall consider the following factors:
- (1) Height of proposed tower;
 - (2) Nature of uses on adjacent and nearby properties and the proximity of the tower to all adjacent land uses.
 - (3) Surrounding topography;
 - (4) Surrounding tree coverage and foliage;
 - (5) Design of the tower and particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness, such as camouflaged construction;
 - (6) Proposed ingress and egress;
 - (7) Availability of suitable existing towers, other structures, not requiring the use of towers; and
 - (8) The Council **shall not** consider the environmental effects of radio frequency emissions, to the extent that the proposed tower, and attached communication antennas and related structures comply with the FCC's regulations concerning such emissions.
 - (9) *Availability of Suitable Existing Towers or Other Structures.* No Conditional Use shall be granted for a new tower unless the applicant demonstrates that no existing tower or structure can accommodate the

applicant's proposed communications antenna(s). In this regard, an applicant shall submit information which may consist of the following:

- a. No existing towers or structures are located within the geographic area which meet the applicant's engineering requirements.
- b. Existing towers or structures are not of sufficient height.
- c. Existing towers do not have sufficient structural strength to support equipment.
- d. The applicant's proposed communications antenna would cause electromagnetic interference with the antenna on the existing tower or vice versa.
- e. The fees, costs, contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
- f. The applicant demonstrates that there are other limiting factors that render existing tower and structures unsuitable.

(K) *Denial by the City Commission.* Any decision by the City Commission to deny a request for a Conditional Use shall be in writing and supported by competent, substantial evidence contained in a written record.

(L) *Abandonment.* In the event the use of any communications tower or communications antenna has been discontinued for a period of 180 consecutive days, the tower or antenna shall be deemed to have been abandoned. Upon such abandonment, the owner/operator of the tower or antenna shall have an additional 180 days within which to reactivate the use, transfer the ownership/operation to another actual user, or dismantle the tower. The owner of the real property shall be ultimately responsible for all costs of dismantling and removal, and in the event the tower is not removed within 180 days of abandonment, the City may initiate legal proceedings to do so and assess the costs against real property.

(M) *Rebuilding damaged or destroyed nonconforming towers or antennas.* Legally nonconforming communications towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain Conditional Use approval. The type, height and location of the tower on site shall be the same type and intensity as the original facility. Building permits to rebuild the facility shall comply with applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained, or said permit expires, the communications tower or antenna shall be deemed abandoned.

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