

## ARTICLE 5

### RESOURCE PROTECTION STANDARDS

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

##### ***5.01.01 Purpose and Intent***

- (A) It is the purpose and intent of this Section to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas.
- (B) This Section shall apply to all areas of special flood hazard within the jurisdictional boundaries of the City of Wauchula. No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Section and other applicable regulations.
- (C) Areas of special flood hazard that have been or may be identified on a Flood Insurance Rate Map (FIRM), published by the Federal Emergency Management Agency (FEMA), and any revisions thereto, are adopted by reference and declared to be a part of this Section. In the absence of FIRMs and supporting data, areas of special flood hazard shall be identified by field analysis until such FIRMs are available.
- (D) These flood hazard management regulations do not repeal, abrogate, or impair any existing easements, covenants, or deed restrictions.
- (E) Although the degree of flood protection required by this Section is reasonable and appropriate for regulatory purposes, based on scientific and engineering considerations, more severe floods will occur and flood heights may be increased by man-made or natural causes. Consequently, this Section is not intended to imply that land outside the areas of special flood hazard or uses permitted within those areas will be free from flooding or flood damages. This Section shall not create liability on the part of the City or any of its officers or employees for any flood damages that result from reliance on these flood hazard management regulations or any administrative decision lawfully made thereunder.

##### ***5.01.02 Standards for Reducing Flood Hazards in the Area of Special Flood Hazard***

The following standards apply to all development permitted within the Area of Special Flood Hazard.

- (A) *Compensatory Stormwater Storage Required.* Encroachments, including fill, new

construction, substantial improvements and other development, are prohibited unless a registered professional engineer certifies that compensatory storage will be provided in order to alleviate flood problems within the impacted area.

- (B) *Anchoring.* All new construction and substantial improvements of existing construction shall be anchored to prevent flotation, collapse or lateral movement of the structure during a base flood. Mobile homes shall be anchored, tied down and blocked in accordance with the standards of Section 15C-1.10, FAC.
- (C) *Construction Materials and Methods.* All new construction and substantial improvements of existing construction shall be constructed with materials and utility equipment resistant to flood damage, and using methods and practices that will minimize flood damage and prevent the pollution of surface waters during a base flood.
- (D) *Service Facilities and Utilities*
  - (1) Electrical heating, ventilation, plumbing, air conditioning and other service facilities shall be designed or located to prevent water from entering or accumulating within the components during a base flood.
  - (2) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate both infiltration of flood waters into the systems and discharges from the systems into flood waters.
  - (3) On-site sanitary sewage systems shall be located and constructed to avoid impairment to them or contamination from them during flooding, and shall not be installed wholly or partially in a regulatory floodway.

**5.01.03 *Additional Standards for Reducing Flood Hazards in Areas for Which FIRMs Have Been Prepared***

The following standards must be complied with in all areas of special flood hazard for which a base flood elevation has been established as set forth in Section 5.01.01.

- (A) *Compensatory Stormwater Storage Required.* Encroachments, including fill, new construction, substantial improvements and other development, are prohibited unless a registered professional engineer certifies that compensatory storage will be provided in order to alleviate flood problems within the impacted area.
- (B) *Elevated Buildings.* New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the flood protection elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Designs for complying with this requirement must either be certified by a professional

engineer or architect or meet the following minimum criteria:

(C) *Residential Structures*

- (1) All new construction and substantial improvements of existing construction of residential structures shall be constructed with the lowest floor elevated to or above the flood protection elevation.
- (2) For all new construction and substantial improvements of existing construction, enclosed areas below the lowest floor that are subject to flooding shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for automatic entry and exit of floodwater.

Designs for meeting this requirement must either be certified as meeting this requirement by a registered professional engineer or architect.

- (3) Electrical, plumbing, and other utility connections shall not be placed below the Flood Protection Elevation.

(D) *Accessory Structures.* New construction and substantial improvements to existing accessory structures shall comply with Section 5.01.03(C) of this Section. Walls below the flood protection elevation shall be substantially impermeable to the passage of water. Structural components shall resist hydrostatic and hydrodynamic loads and effects of buoyancy.

(E) *Subdivisions*

- (1) All preliminary subdivision proposals shall identify the area of special flood hazard and the elevation of the base flood.
- (2) All final subdivision plans shall identify the elevation of proposed structures and pads. If the site is filled above the base flood, the final pad elevation shall be certified by a registered professional engineer or surveyor.
- (3) All public utilities and facilities in subdivisions shall be located and constructed to minimize flood damage, and shall be adequately drained to reduce exposure to flood hazards.
- (4) Each lot must include a site suitable for constructing a structure in conformity with the standards of these flood damage prevention regulations.

**5.01.04 Standards for Reducing Flood Hazards in Certain Zones Within**

***the Area of Special Flood Hazard***

- (A) *Standards for Areas of Shallow Flooding.* The following standards apply to Areas of Shallow Flooding located within the area of special flood hazard.
- (1) Residential Structures. The lowest floor of all residential structures, including new construction and substantial improvements to existing structures, shall be elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least 2 feet if no depth number is specified).
  - (2) Nonresidential Structures. The lowest floor of all new construction of and substantial improvements to non-residential structures shall:
    - a. Be elevated as prescribed in Section 5.01.04(A)(1) above; or
    - b. Be constructed, together with attendant utility and sanitary facilities, so that any walls below the level prescribed in Section 5.01.04(A)(1) above shall be substantially impermeable to the passage of water and any structural components below that level shall be capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- (B) *Standards for Streams Without Established Base Flood Elevations.* The following standards apply to small streams in the area of special flood hazard for which no base flood data have been provided.
- (1) Encroachments. No encroachments, including fill material or structures, shall be located within a distance of the stream bank equal to five times the width of the stream at the top of the bank, or 20 feet from the top of each bank, whichever is greater, unless a registered professional engineer demonstrates and certifies that the encroachments would not result in any increase in flood levels in a base flood.
  - (2) Elevation. New construction of or substantial improvements to structures shall be elevated or flood-proofed to minimize risks of flooding reasonably to be expected based on the best available data.

### **5.01.05 Administration and Enforcement**

In addition to other administrative and enforcement provisions in this Code, the following provisions shall apply:

(A) *Designation and Duties of Development Director.* The Development Director shall administer and implement the provisions of these flood hazard management regulations. In addition to duties assigned elsewhere, the Development Director shall:

- (1) Review all proposed developments to assure that the requirements of these regulations have been met.
- (2) Review all certificates submitted to satisfy the requirements of these regulations.
- (3) Notify adjacent communities, the SWFWMD, and the DCA, prior to permitting or approving any alteration or relocation of a watercourse, and, if applicable, provide evidence of such notification to FEMA.
- (4) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor, or of the flood-proofing, of all new or substantially improved structures regulated by this Section.
- (5) Interpret the boundaries of the Areas of Special Flood Hazard and Areas of Shallow Flooding.
- (6) Maintain all records pertaining to the implementation of these flood damage prevention regulations.

(B) *Certification of As-Built Elevations*

- (1) For development activity that includes structures, and in areas where base flood elevations are available, the developer shall submit to the Development Director a certification prepared by a registered land surveyor or licensed professional engineer of the as-built elevation in relation to mean sea level of the lowest floor, flood-proofed elevation, or horizontal structural members of the lowest floor, as applicable. This certification shall be provided before additional construction may occur.
- (2) The Development Director shall review submitted floor elevation survey data and inform the applicant of deficiencies within five working days. No work shall be permitted to proceed until the deficiency is removed in the opinion of the Development Director. Failure to submit the certification or to make required corrections shall be cause to issue a stop-work order for the project.

- (3) Upon submittal of certified elevations and/or a determination by the Development Director that the development meets all of the applicable requirements of this Section, the Development Director shall issue a certificate of compliance. All work performed before the issuance of this certificate shall be at the risk of the developer.

(C) *Enforcement*

- (1) Any violation of this Section is a public nuisance and may be restrained by injunction or otherwise abated in a manner provided by law.
- (2) In addition to any remedy or penalty provided herein or by law, any person who violates the provisions of these flood damage prevention regulations shall be punished by a fine of not less than \$100 nor more than \$500 or by imprisonment in the county jail for a period not to exceed 60 days, or by both such fine and imprisonment. Each day during which the violation occurs shall constitute a separate offense.
- (3) Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the City may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

*[RESERVED]*

## **5.02.00 Potable Water Wellhead Protection Areas**

### **5.02.01 Purpose and Intent**

The purpose and intent of this Section is to safeguard the health, safety and welfare of the citizens of the City by registering all land uses and activities that occur within Wellhead Protection Areas surrounding potable water supply wells, thereby providing protection of the principal source of water for domestic, agricultural, and industrial use. The availability of adequate and dependable supplies of potable quality water is of primary importance to the future of the City; therefore, standards are described in this Section with the intent of protecting both the quantity and quality of the groundwater supply. It is further the intent of this Section to control development in and adjacent to designated wellheads to protect water supplies from potential contamination.

### **5.02.02 Establishment of Wellhead Protection Area**

Development regulations established in this Section shall be applicable to designated wellhead protection areas for all public supply water wells. Prior to designation of or in the absence of sufficient information for wellhead protection areas, the official Wellhead Protection Area shall consist of a radius of 400 feet around each of the City's public supply potable water wells, as provided for in the Future Land Use Element, Policy 7.1 and Conservation Element, Policy 1.3 of the *Comprehensive Plan of the City of Wauchula* (see Figure 1). An official map of wells and their Wellhead Protection Areas shall be maintained in the Development Director's office.

Where a property lies partly outside the Wellhead Protection Area, development standards contained in this Section shall apply only to that part of the property lying within the Wellhead Protection Area. Where the Wellhead Protection Area boundary passes through a building, the entire building shall be considered to be in the Protection Area.

### **5.02.03 Wellhead Protection Area Land Use Restrictions**

(A) *Zone of Exclusion.* The first 200 foot radius from a well shall be a Zone of Exclusion, where all development activities are prohibited (see Figure 1).

(1) It is the intent and purpose of the City to eliminate **all activity** of a hazardous nature or that produces hazardous materials/waste within 200 feet of a wellhead.

(B) *Zone of Protection.* This Zone is the area from 200 feet to 400 feet from a wellhead (see Figure 1).

(1) All activities located 200 feet to 400 feet from a wellhead are permitted in accordance with the zoning district and the table of land uses, except in the handling, production or storage of hazardous substances, which shall

be prohibited within the Wellhead Protection Area.

- (2) The City shall maintain a list of all land uses and activities within the Wellhead Protection Area Zone of Protection by requiring all activities to be registered with the City. The City shall register all activities from 200 to 400 feet of a well within one year of the adoption of this Code.

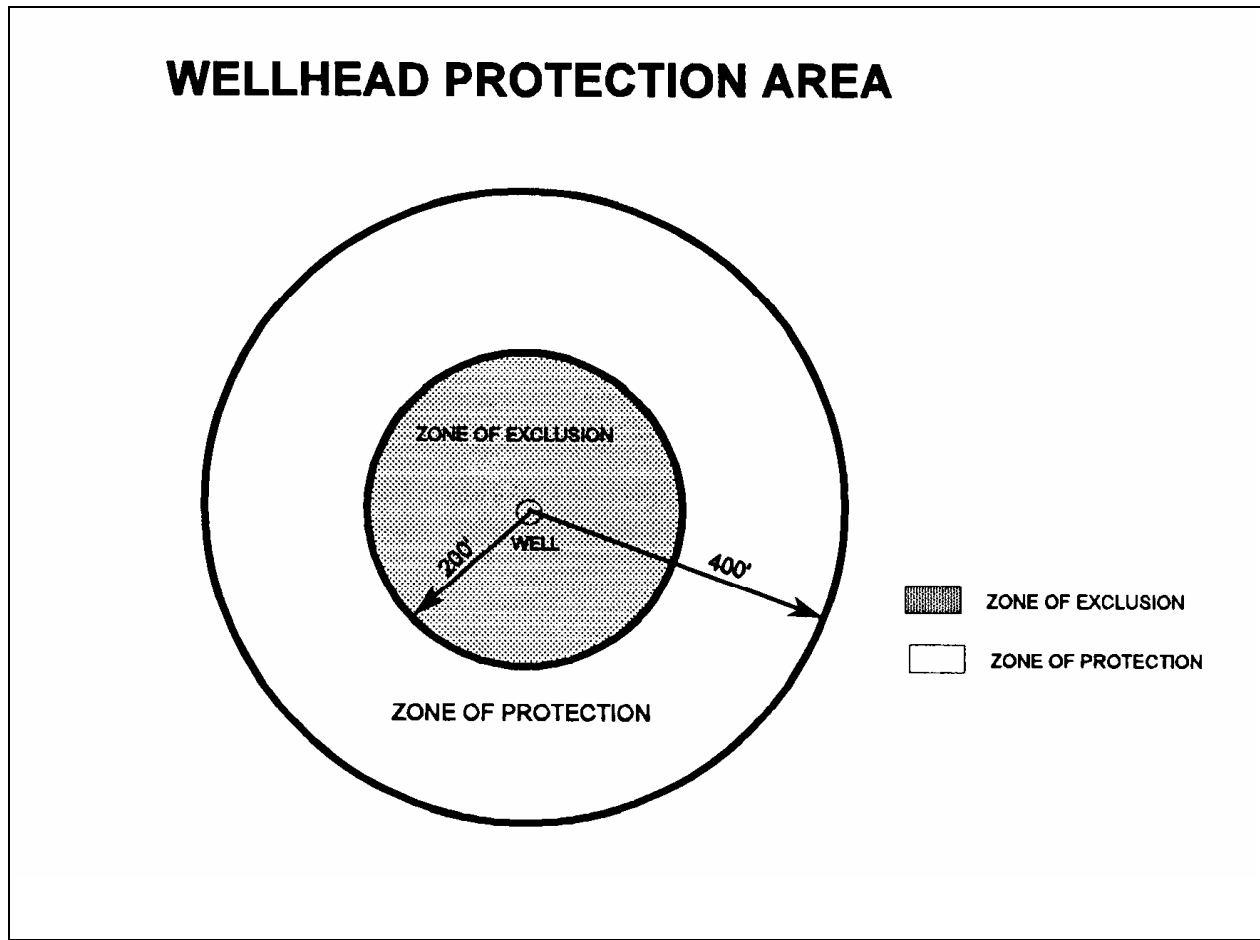


FIGURE 1

(C) *Prohibited Land Uses and Activities.* The following land uses and activities are prohibited in the entire Wellhead Protection Area, including the Zone of Protection and shall cease within one year of the adoption of this Code:

- (1) Landfills;
- (2) Facilities for bulk storage, handling or processing of materials on the Florida Substance List;
- (3) Activities that require the storage, use, handling, production or transportation of restricted substances, agricultural chemicals, petroleum products, hazardous toxic waste, medical waste, or similar substances; **non-residential use, handling, production or storage of hazardous substances in any quantity; and, residential use of more than five gallons;**
- (4) Feed lots or other commercial animal facilities;
- (5) Wastewater treatment plants, percolation ponds or similar facilities;
- (6) Mines; and
- (7) Excavation of waterways or drainage facilities which intersect the water table.

**5.02.04 Registration of Land Uses and Activities in Wellhead Protection Areas**

All land uses and activities within the Wellhead Protection Area must be identified and registered with the City. The registration is to enable the City to eliminate all potential sources of contamination of the potable water supply.

(A) *Registration Within One Year.* All land uses and activities from 200 to 400 feet of a wellhead shall be registered with the City within one year from the adoption of this Section, **without a fee.** Thereafter, said person shall be subject to the fee schedule adopted in connection with this Code.

(B) *Exemptions.* The following activities or uses **are exempt** from registration requirements in the Zone of Protection:

- (1) The transportation of any hazardous substance through the Zone of Protection;
- (2) Fuel in a vehicle fuel tank or as lubricant in a vehicle;
- (3) Repairing or maintaining any facility or improvement on lands within the

Zone of Protection; and

- (4) Geotechnical borings.
- (C) *Registration Procedure.* Each landowner with a legal use or activity between 200 feet and 400 feet of a wellhead shall notify the City as to the nature of the use or activity. The information shall be sent to the Planning and Zoning Department by letter. The information required is as follows:
- (1) Name, address, and phone number of the property owner, operator, and/or agent, and the Tax Parcel Number;
  - (2) Signature of agent or owner;
  - (3) Locational description of the property, such as "located on Highway 17 between Pine and Redwood Streets."
  - (4) A description of the land use or activity at the location;
  - (5) A list of all known hazardous substances that may be utilized, generated and/or stored at the described property;
  - (6) If required by the Development Director, a survey or scale drawing of the property, identifying existing structures, adjacent streets and water bodies in relation to the wellhead.

#### **5.02.05 Modification of Requirements**

- (A) Any person affected by this Section may petition the Commissioners for modification from the prohibitions and registering requirements of this Section, provided that the person demonstrates that special or unusual circumstances and adequate technology exists to isolate the facility or activity from the potable water supply in the event of a spill.
- (B) The Commissioners shall determine whether the land use or activity shall be approved under the provisions of this Section. In making this decision, the Commissioners shall consider:
  - (1) the cumulative impacts of the land use or activity on the Zone of Protection in combination with other uses or activities that have been permitted within said Zone; and
  - (2) whether the proposed use end product that is a threat to the water supply can be contained in the case of a spill.

#### **5.02.06 Notification of Discontinuation of Land Use or Activity in a**

### ***Wellhead Protection Zone***

- (A) It is the intent and purpose of the City to eliminate all land uses and activities within 200 feet of a wellhead that are hazardous or created hazardous materials or residue. All activities from 200 feet to 400 feet from a wellhead are limited, with some activities prohibited. Those prohibited activities are listed in this Article, specifically in Section 5.02.03 (D). An owner of a property that falls within the Wellhead Protection Zone is required to register his land use activity with the City as outlined in this Article, specifically in Section 5.02.04.
- (B) A record will be kept on file of all land uses and activities within the 400 foot Wellhead Protection Area of all wells. If a land use or activity ceases, the owner must notify the City **by registered letter within 30 days** of cessation of use.

#### ***5.02.07 Fee Resolution***

The Commissioners may, at their option, adopt a fee schedule by resolution to provide for funding for the administration of this Section.

#### ***5.02.08 Location of New Wells***

No new public supply water wells shall be located such that the Wellhead Protection Area extends past the owners' property boundaries.

### ***5.03.00 Wetlands Protection***

#### ***5.03.01 Purpose and Intent***

The Wauchula City Council has determined that wetlands contiguous to waters of the state, and non-contiguous and isolated wetlands serve important functions in the hydrologic cycle and ecological system and therefore require protection. It is the purpose and intent of this Section to provide for the protection, maintenance, and enhancement of wetlands within the City of Wauchula in accordance with the adopted comprehensive plan, recognizing the rights of individual property owners to use their lands in a reasonable manner as well as the rights of all citizens to protection and purity of the waters of the City of Wauchula and their associated wetland ecosystems. It is further the purpose and intent of this Section to ensure that there be no net loss of wetlands as defined in this Code.

### **5.03.02 Relationship to Other Requirements Relating to Wetlands Protection**

In addition to meeting the following wetlands protection requirements, development plans shall comply with applicable federal, state and water management district regulations. In all cases the strictest of the applicable standards shall apply.

### **5.03.03 Protection Zones Established**

Two zones of protection for wetlands are hereby established. The protection zones shall be known as the wetland protection and wetland transitional zones.

- (A) Wetland Protection Zone. There is hereby created a wetlands protection zone in which special restrictions on development apply. The boundaries of this zone shall be the most landward extent of the following:
- (1) Areas within the dredge and fill jurisdiction of the FDEP as authorized by Section 403, F.S.
  - (2) Areas within the jurisdiction of the U.S. Army Corps of Engineers as authorized by section 404, Clean Water Act or Section 10, River and Harbor Act.
  - (3) Areas within the jurisdiction of the SWFWMD pursuant to Rule 40D-4, FAC.
  - (4) Development requiring a permit or permits from one or more of the U.S. Army Corps of Engineers, FDEP, and the SWFWMD, shall have the most restrictive agency wetlands boundary determination recognized by the City as the wetlands boundary. The term most restrictive is used here to mean the boundary covering the largest area.
  - (5) In circumstances where the natural boundary of wetland vegetation is unclear, the line of demarcation may be approximated at a surveyed elevation measured at a location in the same wetland where the natural line is clear.
  - (6) In the event an undeveloped area has been recently cleared of all vegetation, the wetland boundary may be determined by a study of the soils, aerial mapping, photography, hydrology, and other relevant historical information.
- (B) Wetland Transitional Zone. There is hereby created a wetland transitional zone adjacent to each wetland protection zone. The transitional zone is an area having a direct ground- or surface water influence and functions as a buffer between

wetlands and development. The purpose of the transitional zone is to minimize the adverse effects of development upon the wetland itself. In no case, however, shall a transitional zone of less than 30 feet be approved.

#### **5.03.04 Permits Required**

Except as provided in Subsection 5.03.05, no person shall remove, fill, drain, dredge, clear, destroy or alter any wetland as defined in this Code without first submitting a wetland management plan to the Development Director and obtaining from the City a wetland alteration permit. This permit may be issued concurrently with any other land development permits issued by the City.

#### **5.03.05 Exemptions**

Activities or development types that are exempted from this Section include:

- (A) Nonmechanical clearing of vegetation from an area of less than 10% of the protected zone.
- (B) Minor maintenance or emergency repair to existing structures of improved areas.
- (C) Cleared walking trails having no structural components.
- (D) Timber catwalks and docks four feet or less in width.
- (E) Utility crossings.
- (F) Maintenance of drainage systems, including routine dredge and fill activities in ditches, retention and detention areas, public road and other rights-of-way.
- (G) Bona fide mosquito control activities.
- (H) Activities approved by a federal, state, or regional agency prior to adoption of this Section.

#### **5.03.06 Development Standards**

- (A) *Wetland Zone.* Except as otherwise provided in this Section, it is presumed that development will have an adverse effect on wetlands. No activities other than those listed below shall be undertaken in a wetland protection zone.

Activities Permitted in Wetland Protection Zones. The following activities and development types generally may be undertaken unless the City determines in a specific case that a listed activity or development type would have a significant adverse impact on the wetland protection zone:

- (1) Scenic, historic, wildlife, or scientific preserves.
  - (2) Minor maintenance or emergency repair to existing boat docks, walking trails, and timber catwalks.
  - (3) Cultivating agricultural or horticultural products that occur naturally in the wetland.
  - (4) Constructing fences where no fill activity is required and where navigational access will not be impaired by construction of the fence.
  - (5) Developing a "Wetlands Storm Water Discharge Facility" in accordance with state permits received under Chapters 17-25, FAC.
  - (6) Construction of foot bridges and vehicular bridges.
- (B) *Upland Zone.* All development in an upland zone shall be in accordance with the Future Land Use Map of the Comprehensive Plan and the zoning classification, and shall be designed, constructed and maintained to avoid significant adverse effects on the adjacent wetland. Where a development site lies partly within the wetland zone and partly within the upland zone, the acreage within a wetland zone may be used to determine the total allowable units or square footage of development that will be allowed on a site. This development potential shall be transferred from the wetland zone to the upland zone.

Special Standards for Upland Zones. The following standards shall apply within upland zones:

- (1) Natural vegetative buffer areas shall be retained between all development and all wetlands where such buffer areas exist. The minimum width of the buffer shall be 25 feet and the average of all wetland buffers shall be 40 feet. No structures shall be located in such areas. Impervious surfaces shall be limited to roads or walking trails providing access to a body of water. Where a natural buffer area does not exist, an equivalent buffer shall be created.
- (2) The developer shall completely restore any portion of a wetland zone damaged as a result of construction activity in the upland zone.
- (3) The City may require other reasonable protective measures to be undertaken within the upland zone as necessary to prevent significant adverse effects on a wetland. Protective measures may include, but are not limited to:
  - a. Maintaining natural drainage patterns.

- b. Limiting the removal of vegetation.
- c. Minimizing the amount of fill used in the development activity.
- d. Prohibiting or limiting the use of septic tanks.

### **5.03.07 Mitigation**

The City Council may require mitigation of adverse impacts on wetlands as a condition of development approval if it finds that such impacts are unavoidable. In such cases, action will be taken during or after development to reduce or counteract damage to wetlands areas. A mitigation plan approved by a federal, state, or regional agency shall be acceptable to the town. Mitigation shall not contribute to the production of mosquitoes by creating mosquito larval habitat or by eliminating habitat for predatory fish. The mitigation plan may include, but is not limited to, the following actions:

- (A) Preservation and maintenance regulations to reduce or eliminate the impact over time.
- (B) Compensation for the impact through enhancement of existing wetlands, reestablishment of wetlands that are no longer functioning, or the creation of new wetlands.
- (C) Repair, rehabilitation, or restoration of the wetland.
- (D) Specific design requirements based upon conditions of the site and the type of wetland to be created or restored.
- (E) Periodic monitoring to remove exotic or nuisance vegetation.
- (F) Preservation or creation of an appropriate habitat in an adjacent wetland zone.

A developer of a compensatory mitigation plan shall grant a conservation easement in accordance with Section 704.06, F.S., and Section 5.06.00 of this Code on the newly purchased, created, enhanced or restored environmentally sensitive lands to protect them from future development. A legal mechanism other than a conservation easement may be considered, if appropriate, to carry out the purpose of this subsection.

### **5.03.08 Prohibited Ongoing Activities**

The following standards apply to post-development activities taking place within any wetland or upland zone.

- (A) *Clearing.* Without an amendment to the development order, no person shall clear more vegetation than was permitted for the original development.

- (B) *Handling and Storage of Fuel, Hazardous and Toxic Substances, and Wastes.* No fuel or toxic substances shall be stored, transferred, or sold in a wetland or an upland zone.
- (C) *Fertilizers, Herbicides, or Pesticides.* Fertilizers, herbicides, or pesticides shall not be applied in a wetland, except for projects conducted under the authority of Sections 373.451 - 373.4595, F.S., the Surface Water Improvement and Management Act, and governmentally authorized mosquito control programs.

#### **5.04.00 Erosion Control**

##### **5.04.01 Required Soil Conservation Measures**

The following soil conservation measures shall apply to all development activities requiring site development plan or subdivision reviews:

- (A) *During Construction.* The developer shall follow standard practices as specified in the Erosion Control Handbook - Florida published by the U.S. Dept. of Agriculture, Soil Conservation Service, latest edition, or details specifically approved by the City to prevent erosion and depositing of soils off the construction site.
- (B) *After Construction.* All disturbed areas shall be mulched, seeded or sodded as required by the town, and shall be maintained as such. The removal or lack of maintenance of vegetation resulting in on-site or off-site erosion or windblown loss of soils shall be deemed a violation of this Section.

#### **5.05.00 Conservation Easements**

As a condition for approval of a development permit or development order, or as part of a development agreement established under Article 6 of this Code, any person, corporation or entity owning property in the City of Wauchula may create a conservation easement. Conservation easements shall be subject to the provisions of Section 704.06, F.S., and may be used to prevent or prohibit the following activities:

- (A) Construction or placing of buildings, roads, signs or other advertising, utilities, or other structures on or above the ground.
- (B) Dumping or placing of soil or other substances or materials as landfill, and dumping of trash, waste, or unsightly or offensive materials.
- (C) Removal or destruction of trees, shrubs, or other vegetation.
- (D) Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface of the ground.

- (E) Any use that alters the natural condition of the land or water area.
- (F) Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation.
- (G) Any use that is detrimental to the retention of land or water areas.
- (H) Any use that is detrimental to the preservation of properties of historical, architectural, archaeological, or cultural significance.

Conservation easements are perpetual, undivided interests in property and may be created or stated in the form of a restriction, easement, covenant, or condition in a deed, will, or other instrument executed by or on behalf of the owner of the property, or in any order of taking. Such easements may be acquired in the same manner as other interests in property are acquired, except by condemnation or by the exercise of the power of eminent domain. They may be assigned to other governmental agencies, charitable organizations, or trusts authorized to acquire such easements. Conservation easements run with the land and are binding on all subsequent owners of the property. Conservation easements entitle holder to enter the land in a reasonable manner and at reasonable times to assure compliance with the purpose(s) of the easement. All conservation easements shall be recorded and indexed in the public records of Polk County in the same manner as any other instrument affecting the title to real property.

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