

CITY OF WAUCHULA

Hardee County, Florida



Cherishing Our Heritage
Cultivating Our Future

LAND DEVELOPMENT REGULATIONS

Adopted: January 13, 2014



Prepared by the
Central Florida Regional Planning Council



City of Wauchula

Land Development Regulations

Adopted: January 13, 2014

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ARTICLE 1

GENERAL PROVISIONS

1.01.00 Title

This document shall be referred to as the "Land Development Code of the City of Wauchula" or the Land Development Regulations of the City of Wauchula" and may be referred to herein as the "Code", the "Regulations," the "LDCs", or the "LDRs."

1.02.00 Authority

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

1.03.00 Applicability

With the exceptions listed in Section 1.10.00, all development in Wauchula shall be subject to the provisions of this Code, and no development shall be undertaken without prior authorization pursuant to this Code.

1.04.00 Repeal of Conflicting Local Laws

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or general laws, or any part thereof, which conflict with any provision or provisions of this Code are hereby repealed.

1.05.00 Interpretation

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

1.05.01 Generally.

In the interpretation and application of this Code all provisions shall be liberally construed in favor of the objectives and purposes of the City and deemed neither to limit nor repeal any other powers granted under State statutes.

1.05.02 Responsibility for Interpretation.

In the event that any question arises concerning the application of regulations, performance standards, definitions, development criteria, or any other provision of this

Code, the Development Director, or his designee, shall be responsible for interpretation and shall look to the City of Wauchula Comprehensive Plan for guidance.

1.05.03 Computation of Time.

The time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday, or legal holiday, then the next business day shall be the last day.

1.05.04 Delegation of Authority.

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

1.05.05 Gender.

Words importing the masculine gender shall be construed to include the feminine and neuter.

1.05.06 Number.

Words in the singular shall include the plural, and words in the plural shall include the singular.

1.05.07 Shall, May.

The word "shall" is mandatory; the word "may" is permissive.

1.05.08 Written or In Writing.

The term "written" or "in writing" shall be construed to include any representation of words, letters, or figures, whether by printing or otherwise.

1.05.09 Year.

The word "year" shall mean a calendar year, unless otherwise indicated.

1.05.10 Day.

The word "day" shall mean a business day, unless a calendar day is indicated.

1.05.11 Boundaries.

Where uncertainty exists with respect to the boundaries of the zoning districts, as shown on the Official Zoning Map, the following rules shall apply:

- (A) Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
- (B) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- (C) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- (D) Boundaries indicated as following shorelines shall be construed to follow the high water line, and in the event of a lowering of the water level shall be construed as moving downward to the current water level;
- (E) Boundaries indicated as following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines; and
- (F) Boundaries indicated as parallel to or extensions of features indicated in subsections (A) through (E) above shall be so construed.
- (G) Where a district boundary line, as appearing on the Official Zoning Map, divides a lot which is in single ownership at the time of this enactment, the use classification of a larger portion may be extended to the remainder by the Development Director, or his designee, without recourse to the amendment procedure.
- (H) In case the exact location of a boundary cannot be determined by the foregoing methods, the City Commission shall, upon application, determine the location of the boundary.

1.05.12 Relationship to Specific/General Provisions.

More specific provisions of this Code shall be followed in lieu of more general provisions that may be more lenient than or in conflict with the more specific provision.

1.06.00 Penalties for Violation

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

1.07.00 Severability

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

1.08.00 Effective Date

This Code is hereby enacted and shall be the Land Development Code for the City, and shall be in full force and effect from and after its passage, the effective date being **January 14, 2014**.

1.09.00 Amendment of this Code

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

Proposed amendments to this Code are **not** reviewed by the Florida Department of Economic Opportunity (DEO), according to State statute.

1.10.00 Rules of Transition

The following rules shall apply to all properties in the City on the effective date of this Code:

(A) Violations Continue

Any violation of the Code previously in effect (1999 Land Development Code with all amendments through the effective date of this Land Development Code) will continue to be a violation under this Code and shall be subject to the penalties and enforcement provisions provided in Section 1.06.00 (Penalties for Violation), unless the use, development, construction, other activity, or violation issue complies with the provisions of this Code.

(B) Developments with Approvals or Permits

(1) Building Permit Issued Prior to Effective Date

Any building, structure, or sign for which a lawful Building Permit is issued or for which a complete Building Permit or Sign Permit application as determined by the Building Official or Development Director has been filed at least one day prior to the effective date of this Code, may be

constructed and completed in conformance with the permit and other applicable approvals, permits, and conditions, even if such building, structure, or sign does not fully comply with this Code. If construction is not commenced in compliance with the applicable permit terms, the Building Official or Development Director may grant an extension in compliance with the provisions of the Building Code. If the extension does not state a specific time, it shall be an extension for six months. If the building, structure, or sign is not completed in conformance with the Building Permit and any granted extension, then the building, structure, or sign shall be constructed, completed, or occupied only in compliance with this Code.

(2) Final Site Plan Review and Approval Prior to Effective Date

An applicant whose development has received Site Plan Review and Approval prior to the effective date of this Code may file an application for a Building Permit in compliance with the approved site plan and any conditions of approval, even if the development does not comply with the provisions of this Code. Upon approval of construction plans for the development, a Building Permit may be issued. Site Plan Review and Approval for developments approved prior to the effective date of this Code shall be valid for one year from the date of approval. No time extensions shall be permitted.

(3) Preliminary Subdivision Plat Approved Prior to Effective Date

An applicant who has received preliminary plat approval for a proposed subdivision prior to the effective date of this Code may file an application for final plat approval, even if the subdivision does not fully comply with the provisions of this Code. If an application for final plat approval is not filed within one year of the date of the preliminary plat's approval, the preliminary plat shall expire. No time extensions shall be permitted. Subsequent preliminary plat applications shall comply with this Section 7.06.00 (Subdivision Regulations).

(4) Special Exception Use Approved Prior to Effective Date

An applicant for a use for which a Special Exception has been approved prior to the effective date of this Code may file an application for a Building Permit, even if the use does not fully comply with the provisions of this Code. If the Special Exception does not begin to serve the purpose for which it was granted permission within 180 days from the date of approval, it shall expire. No time extensions shall be permitted.

(C) Applications Filed Prior to the Effective Date

- (1) Complete applications for new developments including, but not limited to, Site Plan Review and Approval, Special Exception Use, and preliminary plats, filed prior to the effective date of this Code may be approved under the provisions of the zoning code previously in effect (1999 Land Development Code with all amendments through the effective date of this Land Development Code). Applicants may also elect to develop in compliance with the provisions of this Code, and in that case shall comply with all provisions of this Code. If a Building Permit application is not filed within one year of the date of approval of the application for new development, the approval shall expire. No time extensions shall be permitted.
- (2) Applications for amendments to the Zoning Map filed prior to the effective date of this Code shall be governed by the provisions of the zoning code previously in effect (1999 Land Development Code with all amendments through the effective date of this Land Development Code) unless the applicant elects to comply with this Zoning Code.

(D) Planning Applications Filed After the Effective Date

All applications for new developments including, but not limited to, Site Plan Review and Approval, Special Exception Use, preliminary plats, as well as amendments to the Zoning Map, filed on or after the effective date of this Code, including modifications and amendments, shall conform to the provisions of this Code.

ARTICLE 2

REGULATIONS FOR SPECIFIC DISTRICTS

2.01.00 General Provisions

The purpose of this Section is to set forth the general provisions concerning land use. The provisions established herein shall regulate land use, density, and intensity, establish building lot and yard requirements, establish land use districts that identify the location of land uses in the City of Wauchula, establish standards for land use in the City, and provide for a map locating the permitted land uses in the City. All land in Wauchula shall be subject to the provisions of this Section, and shall be shown on the Official Zoning Map as provided in Section 8.05.00. More than one permitted use may be located on a single parcel of land in any zoning district within the City.

2.01.01 Development Approval

- (A) No development approval shall be issued unless the proposed development conforms to the design regulations prescribed within the applicable zoning district. The design regulations, including lot layout, height, and density/intensity standards, are included in Table 2.02.01(B).
- (B) No use is permitted unless it is listed as a permitted, permitted with conditions, or special exception in the Table of Land Uses. However, uses that are required to be permitted in any zoning district by state statute may be permitted in accordance with state law whether or not the use is included in the Table of Land Uses.
- (C) A use not specifically mentioned or described by category in the Table of Land Uses is prohibited. Evaluation of these uses shall be as set forth in Section 2.01.02 of this chapter.

2.01.02 Interpretation – Materially Similar Uses

- (A) The Development Director shall determine if a use not mentioned can reasonably be interpreted to fit into a use category where similar uses are described. Interpretations may be reviewed, upheld, or overturned by the City of Wauchula City Commission following review and recommendation by the Planning and Zoning Board at regularly scheduled meetings. It is the intent of this Code to group similar or compatible land uses into specific zoning districts, either as permitted uses (P), uses permitted with conditions (PC), or uses authorized as special exceptions (S). Uses required to be approved through Planned Unit Development (PUD) are listed in Table 2.02.01(B). Uses not listed in the Table of Uses (Table 2.02.01(A)) as P, PC, or S are presumed to be prohibited from the applicable zoning district. In the event that a particular use is not listed in the Table of Uses, and such use is not listed as a prohibited use under the specific

zoning district and is not otherwise prohibited by law, the Development Director shall determine whether a materially similar use exists in this section.

- (1) Should the Development Director determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed, and the Development Director's decision shall be recorded in writing.
- (2) Should the Development Director determine that a materially similar use does not exist; the matter may be referred to the Planning and Zoning Board for consideration for amendment to the LDC to establish a specific listing for the use in question. Unless an appeal is timely filed pursuant to Article 8, the Development Director's decision is valid.
- (3) Periodically, the Development Director shall forward the materially similar use decisions to the Planning and Zoning Board for review of interpretations and to be considered as potential text amendments to the LDC. If, when seeking periodic review of interpretations, the Development Director's interpretation is reversed, then decisions made in reliance on the Development Director's interpretation become non-conforming uses.

(B) Rules of Interpretation

- (1) The Development Director may determine that a use is materially similar if the use is of the same general type as the uses permitted there by this Code based on characteristics, use patterns, and land use and traffic impacts.
- (2) The Development Director may utilize the following resources in making a determination of materially similar use.
 - a. The use is listed as within the same structure or function classification as the use specifically enumerated in the Table of Land Uses, as determined by the Land-Based Classification Standards (LBCS) of the American Planning Association (APA). The Development Director shall refer to the following documents in making this determination, which documents are incorporated by reference and are maintained on file in the office of the planning department:
 1. LBCS Activity Dimension with Detail Descriptions (April 1, 2001);

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

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

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

2.02.00 Establishment of Districts

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

AG	Agriculture
FR	Farm Residential
R-1A	Single Family Residential
R-1	Single Family Residential
R-2	Single Family Residential/Duplexes
R-3	Multifamily Residential
R-4	Manufactured (Mobile) Home Park/RV Park
P-1	Professional/Neighborhood Commercial and Residential
HC-1	Historic Downtown Commercial
C-1	General Commercial
C-2	Highway Commercial/Light Manufacturing
I	Industrial
P/SP	Public/ Semi Public
CON	Conservation
PUD	Planned Unit Development (read in conjunction with Section 7.04.00)

2.02.01 Zoning District Summary Tables

The tables on the following pages present, in a quick-reference form, information regarding permitted and special exception land uses, and development standards for all zoning districts. These tables must be read in conjunction with the regulations for specific zoning districts in Section 2.02.02. The Development Director may permit in a particular zone a use not listed in this Code, provided the use is of the same general type as the uses permitted there by this Code (See 2.01.02). The key to the table is as follows:

- P = Permitted Use – Use is permitted by right subject to all other applicable standards
- PC = Permitted with Conditions – Use is permitted if it meets the listed conditions in Section 3.08.00, and subject to all other applicable standards. At the Development Director’s discretion, any development larger than 5 acres or development that may have compatibility concerns may be sent to the Planning and Zoning Board for approval.
- S = Special Exception Use – Use is permitted if it meets the listed conditions in Section 3.09.00, subject to all other applicable standards, and only after review and approval of a Special Exception Permit by the Planning and Zoning Board.

* See Table 2.02.01(B) for uses that require approval of a Planned Unit Development including conditions as outlined in Section 3.10.00.

Table 2.02.01(A)
Table of Land Uses

Category / Use	AG	FR	R-1A	R-1	R-2	R-3	R-4	P-1	HC-1	C-1	C-2	I	P/SP	CON
Agriculture Uses														
Agricultural Uses and farm animals	P													
Agriculture, Limited Uses and farm animals	P	P												
Field, row, & tree crops	P	P												
Nurseries and Greenhouses, wholesale & noncommercial as accessory uses only	P	P												
Roadside stands for sale of ag products	P	P												
Sale & storage of hay & straw	P	P												
Forest land & pasture for grazing cattle & horses	P	P												
Equestrian Facility, Private stables	P	P												
Single Family														
Single family, std. construction and modular	P	P	P	P	P	P	P	P	S	S	S			S

Table 2.02.01(A)
Table of Land Uses

Category / Use	AG	FR	R-1A	R-1	R-2	R-3	R-4	P-1	HC-1	C-1	C-2	I	P/SP	CON
Single family, manufactured home (mobile home)	P	P					PC							S
Manufactured Home Subdivision							PC							
Mobile Home Park							S							
Single family, Cluster subdivision (see Section 7.07.01)	S	S	S	S	S	S	S							
Dwelling, Zero Lot Line homes (see Section 7.07.02)	PC	PC	PC	PC	PC	PC	PC							
Duplex, two family					P	P			P	P	P			
Accessory Residential														
Garage apartment, detached	PC	PC	PC	PC	PC	PC		PC	S	S	S			
In-law units, attached	PC	PC	PC	PC	PC	PC		PC	S	S	S			
2nd or 3rd floor living units above retail								P	P	P	P			
Multi-Family Residential														
Triplex, three family					PC	PC				PC	PC			
Apartment Building					PC	PC			PC	PC	PC			
Patio Homes					PC	PC			PC	PC	PC			
Townhouse					PC	PC			PC	PC	PC			
Group Care Facilities														
Family Care: Adult Family Care Home	P	P	P	P	P	P	P							
Community Residential Home (up to 6 residents) – May not be located within 1,000 foot radius of same use	P	P	P	P	P	P	P							
Community Residential Home (7 to 14 residents)					S	S	S							
Family Day Care Home/Family Child Care Home	P	P	P	P	P	P	P	P	S	S	S			
Family Foster Home	P	P	P	P	P	P	P	P	S	S	S			
Special Needs Care Facilities: Adult Day Care Center						PC		PC		PC	PC		PC	

Table 2.02.01(A)
Table of Land Uses

Category / Use	AG	FR	R-1A	R-1	R-2	R-3	R-4	P-1	HC-1	C-1	C-2	I	P/SP	CON
Child Care Facility						PC		PC		PC	PC		PC	
Foster Care Facility						PC		PC		PC	PC		PC	
Group Home (4 - 6 residents)					PC	PC		PC		PC	PC		PC	
Group Home (7 - 15 residents)						PC		PC		PC	PC		PC	
Assisted Living Facility						PC		PC		PC	PC		PC	
Nursing Home						PC		PC		PC	PC		PC	
Hospice			PC	PC	PC	PC		PC		PC	PC		PC	
Lodging														
Bed and Breakfast Inn	P	P	P	P	P	P		P	P	P	P			
Hotel/Motel									PC	PC	P	P		
RV Park/Campground							S				S		S	
Office/Financial/Medical Facilities														
Bank/Financial Institution								P	P	P	P	P		
Funeral Home/Mortuary								PC	PC	PC	PC	P		
Medical/Dental/Health Care Office/Laboratory								P	P	P	P	PC		
Professional Office/Business Office								P	P	P	P	P		
Personal Services														
Barber and Beauty Shops								P	P	P	P	P		
Fitness Center/Health Club								P	PC	P	P	P	PC	
Laundromat								P	P	P	P	P		
Laundry/Dry Cleaning, Drop-Off and Pick-Up								P	P	P	P	P		
Nail Salons								P	P	P	P	P		
Pet Groomer, No Boarding								P	P	P	P	P		
Seamstress/Tailor								P	P	P	P	P		
Shoe Repair								P	P	P	P	P		
Spa, daytime								P	P	P	P	P		
Body Art Shop (Tattoos)										PC	PC	PC		
Retail Commercial, No Outdoor Storage or Activities														
Adult Entertainment Establishment												S		
Antique store								P	P	P	P	P		

Table 2.02.01(A)
Table of Land Uses

Category / Use	AG	FR	R-1A	R-1	R-2	R-3	R-4	P-1	HC-1	C-1	C-2	I	P/SP	CON
Bakery, Retail (Bakeshop)								P	P	P	P	P		
Convenience Store without Gas								PC			P	P		
Kennels, Commercial (indoor)										P	P	P		
Maintenance and Repair, Small Equipment									P	P	P	P		
Night Clubs and Dance Halls									S	S	S	S		
Nursery and Garden Center (indoor)								P	P	P	P	P		
Office Supply Stores & Mailing/Shipping Stores								P	P	P	P	P		
Pharmacy/Drugstore								P	P	P	P			
Recreation, indoor, commercial								PC	PC	PC	PC	PC	PC	
Recycling center (indoor)												P		
Restaurant (sit down/table service)								P	P	P	P	P		
Restaurant (take out/short order)									P	P	P	P		
Restaurant with lounge								S	S	S	S	S		
Restaurant with on-site consumption of beer or wine								P	P	P	P	P		
Restaurant, Drive-in or Drive-thru										PC	PC	PC		
Retail Sales								P	P	P	P	P		
Shopping Center (less than 150,000 GLA)										PC	PC			
Shopping Center/ Big Box Retail (more than 150,000 GLA)											S			
Veterinary Clinic, Animal Hospital, No Outdoor Kennels										P	P	P		
Warehouse, Mini/Self Storage											PC	PC		
Retail Commercial, Outdoor Storage														
Building Supply Sales											P	P		
Commercial Parking Lot											PC	P		
Farmer's Market	PC							PC	PC	PC	PC			
Flea Market											S	S		
Kennel (Outdoor)	PC	PC										P		

Table 2.02.01(A)
Table of Land Uses

Category / Use	AG	FR	R-1A	R-1	R-2	R-3	R-4	P-1	HC-1	C-1	C-2	I	P/SP	CON
Nurseries and Garden Centers, Commercial Retail								S		PC	PC	P		
Recreation, outdoor, commercial	PC	PC								PC	P	P		
Recycling Center (outdoor)	S											S		
Truck Stop												P		
Veterinary Clinic or Hospital with outdoor kennels										PC	PC	P		
Motor Vehicle Sales, Repairs, Rentals, Parts (from least intensive to most intensive)														
Auto Parts, Sales indoor								P	P	P	P	P		
Automobile, Truck, and Boat Sales and/or Rental/Leasing Establishment											PC	PC		
New Sales w/Repair											PC	PC		
Mobile Home/RV Sales											PC	P		
Filling Station (Convenience Store w/ Gas)											P	P		
Service Station (minor repair, no sales)											P	P		
Major Repair, No Sales											P	P		
Auto Salvage Yard/Wholesale parts												S		
Nonretail/Service Commercial/Light Industrial														
Cabinet Shop										PC	PC	P		
Contractor Storage Yard											PC	PC		
Sales/repair of Heavy Equipment												PC		
Warehouse											PC	PC		
Food and Beverage Manufacturing, Processing, and Packaging, Light Industrial:														
Bottling Plant/Bakery	S											PC		
Cannery	S											PC		
Food Processing/Packaging	S											PC		
Manufacture of finished products, Light Industrial										PC	PC	P		
Heavy Industrial														
Commercial Incinerator												PC		

Table 2.02.01(A)
Table of Land Uses

Category / Use	AG	FR	R-1A	R-1	R-2	R-3	R-4	P-1	HC-1	C-1	C-2	I	P/SP	CON
Food and Beverage Manufacturing, Processing, and Packaging, Heavy Industrial:	S											PC		
Citrus Processing Plant														
Manufacture of explosives												PC		
Manufacture of finished products, heavy industrial												PC		
Manufacture of raw materials	S											PC		
Printing and Publishing											PC	PC		
Recycled Materials Processing Facility	S											PC		
Sales/minor storage of propane gas	S						PC				PC	PC		
Storage of sand/gravel/blocks	S										PC	PC		
Truck and Motor Freight Terminals												PC		
Wholesale and Distribution											PC	PC		
Places of Public Assembly														
Civic Center/Auditorium						PC	PC				PC		PC	
Community Center						PC	PC	PC			PC		PC	
Club Fraternal, Civic	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC		
Museum	PC	PC				PC	PC	PC	PC	PC	PC	PC	PC	
Places of Worship	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	S
Public Library	PC	PC				PC	PC	PC	PC		PC		PC	
Recreation, indoor, public	PC	PC				PC	PC	PC	PC	PC	PC	PC	PC	S
Recreation, outdoor, public	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	S
Public/Semi Public Educational Facilities														
College/University						PC	PC				P		P	
School, Private (grades K-12)	S	S			S	S	S	S	S	PC			S	
School, Public (grades K-12)	P	P	P	P	P	P	P	P			PC		P	
School, Vocational, Technical, Trade						PC	PC				PC	PC	P	
Public/Semi Public Recreation Uses														
Golf Course-see district for more info	P	P	P	P	P	P	P				P	P	P	
Park, Passive	P	P	P	P	P	P	P	P	P	P	P	P	P	S
Public/Semi Public Service Facilities														

Table 2.02.01(A)
Table of Land Uses

Category / Use	AG	FR	R-1A	R-1	R-2	R-3	R-4	P-1	HC-1	C-1	C-2	I	P/SP	CON
Broadcast stations & transmission towers													P	
Cemetery													P	
Communications Towers & Telecommunications Tower	S											S		
Electrical Power Plant													P	
Electrical Power Substation											P	P	P	
Emergency services											PC	P	P	
Government Facilities and Structures								PC	PC	PC	PC	P	P	
Maintenance facilities & storage yards for schools, government agencies, telephone and cable companies.	PC										P	P	P	
Sewer/Water Plant (off-site)												P	P	
Telephone Switching Station	P	S	S	S	S	S	S		S	PC	P	P	P	
Wastewater Lift Station	P	P	P	P	P	P	P	P	P	P	P	P	P	
Wastewater Treatment/Water Treatment Plant (on-site)											P	P	P	

Table 2.02.01(B)
Uses that Require Approval of a Planned Unit Development

Airports/Aviation Uses
Correctional Facility
Hospital
Multi-family development with more than 125 units
Single family development with more than 225 units

*Requires approval with Conditions as Outlined in Section 3.10.00

Table 2.02.01(C)
Table of Development Standards

District	Comp Plan Density (units/ac)	Zoning Max. Density (units/ac) or FAR	Minimum Lot Size (s.f.)	Min. Lot Width (feet)	Minimum Floor Area (s.f.)	Setbacks (feet)			Maximum Bldg. Height (feet) (5)	Maximum Lot Coverage
						Front	Sides	Rear		
AG *	SFR 4	1du/2	2 acres	150	1000	25	10 12.5 (2)	40	40(1)	35%
FR	SFR 4	2	0.5 acres	75	1000	25	10 12.5 (2)	40	40(1)	35%
R-1A	4	4	11,250	80	1000	25	10 12.5 (2)	30	35(1)	35%
R-1	4	4	7,000	50	930	20	10 12.5 (2)	25	35(1)	35%
R-2: SFD & Duplexes	8 8	8 5	5,000 7,000	50 80	720 750/ unit	20	10 (4)	20	35(1)	40%
R-3: SFD MF 3-15 units	8 12	8	5,000 8,000	50 80	720 450/ unit	20 20' per zoning lot	10 10' per zoning lot	20 20' per zoning lot	35(1) Two stories	40% 40%
R4: Single MH MHP MHP RV Park RV Camp	4 10 10 10 10	4 10 7 10 10	7,000 Single-wide 4,000 Double-wide 5,500 Single-wide 3,000 Pull-thru 2,500	50 40 55 30 25	930 14 x 60 24 x 48 14 x 60 N/A	20 12 12 12 12	10 10 10 10 10	25 20 20 20 20	One story	40%
P-1* Office & Neigh. Comm.	1.0 FAR	1.0 FAR				20	10	30	One story	
HC-1						0	0	30		
C-1	1.0 FAR	1.0 FAR				0	0	30	Two stories	
C-2	3.0 FAR	0.75 FAR				20	10 (6)	20	Two stories	60%
I: Industrial	1.0 FAR	0.5 FAR				25	10	25	50	40%
P/SP: Public/ Semi	10 du/ac					(3)	(3)	(3)	Two stories	40%

Table 2.02.01(C)
Table of Development Standards

District	Comp Plan Density (units/ac)	Zoning Max. Density (units/ac) or FAR	Minimum Lot Size (s.f.)	Min. Lot Width (feet)	Minimum Floor Area (s.f.)	Setbacks (feet)			Maximum Bldg. Height (feet) (5)	Maximum Lot Coverage
						Front	Sides	Rear		
Public	1.0 FAR									
Conservation	1du/20					50	50	50	One story	1%

* Addition to existing code.

** In R3, the setback requirements apply to the zoning lot, not to the individual buildings within the project.

- (1) Maximum Height does not apply to church spires, cupolas, belfries, chimneys, flag or radio poles, gas holders, grain elevators or elevator enclosures.
- (2) For two stories.
- (3) The front, rear and side setbacks shall be the minimum required from the most restrictively zoned adjoining parcel.
- (4) Lots of record less than 51 feet wide and more than 25 feet wide: side setback must be a minimum of five feet.
- (5) No building shall exceed three stories or 45 feet in height unless one foot shall be added to the required front and side yard setbacks for each foot of building height in excess of 45 feet.
- (6) Minimum side street setback for a C-2 corner lot is twenty (20) feet.

Table 2.02.01(D) Zoning Consistency Matrix

Zoning District	Maximum Zoning District Density Dwelling Units (DU) per Acre (Limited by minimums of the zoning district)	Maximum Comprehensive Plan Density Dwelling Units (DU) per Acre or Floor Area Ratio (FAR)	Comprehensive Plan Future Land Use Classification
AG*	1 DU/ 2 ACRES	4	Single Family Residential
FR	2	4	Single Family Residential
R-1A	4	4	Single Family Residential
R-1	4	4	Single Family Residential
R-2	SFD = 8 Duplex = 5	8	Low Density Residential
R-3	3-15 UNITS = 12	12	Medium Density Residential
R-4	Apartments = 12 Single Wide MHP = 10 Double Wide MHP = 7 RV Park = 10	12	Medium Density Residential

	RV Campground = 10		
P-1	1.0 FAR	1.0 FAR	Professional and Neighborhood Commercial and the Residential that is compatible to the neighborhood.
HC-1	.75 FAR	.75 FAR	Those residential uses adjacent to the parcel and Commercial.
C-1	1.0 FAR	1.0 FAR	Those residential land uses adjacent to the parcel; and Commercial.
C-2	.75 FAR	3.0 FAR	Commercial and Medium Density development.
I	0.5 FAR	1.0 FAR	Industrial
P/SP	N/A	10 DU/ ACRE OR 1.0 FAR	Recreation and Public Semi-Public
CON*	1 DU/ 20 ACRES	1 DU/ 20 ACRES	Conservation

* New Districts

2.02.02 Establishment of Zoning Districts

The following zoning designations are hereby established within the City of Wauchula.

2.02.02.01 AG Agriculture

- (A) *FLUM Designation:* Agriculture
- (B) *Purpose:* To provide for agricultural activities within the City of Wauchula; and to provide for the continuation of Agricultural Tax Exempt status as governed by State Statute, on property that is around the perimeter of the City and the subject of annexation. In general, agricultural pursuits and single-family detached dwelling units are allowed.
- (C) *Permitted Principal Uses & Structures:* Uses permitted in this district are detailed in the Table of Land Uses in Section 2.02.01(A). Permitted uses are designated by the letter "P" and are permitted by right subject to all other applicable standards.
 - (1) *Agricultural Uses as Defined Herein:* The use of land for producing or harvesting crops or plants; for raising, livestock or fish; for forestry, fisheries, animal specialty farms or hunting, trapping and game propagation. Intense agricultural activities such as feed lots, dairying, and egg production are not allowed within the City Limits, unless they are pre-existing uses of the land prior to annexation.
 - (2) *Limited Agricultural Uses as Defined Herein:* Land uses in residential areas that are characterized as agricultural in nature and are limited to orchards; vineyards; nurseries; ornamental horticulture areas; groves; noncommercial greenhouses, and raising of exotic species with the exception of venomous reptiles.
 - (3) Permitted in this district are newly annexed parcels with agricultural uses that have been previously qualified for the Agricultural Tax Exemption as defined by F.S. 193.461, "which includes, but is not limited to, horticulture; floriculture; viticulture; forestry; dairy; livestock; poultry; bee, pisciculture, when the land is used principally for the production of tropical fish; aquaculture; sod farming; and all forms of farm products and farm production."
 - (4) Any use or structure deemed objectionable to the surrounding area, or that would be noxious, injurious, or adversely affect the public

health, safety, comfort, and general welfare or the environment is prohibited.

- (5) Manufactured structures regulated by the Florida Department of Highway Safety & Motor Vehicles are permitted.
- (D) *Principal Uses & Structures Permitted with Conditions:* Uses permitted with conditions in this district are detailed in the Table of Land Uses in Section 2.02.01(A). Permitted with Conditions uses are designated by the letters "PC". Uses Permitted with Conditions are permitted if they meet the listed conditions in Section 3.08.00, and subject to all other applicable standards. At the Development Director's discretion, any development larger than 5 acres or development that may have compatibility concerns may be sent to the Planning and Zoning Board for approval.
- (E) *Accessory Uses:* Accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.04.00 contains detailed guidance and regulations for permitted accessory uses.
 - (1) *In-law Units.* In-law Units are permitted as an accessory use pursuant to the requirements of Section 2.04.01.
- (F) *Special Exception Uses:* Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.02.01(A). Such uses are designated by the letter "S". Special Exception uses require the submission of an application and approval by the Planning and Zoning Board prior to application for a Development Permit. Special Exception uses must meet the listed conditions in Section 3.09.00, and subject to all other applicable standards. Article 7 governs review of an application for approval of a Special Exception.
- (G) *Development Standards:* Development standards for uses in this district are detailed in the Table of Development Standards in Section 2.02.01(C). Specifically, standards are established, as applicable, for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth; Minimum Floor Area; Floor Area Ratio; Setbacks; Maximum Lot Coverage; and Maximum Building Height.
- (H) *Other Requirements:*
 - (1) Aquaculture, composting, and recycling activities conducted on non-mandatory reclamation lands shall be subject to, and require

evidence of, all relevant state and federal permits, and shall be appropriately buffered from existing or future adjacent residential development; and may be permitted as listed in the “Table of Land Uses”, Table 2.02.01(A).

- (2) *Roadside Stands:* Excess produce and other products that are agricultural in nature and harvested from orchards, vineyards, nurseries, ornamental horticultural areas, groves, noncommercial greenhouses, etc., as well as excess produce harvested from any commercial farm, may be sold on the premises to the general public by the means of a roadside stand or similar structure, by the residents of the property. All setbacks must be observed from right-of-ways and property lines as required for any accessory structure.
- (3) Lands that are surrounded by the city limits, and are known as "enclaves", may not be annexed in and zoned for agricultural purposes, unless such lands are currently the site of agricultural activities, such as groves, and unless the health, safety, and welfare of the citizens of Wauchula can be protected. For the health, safety, and welfare of the citizens of Wauchula, agricultural uses will only be permitted at the perimeter of the City, in areas that already support agricultural uses and have qualifying agricultural tax exemptions. At the time of development, or subdivision of the land for development, or when the agricultural tax exemption is removed, all rights to agricultural uses (including the keeping of farm animals) shall cease.

2.02.02.02 FR Farm Residential

- (A) *FLUM Designation:* Agriculture or Single Family Residential
- (B) *Purpose:* To provide for limited agricultural uses and the keeping of farm animals within the City of Wauchula. In general, limited agricultural pursuits and single family detached dwelling units are allowed.
- (C) *Permitted Principal Uses & Structures:* Uses permitted in this district are detailed in the Table of Land Uses in Section 2.02.01(A). Permitted uses are designated by the letter "P" and are permitted by right subject to all other applicable standards.
 - (1) Limited Agricultural Uses as defined in this Code are permitted.
 - (2) Farm Animals as defined in this Code are permitted.

- (3) Any use or structure deemed objectionable to the surrounding area, or that would be noxious, injurious, or adversely affect the public health, safety, comfort, and general welfare or the environment is prohibited.
 - (4) Manufactured structures regulated by the Florida Department of Highway Safety & Motor Vehicles are permitted.
- (D) *Principal Uses & Structures Permitted with Conditions:* Uses permitted with conditions in this district are detailed in the Table of Land Uses in Section 2.02.01(A). Permitted with Conditions uses are designated by the letters "PC". Uses Permitted with Conditions are permitted if they meet the listed conditions in Section 3.08.00, and subject to all other applicable standards. At the Development Director's discretion, any development larger than 5 acres or development that may have compatibility concerns may be sent to the Planning and Zoning Board for approval.
- (E) *Accessory Uses:* Accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.04.00 contains detailed guidance and regulations for permitted accessory uses.
 - (1) The storing, repairing, or restoration of vehicles may be permitted in keeping with Sections 2.03.02 and 2.03.03.
 - (2) *In-law Units.* In-law Units are permitted as an accessory use pursuant to the requirements of Section 2.04.01.
- (F) *Special Exception Uses:* Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.02.01(A). Such uses are designated by the letter "S". Special Exception uses require the submission of an application and approval by the Planning and Zoning Board prior to application for a Development Permit. Special Exception uses must meet the listed conditions in Section 3.09.00, and subject to all other applicable standards. Article 7 governs review of an application for approval of a Special Exception.
- (G) *Development Standards:* Development standards for uses in this district are detailed in the Table of Development Standards in Section 2.02.01(C). Specifically, standards are established, as applicable, for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth; Minimum Floor Area; Floor Area Ratio; Setbacks; Maximum Lot Coverage; and Maximum Building Height.

(H) Other Requirements:

- (1) Aquaculture, composting, and recycling activities conducted on non-mandatory reclamation lands shall be subject to, and require evidence of, all relevant state and federal permits, and shall be appropriately buffered from existing or future adjacent residential development; and may be permitted as listed in the “Table of Land Uses”, Table 2.02.01(A).
- (2) *Roadside Stands:* Excess produce and other products that are agricultural in nature and harvested from orchards, vineyards, nurseries, ornamental horticultural areas, groves, noncommercial greenhouses, etc., as well as excess produce harvested from any commercial farm, may be sold on the premises to the general public by the means of a roadside stand or similar structure, by the residents of the property. All setbacks must be observed from right-of-ways and property lines as required for any accessory structure.
- (3) Lands that are surrounded by the city limits, and are known as "enclaves", may not be annexed in and zoned for agricultural purposes, unless such lands are currently the site of agricultural activities, such as groves, and unless the health, safety, and welfare of the citizens of Wauchula can be protected. For the health, safety and welfare of the citizens of Wauchula, agricultural uses will only be permitted at the perimeter of the City, in areas that already support agricultural uses and have qualifying agricultural tax exemptions. At the time of development, or subdivision of the land for development, or when the agricultural tax exemption is removed, all rights to agricultural uses (including the keeping of farm animals) shall cease.

2.02.02.03 R-1A Single Family Residential

- (A) *FLUM Designation:* Single Family Residential
- (B) *Purpose:* To provide the opportunity for conventional single-family development in appropriate areas of the City, compatible with existing development and in conformance with the provisions of the Comprehensive Plan, including density limitations.
- (C) *Permitted Principal Uses & Structures:* Uses permitted in this district are detailed in the Table of Land Uses in Section 2.02.01(A). Permitted uses

are designated by the letter "P" and are permitted by right subject to all other applicable standards.

- (1) Any use or structure deemed objectionable to the surrounding area, or that would be noxious, injurious, or adversely affect the public health, safety, comfort, and general welfare or the environment is prohibited.
- (D) *Principal Uses & Structures Permitted with Conditions:* Uses permitted with conditions in this district are detailed in the Table of Land Uses in Section 2.02.01(A). Permitted with Conditions uses are designated by the letters "PC". Uses Permitted with Conditions are permitted if they meet the listed conditions in Section 3.08.00, and subject to all other applicable standards. At the Development Director's discretion, any development larger than 5 acres or development that may have compatibility concerns may be sent to the Planning and Zoning Board for approval.
- (E) *Accessory Uses:* Accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.04.00 contains detailed guidance and regulations for permitted accessory uses.
- (1) The storing, repairing, or restoration of vehicles may be permitted in keeping with Sections 2.03.02 and 2.03.03.
 - (2) *In-law Units.* In-law Units are permitted as an accessory use pursuant to the requirements of Section 2.04.01.
- (F) *Special Exception Uses:* Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.02.01(A). Such uses are designated by the letter "S". Special Exception uses require the submission of an application and approval by the Planning and Zoning Board prior to application for a Development Permit. Special Exception uses must meet the listed conditions in Section 3.09.00, and subject to all other applicable standards. Article 7 governs review of an application for approval of a Special Exception.
- (G) *Development Standards:* Development standards for uses in this district are detailed in the Table of Development Standards in Section 2.02.01(C). Specifically, standards are established, as applicable, for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth; Minimum Floor Area; Floor Area Ratio; Setbacks; Maximum Lot Coverage; and Maximum Building Height.

(H) Other Requirements:

- (1) Clubhouses and similar facilities are permitted within platted subdivisions on parcels retained by the developer or dedicated to and maintained by a homeowners association. Appropriate development standards will be determined by the Development Director.
- (2) Private golf courses are permitted in conjunction with platted subdivisions of 25 lots or more.

2.02.02.04 R-1 Single Family Residential

(A) *FLUM Designation:* Single Family Residential

(B) *Purpose:* To provide the opportunity for conventional single-family development in appropriate areas of the City, compatible with existing development and in conformance with the provisions of the Comprehensive Plan, including density limitations.

(C) *Permitted Principal Uses & Structures:* Uses permitted in this district are detailed in the Table of Land Uses in Section 2.02.01(A). Permitted uses are designated by the letter "P" and are permitted by right subject to all other applicable standards.

- (1) Any use or structure deemed objectionable to the surrounding area, or that would be noxious, injurious, or adversely affect the public health, safety, comfort, and general welfare or the environment is prohibited.

(D) *Principal Uses & Structures Permitted with Conditions:* Uses permitted with conditions in this district are detailed in the Table of Land Uses in Section 2.02.01(A). Permitted with Conditions uses are designated by the letters "PC". Uses Permitted with Conditions are permitted if they meet the listed conditions in Section 3.08.00, and subject to all other applicable standards. At the Development Director's discretion, any development larger than 5 acres or development that may have compatibility concerns may be sent to the Planning and Zoning Board for approval.

(E) *Accessory Uses:* Accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.04.00 contains detailed guidance and regulations for permitted accessory uses.

- (1) The storing, repairing, or restoration of vehicles may be permitted in keeping with Sections 2.03.02 and 2.03.03.
 - (2) *In-law Units.* In-law Units are permitted as an accessory use pursuant to the requirements of Section 2.04.01.
- (F) *Special Exception Uses:* Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.02.01(A). Such uses are designated by the letter "S". Special Exception uses require the submission of an application and approval by the Planning and Zoning Board prior to application for a Development Permit. Special Exception uses must meet the listed conditions in Section 3.09.00, and subject to all other applicable standards. Article 7 governs review of an application for approval of a Special Exception.
- (G) *Development Standards:* Development standards for uses in this district are detailed in the Table of Development Standards in Section 2.02.01(C). Specifically, standards are established, as applicable, for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth; Minimum Floor Area; Floor Area Ratio; Setbacks; Maximum Lot Coverage; and Maximum Building Height.
- (H) Other Requirements:
- (1) Clubhouses and similar facilities are permitted within platted subdivisions on parcels retained by the developer or dedicated to and maintained by a homeowners association. Appropriate development standards will be determined by the Development Director.
 - (2) Private golf courses are permitted in conjunction with platted subdivisions of 25 lots or more.
 - (3) Modular homes placed within a traditional, site-built, "sticks and bricks" neighborhood must meet the requirements of Section 2.03.04.

2.02.02.05 R-2 Single Family Residential/Duplexes

- (A) *FLUM Designation:* Low Density Residential
- (B) *Purpose:* To provide the opportunity for conventional single-family development and duplexes in appropriate areas of the City, compatible with existing development and in conformance with the provisions of the Comprehensive Plan, including density limitations.

- (C) *Permitted Principal Uses & Structures:* Uses permitted in this district are detailed in the Table of Land Uses in Section 2.02.01(A). Permitted uses are designated by the letter "P" and are permitted by right subject to all other applicable standards.
 - (1) Any use or structure deemed objectionable to the surrounding area, or that would be noxious, injurious, or adversely affect the public health, safety, comfort, and general welfare or the environment is prohibited.
- (D) *Principal Uses & Structures Permitted with Conditions:* Uses permitted with conditions in this district are detailed in the Table of Land Uses in Section 2.02.01(A). Permitted with Conditions uses are designated by the letters "PC". Uses Permitted with Conditions are permitted if they meet the listed conditions in Section 3.08.00, and subject to all other applicable standards. At the Development Director's discretion, any development larger than 5 acres or development that may have compatibility concerns may be sent to the Planning and Zoning Board for approval.
- (E) *Accessory Uses:* Accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.04.00 contains detailed guidance and regulations for permitted accessory uses.
 - (1) The storing, repairing, or restoration of vehicles may be permitted in keeping with Sections 2.03.02 and 2.03.03.
 - (2) *In-law Units.* In-law Units are permitted as an accessory use pursuant to the requirements of Section 2.04.01.
- (F) *Special Exception Uses:* Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.02.01(A). Such uses are designated by the letter "S". Special Exception uses require the submission of an application and approval by the Planning and Zoning Board prior to application for a Development Permit. Special Exception uses must meet the listed conditions in Section 3.09.00, and subject to all other applicable standards. Article 7 governs review of an application for approval of a Special Exception.
- (G) *Development Standards:* Development standards for uses in this district are detailed in the Table of Development Standards in Section 2.02.01(C). Specifically, standards are established, as applicable, for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth;

Minimum Floor Area; Floor Area Ratio; Setbacks; Maximum Lot Coverage; and Maximum Building Height.

(H) Other Requirements:

- (1) Modular homes placed within a traditional, site-built, “sticks and bricks” neighborhood must meet the requirements of Section 2.03.04.

2.02.02.06 R-3 Multifamily Residential

(A) *FLUM Designation:* Medium Density Residential

- (B) *Purpose:* Provide the opportunity for areas of conventional multiple-family dwelling units such as duplex, patio homes, cluster housing, triplex, quadraplex, apartments, condominiums, and townhouse types of structures in appropriate areas of the City, compatible with existing development and in conformance with the provisions of the Comprehensive Plan. The Density for such uses shall not exceed the permitted densities of the Comprehensive Plan. Group care facilities area also permitted in the R-3 zoning district.

- (C) *Permitted Principal Uses & Structures:* Uses permitted in this district are detailed in the Table of Land Uses in Section 2.02.01(A). Permitted uses are designated by the letter "P" and are permitted by right subject to all other applicable standards.

- (1) Any use or structure deemed objectionable to the surrounding area, or that would be noxious, injurious, or adversely affect the public health, safety, comfort, and general welfare or the environment is prohibited.

- (D) *Principal Uses & Structures Permitted with Conditions:* Uses permitted with conditions in this district are detailed in the Table of Land Uses in Section 2.02.01(A). Permitted with Conditions uses are designated by the letters "PC". Uses Permitted with Conditions are permitted if they meet the listed conditions in Section 3.08.00, and subject to all other applicable standards. At the Development Director’s discretion, any development larger than 5 acres or development that may have compatibility concerns may be sent to the Planning and Zoning Board for approval.

- (E) *Accessory Uses:* Accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.04.00 contains detailed

guidance and regulations for permitted accessory uses.

- (1) The storing, repairing, or restoration of vehicles may be permitted in keeping with Sections 2.03.02 and 2.03.03.
 - (2) *In-law Units.* In-law Units are permitted as an accessory use pursuant to the requirements of Section 2.04.01.
- (F) *Special Exception Uses:* Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.02.01(A). Such uses are designated by the letter "S". Special Exception uses require the submission of an application and approval by the Planning and Zoning Board prior to application for a Development Permit. Special Exception uses must meet the listed conditions in Section 3.09.00, and subject to all other applicable standards. Article 7 governs review of an application for approval of a Special Exception.
- (G) *Development Standards:* Development standards for uses in this district are detailed in the Table of Development Standards in Section 2.02.01(C). Specifically, standards are established, as applicable, for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth; Minimum Floor Area; Floor Area Ratio; Setbacks; Maximum Lot Coverage; and Maximum Building Height.
- (H) Other Requirements:
- (1) Modular homes placed within a traditional, site-built, "sticks and bricks" neighborhood must meet the requirements of Section 2.03.04.

2.02.02.07 R-4 Manufactured (Mobile) Home Park/RV Park

- (A) *FLUM Designation:* Medium Density Residential
- (B) *Purpose:* Encourage and facilitate manufactured home (mobile home) subdivisions, RV parks, and RV campgrounds on undivided property, along with open space and other amenities for the common use of residents; to designate those uses and activities which 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.
- (C) *Permitted Principal Uses & Structures:* Uses permitted in this district are detailed in the Table of Land Uses in Section 2.02.01(A). Permitted uses are designated by the letter "P" and are permitted by right subject to all

other applicable standards.

- (1) No manufactured home (mobile home) with an age of more than five years as shown on the registration certificate and/or having a roof pitch of less than 3:12 may be placed in an R-4 zone. All manufactured homes must be skirted within 30 days of placement. All manufactured homes must be tied down in accordance with State law.
 - (2) Any use or structure deemed objectionable to the surrounding area, or that would be noxious, injurious, or adversely affect the public health, safety, comfort, and general welfare or the environment is prohibited.
 - (3) Manufactured homes as regulated by the State will be permitted.
- (D) *Principal Uses & Structures Permitted with Conditions:* Uses permitted with conditions in this district are detailed in the Table of Land Uses in Section 2.02.01(A). Permitted with Conditions uses are designated by the letters "PC". Uses Permitted with Conditions are permitted if they meet the listed conditions in Section 3.08.00, and subject to all other applicable standards. At the Development Director's discretion, any development larger than 5 acres or development that may have compatibility concerns may be sent to the Planning and Zoning Board for approval.
- (E) *Accessory Uses:* Accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.04.00 contains detailed guidance and regulations for permitted accessory uses.
- (1) The storing, repairing, or restoration of vehicles may be permitted in keeping with Sections 2.03.02 and 2.03.03.
 - (2) Clubhouse, laundry, swimming pool, and other shared facilities for the common use of the residents of a development are permitted within a mobile home or RV park.
 - (3) No more than one conventional single family home, at least 600 s.f. in size, for the use of a resident manager, is permitted within a mobile home or RV park.
 - (4) Porches and awnings that are physically attached to manufactured homes are permitted.

- (5) In an RV Park or Manufactured Home Subdivision, storage area for boats, recreational vehicles, and other types of vehicles which exceed 30 feet in length are allowed. Storage area is for the use of park residents only, and shall be fenced and landscaped. Storage of these units shall be prohibited on individual manufactured home sites or on park roads when storage area is provided.
- (F) *Special Exception Uses:* Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.02.01(A). Such uses are designated by the letter "S". Special Exception uses require the submission of an application and approval by the Planning and Zoning Board prior to application for a Development Permit. Special Exception uses must meet the listed conditions in Section 3.09.00, and subject to all other applicable standards. Article 7 governs review of an application for approval of a Special Exception.
- (G) *Development Standards:* Development standards for uses in this district are detailed in the Table of Development Standards in Section 2.02.01(C). Specifically, standards are established, as applicable, for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth; Minimum Floor Area; Floor Area Ratio; Setbacks; Maximum Lot Coverage; and Maximum Building Height.
- (H) Other Requirements:
 - (1) *Site Development Plan.* In an RV Park or Manufactured Home Subdivision, no manufactured homes, structures, or facilities shall be installed or constructed until a Site Development Plan meeting the requirements of Section 7.05.00 of this Code has been submitted to and approved by the City 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 an R-4 district has no Site Development Plan, such a plan shall be prepared and submitted to the City prior to the addition, improvement, rearrangement or replacement of park facilities or manufactured homes.

2.02.02.08 P-1 Professional/Neighborhood Commercial and Residential

- (A) *FLUM Designation:* Single Family Residential, Low Density, Medium Density, and Commercial

- (B) *Purpose:* The P-1 Professional/Neighborhood Commercial and Residential district is intended primarily to meet the limited shopping and service needs of residents in the neighborhood and in surrounding neighborhoods; and to provide a buffer zone between neighboring primarily residential and primarily commercial districts. The non-residential uses are generally for convenience and are generally retail commercial and neighborhood services, such as dry cleaning drop off, laundromat, general store, flower shop, restaurants, professional offices, and sometimes include gas stations. Considerations for allowing businesses in the neighborhoods should be: distance from other services, amount of foot traffic in the area, and the general compatibility of the use with the neighborhood.
- (C) *Permitted Principal Uses & Structures:* Uses permitted in this district are detailed in the Table of Land Uses in Section 2.02.01(A). Permitted uses are designated by the letter "P" and are permitted by right subject to all other applicable standards.
- (1) Any use or structure deemed objectionable to the surrounding area, or that would be noxious, injurious, or adversely affect the public health, safety, comfort, and general welfare or the environment is prohibited.
- (D) *Principal Uses & Structures Permitted with Conditions:* Uses permitted with conditions in this district are detailed in the Table of Land Uses in Section 2.02.01(A). Permitted with Conditions uses are designated by the letters "PC". Uses Permitted with Conditions are permitted if they meet the listed conditions in Section 3.08.00, and subject to all other applicable standards. At the Development Director's discretion, any development larger than 5 acres or development that may have compatibility concerns may be sent to the Planning and Zoning Board for approval.
- (E) *Accessory Uses:* Accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.04.00 contains detailed guidance and regulations for permitted accessory uses.
- (1) Where commercial and residential uses share a development site, no residential accessory uses shall be permitted.
- (2) All outdoor storage areas will be enclosed by suitable vegetation, fences or walls in commercial zoning districts.
- (3) *In-law Units.* In-law Units are permitted as an accessory use

pursuant to the requirements of Section 2.04.01.

- (F) *Special Exception Uses:* Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.02.01(A). Such uses are designated by the letter "S". Special Exception uses require the submission of an application and approval by the Planning and Zoning Board prior to application for a Development Permit. Special Exception uses must meet the listed conditions in Section 3.09.00, and subject to all other applicable standards. Article 7 governs review of an application for approval of a Special Exception.
- (G) *Development Standards:* Development standards for uses in this district are detailed in the Table of Development Standards in Section 2.02.01(C). Specifically, standards are established, as applicable, for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth; Minimum Floor Area; Floor Area Ratio; Setbacks; Maximum Lot Coverage; and Maximum Building Height.
- (H) *Other Requirements.* None.

2.02.02.09 Historic Downtown Commercial HC-1

- (A) *FLUM Designation:* Commercial Classification
- (B) *Purpose:* To provide a commercial district that recognizes the City's historic structures; that is more pedestrian oriented than Highway Commercial; that uses parking lots and street parking rather than on-site parking for each use. Low density single and multi-family residential uses interspersed with the commercial uses are allowed
- (C) *Permitted Principal Uses & Structures:* Uses permitted in this district are detailed in the Table of Land Uses in Section 2.02.01(A). Permitted uses are designated by the letter "P" and are permitted by right subject to all other applicable standards.
 - (1) Permitted are residential units located on the second or third floors of commercial buildings.
 - (2) In general, the uses permitted in this district are not intended to be large volume traffic uses, as there is a lack of off-street parking in the district due to the nature of the historic buildings. The Development Director may disallow any use that is traditionally a large volume traffic generator, at his/her discretion.
 - (3) Multifamily Residential development is permitted and is

encouraged.

- (D) *Principal Uses & Structures Permitted with Conditions:* Uses permitted with conditions in this district are detailed in the Table of Land Uses in Section 2.02.01(A). Permitted with Conditions uses are designated by the letters "PC". Uses Permitted with Conditions are permitted if they meet the listed conditions in Section 3.08.00, and subject to all other applicable standards. At the Development Director's discretion, any development larger than 5 acres or development that may have compatibility concerns may be sent to the Planning and Zoning Board for approval.
- (E) *Accessory Uses:* Accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.04.00 contains detailed guidance and regulations for permitted accessory uses.
 - (1) Where commercial and residential uses share a development site, no residential accessory uses shall be permitted.
- (F) *Special Exception Uses:* Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.02.01(A). Such uses are designated by the letter "S". Special Exception uses require the submission of an application and approval by the Planning and Zoning Board prior to application for a Development Permit. Special Exception uses must meet the listed conditions in Section 3.09.00, and subject to all other applicable standards. Article 7 governs review of an application for approval of a Special Exception.
- (G) *Development Standards:* Development standards for uses in this district are detailed in the Table of Development Standards in Section 2.02.01(C). Specifically, standards are established for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth; Minimum Floor Area; Floor Area Ratio (as applicable); Setbacks; Maximum Lot Coverage; and Maximum Building Height.
 - (1) Vacant lots are to be developed with the same setbacks as adjacent structures. Building designs must be architecturally integrated with the historic buildings within this zoning district.
- (H) *Other Requirements:*
 - (1) *Signs for Home-based Occupations:* Home-based Occupations in historic districts, such as inns or tearooms or antique stores, may

have a pole-mounted, swinging sign, in the tradition of signs of the historic period. If the sign is lighted, the sign may not be lit after 11:00 p.m. in residential zoning districts.

- (2) *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:
 - (a) 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;
 - (b) 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.
 - (c) The principal building and use proposed is not designed or oriented to providing sales or services to persons remaining in vehicles;
 - (d) 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.
- (3) *Criteria for Designation of Historic Sites, Criteria for Modification of Historic Structures and New Construction on Historic Sites:* For regulations regarding these topics see Article 2, Section 2.05.00, “Historic Preservation”.

2.02.02.10 C-1 General Commercial

- (A) *FLUM Designation:* Commercial Classification
- (B) *Purpose:* To locate and establish areas within the City of Wauchula which are deemed suited for the development and maintenance of general retail, business, and personal service uses intended to serve the daily shopping and business needs of community residents; to designate those uses and services deemed appropriate for location and development within said zoning district; and to establish such development standards and provisions as are necessary to ensure proper development and functioning of uses within the district. Low density single and multi-family residential

uses interspersed with the commercial uses are allowed.

- (C) *Permitted Principal Uses & Structures:* Uses permitted in this district are detailed in the Table of Land Uses in Section 2.02.01(A). Permitted uses are designated by the letter "P".
 - (1) Permitted are residential units located on the second or third floors of commercial buildings.
 - (2) Multifamily Residential development is permitted and is encouraged.
- (D) *Principal Uses & Structures Permitted with Conditions:* Uses permitted with conditions in this district are detailed in the Table of Land Uses in Section 2.02.01(A). Permitted with Conditions uses are designated by the letters "PC". Uses Permitted with Conditions are permitted if they meet the listed conditions in Section 3.08.00, and subject to all other applicable standards. At the Development Director's discretion, any development larger than 5 acres or development that may have compatibility concerns may be sent to the Planning and Zoning Board for approval.
- (E) *Accessory Uses:* Accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.04.00 contains detailed guidance and regulations for permitted accessory uses.
 - (1) Where commercial and residential uses share a development site, no residential accessory uses shall be permitted.
- (F) *Special Exception Uses:* Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.02.01(A). Such uses are designated by the letter "S". Special Exception uses require the submission of an application and approval by the Planning and Zoning Board prior to application for a Development Permit. Special Exception uses must meet the listed conditions in Section 3.09.00, and subject to all other applicable standards. Article 7 governs review of an application for approval of a Special Exception.
- (G) *Development Standards:* Development standards for uses in this district are detailed in the Table of Development Standards in Section 2.02.01(C). Specifically, standards are established, as applicable, for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth; Minimum Floor Area; Floor Area Ratio; Setbacks; Maximum Lot

Coverage; and Maximum Building Height.

- (1) Vacant lots are to be developed with the same setbacks as adjacent structures.

(H) *Other Requirements:* None.

2.02.02.11 C-2 Highway Commercial/Light Manufacturing

(A) *FLUM Designation:* Commercial

(B) *Purpose:* The purpose of this district is to provide areas for a variety of commercial and light industrial uses that generate a high volume of traffic, have large parking needs or must be located on a highway, including retail commercial uses, light industrial uses, highway business uses, and other business establishments that are clean, quiet, and free of hazardous or objectionable elements, such as noise, odor, dust, smoke, or glare, as well as low density single and multi-family residential uses interspersed with the commercial and light industrial uses.

(C) *Permitted Principal Uses & Structures:* Uses permitted in this district are detailed in the Table of Land Uses in Section 2.02.01(A). Permitted uses are designated by the letter "P" and are permitted by right subject to all other applicable standards.

- (1) All structures for a principal use shall be of conventional construction in conformance with the Florida Building Code and any subsequent revisions unless otherwise provided herein.
- (2) Modular structures with a proven age of five (5) years or less and bearing the Florida Department of Economic Opportunity insignia will be allowed to be placed on a property.
- (3) Mobile units, sheds, display stands, and similar structures will be allowed under a temporary permit issued by the development director for a maximum of sixty (60) days each calendar year.
- (4) Multifamily Residential development is permitted and is encouraged.

(D) *Principal Uses & Structures Permitted with Conditions:* Uses permitted with conditions in this district are detailed in the Table of Land Uses in Section 2.02.01(A). Permitted with Conditions uses are designated by the letters "PC". Uses Permitted with Conditions are permitted if they meet the listed conditions in Section 3.08.00, and subject to all other applicable

standards. At the Development Director's discretion, any development larger than 5 acres or development that may have compatibility concerns may be sent to the Planning and Zoning Board for approval.

- (E) *Accessory Uses:* Accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.04.00 contains detailed guidance and regulations for permitted accessory uses.
 - (1) All outdoor storage areas will be enclosed by suitable vegetation, fences, or walls in commercial zoning districts.
- (F) *Special Exception Uses:* Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.02.01(A). Such uses are designated by the letter "S". Special Exception uses require the submission of an application and approval by the Planning and Zoning Board prior to application for a Development Permit. Special Exception uses must meet the listed conditions in Section 3.09.00, and subject to all other applicable standards. Article 7 governs review of an application for approval of a Special Exception.
- (G) *Development Standards:* Development standards for uses in this district are detailed in the Table of Development Standards in Section 2.02.01(C). Specifically, standards are established, as applicable, for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth; Minimum Floor Area; Floor Area Ratio; Setbacks; Maximum Lot Coverage; and Maximum Building Height.
 - (1) *Minimum Lot Requirements:* Development site shall be large enough to accommodate all required setbacks, parking, stormwater management and other standards and facilities.
 - (2) *Parking:* In general, parking is not allowed within the front setback if the setback is less than 25 feet. In this case, parking shall be accommodated by site design on the side or in the rear of the building.
 - (3) *Minimum Yard Requirements: Corner Lot.* The side street setback requirement on a corner lot shall be 20 feet.
- (H) *Other Requirements.* None.

2.02.02.12 I Industrial District

- (A) *FLUM Designation:* Industrial Classification
- (B) *Purpose:* To promote a variety of employment opportunities, facilitate a diversified economic base, and promote efficient use of infrastructure. It is the intent to permit all uses allowed in Commercial districts plus uses that involve outdoor storage and outdoor activity including, but not limited to lumber and building supplies, heating and air conditioning, sheet metal, welding, plumbing, electrical, laundry and dry cleaning, bakeries, bottling plants, printing, light manufacturing and processing, wholesaling, and similar uses.
- (C) *Permitted Principal Uses & Structures:* Uses permitted in this district are detailed in the Table of Land Uses in Section 2.02.01(A). Permitted uses are designated by the letter "P" and are permitted by right subject to all other applicable standards.
- (D) *Principal Uses & Structures Permitted with Conditions:* Uses permitted with conditions in this district are detailed in the Table of Land Uses in Section 2.02.01(A). Permitted with Conditions uses are designated by the letters "PC". Uses Permitted with Conditions are permitted if they meet the listed conditions in Section 3.08.00, and subject to all other applicable standards. At the Development Director's discretion, any development larger than 5 acres or development that may have compatibility concerns may be sent to the Planning and Zoning Board for approval.
- (E) *Accessory Uses:* Accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.04.00 contains detailed guidance and regulations for permitted accessory uses.
- (F) *Special Exception Uses:* Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.02.01(A). Such uses are designated by the letter "S". Special Exception uses require the submission of an application and approval by the Planning and Zoning Board prior to application for a Development Permit. Special Exception uses must meet the listed conditions in Section 3.09.00, and subject to all other applicable standards. Article 7 governs review of an application for approval of a Special Exception.
 - (1) As an approved Special Exception Use, residential development may be permitted as accessory to the principal use, to accommodate caretakers and essential personnel to maintain

business operations and provide security.

- (G) *Development Standards:* Development standards for uses in this district are detailed in the Table of Development Standards in Section 2.02.01(C). Specifically, standards are established, as applicable, for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth; Minimum Floor Area; Floor Area Ratio; Setbacks; Maximum Lot Coverage; and Maximum Building Height.
- (H) *Other Requirements.* Traffic generated by establishments in this district should not overburden roadways.

2.02.02.13 P/SP Public/Semi Public Buildings and Grounds

- (A) *FLUM Designation:* Public/Semi-Public and Recreation
- (B) *Purpose:* To identify local government buildings, educational facilities, hospitals, and other public and semi-public buildings and grounds, which are accessible to all citizens, compatible with adjacent land uses and the environment, and promote the efficient use of infrastructure. Properties which are publicly owned and open to recreational use by the public are included in this category. It encompasses sports facilities, and city, county, and state owned parks.
- (C) *Permitted Principal Uses & Structures:* Uses permitted in this district are detailed in the Table of Land Uses in Section 2.02.01(A). Permitted uses are designated by the letter "P" and are permitted by right subject to all other applicable standards.
- (D) *Principal Uses & Structures Permitted with Conditions:* Uses permitted with conditions in this district are detailed in the Table of Land Uses in Section 2.02.01(A). Permitted with Conditions uses are designated by the letters "PC". Uses Permitted with Conditions are permitted if they meet the listed conditions in Section 3.08.00, and subject to all other applicable standards. At the Development Director's discretion, any development larger than 5 acres or development that may have compatibility concerns may be sent to the Planning and Zoning Board for approval.
- (E) *Accessory Uses:* Accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Customary uses that are secondary and incidental to principal uses, including bathhouses, caretakers' residences, pavilions, and boat docks. Minimum building spacing shall be 15 feet. Section 2.04.00 contains detailed guidance and

regulations for permitted accessory uses.

- (F) *Special Exception Uses:* Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.02.01(A). Such uses are designated by the letter "S". Special Exception uses require the submission of an application and approval by the Planning and Zoning Board prior to application for a Development Permit. Special Exception uses must meet the listed conditions in Section 3.09.00, and subject to all other applicable standards. Article 7 governs review of an application for approval of a Special Exception.
- (1) This category also permits recreational vehicles (RVs) at a density up to 10 units per acre (10 du/ac). However, RVs are prohibited in wetlands, but are allowed in the 100-year floodplain on a temporary campsite basis. As a result, tie downs and impervious surfaces of any kind are prohibited when associated with RV uses.
- (G) *Development Standards:* Development standards for uses in this district are detailed in the Table of Development Standards in Section 2.02.01(C). Specifically, standards are established, as applicable, for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth; Minimum Floor Area; Floor Area Ratio; Setbacks; Maximum Lot Coverage; and Maximum Building Height.
- (1) The front, rear, and side setbacks shall be the minimum required from the most restrictively zoned adjoining parcel.
- (H) *Other Requirements:* None.

2.02.02.14 CON Conservation

- (A) *FLUM Designation:* Conservation Classification
- (B) *Purpose:* To preserve the proper functioning of natural resources, such as wetlands, floodplains, and groundwater recharge areas and to preserve open space. These marked areas match the designated areas on the Future Land Use Map of the Comprehensive Plan.
- (C) *Permitted Principal Uses & Structures:* Uses permitted in this district are detailed in the Table of Land Uses in Section 2.02.01(A). Permitted uses are designated by the letter "P" and are permitted by right subject to all other applicable standards.
- (D) *Principal Uses & Structures Permitted with Conditions:* Uses permitted with conditions in this district are detailed in the Table of Land Uses in

Section 2.02.01(A). Permitted with Conditions uses are designated by the letters "PC". Uses Permitted with Conditions are permitted if they meet the listed conditions in Section 3.08.00, and subject to all other applicable standards. At the Development Director's discretion, any development larger than 5 acres or development that may have compatibility concerns may be sent to the Planning and Zoning Board for approval.

- (E) *Accessory Uses:* Accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Customary uses that are secondary and incidental to principal uses, including restrooms, caretakers' residences, pavilions, boardwalks, and pedestrian/bicycle paths. Section 2.04.00 contains detailed guidance and regulations for permitted accessory uses.
- (F) *Special Exception Uses:* Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 2.02.01(A). Such uses are designated by the letter "S". Special Exception uses require the submission of an application and approval by the Planning and Zoning Board prior to application for a Development Permit. Special Exception uses must meet the listed conditions in Section 3.09.00, and subject to all other applicable standards. Article 7 governs review of an application for approval of a Special Exception.
- (G) *Development Standards:* Development standards for uses in this district are detailed in the Table of Development Standards in Section 2.02.01(C). Specifically, standards are established, as applicable, for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth; Minimum Floor Area; Floor Area Ratio; Setbacks; Maximum Lot Coverage; and Maximum Building Height.
- (H) *Other Requirements:* None.

2.02.02.15 PUD Planned Unit Development

- (A) *FLUM Designation:* Single Family Residential, Low Density Residential, Medium Density Residential, Commercial, and Industrial Classifications.
 - (1) *Relationship of PUD Regulations to the Comprehensive Plan, Land Development Code, or Other Regulations.*

The development of land uses within a PUD shall be consistent with the pattern of land use designations established on the Future Land Use Map of the Comprehensive Plan. Residential densities

in a PUD shall not exceed the permitted densities established in the Comprehensive Plan. Non-residential intensities shall not exceed permitted Floor Area Ratios established in the Comprehensive Plan. Where there are conflicts between these special PUD provisions and other regulations in this Code, these special regulations shall apply. Where no standard is designated in this Section for a particular element of a PUD, appropriate regulations set forth in other sections of this Code shall apply. In a unique situation where no standard is specified, the City Commission shall determine the appropriate standard.

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

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

Within Planned Unit Development districts, regulations adapted to such unified planning and development are intended to accomplish the purposes of zoning and other applicable regulations to an equivalent or higher degree than where such regulations are intended to control unscheduled development on individual lots; to promote economical and efficient land use; improve levels of amenities for harmonious, creative design, and a better environment.

In view of the substantial public advantage of Planned Unit Development, it is the intent of these regulations to promote and encourage development in this form, where appropriate, in location and character.

The Planned Unit Development (PUD) district is established to provide for well-planned and/or orderly mixed-use development in any area of the City. Further, PUDs are intended to:

- (1) Promote flexibility in development design;
 - (2) Promote the efficient use of land;
 - (3) Preserve, as much as possible, existing landscape features and amenities;
 - (4) Provide for more usable and suitably located recreation facilities and other public and common facilities than would otherwise be provided;
 - (5) Combine and coordinate architectural styles, building forms and building relationships within the planned development;
 - (6) Lessen the burden of traffic conflict on streets and highways;
 - (7) Provide for a balanced land use mixture.
- (C) *Permitted Principal Uses & Structures:* All development within a PUD district shall comply strictly with its approved Master Development Plan, the Land Development Code, and the Comprehensive Plan. Platting of property for residential or non-residential uses shall be carried out according to the requirements of Section 7.06.00. Development on individual sites, other than single-family development, shall be reviewed and approved according to the requirements of Section 7.05.00, Site Development Plans. Development may occur in stages consistent with Section 7.04.05.
- (D) *Planned Unit Development Districts:* Five Planned Unit Development Districts are provided within the City and include:
- Planned Unit Development – Residential (PUD-R)
 - Planned Unit Development – Office (PUD-O)
 - Planned Unit Development – Commercial (PUD-C)
 - Planned Unit Development – Industrial (PUD-I)
 - Planned Unit Development – Mixed Use (PUD-MU)
- Details for each district are provided in the subsections below.
- (E) *Density and Intensity:* The total number of permitted dwelling units within a PUD shall be based on the gross acreage of the overall development site, including all open space, recreation areas, drainage facilities, road rights-of-way, and areas proposed for commercial use. These units may be clustered or otherwise arranged according to sound planning principles

throughout the PUD site, providing a mixture of housing types, densities, and price ranges in a creative development design that is appealing to residents and beneficial to the City as a whole.

Where a PUD site lies within two or more land use designations, as shown on the Future Land Use Map (such as Low Density Residential and Medium Density Residential), separate dwelling unit calculations shall be made, using the appropriate permitted density value for each. Where a PUD site lies partially within the Commercial land use designation, densities within these areas shall not exceed 12 units per acre.

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

- (F) *Common Properties.* Projects less than 5 acres must meet park and recreational facility requirement of Article 6. For projects greater than 5 acres:
- (1) *Designated Open Space.* The developer shall establish a property owner's association or similar legal entity for the perpetual ownership and maintenance of open space, drainage facilities, and other community facilities designated on the Master Development Plan and subdivision or site development plans for individual tracts. Designated open space shall be defined as the total area within the PUD that has been set aside for recreational use, stormwater management, or for preservation in its natural condition, for the benefit of the residents of the development. Open space shall be shown on the Master Development Plan.
 - (2) The minimum open space required in a PUD shall be 30 percent of the gross site area, and may include, but shall not be limited to, the following:
 - a. Common Recreation Areas, as defined below in subparagraph (4) below, Common Recreation Area.

- b. Areas equivalent to no more than 50 percent of the total acreage of wetlands, lakes, drainage retention/detention areas, and other permanent or semi-permanent water bodies.
 - c. Scrub or other natural areas to be set aside for the preservation of endangered plant or animal species.
 - d. Golf courses.
 - e. Stormwater retention/detention areas, but not ditches and swales.
- (3) Designated open space shall not include the following:
- a. Lands designated for residential or commercial use (regardless of density or intensity of these uses).
 - b. Parking areas, except those that are accessory to recreational uses.
 - c. Utility easements and road rights-of-way.
 - d. Perimeter setback areas, unless developed with bicycle or pedestrian trails.
 - e. Sewer and/or water treatment plant sites.
 - f. Land that has been or is to be conveyed to a public agency for public use via a purchase agreement or dedication for schools, parks, community buildings, or other public facilities (excluding drainage facilities).
- (4) *Common Recreation Area.* Common recreation area shall be designated as such on the Master Development Plan, shall be distributed throughout the PUD, and shall be integrated into its overall design. Common Recreation Area shall constitute not less than one-half of the total area qualifying as designated open space as defined above in (1), Designated Open Space above.

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

- a. Common Recreation Area may include the following uses and associated facilities:
 - i. Swimming pools, tennis courts, and playing fields.
 - ii. Playgrounds.
 - iii. Picnic areas and pavilions (up to 20 percent of total required Common Recreation Area acreage).
 - iv. Golf courses (up to 50 percent of total required Common Recreation Area acreage).
 - v. Rights-of-way for nature trails, jogging/bicycle paths, or other pedestrian facilities, up to 15 feet in width (excluding sidewalks in residential or commercial areas).
 - b. The following shall not be included in Common Recreation Areas:
 - i. Streets, road right-of-way, and parking areas.
 - ii. All easements.
 - iii. Water bodies and wetlands, except within designated right-of-way for nature trails.
 - iv. Ditches, swales, retention areas and other stormwater management facilities.
 - v. Areas of less than 50 feet in width and 5,000 square feet in size, unless incorporated into a pedestrian or bicycle circulation system.
- (G) *Public Easements.* The City of Wauchula shall be granted easements allowing access to and use of tracts designated for open space, recreation, drainage facilities, sewer and water facilities and private roads, should public maintenance and/or repair become necessary.
- (H) *Access.* All residential and commercial properties shall have direct frontage on a public right-of-way or private right-of-way dedicated to common use by all residents of the development.

(I) Landscaping.

- (1) Landscaping requirements shall be as set forth in Section 3.07.00.
- (2) Unless otherwise conditioned in the PUD ordinance, along public or private rights-of-way, including those bordering the perimeter of the PUD, one canopy tree shall be planted for every 50 feet of right of way. Such trees shall be no less than 10 feet in height at the time of planting, and shall be placed within 5 feet of the right-of-way. Along internal roads, the trees shall be planted alternately on either side of the street.
- (3) The City Commission shall be permitted to impose any additional landscaping requirements that it determines are necessary, either within the PUD or along its perimeter, to prevent or minimize adverse impacts between potentially incompatible land uses.

(J) Other Requirements:

(1) Unified Control.

All land included for the purpose of development within a Planned Unit Development shall be owned or under the control of the applicant, whether that applicant is an individual, partnership or corporation, or a group of individuals, partnerships, or corporations.

(2) Subdivision of Property.

Property in a Planned Unit Development shall be platted in accordance with Section 7.06.00 prior to the issuance of building permits. In the case of lands that have been platted prior to the adoption of this Code, the landowner shall be required to vacate the previous plat or pre-platted lands before any rezoning and Master Development Plan approval will be considered. In addition, all payments, easements, and dedications required by this Code and other City ordinances will be applicable to any development within a Planned Unit Development, whether vacating an existing plat or replatting, or unplatted lands, so that all new development within the City will bear its fair share of provision of public services.

(3) Private Roads.

Internal roads serving the PUD may remain in the private ownership of the developer or may be conveyed to a property owner's association or similar entity created under the provisions of Article 7.04.06, "Ownership and Maintenance of Common Property". However, such roads must be designed and constructed to meet all standards applicable to a public road serving the same function, including right-of-way widths. No private road that constitutes the primary access to residential or commercial properties within a PUD shall be built on an easement.

2.02.02.15.01 *Planned Unit Development District – Residential (PUD-R)*

- (A) *Purpose:* It is the intent of these regulations to provide for development of residential areas in areas adequately served or in areas which can be served by necessary utilities and services, in locations that are compatible with adjacent and surrounding land uses in accord with the goals, objectives, and policies of the Comprehensive Plan and in compliance with the standards set forth herein. It is further the intent to permit the establishment of such districts only where planned development with carefully located buildings, parking, and service areas, and landscaped open space will provide for internal convenience and ease of use as well as external compatibility. It is further intended that PUD-R districts may provide a broad range of housing types appropriate to the general need of the area served.
- (B) *Permitted Uses:* Uses in PUD-R districts shall be consistent with Comprehensive Plan requirements regarding use, type, locational criteria, and other applicable Comprehensive Plan criteria. Uses and structures which are customarily and clearly incidental to permitted principal uses and structures shall be also permitted.
- (C) *Density:* PUD-R districts shall be consistent with the Comprehensive Plan density requirements and Section 2.02.02.15(F).

2.02.02.15.02 *Planned Unit Development District – Office (PUD-O)*

- (A) *Purpose:* It is the intent of these regulations to provide for office development at appropriate locations, in conformance with the goals, objectives, and policies of the Comprehensive Plan and in compliance with standards set forth herein. It is further the intent to permit the establishment of such districts only where planned development with carefully located buildings, parking, and service areas, and landscaped open space will provide for internal convenience and ease of use which is compatible with adjacent and surrounding land uses. It is further intended that PUD-O districts shall provide a broad range of office facilities and services appropriate to the general need of the area served. Uses in PUD-O

districts shall be consistent with the Comprehensive Plan requirements regarding permissible uses, intensity, locational criteria, and other applicable standards.

- (B) *Location:* PUD-O districts shall be located to facilitate ease and convenience of use; and where negative impacts on the surrounding transportation systems, public services, and surrounding land uses will be minimized; where the use is compatible with surrounding land uses; where the development will not encourage the expansion of office or commercial strip development along adjacent streets; and where the intensity of the project is consistent with the use that is provides.
- (C) *Permitted Uses:* Uses in PUD-O districts shall be consistent with Comprehensive Plan requirements regarding use, type, locational criteria, and other applicable Comprehensive Plan criteria. Uses and structures which are customarily and clearly incidental to permitted principal uses and structures shall be also permitted.
- (D) *Intensity:* PUD-O districts shall be permitted a range of floor area ratios, heights, and square footages consistent with the Comprehensive Plan intensity requirements. In evaluating proposals, the criteria contained in Articles 2 and 7 shall provide a basis for intensity determinations (floor area ratio, height, square footage, and setbacks).

2.02.02.15.03 Planned Unit Development District – Commercial (PUD-C)

- (A) *Purpose:* It is the intent of these regulations to provide for commercial development in scale with surrounding market areas, at appropriate locations, in conformance with the goals, objectives, policies, and locational criteria of the Comprehensive Plan and in compliance with standards set forth herein. It is further the intent to permit the establishment of such districts only where planned development with carefully located buildings, parking and service areas, and landscaped open space will provide for internal convenience and ease of use which is compatible with adjacent and surrounding land uses. It is further intended that PUD-C districts shall provide a broad range of commercial facilities and services appropriate to the general need of the area served.

PUD-C districts shall be consistent with Comprehensive Plan requirements regarding permissible uses, maximum floor area ratio, maximum project size, intensity, locational requirements, and other applicable standards.

- (B) *Location:* PUD-C districts shall be located to facilitate ease and convenience of use; and where negative impacts on the surrounding transportation systems, public services, and surrounding land uses will be minimized; where the use is compatible with surrounding land uses; where the use is compatible with surrounding land uses; where the development will not encourage the expansion

of office or commercial strip development along adjacent streets; and where the intensity of the project is consistent with the use that it provides.

- (C) *Permitted Uses:* Uses in PUD-C districts shall be consistent with Comprehensive Plan requirements regarding use, type, locational criteria, and other applicable Comprehensive Plan criteria. Uses and structures which are customarily and clearly incidental to permitted principal uses and structures shall be also permitted.
- (D) *Intensity:* PUD-C districts shall be permitted a range of floor area ratios, heights, and square footages consistent with the Comprehensive Plan intensity requirements. In evaluating proposals, the criteria contained in Articles 2 and 7 shall provide a basis for intensity determinations (floor area ratio, height, square footage, and setbacks).

2.02.02.15.04 *Planned Unit Development District – Industrial (PUD-I)*

- (A) *Purpose:* It is intended that PUD-I districts shall encourage concentration of complimentary uses grouped adjacent to major streets or streets serving industrial areas, providing well planned development on sites with adequate frontage and depth to permit controlled access to streets and reduce marginal traffic friction; serve as an alternative to further extensions of industrial zoning allowing disorderly strip development; protect stability and property values in surrounding neighborhoods; and to establish complimentary groupings of related manufacturing, processing, assembly, research activities, distribution activities, offices and associated uses.

Uses must be consistent with the Comprehensive Plan permitted uses, locational criteria, project size, intensity, and other criteria.

- (B) *Location:* PUD-I districts shall be located where they will facilitate ease and convenience of use; where negative impacts on the surrounding transportation systems, public services, and surrounding land uses will be minimized; where the use is compatible with surrounding land uses; and where the intensity of the project is consistent with the use that it provides.
- (C) *Permitted Uses:* Uses in PUD-I districts shall be consistent with Comprehensive Plan requirements regarding use, type, locational criteria, and other applicable Comprehensive Plan criteria. Uses and structures which are customarily and clearly incidental to permitted principal uses and structures shall be also permitted.
- (D) *Intensity:* PUD-I districts shall be permitted a range of floor area ratios, heights, and square footages consistent with the Comprehensive Plan intensity requirements. In evaluating proposals, the criteria contained in Articles 2 and 7

shall provide a basis for intensity determinations (floor area ratio, height, square footage, and setbacks).

2.02.02.15.05 Planned Unit Development District – Mixed Use (PUD-MU)

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

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

- (B) *Location:* PUD-MU districts shall be located where they will facilitate ease and convenience of use; where negative impacts on the surrounding transportation systems, public services, and surrounding land uses will be minimized; where the use is compatible with surrounding land uses; and where the intensity of the project is consistent with the use that it provides.
- (C) *Permitted Uses:* All uses must be consistent with the Comprehensive Plan permitted uses, project size, intensity, density, locational criteria, and other factors. In the determination of what constitutes a primary use in a PUD-MU district, percentage of land area, percentage of building square footage, and percentage of impacts such as traffic shall be considered. Exceeding fifty-one (51) percent shall be considered to be a primary use.

PUD-MU districts shall not be used when other single use proposed districts can accommodate the proposed uses. However, if a proposed development cannot be applied to other single use Planned Districts, then a PUD-MU may be used if a General Development Plan, which meets the criteria of Articles 2 and 7 is also approved.

PUD-MU districts shall:

- (1) Provide appropriate areas for and facilitate quality mixed use development in activity centers that are consistent with the Comprehensive Plan's land use and transportation goals, objectives, policies and strategies;

- (2) Accommodate intensities and patterns of development that can support multiple modes of transportation, including public transit and walking;
 - (3) Group and link places used for living, working, shopping, schooling, and recreating, thereby reducing vehicle trips and relieving traffic congestion in the City;
 - (4) Provide a variety of residential housing types and densities to assure activity in the district to support a mix of uses and enhance the housing choices of City residents; and
 - (5) Integrate new mixed use development with its surroundings by encouraging connections for pedestrians and vehicles and by assuring sensitive, compatible use, scale, and operational transitions to neighboring uses.
- (D) *Intensity:* Application of appropriate review criteria shall be based upon the specific facts of the proposal. The ranges of intensity controls shall generally be approved according to the guidelines set forth in the other single use PUD districts corresponding to the uses in the PUD-MU district. In no event shall uses permitted in a PUD-MU district exceed the maximum intensity controls in the other single use PUD districts.

2.03.00 General Regulations for All Zoning Districts

2.03.01 Moving of Buildings

No structure shall be moved from one development site to another unless such structure, at the new location, shall comply with all applicable provisions of these Codes and all other applicable codes.

2.03.02 Storage of Junked and Inoperable Property

- (A) No motor vehicle, part thereof, or trailer that is inoperable and/or is unlicensed, may be stored on any zoning lot unless either completely inside an enclosed structure or pursuant to a licensed junkyard and/or recycling business/salvage yard on the zoning lot.
- (B) No discarded objects, including but not limited to appliances, building parts, vehicle parts, or equipment parts, may be stored on any zoning lot unless either completely inside an enclosed structure or pursuant to a licensed junkyard and/or recycling business/salvage yard on the zoning lot.

2.03.03 Restoration or Repairing of Inoperable Motor Vehicles

- (A) Storage of more than three inoperable vehicles constitutes a junkyard. However, an individual who is actively restoring, not for profit, a classic or antique vehicle, may have a maximum of two additional inoperable vehicles (for a total of three including the restoration vehicle) on a zoning lot as long as they are of the same make and model of the restoration vehicle. Vehicles may not be stored in front of the principal structure and must be setback ten (10) feet from side and rear property lines. Stored vehicles must be completely inside an enclosed structure or shielded or screened from public view.
- (B) Notwithstanding any other provisions of this article, if the owner of an inoperable motor vehicle can demonstrate that the owner is actively restoring or repairing the vehicle, and if it is shielded or screened from view, the vehicle and one (1) additional inoperable motor vehicle which is also shielded or screened from view and which is being used for the restoration or repair may remain on the property. Vehicles may not be stored in front of the principal structure and must be setback ten (10) feet from side and rear property lines. Stored vehicles must be completely inside an enclosed structure or shielded or screened from public view.

2.03.04 Modular Homes

The following is a list of criteria that must be met if a modular home is placed within a traditional, site-built, “sticks and bricks” neighborhood.

- (A) No modular structure with an age of more than five years and/or having a roof pitch of less than 3:12 shall be allowed in any zone for purposes other than accessory buildings.
- (B) The area between the ground and the floor level of a modular building shall be enclosed with masonry or decorative skirting within 90 days of placement on the lot.
- (C) The exterior finish and roofing material of all modular buildings shall be of a material compatible with conventionally-built structures in the neighborhood.
- (D) Roofs of all modular buildings shall have eaves and gable overhangs of not less than one foot measured from the vertical side of the structure unless a lesser overhang is characteristic of the neighborhood. Facia boards shall be used on all edges of the roof to screen exposed rafters, vents, etc., and to give the roof a finished appearance.
- (E) All additions to and repair or replacement of material to or for an existing modular building shall conform to the requirements of this section after the adoption of this Code.

- (F) Each modular building shall be placed on a concrete foundation and anchored in accordance with the Florida Building Code.

2.03.05 *Density Bonuses for Affordable Housing*

The City of Wauchula provides for an affordable housing land donation density bonus incentive consistent with the requirements as outlined in Florida Statutes Chapter 420.615.

- (A) The City of Wauchula may provide density bonus incentives pursuant to the provisions of this section to any landowner who voluntarily donates fee simple interest in real property to the City for the purpose of assisting the City in providing affordable housing. The City must determine that the donated real property is appropriate for use as affordable housing and must be subject to deed restrictions to ensure that the property will be used for affordable housing.
- (B) For purposes of this section, the terms “affordable,” “extremely-low-income persons,” “low-income persons,” “moderate-income persons,” and “very-low-income persons” have the same meaning as in Florida Statutes, Chapter 420.0004.
- (C) The density bonus may be applied to any land where residential use is an allowable use on the receiving land.
- (D) The density bonus, identification of receiving land for the bonus, and any other conditions associated with the donation of the land for affordable housing are the subject of review and approval by the City Commission. The award of density bonus pursuant to this section, the legal description of the land receiving the bonus, and any other conditions associated with the bonus shall be memorialized in a binding agreement and recorded with the Hardee County Clerk of Court.
- (E) As part of the approval process, the City of Wauchula shall adopt a comprehensive plan amendment, pursuant to part II of chapter 163 of the Florida Statutes, for the receiving land that incorporates the density bonus. The amendment shall be adopted in the manner as required for small-scale amendments pursuant to Florida Statutes section 163.3187.
- (F) The deed restrictions required pursuant to subsection (A) for an affordable housing unit must also prohibit the unit from being sold at a price that exceeds the threshold for housing that is affordable for low-income or moderate-income persons or to a buyer who is not eligible due to his or her income under this chapter. The deed restriction may allow affordable housing units created under subsection (A) to be rented to extremely-low-income, very-low-income, low-income, or moderate-income persons.

- (G) The City of Wauchula may transfer all or a portion of the donated land to a nonprofit housing organization, such as a community land trust, housing authority, or community redevelopment agency, to be used for the production and preservation of permanently affordable housing.

2.03.06 *Special Needs Housing Facilities*

- (A) Special needs housing facilities provide 24-hour care. These care facilities are subject to local zoning laws and may be located in residential areas but are generally confined to commercial areas.
- (B) They are licensed or registered by the State of Florida according to separate and specific provisions of the *Florida Statutes*. Article 9 of this Code defines each special needs housing facility. They are listed as a group in the Table of Land Uses, 2.02.01(A).
- (C) Any violation of applicable State regulations shall be deemed a violation of this Code, and shall constitute grounds for termination of the use.

2.03.07 Family Foster and Day Care Homes

- (A) Family Foster Homes, Family Day Care Homes, and Adult Family-Care Homes are permitted in residential areas, in occupied homes only and are not subject to local zoning laws when so located. Licensing, registration, occupancy and other matters are regulated under specific provisions of the *Florida Statutes*. Article 9 of this Code defines each family care or foster home. They are included as a group in the Table of Land Uses, 2.02.01(A), and permitted in all residential zoning districts.
- (B) Where State Law permits such uses in residential zoning districts, no sign indicating the purpose or nature of the facility shall be permitted, except as is allowed for a home occupation.
- (C) Any violation of applicable State regulations shall be deemed a violation of this Code, and shall constitute grounds for termination of the use.

2.03.08 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 religious institution, 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.

2.03.09 Recreational Vehicles, Tents, and Other Temporary Shelters.

Recreational vehicles, tents, and other temporary shelters located outside a recreational vehicle park or outside approved areas for camping shall not be used for human habitation, except as provided in Article 8, Section 8.02.08 “Temporary Manufactured Home or Recreational Vehicle for Use During Construction of a Residence or as Disaster Relief”.

2.03.10 Alcoholic Beverages

- (A) *Definitions and Restrictions.* The City adopts by reference the definitions set out in Section 561.01, Florida Statutes, as they may, from time to time, be amended. Please see Chapter 3 – Alcoholic Beverages, located in the Code of Ordinances, for operational restrictions related to alcohol.
- (B) *Zoning Restrictions for Licensed Places.* Except as provided in F.S. § 563.02(I), no vendor's license for the sale, consumption, or dispensation of alcoholic or intoxicating beverages shall be issued for any building, location, or establishment, unless such building, location or establishment is located in either a commercial, industrial, or agricultural zone, as defined and established by the Official Zoning Map and ordinances of the City. No manufacturer's, distributor's, caterer's, or vendor's license, as defined by state law, shall be issued where such manufacturing, distributing, or catering establishment is prohibited under the Official Zoning Map and ordinances of the City.
- (C) *Sale Near Schools.* As required by Florida Statutes § 562.45(2)(a), a location for on-premises consumption of alcoholic beverages may not be located within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school. However, the distance requirement does not apply to premises licensed on or before July 1, 1999, and locations that are licensed as restaurants, which derive at least 51 percent of their gross revenues from the sale of food and nonalcoholic beverages, pursuant to Chapter 509 of the Florida Statutes. This distance shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the nearest point of the licensee's place of business or proposed place of business to the nearest

point of the school grounds in use as part of the school facilities. This restriction shall not, however, be construed to prohibit the issuance of temporary permits to certain nonprofit organizations as provided for in Florida Statutes § 561.422.

(D) **Businesses Not Conforming with Distance to School Requirements.**

Premises licensed on or before July 1, 1999 that are located within 500 feet of a school and premises that were licensed prior to the establishment of a school located within 500 feet may continue indefinitely and may be transferred from one owner to another. However, once the use has been vacated for six months or more, they are subject to the distance restrictions imposed by (C).

2.04.00 General Regulations for Accessory Uses

Accessory uses, as defined in Article 9 “Definitions,” are those that are incidental and secondary to a principal use that is permitted within a given zoning district. Accessory structures, as defined in Article 9 “Definitions,” are those that are incidental and secondary to a principal structure that is permitted within a given zoning district. It is the purpose of this Section to regulate the construction, placement, and use of accessory structures, in order to ensure that they do not adversely affect nearby residents and/or surrounding properties. In addition to the standards provided below, accessory structures shall meet all requirements set forth in individual zoning districts and other applicable provisions of this Code. Accessory structures must comply with all the following regulations, except where the regulations are noted for specific zoning districts.

- (A) All accessory structures shall comply with the local building code.
- (B) All accessory structures shall be shown on a Site Development Plan when required under Section 7.05.00 “Site Development Plans,” of this Code.
- (C) Accessory structures shall not be constructed prior to the principal structure, unless approval is granted by the Planning and Zoning Board.
- (D) Accessory structures shall **not** be located in a required landscape buffer; or within a public utility easement.
- (E) Accessory structures **shall be included** in all calculations of impervious surface and stormwater runoff.
- (F) No manufactured home, trailer, or vehicle of any kind shall be permitted as an accessory structure on any development site except as allowed in Article 8, Section 8.02.07 “Temporary Office or Construction Trailer” or Article 8, Section 8.02.08 “Temporary Manufactured Home or Recreational Vehicle for Use During Construction of a Residence or as Disaster Relief.”

- (G) Except where otherwise provided, accessory structures shall be separated from each other and from the principal structure by no less than five feet in all residential zoning districts and 15 feet in all commercial, professional, and industrial zoning districts.
- (H) Except in R1A and R4, accessory structures shall be set back no less than ten feet from the rear lot line and five feet from the side lot line. In R1A, accessory structures must be set back ten feet from both rear and side lot lines. In R4, accessory structures must be set back five feet from both rear and side lot lines.
- (I) In all residential districts, accessory structures shall **not** be located forward of the front building line or, on a corner lot, within either front yard setback area.
- (J) Residential Zoning Districts: No more than two accessory structures may be located on any residential lot of record; and, are permitted only in the rear or side yards. Detached garages or carports will be subject to accessory structure setbacks for the applicable zoning district but are not included when counting the total number or square footage of accessory structures on a lot in residential districts. Accessory structures, including swimming pools, shall be prohibited on residential lots of less than 5,000 square feet.
- (K) Accessory structures in residential districts shall be limited to a cumulative total of 500 square feet, except where other standards apply, such as in Manufactured Home Subdivisions. Swimming pools, screen enclosures, carports, and garages are not included in this size limitation.
- (L) In all Residential districts, guest houses, garage apartments, and the like, and accessory buildings of any kind, shall not be used for housing a business, except as noted in Section 2.04.03 “Home-based Occupations” of this Article 2.
- (M) More than two accessory structures may be permitted on commercial or industrial development sites, provided each is setback 10 feet from the rear and five feet from the side lot lines.
- (N) All outdoor storage areas will be enclosed by suitable vegetation, fences, or walls in commercial zoning districts.

2.04.01 In-law Units

In-law Units are attached or within the principal structure and are, therefore, not considered accessory structures, but they are accessory uses.

- (A) A unit is considered an “in-law unit” if it is within a principal structure or attached to a principal structure. If it does not meet either of these criteria, then it is considered to be a “garage apartment” and the regulations are located under

Accessory Uses, Section 2.04.02, of this Article.

- (B) In all residential districts, attached in-law units and the like are intended to be occupied by family members and/or care givers and shall not be rented if the character of the single family neighborhood is compromised in any manner.
- (C) In-law units may not take up more than 33% or one-third of the principal dwelling unit. Unless required by the Building Official, it may not be served by a separate meter.

2.04.02 Garage Apartments

- (A) A garage apartment is a detached, accessory structure and may also be known as a guest house or cottage or the like.
- (B) A garage apartment may be served by an electrical meter billed separate from the principal building.
- (C) Garage apartments, may be rented out if the principal building is owner-occupied.
- (D) Garage apartments constructed after May 10, 1999 shall meet these standards:
 - (1) The secondary dwelling unit shall be located near the rear of the principal dwelling unit. Side yard regulations shall apply to the rear and sides of the building. The garage apartment must be set back a minimum of 7.5 feet from the property line and five feet from any other building.
 - (2) Minimum lot requirement: 2,000 s.f. in addition to lot requirements for principal building;
 - (3) Minimum Floor Area: 480 s.f.; The garage apartment must have a minimum of 600 s.f. floor area;
 - (4) Maximum Size: Maximum shall be not more than 75% of the principal dwelling unit; and
 - (5) Parking: A minimum of one additional parking space shall be required for each secondary dwelling unit.

2.04.03 Home-based Occupations

Home-based occupations are an accessory use any dwelling unit. They do not require a permit but are required to register the business and, if found to violate the regulations set forth in this section, shall cease immediately or be subject to code enforcement procedures.

- (A) No more than two persons who are not family members and who do not live on the premises shall be permitted to be employed by the home-based occupation.
- (B) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to the use of the unit for residential purposes by its occupants. Under no circumstances shall the residential character of the property be changed by the home-based occupation.
- (C) Home-based occupations may have a sign not to exceed four (4) square feet, which shall be mounted flush with the residence wall. Home-based occupations in historic districts, such as inns or tearooms or antique stores, may have a pole-mounted, swinging sign, in the tradition of signs of the historic period. If the sign is lighted, the sign may not be lit after 11:00 p.m. in residential zoning districts.
- (D) Business activities associated with a home-based occupation shall take place only in the principal structure or garage apartment. An exception is a woodworking or cabinet shop. See (H) below.
- (E) No home-based occupation shall occupy more than one-third of the floor area of the principal residence. These uses shall not be carried on in an accessory building except an accessory unit that is a complete residential unit (such as a garage apartment). An exception is a woodworking or cabinet shop. See (H) below.
- (F) Traffic shall not be generated by the home-based occupation in greater volumes than would normally be generated by a dwelling unit in a residential area. No additional parking spaces shall be provided in excess of those required to serve the residential unit under Article 3, Section 3.03.00 "Off-Street Parking and Loading."
- (G) No equipment or process shall be used in a home-based occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses. In case of electrical interference, no equipment or process shall be used that creates visual or audible interference in radio or television receivers or causes fluctuations in line voltages off the premises.
- (H) *Woodworking.* This type of use is allowed as a home-based occupation provided it adheres to the following regulations:
 - (1) Do not utilize electrical powered machines in excess of five horsepower; and
 - (2) Use no more than 240 volts single-phase current with a maximum of 200-

amp bus; and

- (3) House and operate all machinery within an enclosed structure not to exceed 2,000 square feet; and
- (4) Noise levels shall not exceed 55 decibels when measured at the property line of any abutting landowner; and
- (5) Do not provide any wood treatment process.

2.04.04 Swimming Pools

(A) *Swimming Pools, Single-family/Duplex.* Swimming Pools are permitted for all single-family homes and duplexes as an accessory, and must comply with all applicable regulations. Single-family swimming pools shall meet the following requirements:

- (1) Single-family swimming pools shall be permitted accessory to a single-family home or duplex use only, and shall be at least twelve (12) feet from any lot line, as measured from the edge of the water.
- (2) Swimming pools, including all decking and screen enclosures, shall be located to the rear of the front building line.
- (3) Screen enclosures over and around swimming pools shall be erected so as to conform to setback requirements for accessory buildings; however, such enclosures may be attached to the principal building. Lighting for pools shall be located and installed such that no direct light nor reflected light is visible on adjoining property.
- (4) Swimming pools shall not be located within public utility, drainage easements, or landscape buffers along side and rear lot lines. For purposes of setback measurement, the term "swimming pool" shall include all surrounding decking and vertical supports for screen enclosures.
- (5) The total ground coverage of the house and swimming pool shall not exceed 65 percent coverage of the lot.
- (6) The swimming pool must meet the safety requirements as outlined in Section 2.04.03(C).

(B) **Public Swimming Pools**

- (1) Public Swimming Pools in residential districts shall meet the applicable

district accessory structure setback requirements and public swimming pools in non-residential districts shall meet the requirement of 2.04.00(M). For purposes of setback measurement, the term "swimming pool" shall include all surrounding decking and vertical supports for screen enclosures.

- (2) Swimming pools shall not be located within public utility, drainage easements, or landscape buffers along side and rear lot lines.
- (3) The swimming pool must meet the safety requirements as outlined in Section 2.04.03(C).

(C) Swimming Pool and Spa Safety

- (1) Construction. During all swimming pool construction, the contractor shall install and maintain a temporary or permanent enclosure in accordance with Section 2.04.03(C)(4). No temporary enclosure may be removed until a permanent enclosure has been properly installed.
- (2) Permanent enclosures shall be properly installed prior to final swimming pool inspection;
- (3) Public Swimming Pools.
 - a. *Telephone.* For safety reasons, a telephone for pool users shall be readily accessible adjacent to the pool, and within the enclosed area at all pool locations.
 - b. The immediate perimeter of all public swimming pools, spas, and other non-single-family/duplex swimming pools shall be fenced or enclosed in accordance with Section 2.04.03(C)(4) unless the Planning Director finds that:
 - i. The pool is separated from adjoining on-site and off-site buildings and located in; a yard or area which is accessible only by passing through a self-closing, self-latching gate; or located within an enclosed building, or
 - ii. A comparable measure of protection from unauthorized access to the pool is provided by:
 - (a) The existence of practically impassible natural or manmade permanent barriers separating the pool from adjoining on-site and/or off-site structures and

properties, or

- (b) A readily visible warning sign shall be installed.
 - (c) A combination of these or plainly similar circumstances.
- (4) *Enclosures:* All fences or other barriers which enclose or protect the pool or yard area from unauthorized access shall be at least four (4) feet in height with the vertical protective barrier material such that a four (4) inch diameter sphere cannot pass through any opening. All entryways or gates to fenced or enclosed pools shall open outwards away from the pool and have self-closing, self-latching safety latches, the release mechanism of which must be located on the pool side of the gate or entryway. The mechanism shall be mounted at a minimum height of three (3) feet six (6) inches above grade and otherwise be designed and placed so that it cannot be reached by a child under six (6) years of age by reaching over the top or through any opening or gap.

2.04.05 Antennas and Satellite Dishes

The requirements for Communication towers and Communication Antennas are located in Section 3.09.16.

- (A) Antennas and satellite dish antennas shall be considered accessory structures and shall be installed in accordance with all applicable provisions of this Code and any other relevant regulations. No dish shall exceed 12 feet in diameter. No antenna shall exceed 30 feet in height, as measured from the ground to the highest projection of the antenna or supporting structure.
- (B) No antenna or dish shall be placed forward of the front building line. Antennas shall be set back from all property lines a distance at least equal to their height. Setbacks shall be measured from the outermost projection of the antenna or supporting structure.
- (C) Where mounted on a building, the combined height of the building and the antenna shall not exceed the maximum permitted building height in the applicable zoning district.
- (D) An Antenna/Dish Installation Permit shall be required for all antennas/dishes exceeding 25 feet in height and four feet in diameter. Applications for this permit shall include a site plan, sketch plan or other scaled drawing showing all structures on the property, and the location, height and size of the proposed antenna.

(E) The following regulations apply to antennas and satellite dish antennas in specific districts:

(1) Residential Districts, except R3 and R4

- a. An antenna shall be permitted only as an accessory use to a single family detached dwelling unit.
- b. Roof-mounted dish antennas shall be prohibited.
- c. No more than one antenna and one dish shall be placed on any one lot or development site.

(2) R3 and R4 districts

- a. An antenna shall be permitted as an accessory use to a single family detached dwelling unit, or for the common use of the residents of a multifamily structure or a manufactured home subdivision, RV park or campground.
- b. Roof-mounted antennas shall be permitted for multifamily developments, manufactured home subdivisions, RV parks and RV campgrounds only, but only where they can be affixed to buildings of conventional construction.
- c. No more than one antenna and one dish antenna shall be placed on any one lot or development site.

(3) Commercial and Industrial Districts

No more than two dish antennas shall be placed on any one lot or development site, except at sports bars/restaurants, schools, colleges and broadcast studios. Roof mounted satellite dishes are permitted in these districts.

2.05.00 Historic Preservation

2.05.01 Purpose

The purpose of this section is to implement the goals, objectives, and policies of the Comprehensive Plan of the City by identifying and encouraging the protection of resources which reflect elements of the City's cultural, social, economic, political, and architectural history.

2.05.02 Intent.

- (A) This section and regulations relating to this section are intended to:
- (1) Encourage the continuance, conservation, and improvement of land uses in a manner appropriate to the preservation of the cultural, architectural, and historical heritage of the City.
 - (2) Foster civic pride in the beauty and notable accomplishments of the past.
 - (3) Preserve and enhance environmental quality and the residential character and desirable aesthetic features of the City.
 - (4) Encourage property owners against destruction of, or addition of features to significant structures likely to have adverse effects on the historic, architectural, or cultural character of the significant structure.
 - (5) Encourage the preservation of the historic integrity and appearance of significant structures.
 - (6) Encourage the protection of historic districts against destruction, or encroachment of structures, uses, or features likely to have adverse effects on their historic, architectural, or cultural character.
 - (7) Discourage developments in the visual environs of such areas or structures, which would detract from their character.
- (B) It is hereby declared, as a matter of public policy, that the identification and designation and the encouragement of the preservation and protection of historic, architecturally, and culturally significant resources within the City is necessary and proper to promote the aesthetic, economic, environmental, and educational welfare of the public.

2.05.03 Designation of Historic Districts and Properties.

- (A) *Nomination.* Nominations of significant structures for historic preservation shall be made to the Historic Preservation Board or the City Commission, and may be submitted by a member of the Historic Preservation Board, by the owner of the property or structure to be nominated, or by the City Commission or any member thereof, or any resident of the City, by filing an application for designation with the City Manager or designee.
- (B) *Notice to Property Owner.* Notice of a proposed designation shall be sent by certified mail at least 30 days prior to the designation hearing to the owner(s) of the property proposed for designation, inviting the property owner(s) to participate in the designation hearing to discuss the meaning of designation, the advantages, both historically and financially, of historic preservation of the property, and to encourage the property owner(s) to

preserve the property consistent with its historic character and proposed designation. The property owner(s) shall, by written notification, indicate his consent or lack of consent to the designation no later than the close of the designation hearing.

- (C) *Designation Hearing.* Prior to making a recommendation for designation of any significant structure or historic district to the City Commission, the Historic Preservation Board shall hold a public hearing no sooner than 30 days and within 60 days from the date of the filing of an application for designation. Notice of the time and place, including a description of the proposed designation of the property and its location, shall be published in a newspaper of general circulation in the City at least ten days prior to the hearing. The Historic Preservation Board, property owners, and any interested parties may present testimony or documentary evidence at the hearing, which will become part of a record regarding the historic or architectural importance of the proposed significant structure or historic district. The record may also contain expert testimony, public comments, or other evidence offered outside of the hearing.
- (D) *Criteria for Designation.* The criteria for the designation of historic properties and historic districts shall be that such property or districts must have significant character, interest, or value as part of the historical, cultural, archaeological, aesthetic, or architectural heritage of the City, and shall meet one or more of the following criteria:
- (1) Its character, interest, or value as part of the development, heritage, or cultural characteristics of the City, county, state, or nation.
 - (2) Its location as a site of significant local, county, state, or national event.
 - (3) Its identification with a person or persons who significantly contributed to the development of the City, county, state, or nation.
 - (4) Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction or use of indigenous materials.
 - (5) Its identification as the work of a master builder, craftsman, designer, engineer, architect, landscape architect, or planner whose individual work has influenced the development of the City, county, state, or nation.

- (6) Its embodiment of elements of design, detailing materials or craftsmanship that render it architecturally significant.
- (7) Its embodiment of design elements that make it structurally or architecturally innovative.
- (8) Its unique location or singular physical characteristics that make it an established or familiar visual feature.
- (9) Its suitability for preservation or restoration.
- (10) Where the interior of a building or structure is designated, the designation shall include a finding designating the specific portions of the interior that make it suitable for designation and a finding that the interior is accessible to the public as a common area in the normal course of the building's use.

Any structure, property, or area that meets one or more of the above criteria shall also have sufficient integrity of location, design, materials, and workmanship to make it worthy of preservation or restoration.

- (E) *Findings and Recommendation.* The Historic Preservation Board, after its review and investigation of a nominated property, shall forward its recommendation, if any, to the City Commission on whether or not to make the designation, together with a written designation report with findings of fact. The designation report shall review the testimony at the meeting, survey information, and other material the Historic Preservation Board has assembled and, if the Board recommends designation, shall explain how the property under consideration meets one or more of the above criteria.
- (F) *Designation of Significant Structure.* The City Commission shall enact an ordinance designating an individual property, building, landmark, or structure as a significant structure if it meets the criteria in Section 2.05.03(D), specifically:
 - (1) Possesses special character or historic or aesthetic interest or value as part of the cultural, social, economic, political, and architectural history of the City, county, state, or nation;
 - (2) Is identified with a person, event, or period of historic significance.
 - (3) Embodies the distinguishing characteristics of an architectural style, or a master builder, craftsman, designer, architect, landscape

architect, or planner that was influential in the history of the City, county, state, or nation; or

- (4) Is, by virtue of its design or location, important to maintaining the unique character of the City.

(G) *Designation of Historic District.* The City Commission shall enact an ordinance designating a group of properties, buildings, or structures as a historic district if it meets the criteria in Section 2.05.03(D), specifically:

- (1) Contains properties, landmarks, buildings, or structures which meet one or more of the criteria for designation of a significant structure, and by reason of possessing such qualities, it constitutes a distinct section of the City;
- (2) Embodies distinguishing characteristics of one or more architectural types, or contains specimens inherently valuable for the study of a period, style, or methods of construction or use of indigenous materials or craftsmanship; or
- (3) Is representative of the notable works of one or more master builders, craftsmen, designers, architects, landscape architects, or planners that was influential in the history of the City, county, state, or nation.

The boundaries of each historic district designated shall be specified in detail and shall be filed, in writing, in the City Clerk's office for public inspection.

(H) *Effect of Designation.*

- (1) This section and historic designation is intended to encourage the preservation of significant historic resources in these ways:
 - a. By providing official recognition of the historic significance of the property and encouraging consideration of its historic value in future development planning;
 - b. By imposing limited protection from activities involving funding, licensing or assistance by federal agencies that could result in damage or loss of the property's historic values; and
 - c. By making the property eligible for federal financial incentives for historic preservation.

- d. By ensuring that development (including reconstruction), relocation, or redevelopment (including rehabilitation or restoration) of the resource meets standards and guidelines for preservation as adopted by the City Commission.
- (2) Designated significant structures and historic districts, at the option of the City Commission and consistent with state law, may be eligible for forms of relief from variance fees, building codes, and other relief.
- (I) *Amendment or Rescission; Appeal.* Designation may be amended or rescinded upon petition to the City Commission on the basis of changed circumstances and according to the same criteria set forth herein for designation.
- (J) *Comprehensive Plan.* Following designation, the City Manager shall initiate action at the earliest possible date to amend the City's Comprehensive Plan to identify designated significant structures and historic districts in the Future Land Use Map series.
- (K) *Moratorium.* Upon the filing of an application for designation, until such time as a final decision has been made by the City Commission, no individual or private or public entity shall:
 - (1) Erect any structure on the subject property; or
 - (2) Alter, restore, renovate, move, or demolish any structure on the subject property.
- (L) *Property Owner Consent.* Designation by the City Commission of a structure that is less than 100 years old or that is not listed on the National Register of Historic Places shall require the consent of the owner of the subject property.
- (M) *Property Owner Objection.* Objections by property owners must be notarized to prevent nomination to the National Register of Historic Places.

2.05.04 Certificate of Appropriateness Required

- (A) *Certificate of Appropriateness.* Activities that include alteration, new construction, demolition, or relocation affecting a historic property, or a property in a historic zone shall require the issuance of a certificate of appropriateness before such activity commences. The applicant shall complete an application

form provided by the Development Director accompanied by the plans, elevations, and specifications thereof so far as they relate to the proposed appearance, color, texture of materials, and architectural design of the exterior (including the front, sides, rear, and roof of the building) alterations or addition or of any out building, party wall, courtyard, fence, or other accessory structure thereof. The Development Director shall determine when an application is complete and may request additional information when such application is determined to be incomplete. The Development Director shall review the application and forward his recommendation and findings to the Board prior to the public hearing. Nothing in this subsection shall preclude a pre-application conference between the Board and the applicant at the applicant's request.

- (B) *Notice of Violation.* Whenever any alteration, new construction, demolition, except demolition of a noncontributing structure in a historic zone, or relocation is undertaken on a landmark, landmark site, or property in a historic zone without a certificate of appropriateness whether or not a building permit is required, the Development Director is authorized to issue a notice of violation to stop all work.
- (C) *Demolition of Non-contributing Structures.* Nothing in this section shall be construed to require a certificate of appropriateness for the demolition of a non-contributing structure in a historic zone or for routine maintenance by governmental and/or utility entities.
- (D) *Exceptions.* A certificate of appropriateness shall be required in addition to any other building permits required by law, provided that a certificate of appropriateness shall not be required for issuance of a permit to a contractor who is in possession of an order from the City to proceed with demolition, emergency action or board up of an unsafe structure. Any conditions contained in the certificate of appropriateness shall be included as a requirement to any building permit for which the certificate of appropriateness was issued. There shall be no application fee required for a certificate of appropriateness. Ordinary repairs and maintenance which do not substantially change the design or character of the building will not require a certificate of appropriateness.
- (E) *Review Authority.* The Board shall be responsible for considering and passing upon applications for a certificate of appropriateness, and all certificates shall be issued by the Board and signed by the Chairman thereof. The Board is authorized to prescribe procedural and administrative rules it deems necessary or appropriate to administer this function. The Board shall promulgate appropriate rules providing for the establishment and maintenance of a record of applications for a certificate of appropriateness considered by the Board.
- (F) *Delegation of Review Authority.*

- (1) The Board may establish specific guidelines within which designated staff may issue certificates of appropriateness without review by the Board. Should an application be denied by staff, the same may be referred to the Board for further consideration as if it were a new application.
 - (2) In the event that the Historic Preservation Board becomes inactive for any reason, the City Commission may appoint another Board or Committee to act as the review Board for the purposes of this section.
- (G) *Public Hearing.* The Board shall hold a public hearing on each application for a certificate of appropriateness at its next regular meeting, after a completed application has been filed with the Development Director at least seven (7) days before the meeting. The Board shall make a decision on each application within thirty (30) days after the hearing provided that the Board may extend the time for decision an additional thirty (30) days when the application is for relocation, new construction, or demolition. Upon mutual consent between the Board and the applicant, any decision on a certificate of appropriateness may be deferred for an additional thirty (30) days.
- (H) *Signage.* The applicant for a certificate of appropriateness shall post signs at intervals of not more than two hundred feet along all street sides of land upon which the request for a certificate of appropriateness is made within five (5) days after the filing of a completed application. The signs shall be eight and one-half inches wide, eleven inches in height and light blue and shall be posted in full view of the public. Where the land does not have frontage on a public street, the signs shall be erected on the nearest street right-of-way with an attached notation indicating generally the direction and distance to the land upon which the application for a certificate of appropriateness has been filed, or at such other locations and at such intervals, as determined by the Development Director, as will ensure that the signs will be seen by as many persons as possible. The signs shall be maintained by the applicant until a final determination has been made by the Board on the application for a certificate of appropriateness. If the signs are not posted within the time requirements, the public hearing notice will be deemed inadequate and no action shall be taken until proper posting is accomplished. The signs shall be removed by the applicant within ten (10) days after final action by the Board.
- (I) *Board Action.* The Board shall approve, approve with conditions, approve the withdrawal of, or deny each application, based on the criteria contained in this section. Notice of the decision of the Board shall be sent by regular mail to the applicant and the owner of the property within fourteen (14) days of the meeting when the decision was made by the Board. In the case of a denial of an application, the Board shall state the reasons for such a denial in writing and transmit the written statement to the applicant and the owner of the designated

property. The written statement shall also contain recommendations to the applicant concerning changes, if any, in the proposed action that would cause the Board to reconsider its denial. If the Board fails to act on an application within the specified time period, the application shall be deemed approved.

(J) *General Standards.* In considering an application for a certificate of appropriateness for alteration, new construction, demolition, or relocation, the Board shall be guided by the following general standards:

- (1) The effect of the proposed work on the landmark, landmark site, or property within a historic zone;
- (2) The relationship between such work and other structures on the landmark site or other property in the historic zone;
- (3) The extent to which the historic, architectural, or archaeological significance, architectural style, design, arrangement, texture, colors, and materials of the landmark or the property will be affected;
- (4) Whether the plans may be carried out by the applicant within a reasonable period of time.

(K) *Additional Guidelines.* Applications for certificates of appropriateness for alterations, shall be considered by the Board in accordance with the following additional guidelines, which are based on the United States Secretary of the Interiors Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings:

- (1) The removal or alteration of any historic material or distinctive architectural features shall be avoided when reasonably possible so as to preserve the distinguishing original qualities or character of a building, structure, or site.
- (2) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site, shall be maintained where reasonably possible.
- (3) Changes which may have taken place in the course of time are evidence of the history and development of a building structure, or site. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

- (L) *Additional Guidelines for New Construction.* In considering an application for certificate of appropriateness for new construction, the Board shall consider the following additional guidelines:
- (1) *Height.* The height of any proposed alteration or construction shall be compatible with the style and character of the landmark and with surrounding structures in a historic zone.
 - (2) *Proportions of Windows and Doors.* The proportions and relationships between doors and windows shall be compatible with the architectural style and character of the landmark and with surrounding structures in a historic zone.
 - (3) *Relationship of Building Masses, Setbacks, and Spaces.* The relationship of a structure within a historic zone to the open space between it and adjoining structures shall be compatible.
 - (4) *Roof Shape.* The design of the roof shall be compatible with the architectural style and character of the landmark and surrounding structures in a historic zone.
 - (5) *Landscaping.* Landscaping shall be compatible with the architectural character and appearance of the landmark and of surrounding structures and landscapes in a historic zone.
 - (6) *Scale.* The scale of the structure after alteration, construction, or partial demolition shall be compatible with its architectural style and character and with surrounding structures in a historic zone.
 - (7) *Directional Expression.* Facades in historic zones shall blend with other structures with regard to directional expression. Structures in a historic zone shall be compatible with the dominant horizontal or vertical expression of surrounding structures. The directional expression of a landmark after alteration, construction, or partial demolition shall be compatible with its original architectural style and character.
 - (8) *Architectural Details.* Architectural details including materials, colors and textures shall be treated so as to make new construction compatible with the architectural style or character of a landmark or historic zone. The Board will give recommendations as to appropriate colors for any landmark or historic zone.
- (M) *Undue Economic Hardship.* No decision of the Board shall result in undue economic hardship for the property owner. The Board may require that the

property owner furnish such information as the Board believes is relevant to the Board's determination of any alleged undue economic hardship. In any case where undue economic hardship is claimed, the Board shall make two specific findings. First, the Board shall determine if the owner would be entitled to a certificate of appropriateness without consideration of undue economic hardship. Second, the Board shall determine whether the owner demonstrated an undue economic hardship. The Board shall hold a hearing on both matters at the same time; except that, any property owner, may require a separate hearing on each.

- (N) *Compliance with Certificate of Appropriateness.* All work performed pursuant to the issuance of a certificate of appropriateness shall conform to the requirements of such certificate. It shall be the duty of the City Building Official to inspect from time to time any work being performed pursuant to such certificate to assure such compliance. In the event work is not performed in accordance with such certificate, the City Building Official shall issue a notice of violation to stop all work and all work shall cease. No additional work shall be undertaken as long as such notice shall continue in effect.
- (O) *Expiration of Certificate of Appropriateness.* Any certificate of appropriateness which has been approved pursuant to the provision of this section shall expire twelve (12) months from the date of issuance if the work authorized is not commenced within this period. Further, such certificate shall expire if the work authorized is not completed within three (3) years of the date of issuance, unless otherwise extended by the Board.
- (P) *Emergency Conditions.* In any case where the City Building Official or the Code Enforcement Officer determines that there are emergency conditions dangerous to life, health or property affecting a landmark, a landmark site, or a property in a historic zone, either official may order the remedying of these conditions in accordance with other applicable laws or regulations without the approval of the Board or issuance of a required certificate of appropriateness. This section specifically includes those structures that have been defined to be unsafe pursuant to applicable City housing and building codes. The City Building Official or the Code Enforcement Officer shall promptly notify the Chairman of the Board of the action being taken.

2.05.05 Changes in Approved Work.

Any change in work proposed subsequent to the issuance of a certificate of appropriateness shall be received by the Board's staff, and, if the staff finds that the proposed change is minimal and does not materially affect the aesthetic character, or is otherwise in accordance with guidelines established by the Board, it may approve the change; otherwise a new application for a certificate of appropriateness will be required.

2.05.06 Maintenance and Interior Alteration.

Nothing in this article shall be construed to prevent the ordinary maintenance of any exterior element of any building or structure which does not involve a change of design, appearance or material, and which does not require a building permit. If the Board determines that any historic property or any structure within a historic district is endangered by lack of ordinary maintenance and repair or that any improvement in visual proximity to a historic property or historic district is endangered by lack of ordinary maintenance and repair to such extent that it detracts from the desirable character of the historic property or historic district, the Board may request the Development Director, or his designee, the Code Enforcement Officer, or any other appropriate official or agency of the City to require correction of such deficiency under the authority and procedures of applicable ordinances, laws and regulations.

2.05.07 Exceptions to Certificate of Appropriateness

- (A) A certificate of appropriateness will not be required for general, occasional maintenance of any historic building, structures or sites or any structure within a historic zone. General occasional maintenance will include, but not be limited to, lawn and landscaping care and minor repair that restores or maintains the historic site or current character of the building or structure.
- (B) A certificate of appropriateness will not be required for any interior alteration, construction, reconstruction, restoration, renovation, or demolition, except when involving an architecturally significant feature that was a significant element in the designation as a historic building, contributing structure, or landmark.
- (C) Board approval is not required for the repair and maintenance of any exterior building features when such work is compatible with the existing design and colors. Any staff decision may be appealed by the applicant to the Board.
- (D) Any exterior alteration or new construction which is not visible from any street or roadway may receive immediate approval from the Development Director without a public hearing when an applicant complies with the design guidelines of the Board. Any staff decision may be appealed by the applicant to the Board.
- (E) City capital projects approved by the City Commission and noticed to the Board do not require a certificate of appropriateness.

2.05.08 Emergency Conditions.

For the purpose of remedying emergency conditions determined to be imminently dangerous to life, health, or property, nothing contained herein will prevent the making of any temporary construction, reconstruction, demolition or other repairs to a historic property or a structure within a historic district. Such temporary construction, reconstruction, or demolition will take place pursuant to permission granted by the

Development Director, or his designee, and then only for such work as the Development Director or designee may determine to be reasonably necessary to correct such condition .

The owner of a historic property or an improvement in a historic district which is damaged by fire or natural calamity will be permitted to immediately stabilize the improvement and to rehabilitate it later under the procedures required by the ordinances of the City so long as the property is secured to the satisfaction of the Development Director, or his designee, and a permit is obtained to commence restoration within such time period as deemed reasonable by the Development Director, or his designee. The owner may request a special meeting of the Board to consider an application for a certificate of appropriateness which would provide for repairs of a more permanent nature.

2.05.09 Demolition.

- (A) No permit for voluntary demolition of a designated building, structure, improvement or site shall be issued to the owner thereof until an application for a special certificate of appropriateness has been submitted and approved pursuant to the procedures in this paragraph, and all other applicable requirements of the City Code have been met. Denial by the Board of a special certificate of appropriateness to demolish shall be evidenced by written order detailing the public interest which is sought to be preserved. The Board shall be guided by the criteria contained in subsection (D) below.
- (B) The Board may grant approval for a special certificate of appropriateness to demolish with a deferred effective date of up to 365 days from the date of the Board's decision. The effective date shall be determined by the Board based upon the relative significance of the structure and the probable time required to arrange a possible alternative to demolition. During the demolition deferral period, the commission may take such steps as it deems necessary to preserve the structure concerned, in accordance with the purposes of this section. Such steps may include, but shall not be limited to, consultation with civic groups, public agencies, and interested citizens, recommendations for acquisition of property by public or private bodies or agencies, and exploration of the possibility of moving one or more structures or other features. After the specified expiration date of the deferred special certificate of appropriateness, a demolition permit may be approved by the Board at a public hearing.
- (C) In connection with any certificate of appropriateness, standard or special, for demolition of buildings or improvements designated as historic structures or located in a historic district, the Board may require at the owner's expense, salvage and preservation of specified classes of building materials, architectural details and ornaments, fixtures, and the like for reuse in restoration of other historic properties. The Board may also require, at the owner's expense, the recording of the improvement for archival purposes prior to demolition. The recording may include, but shall not be limited to, photographs and scaled architectural drawings.

- (D) In addition to all other provisions of this article, the Board shall consider the following criteria in evaluating applications for a special certificate of appropriateness for demolition of designated properties:
- (1) Is the structure of such interest or quality that it would reasonably meet national, state, or local criteria for designation as a historic structure or is so designated?
 - (2) Is the structure of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense?
 - (3) Is the structure one of the last remaining examples of its kind in the neighborhood, the county, or the region?
 - (4) Does the structure contribute significantly to the historic character of a designated district?
 - (5) Would retention of the structure promote the general welfare of the City by providing an opportunity for study of local history, architecture, and design or by developing an understanding of the importance and value of a particular culture and heritage?
 - (6) Are there definite plans for reuse of the property if the proposed demolition is carried out, and what will be the effect of those plans on the character of the surrounding area?
- (E) The decision of the Board under Section 2.05.09 may be appealed by the applicant seeking demolition to the City Commission.

2.05.10 Economic Hardship

Where, by reason of particular site conditions and restraints, or because of unusual circumstances applicable solely to the particular applicant property, strict enforcement of the provisions of this section would result in serious undue economic hardship that would amount to a taking of property without just compensation or, for properties producing income at the time of the application for a certificate of appropriateness, failure to achieve a reasonable economic return to the applicant, the Board shall have the power to vary or modify adherence to this section; provided, always, that its requirements ensure harmony with the general purposes hereof and will not adversely affect the City.

- (A) In any instance where there is a claim of undue economic hardship, the owner shall submit, by affidavit, to the Board at least 30 days prior to the public hearing, the following information:

- (1) For all property:
 - a. The amount paid for the property, the date of purchase and the party from whom purchased; and
 - b. The assessed value of the land and improvements thereon according to the two most recent assessments; and
 - c. Real estate taxes for the previous two years; and
 - d. Annual debt service, if any, for the previous two years; and
 - e. All appraisals obtained within the previous two years by the owner or applicant in connection with his purchase, financing or ownership of the property; and
 - f. Any listing of the property for sale or rent, price asked and offers received, if any; and
 - g. Any consideration by the owner as to profitable adaptive uses for the property; and
 - h. All cost estimates or reports relating to the demolition of the property obtained within the previous two years; and
 - i. All cost estimates or reports relating to the rehabilitation or restoration of the property obtained within the previous two years; and
 - j. All reports relating to the engineering, architectural, or construction feasibility of rehabilitating or restoring the property obtained within the previous two years; and
 - k. All reports relating to the economic feasibility of restoring or rehabilitating the property obtained within the previous two years, including market studies.
- (2) For income-producing property, the commission may consider the following in determining whether to grant an economic hardship variance:
 - a. Annual gross income from the property for the previous five years; and

- b. Itemized operating and maintenance expenses for the previous five years; and
 - c. Annual cash flow, if any, for the previous five years.
- (B) The Board may require that an applicant furnish such additional information as the commission believes is relevant to its determination of undue economic hardship. The owner shall permit access to the subject property for the purpose of inspections and/or appraisals required by the commission. In the event that any of the required information is not reasonably available to the applicant and cannot be obtained by the applicant, the applicant shall file with his affidavit a statement of the information which cannot be obtained and shall describe the reasons why such information cannot be obtained. It shall be the applicant's evidentiary burden, however, to support its claim that the denial of a demolition permit will cause undue economic hardship.

2.05.11 Maintenance of Designated Properties

Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any building or structure which does not involve a change of design, appearance, or material, and which does not require a building permit.

2.05.12 Demolition by Neglect.

In the event the Board reasonably believes that a historic property or a structure or building in a historic district is being demolished by neglect, as defined in Article 9, the Board shall notify the owner of record by certified mail of its preliminary findings and its intent to hold a public hearing within 30 days to determine evidence of neglect. The owner shall have until the time of the public hearing to make necessary repairs to rectify the evidence of neglect as identified in the notice. If the owner fails to rectify the evidence of neglect identified in the initial notice within such 30 days, the Board shall hold a public hearing to consider recommending to the Code Enforcement Officer that the owner be issued a citation for Code violation. The owner shall have the right to any rebuttal at that public hearing. If the Board finds that the structure is being demolished by neglect pursuant to this article, the Board shall recommend to the Code Enforcement Officer that the owner be issued a citation for Code violation and that penalties be instituted pursuant to the Code Enforcement Ordinance and/or this article.

2.05.13 Appeal Process.

The determination by the Board approving or denying an application for a certificate of appropriateness shall, on the date it is issued, be appealable to the City Commission. Notice of appeal shall be filed within thirty (30) days of the date of the Board's decision. Any decision by the City Commission regarding a certificate of appropriateness may be reviewed by writ of certiorari to the Circuit Court of Hardee County, Florida.

2.05.14 Previously Approved and Designated Properties

Properties designated as historic structures by the City as of the effective date of this section shall remain so designated and alterations or changes to said structures shall be subject to this section.

2.05.15 Vested Rights

Nothing in this section shall be construed or applied to abrogate the vested right of a property owner to complete development where the property owner demonstrates each of the following:

- (A) A governmental act of development approval was obtained prior to the effective date of this section; and
- (B) The approval is one upon which the property owner has detrimentally relied, in good faith, by making such a substantial change in position or incurring such extensive obligations and expenses; and
- (C) That it would be highly inequitable to deny the property owner the right to complete the development.

Any property owner claiming to have vested rights under this subsection must file an application with the City Commission for a vested rights determination within 30 days after the effective date of this section. The application shall be accompanied by a fee of \$500.00 and contain a sworn statement as to the basis upon which the vested rights are asserted, together with documentation required by the City Manager and other documentary evidence supporting the claim. The City Commission shall hold a public hearing on the application, and based upon the evidence submitted shall make a determination as to whether the property owner has established vested rights for the development of the property. To the extent that a property owner demonstrates vested rights, the provisions of this section shall not be applied.

2.05.16 Enforcement, Violations, and Penalties.

Violations of this ordinance will be subject to the code enforcement procedures outlined in Section 8.03.02 of the City's Unified Land Development Code.

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 Owner, Applicant, Developer, and/or User.

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.

3.01.04 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 3.02.04, "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 the clear visibility triangle (Section 3.02.04).
- 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 2.02.01(C).
- 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 in Residential Zoning Districts. 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 Article 2, for each zoning district.
- (2) The Planning and Zoning Board 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 be permitted to impede the clear visibility triangle (Section 3.02.04) 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 and meet the requirements of Section 2.04.04(C).

(6) *Double Frontage Lots.* See Section 3.01.04(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.

3.02.00 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 and shall be construed and implemented to create an efficient, safe, and balanced system of traffic circulation accommodating vehicles, bicycles, and pedestrians 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

Right-of-way requirements for road construction shall be as follows:

Table 3.02.02(A) Right-of-Way Widths

Functional Classification	Right-of-Way Width
Major Arterial (multi-lane)	200 feet
Major Arterial	150 feet
Minor Arterial	100 feet
Major Collector	100 feet
Minor Collector	80 feet
Local Street	60 feet
Marginal Access or Frontage Road	50 feet
Alley	40 feet
Manufactured Home Park roads (Private)	40 feet
Seasonal Park Roads (Private)	40 feet

- (A) Private road rights-of-way, when allowed within subdivisions, shall be the same width as public rights-of-way.
- (B) Where one-way private streets are utilized in Manufactured Home Parks or Seasonal Parks, the minimum right-of-way width shall be 24 feet.
- (C) Future right-of-way requirements, based on future functional classification as identified in the Traffic Circulation Element of the Wauchula Comprehensive Plan. Where roadway construction, improvement, or reconstruction is not required to serve the needs of the proposed development project, future rights-of-way shall nevertheless be reserved for future acquisition. No part of the reserved

area shall be used to satisfy minimum requirements of these regulations. Building setbacks shall be based on future right-of-way lines.

- (D) A proposed subdivision that encompasses an existing public street that does not conform to the minimum right-of-way requirements shall provide for the dedication of additional right-of-way along either one or both sides of said street so that the minimum right-of-way required by this can be established. If the proposed subdivision abuts only on one side of said street, then a minimum of one half the required right-of-way, shall be dedicated or reserved by the subdivision.

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 Commission, 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 Commission.
 - (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 (4') 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 3.02.03(A) 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.
 - (2) An unobstructed 12-foot wide moving lane with a minimum outside turning radius of 38 feet shall be provided at the terminus of every permanent cul-de-sac. 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.

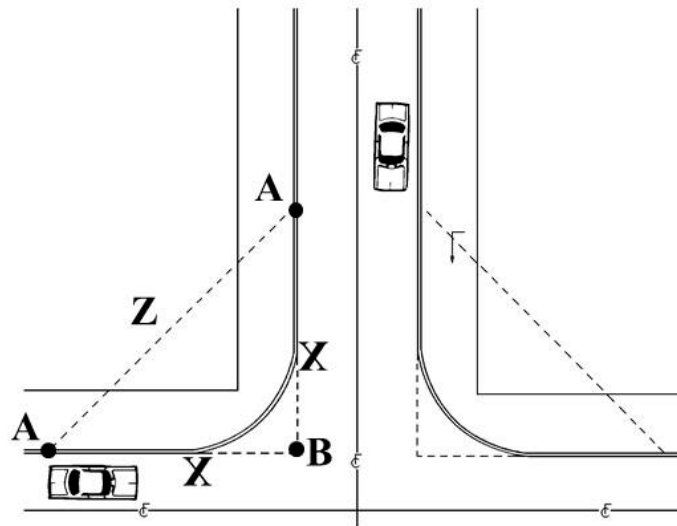
3.02.04 Clear Visibility Triangle

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 two feet (2') and ten feet (10') above the centerline grade, with the exception of publicly owned highway signs, utility poles, and traffic control poles, as measured from the centerline of the intersection. Anything placed in this triangle shall be in accordance with the roadside recovery area provisions of the State of Florida Department of Transportation's Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways (Florida Greenbook), current edition where available.
- (B) *Clear Visibility Triangle at Street Intersections:* The clear visibility triangle shall be formed by extending a line beginning from the back of the curb or edge of the pavement on each street right-of-way (point A) to a point of intersection (point B), measuring a prescribed minimum distance (transect X) as provided in subsection 3.02.04(C), Clear Visibility Triangle – Minimum Distance Required below. A third line connecting the two beginning points (points A) shall create the

hypotenuse of the clear visibility triangle (transect Z). (See Figure 3.03.04(a) below).

Figure 3.02.04(a)
Clear Visibility Triangle at Street Intersections



(C) Clear Visibility Triangle – Minimum Distances Required

Road Classification	Distance from Street Right-of-Way Intersection
Major Arterial	100 feet
Minor Arterial	90 feet
Rural Major Collector	80 feet
Rural Minor Collector	70 feet
Local Street	50 feet

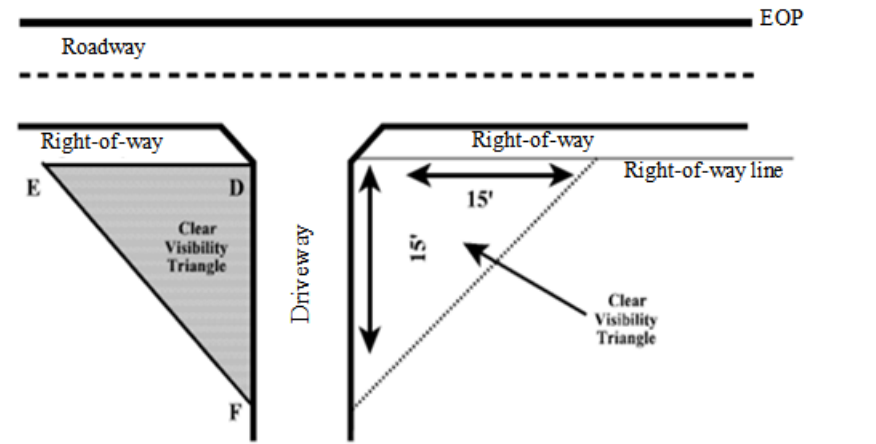
The minimum distances required may be modified according to the State of Florida Department of Transportation's Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways (Florida Greenbook), current edition.

- (D) *Clear Visibility Triangle at Driveways:* The clear visibility triangle shall be formed by extending the edge of the driveway and the right-of-way line to a point where they intersect (point D); then from point (D), measuring a distance of fifteen feet (15') to points designated as (E) and (F). A third line connecting points (E) and (F) shall create the hypotenuse of the clear visibility triangle. (See Figure 3.02.04(b) below).

Where driveways are curved or intersect with the street at other than right angles, a visibility triangle shall be provided giving equivalent visibility to drivers of cars on and entering the street. The visibility triangle shall be provided on each side of

a driveway.

Figure 3.02.04(b)
Clear Visibility Triangle at Driveways



3.02.05 Sidewalks and Bikeways

- (A) Sidewalks and bikeways are required for the following.
- (1) Projects abutting collector or arterial facilities shall provide sidewalks adjacent to such roadways. Location of sidewalks shall be consistent with planned roadway improvements.
 - (2) 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.
 - (3) Sidewalks shall be installed on both sides of all streets zoned or intended for residential development. Sidewalks shall be installed on both sides of all streets zoned or intended for business development. Sidewalks shall be installed on both sides of all streets zoned or intended for commercial or industrial development.
 - (4) In one-family or two-family residential areas, sidewalks shall be at least five feet in width. In multiple-family residential areas, sidewalks shall be at least six feet in width. In business areas, sidewalks shall be at least ten feet in width. In commercial and industrial areas, sidewalks shall be at least five feet in width. All sidewalks shall be constructed of concrete at least four inches in thickness, increased to at least six inches at all driveways.

- (5) 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.
 - (6) 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.
 - (7) The City Manager or his or her designee may waive the requirement of sidewalks on streets in those blocks where the average width of lots is 200 feet or more, or where a park, railroad, canal, or other use on one side of a street makes a sidewalk on that side not essential for safety of pedestrians, or where the requirement and installation of sidewalks would cause a serious drainage impact in locations where the requirement of storm drainage has been found to be impracticable.
 - (8) Where it appears that a previously dedicated street forms a boundary of a subdivision, the subdivider must dedicate proper sidewalk areas on the side of the street abutting the land(s) being subdivided.
- (B) *Design and Construction Standards.* Design and construction of sidewalks, bikeways, or other footpaths shall conform to all applicable engineering requirements adopted by the City of Wauchula, including provisions for access by physically handicapped persons. Standards shall be consistent with those adopted by the American Association of State Highway and Transportation Officials (AASHTO) and the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG).

3.02.06 Access Points and Circulation

- (A) *General Access and Circulation Standards:* Every preliminary site plan and preliminary plat prepared and submitted for development approval pursuant to these regulations, every application for a residential driveway permit, and every application for a driveway or road connection permit, shall demonstrate compliance with the vehicular access and circulation standards of this section.
- (B) *Guaranteed Access:* Every project shall have access to either a public City, County, or State right-of way (or all). Access to a State road is controlled and permitted by the Florida Department of Transportation in compliance with Chapter 14-97, F.A.C., State Highway System Access Management Classification System and Standards.

- (C) *Number of Required Access Points:* The total number of required access points onto City or County roads shall be as provided in Table 3.02.06A Number of Required Access Points:

Table 3.02.06(A)
Number of Required Access Points

Type of Development	Number of Access Points
Residential, 1 through 75 units	1
Residential, more than 75 units	2
Nonresidential, less than 100 required parking spaces	1
Nonresidential, 100 to 299 required parking spaces	2
Nonresidential, 300 or more required parking spaces	2 or more

* The City Manager or qualified designee may approve additional access points where transportation circulation and safety conditions permit.

- (1) *Timing of Access Point Construction:* Where two (2) or more access points are required for a development site, the first access point shall be constructed prior to the issuance of any building permits in accordance with the development schedule provided in Table 3.02.06(A) above. Any additional access points that are required for a development site shall be constructed prior to the issuance of any subsequent building permits.

A bond or other form of surety guaranteeing construction of the improvements, as shown on the site development plan or plat, may be provided to the City in lieu of meeting the timing requirement above. However, in no case shall any Certificate of Occupancy be issued prior to the construction of all required access improvements on a development site.

- (2) *Corner Lot Construction:* Corner lots shall meet connection requirements as provided in 3.02.06(B), Corner Lot Connection Requirements:

Table 3.02.06(B)
Corner Lot Connection Requirements

Position of Lot at Intersection	Minimum Distance for Point of Access from Intersection
Approaching Intersection (Full Access)	230 feet
Approaching Intersection (Right-In Only)*	100 feet
Departing Intersection (Full Access)	230 feet
Departing Intersection (Right-Out Only)*	100 feet

* For Right-In and Right-Out Only connections, connections shall be designed to effectively eliminate unpermitted movements

- a. Where a corner lot meets the zoning requirements for road frontage and none of the design options as listed in 3.02.06(B) are possible, one full access driveway shall be permitted within the two-thirds of the lot frontage that is farthest from the intersection of the right-of-way lines of streets or a street and railroad.
 - b. A gasoline service/filling station may be allowed one additional access point for each 150 feet of street frontage. Each access shall be separated from all property lines and all other access points by a minimum 15-foot curb island.
 - c. Schools and/or uses requiring emergency vehicle access may have one additional access point, provided that the additional access driveway is limited to school bus or emergency vehicle use only.
- (D) *Size of Required Access Points:* For development sites providing only one (1) access point, the access point shall not exceed forty feet (40') in width. For sites providing more than one (1) access point, the total width of each access point shall not exceed twenty-four feet (24') in width. A minimum distance of thirty feet (30') shall be provided between any two access points serving a single development site. Separation of access points on arterial roadways shall be provided as established in 3.02.06(H)
- (E) All roads proposed in a new development shall be designed and constructed pursuant to engineering, design, and construction standards adopted by the City of Wauchula. Roads, dedicated to the public, by recorded subdivision or by deed, shall be accepted by the City for maintenance consistent with the provisions of Article 7.
- (F) Private streets may be allowed within manufactured home parks, seasonal parks, planned unit developments, cluster/zero lot line developments, and other types of subdivisions. Private streets shall be designed and constructed in compliance with public road standards as established by engineering design and construction standards adopted by the City of Wauchula, and a property owner's association must be established to provide maintenance of such roadways.
- (G) For development proposed on principal arterials or major collectors, the Development Director may require frontage or service roads, requiring access from the frontage road rather than the arterial or collector. This requirement may be met through interconnecting parking lots which abut the arterial or major collector facility. Where natural or man-made features cause this requirement to be physically infeasible, alternate designs may be reviewed and approved by the Development Director.

- (H) Separation between access points on all arterial roadways shall be as required by Chapter 14-97, F.A.C. However, two adjacent projects may share a common driveway provided that appropriate access easements are granted between or among property owners.
- (I) All proposed rights-of-way shall be located and sized in compliance with Section 3.02.03, Street Design Standards of these regulations.
- (J) The street layout in all new development shall be coordinated with and interconnected to the street system of the surrounding area. 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.
- (K) All structures, not including accessory or temporary uses, hereafter erected or relocated shall be on a lot adjacent to or abutting on a public street, or with access to a public street by means of a private street or easement, which has been recorded in the Official Records of Wauchula, Florida.
- (L) Residential and commercial driveways shall have either concrete or asphalt aprons when connecting to paved roads. Aprons connecting unpaved roads may be constructed of the same material as the road. Driveways shall be constructed pursuant to engineering, design, and construction standards adopted by the City of Wauchula.
- (M) Driveways and road connections to commercial building structures, subdivisions, manufactured home parks, seasonal parks, planned unit developments, and cluster/zero lot line developments shall be constructed pursuant to engineering, design and construction standards adopted by the City of Wauchula.
- (N) In residential developments, a driveway for a corner lot shall be located on the street having the lower functional classification, or in the case where roads have the same functional classification, on the roadway having the lesser Annual Average Daily Traffic.
- (O) In nonresidential developments, a driveway for a corner lot shall be located as determined by the designing engineer and approved by the Development Director with assistance from the City Engineer as a part of the improvement plan or final site plan for the project.
- (P) Driveway connections onto State roads is controlled and permitted by the Florida Department of Transportation in compliance with Chapter 14-97, F.A.C.
- (Q) Developers requesting authorization for the installation of signalization devices

that would facilitate access to their development will be required to provide the City with documentation (i.e., studies, pedestrian counts, traffic counts, etc.) warranting the requested signalization device.

3.02.07 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:
 - (1) Financial institutions shall have a minimum distance of 200 feet. Two or more stacking lanes may be provided that together total 200 feet.
 - (2) All other uses shall have a minimum distance of 120 feet.
- (F) Alleys or driveways in or abutting areas designed, approved, or developed for residential use shall not be used for circulation of traffic for drive-in facilities.
- (G) Where turns are required in the exit lane, the minimum distance from any drive-in station to the beginning point of the curve shall be 34 feet. The minimum inside turning radius shall be 25 feet.
- (H) Construction of stacking lanes shall conform to all engineering design standards adopted by the City of Wauchula.

3.03.00 Off-Street Parking And Loading

3.03.01 Applicability

It is the intent of the City to assure that every building, use, or structure erected or instituted, with the exception of agricultural uses and their buildings, shall be provided with adequate off-street parking and loading facilities for the use of occupants,

employees, visitors, vendors or patrons. Agricultural uses and buildings shall pertain to agricultural activities which occur on property owned or lawfully occupied by the person conducting said agricultural activity. It is also the intent of this paragraph that the public interest, welfare, and safety require that certain uses provide adequate off-street loading facilities. Further, it is the intent of the City that such off-street parking and loading facilities shall be maintained and continued as an accessory to the principal use they are intended to serve so long as such use is continued.

The provisions of this Article shall apply to all development, redevelopment, or amendments to existing development approvals, as follows:

- (A) *Nonresidential Development:* A change in use of a nonresidential property, building, or structure, or conversion of an existing residential use to a nonresidential use, shall require that the total parking requirement for the new use be established concurrent with the change in use. Any increase in total floor area of any building or structure shall require that the total parking requirement, for the aggregate sum of the additional floor area and the base floor area be provided concurrent with the additional floor area.
- (B) *Residential Development:* Changes to approved development plans that result in an increase in dwelling units shall include provisions on site for the total parking requirement of all resulting dwelling units.
- (C) *Status of Prior Approvals:* Site development plans approved prior to the effective date of these regulations shall comply with the parking requirements in effect at the time of the original site development plan approval. Any major modification of a previously approved site development plan which impacts the parking standards on the development site, shall be required to meet the parking standards provided in this Article.

3.03.02 Number of Required Spaces

- (A) *Number of Required Off-Street Parking Spaces.* In all districts, off-street parking shall be provided for each criterion as set forth in Table 3.03.02(A) Number of Required Off-Street Parking Spaces.
- (B) In R-1A, 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.
- (C) *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.

- (D) *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.
- (E) 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).
- (F) *Parking of Commercial Vehicles in Residential Districts.* Parking of commercial vehicles (truck, tractor trailer, or the like) as defined by Florida Statutes 316.003 is prohibited in all residential districts.

COMMERCIAL MOTOR VEHICLE.—Any self-propelled or towed vehicle used on the public highways in commerce to transport passengers or cargo, if such vehicle:

- (1) Has a gross vehicle weight rating of 10,000 pounds or more;
- (2) Is designed to transport more than 15 passengers, including the driver; or
- (3) Is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act, as amended (49 U.S.C. ss. 1801 et seq.).

The City Commission 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.

- (G) *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.
- (H) *Uses Not Specifically Mentioned:* Uses not specifically listed in Table 3.03.02(A) shall provide off street parking as provided for the use most similar to the one being proposed.
- (I) *Fractional measurements:* Any fraction equal to or greater than $\frac{1}{2}$ of the required parking space shall require a full off-street parking space.
- (J) *Mixed Uses:* The total requirement for off-street parking shall be the sum of the requirements of each use computed separately. An off-street parking space for one use shall not be considered as providing the required off-street parking for any other use. See Section 3.03.04(D), Reduction for Shared-Use of Parking Spaces, for opportunities where shared-use parking is to be pursued.
- (K) *Computation of Parking Spaces Measurement:* Gross Floor Area (GFA) means the gross floor area inside of the exterior walls. In hospitals, bassinets shall not count as beds. In stadiums, sports arenas, religious establishments, and other places of assembly in which occupants utilize benches, pews, or other similar seating facilities, each 30 linear inches of such seating shall be counted as one seat for the purpose of computing the off-street parking requirement.

Table 3.03.02(A)
Required Off-Street Parking

Land Use Type	Required # of Off-Street Parking Spaces	
Residential / Lodging		
Single Family in R1-A	3 per each dwelling unit	
Single Family in all other districts	2 per each dwelling unit	
Townhouse	2 per each dwelling unit	
Manufactured Home	2 per each dwelling unit	
Mobile Home Park	2 per each dwelling unit	
	Guest parking	1 per every 4 units
Caretaker's Residence	1 bedroom	1
	2 or more bedrooms	2

Table 3.03.02(A)
Required Off-Street Parking

Land Use Type	Required # of Off-Street Parking Spaces	
Accessory Residential Dwelling Units	1 bedroom	1
	2 or more bedrooms	2
Duplex	2 per each dwelling unit	
	Guest parking	1 per every 4 units
Multi Family	1.75 per each dwelling unit	
	Guest parking	1 per every 4 units
Boarding House, Rooming House, Bed and Breakfast Inn	Per rental room	1
	Owner's/Manager's Unit	2
Special Needs Facilities	1 per every 2 beds/residents	
	1 per each 3 paid employees	
Recreation Vehicle (RV) Park, Campground	Per RV site or campsite	1
	Resident manager unit	2
Hotel, Motel	Per guest room	1
	Employee parking	1 per every 20 rooms
	Admin/Office Area	1 per 400 sq.ft. GFA
Hotel, Motel Accessory Uses (i.e., Restaurants, bars, meeting rooms)	35% reduction of standard requirement for such uses	
Public and Private Places of Assembly		
Places of Worship	With fixed seating in assembly area/chapel	1 per 3 seats (30 linear inches = 1 seat of bench style seating)
	Admin/Office Area	1 per 400 sq.ft. GFA
Theater, Auditorium, Gymnasium, Stadium, Sports Arena, or Public Assembly Area not otherwise listed	With fixed seating in main assembly area	1 per 3 seats (30 linear inches = 1 seat of bench style seating)
	Without fixed seating in main assembly area	1 per 35 sq.ft. GFA
	Sufficient area for parking and maneuvering of buses and coaches as determined during a pre-application conference	
Private Clubs, Lodges, Retreats	Hall or assembly area	1 per 300 sq.ft. GFA
Cultural Facilities		
Art Gallery, Museum	1 per 400 sf.ft. GFA	
	1 space for the curator	
Library, Community Center	1 per 300 sq.ft. GFA	
	1 space for the librarian or director	
Public Buildings and Schools		
Government Administrative Offices, and Public Safety Buildings	1 per 400 sq.ft. GFA	
Vocational, Technical, or Trade School, College, or University	Per 5 students	2
	Per classroom (Faculty parking)	1

Table 3.03.02(A)
Required Off-Street Parking

Land Use Type	Required # of Off-Street Parking Spaces	
	Admin/Office Area	1 per 400 sq.ft. GFA
	Visitor Parking	10% of total student/faculty/staff parking
	Gymnasium, Auditorium, Stadium, etc. (required as established under "public and private places of assembly" in this table)	
Elementary, Middle School	Per 10 students	1
	Per classroom (Faculty parking)	1
	Admin/Office Area	1 per 400 sq.ft. GFA
High School	Per 5 students	1
	Per classroom (Faculty parking)	1
	Admin/Office Area	1 per 400 sq.ft. GFA
Retail Uses		
Building Supplies/Lumberyard (where supplies are primarily stored outdoors)	Indoor Retail/Office Area	1 per 400 sq.ft. GFA
	Enclosed or Roofed Sales or Storage Area	1 per 1,000 sq.ft. GFA
Convenience Store,	1 per 250 sq.ft. GFA	
Equipment Rental Store	1 per 400 sq.ft. GFA	
Flea Market	2 per 120 sq.ft. of rental space	
Furniture Store	1 per 500 sq.ft. GFA	
Nursery, Garden Center	Enclosed or Roofed Sales Area	1 per 400 sq.ft. GFA
	Outdoor Display Area Open to the Public	1 per 2,000 sq.ft. GFA
	1 space per each company/facility vehicle	
Restaurant – Drive-thru (With or without walk-up window and/or outdoor seating)	Dining Area (including Outdoor Dining Area)	1 per 50 sq.ft. GFA
	See Section 3.02.06 for additional requirements for drive-thru facilities	
Restaurant – Sit Down/Table Service (With or without outdoor seating)	Dining Area (including Outdoor Dining Areas)	1 per 75 sq.ft. GFA
Restaurant – Take Out/Short Order (with or without drive-thru)	1 per 250 sq.ft. GFA	
	See Section 3.02.06 for additional requirements for drive-thru facilities	
Retail Shop or Store (not otherwise listed) and Department Stores	Indoor/Outdoor Retail and Office Area	1 per 400 sq.ft. GFA
Shopping Center	< 15,000 sq.ft. of Leasable Area	1 per 250 sq.ft. of Leasable Area
	> 15,000 sq.ft. of Leasable Area	1 per 400 sq.ft. of Leasable Area

Table 3.03.02(A)
Required Off-Street Parking

Land Use Type	Required # of Off-Street Parking Spaces	
Supermarket	Free standing	1 per 400 sq.ft. GFA
	Within a Shopping Center	Same as that for Shopping Centers
Personal Services/Office/Financial		
Bank/Financial Institution (With or without drive-thru)	1 per 400 sq.ft. GFA	
	See Section 3.02.06 for additional requirements for drive-thru facilities	
Barbershop, Beauty Parlor	2 per barber/beautician hair-cutting chair	
Child Care, Day Nursery, Adult Day Care	1 per every 5 children/adult patrons	
	1 per each employee	
	Adequate drop-off/pick-up areas shall be provided	
Dance, Art, Music Studio	1 per 250 sq.ft. GFA	
Funeral Homes, Crematorium	Services area/chapels	1 per 75 sq.ft. GFA
	Admin/Office Area	1 per 400 sq.ft. GFA
	1 space for hearse or company/facility vehicle	
Laundromat, Coin Laundry (Self-Service)	1 per every 2 washing machines	
Lounge, Bar, Nightclub, Drinking Establishments	Indoor Eating/Drinking Area	1 per 50 sq.ft. GFA
	Outdoor Eating/Drinking Area	1 per 80 sq.ft. GFA
Mini-Warehouse/Self-Storage	1 per 20,000 sq.ft. GFA of storage buildings	
	1 per every 50 vehicle/boat storage spaces	
	Admin/Office Area	1 per 400 sq.ft. GFA (Minimum of 4 spaces)
Model Homes/Temporary Sales Offices	3 spaces for the first unit	
	1.5 spaces for each additional unit	
Office	1 per 350 sq.ft. GFA	
	1 space per each company/facility vehicle	
Pet Services	1 per 400 sq.ft. GFA	
	1 additional space for management	
Medical/Hospital		
Medical/Dental Office or Clinic, Outpatient Care Facility, Veterinarian Office	1 per 200 sq.ft. GFA	
Hospital	1.25 spaces per bed at design capacity, plus 1 additional space for each room in the Emergency Department	
Transportation/Automotive/Terminal Uses		

Table 3.03.02(A)
Required Off-Street Parking

Land Use Type	Required # of Off-Street Parking Spaces	
Airport (Civil)	As approved by the City Administrator or his or her designee.	
Airports (General Aviation), Landing Field	1 per every 5 aircraft tie down/storage areas	
	1 additional space for each activity manager	
	Lobby/Waiting Areas, Restaurants, Retail Sales Area, Service Areas	1 per 200 sq.ft. GFA
Auto / Truck / Motorcycle / RV Leasing	Admin/Office/Service Areas	1 per 500 sq.ft. GFA
	Outdoor Paved Storage Area	1 per 2,000 sq.ft. GFA
Auto / Truck / Boat / Motorcycle / RV Repair and Body Shop	3 spaces per each service bay	
	Admin/Office Area	1 per 400 sq.ft. GFA
Auto / Truck / Boat / Motorcycle / RV Sales and Dealership	Service/Body Shop	3 spaces per each service bay
	Outdoor Sales/Display Area	1 per 2,000 sq.ft. GFA
	Admin/Office Area	1 per 400 sq.ft. GFA
Car Wash & Detailing (Self Service Facility)	1 per each Automatic Wash Facility	
	1 additional space for management	
	Minimum of 120 feet stacking for self-service wash bays and for automatic car wash bays.	
Gasoline/Filling Station	1 per 250 sq.ft. GFA (area at gasoline pump may be included in calc.)	
Heliport, Helipad	1 per each helicopter tie down/storage area	
	1 additional space for manager of service area	
Public Transportation Terminal, Commercial/Charter Bus Terminal, Railroad Freight Station	Admin/Office Area	1 per 400 sq.ft. GFA
	Sufficient off street parking for loading and unloading of passengers and freight as approved by the City Administrator or his or her designee	
	2 additional spaces for management	
Truck Terminals	Warehouse Area	1 per 1,000 sq.ft. GFA
	Admin/Office Area	1 per 400 sq.ft. GFA
Industrial Uses		
Industrial Use / Activity (not otherwise listed)	1 per 600 sq.ft. GFA	
	Admin/Office Area	1 per 400 sq.ft. GFA
Junkyard, Salvage Yard	Outdoor Storage Area	3 spaces per acre (for the first 5 acres)
		1 space per each additional acre

Table 3.03.02(A)
Required Off-Street Parking

Land Use Type	Required # of Off-Street Parking Spaces	
Warehousing, Wholesale Distribution	1 per 400 sq.ft. GFA (for the first 20,000 sq.ft.)	
	1 per each additional 2,000 sq.ft. (for the second 20,000 sq.ft.)	
	1 per each additional 4,000 sq.ft. (in excess of 40,000 sq.ft.)	
	Sales/Office Area	1 per 400 sq.ft. GFA
Recycling Materials Processing	1 per 300 sq.ft. GFA of roofed storage/bins	
	1 unloading space per every 40 linear feet of receiving dock or curb	
Recreational Uses		
Bowling Alley	Per lane	4
	1 additional space for each activity manager	
	1 per 150 sq.ft. GFA (for offices, snack bars, lounges, game rooms, and sales areas. Other common areas and locker rooms shall not be included in this calculation	
Golf Course	Per hole	3
	1 per 200 sq.ft. GFA (Clubhouse, office, pro shop, snack bar, lounge, dining/meeting rooms)	
	1 per 1,000 sq.ft. GFA (Golf cart, golf bag equipment storage rooms, maintenance and mechanical rooms)	
	Golf Driving Range (50% of normal requirement)	
	1 additional space for each activity manager	
Golf Driving Range	Per Driving Tee	1
	2 additional spaces for management	
Golf (Miniature)	Per hole	2
	1 additional space for management	
Recreation (Indoor)	1 space per 150 square feet of GFA.	
Recreation (Outdoor)	1 space per member or as approved by the Development Director	

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 3.03.03A
Required Bicycle Parking Spaces**

Land Use Type	Required # of Bicycle Parking Spaces
Educational	
Elementary and Junior High	5 per each required automobile space
Senior High Schools	1 per each required automobile space
Colleges	1 per every 2 required automobile spaces
Entertainment and Recreation	
Arcade, movie theatre, skating rink, tennis, basketball, and racquetball courts, swimming pool	1 per every 4 required automobile spaces

(B) **Design Standards**

- (1) All bicycle parking facilities shall be approved by the Development Director. 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 each bicycle to be supported by its frame.
 - b. Be designed to allow the frame and wheels of each bicycle to be secured against theft.
 - c. Be designed to avoid damage to the bicycles.
 - d. Be designed to accommodate a range of bicycle shapes and sizes, providing ease for locking without interfering with adjacent bicycles.
 - e. Be anchored to resist removal and solidly constructed to resist damage by rust, corrosion, and vandalism.

- f. Be located to prevent damage to bicycles by cars.
- g. Be located so as not to interfere with pedestrian movements.
- h. Be located in convenient, highly-visible, active, well-lighted areas.
- i. Be located as near as possible to the main entrance of the building, facility, or use served.
- j. Provide consistency with surroundings, in terms of color and design, and be incorporated whenever possible into building or street furniture design.
- k. Provide safe accessibility from the rack or other facility to the right-of-way or bicycle lane.

3.03.04 Location of Parking Spaces

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

- (1) 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.
- (2) 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.

(B) The Development Director may approve off-site parking facilities as part of the parking required by this Code if:

- (1) The location of the off-site parking spaces will adequately serve the use for which it is intended. The following factors shall be considered:
 - a. Proximity of the off-site spaces to the use that they will serve.
 - b. Ease of pedestrian access to the off-site parking spaces.
 - c. Whether or not off-site parking spaces are compatible with the use intended to be served (For instance, off-site parking is not typically compatible with high turnover uses such as retail).
- (2) The location of the off-site parking spaces will not adversely contribute to the following:

- a. Hazards to pedestrians.
 - b. Hazards to vehicular traffic.
 - c. Traffic congestion.
 - d. Interference with access to other parking spaces in the vicinity.
 - e. Detriment to any adjacent use.
- (3) The developer submits in writing, an agreement, approved in form by the City Attorney, assuring the continued availability of the off-site parking facilities for the use they are intended to serve.
- (4) All off-site parking spaces required by this Section for residential uses shall be located no further than the following distances from the units they serve:

Resident parking:	200 feet
Visitor parking:	250 feet

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

(C) Adjustments to Off-Street Parking Requirements

- (1) To avoid requiring more parking spaces than actually needed to serve a development, the Development Director may waive the provision of some portion of the off-street parking spaces required by this Section if the conditions and requirements of this Section are satisfied. Alternately, the Development Director may determine that City Commission review may be appropriate. As a condition prior to seeking approval of partial deferral, the proposal shall meet the criteria of either “a” or “b” below.
- a. A signed and sealed parking study is prepared and submitted by a qualified professional traffic engineer that indicates that there is not a need for parking which would otherwise be required. The contents of and requirements for a parking study are described in Section 3.04.04(E) below.

- b. A signed and sealed transportation system management program is prepared by a qualified professional traffic engineer and submitted that shows that alternative means of access are or will be established which justify deferring the number of parking spaces sought to be deferred. Such transportation system management program is limited to:
 - 1. Public transportation that satisfies transportation demands for a portion of the users of the facility corresponding to the amount of parking to be deferred;
 - 2. Ride sharing including private and public car pools or van pools; and/or
 - 3. Flexible work hour scheduling.

(2) If the proposal satisfies one or more of the requirements in this section, the Development Director may approve a deferred parking plan. The number of parking spaces deferred shall correspond to the estimated number of parking spaces that will not be needed because of the condition(s) established. However, the parking plan is required to maintain sufficient space to meet the full parking requirement, if such parking is required in the future. Additionally, the parking plan shall meet all of the following requirements.

- a. The parking plan shall illustrate a layout of the full number of spaces required and shall designate which are to be deferred.
- b. The parking plan shall not assign deferred spaces to areas required for landscaping or areas that would otherwise be unsuitable for parking spaces due to the physical characteristics of the lands or other requirements of these regulations.
- c. The parking plan shall include an Improvement Agreement with the City of Wauchula, approved in form by the City Attorney, that within one year following the date of issuance of the Certificate of Occupancy, any deferred spaces shall be converted to operable parking spaces, conforming to the regulations of this Section, at the developer's expense, should the City determine that additional parking spaces are needed.
- d. The parking plan shall include a written agreement, whereby the developer shall defray the total cost to cover the expense of a parking study to be undertaken by the City of Wauchula to

determine the advisability of requiring the full parking requirement on the development site.

- (3) In cases where a deferred parking plan has been approved, and a parking study has been conducted within one year following the issuance of the Certificate of Occupancy, and whereby findings of the parking study show that adequate parking is not available for the development site, the Development Director may require, that any deferred parking spaces, as reflected on the original parking plan, shall be converted to operable parking spaces, by the developer, at the developer's expense.
 - (4) The developer may, at any time, request that the Development Director approve an amended site development plan to permit the conversion of any deferred parking spaces into operable parking spaces.
- (D) *Reduction for Shared-Use of Parking Spaces.* The Development Director may authorize a reduction in the total number of required parking spaces for two or more uses jointly providing off-street parking, when respective hours of need of maximum parking do not adversely overlap. Shared-use parking shall be approved, if the following conditions are met:
- (1) The developer submits a parking study as described below, with sufficient data to demonstrate that the hours of maximum demand for parking for the respective uses do not adversely overlap.
 - (2) The developer submits a legal agreement, approved in form by the City Attorney, guaranteeing the shared-use of the off-street parking spaces as long as the uses requiring parking are in existence or until the required parking is provided elsewhere, in accordance with the provisions of this Section.
- (E) **Parking Study Requirements**
- (1) *Applicability:* A parking study, in addition to the application for site development approval, shall be submitted for proposed developments meeting one of the following criteria:
 - a. A proposed use where the applicant asserts that the off-street parking requirement, as listed in Table 3.03.02(A), is greater than that actually needed to serve the development site, and is making a request for a parking deferral; or
 - b. A proposed reduction of the off-street parking requirement is being made based on a shared-use parking proposal.

- (2) *Contents of the Parking Study:* The parking study shall be designed to provide evidence of the actual parking requirement of the proposed development. The study shall be prepared, signed, and sealed by a certified professional traffic engineer and shall include, but is not limited to, consideration of the following:
 - a. Estimates of parking requirements shall be based on recommendations in studies such as those from the Urban Land Institute (ULI) or the Institute of Transportation Engineers (ITE) based on data collected from uses or combinations of uses that are the same or comparable to the proposed use; comparability shall be determined by density, scale, area, type of activity and location; the study shall document the source of data used to develop recommendations; and
 - b. The extent to which a transportation system management program and use of alternative forms of transportation lessen the parking requirement.
- (F) *Reduction for Low Percentage of Leasable Space.* If a proposed use presents a very low percentage of leasable space, due to cafeterias, athletic facilities or covered patios; multiple stairways and elevator shafts; atriums; or for other reasons; the City Administrator or his or her designee may reduce the parking requirements, if the following conditions are met:
 - (1) The developer submits a detailed floor plan indicating the proposed use(s) of floor area in the building, specifically identifying all non-leasable areas within.
 - (2) The developer submits in writing, an agreement that any area identified as non-leasable shall remain as such, unless and until additional parking is provided, meeting the full off-street parking requirement for such use as required in this Section.

3.03.05 Required Parking Lot Improvements

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.

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.

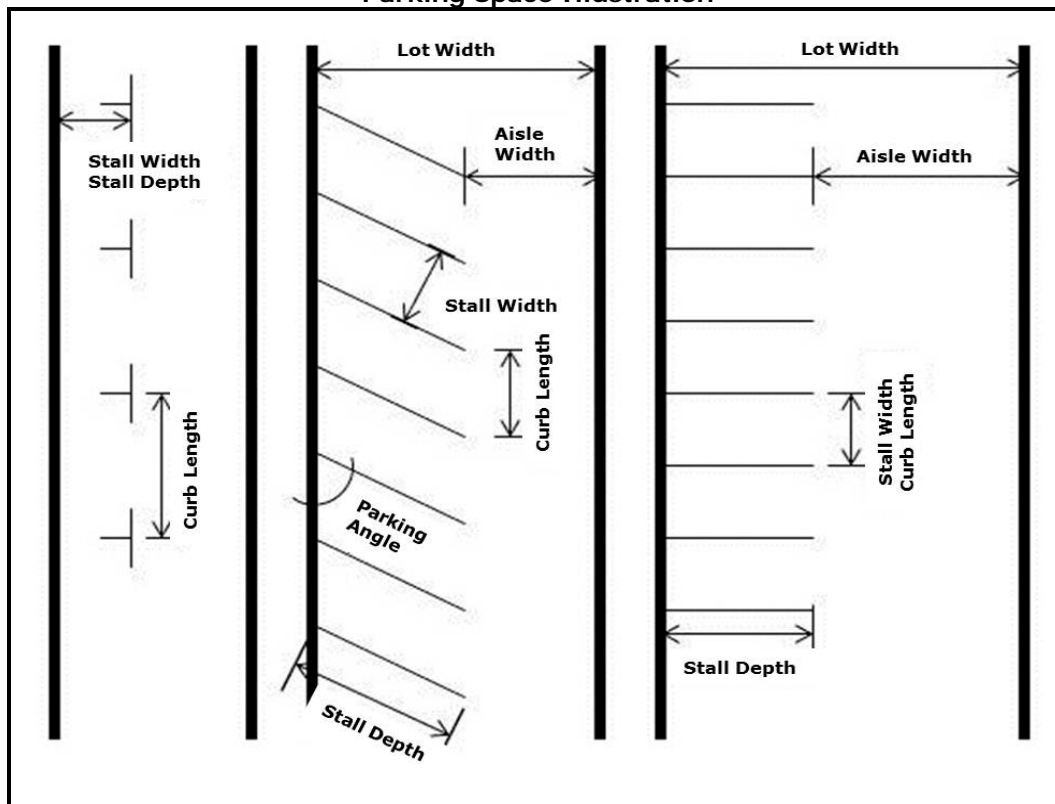
3.03.07 Design Standards for Off-Street Parking and Loading Areas

- (A) *Location.* All required off-street parking spaces shall be located on the same parcel as the use which they serve, unless approved as off-site parking.
- (B) *Size.* Standard and compact parking spaces for varying parking lot designs shall be sized according to Table 3.03.07(A) 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 and one-quarter (4¼) feet wide and nine and one-quarter (9¼) 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.
 - (5) *Compact Parking Spaces.* Up to 20 percent of required parking spaces may be designated as compact spaces, with minimum dimensions of 8-feet by 16-feet. Compact spaces shall only be allowed for projects requiring 20 or more parking spaces. Compact spaces shall be clustered in one or more groups and dispersed throughout the development site, to provide drivers using either compact or full-sized spaces, equal access to the most convenient parking locations. Compact spaces shall be designated by signage on every third space, painted Compact on each pavement space and double striped to indicate their status. Spaces provided in excess of the required number of spaces may all be compact spaces, provided that the total number of compact spaces shall not exceed 33 percent of the total number of spaces provided.
 - (6) *Adjustments to Off-Street Parking Design Standards.* Development Director may modify these requirements where necessary to promote a substantial public interest relating to environmental protection, heritage conservation, aesthetics, tree protection, or drainage. The Development Director shall certify that the modification does not create a serious hazard or inconvenience, and the Development Director shall submit a written statement of the public interest served by allowing the modification, which shall be attached to the building permit.

Table 3.03.07A
Parking Space Dimensions

Parking Angle (degrees)	Stall Width (feet)	Stall Depth (feet)	Aisle Width (feet)	Curb Length (feet)
0	9.5	10.0	12.0	23.0
20	9.5	16.2	12.0	29.2
30	9.5	18.7	12.0	20.0
40	9.5	20.5	12.0	15.6
45	9.5	21.2	12.0	14.1
50	9.5	21.7	16.0	13.1
60	9.5	22.3	18.0	11.5
70	9.5	22.2	20.0	10.6
80	10.0	21.4	24.0	10.2
90	10.0	20.0	24.0	10.0

Figure 3.03.07(A)
Parking Space Illustration



- (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.
- (D) *Parking Lot Construction Standards.* Parking lots shall be constructed at a minimum, with six (6) inches of shellrock base, compacted to 95 percent density, as per AASHTO T-180 with a one and one-half (1½) inch S-I asphalt surface course, except as listed below:
- (1) Six (6) inches of 3,000 psi concrete over well compacted soil may be substituted for shellrock and asphalt.
 - (2) For places of public assembly where parking needs are limited to one or two days per week, parking spaces may be grass. Aisles and circulation areas shall be paved. This exemption may be approved upon a finding by the Development Director that there would be no detrimental effect due to erosion or other degrading of the natural environment.
 - (3) Parking lots that provide grass parking spaces shall not use such areas in the calculations needed to meet minimum requirements for buffers, landscaping, or stormwater retention.

Note: Stormwater retention calculations shall be based on the assumption that all parking spaces are paved.
 - (4) Where grass parking spaces are allowed, all required handicap spaces shall be paved and meet the requirements of Section 3.03.07(E) below.

- (5) Grass parking lots shall be maintained to prevent the generation of dust and dirt.
- (E) *Handicapped Access:* All uses shall be required to provide off-street parking for physically handicapped persons in accordance with the standards provided in this section and the Florida Accessibility Code for Building Construction (FACBC). Where a conflict exists between these regulations and the FACBC, the Accessibility Code shall be enforced.
- (1) Level parking spaces shall be reserved for physically handicapped persons as provided in Table 3.03.07(B), Number of Required Handicap Parking Spaces.

Table 3.03.07(B)
Number of Required Handicapped Spaces

Total # of Parking Spaces	Required # of Handicap Parking Spaces to be Reserved
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total # of parking spaces
Over 1,000	20, plus 1 additional space for each 100 spaces over 1,000

- (2) Parking spaces reserved for physically handicapped persons shall meet the following design and location requirements:
- All handicap spaces shall be accessible to curb ramp or curb cut, to provide clear and unimpeded access to the building, facility, or use served, and shall be so located that users are not compelled to wheel behind parked vehicles.
 - Handicap parking spaces shall be a minimum of 12 feet wide and shall be accompanied by an adjacent access aisle a minimum of 60 inches wide. Parking access aisles shall be immediately accessible

to the building or facility entrance.

- c. Parallel handicap parking spaces shall be located either at the beginning or end of a block or adjacent to an alley entrance. Curbs adjacent to such premises shall be of a height that will not interfere with opening and closing of motor vehicle doors.
- d. Each handicap parking space shall be prominently outlined with blue paint and posted with a non-movable, above grade, fixed sign, of a color and design approved by the FDOT, bearing the internationally accepted wheelchair symbol and the caption "PARKING BY DISABLED PERMIT ONLY." The symbol and caption may be on two separate signs, or combined on one sign.

(3) Ramps and curb cuts shall meet the following design and location requirements:

- a. Ramps and curb cuts from parking areas to level pedestrian walkways shall be provided and spaced at intervals of no more than 100 feet. Ramps and curb cuts shall be located as close as possible to the main entrances and exits of buildings, facilities, and uses being served.
- b. The maximum slope of an access ramp for new construction shall be established at a ratio of 1:12. Ramps 30 feet in length or longer shall have a maximum slope of 1:20.

Exception: In lieu of a maximum slope of 1:20 for access ramps 30 feet in length or longer, a 1:12 slope ratio may be utilized, provided that a level platform at least 60 inches deep, in the direction of the access ramp, is provided at 30-foot intervals.

- c. The minimum width of an access ramp shall be 44 inches, exclusive of flared sides. Ramps shall be constructed of a skid-resistant surface.

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 wastewater 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 and City Regulations.
- (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 stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse and width adequate for its purpose, access, and maintenance. Parallel streets or parkways may be required in connection therein.
- (C) *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 Commission 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 of 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

- (A) *Dedication.* 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:

- (1) The property owner or developer if:
 - a. 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
 - b. A bond or other assurance of continued financial capacity to operate and maintain the system is submitted;
- (2) For-profit or non-profit corporations including homeowners associations, property owners associations, condominium owners associations, or master associations if:
 - a. 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
 - b. 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;
- (3) 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;

- (4) A State or Federal agency;
 - (5) An officially franchised, licensed, or approved communication, water, sewer, electrical, or other public utility; or
 - (6) Hardee County.
- (B) *Phased Development.* 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 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 1,000 watts.

3.07.00 Compatibility, Landscaping, and Buffering Standards

3.07.01 Purpose and Intent

The City Commission 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.

3.07.02 Applicability and Exemptions

(A) *Applicability.* Except as specifically excluded in the exemptions below, the requirements and regulations of this Article shall apply to the following:

- (1) 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.
- (2) 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.
- (3) The construction or expansion of off-street parking and/or loading areas.
- (4) The paving of any existing unpaved off-street parking and/or loading areas.
- (5) Any change of use which results in the property becoming a higher impact/higher intensity use.

(B) *Exemptions.* The development, redevelopment, reconfiguration, expansion, or change of use of any site requiring review by the City must comply with all elements of this Article, unless any of the following exemptions apply:

- (1) Enlargement or repair of a single family or duplex residence unless specifically stated otherwise.
- (2) New single-family and duplex development on individual residential lots are exempt from all provisions of this Article, except the requirement of two (2) large or medium sized trees per residential lot, or one (1) tree per attached unit.

- (3) Bona fide agriculture.
- (4) Buildings and structures are not counted as impervious surface for calculating the areas that must be shaded with canopy trees.
- (5) Swimming pools and the area specifically designed to be the deck or pool apron abutting the pool are exempt from canopy requirements.
- (6) Docks, piers, seawalls, boardwalks, and other improvements designed to serve pedestrians near the water or in the use of boats are exempt from canopy requirements. Paved areas abutting a seawall, dock, or pier are exempt to a maximum width of ten (10) feet.
- (7) Paved surfaces within the supporting cables of a radio, television, or microwave tower or a cable television satellite receiver, are exempt from canopy requirements.
- (8) The Historic Zoning District is exempt from all provisions of this Section. See regulations for this District in Article 2, Section 2.05.00.

3.07.03 Landscaping Plans and Permits

- (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) When landscaping is required under this Article, no building, grading, or site preparation shall be allowed until the landscape plan has been approved by the Development Director. The plan shall be dated and stamped approved by the City and only these plans and the requirements of this Article shall govern the construction of the site landscaping and subsequent maintenance inspections. A permit shall be obtained for the project within twelve (12) months of the approval date of the approved landscape plan or the plan shall become invalid, unless granted an extension.
- (D) 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.

3.07.04 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.

3.07.04.01 Selection of New Trees and Shrubs; Site Conditions

Canopy trees, small trees for buffer yards, and shrubbery that are best acclimated to the environment in the City (Florida Friendly) are listed in Tables 3.07.10(A) through 3.07.10(F). Canopy areas shown in Tables 3.07.10(A) and 3.07.10(B) are for the mature growth canopy of each tree, which shall be the credit for canopy at the time of planting. In order to satisfy the requirements of this Section, trees and shrubs from these lists must be selected for new landscape installations.

All plants installed on the site shall be in accordance with the plans stamped approved by the City. 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 3.07.10(A) through 3.07.10(F).
- (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).

3.07.04.02 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.
- (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.
- (G) An existing canopy tree shall be preserved whenever possible and its canopy calculated as it exists or from Table 3.07.10(A) or (B), 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.
- (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 3.07.04.02(A) 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

Section 3.07.04.03 Canopy Tree Requirements.

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:

Existing trees may be used to satisfy this requirement on individual development parcels provided they are not specifically listed as an invasive species in the most recent Invasive Plant List of the Florida Exotic Pest Plant Council.

Section 3.07.04.04. Minimum Tree Planting Height, Planting Area and Distance from Pavement.

Table 3.07.04.04(A) Tree Planting Height, Area, and Distance from Pavement

Maximum Tree Size at Maturity	Minimum Planting Height	Planting Area	Minimum Distance from
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			Pavement
(Small) Less than 30 feet tall	6 feet	50-150 square feet	2 feet
(Medium) Less than 50 feet tall	8 feet	150-300 square feet	4 feet
(Large) Taller than 50 feet	10 feet	More than 300 square feet	More than 6 feet

(Source: University of Florida "Planting Area Guidelines," 2011; planting area and distance from pavement; based on minimum 3' soil depth).

All newly planted trees shall be staked and guyed immediately after installation and shall remain supported until the root systems have established themselves to adequately support the tree.

Section 3.07.04.05. Minimum Shrub Planting Requirements.

Shrubs shall be a minimum of one (1) foot tall at the time of planting, except where they are to act as required screening for residential uses and districts, in which case they shall be a minimum of three (3) feet in height at the time of planting and maintained at a minimum height of five (5) feet at maturity. One (1) foot high shrubs shall be spaced no greater than thirty (30) inches on center and three (3) foot high shrubs shall be spaced no greater than thirty-six (36) inches on center. The City may authorize alternate spacing for species which have especially broad coverage.

Section 3.07.04.06. Ground Covers.

Ground covers shall be spaced no greater than eighteen (18) inches on center and may be planted in lieu of lawn grass. A list of recommended ground cover species is provided in Table 3.07.10(E) of this Article.

Section 3.07.04.07. Lawn Grass.

Grass may be sodded, plugged, sprigged, or seeded except that solid sod shall be used in swales or other areas subject to erosion (generally slopes steeper than 10:1). Grassed areas that are installed by methods other than sod shall attain a full grassed coverage within three (3) months of the date of installation. A list of lawn grass species and their characteristics, including drought tolerance level, soil type, light requirements, wear tolerance and plant maintenance, are provided in Table 3.07.10(F). The selection of lawn grasses shall be based upon the species and characteristics that are most appropriate for the site.

Section 3.07.04.08. Mulch.

Planting beds shall be mulched with standard accepted mulch materials to 1) prevent the invasion of other plant species; 2) to absorb moisture for the benefit of the plants; and 3) to present a neat and orderly appearance of the landscaped area.

The mulched bed shall have a uniform coverage and a minimum depth of two inches (2"). Mulched areas around trees should be at least 8 feet in diameter. The

use of cypress mulch is discouraged.

Section 3.07.04.09. Planting Beds.

The planting bed for all landscaping materials shall be free of weeds, debris, and nuisance/invasive materials and shall consist of a healthy plant growth medium. The planting bed soil shall provide adequate support, drainage, and nutrients for the plants.

Section 3.07.04.10. Exotic and Nuisance Plants.

The use of exotic and nuisance plants is prohibited and shall not be accepted as part of an approved landscape plan. For purposes of this Section, exotic and nuisance plants shall be those provided in the most recent Invasive Plant List of the Florida Exotic Pest Plant Council.

Section 3.07.04.11. Landscaping for Decorative and Masonry Walls.

Residential subdivisions and commercial and industrial developments may have decorative entrance and screening walls. Landscaping (a combination of trees and shrubbery) shall be installed within the property setback/buffer yard area. If there are no specific buffer yard requirements for the development, one (1) tree shall be planted for each fifty (50) linear feet of wall. Buffer yard trees and shrubs required by this Article shall be planted on the street side of the wall.

Section 3.07.04.12. Encroachments.

- (A) *Structures.* Accessory uses, buildings, and dumpster pads shall not encroach upon or conflict with required landscaped areas.
- (B) *Parking Stalls.* No more than two (2) feet of vehicular overhang shall be allowed into a landscape area and no trees and shrubs shall be planted within the area of encroachment.

3.07.05 Canopy Coverage and Tree Species

Trees providing canopy coverage shall be required for the purpose of shading vehicular use areas, sidewalks, and other paved surfaces associated with all development in the City, thereby lowering the ambient temperature of the air through increased shading; conserving water; enhancing the appearance of properties; improving property values; and protecting the general health, safety, and welfare of the public through the improvement of the quality of the human environment. Buildings and structures shall not be counted as impervious surface for the purpose of calculating the areas that must be shaded with canopy trees.

- (A). Canopy trees shall be selected from Table 3.07.10(A) and (B) and planted no closer than **five feet** to any paved surface, to minimize root damage to the paved surface.
- (B) 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, with a minimum of one tree per lot and/or 1 tree for each attached unit; and shall be planted no closer than five feet to any paved surface to keep the roots from breaking up the pavement.
- (C) Canopy coverage trees shall be interspersed throughout all vehicular use areas rather than restricted in any way to only a portion of the site. This allows for flexibility and creative design opportunities.
- (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 Tables 3.07.10(C) or (D) or ground covers compatible with site conditions from Table 3.07.10(E), **but not planted in grass.**
- (F) Trees located in buffer yards may receive partial credit in meeting vehicular use areas interior landscaping canopy requirements.
- (G) Impervious Surface Calculations:
 - (1) 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.
 - (2) 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.

Section 3.07.06. Tree Canopy Waivers.

Within the C-2 and I zoning districts, the Planning and Zoning Board may grant a waiver or modification of tree canopy requirements for impervious surfaces, which are exclusively used for parking and/or maneuvering of large trucks and/or for storing products or materials

- (A) Site Plan and Staff Review.
 - (1) The applicant shall submit an application, site plan, and application fee to

the City.

- (2) The site plan shall detail the proposed exceptions to the strict application and enforcement of the tree canopy requirements contained in this Article.
- (3) The Development Director shall forward the application and site plan to staff, as necessary and provide comments to the applicant.
- (4) The Development Director shall forward the request along with staff's recommendation for Planning and Zoning Board review.

(B) Planning and Zoning Board Findings.

In considering a waiver or modification request, the Planning and Zoning Board shall make the following findings:

- (1) The particular characteristics of the use and/or the site, such as its size, configuration, topography, or subsurface conditions, are such that strict application of the tree canopy requirements would result in unreasonable hardship to the developer.
- (2) The effect of the waiver or modification does not nullify the purpose and intent of the City's landscape requirements.
- (3) The approval of the waiver or modification upholds the public interest.
- (4) The approval of the waiver or modification is not contrary to the City's Comprehensive Plan.

(C) Planning and Zoning Board Action.

- (1) The Planning and Zoning Board may accept, reject, or approve the request with conditions to assure the results of the waiver or modification will be in accord with the intent of the City's landscape requirements.
- (2) Proof of approval shall be attached to the approved site development plan.
- (3) Decisions of the Planning and Zoning Board may be appealed to the City Commission.

3.07.07 Buffer Yards

A buffer yard is a landscaped area containing plant material, fences, walls, and/or berms along parcel boundaries that provides a visual screen and physical separation 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.

3.07.07.01 Establishment of Buffer Yards

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 also required with a change of use to a more intense use. 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.

3.07.07.02 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 3.07.04.02 for amount of credit calculation for trees preserved on a site.

3.07.07.03 Buffer Yards Between Proposed Uses and Existing Uses

When the property adjacent to a proposed development is developed, the need for a buffer yard is determined by the existing development's use. The buffer standard that apply are found in Table 3.07.07.07(A).

3.07.07.04 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 3.07.07.07(B). Generally, the buffer yards for vacant property are only about half of those required next to an existing land use.

3.07.07.05. Buffer yards Between Proposed Land Use and Roadways.

In addition to the standards set forth in this Article regarding landscape requirements between proposed and abutting land uses and vacant property, provisions shall also be made to buffer land uses from adjacent public streets or rights-of-way as follows:

- (A) *Arterial Roadways.* Land uses, excluding agriculture, located along arterial roadways are required to provide a landscape strip at least ten (10) feet wide with a minimum of five (5) trees for each one hundred (100) linear feet of right-of-way frontage, or fraction thereof. In addition, seven (7) shrubs per tree shall be planted within the landscape strip.
- (B) *Collector Roadways.* Land uses, excluding agriculture, located along collector roadways are required to provide a landscape strip at least ten (10) feet wide with a minimum of one (1) tree and seven (7) shrubs for each fifty (50) linear feet of right-of-way frontage, or fraction thereof.
- (C) *Railroad Rights-Of-Way.* Commercial and industrial land uses located along railroad rights-of-way shall not be required to provide buffering between the use and the right-of-way. New residential developments, excluding individual single-family home sites, individual duplex units, and individual infill lot development shall meet the requirements of a "D" buffer yard.
- (D) *Residential Street.* New residential developments, excluding individual single-family home sites, individual duplex units, and individual infill lot development, located along a residential street, shall provide a landscape

strip at least five (5) feet wide with at least one tree per lot. Any trees within this buffer yard may count towards the tree requirement of this Article.

- (E) *Visibility Triangle.* Buffer yards shall comply with requirements for Visibility Triangles.

Section 3.07.07.06. Buffer Yards for Free Standing or Satellite Parking Lots.

Buffer yards for free standing or satellite parking lots shall meet the following requirements:

- (A) *Residential Zoning Districts:* Standing or satellite parking lots located in residential zoning districts, which serve adjacent zoned businesses, shall meet the following requirements.
- (1) Approval of a Site plan by the Development Director;
 - (2) Where the parking lot is contiguous to side lot lines of residentially zoned property, a side yard at least ten feet (10') in width shall be provided;
 - (3) The parking area shall be provided with a continuous, un-pierced masonry wall six feet (6') in height adjacent to all required yards. All such walls shall be smoothly finished and shall not be used for any sign;
 - (4) All yard spaces between the required wall and lot lines shall be landscaped with at least one hedgerow of hardy shrubs, not less than five feet (5') in height, placed next to the walls. The remainder of such yard space shall be covered by lawn grass or other approved ground covers as provided in Tables 3.07.10(E) and 3.07.10(F). All such landscaping shall be maintained in a healthy, growing condition, neat and orderly in appearance. Yard spaces shall be kept free of refuse or debris;
 - (5) Where the parking lot is separated from residentially zoned property by a street, a buffer yard at least ten feet (10') in width shall be provided along the street frontage;
 - (6) Where the parking is located upon a street upon which residentially zoned properties front and abut in the same block, a front yard shall be provided at least 25 feet (25') in depth. Where one or both of the lots contiguous to and on each side of the parking lot are

developed with residential structures having front yards greater than 25 feet (25') in depth, the front yard on the parking lot shall be not less in depth than the deeper of these existing front yards.

- (B) *All Other Zoning Districts:* With the exception of letter (A) above, standing or satellite parking lots located in all other zoning districts shall be designed in accordance with the following requirements.
- (1) The parking area shall be provided with a buffer yard at least ten feet (10') in width along all property lines and streets on which the off-street parking area is located.
 - (2) See Section 3.07.07.05, Buffer Yards Between Proposed Land Uses and Roadways, for landscape buffer requirements adjacent to public rights-of-way.
 - (3) A waiver of buffer yard requirements may be granted by the Development Director along property lines where adjoining businesses propose to share a common parking lot. A site plan is required for review and approval.

Section 3.07.07.07 Buffer Yards, Utilities, and Utility Easements.

Utility easements in a buffer yard do not prohibit the planting of shrubs in the area of the easement of an underground utility, but no tree shall be planted within twelve feet (12') of a buried utility. Tree planting restrictions in relation to overhead power lines are identified in Tables 3.07.07.07(A), and 3.07.07.07(B), of this Article.

Large and medium sized trees should not be planted closer than fifteen feet (15') to any light pole.

Table 3.07.07.07(A)
Buffer Yard Requirements between Proposed and Abutting Land Uses

PROPOSED LAND USE	ABUTTING LAND USE								
	Single family detached dwellings	Duplex; Single family attached; multi-family up to 4 units per acre; outdoor recreation facilities; cemeteries	Professional office with up to 8 parking spaces; child care centers in converted residential structures	Duplex, single family attached, mobile home parks and multi-family at 4-8 units per acre	Mobile home parks, single family attached, multi-family at 8+ units per acre up to and including 12 units per acre; Utility substations, switching stations, etc.	Professional office with 9+ parking spaces; Churches; Schools; Government facilities; Commercial development sites with up to 10 parking spaces	Other retail, wholesale, service businesses; Self-storage; Automobile service stations; Shopping centers; Hotels; Multi-family over 12 units per acre	Light Industry; PWS; Governmental public works storage/equipment facilities	Heavy industry; Water and wastewater treatment facilities
Single family detached dwellings	N	A	B	B	C	C	C	D	D
Duplex; Single family attached; multi-family up to 4 units per acre; outdoor recreation facilities; cemeteries	A	N	A	B	B	C	C	D	D
Professional office with up to 8 parking spaces; child care centers in converted residential structures	B	A	N	A	B	B	C	C	D
Duplex, single family attached, mobile home parks & multi-family at 4-8 units per acre	B	B	A	N	A	B	C	C	D
Mobile home parks, single family attached, multi-family at 8+ units per acre up to & including 12 units per acre; Utility substations, switching stations, etc.	C	B	B	A	N	A	B	C	C
Professional office with 9+ parking spaces; Churches; Schools; Government facilities; Commercial development sites with up to 10 parking spaces	C	C	B	B	A	N	A	C	C
Other retail, wholesale, service businesses; Self-storage; Automobile service stations; Shopping centers; Hotels, motels; Hospitals; Multi-family over 12 units per acre	C	C	C	C	B	A	N	B	C
Light Industry; PWS; Governmental public works storage/equipment facilities	D	D	C	C	C	C	B	N	B
Heavy industry; Water & wastewater treatment facilities	D	D	D	D	C	C	C	B	N

N = No Buffer Yard Required.

A through D = Type of Buffer Yard Required (See Section 6.04.06.04 for Illustrated Examples Buffer Yard Designs).

Table 3.07.07.07(B)
Buffer Yard Requirements between Proposed Land Use and Vacant Property

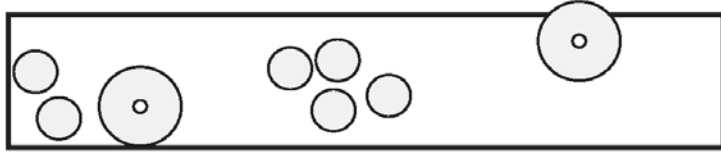
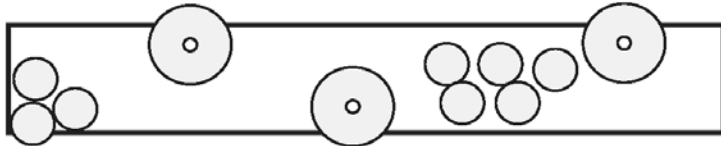
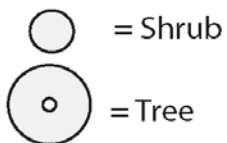
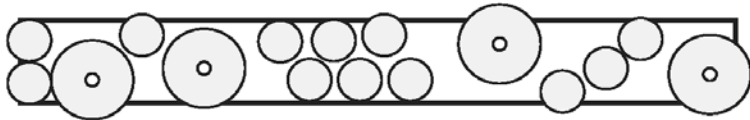
PROPOSED USE	ADJACENT VACANT LAND (By Zoning District)									
	FR	R-1a R-1	R-2	R-3 R-4	P	C-1	C-2	I	P/SP	CON
Single family detached dwellings	N	A	A	B	B	C	C	D	C	C
Duplex; Single family attached; Multi-family up to 4 units per acre; Outdoor recreation facilities; Cemeteries	A	N	A	A	A	C	C	D	C	C
Professional office with up to 8 parking spaces; Child care centers in converted residential structures	A	A	A	A	N	B	B	C	C	C
Duplex, single family attached; mobile home parks and multi-family at 4-8 units per acre	A	A	A	A	A	C	C	D	C	C
Mobile home parks; Single family attached; Multi-family at 8+ units per acre up to and including 12 units per acre; Utility substations, switching stations, etc.	B	B	N	N	A	C	C	D	C	C
Professional office with 9+ parking spaces; Churches; Schools; Government facilities; Commercial development sites with up to 10 parking spaces	B	C	A	A	N	B	B	C	B	C
Other retail, wholesale, service businesses; Self-storage; Automobile service stations; Shopping centers; Hotels, motels; Hospitals; Multi-family over 12 units per acre	B	B	B	A	A	N	N	C	B	D
Light Industry; PWS; Governmental public works storage/equipment facilities	C	C	B	B	B	B	B	A	C	D
Heavy industry; Water and wastewater treatment facilities	D	D	C	C	C	C	C	N	D	D

N = No Buffer Required.

A through D = Type of Buffer Yard Required (See Section 6.04.06.04 for Illustrated Examples Buffer Yard Designs).

Section 3.07.07.08. Buffer Yard Diagrams.**Buffer Yard**

Plant Material / 100 Linear Feet

A**Width 20'**2 Trees
6 Shrubs**Width 15'**3 Trees
8 Shrubs**Width 10'**4 Trees
12 Shrubs

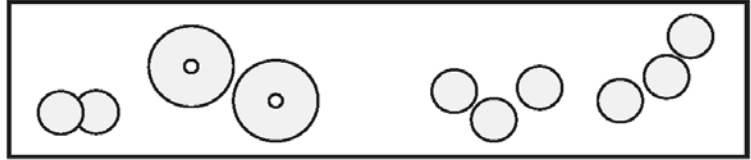
Buffer Yard

Plant Material / 100 Linear Feet

B

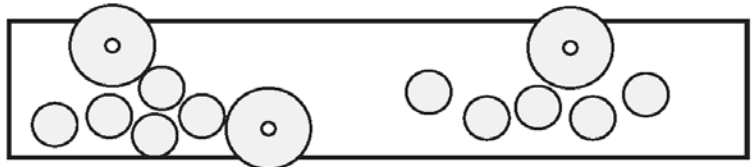
Width 25'

2 Trees
8 Shrubs



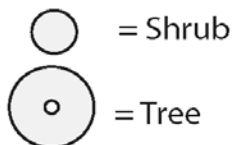
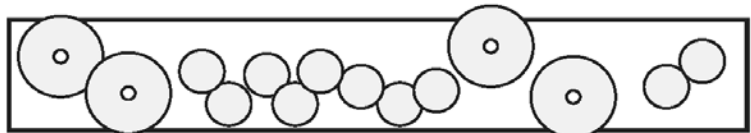
Width 20'

3 Trees
10 Shrubs



Width 15'

4 Trees
10 Shrubs



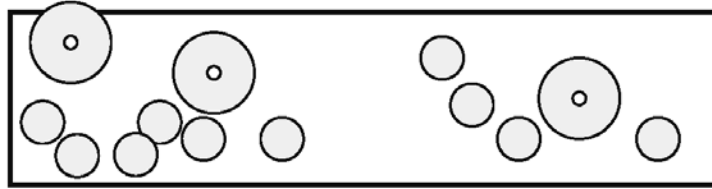
Buffer Yard

Plant Material / 100 Linear Feet

C

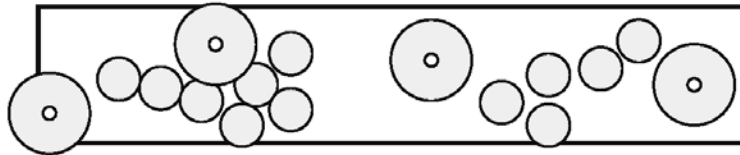
Width 30'

3 Trees
10 Shrubs



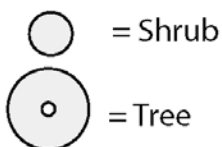
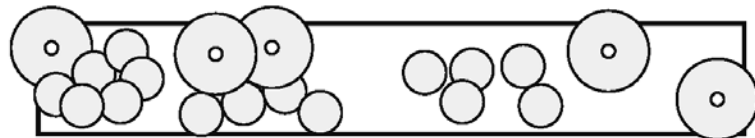
Width 20'

4 Trees
12 Shrubs



Width 15'

5 Trees
15 Shrubs



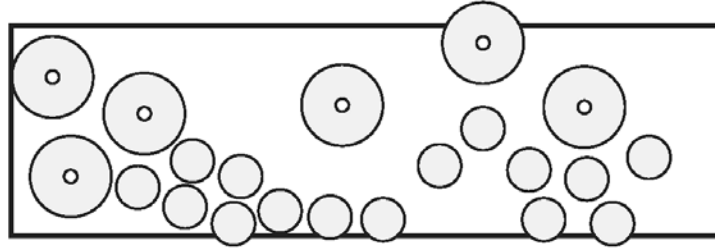
Buffer Yard

Plant Material / 100 Linear Feet

D

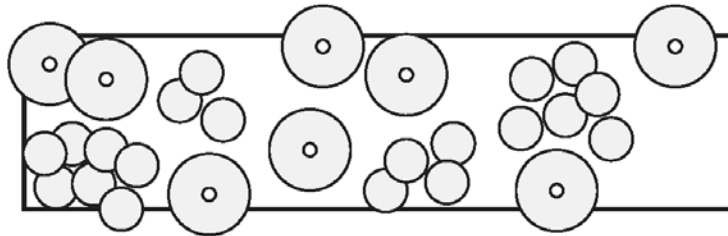
Width 40'

6 Trees
15 Shrubs



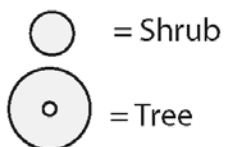
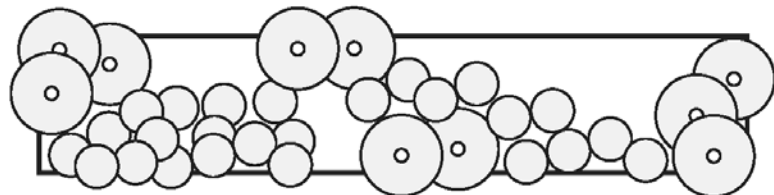
Width 30'

8 Trees
20 Shrubs



Width 20'

10 Trees
25 Shrubs



Section 3.07.08. Installation, Irrigation, Inspection, Certificate of Occupancy/Completion, and Maintenance**(A) Installation.**

- (1) 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.
- (2) Areas on any development site not used for buildings, including single family and duplex development on individual lots, paved surfaces, or other landscape improvements shall be sodded or seeded prior to the issuance of a Certificate of Occupancy/Completion.
- (3) Areas within public rights-of-way, and areas off-site which have been disturbed by construction activity, shall be cleaned of all debris, re-graded to the proper elevations, and sodded so as to restore the area to a stabilized and planted state.

(B) Irrigation.

- (1) No irrigation system shall be required where existing natural plant communities are maintained.
- (2) All new landscaped areas shall be provided with an appropriate irrigation system, consistent with the needs of the plants contained therein and water conservation efficient.
- (3) An irrigation system shall be designed to provide full coverage of all landscape areas without over spraying onto impervious surfaces including pavement, vehicular or pedestrian areas and/or adjacent properties.
- (4) The irrigation system shall be operational prior to the issuance of any Certificate of Occupancy/Completion for the property.

(C) Inspection and Certificate of Occupancy/Completion.

The Development Director, or Building Official, shall inspect the landscaping installation to ensure that it is in conformance with the requirements set forth in this Article and with the approved landscape plan.

(D) Maintenance.

Landscape areas shall be maintained in good condition so as to present a healthy, neat, and orderly appearance and shall be kept free from refuse and debris.

Section 3.07.09. *Violations and Penalties.*

- (A) All plant material which dies shall be replaced with plant material of required variety and size within thirty (30) days from the date of official notification.
- (B) Consistent with letter (A) above, if a restoration plan is presented and differs from the original approved plan, three (3) copies of such restoration plan shall be submitted and approved by the City Administrator, or his or her designee. The City Administrator, or his or her designee, shall re-inspect the property for compliance after the restoration is complete.
- (C) Each failure to comply with any of the provisions of this Article shall constitute an individual violation. Failure to maintain viable landscaping consistent with the approved landscape plan shall constitute a violation subject to penalties and shall be subject to code enforcement action by the City.

Section 3.07.10. *Plant Species List.*

Plant species identified in this Article include “Florida Friendly” native and non-native plants. Developers are encouraged to plant Florida Friendly plant species. Any new plant material, which will serve to meet the City’s minimum landscape requirements, shall be selected from the following plant species tables.

In calculating canopy requirements, each existing tree to be preserved, and each new tree to be planted shall be credited with its mature canopy, as provided in this Article. If an on-site preserved tree is not listed as an invasive plant in the most recent Invasive Plant List of the Florida Exotic Pest Plant Council, and its actual canopy exceeds the canopy area identified in this Article, the greater canopy area may be used in calculating canopy coverage.

An applicant may request to use a plant species not included on the following tables if a landscape architect certifies that the proposed species meets the intent of this code and provides the relevant information as included in the tables for said species.

Table 3.07.10(A)
Large Trees

Species	Common Name	Type	Soil	Light	Drought Tolerance	Mature Height (feet)	Mature Crown Spread (feet)	Mature Canopy Area (sq. ft.)	P/L (feet)
<i>Acer barbatum</i>	Florida Maple	D	A	F, P	High	35-50	25	491	15-30
<i>Acer rubrum</i>	Red Maple	D	A	F, P	Medium	35-50	25	491	15-30
<i>Betula nigra</i>	River Birch	D	A	F, P	Low	40-50	25	491	15-30
<i>Carya spp.</i>	Hickory, Pecan	D	WD-M	F, P, S	High	50-100	30	707	30+
<i>Fraxinus caroliniana</i>	Pop Ash	D	W	P, F	Medium	30-50	30	707	15-30
<i>Fraxinus pennsylvanica</i>	Green Ash	D	M-W	P, F, S	Medium	50-100	50	1964	30+
<i>Gordonia lasianthus</i>	Loblolly Bay	E	WD-M	P, F	Low	30-40	16	201	15-30
<i>Liquidambar styraciflua</i>	Sweetgum	D	WD-M	F, P	Medium	40-100	30	707	30+
<i>Magnolia grandiflora</i>	Southern Magnolia	E	WD-M	F, P	Medium	40-80	25	491	30+
<i>Magnolia virginiana</i>	Sweet Bay Magnolia	E	M-W	P, F	None	30-60	16	201	15-30
<i>Pinus clausa</i>	Sand Pine	E	WD	F, P, S	High	25-40	25	491	15-30
<i>Pinus elliottii densa</i>	Southern Slash Pine	E	WD-M	F, P	High	75-100	25	491	15-30
<i>Pinus palustris</i>	Longleaf Pine	E	WD-M	F	High	60-80	25	491	15-30
<i>Platanus occidentalis</i>	Sycamore	D	A	F, P	Medium	75-90	30	707	30+
<i>Quercus alba</i>	White Oak	D	WD-M	F, P	Medium	60-100	35	962	30+
<i>Quercus austrina</i>	Bluff Oak	D	WD-M	F	High	40-80	35	962	30+
<i>Quercus falcata</i>	Turkey Oak	D	WD	F	High	40-50	25	431	30+
<i>Quercus laurifolia</i>	Laurel Oak	Semi D	M	F, P	Medium	60-100	35	962	30+
<i>Quercus muhlenbergii</i>	Pin Oak	D	M-W	F	Medium	90	35	962	30+
<i>Quercus nigra</i>	Water Oak	Semi D	M-W	F, P	High	60-100	30	707	30+
<i>Quercus shumardii</i>	Shumard Oak	D	WD-M	F	High	60	40	1256	30+
<i>Quercus virginiana</i>	Live Oak	E	M-W	F, P	High	50-60	50	1964	30+
<i>Taxodium distichum</i>	Bald Cypress	D	A	F, P	High	60-100	20	314	15-30
<i>Ulmus alata</i>	Winged Elm	D	A	F, P	High	20-25	25	491	15-30
<i>Ulmus americana</i>	American Elm	D	A	F, P	High	80-100	30	707	30+
<i>Ulmus parvifolia</i>	Drake Elm	D	WD-M	F, P	High	30-40	16	201	15-30
<p align="center">Key Type: D = Deciduous, E = Evergreen Soil Type: WD = Well Drained, M = Medium Drained, W = Wet, A = All Types Light: S = Shade, P = Partial Shade, F = Full Sun P/L: Distance from Power Lines</p>									

Table 3.07.10(B)
Medium and Small Trees

MEDIUM SIZED TREES									
Species	Common Name	Type	Soil	Light	Drought Tolerance	Mature Height	Mature Crown Spread	Mature Canopy Area (sq. ft.)	P/L
<i>Carpinus caroliniana</i>	American Hornbeam	D	A	F, P, S	Medium	25-35'	12'	113	15-30
<i>Cercis canadensis</i>	Eastern Redbud	D	WD	F, P, S	High	20-30'	10'	201	0
<i>Crataegus spp.</i>	Hawthorn	D	A	F, P	High	15-20'	12'	113	0
<i>Cupressus arizonica</i>	Arizona Cypress	E	WD	F	High	30-40'	15'	177	15-30
<i>Elaeocarpus decipiens</i>	Japanese Blueberry	E	WD	F, P	High	30-40'	30'	707	30+
<i>Ilex attenuata</i>	East Palatka Holly	E	WD	F, P	Medium	25-30'	16'	201	15-30
<i>Ilex cassine</i>	Dahoon Holly	E	M-W	F, P, S	Medium	25-30'	16'	201	15-30
<i>Ilex opaca</i>	American Holly	E	A	F, P	High	30-45'	16'	201	15-30
<i>Ilex rotunda</i>	Rotund Holly	E	WD	F, P	Medium	20-30'	20'	315	15-30
<i>Juniperus silicicola</i>	Southern Red Cedar	E	WD	F, P	High	25-30'	12'	113	15-30
<i>Lagerstroemia indica</i>	Crape Myrtle	D	WD-M	F	High	15-25'	12'	113	0
<i>Persea borbonia</i>	Red Bay	E	A	F, P	High	20-60'	12'	113	15-30
<i>Quercus lyrata</i>	Overcup Oak	D	WD-M	F, P	Medium	30-40'	35'	962	30+
<i>Tabebuia chrysotricha</i>	Yellow Trumpet Tree	Semi E	WD	F	Medium	25-35'	25'	0	15-30
<i>Tabebuia heterophylla</i>	Pink Trumpet Tree	D	WD	F	High	20-30'	20'	0	15-30
<i>Tabebuia impetiginosa</i>	Purple Trumpet Tree	Semi E	WD	F	High	12-18'	10'	0	0
SMALL SIZED TREES									
Species	Common Name	Type	Soil	Light	Drought Tolerance	Mature Height (feet)	Mature Crown Spread (feet)	Mature Canopy Area (sq. ft.)	P/L (feet)
<i>Aesculus pavia</i>	Florida Buckeye	D	WD-M	S, P	Medium	15-20	20	315	0
<i>Callistemon rigidus</i>	Bottlebrush, stiff	E	M-W	F, P	High	8-15	5	20	0
<i>Callistemon viminalis</i>	Bottlebrush, weeping	E	W	F	High	15-20	10	79	0
<i>Chionanthus virginicus</i>	Fringetree	D	WD-M	P, F, S	Medium	15-25	10	79	0'
<i>Cornus florida</i>	Flowering Dogwood	D	WD	P, F, S	Medium	20-30	16	201	15-30
<i>Eriobotrya japonica</i>	Loquat	E	WD	F, P	Medium	15-20	10	79	0
<i>Ilex vomitoria</i>	Yaupon Holly	E	A	P, F	High	15-25	8	50	0
<i>Magnolia Xsoulangiana</i>	Saucer Magnolia	D	WD-M	F, P	Low	20-25	20	0	0
<i>Osmanthus americanus</i>	Wild Olive	E	A	F, P	Medium	15-30	8	50	0
<i>Prunus angustifolia</i>	Chickasaw Plum	D	WD	P, F	High	15-20	15	177	0
<i>Prunus umbellata</i>	Flatwoods Plum	D	M	P, F	Medium	12-20	15	177	0
<i>Quercus geminata</i>	Sand Live Oak	E	WD	F	High	15-30	12	113	0
<p align="center">Key Type: D = Deciduous, E = Evergreen Soil Type: WD = Well Drained, M = Medium Drained W = Wet, A = All Types Light: S = Shade, P = Partial Shade, F = Full Sun P/L: Distance from Power Lines</p>									

Table 3.07.10(C)
Large Shrubs

<i>Species</i>	Common Name	Soil	Light	Drought Tolerance	Height	Spread
<i>Abelia Xgrandiflora</i>	Glossy Abelia	WD	F, P	M	6-10'	6-10'
<i>Agarista populifolia</i>	Fetterbush	A	S, P	M	8-12'	5-10'
<i>Allamanda nerifolia</i>	Bush Allamanda	WD	P, S	M	5-15'	4-10'
<i>Aloysia virgate</i>	Sweet Almond Bush	M	F	H	6-12'	6-12'
<i>Asimina spp.</i>	Pawpaw	WD-M	F, P, S	M	15-20'	15-20'
<i>Baccharis halimifolia</i>	Groundsel Bush, Salt Bush	A	F	M	8-10'	6-12'
<i>Berberis julianae</i>	Wintergreen Barberry	M	F, P	M	4-6'	2-5'
<i>Brunfelsia grandiflora</i>	Yesterday-Today-and-Tomorrow	WD	F, P, S	M	7-10'	5-8'
<i>Buddleia lindleyana</i>	Butterfly Bush	WD	F	M	4-6'	4-6'
<i>Calliandra haematocephala</i>	Red Powderpuff	WD	F, P	H	6-8'	8-12'
<i>Callicarpa americana</i>	Beautyberry	WD	P, S	H	6-8'	6-8'
<i>Calycanthus floridus</i>	Eastern Sweetshrub	WD-M	P, S	M	6-9'	6-12'
<i>Camellia japonica</i>	Camellia	M	P, S	M	10-20'	10-20'
<i>Carissa macrocarpa</i>	Natal Plum	WD	F, P	H	2-20'	2-20'
<i>Cestrum aurantiacum</i>	Orange Jessamine	WD	P, F	M	4-10'	6-8'
<i>Clethra alnifolia</i>	Sweet Pepperbush	A	P, F, S	M	4-8'	4-8'
<i>Crataegus spp.</i>	Hawthorn	A	F, P	H	20-35'	15-40'
	Golden Dewdrop					
<i>Erythrina herbacea</i>	Coral Bean	WD-M	F, P	H	5-10'	8-12'
<i>Forestiera segregate</i>	Florida Privet	WD-M	P, F	H	4-15'	3-12'
<i>Galphimia glauca</i>	Thryallis	WD	F	M	5-9'	4-6'
<i>Gardenia jasminoides</i>	Gardenia	WD	S, P	M	4-8'	4-8'
<i>Hamelia atens</i>	Firebush	WD-M	F, P, S	M	5-20'	5-8'
<i>Heptapleurum arboricola</i>	Dwarf Schefflera	WD-M	P, F	H	10-15'	6-15'
<i>Hibiscus spp.</i>	Hibiscus	WD-M	F, P	M	4-12'	3-10'
<i>Hydrangea arborescens</i>	Wild Hydrangea	WD-M	P	N	6-10'	6-10'
<i>Hydrangea macrophylla</i>	French Hydrangea	WD-M	S, P	M	6-10'	6-10'
<i>Hydrandea quercifolia</i>	Oakleaf Hydrangea	WD-M	F, P, S	M	6-10'	6-8'
<i>Ilex X' Mary Nell'</i>	Mary Nell Holly	WD-M	F, P	M	10-20'	10-15'
<i>Ilex cornuta</i>	Chinese Holly	WD	P, F	H	15-25'	15-25'
<i>Illicium spp.</i>	Star Anise	WD	P, F	M	10-15'	6-15'
<i>Jasminum mesnyi</i>	Primrose Jasmine	WD-M	F	M	5-10'	2-5'
<i>Jamminum multiflorum</i>	Downy Jasmine	WD	F, P	M	5-10'	5-10'
<i>Jasminum nitidum</i>	Star Jasmine	WD	F	M	10-20'	5-10'
<i>Jatropha integerrima</i>	Peregrina	WD	F, P	H	8-15'	5-10'
<i>Ligustrum japonicum</i>	Ligustrum	WD	F, P	H	8-12'	15-25'

Table 3.07.10(C)
Large Shrubs

<i>Species</i>	Common Name	Soil	Light	Drought Tolerance	Height	Spread
<i>Loropetalum chinense</i>	Chinese Fringe Bush	WD	F, P	M	6-15'	8-10'
<i>Malvaviscus arboreus</i>	Turk's Cap	WD-M	F	M	6-12'	3-5'
<i>Myrica cerifera</i>	Wax Myrtle	A	F, P	M	10-40'	20'-25'
<i>Nerium oleander</i>	Oleander	WD	F, P	H	4-18'	3-15'
<i>Osmanthus fragrans</i>	Tea Olive	WD	F, P	M	15-30	15-20'
<i>Philadelphus inodorus</i>	English Dogwood	M-W	P, F	H	10-12'	6-10'
<i>Philodendron bipinnatifidum</i>	Tree Philodendron	WD-M	S, P	M	6-12'	10-15'
<i>Philodendron cvs.</i>	Philodendron	A	S, P	M	1-12'	2-15'
<i>Pittosporum tobira cvs.</i>	Pittosporum	WD	F, P	H	8-12'	12-18'
<i>Plumbago auriculata</i>	Plumbago	WD	F	M	3'-6'	3'-6'
<i>Podocarpus macrophyllus</i>	Podocarpus	WD	F, P	H	30-40'	20-25'
<i>Rhamnus caroliniana</i>	Carolina Buckthorn	WD	F, P, S	H	12-15'	10-15'
<i>Rhododendron cvs.</i>	Azalea	WD	P	M	3-12'	3-10'
<i>Sabal minor</i>	Dwarf Palmetto	WD-M	P, F, S	H	4-9'	4-8'
<i>Thunbergia erecta</i>	King's Mantle, Bush Clock Vine	WD-M	P, F	M	4-6'	5-8'
<i>Vaccinium arboreum</i>	Sparkleberry	WD-M	P, F, S	M	12-18'	10-15'
<i>Viburnum obovatum</i>	Walter's Viburnum	WD	P, F, S	H	8-25'	6-10'
<i>Viburnum odoratissimum</i>	Sweet Viburnum	WD	F, P, S	M	15-30'	15-25'
<i>Viburnum rufidulum</i>	Southern Blackhaw	WD-M	F, P, S	H	20-25'	20-25'
<i>Viburnum suspensum</i>	Sandankwa Viburnum	WD	P, S	L	6-12'	6-12'
<i>Vitex agnus-castus</i>	Chaste Tree	WD	F, P, S	H	10-20'	15-20'
<i>Yucca spp.</i>	Yucca	WD	F, P	H	3-30'	3-15'
<p align="center">Key Soil Type: WD = Well Drained, M = Medium Drained, W = Wet, A = All Types Light: S = Shade, P = Partial Shade, F = Full Sun Drought Tolerance: H = High, M = Medium, L = Low, N = None</p>						

**Table 3.07.10(D).
Small Shrubs**

SMALL SHRUBS						
<i>Species</i>	Common Name	Soil	Light	Drought Tolerance	Height	Spread
<i>Caesalpinia spp. And cvs.</i>	Poinciana	WD-M	F	M	8-35'	10-35'
<i>Gamolepis spp.</i>	Bush Daisy	WD	F	M	2-4'	3-4'
<i>Ixora coccinea</i>	Ixora	WD	F	M	10-15'	4-10'
<i>Lantana depressa</i>	Weeping Lantana	WD	F	M	3-6'	3-6'
<i>Leucophyllum frutescens</i>	Texas Sage, Silverleaf	WD	F	H	3-5'	3-5'
<i>Lyonia lucida</i>	Fetterbush	WD-M	F, P	H	3-15'	2-5'
<i>Mahonia fortune</i>	Fortune's Mahonia	WD	S, P	M	3-5'	3-5'
<i>Pyracantha coccinea</i>	Firethorn	WD-M	F, P	M	10-15'	8-12'
<i>Raphiolepis spp. And cvs.</i>	Indian Hawthorn	WD-M	F, P	H	2-10'	2-6'
<i>Rosa spp.</i>	Rose	WD	F	M	1-20'	2-8'
<i>Rosmarinus spp.</i>	Rosemary	WD-M	F, P	H	3-6'	4-5'
<i>Russelia equisetiformis</i>	Coral Plant	WD	F	H	3-5'	6-12'
<i>Russelia sarmentosa</i>	Firecracker Plant	WD	F, P	M	3-4'	2-4'
<i>Sabal etonia</i>	Scrub Palmetto	WD	F, P	H	4-6'	4-6'
<p align="center">Key Soil Type: WD = Well Drained, M = Medium Drained W = Wet, A = All Types Light: S = Shade, P = Partial Shade, F = Full Sun Drought Tolerance: H = High, M = Medium, L = Low, N = None</p>						

Table 3.07.10(E)
Ground Covers

GROUND COVERS						
<i>Species</i>	Common Name	Soil	Light	Drought Tolerance	Height	Spread
<i>Aloe spp.</i>	Aloe	WD	F, P	H	1-3'	1-3'
<i>Anthericum sanderi</i>	St. Bernard's Lily	WD	F, P	M	1- 1½'	½ - 1'
<i>Arachis glabrata</i>	Perennial Peanut	WD	F	H	½ - 1'	1-8'
<i>Aspidistra elatior</i>	Cast Iron Plant	WD	P, S	M	1-3'	1-3'
<i>Cyrtomium falcatum</i>	Holly Fern	WD-M	P, F, S	M	2-3'	3-4'
<i>Dyschoriste oblongifolia</i>	Twin Flower	WD	F, P	H	½ - 1'	1- 1½'
<i>Evolvulus glomeratus</i>	Blue Daze	WD	P	M	½ - 1'	1-2'
<i>Glandularia tampensis</i>	Tampa Vervain	WD	F	H	1½ - 2'	1 -1 ½'
<i>Hedera canariensis</i>	Algerian Ivy, Canary Ivy	WD	S	M	½ - 1'	1-6'
<i>Helianthus debilis</i>	Beach Sunflower	WD	F	H	Up to 2'	6' or more
<i>Ipomoea spp.</i>	Sweet Potato Vine	WD-M	F, P	H	10-20'	10-40'
<i>Juniperus conferta and cvs.</i>	Shore Juniper	WD	F	H	1-2'	6-10'
<i>Lantana montevidensis</i>	Trailing Lantana	WD	F	M	1-3'	4-8'
<i>Liriope muscari and cvs.</i>	Liriope, Monkey Grass, Border Grass	WD	F, P, S	M	1-2'	1-2'
<i>Mimosa strigillosa</i>	Powderpuff, Sunshine Mimosa	WD	F	M	½ - ¾'	8-10'
<i>Ophiopogon japonicas and cvs.</i>	Mondo Grass, Dwarf Liriope	WD	S, P	M	½ - 1'	½ - 2'
<i>Phyla nodiflora</i>	Capeweed	WD-M	F, P	M	½ - 1'	8-10'
<i>Trachelospermum jasminoides</i>	Confederate Jasmine, Star Jasmine	WD-M	F, P	M	1-3'	1-30'
<i>Vinca major</i>	Periwinkle	WD-M	P, F, S	M	1-2'	1-5'
<p align="center">Key Soil Type: WD = Well Drained, M = Medium Drained W = Wet, A = All Types Light: S = Shade, P = Partial Shade, F = Full Sun Drought Tolerance: H = High, M = Medium, L = Low, N = None</p>						

Table 3.07.10(F)
Lawn Grass Species

CHARACTERISTICS	LAWN GRASSES					
	BAHIA	BERMUDA	CARPETGRASS	SEASHORE PASPALUM	ST. AUGUSTINE	ZOYSIA
Area Adapted To	Statewide	Statewide	Wet Areas	Statewide	Statewide	Statewide
Soil	Acid, Sandy	Whole Range	Acid, Wet	Wide Range	Wide Range	Wide Range
Leaf Texture	Coarse-Medium	Fine-Medium	Medium	Fine-Medium	Coarse-Medium	Fine-Medium
Drought Tolerance	Excellent	Good	Poor	Good	Fair	Medium
Shade Tolerance	Poor	Poor	Fair	Poor	Good	Good
Wear Tolerance	Poor	Good-Excellent	Poor	Good-Excellent	Poor	Good-Excellent
Nematode Tolerance	Very Good	Poor	Poor	Good	Good	Poor
Maintenance Levels	Low	Medium-High	Low	Medium	Medium	High
Uses	Lawns, roadsides	Athletic Fields, golf courses	Wet Areas	Lawns, athletic fields, golf courses	Lawns	Lawns
Establishment Methods	Seed, Sod	Sod, sprigs, plugs, some seed	Seed, sprigs	Sod, plugs, sprigs	Sod, plugs, sprigs	Sod, plugs, sprigs

3.08.00 *Development Standards for Uses Permitted with Conditions*

The purpose of this Section is to set the standards and requirements for **Uses Permitted with Conditions**. It is the intent of this Section to identify certain activities or structures, which, if the use or structure complies with specifically identified conditions, may be treated as a permitted use. At the Development Director's discretion, any development larger than 5 acres or development that may have compatibility concerns may be sent to the Planning and Zoning Board for approval. For the purposes of this Code, these uses shall be known as "Uses Permitted with Conditions." The regulations that govern Uses Permitted with Conditions are set forth in this Section. 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. Section 7.08.00 describes the standards and the review process for a Use Permitted with Conditions

(A) *Identification and Determination of Uses Permitted with Conditions.*

- (1) *Pre-Application Conference/Application.* A pre-application conference is optional at the applicant's and/or the Development Director's request if the applicant intends to operate a use or develop a structure that is intended to be occupied by a use set forth as a use Permitted with Conditions in Table 2.02.01(B). The purpose of the conference is to advise the applicant of any additional information required for the review of the application for a use Permitted with Conditions. Within ten (10) days of the receipt of the application and all information requested, the Development Director shall inform the applicant if the application materials are sufficient for review and whether or not the application will require Planning and Zoning Board review.
- (2) *Additional Applications.* It is anticipated that there may be instances in which the applicant may not know at the time of the pre-application conference/original application all of the uses to which structure(s) in a development will be assigned, therefore, the applicant may seek a determination on whether a proposed use qualifies as a Use Permitted with Conditions from the Development Director at any time. An application shall be submitted with information, as the Development Director shall request. Within ten (10) days of receipt of the application and all the requested information, the Development Director shall inform the applicant of whether application materials are sufficient for review and whether or not the application will require Planning and Zoning Board review.
- (3) No person, however, shall have any right to operate a use identified as a Use Permitted with Conditions unless all of the conditions specified in the

section related to that use or conditions set by the Planning and Zoning Board are currently and continuously complied with. It shall be a violation of this Code to operate any use delineated in this Article without complying with the applicable conditions.

*** All Uses are listed in alphabetical order within their Use Class as included in the Table of Land Uses.*

**3.08.01 *Single Family Residential:
Dwelling, Zero Lot Line Homes***

Please see Section 7.07.02 for requirements.

**3.08.02 *Single Family Residential:
Single Family, Manufactured Home (Mobile Home),
Individual***

Each facility shall be designed to be compatible with the surrounding uses in architectural form and design. The following applies:

- (A) The manufactured home may not be more than five years old or have a roof pitch of less than 3:12.
- (B) The manufactured home must be skirted within 30 days of placement on the lot.
- (C) The manufactured home must be tied down according to State regulations.
- (D) Porches and awnings that are physically attached to manufactured homes are allowed.

**3.08.03 *Single Family Residential:
Manufactured Home Subdivision***

The purpose of this Section is to establish locations suitable for manufactured (mobile) home development in a residential subdivision, 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 with conditions use in the 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, 2.02.01(C), under R4 zoning district.

3.08.03.01 Development Standards

(A) Minimum Lot Requirements for the Subdivision:

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:

No manufactured home or structure shall be placed less than 25 feet **from the subdivision's perimeter lot line** and said 25 foot setback shall be landscaped as a buffer area. The subdivision 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.

(C) Individual Unit Requirements:

The individual units being placed on the lots within the manufactured home subdivision must meet the requirements of Section 3.08.02.

3.08.03.02 Allowable Accessory Uses

(A) Clubhouse, laundry, swimming pool, and other shared facilities for the common use of the residents of the subdivision 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) 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.

3.08.03.03 Other Requirements

(A) *Parking.* For each manufactured home lot, 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, and the homeowner's association shall maintain, 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 for use during storm conditions. In addition, the following shall be provided and maintained by the homeowner's association: electrical generation for emergency lighting. Each building shall be built to conform with the Florida 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 Florida 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. Common open space includes the total area within the subdivision which has been set aside for recreational use, stormwater management, or for preservation in its natural condition.
- (D) *Ownership and Maintenance of Common Property.* The developer shall establish a homeowners' association prior to vertical construction for the perpetual ownership and maintenance of open space, drainage facilities, buffer areas and screening, and other community facilities designated on the subdivision or site development plans for individual tracts. These facilities include, but are not limited to, pedestrian or bike paths, playgrounds, landscaped open spaces and buffer areas, lakes, swimming pools, clubhouses, tennis courts, parking lots, utilities, drainage channels, and retention/detention ponds. Roads shall also be included unless dedicated to the City of Wauchula for public use. Such organizations shall be created by covenants running with the land, and such covenants shall be included as part of the final subdivision plat of each phase and subject to approval of the City Commission

In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after the establishment of the subdivision fail to maintain the common areas as previously defined above, in reasonable order and condition, and in accordance with the plat and subsequent final development plans, the City

may serve written notice upon such organization and/or the owners or residents of the subdivision and hold a public hearing. If deficiencies of maintenance are not corrected within 30 days after such notice and hearing, the City shall call upon any public or private agency to maintain the common open space for a period of one year. If the City determines that the subject organization is not prepared or able to maintain the common open space, such public or private agency shall continue maintenance for yearly periods.

The cost of such maintenance by the designated public or private agency shall be assessed proportionately against the properties within the subdivision which have a right of enjoyment of the common open space, and shall become a lien on said properties.

Applicable requirements of this subsection shall be inserted into the legal documents of the homeowners' association or similar organization having legal ownership of common properties. These legal documents shall be structured to serve the following purposes:

- (1) To define what is owned and by whom, including the specific location and parameters of the individual units and the ownership interest in the common elements of the owners of the association or organization;
- (2) To establish a system of interlocking relationships binding each owner to all other owners for the purpose of maintaining and preserving what is owned and used in common;
- (3) To establish an array of protective standards or restrictions designed to establish limits and assure that a certain level of appearance is maintained;
- (4) To create an administrative vehicle, the owners' association, to manage those elements shared in common and to enforce standards;
- (5) To provide for the operation and financing of the association;
- (6) To specify the process involved in effecting the transfer of control of the association and responsibility for the common elements from the developer to the unit owners collectively; and
- (7) To set forth proper access and utility easements for the owners and the association.

All common areas are to be properly defined in legal descriptions and must be consistent with the subdivision plat and subsequent final development plans of the subdivision.

- (E) *Private Roads.* Internal roads serving the subdivision may remain in the private ownership of the developer or may be conveyed to a home owners' association created under paragraph (D) above. However, such roads must be designed and constructed to meet all standards applicable to a public road serving the same function, including right-of-way widths.

The City of Wauchula shall have no responsibility for maintenance of private roads, which shall be noted on the subdivision plat and in the homeowners' association documents. Should such roads be offered for public dedication in the future, the City shall not accept the dedication unless the roads are in good repair and in conformity with all codes and standards in effect at the time of dedication.

If a guardhouse or other form of barrier is placed at the entrance to the subdivision for the purpose of restricting access, the developer or property owners' association shall be responsible for ensuring entry to the property for emergency vehicles. The City shall have no liability for injury or loss of life resulting from restricted access to the development.

- (F) *Nonconformities.* No new manufactured home sites may be added to an existing manufactured home subdivision in a R4 zone that does not comply with applicable requirements of this Code. However, existing vacant lots within the subdivision may be utilized 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."
- (G) *Site Development Plan Required for Residential Manufactured Home Subdivision.* A strictly residential manufactured home subdivision with associated allowable accessory uses and with no large-scale recreational facilities with commercial operations which may or may not be open to the public 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 subdivision plat and 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.

- (H) *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 large-scale recreational facilities with commercial operations which may or may not be open to the public within the subdivision, such as golf courses or boating and fishing lakes with facilities and the like.
- (I) *Plat.* The plat submitted to the Development Director shall contain the information required to plat a subdivision, found set out in Article 7, Section 7.06.00 “Subdivision Regulations,” and include a large scale plan of typical manufactured home lot.

**3.08.04 Accessory Residential:
Garage Apartment, Detached**

Please see Section 2.04.02 for requirements.

**3.08.05 Accessory Residential:
In-law Units, Attached**

Please see Section 2.04.01 for requirements.

**3.08.06 Multi-Family Residential:
Apartment Building**

This section applies to multifamily developments containing twelve (12) or more residential units.

- (A) *Private Residential Outdoor Areas.*
- (1) Each ground-level residential living unit shall have an outdoor private area (patio, terrace porch, yard) containing at least forty-eight (48) square feet and a width of at least four (4) feet.
 - (2) Private outdoor areas for multifamily residential units shall be screened from view from other residential units, abutting land uses, and public or private streets to the extent practicable using the orientation and location

of structures, windows, and private outdoor spaces, landscaping and screening, natural features such as topography and open space, and built features such as windowless walls; provided, an applicant is not required to reduce the otherwise permitted density of a proposed development or to increase the cost of a proposed development by more than five percent (5%) per unit to comply with these standards.

(B) Shared Outdoor Recreation Areas for Multifamily Residential Uses.

- (1) Usable outdoor recreation space shall be provided in residential development for the shared or common use of all residents in the following amounts:
 - a. One and two-bedroom units, two hundred (200) square feet per unit; and
 - b. Three (3) or more bedroom units, three hundred (300) square feet per unit.
- (2) The required recreation space may be all outdoor space or part outdoor space and part indoor space and all public or common space or part common space and part private; provided, all public and common outdoor recreation spaces shall be readily observable from residential units and/or public or private streets to allow for surveillance that contributes to greater public safety.
- (3) Designated open space shall not include the following:
 - a. Parking areas except those accessory to recreational uses.
 - b. Utility easements and road rights-of-way.
 - c. Perimeter setback areas, unless developed with bicycle or pedestrian trails.
 - d. Sewer and/or water treatment plant sites.
 - e. Land which has been or is to be conveyed to a public agency for public use via a purchase agreement or dedication for schools, parks, community buildings, or other public facilities (excluding drainage facilities).

(C) The boundaries of public areas, such as streets or public gathering places, semipublic areas, such as transition areas between streets and dwelling units, and private outdoor areas shall be clearly defined so that a person can readily

determine where the public space ends and the private space begins, such as by using one (1) or more of the following:

- (1) A deck, patio, low wall, fence, or other suitable structures;
- (2) Landscaping, such as a hedge or draping vine on a trellis or arbor;
- (3) A change in the texture of the path material;
- (4) Signs; or
- (5) Substantial natural features, such as a drainageway or tree grove.

**3.08.07 *Multi-Family Residential:
Patio Homes***

Please see Section 3.08.06 for requirements.

**3.08.08 *Multi-Family Residential:
Townhouse***

Please see Section 3.08.06 for requirements.

**3.08.09 *Multi-Family Residential:
Triplex, Three Family***

Please see Section 3.08.06 for requirements.

**3.08.10 *Group Care Facilities:
Special Needs Care Facilities***

Each facility shall be designed to be compatible with the surrounding uses in architectural form and design. In addition to the applicable requirements in Section 2.03.06, the following applies:

- (A) All facilities shall be licensed according to State regulations.
- (B) Minimum lot requirements for child care facilities in any zone shall be 10,000 square feet.
- (C) Play and recreation areas shall be enclosed by a fence, wall, or other barrier and shall be **shaded at least 50 percent**.
- (D) The Development Director or the Planning and Zoning Board shall determine that

adequate provision is shown for safe loading and unloading of children and other passengers from vehicles.

- (E) The Development Director or 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.
- (F) The Development Director or the Planning and Zoning Board shall determine that such uses and buildings meet a community need without adversely affecting the adjacent properties.
- (G) If reviewed by the Planning and Zoning Board, 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.

3.08.11 *Lodging:*
Hotel/Motel

The Planning and Zoning Board must review proposed hotels and motels in the HC-1 and P-1 zoning districts for compatibility with the neighborhood and to ensure adequate parking can be achieved.

- (A) Newly constructed structures must conform to the surrounding development.
- (B) Parking requirements may be met through on-site, shared parking, and/or valet parking.

3.08.12 *Office/Financial/Medical Facilities:*
Medical/Dental/Health Care Office/Laboratory

Laboratories are only allowed in the C-2 and I zoning districts.

3.08.13 *Personal Services:*
Body Art Shop (Tattoos)

- (A) Tattooing and piercing facilities must be licensed by the State as required in Florida Statutes Sections 381.00771 – 381.007791 and 381.0075, respectively, as may be updated.
- (B) A minimum distance of 500 feet from any residential district or use;
- (C) A minimum distance of 1,000 feet from any church, school, day care facility; and

- (D) A minimum of 1,000 feet distance between similar businesses.
- (E) The 1,000-foot restriction between such regulated uses may be waived by the Planning and Zoning Board, if the applicant demonstrates by substantial and competent evidence that:
 - (1) The proposed use will not be contrary to the public interest or injurious to nearby properties and the spirit and intent of this Chapter will be observed,
 - (2) The proposed use will not enlarge or encourage the development of a “blighted area” as defined in the Florida Statutes,

**3.08.14 *Retail Commercial, No Outdoor Storage or Activities:
Restaurant, Drive In or Drive Thru***

- (A) Must meet requirements of Section 3.02.07.
- (B) A minimum distance of 100 feet to any residential district or use shall be maintained to the order (speaker) box or pick-up window.

**3.08.15 *Retail Commercial, No Outdoor Storage or Activities:
Shopping Center (Less than 150,000 SFGLA)***

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.

**3.08.16 *Retail Commercial, No Outdoor Storage or Activities:
Veterinary Clinic, Animal Hospital No Outdoor Kennels***

- (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.

**3.08.17 *Retail Commercial, No Outdoor Storage or Activities:
Warehouse, Mini/Self Storage***

- (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.

**3.08.18 *Retail Commercial, Outdoor Storage:
Commercial Parking Lot***

- (A) *Lighting:* All lights shall be shielded to focus and direct light onto the commercial parking lot, 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.
- (B) *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.

**3.08.19 *Retail Commercial, Outdoor Storage:
Farmer's Market***

- (A) An application for the Farmer's Market shall be submitted to the Development Director along with a plan of the proposed site showing the location of any tents in relation to entryways to businesses and any other features that affect accessibility to the site. The plan shall show any tables, display areas, or other equipment that will not be under tents.
- (B) Parking areas must be on site and clearly marked. No parking shall be allowed on the Right of Way or Street.
- (C) Adult material is prohibited from being sold or purchased at Farmer's Markets. Adult material for purposes of this chapter is: any one or more of the following regardless of whether it is new or used:
 - (1) Books, magazines, periodicals, other printed matter, photographs, films, motion pictures, videotapes, slides, computer digital graphic recordings, other visual representations, tape recordings, or other audio matter which have as their primary or dominant theme matter depicting, illustrating, describing, or relating to specified sexual activities or specified anatomical areas; or
 - (2) Instruments, novelties, devices, or paraphernalia which are designed for use in connection with specified sexual activities.
- (D) If canopies, tents, or other temporary facilities are utilized they shall be secured for safety and removed at the end of the day. If Fire Rated Commercial tents are used, they must be in compliance with all relevant Fire Code Regulations.
- (E) The Farmer's Market must comply with the provisions concerning noise set forth in Section 12-2 of the City's Code of Ordinances.
- (F) Mobile food vendors must display all State and Health Department permits.

**3.08.20 *Retail Commercial, Outdoor Storage:
Kennel (Outdoor)***

A kennel with outside runs, apiary, or aviary shall be located not less than two hundred (200) feet from any property under separate ownership or from residentially zoned property.

**3.08.21 *Retail Commercial, Outdoor Storage:
Nurseries and Garden Centers, Commercial Retail***

- (A) All plant stock not enclosed within a structure shall be set back at least 50 feet from any property under separate ownership or from residentially zoned property.
- (B) Sufficient hard surface parking shall be provided on site to serve the anticipated need.
- (C) Parking areas for customers must be paved.
- (D) Fencing and screening must be provided in accordance with Section 3.02.05.
- (E) All lighting and electrical wiring must meet applicable codes.
- (F) No merchandise shall be within the required yard setbacks.
- (G) Greenhouses shall be maintained in good operating conditions.
- (H) All outside storage of planting materials (soils, sand, peat moss, etc.), nutrients, pest sprays, etc. shall be screened from view within commercial districts.

**3.08.22 *Retail Commercial, Outdoor Storage:
Veterinary Clinic or Hospital with Outdoor Kennels***

See requirements under 3.08.20.

**3.08.23 *Motor Vehicle Sales, Repairs, Rentals, Parts:
Automobile, Truck, and Boat Sales, and/or Rental/Leasing
Establishment with or without Repairs***

Uses involving sales, and/or rental/leasing of motor vehicles or boats with or without repair services will conform to all applicable provisions of this Code and, in addition, the following requirements will apply.

- (A) A sales/rental office shall be located within a permanent building meeting Florida Building Code/State Regulations on the premises.
- (B) All inoperative motor vehicles shall meet the requirements of Section 2.03.03.
- (C) Automobiles stored on site shall be contained in a separate area not in required parking spaces.
- (D) All repair activities are conducted within a building or fully screened area.

- (E) Outside storage is confined to the rear of the property and visually screened in accordance with the buffer standards of Article 3.
- (F) Repair activities shall not generate noise, odors, or fumes that can be detected beyond the property lines.
- (G) Overhead doors are to remain closed to eliminate associated noise from such uses that are within 300 feet of any residential district or use. (Ventilation, exhaust, and air circulation should be considered by the prospective business operator and/or owner when the enactment of this condition is present. Such use may require special fans, air conditioning, etc.).
- (H) All lots shall be surfaced in a stable manner.
- (I) Landscaping and buffers are required.

**3.08.24 *Motor Vehicle Sales, Repairs, Rentals, Parts:
Mobile Home/RV Sales***

See applicable requirements under 3.08.23.

**3.08.25 *Motor Vehicle Sales, Repairs, Rentals, Parts:
Major Repair, No Sales***

Uses involving the major repair of vehicles will conform to all applicable provisions of this Code and, in addition, the following requirements will apply.

- (A) A service office shall be located within a permanent building meeting Florida Building Code/State Regulations on the premises.
- (B) All inoperative motor vehicles shall meet the requirements of Section 2.03.03.
- (C) Automobiles stored on site shall be contained in a separate area not in required parking spaces.
- (D) All repair activities are conducted within a building or fully screened area.
- (E) Outside storage is confined to the rear of the property and visually screened in accordance with the buffer standards of Article 3.
- (F) Repair activities shall not generate noise, odors, or fumes that can be detected beyond the property lines.
- (G) Overhead doors are to remain closed to eliminate associated noise from such uses that are within 300 feet of any residential district or use. (Ventilation, exhaust, and

air circulation should be considered by the prospective business operator and/or owner when the enactment of this condition is present. Such use may require special fans, air conditioning, etc.).

- (H) All lots shall be surfaced in a stable manner.
- (I) Landscaping and buffers are required.

**3.08.26 *Nonretail/Service Commercial/Light Industrial:
Cabinet Shop***

- (A) All construction activities are conducted within a building.
- (B) All storage of machinery and equipment shall be placed in the rear or sides of the building and screened from street views with an opaque fence of sufficient height to hide the storage area.
- (C) Activities shall not generate noise, odors, or fumes that can be detected beyond the walls of the building in which the use is housed.
- (D) Overhead doors are to remain closed to eliminate associated noise from such uses that are within 300 feet of any residential district or use. (Ventilation, exhaust, and air circulation should be considered by the prospective business operator and/or owner when the enactment of this condition is present. Such use may require special fans, air conditioning, etc.).

**3.08.27 *Nonretail/Service Commercial/Light Industrial:
Contractor Storage Yard***

See requirements under 3.08.33.

**3.08.28 *Nonretail/Service Commercial/Light Industrial:
Sales/Repair of Heavy Equipment***

See requirements under 3.08.23.

**3.08.29 *Nonretail/Service Commercial/Light Industrial:
Warehouse***

- (A) Structures shall be set back 40 feet from the front lot line and 30 feet from side and rear lot lines.
- (B) No warehouse shall be used as a place of residence or as a storage location for hazardous materials.

- (C) *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.

3.08.30 *Heavy Industrial:*
Bulk Storage of Explosive Gases

Storage tanks shall be located at least 75 feet from all property lines.

3.08.31 *Heavy Industrial:*
Commercial Incinerator

- (A) Minimum lot size shall be five acres.
- (B) Incinerator facility shall be located at least 300 feet from any existing residential structure.
- (C) Landscaping shall be provided in all setback areas according to landscape standard D (see section 3.07.00).
- (D) Incinerator facility shall meet applicable standards for noise, smoke, lighting, and gases established in section 3.06.00, Performance Standards.

3.08.32 *Heavy Industrial:*
Recycled Materials Processing Facility

Materials in a storage area collected for recycling purposes shall be screened from outside view by an opaque fence no less than six feet in height.

3.08.33 *Heavy Industrial:*
Storage of Sand/Gravel/Blocks

- (A) The minimum lot size shall be one acre.
- (B) Stored materials shall be completely screened from view by an opaque fence no less than ten feet in height. Said fence may be constructed along property lines, but shall be set back no less than 25 feet from the right-of-way of any abutting public roads.
- (C) All lights shall be shielded to focus and direct light onto the uses established, and away from adjacent property, but may be of sufficient intensity to discourage vandalism and theft. Reference Section 3.06.00, Performance Standards, for applicable glare and lighting standards.

- (D) In keeping with Section 3.06.02.04, all piles must be moistened and/or covered to prevent emissions into the air of dust or other solid material at or beyond the lot line of the property.

**3.08.34 *Heavy Industrial:
Truck and Motor Freight Terminals***

- (A) Development site shall have frontage on a road with a functional classification of "arterial."
- (B) Structures and truck parking areas shall be set back at least 25 feet from side and rear property lines.

**3.08.35 *Public/Semi-Public Service Facilities:
Maintenance Facilities & Storage Yards for Schools,
Government Agencies, Telephone, and Cable
Companies***

- (A) Stored materials shall be completely screened from view by an opaque fence no less than ten feet in height. Said fence may be constructed along property lines, but shall be set back no less than 25 feet from the right-of-way of any abutting public roads.
- (B) 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 3.05.00, Performance Standards, for applicable glare and lighting standards.

**3.08.36 *Public/Semi-Public Educational Facilities:
College/University***

- (A) Development site shall front on and primary ingress/egress points shall connect to an arterial road.
- (B) 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 C, except if a solid face masonry wall is utilized.

**3.08.37 *Public/Semi-Public Educational Facilities:
School Vocational, Technical, Trade***

See requirements under 3.08.36.

3.08.38 *Places of Public Assembly:*

All Included Uses

- (A) In residential zoning districts, the exterior of the building maintains a residential character that blends harmoniously with surrounding residential properties.
- (B) In a Residential Zoning District, the site shall be landscaped compatible with the residential setting.
- (C) The Site Development Plan shall be approved by the Development Director for safe and adequate ingress/egress.
- (D) The Site Development Plan shall show the necessary amounts of parking spaces and their location. Some parking may be designated on-street in Residential Zoning Districts, provided the Development Director, in coordination with the fire and police departments deem the roadway wide enough for emergency vehicles to pass. Restrictions for days/times may be placed on on-street parking. All parking must be delineated on the Site Development Plan, whether off-street or on-street.
- (E) In order to counteract the heat generated by large expanses of asphalt, and in order to blend in with the residential character of a neighborhood more effectively, large expanses of parking may be sodded rather than paved, or perforated pavers may be used; or a combination of the two.

3.09.00 Development Standards for Uses Permitted by Special Exception

The purpose of this section is to outline development standards for special exception uses, those which are permitted only through special application and public review. Its intent is to ensure that such uses, if approved, are compatible with surrounding properties, and are developed in suitable locations with those design features that are necessary to safeguard the public health, safety, and welfare.

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

The following standards apply to uses listed as "S" Special Exceptions in Article 2, Section 2.02.01, Table 2.02.01(A), and approved under the provisions of Article 7, Section 7.09.00 "Special Exceptions." 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.

*** All Uses are listed in alphabetical order within their Use Class as included in the Table of Land Uses.*

**3.09.01 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 is 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 at a minimum 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.
- (I) All special exception requests for farm labor camps shall be reviewed by the City Commission through a de novo proceeding following rendition of a decision by the Planning and Zoning Board.

**3.09.02 Single Family Residential:
Single Family, Manufactured Home (Mobile Home),
Individual**

In the Conservation Zoning Category, a single family manufactured home meeting the requirements of Section 3.08.02 may be permitted as a park ranger/care takers home in keeping with the Conservation Future Land Use district.

**3.09.03 Single Family Residential:
Manufactured (Mobile) Home Park**

The purpose of this Section is to establish locations suitable for manufactured (mobile)

home parks, 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 park setting.

Manufactured home parks are permitted with special exception approval in the 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, 2.04.01(C), under R4 zoning district.

3.09.03.01 Development Standards

(A) Minimum Lot Requirements for the Manufactured Home Park:

Minimum Size for Development Site: five acres with a minimum of 25 units. The maximum allowable density for a manufactured home park is 10 units per acre as per the Comprehensive Plan of the City of Wauchula.

(B) *Minimum Yard Requirements for the Manufacture Home Sites:*

(1) No manufactured home or structure shall be placed less than 25 feet from the perimeter lot line of the manufactured home park 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 park roads, which shall also be landscaped.

(C) *Individual Unit Requirements:* The individual units located within the manufactured home park must meet the requirements of Section 3.08.02.

3.09.03.02 Allowable Accessory Uses

(A) Clubhouse, laundry, swimming pool, and other shared facilities for the common use of the residents of a manufactured home park are allowed.

(B) No more than one conventionally constructed single family home may be located in a manufactured home park, and of at least 600 square feet in size, for the use of a resident manager.

(C) 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 manufactured home park residents only, and shall be fenced and landscaped. Storage of these units shall be prohibited on individual manufactured home sites or on a manufactured home park roads.

3.09.03.03 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 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 for use during storm conditions. In addition, the following shall be provided and maintained: electrical generation for emergency lighting. Each building shall be built to conform with the Florida Building Code for hurricane shelters.

To calculate the number of persons per manufacture home park that would require shelter, each manufactured home unit space 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 Florida Building Code regulations for hurricane shelters.

- (C) *Recreation Area.* A recreation area equal to a minimum of 500 square feet per dwelling unit shall be provided, exclusive of perimeter buffer yards, easements, drainage retention areas, and preservation areas. Recreation areas shall be accessible to all residents within the park. In no case shall a recreation area be less than 10,000 square feet in area.
- (D) *Streets.* The following street development standards shall apply to all manufactured home parks:
 - (1) All streets within a manufactured home park shall be privately owned and maintained. Roads shall be designed and constructed in accordance with the standards for private roads.
 - (2) Access to manufactured home parks shall be provided by an entrance road connected to a collector or arterial road.

- (3) Entrance roads shall provide a minimum of 50 feet of right-of-way for the first 100 feet and provide not less than 20 feet of pavement with a 50 foot minimum turn-off apron.
- (4) Dead end streets shall be no longer than 1,000 feet and be constructed with a cul-de-sac having a minimum diameter of 60 feet.
- (E) *Utilities.* Areas must be designated for all appropriate utility service lines, including, but not limited to, water, sewer, gas, electric, telephone, and cable to provide access to serve each lot and make necessary repairs. Such easements may utilize street right-of-way, open space, and buffer areas as agreeable to the owner and the utility provider.
- (F) *Nonconformities.* No new land for manufactured homes may be added to an existing manufactured home park in a R4 zone that does not comply with applicable requirements of this Code. However, existing vacant manufactured home sites within the subdivision may be utilized and previously installed units may be moved. 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.”
- (G) *Site Development Plan Required for Residential Manufactured Home Park.* 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 park 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 park facilities or manufactured homes.

3.09.04 *Single Family Residential*
Single Family, Cluster Subdivision

See Section 7.07.01.

3.09.05 *Accessory Residential:*
Garage Apartment, Detached

Please see Section 2.04.02 for requirements.

**3.09.06 Accessory Residential:
 In-law Units, Attached**

Please see Section 2.04.01 for requirements.

**3.09.07 Lodging: RV Park/RV Campground with or without Tent
 Camping**

It is the purpose of these standards to provide minimum development guidelines for an RV Park /RV Campground with or without tent camping designed to accommodate the RV (recreational vehicle). For the purposes of this Code, an RV Park and RV Campground are defined as follows:

RV Park: A development in which RVs and/or “park model manufactured homes” are permanently sited and occupied year round.

RV Campground: A development for overnight or limited vacation and/or seasonal short-term stays, designed exclusively for pull-through models. An RV campground may include areas for tent camping.

3.09.07.01 General Requirements

- (A) The development standards of this section shall apply to both RV Parks and RV Campgrounds as applicable.
- (B) Within the R-4 district only, combination recreational vehicle park/manufactured home development may be allowed within a single project. In such cases, the recreational vehicle portion of the project shall comprise more than 50 percent of the total approved lots. Manufactured home and recreational vehicle portions of the project shall be clearly identified on the development plan. Combination parks shall meet all of the standards for recreational vehicle parks, except that the minimum lot area for manufactured homes within combination parks shall meet the lot size requirements for manufacture homes within a manufactured home park.

3.09.07.02 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 shell, gravel, 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.

3.09.07.03 Tract Requirements

- (A) Minimum tract size for a RV park or campground development shall be five acres.
- (B) Minimum width of the tract shall be 100 feet at the front building setback line.
- (C) 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.
- (D) *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.

3.09.07.04 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.

3.09.07.05 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.

3.09.07.06 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.* All streets shall be privately owned and maintained. 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 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 and tent camping sites. Each RV Campground shall provide guest parking at a ratio of one parking space for every five home sites.
- (3) Each RV Campground that includes tent camping shall provide an area for the parking of at least one automobile per tent site.
- (4) 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.
- (5) Sufficient maneuvering space and off-street parking facilities shall be provided at each site to accommodate a towing vehicle, if any.

3.09.07.07 Service Requirements

At least one central service building containing the necessary sanitary and plumbing facilities for the use of persons using the park for tent camping in areas designated as tent camping only within a Recreational Vehicle Campground must be provided. Tent camping may also occur in a RV space with all the aforementioned requirements. Service buildings shall be located for convenient access to all lots. The following requirements must be met to accommodate RV spaces in RV parks and campgrounds.

- (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.

- (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.

Service buildings may be used as shelter in place hurricane shelters as long as the buildings are built to minimum Florida Building Code regulations for hurricane shelters.

3.09.07.08 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.

- (B) *Location.* All refuse shall be stored in watertight, fly-proof, rodent-proof containers.

3.09.07.09 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 guest 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.

3.09.07.10 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 180 calendar days within any 365 day period**, whether accumulated consecutively or intermittently. Tent camping, which must occur on an intermittent basis, shall not exceed 120 calendar days within any 365 day period.

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.

3.09.07.11 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) *Building Permit.* Upon completion of (A) and (B) above, application shall be made to the Development Director for the building permit to construct, alter, or extend a RV park or campground in accordance with the provisions of this Section and all applicable Florida Building Code requirements. Before issuing a building permit for the construction, alteration, or extension of a RV park or campground, the Development Director shall determine that all applicable review procedures and standards required under this Code have been satisfactorily met.

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

- (A) *New Establishments.* New adult entertainment establishments shall be permitted in the Industrial (I) district subject to the following standards:
- (1) No adult entertainment establishment shall be located within 500 feet of any property zoned Residential or Agricultural, 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.

**3.09.09 *Retail Commercial, No Outdoor Storage or Activities:
Shopping Center /Big Box Retail (>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) *Landscaping:* Canopy and buffer yards shall be provided in accordance with the standards Buffer Yard “D”. See Section 3.07.00.

**3.09.10 *Retail Commercial, Outdoor Storage:
Flea Market***

It is the purpose of these standards to provide minimum development guidelines for a flea market in the C-2 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 major 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 Commission.
- (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.

**3.09.11 *Retail Commercial, Outdoor Storage:
Recycling Center (Outdoor)***

See Section 3.08.31.

**3.09.12 *Motor Vehicle Sales, Repairs, Rental, Parts:
Auto Salvage Yard/Wholesale Parts***

- (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.

**3.09.13 *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.

3.09.14 *Heavy Industrial:*
Recycled Materials Processing Facility

See Section 3.08.32.

3.09.15 *Heavy Industrial:*
Storage of Sand/Gravel/Blocks

See Section 3.08.33.

3.09.16 *Public/Semi Public Service Facilities:*

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 2.06.05.
- (B) *Special Exception.* Communications Towers and Antennas shall only be allowed with the approval of a special exception and only in agriculture and industrial zoning districts, as designated in Article 2, Section 2.02.00, Table 2.02.01(A) “Table of Land Uses” of this Code. The Special Exception Use request shall be considered and reviewed under the regulations set forth in Article 7, Section 7.08.00 “Special Exceptions,” except as noted here under (I), (J) and (K). As a condition of the special exception, an extended time limit for establishment purposes may be granted.
- (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 2.02.01(C) 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 2.02.01(C).
 - (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 2.02.01(C) 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 3.09.16(A) below.

Table 3.09.16(A) 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	100 feet or 100% height of tower, whichever is greater.

valid development plan approval and any multi-family residentially zoned land greater than duplex.	
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 3.09.16(B) 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 3.09.16(B) 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 Special Exception.* **In addition to** the requirements of Article 7, Section 7.09.00 “Procedure for Obtaining a “Special Exception”, 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 3.09.16(A) and 3.09.16(B) 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.* The Special Exception must be approved by the City Commission. In determining whether to grant a Special Exception 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 Commission **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 exiting 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 Special Exception 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 Special Exception 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.

3.10.00 Development Standards for Uses that Require Approval of a Planned Unit Development (PUD)

The purpose of this section is to establish development standards for uses that require approval of a Planned Unit Development (PUD). The uses listed in Table 2.02.01(B) 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. Planned Unit Development approval shall be granted in accordance with the provisions of Sections 07.04.00 and 2.02.02.15. Special standards and requirements presented in this section are minimum conditions for

approval of the Planned Unit Development and shall be binding on all development authorized under the Planned Unit Development.

Where standards provided herein exceed and/or create greater restrictions than those of the associated Planned Unit Development, this section shall supersede any other provision of this code. Where no standard is established in this section, that of the relevant associated Planned Unit Development shall apply. Uses included in Table 2.02.01(B) and not represented below must be approved through the Planned Unit Development process but do not have set development standards to be met.

3.10.01 Required PUD Review: Hospital

- (A) Development site shall front on a road with a functional classification of "arterial."
- (B) Structure shall be set back no less than 75 feet from any adjoining property under different ownership.

ARTICLE 4

SIGN REGULATIONS

4.01.00 Purpose, Findings, and General Principles

The regulation of signs as provided herein is based upon their function, and is not based upon the content of the message contained on any such sign. The Florida Constitution provides that it is the policy of the state to conserve and protect its scenic beauty, and the regulation of signage for purposes of aesthetics directly serves that policy. In order to preserve the city as a desirable community in which to live, play, and do business, a pleasing, visually attractive urban environment is of foremost importance. The regulation of signs within the city is a highly contributive means by which to achieve this desired end. These sign regulations are prepared with the intent of enhancing the urban environment and promoting the continued well-being of the City. The enhancement of the visual environment is critical to a community's image, and the sign control principles set forth herein create a sense of character and ambiance that distinguishes the City as one with a commitment to maintaining and improving an attractive environment.

These sign regulations are intended to complement the requirements of the adopted building and electrical codes. In case of an inconsistency between these regulations and the building or electrical code, the more stringent requirement shall apply. It is the intent of this Article to encourage the use of signs which are compatible with their surroundings and appropriate to the type of activity to which they pertain.

It is the purpose of this division to promote the public health, safety, and general welfare through a comprehensive system of reasonable, consistent, and nondiscriminatory sign standards and requirements. These sign regulations are intended to:

- (A) Enable the identification of places of residence and business.
- (B) Allow for the communication of information necessary for the conduct of commerce.
- (C) Lessen hazardous situations, confusion, and visual clutter caused by proliferation, improper placement, illumination, animation, and excessive height, area, and bulk of signs which compete for the attention of pedestrian and vehicular traffic.
- (D) Enhance the attractiveness and economic well-being of the city as a place to live, play, and conduct business.
- (E) Protect the public from the dangers of unsafe signs.
- (F) Permit signs that are compatible with their surroundings and aid orientation, and preclude placement of signs in a manner that conceals or obstructs adjacent land uses or signs.
- (G) Encourage signs that are appropriate to the zoning district in which they are located and

consistent with the category of use to which they pertain.

- (H) Curtail the size and number of signs and sign messages to the minimum reasonably necessary to identify a residential or business location and the nature of any such business.
- (I) Establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains.
- (J) Preclude signs from conflicting with the principal permitted use of the site or adjoining sites.
- (K) Regulate signs in a manner so as to not interfere with, obstruct vision of, or distract motorists, bicyclists, or pedestrians.
- (L) Require signs to be constructed, installed, and maintained in a safe and satisfactory manner.
- (M) Implement the City's Comprehensive Plan and comply with the minimum requirements established by state law that requires the regulation of signage.

4.01.01 Content Neutrality; Substitution; Prohibition

- (A) Substitution of Non-Commercial Speech for Commercial Speech.

Except as otherwise provided in this Code, any sign erected pursuant to the provisions of this Article or Code may, at the option of the owner, contain a non-commercial message in lieu of a commercial message and the non-commercial copy may be substituted at any time in place of the commercial copy. The non-commercial message (copy) may occupy the entire sign face or any portion thereof. The sign face may be changed from commercial to non-commercial messages, or from one (1) non-commercial message to another non-commercial message, as frequently as desired by the owner of the sign, provided that the size, height, setback, and other dimensional criteria contained in this Article and Code have been satisfied. No sign shall obstruct the area of clear visibility, consistent with Section 3.02.04 of this Code.

- (B) Content Neutrality as to Sign Message (Viewpoint).

No sign or sign structure shall be subject to any limitation based upon the content (viewpoint) of the message contained on such sign or displayed on such sign structure, except as stated under Section 4.01.00.

- (C) It is unlawful for any person to display untrue, false, or misleading statements upon signs, billboards, or other public places, calculated to mislead the public as

to anything sold, any services to be performed, or information disseminated. The fact that any such sign or display shall contain words or language, sufficient to mislead an ordinary person in reading the same, shall be prima facie evidence of a violation of this section by the persons displaying such sign, or permitting same to be displayed at their residence, establishment, or place of business.

4.02.00 Exempted Signs

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

- (A) Signs that are not designed or located so as to be visible from any street or adjoining property.
- (B) Signs of two (2) square feet or less, provided that such sign, or combination of such signs, does not constitute a sign prohibited by Section 4.03.00 of this Code.
- (C) Signs necessary to promote health, safety, and welfare, and other regulatory, statutory, traffic control, or directional signs erected on public property.
- (D) Legal notices and official instruments.
- (E) Temporary holiday lights and decorations provided such items are removed no later than thirty (30) days after the holiday being celebrated.
- (F) Memorial signs or historic markers containing names of buildings, dates of erection, and other information when inscribed in a masonry surface or metal plaque and permanently affixed to the side of a building.
- (G) Public warning signs to indicate the dangers of trespassing, swimming, animals, or similar hazards.
- (H) Signs carried by a person.
- (I) Temporary religious displays erected on religious institution grounds.
- (J) Temporary construction signs not exceeding twelve (12) square feet in size.
- (K) Temporary real estate yard signs or signs naming the future site occupant not exceeding twelve (12) square feet in size.
- (L) Temporary signs indicating yard sales or garage sales, provided that such signs are removed within 48 hours.

- (M) For each dwelling unit, one sign no larger than four (4) square feet in area which contains the name of the occupant, name of the dwelling, and/or house number.

4.03.00 Prohibited Signs

The following types of signs are prohibited in all zoning districts:

- (A) Portable signs, for periods of more than ten (10) days.
- (B) Abandoned signs.
- (C) Signs that are in violation of the adopted building or electrical codes.
- (D) Any sign that, in the opinion of the Development Director, constitutes a safety hazard.
- (E) Blank temporary signs.
- (F) Signs imitating or resembling official traffic or government signs or signals.
- (G) Signs attached to trees, telephone poles, public benches, streetlights, or signs placed on any public property or public right-of-way.
- (H) Signs placed on vehicles or trailers that are parked or located for the primary purpose of displaying said sign (this does not apply to permitted portable signs or to signs or lettering on buses, taxis, or vehicles operating during the normal course of business).
- (I) Signs with the optical illusion of movement by means of a design that presents a pattern capable of giving the illusion of motion or changing of copy.
- (J) Any sign obstructing traffic visibility.
- (K) Signs with moving, revolving, or rotating parts, except trademark signs at least twelve (12) feet in height and rotating at no more than two (2) revolutions per minute.
- (L) Signs with lights or illuminations that flash, move, rotate, blink, flicker, or vary in intensity or color, except on theater marquees, time-temperature-date signs, and electronic message boards.
- (M) Illuminated signs of such intensity or brilliance as to cause glare or impair the vision of motorists, cyclists, or pedestrians using or entering a public right-of-way, or that are a hazard or nuisance to occupants of any property because of glare or other characteristics.
- (N) Signs emitting sound, odor, smoke, or steam.
- (O) Signs that display any words, characters, or illustrations that are obscene, lewd, indecent,

lascivious, or immoral nature.

- (P) No person shall paint, paste, print, or nail any banner, sign, paper sign, or any advertisement or notice of any kind whatsoever, or cause same to be done, on any curbstone, flagstone, pavement, or any other portion or part of any sidewalk or street, or upon any trees, lamppost, telephone or telegraph pole, hydrant, bridge, workshop, or tool shed.
- (Q) *Murals that are Used as Advertising.* Murals are considered artwork and may not be used as an advertising sign.

4.04.00 Permitted Signs

The following signs are permitted within the City of Wauchula, subject to the standards provided in this Section and require a permit from the Development Director. Each application for a sign permit must include a drawing of the sign, with dimensions, the placement on the lot in relation to lot lines and other structures indicated.

- (A) *Height.* No sign shall exceed fifteen (15) feet in height. Signs located in C-1, HC-1, and P-1 zones are limited to five (5) feet in height.
- (B) *Illumination.* No illuminated sign shall be located so to face directly, shine, or reflect glare into a dwelling home situated in the vicinity of such sign. (See also Section 4.03.00 (L) and Section 4.03.00 (M)).
- (C) Billboards.
 - (1) Attached Billboards, as defined in Article 9, must be designed by a professional engineer for safety reasons. The sealed engineering plans must accompany the request for a permit. All attached billboards must have approval of the City Commission.
 - (2) Freestanding billboards as defined in Article 9 shall *not* be permitted in a P-1 Professional/Neighborhood Commercial or HC-1 Historic Downtown Commercial district; and shall *not* be permitted on any lot that is surrounded by residential dwelling units. Freestanding billboards shall only be permitted within other non-residential districts at such locations and in such a manner as will not constitute a traffic hazard or eyesore. Freestanding billboards must be designed by a professional engineer for safety reasons. The sealed engineering plans must accompany the request for a permit. All billboards must have approval of the City Commission;
- (D) *Electronic Message Boards.* All or part of a sign for a permitted non-residential use located in a non-residential zoning district may include an electronic message board. An electronic message board sign may only be used as part of a permitted free standing or ground-mounted sign. The electronic message board may display a static, fixed image,

with changes of copy not more frequently than once every five (5) seconds. An electronic message board shall not flash or animate static information. Electronic message center signs in residential zoning districts are limited to places of public assembly and K-12 schools.

- (E) Where the rear of a sign would be visible from any street or from an adjoining district of residential classification, the exposed structural members of such sign shall be concealed by painted lattice work or by planting, and such back screening shall be properly maintained.
- (F) The following signs are permitted in non-residential zoning districts unless not allowed due to other provisions of this Code:
 - (1) The total surface area of sign, other than billboards, shall not exceed two-hundred (200) square feet per zoning lot, except for signage in multi-use complexes and shopping centers (Section 4.04.04).
 - (2) Signs serving or incidental to a Special Exception subject to approval by the City or Wauchula City Commission; and
 - (3) Small incidental signs such as those necessary to control or direct traffic, parking, or access shall be permitted in addition to those allowed above, provided no such sign shall exceed two (2) square feet on one side.
- (G) Portable signs are permitted for a maximum of ten (10) days upon approval of the Development Director.

4.04.01 Signs for Permitted Non-Residential Uses Located in Non-Residential Zoning Districts

Signs are permitted as an accessory use to structures on property located in non-residential zoning districts.

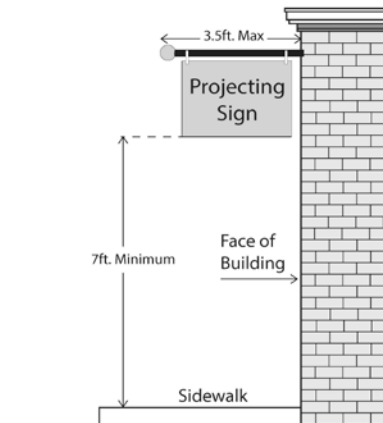
- (A) *Number of Free Standing/Ground-mounted Signs Permitted.* For each frontage of seventy-five (75) feet to two hundred fifty (250) feet on a publicly maintained road, one free standing/ground-mounted sign is permitted near the right-of-way. For parcels having two hundred fifty (250) feet or more of frontage on a single road, an additional free standing/ground-mounted sign per entrance shall be allowed and signs shall be located near the entrance.
- (B) *Corner Lots.* For lots or parcels situated at intersections, an additional sign may be placed on the additional street frontage, one for up to two hundred fifty (250) feet of frontage and one additional sign if there is more than two hundred fifty (250) feet of street frontage, placed on the second street.
- (C) *Small Lots.* For businesses with less than seventy-five (75) feet of street frontage,

only one sign, mounted on the building, is allowed.

- (D) *Through Lots.* For through lots, an additional sign may be mounted on the back of the building.
- (E) *Sign Types.*: The maximum two hundred (200) square feet of signage as required by Section 4.04.00(F)(1) may be distributed through the following sign types:
 - (1) *Design Standards for Affixed Signs.* Signs that are affixed to a building are limited to one (1) square foot of sign area for each two (2) lineal feet of street frontage, or thirty-six (36) square feet of sign area, whichever is larger, and limited to a total of 6 signs.
 - (2) *Design Standards for Projecting Signs:* Projecting signs shall be permitted as building signs within the C-2 and HC-1 zoning districts subject to the following conditions:
 - a. Projecting signs shall be included in calculating the maximum allowable building sign area in accordance with Section 4.04.01 and shall have no more than two sides.
 - b. One (1) projecting sign may be permitted per principal ground-floor business.
 - c. Projecting signs shall not exceed eight (8) square feet in sign area if mounted at a height of fifteen (15) feet or lower measured from the finished sidewalk to the bottom of the sign.
 - d. Projecting signs shall not exceed twenty-five (25) square feet in sign area if mounted higher than fifteen (15) feet measured from the finished sidewalk to the bottom of the sign.
 - e. Projecting signs shall be located within five feet (5) (horizontally) of the principal business entrance. In no case, however, shall a projecting sign be mounted within ten (10) feet of any other projecting sign.
 - f. Projecting signs may project no more than forty-two (42) inches from the building wall.
 - g. Projecting signs shall maintain a seven (7) foot clearance, between the bottom of the sign and the finished surface of all public and private pedestrian pathways.
 - h. Within the HC-1 zoning district, exceptions to conditions b. through

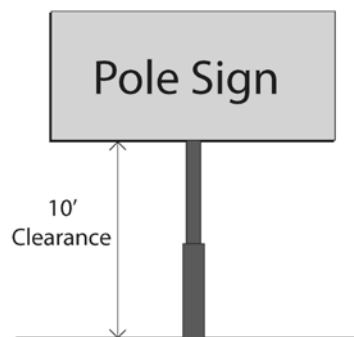
f. above may be approved by the Historic Preservation Board based upon a determination that sufficient historical documentation exists to justify the exception(s).

Example of Projecting Sign



- (3) *Design Standards for Freestanding Signs.* Total sign area may be up to two (2) square feet for each lineal foot of building street frontage or one (1) square foot for each lineal foot of lot street frontage whichever results in a larger sign area, but not to exceed sixty-four (64) square feet in C-2 and I zones. Sign height shall not exceed fifteen (15) feet in C-2 and I zones. All freestanding signs shall be set back ten (10) feet from any property line.

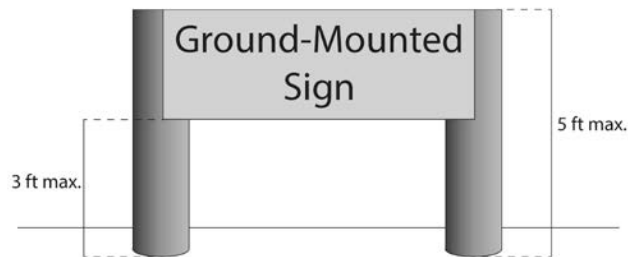
Example of free standing (pole) Sign



- (4) *Design Standards for Ground-mounted Signs.* Ground-mounted signs shall not exceed five feet in height and the bottom of a ground-mounted sign shall be a maximum of three feet above the ground. The total sign area may be up to two (2) square feet for each lineal foot of building street frontage

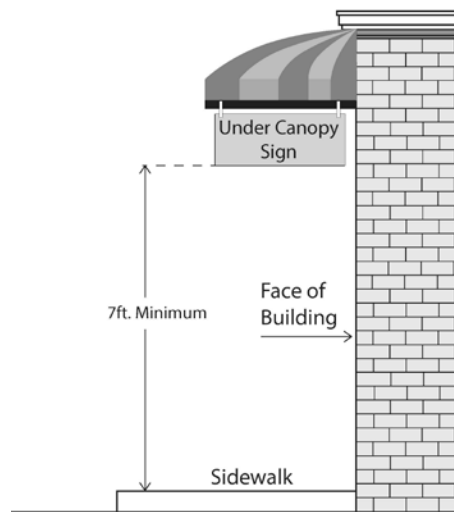
or one (1) square foot for each lineal foot of lot street frontage whichever results in a larger sign area, but not to exceed forty-eight (48) square feet in surface area and may contain an area designated as a reader sign board which does not exceed fifty percent (50%) of the sign surface per side. All ground-mounted signs shall be set back ten (10) feet from any property line and must meet requirements as provided in Section 3.02.04 of this code relating to Clear Visibility Triangle.

Example of Ground-Mounted Sign



- (5) *Design Standards for Under Canopy Signs.* Signs mounted under a canopy, awning, or awning-like structure shall be a maximum of four (4) square feet in size, shall maintain a clearance of seven (7) feet from the bottom of the sign to the top of the walkway beneath, and shall swing freely. Under canopy or under awning signs that are not visible from the property frontage shall not count against the total signage.

Example of Under Canopy Sign



- (F) *Engineering Plans Required for Large Signs.* Signs exceeding seventy-two (72) square feet must be designed by a professional engineer for safety reasons. The sealed engineering plans must accompany the request for a permit.
- (G) *Window Advertising.* Window advertising of the kind described in this paragraph shall not count against the total signage for a business, industry, or profession, but not more than twenty-five percent (25%) of all of the glass surfaces of the windows facing a public street or right-of-way may be used for signage or any other opaque items that block the glass, including, but not limited to, posters, fliers, advertisements, display racks, other interior furnishings, or similar materials or objects.

4.04.02 Signs for Permitted Non-Residential Uses Located in Residential Zoning Districts

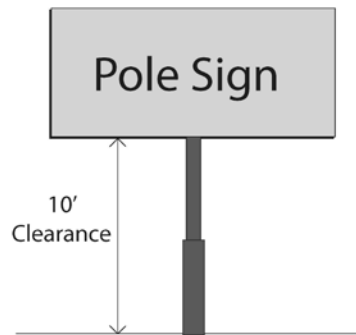
Signs are permitted accessory to permitted non-residential uses on residentially zoned property. No sign shall exceed five (5) feet in height.

- (A) *Number of Signs Permitted.* Except as provided in this paragraph, no more than one ground-mounted or free standing sign shall be permitted for each development site. For parcels having two hundred fifty (250) feet or more of frontage on a single road, an additional sign per entrance shall be allowed and signs shall be located near the entrance. No part of any ground-mounted or free standing sign shall be located within ten (10) feet of any property line or right-of-way. This shall be construed to mean that no portion of any sign shall extend beyond any property line.
- (B) *Corner Lots.* For lots or parcels situated at intersections, an additional freestanding/ground-mounted sign may be placed on the secondary street frontage of seventy-five (75) feet or more on a publicly maintained road. No more than three ground-mounted or pole signs may be permitted on any development site.
- (C) *Small Lots.* For lots with less than seventy-five (75) feet of street frontage, only one sign, mounted on the building and meeting the requirements of Section 4.04.02(D)(1), is allowed.
- (D) *Sign Types.:* The total sign area for each development site shall not exceed two hundred (200) square feet. The sign area can be distributed through the following sign types:
 - (1) *Design Standards for Affixed Signs.* Maximum affixed sign area shall be one and one half (1 1/2) square feet for each foot of building frontage, up to the maximum thirty-six (36) square feet per sign, and limited to a total

of six (6) signs.

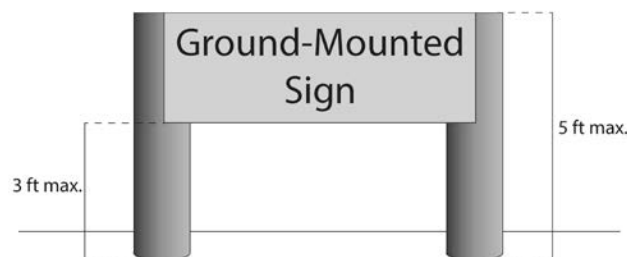
- (2) *Design Standards for Free Standing Signs.* Free standing signs shall only be permitted on frontage facing arterial roadways as defined on the Existing Functional Classification Map as adopted in the 2030 Comprehensive Plan. Free standing signs shall not exceed fifteen (15) feet in height, and must have a minimum ground clearance of ten (10) feet. A free standing sign shall not exceed forty-eight (48) square feet in surface area and may contain an area designed as a reader sign board which does not exceed twenty-four (24) square feet per side or more than fifty percent (50%) per side, whichever is less.

Example of free standing (pole) Sign



- (3) *Design Standards for Ground-mounted Signs.* Ground-mounted signs shall not exceed five (5) feet in height. The bottom of a ground-mounted sign shall be a maximum of three (3) feet above the ground and shall not exceed thirty-two (32) square feet in surface area per side and may contain an area designated as a reader sign board which does not exceed fifty percent (50%) of the sign surface per side. All ground-mounted signs must meet requirements as provided in Section 3.02.04 of this code relating to Clear Visibility Triangle.

Example of Ground-Mounted Sign



- (E) *Window Advertising.* Window advertising of the kind described in this paragraph shall not count against the total signage, but not more than twenty-five percent (25%) of all of the glass surfaces of the windows facing a public street or right-of-way may be used for signage or any other opaque items that block the glass, including, but not limited to, posters, fliers, advertisements, display racks, other interior furnishings, or similar materials or objects.
- (F) *Landscaping.* All ground-mounted and pole signs shall be landscaped. When shrubs or small trees are used, only those shrubs or small trees listed in this Code are permissible. For a list of permissible shrubs and trees, see Article 3, Section 3.07.10.
- (G) *Illumination.* Illumination of permitted signs may be from external sources. Lighting on signs which are not internally illuminated shall be shielded with an opaque shade and directed so as to produce no glare on roadways or surrounding properties. The use of neon is prohibited. The sign may not be lit after eleven (11:00) p.m.

4.04.03 Signs for Permitted Residential Uses

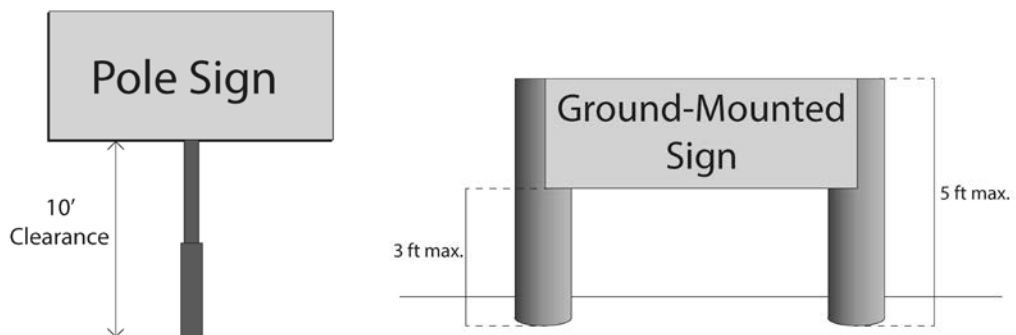
Notwithstanding any other provision of this Article 4, the following signs are permitted in residential or PUD zoning districts.

- (A) *Subdivision Identification Signs.* Non-illuminated or indirectly lit ground or wall signs identifying a neighborhood for residential areas that include at least five (5) acres of land area are permitted. These signs shall only be allowed at major entrance-ways; and not more than one (1) sign shall be located at each entrance-way.
- (B) *Multifamily housing developments.* Multifamily housing developments may have one (1) identification sign per street frontage. These signs may be ground or wall signs. The only form of artificial illumination allowed is indirect illumination. Identification signs shall be limited to one (1) square foot of area per dwelling unit up to a maximum of thirty (30) square feet.
- (C) *Home-based Occupational Signs in Residential Districts.* Home-based occupations may have a sign not to exceed six (6) square feet, which shall be mounted flush with the residence wall. Home-based Occupations in historic districts, such as inns or tearooms or antique stores, may have a pole-mounted, swinging sign, in the tradition of signs of the historic period. If the sign is lighted, the sign may not be lit after eleven (11:00) p.m. in residential zoning districts.

4.04.04. Multi-Use Complex and Shopping Centers.

This Section shall apply to all shopping centers and multi-use complexes located within Commercial and Industrial zoning districts.

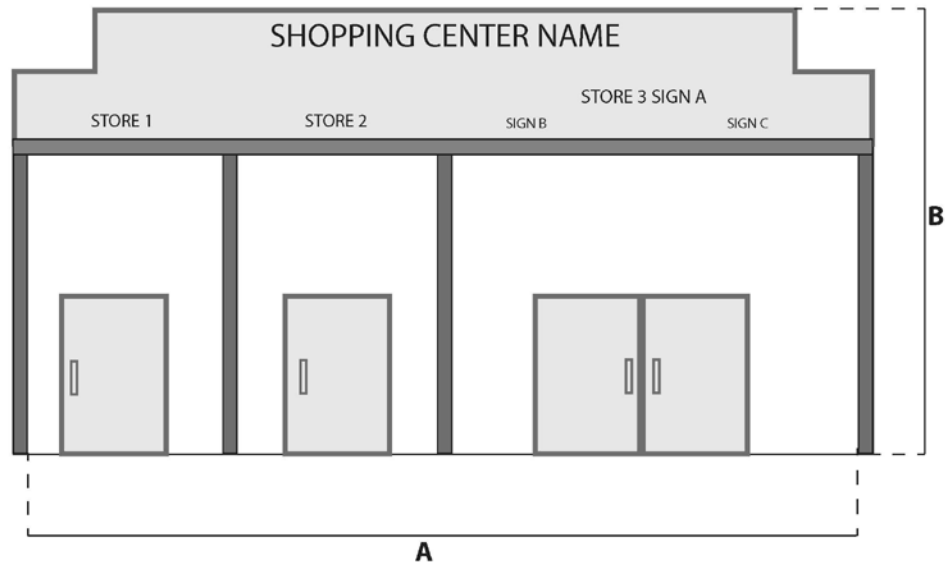
- (A) *Number of Freestanding/Ground-mounted Signs Permitted.* For each frontage of seventy-five (75) feet to two hundred fifty (250) feet on a publicly maintained road, one (1) freestanding/ground-mounted sign is permitted for the development near the right-of-way. For parcels having two hundred fifty (250) feet or more of frontage on a single road, an additional sign per entrance shall be allowed and signs shall be located near the entrance.
- (B) *Corner Lots.* For lots or parcels situated at intersections, an additional freestanding/ground-mounted sign may be placed on the secondary street frontage of seventy-five (75) feet or more on a publicly maintained road. No more than three (3) ground-mounted or pole signs may be permitted on any development site.
- (C) *Sign Types.* The following sign types are permitted:
- (1) *Freestanding or Ground Mounted Signs.* Total sign area may be up two (2) square feet for each lineal foot of building street frontage or one (1) square foot for each lineal foot of lot street frontage whichever results in a larger sign area, but not to exceed sixty-four (64) square feet. Sign height shall not exceed fifteen (15) feet. All freestanding or ground mounted signs shall be set back ten (10) feet from any property line. Business directories are allowed as a part of the sign face square footage, but not in addition to it. Individual business directory signs shall be a minimum of twelve (12) inches in height.



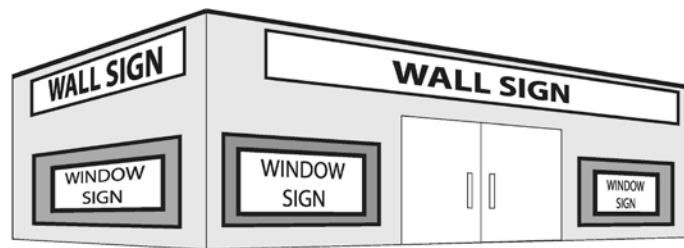
- (2) *Affixed/Projecting Signs.* Affixed/Projecting signage is allotted to the development as a whole as well as the occupants of the multi-occupancy development.

a. Signage for the Multi-Occupancy Development Property:

1. Each multiple-occupancy development property may display one (1) affixed sign on any one (1) side of the principal building in which such occupancy is located.
2. The sign shall be no greater than twenty percent (20%) of the surface area of such building side or two hundred (200) square feet, whichever is the smaller.
3. Where a multiple-occupancy development consists of only one principal building, one additional sign (a secondary sign) may be allowed if a second public street abuts the multiple-occupancy development.
4. The size of the secondary sign may not exceed an area of fifty (50) square feet.
5. The secondary sign for a multiple-occupancy complex shall only include identification of the multiple-occupancy complex.
6. Wall-mounted signs for a multiple-occupancy complex shall only include identification of the complex itself.
7. No secondary sign shall be allowed to be located on any face of a building or any roof which would be directly opposing any property having a single-family land use designation on the future land use map or zoned for single-family use. This provision shall not apply to single-family land uses designated on arterial roadways (shown in the City of Wauchula 2030 Comprehensive Plan).



maximum = 20% of A x B or 200 sq ft, whichever is less



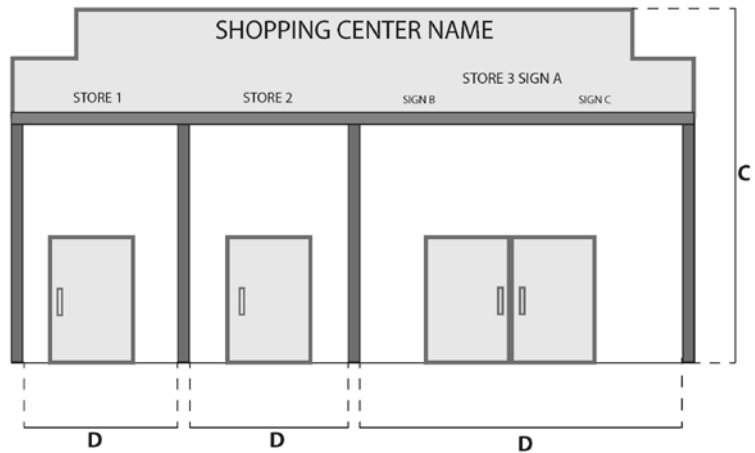
b. Signs for occupants of a multiple-occupancy development.

Each occupant of a multiple-occupancy complex may display such signs on the principal building in which such occupant is located, with the following limitations.

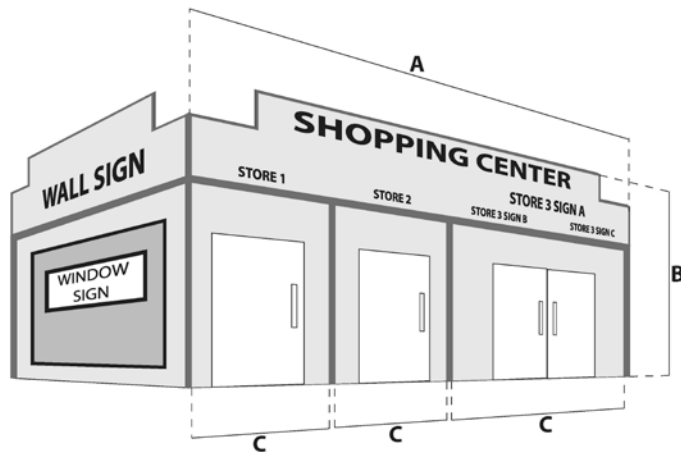
1. The sign may be placed only on the exterior surface of the principal building, or portion thereof, which is included as part of the occupant's individually leased or owned premises in accordance with the following:

- (a) On the side which is the primary entrance/exit to the occupancy, the occupant may display in the leased or owned area as many as three (3) signs.
 - (b) Only one (1) building side will be considered as being any occupant's primary entrance/exit.
 - (c) The three (3) signs may have a combined maximum size of ten percent (10%) of the surface area of the exterior wall included in such occupant's individually leased or owned premises or one hundred 100 square feet, whichever is the less.
 - (d) If the occupant has an entrance/exit on a corner or on more than one (1) side, the occupant may choose which building side shall count as having the primary entrance/exit.
 - (e) One (1) additional sign may be placed on the non-entrance/exit side of the occupant's leased or owned area.
 - (f) The maximum size of a sign on a non-entrance/exit side of an occupancy shall be twenty-four (24) square feet. Such sign shall be allowed if the property adjacent or opposite to the non-entrance/exit side is zoned non-residential.
2. Each occupant, the individually owned or leased premises of which do not include part of an exterior wall of a principal building, may nevertheless display one (1) such sign of up to six (6) square feet of sign area on one (1) side of the principal building in which such occupant is located.
3. A common or jointly owned area shall not be included as part of the exterior surface of any one occupancy. The allowable sign area of two (2) or more occupants may be placed on a common or jointly owned area providing:

- (a) The common area is an integral part of all occupants which will be included in the sign.
- (b) Only one (1) sign, common to all occupants of the common area, may be displayed.



each business = 10% of C x D or 100 sq ft, whichever is less



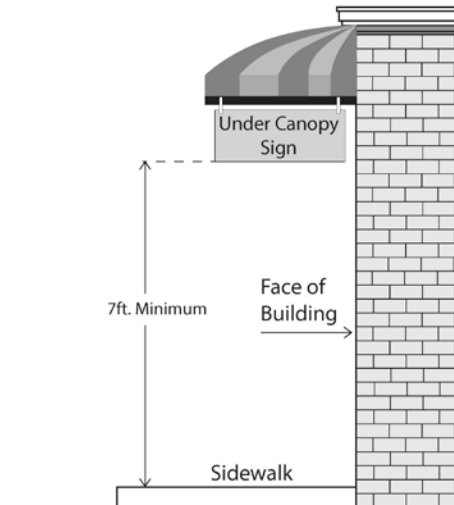
Shopping Center Sign = max. of 20% of A x B or 200 sqft, whichever is less

Wall Sign (Secondary Shopping Center Sign) = max. of 50sqft

Each Business = a max. of 10% of B x C or 100 sqft, whichever is less

- (3) *Under Canopy or Under Awning Signs.* Under canopy or under awning signs that are not visible from the property frontage shall not count against the total signage. One (1) under canopy or under awning sign per tenant shall be permitted as follows:

Signs mounted under a canopy, awning, or awning-like structure shall be a maximum of four (4) square feet in size, shall maintain a clearance of seven (7) feet from the bottom of the sign to the top of the walkway beneath, and shall swing freely.



- (4) *Window Advertising.* Window advertising of the kind described in this paragraph shall not count against the total signage, but not more than twenty-five percent (25%) of all of the glass surfaces of the windows facing a public street or right-of-way may be used for signage or any other opaque items that block the glass, including, but not limited to, posters, fliers, advertisements, display racks, other interior furnishings, or similar materials or objects.
- (D) *Landscaping.* All ground-mounted and free standing signs shall be landscaped. When shrubs or small trees are used, only those shrubs or small trees listed in this Code are permissible. For a list of permissible shrubs and trees, see Article 3, Section 3.07.10.
- (E) *Illumination.* Illumination of permitted signs may be from external sources. Lighting on signs which are not internally illuminated shall be shielded with an opaque shade and directed so as to produce no glare on roadways or surrounding properties. The use of neon is prohibited.

4.04.05 Special Event Signs

Notwithstanding any other provision of this Article 4, the Development Director may permit a special event signing program for a period of not more than thirty (30) days in a year for any use or combination of uses of any type, except for political signs as explained in (D). Special event signs may include, but are not limited to:

- (A) Signs consisting of one (1) or more banners, flags, pennants, ribbons, spinners, streamers or captive balloons, or other objects or material fastened in such a manner as to move in the wind.
- (B) Searchlights used to advertise or promote a business or to attract customers to a property.
- (C) For each lot with a semi-public use - religious, charitable, educational, or cultural - signs not exceeding six (6) square feet in area that are used for not more than thirty (30) days.
- (D) *Political signs:* For each lot, one (1) sign no more than six (6) square feet in area which is put in place no earlier than sixty (60) days prior to the election or referendum to which they pertain. These political signs must be removed within ten (10) working days after the election or referendum to which the sign relates is over. The person or persons responsible for the placement of a political sign must be responsible for its removal.

4.04.06 Entrance/Exit Signs

All entrance and exit signs, such as those found at banks and fast-food restaurants, must be placed low enough so as not to obstruct visibility of the roadway. Additionally, one (1) signs may be internally lit; two (2) signs shall be no larger than two (2) square feet; three (3) signs shall not be placed in the road right-of-way; and four (4) signs must conform to all the regulations of this Article.

4.05.00 Maintenance

All signs and billboards, including their supports, braces, guys and anchors, electrical parts and lighting fixtures, and all painted and display areas, shall be maintained in accordance with the building and electrical codes adopted by the City of Wauchula, and shall present a neat and clean appearance. The vegetation around, in front of, behind, and underneath the base of ground signs for a distance of fifty (50) feet shall be neatly trimmed and free of unsightly weeds, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near the sign.

4.06.00 Murals

- (A) Purpose:
 - (1) It is the purpose of this Section to enhance the aesthetic image of the City in order to promote tourism, enhance property values, and to showcase the historical and cultural assets of the City.

- (2) It is the purpose of this Section to protect the health, safety and welfare of the citizens of the City by establishing reasonable design criteria, permitting procedures, and maintenance requirements.
- (B) *Location of Murals.* Murals may be permitted in the commercial and industrial districts only.
- (C) Permitting:
 - (1) No person, persons, entity, or entities may install, construct, paint, or modify any mural without an approved mural permit.
 - (2) Permit Application:
 - a. The Community Development Department shall develop and maintain application forms and time schedules for the application process.
 - b. The application form shall include, but not be limited to the following requirements:
 - 1. Name and address of applicant.
 - 2. Name and address of property owner, if other than the applicant.
 - 3. Street address and parcel ID number of the property upon which the mural is to be painted.
 - 4. An affidavit by the property owner authorizing the painting of a mural upon the subject property and accepting responsibility for maintenance of the mural pursuant to the standards set forth in this Section of the ULDC.
 - 5. Scaled architectural elevation of the building façade clearly indicating the location of the proposed mural.
 - 6. Scaled full color rendering of the proposed mural.
 - 7. Color photo of the building of sufficient size and clarity to indicate the size and placement of the proposed mural.
 - 8. Maintenance schedule identifying how the mural will be maintained including, without limitation, the following:

- (a) Name and address of person or entity responsible for continuing maintenance of the proposed mural;
- (b) Description and specifics of the ultra violet light resistant coating to be applied to the proposed mural;
- (c) Description and specifics of the sacrificial coating to be applied to the proposed mural for graffiti protection.

(3) Review of Permit Application:

- a. There shall be a two-step review process for property located within the City Historical District:
 - 1. The Main Street Board and the Historic Preservation Board shall simultaneously review the application for compliance with the criteria set forth in Paragraph (F) of this Section and forward their respective responses and recommendations to the City Planning and Zoning Board within thirty (30) days of receipt of said application by them.
 - 2. The Planning and Zoning Board shall review the application for compliance with Paragraph (C).2.b. and Paragraph (D) of this Section and it shall consider the respective recommendations of the Main Street Board and the Historic Preservation Board, and either approve, approve with conditions, or deny the application.
- b. Those applications for proposed murals on buildings located outside the Historical District shall be reviewed by the Planning and Zoning Board only.
- c. Should the Planning and Zoning Board deny the application, it shall set forth with specificity the reasons therefore and the applicant may appeal the denial to the City Commission within ten (10) days of the date of said denial.
- d. The Commission shall review a timely filed appeal of a denied applicant within thirty (30) days of the date the appeal is filed and affirm the denial, reverse the denial and approve the application, or reverse the denial and approve the application with conditions.

(3) *Administrative Action.* The decision of the Commission shall be final administrative action, reviewable by certiorari in circuit court as provided by

law.

- (D) *Mural Requirements and Review Criteria.* The Main Street Board, the Historic Preservation Board, and the Planning and Zoning Board shall apply the following criteria in the review of all mural permit applications:
- (1) City designated theme-based murals shall be encouraged to the greatest extent possible.
 - (2) Murals shall be designed for decorative, non-commercial purposes only and shall contain no written messages, logos, corporate representations, or banners, and may not be used in any way to advertise the structure or property upon which they appear. Murals that are found to be in violation of this Section shall be regulated as a sign in accordance with the applicable provisions of this Code.
 - (3) Mural colors shall be exempt from building code color regulations or other applicable regulations.
 - (4) The maximum square footage upon which a mural may be applied to the side of a multi-story structure is forty percent (40%). Single-story structures are exempt from a maximum square footage cover requirement.
 - (5) The façades of building or structures upon which murals are applied shall be in good condition. Murals shall be applied to a prepared wall surface free of cracks, peeling paint, or stucco, and shall be covered with a protective coat to minimize deterioration.
 - (6) A proposed mural shall not create a public safety hazard, including, without limitation, a distraction to vehicular traffic, as determined by the Development Director.
 - (7) All murals shall be weatherproofed to maintain their aesthetic quality.
 - (8) Murals may be artificially illuminated as long as the lighting upon or within the mural shall be controlled and directed in such a manner as not to annoy adjacent property owners, nor impair the vision of passing motorists. All lighting for murals shall conform to the city electrical code, and installation shall be done only after obtaining an electrical permit.
 - (9) Murals shall exemplify high artistic standards of quality and shall be applied by professional artists or licensed painters, or under the direct supervision of such persons.
 - (10) Murals shall be applied in strict accordance with an approved mural permit

application. Any deviation(s) from the approved permit application with respect to the rendering, materials, or style of the mural may result in the revocation of the mural permit.

(11) Murals shall not extend beyond or project above the vertical or horizontal line of any wall or structure upon which the mural is applied or installed. Projections greater than six (6) inches from the surface upon which the mural is applied or installed are prohibited.

(12) Murals that contain obscene subject matter as defined in Chapter 847, Florida Statutes, are prohibited.

(E) Restoration or Removal of Murals.

(1) Notice of Determination That a Mural Must be Restored or Removed:

a. Upon identification of a mural that has become deteriorated or no longer satisfies the terms and conditions upon which the mural permit was granted, a notice shall be sent by the code enforcement officer to the owner(s) of the building as listed on the most recent available records of the Hardee County Property Appraiser, and to the permittee, if not the same person or entity as the owner(s). The notice shall be delivered by registered or certified mail, return receipt requested, or by hand delivery by the code enforcement officer directing that the mural be restored or removed. Also, the notices shall be posted on or adjacent to the mural. Failure of any person to receive notice shall not invalidate any proceeding under this Section. Evidence of an attempt to serve notice and proof of posting shall be sufficient to show that these notice requirements have been met. Proof of posting shall be by affidavit of the person posting said notice. Attached to the affidavit shall be a copy of the notice posted.

b. As applicable, the notice should contain generally the following information:

1. The name of the person upon whom the notice is served.
2. The street address of the building upon which the mural is painted.
3. That the mural has been determined to be deteriorated or no longer satisfies the terms and conditions upon which it was permitted.
4. If restoration will remedy the situation, a summary of the

nature and extent of restoration required.

5. If the conditions are of such character that restoration is not feasible or reasonably expected to remedy the condition of the mural, notice that the mural must be removed.
6. That within forty-five (45) days from the date of the notice, a proposal for restoration by a professional artist or licensed painter must be submitted to the code enforcement officer, or the mural must be removed.

(2) *Referral to the Code Enforcement Board or Special Magistrate.* If the conditions are not remedied within forty-five (45) days of the notice of determination, or a proposal for restoration not received, and restoration not completed within a reasonable time thereafter, the determination shall be referred by the code enforcement officer to the Code Enforcement Board or Special Magistrate (hereinafter the “Board/Magistrate”) for a public hearing concerning the subject mural. The owner(s) of the building and the permittee, if not the same person or entity as the owner(s), shall be notified by the code enforcement officer of the time, place, and purpose of the public hearing. Also, said notice shall be posted on or adjacent to the mural. Failure of any person to receive notice shall not invalidate any proceedings under this Section. Evidence of an attempt to serve notice and proof of posting shall be sufficient to show that these notice requirements have been met. Proof of posting with date and place of posting shall be by affidavit of the person posting the notice. Attached to the affidavit shall be a copy of the notice posted.

(3) Action by the Code Enforcement Board/Magistrate:

- a. If the owner(s) of any building with a mural painted thereon has failed to restore or submit a proposal for restoration as provided in Section (E)(2), after the expiration of the forty-five (45) day period, the Board/Magistrate shall consider removing the mural.
- b. Ease case before the Board/Magistrate shall be presented by the code enforcement officer. At the hearing, the Board/Magistrate shall proceed to receive evidence and take testimony on the cases before the Board/Magistrate. All testimony shall be under oath and shall be recorded. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.
- c. After receiving evidence and or testimony on the case at said public hearing conducted by said Board/Magistrate that any mural is deteriorated or no longer satisfies the terms and conditions upon

which it was permitted in accordance with Section (D), the Board/Magistrate may order the owner(s) to remedy the conditions by restoration or removal by a date set by the Board/Magistrate, and providing the failure of the owner(s) to do so will result in the Board/Magistrate authorizing the code enforcement officer to take action to remedy the conditions and charge all expenses thereof against the real property. The Board/Magistrate may take any other appropriate action to carry out the purpose and intent of its order. The Board/Magistrate, the code enforcement officer, or the owner(s) may request a postponement or continuance of a scheduled public hearing.

- d. If the conditions are not remedied within the time established by the Board/Magistrate, the code enforcement officer shall take whatever action deemed necessary and appropriate to remedy the conditions, including fencing, screening, and removing the deteriorated mural. In the event removal of the mural is required by the code enforcement officer, the code enforcement officer shall notify the Commission prior to said removal.

(4) Notice of Removal:

- a. A certified copy of the order of the Board/Magistrate's determination that the mural should be removed, together with a copy of the notice of determination by the code enforcement officer as provided in Section 3 shall be sent by the code enforcement officer to each owner listed on the most recent available records of the Hardee County Property Appraiser by registered or certified mail, return receipt requested, or by hand delivery by the code enforcement officer or City police officer.
- b. In addition, a certified copy of the order of the Board/Magistrate's determination that the mural should be removed, together with a copy of the code enforcement officer's notice of determination, shall be posted on the building following the adoption of said order of the Board/Magistrate.
- c. Failure of a person to receive notice shall not invalidate any proceeding under this section. Evidence of an attempt to serve notice and proof of posting shall be sufficient to show that these notice requirements have been met. Proof of posting with the date and place of posting shall be by affidavit of the person posting the notice. Attached to the affidavit shall be a copy of the notice posted.

(5) Appeals to the City Commission.

- a. The Commission has the sole authority to hear and decide appeals from the decision or determination of the Board/Magistrate pursuant to the Board/Magistrate's authority under this Article. Appeals may be taken by any person aggrieved or by any officer, board, department, or agency of the City government adversely affected by the decision or determination of the Board/Magistrate. An appeal shall be taken within ten (10) working days after rendition of said decision or determination, by filing with the code enforcement officer, a written notice of appeal specifying its grounds. The appeal shall be on a form prescribed by the Board/Magistrate.
 - b. Upon receipt of the notice of appeal, the code enforcement officer shall transmit to the Commission all documents, plans, papers, minutes, applications, recommendations, or other materials relating to the appealed decision. The appeal of any decision of the Board/Magistrate shall be on evidence made on the record made before it.
 - c. *"Public Hearing"*. The Commission shall hold a hearing on said appeal after publication of notice stating the time, place, and purpose of the hearing in a newspaper of general circulation in the City at least ten (10) calendar days before said hearing. The applicant or his duly authorized agent shall also post, at least ten (10) calendar days prior to the date of such hearing, a notice provided by the code enforcement officer in a conspicuous place or places on the building or structure involved in the hearing. In all cases, affidavit proof with the date and place of the required publication and posting of the notices shall be present at the hearing. The Commission shall decide the appeal within a reasonable time. The Commission may, upon appeal, reverse, affirm, or modify any order, decision, or determination of the Board/Magistrate. If the Commission finds that the City should pay the costs of an appeal, it may so authorize. No appeal shall be granted in whole or in part unless four (4) members of the City Commission concur.
- (6) *Administrative Action*. The decision of the Commission shall be final administrative action, reviewable by certiorari in circuit court as provided by law.
- (7) *Assessment of Cost of Abatement; Imposition of Lien*. As soon after such abatement as provided for in Paragraph H. is feasible, the cost, plus a minimum of one hundred dollars (\$100.00) to defray administrative and operating expenses for abating the nuisance on such premises, shall be calculated and invoiced by the code enforcement officer to the owner of the

premises. The cost plus said expenses are due and payable upon the date of the mailing of said invoice. Such additional charges are hereby declared to be necessary for the purpose of inspection and administration and enforcement of this article. Thereupon, the code enforcement officer, shall levy a special assessment lien in the amount of such cost plus administrative expense against such premises. Such lien shall describe the premises and show the total costs assessed are due and payable. Until payment is complete, such assessments shall be legal, valid and binding obligation upon the property. Thirty (30) days after the filing of the lien, interest shall begin to accrue at the rate of twelve percent (12%) per annum on any unpaid portion thereof. The amount to be charged to defray administrative and operating costs and the interest rate to accrue on liens filed hereunder shall be amended by resolution of the City Commission.

- a. **Recording of Lien.** As soon as possible after the assessment has been made, as provided in this Article, by the code enforcement officer, a certified copy of the special assessment lien shall be recorded in the official records of the county in the office of the clerk of the circuit court in and for the county, and the lien shall become effective as of the date of filing such copy with said clerk of the circuit court. The code enforcement officer after recording of said lien, shall forward to the owner or owners a copy of the recorded lien by registered or certified mail, return receipt requested, or by hand delivery, by the code enforcement officer or City police officer.
- b. ***Effect of Lien.*** The property lien created under the provisions of this article shall become effective as of the date of recording a certified copy in the official records of the County by the Clerk of the Circuit Court. Such assessments, together with interest thereon, may be enforced by civil action in the appropriate court of the County. The liens created under this article shall be a first lien equal to a lien for nonpayment of property taxes, on any property against which an assessment for costs to abate the nuisance has been filed, and shall continue in full force from the date of recording until discharged by satisfaction.
- c. ***Satisfaction of Lien.*** Upon satisfaction of the lien created under this article, the code enforcement officer shall file an order of satisfaction, release, and dismissal of lien with the clerk of the circuit court.

- (8) **Removal by Owner.** A mural may be removed by the property owner at any time.

- (F) *Minimum Exterior Property Maintenance Code.* Any violation of this order may be enforced through the Minimum Exterior Property Maintenance Code or pursuant to any other applicable law.
- (G) *Penalty.* If the code enforcement officer shall find that any of the provisions of this article are being violated, he shall notify the property owner of such violations, in writing, indicating the nature of the violation and ordering any action necessary to correct it. Any person found guilty of a violation of any provision of this article, or any lawful order of the Board/Magistrate or code enforcement officer, shall be punished in accordance with section 1-13 of the Code of Ordinances.
- (H) *Civil Remedies.* The City may institute in any court, or before any administrative board of competent jurisdiction, action to prevent, restrain, correct, or abate any violation of this article or of any order or regulations made in connection with its administration or enforcement; and the court or administrative board shall adjudge to the plaintiff such relief by way of injunction or any other remedy allowed by law or otherwise, to include mandatory injunction, as may be proper under all the facts and circumstances of the case, in order to fully effectuate the regulations adopted and orders and rulings made pursuant thereto.

ARTICLE 5

RESOURCE PROTECTION STANDARDS

5.01.00 Development In Flood Prone Areas

5.01.01 Administration - General

5.01.01.01 Title. These regulations shall be known as the *Floodplain Management Ordinances* of the City of Wauchula, hereinafter referred to as “this ordinance” or “this article.”

5.01.01.02 Scope. The provisions of this article shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the *Florida Building Code*; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

5.01.01.03 Intent. The purposes of this article and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

- (1) Minimize unnecessary disruption of commerce, access, and public service during times of flooding;
- (2) Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
- (3) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
- (4) Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
- (5) Minimize damage to public and private facilities and utilities;
- (6) Help maintain a stable tax base by providing for the sound use and

development of flood hazard areas;

- (7) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
- (8) Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

5.01.01.04 Coordination with the Florida Building Code. This article is intended to be administered and enforced in conjunction with the *Florida Building Code*. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.

5.01.01.05 Warning. The degree of flood protection required by this article and the *Florida Building Code*, as amended by this community, is considered the minimum reasonable for regulatory purposes, and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This article does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this article.

5.01.01.06 Disclaimer of Liability. This article shall not create liability on the part of the City Commission of the City of Wauchula or by any officer or employee thereof for any flood damage that results from reliance on this article or any administrative decision lawfully made thereunder.

5.01.02 Administration - Applicability

5.01.02.01 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

5.01.02.02 Areas to which this article applies. This article shall apply to all flood hazard areas within the City of Wauchula, as established in Section 5.01.02.03 of this article.

5.01.02.03 Basis for establishing flood hazard areas. The Flood Insurance Study for Hardee County, Florida and Incorporated Areas dated May 4, 1988, and all

subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this article and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the City of Wauchula, 126 S. 7th Avenue, Wauchula, FL 33873.

5.01.02.03.01 Submission of additional data to establish flood hazard areas. To establish flood hazard areas and base flood elevations, pursuant to Section 5.01.05 of this article the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

- (1) Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this article and, as applicable, the requirements of the Florida Building Code.
- (2) Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.

5.01.02.04 Other laws. The provisions of this ordinance shall not be deemed to nullify any provisions of local, state, or federal law.

5.01.02.05 Abrogation and greater restrictions. This ordinance supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the *Florida Building Code*. In the event of a conflict between this ordinance and any other ordinance, the more restrictive shall govern. This ordinance shall not impair any deed restriction, covenant, or easement, but any land that is subject to such interests shall also be governed by this ordinance.

5.01.02.06 Interpretation. In the interpretation and application of this article, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

5.01.03 Duties and Powers of the Floodplain Administrator

5.01.03.01 Designation. The City Manager is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.

5.01.03.02 General. The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this article. The Floodplain Administrator shall have the authority to render interpretations of this article consistent with the intent and purpose of this article and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this article without the granting of a variance pursuant to Section 5.01.07 of this article.

5.01.03.03 Applications and permits. The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:

- (1) Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
- (2) Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this article;
- (3) Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
- (4) Provide available flood elevation and flood hazard information;
- (5) Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
- (6) Review applications to determine whether proposed development will be reasonably safe from flooding;
- (7) Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*, when compliance with this article is demonstrated, or disapprove the same in the event of noncompliance; and
- (8) Coordinate with and provide comments to the Building Official to assure

that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this article.

5.01.03.04 Determinations for existing buildings and structures. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

- (1) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- (2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- (3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
- (4). Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this article is required.

5.01.03.05 Modifications of the strict application of the requirements of the Florida Building Code. The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to Section 5.01.07 of this article.

5.01.03.06 Notices and orders. The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this article.

5.01.03.07 Inspections. The Floodplain Administrator shall make the required inspections as specified in Section 5.01.06 of this article for development that is

not subject to the *Florida Building Code*, including buildings, structures, and facilities exempt from the *Florida Building Code*. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

5.01.03.08 Other duties of the Floodplain Administrator. The Floodplain Administrator shall have other duties, including but not limited to:

- (1) Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 5.01.03.04 of this article;
- (2) Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
- (3) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available;
- (4) Review required design certifications and documentation of elevations specified by this article and the Florida Building Code and this article to determine that such certifications and documentations are complete; and
- (5) Notify the Federal Emergency Management Agency when the corporate boundaries of the City of Wauchula are modified.

5.01.03.09 Floodplain management records. Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this article and the flood resistant construction requirements of the Florida Building Code, including Flood Insurance Rate Maps; Letters of Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this article; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered

watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this article and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at the City of Wauchula, 126 S. 7th Avenue, Wauchula, FL 33873.

5.01.04 Permits

5.01.04.01 Permits required. Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this article, including buildings, structures and facilities exempt from the *Florida Building Code*, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this article and all other applicable codes and regulations has been satisfied.

5.01.04.02 Floodplain development permits or approvals. Floodplain development permits or approvals shall be issued pursuant to this article for any development activities not subject to the requirements of the *Florida Building Code*, including buildings, structures, and facilities exempt from the *Florida Building Code*. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

5.01.04.02.01 Buildings, structures and facilities exempt from the Florida Building Code. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this article:

- (1) Railroads and ancillary facilities associated with the railroad.
- (2) Nonresidential farm buildings on farms, as provided in section 604.50, F.S.
- (3) Temporary buildings or sheds used exclusively for construction purposes.
- (4) Mobile or modular structures used as temporary offices.
- (5) Those structures or facilities of electric utilities, as defined in section

366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.

- (6) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term “chickee” means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
- (7) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
- (8) Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
- (9) Structures identified in section 553.73(10)(k), F.S., are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on Flood Insurance Rate Maps

5.01.04.03 Application for a permit or approval. To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:

- (1) Identify and describe the development to be covered by the permit or approval.
- (2). Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
- (3) Indicate the use and occupancy for which the proposed development is intended.
- (4) Be accompanied by a site plan or construction documents as specified in Section article 5.01.05 of this article.
- (5) State the valuation of the proposed work.
- (6) Be signed by the applicant or the applicant's authorized agent.
- (7) Give such other data and information as required by the Floodplain Administrator.

5.01.04.04 Validity of permit or approval. The issuance of a floodplain development permit or approval pursuant to this article shall not be construed to be a permit for, or approval of, any violation of this article, the *Florida Building Codes*, or any other article of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.

5.01.04.05 Expiration. A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

5.01.04.06 Suspension or revocation. The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this ordinance or any other ordinance, regulation, or requirement of this community.

5.01.04.07 Other permits required. Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

- (1) The Southwest Florida Water Management District; section 373.036, F.S.
- (2) Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.
- (3) Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.
- (4) Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.

5.01.05 Site Plans and Construction Documents

5.01.05.01 Information for development in flood hazard areas. The site plan or construction documents for any development subject to the requirements of this article shall be drawn to scale and shall include, as applicable to the proposed development:

- (1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
- (2) Where flood hazard areas, base flood elevations, or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section article 5.01.05.02 of this article.
- (3) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 5.01.05.02 (1) or (2) of this article.
- (4) Location of the proposed activity and proposed structures, and locations of existing buildings and structures.
- (5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- (6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
- (7) Existing and proposed alignment of any proposed alteration of a watercourse.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this article but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this article.

5.01.05.02 Information in flood hazard areas without base flood elevations (approximate Zone A). Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:

- (1) Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source; or

- (2) Where base flood elevation data and floodway data are not available from another source, where the available the data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
 - a. Require the applicant to develop base flood elevation data prepared in accordance with currently accepted engineering practices; or
 - b. Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.
- (3) Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

5.01.05.03 Additional analyses and certifications. As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

- (1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 5.01.05.04 of this article and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
- (2) For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, a floodway encroachment analysis which demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas

identified as Zone AO or Zone AH.

- (3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Section 5.01.05.04 of this article.

5.01.05.04 Submission of additional data. When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

5.01.06 Inspections

5.01.06.01 General. Development for which a floodplain development permit or approval is required shall be subject to inspection.

5.01.06.01.01 Development other than buildings and structures. The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this article and the conditions of issued floodplain development permits or approvals.

5.01.06.01.02 Buildings, structures and facilities exempt from the Florida Building Code. The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this article and the conditions of issued floodplain development permits or approvals.

5.01.06.01.02.01 Buildings, structures and facilities exempt from the Florida Building Code, lowest floor inspection. Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the Floodplain Administrator:

- (1) If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a

Florida licensed professional surveyor; or

- (2) If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 5.01.05.02(2)(b) of this article, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

5.01.06.01.02.02 Buildings, structures and facilities exempt from the Florida Building Code, final inspection. As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section 5.01.06.01.02.01 of this article.

5.01.06.01.03 Manufactured homes. The Building Official shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this article and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Building Official.

5.01.07 Variances and Appeals

5.01.07.01 General. The City Commission shall hear and decide on requests for appeals and requests for variances from the strict application of this article. Pursuant to section 553.73(5), F.S., the City Commission shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the *Florida Building Code*.

5.01.07.02 Appeals. The City Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this article.

Any person aggrieved by the decision of the City Commission may appeal such decision to the Circuit Court, as provided by Florida Statutes.

5.01.07.03 Limitations on authority to grant variances. The City Commission shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Section 5.01.07.06 of this article, the conditions of issuance set forth in Section 5.01.07.07 of this article, and the comments and recommendations of the Floodplain Administrator and the Building Official. The City Commission has the right to attach such conditions as it deems necessary to further the purposes and objectives of this article.

5.01.07.03.01 Restrictions in floodways. A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Section 5.01.05.03 of this article.

5.01.07.04 Historic buildings. A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the *Florida Building Code*, Existing Building, Chapter 11 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.

5.01.07.05 Functionally dependent uses. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this article, provided the variance meets the requirements of Section article 5.01.07.03.01, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

5.01.07.06 Considerations for issuance of variances. In reviewing requests for variances, the City Commission shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this article, and the following:

- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
- (2) The danger to life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
- (4) The importance of the services provided by the proposed development to the community;
- (5) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;

- (6) The compatibility of the proposed development with existing and anticipated development;
- (7) The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
- (8) The safety of access to the property in times of flooding for ordinary and emergency vehicles;
- (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

5.01.07.07 Conditions for issuance of variances. Variances shall be issued only upon:

- (1) Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this article or the required elevation standards;
- (2) Determination by the City Commission that:
 - a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
 - b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
 - c. The variance is the minimum necessary, considering the flood hazard, to afford relief;
- (3) Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner

that it appears in the chain of title of the affected parcel of land; and

- (4) If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25 for \$100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

5.01.08 Violations

5.01.08.01 Violations. Any development that is not within the scope of the *Florida Building Code* but that is regulated by this article that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this article, shall be deemed a violation of this article. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this article or the *Florida Building Code* is presumed to be a violation until such time as that documentation is provided.

5.01.08.02 Authority. For development that is not within the scope of the *Florida Building Code* but that is regulated by this article and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

5.01.08.03 Unlawful continuance. Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

5.01.09 Definitions

5.01.09.01 Scope. Unless otherwise expressly stated, the words and terms located in Article 9 shall, for the purposes of this article, have the meanings shown in this section.

5.01.09.02 Terms defined in the Florida Building Code. Where terms are not defined in Article 9 and are defined in the *Florida Building Code*, such terms shall have the meanings ascribed to them in that code.

5.01.09.03 Terms not defined. Where terms are not defined in Article 9 or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.

5.01.10 Flood Resistant Development

5.01.10.01 Buildings and Structures

5.01.10.01.01 Design and construction of buildings, structures, and facilities exempt from the Florida Building Code. Pursuant to Section 5.01.04.02.01 of this article, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of Section 5.03.07 of this article.

5.01.10.02 Subdivisions

5.01.10.02.01 Minimum requirements. Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
- (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

5.01.10.02.02 Subdivision plats. Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

- (1) Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats and final plats;
- (2) Where the subdivision has more than 50 lots or is larger than 5

acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 5.01.05.02(1) or (2) of this article; and

- (3) Compliance with the site improvement and utilities requirements of Section 5.03.03 of this article.

5.01.10.03 Site Improvements, Utilities, and Limitations

5.01.10.03.01 Minimum requirements. All proposed new development shall be reviewed to determine that:

- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
- (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

5.01.10.03.02 Sanitary sewage facilities. All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

5.01.10.03.03 Water supply facilities. All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

5.01.10.03.04 Limitations on sites in regulatory floodways. No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Section 5.01.05.03(1) of this article demonstrates that the proposed development or land disturbing activity will not result in any increase in

the base flood elevation.

5.01.10.03.05 Limitations on placement of fill. Subject to the limitations of this article, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code.

5.01.10.04 Manufactured Homes

5.01.10.04.01 General. All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this article.

5.01.10.04.02 Limitations on installation in floodways. New installations of manufactured homes shall not be permitted in floodways.

5.01.10.04.03 Foundations. All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that are designed in accordance with the foundation requirements of the Florida Building Code Residential Section R322.2 and this article.

5.01.10.04.04 Anchoring. All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

5.01.10.04.05 Elevation. Manufactured homes that are placed, replaced, or substantially improved shall comply with Section 5.03.04.04.01 or 5.03.04.04.02 of this article, as applicable.

5.01.10.04.05.01 General elevation requirement. Unless subject to the requirements of Section 5.03.04.04.02 of this article, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home

park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A).

5.01.10.04.05.02 Elevation requirement for certain existing manufactured home parks and subdivisions. Manufactured homes that are not subject to Section 5.03.04.04.01 of this article, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

- (1) Bottom of the frame of the manufactured home is at or above the elevation required in the Florida Building Code, Residential Section R322.2 (Zone A); or
- (2) Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.

5.01.10.04.06 Enclosures. Fully enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322 for such enclosed areas.

5.01.10.04.07 Utility equipment. Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322.

5.01.10.05 Recreational Vehicles And Park Trailers

5.01.10.05.01 Temporary placement. Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

- (1) Be on the site for fewer than 180 consecutive days; or
- (2) Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as

additions, rooms, stairs, decks and porches.

5.01.10.05.02 *Permanent placement.* Recreational vehicles and park trailers that do not meet the limitations in Section 5.03.05.01 of this article for temporary placement shall meet the requirements of Section 5.03.04 of this article for manufactured homes.

5.01.10.06 *Tanks*

5.01.10.06.01 *Underground tanks.* Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

5.01.10.06.02 *Above-ground tanks, not elevated.* Above-ground tanks that do not meet the elevation requirements of Section 5.03.06.03 of this article shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

5.01.10.06.03 *Above-ground tanks, elevated.* Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

5.01.10.06.04 *Tank inlets and vents.* Tank inlets, fill openings, outlets and vents shall be:

- (1) At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
- (2). Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

5.01.10.07 *Other Development*

5.01.10.07.01 *General requirements for other development.* All

development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this article or the Florida Building Code, shall:

- (1) Be located and constructed to minimize flood damage;
- (2) Meet the limitations of Section 5.03.03.04 of this article if located in a regulated floodway;
- (3) Be anchored to prevent flotation, collapse, or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
- (4) Be constructed of flood damage-resistant materials; and
- (5) Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

5.01.10.07.02 Fences in regulated floodways. Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 5.03.03.04 of this article.

5.01.10.07.03 Retaining walls, sidewalks, and driveways in regulated floodways. Retaining walls, sidewalks, and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 5.03.03.04 of this article.

5.01.10.07.04 Roads and watercourse crossings in regulated floodways. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 5.03.03.04 of this article. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 5.01.01.03(3) of this article.

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 5.02.03(A)). An official map of wells and their Wellhead Protection Areas shall be maintained in the Development Director's office.

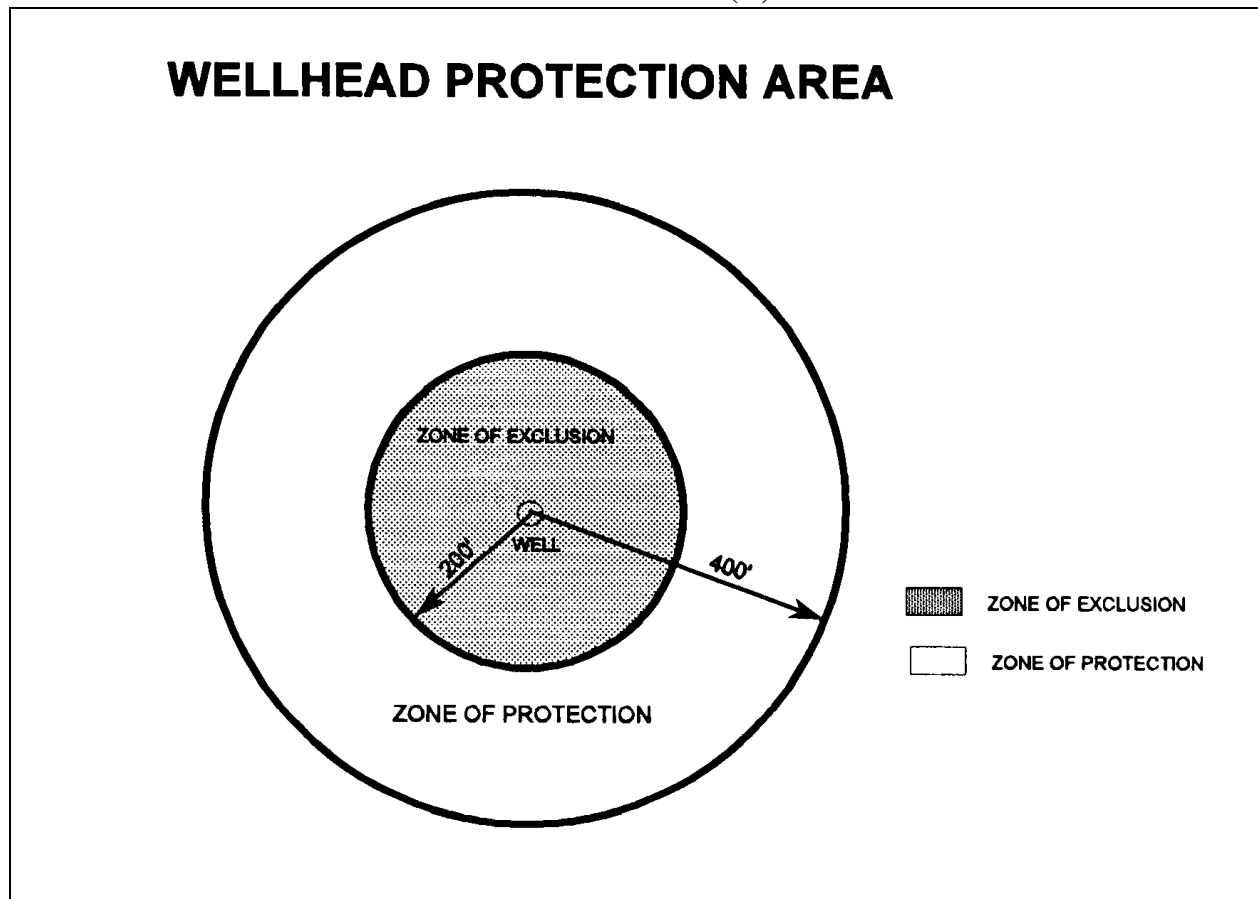
Where a property lies partly outside the Wellhead Protection Area, development standards contained in this Section shall apply only to that part of the property lying within the Wellhead Protection Area. Where the Wellhead Protection Area boundary passes through a building, the entire building shall 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 5.02.03(A)).
 - (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 5.02.03(A)).
 - (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 the ordinance that established this Section:

FIGURE 5.02.03(A)



- (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 the ordinance that established this Section:
- (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; and
 - (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 the ordinance that established this Section, **without a fee**. Thereafter, said person shall be subject to the fee schedule adopted in connection with this Code as outlined under Section 5.02.07.
- (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(C). 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.

5.03.00 *Wetlands Protection*

5.03.01 *Purpose and Intent*

The Wauchula City Commission 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 is 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 bed. The purpose of the transitional zone is to minimize the adverse effects of development upon the wetland itself. In no case shall a wetland 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) Non-mechanical clearing of vegetation from an area of less than 10% of the protected zone.
- (B) Minor maintenance or emergency repair to existing structures of improved areas.
- (C) Cleared walking trails having no structural components.
- (D) 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 the ordinance that established 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 Commission may require mitigation of adverse impacts on wetlands as a condition of development approval if it finds that such impacts are unavoidable. In such cases, action will be taken during or after development to reduce or counteract damage to wetlands areas. A mitigation plan approved by a federal, state, or regional agency shall be acceptable to the City. Mitigation shall not contribute to the production of mosquitoes by creating mosquito larval habitat or by eliminating habitat for predatory fish. The mitigation plan 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 5.05.00 of this Code on the newly purchased, created, enhanced, or restored environmentally sensitive lands to protect them from future development. A legal mechanism other than a conservation easement may be considered, if appropriate, to carry out the purpose of this subsection.

5.03.08 Prohibited Ongoing Activities

The following standards apply to post-development activities taking place within any wetland 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 City, and shall be maintained as such. The removal or lack of maintenance of vegetation resulting in on-site or off-site erosion or windblown loss of soils shall be deemed a violation of this Section.

5.05.00 Conservation Easements

As a condition for approval of a development permit or development order, or as part of a development agreement established under 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 Hardee County in the same manner as any other instrument affecting the title to real property.

ARTICLE 6

PUBLIC FACILITY MONITORING AND PERMITTING

6.01.00 Concurrency

The purpose of this Section is to ensure that facilities and services needed to support development are available concurrent with the impacts of development. The following public facilities and services are subject to concurrency evaluation: roads, potable water, sanitary sewer, drainage, solid waste, and recreation.

Except as otherwise provided, no development proposal submitted after the effective date of this Code shall be approved unless public facilities are or will be available to serve a proposed development, such that the Levels of Service adopted in the Comprehensive Plan are maintained. Prior to concurrency approval for a proposed development, the following conditions shall be met, as applicable.

6.01.01 General Provisions

- (A) *Potable Water, Sewer, Solid Waste, and Drainage.* The concurrency requirement may be met through one of the following conditions or actions:
- (1) The necessary facilities and services are in place at the time a development permit is issued; or
 - (2) A development permit is issued subject to the condition that the necessary facilities and services will be in place when the impacts of the development occur; or
 - (3) The necessary facilities are under construction at the time a permit is issued; or
 - (4) The necessary facilities and services are guaranteed in an enforceable development agreement that includes provisions 1-3 above. An enforceable development agreement shall include, but is not limited to, the provisions of Section 163.3227, F.S., or shall be a development order issued pursuant to Sections 163.3220-3243, F.S., or an agreement or development order issued pursuant to Chapter 380, F.S. The agreement shall guarantee that the necessary facilities and services will be in place when the impacts of the development occur.
- (B) *Roads.* The concurrency requirement may be met by satisfying the conditions listed in paragraphs (A)(1-4) above, and by complying with the following standards:

- (1) The Capital Improvements Element and 5-Year Schedule of Capital Improvements must be financially feasible, and may recognize and include transportation projects listed in the first three years of the applicable FDOT 5-Year Work Program.
- (2) The 5-Year Schedule of Capital Improvements must include facilities necessary to maintain the adopted level of service standards to serve the proposed new development, and the facilities necessary to eliminate those portions of existing deficiencies that are a priority to be eliminated during the five-year period in which the Capital Improvements Plan is to be implemented.
- (3) The Capital Improvements Element and 5-Year Schedule of Capital Improvements must be based on currently available revenue sources that must be adequate to fund the public facilities required to serve the development authorized by the development order and development permit.
- (4) The 5-Year Schedule of Capital Improvements must include the estimated date of commencement of actual construction and the estimated date of project completion.
- (5) The 5-Year Schedule of Capital Improvements must demonstrate that the actual construction of the road must be scheduled to commence in or before the third year of the five-year schedule.
- (6) A plan amendment would be required to eliminate, defer, or delay construction of any road that is needed to maintain the adopted level of service standard and that is listed in the 5-Year Schedule of Capital Improvements.
- (7) The City will adopt land development regulations that, in conjunction with the Capital Improvements Element, ensure that development orders and permits are issued in a manner that will assure that the necessary public facilities will be available to accommodate the impact of that development.
- (8) A monitoring system shall be adopted that enables the City to determine whether it is adhering to the adopted level of service standards and its capital improvements schedule.
- (9) The Comprehensive Plan shall clearly designate those areas within that

facilities will be provided by the City with public funds in accordance with the 5-Year Schedule of Capital Improvements.

- (C) *Parks and Recreation.* The concurrency requirement may be met by satisfying the conditions listed in paragraphs (A)(1-4) above, or by complying with the following standards:
- (1) At the time the development permit is issued, the necessary public facilities and services are the subject of a binding executed contract that provides for the commencement of the actual construction of the required public facilities or the provision of services within one year of the issuance of the development permit; or
 - (2) The necessary public facilities and services are guaranteed in an enforceable development agreement that requires the commencement of the actual construction of the public facilities or the provision of services within one year of the issuance of the applicable development permit. An enforceable development agreement may include, but is not limited to the provisions of Section 163.3227, F.S., or an agreement or development order issued pursuant to Chapter 380, F.S.

6.01.02 Concurrency Management System

The Concurrency Management System (CMS) shall identify and inventory existing service capacities available for development. It shall include facility and service improvements approved in the first year of the City's 5-Year Schedule of Capital Improvements. No development order or permit may be issued by the City that results in a reduction in LOS below the adopted standard.

6.01.02.01 Concurrency Test Statement

Concurrency Test Statements shall be filed with and reviewed by the City, and a determination of concurrency shall be made prior to formal submittal of a development plan of any kind. This shall include issuance of building permits for residential development on existing lots where no plat or Site Development Plan is required.

6.01.02.02 Procedure

The following procedure shall be carried out in order to obtain a determination of concurrency:

- (A) Prepare Concurrency Test Statements on forms available at the Development Director's office.

- (B) Completed Concurrency Test Statements shall include the following information:
- (1) A legal description of the site proposed to be developed along with a map identifying the site in relationship to the City's boundaries.
 - (2) A narrative description of the proposed development identifying the type of development and all land uses proposed within the site.
 - (3) Identification of all roadways adjacent to the site by name, pavement width, functional classification, jurisdiction (i.e., state, county, or City jurisdiction), current capacity, and existing LOS.
 - (4) Projected Average Daily Traffic (ADT) and peak-hour traffic generated by the proposed development and the traffic distribution on the existing roadway(s).
 - (5) Projected potable water demand generated by the proposed development and identification of the service provider.
 - (6) Projected wastewater demand generated by the proposed development and identification of the service provider.
 - (7) Projected solid waste generation and identification of the service provider.
 - (8) Description of the stormwater management system for the proposed development. This description shall include the drainage basin in which the proposed project is located, method of treatment, system design parameters, and location of outfall.
 - (9) Identification of required park and recreation facilities, if any, and method of providing said facilities.
 - (10) A development schedule identifying the proposed date for the start of construction and the date of project completion.

Where required information is readily available, the Development Director may, at his discretion, obtain or calculate one or more of the above data requirements. However, it shall be the applicant's full responsibility to ensure that the Concurrency Test Statement is complete and accurate.

The Development Director shall distribute the completed Concurrency Test Statement to appropriate City departments charged with providing the identified services. Each department shall certify on the Concurrency Test Statement whether or not there is sufficient capacity to service the development.

For any public service not provided by the City of Wauchula, the Development Director may waive capacity certification on a case-by-case basis if there is satisfactory evidence that capacity is available to support the proposed development. Drainage certification for single-family development on existing lots may be waived under the same conditions.

The applicant shall be notified within seven working days as to whether the proposed development meets the concurrency requirement. If the proposal is determined to meet concurrency, the applicant may proceed with the development process as set forth in other sections of this Code. Proposals not meeting concurrency shall not be processed for review until and unless an agreement has been reached by the City and the developer to mitigate the identified deficiency.

6.01.03 Fees

Fees for staff review of Concurrency Test Statements shall be established, and may be changed from time to time, by resolution of the City Commission.

6.01.04 Developments to be Consistent with Concurrency Test Statements

All development proposals submitted to the City for review shall be consistent with the data established in the Concurrency Test Statement. Those exceeding the service demand levels established in the Concurrency Test Statement shall not be processed. The applicant shall be provided with a written notice that a new Concurrency Test Statement shall be required.

Where deficiencies have been identified, development plans based on an agreement to provide needed facilities and/or services shall be processed with the agreement as a condition of development approval. However, the City shall not be required to approve a development plan that meets the concurrency requirement, but does not satisfy other provisions of this Code.

6.01.05 Allocation of Municipal Services

Allocations of public facility and service capacities shall be on a first-come, first-served basis. Services shall be allocated at the following stages:

- (A) *Subdivisions.* On final approval of a subdivision plat, service capacities shall be allocated based on the approved plat. Allocation of service capacity shall be valid for five years from the date of final plat approval.
- (B) *Conditional Use Permit.* On final approval of a subdivision plat, service capacities shall be allocated based on the approved plat. Allocation of service capacity shall be valid for five years from the date of final plat approval.
- (C) *Site Development Plan.* Those developments that are processed under the site development plan review procedures shall be allocated service capacities upon approval of the site development plan. Allocation of service capacity shall be valid for six months from the date of site development plan approval.
- (D) *Single Family Residential on Existing Lots.* Prior to receiving a building permit for single family structures on platted lots existing before the adoption of this Code, or on non-subdivision lots established by metes and bounds legal description, the builder or property owner shall secure a Certificate of Concurrency from the Development Director. Allocation of service capacity shall be valid until the expiration date of the building permit or the issuance of a certificate of occupancy.

6.01.06 Levels of Service

Through the Concurrency Management System, Wauchula shall maintain the following levels of service for public facilities:

Table 6.1 Levels of Service

Facility	Level of Service
Sanitary sewer	170 gallons per capita per day
Potable water	Residential: 138 gallons per person per day. Non-residential: 380 gallons per day per equivalent residential unit
Solid waste	4.28 pounds per person per day
Backlogged facilities	Maintain and improve
Principal arterials (US 17)	C (Or LOS Standard set by the Florida DOT for SIS facilities)
Minor arterials	D
Collector and other local roadways	D
Recreation and open space	5.5 acres per 1,000 residents
Stormwater drainage	Stormwater Management Facilities for existing development: Designed for a 3-year, 24-hour storm event Stormwater Management Facilities for new development: Designed for a 25-year, 24-hour storm event The drainage level of service for new development shall be

Facility	Level of Service
	equal to a 25-year 24-hour storm event. Stormwater treatment and disposal facilities shall meet the design and performance standards established in Section 17-25.025, F.A.C. The first inch of stormwater runoff shall be treated on site, pursuant to Section 17-3.051, F.A.C. Stormwater discharge facilities shall be designed such that the receiving water body shall not be degraded below minimum conditions necessary to assure the suitability of water for the designated use of its classification as established in Chapter 17-3, F.A.C. These standards shall apply to all new development and redevelopment.

All development that was not approved through a subdivision plat, conditional use permit, site development plan, or the issuance of a building permit prior to the date of adoption of this Code shall be subject to an Adequacy Determination through the Concurrency Management System. An Adequacy Determination shall also be required for existing development where any improvement, expansion, or other change is proposed that may result in a greater demand for those public facilities addressed in this Section. The Development Director shall determine whether a proposed change in existing development requires an Adequacy Determination.

6.01.07 Required Determinations

As part of the Adequacy Determination, findings shall be made as to the amount of available capacity in those public facilities that are addressed in this Section.

6.01.07.01 Adequacy of the Road System

The adequacy of the road network shall be evaluated according to conditions at the time the development plan or building permit is approved. Initial measurement of roadway capacities shall be carried out using data and methodology accepted by FDOT or other traffic analysis techniques that are technically justifiable as determined by the Development Director. Capacity ratings on the state highway network shall be approved by FDOT.

Any proposed development shall be required to address the adequacy of the City's road network as it relates to the projected traffic volumes generated by the development. If any affected road segment lacks capacity to accommodate the additional traffic generated at the adopted LOS, it shall be determined whether such capacity will be available if all of the transportation improvements contained in the City's Comprehensive Plan and/or that of Hardee County are completed.

For the purpose of this Section, improvements to state roads resulting in an improvement in the level of service, and that are scheduled to occur by the third

year of the FDOT's Five-Year Work Program, shall be considered concurrent. If it is determined that such capacity will not be available, then the specific improvements necessary to enable the road network to reach such capacity shall be identified, through the completion of a detailed transportation study conducted by a professional in the field of transportation planning, and the application may be granted with an express condition regarding the adequacy of the City's transportation network. At the sole discretion of the City Commission, such condition shall require one of the following:

- (A) That the applicant shall construct the necessary improvements proportional to the share of the additional capacity that is needed to accommodate traffic generated by the applicant's development; or
- (B) That the applicant deposit money into a "road fund" equal to the share of the cost of the improvements that would otherwise be required.

A determination of facility deficiency shall be based on methodology presented in the 1985 or most recent edition of the *Highway Capacity Manual* of the Transportation Research Board of the American Association of State Highway and Transportation Officials (AASHTO) Research Council, Washington, D.C. It shall be the applicant's responsibility to provide the transportation data and analysis necessary for an Adequacy Determination.

At the Development Director's option, and where adequate capacity appears to be available, an alternate methodology may be used to establish non-deficiency. Table 6.2, "Maximum Peak Hour Volume for Each Level of Service by Facility Type," may be used as a general indicator of current level of service and future level of service based on approval of the proposed development. This methodology may be used as a basis for development approval only if the calculated new level of service is higher than the adopted level of service standard. Where a capacity analysis using Table 6.2 indicates the proposed development would create a new level of service equal to or below the adopted standard, a more detailed analysis shall be performed using the *1985 Highway Capacity Manual* methodology. The final Adequacy Determination shall be based on the latter analysis.

**Table 6.2 Maximum Peak Hour Volume
For Each Level of Service, By Facility Type**

Facility		Level of Service				
		A	B	C	D	E
Divided Arterials	2 lanes	1,190	1,390	1,580	1,780	1,980

	4 lanes	2,160	2,520	2,880	3,240	3,600
	6 lanes	3,340	3,900	4,460	5,010	5,570
Undivided Arterials	2 lanes	940	1,100	1,260	1,410	1,570
	4 lanes	1,630	1,900	2,180	2,450	2,720
One-Way Arterials	2 lanes	820	950	1,090	1,220	1,360
	3 lanes	1,310	1,530	1,740	1,960	2,180
	4 lanes	1,940	2,270	2,590	2,920	3,240
Divided Collectors	2 lanes	1,010	1,180	1,350	1,520	1,690
	4 lanes	1,730	2,020	2,300	2,590	2,880
Undivided Collectors	2 lanes	720	840	960	1,080	1,200
	4 lanes	1,150	1,340	1,540	1,730	1,920
Source: Tampa Bay Regional Planning Council, adapted from the FDOT District I 1986 General Highway Capacities table.						

Properties served by local roads or other roads for which traffic count information is unavailable shall be evaluated for impact on the nearest road(s) for which levels of service can be measured. The impact on the transportation system shall be determined by utilizing the trip generation standards set forth in the *ITE Trip Generation Manual*, 4th Edition, or most recent. The estimated number of trips generated by the proposed development shall be subtracted cumulatively from the available capacity on the roadway to determine whether the roadway's capacity is adequate to support the development based on the impacted roadway's level of service.

The calculation of total traffic generated by a proposed non-residential or mixed use project will assume 100 percent buildout and occupancy of the project. Credit against the trip generation of non-residential land uses may be taken utilizing the percentages shown in Table 6.3. Any capture of trips from passing traffic in excess of these percentages must be justified by the applicant.

Table 6.3 Trip Capture Ratios

Use	Percent
Shopping Center (>400,000 s.f.)	25
Shopping Center (100,000-400,000 s.f.)	25
Shopping Center (<400,000 s.f.)	34

Table 6.3 Trip Capture Ratios

Use	Percent
Supermarkets	25
Hardware Stores	5
Convenience Stores	40
Fast Food Restaurants	35
Cocktail Lounges/Bars	30
Restaurants	15
Banks	46
Day Care Centers	10
Service Stations/Car Washes	58
Offices	0
Industrial Uses/Warehouses	0

For mixed use development, the applicant shall justify any trips that will be absorbed internally by the project.

The procedures outlined in Chapter 5 of the ITE *Trip Generation Manual*, 4th Edition, pages 10-16, can be used to quantify pass-by trips. Wauchula may consider these procedures in conjunction with locally derived data and Table 6.3.

6.01.07.02 Adequacy of Drainage

The proposed development shall be designed to provide adequate areas and easements for the construction and maintenance of a water management system to serve the proposed development and adjacent public rights-of-way in a manner that conforms to sound engineering standards. The development order shall require that the applicant meet the following LOS standards, where applicable, prior to any plan approval.

- (A) *Road Protection.* Residential streets having not more than 50 feet of pavement width shall have crown elevations equal to the 100-year flood elevation. Rights-of-way having greater than 50 feet of pavement width shall have a final edge of pavement elevation no lower than the 100-year flood elevation.
- (B) *Buildings.* The lower floor elevation for buildings shall be no lower than

one foot above the 100-year elevation.

- (C) *Off-Site Discharge.* Off-site discharge is not to exceed the standards allowed by the SWFWMD and this Code.
- (D) *Storm Sewers.* The design frequency applicable to storm sewers is the 25-year, 24-hour storm event.

6.01.07.03 Adequacy of Potable Water Service

Potable water service must be available for the needs of the proposed development at the adopted LOS. The proposed development shall be designed so as to reserve rights-of way, easements, and any other areas that may be needed for the installation and maintenance of a potable water distribution system that will meet all applicable building, health, and environmental regulations, including Chapter 17-22, F.A.C.

Where adequate potable water capacity is available in the City of Wauchula's municipal water system, the Concurrency Test Statement shall include a certification from the appropriate City official, stating that sufficient capacity exists as of the date of application. Such certification shall be based on the existing level of demand in addition to permitted development that has not been constructed, and any other development for which capacity has been reserved.

Where adequate potable water service will be made available at a future date concurrent with the impacts of the proposed development, an Adequacy Determination must be based on a financially feasible plan to construct or expand a water treatment facility that will have sufficient capacity to provide for the needs of the development. For purposes of the Concurrency Test Statement, the Development Director shall certify that such a plan exists.

An agreement will be required between the City and the developer prior to approval in order to provide for the expansion of water treatment facilities necessary to serve the proposed development. City approval of an application for plat approval shall not create a reservation of potable water plant or network capacity, or a commitment to provide service.

6.01.07.04 Adequacy of Wastewater Treatment and Disposal Services

Sanitary sewer service must be available for the needs of the proposed development at the adopted LOS. The proposed development shall be designed so as to reserve rights-of way, easements, and any other areas that may be needed for the installation and maintenance of a wastewater treatment and disposal

system that will meet all applicable building, health, and environmental regulations.

Where adequate sanitary sewer capacity is available in the City of Wauchula's municipal wastewater treatment system, the Concurrency Test Statement shall include a certification from the appropriate City official, stating that sufficient capacity exists as of the date of application. Such certification shall be based on the existing level of demand in addition to permitted development that has not been constructed, and any other development for which capacity has been reserved.

Where adequate sanitary sewer service will be made available at a future date concurrent with the impacts of the proposed development, an Adequacy Determination must be based on a financially feasible plan to construct or expand a wastewater treatment facility that will have sufficient capacity to provide for the needs of the development. For purposes of the Concurrency Test Statement, the Development Director shall certify that such a plan exists.

An agreement will be required between the City and the developer prior to approval in order to provide for the expansion of wastewater treatment facilities necessary to serve the proposed development. City approval of an application for plat approval shall not create a reservation of wastewater plant or network capacity, or a commitment to provide service.

6.01.07.05 Adequacy of Solid Waste Disposal Sites or Facilities

Solid waste disposal sites or facilities shall be available prior to development approval to provide for the needs of the proposed development at the LOS shown in Section 6.01.06. Certification shall be made by Hardee County, in a form acceptable to the Development Director, that adequate landfill capacity is available to meet the needs of the proposed development. Certification may be made on a project-by-project basis, or through a written statement, renewed at regular intervals, that sufficient capacity exists to meet the City of Wauchula's needs during a specific time period. In the latter instance, the Development Director shall provide Solid Waste Disposal certification on the Concurrency Test Statement.

A finding that solid waste disposal sites or facilities are available must be based on a demonstration that existing facilities have sufficient capacity to provide for the needs of the development proposed and for other developments in the service area that are occupied, or available for occupancy, for which building permits have been issued, or for which solid waste disposal capacity has been reserved. If existing capacity is unavailable, conditional approval may be granted if it is shown that there is a financially feasible plan to expand solid waste disposal

capacity so that sufficient capacity will be available to accommodate the solid waste of the proposed development and for other developments within the service area that are occupied or available for occupancy, for which building permits are in effect, or for which solid waste disposal capacity has been reserved.

6.01.07.06 Adequacy of Parks and Recreational Facilities

Park and recreational facilities shall be available prior to development approval for any residential development to meet the needs of that development at adopted LOS. Calculations shall be based on average household size figures provided in the Housing Element of the Comprehensive Plan.

A finding that park and recreational facilities are available to serve a proposed residential development must be based upon a level of service calculation that includes other such developments, existing and permitted, for which capacity has been reserved. If existing capacity is not available, conditional approval may be granted if it is shown that there is a financially feasible plan to expand park and recreational facilities so that sufficient capacity will be available for the proposed development at the time that certificates of occupancy are anticipated to be requested. If sufficient capacity does not exist for park and recreational facilities at the time that he seeks development approval, the developer may elect to donate land of suitable size, topography and general character to serve as a recreation facility that will meet the adopted LOS standard for park and recreational facilities, or make payment in lieu of land dedication.

6.01.08 Monitoring

The Concurrency Management System shall be monitored and updated annually. Monitoring and updating shall consist of summing all approved services during each year and subtracting those sums from the capacities available at the beginning of the concurrency period. Any capital improvement scheduled during the concurrency period and constructed or placed into service shall then be added to the capacity totals. In addition, any developer-sponsored facility or service placed into service as a result of mitigation shall be accounted for in the specific facility/service provided. Upon calculation of available capacities under this method, all capital improvements projects budgeted and approved by the City Commission in the first year of its 5-Year Schedule of Capital Improvements shall be added to the relevant capacities. The sums of all aforementioned calculations shall then be the available capacities for the next year. The following calculation shall be the basis of the annual concurrency monitoring system:

$$\begin{array}{rcl} & \text{Available Capacity} & \\ + & \text{Programmed Improvements (1st year S.C.I.)} & \\ \hline \end{array}$$

- Development Approved during year

Available Capacity (Nth year)

If capital projects identified in the first year of the City's 5-Year Schedule of Capital Improvements were not constructed or placed into service during the identified concurrency period, those projects shall be subtracted from available capacities and, if not provided for in the Capital Budget, removed from capacity available for concurrency purposes. Development projects approved based on service capacities presumed to be available shall not be permitted to proceed until a method to mitigate any deficiency has been approved. Such mitigation shall include, but not be limited to, phasing of a development project, payment of money to construct necessary facilities, or the construction of necessary facilities.

Any subdivision plat or site development plan for which construction has not begun within the time frame specified in this Code shall be considered lapsed and shall forfeit any allocation of service capacity. Upon forfeiture, all capacities so allocated shall be returned to the service/facility provider. The Concurrency Management System shall be approved by Resolution of the City Commission on the first regularly scheduled City Commission meeting in September of each year.

6.01.09 Appealing City's Adequacy Determination

A developer may challenge any concurrency determination made by the City by appealing the decision to the City Commission. The appeal shall be accompanied by substantial, competent evidence that sufficient capacity does exist by virtue of the following:

- (A) The impacts of the proposed development will differ from the impacts estimated by the City as a result of special circumstances of that development;
- (B) Based on the City's own information, the analysis being used has an error in its base data;
- (C) In the case of roads, the applicant presents evidence through travel speed, distance and time studies that impacted roadway links actually operate at higher levels of service than indicated by the City's analysis. Methodology for such travel speed/distance/time studies shall be certified by a licensed professional traffic engineer. In the event the travel speed/distance/time studies are warranted, the City or its agent shall conduct or commission such a study after receiving a fee from the applicant to cover the costs of conducting and analyzing the study. The applicant shall have the opportunity to review the methodology prior to the commencement of the study.

6.01.10 Options for Achieving Compliance

Where it appears, or it has been determined, that there is a lack of capacity to service a proposed development, the developer should consider a variety of methods for achieving compliance. Some possibilities are as follows.

- (A) *Plan Amendment.* The developer may propose a plan amendment that lowers the adopted level of service standard for the affected facilities and/or services.
- (B) *Reduce Impact of Development.* The developer may propose a reduction in the scale or impact of the proposed development.
- (C) *Phasing of Development.* The developer may propose a phasing of the proposed development to match the availability of capacity with the timing of each phase of the development. Specific conditions for permitting each phase to proceed shall be included in an enforceable development agreement or development order to ensure that necessary public facilities and services will be in place when the impacts of the development occur.
- (D) *Development Agreement.* The developer may propose a development agreement assuring that the required facility capacity will be provided. Any development agreement must provide one or more of the following assurances, acceptable to the City in form and amount, to guarantee the applicant's pro rata share of the cost of completing or providing any public facilities and services that may be necessary to maintain the adopted level of service standards for the subject property:
 - (1) Cash escrow;
 - (2) Irrevocable letter of credit;
 - (3) Prepayment of capacity/connection charges.

Whenever an applicant's pro rata share of a public facility is less than the full cost of the facility, the City shall do one of the following:

- (1) Contract with the applicant for the full cost of the facility, including terms regarding reimbursement of the applicant for costs in excess of the applicant's pro rata share; or
- (2) Obtain assurances from other sources similar to those described above in this Section; or
- (3) Amend the Comprehensive Plan to modify the adopted level of service standard so as to reduce the required facility to equal the applicant's needs.

- (E) *Alternative Transportation Study.* Where a developer disagrees with the results obtained by the City in its concurrency review regarding transportation, a transportation study may be performed at the option and expense of the developer. The results of the study shall be considered by the City in subsequent determinations regarding the development's compliance with concurrency requirements.
- (F) *Other Transportation Studies.* For those roadway facilities that indicate a lower LOS than the adopted standard of the City's Comprehensive Plan, the City shall allow applicants to perform an operating LOS assessment based upon procedures outlined in the 1985 Highway Capacity Manual. A discussion of any proposed transportation system management and/or mitigation strategies shall be included in the study. The transportation study shall be signed and sealed by a registered professional engineer. The cost of this assessment shall be borne by the applicant.

6.02.00 Development Agreements

6.02.01 General Provisions

The lack of certainty in the approval of development can result in a waste of economic and land resources, discourage sound capital improvement planning and financing, escalate the cost of housing and development, and discourage commitment to comprehensive planning. Assurance to a developer that upon receipt of his development permit he may proceed in accordance with existing laws and policies, subject to the conditions of a development agreement, strengthens the public planning process, encourages sound capital improvement planning and financing, assists in assuring there are adequate capital facilities for the development, encourages private participation in comprehensive planning, and reduces the economic costs of development.

It is the intent of this Section to encourage a stronger commitment to comprehensive and capital facilities planning, ensure the provision of adequate public facilities for development, encourage the efficient use of resources, and reduce the economic cost of development, all in conformity with and to carry out the purposes of the Wauchula Comprehensive Plan and the Local Government Comprehensive Planning and Land Development Regulation Act.

6.02.02 Authority

This intent is effected by exercising the authority granted the City to enter into development agreements with developers under F.S. Sections 163.3220 through 163.3243. This Section shall be regarded as supplemental and additional to the powers conferred upon the City by other laws and shall not be regarded as in derogation of any

powers now existing.

6.02.03 Procedures

6.02.03.01 Application for Development Agreement

The developer shall make application for a development agreement through the Development Director and pay an application fee set by resolution.

6.02.03.02 Public Hearing

Before entering into, amending or revoking a development agreement, the City shall conduct at least two public hearings, one of which shall be held by the Planning and Zoning Board.

6.02.03.03 Notice of Hearing

Notice of intent to consider a development agreement shall be advertised approximately seven days before each public hearing in a newspaper of general circulation and readership in Hardee County. Notice of intent to consider a development agreement shall also be mailed to all affected property owners before the first public hearing. The day, time, and place at which the second public hearing will be held shall be announced at the first public hearing.

6.02.03.04 Contents of Notice

The notice shall specify the location of the land subject to the development agreement, the development uses proposed on the property, the proposed population densities, and the proposed building intensities and height and shall specify a place where a copy of the proposed agreement can be obtained.

6.02.04 Contents and Duration of Development Agreement

(A) *Contents.* A development agreement shall include the following:

- (1) A legal description of the land subject to the agreement and the names of its legal and equitable owners.
- (2) The duration of the agreement.
- (3) The development uses permitted on the land, including population densities, and building intensities and height.
- (4) A description of public facilities that will service the development,

including who shall provide such facilities; the date any new facilities, if needed, will be constructed; and a schedule to assure public facilities are available concurrent with the impacts of the development.

- (5) A description of any reservation or dedication of land for public purposes.
 - (6) A description of all local development permits approved or needed to be approved for the development of the land.
 - (7) A finding that the development permitted or proposed is consistent with the City's Comprehensive Plan and land development regulations.
 - (8) A description of any conditions, terms, restrictions, or other requirements determined to be necessary by the City for the public health, safety, or welfare of its citizens.
 - (9) A statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction shall not relieve the developer of the necessity of complying with the law governing said permitting requirements, conditions, term, or restriction.
 - (10) A development agreement may provide that the entire development or any phase thereof be commenced or completed within a specific period of time.
- (B) *Duration of Agreement.* The duration of a development agreement shall not exceed five years. It may be extended by mutual consent of the City and the developer, subject to a public hearing in accordance with 6.02.03.02-6.02.03.04 above.

6.02.04.01 Applicability of Laws

- (A) *Consistency with Plan And Regulations.* A development agreement and authorized development shall be consistent with the City's Comprehensive Plan and land development regulations.
- (B) *Development Governed By Laws in Effect At Execution.* The City's laws and policies governing the development of land at the time of the execution of the development agreement shall govern the development of the land for the duration of the development agreement.
- (C) *Applicability of Subsequent Laws.* The City may apply subsequently adopted laws and policies to a development that is subject to a development agreement only if the City has held a public hearing and

determined:

- (1) They are not in conflict with the laws and policies governing the development agreement and do not prevent development of the land uses, intensities, or densities in the development agreement;
 - (2) They are essential to the public health, safety, or welfare, and expressly state that they shall apply to a development that is subject to a development agreement;
 - (3) They are specifically anticipated and provided for in the development agreement;
 - (4) The City demonstrates that substantial changes have occurred in pertinent conditions existing at the time of approval of the development agreement; or
 - (5) The development agreement is based on substantially inaccurate information supplied by the developer.
- (D) *Rights Vested Pursuant to Common Law.* This Section does not abrogate any rights that may vest pursuant to common law.

6.02.05 Review, Amendment, Termination

- (A) *Periodic Review of Agreements.* The City shall inspect land subject to development agreement at least once every 12 months to determine if there has been demonstrated good faith compliance with the terms of the development agreement. If the City finds, on the basis of substantial competent evidence, that there has been a failure to comply with the terms of the development agreement, the agreement may be revoked or modified by the City.
- (B) *Amendment or Cancellation of Agreement.* A development agreement may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest.
- (C) *Modification or Revocation to Comply with Subsequent State and Federal Law.* If state or federal laws are enacted after the execution of a development agreement that are applicable to and preclude the parties' compliance with the terms of a development agreement, such agreement shall be modified or revoked as is necessary to comply with the relevant state or federal laws.

6.02.06 Recording and Enforcement

- (A) *Recording of Agreement.* Within 14 days after the City enters into a development agreement, the City shall record the agreement with the clerk of the circuit court. A copy of the recorded development agreement shall be submitted to the DEO within 14 days after the agreement is recorded. The burdens of the development agreement shall be binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.
- (B) *Enforcement of Agreement.* Any party, any aggrieved or adversely affect person as defined in F.S. 163.3215(2), or the DEO, may file an action for injunctive relief in circuit court to enforce the terms of a development agreement or to challenge the validity of the agreement.

6.03.00 Development Exactions and Dedications

6.03.01 Dedication of Sites for Public Uses or Fee In Lieu

(A) Parks

- (1) Where an evaluation under the Concurrency Management System indicates that additional usable recreation land and facilities are needed to maintain the adopted level of service standard, the developer shall dedicate land of suitable size, topography and general character to the City or pay a fee that is equal to the fair market value of the land otherwise required to be dedicated. The required acreage or fee shall be determined by the Development Director based on information supplied in the Concurrency Test Statement submitted in connection with the proposed development.

Conditions for the City's acceptance of dedicated recreation land shall be established in a Development Agreement under the provisions of Section 6.02.00.

- (2) Where dedication of recreation land is not required to maintain the adopted level of service, the City may refuse to accept such land, or establish reasonable conditions for acceptance. Proposed recreational uses must be consistent with the Future Land Use Map of the Wauchula Comprehensive Plan. Other conditions may include, but are not limited to, the following:
 - a. Land must be readily accessible and usable for recreational purposes.
 - b. Land must be fully or partially developed for recreational use at time of acceptance.

- c. The facility would meet a specific recreational need of the City (i.e., picnic areas, boat launch facilities).
- (B) *Right-of-Way.* Right-of-way required to serve all development shall be dedicated in accordance with the requirements of Article 3 of this Code. Where subdivisions are bordered by public right-of-way, additional right-of-way shall be dedicated so as to meet minimum widths specified in the comprehensive plan. Where dedicated right-of-way is extended to an adjoining property or street, there shall be no reserved strips affording private control of future access. The City may require public reserved strips where such reservations promote the public health and safety and implement the comprehensive plan.

Where right-of-way has been dedicated independent of any requirement of this Code or the Comprehensive Plan, the City may refuse to accept such right-of-way, or establish such conditions for acceptance as the City Commission determines to be reasonable.

6.03.02 Dedication of Utility Easements

Except where alleys are provided for the purpose of access and utility placement, easements of no less than 15 feet in width, or wider as the City Engineer deems necessary, shall be dedicated for the installation of underground utilities by the City or franchised utility providers. Easements for watercourses or drainageways traversing a subdivision shall be of a width sufficient to convey the volume of stormwater projected to be generated by the 25-year storm event. Such easements shall be approved by the City Engineer.

ARTICLE 7

DEVELOPMENT APPROVAL PROCESS

7.01.00 Pre-Application Conference

A pre-application conference will be held, if requested, for each new proposed Permitted with Conditions Use, Site Development Plan, or Subdivision Plat submitted to the City for approval. The Development Director will conduct pre-application conferences as needed and, at his discretion, will summon various members of City staff and other persons whose expertise is relevant to a particular project.

Persons participating in pre-application conferences shall have knowledge and experience in one or more of the following areas: planning and/or zoning, public works, downtown redevelopment, law enforcement, fire/emergency services, parks and recreation, traffic engineering, environmental protection, community development, or others as appropriate.

7.02.00 Comprehensive Plan Amendments

There are three general types of Comprehensive Plan Amendments: Expedited State Review, State Coordinated Review, and Small Scale. The Expedited State Review Process is utilized for the majority of Comprehensive Plan amendments adopted by local governments. The State Coordinated Review Process is utilized for amendments that are in an area of critical state concern, amendments that propose a rural land stewardship area, amendments that propose a sector plan, or amendments that update a comprehensive plan based on an Evaluation and Appraisal Report. The Small Scale process is utilized for amendments that qualify as small-scale development amendments. Section 8.07.00 outlines the public notice requirements for the three types of Comprehensive Plan Amendments.

7.02.01 Intent and Purpose

An amendment to the Comprehensive Plan may either be a change to the goals, objectives, and policies of the Comprehensive Plan, known as a “text amendment”; or, the amendment of a land use classification shown on the Future Land Use Map, known as a “map amendment.” Any Plan Amendment may be initiated by the City, by a property owner or agent of a property owner, or by citizens or interested parties who have established standing to bring amendments to the City for consideration.

The basis for review of a proposed Plan Amendment is the same as the basis for the adoption of the Comprehensive Plan, which entails a review of data and analysis in support of the Plan Amendment: analysis of the impact of the Amendment on public facility Levels of Service and the Capital Improvements Budget of the City; and an analysis of the need for the proposed Amendment in relation to the existing structure of the City and the future as delineated in the goals, objectives, and policies of the Comprehensive Plan.

The City Commission transmits approved Plan Amendments to the DEO for review after first reading of the ordinance to amend the Comprehensive Plan. However, the City Commission shall adopt by ordinance a Small Scale Amendment before transmission. Criteria for submittal of Small Scale Amendments is detailed in Section 8.07.03 of this Code.

7.02.02 Contents of the Application for Comprehensive Plan Amendments

All requests for Comprehensive Plan Amendments shall be submitted in writing to the Development Director, together with all required attachments and applicable fees that have been established by resolution of the City Commission.

- (A) *Application Contents for Text Amendments.* The application shall contain the following items, as applicable:
 - (1) A description of the proposed Plan Amendment, specifying the goals, objectives, and policies of the Comprehensive Plan that are to be modified.
 - (2) Data and analysis that supports the requested change. Specifically, new data that would alter the assumptions in the Comprehensive Plan and would, therefore, justify the amendment of a goal, objective, or policy.
- (B) *Application Contents for Map Amendments.* The application shall contain the following items, as applicable:
 - (1) Owner's name, address, phone number, email address if available; agent/applicants name, address and phone number, email address if available; proof of ownership.
 - (2) The number of acres, the Future Land Use Classification requested, the current Future Land Use classification of the parcel and a legal description of the property. If the parcel has been recently annexed, include Hardee County's Future Land Use Classification of the parcel.
 - (3) A copy of the Property Appraiser's Plat Map and/or location map, with the parcel identified; and a copy of the Future Land Use Map with the parcel identified.
 - (4) A concurrency analysis of all public facilities and services for which a Level of Service has been established in the Comprehensive Plan. See Article 6, Section 6.01.00 "Concurrency."
 - (5) Plan Amendment Data and Analysis, the format of which is outlined in (C) below.

(C) *Plan Amendment Data and Analysis Required from the Applicant at the Development Director's Request.* Based on the data found in the Comprehensive Plan the data and analysis shall contain the following, as applicable.

(1) Inventory and Analysis of Site Characteristics

- a. A description of the terrain; type of vegetation on the site; statement regarding the existence of surface water or wetlands or both; and existence of any flood plains on the site.
- b. The type of soils present on the site and in the area; an analysis of the limitations for construction for each type of soil; and an analysis of absorption rate for septic fields. Identification of habitats present on the site as indicated by the soil types.
- c. An inventory of endangered plant and animal species on the site; an inventory of plant and animal species (mammals, birds, and reptiles) common to this site.
- d. A list of trees with an estimate of canopy that they provide; a list of herbaceous plants and vines; a list of grasses and grasslike plants.

(2) *Inventory and Analysis of Land Use:* location in the City; former use; existing surrounding land uses; and, analysis of type of buffer needed between proposed project site and existing land uses.

(3) *Inventory of Public Facilities:* location of existing sewer service and potable water facilities serving the development site with capacities and the future demand associated with the proposed development; the functional classification of roads serving the area with estimated daily traffic volumes; an analysis detailing the future volumes and their effect on roadway Levels of Service; and an analysis of recreation land and facilities needs generated by the proposed land use classification.

(4) A traffic study, as required.

7.02.03 Planning and Zoning Board Standards for Evaluation

The Planning and Zoning Board shall review every Comprehensive Plan Amendment. In reviewing and formulating recommendations to the City Commission on proposed Amendments to the Comprehensive Plan, and particularly, the Future Land Use Element and Future Land Use Map, the Planning and Zoning Board shall specifically consider and evaluate the proposed amendments against the following standards.

- (A) The proposed Plan Amendment is consistent with the goals of the City of Wauchula Comprehensive Plan. Objectives and policies of the Comprehensive Plan may be proposed for modification by the Amendment.
- (B) The proposed Plan Amendment contains an analysis of the Levels of Service for all public facilities and services; identifies the timing of improvements to maintain Levels of Service established by the Comprehensive Plan; and estimates the cost of such improvements to the City and to the developer.
- (C) In the case of a proposed Comprehensive Plan Amendment to the Future Land Use Map, the proposed Land Use Classification at the proposed location has been analyzed to identify adverse impacts to adjacent land uses, the character of the neighborhood, parking, or other matters affecting land use compatibility and the general welfare of the City. Said analysis must address land uses as they now exist, **and as they may exist in the future**, as a result of the implementation of the goals, objectives, and policies of the Comprehensive Plan; and contains objectives and policies to mitigate or eliminate adverse impacts.

7.02.04 Public Hearings

No Plan Amendment may be considered by the Planning and Zoning Board or the City Commission until due public notice has been given of a public hearing. All procedures for advertisement and notification of a public hearing regulated under 166.041 F.S., shall be as delineated in Article 8, Section 8.06.00 of this Code; and Plan Amendments are further regulated under 163.3184 F.S., which regulations are found in Article 8, Section 8.07.00.

7.02.05 Findings and Recommendation to Approve a Plan Amendment

The Planning and Zoning Board may recommend approval of an application for a Comprehensive Plan Amendment only when all of the following conditions are met.

- (A) The proposed Comprehensive Plan Amendment is, or proposes objectives and policies, that will be consistent with the City of Wauchula Comprehensive Plan.
- (B) The proposed Comprehensive Plan Amendment will not degrade the Level of Service of one or more public facilities and services, or contains commitments to make improvements to maintain Levels of Service established by the Comprehensive Plan, **and** does not increase the cost of improvements to be undertaken by the City as stated in the Capital Improvements Element.

7.02.06 Findings and Recommendation to Deny a Plan Amendment

The Planning and Zoning Board may recommend denial of any application for a Comprehensive Plan Amendment for one or more of the following reasons:

- (A) The proposed Comprehensive Plan Amendment is inconsistent with the City of Wauchula Comprehensive Plan.
- (B) The proposed Comprehensive Plan Amendment will degrade the Level of Service of one of more public facilities and services, and contains no commitment to undertake improvements to maintain acceptable Levels of Service.

7.02.07 Decision By City Commission

In not more than 60 days of receipt of the Planning and Zoning Board recommendation, the City Commission shall hold a public hearing, after due public notice, on all recommendations associated with a Plan Amendment from the Planning and Zoning Board. It may accept, reject, modify, return, or continue and seek additional information on those recommendations. No approval of a Plan Amendment shall be granted unless approved by a majority of the Commission members voting.

7.03.00 Rezoning

7.03.01 Purpose and Intent

A rezoning may be initiated by the City or by a property owner or agent of a property owner. The basis for review of application for rezoning entails a review of data and analysis in support of the rezoning; analysis of the impact of the rezoning on public facilities Levels of Service; and an analysis of the need for the proposed rezoning in relation to the goals, objectives, and policies of the Comprehensive Plan.

7.03.02 Contents of the Application

Rezoning requests shall be submitted to the Development Director on an application form provided by the City, together with applicable fees, which shall have been established by resolution of the City Commission. The application shall contain, at a minimum, the following information:

- (A) The property owner's name, address and telephone number; and the designated project applicant or representative if other than property owner.
- (B) A legal description of the property, including the size of the area in acres. For all property not included in a platted and recorded subdivision, a certified boundary survey of the property to be rezoned must be included.
- (C) The future land use classification; and a description of the proposed use of the property.
- (D) A copy of the property appraisers plat map with the parcel marked.

- (E) The location of existing sewer service and potable water facilities to the development site and whether or not the existing facilities have the capacity to serve the parcel.
- (F) The location of all public and private streets, driveways, and utility easements within and adjacent to the site; and a list of the businesses or properties or uses adjacent to the site.
- (G) Identify whether the property is vacant or the use has been discontinued and for how long.
- (H) Traffic studies and or other relevant studies as required by the Development Director.

7.03.03 Planning and Zoning Board Standards for Evaluation

The Planning and Zoning Board shall review every request for rezoning. In reviewing and formulating recommendations to the City Commission on rezoning applications, the Planning and Zoning Board shall specifically consider and evaluate the proposed rezoning against the following standards.

- (A) *Consistency with the Comprehensive Plan.* The proposed rezoning is consistent with the goals of the City of Wauchula Comprehensive Plan.
- (B) *Concurrency Analysis.* The proposed rezoning contains an analysis of the Levels of Service for all public facilities and services; identifies the timing of improvements to maintain Levels of Service established by the Comprehensive Plan; and estimates the cost of such improvements to the City and to the developer.
- (C) *Impact Analysis.* The proposed rezoning has been analyzed to identify future adverse impacts to adjacent land uses, the character of the neighborhood, parking, or other matters affecting land use compatibility and the general welfare of the City.
- (D) *Zoning and Use of Nearby Property.* An analysis of the range of development that will occur as a result of the rezoning, in comparison to the existing pattern of development, and the future pattern established by the Comprehensive Plan. Depending on the uses permitted in the proposed zoning district, inconsistency in the two patterns may be created.
- (E) *Substantial Changes in Land Use Circumstances.* Analysis of the effect of significant changes in land use in the vicinity of the proposed rezoning. Such changes are substantial if they include: widening of a street, expansion of existing

permitted uses, the completion of a subdivision that was previously platted, the construction of a new public facility, such as a park, or any number of other examples. One such change may not be significant and may not justify the rezoning, but several would be and may justify rezoning to higher intensities.

7.03.04 Public Hearings

Due Public Notice. No request for rezoning may be considered by the Planning and Zoning Board or the City Commission until due public notice has been given of a public hearing. All procedures for advertisement and notification of a public hearing must be followed as delineated in Article 8, Section 8.06.00 of this Code.

7.03.05 Findings and Recommendation to Approve a Rezoning

The Planning and Zoning Board may recommend approval of an application for a rezoning only when **all** of the following conditions are met:

- (A) The proposed rezoning is consistent with the City of Wauchula Comprehensive Plan.
- (B) The proposed rezoning will not degrade the Level of Service of one or more public facilities and services, or contains commitments to make improvements to maintain Levels of Service established by the Comprehensive Plan, **and** does not increase the cost of improvements to be undertaken by the City as stated in the Capital Improvements Element.
- (C) The proposed rezoning and all permitted uses are compatible with development on surrounding property. By this analysis the Planning and Zoning Board determines whether or not the proposed rezoning provides "appropriate use" of the property.

7.03.06 Findings and Recommendation to Deny a Rezoning

The Planning and Zoning Board may recommend denial of any application for a rezoning for one or more of the following reasons:

- (A) The proposed rezoning is inconsistent with the City of Wauchula Comprehensive Plan.
- (B) The proposed rezoning will degrade the Level of Service of one of more public facilities and services, and contains no commitment to undertake improvements to maintain acceptable Levels of Service.
- (C) The Public Welfare benefits in maintaining the present zoning classification are so great, that any hardship imposed on the property owner by denying the request for

rezoning, is justified.

7.03.07 Decision By City Commission

In not more than sixty (60) days of receipt of the Planning and Zoning Board recommendation, the City Commission shall hold a public hearing, after due public notice, on all recommendations associated with a rezoning from the Planning and Zoning Board. It may accept, reject, modify, return, or continue and seek additional information on those recommendations. No approval of an application for rezoning shall be granted unless approved by a majority of the Commission members voting.

7.04.00 Planned Unit Development

7.04.01 Procedures for Obtaining a Planned Unit Development (PUD) Zoning Designation

The PUD approval process shall address land use density and intensity, building types, location of major roads and interior road networks, and the design for public utility service(s). The City Commission may exercise broad discretion in the Master Development Plan review process, and such review process shall be deemed to be an integral part of the zoning decision pertaining to such property.

As a condition for processing a PUD application, the Development Director or the City Commission may require the owner of the property to undertake specific studies or reports to be submitted regarding soil types, environmental aspects of the land or the impact of the proposed development on City utilities, roads, or other facilities. Proximity to wetlands, nature of vegetation, site specific and off-site environmental characteristics and impacts, and other appropriate matters of impact on the community may be taken into consideration by the City Commission. The property owner may be required to provide whatever design features are necessary to minimize adverse impacts on the community or abutting properties, including the provision of any needed off-site improvements.

- (A) *Master Development Plan.* Development requirements in a PUD are established through an approved **Master Development Plan (MDP)**, to be consistent with the City's Comprehensive Plan. The MDP shall establish the overall development concept, dividing the development site into tracts and assigning generalized land use types to each (i.e., recreation, retail commercial, townhouses, low-density single family, etc.), and depicting the approximate locations of roads, water bodies, utility plants, and other features of the development site.

Tracts proposed for uses other than residential or commercial development shall be labeled on the Master Development Plan as to type of use proposed (i.e., recreation, open space, utility sites, etc.) and acreage. Written information as to land use type, density/intensity of land use, and acreage of tracts and rights-of-way shall be included with the PUD application and considered part of the Master

Development Plan.

- (B) *Master Development Plan Advisory Meeting.* At the option of the applicant, the Development Director shall schedule a Master Development Plan pre-application conference, at which time the applicant may outline his proposal to all appropriate City staff members. The purpose of the pre-application conference is to assist the developer in clearly understanding all relevant City Code requirements, identify development issues specific to the proposed project, and discuss any other procedural issues relative to the review of the request.
- (C) *Requirements for Master Development Plan Review.* The review and approval of a Master Development Plan constitutes a zoning change resulting in a PUD designation. The determination by the Planning and Zoning Board and City Commission concerning the appropriateness of the MDP shall be based on the same factors as any other change of zoning designation, including consistency with the Future Land Use Map and compatibility with surrounding land uses.

In addition to other requirements of the rezoning process, applications for PUD designation shall include the following, as required by the Development Director:

- (1) A letter of transmittal officially submitting the proposal for approval, signed by the developer or his authorized representative.
- (2) Firm evidence of unified control by the developer of the entire proposed PUD site and a signed statement that, if he proceeds with the proposed development, he will:
 - a. Abide by the officially approved Master Development Plan of the development, and such other conditions and modifications as may be included.
 - b. Provide proposed agreements, covenants, or other appropriate mechanisms for completion of the undertaking in accordance with the approved Master Development Plan as well as for the continuing operation and maintenance of such areas, functions, and facilities as are not to be provided, operated, and maintained at general public expense.
 - c. Bind development successors in title to any commitments made as a condition of development approval.
 - d. Secure written consents and agreements from all property owners of record within the PUD that they have given the applicant authority to act in their behalf and that said representative or agent has the delegated authority to represent the owner or owners and

they agree that all commitments made by the aforementioned representative or agent are binding.

- (3) A statement of the applicant's interest in the property to be rezoned, including certificate of title or attorney as to ownership and, if a contract purchaser, written consent of the seller/owner; or, if a lease, a copy of the lease agreement and written consent of the owner(s).
- (4) A certified boundary survey of the tract prepared by a surveyor registered with the State of Florida showing the location and type of boundary evidence related to the State Plane Coordinate System, and the accurate legal description of the property in metes and bounds and a computation of the total acreage of the tract to the nearest tenth of an acre. Survey must have been done within one (1) year prior to filing.
- (5) Five (5) copies of a scaled Master Development Plan of the entire proposal showing the following information:
 - a. A key map at a convenient scale showing existing roads, streams, street rights-of-way and street intersections; the location of the nearest public roads on all four sides; a statement indicating the distance to all public improvements such as schools, firehouses, public recreational areas and the like, that would serve the subject development; a description of how the proposed development is in conformity with the City of Wauchula Comprehensive Plan and all relevant laws, ordinances, and regulations.
 - b. Location, with pavement type, right-of-way, names, and other related appurtenances of all existing public streets adjoining or traversing the site. In the event no public street now adjoins the site, sufficient description by metes and bounds as to identify the location of the site shall be required.
 - c. Identification of the name, plat book, and page number of any recorded subdivision comprising all or part of the site.
 - d. Identification and location of any existing water courses, lakes, wooded areas, or other significant natural physical features upon the site, as well as on adjacent property within 250 feet of outside boundaries and proposed alterations to said features.
 - e. Location and spatial arrangement of all land uses proposed, including the number of acres in each land use, proposed residential densities, and development type (i.e., single-family residential, multifamily residential, commercial shopping center,

hotel/motel, mixed use, etc.).

- f. All existing and proposed means of vehicular access to and from the site, including an internal traffic circulation plan depicting arterial and collector streets.
- g. A transportation analysis, prepared by a professional in the field of transportation planning, to include an estimate of average trips/land use, total average daily trips, distribution of total peak hour trips on existing and/or proposed transportation network, and distribution splits onto existing and/or proposed transportation network (may be waived at Development Director's discretion).
- h. Location of existing structures and/or open space facilities of adjacent properties within 250 feet of any boundary line of the site (use of a recent aerial photo is adequate).
- i. A statement by the applicant of the major planning assumptions and objectives of the development project including but not limited to:
 - 1. Size and/or scope of development.
 - 2. Projected Population.
 - 3. Proposed timing and phases of development.
 - 4. Proposed ownership and forms of organization to maintain common open space and facilities.
- j. A general layout of the types, quantities, and location of trees and other such significant vegetative features (use of a recent aerial photo is adequate).
- k. A map of Soil Conservation Service Soil Classification by Soil Associations.
- l. A general floodplain map indicating areas subject to inundation and high groundwater levels up to the 100-year flood zone boundary, at a scale of one inch to 500 feet.
- m. Delineation of all wetland areas on the site including type (i.e., FDEP jurisdictional, SWFWMD isolated, and all others). For the purpose of Master Development Plan review, wetland areas may be assumed using the best available data sources including, but not

limited to, aerial photographs, recognized published reports/studies, etc.

- n. The most recent aerial photograph available, with the areas to be modified delineated.
- o. Preliminary drainage plan showing existing topographic contours at one (1) foot intervals, identification of the major natural drainage basin(s) of the site, areas for proposed stormwater management retention/detention basins, and location of outfall.
- p. A description of anticipated potable water and sanitary sewer demands of the proposed development and what facilities are available or projected to be available to meet this demand.
- q. Any other reasonable information that may be required by the Development Director that is commensurate with the intent and purpose of this Code.

Upon receipt of the materials described above, the Development Director shall transmit copies of relevant materials to the various City and county officials and agencies as appropriate.

When review of the proposed PUD is complete, the Development Director shall recommend approval, conditional approval, or denial to the Planning and Zoning Board for its review and consideration. The Development Director shall include with his recommendations the zoning application and a written report that shall include all pertinent documents, comments of the reviewing City officials, and any other applicable documentation or graphics.

(D) *Planning and Zoning Board Review and Recommendation.* The Planning and Zoning Board shall hear the request at a regularly scheduled public hearing, and recommend to the City Commission whether the proposed rezoning be approved, approved with modifications or conditions, or denied. The official minutes of the meeting shall include a summary of the reasons for the Board's advisory recommendation. In support of its recommendation, the Board shall make findings as to:

- (1) The suitability of the area for the type and pattern of development proposed in relation to the physical characteristics of the land, relation to surrounding areas, concurrency, and other requirements of this Code.
- (2) Conformity of the proposed development with the Comprehensive Plan of the City of Wauchula.

- (3) Conformity with these regulations, or as to desirable modification of such regulations in the particular case, based on determination that such modifications are justified as meeting public purposes.
- (4) Compatibility with surrounding land uses.
- (5) All such other review criteria as may be appropriate.

In consultation with the City Attorney, the Board shall also assess the adequacy of the following items relating to arrangements for ownership, operation, and maintenance of common properties and/or facilities that are not provided at public expense:

- (1) Evidence of unified control of the overall development site.
 - (2) Suitability of any proposed agreements, or contracts, or other instruments that are to be executed to create or provide the facilities.
 - (3) The need for such instruments or for amendments in those that have been proposed.
- (E) *Action by City Commission.* Upon completion of required action by the Planning and Zoning Board, the Development Director shall transmit the application to the City Commission and place the item on the next available regular agenda. That transmittal may include all pertinent documents submitted by the applicant, the Development Director's report and recommendation, the Planning and Zoning Board findings, and any other applicable documentation or graphics. The City Clerk shall keep all this material as part of the public record of the City Commission. The City Commission may:
- (1) Deny the application.
 - (2) Phase the application to ensure compliance with the standards herein and other standards and requirements in this Code.
 - (3) Modify the application so that these standards are met.
 - (4) Grant conditional approval or modification of the application, attaching whatever reasonable conditions or requirements the City Commission deems necessary to ensure compliance with these standards or maximum mitigation of the adverse impacts of the development.
 - (5) An approved Master Development Plan can serve as an approved site development plan if all the requirements of the site development process have been addressed and the ordinance adopting the Master Development

Plan reflects the designation.

7.04.02 Development Conditions

Conditions placed on a request by the City Commission may include requiring the applicant, at his cost and expense, to:

- (A) Finance or dedicate land for public rights-of-way, easements, parks and open space, school sites, or other such sites as may be necessary to protect the health, safety, and welfare of the residents of the PUD.
- (B) Finance or construct potable water, wastewater, or drainage facilities.
- (C) Any other reasonable conditions necessary to ensure compliance with these standards, if the applicant agrees in writing in a recordable agreement binding upon his successors and assigns, that no further processing of the development request, pursuant to the provisions of this Code, shall occur until the requirements of this article are met. Attachment of these conditions shall be voluntary on the part of the applicant, and agreement by the applicant to provide any conditions will not, in any way, obligate the City to approve the subject application. Any conditional approval shall be based solely on the fact that the development application, as modified or conditioned, meets the standards of this article, and may not be based solely on the granting of certain conditions deemed favorable by the City unless the standards of the Planned Unit Development district are thereby met.

7.04.03 Approval of a PUD

- (A) *General Uses.* Approval of a Planned Unit Development shall constitute a rezoning of the subject property and amendment to the Official Zoning Map. Any and all development of the approved PUD shall be in strict conformance with the Master Development Plan, as approved by the City Commission.

In the event of an amendment to the Comprehensive Plan, the Land Development Code, or other applicable regulations that occurs prior to completion of construction of the PUD, all subsequent development that has not received approval under Section 7.06.00 (Subdivision Regulations) or Section 7.05.00 (Site Development Plan Regulations) as of the date of the amendment shall be consistent with the new regulations. Approval of development under these sections of the Code shall be valid for one year. Unless construction begins on or before the first anniversary date, development approval shall be null and void, and the new standards shall apply.

Previous approval of a Master Development Plan shall not by itself convey the right to develop property in a manner that is inconsistent with the Comprehensive

Plan and current codes. Prior to approval of further Subdivision Plats or Site Development Plans within the PUD, the Master Development Plan shall be amended to reflect amended codes or other requirements.

- (B) *Special Exception Uses.* No separate approval of a Special Exception use shall be required within a PUD, provided that the proposed use and its location is noted on the Master Development Plan. Allowable uses for any tract within a PUD shall include those listed in the Table of Land Uses as either a Permitted or Special Exception Use for the Equivalent Zoning District for that tract. However, any use listed in the Table as a Special Exception may be denied if the City Commission determines the proposed use would be incompatible with surrounding land uses, either inside or outside the PUD. Additional uses proposed after approval and/or development of the PUD shall be authorized as a PUD amendment rather than through the Special Exception process.

7.04.04 Amendment or Termination of a PUD

Once PUD approval is granted, all development within the PUD development site shall be in conformity with the approved Master Development Plan. In the event a developer wishes to deviate significantly from the approved development pattern, he shall either submit an amended Master Development Plan or apply for a conventional zoning classification through the normal rezoning process.

The addition to or removal of any tract or parcel from a PUD shall require an amendment to the Master Development Plan. Any amendment, variation, or adjustment of a Master Development Plan shall require approval according to the following:

- (1) *Major Amendment.* Submission for review and approval by the Planning and Zoning Board and City Commission.
- (2) *Minor Amendment.* Submission for review and approval by the Development Director.

The Development Director shall determine whether a proposed Master Development Plan amendment is a major amendment or a minor amendment. The determination shall be based on, but not limited to the following: any substantial change to the MDP, including increase in density, change in permitted uses, change in stormwater runoff characteristics, rearrangement of designated open space or recreation areas, change in traffic patterns and trip generation, or other similar changes shall be considered a major amendment to the plan; any proposed minor changes in configuration or similar changes shall be considered a minor amendment to the plan. The Development Director may, at his discretion, forward any application for plan amendment to one or more individual departments for review and recommendation both as to its classification as a major or minor amendment and as to whether it should be approved, approved with conditions, or denied.

7.04.05 Development in Stages

Rather than construct the entire PUD at once, the developer may choose to build the project in stages. Phased development of a PUD is permissible under the following conditions:

- (A) Developer must submit a construction schedule covering all phases of the PUD to the Development Director. This schedule may be revised from time to time as necessary.
- (B) All roads, drainage, and utility facilities needed to support any stage shall be completed and available for use prior to issuance of any Building Permits.
- (C) At least 30% of the total acreage of each stage shall qualify as Designated Open Space, as defined in Article 2, Section 2.02.15 (E)(4)a., unless the entire project's Open Space is provided in the first phase. No less than one-half of this acreage shall be developed as Common Recreation Area, as defined in Article 2, Section 2.02.15 (E)(4)b. All recreation facilities shall be completed and available for use prior to issuance of Building Permits.
- (D) No individual stage of the PUD shall exceed the overall density approved on the Master Development Plan for the PUD as a whole.

7.04.06 Ownership and Maintenance of Common Property

The developer shall establish a property owner's association or similar legal entity for the perpetual ownership and maintenance of open space, drainage facilities, and other community facilities designated on the Master Development Plan and subdivision or Site Development Plans for individual tracts. These facilities include, but are not limited to, pedestrian or bike paths, playgrounds, landscaped open spaces, lakes, swimming pools, bath houses, tennis courts, parking lots, utilities, drainage channels, and retention/detention ponds. Roads shall also be included unless dedicated to the City of Wauchula for public use. Such organizations shall be created by covenants running with the land, and such covenants shall be included as part of the final Site Development Plan or Subdivision Plat of each phase and subject to approval of the City Commission.

In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after the establishment of a PUD fails to maintain the common areas as previously defined above, in reasonable order and condition, and in accordance with the adopted Master Development Plan and subsequent final development plans, the City may serve written notice upon such organization and/or the owners or residents of the PUD and hold a public hearing. If deficiencies of maintenance are not corrected within thirty (30) days after such notice and hearing, the City shall call upon any public or private agency to maintain the common open space for

a period of one year. If the City determines that the subject organization is not prepared or able to maintain the common open space, such public or private agency shall continue maintenance for yearly periods.

The cost of such maintenance by the designated public or private agency shall be assessed proportionately against the properties within the PUD that have a right of enjoyment of the common open space, and shall become a lien on said properties.

Applicable requirements of this subsection shall be inserted into the legal documents of the homeowners association or similar organization having legal ownership of common properties. These legal documents shall be structured to serve the following purposes:

- (A) To define what is owned and by whom, including the specific location and parameters of the individual units and the ownership interest in the common elements of the owners of the association or organization;
- (B) To establish a system of interlocking relationships binding each owner to all other owners for the purpose of maintaining and preserving what is owned and used in common;
- (C) To establish an array of protective standards or restrictions designed to establish limits and assure that a certain level of appearance is maintained;
- (D) To create an administrative vehicle, the owners association, to manage those elements shared in common and to enforce standards;
- (E) To provide for the operation and financing of the association;
- (F) To specify the process involved in effecting the transfer of control of the association and responsibility for the common elements from the developer to the unit owners collectively; and,
- (G) To set forth proper access and utility easements for the owners and the association.

All common areas are to be properly defined in legal descriptions and must be consistent with the Master Development Plan and subsequent final development plans of the PUD.

7.04.07 Private Roads

Internal roads serving the PUD may remain in the private ownership of the developer or may be conveyed to a property owner's association or similar entity created under the provisions of Section 7.04.06 above. However, such roads must be designed and constructed to meet all standards applicable to a public road serving the same function, including right-of-way widths. No private road that constitutes the primary access to

residential or commercial properties within a PUD shall be built on an easement.

The City of Wauchula shall have no responsibility for maintenance of private roads. Should such roads be offered for public dedication in the future, the City shall not accept the dedication unless the roads are in good repair and in conformity with all codes and standards in effect at the time of dedication.

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

7.04.08 Bonding

Prior to commencement of construction within any tract of a PUD, the developer shall file the following items with the office of the Development Director:

- (A) A performance, labor, and material payment bond for the completion of the construction of all public improvements specified in the Preliminary Subdivision Plan or Site Development Plan within one year.
- (B) A performance, labor, and material payment bond for the completion of the construction of all common properties specified in the Preliminary Subdivision Plan or Site Development Plan within one year.
- (C) A maintenance warranty bond in the amount of 10% of the total cost of the construction of all public improvements, to be in force for a period of two years following acceptance by the City of the final construction of said public improvements.
- (D) In lieu of any bond, the developer may use an escrow account to insure the performance of the construction as planned if said account and the administration thereof is approved by the City Commission.

All bonds shall be from a company licensed as a surety in the State of Florida, listed by the U.S. Treasury Department and rated A:AAA in Best's Insurance Guide. Upon acceptance of all improvements described in Subsections A and B above, said performance and payment bonds shall be released.

7.05.00 Site Development Plan

7.05.01 Intent and Purpose

This section enables the City of Wauchula and the developer to collaborate in the

processing of certain development approvals in order to enhance planning and timely, integrated processing and review. The site plan is intended to provide an overview of the applicant's projected land development. In this context, the site plan will be used to determine if the proposed development is in compliance with current statutes, ordinances, regulations, the Comprehensive Plan, the Land Development Code, and other applicable local, regional, state, and federal requirements.

The Planning and Zoning Board shall review and approve Site Development Plans authorized under this Code in the manner prescribed below. The Development Director may review and approve a Site Development Plan for up to five acres, if he/she finds that no conditions need to be imposed before issuing a Building Permit.

It is the intent of this Section that the Site Development Plan process be a part of the Building Permit application process, in that the Site Development Plan is the instrument by which improvements to the site will be constructed and inspected, and by which final inspection and Certificate of Occupancy shall be issued. Site Development Plan approval shall be required prior to the issuance of a Building Permit for the following:

- (A) Division of an existing development site (such a division shall result in a new or modified Site Development Plan for previously existing development, in addition to a separate plan for new development).
- (B) A parcel of land proposed for a nonresidential use, including hotels, motels, and RV parks.
- (C) A parcel of land proposed for multiple-family residential use of three (3) dwelling units or more, or a manufactured home park or subdivision.
- (D) Assisted living facilities and group homes housing more than three (3) residents.
- (E) Clubhouses or similar facilities built on common property within a subdivision.
- (F) Any other type of development that the Development Director, determines to be appropriate for the site plan review process in order to protect the public health, safety, and welfare.

A change in the use of an existing development site from one (1) land use category to another, as listed in Table 2.02.01(A) may require a site plan to demonstrate that the requirements of the Land Development Regulations will be met.

7.05.02 Site Development Plan Review

Those developments subject to Site Development Plan review shall submit five copies of the Site Development Plan, with a completed application form, all necessary attachments, and the requisite application fee to the Development Director to initiate processing of the

plan, unless otherwise directed by the Development Director. Additional plans shall be provided for review by other state, regional, and county agencies upon staff request.

- (A) *Site Development Plan Preparation Requirements.* Where the proposed development site is two or more parcels, lots, tracts or sites, the Site Development Plan shall be prepared by a planning professional, architect, engineering professional or surveyor. At the Development Director's discretion, the same requirement may be applied to sites of less than five acres where the plan proposes high-intensity uses or activities that may have a substantial impact on surrounding properties.

Sketch plans and drawings submitted with Variance, Special Exception, or other zoning-related applications shall not be accepted for review as a Site Development Plan unless prepared in accordance with the guidelines of this section, except as provided in Section 7.05.03. In all cases, engineering plans addressing drainage, road construction, and other technical aspects of development design shall be sealed by a civil engineer registered in the State of Florida.

- (B) *Completeness of Plans.* Completeness of Site Development Plans shall be determined within ten working days by the Development Director, and if complete shall be scheduled for a Pre-Application Conference according to the requirements of Section 7.01.00.
- (C) *Staff Review.* The Development Director and other appropriate City staff members shall review the Site Development Plan with specific regard to the codes and ordinances of the City of Wauchula.

The staff review shall identify matters of development policy concern to which the developer shall address particular attention. Specific comments to be addressed based on staff's review of the plan shall be provided in writing. The applicant shall be permitted to respond to staff comments at this stage of review.

- (D) *Revised Plans.* Upon agreement by the applicant to incorporate the staff review comments into the plan, the applicant shall submit to the Development Director revised Site Development Plans in which all concerns of the staff have been addressed.

For Site Plans requiring Planning and Zoning Board review, when the Development Director determines that all staff comments have been adequately addressed, and that the requirements of all applicable City, state, and federal regulations have been met, he shall place the plan on the agenda for the next regular meeting of the Planning and Zoning Board.

7.05.03 Content of the Application and Drawing

- (A) *Sketch Plans:* At the Development Director's discretion, sketch plans may be used to demonstrate compliance with Land Development Regulations for change of use applications that do not result in increased impacts and have no additional development associated with the request.
- (B) Site Development Plans for sites of five acres or more and those determined by the Development Director to require the detail, shall be drawn to a minimum scale of one inch equals 100 feet on an overall sheet size not to exceed 22 by 36 inches and not less than 11 x 17. When more than one sheet is required, an index sheet of the same size shall be included showing the entire parcel with individual sheet numbers referenced thereon. The following information is required on or in an acceptable form so as to accompany the Site Development Plan respectively:
- (C) **Contents of the written application, as determined applicable by the Development Director:**
 - (1) The property owner's name, address, and telephone number; and the designated project applicant or representative if other than property owner.
 - (2) A legal description of the property, including the size of the area in acres. For all property not included in a platted and recorded subdivision, a certified boundary survey of the property. Note: A certified survey will be required for all parcels at the time of submittal of the Building Permit application.
 - (3) The future land use classification; and a description of the proposed use of the property.
 - (4) A copy of the property appraisers plat map with the parcel marked.
 - (5) The location of existing sewer service and potable water facilities to the development site and whether or not the existing facilities have the capacity to serve the parcel.
 - (6) A list of the businesses or properties or uses adjacent to the site.
 - (7) Identify whether the property is vacant or the use has been discontinued and for how long.
 - (8) The engineer's name, address, telephone number, and registration number.
 - (9) Zoning classification assigned to the property that is the subject of the site plan and the zoning of the surrounding properties.

- (10) Number of units proposed, if any, and resulting net density.
 - (11) Floor area of non-residential uses.
 - (12) Open space expressed in square feet and as a percentage of the overall site.
 - (13) Number of parking lots and spaces required and proposed.
 - (14) Calculation of impervious surface, including structures, accessory buildings, parking areas, loading zones, sidewalks, and other paved surfaces. To standardize the calculation, each parking space shall be considered to be 20 x 10 feet. For further information, see Article 3, Section 3.07.00, "Compatibility, Landscaping and Buffering Standards".
 - (15) Copy of letter from SWFWMD regarding necessary stormwater retention facility.
- (D) **Contents of the Drawing, as determined applicable by the Development Director:**
- (1) North arrow, scale, and date prepared.
 - (2) Location of all public and private streets, driveways and utility easements, within and adjacent to the site.
 - (3) The footprint of all proposed buildings and structures on the site, including setbacks. Location of parking spaces, with handicapped access space(s) marked.
 - (4) A drawing showing the placement and width of required landscape and buffer yards, including canopy trees; identification of mature trees for which credit can be given. For further information, see Article 3, Section 3.07.00, "Compatibility, Landscaping and Buffering Standards".
 - (5) Identification of watercourses, wetlands, and significant stands of mature trees and understory vegetation that may provide wildlife habitats or other environmentally unique areas.
 - (6) Sign(s) location, height, and size in square feet.
 - (7) Phase lines, if the development is constructed in phases.
 - (8) Location of on- and off-site stormwater drainage and retention required by SWFWMD.

- (9) Existing topography with a maximum contour interval of one foot.
- (10) Proposed finished grading by contours supplemented where necessary by spot elevations and in particular at those locations along lot lines.
- (11) The delineation of all wetlands and flood-prone areas as delineated by the National Wetlands Inventory and the Flood Insurance Rate Maps published by the Federal Emergency Management Agency (FEMA).
- (12) Delineation of all environmentally sensitive areas as determined by any appropriate agency.
- (13) All existing and proposed utilities, including but not limited to:
 - a. Water and sanitary sewer pipe sizes, rim and invert elevations, direction of flow and top and bottom elevations and fire hydrant locations and flows.
 - b. Telephone, electric, gas, and other utilities.
- (14) Location of major solid waste receptacles.
- (15) In addition, the drawing shall reserve a blank space, three inches wide and five inches high for the use of the approving authority.

7.05.04 Development Site to be Unified

When requesting Site Development Plan approval, the applicant shall furnish proof that the development site is unified by title, and not spatially divided by ownership; however, multiple ownership is permissible so long as each owner or investor holds a percentage or proportionate interest in the site as a whole. The development site shall be designed to provide all required facilities, including parking and stormwater retention; no such facilities shall be located off-site unless approved by SWFWMD for stormwater and the City Commission for other facilities and an agreement/legal recording is provided.

No development site, once granted Site Development Plan approval, shall be divided except through the Site Development Plan modification process established in Section 7.05.08.

7.05.05 Planning and Zoning Board Review and Action

The Planning and Zoning Board shall review and approve or disapprove Site Development Plans as required through Section 7.05.01. The Planning and Zoning Board shall review and evaluate the Site Development Plan with specific regard to the

Comprehensive Plan, applicable City codes, and the advisory recommendations of City staff. The Planning and Zoning Board shall approve, approve with conditions, or deny the site plan.

In the alternative, the Planning and Zoning Board may, for the purpose of allowing the applicant an opportunity to address unresolved issues, continue consideration of the Site Development Plan. In the event a Site Development Plan is denied, the reason(s) for the denial shall be noted.

- (A) Where the proposed development involves only the expansion of existing structures, the Planning and Zoning Board may reduce or waive certain criteria, data, or other submission requirements as appropriate provided that the following conditions are met:
 - (1) No existing structure will be expanded by more than 30% of its total floor area and/or seating.
 - (2) No change in the existing use of the site is proposed.
 - (3) No existing nonconforming use would be expanded, and all other aspects of the site are in conformity with the requirements of this Code.
 - (4) The development site will not be reduced in size.
- (B) Under no circumstances shall any Site Development Plan be approved that is inconsistent with any term contained in this development code unless a Variance or waiver has been authorized in accordance with the provisions of Section 7.10.00 of this Code.

7.05.06 Approval of Site Development Plans

On approval of a Site Development Plan, a minimum of three (3) copies, and any additional copies as may be required by the City, of the approved Site Development Plan shall be submitted to the Development Director prior to processing of a Building Permit. The Development Director shall forward copies of the plan to appropriate City staff. The City Clerk shall retain and file one copy of the Site Development Plan to constitute a permanent record of the Site Development Plan.

7.05.07 Effect of Site Development Plan Approval

- (A) Approved Site Development Plans shall remain valid if a Building Permit is obtained subject thereto within one year after final approval. Granting of extensions for approval may be made by the Development Director for a single period up to one year from the date when a Site Development Plan would otherwise expire. An extension may be granted if the Development Director

concludes that the recipient of the approved Site Development Plan has proceeded with due diligence and in good faith, and that conditions have not changed substantially so as to warrant a new application. All such requests for extensions must be submitted in writing, not less than 30 days before the expiration of the approved Site Development Plan stating the reason for the time extension request.

- (B) Upon approval of the Site Development Plan, the applicant may proceed to submit construction drawings to the appropriate City staff for permitting. These shall include, but are not limited to, building plans, drainage and stormwater management facilities, road and driveway construction specifications, and tree removal plans.
- (C) Nothing contained herein shall preclude the City from accepting for review and processing building construction plans related to the structural, mechanical, electrical, and plumbing systems prior to stamped approval of a Site Development Plan, subject to such conditions as may be established by the City relative to such pre-plan certification processing.
- (D) In such instances, no Building Permit will be issued until the Site Development Plan has been stamped approved and is on file in the Building Office. All building and construction permits issued for any project requiring Site Development Plan review shall be consistent with the stamped approved Site Development Plan. The approval of a Site Development Plan shall not, under any circumstances, be construed to waive or otherwise diminish the applicable City requirements for construction or installation of structures or materials. Whenever a conflict between the Site Development Plan and such construction details occurs, the more restrictive or that requiring the higher standard shall prevail.

7.05.08 Modification of Site Development Plans

Any modification, variation, or adjustment of a stamped approved Site Development Plan shall require approval of a Site Development Plan amendment.

The Development Director shall determine whether a proposed Site Development Plan modification is a major modification or a minor modification. The determination shall be based on, but not limited to the following: any substantial change, including increase in density, change in permitted uses, change in stormwater runoff characteristics, change in traffic patterns and trip generation, or other similar changes shall be considered a major modification; any proposed minor changes in configuration or similar changes shall be considered a minor modification.

The Development Director may approve a minor modification. If the proposed change or amendment is determined to be other than a minor modification, the Development Director shall forward any revisions to appropriate members of City staff, outside consultants, and schedule a hearing by the Planning and Zoning Board, if required, to

consider approval of the change.

7.05.09 Integration of Other Review Procedures

Any development involving the following provisions of this code shall be coordinated as set forth below:

- (A) *Development Built in Phases.* Development built in phases or stages must clearly show the various phases or stages of the proposed development on the Site Development Plan and on all subsequent Site Development Plans. Amenities and stormwater management systems proposed for all phases shall be constructed in the first phase of development if the subsequent phases rely on the amenities or stormwater management systems. A Site Development Plan must be submitted for each successive phase of the development.
- (B) *Site Development Plan Concurrent with Variance or Special Exception Uses.* For developments requiring approval of a Variance or a Special Exception, a request for such approval shall be submitted to the Planning and Zoning Board and City Commission, and the Special Exception shall be approved prior to final approval of the Site Development Plan. A Site Development Plan, Variance request, and a Special Exception request may be processed concurrently.
- (C) *Site Development Plan Concurrent with Planned Unit Development.* An approved Master Development Plan can serve as an approved site development plan if all the requirements of the site development process have been addressed. The ordinance adopting the Master Development Plan should reflect this designation.

7.05.10 Non-Compliance

Failure to comply with a stamped approved Site Development Plan or any of the conditions upon which such approval was contingent, including time limits for performance, shall be cause to deny issuance of a Building Permit or, where a permit has been issued pursuant to a stamped approved Site Development Plan, to render such Building Permit invalid. Any action, construction, development, or use of property undertaken in violation of the provisions of this Section for a site plan shall constitute a violation of this Code and may be subject to a stop-work order.

7.06.00 Subdivision Regulations

7.06.01 General

- (A) *Purpose and Intent.* The purpose of this Section is to establish minimum procedures and standards to further the provisions of State Law that regulates and requires the platting of land for development; in an effort to ensure proper legal

description, identification, memorialization and recording of real estate boundaries; aid in the coordination of land development in Wauchula in accordance with orderly physical patterns; promote the health, safety, and general welfare of the residents; ensure the purchaser of land in a subdivision that necessary improvements of lasting quality have been installed; ensure that the citizens and taxpayers of Wauchula will not have to bear the costs resulting from haphazard subdivision of land; to maintain the authority of the city to require installation by the developer of adequate and necessary physical improvements; assure equitable handling of all subdivision plats by providing uniform procedures and standards for observation both by the subdivider and the city; guide the future growth and development of the city in accordance with the Wauchula Comprehensive Plan. Where provisions for subdividing land are either more restrictive or less restrictive than other land development codes, resolutions, or rules adopted by the City, those provisions that are more restrictive and impose higher standards or requirements shall govern.

Subdivision approval procedures are set forth herein as a four-step process: the Concept Plan Review, which is optional, Preliminary Plat review; Construction Plan review and approval, and Final Plat approval. This process is intended to permit comprehensive review by the City and to benefit the developer by identifying potential problems and their solutions at appropriate times during the process. As with all stages of the development approval process, it is the responsibility of the developer to check all State and local regulations governing the subdivision of land and to adhere strictly to the procedures therein.

- (B) *Applicability.* These regulations shall apply to all subdivisions, including those intended for commercial and industrial development. The provisions of this Section are applicable to the division of a parcel of land, that is defined to mean the division of contiguous land holdings by a single owner or multiple owners, regardless of how said parcels are described or recorded, into four or more parcels, lots, tracts, or sites for the purpose of transfer of ownership or building development.

If the establishment of a new street is not involved, parcels of five acres or more are not considered a subdivision if the street lines or public easements are not changed.

- (C) *Variances.* At the Preliminary Plat approval stage, and subject to final approval by the City Commission, certain Variances may be considered. Where the Planning and Zoning Board finds that extraordinary hardships may result from the strict application of the planning and engineering standards set forth in these regulations, it may consider those Variances that are recommended by the City Administrator and that the Planning and Zoning Board determines are necessary to ensure that substantial justice is done and the public interest is upheld. Provided however, that the effect of the Variance shall not be to nullify the

purposes and intent of these regulations nor the Comprehensive Plan of the City of Wauchula.

7.06.02 Minor Subdivisions

Florida Statutes 177.031 defines a subdivision as “the division of land into three or more lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land; and includes establishment of new streets and alleys, additions, and resubdivisions; and, when appropriate to the context, relates to the process of subdividing or to the lands or area subdivided.”

A Minor Subdivision is the division of land into less than three lots (a one lot split) or the division of land into three or more lots that does not include the establishment of new streets and alleys. A minor subdivision for a one lot split may be approved administratively through survey or legal description.

- (A) The intent of this division is to establish an administrative review and approval process for small scale residential development and land subdivision.
- (B) Within five days of submittal of plans for a building or land development permit, the Development Director shall determine if minor subdivision approval is applicable and shall notify the applicant of any requirements.
- (C) *Lot Divisions by Survey or Legal Description:*
 - (1) The Development Director may administratively approve a minor subdivision property for residential use by means of a survey or metes and bounds legal description rather than a plat under the following conditions:
 - a. The approval does not result in the creation of more than one new lot.
 - b. The approval does not create a lot, or lots, that do not meet applicable zoning district standards for width, depth, and area.
 - c. Each lot has frontage on a public road, and no new public streets are needed to serve either property.
 - d. Water and sewer lines are existing at the site or do not need to be extended to the site.
 - e. There will be no necessity for drainage facilities serving other properties to cross the lot or lots affected by the administrative approval. Certification shall be provided by a professional engineer registered in the State of Florida.

- (2) In requesting the administrative approval of a minor subdivision (lot division by legal description), the applicant shall provide the following information:
 - a. A copy of the deed to the property. If the applicant does not own the property, he must obtain written permission from the owner, including a notarized signature, authorizing him to make the application.
 - b. A copy of the official property appraiser's map indicating the subject property and all other properties within 200 feet.
 - c. A certified survey.
 - d. Any established application fee plus the per lot fee for subdivision shall be charged.
- (D) *Lot Divisions by Minor Plat:* The Development Director may administratively approve a minor subdivision property for residential use under the following conditions:
 - (1) The approval does not result in the creation of four or more new lots.
 - (2) The approval does not create a lot, or lots, that do not meet applicable zoning district standards for width, depth, and area.
 - (3) Each lot has frontage on a public road, and no new public streets are needed to serve either property.
 - (4) Water and sewer lines are existing at the site or do not need to be extended.
 - (5) There will be no necessity for drainage facilities serving other properties to cross the lot or lots affected by the administrative approval. Certification shall be provided by a professional engineer registered in the State of Florida.
 - (6) In requesting the administrative approval of a minor subdivision, the applicant shall provide the following information:
 - a. A copy of the deed to the property. If the applicant does not own the property, he must obtain written permission from the owner, including a notarized signature, authorizing him to make the application.

- b. A copy of the official property appraiser's map indicating the subject property and all other properties within 200 feet.
 - c. A certified survey.
 - d. A minor subdivision drawing shall include a boundary survey of the property, along with a sketch, and metes and bounds description of each land lot/parcel within the property boundary to be subdivided. Individual land lots/parcels within the surveyed boundary shall be identified as lots/parcels.
 - e. Any established application fee plus the per lot fee for subdivision shall be charged.
- (E) *Adjustments to Existing Plats:* Minor adjustments to a subdivision plat may be authorized by the Development Director without the requirement to replat, where all of the following conditions are satisfied:
 - (1) No more than four new lots or tracts may be created.
 - (2) No new street is proposed, or additional right-of-way is needed.
 - (3) No vacation or elimination of streets, setback, access control, or easements are required or proposed.
 - (4) Such action will not result in significant increases in service requirements or interfere with maintenance of existing levels of service.
 - (5) All easement requirements have been or will have been satisfied.
 - (6) Such division will not result in a tract or lot without direct access to a street.
 - (7) A nonconforming lot, either by dimension or area as prescribed by the applicable zoning district, will not be created.
- (F) In granting approval, the Development Director may impose such conditions, safeguards, and requirements as deemed necessary to implement the intent and purpose of this Section. The Development Director may require any division or combination of previously platted property to comply with the complete platting process as set forth in this Section.
- (G) Except as provided for in (C), the developer shall agree to prepare and submit a final minor Subdivision Plat to the Development Director within 45 days of the

issuance of a land development permit. The Development Director shall be responsible for placing all minor Subdivision Plats on the City Commission agenda for approval and acceptance. The plat shall be recorded with the Clerk of the Circuit Court of Hardee County prior to issuance of a certificate of occupancy.

- (H) The minor Subdivision Plat for recording shall conform to all requirements set forth in F.S. 177.

7.06.03 Procedure for Subdivision of Land

Whenever any subdivision of land is proposed and before any contract is made for the sale of any part thereof and before any permit for the installation of utilities, either public or private; construction; paving and drainage; or structures in a proposed subdivision shall be granted, the subdivider, or his authorized agent, shall apply for and secure approval from the City Commission of the proposed subdivision through submission of the following documents:

- (A) Concept Plan Review
- (B) Preliminary Subdivision Plat
- (C) Construction Plans
- (D) Final Subdivision Plat

Upon completion of all subdivision infrastructure improvements, or guarantee thereof, the subdivider shall apply for and receive approval of a Final Subdivision Plat before applying for permits to build structures on the lots thus created.

7.06.04 Concept Plan Review

- (A) The developer shall present a subdivision Concept Plan to the Development Director who shall review the plan as to its conformance to the Comprehensive Plan, zoning, and other applicable Land Development Regulations. The Concept Plan shall show, at the minimum:
 - (1) Proposed use (type of units, whether they are single-family attached or detached, or multi-family and what type)
 - (2) Basic street layout including streets adjacent to the tract
 - (3) Proposed general lot layout, typical lot sizes, and typical lot setbacks.
 - (4) Boundaries

- (5) Significant topographical and physical conditions
 - (6) Total acreage of plat project
 - (7) Density of plat project, as applicable
 - (8) Future Land Use and zoning designations of the proposed project and abutting properties
- (B) The Concept Plan may be a sketch, but must be drawn to scale.
- (C) A meeting will be called by the Development Director to include City staff to review the Concept Plan. The applicant may attend the meeting to explain the concept of the subdivision. The staff will comment on the concept, informing the applicant, if in attendance, of regulations he may not be aware of. For example, the concept plan may show the spacing of fire hydrants as incorrect and the fire official can give him the correct regulations on the spot.
- (D) The Development Director shall be complete the review not more than fifteen (15) working days after submission, and shall meet with the applicant to relay his findings. If the applicant requests comments in writing, those comments shall be detailed in a letter to the developer not less than fifteen (15) working days after submission, and shall form the basis for preparing the preliminary plat.

7.06.05 Preliminary Subdivision Plat

The purpose of the Preliminary Subdivision Plat (PSP) is to provide sufficient information regarding a proposed development to enable the City to evaluate the proposed subdivision as it relates to the Comprehensive Plan and the Unified Land Development Code, to allow city staff to perform a technical review of all proposed site improvements, and shall be the basis upon which the final plat is prepared.

The developer may present a preliminary Subdivision Plat at any time after receiving the comments of the Development Director in response to the submission of a Concept Plan (See Section 7.06.04). The Preliminary Subdivision Plat shall demonstrate the manner in which the comments from the Concept Plan Review, if conducted, have been incorporated into the plat.

7.06.05.01 Submission of Preliminary Subdivision Plat (PSP)

- (A) *Submittal.* The Preliminary Subdivision Plat Review shall be initiated when the following items have been submitted:
- (1) Completed application forms with all necessary attachments.

- (2) The preliminary subdivision review fee, as established by resolution of the City Commission.
 - (3) Three copies of the Preliminary Subdivision Plat, a survey, and a topographic map.
- (B) *Required Information.* The Preliminary Subdivision Plat shall be drawn to a scale not less than one inch equals fifty feet (1" = 50') on a single 24" x 36" sheet unless allowed otherwise at the discretion of the City and shall include the following:
 - (1) Name, address, and telephone number of the applicant and the person preparing the plan.
 - (2) Title block identifying the name and/or title of the proposed subdivision. The name shall not duplicate or closely approximate the name of any other subdivision recorded in the Public Records of Hardee County, Florida.
 - (3) Date, north arrow, and scale.
 - (4) Layout of proposed streets.
 - (5) Locations and names of adjoining subdivisions, streets, and platted rights-of-way, whether or not the platted streets have been built.
 - (6) All existing restrictions on the use of the land, including easements, rights-of-way, jurisdictional wetlands areas, either assumed or confirmed.
 - (7) Zoning classification.
- (C) Procedure.
 - (1) *Staff Review:* As determined by the Development Director, the applicant will submit the necessary number of copies of the PSP. Copies of the PSP and all attachments shall be distributed to members city staff and other appropriate persons for review. The Development Director and other persons to whom the PSP has been submitted shall review the PSP for accuracy, content, and consistency with the requirements of the Comprehensive Plan, the design standards as set forth in this Code, and all other applicable provisions established by this Code. The Development Director will enumerate specific conditions for final approval of the proposed subdivision. All comments made during the review

process will, in the opinion of the Development Director, be adequately addressed before submittal of the PSP to the Planning and Zoning Board.

The PSP shall be reviewed by staff in terms of the following criteria:

- a. completeness and substantial compliance with the approved concept plan, as applicable;
 - b. degree of compliance with the technical requirements set forth in applicable articles of this Code, and other city regulations;
 - c. suitability of proposed street names (the City Commission shall have the authority to approve or disapprove any street name);
 - d. deficiencies or issues which require further attention.
- (2) *Planning and Zoning Board Action:* At a properly advertised public hearing, the Planning and Zoning Board shall review exhibits, staff reports, and comments by reviewing agencies and individuals and shall approve, approve with conditions, or disapprove the Preliminary Plat. Approval of the Preliminary Plat **shall be deemed an expression of approval of the subdivision layout, and nothing more, and a motion shall be so made**, and shall be reported to the City Commission.
- (3) *City Commission Action:* The City Commission does not review a Preliminary Plat. The action of the Planning and Zoning Board regarding the plat should be brought to the attention of the Commission as an agenda item for discussion at a regularly scheduled workshop or meeting.

7.06.05.02 Effect of Preliminary Subdivision Plat

Approval of the Preliminary Subdivision Plat authorizes the developer to prepare construction plans for public infrastructure improvements. After approval of the construction plans by the Development Director, the developer may proceed with permitting for construction of the infrastructure improvements. See Section 7.06.06.02.

No improvements shall be made in the subdivision, other than clearing, grubbing, and preliminary grading, until the Preliminary Subdivision Plat has been approved

by the Planning and Zoning Board, and detailed plans for construction of improvements have been approved by the Development Director.

7.06.05.03 Term of Preliminary Subdivision Plat

Preliminary Subdivision Plats shall remain valid for one year from the date of approval. Extensions for approval may be granted for a single period up to one year from the date the plan would otherwise expire. An extension may be granted if the Planning and Zoning Board concludes that the owners or successors of the preliminary Subdivision Plat have proceeded with due diligence and in good faith and the conditions have not changed substantially as to warrant a new application.

All such requests for extensions shall be submitted in writing not less than thirty (30) days before the expiration of the Preliminary Subdivision Plat, stating the reason for the time extension request. Upon expiration of a Preliminary Subdivision Plat, municipal services allocated thereto shall be forfeited.

7.06.05.04 Amendment of Preliminary Subdivision Plat

Any amendment, variation, or adjustment of a Preliminary Subdivision Plat shall require approval of an amendment according to the following:

Major Amendment: Submission for review and approval by the Planning and Zoning Board

Minor Amendment: Submission for review and approval by the Development Director

The Development Director shall determine whether a proposed modification amounts to a major or minor amendment to the Preliminary Subdivision Plat. The determination shall be based on, but not limited to the following: any substantial change to the PSP, including increase in density, change in permitted uses, change in stormwater runoff characteristics, change in traffic patterns and trip generation, or other similar changes shall be considered a major amendment to the PSP; any proposed minor changes in configuration or similar changes shall be considered a minor amendment to the PSP. The Development Director may, at his discretion, forward any application for PSP amendment to one or more individuals for review and recommendation both as to its classification as a major or minor amendment and as to whether it should be approved, approved with conditions, or denied. The proposed major amendment shall, after staff review be placed on the agenda for review and approved, approved with conditions, or disapproved.

7.06.06 Construction Plans

After approval of the Preliminary Plat and prior to the review of the Final Plat by the Planning and Zoning Board, the developer shall prepare and submit three copies of the

Construction Plans to the Development Director. The purpose of the Construction Plan is to allow City staff to review and approve all proposed site improvements prior to construction.

The construction plans shall consist of complete working drawings and design specifications, and shall be the basis for evaluating the quality and completeness of the proposed engineering design, compliance with all applicable regulations, the establishment of a construction schedule, and site improvement permitting.

The developer shall submit, in triplicate, estimate of quantities, unit prices and estimated costs for each of the following:

- (A) Streets, drainage, and storm sewers;
- (B) Water distribution system; and,
- (C) Sanitary sewer system.

7.06.06.01 Submission of Construction Plans

- (A) *Submittal.* Construction Plans review will be initiated when the following information has been provided.
- (B) *Required Information.* Unless otherwise permitted by the Development Director, the construction plan shall be drawn to a scale of not more than 1 inch = 50 feet. The size of sheets shall be 24 inches by 36 inches and shall show, in addition to the data provided on the Preliminary Subdivision Plat, the following:
 - (1) Name, address, and seal of registered engineer and surveyor responsible for the plan and accepted data.
 - (2) Final alignments, dimensions, grades, and profiles of proposed streets, utilities, drainage, and other improvements to be constructed.
 - (3) Such other calculations, computation, and details as may be necessary to determine the limits of wetlands, the groundwater table, off-site impacts of the proposed development, and other technical matters that may be specified by the Consulting City Engineer.
 - (4) Any permit or permits from an agency or agencies approving access to State, county, or local roadways.

- (5) Any permit or permits from an agency or agencies approving the proposed stormwater management system.
- (6) Any permits permitting agencies approving the utilities plan.
- (7) A statement as to the ownership and title of the property and whether any mortgages exist on the same.
- (8) Site location block or map on the drawing showing the subdivision's relationship to City limits and major roads, section lines, and boundary lines of the tract with accurate linear and angular dimensions.
- (9) Legal description of the property, U.S. survey section, township, and range lines.
- (10) Survey or scaled drawings showing exiting property lines, streets, water or drainage courses, railroads, bridges, sewers, water mains, fire hydrants, and public utilities and easements within the boundaries and those improvements and dedications that are adjacent to and within 500 feet of the subdivision.
- (11) A topographic map of the site, showing vertical elevations of not more than one-foot intervals, or at intervals deemed necessary by the City engineer to ensure positive drainage; and the location and the elevation of all water, wetland and flood-prone areas.
- (12) In the event a developer intends to develop a given tract of land in stages or sections, a complete drainage map or plan showing existing and proposed drainage conditions and grades for satisfactory disposal of proposed street and surface drainage for the entire area, shall be submitted.
- (13) Tabular data block including total site acreage, acres of the site in wetlands, acres of the site in water bodies, area and delineation of the site within the 100-year flood zone as identified by FEMA, total number of lots, acres in stormwater management, and acres of site in common area, open space and recreation use.
- (14) If the developer is seeking credit for existing trees on the site, a sketch survey of all trees having a measured trunk diameter of twelve inches or more measured at 4.5 feet above grade, and having a height of ten feet or more.
- (15) A draft of any protective covenants proposed for the subdivision.

7.06.06.02 Construction Prior to Platting

Upon approval of Construction Plans, the applicant may proceed with permitting for installation of improvements.

- (A) Construction of streets, drainage facilities, and/or other subdivision improvements prior to actual platting shall be permitted only upon specific application thereof and upon specific approval by the City Commission. In granting any such approval, the City Commission may impose such conditions, restrictions, and/or time schedules as may be deemed necessary in the public interest.
- (B) Improvements shall include tree removal, clearing and grubbing, installation of streets and utilities and installation of stormwater management systems. Whether constructed prior to or following the recording of the Final Plat, the stormwater management system, including all facilities, shall be constructed for the entire area of the plan, regardless of any phasing plans relative to Final Plat recording.
- (C) If the subdivider proceeds with permitting and installation of improvements prior to recording of the plat, a contract with the City for the construction of the required improvements, establishing a financial guarantee that all required improvements shall be constructed, shall be executed.
- (D) An acceptable guarantee for required improvements shall be in an amount not less than the estimated cost of the improvements, as approved by the City Administrator, but may be reduced from time to time in proportion to the work completed, and shall take the form of a Performance Bond, subject to the approval of the City Commission, City Administrator, and City Attorney.
- (E) No residential building permit shall be issued until the final plat has been accepted by the City and recorded with the Clerk of the Circuit Court for Hardee County, except where approval has been given for residential units as models. Final certificates of occupancy for models shall not be issued until the Final Plat has been accepted by the City and recorded with the Clerk of the Circuit Court for Hardee County.

7.06.06.03 Performance Bond

If at the time of application for Final Plat approval all improvements are not satisfactorily installed, the subdivider shall post a bond in an amount estimated as sufficient to secure to the City the satisfactory construction, installation, and

dedication of all required improvements. The performance bond shall also secure all lot improvements on the individual lots of the subdivision as required by these regulations. Such Performance Bond shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution as set forth in these regulations. The period within which required improvements must be completed shall be specified by the City Commission as part of the approval action on the Final Plat and shall be incorporated in the bond and shall not in any event exceed two years from date of final City approval. The City Commission may at any time during the period of such bond accept a substitution of principal or sureties on the bond upon recommendation of the City Attorney.

The City is responsible for running sanitary sewer and public water lines to a development site. However, the division of responsibility for payment of the cost of extension shall be the subject of the Development Agreement (See Article 6, Section 6.02.00 “Development Agreements.”) The developer is responsible for the cost of lines within the development and the cost for connections to sanitary sewer and public water systems. The City reserves the right to impose impact fees to cover the expense to the City rather than include the cost in the Performance Bond.

7.06.06.04 Construction Inspection

The City shall provide for periodic inspection of required improvements during construction to ensure their satisfactory completion. If it is found that any of the required improvements have not been constructed in accordance with the City's construction standards and specifications, the subdivider shall be responsible for modifying and/or completing the improvements so as to comply with such standards and specifications. Wherever the cost of improvements is covered by a performance bond, the subdivider and the bonding company shall be severally and jointly liable for completing the improvements according to specifications.

7.06.06.05 Engineering drawings

Three sets of City-approved engineering as-built drawings shall be submitted with the Final Plat. All as-built drawings shall contain a certification by a professional engineer or registered land surveyor of personal verification of the exact location and dimensions of all completed improvements, as well as certification that all utilities have been installed in accordance with specifications.

7.06.06.06 Maintenance Guarantee

The developer shall guarantee the materials and workmanship of pavement, curb and gutter, sidewalks, water system, wastewater (sewage) system, and the drainage system in the subdivision for a period of one year after final acceptance

by the City Engineer. A bond shall be required for the maintenance and repair requirements to cover faulty plans, materials, or workmanship. The bond shall be effective for one year and in an amount set by the City Administrator unless special circumstances dictate the extension.

The developer shall furnish and install street signs and posts and same shall be of such quality and design as approved by the City.

The developer shall furnish and install permanent monuments at all block corners, angle points, point of curve, points of tangent and at such other control points as shall be required by the City Administrator.

7.06.07 Final Plat

The intent of the Final Plat is to establish a legal record of the subdivision. Whenever the provisions of this Code have been complied with, the City Engineer has accepted the Construction Plans, and while the approval of the Preliminary Subdivision Plat is in effect, the developer may present a Final Plat and Performance Bond for review by the Planning and Zoning Board and approval by the City Commission. The Final Plat may not be approved unless it is in strict conformance with the details of the Preliminary Plat and any changes required by, and approved by, the City. At the option of the subdivider, the final plat may constitute only that portion or phase of the approved Preliminary Site Plat which is proposed to be recorded at that time.

Final plat approval is required prior to the issuance of any building permits within the subdivision. Following review by the Planning and Zoning Board and approval by the City Commission, the plat shall then be submitted to the Clerk of the Circuit Court for recording within the public records of Hardee County.

7.06.07.01 Submission of Final Plat

(A) General Procedure.

- (1) *Staff Review.* The applicant shall submit the original mylar, along with four reproducible copies of the plat. The development director, city attorney, and other city staff as appropriate, shall determine the completeness of the final plat and compliance with the Preliminary Site Plat. They shall verify the accuracy of information provided, and evaluate the degree of compliance with the technical requirements as established in this Code and other applicable city and state requirements. All staff reviewing the plat shall, upon completion of their review, forward their recommendations to the Development Director, recommending approval or denial of the final plat.

- (2) *Planning and Zoning Board.* The Planning and Zoning Board shall review the Final Plat and staff comments pertaining thereto, and shall make a recommendation to City Commission to approve or disapprove the plat. Any conditions of approval shall be stated with the motion to recommend approval of the plat and shall be made clear to the developer. The Planning and Zoning Board may defer action if additional information, staff review, subdivision improvements, or completion assurances are needed. In any case, the Planning and Zoning Board shall be provided with a written statement by the Building Official to the effect that all required public improvements have been completed to his satisfaction or that satisfactory guarantees of completed installation have been provided.
- (3) *City Commission Action.* The City Commission shall review the recommendation of the Planning and Zoning Board and take action on the Final Plat. The ordinance shall be advertised as delineated in Article 8, Section 8.06.00 “Public Hearings/Public Notice.”

The action of the City Commission shall be forwarded in writing to the subdivider or his authorized representative. Should any adverse review comment or recommendation be made by the city Commission which may require a revision of the proposed final plat, the development director shall so notify the subdivider or his authorized representative, so that necessary revisions may be made for reconsideration by the City Commission.

- (4) *Recording.* Upon plat approval, and with certification that a final inspection of the improvements has been made and approved, or an acceptable financial guarantee has been provided for the satisfactory completion of the improvements, the final plat shall be forwarded to the City Clerk for signature. Upon signature by all designated staff and the Mayor, the applicant shall be notified that the plat is complete and may be recorded at the office of the Clerk of the Circuit Court for Hardee County. The developer shall be responsible for recording the Final Plat and for returning one reproducible copy of the recorded plat to the Building Official. The Final Plat shall be recorded prior to the issuance of any Building Permits within the subdivision.
- (B) *Submittal.* The final plat shall conform with Chapter 177, Florida Statutes and shall be clearly and legibly drawn, in ink, on mylar, to a scale of not more than one inch equals 100 feet. The overall sheet size shall be consistent with the standards established by the Clerk of the Circuit Court for Hardee County for recording. Where the final plat of a proposed

subdivision requires more than one sheet, each sheet shall be keyed to a master map with appropriate marks of identification. Each sheet shall be provided with a one-inch margin on each of three sides and a three-inch margin on the left side of the plat for binding purposes.

(C) *Required Information.* Although it may constitute only that portion of the Preliminary Subdivision Plat that the developer proposes to record and develop at the time, the Final Plat for recording shall be prepared in conformance with the requirements specified herein. The Final Plat shall be submitted with the request for approval, and shall show, in addition to the data provided on the Preliminary Subdivision Plat, the following:

- (1) Name of plat.
- (2) Each plat shall show a description of lands platted and the description shall be the same in the title certification. The description shall be so complete that from it, without reference to the plat, the starting point and boundary can be determined.
- (3) All required final permits and approvals issued by agencies and governing bodies having jurisdiction over properties being subdivided shall be furnished to the City Administrator. The Final Plat shall not be approved by the Planning and Zoning Board and the City Commission without proper submission of the final permits and approvals.
- (4) All easements or rights-of-way provided for public services or utilities, and limitations of such easements.
- (5) All lots shall be numbered either by progressive numbers or, if in a block, progressively numbered or lettered in each block. Lot lines shall be marked with accurate dimensions in feet and hundredths of feet, and bearings or angles to street lines.
- (6) The accurate location of all monuments and the designation of specific control corners.
- (7) A statement shall be included on the Final Plat indicating the final length of roads, water, and sewer lines installed.
- (8) The purpose of all areas dedicated must be clearly indicated or stated on the plat. Accurate descriptions of any such areas to be dedicated or reserved for public use shall state the purpose thereon.
- (9) In the event the plat includes open space, clubhouses, playgrounds,

or other amenities to be owned and used in common by residents of the development, a plat note shall be added requiring the creation of a homeowners or property owners association that shall be responsible for such facilities.

- (10) All interior excepted parcels shall be clearly indicated and labeled "Not A Part Of This Plat."
 - (11) Any existing or proposed private restrictions and trusteeships and their periods of existence shall be filed as a separate instrument, and reference to such instrument shall be noted on the Final Plat.
 - (12) City signature spaces for the Mayor, City Clerk, City Administrator, and the Chairman of the Planning and Zoning Board.
 - (13) The Clerk of the Circuit Court of Hardee County of the Circuit Court certificate and the land surveyor's certificate and seal.
 - (14) City signature spaces for the professional surveyor and mapper either employed by or under contract to the local governing body for conformity to Florida Statutes Chapter 177. .
- (D) *Plat Documentation Requirements.* The following documentation shall accompany the Final Plat:
- (1) The Final Plat for recording shall conform with all requirements set forth in F.S., Chapter 177, including dedications and reservations executed by the developer and certification by a registered land surveyor.
 - (2) A title opinion by an Attorney at Law, licensed in Florida, or a certification by an abstractor or title company stating that the court records identify that the title of the land as described and shown on the plat is in the name of the person or persons or corporation executing the dedication. In addition, a document entitled, "Consent to Platting of Lands and Partial Release of Mortgage," shall be filed together with the Final Plat for each person or corporation holding a mortgage on all land included on the plat, where such person or corporation has not signed the Final Plat.
 - (3) Certification by a registered land surveyor that the plat represents a survey made by that individual and, further, that all necessary monuments, lot sizes, and lot dimensions are correctly shown thereon. Impressed thereon, and affixed thereto, shall be the

personal seal and signature of the registered land surveyor by whom, or under whose authority and direction, the plat was prepared.

- (4) Certification that all real estate taxes have been paid.

7.06.08 Vacating of Plats and Replats

7.06.08.01 Vacating of Plat by Owner

The owner of any land subdivided into lots may petition the City under the provisions of Chapter 177.101, F.S., to remove (vacate and annul) the existing plat, or portion thereof, from the official records of the City of Wauchula and Hardee County. The applicant vacating a plat, or a part thereof, shall file the petition, proof of publication of notice of intent, certificate of title, Statement of taxes and resolution, and shall pay the appropriate filing fee as established by Resolution of the City Commission. Following review by the appropriate City departments and recommendation by the Planning and Zoning Board, the petition shall be acted on by the City Commission. The applicant shall be responsible for recording the petition and the proof of publication with the Clerk of the Circuit Court for Hardee County. This proof must be submitted to the City for confirmation.

7.06.08.02 Vacating of Plat by City

The City Commission may, on its own motion, order the vacation and annulment of all or any part of a subdivision within its jurisdiction. Such action may include the vacation of dedicated rights-of-way and easements, provided that:

- (A) The Subdivision Plat was lawfully recorded not less than five years before the date of such action by the City Commission; and
- (B) No more than 10% of the total subdivision, or part thereof, has been sold as lots by the original subdivider or his successor in title. Such action shall be based on a finding by the Commission that the proposed vacation and annulment of the plat will result in greater conformity with the comprehensive plan of the City, and the public health, safety, and welfare will be promoted.

Before acting on a proposal for vacation and annulment of subdivided land the Commission shall hold a public hearing, with notice of intent as set forth by Chapter 166, F.S. Notwithstanding these provisions, the City may require conformity with existing standards for all or parts of subdivisions as outlined in this Section.

7.06.09 Access to Individually Owned Parcels

No owner of any parcel of land in a subdivision shall be deprived by the vacation and annulment of a plat, or a portion of a plat, of reasonable access to such parcel, nor of reasonable access therefrom to existing facilities to which such parcel presently has access; provided that such access remaining or provided after such vacation need not be the same as that previously existing.

7.07.00 Cluster/Zero Lot Line Development

The purpose of this Section is to encourage creative development design in the City of Wauchula and to provide a mechanism for preserving open space, protecting natural resources, or reserving land for recreational facilities to serve the City's residents. It may be used in implementing various policies of the Comprehensive Plan.

Cluster/zero lot line development may be granted in any district where single family detached development is permitted as a principal use. The City Commission may limit the approval to permit cluster subdivision development only, or zero lot line development only; or, both techniques may be authorized for use in conjunction with each other.

7.07.01 Cluster Subdivision

Clustering of single family detached dwelling units on a development site may be permitted where the Comprehensive Plan requires preservation of a natural resource, where land is needed for open space or low-intensity recreational use, or where the developer wishes to create an amenity for residents of the site or for the City as a whole. Approval or denial of the clustering concept at a particular location shall be based on consistency with the Comprehensive Plan, compatibility with surrounding land uses, and compliance with the following requirements:

- (A) *Density.* Gross density of the subdivision shall not exceed the maximum permitted density for the zoning district wherein the site is located, as shown in Table 2.03.01(B). For purposes of calculating density, the development site shall include all platted residential lots, together with roads, drainage facilities, utility sites, and all other common property within the perimeter of the subject property, regardless of whether such facilities will ultimately be dedicated to the City.
- (B) *Development Site to be Unified.* In making application for approval of a cluster development, the applicant shall furnish proof that the development site is unified by title, and not spatially divided by ownership (however, multiple ownership is permissible so long as each owner or investor holds a percentage or proportionate interest in the site as a whole). The site shall have the zoning designations required to accommodate the principal residential uses proposed.
- (C) *Platting.* Information supplied to the Development Director in support of the

application for a cluster/zero lot subdivision shall include a Preliminary Subdivision Plat that fulfills all of the requirements of section 7.06.05. The application for a cluster/zero lot line subdivision and Preliminary Subdivision Plat shall be procured and reviewed in conjunction with each other, unless the Preliminary Subdivision Plat has been previously approved.

The Development Director may subsequently approve minor changes to the development concept that do not involve increases in density, additional points of access to existing roads, or substantial rearrangement of lots.

- (D) *Lot Size and Lot Coverage.* The normal minimum residential lot size and lot coverage requirements established in Table 2.02.01(C) shall be waived under this section. Where cluster subdivision development is proposed, minimum lot requirements shall be as follows:

Table 7.07.01(A) Minimum Lot Requirements for Cluster Subdivisions

District	Min. Lot Size	Min. Lot Width	Max. Lot Coverage
R-1A	10,000 s.f.	75 feet	35%
R-1	6,000 s.f.	40 feet	40%
R-2	5,000 s.f.	40 feet	45%
R-3	4,500 s.f.	40 feet	50%

- (E) *Open Space.* The preliminary and final Subdivision Plats for the cluster subdivision shall designate a specific parcel as an open space tract, that will encompass the natural feature(s), or open space area that the developer intends to preserve. No residential, commercial, industrial, or public institutional use shall be permitted within an amenity tract.
- (1) Open space shall primarily consist of undisturbed natural land, with passive or low-intensity recreation facilities. Such areas shall be accessible and available for the use and enjoyment of all residents of the subdivision. Permitted uses include boat ramps, playing fields, nature trails, and boardwalks.
 - (2) The minimum size of the open space tract shall be 50% percent of the total area of all platted residential lots and streets.
 - (3) Where eight or more dwelling units are in one building or group of buildings in the same project or in successive projects under the same ownership or management, there shall be provided an open space equivalent to 500 square feet for each dwelling unit for common recreational purposes. In no case shall the plot be less than 4,000 square

feet. Where children are permitted in the units, this space shall be fenced with an adequate metal fence not less than four feet in height and so constructed as to prevent children climbing over it; and it shall be connected to the units by walkways that shall not be crossed by driveways or vehicular traffic. This requirement may be used to satisfy the open space requirements in (2) above.

- (4) Where natural features are being preserved, open space tracts may include wooded areas, wetlands, and floodplains. However, lands not in their natural state may be used for recreational purposes and shall be free of waste or debris, dangerous or hazardous materials, and all structures not related to the property's designated use. Open space tracts may include drainage or utility sites and facilities. Water bodies may be included, but shall not count toward the minimum land area for an open space tract. Other areas may be excluded if, in the Development Director's opinion, the use of such areas in an open space tract would be inconsistent with the intent of this subsection.
- (5) Prior to submitting the Final Subdivision Plat for approval, the Development Director shall verify that the plat includes a notation indicating the ownership and maintenance responsibility for the open space tract, including all recreation facilities, existing or planned. No open space tracts or associated facilities shall be dedicated to the City of Wauchula, unless specifically accepted by the City Commission.

7.07.02 Zero Lot Line Development

The purpose of this subsection is to promote architectural design flexibility and efficient use of land in residential subdivisions. Under this concept, the dwelling unit may be placed against a side lot line in order to maximize usable open area within each residential lot. The requirements provided below shall apply in addition to those of Article 3 and Section 7.06.00.

- (A) *Lot Sizes.* The permitted lot sizes in a zero lot line development shall be those permitted for cluster/zero lot line subdivision per section 7.07.01.
- (B) *Platting.* Building Permits shall not be issued in a zero lot line subdivision until all requirements of Section 7.06.00 have been met.
- (C) *Building Envelope and Maintenance Easements.* All zero lot line Subdivision Plats shall show building envelopes wherein all structures shall be located. No structures shall be placed outside the designated building envelope. No windows, doors, air conditioning units, or other openings or projections of any kind shall be permitted where the structure meets the side lot line. Structures on abutting lots may share a common zero lot line, and may be structurally joined by a common

fire wall or by porches, garages or privacy fence/wall.

For each unit constructed along a side lot line, an easement five feet in width shall be created on the neighboring property. The purpose of this easement is to permit maintenance and repair of the exterior portion of the structure or structures bordering the zero side yard. All maintenance easements shall be shown on the final plat, along with an indication of the lot to which each easement is assigned.

- (D) *Setbacks.* Each dwelling unit in a zero lot line subdivision shall be set back 15 feet from one side lot line. No setback is normally required from the opposite lot line, but a setback may be provided such that the unit is detached in a conventional sense. On corner lots, the front setback requirement shall apply to both road frontages.

Front and rear setbacks for principal structures shall be those required by the zoning district.

Detached accessory structures shall be limited to a total of 400 square feet, regardless of their number.

7.08.00 Uses Permitted with Conditions

The City of Wauchula finds that there are certain uses that exist which may be constructed, continued, and/or expanded provided they meet certain mitigating conditions specific to their design and/or operation, in addition to the general requirements provided by this Zoning Code. Such conditions ensure compatibility among building types so that different uses may be located in proximity to one another without adverse effects to either. Uses Permitted with Conditions are those uses that may be treated as a permitted use if the use or structure complies with specifically identified conditions. It is the purpose of this Section to describe the standards and the review process for a Use Permitted with Conditions.

Uses Permitted with Conditions are permitted, as identified in the Table of Land Uses 2.02.01(A), Article 2, if they meet the listed conditions in Section 3.08.00, and subject to all other applicable standards. At the Development Director's discretion, any development larger than 5 acres or any development that may have compatibility concerns may be sent to the Planning and Zoning Board for approval. The regulations that govern Uses Permitted with Conditions are set forth in Section 3.08.00. Where standards provided in Section 3.08.00 exceed and/or create greater restrictions than those of the underlying zoning district, Section 3.08.00 shall supersede any other provision of this Code. Where no standard is established in Section 3.08.00, that of the relevant zoning district and/or conditions as assigned by the Planning and Zoning Board shall apply.

7.08.01 Application

- (A) *Application; Fees.* All requests for Uses Permitted with Conditions shall be

submitted to the Development Director, together with all applicable fees as provided by resolution.

(B) *Contents.* The application shall contain the following items, as applicable:

- (1) A legal description and/or parcel ID and street address of the property.
- (2) Notarized authorization of the owner if the applicant is other than the owner or an attorney for the owner.
- (3) Site plan or sketch plan drawn to scale showing:
 - a. The dimensions of the property;
 - b. The existing and proposed location of structures on the property including signage, vehicular accessways and circulation areas, off-street parking and loading areas, sidewalks, refuse and service areas, required yards and other open spaces, and landscaping or buffer areas;
 - c. The measurements of existing and proposed adjacent rights-of-way, setbacks, distances between buildings, widths of accessways and driveways, and sidewalks.
- (4) A tabular summary describing the proposed use of the property including:
 - a. Existing and proposed use of property;
 - b. Conditions on the use, such as hours of operation, numbers of residents, etc.;
 - c. Area of the property, pervious and impervious areas, and existing and proposed structures.
 - d. Number of required and provided off-street parking and loading spaces, existing and proposed density, and number of existing and proposed units.
- (5) Other pertinent information as determined by the Development Director.

7.08.02 Process

(A) Application.

A pre-application conference is optional at the applicant's and/or the

Development Director's request if the applicant intends to operate a use or develop a structure that is intended to be occupied by a use set forth as a use Permitted with Conditions in Table 2.02.01(A). The purpose of the conference is to advise the applicant of any additional information required for the review of the application for a use Permitted with Conditions. Within ten (10) days of the receipt of the application and all information requested, the Development Director shall inform the applicant if the application materials are sufficient for review and whether or not the application will require Planning and Zoning Board review.

It is anticipated that there may be instances in which the applicant may not know at the time of the pre-application conference/original application all of the uses to which structure(s) in a development will be assigned, therefore, the applicant may seek a determination on whether a proposed use qualifies as a Use Permitted with Conditions from the Development Director at any time. An application shall be submitted with information, as the Development Director shall request. Within ten (10) days of receipt of the application and all the requested information, the Development Director shall inform the applicant of whether the application materials are sufficient for review and whether or not the application will require Planning and Zoning Board review.

No person, however, shall have any right to operate a use identified as a Use Permitted with Conditions unless all of the conditions specified in the Section 3.08.00 related to that use and/or conditions set by the Planning and Zoning Board are currently and continuously complied with. It shall be a violation of this Code to operate any use delineated in this Article without complying with the applicable conditions.

(B) Review and Approval

At the Development Director's discretion, any development larger than 5 acres or any development that may have compatibility concerns may be sent to the Planning and Zoning Board for approval. All other applications will be approved administratively.

- (1) *Administrative.* The Development Director, and any necessary staff, will review the application for Use Permitted with Conditions to determine if the proposal meets the conditions as outlined in Section 3.08.00. If the proposal meets the required conditions, the Use Permitted with Conditions is approved and the applicant can move forward as a permitted use.
- (2) *Planning and Zoning Board.* The Planning and Zoning Board shall hold a public hearing for each application. The Development Director shall submit a written report containing his/her recommendations relating to the proposed Use Permitted with Conditions to the Planning and Zoning Board prior to the meeting at which the application will be heard. A copy

of the report shall be made available to the applicant. The Planning and Zoning Board may recommend and may impose conditions or safeguards found to be necessary to ensure the compatibility of the Permitted with Conditions Use with surrounding properties or the community in general. These may include, but are not limited to, requiring restrictions on hours of operation and size of buildings, additional landscape and buffer areas, limiting vehicular access points and location of off-street parking, and similar conditions.

(C) **Basis of Review**

In considering any application for a Use Permitted with Conditions permit, the Development Director and the Planning and Zoning Board may give consideration to the following minimum criteria, to the extent they are pertinent to the particular application:

- (1) Character of the neighborhood;
- (2) Compatibility with adjacent property uses and zoning;
- (3) Suitability of the property for which the conditional use is being requested;
- (4) Consistency with permitted uses in the area in which the permitted with conditions use is sought.
- (5) Extent to which the proposed use will negatively impact the aesthetics of the property and adjoining properties;
- (6) Impact of additional storm water runoff to the existing system or to the watershed area if no storm sewer is available;
- (7) Impact of noise pollution or other environmental harm;

Conditions provided in Article 3.08.00 should be utilized for consideration of conditions to be applied to address potential incompatibility issues when reviewing proposed Uses Permitted with Conditions.

7.08.03 Nonconformities

Uses that were classified “Permitted” prior to the effective date of the Land Development Code Update, but that are designated as Uses Permitted with Conditions in this Land Development Code Update, shall be allowed to continue without meeting the required conditions for that use as stated in Article 3.08.00. They are considered nonconforming uses and must satisfy the requirements of nonconforming uses included in Section 7.11.00.

7.09.00 Procedure for Obtaining a Special Exception

A Special Exception use is a type of use that is essential to or would promote the public health, safety, or welfare in one or more districts, but that would impair the integrity and character of the district in which it is located, or in adjoining districts, **unless restrictions or conditions** on location, size, extent, and character of performance are imposed in addition to those imposed in this Code. Special Exceptions shall be granted only for those identified by an "S" in the Table of Land Uses 2.02.01(A), Article 2.

The regulations that govern Special Exceptions are set forth in Section 3.09.00. Where standards provided in Section 3.09.00 exceed and/or create greater restrictions than those of the underlying zoning district, Section 3.09.00 shall supersede any other provision of this Code. Where no standard is established in Section 3.09.00, that of the relevant zoning district and/or conditions as assigned by the Planning and Zoning Board shall apply.

The Planning and Zoning Board shall hear and decide applications for Special Exceptions authorized under this Code in the manner prescribed below.

7.09.01 Application

- (A) *Application; Fees.* All requests for Special Exceptions shall be submitted in writing to the Development Director, together with all applicable fees as provided by resolution.
- (B) *Contents.* The application shall contain the following items, as applicable:
 - (1) A legal description and street address of the property.
 - (2) Notarized authorization of the owner if the applicant is other than the owner or an attorney for the owner.
 - (3) Site plan or sketch plan drawn to scale showing:
 - a. The dimensions of the property;
 - b. The existing and proposed location of structures on the property including signage, vehicular accessways and circulation areas, off-street parking and loading areas, sidewalks, refuse and service areas, required yards and other open spaces, and landscaping or buffer areas;
 - c. The measurements of existing and proposed adjacent rights-of-way, setbacks, distances between buildings, widths of

accessways and driveways, and sidewalks.

- (4) A tabular summary describing the proposed use of the property including:
 - a. Existing and proposed use of property;
 - b. Conditions on the use, such as hours of operation, numbers of residents, etc.;
 - c. Area of the property, pervious and impervious areas, and existing and proposed structures.
 - d. Number of required and provided off-street parking and loading spaces, existing and proposed density, and number of existing and proposed units.

7.09.02 Review of Proposed Special Exception

- (A) *Completeness Review.* Within ten working days of receipt of an application for a Special Exception, the Development Director shall:
 - (1) Determine that the information is incomplete and inform the applicant of any deficiencies.
 - (2) Determine that the plan is complete and proceed with the following procedures.
- (B) *Report to Planning and Zoning Board.* The Development Director shall submit a written report containing his/her recommendations on the proposed Special Exception to the Planning and Zoning Board prior to the meeting at which the application will be heard. A copy of the report shall be made available to the applicant. The Planning and Zoning Board review shall include a concurrency management review of the proposed use pursuant to the standards and procedures in Article 6 of this Code.
- (C) *Planning and Zoning Board Hearing.* The Planning and Zoning Board shall hold a public hearing on each application.
- (D) *Conditions and Safeguards.* The development and use of the site of an approved Special Exception shall be in accordance with the approved site plan and application materials. The approved site plan shall be filed with the Development Director, and all development shall be in compliance with that plan. The Planning and Zoning Board may recommend and may impose on the grant of any Special Exception any conditions or safeguards found to be necessary to ensure the compatibility of the Special Exception with surrounding properties or the

community in general. These may include, but are not limited to, requiring restrictions on hours of operation and size of buildings, additional landscape and buffer areas, limiting vehicular access points and location of off-street parking, and similar conditions. Violation of any such condition or safeguard shall be deemed a violation of this Code and may result in a revocation of any Special Exception, in addition to any other remedy for such violation provided in this Code.

- (E) *Denial.* The Planning and Zoning Board may deny any application for any Special Exception, for one or more of the following reasons:
- (1) It is inconsistent with the City of Wauchula Comprehensive Plan.
 - (2) It would violate the concurrency management standards in Article 6 of this Code.
 - (3) It does not meet the requirements of the applicable Special Exception regulations.
- (F) *Findings.* The Planning and Zoning Board shall make written findings, based on one or more of the reasons listed above, in support of a denial of an application for a Special Exception.

7.09.03 Modification of Special Exception Use

Once Special Exception Use approval is granted, all uses and development within the development site shall be in conformity with the approved Special Exception Site Development Plan or sketch. Any amendment, variation, or adjustment of an approved Special Exception Use Site Development Plan or Sketch shall require approval according to the following:

- (1) *Major Amendment.* Submission for review and approval by the Planning Board.
- (2) *Minor Amendment.* Submission for review and approval by the Development Director.

The Development Director shall determine whether a proposed Special Exception amendment is a major amendment or a minor amendment. The determination shall be based on, but not limited to the following: any substantial change to the site development plan or sketch, including increase in density, change in permitted uses, change in stormwater runoff characteristics, change in traffic patterns and trip generation, or other similar changes shall be considered a major amendment to the approved special exception; any proposed minor changes in configuration, addition of permitted accessory uses that do not negatively impact the site, or similar changes shall be considered a minor

amendment to the approved special exception. The Development Director may, at his discretion, forward any application for Special Exception Use amendment to one or more individual departments for review and recommendation.

7.09.04 Expiration or Abandonment of Special Exception Use

If a Special Exception does not begin to serve the purpose for which it was granted permission within 180 days from the date of approval, it shall expire. Once initiated, the Special Exception use may continue indefinitely until the expiration of any time limit established as a condition of approval. However, if such use is abandoned for 180 days, it shall expire.

7.10.00 Variances

A variance is an approved modification to the development standards established by this Code. A variance may only be granted for height, area, size of structure, or size of yards and open spaces, or other dimensional requirements, and once granted runs with the land. The request for a variance is considered and approved or denied by the Planning and Zoning Board and public notice is given as detailed in Article 8, Section 8.06.00 “Public Notice/Public Hearings.”

- (A) A variance may be granted if such variance will not be contrary to the public interest, and when owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the development requirements of the zoning district or this Code would result in unnecessary and undue hardship.
- (B) The Board shall have the power to hear and decide requests for variances where, by reason of the exception of narrowness, shallowness, or unusual shape of a site on the effective date of this Code, or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of that site, the literal enforcement of the dimensional requirements (height or width of building or size of yards, but not dwelling unit or population density) of this Code would deprive the applicant of reasonable use of the land in a manner enjoyed by other landowners in the same zoning district. The Board may impose any reasonable conditions or restrictions in granting said variance.
- (C) Establishment or expansion of a land use otherwise prohibited by this Code shall not be allowed by variance; nor shall the presence of nonconforming uses on neighboring properties in the zoning district or abutting districts provide the basis for establishing otherwise prohibited uses.
- (D) If an undeveloped lot of record is existing before the adoption of this Code, and is too small to allow conformance with the dimension and area regulations of any zoning category, the owner may apply for a variance.
- (E) Once granted, a variance runs with the land and continues in perpetuity, even if the

property changes ownership.

7.10.01 Criteria for Granting a Variance

The granting of a Variance shall be based on a determination by the Planning and Zoning Board that the request will not be contrary to the public interest and the intent of this Code, and that strict enforcement of the regulation in question would create an undue and unnecessary hardship for the applicant. Considerations of health, convenience, or economics shall not be considered as justification for a variance. For each variance granted, the Planning and Zoning Board shall approve the variance based on the following criteria:

- (A) Special conditions and circumstances exist that are peculiar to the land or structure involved and that are not applicable to other lands or structures in the same land use classification.
- (B) The special conditions and circumstances do not result from the actions of the applicant.
- (C) The requested variance, if approved, will not confer on the applicant any special privilege that is denied by the provisions of this Code to other lands or structures in the same land use classification.
- (D) Literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the identical land use classification and will constitute an unnecessary and undue hardship on the applicant.
- (E) That the variance granted is the minimum variance that will make possible a reasonable use of the land or structure.
- (F) That the granting of the variance will be in harmony with the general intent of this Code, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

7.11.00 Nonconformities

Nonconformities are land uses, structures, lots, and other elements of development that do not conform to the provisions of this Code but were created in accordance with those land development regulations (if any) in effect at the time of their establishment. Subject to the provisions listed below, nonconformities may continue to exist if otherwise lawful and in existence on the date of adoption of this Code. The casual, intermittent, temporary, or illegal use of land or structures prior to the effective date of this Code shall not qualify such use or structure for the privileges outlined in this Section.

7.11.01 Nonconforming Uses

It is the intent of this Code to permit lots, structures, uses of land and structures, and characteristics of use that were lawful before this Code was adopted, but which would be prohibited, regulated, or restricted under the terms of this Code or future amendments to continue until they are removed but not to encourage their continuation. Such uses are declared by this Code to be incompatible with permitted uses in the districts involved. It is further the intent of this Code that nonconformities shall not be enlarged upon, expanded or extended, not be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Nonconforming uses of land shall be brought into conformance as soon as reasonably possible, but nonconforming uses may continue provided:

- (A) There shall be no enlargement, increase in intensity, or alterations to the use, its permanent structure, or both.
- (B) Such uses may not be enlarged, extended, altered or replaced, except for a change to a use permitted in the district in which located, except as provided in (C) below.
- (C) A nonconforming use may continue indefinitely and exist in a building that is transferred from one owner to another. The nonconforming use cannot be reinstated once the structure has had another use or has been vacated for six months or more.
- (D) No use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of this Code.
- (E) When a structure devoted to a nonconforming use is damaged or deteriorated, as determined by the Zoning Administrator, to the extent of 50% or more of the structure's assessed taxable value as listed by the Hardee County Tax Assessor, such structure, if restored shall thereafter be devoted to conforming uses.
- (F) A dwelling or manufactured home made a nonconforming use by the adoption of this Code or amendments thereto, which is the homestead of the owner, may be replaced or reconstructed because of destruction or deterioration, so long as the damage or deterioration does not exceed 50% of the structure's assessed taxable value as listed by the Hardee County Tax Assessor.
- (G) Nonconforming uses of land where no principal structure exists, other than Agriculture, shall be discontinued within six months of the adoption of this Code or amendment thereto, whichever date rendered the use nonconforming.

7.11.02 Nonconforming Lots of Record

Lots not meeting the standards established in this Code for minimum width, depth, and area but recorded in the public records of Hardee County prior to the date of adoption of this Code or amendment thereto may be used for building purposes with the following provisions:

- (A) Single family dwelling units shall not be built on lots of less than 50 feet in width and 5,000 square feet in size without a Variance authorized by the Planning and Zoning Board.
- (B) Contiguous lots that are of single ownership, and do not separately meet width, depth, and area requirements of the applicable land use classification, shall be considered a single lot for development purposes.
- (C) Nonconforming lots of record shall not be reduced in size, width, or depth without a Variance authorized by the Planning and Zoning Board.
- (D) All development permitted on nonconforming lots of record shall be subject to normal setbacks and all other requirements of this Code.

7.11.03 Nonconforming Structures other than Signs

A structure that is nonconforming, due to noncompliance with the dimensional requirements of the official schedule of district regulations of this Code and which is used for a use *permitted* in the district in which it is located may remain, provided:

- (A) That it is not moved in whole or in part to another location on the same parcel or lot that it occupies.
- (B) Transported to any other parcel of land unless such transport would render the structure conforming to all applicable provisions of this Code.
- (C) Enlarged or expanded in any manner, unless such enlargement reduces the degree of nonconformity and is carried out in accordance with the provisions of this Code. Structures that are nonconforming by size, but not by use, may be enlarged if the addition will reduce a nonconformity of floor area and will meet required setbacks.
- (D) Rebuilt, repaired, or renovated in excess of 50% of the assessed taxable value of the structure, as determined by the Hardee County Property Appraiser.
- (E) Structures that are nonconforming by setback, but not by use, may be enlarged if all new construction meets required setbacks.

7.11.04 Nonconforming Manufactured Home Subdivisions and Parks

(A) Manufactured Home Parks

Existing manufactured home parks that are nonconforming by use shall not be redesigned, expanded in area, **or modified to accommodate additional manufactured homes. Replacement of existing manufactured homes in such parks shall be prohibited.**

Manufactured home parks that are nonconforming by design only may be expanded in area and/or modified so as to reduce or eliminate those aspects of design that render it nonconforming. The Development Director may authorize additional manufactured home sites in such subdivisions upon submission of a Site Development Plan showing a redesign of the subdivision that conforms with the regulations for manufactured home parks in Article 3.

(B) Manufactured Home Subdivisions

No new manufactured home sites may be added to an existing manufactured home subdivision that is nonconforming. However, existing vacant lots within the subdivision may be utilized 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.

7.11.05 Nonconforming Manufactured Homes

The replacement of an existing manufactured home on property that is not designated for manufactured home use on the Official Zoning Map shall be prohibited.

7.11.06 Amortization of Nonconforming Uses

(A) Certain nonconforming uses which, by their nature, would present a substantial likelihood of detrimental effect on adjoining uses and on the health, safety and welfare of the community at large, may continue only for a period of two years from the date of this ordinance, or any amendment thereto specifically including the use as an amortized nonconforming use. Amortized nonconforming uses shall include:

(1) Nonconforming signs and billboards that are in existence at the time of adoption of this ordinance.

(B) The decision of an administrative official determining that a certain use constitutes an amortized nonconforming use and the length and duration of any amortization may be appealed to the Planning and Zoning Board. In determining whether a certain use constitutes an amortized nonconforming use and the

duration of any such amortization, the Board shall consider the following factors:

- (1) The exact nature and extent of the amortized nonconforming use;
 - (2) The type of uses adjacent to the amortized nonconforming use;
 - (3) The potential for disruption or environmental contamination of adjacent uses by the amortized nonconforming use;
 - (4) The length of time that the amortized nonconforming use has existed;
 - (5) Improvements and investments made by the property owners in the development of the amortized nonconforming use; and
 - (6) The realistic investment backed expectations of the property owners in the development of the amortized nonconforming use.
- (C) It shall be the property owner's burden to prove, by the substantial competent evidence, including the provision of detailed financial statements, that the schedule of amortization does not allow for the realization of the land owner's realistic investment backed expectations and that the land cannot be used consistent with the provisions of the City's Comprehensive Plan.
- (D) Notification of Nonconforming Use and Expiration of Use
- (1) The Development Director shall identify every nonconforming use within 120 days after the adoption or amendment of this Code and shall notify the owner/manager/operator by registered letter of: the existence of this provision and its requirements; and, the specific date the business/use/sign shall cease.
 - (2) The Owner/Operator/Manager of the nonconforming use shall apply for a certificate of use within 90 days after notification by the City or adoption or amendment of this Code, whichever is greater.
 - (3) The Development Director shall inspect each identified, nonconforming uses annually to determine the progress of the owner/manager/operator toward conformity with this Code.
 - (4) The Development Director shall determine by his/her inspection that the scope of operations has been reduced by 50%, on or about the first anniversary of the adoption of this Code.
 - (5) The Development Director shall notify the owner/manager/operator by registered letter the date by which all operations shall cease, six months

prior to the second anniversary of the adoption of this Code.

7.11.07 Nonconforming Communications Towers and Antennas

- (A) *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.
- (B) *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 Special Exception 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.

ARTICLE 8

ADMINISTRATION AND ENFORCEMENT

8.01.00 Development Officials

At the option of the City Commission, both of the positions established in this Section, that of the Development Director and the Building Official, may be assigned to one person.

8.01.01 Development Director

The Development Director shall supervise and administer all staff activities regarding comprehensive planning, zoning, development review, issuance of permits, certificates of occupancy, and code enforcement. He/she shall perform duties prescribed by this Code, as well as any others assigned by the City Manager. The Development Director shall be duly qualified for these responsibilities through appropriate education and work experience. The Development Director shall have a thorough knowledge of the provisions of the Comprehensive Plan and this Code, and shall have the authority to interpret the intent and meaning of this Code in situations where its applicability is not clear. Appeals of administrative decisions of the Development Director may be made to the City Commission.

Other specific duties of the Development Director are as follows:

- (A) Advise and cooperate with the City Manager in the implementation, amendment, and enforcement of this Code and the Comprehensive Plan.
- (B) Attend all public hearings at which zoning and comprehensive planning matters are discussed, including meetings of the Planning and Zoning Board and City Commission. He will attend meetings of the Code Enforcement Board or Special Magistrate when necessary.
- (C) Accept and process all applications for amendments to the Comprehensive Plan, zoning actions, and variances.
- (D) Certify the accuracy of the Official Zoning Map and amendments thereto.
- (E) Collect and account for all required application fees.
- (F) Grant such administrative approvals as are allowed under the provisions of this Code for Minor Subdivisions, Temporary Use Permit, Antenna/Dish Permit, Sign Permit, and others as identified in this Code.
- (G) Receive applications and application fees for Comprehensive Plan Amendment, Rezoning, Planned Unit Development, Landscaping Plan, Site Development Plan,

Subdivision Plat, Conditional Use Permit, Special Exception Use Permit, Request for a Variance, and others as identified in this Code.

- (H) Evaluate each proposed Comprehensive Plan Amendment, Rezoning, Planned Unit Development, Landscaping Plan, Site Development Plan, Subdivision Plat, Conditional Use, Special Exception Use, and Request for a Variance, for consistency with this Code and the Comprehensive Plan, and others as identified in this Code.
- (I) Evaluate each application for a Development Order, including Building Permits, to determine whether it meets applicable Concurrency requirements.
- (J) Ensure that all time limits prescribed by this Code are met.
- (K) Monitor the progress of all development applications through the review process and be available to respond to inquiries from interested persons.
- (L) Any other duties assigned by the City Manager.

8.01.02 Building Official

The Building Official shall be responsible for review of building construction plans, the issuance of Building Permits and certificates of occupancy, and the inspection of construction sites and buildings under construction. He/she shall have a working knowledge of the Florida Building Code and be familiar with electrical, fire, zoning, and other codes having a bearing on building construction in Wauchula. The Building Official shall be duly qualified for these responsibilities through appropriate certification, education, and work experience. Alternatively, the City may retain a licensed professional contractor/builder on a part-time basis to perform technical review of building activities.

8.02.00 Administrative Approvals by the Development Director and/or Building Official

The Development Director and/or Building Official shall have the authority to approve the following, subject to conditions set forth below and in applicable provisions of this Code:

8.02.01 Building Permit

A Building Permit is required prior to construction or alteration.

- (A) It shall be unlawful to commence any excavation or construction or any alteration of any structure until the Development Director or Building Official has issued a building permit authorizing such work.

- (B) If no building permit has been issued and a builder begins or continues to build, a stop work order may be issued by the administrative official or a restraining order may be obtained upon application to the proper court of record, and evidence of the lack of a building permit shall establish a prima facie case for the issuance of the restraining order.
- (C) *Application for a Building Permit.* In applying to the Development Director and/or Building Official for a Building Permit, the applicant shall submit a plat along with the application, drawn to scale, and showing:
 - (1) The dimensions of the lot to be built upon;
 - (2) The outside dimensions of all structures;
 - (3) Setbacks;
 - (4) Off-street parking, if required;
 - (5) Landscaping placement and stormwater retention ponds, if required;
 - (6) Easements; and
 - (7) Any other information necessary for determining conformance with this Code.
- (D) The Development Director or the Building Official shall act upon applications for Building Permits within two weeks from the date of their submission.
- (E) Duration of Permit
 - (1) Construction shall commence within six months from date of issuance.
 - (2) The permit expires after one calendar year. If the work is not completed, work must cease until a new building permit is obtained.
 - (3) One or more extensions may be granted by the Development Director or the Building Official, not to exceed 90 days each.

8.02.02 Certificate of Occupancy

- (A) The Development Director is the enforcement officer for all regulations contained in this Code. The Development Director shall implement a procedure for periodic inspection of development work in progress to ensure compliance with the development permit and final development order that authorized the activity.

- (B) Upon completion of work authorized by a development permit or development order, and before the development is occupied, the developer shall apply to the Building Official for a Certificate of Occupancy. The Building Official shall inspect the work and issue the certificate, if all work is found to be in conformity with the permit or order.

8.02.03 Administrative Approval of Minor Field Adjustments

The Development Director has the authority to approve minor field adjustments. A minor field adjustment is a deviation from a final development order that falls within the following limits and that is necessary in light of technical or engineering considerations first discovered during actual development and not reasonably anticipated during the initial approval process:

- (A) Alteration of the location of any road, walkway, landscaping, or structure by not more than five feet.
- (B) Reduction of the total amount of open space by not more than 5%, or reduction of the yard area or open space associated with any single structure by not more than 5%; provided that such reduction does not permit the required yard area or open space to be less than that required by this Code.
- (C) If the work is found to have one or more minor field adjustments, the Development Director shall request a revised site plan from the applicant showing the deviations and amend the development order to conform to actual development. The Development Director may, however, refer any minor field adjustment that significantly affects the development's compliance with the purposes of this Code to the Planning and Zoning Board for treatment as a major deviation.
- (D) *Major Deviation Defined.* A major deviation is a deviation other than a minor field adjustment, from a final development order or permit.

8.02.04 Major Deviation from Development Permits and Development Orders

- (A) If the work is found to have one or more major deviations, as defined in Section 8.02.03(D), the Development Director shall:
 - (1) Place the matter on the next agenda of the Planning and Zoning Board, allowing for adequate notice.
 - (2) Issue a stop work order and/or refuse to allow occupancy of all or part of the development if deemed necessary to protect the public interest. The order shall remain in effect until the Development Director determines that

work or occupancy may proceed pursuant to the decision of the Planning and Zoning Board.

- (3) Refer the matter to the code inspector if it appears that the developer has committed violations within the jurisdiction of the Code Enforcement Board or Special Magistrate.
- (B) If the matter falls within the jurisdiction of the Code Enforcement Board or Special Magistrate, the Code Enforcement Board or Special Magistrate shall hold a public hearing on the matter and shall take one of the following actions:
- (1) Order the developer to bring the development into substantial compliance (i.e. having no or only minor deviations) within a reasonable period of time. The development order or permit may be revoked if this order is not complied with.
 - (2) Amend the development order or permit to accommodate adjustments to the development made necessary by technical or engineering considerations first discovered during actual development and not reasonably anticipated during the initial approval process. Amendments shall be the minimum necessary to overcome the difficulty, and shall be consistent with the intent and purpose of the development approval given and the requirements of this Code.
 - (3) Revoke the relevant development order or permit based on a determination that the development cannot be brought into substantial compliance and that the development order or permit should not be amended to accommodate the deviations.

8.02.05 Revocation of Development Order

Should a development order or permit be revoked, development activity shall not proceed on the site until a new development order or permit is granted in accordance with procedures for original approval.

8.02.06 Setback Adjustments

- (A) In single family zoning districts, the Development Director or Building Official may approve reduction of side and rear setbacks for principal and accessory structures (excluding swimming pools) by no more than 10% subject to the following conditions:
- (1) The setback requirement is established by the zoning district and no other section of this Code;

- (2) The total structural coverage of the lot or building site shall not exceed 65%;
 - (3) The approval would not result in the encroachment of a structure into an existing utility or drainage easement held by the City;
 - (4) A certified survey shall be submitted by the applicant verifying building locations and structural coverage;
- (B) Lots of record less than 51 feet in width and more than 25 feet in width shall have a minimum side yard setback of 5 feet. For a single family home on these small lots, the Development Director may vary the front and rear setbacks so as not to render the lot “unbuildable.” The front and rear setbacks should complement the setbacks of the surrounding properties. See Section 7.11.02 for further requirements for nonconforming lots of record.
- (C) At his discretion, the Development Director or Building Official may deny the approval and refer the application to the Planning and Zoning Board as a variance or for approval of a Site Development Plan.

8.02.07 Temporary Office or Construction Trailer

The Development Director or Building Official may authorize the use of a manufactured home or other temporary structure not meeting the requirements of the Florida Building Code at the construction site of an approved Site Development Plan. The temporary structure may be used only as an office, tool shed, or other facility in support of construction work, and shall not be used for living accommodations, for sales/rental of lots or offices, or for any other purpose.

The applicant shall designate the exact location of the temporary structure on the Site Development Plan, and shall place it only in the approved location. The temporary structure shall not be installed prior to issuance of the building permit for the development site, and shall be removed upon expiration of the building permit or issuance of the Certificate of Occupancy, whichever comes first. If a manufactured home is to be used, the wheels and axles shall not be removed.

8.02.08 Temporary Manufactured Home Or Recreational Vehicle for Use During Construction of a Residence or as Disaster Relief

The Development Director or Building Official may authorize the use of a manufactured home or recreational vehicle as a temporary residence during construction of a permanent residence or in the case of a disaster situation such as fire, flood, or hurricane, with the following conditions:

- (A) The lot or building site is at least one-quarter acre in size;

- (B) The applicant has received approval of a building permit for construction of a single family residence on the property;
- (C) The temporary unit shall be placed at least 20 feet from all lot lines, and 10 feet from any other existing or planned structure and shall be located in the side or rear yard;
- (D) The manufactured home or recreational vehicle unit must be connected to a public sewer system or, upon approval of the Development Director, have received a septic tank permit from the Hardee County Health Department;
- (E) Wheels and axles shall not be removed;
- (F) The manufactured home or recreational vehicle shall be removed from the building site within 30 days of the Certificate of Occupancy for the permanent residence, or at the end of a one-year period commencing at the date of its installation, whichever comes first; and
- (G) This administrative approval may not be renewed or granted a second time for the same building site.

8.02.09 Continued Use of Existing Single Family Home During Construction of a Replacement Single Family Home

The Development Director or Building Official may authorize the continued use of an existing single family home during the construction of a new replacement single family home with the following conditions:

- (A) The lot or building site is large enough to accommodate the existing single family home and the construction of the replacement home while meeting all development standards for the district as listed in Table 2.02.01(C);
- (B) The property owner must provide a notarized letter explaining the reason why the existing home should remain during construction and the owner's intent to move into the new construction and have the existing house demolished within 30 days after the final Certificate of Occupancy on the new construction is issued;
- (C) Demolition of the existing single-family structure must occur within 30 days after issuance of the Certificate of Occupancy;

8.03.00 Development Boards

8.03.01 Planning and Zoning Board

(A) At its own option, the City Commission may appoint itself as the Planning and Zoning Board (Local Planning Agency) and serve all associated functions of said board. The functions, powers, and duties of the Planning and Zoning Board shall be as follows:

- (1) Act as Local Planning Agency pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, 163, Part II, F.S., and perform the functions and duties prescribed herein.
- (2) Review and make recommendations to the governing body on any matter relating to the planning of the City, including the evaluation and appraisal of the Comprehensive Plan, Comprehensive Plan Amendments, the development and amendment of the Unified Land Development Code, also known as the Land Development Regulations, and other matters the City Commission may defer or refer to the said Board.
- (3) Consider the need for revision or addition of regulations in this Code, and recommend changes to the City Commission.
- (4) Consider the need for revision of the Comprehensive Plan, and recommend changes to the City Commission.
- (5) Advise and make recommendations to the City Commission regarding applications for amendments to the Official Zoning Map, requests for variances, or other special designations on property within the City.
- (6) Review and decide special exception applications.
- (7) At the request of the Development Director, interpret and determine the intent of provisions of this Code which are unclear or in conflict with other regulations.
- (8) Submit annually to the City Manager a list of recommended capital improvement items, no later than March 1st, prior to the beginning of the budget year. The list shall be arranged in order of preference, with recommendations as to which projects shall be completed in which year.

(B) Appointment of Members

- (1) The Planning and Zoning Board shall have five voting members, all of whom shall be appointed by the City Commission. Every member shall be a voting member of the Board when in attendance.

- (2) The Planning and Zoning Board shall include a representative of the school district appointed by the school board as a nonvoting member of the Planning and Zoning Board to attend those meetings at which the Board considers comprehensive plan amendments and rezonings that would, if approved, increase residential density on the property that is the subject of the application.
 - (3) Each member of the Planning and Zoning Board that is appointed by the City Commission shall reside or own a business in the City, and at least two members of the Board shall reside in the City.
 - (4) Each member shall be appointed to a three year term. In the event that all members are appointed at the same time, three members shall be appointed for an initial term of one year, one member shall be appointed for an initial term of two years, and one member shall be appointed for an initial term of three years.
 - (5) Reappointment to fill vacancies shall be made so as to continue the staggered pattern and shall be for terms of three years for all members.
 - (6) Any member may be removed from office by the City Commission upon written charges and after public hearing.
 - (7) At the first meeting held after January 1 of each year, the Board shall elect a Chairman and a Vice-Chairman. The Chairman, or in his absence the Vice-Chairman, shall preside over all meetings of the Board. Officers shall serve terms of one year.
 - (8) The Chairman may establish subcommittees and appoint members as needed to carry out the purposes of the Board.
 - (9) If any member fails to attend three consecutive meetings, the Board may declare the member's office vacant and notify the City Commission.
 - (10) All vacancies, whether by resignation, dismissal, or expiration of the term of office, shall be filled promptly by the City Commission.
 - (11) Members may serve with compensation, including reimbursement for such travel, mileage, and per diem expenses as may be incurred.
- (C) Procedure for Meetings of the Board
- (1) The Board shall adopt procedures or by-laws to carry out its purposes. All rules must conform to this Code, other City ordinances, and State law.

- (2) The Board shall meet once each month when business is placed on the agenda or by decision of the Chairman. The Chairman may cancel a regular monthly meeting of the Board for lack of an agenda.
 - (3) A sound recording of the meetings shall be made and kept on file with the City Clerk's office, as well as summary minutes of the decisions and recommendations by the Board. The City Clerk shall keep the minutes of the proceedings of the Planning and Zoning Board, indicating the attendance of each member, and the decision on every question.
 - (4) Three voting members shall constitute a quorum.
 - (5) Each decision of the Board must be approved by a majority vote of the members present.
- (D) Notice of Public Hearings
- (1) Section 8.06.00 addresses notice requirements.

8.03.02 Code Enforcement Board or Special Magistrate

A Code Enforcement Board and an Alternate Special Magistrate Code Enforcement System is created in Sections 2-93 to 2-96 and 3-1 to 3-13 of the Code of Ordinances to enforce the provisions of this Code pursuant to Chapter 162 and 166 F.S.

8.03.03 Wauchula Historic Preservation Board

The City of Wauchula previously established and hereby ratifies and confirms the Wauchula Historic Preservation Board to promote the educational, cultural, and economic welfare of the public.

- (A) Appointment of Members
- (1) The Wauchula Historic Preservation Board shall consist of seven members appointed by the City Commission. Appointments shall be made on the basis of civic pride, integrity, experience, and interest in the field of historic preservation.
 - (2) The membership shall consist of four professional and three lay members. All of the members but one shall be residents of the greater Wauchula area (areas served by Wauchula utilities). The remaining member shall be a business representative from a business located within the historic district.

- (3) Upon the expiration of each term, a successor shall be appointed by the City Commission, to fill such vacancy, for a term of four years. Other vacancies in office shall be promptly filled by appointment of the City Commission for the remainder of the unexpired term.
- (4) Professional members may be appointed from the disciplines of architecture, landscape architecture, accounting, building design, history, architectural history, planning, archaeology, real estate development, law, building construction, or other historic preservation related disciplines such as urban planning, American studies, American civilization, cultural geography or cultural anthropology. In the absence of the availability or willingness of such professionals, lay persons shall be appointed to the professional positions if they have demonstrated special interest, experience, or knowledge in history, architecture, or related disciplines.

(B) Meetings of Historic Preservation Board

- (1) Meetings of the Historic Preservation Board shall occur at regular intervals, but no less than four times each year.
- (2) All meetings of the Board shall be open to the public. Minutes of all Board meetings, including reasons for decisions, shall be kept on file and available for public inspection pursuant to Florida Statutes.
- (3) All applicants shall be given written notification of decisions of the Board.
- (4) Four members shall constitute a quorum for meetings, and an affirmative vote of a majority of members present at any meeting shall be necessary for any action to be taken by the Board. Appropriate local officials, owners of record, and applicants shall be notified of proposed Board actions in such manner as may be established by the Board.

(C) Duties of Historic Preservation Board.

The Board is authorized to:

- (1) Annually elect one of its members to serve as chairperson and create and fill such other offices as it may deem desirable and adoption of its own procedural rules and regulations as necessary for the conduct of its business.
- (2) Conduct surveys and prepare an inventory of all historically and architecturally significant properties and structures within the City having

the potential for designation as historic properties and/or structures.

- (3) Increasing public awareness of the value of historic and architectural preservation by developing and participating in public dedication programs.
- (4) Investigating and recommending to the City Commission the adoption of ordinances designating landmarks, specific places, sites, buildings, structures or monuments having special historic or architectural value as “significant structures”.
- (5) Investigating and recommending to the City Commission the adoption of ordinances designating areas having special historical or architectural value as “historic districts”.
- (6) Review applications for certifications of appropriateness and approve or deny them and make recommendations to the City Commission regarding such applications.
- (7) Establish specific guidelines under which certain applications for certificates of appropriateness, which do not substantially affect the exterior of a building, may be reviewed and approved or denied by staff.
- (8) Review proposed alterations, relocations, demolitions, and reconstructions of historic properties, properties within the historic districts, and properties zoning Historic Commercial (HC-1) in the City.
- (9) Propose designations of significant structures and historic districts for protection under this Code. Review proposed national register nominations with the City. When a discipline is not represented to the board, the board shall seek expertise in the relevant field when considering national register nomination proposals and other actions that will impact properties which are normally evaluated by a professional in such discipline before rendering its recommendations.
- (10) Undertaking any other action or activity specifically delegated to it or requested by the City Commission.
- (11) Seek out State and Federal funds for historic preservation and make recommendations to the City Commission concerning the most appropriate use of any funds so acquired.
- (12) Submit to the Division of Historical Resources, Department of State, State of Florida, lists of historic properties or historic districts to be designated.

- (13) Review and make comments to any State or Federal historical preservation office concerning any other nomination of properties within the City to any register of historic places.

8.04.00 Duties of City Commission

(A) Powers and Duties in the Areas of Development and Land Use Regulation

- (1) Adopt and amend the Comprehensive Plan.
- (2) Adopt and amend the Land Development Code.
- (3) Appoint members of the Planning and Zoning Board, Wauchula Historic Preservation Board, and Code Enforcement Board or Special Magistrate.
- (4) Determine the need for and appoint members of additional boards, committees, and subcommittees to investigate and make decisions on various land use and development issues.
- (5) Establish fees for Application for a Comprehensive Plan Amendment, zoning actions, Site Development Plan Review, Landscape Plan Review, Application for a Conditional Use, Application for a Variance, Application for a Special Exception, and other activities carried out under the provisions of this Code.
- (6) Make final decisions on requested changes to the Comprehensive Plan, Zoning Ordinance and Map, Planned Unit Developments, and Conditional Uses.
- (7) Make final decisions on requests for variances where, by reason of the exception of narrowness, shallowness, or unusual shape of a site on the effective date of this Code, or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of that site, the literal enforcement of the dimensional requirements (height or width of building or size of yards, but not dwelling unit or population density) of this Code would deprive the applicant of reasonable use of the land in a manner enjoyed by other landowners in the same zoning district. The Commission may impose any reasonable conditions or restrictions in granting said variance.
- (8) Hear and decide on appeals where it is alleged there is error in any order, requirement, decision, or determination made by the administrative official in the enforcement of this Code. This power shall include the hearing of any appeal of an administrative official's decision concerning the amortization of any nonconforming use or any calculation of amortization thereunder.
- (9) Accept the Final Plat for a new subdivision.

8.05.00 Official Zoning Map

- (A) The zoning districts listed in Article 2 and the boundaries thereof are shown upon the Official Zoning Map or series of maps of the City enacted as law immediately upon enactment of this Code and made a part thereof, such maps being designated as the "Official Zoning Map of the City of Wauchula." This map or maps and all notations, references, and other information properly inscribed thereon are hereby incorporated as a part of this Article.
- (B) The boundaries of such districts as are shown on the Official Zoning Map, together with all regulations in this Code that are applicable in such districts, are hereby established and declared to be in effect upon all land included within the boundaries of each and every district shown upon said map(s).
- (C) Within twenty working days of action by the City Commission or Planning and Zoning Board, the Official Zoning Map will be amended to reflect all approved changes in zoning classifications, land uses, variances, and any other relevant information pertaining to permitted uses or development standards in the City of Wauchula.
- (D) The legal description advertised for public hearing purposes on a zoning action or variance on any parcel of property shall override any and all of the rules 8.05.01 (A) through (F) for interpretation of district boundaries.

8.05.01 Rules of Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- (A) Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
- (B) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- (C) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- (D) Boundaries indicated as following shore lines shall be construed to follow the high water line, and in the event of a lowering of the water level shall be construed as moving downward to the current water level;
- (E) Boundaries indicated as following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines; and

- (F) Boundaries indicated as parallel to or extensions of features indicated in subsections (A) through (E) above shall be so construed.

8.06.00 Public Hearings/ Public Notice

Due Public Notice. No change in land use classification or designation, zoning classification or designation, variance, special exception, plan amendment, or amendment to this Code, may be considered by the Planning and Zoning Board or the City Commission until due public notice has been given of a public hearing; and, all changes, except special exceptions and variances, are made by ordinance. Public Hearings for Comprehensive Plan amendments are regulated under Section 8.07.00. An emergency ordinance or a resolution may not be used to make Comprehensive Plan amendment changes. Specific regulations pursuant to Chapter 166.041, F.S., are listed below.

- (A) All ordinances acted on by the City must be read on two separate days and shall, at least 10 calendar days before adoption, be noticed once in a newspaper of general circulation in the municipality. The notice of proposed enactment shall state the date, time, and place of the meeting; the title or titles of proposed ordinances; and the place or places within the municipality where such proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance. All requests shall be submitted in writing to the Development Director, together with applicable fees, which will have been established by the City Commission.
- (B) Notice of Planning and Zoning Board public hearings shall be given at least ten (10) calendar days in advance of the meeting and public hearing. Additionally, notice of the public hearings shall be posted at City Hall and on the City's website least ten (10) calendar days prior to the public hearing.
- (C) For each zoning or variance application to be considered at a public hearing, a notice shall be mailed to all property owners of record within a radius of 500 feet of the affected property, provided, however, that failure to receive such notice shall not invalidate any action or proceedings taken at the public hearing. A sign stating the date and location of the hearing, the type of request for zoning or variance being considered, and the name of the owner requesting the hearing shall be posted on the affected property seven (7) calendar days prior to the hearing in a conspicuous location.
- (D) *Other Local Government Notification.* When a proposed zoning action, variance, or special exception lies within 200 feet of the jurisdiction of another local government, the Planning and Zoning Board or local governing body of that local government shall be notified, so that it may have an opportunity to send a representative to the public hearing to speak on its behalf.

8.06.01 Advertisement of Public Hearings for Zoning Changes that are Petitioner Initiated – (FS 166.041)

In cases in which the proposed ordinance changes the actual zoning map designation for a parcel(s) of land public notice shall be enacted pursuant to Section 8.06.00 (A).

8.06.02 *Advertisement of Public Hearings for Zoning Changes Involving Less than 10 Acres that are City Initiated – (FS 166.041)*

- (A) *Notice By Mail:* In cases in which the City initiated proposed ordinance changes the actual zoning map designation for a parcel(s) of land involving less than ten (10) contiguous acres of the total land area of the municipality, the governing body shall direct the clerk of the governing body to notify by mail each real property owner whose land will be redesignated by enactment of the ordinance and whose address is known by reference to the latest ad valorem tax records. Notice shall be mailed to all property owners whose land will be affected at least 30 calendar days prior to the date of the public hearing.
- (B) *Contents of the Notice.* The notice shall state the substance of the proposed ordinance as it affects that property owner and shall set a time and place for one or more public hearings on such ordinance. A copy of the notice shall be kept available for public inspection during the regular business hours of the office of the clerk.
- (C) *Public Notice.* The public notice shall be enacted pursuant to Section 8.06.00 (A)

8.06.03 *Advertisement of Public Hearings for Zoning Changes Involving 10 Acres or More that are City Initiated – (FS 166.041)*

- (A) In cases in which the City initiated proposed ordinance changes the actual zoning map designation for a parcel(s) of land involving ten (10) contiguous acres or more of the total land area of the municipality: the governing body shall hold two advertised public hearings on the proposed ordinance.
- (B) At least one hearing shall be held after 5 p.m. on a weekday, unless the local governing body, by a majority plus one vote, elects to conduct that hearing at another time of day, and the first hearing shall be held at least seven calendar (7) days after the day that the first advertisement is published. The second hearing shall be held at least ten calendar (10) days after the first hearing and shall be advertised at least five calendar (5) days prior to the public hearing. The day, time, and place at which the second public hearing will be held shall be announced at the first public hearing.
- (C) The required advertisements shall be no less than two columns wide by ten inches long in a standard size or a tabloid size newspaper, and the headline in the

advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be placed in a newspaper of general circulation in the City and of general interest and readership in the municipality.

(D) Advertisement Form.

<p style="text-align: center;">NOTICE OF <u>(TYPE OF)</u> CHANGE</p> <p>The City of Wauchula proposes to adopt the following ordinance: <u>(title of the ordinance)</u>.</p> <p>A public hearing on the <u>ordinance</u> will be held on <u>(date and time)</u> at <u>(meeting place)</u>.</p>
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(E) The advertisement shall contain a geographic location map that clearly indicates the area covered by the proposed ordinance. The map shall include major street names as a means of identification of the general area.

(F) *Mail-out May Be Done.* In lieu of publishing the advertisement as outlined above, the City may mail a notice to each person owning real property within the area covered by the ordinance. Such notice shall clearly explain the proposed ordinance and shall notify the person of the time, place, and location of both public hearings on the proposed ordinance. If mail-outs are completed, the Ordinance must be advertised per the requirements of Section 8.06.00(A).

8.06.04 Advertisement of Public Hearings for Changes to the Actual List of Permitted, Conditional, or Prohibited Uses within a Zoning Category

In cases in which the proposed ordinance changes the actual list of permitted, conditional, or prohibited uses within a zoning category, public notice shall be enacted pursuant to Section 8.06.02, except a geographic location map is not required.

8.07.00 Statutory Requirements for Comprehensive Plan Amendments

There are three general types of Comprehensive Plan Amendments: Expedited State Review, State Coordinated Review, and Small Scale. The Expedited State Review Process is utilized for the majority of Comprehensive Plan amendments adopted by local governments. The State Coordinated Review Process is utilized for amendments that are in an area of critical state concern, amendments that propose a rural land stewardship area, amendments that propose a sector plan, or amendments that update a comprehensive plan based on an Evaluation and Appraisal Report. The Small Scale process is utilized for amendments that qualify as small-scale

development amendments.

All requests for Comprehensive Plan Amendments shall be submitted in writing to the Development Director, together with applicable fees, which will have been established by the City Commission. Specific regulations for Comprehensive Plan Amendment applications are detailed in Article 7, Section 7.02.00. Comprehensive Plan Amendments may be submitted by the City to DEO for review according to the procedures established in Chapter 163 F.S. The following sections outline the requirements for each type of Comprehensive Plan Amendment.

8.07.01 Expedited State Review Process (consistent with F.S. 163.3184)

The Expedited State Review Process is utilized for all Comprehensive Plan amendments except amendments that are in an area of critical state concern, amendments that propose a rural land stewardship area, amendments that propose a sector plan, amendments that update a comprehensive plan based on an Evaluation and Appraisal Report, or amendments that qualify as small-scale development amendments.

- (A) *Public Notice Requirements:* All procedures for advertisement of a public hearing to adopt an ordinance must be followed as adopted by the City and set forth in Section 8.06.00 above and in keeping with Florida Statutes Chapter 166. According to State Law, the following section (1) must be adhered to:
- (1) The local governing body shall hold at least two advertised public hearings, advertised per the requirements of Section 8.06.03, on the proposed comprehensive plan or plan amendment as follows:
 - a. The first public hearing shall be held at the transmittal stage. It shall be held on a weekday at least seven (7) calendar days after the day that the first advertisement is published pursuant to the requirements of Florida Statutes Chapter 166.
 - b. The second public hearing shall be held at the adoption stage. It shall be held on a weekday at least five (5) calendar days after the day that the second advertisement is published pursuant to the requirements of Florida Statutes Chapter 166.
- (B) *First Public Hearing:* After the initial public hearing, the local government shall transmit the amendment and all supporting data and analysis within ten (10) days to the review agencies and any local governments that have filed a written request.
- (C) *Comments:* Comments from agencies and local governments reviewing the proposed amendment must be received by Wauchula no later than 30 days from the date on which the agency or government received the amendment from Wauchula.

- (D) *Second Public Hearing:* The local government shall hold its second public hearing, which shall be a hearing on whether to adopt one or more comprehensive plan amendments. If the local government fails, within 180 days after receipt of agency comments, to hold the second public hearing, the amendments shall be deemed withdrawn unless extended by agreement with notice to the DEO and any affected person that provided comments on the amendment. The 180-day limitation does not apply to DRI amendments.
- (E) *Adoption Transmittal:* All adopted Comprehensive Plan amendments, along with the supporting data and analysis, shall be transmitted within ten working (10) days after the second public hearing to DEO and any other agency or local government that provided timely comments. DEO shall notify the local government of any deficiencies within five (5) working days after receipt of an amendment package. For purposes of completeness, an amendment shall be deemed complete if it contains a full, executed copy of the adoption ordinance or ordinances; in the case of a text amendment, a full copy of the amended language in legislative format with strike-thru/underline changes; in the case of a Future Land Use Map amendment, a color copy of the Future Land Use Map clearly depicting the parcel, its existing future land use designation, and its adopted designation; and a copy of any data and analyses the local government deems appropriate.
- (F) *Effective Date:* An amendment adopted under the Expedited State Review Process does not become effective until 31 days after DEO notifies the local government that the plan amendment package is complete. If timely challenged, an amendment does not become effective until DEO or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

8.07.02 State Coordinated Review Process (consistent with F.S. 163.3184)

The State Coordinated Review Process is utilized for Comprehensive Plan amendments that are in an area of critical state concern, amendments that propose a rural land stewardship area, amendments that propose a sector plan, or amendments that update a comprehensive plan based on an evaluation and appraisal report.

- (A) *Public Notice Requirements:* All procedures for advertisement of a public hearing to adopt an ordinance must be followed as adopted by the City and set forth in Section 8.06.00 above and in keeping with Florida Statutes Chapter 166. According to State Law, the following section (A) must be adhered to:
 - (1) The local governing body shall hold at least two advertised public

hearings, advertised per the requirements of Section 8.06.03, on the proposed comprehensive plan or plan amendment as follows:

- a. The first public hearing shall be held at the transmittal stage. It shall be held on a weekday at least seven (7) calendar days after the day that the first advertisement is published pursuant to the requirements of Florida Statutes Chapter 166.
 - b. The second public hearing shall be held at the adoption stage. It shall be held on a weekday at least five (5) calendar days after the day that the second advertisement is published pursuant to the requirements of Florida Statutes Chapter 166.
- (B) *First Public Hearing:* After the initial public hearing, the local government shall transmit the amendment and all supporting data and analysis within ten (10) days to the review agencies and any local governments that has filed a written request. The transmitted document shall clearly indicate on the cover sheet that this plan amendment is subject to the state coordinated review process.
- (C) *Comments:* Comments from agencies and local governments reviewing the proposed amendment must be received by DEO not later than 30 days from the date on which the DEO received the amendment.
- (D) *DEO Review:* If DEO elects to review an amendment, DEO shall issue a report giving its objections, recommendations, and comments regarding the proposed plan or plan amendment within 60 days after receipt of the amendment. DEO may make objections, recommendations, and comments in its report regarding whether the amendment is in compliance and whether the amendment will adversely impact important state resources and facilities.
- (E) *Second Public Hearing:* The local government shall hold its second public hearing, which shall be a hearing on whether to adopt one or more comprehensive plan amendments. If the local government fails, within 180 days after receipt of agency comments, to hold the second public hearing, the amendments shall be deemed withdrawn unless extended by agreement with notice to DEO and any affected person that provided comments on the amendment. The 180-day limitation does not apply to DRI amendments.
- (F) *Adoption Transmittal:* All adopted Comprehensive Plan amendments, along with the supporting data and analysis, shall be transmitted within ten (10) days after the second public hearing to the DEO and any other agency

or local government that provided timely comments. DEO shall notify the local government of any deficiencies within five (5) working days after receipt of an amendment package. For purposes of completeness, an amendment shall be deemed complete if it contains a full, executed copy of the adoption ordinance or ordinances; in the case of a text amendment, a full copy of the amended language in legislative format with strike-thru/underline changes; in the case of a Future Land Use Map amendment, a color copy of the Future Land Use Map clearly depicting the parcel, its existing future land use designation, and its adopted designation; and a copy of any data and analyses the local government deems appropriate.

- (G) *Notice of Intent:* After DEO makes a determination of completeness regarding the adopted plan or plan amendment, DEO shall have 45 days to determine if the plan or plan amendment is in compliance. Unless the amendment is substantially changed from the one commented on, DEO's compliance determination shall be limited to objections raised in the objections, recommendations, and comments report. During the 45 days, DEO shall issue, through a senior administrator or the secretary, a notice of intent to find that the amendment is in compliance or not in compliance. DEO shall post a copy of the notice of intent on the agency's Internet website. Publication by DEO of the notice of intent on DEO's Internet site shall be prima facie evidence of compliance with the publication requirements of Florida Statutes.
- (H) *Effective Date:* An amendment adopted under the State Coordinated Review Process shall go into effect pursuant to DEO's notice of intent. If timely challenged, an amendment does not become effective until DEO or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

8.07.03 Small Scale Plan Amendments Exempt from DEO Review (consistent with F.S. 163.3184 and 163.3187)

Plan amendments that are defined as Small Scale Amendments do not have to be submitted to DEO for review. The amendment is adopted by ordinance and sent to DEO and the Central Florida Regional Planning Council. DEO will not issue a Notice of Intent for the small scale amendment.

- (A) *Definition.* Small Scale Plan Amendments are defined by Florida Statute as:
- (1) Encompassing the use of **10 or fewer acres** of any land use category; and
 - (2) Does not include any text change to the Comprehensive Plan's goals,

objectives, and policies;

- (3) Is not located within an area of critical state concern; and
 - (4). The local government can approve the amendment without exceeding its **yearly maximum of 120 acres** of small scale amendments.
- (B) *Reviewing Board.* Proposed Small Scale Plan Amendments are heard by the Planning and Zoning Board and are recommended to the City Commission by the Board. Then the amendments are heard at one Public Hearing before the City Commission and adopted by Ordinance. The amendments become law after the waiting period for the ordinance has expired, which is 31 days after adoption.
- (C) *Public Notice Requirements.* The public notice required for the amendment is:
- (1) A newspaper notice as outlined in Sections 8.06.01 or 8.06.02; and
 - (2) The City must mail the owners of the property notice; and
 - (3) There is no size requirements for the newspaper advertisement; and
 - (4) Notice must be given of: the date, place, and time of the meeting; the title of the proposed ordinance; the location where the proposed ordinance can be inspected by the public; and that interested parties can appear and be heard.
- (D) *Challenges.* Challenges will be heard by the Division of Administrative Hearings. Any affected person may file a petition with the Division of Administrative Hearings to challenge the small scale development amendment within 30 days following the local government's adoption of the amendment per Florida Statute Section 163.3184(5). An administrative law judge shall hold a hearing in the affected jurisdiction not less than 30 days nor more than 60 days following the filing of a petition and the assignment of an administrative law judge. The parties to a hearing held pursuant to this subsection shall be the petitioner, the local government, and any intervener. In the proceeding, the plan amendment shall be determined to be in compliance if the local government's determination that the small scale development amendment is in compliance is fairly debatable. DEO may not intervene in any proceeding initiated pursuant to this section.

If the administrative law judge recommends that the small scale development amendment be found not in compliance, the administrative law judge shall submit the recommended order to the Administration Commission for final agency action. If the administrative law judge recommends that the small scale

development amendment be found in compliance, the administrative law judge shall submit the recommended order to DEO.

8.08.00 Public Records

All resolutions, ordinances, and records involving permitted land uses, development regulations, and development approval are hereby declared to be public information and shall be maintained in an orderly fashion by the City Clerk or his designee(s). Such materials shall be available for public inspection between the hours of 8 a.m. and 5 p.m. on weekdays at City Hall. Copies shall be made available at a price reflecting the City's reproduction costs.

8.09.00 Fees

The City Commission shall, by separate resolution, establish and revise as necessary a schedule of fees for zoning changes, review/approval of plans, administrative approvals, and other actions undertaken under the provisions of this Code. All fees shall be set, at a minimum, at levels that cover the City's costs of administration, inspection, and enforcement.

ARTICLE 9

DEFINITIONS AND ACRONYMS

For the purposes of this Code, the following terms shall have the meanings set forth below. Included are pertinent definitions adopted in the Comprehensive Plan, in addition to others applicable to this Code but not covered in the Plan. It is the intent of this Article to incorporate Comprehensive Plan definitions in substantially the same form in which they were adopted, although some terms may be defined here in a more detailed or restrictive manner. In the event a Comprehensive Plan amendment conflicts with a definition contained herein, the definition in the Comprehensive Plan shall take precedence, and shall be incorporated into this Code by reference.

All words in the Code shall have the customary dictionary meaning. The present tense includes the future tense, and the future tense includes the present tense. The singular includes the plural and the plural includes the singular. The word “person” includes a firm, corporation, association, organization, trust or partnership. The word “shall” is always mandatory. The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied.”



Accessory Building or Use: A building, use of a building, a use of land or water that is clearly secondary and incidental to the principal use of a building, water, or land, which building or use is located on the same parcel of land with the principal building or use.

Adjacent Municipalities: Those municipalities that could have an immediate effect on land use decisions.

Adjusted for Family Size: Adjusted in a manner which results in an income eligibility level which is lower for households with fewer than four people, or higher for households with more than four people, than the base income eligibility otherwise determined, based upon a formula as established by the US Dept. of HUD.

Adjusted Gross Income: All wages, regular cash or noncash contributions from persons outside the household, and such other resources and benefits as may be determined to be income by the US Dept. of HUD, adjusted for family size, less deductions allowable under s.62 of the Internal Revenue Code.

Adult Day Care Center: Any building, buildings, or part of a building, whether operated for profit or not, in which is provided through its ownership or management, therapeutic programs of social and health services as well as activities for adults in a non-institutional setting. Participants may utilize a variety of services offered during any part of a day, but less than a 24-hour period. These services are provided to three (3) or more persons who

are 18 years of age or older, who are not related to the owner or operator by blood or marriage, and who require such services. (Section 429.901, F.S.)

Adult Entertainment Establishment: Any business that excludes minors by virtue of age due to the presence or display of films, photographs, published materials, or activities of a sexual nature or nudity. This definition shall include adult bookstores and theaters, and establishments offering massage, body rubs and similar activities to the exclusion of minors. Establishments that offer medical and therapeutic services provided by state licensed practitioners are excluded from this definition. Any business qualifying as an incidental adult materials vendor shall also be excluded from this definition.

Adult Family-Care Home: (Pursuant to Section 429.65, F.S.); A full-time, family-type living arrangement, in a private home, under which a person who owns or rents the home provides, room, board, and personal care, on a 24-hour basis, for no more than five disabled adults or frail elders who are not relatives. The following family-type living arrangements are not required to be licensed as an adult family-care home:

- (a) An arrangement whereby the person who owns or rents the home provides room, board, and personal services for not more than two adults who do not receive optional state supplementation under s. 409.212. The person who provides the housing, meals, and personal care must own or rent the home and reside therein.
- (b) An arrangement whereby the person who owns or rents the home provides room, board, and personal services only to his or her relatives.
- (c) An establishment that is licensed as an assisted living facility under Florida Statutes Chapter 429.65. (c. 429.65, F.S.)

Affordable Housing: Housing for which monthly rents or monthly mortgage payments, including taxes, insurance, and utilities, do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross annual income for households or persons indicated in s. 420.004, F.S. (1991).

Agricultural Uses: Activities within land areas which are predominantly used for the cultivation of crops and livestock including: crop land; pasture land; orchards; vineyards; nurseries; ornamental horticulture areas; groves; confined feeding operations; specialty farms; and silviculture areas.

Agricultural Uses, Limited: Land uses in residential areas that are characterized as agricultural in nature and are limited to orchards; vineyards; nurseries; ornamental horticulture areas; groves; noncommercial greenhouses; bee keeping; and, raising exotic species with the exception of venomous reptiles.

Aircraft Establishments: An establishment engaged in the retail selling of new and/or used

aircraft and related new parts accessories. Aircraft establishments may include repair departments provided such repair departments are incidental and accessory to the principal retail selling of aircraft and related aircraft accessories.

Airport Clear Zone: A designated area of land which is subject to peak aircraft noise and on which there is the highest potential of danger from airport operations.

Airport Facility: Any area of land or water improved, maintained or operated by a governmental agency for the landing and takeoff of aircraft, or privately owned paved runways of 4,000 or more feet in length, and any appurtenant area which is used for airport buildings, or other airport facilities or rights-of-way.

Alley: A permanent service way providing secondary means of access to abutting properties. For the purposes of this Code, it includes any public right-of-way less than 25 feet.

Alteration: Any change in, addition to, deletion from, or rearrangement of structures, walls, roofs, floors, wiring, pipes, or other structural parts of a building, except customary maintenance or repair.

Amendment: Any action of a local government which has the effect of amending, adding to, deleting from, or changing an adopted comprehensive plan element or map or map series, or changing an adopted Land Development Code Section, map, or map series, or a change or addition to a legal document which, when properly signed, has the same legal power as the original document.

Amusement Enterprise, Indoor: See Recreation, Commercial, Indoor.

Amusement Enterprise, Outdoor: See Recreation, Commercial Outdoor.

Annexation: The adding of real property to the boundaries of an incorporated municipality, such addition making such real property in every way a part of the municipality. (171-031 F.S.)

Antenna: An external device for sending or receiving electromagnetic signals for radios, televisions, or similar devices and which is accessory to the principal use or structure on or about which it is located. This shall include parabolic or dish-shaped antennas but shall not include antennas, which are part of Personal Wireless Service Facilities, or antennas mounted on communication towers.

Antique Car/ Vehicle: Any vehicle 25 years or older.

Antique Vehicles: Vehicles that are more than twenty-five (25) years old.

Antique Stores: An establishment engaged in the selling of antique furniture, home furnishings,

and objects of art and related antique accessories.

Apartment: A dwelling unit in a duplex or multiple family dwelling

Apartment Building: A building or portion thereof designed for occupancy by three (3) or more families living independently of each other in three (3) or more dwelling units, and the units are separated by party walls with varying arrangements of entrances.

Aquifer: A water bearing stratum of permeable rock, sand, or gravel.

Area of Shallow Flooding: Areas located within the areas of special flood hazard having hazards associated with base flood depths of one to three feet, where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate.

Area of Special Flood Hazard: The Area of Special Flood Hazard shall include:

1. All areas designated as an area of special flood hazard pursuant to Section 5.01.00. The relevant Flood Hazard Boundary Map and Flood Insurance Rate Maps, and any revisions thereto, are adopted by reference and declared to be a part of this Code.
2. Other areas of the community designated on a map by the Development Director as having a one percent or greater chance of flooding in any given year. This may include isolated topographic depressions with a history of flooding or a high potential for flooding.

Arterial Road: A roadway providing service that is relatively continuous and of relatively high traffic volume, long trip length, and high operating speed. In addition, every United States numbered highway is an arterial road.

Assisted Living Facility (aka Adult Congregate Living Facility): Any building or buildings, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, whether operated for profit or not, which undertakes through its ownership or management to provide housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator. (§429.02, F.S.)

Auto Parts Sales: Stores that sell new automobile parts, tires, and accessories and may also include minor parts installation (e.g., mufflers and radiators, quick-lube, etc.). This does not include tire recapping or businesses dealing exclusively in used parts.

Auto Salvage Yard: A commercial business which disassembles inoperable vehicles for the purpose of resale of automobile parts. Storage of three (3) or less inoperable vehicles at one time constitutes an auto salvage yard. See "Junkyard" for a business which stores

more than three inoperable vehicles at one time.

Automobile, Boat, Farm Equipment, Motorcycle, and Truck Repair Establishments: See Vehicle Repair Establishments.

Automobile, Truck, and Boat Sales and/or Rental/Leasing Establishments: An establishment engaged in the sale, renting or leasing of new or used passenger automobiles, trucks and boats and related new parts and accessories. Such establishments may include repair departments provided they are clearly incidental and accessory to the principal use of selling and/or leasing automobiles, trucks and boats.

Automobile, Truck, and Boat Repair: An establishment engaged in the fixing and repair of automobiles, trucks and boats including the repair of automobile and truck tops, bodies, battery and ignition systems and radiators; automobile and truck painting and refinishing and repair and replacement of glass; and, general and specialized automobile and truck repairs including motorcycle, farm tractors and farm equipment repairs.

Automotive Equipment Rental Establishments: An establishment engaged in renting or leasing large equipment and machinery.

Automotive Repair and Maintenance: The repair, alteration, restoration, towing, painting, or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles, as a primary use, and includes the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes the following categories:

1. **Major Repair/Body Work:** Repair facilities dealing with entire vehicles. Includes activities listed under Service Station, as well as removal and major overhaul of engines, transmissions and drive systems, and all types of paint and body work, including welding. These establishments provide towing, collision repair, other body work, and tire recapping.
2. **Minor Maintenance/Repair:** Minor facilities specialize in limited aspects of repair and maintenance (e.g., muffler and radiator shops, quick-lube, etc.). *See Service Station.*

Availability or Available: With regard to the provision of facilities and services concurrent with the impacts of development, means that at a minimum the facilities and services will be provided in accordance with the standards set forth in Rule 9J-S.0055(2), FAC.

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Backlogged Facility: A state roadway, at least 0.2 miles in length, operating below the Florida Department of Transportation's statewide adopted minimum operating level of service

standards for its functional classification, and that is not in the FDOT's Five-Year Work Program and has not been determined by FDOT to be a constrained facility. Unlike a constrained roadway, there are no prohibitive costs or environmental constraints.

Bakery, Retail: A place where products such as bread, cake, and pastries are baked, sold and may be consumed on the premises. Also called “bakeshop”.

Banks and Financial Institutions: Includes banks and trust companies; credit agencies; credit unions; lending and thrift institutions; investment companies; securities/commodity contract brokers and dealers; security and commodity exchanges; vehicle finance (equity) leasing agencies.

Bars, Lounges, and Taverns: An establishment designed for the serving of alcoholic beverages for consumption on the premises. Any food service is subordinate to the sale of alcoholic beverages.

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year. (44CFR59.1)

Bed and Breakfast: A residential structure containing guest rooms where lodging with breakfast included is provided for compensation, and generally for a stay of a week or less. Bed and Breakfast structures are normally found in established neighborhoods and may be the primary residence of the owner and innkeeper. Residential structures rented out for a season or for longer than a week or two are considered boarding houses.

Best Management Practice (BMP): A practice or combination of practices that are determined to be the most effective, practical means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

Bicycle and Pedestrian Ways: Any road, path, or way that is open to bicycle travel and traffic afoot and from which motor vehicles are excluded.

Big Box Retail: Retail sales establishments in free-standing buildings, typically with floor areas of approximately 80,000 to 200,000 square feet.

Billboard, attached: An attached sign composed of a flat, continuous, and uninterrupted surface (including cut-outs) that measures 200 square feet in aggregate sign area or more and is an accessory use to structures on property.

Billboard, freestanding: A freestanding sign composed of a flat, continuous, and uninterrupted surface (including cut-outs) that measures 200 square feet in aggregate sign area or more, exceeds 25 feet in height, and can be a primary use of a property.

Blighted Areas: Developed areas that have deteriorated through neglect or abandonment and

which could benefit the community if redeveloped.

Boarding House: A building or portion of a building, in which two or more sleeping rooms are provided for occupancy by nontransient persons with or without meals for compensation on a prearranged weekly or monthly basis. A boarding or rooming house may include living quarters containing independent cooking facilities designed for the resident manager only.

Body Art: Physical body adornment using, but not limited to, the following techniques: body piercing, tattooing, and body painting. Body Art does not include permanent cosmetics or ear piercing.

Body Art Shop: Any room, place, establishment, or part thereof, other than a medical office, hospital, or clinic, where body painting, body piercing, and/or tattooing (including inkless tattooing) performed by a person licensed as a tattoo artist under F.S. §§ 381.00771—381-00791, is conducted.

Body Painting: The act of applying paint or similar matter to an unclothed or partially unclothed person.

Body Piercing: As set forth in Section 381.0075(2)(a), Florida Statutes, as it may be from time to time amended: for commercial purposes the act of penetrating the skin to make, generally permanent in nature, a hole, mark, or scar. "Body piercing" does not include the use of a mechanized, pre-sterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear or both.

Buffer Yard: An area or strip of land established to separate and protect one type of land use from another with which it is incompatible. A buffer area typically is landscaped and contains vegetative plantings, berms, and/or walls or fences to create a visual and/or sound barrier between the two incompatible uses.

Building: A structure that is permanently affixed to the ground, has a roof, and is used for the shelter of humans, animals, property, or goods.

Building Area: The gross land area covered by a building or buildings, including the total land coverage by roofs, steps, balconies, and unroofed porches, stoops, porticos, and patios, including accessory buildings.

Building Height: The vertical distance from the average finish grade elevation at the building line to the highest point of the structure.

Building Line: The vertical projection of the outer limits of the roof and portions of the structure onto the ground.

Building Permit: A permit that may be required by appropriate authority as described herein, relating to the location, construction, alteration, demolition, or relocation of structures within the area of jurisdiction.

Building Site: The lot, lots, or parcel of land upon which a building or use of land has been located or is proposed to be located.

Building Supply Sales: Establishments that sell primarily lumber, electrical supplies, heating and plumbing equipment, or a general line of building materials, to the general public; includes home improvement stores.

Bulk Storage of Explosive Gases: The maintenance on a commercial or industrial development site, for sale or on-site use, of a quantity of fuel-related gases exceeding 500 gallons.

Business Office: Offices of individuals, associations or groups that provide business services to individuals, clients, businesses and corporations. Such offices include those in the business of real estate and insurance services; banking, financial, tax, investment and brokerage services; title and abstract companies; advertising, employment, travel, protective and collection agencies; business machine sales; pest control companies, telemarketing offices; customer service centers for corporations such as phone service, utility service, cable television service, credit card customer services; business and management consulting services; and other business, political, labor and union, administrative and business office operations.

Business Training Schools: An establishment engaged in furnishing nonacademic instruction and trade courses. Business training schools include the following: correspondence schools; business and stenographic schools; barber and beauty schools; art and music schools; and dancing schools.



Camouflaged Construction: Methods of design and construction of communication towers which permit such towers to unobtrusively blend into the existing surroundings and be disguised so as to not have the appearance of a communication tower. Notwithstanding the camouflaged construction, the structure shall continue to be considered a communication tower for purposes of this Code.

Canopy: Canopy refers to the area shaded by the crown of mature tree.

Capital Budget: The portion of each local government's budget that reflects capital improvements scheduled for a fiscal year.

Capital Improvement: Physical assets constructed or purchased to provide, improve, or replace a public facility and that are large scale and high in cost. The cost of a capital improvement is generally nonrecurring and may require multi-year financing. For the purposes of this rule, physical assets that have been identified as existing or projected needs in the individual comprehensive plan elements shall be considered capital improvements.

Capital Improvement Program (CIP): A five year listing of proposed capital improvement projects.

Carport: A carport is an accessory structure of a principal structure, consisting of a roof and support members such as columns or beams unenclosed from the ground to the roof on at least two sides, and designed or used for the storage of motor driven vehicles or boats owned and used by the occupants of a building to which it is accessory.

Cemetery: Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including columbariums and mausoleums, when operated in conjunction with and within the boundaries of such cemetery.

Central Business District: A compact urban core area of a municipality or unincorporated urbanized area which serves as the primary center for economic activity in the jurisdiction.

Certificate of Occupancy: A certificate, required by appropriate authority under the provisions of this Code, which authorizes the occupancy of a structure or premises and is required prior to occupancy.

Certified Survey: A survey, sketch, plan, map, or other exhibit containing a written statement regarding its accuracy or conformity to specified standards, which is certified and signed by the registered surveyor under whose supervision the survey was prepared.

Child Care: The care, protection, and supervision of a child, for a period of less than 24 hours a day on a regular basis, which supplements parental care, enrichment, and health supervision for the child, in accordance with his or her individual needs, and for which a payment, fee, or grant is made for care. (402.302, F.S.)

Child Care, Drop-in: Child care provided occasionally in a child care facility in a shopping mall or business establishment where a child is in care for no more than a 4-hour period and the parent remains on the premises of the shopping mall or business establishment at all times. Drop-in child care arrangements shall meet all requirements for a child care facility unless specifically exempted. (402.302, F.S.)

Child Care, Evening: Child care provided during the evening hours and may encompass the hours of 6:00 p.m. to 7:00 a.m. to accommodate parents who work evenings and late-night shifts. (402.302, F.S.)

Child Care, Weekend: Child care provided between the hours of 6 p.m. on Friday and 6 a.m. on Monday. (402.302, F.S.)

Child Care Facility: (Pursuant to Section 402.302, F.S.); Any child care center or child care arrangement which provides child care for more than five (5) children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit. The following are not included:

- (a) Public schools and nonpublic schools and their integral programs, except as provided in s. 402.3025, F.S.;
- (b) Summer camps having children in full-time residence;
- (c) Summer day camps;
- (d) Bible schools normally conducted during vacation periods; and
- (e) Operators of transient establishments, as defined in Chapter 509, F.S., which provide child care services solely for the guests of their establishment or resort, provided that all child care personnel of the establishment are screened according to the level 2 screening requirements of Chapter 435, F.S. (402.302, F.S.)

City: The City of Wauchula, Florida.

Classic Car/ Vehicle: A vehicle 20 years or older.

Classic Vehicles: Vehicles that are more than twenty (20) years old.

Clearing: The alteration of the shoreline vegetation by complete removal, chemical treatment, and mechanical or nonmechanical uprooting.

Clerk of the Circuit Court: The Clerk of the Circuit Court in and for Hardee County, Florida.

Clinic: An establishment operated by one or more persons for the purpose of rendering human health care or services by any lawful practitioner of medical arts under Florida statutes.

Club, Community/Fraternal: Buildings, facilities, and property owned and operated by a corporation or association of persons for social or recreational purposes, including those organized chiefly to promote friendship and welfare among its members, to include facilities and service for providing entertainment, in addition to food and drink for consumption by individual members and their invited guests; but not operated primarily for profit or to render a service that is customarily carried on as a business. The term

when used herein shall also mean lodge, fraternal order, or society.

Cluster: A development design technique that concentrates structures and infrastructure in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

Cluster Development: Generally refers to a development pattern - for residential, commercial, industrial, institutional, or combinations of such uses - in which the uses are grouped or "clustered", rather than spread evenly throughout a parcel as a conventional lot-by-lot development. A zoning ordinance may authorize such development by permitting smaller lot sizes if a specified portion of the land is kept in permanent open space either through public dedication or through creation of a homeowners association.

Cluster Home: A building designed and used exclusively for occupancy by one family (single family dwelling), grouped with other dwellings on a site and separated from other dwelling units by open space.

Cluster Subdivision, Single Family: A form of development for single-family residential subdivisions that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision and the resultant land area is devoted to open space.

Collector Road: A roadway providing service that is of relatively moderate traffic volume, moderate trip length, and moderate operating speed. Collector roads collect and distribute traffic between local roads or arterial roads.

Commercial Uses: Activities within land areas which are predominantly connected with the sale, rental and distribution of products, or performance of services.

Commission: The City Commission for Wauchula, Florida.

Communications Antenna: Any exterior transmitting or receiving device mounted on a tower, building, or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, or other communications signals.

Communications Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more communication antenna for telephone, radio, and similar communication purposes, including self-supporting guyed towers (anchored with guy wires or cables) or monopole towers (free standing), microwave towers, common carrier towers, cellular telephone towers, camouflaged towers, and any support structures thereto.

Community Centers: Structures or buildings used by residents of a community for social, cultural, or recreational purposes (the term also includes senior centers). Community centers are typically utilized by civic or non-profit groups, clubs, homeowners associations or other such community group. This provision excludes dining facilities, clubhouses and recreation facilities in residential developments.

Community Planning Act: Chapter 163, Part II, Florida Statutes, known and cited as the "Community Planning Act."

Community Residential Home: A dwelling unit licensed to serve frail elders as defined in Section 429.65, F.S.; physically disabled or handicapped persons as defined in Section 760.22(7)(a), F.S.; developmentally disabled persons as defined in Section 393.063, F.S.; non-dangerous mentally ill persons as defined in Section 394.455(18), F.S.; or a child who is found to be dependent as defined in Sections 39.01 or 984.03, F.S.; or a child in need of services as defined in Sections 984.03 or 985.03, F.S. These residents are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Family Services or a dwelling unit licensed by the Agency for Health Care Administration which provides a living environment for **7 to 14 unrelated residents** who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents (Section 419.001, F.S.).

Homes of **six (6) or fewer residents**, which otherwise meet the definition of a community residential home, shall be deemed a single-family unit and a noncommercial, residential use for the purpose of local laws and ordinances. Homes of six (6) or fewer residents, which otherwise meet the definition of a community residential home, shall be allowed in single-family or multifamily zoning without approval by the local government, provided that such homes shall not be located within a radius of one thousand (1,000) feet of another existing such home with six (6) or fewer residents. (Section 419.001, F.S.).

Comparison Goods Stores: An establishment engaged in the selling of merchandise in less than bulk quantities. Comparison goods stores as distinct convenience goods stores are further defined by the following characteristics: retail sale or merchandise purchase by the consumer on an infrequent basis, before making a final decision the consumer will probably visit several stores in which he will compare prices, styles and brands; comparison goods stores offer a large variety and selection of merchandise which enables the consumer to fulfill his particular desire; and, the type of merchandise in comparison goods stores includes clothing, shoes, apparel accessories, furniture, appliances and home furnishings. Trade stamp redemption stores are included in the comparison goods store category.

Compatibility: A condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.

Comprehensive Plan: The Comprehensive Plan of the City of Wauchula, adopted pursuant to the Local Government Comprehensive Planning Act, Section 163.3161 et seq., F.S.

Concurrency: The necessary public facilities and services to maintain the adopted level of service standards are available when the impacts of development occur.

Concurrency Management System: The procedures and/or process that the local government will utilize to assure that development orders and permits are not issued unless the necessary facilities and services are available concurrent with the impacts of development.

Concurrent with the Impacts of Development: Concurrent with the impacts of development shall be satisfied when: the necessary facilities and services are in place at the time a development permit is issued; or a development permit is issued subject to the condition that the necessary facilities and services will be in place when the impacts of the development occur; or that the necessary facilities are under construction at the time a permit is issued; or that the necessary facilities and services are guaranteed in an enforceable development agreement that includes the provisions of concurrency as defined.

Cone of Influence: An area around one or more major water wells the boundary of which is determined by the government agency having specific statutory authority to make such a determination based on groundwater travel or drawdown depth.

Conservation: The preservation of native plants and trees to provide canopy, buffer yards, and reduce water demanded to maintain landscaping.

Conservation Easement: A right or interest in real property intended to maintain land or water areas predominantly in their natural, scenic, open, or wooded condition. Such areas may preserve habitat for fish, plants, or wildlife; the structural integrity or physical appearance of sites of historical, architectural, archaeological, or cultural significance; or existing land uses compatible with conservation of natural resources.

Conservation Uses: Activities or conditions within land areas designated for the purpose of conserving or protecting natural resources or environmental quality, including areas designated for such purposes as flood control, protection of quality or quantity of groundwater or surface water, floodplain management, commercially or recreationally valuable fish and shellfish, or protection of vegetative communities or wildlife habitats.

Constrained Facility: A segment of roadway on the state highway system operating below the adopted level of service standard and unable to reach the standard because of prohibitive costs and environmental constraints. Existing level of service must be maintained on these roadways.

Construction and Demolition Debris: Materials generally considered to be not water soluble and nonhazardous in nature, including, but not limited to, steel, iron, aluminum, brass, copper, cast iron, metal, tin, glass, plexiglass, plastic, vinyl, rubber (excluding whole tires), leather, concrete, asphalt, tar paper, shingles, non-contaminated gravel, non-contaminated rocks, non-contaminated soils, street sweepings, plants, grass, lumber, dry paint-dyes, drywall, dry spackling-plaster-stucco-grout, paper, cardboard, dry ink-adhesives and wood. Household garbage, medical waste, liquid waste, biohazardous waste or toxic waste shall be prohibited. Mixing of construction and demolition debris with other types of solid waste, including material from a construction or demolition structure, will cause it to be classified as other than construction and demolition debris.

Construction Service Establishments: An establishment in which a person practices a vocation or occupation that performs a type of labor, act or work off the premises that directly results in the fabrication, construction, addition, alteration, repair or development of land, buildings or other structures on a given premises. Construction services include the following: operative and investment builders; subdividers and developers; general building, heavy construction and special trade contractors; plumbing, painting, electrical work and carpentry contractors; and highway, bridges, dams, sewer and water system contractors.

Consumptive Use Permit: A permit issued by the Water Management District that allows the production (or pumping) of groundwater up to a specified amount, usually expressed in gallons per day.

Contiguous: Sharing a common boundary line.

Contractor's Shops and Storage Yards: Facilities and areas which are customarily used by contractors for storage of supplies, materials or equipment, fabrication, assembly or repair of materials or equipment, or places for vehicular and equipment storage.

Convenience Store without Gas: A small retail store, 10,000 feet or less that sells convenience items as its primary sales and is intended for the convenience of surrounding residents.

Convenience Store With Gas: A convenience goods store in conjunction with the sale and dispensing of motor fuels, oils, or automotive accessories; but where no major automotive repair, body rebuilding, welding, tire capping, or painting is or is intended to be performed.

Correctional Facilities: A facility for the housing of persons convicted of, or being held for, a crime. Typical uses include prisons (a facility regulated by the State of Florida Department of Corrections which is designed for maximum security to house persons convicted of a crime), community correctional centers, probation and restitution centers,

vocational training centers, and forestry camps (all as defined by the State of Florida Department of Corrections), or local government jails or detention centers.

Critical Facility: A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, water treatment plants, pump stations and wells, wastewater treatment plants and pump stations, installations which produce, use or store hazardous materials or hazardous waste. Community emergency plans should address the continuation of services of critical facilities during a flood.

Cultural Facilities: A building or complex of buildings that houses public or private not-for-profit facilities to provide educational and informational services to the general public including, but not limited to, auditoriums, civic centers or theaters predominantly used for live performances, libraries, historical landmarks, museums, art galleries, arboretum, planetariums, and botanical and zoological gardens.

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Day: The word “day” shall mean a business day, unless a specific calendar day is indicated.

Demolition: The complete or constructive removal of any or part or whole of a building or structure upon any site when same will not be relocated intact to a new site.

Density, Gross: A ratio expressed as the number of dwelling units per gross acre. The ratio is derived by dividing the total number of dwelling units by the total land area (in acres) used or proposed to be used for purposes such as buildings, roads, public facilities, and open space, but exclusive of bodies of water.

Density, Net: A ratio expressed as the number of dwelling units per net acre. The ratio is derived by dividing the total number of dwelling units by the net land area used or proposed to be used for residential purposes exclusive of road right-of-ways, roads, sidewalks, parks, playgrounds, open space, and bodies of water.

Density Bonus: An additional number of dwelling units above what would otherwise be permissible within a particular zoning classification or future land use classification.

Developer: Any person, including a governmental agency, undertaking any development as defined in this Code.

Development: The carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels.

The following activities or uses shall be taken to involve "development:"

A reconstruction, alteration of the size, or material change in the external appearance of a structure on land; a change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land; alteration of a shore or bank of a seacoast, river, stream, lake, pond, or canal, including any "coastal construction"; commencement of drilling, except to obtain soil samples, mining, or excavation on a parcel of land; demolition of a structure; clearing of land as an adjunct of construction; deposit of refuse, solid or liquid waste, or fill on a parcel of land.

The following operations or uses shall not be taken to involve "development":

Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way; work by any utility and other persons engaged in the distribution or transmission of gas or water, for the purpose of inspecting, repairing, renewing, or constructing on established rights of way any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like; work for the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure; the use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling; the use of any land for the purpose of growing plants, crops, trees, and other agricultural or forestry products, raising livestock, or for other agricultural purposes; a change in use of land or structure from a use within a class specified in an ordinance or rule to another use in the same class; a change in the ownership or form of ownership of any parcel or structure; the creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land.

"Development" as designated in an ordinance, rule, or development permit includes all other development customarily associated with it unless otherwise specified. When appropriate to the context, "development" refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development. (380.04 F.S.)

Development Capacity: An element of the concurrency management system, addressing the ability of public facilities to absorb development that has not been built, or that has not been completely built out, and that therefore has not impacted, or fully impacted, existing public facilities. The availability of public facilities to accommodate future development, in order to maintain an established level of service, will take into account this vested but

currently unused or under-utilized capacity.

Development Controls: Standards in the comprehensive plan which control the development or use of land and which are in addition to the densities, intensities, and uses assigned to land by the future conditions maps.

Development of Regional Impact (DRI): Any development that, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county.

Development Order: Any order granting, denying, or granting with conditions an application for a development permit. (380.031 F.S.)

Development Permit: Includes any building permit, zoning permit, plat approval, or rezoning, certification, variance, or other action having the effect of permitting development. (380.031 F.S.)

Dimensional Variances: A departure from the terms of this ordinance pertaining to height, width, depth and area of structures and size of yards and open spaces, where such departure will not be contrary to the public interest, and where, owing to conditions peculiar to the property because of its size, shape or topography, and not as a result of the actions of the applicant, the literal enforcement of this ordinance would result in unnecessary and undue hardship.

Domestic and Business Repair Establishments: An establishment in which a person, or persons, performs a type of labor, act or work that results in the fixing and repair of an article of merchandise or piece of equipment intended for and directly incidental to the customer's business or domestic use. The type of fixing and repair provided by a domestic and business repair establishment includes the following: small electrical appliances, radios and television repairs; reupholster and furniture repairs; bicycle, leather goods, locks, guns, and musical instruments repairs; and business machine and typewriter repairs.

Domestic and Business Service Establishments: An establishment in which a person performs a type of labor, act or work that results in a specialized aid or assistance intended and directly incidental to the customer's domestic or business operations. The type of specialized aid or assistance provided by a domestic and business service establishment includes the following: duplicating, mailing, and stenographic services; blueprinting and photocopying services; window cleaning, floor waxing, office cleaning and janitorial services; disinfecting and exterminating services; ambulance services; and catering services.

Domestic Rental Establishment: An establishment engaged in renting or leasing small miscellaneous merchandise, products or goods.

Dormitory, Fraternity House, or Sorority House: A building in which rooms are provided for occupancy by, and maintained as a place of residence exclusively for students affiliated with an academic or professional college or university, with or without meals, and when approved and regulated by such institution.

Duplex: See Dwelling, two family.

Dwelling: A building used or intended for use primarily for human habitation. The word shall not include hotels, motels, tourist courts, fraternity or sorority houses, rooming or boarding houses, nor other structures primarily for transient uses.

Dwelling, Single Family: A building used or designed to be used as a dwelling unit.

Dwelling, Single Family Attached: Attached dwelling units, each unit owned separately. Examples of attached units are patio homes, town homes, row homes, and homes built with zero lot line development plans. See Dwelling Unit, Single Family Attached

Dwelling, Triplex: A building divided into three dwelling units, designed or intended for occupancy by three families.

Dwelling, Two Family: A building designed and used exclusively by two families living independently of each other in two (2) separate housekeeping units. The dwelling units may be attached side by side or one above the other. This is also referred to as a duplex.

Dwelling, Multiple Family: A building used or designed to be used for three or more dwelling units.

Dwelling Unit (DU): A room or rooms comprising the essential elements of a single housekeeping unit. Facilities for preparation, storage, and keeping of food for consumption within the premises shall identify the unit as a dwelling unit.

Dwelling, Zero Lot Line Home: A building located on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

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EAR: An Evaluation and Appraisal Report as required by 163.3191, F.S. In general, a report that evaluates the comprehensive plan to determine if plan amendments are necessary to reflect changes in state requirements since the last update of the comprehensive plan.

Easement: A right given by the owner of land to another party for specific limited use of that land. For example, a property owner may give or sell an easement on his property to

allow utility facilities like power lines or pipelines, or to allow access to another property. A property owner may also sell or dedicate to the government the development rights for all or part of a parcel, thereby keeping the land open for conservation, recreation, scenic or open space purposes.

Educational Uses: Activities and facilities of public or private primary or secondary schools, vocational and technical schools, and colleges and universities licensed by the Florida Department of Education, including the areas of buildings, campus open space, dormitories, recreational facilities or parking.

Efficiency Apartment: A minimum dwelling unit.

Electrical Power Plant: A power plant that converts a form of raw energy into electricity; for example, a hydro, steam, diesel, or nuclear generating station for stationary or transportation service.

Electric Power Substation: An assembly of equipment in an electric power system through which electric energy is passed for transmission, transformation, distribution, or switching. Also known as substation.

Emergency Services: Buildings, garages, parking and/or dispatch centers for ambulances, fire, police and rescue.

Environmentally Sensitive Land: Areas of land or water which are determined necessary by the local government, based on locally determined criteria, to conserve or protect natural habitats and ecological systems. Nothing in this definition shall be construed to prohibit silvicultural operations which employ the Florida Department of Agriculture and Consumer Affairs Best Management Practices as revised in 1993.

Equipment and Material Storage Yards: All uses related to outdoor storage of large construction equipment or machinery, company vehicles, or large quantities of other materials. Excludes storage associated with vehicle service and equipment.

Equipment, Light Duty: Motorized equipment weighing six tons or less.

Equipment, Heavy Duty: Motorized equipment having a gross weight of more than six tons.

Equipment Sales and Rental: Service establishments with outdoor storage/rental yards, which may offer a wide variety of materials and equipment for rental, including construction equipment and lawn and garden equipment, etc.

Equestrian Facility, Commercial: Commercial horse, donkey, and mule facilities including horse ranches, boarding stables, riding schools and academies, horse exhibition facilities

(for shows or other competitive events), pack stations, and barns, stables, corrals and paddocks accessory and incidental to these uses.

Equestrian Facility, Private Stable: Stables, corrals, paddocks used by the individual homeowners of corresponding property and their animals.

Evacuation Routes: Routes designated by county civil defense authorities or the regional evacuation plan, for the movement of persons to safety, in the event of a hurricane.

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Facility Availability: Whether or not a facility is available in a manner to satisfy the concurrency management system.

Factory-built Housing: Shall mean any residential building, or building component or building system therefor, which is of closed construction and that is made or assembled in manufacturing facilities for installation, or assembly and installation, on the building site. Factory-built housing may also mean any residential building, or building component or building system therefor of open construction made or assembled in manufacturing facilities for installation or assembly and installation on the building site.

- Family:** (a) An individual, or two or more persons related by blood, marriage, or adoption; which include only spouse, children, stepchildren, foster children, parents, stepparents, foster-parents, brothers, sisters, grandparents, and step-grandparents; living together as a single household unit, or;
- (b) A group of not more than four persons, who need not be related by blood, marriage, or adoption, living together as a single household unit.

Family Day Care Home: (Pursuant to Section 402.302, F.S.); The operation of a residence as a family day care home, as defined by law, registered or licensed with the Department of Children and Family Services shall constitute a valid residential use for purposes of any local zoning regulations, and no such regulation shall require the owner or operator of such family day care home to obtain any special exemption or use permit or waiver, or to pay any special fee in excess of \$50, to operate in an area zoned for residential use (Section 166.0445, F.S.).

An occupied residence in which child care is regularly provided for children from at least two unrelated families and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit. A family day care home shall be allowed to provide care for one of the following groups of children, which shall include those children under 13 years of age who are related to the caregiver:

- (a) A maximum of four (4) children from birth to twelve (12) months of age.
- (b) A maximum of three (3) children from birth to twelve (12) months of age, and other children, for a maximum total of six (6) children.
- (c) A maximum of six (6) preschool children if all are older than twelve (12) months of age.
- (d) A maximum of ten (10) children if no more than five (5) are preschool age and, of those five (5), no more than two (2) are under twelve (12) months of age. (Section 402.302, F.S.)

Family Child Care Home, Large: An occupied residence in which child care is regularly provided for children from at least two unrelated families, which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit, and which has at least two full-time child care personnel on the premises during the hours of operation. One of the two full-time child care personnel must be the owner or occupant of the residence. A large family child care home must first have operated as a licensed family day care home for 2 years, with an operator who has had a child development associate credential or its equivalent for 1 year, before seeking licensure as a large family child care home. Household children under 13 years of age, when on the premises of the large family child care home or on a field trip with children enrolled in child care, shall be included in the overall capacity of the licensed home. A large family child care home shall be allowed to provide care for one of the following groups of children, which shall include household children under 13 years of age:

- (a) A maximum of 8 children from birth to 24 months of age.
- (b) A maximum of 12 children, with no more than 4 children under 24 months of age.
(c 402.302, F.S.)

Family Foster Home: A private residence in which children who are unattended by a parent or legal guardian are provided 24-hour care. Such homes include emergency shelter family homes and specialized foster homes for children with special needs. A person who cares for a child of a friend for a period not to exceed 90 days, a relative who cares for a child and does not receive reimbursement for such care from the state or federal government, or an adoptive home which has been approved by the state or by a licensed child-placing agency for children placed for adoption is not considered a family foster home. (c. 409.175, F.S.)

Farm Animals: Farm animals allowed within the City Limits are horses, llamas, cattle, sheep and goats, poultry, fowl, and swine (ostriches are considered poultry).

Farm Equipment and Supply Establishments: An establishment engaged in the selling of

farm equipment, machinery, hardware, production supplies and other miscellaneous farm and garden supplies. Farm equipment and supply establishments may include farm equipment repair departments provided such repair departments are incidental and accessory to the principal selling of farm equipment and supplies.

Farming: An establishment having as the principal purpose of business the production for sale of field crops, fruit, tree nuts, vegetables, livestock, livestock products, poultry hatcheries, and animal husbandry activities.

Farm Labor Camp: Shall be developed under the same regulations as a Manufactured Home Subdivision. See the regulations in Article 3 for Manufactured Home Subdivision.

Farmers' Market: The sale of organic, non-organic, or otherwise locally grown fruits, vegetables, and other agricultural products directly to the consumer by the farmer, typically in an outdoor setting or an association of local farmers who assemble at a defined location for the purpose of selling their produce directly to consumers.

Farming Service Establishments: An establishment in which a person performs a type of labor, act or work off the premises that results in a variety of farming services such as crop dusting, vegetable and fruit picking, grain cleaning, harvesting, plowing and similar operations.

FDEO (DEO): Florida Department of Economic Opportunity; the arm of the state government that manages growth by protecting the functions of important state resources and facilities.

Feedlot, Commercial: Any premises used principally for the raising or keeping of animals in a confined area at a concentration of one animal per 600 square feet or less.

Fence: Artificial barrier installed or constructed for the purpose of screening or enclosing property. All fences shall be appropriate for use in an urban area. Fences in Residential Districts shall be fabricated from materials which are compatible with surrounding properties, including, but not limited to, chain link, wood stockade panels, or masonry. In all Residential Districts, electrified fences shall be prohibited, and fences shall not be constructed of the following materials: barbed wire, chicken wire, hog wire, or razor wire. The Development Director shall approve all fences erected in the City of Wauchula.

Filling Station (Convenience Store with Gas): A building and land used or intended for use to dispense, sell, or offer for sale any motor fuels, oils, or automotive accessories, but where no major automotive repair, body rebuilding, welding, tire capping, or painting is or is intended to be performed.

Flea Market: An assembly of vendors, whether professional or nonprofessional, that offers for sale, trade or barter any goods, regardless whether they are new, used, antique or handmade; and where offered for sale in open air areas, buildings or temporary structures.

Flood or Flooding: A temporary partial or complete inundation of normally dry land from the overflow of lakes, rivers, or other water bodies, or from the unusual and rapid accumulation of runoff or surface waters from any source.

Flood Hazard Boundary Map (FHBM): An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

Flood Insurance Rate Map (FIRM): An official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Floodplain: Land that will be inundated by floods known to have occurred or reasonably characteristic of what can be expected to occur from the overflow of inland or tidal waters and the accumulation of runoff of surface waters from rainfall.

Floodprone Areas: Areas inundated during a 100-year flood event or areas identified by the National Flood Insurance Program as an A Zone on Flood Insurance Rate Maps or Flood Hazard Boundary Maps, produced by FEMA.

Floodprone Areas Definitions Relating To Article 5:

Alteration of a watercourse. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal. A request for a review of the Floodplain Administrator's interpretation of any provision of Article 5.01.00 or a request for a variance.

ASCE 24. A standard titled Flood Resistant Design and Construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base Flood. A flood having a 1-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 1612.2.] The base flood is commonly referred to as the "100 year flood" or the "1-percent-annual chance flood."

Base Flood Elevation. The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 1612.2.]

Basement. The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 1612.2.]

Design Flood. The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

1. Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or
2. Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation. The elevation of the “design flood,” including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet. [Also defined in FBC, B, Section 1612.2.]

Development. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Encroachment. The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area, which may impede or alter the flow capacity of riverine flood hazard areas.

Existing Building and Existing Structure. Any buildings and structures for which the “start of construction” commenced before June 25, 1976. [Also defined in FBC, B, Section 1612.2.]

Existing Manufactured Home Park or Subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or

the pouring of concrete pads) is completed before June 25, 1976.

Expansion to an Existing Manufactured Home Park or Subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Emergency Management Agency (FEMA). The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 1612.2.]

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Damage-resistant Materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 1612.2.]

Flood Hazard Area. The greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

1. The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.
2. The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood Insurance Rate Map (FIRM). The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 1612.2.]

Flood Insurance Study (FIS). The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 1612.2.]

Floodplain Administrator. The office or position designated and charged with the administration and enforcement of Article 5.01.00 (may be referred to as the Floodplain Manager).

Floodplain Development Permit or Approval. An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with Article 5.01.00.

Floodway. The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. [Also defined in FBC, B, Section 1612.2.]

Floodway Encroachment Analysis. An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

Florida Building Code. The family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

Functionally Dependent Use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long term storage or related manufacturing facilities.

Highest Adjacent Grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic Structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 11 Historic Buildings.

Letter of Map Change (LOMC). An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

1. ***Letter of Map Amendment (LOMA):*** An amendment based on technical

data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

2. *Letter of Map Revision (LOMR):* A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
3. *Letter of Map Revision Based on Fill (LOMR-F):* A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
4. *Conditional Letter of Map Revision (CLOMR):* A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Light-duty Truck. As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
2. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
3. Available with special features enabling off-street or off-highway operation and use.

Lowest Floor. The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 1612.2.]

Manufactured Home. A structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

Manufactured Home Park or Subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market Value. The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this article, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

New Construction. For the purposes of administration of Article 5.01.00 and the flood resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after June 25, 1976 and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after June 25, 1976.

Park Trailer. A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in 15C-1.0101, F.A.C.]

Recreational Vehicle. A vehicle, including a park trailer, which is: [Defined in section 320.01(b), F.S.)

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projection;

3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Special Flood Hazard Area. An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1 A30, AE, A99, AH, V1 V30, VE or V. [Also defined in FBC, B Section 1612.2.]

Start of Construction. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual “start of construction” means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 1612.2.]

Substantial Damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 1612.2.]

Substantial Improvement. Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 1612.2.]

1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official

and that are the minimum necessary to assure safe living conditions.

2. Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

Variance. A grant of relief from the requirements of the requirements of Article 5.01.00, or the flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by Article 5.01.00 or the Florida Building Code.

Watercourse. A river, creek, stream, channel, or other topographic feature in, on, through, or over which water flows at least periodically.

Flood Protection Elevation: The elevation of the base flood plus one (1) foot.

Floodway: The channel of a stream plus any adjacent flood plain areas that must be kept free of encroachment in order that the 100-year flood may be carried without substantial increases in flood heights.

Floor Area Ratio, Maximum, Gross: The ratio of floor area that can be built for each square foot of land area. Maximum Gross Floor Ratio x Land Area = Floor Area.

Floor Area: The total floor area of all stories, including halls, stairways and elevator shafts, measured to outside faces of exterior walls.

Floor Space: That portion of the total area of a building which is suitable for year-round use, including fully enclosed porches and breezeways, but excluding enclosed garages, carports, and screened porches.

Florida Master Site File: The state's clearinghouse for information on archaeological sites, historical structures, and field surveys for such sites. A combination of both paper and computer files, it is administered by the Bureau of Archaeological Research, Division of Historical Resources, Florida Department of State.

Food and Beverage Manufacturing, Processing and Packaging, Heavy Industrial: Meets the definition of "Food and Beverage Manufacturing, Processing and Packaging, Light Industrial" and allows the uses listed within that definition. In addition, the following uses are also allowed: citrus processing; fats and oil product manufacturing; grain mill products and by-products; meat and poultry canning, curing, and byproduct processing; animal food production.

Food and Beverage Manufacturing, Processing and Packaging, Light Industrial: Manufacturing establishments producing or processing foods and beverages for human consumption, and certain related products. Includes bakeries; bottling plants; breweries;

candy, sugar and confectionery products manufacturing; catering services separate from stores or restaurants; coffee roasting; dairy products manufacturing; fruit and vegetable canning, preserving, related processing; seafood processing and canning; soft drink production; miscellaneous food item preparation from raw products. This definition does not include bakeries (retail) which sell all products on-site.

Foster Care Facility: A residential facility, which provides a family living environment including supervision and care necessary to meet the physical, emotional, and social needs of its residents. The capacity of such a facility shall not be more than three residents. (c. 393.063, F.S.)

Fowl: Chickens, pigeons, peacocks, ostriches, and the like.

Funeral Homes, Mortuaries, and Crematories: An establishment engaged in preparing the dead for burial, conducting funerals and cremating the dead and includes funeral chapels.

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Garage Apartment (Guest House, Cottage, etc): An accessory dwelling unit on a parcel, which may be offered for rent. Garage apartments are accessory to a principal building.

Garage, Residential: A garage is an accessory structure designed or used for inside parking of private passenger vehicles, recreational vehicles, or boats, owned by the occupants of the main building. A residential garage attached to or part of the main structure is to be considered part of the principal building. An unattached garage is to be considered as an accessory structure.

Garage, Private: A building, attached or detached to or from the principal structure, intended for the storage of automobiles or other wheeled property belonging primarily to occupants of the premises.

Garage, Public: Any land or building used for the storage of automobiles or other wheeled property primarily for non-occupants of the premises, whether or not remuneration is paid or received for such storage.

Government Uses and Structures: Any land, building, structure, uses or activity that is owned and operated by the city, county, state or federal government or legally empowered special governmental district and is necessary to the conduct of government, the furnishing of public services or of an institutional character and over which such governments exercise direct and complete control.

Group Home Facility: A residential facility which provides a family living environment including supervision and care necessary to meet the physical, emotional, and social needs of its residents. The capacity of such a facility shall be at least 4 residents but not more than 15 residents. (c. 393.063, F.S.)

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Hazardous Material: A hazardous chemical, toxic chemical, or extremely hazardous substance, as defined in s. 329 of Title III, Superfund Amendments and Reauthorization Act of 1986 (42 USC s. 11001, et seq.). (s. 252.82 FS)

Hazardous Waste: Solid waste, or a combination of solid wastes, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated or otherwise managed.

Heating Fuel and Ice Establishments: An establishment engaged in the selling of coal, wood, heating fuel oil, bottled gas, and/or ice.

Heavy Uses: Refers to those uses which are hazardous although the maximum public and private safety precautions have been taken and the most stringent performance standards have been met and/or those uses whose premises do contain outdoor or open storage or above-ground tank storage of merchandise, products or materials or any outdoor or open storage of equipment, materials or other items utilized by such establishments in practicing their vocation or occupation except for automobiles and delivery trucks.

Height: 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.

High Recharge Area or Prime Recharge Area: An area so designated by the appropriate water management district governing board. High recharge and prime recharge areas shall receive a level of protection commensurate with their significance to natural systems or their status as current or future sources of potable water.

Historic Preservation Definitions Relating to Article 2 and 8:

Alteration. Any act or process that changes one or more of the exterior architectural features of a building or structure, including, but not limited to, the erection, construction or reconstruction of any building or structure.

Board. The Wauchula Historic Preservation Board, sometimes referred to as the Historic Preservation Board.

Building. Any structure, either temporary or permanent, having a roof intended to be impervious to weather, and used or built for the shelter or enclosure of persons, animals or property of any kind.

Certificate of Appropriateness. A document issued by the Board, or its staff under certain circumstances, approving a proposal to make specified alterations to or to demolish a designated historic property or a building, structure, or monument located within a designated historic district or the HC-1 zoning district, or to construct a building or structure on property located within a designated historic district or the HC-1 zoning district, which must be obtained before such alteration, demolition, or construction may be begun.

- (1) **Standard Certificate of Appropriateness.** A standard certificate of appropriateness shall be issued by the City manager or designee, based on the guidelines and standards for preservation approved by the Board.
- (2) **Special Certificate of Appropriateness.** For all applications for a special certificate of appropriateness involving the demolition, removal, reconstruction or new construction at an individual site or in a district, a special certificate of appropriateness is required that is issued by the Historic Preservation Board.

City Commission or Commission. The City Commission of the City of Wauchula.

Construction. The act of adding or addition to an existing building or structure or the erection of a new principal or accessory building or structure on a lot or property.

Demolition. The act or process of that destroys a building or structure in part or in whole.

Demolition by Neglect. A situation in which a property owner intentionally or inadvertently allows a historic property to suffer severe deterioration, potentially beyond the point of repair.

Designation. A decision by the City Commission to designate a property as a "historic property" or a district as a "historic district" and to thereafter prohibit all alteration, demolition, or construction on such property or within such district prior to the issuance of a certificate of appropriateness by the Board.

Designation Report. A document prepared by the City Manager or his designee for all properties or districts which are proposed for historic designation, including the boundaries of the proposed historic property or district and a summary of its historical significance, and containing location maps and a review guide which describes the physical characteristics of the property or district, and including those findings and recommendations by the Historic Preservation Board pursuant to subsection 2.05.04.E.

Design Guidelines. The United States Secretary of the Interior's "Standards of Rehabilitation," as adopted by the Board, along with any other criteria adopted by the Board.

Exterior Architectural Features. The architectural style, general design, and general arrangement of the exterior of a building or other structure, including but not limited to the type or texture of the building material, the type and style of all windows, doors and signs, and other appurtenant architectural fixtures, features, details or elements relative to the foregoing.

Historic District. An area designated as a historic district by an ordinance of the City, and which may contain within definable geographic boundaries one or more significant structures and which may have within its boundaries other buildings or structures that, while not of such historic or architectural significance to be designated as significant structures, nevertheless contribute to the overall visual characteristics of the significant structure located within the historic district.

Historic Preservation Jurisdiction. The area within the corporate limits of the City.

Historic Property. A structure, site, landmark, or monument, including the adjacent area necessary for the proper appreciation or use thereof, deemed worthy of preservation by reason of its value to the City for one or more of the following reasons:

- (1) It is an outstanding example of a structure representing its era;
- (2) It is one of the few remaining examples of a past architectural style;
- (3) It is a place or structure associated with an event or person of historic or cultural significance to the City; or
- (4) It is a site of natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of the City.

National Register of Historic Places. A national listing maintained by the U.S. Department of the Interior of buildings, sites, structures and districts that have

attained a quality of significance as determined by the Historic Preservation Act of 1966, as amended.

Ordinary Repairs or Maintenance. Work done to prevent deterioration of a building or structure or decay of or damage to a building or structure or any part thereof by restoring the building or structure as nearly as practicable to its condition prior to such deterioration, decay, or damage.

Person. Includes any natural person, corporation, or unincorporated association.

Reconstruction. The process of reproducing by new construction the exact form and detail of a demolished building, improvement, or structure as it appeared at a certain point in time.

Rehabilitation. The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions of the property that are significant to its historic, architectural, and cultural features.

Relocation. The act of preserving a historic structure that cannot remain on its existing site by physically moving it to a new location.

Restoration. The act of accurately recovering the form and details of a property as it appeared at a particular period of time, which may involve the removal of later additions or alterations, or the replacement of missing features.

Secretary of the Interior's Standards for Rehabilitation (as revised March 1990). A national publication that provides guidance on the sensitive rehabilitation of a historic property. The ten standards generally address design issues, which include character defining elements, changes which have occurred over the course of the property's history, desirable approaches to the repair of damaged features, appropriate cleaning methods, archaeological or paleontological resources, and new construction in connection with a historic property.

Significant Structure. A building or structure designated as a significant structure by ordinance of the City, pursuant to procedures described in this section, that is worthy of rehabilitation, restoration and preservation because of its historic or architectural significance to the City.

Structure. Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, but without limiting the generality of the foregoing, buildings, fences, bridges, gazebos, monuments, street markers, signs, and light poles.

Undue Economic Hardship. A finding that failure to issue a certificate would place an onerous and excessive financial burden upon the owner that would amount to the taking of the owner's property without just compensation.

Historic Preservation Board: The duly appointed members of the City Historic Preservation Board.

Historic Resources: Historically significant structures or archeological sites.

Historic Site: A single lot or portion of a lot containing an improvement, landscape feature, or archaeological site, or a historically related complex of improvements, landscape features, or archaeological sites that may yield information on history or prehistory.

Home-based Occupation: An accessory use in a residence consisting of an occupation carried on entirely within a dwelling with no more than two (2) non-family, non-resident employees, where no evidence of the home occupation is noticeable from off of the premises; where no pedestrian or vehicular traffic in excess of that which is customary in residential areas is generated; and where no commercial vehicles are kept on the premises or parked overnight on the premises, unless otherwise permitted by these regulations. Home-based occupations are intended to allow an individual to generate income “at home” without the expense of renting office space.

Usual home occupations include, but are not limited to, personal services such as are furnished by a musician, artist, beauty operator, seamstress, notary public; home party product and catalogue sales such as Avon, Mary Kay, Tupperware and Amway; insurance work; computer work; woodworking; and cabinetetry shops.

Also allowed are home-based occupation for professional services such as an architect, accountant, lawyer, engineer or member of the medical or similar profession, so long as the residential character of the neighborhood is not compromised and no additional traffic in the neighborhood is generated.

In historic homes: Bed and Breakfast inns, tearooms, antique stores and other similar uses are encouraged and allowed if the regulations in Article 2, Section 2.03.11 “Home-based Occupations” can be met.

Horticultural Specialty Farms: An establishment having as the principal purpose of business the production for sale of greenhouse, frame, cloth house, lath house, or outdoor grown horticultural products such as bulbs, florists' greens, herbs, mushrooms, flower seeds, and sod crops. Horticultural specialty farms may include landscaping service establishments.

Hospice: A centrally administered corporation or a limited liability company that provides a continuum of palliative and supportive care for the terminally ill patient and his or her family. (400.601, F.S.)

Hospice Residential Unit: A homelike living facility, or other facility licensed under other parts of Chapter 400, F.S. (Nursing Homes and Related Health Care Facilities), or Chapter 395, F.S. (Hospitals), or under Chapter 429, F.S. (Assisted Care Communities), that is operated by a hospice for the benefit of its patients and is considered by a patient who lives there to be his or her primary residence. (Section 400.601, F.S.)

Hospital: An establishment engaged in providing health in-patient facilities, in which medical or surgical services are a main function.

Hotels and Motels: A building or group of buildings under common ownership, interest and single management, as licensed by the State, containing lodging units intended primarily for rental or lease to short-term visitors by the day or week, and which may provide additional services such as restaurants, meeting rooms and recreation facilities.

Hurricane Shelter: A structure designated by local officials as a place of safe refuge during a storm or hurricane.

~I~

Impermeable Surface: Any surface that does not allow, or only minimally allows, the penetration of water.

Incompatible Land Uses: Land uses that, if occurring adjacent to one another have a detrimental effect on one or both of the uses.

Indoor: Refers to that which is within a building.

Industrial Uses: The activities within land areas predominantly connected with manufacturing, assembly, processing, or storage of products.

Infrastructure: Those manmade structures that serve the common needs of the population, such as: sewage disposal systems; potable water systems; potable water wells serving a system; solid waste disposal sites or retention areas; stormwater systems; utilities; piers; docks; wharves; breakwaters; bulkheads; seawalls; bulwarks; revetments; causeways; marinas; navigation channels; bridges; and roadways.

In-law Units: An accessory dwelling unit located within or attached to the principal structure provided for family members and caretakers.

Inoperable Vehicle: A motor vehicle which does not have a current state license plate; or a vehicle which is licensed but is disassembled or wrecked in part or in whole and is unable to move under its own power.

Institutional Use: A use by a public or nonprofit, quasi-public or private institution of educational, religious, charitable, medical, scientific research or civic purposes.

Intensity: An objective measurement of the extent to which land may be developed or used, including the consumption or use of the space above, on or below ground; the measurement of the use of or demand on natural resources; and the measurement of the use of or demand on facilities and services.

~J~

Junkyard: A place where junk, waste, discarded, or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including automobile wrecking yards, house wrecking and structural steel materials and equipment, but not including the purchase or closed storage of used furniture and household equipment, used cars in operable condition, used or salvaged materials as part of manufacturing operations. Storage of more than three (3) inoperable vehicles at one time constitutes a junkyard.

~K~

Kennel, Commercial: A building or premises where animals are boarded for compensation, or are bred or raised on a commercial scale; does not include a veterinary facility, pet shop, humane society shelter, or animal shelter.

~L~

Land Area: The total land area within the property lines.

Land Development Regulations: Includes local zoning, subdivision, building, and other regulations controlling the development of land. (380.031 F.S.)

Land Use: The development that has occurred on land. (380.031 F.S.)

Land Use intensity: The overall structural mass and open space relationship in a developed property. It correlates the amount of floor area, livability space, recreation space and car storage space of a property with the size of its site or land area.

Landscaping Service Establishments: An establishment in which a person performs a type of

labor, act, or work off the premises that results in horticultural services such as cemetery upkeep, landscape gardening, tree planting and similar operations. Landscaping service establishments do not include horticultural specialty farms.

Laundromats, Self-service or Coin-operated: An establishment designed to provide limited laundry and dry cleaning facilities which are used and operated by ultimate consumers on the premises on a self-service basis and not by employees of the establishment itself.

Laundry and Dry Cleaning Pick-up Establishments: An establishment designed for the convenient and efficient pick up of and drop off of laundry or dry cleaning on the premises by persons not employed by the establishment. No actual laundry or dry cleaning service or work is performed on the premises except for the collecting and distributing activities stated above.

Laundry and Dry Cleaning Plants: An establishment engaged in the commercial operation of mechanical laundries with steam or other power and including rug cleaning, dry cleaning or dyeing apparel and household fabrics or establishments supply laundered linens, work clothing, diapers, baby linens or uniforms.

Level of Service (LOS): An indicator of the extent or degree of service provided by, or proposed to be provided by a facility based on, and related to, the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility. Levels of Service are adopted in the Comprehensive Plan for potable water, sanitary sewer, drainage, traffic on roads and recreation space needed per person in the City.

Light Industrial/Manufacturing: Includes steam laundry, creamery, printing shop and any other light manufacturing or industrial enterprises of similar character and extent, employing electricity or other non-objectionable motor power, utilizing hand labor or unobjectionable machinery or processes; business establishments that are clean, quiet and free of hazardous or objectionable elements, such as noise, odor, dust, smoke or glare

Living Area: In calculating the square feet of living area, calculate the floor area of the dwelling unit exclusive of carports, breezeways or open porches.

Local Comprehensive Plan: Any or all local comprehensive plans or elements or portions thereof prepared, adopted, or amended pursuant to the Community Planning Act, as amended. (380.031 F.S.)

Local Planning Agency: The agency designated to prepare the comprehensive plan or plan amendments required by the Community Planning Act. (163.3164 F.S.)

Local Road: A roadway providing service that is of relatively low traffic volume, short average trip length or minimal through traffic movements, and high volume land access for

abutting property.

Lot: Includes the word “plot” or “parcel” and is: A parcel of land under one principal building and its accessory buildings and including the open spaces and yards required under this ordinance.

- a. **Lot Line:** The boundary dividing a lot from a right-of-way adjoining lot, or other adjoining tract of land.
 - 1) **Front Lot Line:** The lot line abutting a street right-of-way line.
 - 2) **Rear Lot Line:** The lot line opposite the front lot line.
 - 3) **Side Lot Line:** Lot lines other than the front or rear lot lines.
- b. **Corner Lot:** A lot which abuts on two or more intersecting streets at their intersection.
- c. **Double Frontage Lot:** Any lot other than a corner lot which abuts on two streets.
- d. **Lot of Record:** A lot which is duly recorded in the office of the clerk of the circuit court.
- 4) **Corner Lot:** A corner lot has two front yards and must meet the front yard setbacks on both streets. The side and rear yard shall be designated by the homeowner or by the Development Director if a variance to setbacks is required.

Low Income Persons: One or more natural persons or a family, the total annual adjusted gross household income of which does not exceed 80 percent of the median annual adjusted gross income for households within the state, or 80 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater. For the City of Wauchula, the median income of Hardee County is used. (420.004, F.S. 1991.)

~M~

Main Street Board: The Board of Directors of Main Street of Wauchula, Inc., a Florida not-for-profit corporation.

Maintenance and Repair, Small Equipment: Establishments providing on-site repair and accessory sales of supplies for appliances, office machines, home electronic/mechanical

equipment, bicycles, tools, or garden equipment, conducted entirely within an enclosed building. This classification does not include maintenance and repair of vehicles.

Major Vehicle Repair: See Automotive Repair and Maintenance.

Manufactured Home or Mobile Home: See Manufactured Housing, Mobile Home (HUD Home).

Manufactured Home Park: Development site under a single ownership on which manufactured homes are installed and organized around a common set of amenities, including private internal roads, clubhouse or recreation facility, and common open space. A manufactured home park may not be platted or otherwise divided by fee simple ownership; however, the sale of interests or memberships on a condominium basis is permitted. All facilities, including roads, are privately owned or owned in common by residents of the park.

Manufactured Home Subdivision (MHP): A platted subdivision which includes individual manufactured home lots organized around a common set of amenities, including clubhouse or recreation facilities and common open space. All facilities, including private roads, are privately owned or owned in common by residents of the park.

Manufactured Housing: Describes both modular and mobile homes since both are manufactured in a plant and trucked to the site. The differences are as follows:

Mobile Home (HUD Home): A residential structure that is transportable in one or more sections, and which is 8 feet (2.4 meters) or more in width, over 35 feet in length with the hitch, built on an integral chassis, and designed to be used as a dwelling when connected to the required utilities, including the plumbing, heating, air-conditioning, and electrical systems contained in the structure (Section 513.01, F.S.). Pursuant to Section 553.36, F.S., a mobile home shall be constructed to standards promulgated by the U.S. Department of Housing and Urban Development (HUD) and must bear the HUD label. This industry is regulated in Florida by the Department of Highway Safety and Motor Vehicles (DHSMV). Upon installation, a mobile home's wheels and axles may be removed, but the integral chassis must stay in place. To be acceptable in Florida, a mobile home must be installed by a manufactured/mobile home installer licensed by DHSMV.

Modular Home (DCA Home): A home that is built in sections (modules) at a factory and assembled on site and is designed, built, permitted and inspected to the Florida Building Code (FBC), and any other design standards the City may adopt which apply to conventional construction, and must be installed on permanent foundations (e.g., poured footers, stem walls & poured piers or engineered slabs, just like site built homes) that are designed and built specifically for that home by a contractor licensed by the Department of Business & Professional Regulation (DBPR) (it is a violation of Florida Statutes for a mobile home installer to install a modular home). To be acceptable in Florida, a modular

home must bear the insignia of the Florida Department of Community Affairs (DCA) on the inside of the cover of the home's electrical panel. They are considered real property when installed on a permanent foundation, and insured as such. Modular buildings may include residential, commercial, institutional, storage, and industrial structures. (*See Also Manufactured Building*).

(NOTE): A few modular manufacturers continue to produce their homes on a mobile home type chassis (called "on-frame" construction, which is allowed in the FBC) and transport them on wheels and axles just like mobile homes, as opposed to most who construct [without the chassis] on typical floor joist type construction and transport the modules on a flat bed trailer, lifting them into place onsite with a crane. No matter the method of construction, the modular home must be installed by a licensed contractor on a permanent foundation, as specified in Chapter 428.4, Florida Building Code (FBC).

Manufacturing: Assembly or fabrication of parts that are free of hazardous or objectionable elements, such as noise, odor, dust, smoke or glare, that may be detectable to the normal senses from outside the building. Such uses shall operate entirely within enclosed structures, and the premises shall not contain any outdoor or open storage or aboveground tank storage of merchandise, products, or materials or any outdoor or open storage of equipment, materials, or other items utilized by such establishments except for automobiles and delivery or service trucks. Such uses shall not involve electrical interference to television, radio, or communication systems off the premises.

Manufacturing of Finished Products: Includes small-scale production of finished goods and products, such as, carpentry shops, cabinet making, upholsterers, furniture lamination, decorative and ornamental fencing or ironworks, canvas awnings and boat accessories, and similar activities.

Manufacturing of Raw Materials: General, large-scale production of goods and products from raw materials, to either a finished product or intermediate product such as, but not limited to, lumber and wood products and building materials for uses such as pallets, skids, milling operations, and trusses and beams; and machinery and equipment production for the manufacturing and assembling of other products such as construction equipment, conveyors, cranes, die casting, dies, dredging, engines and turbines, farming and gardening, food products manufacturing, gear cutting, heating, ventilation, air conditioning, , industrial trucks and tractors, industrial furnaces and ovens, industrial molds, laundry and dry cleaning, materials handling, mining, oil field equipment, paper manufacturing, passenger and freight elevators, pistons, printing, pumps, refrigeration equipment, textile manufacturing.

Marine Establishments: An establishment engaged in the retail selling of new and/or used boats and motor boats and related new parts and accessories. Marine establishments may include repair departments provided such repair departments are incidental and accessory to the principal retail selling of boats and related marine accessories.

Medical/Dental/Health Care Office/Laboratory: A use providing consultation, diagnosis, therapeutic, preventive, or corrective personal treatment services by doctors, dentists, medical and dental laboratories and similar practitioners of medical and healing arts for humans licensed for such practice by the State of Florida.

Minerals: All solid minerals, including clay, gravel, phosphate rock, lime, shells (excluding live shellfish), stone, sand, heavy minerals, and any rare earths, that are contained in the soils or waters of the state.

Mining: The act of taking mineral substances from a pit or excavation in the earth. Mining is not a permitted use in the City of Wauchula.

Minor Arterial: A route that is relatively continuous, of high traffic volume, of shorter trip lengths, of moderate operating speed. Minor arterials allow greater access to adjacent properties. Such roads are designated on the Future Traffic Circulation Map of the City of Wauchula Comprehensive Plan.

Minor Replat: The subdivision of a single lot or parcel of land into two lots or parcels; or the subdivision of a parcel into two or more lots solely for the purpose of increasing the area of two or more adjacent lots or parcels of land; where there are no roadway, drainage or other required improvements, and where the resultant lots comply with the standards of this Code.

Minor Vehicle Repair (Service Station): See Automotive Repair and Maintenance.

Mitigation: Any action, including but not limited to, restoration, enhancement, or creation of wetlands, required to be taken in order to offset environmental impacts on permitted activities.

Moderate Income Persons: One or more natural persons or a family, the total annual adjusted gross household income of which does is less than 120 percent of the median annual adjusted gross income for households within the state, or 120 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater. For the City of Wauchula, the median income of Hardee County is used. (420.004, F.S. 1991)

Modular Home or Building: See Manufactured Housing, Modular Home (DCA Home).

Motel: See Hotels and Motels.

Motion Picture Theaters: An establishment engaged in the commercial exhibition of motion pictures, with or without stage presentations.

Motor Freight Transportation Establishments: An establishment engaged in furnishing local or long distance trucking, transfer and draying services with or without the storage of merchandise, products or materials and including maintenance facilities provided such maintenance facilities are incidental to the principal trucking and freight handling services.

- a. ***Light Motor Freight Transportation Establishments:*** Those motor freight transportation establishments which are nonhazardous and whose premises do not contain any outdoor or open storage or aboveground tank storage of merchandise, products or materials.
- b. ***Heavy Motor Freight Transportation Establishments:*** Those motor freight transportation establishments which are hazardous, although the maximum public and private safety precautions have been taken and the most stringent performance standards have been met and/or those motor freight transportation establishments whose premises do contain outdoor or open storage or aboveground tank storage of merchandise, products or materials.

Motor Home: Shall include the terms motor coach, sport coach, and describe any self-propelled vehicle fitted and equipped for living purposes, including facilities for sleeping or preparation of goods for consumption.

Multi-Use Complex: Any development of two (2) or more business or industrial uses that are under common land ownership or that share common property frontage.

Mural: A picture of graphic design painted upon the exterior of a building, structure, or window for embellishment or decorative purposes without a commercial purpose. Any language, logo, commercial message, or pictorial representation relating to the advertisement of any products or services or the ideal of any business is not a mural.



National Register of Historic Places: Established by Congress in 1935, the National Register of Historic Places is a listing of culturally significant buildings, structures, objects, sites, and districts in the United States. The listing is maintained by the U.S. Department of Interior.

Natural Drainage Features: The naturally occurring features of an area which accommodate the flow of significant amounts of stormwater, such as streams, rivers, lakes, sloughs, floodplains, and wetlands.

Natural Drainage Flow: The pattern of surface and stormwater drainage through or from a particular site before the construction or installation of improvements or prior to regrading.

Natural Reservations: Areas designated for conservation purposes, and operated by contractual agreement with or managed by a federal, state, regional or local government or non-profit agency such as: national parks, state parks, lands purchased under the Save Our Coast, Conservation and Recreation Lands or Save Our Rivers programs, sanctuaries, preserves, monuments, archaeological sites, historic sites, wildlife management areas, national seashores, and Outstanding Florida Waters. This definition does not include privately owned land managed by a state agency on either a voluntary or a short-term contractual basis.

Natural Resources: Land, air, water, groundwater, drinking water supplies, fish and their habitats, wildlife and their habitats, biota, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the State of Florida and situated in an area of critical state concern or offshore from an area of critical state concern.

Natural Vegetation: Vegetative communities that are native to, and therefore tolerant of, a particular geographic location.

Night Clubs and Dance Halls: Any establishment dispensing alcoholic beverages for on-site consumption and where a room, place, or space is designated for music, dancing, or live entertainment. Alcohol consumption and entertainment are the primary use.

Nonconforming Structure: A structure or portion thereof, existing at the effective date of this chapter, or any amendment thereto, which was occupied, designed, erected, intended, or structurally altered for a use not permitted at its location by the provisions of this chapter for a new use, and/or which does not conform to all of the regulations applicable to the district in which it is located. A nonconforming structure cannot be rebuilt, replaced or enlarged, except as provided in this Code. The presence of a nonconforming structure on a parcel of land does not allow the reestablishment of a nonconforming use which has been abandoned or eliminated. (See Article 7, Section 7.12.00 of this Code)

Nonconforming Use: Land use or activity that is prohibited under the current provisions of the Comprehensive Plan or this Code, but complied with those requirements in effect at the time it was established. Such uses may continue indefinitely, except where this Code requires their elimination. Once a nonconforming use is eliminated, removed, or suspended permanently, associated land or structures shall be used only in accordance with the adopted Comprehensive Plan and this Code (see Article 7, Section 7.12.00 of this Code).

Nonhazardous: Those structures, uses, materials or premises that do not constitute a fire, explosion or safety hazard and/or not emit any atmospheric or environmental pollutant,

light flashes, noxious gases, electromagnetic interference, radioactive emissions, smoke or heat, glare, dust, dirt, odor, noise or vibrations which may be heard or felt off the premises.

Nurseries and Garden Centers, Commercial Retail: Land and/or structures used to display flowers, shrubs, trees, plants, and garden accessories, such as tools, pots, garden ornaments, fertilizers, mulch, and similar accessories, primarily for retail sale to the public. May also sell by mail.

Nurseries and Greenhouses, Non-Commercial: Land or greenhouse engaged in the production and non-retail sale/lease of ornamental plants and nursery products, such as bulbs, flowers, shrubbery, trees, fruits and vegetables which are grown on the premises.

Nurseries, Wholesale: Nurseries which sell nursery goods in large quantities for resale by a retailer or by mail.

Nursing Home Facility: Any facility which provides nursing services as defined in Chapter 464, F.S., and which is licensed according to Chapter 400, F.S. Facility means any institution, building, residence, private home, or other place, whether operated for profit or not, including a place operated by a county or municipality, which undertakes through its ownership or management to provide, for a period exceeding 24-hours, nursing care, personal care, or custodial care for three or more persons not related to the owner or manager by blood or marriage, who by reason of illness, physical infirmity, or advanced age require such services; but does not include any place providing care and treatment primarily for the acutely ill. A facility offering services for fewer than three persons is within the meaning of this definition if it holds itself out to the public to be an establishment which regularly provides such services. (c. 400, F.S.)



Office Supply Store: Establishments primarily engaged in one or more of the following: (1) retailing new stationery, school supplies, and office supplies; (2) selling a combination of new office equipment, furniture, and supplies; and (3) selling new office equipment, furniture, and supplies in combination with selling new computers.

Open Space: Undeveloped lands suitable for passive recreation or conservation uses.

Outdoor: Refers to that which is not within a building.

Outdoor Advertising Service Establishment: An establishment engaged in the maintenance, distribution, and erection of display boards, posters, and painted and electric spectacular displays on panels, bulletins and frames principally outdoors and off the premises.

Outpatient Clinic: An establishment where patients are not lodged overnight, but are admitted for examination and treatment by, but not limited to, physicians, dentists, optometrists, and clinical laboratory personnel.

~P~

Parcel of Land: Includes the words “lot” and “plot” and is: Any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit or which has been used or developed as a unit. (380.031 F.S.)

If, however, the property lines are such as to defeat the purposes of this Code or lead to absurd results, a “parcel” may be as designated for a particular site by the Development Director.

Park Model Recreational Vehicle (Park Trailer): See Recreation Vehicle Unit.

Parking Lot: An open area used exclusively for the storage of motor vehicles, whether or not a fee is charged.

Parking Lot, Commercial: An open area used exclusively for the storage of motor vehicles, where a fee is charged.

Parking Space, Off-street: An area specifically and permanently designated for the off-street parking or storage of vehicles. Such parking spaces shall meet the minimum dimensional requirements of this Code and no part of such parking space or spaces shall exist upon any public right-of-way.

Patio Home: A single family detached or semi-detached unit built on a small lot enclosed by walls which provide privacy. If the walls are ignored, its layout may be similar to either the zero lot line or duplex (twin house); thus, it may be built either as a detached or semi-detached dwelling. The patio home appeals to those who want privacy without the maintenance of a larger yard.

Percolation Pond: A pond (usually man-made) designed to allow treated wastewater effluent to percolate slowly into the ground. The pond acts as a holding facility while gravity allows the water to percolate or seep through the soil or other unconsolidated medium into the local water table (usually the surficial aquifer).

Permanent Cosmetics: The application of pigments to or under the skin of a human being for the purpose of permanently changing the color or other appearance of the skin. This includes, but is not limited to, permanent eyeliner, eye shadow, or lip color.

Personal Services: Those business activities usually conducted in a commercial zoning district customarily providing services rather than goods to individuals. Such uses include beauty salons (including tanning and nails), barbershops, seamstress/tailor, shoe repair, daytime spas, dry cleaning drop off point, fitness and weight loss centers, learning centers, and other similar, compatible, or ancillary uses.

Personal Service Establishments: An establishment in which a person performs a type of labor, act or work that results in a specialized aid or assistance directly to the personal needs of ultimate consumers. The type of specialized aid or assistance provided by a personal service establishment includes the following: beauty and barber services; garment mending, alteration and related minor pressing services; laundry and dry cleaning pick-up services; self-service or coin-operated laundromat services; fur repair and storage services; shoe shining, shoe repair and hat cleaning services; watch, clock and jewelry repair services; and commercial photographic services. Personal service establishments do not include laundry and dry cleaning plants.

Places of Public Assembly: Any area, building, or structure where people assemble for a common purpose, such as a social, cultural, recreational, and/or religious purposes, whether owned and/or maintained by a for-profit or not-for-profit entity, and includes, but is not limited to, public assembly buildings such as auditoriums, theaters, halls, private clubs and fraternal lodges, assembly halls, exhibition halls, convention centers, and places of worship, or other areas, buildings, or structures that are used for religious purposes or assembly by persons.

Places of Worship: Any area, building, or structure where people assemble for religious purposes.

Planned Unit Development (PUD): A form of development characterized by a unified site design for a number of housing units, clustering buildings, and providing common open space, density increases, and a mix of building types and land uses. It permits the planning of a project and the calculation of densities over the entire development, rather than on an individual lot-by-lot basis. Also, a process in which public officials have considerable involvement in determining the nature of development through site plan review. It includes aspects of both subdivision and zoning regulation and usually is administered either through a special permit or a rezoning process.

Planning and Zoning Board: The zoning board for the City of Wauchula, Florida.

Plat: A map, plan or chart of a tract of land or property which is drawn to scale and shows the existing or proposed location of boundary lines, buildings, structures, uses or any other required data or information.

Potable Water: Water suitable for human consumption and that meets water quality standards determined by the Department of Health and Rehabilitative Services, provided through a public system or by private well.

Potable Water Facilities: A system of structures designed to collect, treat, or distribute potable water, and includes water wells, treatment plants, reservoirs, and distribution mains.

Potable Water Wellfield: The site of one or more water wells which supply potable water for human consumption to a water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

Premises: A lot or other tract of land under one ownership and all the structures on it.

Principal Arterial: A route that is relatively continuous, of high traffic volume, of long average trip length, of high operating speed, of limited access to adjacent property and of high mobility importance. Such roads are designated on the Future Traffic Circulation Map of the City of Wauchula Comprehensive Plan.

Principal Building: The building in which is conducted the principal use of the lot on which it is situated. Construction trailers or mobile homes, used as offices, are not considered principal buildings

Printing and Publishing: Establishments engaged in printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying; and other establishments serving the printing trade such as bookbinding, typesetting, engraving, photoengraving and electrotyping. This use also includes establishments that publish newspapers, books and periodicals; and establishments manufacturing business forms and binding devices.

Professional Office and Services: A use providing professional or consulting services in the fields of law, architecture, design, engineering and surveying, planning, accounting and similar professions.

Property Line: The recorded boundary of a lot or other tract of land under one ownership.

Public Buildings and Grounds: Structures or lands that are owned, leased, or operated by a government entity, such as civic and community centers, hospitals, libraries, police stations, fire stations, and government administration buildings.

Public Facilities: Transportation systems or facilities, sewer systems or facilities, solid waste systems or facilities, drainage systems or facilities, potable water systems or facilities, educational systems or facilities, parks and recreation systems or facilities and public health systems or facilities.

Public Hurricane Shelter: A structure designated by local emergency management officials and the American Red Cross as a shelter during a hurricane. (308.032 F.S.)

Public Offices: A building occupied on a rental, lease or similarly obtained basis by the city,

county, state or federal government or legally empowered special governmental district, but not owned by such governments, in which public officials and employees direct the administrative and executive functions and affairs of government.

Public (Supply) Sanitary Sewer Facilities: Sanitary sewer facilities which serve at least 15 service connections, or regularly serves at least 25 residents. Generally, a multi-user septic tank is not a public sanitary sewer facility.

Public Service Structures: Any structure, excluding buildings for general administrative, executive, studio, warehousing or storage functions or general maintenance operations, that is necessary for the operation and maintenance of a utility that is regulated or controlled by the city, county, state or federal government or legally empowered special governmental district, but not owned and operated by such government. Public service structures include the following: railroad tracks and related appurtenances; telephone and telegraph transmission lines, towers and related appurtenances; radio broadcasting, television transmission towers and related appurtenances; water and sanitary sewer distribution and collection mains, lines and related appurtenances; and electric, gas, petroleum and steam transmission lines, pipes, towers, transformers, meters, substations and related appurtenances.

Public Supply Potable Water Wellfield: A potable water wellfield that serves a public supply water system.

Public Supply Water System: A potable water facility which serves at least 15 service connections, or regularly serves at least 25 residents.

Public Transportation Terminals: An establishment engaged in passenger transportation by railway, highway, water, or air, or furnishing services related to transportation, including maintenance facilities and/or freight transportation provided such maintenance facilities and/or freight transportation is incidental and accessory to the principal passenger transportation services.

Purchase of Development Rights: The acquisition of a governmentally recognized right to develop land which is severed from the realty and held or further conveyed by the purchaser.

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Recharge Areas: Geographic areas where the aquifer system is replenished through rainfall. Areas of high aquifer recharge are important for the continuation of potable ground water supplies.

Reclamation: The alteration and/or restoration of land, after a mining activity, establishing land suitable for agriculture, development, recreation, lakes, wetlands, or other natural environments.

Reclamation Plan: Plan for the rehabilitation, per Chapter 378, F.S., of land from which a mineral resource has been extracted.

Recreation: The pursuit of leisure time activities occurring in an indoor or outdoor setting.

Recreation Facility: A component of a recreation site used such as a trail, tennis court, basketball court, athletic field, golf course or swimming pool.

Recreation Uses, Indoor Commercial: This category consists of uses that share land use characteristics such as traffic-generation rates and bulk (buildings) requirements. A recreational facility conducted entirely indoors for commercial purposes, with or without seating for spectators, and providing accommodations for a variety or individual, organized or franchised sports, including wrestling, soccer, tennis, volleyball, racquetball, handball, bowling, skating, and ice skating. Such facility may also provide other regular organized or franchised events, such as children's amusements, dance studios and instruction, music schools and instruction, martial arts studios and instruction, skateboard facilities, trampoline or gymnastics facilities, large health and fitness club facilities, swimming pools, snack bar, restaurant, retail sales or related sports, health, or fitness items, and other support facilities.

Recreation Uses, Indoor Public: Indoor recreation uses include areas for recreation activities including, but not limited to, aquariums, day or youth camps, gymnasiums, libraries or museums, indoor skating rinks, indoor swimming pools, indoor tennis, racquetball, handball courts, and all other institutional, indoor recreation.

Recreation Uses, Outdoor Commercial: Predominantly participant uses conducted in open or partially enclosed or screened facilities. This group includes recreation uses that are greater nuisances than conventional outdoor recreation activities because of their size and scale, traffic volumes, noise, lights, or physical hazards such as flying objects or use of weapons. These uses include, but are not limited to, amusement parks, drive-in theaters, fairgrounds, golf driving ranges (including miniature golf), marinas, outdoor theaters (or amphitheaters), race tracks (e.g., auto, dog, go-cart, harness, horse, motorcycle), ranges (skeet, rifle, or archery), sport arenas, and all other outdoor commercial recreation uses.

Recreation Uses, Outdoor Public: Outdoor recreation uses include areas for recreation activities including, but not limited to, arboretums, basketball courts, boat launching ramps, areas for cycling, hiking, and jogging, golf courses (regulation or par 3), outdoor nature areas, parks (public or private), picnic areas, playfields, playgrounds, commercial stables, outdoor swimming pools and springs, tennis courts, tot-lots, wildlife sanctuaries, and all other outdoor recreation uses. Specifically excluded are outdoor movie theaters,

firing ranges, miniature golf courses, golf driving ranges, and marinas.

Recreation Vehicle (RV): See Recreational Vehicle Unit.

Recreation Vehicle (RV) Campgrounds: A development designed specifically to accommodate recreation vehicles for overnight or limited vacation-season stays.

Recreation Vehicle (RV) Parks: A place set aside and offered by a person, for either direct or indirect remuneration of the owner, lessor, or operator of such place, for the parking, accommodation, or rental of five (5) or more recreational vehicles or tents; the term also includes buildings and sites set aside for group camping and similar recreational facilities. The terms "campground," "camping resort," "RV resort," "travel resort," and "travel park," or any variations of these terms, are synonymous with the term "recreational vehicle park" (Section 513.01, F.S.).

Recreation Vehicle Unit: Those units primarily designed as temporary living quarters for recreation, camping or travel use that either have their own mode of power or are mounted on or drawn by another vehicle. When traveling on the public roadways of Florida, recreational vehicle units shall comply with the length and width provisions of Section 316.515, F.S., and as that Section may hereafter be amended. Unless stated otherwise, the following definitions are provided in Section 320.01, F.S.:

1. **"Travel Trailer":** A vehicular Portable unit mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a motorized vehicle. It is primarily designed and constructed to provide temporary living quarters for recreation, camping, or travel use. It is of a body width, not more than eight (8) feet and a body length of no more than 40 feet when factory equipped for the road.
2. **"Fifth-Wheel Trailer":** A vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, of such size or weight as not to require a special highway movement permit, of gross trailer area not to exceed four hundred (400) square feet in the setup mode, and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.
3. **"Camping Trailer":** A vehicular portable unit mounted on wheels and constructed with collapsible partial sidewalls that fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreation, camping or travel use.
4. **"Truck Camper":** A truck equipped with a portable unit, designed to be loaded onto, or affixed to, the bed or chassis of a truck, constructed to provide temporary living quarters, for recreation, camping, or travel use.

5. **"Motor Home"**: A vehicular unit which does not exceed the length, height, and width limitations provided in F.S. 316.515 that is built on a self-propelled motor vehicle chassis, primarily designed to provide temporary living quarters for recreation, camping or travel use. Motor homes shall comply with the length and width provisions of Section 316.515, F.S., and as that Section may hereafter be amended. For the purposes of this Code, motor home shall NOT refer to "mobile home" or "manufactured home".
6. **"Park Trailer"**: A transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. The total area of the unit in a setup mode, when measured from the exterior surface of the exterior stud walls at the level of maximum dimensions, not including any bay window, does not exceed 400 square feet when constructed to ANSI A-119.5 standards, and 500 square feet when constructed to U.S. Department of Housing and Urban Development Standards. The length of a park trailer means the distance from the exterior of the front of the body (nearest to the drawbar and coupling mechanism) to the exterior of the rear of the body (at the opposite end of the body), including any protrusions. (Section 320.01, FS).
7. **"Private Motor Coach"**: A vehicular unit which does not exceed the length, width, and height limitations provided in Section 316.519 (9), F.S., is built on a self-propelled bus type chassis having no fewer than three load-bearing axles, and is primarily designed to provide temporary living quarters for recreational, camping, or travel use.
8. **"Van Conversion"**: A vehicular unit which does not exceed the length and width limitations provided in Section 316.515, F.S., is built on a self-propelled motor vehicle chassis, and is designed for recreation, camping, and travel use.

Recycling Center, Indoor: A building in which used material is separated and processed prior to shipment to others who will use those materials to manufacture new products.

Recycling Center, Outdoor: A collection point for small recyclable items and materials, such as cans, bottles, newspapers, secondhand goods and used motor oil. Activities of a recycling collection center are limited to sorting, compacting and transferring.

Recycling Collection Station: An accessory use that serves as a neighborhood drop-off point for the collection and temporary storage of small recoverable resources, such as glassware, plastic jugs and metal cans, but which does not involve any processing.

Recycled Materials Processing Facility: A structure or enclosed space used for the collection and processing of recyclable materials for shipment, or to an end-user's specifications, by such means as baling, briquetting, cleaning, compacting, crushing, flattening, grinding, mechanical sorting, re-manufacturing and shredding.

Repeat Violation: A violation of a provision of a code or ordinance by a person who has been previously found through a code enforcement board or any other quasi-judicial or judicial process, to have violated or who has admitted violating the same provision within 5 years prior to the violation, notwithstanding the violations occur at different locations.

Research, Development, and Testing Laboratories: An establishment engaged in research, development and testing.

Residential Uses: Activities within land areas used predominantly for housing.

Resource Recovery: The process of recovering materials or energy from solid waste, excluding those materials or solid waste under control of the Nuclear Regulatory Commission. (171.031 F.S.)

Restaurant: An eating and drinking establishment designed to serve customers foods and beverages which are consumed within the confines of the principal building itself.

Restaurant, Drive-in/Drive thru/Walk-up: Any restaurant serving food and/or nonalcoholic beverages to persons in vehicles for consumption in the vehicle or on the premises, including outdoor eating areas, and/or at walk-up windows. Services by carhops to persons in vehicles on the premises shall cause a restaurant to be classified and regulated as this type restaurant. For purposes of this definition, fast food chains or operations shall also be considered as drive-in restaurants.

Restaurant, Sit Down/Table-Service: A retail service establishment wherein the entire business activity, or substantially most of the business activity, consists of the sale of food to patrons seated at tables, booths and/or counter stools for consumption within the building; includes cafeterias, delicatessens, sports bars, cafés and bistros. Within the PUD and TND zoning districts, sidewalk cafes may be approved on sidewalks located within a public right-of-way as an accessory use to an existing or proposed restaurant whose primary purpose is food service to persons seated at a table.

Restaurant, Take Out & Short Order: A retail service establishment with full kitchen facilities whose principal business is the sale of foods, frozen desserts, or beverages in ready-to-consume individual servings, for consumption either within the restaurant building or for carry-out, and where customers are not served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter where the items are consumed. This may be a total counter stool operation, or with any combination of counter stool and/or

tables and booths; service may be provided to persons in vehicles, or at walk-up windows in combination with indoor seating for at least twenty (20) persons.

Retail Sales: Stores and shops selling multiple lines of merchandise including: art galleries, artists' supplies, antique shop, bicycles, clothing and accessories, collectibles (cards, coins, comics, stamps, etc.), department stores, drug and discount stores, dry goods, fabrics and sewing supplies, houseplant stores (indoor sales, only; outdoor sales are "Plant Nurseries"), furniture, home furnishings and equipment, general stores, gift and souvenir shops, hardware, hobby materials, luggage and leather goods, office supply store, musical instruments, parts and accessories, newsstands, home electronics/appliance store, jewelry, orthopedic supplies, pet supplies, religious goods, sporting goods and equipment, toys and games, video/DVD store, and variety stores.

Right of Way: Land in which the state, a county, or a municipality owns the fee simple title or has an easement dedicated or required for a transportation or utility use; and, any land dedicated, deeded, used, or to be used, for a street, alley, walkway boulevard, drainage facility, access for ingress and egress, or other purpose by the public, or certain designated individuals, or governing bodies.

Roadside Stand: A permanent structure accessory to either a residential or farm use intended for retail of primarily locally made products as identified in Sections 2.02.02.01(H) and 2.02.02.02(H).

Roadway: A road, that includes streets, sidewalks, alleys, highways, and other ways open to travel by the public, including the roadbed, right-of-way, and all culverts, drains, sluices, ditches, water storage areas, waterways, embankments, slopes, retaining walls, bridges, tunnels, and viaducts necessary for the maintenance of travel and all ferries used in connection therewith. (334.03(18) FS)

Roadway Functional Classification: The assignment of roads into categories according to the character of service they provide in relation to the total road network. Basic functional categories include limited access facilities, arterial roads, and collector roads, that may be subcategorized into principal, major or minor levels. Those levels may be further grouped into urban and rural categories.

Rural Areas: Low density areas characterized by social, economic and institutional activities which may be largely based on agricultural uses or the extraction of natural resources in unprocessed form, or areas containing large proportions of undeveloped, unimproved, or low density property.

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Sanitary Landfill: includes the following types of facilities:

- a) **Class I Sanitary Landfill:** a disposal facility which receives an average of 20 tons or more per day, if scales are available, or 50 cubic yards or more per day of solid waste, as measured in place after covering, and which receives an initial cover daily. Such sites shall receive an initial cover at the end of each working day in accordance with FAC Rule 17-701.050(6)(m). (171.031 F.S. and Rule 17.050, FAC)
- b) **Class II Sanitary Landfill:** a disposal facility which receives an average of less than 50 cubic yards per day of solid waste, as measured in place after covering, and which receives an initial cover at least once every four days. Such sites shall receive an initial cover at least once every four days. If Class II sites receive sewage or industrial sludge, dead animals, rendering wastes, or other nuisance wastes, Class I covering frequency shall be required. (171.031 F.S. and Rule 17.050, FAC)
- c) **Class III Sanitary Landfill:** a disposal facility which receives only trash or yard trash. Class III sites which are operated as trash facilities, based on site specific information, may be exempt from the liner and leachate and gas controls required in FAC Rule 17-701.050(5)(a), (b), (c), (d), (e), (f), (i), (j), and 6(i), and are required to apply initial cover once every week. In determining whether a Class III landfill qualifies for the exemptions from certain requirements of Rule 17-701.050, the FDEP shall consider the hydrogeology, types of waste, and methods used to control types of waste received for disposal. Class III sites which are operated as yard trash composting facilities are not required to apply initial cover and, additionally, are exempt from FAC Rules 17-701.050(3)(a) and (b), (4), (5), and (6)(a), (c)4., (d), (f), (h), (i), (j), (k), (l), (m), (n), and (o). If trash or yard trash is mixed with other types of solid waste, the disposal site shall be classified as a Class I or II landfill. (Rule 17.050, FAC).

Sanitary Sewer Facilities: See Wastewater Facilities

School, Leisure/Special Interest: A facility engaged in the instruction of a particular leisure or special interest activity including but not limited to dance, karate, and crafts and arts schools. This provision excludes water ski schools.

School, Vocational, Technical, Trade: An establishment which offers, for compensation, instruction in a vocation such as but not limited to barbering, cosmetology, hair styling, bartending and interior decorating; or in a trade or craft, including but not limited to, carpentry, masonry, metal working, machinery repair and operation, welding, fabrication and the like; or in the training in various skills and may include but not be limited to business schools and vocational schools.

Screen Cage: Screen Cage or Enclosure (only for the purpose of allowing setbacks per 2.04.04)

shall mean a type of screen enclosure consisting of a structural network of metal, wood, or concrete columns with open mesh panels for both walls and roofs.

Seasonal Population: Part time inhabitants who utilize, or may be expected to utilize, public facilities or services, but are not residents. Seasonal population shall include tourists, migrant farmworkers, and other short term and long term visitors.

Secondhand Stores: An establishment engaged in the retail selling of used merchandise and goods including clothing, furniture, books and similar miscellaneous used merchandise and goods. Secondhand stores may include repair departments.

Self Storage Facility: See Warehouse, Mini.

Semi-Public Use: Includes for-profit and nonprofit churches, organizations and governmental entities operating for a public purpose; or a public service; or public utility that is essential. It includes such organizations as recreational and neighborhood associations and cultural activities. A cemetery is considered a semi-public use.

Septic Tank: A watertight receptacle constructed to promote separation of solid and liquid components of wastewater, to provide limited digestion of organic matter, to store solids, and to allow clarified liquid to discharge for further treatment and disposal in a soil absorption system. (10D-6 FAC)

Service Station, Minor Automotive Repairs: Activities conducted at a service garage involving retail sale of automotive fuels or oils and maintenance or small-scale mechanical work on motor vehicles including inspection, maintenance, repair or replacement of brake systems, ignition and electrical systems, carburetors and fuel systems, batteries, oil, antifreeze and other fluids, and tires. Also included are auto washing and detailing, and the tuning and adjustment, but not disassembly or removal, of engines and transmissions.

Services: The programs and employees determined necessary by local government to provide adequate operation and maintenance of public facilities and infrastructure as well as those educational, health care, social, and other programs necessary to support the programs, public facilities, and infrastructure set out in the local plan or required by local, state, or federal law.

Shielded or Screened from View (Inoperable Vehicles): To shield or screen from view means the vehicle is not visible by someone standing at ground level from outside of the property on which a subject vehicle is located. Placing an inoperable vehicle within an area completely enclosed by either a solid, rigid, opaque fence composed of standard fencing materials or a landscaped arrangement of non-deciduous trees, sufficient in height, spacing, density, and circumference to ensure precluding visibility of the subject vehicle by someone standing at ground level from outside of the property on which the

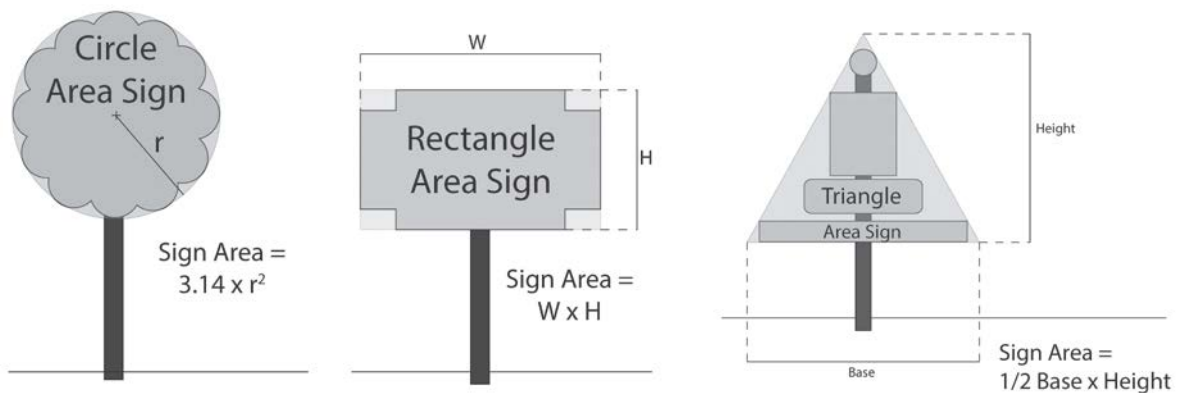
subject vehicle is located shall constitute shielding or screening from view. The placing, draping, or securing of a tarpaulin or other nonrigid cover over or around an inoperable vehicle shall not be sufficient to constitute shielding or screening from view.

Shopping Center: A group of commercial establishments built primarily for retailing purposes on common property planned, developed, owned or managed as a unit with common off-street parking provided on the same site.

Shopping Center, Mini: A complex of commercial establishments customarily under single ownership not containing any accommodations or residential units, and on less than five (5) acres of land. The principal use of such establishments is the retail sales of goods; but may include other non-residential uses permitted in the zoning district in which it is located.

Signable Area of a Building: A rectangular area on the facade of a building that is free of windows and doors or major architectural detail. Any portion of a roof less than 20 feet from the ground is included. Illustrations of signable areas are on file with the City and should be consulted before applying for the required sign permit.

Sign Area: The entire area within a continuous perimeter, and a single plane, composed of a square, circle, or rectangle that encloses the extreme limit of the advertising message or announcement or wording together with any frame, background, trim, or other integral part of the display excluding the necessary supports or uprights on which such sign is placed. The owner may not increase the allowed total area, but may use more than one square, circle, or rectangle in order to calculate the area. Sign area of a ground-mounted sign is the entire area of one side of such sign so that two sides that are back to back are counted only once.



Sign: Any structure, part thereof, or device, whether or not attached thereto or painted or represented thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, work, model, banner, emblem, insignia, device, trademark, or other representation used as, or in the nature of, an announcement, advertisement, direction, or designation, enterprise, or industry, which is located upon any land, on any building, in or upon a window, or indoors in such manner as to attract attention from

outside the building.

Sign, Abandoned: A sign that no longer serves to advertise a bona fide business conducted, service performed, or product sold.

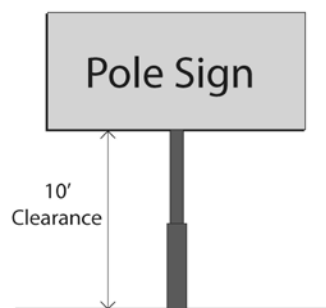
Sign, Affixed (Wall-mounted): Signs mounted parallel to (flush with) the face of the building and projecting not more than 12 inches from the building wall. The area of individual letters, figures, or signs shall be the area of the simple geometric form (rectangle, square, etc.), necessary to enclose the letters, figures, or signs.

Sign, Canopy: A building sign upon or attached to a canopy or covered structure projecting from and supported by a building when such canopy or covered structure extends beyond the building line or property line.

Sign, Changeable Copy: Any sign with copy that can be changed, rearranged, or altered manually whereby the sign face is not changed.

Sign, Electronic Message Board: A sign or portion of a sign, that has light emitting diodes (LED), or other similar computer controlled multiple lights, on which the copy changes automatically.

Sign, Freestanding: A ground sign that is mounted on free standing poles or other supports such that the bottom edge of the sign face is ten feet or more above grade.



Sign, Ground-mounted: Any sign that is supported by an upright, uprights, or braces in or upon the ground and independent of support from any building.



Sign, Home Occupation: A building sign displayed where there is a licensed home occupation.

Sign, Illuminated: Any sign illuminated by any light source including by not limited to electric bulbs, luminous tubes, fiber optics and LED (light emitting diodes), whether or not the light source is part of the sign proper.

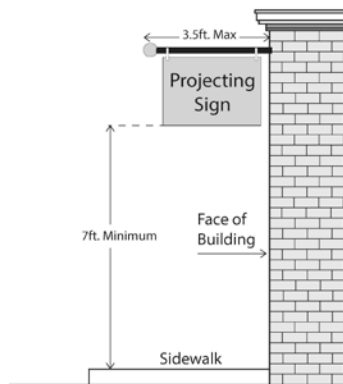
Sign, Illuminated Internally: Any sign illuminated by one or more light sources constituting an integral part of the sign proper.

Sign, Illuminated Externally: A sign illuminated by an external light source, including flood or spotlights, directed primarily toward such sign.

Sign, Nonconforming: A sign not in compliance with these regulations and that has not received a special permit pursuant to Article 4 or extension of time pursuant to Article 4.

Sign, Portable: Any sign, which is not permanently erected upon the ground or on the roof of any building or affixed to the wall of any building, whether on its own trailer, wheels, or otherwise, that is designed to be transported from one place to another.

Sign, Projecting: A sign that is affixed to any building wall or structure and projects perpendicularly more than 12 inches from the building wall.



Sign, Reader Board (Changeable Copy): Any sign with copy that can be changed, rearranged, or altered manually whereby the sign face is not changed.

Sign, Window: A sign applied to or mounted on the window panes or glass of any window or door.

Single Family Attached Dwelling Unit: See Dwelling Unit, Single Family Attached

Site: The location of a significant event, activity, building, structure, or archaeological resource.

Site Development Plan: A plan, to scale, showing uses and structures proposed for a parcel of land. It includes lot lines, streets, building sites, reserved open spaces, buildings, major landscape features; both natural and man-made; the locations of proposed utility lines; and, other pertinent information, per Article 7, Section 7.05.00 of this Code.

Site Plan Review: The process whereby local officials review the site plans and maps of a developer to assure that they meet the stated purposes and standards of land development regulations, provide for the necessary public facilities, and protect and preserve topographical features and adjacent properties through appropriate siting of structures and landscaping.

Shall: When the word “shall” is used, the action is mandatory; “may” is permissive.

Solid Waste: Sludge from a waste treatment works, water supply treatment plant, or air pollution control facility or garbage, rubbish, refuse, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

Solid Waste Facilities: Structures or systems designed for the collection, processing, or disposal of solid wastes, including hazardous wastes, and includes transfer stations, processing plants, recycling plants, and disposal systems.

Solid Waste Processing Plant: A facility for incineration, resource recovery, or recycling of solid waste prior to its final disposal.

Solid Waste Transfer Station: A facility for temporary collection of solid waste prior to transport to a processing plant or to final disposal.

Special Exception Use: A use which is essential to or would promote the public health, safety, or welfare in one or more districts, but which would impair the integrity and character of the district in which it is located, or in adjoining districts unless restrictions or conditions on location, size, extent and character of performance are imposed in addition to those imposed in this ordinance. No use shall be approved under this definition unless specifically listed as a special exception for a particular district in table in Article 2, Table 2.02.01(A), Table of Land Uses.

Special Needs Housing: Facilities that provide 24-hour care, services and housing in an institutional or residential setting for adults and/or children with conditions, disabilities or circumstances that qualify them for short or long-term housing and care. Such facilities include, but are not limited to: Adult Family-Care Home, Assisted Living Facility, Family Foster Home, Foster Care Facility, Group Home Facility, Hospice Residential Unit, Nursing Home Facility, and other similar facilities and homes; all of which are defined elsewhere in this Article.

Special Transportation Services: A means of transportation provided on a subsidized basis to transportation disadvantaged individuals by a public, private or non-profit organization, such as a bus company, a taxicab company, or a social service organization.

Stormwater: The flow of water that results from a rainfall event.

Stormwater Basin (formerly Drainage Basin): The area defined by topographic boundaries which contributes stormwater to a watershed, drainage system, estuarine waters, or oceanic water, including all areas artificially added to the basin.

Stormwater Detention Structure (formerly Drainage Detention Structure): A structure which collects and temporarily stores stormwater for the purpose of treatment through physical, chemical or biological processes with subsequent gradual release of the stormwater.

Stormwater Management Facilities: Manmade structures that are part of a stormwater management system designed to collect, convey, hold, divert, or discharge stormwater, and may include stormwater sewers, canals, detention facilities and retention facilities.

Stormwater Management Retention Structure (formerly Drainage Retention Structure): A structure designed to collect and prevent the release of a given volume of stormwater by complete on-site storage.

Street: A public access way 20 feet or more in width dedicated or otherwise having legal sanction for unlimited public use, includes the terms road, avenue, lane, boulevard, thoroughfare, highway, place, way, drive, and terrace.

Structure: Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. It includes a movable structure while it is located on land that can be used for housing, business, commercial, agricultural, or office purposes either temporarily or permanently. Structure also includes fences, billboards, swimming pools, poles, pipelines, transmission lines, tracks, and advertising signs. (380.031 F.S.)

Subdivision: The platting of real property into two or more lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land; and includes establishment of new streets and alleys, additions, and resubdivisions; and, when appropriate to the context, relates to the process of subdividing or to the lands or area subdivided.

Sufficiency Review: Department of Economic Opportunity (DEO) review of an adopted evaluation and appraisal report to determine whether it has been submitted in a timely fashion and whether it contains components in accordance with the prescribed criteria in Section 163.3191, F.S.

Surfaced in a Stable Manner: The term "surfaced in a stable manner" shall mean hard penetration type asphalt or concrete with proper drainage and precluding excessive glare in a manner approved by the administrative official; except that areas of parking facilities utilized for parking spaces, excluding moving aisles, access roads and off-street parking appurtenances may be surfaced with materials such as wood chips, gravel, wood bark, synthetic materials, open web concrete blocks and other means; provided, however, the grade preparation and subgrade has not more than four-tenths percent grade and base soil will provide percolation.

Swimming Pool, Single-Family/Duplex: Any swimming pool, spa, or spa-like structure, that are accessory to, and situated on the premises of a single-family or duplex dwelling that is intended for swimming or recreational bathing that contains water over twenty-four (24) inches deep. This includes, but is not limited to, in-ground, above-ground, and on-ground swimming pools, hot tubs, and spas.

Swimming Pool, Public: A watertight structure of concrete, masonry, or other approved materials which is located either indoors or outdoors, used for bathing or swimming by humans, and filled with a filtered and disinfected water supply, together with buildings, appurtenances, and equipment used in connection therewith. A public swimming pool shall mean a conventional pool, spa, spa-type pool, wading pool, special purpose pool, or water recreation attraction, to which admission may be gained with or without payment of a fee and includes, but is not limited to, pools operated by or serving camps, churches, cities, counties, day care centers, group homes facilities for eight (8) or more clients, health spas, institutions, parks, state agencies, schools, subdivisions, or the cooperative living-type projects, such as apartment, hotels, mobile home parks, motels, recreational vehicle parks, and townhouses. However, the term does not include a swimming pool located on the premises of a single-family or duplex dwelling. Any swimming pool not accessory to and not situated on the premises of a single-family or duplex dwelling for the purposes of this code shall be considered a public swimming pool.

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Tattooing: Inserting pigment under the surface of the skin of a human being, by pricking with a needle or otherwise, to produce an indelible mark or figure visible through the skin.

Tire and Automotive Accessory Establishments: An establishment engaged in the selling of automobile tires, batteries and other new automobile parts and accessories, including installation of the automotive accessories sold on the premises provided such activities are incidental and accessory to the principal selling of tires and automotive accessories.

Town House: A building or structure designed for and/or containing one (1) dwelling unit and or intended for occupancy by not more than one (1) family or household and attached to other similar buildings or structures by not more than two (2) party walls extending from

the foundation to the roof and providing two (2) direct means of access from the outside. For the purpose of this Code, a townhouse may include a building or structure in fee simple, condominium, cooperative or leasehold ownership or any combination thereof.

Transfer of Development Rights: A governmentally recognized right to use or develop land at a certain density, or intensity, or for a particular purpose, which is severed from the realty and placed on some other property.

Tree: For the purpose of obtaining a tree removal permit within the City Limits of Wauchula, a tree is defined as a woody, self-supporting plant having a diameter of six inches when measured 4.5 feet above ground level, and having a height of ten feet or more.

25-Year Frequency, 24-Hour Duration Storm Event: A storm event and associated rainfall during a continuous 24-hour period that may be expected to occur once every 25 years. Its associated floodplain is that land which may be expected to be flooded during the storm event.

Triplex: See Dwelling, Triplex

Truck and Motor Freight Terminals: An area and building where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation; furnishes services incidental to air, motor freight, and rail transportation.

Truck Stop: Any facility offering fuel for sale for commercial vehicles, trucks and automobiles and constructed and designed for the maneuverability and fueling of tractor trailer vehicles; has the capacity to fuel three (3) or more tractor trailer vehicles at the same time and parking facilities for three (3) or more vehicles. The facility may include provisions for one (1) or more of the following: (a) sleeping accommodations for commercial vehicle or truck crews; (b) sale of parts and accessories for commercial vehicles or trucks; (c) a restaurant; or (d) truck parking or storage area.

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Urban Sprawl: Urban development or uses which are located in predominantly rural areas, or rural areas interspersed with generally low-intensity or low-density urban uses, and which are characterized by one or more of the following conditions: (a) The premature or poorly planned conversion of rural land to other uses; (b) The creation of areas of urban development or uses which are not functionally related to land uses which predominate the adjacent area; or (c) The creation of areas of urban development or uses which fail to maximize the use of existing public facilities or the use of areas within which public services are currently provided. Urban sprawl is typically manifested in one or more of the following land use or development patterns: leapfrog or scattered development; ribbon or

strip commercial or other development; or large expanses of predominantly low-intensity, low-density, or single-use development.

Use: Use refers to the activities which take place on any land or premises and also refers to the structures located thereon and designed for those activities.

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Variance: A variance is an approved modification to the development standards established by this Code. A variance may only be granted for height, area, size of structure or size of yards and open spaces, or other dimensional requirements, and once granted runs with the land. See Article 7, Section 7.11.00.

Vegetative Communities: Ecological communities, such as coastal strands, oak hammocks, and cypress swamps, that are classified based on the presence of certain soils, vegetation and animals.

Vehicle Dealer Establishments: An establishment engaged in the selling of new and/or used vehicles and related new parts and accessories. Vehicle dealer establishments may include repair departments provide such repair departments are clearly incidental and accessory to the principal selling of vehicles.

Vehicle Equipment Rental Establishments: An establishment engaged in renting or leasing large equipment and machinery. See also Equipment, Sales and Rental.

Vehicle Parking Establishments: An establishment engaged in providing commercial parking facilities on open air lots surfaced in a stable manner and/or structures for a fee or charge. See Parking Lot, Commercial.

Vehicle Rental Establishments: An establishment engaged in renting or leasing of vehicles without drivers.

Vehicle Repair Establishments: An establishment in which a person practices a vocation or occupation that performs a type of labor, act or work, that results in the fixing and repair of any kind of vehicle, including automobiles, boats, farm equipment, motorcycles and trucks. Included are: activities listed under Major and Minor Vehicle Repair, as well as removal and major overhaul of engines; transmissions and drive systems; all types of paint and body work; battery and ignition systems; radiators; repair and replacement of glass; and, general and specialized repairs.

Vehicle Restoration/Antique or Classic (Private and "Not for Profit"): Restoring of classic vehicles (more than 20 years old) or antique vehicles (more than 25 years old) by a

private individual and "not for profit". All activities must take place under cover. Stored vehicles must be screened. Vehicles may not be stored in front of the principal structure and must be setback ten feet from side and rear property lines. An individual who is restoring a classic or antique vehicle, may have three inoperable vehicles as long as they are of the same make and model of the vehicle he is restoring.

Vehicle Service Establishments or Car Wash: An establishment engaged in furnishing vehicle washing, waxing, polishing, and/or similar services except repairs.

Vehicular Use Area: All areas used for circulation, parking, and/or display or any and all types of vehicles, boats, or construction equipment, whether self-propelled or not, and all land upon which vehicles traverse as a function of the principal use.

Very-low Income Family, Very-low Income Household: One or more natural persons or a family, not including students, the total annual adjusted gross household income of which does not exceed 50 percent of the median annual adjusted gross income for households within the metropolitan statistical areas (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater. For the City of Wauchula, the median income of Hardee County is used. (420.004, F.S.)

Vested Right: A right is vested when it has become absolute and fixed and cannot be defeated or denied by subsequent conditions or change in regulations, unless it is taken and paid for. There is no vested right to an existing zoning classification or to have zoning remain the same forever. However, once development has been started or has been completed, there is a right to maintain that particular use regardless of the classification given the property. In order for a nonconforming use to earn the right to continue when the zoning is changed, the right must have vested before the change. If the right to complete the development was not vested, it may not be built, no nonconforming use will be established, and the new regulations will have to be complied with.

Veterinary Animal Hospital: Any building or portion thereof designed or used for the veterinary care, surgical procedures, or treatment of animals, but not boarding of well animals.

Veterinary Clinic: A facility which provides for outpatient care of animals wholly within a soundproof, air-conditioned structure, with minimal overnight stays and hours of operation limited to traditional office/clinic hours. Such use shall not include outside kennels.

~W~

Warehouse: A building used solely for the purpose of storage or distribution of goods, wares, merchandise, or other articles.

Warehouse, Mini: A building or group of buildings that contain individual compartmentalized and controlled separate storage spaces leased or rented on an individual basis and accessible to the lessees through individual doors (also known as self storage facilities).

Wastewater Facilities (aka “Sanitary Sewer Facilities”): Structures or systems designed for the collection, transmission, treatment, or disposal of sewage and includes trunk mains, interceptors, treatment plants, and disposal systems.

Wastewater Lift Station (aka “Sewer Lift Stations” or “Pump Stations”): Used to help transport liquid wastewater from homes and businesses across the City to a treatment plant for processing and cleaning. Sewer pipes are generally gravity driven and wastewater flows slowly downhill until it reaches a certain low point. The "lift" stations then push the wastewater back uphill to a high point where gravity can once again take over the process thereby transporting the liquid to a treatment plant.

Water Detention Structure, Water Management Structure: A facility which provides for storage of stormwater runoff and the controlled release of such runoff during and after a storm.

Water Recharge Areas: Land or water areas through which groundwater is replenished.

Water Retention Structure: A facility which provides for storage of stormwater runoff.

Water Wells: Wells excavated, drilled, dug, or driven for the supply of industrial, agricultural, or potable water for general public consumption.

Wellhead Protection Area: An area designated by local government to provide land use protection for the groundwater source for a potable water wellfield, as defined in this code, including the surface and subsurface area surrounding the wellfield. Differing levels of protection may be established within the wellhead protection area commensurate with the capacity of the well and an evaluation of the risk to human health and the environment. Wellhead protection areas shall be delineated using professionally accepted methodologies based on the best available data and taking into account any zones or contribution described in existing data.

Wetlands: Those areas that are inundated or saturated by surface water or ground water at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological,

physiological, or reproductive adaptations, have the ability to grow, reproduce, or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps, and other similar areas.

Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto. The delineation of actual wetland boundaries may be made by any professionally accepted methodology consistent with the type of wetlands being delineated but shall be consistent with any unified statewide methodology for the delineation of the extent of wetlands ratified by the Legislature.

Wholesaling and Distribution: Establishments engaged in selling merchandise to retailers, and to industrial, commercial, institutional, farm, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Includes such establishments as: agents, merchandise or commodity brokers, and commission merchants, assemblers, buyers and associations engaged in the cooperative marketing of farm products, and merchant wholesalers.

Written or In Writing: The term “written” or “in writing” shall be construed to include any representation of words, letters, or figures, whether by printing or otherwise.

~Y~

Yard: The open space surrounding the principal building on any lot, unoccupied and unobstructed by any portion of that building except where specifically permitted by this ordinance. Yards are further defined as follows:

- a. **Front yard:** That portion of the yard extending the full width of the lot and measured between the front lot line and a parallel line tangent to the nearest part of the principal building, which line shall be designated as the front yard line.
- b. **Rear yard:** That portion of the yard extending the full width of the lot and measured between the rear lot line and parallel line tangent to the nearest part of the principal building.
- c. **Side yards:** Those portions of the yard extending from the front yard to the rear yard and measured between the side lot lines and parallel lines tangent to the principal building; provided, however, that overhanging eaves may extend two feet into the required side yard.

Year: The word “year” shall mean a calendar year, unless otherwise indicated.

~Z~

Zero Lot Line Development: A development approach in which a building is sited on one lot line with no yard while retaining the other required yards. The intent is to allow more flexibility in site design and to increase the amount of usable open space on the lot.

Zoning District: An area identified on the Zoning Map of the City of Wauchula, Florida, assigned a zoning classification as indicated on such map, consisting of one (1) of several zoning classifications as set forth and established in Article 2 of this Code. Reference to the word “district” or “zone” shall mean Zoning District.

Zoning Map: The official map, described within Section 8.05.00, upon which the delineations of the several zoning districts are shown for locations within the City of Wauchula.

Zoning Permit: A permit, required by appropriate authority under the provisions of this Code, which authorizes the excavation, construction or alteration of a structure and is required prior to such construction or alteration, except for recurring maintenance work regardless of cost or the installation of required improvements according to an approved preliminary subdivision plat or an approved preliminary development plat including planned-development projects and special exception uses.

ACRONYMS:

DEO	Department of Economic Opportunity
DRI	Development of Regional Impact
EAR	Evaluation and Appraisal Report
F.S.	Florida Statutes
FAA	The Federal Aviation Administration
FAC	Florida Administrative Code
FCC	The Federal Communications Commission
FDEP	The Florida Department of Environmental Protection
LDC	Land Development Code
LDR	Land Development Regulations
SWFWMD	Southwest Florida Water Management District