

Chapter 5

GREEN SWAMP AREA OF CRITICAL STATE CONCERN

CHAPTER 5 GREEN SWAMP AREA OF CRITICAL STATE CONCERN

Section 501 Purpose and Intent

All development within the Polk County portion of the Area of Critical State Concern shall occur in accordance with the regulations stated within this Code in addition to all other laws and policies within Florida Statutes, and the Polk County Comprehensive Plan. Where there is a conflict in policy or standard, the more stringent shall apply.

A. *Applicability*

The Green Swamp Area of Critical State Concern (ACSC) has been established in Florida Statutes and is again established as designated on the Polk County Land Use Map Series.

B. *Vested Projects*

Existing developments and projects granted Vesting Certificates from Polk County and approved by the Department of Community Affairs (DCA) shall be vested from all requirements of this Chapter and the Green Swamp sections of the Polk County Comprehensive Plan. Those developments and certificates shall be listed in Table 5.1. In addition to these projects, all lots of record are exempt from the residential densities established for the Green Swamp ACSC.

1. Residential density exemptions relate to density only and all other requirements of the Comprehensive Plan and this Code apply. However, waivers may be granted if the application of the dimensional regulations of this Code would result in inability to develop a single-family residence. Any waiver shall be consistent with prior settlement agreements and be applied on a case-by-case basis only to the particular lot which could not otherwise be developed with a typical single-family residence, and then only to the minimum extent necessary to provide a reasonable beneficial use of the lot.

Table 5.1 Vested Projects

GREEN SWAMP AREA OF CRITICAL STATE CONCERN				
RESIDENTIAL DEVELOPMENTS - POLK COUNTY				
Name	Total Lots	Roads		Protection Area
		Paved	Dirt	
Existing Developments (Developments with Final Development Order; Infrastructure approved and constructed)				
Buckhorn Run	24	X		Rural

Table 5.1 Vested Projects

GREEN SWAMP AREA OF CRITICAL STATE CONCERN				
RESIDENTIAL DEVELOPMENTS - POLK COUNTY				
Name	Total Lots	Roads		Protection Area
		Paved	Dirt	
Cedar Knoll	44	X		Polk City
Citrus Hill	52	X		Polk City
Clearwater Lake Estates	161	X		Polk City
Costine Meadows	49		X	Rural
Country Estates	26	X		Polk City
Country Haven	49		X	Rural
Country Meadows	26	X		Rural
Existing Developments				
(Developments with Final Development Order; Infrastructure approved and constructed)				
Country Trails, Phases I-V	447	X		Polk City/Rural
Country Trails Addition	5			Rural
Country Woods	29		X	Rural
Country World Village	21		X	Rural
Countryside	26	X		Polk City
Deer Trails	30	X		Polk City
Deer Trails North	58	X		Polk City
Double Diamond	40		X	Rural
Evans Acres	48		X	Rural
Evergreen Trails	35		X	Rural
Flanders Station	18	X		Rural
Forest Glen	8		X	Polk City
Gibson Oaks	45		X	Rural
Greenwood Estates	66	X		Polk City

Table 5.1 Vested Projects

GREEN SWAMP AREA OF CRITICAL STATE CONCERN RESIDENTIAL DEVELOPMENTS - POLK COUNTY				
Name	Total Lots	Roads		Protection Area
		Paved	Dirt	
Halmac Heights	28	X		Polk City
Hunters Run, Phase I	81	X		Polk City
Kent Acres	25	X		Polk City
KO Estates	25		X	Rural
Lake Agnes Shores	26	X		Polk City
Lake Gum Estates	33		X	Rural
Lake Mattie	10	X		Rural
Lexington Green	58	X		Polk City
Manors of Nottingham	54	X		Polk City
Martin Estates, Phases I-III	121	X		Polk City
Mt. Olive Estates	96	X		Polk City
Mt. Olive Heights	150	X		Polk City
Mt. Olive Heights, Unit 2	100	X		Polk City
North Forty	38	X		Polk City
Nottingham	84	X		Polk City
Oakland Heights	51	2	2	Polk City
Pine Glen	110	2	2	Rural
Pine Haven	6	X		Rural
Plantation Ridge	55	X		Polk City
Plantation Ridge West	49		X	Rural
Ponderosa Ranchettes	43		X	Rural
Ranchland Acres	49		X	Rural
Ranchland Acres Addition	91		X	Rural

Table 5.1 Vested Projects

GREEN SWAMP AREA OF CRITICAL STATE CONCERN RESIDENTIAL DEVELOPMENTS - POLK COUNTY				
Name	Total Lots	Roads		Protection Area
		Paved	Dirt	
Ridge Meadows	40	2	2	Rural
Robson Acres	50		X	Rural
Robson Acres (Unrecorded)	73		X	Rural
Rockridge Acres	33		X	Rural
Rockridge Farmettes, All Phases	101		X	Rural
Rockridge Ranchettes	51		X	Rural
Sugarbush	13		X	Rural
Sunny Acres	9		X	Rural
Timberidge, Phases I-V	293	X		Polk City
Van Fleet Acres	9		X	Rural
Woods # 1-5	242	X		Rural
Woods Ranchettes	49	2	2	Rural
Woods Ranching & Farming Tr.	201		X	Rural
Wood View	31		X	Rural
TOTAL	3886			
Vesting Certificate from County/Approved by DCA by Settlement Agreement, Developers Agreement or Other Written Approval from DCA				
Bay Lakes Resorts RV Park*	368		X	Rural
Buck Hill*	55	X		Rural
Country Trails, Phases VI & VII	202	X		Rural
Deer Trails North, Phases II*	64	X		Polk City
Double Diamond, Phases I-III	17		X	Rural
Gator Creek Campground, Phases I-III	142		X	Rural

Table 5.1 Vested Projects

GREEN SWAMP AREA OF CRITICAL STATE CONCERN RESIDENTIAL DEVELOPMENTS - POLK COUNTY				
Name	Total Lots	Roads		Protection Area
		Paved	Dirt	
Glenridge, Phases I-III		X		Polk City
Hunters Ridge*	49	X		Polk City
Hunters Run, Phases II & III	125	X		Polk City
Lake Littleton Estates*	110	X		Polk City
Lake Margaret Shores*	597	X		Polk City
LeLynn RV Resort	366	X		Rural
Lucky World*	48		X	Core
Manors of Nottingham Addition & Yorkshire*	160	X		Polk City
Mt. Olive Shores, Phases I-V	332	X		Polk City
Nottingham Trails*	59	X		Polk City
Paradise Country Estates*	166		X	Rural
Polo Park West, Phases I-III	725	X		Ridge
Saddlewood Est., Phase I	116	X		Rural
Scandinavia USA, Unit III	136	X		Polk City
Scandinavia, Excl. I & II	833	X		Polk City
Scandinavia/Lake Finlandia	157	X		Polk City
Sherwood Estates	75	X		Polk City
Sonora Heights	25	X		Rural
T & J Estates*	5		X	Rural

Table 5.1 Vested Projects

GREEN SWAMP AREA OF CRITICAL STATE CONCERN RESIDENTIAL DEVELOPMENTS - POLK COUNTY				
Name	Total Lots	Roads		Protection Area
		Paved	Dirt	
Turkey Creek*	57	X		Rural
Westridge, Phases I & II*	170	X		Ridge
Westwood	224	X		Ridge
Yearling Trace*	74	X		Rural
TOTAL	5556			
* Indicates those developments under Settlement/Developer's Agreement with DCA in addition to having Vesting certificate with County. All others have been reviewed by DCA but not appealed.				
** Came in after cutoff date for vesting certificates but has County and DCA approval.				
Vesting Certificate from County Not Reviewed by DCA				
Holly Cove MHP	188	X		Polk City
Plano Verde	41	X		Rural
Plano Verde North	12		X	Rural
Saddlewood Estates, Phases II-V	264	X		Rural
TOTAL	505			

C. *Green Swamp ACSC Impact Assessment Statement*

All development as defined in Section 380.04, F.S., with the exception of a single-family dwelling unit and accessory uses, shall submit a Green Swamp Impact Assessment Statement which addresses the following objectives:

1. Flood plain development requirements under Section 507D, where applicable.
2. Wetland development requirements under Section 507E, where applicable.
3. Minimize the adverse impacts of development on resources of the Floridian Aquifer, wetlands, and flood detention areas.

4. Protect or improve the normal quantity, quality and flow of ground water and surface water which are necessary for the protection of resources of state and regional concern.
5. Protect or improve the water available for the aquifer recharge.
6. Protect or improve the functions of the Green Swamp Potentiometric High of the Floridan Aquifer.
7. Protect or improve the normal supply of ground and surface water.
8. Prevent further salt water intrusion into the Floridan Aquifer.
9. Protect or improve existing ground and surface water quality.
10. Protect or improve the water retention capabilities of wetlands.
11. Protect or improve the biological filtering capabilities of wetlands.
12. Protect or improve the natural flow regime of drainage basins.
13. Protect or improve the design capacity of flood detention areas and the water management objectives of these areas through the maintenance of hydrologic characteristics of drainage basins.

D. *Land Use Districts*

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

E. *Use Table (Revised 09/02/09 – Ord. 09-056)*

The land uses in the Green Swamp ACSC are shown in Table 5.2. Land uses not shown are prohibited. Land uses in the Ridge Special Protection Area are identified within three different Selected Area Plans (SAP): the Ronald Reagan Parkway SAP (Table 4.3), the North US 27 SAP (Table 4.8), and the North Ridge SAP (Table 4.16). Please see Chapter 4 to view the respective SAP and associated Use Table.

F. *Land Use District Densities and Dimensional Requirements*

The densities and dimensional requirements for all land use districts located in the Green Swamp ACSC are provided in Table 5.3.

G. *Class III Utilities*

Class III utility facilities may be permitted within the Green Swamp ACSC only if the applicant demonstrates what alternative routes/sites outside of the Green Swamp ACSC were considered and why those routes/sites were not chosen.

H. *National Pollution Discharge and Elimination System*

Development located within the Business Park Center AX@, Regional Activity Center AX@ or within the Tourist Commercial Center X shall comply the following:

1. With the exception of the general construction activities, facilities engaged in industrial activities, as defined in the Federal Environmental Protection Agency's (EPA) National Pollution Discharge and Elimination System (NPDES) for Stormwater Associated with Industrial Activity (Chapter 40, CFR Part 122) shall not be permitted. Notwithstanding the uses indicated in Table 5.2, the following activities are prohibited:
 - a. Petroleum pipelines;
 - b. Wholesale chemical operations;
 - c. Petroleum related industries and fuel dealers (with the exception of gas stations which may be permitted);
 - d. Dry cleaning plants; and
 - e. Chemical research operations.
2. General construction activities may be permitted. Prior to the County issuing a development permit, all such activities, regardless of threshold exemptions, shall provide evidence that the criteria within the following permit requirements have been met: EPA's NPDES, water management district stormwater criteria for preventing erosion and sediment from being discharged offsite (Rule 17-25.025(7)), as well as the Pollution Source Control on Construction Sites requirements specified in Stormwater BMP 2.04 of the Florida Development Manual (DEP, 1988, Chapter 6).

I. *Golf Course Management Plan*

All golf courses developed in the Green Swamp ACSC shall prepare and submit, prior to development approval, a Golf Course Management Plan which contains:

1. An Integrated Pest Management Plan designed to prevent contamination of ground and surface waters from pesticides, herbicides, and fertilizers.

2. A water quality and quantity monitoring plan, with emphasis on impacts to groundwater, surface water and wetlands. The plan shall contain a list of the chemicals which will be applied; the name of the laboratory approved by the Florida Department of Environmental Protection which has a AQuality Approved Plan@ which will conduct and analyze the results, and a schedule of quarterly groundwater monitoring results.
3. Best Management Practices which as a minimum identify procedures to be followed for the construction, irrigation, operation and maintenance of the golf course.
4. Golf courses shall be equipped with computer operated irrigation systems using rain or soil moisture sensors to override the irrigation system in the event of significant rainfall.
5. Landscaping for golf courses shall be designed in accordance with xeriscape principles; and
6. Golf courses shall not be used to satisfy open space requirements.

J. *Irrigation and Landscaping*

All required landscaping shall be in accordance with the following standards:

1. Where possible, the use of stormwater runoff to irrigate landscaped areas.
2. Use xeriscaping whenever practical.
3. Preservation of existing trees and natural vegetation whenever practicable.
4. Where re-use water systems are available, all new development shall connect prior to any certificate of occupancy.
5. Comply with all hour and day limitations based upon water management district requirements.

K. *Special Protection Areas*

The Green Swamp ACSC is divided into three Special Protection Areas (SPA). These SPAs shall be designated and mapped on the Polk County Land Use Map Series. The three SPAs are: Ridge Area Special Protection Area (RIDGE-SPA), the Polk City/Urban Growth Special Protection Area (PC-SPA), and the Rural Special Protection Area (RURAL-SPA). Each SPA has area specific development standards that apply.

Section 502 Standards for Land Use Districts in the Green Swamp ACSC

A. *Prohibited Uses (Revised 09/02/09 – Ord. 09-056)*

The use of land or structures not expressly listed in the Use Table 5.2 as provided in Section 501.E, as permitted or conditional are prohibited.

B. *Other Regulations*

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

C. *Conditional Uses*

Uses listed as conditional may be established only after compliance with the specific conditions and procedures outlined in Chapter 3, Conditional Uses, and all applicable codes of Polk County and other governmental agencies.

C1 Conditional uses which are reviewed at the staff level through an existing permit procedure. The review process is outlined in Section 904, Level 1 Reviews.

C2 Conditional uses which are reviewed by the staff but involve multiple issues or departments. The review process is outlined in Section 905, Level 2 Reviews, and involves review of a site plan by the Development Review Committee.

C3 Conditional uses which are reviewed by the staff but involve multiple issues and potential off-site impacts. The review process is prescribed in Section 906, Level 3 Reviews, and includes a site plan submittal for review by the Development Review Committee (DRC) and a public hearing before the Planning Commission (PC).

C4 Conditional uses which involve multiple issues and potential significant off-site impacts. These uses are reviewed by the DRC and include public hearings before the Planning Commission and BOCC. The procedure for this review is prescribed in Section 907, Level 4 Reviews.

D. *Accessory and Temporary Uses*

Accessory and Temporary Uses are defined in Chapter 10 and regulated in Section 206 and 207 of this Code.

E. *Infill and Compatibility*

All uses are subject to Infill and Compatibility requirements outlined in Sections 219 and 220.

F. ***Non-Phosphate Mining***

For the purposes of the Green Swamp Area of Critical State Concern, non-phosphate mining shall only mean sand and limerock mining.

G. ***Resulting Non-conformity***

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

Table 5.2 Use Table for Green Swamp ACSC (For revision history, please see last row in table.)

	Polk City Special Protection Area													Rural Special Protection Area								
	CEX	LCCX ₁	L/RX	RL-1X	RL-2X	RL-3X	RSX	ROSX	INST-1X	INST-2X	BPC-1X	BPC-2X	CCX	OCX	INST-1X	INST-2X	PRESVX	L/RX	A/RRX	CORE	CEX	RSX
Residential Uses																						
Duplex/Two- Family Attached						C3	C3															C3
Family Farm/Family Homestead							C1												C1			C1
Fly-in Community																			C3			C3
Group Home, Small (6 or less residents)				C1	C1	C1	C1												C1			C1
Group Home, Large (7-14 residents)							C3		C1	C1					C1	C1			C3			C3
Group Living Facility (15 or more residents)				C3	C3	C3	C3		C2	C2					C2	C2						C3
Farm Worker Housing																			C3			
Mobile Home Park & Subdivision				C3	C3		C3															C4
Mobile Homes, Individual				C1	C1	C1	C1												C1	C1		C1
Multi-Family						C3																
Recreation Active			C2	C3	C3	C3	C3	C2	C2	C2					C3	C2		C2	C3			C3
Residential Infill Development				C2	C2	C2	C2															
Short -Term Rental Units			P	C3	C3	C3												P				
Single-Family Detached Home				P	P	P	P												P	P		P
Suburban Planned Development (SPD)							C3															C3
Mixed-Uses																						
Planned Development	C3	C3	C3	C3	C3	C3	C3	C3			C3	C3	C3	C3			C3	C3	C3	C3	C3	C3
Residentially Based Mixed Development (RBMD)				C3	C3	C3																
All Other Uses																						
Adult Day Care Center (7 or more clients)				C3	C3	C3	C3		C2	C2					C2	C2						C3

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	Polk City Special Protection Area													Rural Special Protection Area								
	CEX	LCCX ₁	L/RX	RL-1X	RL-2X	RL-3X	RSX	ROSOX	INST-1X	INST-2X	BPC-1X	BPC-2X	CCX	OCX	INST-1X	INST-2X	PRESVX	L/RX	A/RRX	CORE	CEX	RSX
Agricultural Support, On-site	P		P	P	P	P	P	P	P		P	P	P		P			P	P	P	P	P
Agricultural Support, Off-site		C2					C3												C3	C3		C3
Agriculture, Intensive							C3												C2			C3
Alcohol Package Sales	C1	C1	C1								C1	C1	C1					C1			C1	
Animal Grazing	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P		P	P	P	P	P
Bars, Lounges, and Taverns	C3	C3	C1								C1	C1						C1			C3	
Bed & Breakfast				C3	C3	C3	C3											C3	C3			C3
Breeding Facility, Wild or Exotic																			C4	C4		
Cemetery									C2	C2									C3			C3
Childcare Center	C2	C2		C3	C3	C3			P	P			P	C3					C3		C2	
Clinics & Medical Offices	C3	P							C2	C2			P	P							C3	
Communication Towers, Guyed & Lattice								C3	C2	C2	C3	C2			C2	C2			C2	C2		
Communication Towers, Monopole		C3	C3					C3	C2	C2	C2	C2			C2	C2	C3	C3	C2	C2		
Community Center	C2	C2	C2	C3	C3	C3	C3	C2	C2	C2	C2	C2	C2	C2	C2	C2		C2	C3		C2	C3
Convenience Stores, Isolated							C3												C3			C3
Correctional Facility										C4						C4			C4			
Cultural Facility	C2	C2	C2	C3	C3	C3	C3	C2	C2	C2	C2	C2	C2	C2	C2	C2		C2	C3		C2	C3
Emergency Shelter, Small (6 or less residents)				C1	C1	C1	C1												C1			C1
Emergency Shelter, Medium (7-14 residents)							C3		C1	C1					C1	C1			C3			C3
Emergency Shelter, Large (15 or more residents)				C3	C3	C3	C3		C2	C2					C2	C2						C3
Equipment Repair, Major												C2										
Farming, General	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P		P	P	P	P	P
		C2																				

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	Polk City Special Protection Area													Rural Special Protection Area									
	CEX	LCCX ₁	L/RX	RL-1X	RL-2X	RL-3X	RSX	ROSX	INST-1X	INST-2X	BPC-1X	BPC-2X	CCX	OCX	INST-1X	INST-2X	PRESVX	L/RX	A/RRX	CORE	CEX	RSX	
Financial Institution	C2										C2	C2	P	C2								C2	
Financial Institution, Drive-Thru	C2	C2									C2	C2	C2	C3								C2	
Forestry Specialized Operations																				C2	C2		
Funeral Home & Related	C3	C2											P									C3	
Gas Stations	C2	C2									C2	C2	C2									C2	
Golf Course			C1	C1	C1	C1	C1	C1										C1					
Governmental Facilities	P	P	C3	C3	C3	C3	C3	C3	P	P	P	P	P	C3	C3	C3		C3	C3	C3	P	C3	
Heliports									C2	C2	C2	C2			C3	C3				C2			
Helistops	C3	C2	C3	C3	C3	C3	C3	C3	C2	C2	C2	C2	C2	C3	C3	C3		C3	C2			C3	C3
Hospitals									C3	C2				C3									
Hotels and Motels	C3										C2	C2										C3	
Kennels, Boarding	C3	C3																		C3		C3	
Kennels, Breeding							C3													C3			C3
Lime Stabilization Facility	C3								C3	C3	C3	C3			C3	C3				C3			C3
Livestock Sale/Auction																					C3		
Lodges and Retreats, Private			P						P	P								P	C3				
Manufacturing, Light											C2	P											
Marina & Related Facilities	C1	C1	C1										C1					C1	C3			C1	
Medical Marijuana Dispensaries	C2	C2	C2								C2	C2	C2	C3				C2				C2	
Mining, Non-phosphate	C3		C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3				C3	C3	C3	C3	C3	C3
Motor Freight Operations	C3											P										C3	
Nightclubs and Dance Halls		C3	C3								C1	C1						C3				C3	
Nurseries, Retail	C2	P											P									C2	
Nurseries & Greenhouses	C2	P					C3						P						P			C2	C3
Nursing Homes	C2	C2							C2	C2					C2	C2						C2	

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	CEX	LCCX ₁	L/RX	RL-1X	RL-2X	RL-3X	RSX	ROSX	INST-1X	INST-2-X	BPC-1X	BPC-2X	CCX	OCX	INST-1X	INST-2X	PRESVX	L/RX	A/RRX	CORE	CEX	RSX	
Offices	C2	P							C2	C2	P	P	P	P								C2	
Personal Service	C1	C2									P	P	P	C2								C1	
Printing & Publishing		P									C2	C2		C3									
Recreation, High Intensity			C3	C3	C3	C3	C3	C2	C2	C2								C3					
Recreation Passive	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1
Recreation, Low Intensity	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2					C3	C3	C3	C2	C3	C3		C2	
Recreation & Amusement, General	C3	C2	P										P	C3				P				C3	
Recreation & Amusement – Intensive									C3	C3													
Recreational Vehicle Park			C2															C2					
Religious Institutions	C2	C2	C2	C3	C3	C3	C3	C2	C2	C2	C2	C2	C2	C2	C2	C2		C2	C3		C2	C3	
Institutional Campgrounds			P				C3	C3										P	C3	C3		C3	
Research & Development									C2	C2	P	P		C2	C2	C2							
Residential Treatment facility									C4	C4										C4			
Restaurant, Drive-through	C2	C2									C2	C2	C2									C2	
Restaurant, Sit-down & Take-out	C2	C2	C2								C2	C2	C2					C2				C2	
Retail, Less than 5,000 square feet	P	P	C2								C2	C2	P	C3				C2				P	
Retail, 5,000 - 49,999 square feet	C2	C2											C3										
Retail, Outdoor Sales/Display	C3	C2										P										C3	
Riding Academies							C1	C1										C1	C1				C1

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	Polk City Special Protection Area													Rural Special Protection Area								
	CEX	LCCX ₁	L/RX	RL-1X	RL-2X	RL-3X	RSX	ROSX	INST-1X	INST-2X	BPC-1X	BPC-2X	CCX	OCX	INST-1X	INST-2X	PRESVX	L/RX	A/RRX	CORE	CEX	RSX
School, Leisure/Special Interest	C2	C2	C3					P	P	P	C2	C2	C2	C3				C3			C2	
School, Technical/Vocational/Trade/Training	C3	C3	C2						C3	P	C2	C2	C3	C2				C2			C3	
Self-storage facility	C2	C2									C2	C2									C2	
Solar Electric-Power Generation Facility							C3		C2	C2	C2	C2			C2	C2			C3			C3
Stable/Riding Academy			P					P														
Studio, Artisan	P	P										P	P					C3			P	
Studio, Production	P	P							P	P	P	P		P	P	P					P	
Transit, Commercial	C3	C3									C3	P										
Transit Facility	P	P							P	P	P	P		P	P						P	
Utilities, Class I	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C2	P	P	P	P	P
Utilities, Class II	C1	P	C1	C1	C1	C1	C1	C1	P	P	C1	C1	C1	C1	P	P	C2	C1	C1	C1	C2	C1
Utilities, Class III	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3		C3	C3	C3	C3	C3
Vehicle Repair, Auto body	C3	C3										P									C3	
Vehicle Service, Mechanical	C3	C2										P	P								C3	
Vehicle, Sales and Leasing	C2	C2																			C2	
Veterinary Services	C1	P											C1					C3			C1	
Warehousing/Distribution											P	P										

Rev. 7/11/17 – Ord. 17-036; 4/19/16 – Ord. 16-023; 11/4/14 – Ord. 14-066; 12/6/11 – Ord. 11-033; 12/06/11 – Ord. 11-032; 8/19/10 – Ord. 10-058; 2/3/10 – Ord. 10-007; 11/23/09 – Ord. 09-066; 12/01/09 – Ord. 09-073; 07/22/09 – Ord. 09-047; 02/16/05 - Ord. 05-05; Rev. 01/03/05 - Ord. 04-80; Rev. 12/08/03 - Ord. 03-67; Rev. 03/19/03 - Ord. 03-23; Rev. 10/23/02 - Ord. 02-68; Rev. 5/15/02 - Ord. 02-22; Rev. 2/11/02 - Ord. 02-04 - Ord. 02-06; Rev. 12/28/01 - Ord. 01-92; Rev. 7/25/01 - Ord. 01-57)

Footnotes for Table 5.2

1. Comprehensive Plan Amendments to change a parcel's Future Land Use District to Linear Commercial Corridor within the Polk City Special Protection Area are prohibited by Policy 2.132-C3 of the Polk County Comprehensive Plan. Only parcels with the existing LCCX Future Land Use District are allowed within the Polk City Special Protection Area.

Table 5.3. Density and Dimensional Regulations for Green Swamp Area of Critical State Concern
(Rev. 2/11/02 - Ord. 02-06)

	CORE	A/RRX uplands	A/RRX wetlands	RSX	RLX-1	RLX-2	RLX-3	RLX-4
Maximum Residential Gross Density ^{1,2}	1 du/20 ac	1 du/10 ac	1 du/20 ac	1 du/5 ac	8 du/ac	8 du/ac	8 du/ac	8du/ac
Minimum Residential Gross Density ^{1,2}	none	none	none	none	none	none	none	none
Minimum Residential Lot Area ³	20 ac	10 ac	20 ac	5 ac	40,000 sf	15,000 sf	10,000 sf	6,000 sf
Maximum Non-residential Impervious Surface Ratio (ISR) ⁴	0.50	0.50	0.50	0.60	0.65	0.65	0.70	0.70
Maximum Non-residential Floor Area Ratio (FAR) ⁵	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25

Table 5.3. Density and Dimensional Regulations for Green Swamp Area of Critical State Concern
(Rev. 09/02/09 – Ord. 09-056; 2/11/02 - Ord. 02-06)

	RMX	RHX	TCC X	LCCX	RACX	CEX	CCX	OC
Maximum Residential Gross Density ^{1,2}	15 du/ac	20 du/ac ^{14, 15}	none	none	25 du/ac	none	NA	N/A
Minimum Residential Gross Density ^{1,2}	none	none	none	none	15 du/ac	none	none	N/A
Minimum Residential Lot Area ³	6,000 sf	5,000 sf	none	none	none	none	none	none
Maximum Non-residential Impervious Surface Ratio (ISR) ⁴	0.70	0.60	0.70	0.70	0.70	0.70	0.70	0.700.
UGA/UDA			0.60	0.60				
SDA			0.50	0.50				
RDA								60

Table 5.3. Density and Dimensional Regulations for Green Swamp Area of Critical State Concern (For revision history, see last row in table below footnotes.)

	TCX	L/RX	BPCX-1	BPCX-2	INSTX	ROSX	PRESVX
Maximum Residential Gross Density ^{1,2}	10 du/ac	10 du/ac	none	none	none	none	none
Max Non-residential Impervious Surface Ratio (ISR)	0.70	0.70	0.70	0.70	0.70	0.20	
SDA	0.60	0.60	0.60	0.60	0.60	0.15	
RDA		0.50	0.55	0.55	0.50	1.10	0.01

Table 5.3. Density and Dimensional Regulations for Green Swamp Area of Critical State Concern (For revision history, see last row in table below footnotes.)

Minimum Residential Gross Density ^{1,2}	5.01du/ac	none	none	none	none	none	none
Minimum Residential Lot Area ³	4,000 sf	none	none	none	none	none	none
Footnotes for Table 5.3							
<ol style="list-style-type: none"> 1. Residential density is the average number of dwelling units per acre of land. Gross density is calculated by dividing the total number of dwelling units on a site by the gross site area, exclusive of existing water bodies (Note: The term "water bodies" does not include man-made wet retention/detention areas, lakes, or ponds that are to be created as part of a proposed development). The area for computing gross density shall include all public and institutional land areas (e.g. internal streets, sewer plants, schools, or parks) located within a site, as well as one half of the right-of-way area for perimeter local streets, and one fourth of the right-of-way area for perimeter local street intersections (measured from the right-of-way when the right-of-way meets County standards. If the right-of-way does not meet County standards, then the area shall be measured from the centerline of the roadway). 2. Higher or lower densities may be achieved through a Planned Development. See Chapter 3. 3. Lot areas are given on a per unit basis for single-family and duplex units. Smaller lot areas may be achieved through a Planned Development. See Section 503. 4. The Impervious Surface Ratio (ISR) is the relationship between the total amount of impervious surface which is present on a site and the total site area. Impervious surfaces are those which do not absorb water. They include buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete or asphalt. The ISR is calculated by dividing the total area of all impervious surfaces on a site by the gross site area, excluding existing water bodies (Note: The term "water bodies" does not include man-made wet retention/detention areas, lakes, or ponds that are to be created as part of a proposed development). 5. The floor area ratio (FAR) is the relationship between the total floor area on a site and the total site area. The FAR is calculated by adding together all floor areas of all floors and dividing this total by the gross site area, exclusive of existing water bodies (Note: The term "water bodies" does not include man-made wet retention/detention areas, lakes, or ponds that are to be created as part of a proposed development). 6. Front, exterior side, and exterior rear setbacks for principal and accessory structures shall be determined by the distance from the road right-of-way (R/W) or road centerline (C/L), whichever results in the greatest distance from the property line. Setbacks from private roads shall be calculated in the same manner or from the edge of pavement, whichever is greater. All linear dimensions are given in feet. 7. All development is subject to Section 507C - Setbacks from lakes and surface waters. 8. All development is subject to Section 220 - Compatibility. 9. All development is subject to Section 219 - Infill Requirements. 10. Chimneys, smoke stacks, communication towers, and Religious Institution symbols, including but not limited to: minarets, prayer towers, steeples, crosses, menorahs, Star of David, and bell towers are exempt from the structure height limitations. 11. All structures are subject to compliance with the Polk County Joint Airport Regulations. 12. There are no minimum setback requirements from railroad rights-of-way in the BPCX districts. Structures in all other categories shall use the applicable setback. 13. All structures shall comply with Section 214 - Distance between Buildings. 14. The maximum density for RHX shall be 20 dwelling units per acre unless the RHX is adjacent to a RACX or TCX, in which case the minimum density shall be 15 dwelling units per acre with a maximum density of 25 units per acre. 15. Location of residential units above non-residential uses in the RHX shall be encouraged by not considering such units, up to a maximum of 150 units, against the maximum residential percentages and densities. 							
Revised 09 – Ord. 09-056; 05/06/09 - Ord. 09-020; 01/03/05 - Ord. 04-80; 12/02/04 - Ord. 04-80; 1/30/03 - Ord. 03-15; 7/29/02 - Ord. 02-52; 2/11/02 - Ord. 02-06)							

Section 503 Planned Development in the Green Swamp ACSC

A. *Planned Development (Rev. 4/4/02 - Ord. 02-18; Rev. 2/11/02 - Ord. 02-06)*

All planned development within the Green Swamp ACSC shall meet the following standards:

1. Use of innovative design techniques and additional open space.
2. Conservation of natural resources.
3. Utilization of land economically and efficiently.
4. Efficient use of existing and programmed public services and facilities.
5. Creation of attractive and functional development that is compatible with surrounding uses and utilizes wetlands and flood plain areas as the required open space.
6. All planned development within the Ridge SPA and US 27 SAP shall be using the density bonus point schedule in Chapter 4, Section 401 to achieve higher or lower densities and intensities.
7. All planned development within the Ridge SPA and the North Ridge SAP shall be using the density bonus point schedule in Chapter 4, Section 401 to achieve higher or lower densities and intensities.

B. *Density Bonuses (Rev. 2/11/02 Ord. 02-06)*

All planned development within the Ridge SPA and US 27 SAP shall be using the density bonus point schedule in Chapter 4, Section 401 to achieve higher or lower densities and intensities.

All planned development within the Ridge SPA and the North Ridge SAP shall be using the density bonus point schedule in Chapter 4, Section 401 to achieve higher or lower densities and intensities.

Chapter 4 provides the residential density bonuses available for residential and mixed-use Planned Development¹ projects located in the N US 27 SAP and North Ridge SAP of the Green Swamp ACSC. These densities indicate the maximum density allowed and will be approved according to the quality of design and the ability of the applicant to demonstrate compatibility with surrounding uses and all other applicable Sections of this Code.

¹In residential mixed-use developments commercial uses are permitted up to a total of 19,999 square feet.

C. ***Performance Standards for Residential PD's Located in the Green Swamp ACSC***

Applicable performance standards for Residential Planned Developments are set forth in Section 303.

D. ***Performance Standards for Mixed-Use Planned Developments Located in the Green Swamp ACSC (Revised 08/18/10 – Ord. 10-059; 09/02/09 – Ord. 09-056)***

Applicable performance standards for Planned Developments are set forth in 303. Additionally, the following standards apply:

1. If the non-residential uses are intended to serve other customers than contained in the residential portion of the development, the applicant must demonstrate that the proposed non-residential uses meets a spacing of one mile from any other non-residential activity center.
2. Non-residential uses in the RL-1X, RL-2X, RL-3X RL-4X and RMX land use districts shall be limited to the uses and dimensions listed:
 - a. Personal Services.
 - b. General retail such as bakeries, hardware stores and convenience stores, excluding gasoline services.
 - c. Offices and financial institutions, excluding drive-through windows.
 - d. Government and civic uses.
 - e. The maximum non-residential structures shall not exceed 19,999 square feet when developed as a residentially based mixed-use development as provided in Section 303.
3. Development of RHX parcels shall be subject to the following restrictions:
 - a. Commercial development shall be prohibited unless permitted in conjunction with a Residentially-Based, Mixed-Use Development or a Residentially-Based Mixed-Use Structure. If a Residentially-Based, Mixed-Use Development or Residentially-Based, Mixed Use Structure is approved, then commercial restrictions shall be as set forth in the Ridge-SPA and the North US 27 SAP.
 - b. Consistent with the objectives and goal of making shorter the average daily trip lengths, and the goal of providing affordable housing in close proximity to places of employment and major transportation corridors, residential development within the RH parcel shall be allowed a maximum of 20 du/ac, providing the development meets the terms and conditions of the CARMP and Comprehensive Plan.

E. ***Procedures for Planned Development Located within the Green Swamp ACSC***

Procedures for Planned Developments are set forth in Section 303.

F. ***Minor Modifications to Planned Development Located in the Green Swamp ACSC***

Procedures for Planned Developments are set forth in Section 303. In addition to the requirements of Section 303, all non-phosphate mine plan amendments shall be reviewed pursuant to Section 303U-10.

Section 504 Ridge Special Protection Area (Ridge-SPA)

A. ***Connection to Public Facilities***

All development within the Ridge-SPA shall be connected to central water and sewer.

B. ***Residential Densities (Rev. 09/02/09 – Ord. 09-056; 4/4/02 - Ord. 02-17; Rev. 2/11/02 Ord. 02-06)***

Residential densities shall be in compliance with the following:

1. Residential development shall not exceed a gross density of four dwelling units per acre in the RL-1X, RL-2X, RL-3X, RL-4X land use districts, unless developed in compliance with Section 401.
2. Residential development shall not exceed a gross density of six dwelling units per acre in the RM land use district, unless developed in compliance with Section 401.
3. Residential development shall not exceed a gross density of 20 dwelling units per acre in the RHX land use district, unless specified otherwise in Table 5.3

C. ***Open Space (Rev. 2/11/02 Ord. 02-06)***

Development in the RIDGE-SPA shall comply with Section 750 and the following open space and impervious surface ratio (ISR) standards, whichever are more restrictive:

1. All residential development up to or equal to four dwelling units per acre must provide a minimum open space set aside of no less than 30 percent of total land area. Residential development greater than four dwelling units per acre must provide a minimum open space set aside of no less than 40 percent of total land area.
2. Single-family detached lots shall not exceed an impervious surface ratio of 50 percent unless 50 percent is accounted for in a planned development.
3. Non-residential development within Planned Development projects shall not exceed an impervious surface ratio of 60 percent.

4. Development within the TCX, BPCX, TCCX, RACX, CACX, INDX, NACX, PIX, L/RX, and INSTX land use districts shall not exceed an impervious surface ratio of 70 percent.
5. Open space may be used for passive and active recreation areas, environmental preservation, and drainage areas (if approved by the County as usable recreation areas).
6. The following shall not be considered as open space:
 - a. Roads and road rights-of-way.
 - b. Natural water bodies.
 - c. Impervious parking areas.
 - d. Fenced storm water management facilities.
7. Open space areas can be designated on the subdivision plat. In such cases, the applicant shall be required to indicate the entity or entities responsible for the perpetual maintenance of the open space areas. The open space areas shall be protected by covenants, running with the land, conveyances, or dedications.
8. Where an applicant proposes to phase a Planned Development, a phasing plan for open space shall be provided.
9. In cases where a parcel has been subdivided and sold after December 1, 1992, each sub-parcel of the original parent parcel would have to meet the same open space requirement percentage as required by the entire area of the parent parcel.
10. Where a phased development is proposed, a phasing schedule for open space shall be provided consistent with the amount of land to be developed in each phase.

D. *Future development standards may apply in Chapter 4 for the specific selected area plans.*
(Rev. 2/11/02 - Ord. 02-06)

Section 505 Polk City/Urban Growth Special Protection Area (PC-SPA)

A. *Connection to Public Facilities*

All development within the Polk City SPA meeting the definition of availability as provided in Section 702 shall be connected to central water and sewer.

B. *Use of On-Site Sewerage Treatment and Disposal Systems (OSTDS) (Septic Tanks)*

The use of septic tanks shall only be permitted within the SDA. If septic tanks are used, the maximum net density shall be one dwelling unit per 40,000 square feet.

C. ***Residential Densities***

Residential development shall comply with the densities provided in Table 5.3.

D. ***Bonus Densities***

Residential development shall not exceed a gross density of one dwelling unit per five acres in the RS land use districts, unless developed in compliance with Section 502. Densities may be increased up to three units per acre subject to the bonus points in Table 3.3 and following the density schedule in Table 5.6.

Table 5.6 Density Bonus Awards for Polk City SPA

Points	Density Permitted du/ac	Points	Density Permitted du/ac
5	0.4	13	2
7	1	14	2.2
8	1.2	15	2.4
9	1.4	16	2.5
10	1.5	17	2.7
11	1.6	18	2.8
12	1.8	20	3

E. ***Open Space***

Residential development shall provide an open space set aside of at least 30 percent of the total land area of the development or as provided in Section 750, whichever results in the greater amount. The open space shall be located in a large common area or areas and in buffers and shall not be located within individual platted lots.

F. ***Impervious Surface Ratio (ISR) Standards***

Development shall comply with the following Impervious Surface Ratio (ISR) standards:

1. Detached single-family lots shall not exceed an impervious surface ratio of 50 percent.
2. Non-residential development shall not exceed an impervious surface ratio of 60 percent.
3. Development within the BPCX districts shall not exceed an impervious surface ratio of 70 percent.

Section 506 Rural Special Protection Area (RURAL-SPA) (Rev. 12/08/04 - Ord. 03-68)

A. *Connection to Public Facilities*

All development within the Rural-SPA, except in the CORE, meeting the definition of availability as provided in Section 702 shall be connected to central water and sewer.

B. *Use of On-Site Sewerage Treatment and Disposal Systems (OSTDS) (Septic Tanks)*

Where septic tanks are used, the maximum net density shall be one dwelling unit per 40,000 square feet.

C. *Residential Densities*

Residential development shall not exceed a gross density of one dwelling unit per ten acres.

D. *Conservation Area*

All development located within the A/RR land use district of the Rural-SPA shall provide a conservation area set aside of at least 80 percent of the total land area of the development. This requirement shall be accomplished in accordance with the following.

1. The conservation (open space) shall be located in a large common area or areas and in buffers and shall not be located within individual platted lots,
2. For this requirement, non-phosphate mining is not deemed to be development,
3. Any subdivision of land requiring a plat shall indicate on the plat document that portion of the land which is to be conserved; and,
4. Any Plat shall clearly state that no clearing and no structures of any kind, except for family agriculture purposes, are to be placed within the conservation area.

E. *Modified Districts*

Rural Mixed-Use Developments and Rural Residential Developments are prohibited.

F. *Conservation Core (Core) Land Use District*

1. *Connection to Public Facilities*

Extension of central sewer in the CORE is prohibited.

2. ***Use of On-Site Sewerage Treatment and Disposal Systems (OSTDS) (Septic Tanks)***

Where septic tanks are used, the maximum net density shall be one dwelling unit per 40,000 square feet.

3. ***Residential Densities***

Residential development shall not exceed one dwelling unit per 20 acres.

4. ***Conservation Area***

All development shall provide a conservation area set aside of at least 90 percent of the total land area. For this requirement, non-phosphate mining is not deemed to be development.

5. ***Modified Districts***

Rural Mixed-Use Developments and Rural Residential Developments are prohibited.

6. ***Overlay Districts***

In addition to the other overlay districts a Sand Mining Overlay shall be designated and located on the Future Land Use maps of Polk County, based upon the Official Settlement Agreement between the Department of Community Affairs (DCA) and Jahna Industries.

- a. Once granted and maintained by Jahna Industries, A Life-of-the-Mine Permit or equivalent permit from the Department of Environmental Regulation, shall trigger an amendment to the FLUM indicating the new overlay district.
- b. The overlay district shall allow sand mining and ancillary uses as per the Official Settlement Agreement between DCA and Jahna Industries.
- c. Nothing in these regulations regarding this overlay district shall be construed to allow, other than sand mining and ancillary uses, or expand the right to development within this district, nor weaken the controls and conditions of the Official Settlement Agreement or the Polk County Comprehensive Plan.

G. ***Additional Density and Dimensional Regulations***

In addition to the densities and dimensions found in Table 5.3, development within the Rural-SPA shall conform to the regulations listed:

1. The following residential densities shall apply within the A/RRX:
 - a. Uplands: one dwelling unit per ten acres (1 DU/10 AC).

- b. Wetlands: one dwelling unit per twenty acres (1 DU/20 AC).
2. Wetland density shall be transferred to the uplands and shall not be platted into individual lots. Wetland shall be placed in an open space easement in perpetuity and dedicated to a homeowners association or other not for profit entity. Wetlands shall remain in their native unaltered state.

H. *Golf Courses*

Golf courses are expressly prohibited in the Conservation-Core.

I. *Lots of Record*

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

Section 507 Resource Protection

A. *Green Swamp ACSC Resource Protection Regulations*

This Section provides additional requirements in order to regulate development intensity within the Green Swamp ACSC where environmentally sensitive lands may be subject to adverse impacts of development, or where a specific natural or man-made feature or structure. These regulations are in addition to those in Chapter 6. Where there is a conflict, the most stringent shall apply.

B. *Stormwater Management*

In order to maintain surface water quality and quantity and reduce nutrient loading within the Green Swamp ACSC, the following provisions apply:

1. Post development peak rate of discharge shall not exceed the pre-development peak rate of discharge for the 25 year/24 hour storm event.
2. A stormwater management system may not cause a net reduction in flood storage within the 100 year flood plain.
3. Systems shall be designed to retain and infiltrate the total run-off generated by a 25 year frequency, 24 hour duration storm event. This volume shall be recovered within 14 days.
4. Stormwater management facilities shall be designed to accommodate maintenance equipment access and shall facilitate regular operational maintenance such as under drain replacement, unclogging filters, sediment removal, mowing and vegetation control. Prior to platting, the applicant shall ensure that a designated responsible

entity, approved by the County for the maintenance of the stormwater management system has been established and is listed on the plat.

5. Monitoring and operational maintenance requirements include:
 - a. Inspection reports will be submitted one year after construction and every year thereafter to the relevant water management district.
 - b. A registered professional engineer must sign and seal the report certifying the stormwater management system is operational as designed.
 - c. The County shall require that the following activities shall occur on a regular basis:
 - i. Removal of trash and debris;
 - ii. Inspection of inlets and outlets;
 - iii. Removal of accumulated sediments and decaying organic matter from pond bottom and sediment sumps;
 - iv. Stabilization and restoration of eroded areas;
 - v. Mowing and removal of grass clipping; and
 - vi. Aeration, tilling, or replacement of topsoil as needed to restore percolation capacity. If the topsoil is tilled or replaced, vegetation must be established on the disturbed surface.
 - d. These provisions are enforceable by the Codes Enforcement Division and Code Enforcement Board.
6. Pollution abatement requirements shall be the first one inch (or 2.5 inches times the impervious area) of runoff for the developed site, or as per the regulations of Southwest Florida Water Management District (SWFWMD) or St. Johns River Water Management District (SJRWMD), with this volume being recovered within 72 hours.
7. Runoff shall be discharged from impervious surfaces through retention areas, detention devices, filtering and cleansing devices, or selected Florida Department of Environmental Protection (DEP) Best Management Practices (BMP) for projects which include substantial paved areas. Removal of oil, grease, and sediment from stormwater discharges shall be provided for all projects which include substantial impervious areas.
8. Prior to issuing a construction permit, all required federal, state, and water management district stormwater permits shall have been obtained.

9. Infiltration Standard: Projects or portions of projects in Most Effective Recharge Areas must retain three inches of runoff from directly connected impervious areas within the project. Applicants may instead demonstrate that the post development recharge will be equal to or greater than the pre-development recharge. Most Effective Recharge Areas are those areas with soils classified by the Natural Resources Conservation Service as Type "A" Hydrologic Soil Group. Directly connected impervious areas are those impervious areas which are connected to the surface water management system by a drainage improvement such as a ditch, storm sewer, paved channel, or other man-made conveyance. Stormwater that is retained must be infiltrated into the soil or evaporated such that the storage volume is recovered within 14 days following a storm event.

C. *Surface Water Protection*

In order to maintain surface water within the Green Swamp ACSC quality and reduce nutrient loading in lakes and watercourses, this Section restricts the amount of clearing or removal of shoreline vegetation, requires that new structures be set back a reasonable distance from surface waters, cypress domes, swamps, sloughs and watercourses and requires additional stormwater treatment. See Section 610 for a list of provisions that apply concerning surface water protection.

D. *Flood Hazard Management and Flood Plain Protection*

This Subsection applies to all areas of special flood hazard and all lands lying within 100 feet from the top of the bank of a water course. Development within a "Flood Plain Protection Area," as defined in Chapter 10, shall conform to the following development criteria:

1. All development shall locate on the non-flood plain portions of a development site and density may be transferred from undeveloped flood plain areas to contiguous non-flood plain areas, under the same ownership, within the same platted subdivision, provided:
 - a. Residential densities shall be transferred from the 100 year flood plain to the area outside the 100 year flood plain based on a density of one dwelling unit per ten acres (1 du/10 ac); and
 - b. Such transfer does not result in lot sizes, or areas per dwelling unit, less than 65 percent of the minimum lot area specified in Table 5.3 (the minimum lot/area size shall be exclusive of the flood plain area) with lots in the SDA and RDA no less than 40,000 square feet.
2. If, within a parcel, there is no land located outside the 100 year flood plain, then the highest density allowed would be one dwelling unit per 20 acres (1 du/20 ac).

3. No parcel shall be created after December 1, 1993, which consists entirely of 100 year flood plain, unless accompanied by a deed restriction which prohibits any future development on the parcel.
4. A detailed flood study shall be performed for all subdivision proposals and other proposed development which have five acres or more in the 100 year flood plain. The construction of a single-family residence on a parcel of land containing five or more acres which is not part of a subdivision or which is part of a subdivision in existence on the effective date of this plan is exempt from this requirement. Phases of a larger development, if the larger developments meet the five acre criterion, are not exempt from this requirement. If existing subdivisions are proposed for re-platting, the re-platted portion shall be required to comply with this requirement if the re-platted portion meets the five acre criterion. The study shall be performed in accordance with the Flood Insurance Study Guidelines and Specifications for Flood Contractors (FEMA Publication 37).

E. *Wetland Protection*

No disturbance of wetlands within the Green Swamp ACSC is allowed unless authorized or exempted from the regulation by the Florida Department of Environmental Protection, the U.S. Army Corps of Engineers, and the applicable water management district. Evidence of the appropriate permit or exemption shall be required prior to the issuance of a development permit.

1. Development in wetlands is prohibited with the following exceptions:
 - a. No parcel shall be created after December 1, 1992, which consists entirely of wetlands, unless accompanied by a deed restriction which prohibits any future development on the parcel.
 - b. Where impacts to wetlands cannot be avoided, impacts shall be minimized and shall be mitigated by wetland compensation or wetland enhancement. Where impacts to wetlands are unavoidable and when properly mitigated, as determined by agencies having jurisdiction, after the issuance of a development order, the following shall be permitted:
 - i. Access to the site;
 - ii. Internal traffic circulation, where other alternatives do not exist, and for purposes of public safety;
 - iii. Utility transmission and collection lines;
 - iv. Pre-treated storm water management;
 - v. Mining that meets state and federal regulations; or

- vi. For the purpose of preventing all beneficial use of the property.
2. If a site use is such that all beneficial use of the property would be precluded due to wetland restrictions, the parcel shall be allowed to develop with one dwelling unit.
 3. Commercial and industrial development shall locate on the non-wetland portion of the development site.
 4. Where impacts to wetlands cannot be avoided, all permits for an agency with jurisdiction shall be approved prior to the County issuing a final Development Order. An "intent to issue a final Development Order" may be issued in writing prior to the issuance of said order if pre-approval is required by an agency with jurisdiction.
 5. Development regulations shall permit residential densities to be transferred from wetland areas to contiguous non-wetland areas within the same development subject to the following:
 - a. Residential densities shall be transferred from wetland areas to non-wetland areas at a density of one dwelling unit per 20 acres. Wetlands shall be shown as preservation areas on the plat and it shall be noted that the wetlands shall be retained in their natural and unaltered state.
 - b. All such transfers of density shall:
 - i. Be contiguous property under the same ownership or control;
 - ii. Only be permitted within a subdivision platted and developed in accordance this Code;
 - iii. The minimum lot size in the SDA and RDA shall be 40,000 square feet (the minimum lot/area size shall be exclusive of the wetland area); and
 - iv. Be noted on the face of the final plat as a restrictive covenant enforceable by the Polk County.
 6. Wetlands shall be shown as preservation areas on any plat and shall be maintained in their natural and unaltered state. However, controlled burns, selective thinning, and ecosystem restoration and maintenance are permissible activities within the wetlands, provided they are performed in accordance with current Silviculture Best Management Practices published by the Division of Forestry. Any isolated wetlands of less than one acre shall be exempt from these requirements.
 7. No development may occur within 50 feet of the upland extent of a wetland.
 8. Mining activities shall not be closer than 50 feet to the furthest extent of the wetland.

9. Surface Water Protection Zones shall extend from the Ordinary High Water Line (OHWL) of all lakes, cypress domes swamps, sloughs, and watercourses landward 200 feet.

F. ***Aquifer Protection***

The Green Swamp ACSC contains the Potentiometric High of the Floridan Aquifer and many outcroppings of the Aquifer which require protection. The following criteria are required.

1. All development within the Green Swamp ACSC must protect and not negatively alter the recharge quality or quantity to the aquifer. A registered professional geologist or hydrologist must certify that there are no likely significant negative changes to water recharge quality or quantity based upon the implementation of the approved development plans.
2. Discharge to sinkholes, wetlands, lakes, rivers, and streams is prohibited.
3. No incompatible uses shall be allowed in areas that are highly susceptible to pollution.

G. ***Habitat Protection (Revised 5/20/09 – Ord. 09-023)***

The following standards shall be met to protect endangered and threatened animal and plant species and preserve wildlife habitat. All applications for development approval, except those for an individual single-family dwelling and subdivisions under ten lots, shall submit a report documenting whether the site contains significant wildlife habitat. The report shall indicate that the official habitat maps and the most current aerial photograph available from the Land Development Division have been reviewed.

1. If a potential habitat exists, a field survey shall be conducted by a qualified biologist or environmental scientist to determine the exact location of the habitat and whether the development affects that habitat.
2. If the habitat will be affected by development, a qualified environmental scientist or biologist shall prepare a Habitat Protection Plan. Such plan shall be submitted to the Florida Fish and Wildlife Conservation Commission (FWCC). All recommendations of the FWCC shall be included within the final Habitat Management Protection Plan and subsequent development permits.

3. Habitat, for the purpose of the Habitat Protection Plan, shall be defined as areas occupied/used by endangered, threatened, or species of special concern. It shall be the responsibility of the applicant to submit documentation, exhibits, or studies, for the purpose of establishing that properties should not be classified as habitat.
4. Those properties identified as containing habitat shall comply with the following requirements:
 - a. Development shall be required to locate on the non-habitat portions of a development site unless such requirement would result in a net loss of density. Residential densities shall be transferred from habitat areas to contiguous non-habitat areas within the same subdivision, subject to the following:
 - i. Residential densities shall be transferred from the habitat areas to non-habitat areas based on the underlying residential land use density where development does not occur within the habitat area of the project.
 - ii. Residential densities shall be transferred from habitat areas to non-habitat areas at the underlying density and shall be clustered to the greatest extent possible to protect habitat. Any transfer of density to facilitate clustering shall not result in lot sizes, or areas per dwelling unit less than 65 percent of the required minimum lot area. The minimum lot/area size shall be exclusive of the wetland area.
 - iii. Lots utilizing septic tanks shall be no less than 40,000 square feet.
 - iv. Portions of lots may be platted into habitat areas and shall not be construed as having disturbed the habitat area for this density transfer provision so long as that portion of the lot does not include any fill, construction, improvements, or other development, and a restriction is placed upon the plat to prohibit such future actions within habitat areas.
 - b. All such transfers of density shall:
 - i. Be to contiguous property under the same ownership or control;
 - ii. Only be permitted within a subdivision platted and developed in accordance with this Code; and
 - iii. Be noted on the face of the final plat as a restrictive covenant enforceable by Polk County.

- c. Development shall be clustered and designed, to ensure that the smallest possible area of habitat be utilized to allow no net loss of density.
- d. Non-residential development in areas inhabited by threatened and endangered species shall be mitigated in accordance with the guidelines of the Florida Fish and Wildlife Conservation Commission (FWCC).

H. ***Wellfield Protection***

Unless approved by the applicable water management district and owned by Polk County, well fields not in existence upon adoption of this Code are prohibited.

I. ***Conservation***

Open space areas are required within a Planned Development (PD) located within RS and A/RR categories in order to encourage the continuation of agricultural activities, preserve environmentally sensitive lands, and to preserve the rural character of the area. Open space shall be reserved as follows:

1. A minimum of 50 percent of the property within a PD shall be set aside as open space.
2. The open space may be used for only pre-existing agricultural uses, habitat protection, or the preservation of historic, cultural or natural features.
3. The open space shall first include environmentally sensitive lands, such as wetlands, 100 year flood plain, and scrub or other endangered habitats, before setting aside lands for other reasons, such as platted lots and continued agricultural uses.
4. In compliance with Section 750 or this Section, whichever is more restrictive.

Section 508 Special Procedure Requirements

A. ***Flood Hazard Warning***

The following statement shall be noted on all plats, applications for development permits and on all final permits:

FLOOD HAZARD WARNING

This property may be subject to flooding. Even meeting federal, state or local standards does not ensure that any improvements such as structures, driveways, yards, sanitary sewage systems, and water systems will not be flooded in certain rain events.

B. *Connection*

Notwithstanding the requirements in the SPAs, development located in the Urban Development Area (UDA), and the Urban Growth Area (UGA), the Suburban Development Area (SDA) of the Green Swamp ACSC must connect to public water and sewer systems. Lots of record which do not meet the 64E6 connection requirement of the F.A.C. shall be exempt from this requirement.

C. *On-Site Sewerage Treatment and Disposal Systems (OSTDS)*

The use of properly built on-site sewage treatment and disposal systems is an alternative where no other means of handling wastewater exists.

1. In the UGA/UDA, Ridge Special Protection Area below Interstate 4 where sewer is not available, lots created prior to May 1994 shall be allowed to utilize OSTDS. Where individual on-site sewage disposal systems are utilized within the Green Swamp ACSC the public health shall be protected and groundwater and surface waters shall be protected from possible contamination.
2. Septic tanks and drain fields in the Green Swamp ACSC are allowed only within the Rural Development Area (RDA) and the Suburban Development Area (SDA), and shall require a minimum lot size of 40,000 square feet.
3. Individual on-site sewage treatment and disposal systems in subdivisions must have prior approval from the local County Health Unit.
4. No OSTDS shall be installed, replaced or used without prior written approval from the Polk County Health Unit and accompanied by a Polk County Building Permit.
5. Chapter 64E6 of the Rules of the State of Florida are hereby adopted, except to the extent these regulations modifies such rule.

6. All OSTDS installed in the Green Swamp ACSC after the effective date of this Code shall meet or exceed the requirements of these regulations.
7. All septic tanks and all drain fields shall be set back a minimum of 75 feet from the furthest upland extent of any wetland.
8. Inspection of OSTDS shall comply with the following requirements:
 - a. Pursuant to Polk County Ordinance 98-31, all septic tank permits issued by the Polk County Health Unit (Health Unit) within the Green Swamp ACSC shall be issued in conjunction with a Notification of Mandatory Maintenance which shall require that the property owner have the OSTDS inspected by a registered OSTDS contractor and, if necessary, cleaned at least once every five years, at the expense of the owner, in accordance with the requirements of the Health Unit. The Notification of Mandatory Maintenance shall also require that the property owner provide the Health Unit with evidence on forms provided by the Health Unit that the OSTDS has been inspected by a registered septic tank contractor and cleaned if necessary. If upon any inspection the septic tank contractor determines that cleaning is unnecessary, the OSTDS contractor shall determine a date prior to which the OSTDS shall be re-inspected and cleaned, if necessary. The Health Unit shall provide the owner with an updated Notification of Mandatory Maintenance. The Health Unit shall be authorized to require that the OSTDS be cleaned, if necessary, and that the OSTDS including the mound, drain field and septic tank system be in good working order and does not appear to be a sanitary nuisance.
 - b. The Health Unit shall be authorized to assess a fee to be paid by the property owner to cover the costs of administering this program.
 - c. In the event that the Health Unit does not receive evidence that the OSTDS has been inspected and cleaned, if necessary, within the appropriate time frame, the Health Unit shall be authorized to require, via written notification, that the property provide evidence within three months from the date of written notification. If evidence is not received by the Health Unit within three months, the Health Unit shall be authorized to notify the property owner, via certified mail, that the property owner is not in compliance with this Section, and that the property owner has 30 days to provide evidence of compliance, otherwise the case will be forwarded to the Code Enforcement Board.
9. Land spreading of septage/sludge within the boundaries of the Green Swamp ACSC is prohibited, with the exception of existing locations permitted by the Florida Department of Community Affairs.

D. **Road Standards** (Rev. 4/4/02 - Ord. 02-18)

This Subsection establishes special requirements applicable to the transportation systems within the Green Swamp ACSC.

1. Parking, loading, and internal circulation of developments within the Green Swamp ACSC shall be of pervious materials wherever feasible and there is no environmental hazard.
2. New roads designed and built after the adoption of this Code shall be subject to the following:
 - a. New roads, unless determined to be necessary for the health or safety of the general population, shall not be constructed by the public nor shall public funds be used for the construction of new roads.
 - b. The County shall not utilize public dollars to maintain new private roads. A maintenance agreement or a taxing district may be established by the developer/land owners association and the County to maintain the roads at private expense.
3. New subdivision roads shall be required to meet County construction standards.
4. Construction of new roads over rivers and major tributaries shall only be permitted where it has been demonstrated that no other alternative is practical. In such cases design and construction shall:
 - a. Minimize adverse impacts to water quality,
 - b. Prevent adverse impacts to the free flow of water through natural channels, and
 - c. Prevent the creation of major obstacles to the movement of aquatic and wetland dependent species.
5. Unless determined to be a health or safety issue, the County shall place the paving of roads within the RURAL-SPA as the lowest paving priority for the County. This shall not be construed to include the maintenance of roads already paved in this area.

E. **Silviculture**

1. Silviculture shall follow the Best Management Practices (BMPs) as outlined in the latest edition of "Silviculture Best Management Practices" by the Florida Department of Agriculture and Consumer Services, Division of Forestry.
2. A landowner or his agent shall notify the County Agricultural Officer at the Polk County Sheriff office that timber harvesting will occur.