

Chapter 6

RESOURCE PROTECTION

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Section 601 Purpose and Intent

The regulations included in this Chapter are intended to implement the policies of the Comprehensive Plan which identify and protect Polk County's natural and historic resources. This is accomplished through the establishment of overlay districts which are applied to various environmentally sensitive or historic areas of Polk County as mapped in the Future Land Use Map Series (FLUMS). These are collectively referred to as Resource Protection and Development Limitation Area Overlay Districts. Within these overlay districts, any use or development of land shall conform to the regulations, conditions or limitations of this Chapter. Protection of these resources is necessary to insure the health, safety, and welfare of the residents of Polk County.

Section 602 General Provisions (*Revised 11/1/16 – Ord. 16-068*)

The Polk County Future Land Use Map Series designates and maps aquifers, wetlands, floodplains, well fields, ecological communities, and historic resources. The surface waters regulated in Section 630 are not mapped. These areas are shown on the Future Land Use Map Series with presumptively correct borders. In most cases, the specific boundaries of these areas may not be finalized until site specific field inspections are conducted for verification. It shall be the responsibility of the applicant to submit documentation, exhibits, or studies, for the purpose of establishing that land should, or should not, be included within a Development Limitation Area Overlay District when the adopted land use maps indicate otherwise. Each overlay district supersedes all other requirements of this Code to the extent that provisions of the overlay district are in conflict with other provisions.

Section 603 - 609 Reserved

Section 610 Surface Water Protection (*Rev. 06/08/04 Ord. 03-96*)

A. *Purpose and Intent*

In order to maintain surface water quality and reduce nutrient loading in lakes and watercourses, this Section requires that new structures, onsite sewage disposal systems and mines be set back a reasonable distance from surface waters and requires additional storm water treatment.

B. *Applicability*

The regulations set forth in this Section, shall apply to all lands, lakes, and watercourses within the unincorporated areas of Polk County, Florida. The Surface Water Protection Zones are not mapped but are established to implement these requirements. Surface Water Protection Zones shall extend 200 feet landward from the Ordinary High Water Line (OHWL) of all lakes and watercourses.

C. ***Exemptions (Rev. 12/03/03 Ord. 03-38):***

The placement of all structures and location of onsite sewage disposal systems, however, shall comply with this Section to the greatest extent possible. The following shall be exempt from the requirements of this Section:

1. Lots within recorded subdivision plats recorded prior to May 1, 1991.
2. Projects which have unexpired engineering plan approvals from Polk County;
3. Docks, walkways, gazebos, and other accessory structures less than 100 square feet in size and which do not require a permit from the Polk County Building Division;
4. Mining in a surface water body provided that all of the following conditions are met:
 - a. All of the surface water body must be owned or controlled by the mining entity.
 - b. The mining operation must not reduce flood plain storage during mining or after reclamation.
 - c. Mining must be conducted under a valid Polk County Mine Plan and Operating Permit.
5. Mining pits which have not been reclaimed per Section 303, Criteria for Conditional Uses, or are part of a non-phosphate mining operating permit;
6. Projects directly related to bona fide agricultural use that meets the requirements of the water management district;
7. Mines which are exempt from groundwater monitoring according to FDEP are exempted from this requirement.

D. ***Development Standards (Rev. 7/25/01 - Ord. 01-57; Rev. 06/08/04 Ord. 03-96)***

All development in a Surface Water Protection Zone shall be designed, constructed and maintained in accordance with the following requirements:

1. Siltation and erosion control measures shall be applied as needed to stabilize banks and un-vegetated areas during and after construction. Sediment settling ponds, if required, shall be installed for storm water runoff prior to the creation of any impervious surfaces.
2. An undisturbed vegetative buffer adjacent to surface waters with an average width of 25 feet and a minimum width of 15 feet shall be maintained for storm-water treatment and wildlife utilization measured perpendicularly from the OHWL or the jurisdictional wetland line, whichever is greater.

3. Complete re-vegetation of the Surface Water Protection Zone is required upon completion of construction.
4. Onsite Sewage Disposal System (OSDS)
 - a. Onsite sewage disposal system on lands with soils identified in the *Polk County Soil Survey* as having soil limitation ratings of Aslight@ or Amoderate@ with respect to septic tank absorption fields shall not be located within 150 feet of the ordinary high water line (OHWL) or mean annual water line of surface waters or water filled mine pits. This setback may be reduced if a higher treatment system is used in accordance with performance based treatment standards listed in Table 6-1, and permitting requirements by the Polk County Health Department:

Table 6-1: OSDS Setback Reduction

	Setback Reduction
Standard Septic Tank System	No change.
Aerobic Treatment Unit (ATU)	25%
Secondary Treatment	25%
Advanced Secondary Treatment	30%
Advanced Wastewater Treatment	40%

- b. Onsite sewage disposal system on lands with soils identified in the Polk County Soil Survey as having soil limitation ratings of Asevere@ with respect to septic tank absorption fields shall not be located within 200 feet of the OHWL or mean annual water line of surface waters or water filled mine pits. This setback may be reduced if a higher treatment system is used in accordance with performance based treatment standards listed in Table 6-1, and permitting requirements by the Polk County Health Department.
 - c. Mining activities, phosphate and non-phosphate, shall provide setbacks from existing onsite sewage disposal system as follows:
 - i. Mines, measured from their design OHWL, shall be no closer than 150 feet from existing on-site disposal systems on lands with soils identified in the Polk County Soil Survey as having soil limitation ratings of Aslight@ or Amoderate@ with respect to septic tank absorption fields.
 - ii. Mines, measured from its design OHWL, shall be no closer than 200 feet from existing on-site disposal systems on lands with soils

identified in the Polk County Soil Survey as having soil limitation ratings of Asevere@ with respect to septic tank absorption fields.

5. All water bodies or canals maintained, constructed by, or belonging to the Lake Region Lakes Management District are prohibited from having structures within 20 feet of a seawall or bank or canal. Water dependent structures are not exempt from this requirement. Construction of buildings, swimming pools, docks, boathouses, davits, retention ponds, and any load bearing structure is prohibited within 20 feet of the seawall or bank of any canal constructed by, belonging to, or maintained by the Lake Region Lakes Management District. This prohibition shall extend to any structure which could, over time, damage a District seawall or bank or which would significantly obstruct access by District employees to the seawall or bank for the purpose of repair and maintenance of said seawall, bank, or canal, but shall not be construed to prohibit the installation of fences, irrigation, landscaping, or other non load bearing devices or structures. Trees must be planted such that their canopy at maturity will be five feet back from a District seawall or bank or their trunk within twenty feet back from a District seawall or bank, whichever is less.
6. All new structures adjacent to surface water or watercourses shall be located landward of the 100 year flood plain or 50 feet landward of the 10 year flood plain if one has been established (whichever is less restrictive). A site specific survey shall be performed, signed and sealed by a professional surveyor and mapper. Water dependent structures are exempt from this requirement.

E. ***Conservation Easements***

The County may request a conservation easement to preserve the functioning of drainage facilities and features.

F. ***Variances***

Variances shall be processed in accordance with Section 930.

Section 611 - 619 Reserved

Section 620 Wetland Protection

A. ***Purpose and Intent (Rev. 06/04/13 Ord 13-020)***

It is the policy of Polk County to minimize the disturbance of wetlands in the County and to discourage their use except for purposes compatible with their natural functions and environmental benefits. This Section provides for the protection, maintenance, enhancement, and utilization of wetlands within Polk County in accordance with applicable Federal and State laws and regulations.

B. *Applicability (Rev. 06/04/13 Ord 13-020)*

1. The requirements of this Section shall apply to all wetlands under the jurisdiction of one of the following:
 - a. The U.S. Army Corps of Engineers (USACOE).
 - b. The Florida Department of Environmental Protection (FDEP).
 - c. The Southwest Florida Water Management District (SWFWMD).
 - d. The South Florida Water Management District (SFWMD).
2. No disturbance of wetlands covered by this Section shall be allowed unless authorized or exempted from regulation by the Florida Department of Environmental Protection, the U.S. Army Corps of Engineers, and the applicable Water Management District. Proof of the appropriate permit or exemption shall be required prior to the issuance of a Final Development Order from the County.
3. An undisturbed vegetative buffer adjacent to surface waters with an average width of 25 feet and a minimum width of 15 feet shall be maintained for stormwater treatment and wildlife utilization measured perpendicularly from the OHWL or the jurisdictional wetland line, whichever is greater.

C. *Development Standards*

All development within areas covered by this Section shall comply with the following:

1. Wetland impacts shall be avoided to the maximum extent possible.
2. Wetland impacts, where unavoidable and where properly mitigated as determined by agencies having jurisdiction, shall be permitted for:
 - a. Access to the site;
 - b. Internal traffic circulation, where other alternatives do not exist, or for purposes of public safety;
 - c. Utility transmission and collection lines;
 - d. Pre-treatment storm water management facilities;
 - e. Mining uses which meet State and Federal regulations; or
 - f. The purpose of avoiding cases where all beneficial use of the property is denied as provided by the Polk County Comprehensive Plan.

D. ***Beneficial Use***

If a site is such that all beneficial use of the property would be denied due to wetland restrictions, the parcel shall be allowed to develop at a gross density of one dwelling unit per ten acres. After December 1, 1992, no parcel shall be created which consists entirely of wetlands, unless accompanied by a deed restriction which prohibits future development on the parcel.

E. ***Density Transfers***

Residential densities may be transferred from wetland areas to contiguous non-wetland areas within the same development except in rural land use categories. All density transfers authorized by this Section shall be subject to the following:

1. If it is determined that development within a wetland is unavoidable, residential densities may be transferred from the wetland areas to non-wetland areas based on the density of one dwelling unit per ten acres.
2. When there is to be no disturbance to wetlands, residential densities may be transferred from wetland areas to non-wetland areas at a density of one dwelling unit per acre, or at the underlying land use density if the underlying density is less than one dwelling unit per acre. Portions of lots may be platted into wetland areas and shall not be construed as having disturbed wetland 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 wetland areas.
3. All such transfers of density shall:
 - a. Be contiguous property under the same ownership;
 - b. Only be permitted within a subdivision platted and developed in accordance with the requirements of this Code;
 - c. Not result in lot sizes, or areas per dwelling unit, less than 65 percent of the requirements of this Code (the minimum lot/area size shall be exclusive of the wetland area); and
 - d. Be noted on the face of the final plat as a restrictive covenant enforceable by the Board of County Commissioners.

F. ***Allowable Uses***

Certain activities are presumed to have an insignificant adverse effect on the beneficial functions of a wetland. These activities shall not be considered disturbances for purposes of determining the amount of transferred development and include the following:

1. Scenic, historic, wildlife, or scientific preserves;
2. Commercial or recreational fishing or hunting, and creation and maintenance of temporary blinds;
3. Cultivating agricultural or horticultural products that occur naturally on the site;
4. Developing a "Wetlands Storm Water Discharge Facility" in accordance with state permits received under Chapter 62-25, Florida Administrative Code (F.A.C.).

G. *Onsite Sewage Disposal System (OSDS)*

The standards of Chapter 64-E6, F.A.C. shall be met regarding Onsite Sewage Disposal Systems.

Section 621 - 629 Reserved

Section 630 Flood Hazard Management and Floodplain Protection (*Revised 11/1/16 – Ord. 16-068*)

A. *Purpose and Intent (Rev. 06/04/13 Ord 13-020)*

The flood hazard areas of Polk County are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

Therefore, the purposes of this Section are to:

- 1) implement the National Flood Insurance Program,
- 2) minimize the adverse impacts of development on resources of the Floridian Aquifer, wetlands and flood detention areas,
- 3) promote the public health, safety and general welfare,
- 4) ensure that potential homebuyers are notified that property is in a flood hazard area.
- 5) minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

- 6) minimize public and private losses due to flood conditions in specific areas,
- 7) reduce the potential burden of all taxpayers in the County through the use of public expenditures for flood control projects,
- 8) minimize prolonged business interruptions;
- 9) minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, roadways, and bridges and culverts located in floodplains;
- 10) restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion in flood conditions,
- 11) require that structures subject to flooding be protected against flood damage,
- 12) protect the storage capacity of floodplains,
- 13) control filling, grading, dredging and other development which may increase erosion or flood damage
- 14) prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands,
- 15) protect 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,
- 16) protect the water available for aquifer recharge,
- 17) protect the normal supply of ground and surface water,
- 18) protect the water retention capabilities of wetlands,
- 19) protect the biological filtering capabilities of wetlands,
- 20) protect the natural flow regime of drainage basins, and
- 21) protect the design capacity of flood detention areas and the water management objectives of these areas through the maintenance of hydrological characteristics of drainage basins.

B. *Applicability (Rev. 11/1/16 – Ord. 16-068; 06/04/13 Ord 13-020; Rev. 8/28/02 - Ord. 02-56)*

1. No structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with this Code and other applicable regulations.

2. The provisions of this Code are intended to be minimum requirements and shall take precedence over any less restrictive conflicting local laws, ordinances or codes.
3. This Section shall apply to all portions of a project proposed for development within Special Flood Hazard Areas, closed drainage basins, and to all lands lying within 100 feet of the top of bank of a water course in unincorporated Polk County.
4. The "Special Flood Hazard Areas" identified by the Federal Emergency Management Agency in the Flood Insurance Study for Polk County, Florida and Incorporated Municipalities dated January 19, 1983, with the accompanying Flood Insurance Rate Maps (FIRM) and other supporting data, and subsequent revisions thereto, are adopted by reference and declared to be a part of this Code.
5. The Polk County Surface Water Management Plan, with accompanying maps and other supporting data, and subsequent revisions thereto; and all lands lying within 100 feet of the top bank of a watercourse not covered in this Section, are adopted by reference and declared to be a part of this Code.
6. The Floodplain Administrator may use all available information, such as engineering studies, Water Management District lake level data, historical records or other current data to best define Special Flood Hazard Areas.

C. *Warning and Disclaimer of Liability (Revised 11/1/16 – Ord. 16-068)*

The degree of flood protection and surface and ground water protection required by this Code is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Code does not imply that land outside the Special Flood Hazard Areas or uses permitted within such area will be free from flooding or flood damages. This Code shall not create liability on the part of the Board of County Commissioners or by any officer or employee thereof for any flood damages or adverse effects of changes in quantity or quality of surface or ground water that result from reliance on this Code or any administrative decision lawfully made thereunder.

D. *Floodplain Administrator (Rev. 11/1/16 – Ord. 16-068; 6/4/13 – Ord. 13-020)*

1. The Polk County Board of County Commission has designated the County Engineer or his/her assigns to administer and implement the provisions of this Section and is herein referred to as the Floodplain Administrator.
2. The duties and responsibilities of the Floodplain Administrator or his/her assignees under this Section shall include, but not be limited to, the following:
 - a. Obtain and maintain a record of the actual elevation (in relation to the datum on the FIRM), based from the survey certificate provided by the permit holder, of the lowest floor of all new and substantially improved structures,

and the actual elevation to which the new and substantially improved structures have been flood proofed in accordance with this Code.

- b. Review all development permit applications which involve new construction and substantial improvement in the Special Flood Hazard Area to assure that the requirements of this Code have been met.
- c. Coordinate all change requests to the FIS, FIRM and FBFM with the requester, State of Florida, and FEMA and submit all reports as required by the National Flood Insurance Program;
- d. Provide technical information and assistance to the Building Official and other County staff in the interpretation and application of this Code;
- e. Make necessary interpretation of soil surveys to determine classification of proposed development site;
- f. Review for approval all subdivision proposals to determine if such proposals meet the requirements of this Code and whether such proposals will be reasonably safe from flooding;
- g. Notify adjacent communities and the appropriate State planning agency and the Water Management Districts, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
- h. Review all development plan applications to assure that the requirements of this Code are met;
- i. Review development plans to assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is maintained;
- j. Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in an annual report submitted to FEMA;
- k. Obtain, review, and reasonably utilize any base flood elevation data available from a federal, state, or other source, when base flood elevation data has not been provided by FEMA.
- l. Require that FEMA be notified and provided with new technical or scientific data concerning physical changes affecting flooding conditions within six months so that risk premium rates and floodplain management requirements will be based on current data.

- m. The following factors shall be considered when approving or denying permit applications
 - i. The characteristics and limitations of the soil at the proposed site;
 - ii. The existing topography of the proposed site and the extent of topographical changes after development;
 - iii. The existing vegetation of the proposed site and the extent of vegetational changes after development;
 - iv. The existing hydrology of the proposed site and the impact of the proposed alterations on the existing hydrology;
 - v. The impact the proposed project will have on the natural recharge capabilities of the site;
 - vi. The impact the proposed project will have on downstream water quantity and quality and specifically the potential for downstream flooding conditions created by the proposed development;
 - vii. The plans and specifications for structures or devices the applicant intends to employ for the purposes of on-site water retention, detention, erosion control and flow attenuation;
 - viii. Conformity of storm water management plans with the requirements of this Code.

E. ***Development Plan (Rev. 11/1/16 – Ord. 16-068; 6/4/13 – Ord. 13-020)***

Prior to the issuance of any development permit subject to this Code, the applicant must submit a development plan, as part of the application which proves that the proposed development meets or exceeds the standards set forth in this Code. Specifically, the following information must be provided:

1. A statement of proposed use, approximate development schedule, and details of proposed improvements, stating the number of days after receipt of all required permits each phase of development will be initiated and completed. Items addressed in the development schedule should include (when applicable) but are not limited to: land clearing, storm water management construction, utilities, sediment control facilities construction, building construction, re-vegetation, and sewage treatment facilities construction;
2. A legal description of the property;
3. A location map showing the location of the property relative to cities, towns, and road systems;

4. An aerial photograph with property boundaries depicted;
5. A list of all permits or approvals that will be required by any federal, state, regional, or local agency;
6. A Storm Water Management Plan as described in Section 740 (A);
7. A certified survey of the site showing topography in one foot contours. This must be prepared by a land surveyor registered in the State of Florida and the document must be signed and sealed. This item will be labeled topographic map/site plan. The Base Flood Elevation and Special Flood Hazard Area, as depicted on the Flood Insurance Rate Map, shall be indicated on this map. The proposed lots, building locations, and dimensions, and soils information overlays and road layout shall also be shown on this map;
8. The elevation in relation to the datum on the FIRM of the lowest floor of all structures, certified by a land surveyor or professional engineer registered in the State of Florida;
9. A description prepared by an engineer of the extent to which any watercourse will be altered or relocated as a result of the proposed development;
10. A certificate from a registered professional engineer or architect that any nonresidential flood proofed structure meets the flood proofing criteria set forth in this Code and the Florida Building Code;
11. Soils analysis to include:
 - a. A copy of the appropriate Natural Resources Conservation Service (NRCS) map or Certified Soil Survey by a soil scientist or an appropriate registered professional where SCS maps are not available;
 - b. A description of each of the soils on the property shall be shown on the construction plan;
 - c. A map at a scale sufficient to show the boundaries of the soil associations.

F. *Development Plan Approval (Rev. 11/1/16 – Ord. 16-068; 6/4/13 – Ord. 13-020)*

A development plan as described in Section 630 (E). shall be submitted and approved prior to the issuance of any development permit for:

1. Any development, other than phosphate mining, undertaken within 100 feet of a watercourse;

2. Those activities which constitute development as defined herein and activities performed by or on behalf of any county, state, or federal agency;
3. Any development for which FEMA adopts regulations establishing standards.

G. ***Development Standards (Revised 11/1/16 – Ord. 16-068)***

All development within areas covered by this Code shall comply with the following requirements:

1. Floodplain impacts shall be avoided to the maximum extent possible.
2. Impacts to a Special Flood Hazard Area, where unavoidable, shall be permitted for:
 - a. Access to the site; fill for house pads and onsite sewage disposal systems;
 - b. Internal traffic circulation, where other alternatives do not exist, or for purposes of public safety;
 - c. Utility transmission and collection lines;
 - d. Pre-treatment storm water management facilities;
 - e. Mining that meets state and federal regulations; or
 - f. For the purpose of avoiding cases denying all beneficial use of the property as provided by the Polk County Comprehensive Plan.

H. ***Beneficial Use (Revised 11/1/16 – Ord. 16-068)***

If a site is such that all beneficial use of the property would be precluded due to floodplain restrictions, the parcel shall be allowed to develop at a gross density of one dwelling unit per ten acres. No parcel created after September 1, 2000, shall consist entirely of a Special Flood Hazard Area, unless accompanied by a deed restriction which prohibits future development on the parcel. Any such parcel shall not be considered buildable.

I. ***Allowable Uses (Revised 11/1/16 – Ord. 16-068)***

Certain activities are presumed to have an insignificant adverse effect on the beneficial functions of a floodplain. These activities shall not be considered disturbances for purposes of determining the amount of transferred development and include the following:

1. Scenic, historic, wildlife, or scientific preserves: Any improvements to historic structures may be exempted from one or all of the standards contained in this Section, provided the request for an exemption is approved as a variance granted in accordance with the requirements of this Code, and the proposed improvements are certified by a certified local government or the State Historic Preservation Officer as maintaining the historical integrity and classification of the building.
2. Commercial or recreational fishing or hunting, and creation and maintenance of temporary blinds.
3. Functionally dependent uses: these structures may be exempted from one or all of the standards contained in this Section, provided that a request for an exemption is approved as a variance granted in accordance with the requirements of this Code.
4. Cultivating agricultural or horticultural products that occur naturally on the site.
5. Developing a "Wetlands Storm Water Discharge Facility" in accordance with state permits received under Chapter 62-25, Florida Administrative Code.

J. *Flood Hazard Reduction - General Standards (Rev. 11/1/16 – Ord. 16-068; 6/4/13 – Ord. 13-020)*

In addition to the specific standards of this Section and the requirements of the Florida Building Code, where applicable, development must comply with the following requirements:

1. New construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
2. Manufactured homes, and any additions, shall be anchored to prevent flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to, and consistent with, applicable state requirements for resisting wind forces.
3. New construction and substantial improvements, including manufactured homes shall be constructed with flood damage-resistant materials and utility equipment resistant to flood damage and by methods and practices that minimize flood damage.
4. Electrical, heating, ventilation, plumbing, air conditioning equipment including duct work, and other service facilities shall be designed and located so as to prevent water from entering or accumulating within the components during conditions of flooding.
5. New and replacement water supply and sanitary sewage systems shall be designed and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

6. Onsite Sewage Disposal System (OSDS) shall be located and constructed to avoid impairment to them, or contamination from them, during flooding.
7. Any alteration, repair, reconstruction, or improvements to a building which is in compliance with the provisions of this Code and the Florida Building Code, shall meet the requirements of "new construction" as contained in this Code.
8. Any alteration, repair, reconstruction, or improvements to a building which is not in compliance with the provisions of this Code and the Florida Building Code, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.
9. The flood carrying capacity of a watercourse shall be maintained by any relocation, alteration or bridge construction.
10. Adequate drainage paths shall be provided around structures to guide storm water runoff away from them, as well as adjacent structures and property.
11. Proposed development shall not affect a change in the flood pattern in such a manner that would cause lands not previously flood prone to become flood prone.
12. The cumulative effect of proposed development, when combined with all other existing and anticipated development, shall not increase base the flood elevation.
13. All subdivision plats and permits for lots within a Special Flood Hazard Area within the unincorporated boundaries of Polk County must prominently publish the following hazard warning in a prominent location within the document in a font or typeface of no less than 12 point:

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.

14. When proposed new construction and substantial improvements are partially located in a Special Flood Hazard Area, the entire structure shall meet the standards of this Section and the Florida Building Code.
15. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple base flood elevations, the entire structure shall meet the standards of this Section and the Florida Building Code for the most hazardous flood hazard risk zone and the highest Base Flood Elevation.

16. The applicant shall obtain and provide all permits or approvals required by state or federal laws or regulations or shall fulfill obligations required by a state or federal agency or by state or federal laws or regulations prior to the commencement of the development, which is preceded by a pre-construction meeting with County staff.

K. ***Specific Standards for Numbered "A" Zone Flood Hazard Areas ("AE") (Rev. 11/1/16 – 16-068; 6/4/13 – Ord. 13-020)***

In all Special Flood Hazard Areas denoted with an "AE" prefix on the Flood Insurance Rate Map where base flood elevation data have been determined, the following provisions are required in addition to the general standards of this Code and the Florida Building Code.

1. New construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, together with all mechanical, plumbing and electrical equipment, including laundry facilities and food freezers, and including any basement or ductwork installed below the lowest floor, elevated no lower than one foot above the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate automatic equalization of the flood hydrostatic forces shall be provided in accordance with standards of this Section.
2. New construction and substantial improvement of any commercial, industrial, or non-residential building (or manufactured structure used for non-residential purposes) shall have the lowest floor, together with all mechanical, plumbing and electrical equipment, and including any basement or duct work installed below the lowest floor, elevated no lower than one foot above the Base Flood Elevation. Buildings located in all A-zones may be flood proofed in lieu of being elevated, provided that all areas of the building components, together with attendant utilities and sanitary facilities, below the required Base Flood Elevation and associated freeboard are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. The floor of an attached garage or loading dock may be placed below the base flood elevation, provided the openings required in this Section are installed and all mechanical, plumbing and electrical equipment are elevated no lower than one foot above the Base Flood Elevation. A registered professional engineer or architect shall certify that the standards of this Section and the Florida Building Code are satisfied by submission of a properly completed FEMA Flood Proofing Certificate.
3. New construction and substantial improvements of buildings that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor shall be designed to preclude finished living space and shall be designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

- a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet or exceed all of the following criteria:
 - i. Provide a minimum of two openings (in walls or doors) having a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding;
 - ii. The bottom of all openings shall be no higher than one foot above highest adjacent grade;
 - iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of flood waters in both direction.
- b. Access to the enclosed area shall be used only to allow for parking of vehicles (garage door), limited storage of maintenance equipment used in connection with the premises (standard exterior door) and access to the living area (stairway or elevator).
- c. The interior portion of such enclosed area shall not be partitioned and finished into separate rooms.
- d. Electrical, plumbing, and other utility connections are prohibited below the base flood elevation, except that one switch and outlet connected to a ground fault breaker may be installed below the base flood elevation.
- e. All construction below that elevation shall be of flood damage-resistant materials.

L. ***Specific Standards for Un-numbered "A" Zones (Flood Zones and Watercourses without Base Flood Elevations) (Rev. 11/1/16 – Ord. 16-068; 6/4/13 – Ord. 13-020)***

Any land located within the Special Flood Hazard Areas established by the FIRMs, which is denoted with the letter "A" and having no suffixes are referred to as "un-numbered A zones."

In those areas where special flood hazards exist but where no base flood data has been provided, the following provisions apply in addition to the other standards of this Code and the Florida Building Code:

- 1. No encroachments, including fill materials or structures, shall be located within a distance of the center of the watercourse to 0.25 times the width of the Special Flood Hazard Area or 50 feet each side from the center of the stream, whichever is greater, unless certification by an engineer is provided demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge. The cumulative effect of proposed development, when combined with all other existing and anticipated development, shall not increase Base Flood Elevation more than one foot at any point within Polk County;

2. Where no Base Flood Elevation has been provided, and no other data exists which can be used to establish a Base Flood Elevation, the lowest floor of a residential structure shall be elevated at least three feet above the highest adjacent natural grade.
3. All new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or five acres, whichever is the lesser, are required to provide base flood and floodway data, developed through a FEMA accepted methodology. The current applicable FEMA publications shall be used as a guide. The results of this study shall be submitted to FEMA with all applicable fees and additional information requested. The applicant shall submit as-built certification information in support of a Letter of Map Revision (LOMR) upon completion of every significant phase of construction.
4. Where no Base Flood Elevation has been provided and the site does not otherwise meet the requirements of this Code the lowest floor of a non-residential structure must be set using a detailed engineering method and the structure must comply with the requirements of Section 630(K).

M. ***Specific Standards for Areas of Shallow Flooding (AO Zones) (Rev. 11/1/16 – Ord. 16-068; 6/4/13 – Ord. 13-020)***

Located within the Special Flood Hazard Areas are areas designated "AO" on the Flood Insurance Rate Maps. These are shallow flooding areas. These areas have Special Flood 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. Therefore, the following provisions apply in addition to the other standards of this Code and the Florida Building Code.

1. All new construction and substantial improvements of residential structures in all AO Zones shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the Flood Insurance Rate Map, plus one foot. If no flood depth number is specified, the lowest floor, including basement, shall be elevated to no less than three feet above the highest adjacent grade.
2. All new construction and substantial improvements of non-residential structures shall:
 - a. Have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the Flood Insurance Rate Map, plus one foot.
 - b. If no flood depth number is specified, the lowest floor, including basement, shall be elevated to at least three feet above the highest adjacent grade, or

- c. Together with building contents and attendant utility and sanitary facilities be completely floodproofed to, no less than one foot above, that level which meets the floodproofing standard specified in Section 630 (K).
- 3. Adequate drainage paths around structures shall be provided on slopes to guide water away from structures.
- 4. Fully enclosed areas below the lowest floor that are subject to flooding shall meet the design requirements of Section 630 (K).

N. ***Specific Standards for Appurtenant Structures (Rev. 11/1/16 – Ord. 16-068; 6/4/13 – Ord. 13-020)***

For this Section, an Appurtenant Structure means a structure that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure (including but not limited to garages, storage sheds, pole barns and hay sheds). Appurtenant structures may be exempted from the elevation requirement of this Code, provided all of the following criteria are met:

- 1. The structure is used solely for vehicle parking, access or storage.
- 2. The structure is designed and constructed so as to have a low potential for damage during a flood (e.g., using flood damage-resistant materials).
- 3. The structure shall be located on the building site so as to offer the minimum resistance to the flow of flood waters (e.g., parallel to a watercourse).
- 4. The structure is firmly anchored to prevent flotation, collapse and lateral movement.
- 5. All electrical service, heating/cooling equipment, plumbing and other mechanical or electrical equipment is elevated above the base flood elevation. One electrical switch and outlet connected to a ground fault interrupt breaker is allowed below Base Flood Elevation.
- 6. Openings to equalize hydrostatic forces shall be provided in accordance with Section 630 (K).

O. ***Specific Standards for Substantial Improvement (Rev. 11/1/16 – Ord. 16-068; 6/4/13 – Ord. 13-020)***

Substantially improved buildings must be elevated and otherwise brought into conformance with the requirements for new construction contained in this Code and the Florida Building Code. In determining "substantial improvement", the Building Division shall utilize data for the market value of the structure and the cost of the improvements or repairs that are justifiably comparable. Substantial improvement calculations shall include the cost of labor and mechanical, electrical and plumbing systems, cabinetry, finishes, and any other improvements that will be permanently affixed to the structure, except for structurally independent exterior decks and porches. If the improvement project is conducted in phases,

the total of all costs associated with each phase, beginning with issuance of the first permit, shall be utilized to determine whether "substantial improvement" has occurred. Interpretation and determination of substantial improvements shall rely on applicable FEMA publications and policy guidance.

1. When a building is repaired, rehabilitated, reconstructed, or renovated, or otherwise improved with no additions or minimal additions, and the total improvement costs meet the definition of "substantial improvement", the structure must be elevated and otherwise brought into conformance with this Code and the Florida Building Code.
2. When the substantial improvement is a lateral addition, only the addition is required to be elevated and conform with the standards of this Code and the Florida Building Code, provided that no greater than a 36" opening is created in the common wall between the building and the addition. When improvements are being made to the structure which, together with the addition, equal or exceed 50 percent of the market value of the structure before the "start of construction" of the improvement. Both the structure and the addition must conform to this Code and the Florida Building Code.
3. When the substantial improvement is a vertical addition to a structure, the improvement is classified as a "renovation" or "reconstruction," and the structure must be elevated and brought into conformance with this Code and the Florida Building Code.

P. ***Specific Standards for Manufactured Homes in Special Flood Hazard Areas (Rev. 11/1/16 – Ord. 16-068; 6/4/13 – Ord. 13-020)***

1. All manufactured homes placed or substantially improved, together with all mechanical, plumbing and electrical equipment, on individual lots or parcels outside of manufactured home parks or subdivisions, in new manufactured home parks or subdivisions, in expansions to manufactured home parks or subdivisions, must meet all the requirements for new residential construction contained in this Code, including elevation, anchoring, and enclosed area design requirements of Section 630 (K).
2. Any additions to manufactured homes subject to provisions of this Code shall also be considered "new construction" since they must be supported by an independent foundation system. "Additions" must therefore comply with the provisions contained in this Code, including elevation. This may necessitate elevating manufactured home to match the required elevation of the "addition."
3. All manufactured homes placed or substantially improved in manufactured home parks or subdivisions must meet the following criteria;
 - a. In an existing manufactured home park or subdivision in which a manufactured home has "substantial improvement" either;
 - i. The lowest floor of the manufactured home must be at or above one foot above the Base Flood Elevation, or

- ii. The manufactured home chassis must be supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequate foundation system to resist flotation, collapse, and lateral movement.
- b. In a manufactured home park or subdivision in which a manufactured home has incurred "substantial damage" as the result of a flood, any manufactured home placed or substantially improved on the same home site must meet the standards of this Code.
- c. Any additions to manufactured homes subject to provisions of this Code shall be considered "new construction" subject to the provisions contained in this Code including installation on permanent foundation systems, elevation, anchoring and enclosed area design requirements of Section 630 (K).

Q. *Specific Standards for Recreational Vehicles (Rev. 11/1/16 – Ord. 16-068; 6/4/13 – Ord. 13-020)*

In addition to meeting all other requirements of this Code, the following requirements apply to all recreational vehicles and park trailers:

- 1. Be on the site for fewer than 180 days, and
- 2. Be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached structures) or,
- 3. Meet all the requirements for manufactured homes, including anchoring and elevation standards in accordance with Section 630 (P) when Q1 and Q2 are not met.

R. *Specific Standards for Floodways and Watercourses in “AE” Zones (Rev. 11/1/16 – Ord. 16-068; 6/4/13 – Ord. 13-020)*

Located within the Special Flood Hazard Areas are areas designated as "floodways". The floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and create the potential for erosion. Protection of a floodway is critical for maintaining the ability of the watercourse to carry the base flood; therefore, the following provisions apply in addition to the other standards of this Code:

- 1. Where a floodway has been designated by FEMA along a watercourse;
 - a. No encroachments, including fill, new construction, substantial improvements and other developments within the regulatory floodway shall be permitted unless certification (with supporting technical data) by a registered professional engineer is provided through hydrologic and

hydraulic analyses performed in accordance with standard engineering practice demonstrating that encroachments would not result in any increase in flood levels during occurrence of the base flood discharge.

- b. An undisturbed buffer shall be maintained on the floodway either 1) one-hundred feet from each side of the center of the floodway or 2) from the edge of the mapped floodway, whichever is more restrictive. If the more restrictive application makes the lot completely unbuildable then the lesser restrictive option may be applied. This buffer may be disturbed, to the extent necessary, and as approved by FDEP, to provide reasonable access to a water body, to include the construction of boat ramps, docks, and walkways.
 - c. The placement of manufactured homes/mobile homes, except in a manufactured home/mobile home park or subdivision, is prohibited. A replacement manufactured home may be placed on a lot in Manufactured Home Park or subdivision provided the anchoring standards, the elevation standards and the encroachment standards of this Code are met.
 - d. Onsite sewage disposal systems (OSDS) and any replacement systems shall not be located within the floodway.
2. Where no "floodway" has been designated along a watercourse in an "AE" flood zone for which Base Flood Elevations have been provided on the FIS/FIRM the following shall apply:
 - a. No encroachments, including fill material or structures shall be located within Special Flood Hazard Areas, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the Base Flood at any point within unincorporated Polk County.
 - b. The engineering certification shall be supported by technical data that conforms to standard hydraulic engineering principles.

S. *Specific Standards for Lake Floodplains (Rev. 11/1/16 – Ord. 16-068; 6/4/13 – Ord. 13-020)*

In addition to meeting all other requirements of this Code, the following requirements apply to lake floodplains.

1. Encroachments into lake floodplains, including fill material, new construction, substantial improvements, and other development, shall be prohibited unless certification by a registered professional engineer is provided demonstrating (with supporting technical data) that such encroachments shall not result in any increase in the flood levels during the occurrence of the 100 year base flood discharge.

2. An undisturbed 25 foot wide wildlife habitat buffer shall be maintained from the ordinary high water line. This buffer may be disturbed, to the extent necessary, and as approved by FDEP, to provide reasonable access to a lake, to include the construction of boat ramps, docks, and walkways.

T. ***Specific Standards for Critical Facilities (Rev. 11/1/16 – Ord. 16-068; 6/4/13 – Ord. 13-020)***

In addition to meeting all other requirements of this Code, the following requirements apply to Critical Facilities.

1. New critical facilities are prohibited within the Special Flood Hazard Area. Substantially improved critical facilities are required to be protected from damage and loss as a result of the 100 year flood or flood of record, whichever is higher.
2. The lowest floor elevation of critical facilities shall be at least two feet higher than the Base Flood Elevation (BFE), unless Polk County demonstrates that it should be higher.

U. ***Specific Standards for Floodplain Storage Capacity (Rev. 11/1/16 – Ord. 16–068; 6/4/13 – Ord. 13-020; Rev. 12/08/03 Ord. 03-69)***

1. Encroachments, including fill, new construction, substantial improvements and other development, are prohibited unless a registered professional engineer provides plans and calculations certifying that compensatory storage is provided.
2. Whenever any portion of a floodplain is authorized for use, the volume of space occupied by the authorized fill or structure below the Base Flood Elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the ground profile and above seasonal high ground water level. All such excavations shall be designed and constructed to be connected with the floodplain and to fluctuate freely with the water body or watercourse.
3. The applicant shall ensure that the flood-carrying capacity within the altered floodplain or relocated portion of any watercourse is maintained. Upon completion of the project, the applicant shall submit documentation, prepared by a professional engineer, ensuring that any modified culverts, floodplain alterations, or relocated of portion of any watercourse will be maintained to preserve their designed function. The applicant shall provide a description and schedule of its operation and maintenance.

V. ***Specific Standards for Subdivisions (Rev. 11/1/16 – Ord. 16-068; 6/4/13 – Ord. 13-020; Rev. 8/28/02 - Ord. 02-56)***

In addition to meeting all other requirements of this Code, the following requirements apply to subdivisions, including manufactured home parks and industrial and commercial subdivisions.

1. All subdivisions, including manufactured home parks and industrial and commercial subdivisions, shall be designed to minimize flood damage.
2. All subdivisions including manufactured home parks shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
3. All subdivisions including manufactured home parks shall have adequate drainage provided to reduce exposure to flood hazards.
4. Base flood elevation and floodway data shall be provided in accordance with Section 630 (L).
5. The Special Flood Hazard Area, floodway if applicable, and the applicable Base Flood Elevation shall be clearly marked on all preliminary and final subdivision plans, and recorded subdivision plats, whether for residential, commercial, or industrial use.
6. Each lot must include adequate area suitable for constructing a structure in conformity with the standards of this Code.
7. All roads shall be reasonably safe from flood waters.
 - a. Existing roads shall be maintained above the 10-year flood elevation.
 - b. The lowest elevation of the pavement edge of new roads shall be constructed and maintained above the Base Flood Elevation.

Sections 631 - 639 Reserved

Section 640 Density Transfer and Credits (Revised 5/20/09 – Ord. 09-023)

Any portion of a residential subdivision which lies within an Area of Special Flood Hazard may be given density credits equal in value to the density of the residential development allowed by the land use district of the property. The landowner shall have the option of transferring these density credits only to portions of the same proposed residential subdivision which has the same land use district and which lies outside Special Flood Hazard Areas, thereby maintaining the same total density within the subdivision as if the Special Flood Hazard Area had been developed. This provision shall be applied only if the Land Development Director and the County Engineer find that the following conditions will be met:

A. *Adverse Effects*

The construction of the proposed residential subdivision without density credit transfer will have adverse effects on existing structures and uses in the event that flooding occurs, adverse effects to natural wetlands and natural water bodies are likely to result.

B. ***Minimum Lot Size***

The minimum lot size shall be exclusive of the Area of Special Flood Hazard.

C. ***Resulting Lot Size***

The density credit transfer shall not result in a lot size decrease of more than thirty-five percent of the minimum lot size or the required land area per dwelling unit permitted by the land use district.

D. ***Consistent with Uses***

The density credit transfer shall be consistent with the permitted uses allowed by the land use district.

E. ***Contiguous Land***

The transfer must be to land having at least one point of contiguity with the land within the Area of Special Flood Hazard.

F. ***Notice of Plat***

The density credit transfer shall only be allowed in subdivisions as defined herein, developed and approved pursuant to the Chapter 8, and the fact of the density credit transfer shall be noted on the face of the plat in such form as prescribed by the County Engineer. Said notice shall constitute a covenant running with the land, enforceable by the Board of County Commissioners.

G. ***Area of Special Flood Hazard Zone***

If it is determined that development within an Area of Special Flood Hazard Zone is unavoidable, residential densities shall be one unit per ten acres.

H. ***Disturbance to an Area of Special Flood Hazard***

When there is to be no disturbance to an Area of Special Flood Hazard, residential densities may be transferred from a Flood Hazard Area to a non-Flood Hazard Area at a density of one dwelling unit per acre, or at the underlying land use density if the underlying density is less than one dwelling unit per acre. Portions of lots may be platted into Areas of Special Flood Hazard and shall not be construed as having disturbed the flood plain 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 Areas of Special Flood Hazard.

I. ***Insignificant Impact***

Certain activities are presumed to have an insignificant adverse effect on the beneficial functions of a flood plain. These activities shall not be considered disturbances for purposes of determining the amount of transferred development and include the following:

1. Scenic, historic, wildlife, or scientific preserves;
2. Commercial or recreational fishing or hunting, and creation and maintenance of temporary blinds;
3. Cultivating agricultural or horticultural products that occur naturally on the site;
4. Developing a Wetlands Storm Water Discharge Facility in accordance with state permits received under Chapter 62-25, Florida Administrative Code.

Section 641 Airport Impact District (AID)

A. ***Purpose and Intent***

The Polk County Comprehensive Plan and Land Development Code shall effect aviation-compatible land uses for airports licensed for public-use by limiting or restricting aviation-incompatible land uses and activities, as defined by the Polk County Airport Zoning Regulations. As the County is a member of the Polk County Joint Airport Zoning Board (JAZB), which adopts and administers airport zoning regulations pursuant to Chapter 333, Florida Statutes, the Airport Impact District overlay and its related development criteria are established to incorporate the provisions of the Polk County Airport Zoning Regulations to ensure the establishment of aviation-compatible land uses and activities in the County. All development within the County shall comply with the Polk County Comprehensive Plan, the Land Development Code, and the Polk County Airport Regulations.

The Airport Impact District (AID) overlay is established to ensure that land uses and activities are compatible with the existing operations of public-use airports and the planned operations of those with adopted Airport Master Plans. The AID includes all of unincorporated Polk County in order to protect the health and safety of its residents and to preserve the public investment in, and utility and benefits arising from public use airports.

B. ***Applicability***

The Airport Impact District overlay shall apply to all of unincorporated Polk County. The existing public-use airports within the Airport Impact District (AID) include:

- a. Bartow Municipal Airport,
- b. Chalet Suzanne Airport,
- c. Brown Seaplane Base,
- d. Lakeland Linder Regional Airport,
- e. Lake Wales Municipal Airport,

- f. River Ranch Resort Airport,
- g. South Lakeland Airpark, and
- h. Winter Haven Municipal Airport.

C. *Development Standards*

The County's Land Development Code shall include provisions applicable to the Airport Impact District (AID) to ensure the establishment of aviation-compatible land uses and thus include appropriate land development criteria, consistent with the provisions of the Polk County Airport Zoning Regulations.

1. The following land use compatibility criteria shall be reviewed for all existing and new development within the County for compliance with the Polk County Airport Zoning Regulations.
 - a. Height restrictions based on the federal obstruction standards contained in 14 CFR Part 77. Property owners are required to provide notice to the Federal Aviation Administration (FAA) for the construction and alteration of certain structures, including those structures greater than 200 feet in height above ground level, and any such structure must obtain an airport obstruction permit from the Airport Zoning Administrator, or agent thereof, and/or airport obstruction variance from the Airport Zoning Board of Adjustment (AZBA);
 - b. Restrictions on noise-sensitive land uses and requirements for certain structures to meet sound-level reduction (SLR) standards within the Airport Noise Zones established by the Polk County Airport Zoning Regulations;
 - c. Restrictions on land uses subject to the recurring overflight of aircraft in the Airport Overflight Zones established by the Polk County Airport Zoning Regulations;
 - d. Restrictions on the location of educational facilities of public and private schools in areas defined by the Polk County Airport Zoning Regulations;
 - e. Restrictions on land uses or activities that induce aircraft bird strike hazard;
 - f. Restrictions on land uses or activities that generate In-flight visual or electronic interference;
 - g. Other applicable regulations or restrictions that may be required by, including amendments to, the Polk County Airport Zoning Regulations.
2. Consistent with applicable law, all development within an Airport Impact District shall be subject to the County's development review procedures.

D. *Variances/Special Exceptions/Appeals*

Variances, special exceptions, and appeals must be approved by the Airport Zoning Board of Adjustment (AZBA) in order for certain land developments to be in compliance with the Polk County Airport Regulations and the Land Development Code. Requests for variances, special exceptions, and appeals under Section 641 must be made to the Airport Zoning Administrator, who is appointed by the Joint Airport Zoning Board (JAZB).

Section 642 Military Compatibility Zones (Rev. 09/21/12 Ord. 12-028)

A. *Purpose and Intent*

The Avon Park Air Force Range (APAFR), located in southeast Polk County, is a training facility serving all branches of the military, the National Guard and some civilian organizations, such as the South Florida Community College Law Enforcement Academy.

The Military Compatibility Zones (MCZ) overlay is established to ensure that land uses and activities are compatible with the operations of the APAFR, in order to protect the health and safety of residents and to preserve the mission of the Range. This Section contains the development standards and criteria applicable within the MCZ overlay. Where there is conflict between the overlay standards and other regulations of this Code, the overlay standards shall be followed.

B. *Applicability*

The MCZ overlay standards shall apply to the areas adjacent to the Avon Park Air Force Range identified in the Military Compatibility Zones Map as Military Compatibility Zone 1 (MCZ-1) and Military Compatibility Zone 2 (MCZ-2).

C. *Development Standards*

Development within the MCZ overlay shall be consistent with the following criteria:

1. MCZ - 1: Redevelopment and new development within MCZ-1 shall be consistent with the following:
 - a. Proposed structures shall comply with the Maximum Structure Height as established in Table 2.2 (Density and Dimensional Regulations for Standard Districts) for each land use district. Any structure taller than 50 feet will require a variance in compliance with Section 930 of this LDC. A variance to the height requires an evaluation by the Board of Adjustment to determine if it will have a negative impact on the operations within the APAFR restricted air space;
 - b. The location of landfills and land application of septage as defined in Polk County Ordinance 95-69 (Domestic and Industrial Wastewater Residuals and

Septage) shall be prohibited because these activities may induce aircraft bird strike hazard;

- c. Outdoor lighting will be required to comply with “dark sky” requirements as follows:
 - i. Street and Parking Lot Lighting;
 - ii. Street Light fixtures shall be limited to 16 feet in height, unless otherwise further restricted in this Code;
 - iii. Parking lot lighting fixtures shall be limited to 24 feet in height;
 - iv. All lighting shall be fully shielded with cut-off, non-glare fixtures directed only onto the subject site (see Figure 642-A). Non-shielded fixtures without cut-offs are prohibited.
- d. Non-residential Development Lighting will be required to comply with the following:
 - i. Electrical reflectors, spotlights, floodlights and other sources of illumination may be used to illuminate buildings, landscaping, signs, parking and loading areas, on any property provided the illumination is cast downward and the fixtures focus the illumination only onto the aforementioned features and prevent illumination upon adjacent properties or any public right-of-way.
 - ii. All lighting shall be fully shielded with cut-off, non-glare fixtures directed only onto the subject site (see Figure 642-A).
- e. Sign Lighting shall be downward projecting or backlit. Lighting attached to signage shall be projected directly at the sign and downward using light shields, hoods, and cut-off type fixtures.
- f. Lighting Curfew
 - i. After closing hours and until sunrise, businesses shall turn off any unnecessary lights (those not associated with safety and security)
 - ii. Businesses open 24 hours shall reduce the illumination by 30% between 11 pm and sunrise.

Figure 642-A – Street Lighting



- g. Prohibited light sources
 - i. Mercury vapor lamps and fixtures;
 - ii. Any illumination patterns common to aviation (similar to runway guidance lighting, flood lights above horizontal plane, etc.) when used on buildings or surrounding.
 - iii. Laser source light when projected above the eaves of structures.
 - iv. Searchlights or laser source lighting used for advertising or entertainment purposes.
- h. Lighting exempt from these regulations:
 - i. Residential lighting in swimming pools and other residential water features governed by Article 680 of the National Electrical Code;
 - ii. Exit signs and other illumination required by building codes.
 - iii. Lighting for stairs and ramps, as required by the building code.

- iv. Holiday lighting for no more than thirty (30) days per year.
 - v. Existing ballpark, field lighting, or other sporting venue lighting approved prior to the adoption of this section.
 - vi. Low voltage landscape lighting, but such lighting should be shielded in such a way as to eliminate glare and light upwards onto adjacent properties.
- i. The County shall, in writing, inform all applicants of proposed development within MCZ-1, of the potential noise nuisance and of sound-level reduction (SLR) standards that could be implemented to mitigate nuisances caused by recurring overflight and other military training activities within the MCZ.
- 2. MCZ - 2: Redevelopment and new development within MCZ-2 overlay shall be consistent with the criteria under MCZ-1 except that there is no height restriction other than that imposed by the land development code for each land use district, the Airport Impact districts, and other state or federal requirements.
 - 3. Consistent with applicable law, all development within the Military Compatibility Zones shall be subject to the County's development review procedures;

Section 643 - 649 Reserved

Section 650 Aquifer Protection

This Section is to safeguard the health, safety and welfare of the citizens of Polk County by protecting the principal source of water for domestic, agricultural, and industrial use, the Floridan Aquifer.

A. *Applicability*

The requirements of this Section shall apply to unincorporated Polk County.

B. *Compliance with Regulations*

All development shall meet regional, state, and federal rules and regulations pertaining to the protection of the quantity and quality of groundwater.

Sections 651 - 659 Reserved

Section 660 Ecological Communities

A. *Purpose and Intent*

It is the purpose of this Section to provide standards necessary to protect endangered and threatened animal and plant species through the preservation of wildlife habitat.

B. *Applicability*

The requirements of this Section shall apply to unincorporated Polk County.

C. *Compliance with Regulations*

All development shall meet state and federal rules and regulations pertaining to the protection of listed species.

D. *Development Standards*

1. Development which has one or more listed species located on the property shall avoid disturbing the area occupied/used by the listed species. If impacts can not be avoided, then impacts to the area occupied/used by the listed species shall be minimized or mitigated by compensation or enhancement.
2. Development of property identified at the 1989 Archbold Biological Station Scrub Conference as being worthy of public acquisition (see Volume 2 of the Polk County Comprehensive Plan, Resource Protection Districts, specifically the Greenway District) shall be confined to the non-scrub portion of the property unless such requirement would result in a net loss of density.
3. For residential development occurring within scrub habitat, as defined above, densities shall be transferred from the scrub area to a non-scrub area at a density of one dwelling unit per acre, or at the underlying land use density of the scrub area if the underlying density is less than one dwelling unit per acre. The density transfer is applicable only if there has been no disturbance to the scrub area other than access or internal circulation within the site when such disturbance is unavoidable.
4. All such transfers of density shall:
 - a. Only be permitted within a subdivision platted and developed in accordance with this Code; and
 - b. Not result in lot sizes, or areas per dwelling unit, less than 65 percent of the requirements of this Code (the minimum lot/area size shall be exclusive of the scrub area); and
 - c. Be noted on the face of the final plat as a restrictive covenant enforceable by the Board of County Commissioners, and
 - d. Meet the following provisions when the density is transferred to an area other than to a contiguous property under the same ownership/control:
 - i. Both properties in question (the scrub site and the non-scrub site) shall be platted at the same time;

- ii. The plat for the scrub site shall include a note indicating which plat the density from the scrub site has been transferred to; and
- iii. The plat for the non-scrub site shall include a note indicating from where the extra density was obtained.

Sections 661 - 669 Reserved

Section 670 Wellhead Protection

A. *Purpose and Intent*

The purpose and intent of this Section is to safeguard the health, safety and welfare of the citizens of Polk County by protecting potable water wells that supply community water systems and non-transient, non-community water systems. This section establishes Criteria for regulating or prohibiting land uses which in their operation store, handle, use, or produce substances which may be harmful to potable water wells.

B. *Applicability*

This Section sets out special requirements for the development of land that impacts, or puts at risk, any potable water wells located within the unincorporated areas of Polk County. The following are regulated activities within the Wellhead Protection Areas which require compliance under this Section:

1. Any new or expanded facility that uses, handles, stores, generates, or disposes of a regulated substance (see Subsection O) in a Wellhead Protection Area.
2. Any expansion or modification to an existing use/activity, or any other improvement made to an existing non-conforming prohibited activity or facility which will extend the useful life of the activity or facility.

C. *Conflicts*

In the event of a conflict between the standards of this Section and rules and regulations of the state, the more restrictive requirement governs.

D. *Burden of Proof*

An applicant seeking approval of a development within a wellhead protection area must demonstrate that the development complies with the requirements of this Section and with all applicable state and federal requirements. A professional engineer or geologist registered in the State of Florida and knowledgeable in groundwater supply development and protection must certify the plans or plat as complete and accurate and in compliance with the requirements of this Section.

E. *Exemptions*

The following legally existing activities are deemed by the County to be exempt from the requirements of this Section provided that all regulated substances listed in Subsection O are stored, used, generated, transported, and disposed of in accordance with existing local, state, and federal regulations:

1. The transportation of any regulated substance through a designated Wellhead Protection Area shall be exempt from the provisions of this Section provided that the transporting motor vehicle is in continuous transit. The transport of any regulated substance through existing permanent pipelines shall also be exempted provided that the currently authorized use or uses do not change.
2. The use of any petroleum product solely as a fuel in a vehicle fuel tank or as a lubricant in a vehicle, shall exempt the vehicle from the provisions of this Section.
3. The use of regulated substances for maintenance and cleaning purposes.
4. The activities of constructing, repairing or maintaining any facility or improvement on land within a wellhead protection area shall be generally exempt from these Sections provided that all agents, when using, handling, storing, producing, transporting, or disposing of regulated substances use applicable Best Management Practices.
5. Retail sales establishments which store and handle, for resale, regulated substances in the substance's original and unopened containers.
6. The application of pesticides, herbicides, fungicides, and rodenticides in pest control, and aquatic weed control activities provided that:
 - a. Application of substances is in strict conformity with the use requirements as set forth in the EPA registries for those substances and as indicated on the containers in which the substances are sold; and
 - b. The application is in strict conformity with the requirements as set forth in Chapters 482 and 487, F.S.; and
 - c. The use of these substances within protection areas shall be under the supervision of a certified applicator. The certified applicator shall keep records, for a minimum of two years, of the date and amount of the substances applied at each location and said records shall be available for inspection by the County.
7. The use of fertilizers containing nitrogen for agricultural purposes, non-residential landscape areas, and golf courses shall be generally exempt from the provisions of this Section to the extent that they are applied in levels not exceeding application rates recommended by the Institute of Food and Agricultural Science (I.F.A.S.), of

the University of Florida. The applicator shall keep records for a minimum of two years of the date and amount of the substances applied at each location and said records shall be available for inspection by the County.

8. Individual residences.
9. Potable water utilities shall not be required to meet the requirements of this Section if the purpose is for the handling, storage, use, generation, transport, or disposal of regulated substances is in the proper and normal course of business of the utility.
10. Existing prohibited activities listed in Subsection I and storage tanks located in Zone 2, provided the use is operating under compliance of all existing applicable federal, state, and local regulations.

F. *Administrative Decisions*

An affected person in a Wellhead Protection Area may request an administrative decision from the requirements of this Section pursuant to Section 921. In so granting, additional conditions and safeguards may be prescribed to protect the water resources. The applicant shall demonstrate by the preponderance of competent substantial evidence:

1. Unique circumstances exist which are peculiar to the particular activity or facility and which are different than any other prohibited or permitted activity or facility; and
2. The best available technology exists which will isolate the activity or facility from the existing or future potable water well; and
3. Site specific hydrologic data and analysis establish that the activity or facility will not, by itself or combined with existing conditions and/or uses, elevate water quality parameters above the limits set forth in Chapter 62-3, F.A.C.

G. Zones Established

Wellhead Protection Areas are established as follows:

1. Zone 1: 500 foot radius surrounding all potable water wells.
2. Zone 2: The land area within the 10 year time of travel of any potable water well with Water Management District Water Use Permits in excess of 100,000 gallons per day (major potable water well).

H. **Maps (Revised 5/20/09 – Ord. 09-02)**

Wellhead Protection Area Maps developed by Polk County for Zone 2 of all major potable water wells are hereby adopted by reference and made part of this Code. The official Wellhead Protection Area Maps shall be kept on file at the Natural Resources and Drainage and Growth Management Department offices. Wellhead Protection Area Maps may be modified at any time by the Board of County Commissioners upon notice of an advertised public hearing.

I. **Prohibited Activities (Revised 05/21/13 – Ord. 13-018)**

As of the effective date of this Code, certain activities are prohibited in the established Wellhead Protection Areas.

1. The following new activities/facilities are prohibited in Zone 1 unless exempted from groundwater monitoring, as verified in writing, by the Florida Department of Environmental Protection:
 - a. Industrial activity, including hazardous waste treatment, storage, or disposal facilities, which in its operation handles, utilizes, generates, or disposes of regulated substances.
 - b. Domestic, commercial and industrial wastewater treatment plants, or septic systems serving industrial activities.
 - c. Animal farms intensive.
 - d. Livestock waste storage, treatment and disposal operations.
 - e. Underground storage tanks.
 - f. Mining. However, surface mining may be permitted in Zone 1 in accordance with the following conditions:
 - i. Existing potable wells shall be within a confined aquifer (hydrogeologically separated from the surface deposits by a confining unit);
 - ii. The confinement of the aquifer will not be altered during or following mining of surface deposits; and
 - iii. Surface mining will not adversely affect current groundwater quality or current quantity (groundwater production rates) of the confined aquifer.

The above conditions shall be confirmed in writing by a professional engineer or geologist registered in the state of Florida and knowledgeable in groundwater supply development and protection.

- g. Well installations, which do not meet the construction requirements of 40D-3, F.A.C. for public supply sources, except for non-contact air conditioning return flow wells (with no provision for additives) which have been grouted from the gravel pack seal to the surface, and properly permitted monitoring wells, in accordance with federal, state, and local government agencies.

2. Prohibited activities in Zones 1 and 2 include any new:

- a. Sanitary landfills including, but not limited to, disposal of solid waste as permitted under Chapter 62-701.020, F.A.C.
- b. Phosphogypsum stacks.
- c. Land applications of wastewater residuals, including sludge, septage or industrial wastes which require a permit.
- d. Hazardous waste treatment, storage or transfer facilities.
- e. Injection wells, except for non-contact air conditioning return flow wells (with no provision for additives) which have been grouted from the gravel pack seal to the surface.

J. *Regulated Activities*

An application may be submitted for an Administrative Determination to authorize a use prohibited in Section I, above.

- 1. Such application shall be made pursuant to Section 921 and the following additional requirements.
 - a. A detailed description of the proposed activities that involve the storage, use, generation, transportation and/or disposal of regulated substances on site;
 - b. A list of regulated substances which are, or are proposed to be, stored, used, generated, transported, and/or disposed of on site, including their quantities.
 - c. A description of the containment, emergency collection devices, and emergency and reporting plan that will be implemented to ensure that contamination by regulated substances will not occur.

- d. A description of the monitoring records, including well and groundwater monitoring if applicable, and regular maintenance of containment and emergency equipment.
 - e. A description of a reconstruction plan to be implemented after a catastrophe (fire, vandalism, flood, explosion, collapse, wind, war or other);
 - f. A Closure Plan, to be implemented upon cessation of operation of the activity or facility. This plan shall specify compliance with all federal, state, and local regulations. The closure plan shall provide for notification to the Polk County Natural Resources and Drainage Division and allow for the inspection and certification that all regulated substances have been removed from the site in accordance with the closure plan.
2. An authorized agent of the County shall be permitted to inspect the subject premises. Inspections shall be made with notice to the owner or operator. Inspections may be made without notice in emergency situations and refusal to allow such inspection shall be sufficient grounds for consideration of revocation of the approval.
 3. Agents of the County are authorized to investigate and verify permits and permit conditions with regard to water resource protection of other state agencies.

K. *Reporting Spills and Unauthorized Discharges*

1. Any discharge of a regulated substance that requires reporting under state or federal guidelines shall also be reported to the County's Emergency Management Division within the same time frame as State or Federal notification requirements.
2. An unauthorized discharge of any quantity of a Regulated Substance must be remediated in such a way that contamination of soils, surface water, or groundwater is minimized.
3. Clean-up activities shall begin concurrent with or immediately following emergency response activities. A full written report including the steps taken to contain and clean-up the spill shall be submitted to the Natural Resources and Drainage Division and the Emergency Management Division within five days of the discovery of the spill.

L. *Protection of Future Wells.*

The standards and restrictions set forth by this Section shall apply to any future potable water wells officially designated by the Board and shall become effective upon approval of the revised Wellhead Protection Area Maps. Prior to final action by the Board, the applicant requesting approval for the public water well shall provide the required data to determine, by radii or through modeling depending on the size of the well, the proposed wellhead protection area and to demonstrate that it will be located outside the area of influence of any existing use that would be prohibited under Subsection I. All property owners and

discernible operating activities within the area affected, shall receive notice pursuant to Chapter 125.66, F.S.

M. *Development Review (Revised 5/20/09 – Ord. 09-023)*

This Section applies to all development of land, within a Wellhead Protection Area and in areas where this Section is in effect by contractual agreement. In addition to the appropriate review procedures and materials outlined in Chapter 9, the following procedures and provisions for development applications shall apply:

1. At the time of application submittal, the Land Development Division Director or his/her designee will determine if a proposed development is within a wellhead protection area as established by this Section and will notify the applicant if additional information is required in order to comply with the requirements of this Section.
2. The Land Development Division shall forward all complete applications for projects within a wellhead protection area to the Director of the Natural Resources and Drainage Division or his designee, who will review the application for sufficiency and compliance with local, state, and federal standards regarding the protection of potable water wells.
3. The Natural Resources and Drainage Division Director or his designee shall make appropriate surveys, tests and inspections of property facilities, equipment and processes proposed or operating under the provision of this Section to determine compliance. The director or his designee shall grant approval if the applicant demonstrates that adequate technology exists to isolate the facility from the potable water well in accordance with this Section.

N. *Regulated Substances (Revised 12/1/10 - Ord. 10-082)*

Regulated substances include:

1. The current listing of Section 313 of Title III of the Superfund Amendment Re-Authorization Act (SARA) of 1986; and
2. By-products, reaction products, and waste products generated from the use, handling, storage, or production of these items.

Sections 671 - 678 Reserved

Section 679 Ridge Scenic Highway *(Added 2/21/12 - Ord. 12-007)*

A. Purpose and Intent

1. The intent of this Section is to ensure the ongoing conservation, protection, and enhancement of the SR 17 Ridge Scenic Highway, a community asset of scenic, environmental, historic and archeological significance, and to implement the policies of the Polk County Comprehensive Plan. The key elements of the SR 17 Ridge Scenic Highway Resource Protection District Overlay are its Quality Development Regulations and its Incentives to encourage both the construction of the Ridge Scenic Highway multi-modal trail and scenic pull-offs and the protection of scenic vistas.
2. The SR 17 Ridge Scenic Highway Resource Protection Overlay has been established to protect and enhance the scenic, environmental, historic and archeological characteristics of the highway and surrounding community while continuing to promote economic development opportunities (including new residential communities and non-residential development) on both public and private unincorporated property and within the municipalities that exist along its 39 mile path. While the goals of the Comprehensive Plan have been incorporated into the development guidelines, Polk County recognizes that the impact of development on the road system itself may, from time to time, necessitate improvements along SR 17, such as an increase in the number of travel lanes, intersection improvements, or turn lanes. However, as development occurs in the vicinity of SR 17, agencies shall seek first to build connections out to US 27 before widening SR 17, as the preference is to minimize traffic impacts on the SR 17 Ridge Scenic Highway. When infrastructure improvements are required as future development occurs, these shall be constructed in a manner which preserves the character along SR 17, and in a manner which does not preclude or degrade the standards in this section.

B. Applicability

1. The Quality Development Standards within Section 679.C shall apply to all new development, and redevelopment, of structures and uses on property abutting the SR 17 Ridge Scenic Highway right-of-way and all land associated with a request to utilize the optional incentive program with the exception of bona fide agricultural uses, legally established agricultural-support activities, and residential lots of record (as defined in the Comprehensive Plan).
2. All eligible parcels adjacent to the SR 17 Ridge Scenic Highway right-of-way are encouraged to utilize the optional incentives within Section 679.F to set aside land for scenic vistas, pull-offs, and multi-modal trailheads.
3. A development application utilizing the incentives within Section 679.F may, at the option of the applicant(s), include multiple parcels with either common or separate ownership in order to accomplish the Resource Protection goals of this SR 17 Ridge Scenic Highway Overlay. In order to be included within a development utilizing the

incentives of Section 679, at a minimum, all applications utilizing the incentive program shall meet the following criteria:

- a. All parcels shall have frontage on the SR 17 Ridge Scenic Highway right-of-way; and,
- b. Incentives may be transferred from one parcel fronting the SR 17 Ridge Scenic Highway right-of-way to another site within this Resource Protection Area fronting SR 17 provided the two sites are contiguous.

C. *Quality Development Standards*

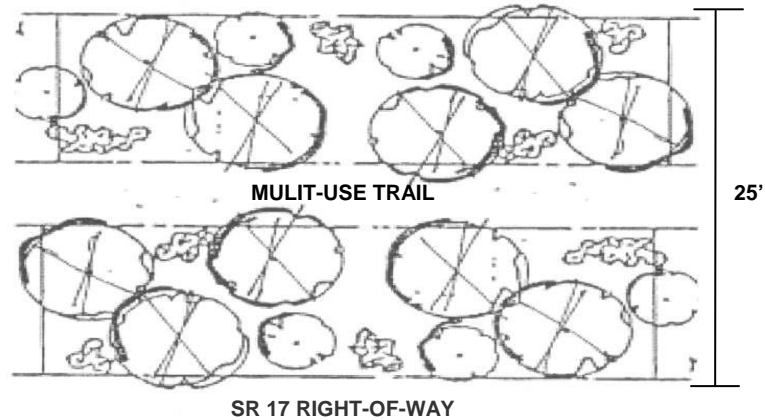
The Quality Development Standards for the SR 17 Ridge Scenic Highway Resource Protection Overlay, which are intended to protect and enhance the SR 17 Ridge Scenic Highway and surrounding area, are embodied in the following categories; Roadway and Development Landscaping, Landscape Maintenance, Screening, Parking, Building Location and Orientation, Street and Development Lighting, Signage, Walls and Fences, Building Height, Stormwater Retention Facilities, Utilities and Prohibited Activities. All development shall submit a tree survey showing all trees and grading plan prior to land alteration/clearing.

1. Roadway Landscaping

- a. A 25-foot wide landscape/buffer shall be required for all development adjacent to both sides of the Ridge Scenic Highway right-of-way. This landscape/buffer area shall be provided on the development site, exclusive of dedicated or existing road rights-of-way.
- b. Minimum planting requirements for this landscape/buffer area shall consist of a Type C Buffer (4 canopy trees, 5 understory trees and 20 shrubs for every 100 linear feet of right-of-way frontage) (see Figure A).
- c. Up to a 50% credit towards the planting requirements shall be granted for the conservation of existing Florida Native trees in accordance with the provisions of Section 721.
- d. Only native plantings endemic to the Lake Wales Ridge (e.g. live oak, slash pine, long leaf pine, scrub hickory, turkey oak) shall be used in the landscape and buffer areas.
- e. To ensure species diversification, no single species shall comprise more than 50% of each required planting type (canopy tree, understory tree, and shrub).
- f. All landscaping shall be designed, installed and maintained in a non-linear and informal manner so that it mimics the environment native to the planting's natural setting.

- g. Landscaping shall also be encouraged along road rights-of-way within each development.
- h. Where it can be demonstrated that the required landscaped buffer would impact or reduce a designated Scenic Vista (as described in Section 679.D) viewed from the SR 17 Ridge Scenic Highway, plantings may be reduced to 25% of the landscape/buffer planting requirement in an alternative planting scheme approved by the Development Review Committee as part of the Level 2 Review process. The remaining 75% of those plantings that have been removed from that portion of the buffer shall be planted in other areas of the buffer or throughout the development site.
- i. An exception to Section 679.C.1.a is available for existing commercial lots of less than 150 feet in depth. In these cases, the applicant shall include as much of the required buffer depth and plant material as practicable.

Figure A – SR 17 Roadway Landscape Buffer with Trail



2. Development Landscaping

All new development shall plant canopy trees native to the Lake Wales Ridge in accordance with the following sub-section. Up to a 50% credit of the required landscaping shall be granted for conserving and maintaining existing Florida Native trees in accordance with the provisions of Section 721. All tree plantings shall be planted in such a manner that will allow the species to reach maturity.

- a. Single-family and duplex residential units shall provide two canopy trees per dwelling unit.
- b. All other residential developments shall provide one canopy tree per unit.
- c. All non-residential development shall provide trees meeting the canopy coverage requirements of Section 720. No more than 50% of the required canopy trees shall be located within required buffer areas and no more than 50% of all required plantings shall be of any one species.

3. Landscape Maintenance

The property owner shall be responsible for the perpetual care and maintenance of all landscape and buffer areas to ensure that plantings are healthy and remain in an orderly appearance, free of refuse and debris. Property owners shall replace any planting that will not recover to reach maturity, including all dead and severely diseased plantings, within 90 days. Vegetation which is required to be planted or preserved by this Section shall be replaced with equivalent vegetation if it is not living. Replacement vegetation may be substituted as long as it is appropriate for the water use zone within which it is proposed to be planted, is native to the Lake Wales Ridge, and meets the other provisions of Section 720 (i.e. canopy coverage requirements). Preserved trees for which credit was awarded, which subsequently die, shall be replaced by the requisite number of living trees according to the standards established by Section 721 and this Section.

4. Screening

The intent of this section is to diminish the visual impacts of uses that, by their nature, may detract from, or have a negative visual impact upon, the SR 17 Ridge Scenic Highway Resource Protection Overlay area and the overall community image.

- a. Loading areas and docks (including delivery truck parking), outdoor storage (retail and wholesale), self storage, parking areas, and trash collection and storage areas shall either be located 200 feet away from the SR 17 Ridge Scenic Highway right-of-way or be buffered with a Type A Buffer (as illustrated in Section 720). This buffer is in addition to the landscaping required within the first 25 feet of the SR 17 Ridge Scenic Highway right-of-way.
- b. Landscape screening shall be provided for rear yards of both residential and non-residential uses adjacent to the SR 17 Ridge Scenic Highway right-of-way, except in cases where it can be demonstrated that the plantings would reduce the view to one of the scenic vistas identified on the Resource Protection Overlay.
- c. A Type A Buffer shall be provided around the perimeter of utility lift stations, substations, and other above-ground utilities.

5. Parking

- a. In order to minimize their visibility from SR 17, all parking areas shall be located internal to the development, within rear and side yards only, and at least 100 feet from the SR 17 right-of-way. If the parking area is located within a rear or side yard that faces SR 17, it shall be buffered with an additional Type A Buffer. Exceptions may be granted by the Development Review Committee if the applicant can illustrate how the topography, water management issues or permit conditions force the location

of the parking area to the front yard, an area visible from, or within 100 feet of SR 17.

- b. While parking areas facing the SR 17 Ridge Scenic Highway are discouraged, they may be permitted when it can be demonstrated that their placement would provide for additional open space within a designated viewshed or pull-off on the Resource Protection Overlay map.
- c. The parking requirements of Section 708 may be reduced through shared parking agreements and for all mixed-use and interconnected developments with a supporting parking study and by approval of the Development Review Committee as part of the Level 2 Review process without requiring a waiver. Non-residential parking may be reduced by up to 20% alone and 30% if shared with another complimentary use (i.e.- 9 a.m. to 5 p.m. office adjacent to 5 p.m. to 9 a.m. residential).

6. Street Lighting

- a. Roadway illumination of any kind, including street lighting, is prohibited along SR 17 within 25 feet of the SR 17 right-of-way except adjacent to entrance driveways for developments and public roadway intersections with SR 17.
- b. Lighting fixtures shall be limited to 12 feet in height within 25 feet of the SR 17 Ridge Scenic Highway right-of-way and 16 feet in height within 200 feet of the SR 17 right-of-way.
- c. All lighting shall be fully shielded with cut-off, non-glare fixtures directed only onto the subject site (see Figure B). Non-shielded fixtures without cut-offs are prohibited.

Figure B – Street Lighting



7. Non-residential Development Lighting

- a. Electrical reflectors, spotlights, floodlights and other sources of illumination may be used to illuminate buildings, landscaping, signs, parking and loading areas, on any property provided the illumination is cast downward and the fixtures focus the illumination only onto the building, landscaping, signs, parking and loading areas and prevent illumination upon adjacent property or any public right-of-way.
- b. Lighting shall be directed away from all residentially developed or designated areas.
- c. All lighting shall be fully shielded with cut-off, non-glare fixtures directed only onto the subject site (see Figure B).

8. Signage

- a. On-and Off-Premise Signs In order to emphasize the intrinsic qualities and scenic views of SR 17, signage is more restrictive within the SR 17 Ridge Scenic Highway Resource Protection area than the existing Land Development Code contained in Section 760. Development within the Overlay shall use signage that is lower in height and smaller in area to protect and enhance the SR 17 Ridge Scenic Highway area in accordance with the following:

- i. Roof signs and all types of electronic message boards are prohibited.
 - ii. Banners, portable signs, and flapping flags are prohibited. One US flag and one State of Florida flag are allowed for each parcel.
 - iii. Flashing, blinking, fluctuating or otherwise changing light source signage are prohibited. Electronic message boards and light emitting diode (LED) signs are prohibited.
 - iv. Sign lighting shall be downward projecting or backlit. Lighting attached to signage shall be projected directly at the sign and downward using light shields, hoods, and cut-off type fixtures.
- b. On-Premise – Maximum sign area (square footage) and maximum sign height shall each be reduced 25% from the standards permitted in Table 7.16 On-Premises Sign Standards within Section 760 of this Code. Signs with decorative sign boundaries and landscaping along the base for the entire width of the face shall only be subject to a 15% reduction. All other sign standards from Section 760 shall apply.
- c. Off-Premise signs (where permitted by state and local standards)
- i. Are prohibited within 1,000 feet of a Scenic Overlook Pull-Off or Vista as illustrated on the Resource Protection Overlay map;
 - ii. Shall not exceed 30 feet in height;
 - iii. Shall be limited to monopole construction, single sign face height and single sign face width (no stacked or double-wide signs); and,
 - iv. Shall be limited to a minimum of 128 square feet and a maximum of 288 square feet per sign face.

9. Walls (see Figure C)

All walls shall maintain the scenic views and natural character of the area.

a. Materials

Walls shall be constructed of stone, precast concrete, concrete block, or brick in units of uniform length and size. Concrete shall be painted neutral or earth tone colors that blend with the vegetation, roadway landscaping, or vista. Walls that are regularly interspersed with open fencing (such as wrought iron fencing or comparable material in between brick or concrete block posts) and allow views into and through the property are preferred (see Figure C).

b. Location

Walls with greater than 20% opacity shall be prohibited (see Figure C) within the first 50 feet from the SR 17 road right-of-way, or within vistas and pull-off areas. All walls are prohibited within the required 25 foot roadway landscape/buffer. The sole exception to these limitations is for those walls required solely for slope stabilization; these walls shall be allowed provided a Type A Buffer is installed between the required roadway landscape/buffer and the wall.

c. Height

All walls within 50 feet of the required SR 17 roadway landscape/buffer shall be limited to six feet in height measured from the average adjacent grade.

Figure C - Walls



10. Fences and berms (see Figure D)

All fences and berms shall maintain the scenic views and natural character of the area.

a. Materials

Fences shall be constructed of ornamental wrought iron, other ornamental metals manufactured for fences, or wood. PVC fencing, chain link fencing and privacy fencing (more than 20% opaque) is prohibited within 50 feet of the SR 17 right-of-way. Property located outside of scenic vistas may use these fences provided a Type A buffer is installed between the required 25 foot SR 17 roadway landscape/buffer and the fence. When chain link fencing is utilized, only black vinyl coated chain link fencing shall be permitted. Opaque fences along SR 17 shall be prohibited. Fences that are regularly interspersed with openings and allow views into and through the property are permissible.

b. Finish and presentation

Fences must be constructed to present the finished or decorative side of the fence to the right of way if the appearance of the fence is not the same on both sides. Wrought iron and other ornamental metal fences shall be finished in black or white. Other fences shall be painted neutral or earth tone colors that blend with the vegetation, roadway landscaping, or vista and wood fences. Wood fences shall be left natural (unstained), stained in a natural wood color, or painted white or an earth-tone color and shall be constructed as split rail and open pasture type fencing (see Figure D).

c. Location

Fences with greater than 20% opacity (see Figure D) and all berms higher than three feet shall be prohibited within the first 50 feet from the SR 17 road right-of-way, within scenic views and pull-off areas. All fences and berms shall be prohibited within the required 25 foot roadway landscape/buffer.

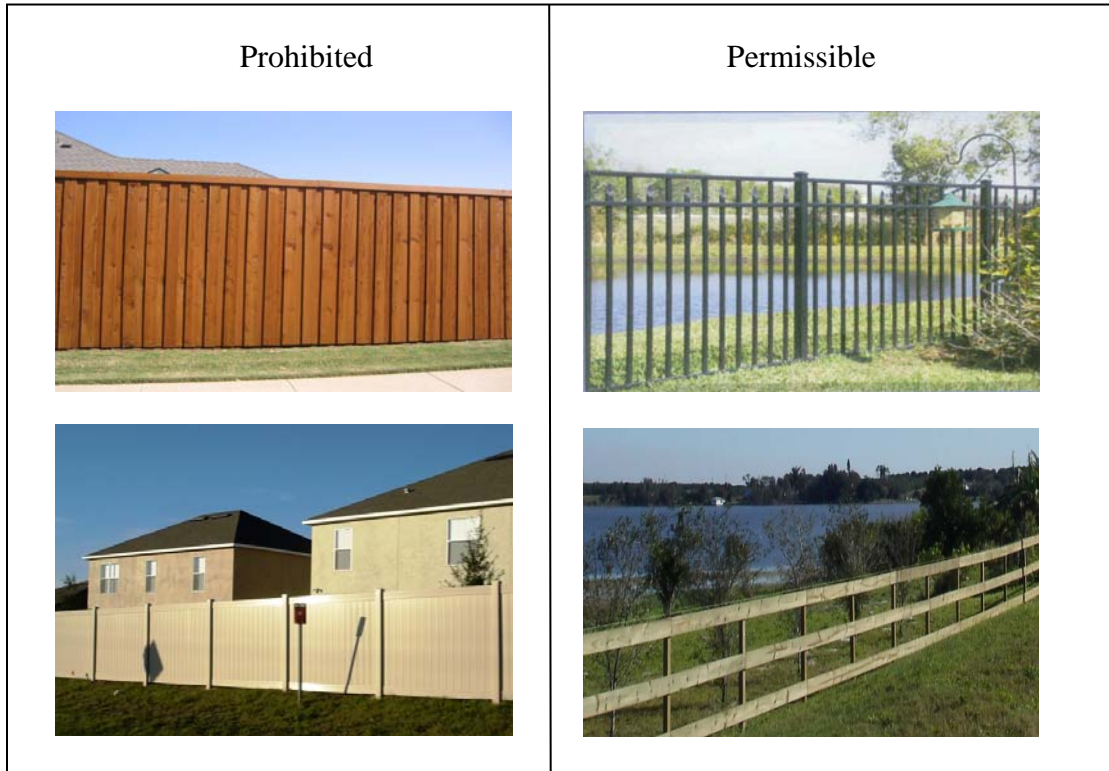
d. Height

All fences within 50 feet of the required SR 17 roadway landscape/buffer shall be limited to six feet in height measured from the average adjacent grade. Other fences within the Overlay shall comply with the following standards:

- i. Single family residential fences shall be limited to a height of six feet from the average adjacent grade.

- ii. Multi-family and non-residential fences may be increased to eight feet provided the fencing is not within a scenic vista and a Type A Buffer is installed between the required 25 foot roadway landscape/buffer and the fence.

Figure D – Fences



11. Residential Building Height and Location

Buildings shall be located and designed to preserve views from the right-of-way both along SR 17 and through properties where identified. Buildings shall comply with the following height limitations in order to preserve existing viewsheds and to avoid a “tunnel” effect along the Ridge Scenic Highway:

- a. Building heights within 0 to 40 feet of the Ridge Scenic Highway right-of-way shall be limited to one story (17 feet).
- b. Building heights within 41 to 50 feet of the Ridge Scenic Highway right-of-way shall be limited to two stories (35 feet).
- c. Building heights more than 50 feet from the Ridge Scenic Highway right-of-way shall follow existing Land Development Code building height regulations.
- d. Where a vista has been identified on a property, buildings shall be encouraged to locate outside of the vista by clustering the buildings and utilizing administratively permitted (Level 2 Review) impervious surface

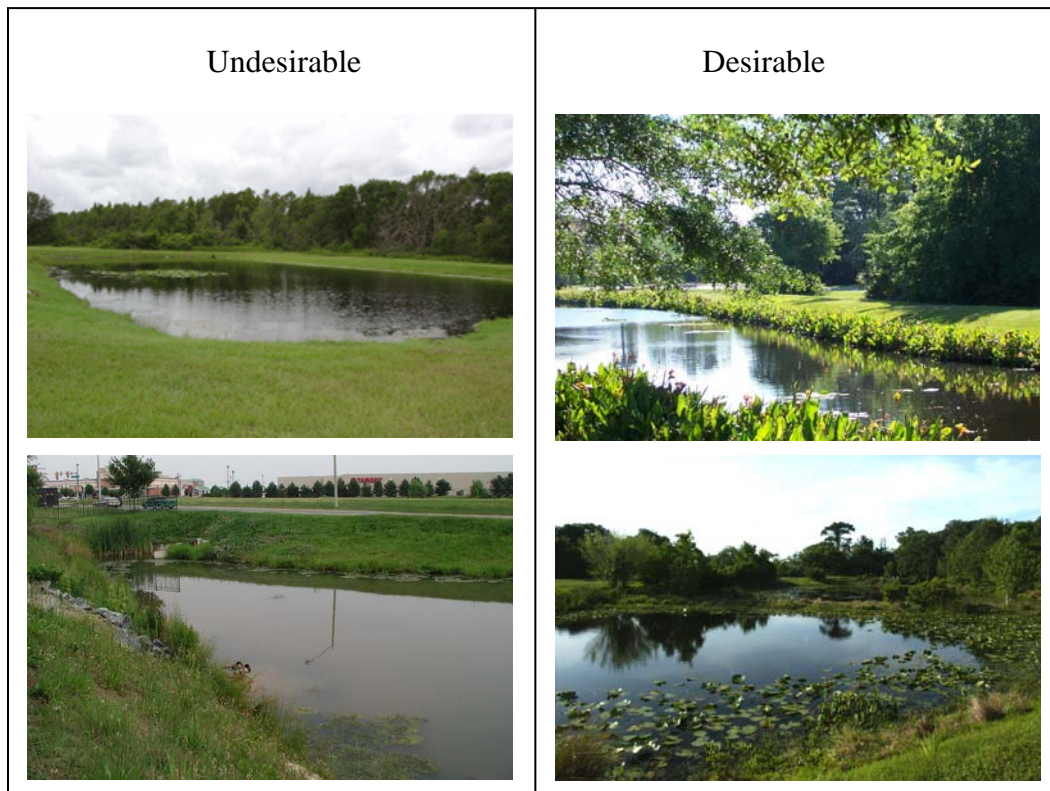
ratio increases up to 25%. Variances of up to 50% of the standard side and rear building setback requirements shall be permitted administratively (as part of the Level 2 Review) if the applicant can demonstrate how the variance will contribute to the enhancement of a viewshed on or through the property.

- e. Infill lots and redevelopment within historic areas and urban cores (including Lake-of-the-Hills and Babson Park community downtown areas) shall be exempt from these requirements provided the proposed structures meet the average setback of existing adjacent structures.

12. Stormwater Retention Facilities

- a. All development shall require a grading plan. Site preparation including clearing, grubbing, grading and excavation shall not be permitted prior to Level 2 Review approval.
- b. All stormwater retention facilities and drainage areas within the SR 17 Resource Protection Overlay district shall be naturally shaped (curvilinear, not basic geometric shapes) and landscaped with species native to the Lake Wales Ridge along the edge of bank and within the pond area (see Figure E). The number and type of plantings along the edge of bank shall be consistent with Type A Buffer requirements; however, plantings shall be grouped and dispersed to present a natural distribution rather than installed in a linear distribution.

Figure E – Stormwater Retention



13. Utilities

Distribution and/or collection systems for power, gas, water, and wastewater utilities within new development shall be located underground unless explicitly required to be above ground by the utility provider.

14. Prohibited and Conditional Uses

As of the effective date of this Code, the following uses and activities are either prohibited or conditioned within the set distances from the Ridge Scenic Highway Resource Protection Overlay district boundary.

- a. The following uses shall be prohibited within 750 feet from the SR 17 Ridge Scenic Highway right-of-way: salvage yards, adult uses, car washes, hazardous waste transfer/storage, vehicle sales, mobile home sales, vehicle repair, drive-in movie theatres, power plants, landfills, communication towers greater than 75 feet in height, and truck stops.
- b. The following conditional uses shall require a Level 3 Review when proposed within 500 feet of the SR 17 Ridge Scenic Highway right-of-way: outdoor storage, motor freight terminals, self-storage, and non-residential/retail greater than 20,000 square feet in building size. Applicants

shall demonstrate how these conditional uses have been designed to be compatible and consistent with all other policies of the SR 17 Ridge Scenic Highway. The most intense activities shall be located on the site where they are farthest from the SR 17 right-of-way and where they minimize the reduction of views through the site.

- c. Commercial vehicle parking shall be prohibited within 250 feet of the SR 17 right-of-way and within identified viewsheds or pull-offs unless the vehicle is parked temporarily in association with an active agricultural use.

15. Non-Residential Development

- a. Building Height - Buildings shall be located and designed to preserve views from the right-of-way both along SR 17 and through properties where identified. Buildings shall comply with the following
 - i. Building heights within 0 to 40 feet of the Ridge Scenic Highway right-of-way shall be limited to one story (17 feet).
 - ii. Building heights within 41 to 50 feet of the Ridge Scenic Highway right-of-way shall be limited to two stories (35 feet).
 - iii. Building heights more than 50 feet from the Ridge Scenic Highway right-of-way shall follow existing Land Development Code building height regulations.
- b. Incentives for Scenic Conservation - Non-residential uses along the SR 17 right-of-way shall dedicate land and construct the multi-modal trail in accordance with Tiers 1 and 2 of Section 679D(1)(a. & b.). In exchange for this dedication and construction, non-residential development may waive the Impervious Surface Ratio (ISR) and vary the minimum setback requirements as established in Table 2.2 of this Code in the following manner:
 - i. Impervious Surface Ratio (ISR) – Non-residential development shall be permitted to a 25% increase in ISR by approval of the Development Review Committee as part of the Level 2 Review process without requiring a variance or waiver.
 - ii. Minimum Setback Requirements - Non-residential side and rear yard building setbacks (as established in Table 2.2) may be reduced by up to 50%, provided they are not adjacent to, or within 100 feet of, the SR 17 Ridge Scenic Highway right-of-way.

D. Ridge Scenic Highway Incentive Program

The following voluntary incentive program was established to provide the means for land owners and developers to receive development bonuses for contributing to the conservation of land (in perpetuity) and construction of public improvements that maintain and enhance the scenic, environmental, historic and archeological qualities along the SR 17 Ridge Scenic Highway. While this program is limited to the intensities or densities outlined in the Future Land Use Element of the Polk County Comprehensive Plan and the available infrastructure (concurrency), it provides an alternative way of achieving the maximum density/intensity within each land use district by utilizing a unique credit system that is based upon the community's desire to have land developed in a manner that respects these qualities of the Ridge Scenic Highway. This credit system may also be used to add additional density on top of a Level 3 Review, provided the final density for the proposed development does not exceed the density of the underlying land use district.

The following section outlines when and how each voluntary step of improvements is exchanged for a corresponding development bonus. These steps range from land donation to the construction of a multi-modal trail or pull-off park along the Ridge Scenic Highway. Because the scenic viewsheds, pull-off areas, historic sites, and areas suitable for beautification have been identified on the SR 17-Scenic Highway Resource Protection Overlay (of the Comprehensive Plan Future Land Use Map Series) and the trail alignment location has been identified by the Florida Department of Transportation, only land that corresponds to these location-specific scenic resource markers may take advantage of those particular bonuses. A Comprehensive Plan Amendment shall be required to consider adding additional resources to this map.

1. Incentives

There are four Tiers (levels) of incentives within the Ridge Scenic Highway Incentive Program. All participation is voluntary. Compliance with the criteria established under Tier 1 must be met before proceeding to Tiers 2-4. Participation in Tiers 2-4 is dependent upon the availability of the attribute being incentivized. For example, if the trail alignment is on the opposite side of the highway and there are no recognized scenic viewpoints or pull-off locations on the property, the land owner/developer cannot participate in Tiers 2-4 and may only utilize Tier 1 bonuses. Incentives are granted upon the completion of a Level 2 Review process after the applicant illustrates that all requirements for the proposed Tier have been met. Each bonus that is attained is applied to a previously approved bonus or Planned Development approval. Incentive bonuses expire with the expiration of the Level 2 plans.

a. Tier 1

In exchange for a gross density of one unit per acre through a Level 2 Review process, Tier 1 requires:

- i. full participation in the Scenic Highway Overlay Quality Design Criteria;
- ii. installation and maintenance of the required roadway buffer as defined in this section;
- iii. utilization of centralized potable water for the development; and,
- iv. a minimum of 30% open space within the project with 70% of that open space adjacent to the Ridge Scenic Highway right-of-way.

b. Tier 2

In exchange for the construction of a multi-modal trail along the entire Ridge Scenic Highway frontage and the donation of the trail infrastructure and land to a public entity for maintenance and public use, Tier 2 entitles the applicant a 10% Density Bonus through a Level 2 Review process for every 1000 linear feet of SR 17 Ridge Scenic Highway right-of-way frontage of trail construction. The total percentage of Density Bonus shall be calculated in fractional measurements (for example, 500 feet of linear frontage = 500 feet of trail constructed = 5% Density Bonus).

c. Tier 3 This Tier requires the applicant to donate land for a Scenic Overlook Pull-Off in one of the locations illustrated on SR 17-Scenic Highway Resource Protection Overlay (of the Comprehensive Plan Future Land Use Map Series).

- i. Because multiple parcels are adjacent to, or associated with, the locations identified on this Overlay map, the applicant shall request and pay for a pre-application conference with the Development Review Committee by submitting an application with an explanation of how the proposed project will contribute to the preservation or enhancement of the selected viewshed or site attribute.
- ii. Upon approval, the applicant shall be permitted to participate in Tier 3 and shall be permitted a 10% Density Bonus able to be utilized as part of the Level 2 Review process.

d. Tier 4 This Tier requires the applicant to build the infrastructure and related support facilities for a Scenic Overlook Pull-Off.

- i. Because there are multiple potential configurations of the parking lot and options for the related support facilities for a scenic pull-off, the applicant shall request and pay for a pre-application conference with the Development Review Committee by submitting an application with an explanation of how the proposed project will contribute to the

preservation or enhancement of the selected viewshed or site attribute for approval as part of the Level 2 Review application.

- ii. Upon approval, the applicant shall be permitted to participate in Tier 3 and shall be permitted a 20% Density Bonus able to be utilized as part of the Level 2 Review process.

2. Density Bonuses

- a. The Density Bonuses available for Tiers 1, 2, 3, and 4 may be combined when calculating total permissible development potential.
- b. If a development application includes multiple parcels (679.B.3), the density bonuses available for Tiers 2, 3, and 4 shall be calculated on the frontage and acreage of the combined parcels.

3. Submittal Requirements

If an applicant desires to participate in the Ridge Scenic Highway Incentive Program, the development application and supporting documentation shall include a notarized letter indicating the applicant's intention to participate in the program and the following (as applicable):

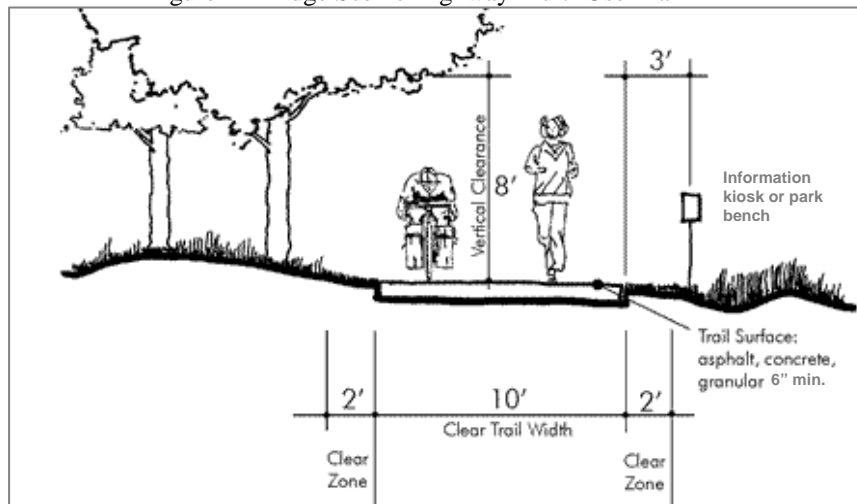
- a. A commitment to full participation in the Ridge Scenic Highway Incentive Program and the specific Tier (Tier 1 - Tier 4) of participation,
- b. The legal description and acreage included in the proposed multi-modal trail and a written commitment to construct the multi-modal trail to current Florida Department of Transportation (FDOT) specifications, and no less than those illustrated in Figure F, across the entire Ridge Scenic Highway right-of-way frontage of the property,
- c. The legal description and acreage included in the proposed Scenic Overlook Pull-Off,
- d. A written commitment to construct a Scenic Overlook Pull-Off and a description of the number of parking spaces (paved and unpaved) and related support facilities proposed for the property.

4. Ridge Scenic Highway Multi-Use Trail

A Multi-Use Trail shall extend the entire length of the Ridge Scenic Highway adjacent to the existing right-of-way.

- a. It is anticipated that the Multi-Use Trail will be located on at least one side of the right-of-way.
- b. The location and alignment of the trail shall be coordinated based on adjacent development and the Greenway plan map (where applicable). Where topography or water body locations prohibit trail/pathway development, an alternate connection shall be provided for pedestrian usage.
- c. At a minimum, the Multi-Use Trail shall be paved using either concrete or asphalt pursuant to best practices and FDOT standards, 10-12 feet in width, and located within the required 25 foot roadway landscape/buffer (see example in Figure F).

Figure F – Ridge Scenic Highway Multi-Use Trail



5. Scenic Vistas

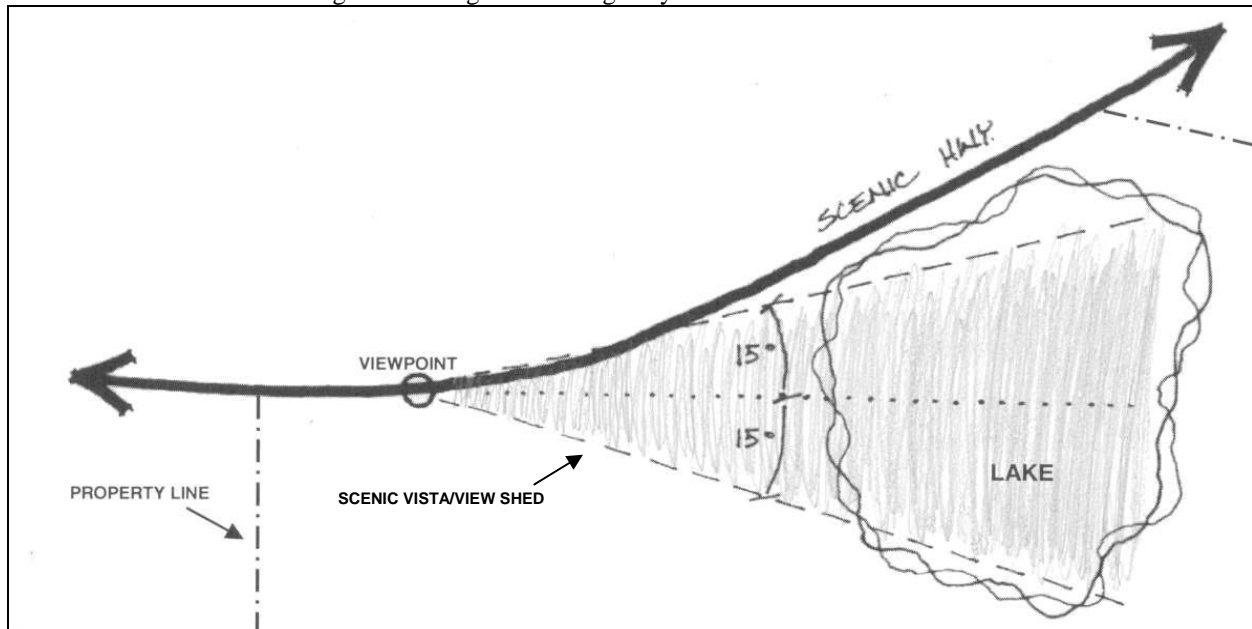
A Ridge Scenic Highway Scenic Vista (Scenic Vista) is a viewpoint from the Ridge Scenic Highway. While most of them have been identified on the SR 17 Ridge Scenic Highway Resource Protection Overlay map, others may be discovered or reported and added to this map through the Comprehensive Plan Amendment process. Scenic Vistas shall be regulated by the following criteria:

- a. Development shall be offered bonuses and incentives such as FAR & ISR increases, clustering, lot size reductions 50% smaller than the clustering provisions pursuant to Section 753 of this Code, and a 50% setback reduction to limit the intensity or transfer it out of view of the Scenic Vista. However, in no instance shall the Ridge Scenic Highway Overlay provisions preclude development within the Ridge Scenic Highway Scenic Vistas.
- b. Each of the Ridge Scenic Highway Scenic Vistas resemble cones and are established as a 30-degree angle measured in equal 15-degree angle segments

measured from the Ridge Scenic Highway right-of-way to the primary vista amenity of interest (see Figure G).

- c. Where the primary vista amenity is a specific landmark, such as Bok Tower, the Scenic Vista is established by drawing a line between the viewpoint and the landmark. The vista is 15% to both sides of the line between these two points (see Figure G).
- d. Where the Scenic Vista is simply the natural terrain and vegetation, the Scenic Vista shall be limited to the distance where topography and/or where line of sight dissipates due to terrain and vegetation on the property. In no case shall the Scenic Vista extend beyond 1,000 feet except where a primary vista amenity or landmark (such as the Bok Tower) has been established (see Figure G).

Figure G - Ridge Scenic Highway Scenic Vista View Cones

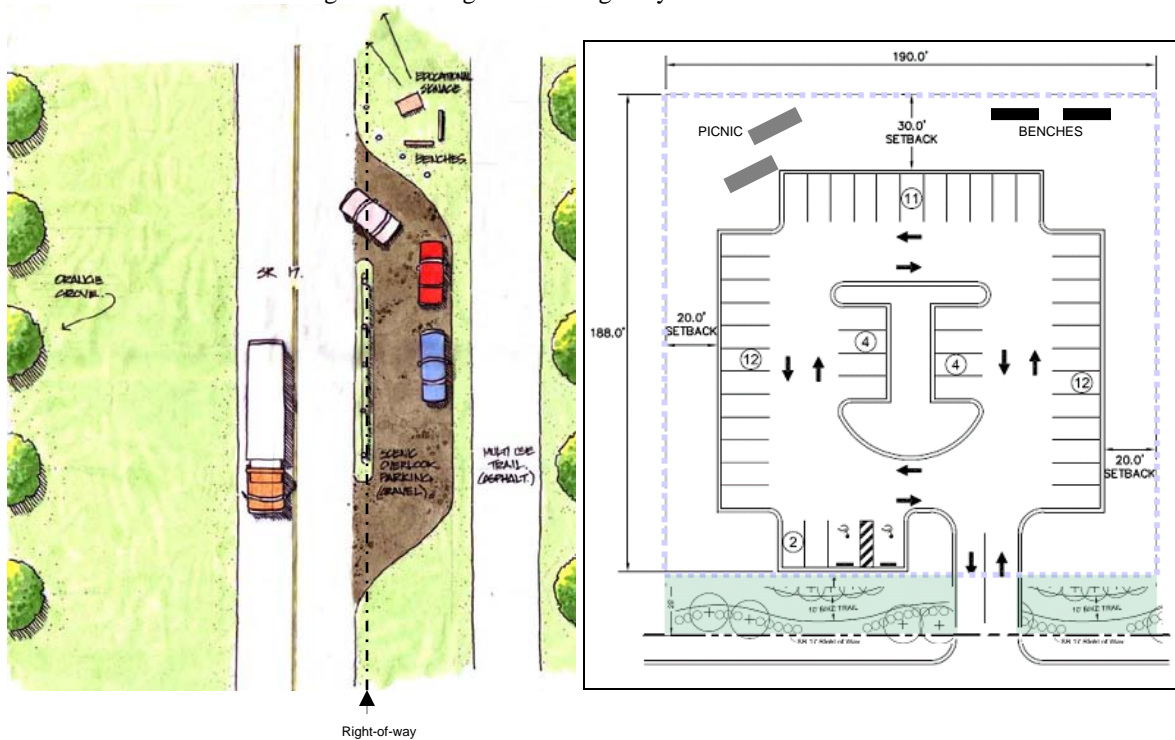


6. Overlook Pull-Off

Combined with parking and access to the multi-use trail, Scenic Overlook Pull-Offs provide opportunities to highlight scenic advantage points and educate travelers/visitors on the area and services available. While most of them have been identified on the SR 17 Ridge Scenic Highway Resource Protection Overlay map, others may be discovered or reported and added to this map. Scenic Overlook Pull-Off locations shall provide views of historic structures, governmental buildings, cultural facilities, recreational facilities, public art, entrances to area towns and villages, prominent citrus groves and agricultural areas, and views of cattle grazing lands that are typical to Polk County. Scenic Overlook Pull-offs shall be regulated by the following criteria:

- a. Scenic Overlook Pull-Offs shall have a minimum size to serve the purpose intended. At a minimum, Pull-Offs shall not be less than ½ half acre (21,780 square feet) in size.
- b. All parking areas shall provide parking lot landscaping and buffering consistent with the requirements of Section 720.
- c. Scenic Overlook Pull-Off parking areas shall provide parking at a ratio suitable for the purposed intended. With the exception of driveways and drive aisles, parking spaces may be left unpaved, provided the soil is stabilized and covered with groundcover plantings, mulch, gravel, or shellrock and wheelstops to define each space.
- d. Each Scenic Overlook Pull-Off shall include, at a minimum, support facilities including at least one bike rack, covered picnic area with two tables, and signage related to the Ridge Scenic Highway. All materials shall meet minimum construction standards for recreation areas utilized by the Polk County Leisure Services division.
- e. Parking areas and structures shall be prohibited from locating within the 25 foot right of way setback buffer.
- f. The developer shall deed or dedicate these pull-offs to FDOT, Polk County, city (whichever is the jurisdiction controlling the property), or a quasi-governmental entity capable of maintaining these properties.

Figure H – Ridge Scenic Highway Pull-Offs



7. Conflict Section

When there is a conflict between the Ridge Scenic Highway Overlay regulations and other regulations of this Code, the Ridge Scenic Highway Overlay regulations shall guide and regulate development.

Section 680 Historic Preservation Sites

A. *Purpose and Intent*

This Section is intended to protect significant man-made resources within Polk County and to implement the policies of the Polk County Comprehensive Plan and State and Federal guidelines.

B. *Applicability*

The requirements of this Section shall apply to development on a site which contains a historic resource listed on the National Register of Historic Places or the Florida Master Site File, or development on a site which is within 100 feet of the listed historic resource.

C. *Submittal Requirements*

In addition to the appropriate review procedures and materials in Chapter 9, all development to which this Section applies shall submit the following information:

1. A description of the historic resource;
2. A report by the State of Florida, Bureau of Historic Preservation, as to the significance of the resource and the steps, if any, that should be taken to protect that significance;
3. A description of the manner in which on-site historic resources are treated under the proposed development plan, including plans for destruction, alteration, or preservation;
4. A description of the relationship of the proposed development to, and its impact on, any off-site historic resources identified pursuant to 680 C.1.;
5. A discussion of the relationship of the proposed treatment of the resource to the recommendations of the Bureau of Historic Preservation.

D. *Development Standards*

A development permit for a site containing a historic resource shall not be approved unless:

1. The proposed treatment of the resource is consistent with the recommendations of the Bureau of Historic Preservation contained in the report required by Section 680.C.2; or
2. The applicant shows that complying with the recommendations of the Bureau of Historic Preservation would impose an undue economic burden on the applicant. An undue economic burden shall not be found to exist unless:
 - a. The applicant shows by substantial competent evidence that compliance with the recommendations of the Bureau of Historic Preservation will reduce the profitability of the otherwise approvable, profitable development to such an extent that the development will not be constructed; and
 - b. The applicant presents a plan for documenting any historic resource that will be destroyed or altered.