Chapter 7

SITE DEVELOPMENT STANDARDS

CHAPTER 7 SITE DEVELOPMENT STANDARDS

Section 701 Purpose and Intent

The purpose of this Chapter is to establish minimum site requirements for the development and use of land within Polk County. The standards outlined herein shall be construed as minimum requirements and shall apply to the use, development and redevelopment, expansion or increase in intensity of land or buildings, except as otherwise provided for in this Code. Such requirements include off-site and on-site minimum criteria necessary to further the objectives of the Comprehensive Plan and protect the health, safety, and welfare of the inhabitants of Polk County.

Section 702 Connection to Centralized Water, Sewer, and Reuse Water Provisions *(Rev. 07/22/09 – Ord. 09-048; 3/25/03 - Ord. 03/26)*

Development located in the Urban Development Area (UDA), Urban Growth Area (UGA), Suburban Development Area (SDA), or Utility Enclave Area (UEA) must meet the following standards for connection to potable water and wastewater, and reclaimed water systems.

A. ***Development within the Urban Development Areas shall conform with the following criteria*** *(Rev. 07/22/09 – Ord. 09-048)*:

1. NON-RESIDENTIAL DEVELOPMENT -- All non-residential land uses developed after adoption of the Polk County Comprehensive Plan shall:

   a. be required to connect to the centralized water system.

   b. be required to connect to the centralized wastewater system within one year of it becoming available;

   c. Prior to the availability of centralized wastewater, the developer may extend the centralized wastewater to the property at his or her cost without credit or reimbursement from the County unless previous approval has been granted through the Board of County Commissioners, and the project has been scheduled within the Capital Improvements Program, or construct temporary septic tanks or package treatment facilities pursuant to Policy 3.102-A2 of the Infrastructure Element provided:

      i. that the necessary on-site collection apparatus for the future centralized facility is provided via the construction of a dry-line system, by the developer, at the time the development is built.

      ii. the costs of connection are guaranteed, pursuant to one of the following:

(1) a letter of credit, construction bond, or other similar instrument or guarantee at the time of development approval, or

(2) payment to the central utility by the owner at the time of building permit application. Should this option be exercised, it shall be the responsibility of the developer to inform the person purchasing the lot of this charge, or

(3) if it can be shown that the parcel proposed for development cannot, or will not, be served by public wastewater within the County's 10-year Master Utility Plan, and the utility provider provides written verification that the extension of the centralized public wastewater is not economically feasible from the public perspective, the total developable parcel may develop with septic tanks and without the installation of dry lines.

2. RESIDENTIAL DEVELOPMENT -- All residential land uses developed after adoption of the Polk County Comprehensive Plan shall:

a. be required to connect to the centralized water system.

b. be required to connect to the centralized wastewater system as it becomes available;

c. Prior to the availability of centralized wastewater, the developer may extend the centralized wastewater to the property at his or her cost, or construct temporary septic tanks or package treatment facilities provided:

i. that the necessary on-site collection apparatus for the future centralized facility is provided via the construction of a dry-line system, by the developer, at the time the development is built.

ii. the costs of connection are guaranteed, pursuant to one of the following:

(1) a letter of credit, construction bond, or other similar instrument or guarantee at the time of development approval, or

(2) payment to the central utility by the owner at the time of building permit application. Should this option be exercised, it shall be the responsibility of the developer to inform the person purchasing the lot of this charge, or

(3) if it can be shown that the parcel proposed for development cannot, or will not, be served by public wastewater within the County's 10-year Master Utility Plan, and the utility provider provides written verification that the extension of the centralized public wastewater is not economically feasible from the public perspective, the total developable parcel may develop with septic tanks and without the installation of dry lines.

iii. "Dry-line system," as stated in Policies 2.104-A5.a.2.(a) and 2.104-A5.b.2.(a), shall mean the installation and acceptance by the respective utility provider of all necessary infrastructure required to provide a fully functional wastewater system for the development once wastewater is available to the site. Such infrastructure shall include, at a minimum, installation, testing, and acceptance by the respective utility provider of:

(1) On-site improvements: All wastewater collection, pumping, transmission and apparatuses necessary to connect to the utility provider's regional system within a development.

(2) Off-site improvements: Lift stations and other infrastructure items necessary to make the development's wastewater system operational. A development shall be responsible for a pro-rata share of such improvements should several developments be required to use the same facilities.

B. ***Development within the Urban Growth Areas shall conform with the following criteria*** ***(Revised 07/22/09 – Ord. 09-048):***

1. NON-RESIDENTIAL DEVELOPMENT -- All non-residential land uses developed after adoption of the Polk County Comprehensive Plan shall:

a. be required to connect to the centralized water system.

b. be required to connect to the centralized wastewater system within one year of it becoming available;

c. Prior to the availability of centralized wastewater, the developer may extend the centralized wastewater to the property at his or her cost without credit or reimbursement from the County Commissioners, and the project has been scheduled within the Capital Improvements Program, or construct temporary septic tanks or package treatment facilities pursuant to Policy 3.102-A2 of the Infrastructure Element provided:

i. that the necessary on-site collection apparatus for the future centralized facility is provided via the construction of a dry-line system, by the developer, at the time the development is built.

ii. the costs of connection are guaranteed, pursuant to one of the following:

(1) a letter of credit, construction bond, or other similar instrument or guarantee at the time of development approval, or

(2) payment to the central utility by the owner at the time of building permit application. Should this option be exercised, it shall be the responsibility of the developer to inform the person purchasing the lot of this charge, or

(3) if it can be shown that the parcel proposed for development cannot, or will not, be served by public wastewater within the 11 to 20 years of the adoption date of this Plan, and the utility provider provides written verification that the extension of the centralized public wastewater is not economically feasible from the public perspective, the total developable parcel may develop with septic tanks and without the installation of dry lines.

2. RESIDENTIAL DEVELOPMENT -- All residential land uses developed after adoption of the Polk County Comprehensive Plan shall:

a. be required to connect to the centralized water system.

b. be required to connect to the centralized wastewater system as it becomes available;

c. Prior to the availability of centralized wastewater, the developer may extend the centralized wastewater to the property at his or her cost, or construct temporary septic tanks or package treatment facilities provided:

i. that the necessary on-site collection apparatus for the future centralized facility is provided via the construction of a dry-line system, by the developer, at the time the development is built.

ii. the costs of connection are guaranteed, pursuant to one of the following:

(1) a letter of credit, construction bond, or other similar instrument or guarantee at the time of development approval, or

(2) payment to the central utility by the owner at the time of building permit application. Should this option be exercised, it shall be the responsibility of the developer to inform the person purchasing the lot of this charge, or

(3) if it can be shown that the parcel proposed for development cannot, or will not, be served by public wastewater within the 11 to 20 years of the adoption date of this Plan, and the utility provider provides written verification that the extension of the centralized public wastewater is not economically feasible from the public perspective, the total developable parcel may develop with septic tanks and without the installation of dry lines.

iii. "Dry-line system" within the UGA, as stated in Policies 2.105-A5.a.2.(a) and 2.105-A5.b.2.(a), shall have the same meaning as dry-line system within the UDA, as stated in Policy 2.104-A5.c.

C. ***New Development in the Suburban Development Area (SDA)*** ***(Revised 07/22/09 – Ord. 09-048)*****:**

New development located in the Suburban Development Area (SDA) shall meet one of the following criteria, whichever is more restrictive.

1. The minimum development standards established by the Polk County Health Department;

2. The minimum development standards established in this Chapter except that private package plants of any size are prohibited for residential developments; or

3. If public water is considered to be available, development shall be required to connect at the cost of the applicant.

4. Wastewater shall not be extended unless the BoCC deems it necessary based upon one of the factors listed:

   a. It is the interest of on-site and nearby environmental features;

   b. It is the interest of public health; or

   c. The area has been designated a redevelopment district, and provided the development density of land served by the wastewater lines does not exceed the amount allowed under the current land use designation.

D. ***New Development in the Utility Enclave Area*** ***(Revised 07/22/09 – Ord. 09-048)*****:**

New development located in a Utility Enclave Area (UEA) shall be required to connect to existing centralized water and wastewater systems. Development within RL1, RL2, RL3, RL4, RM, and RH land use categories are required to connect to existing centralized water and wastewater systems.

E. ***Wastewater Availability*** ***(Rev. 07/22/09 – Ord. 09-048; 03/25/03 - Ord. 03/26; 01/30/03 - Ord. 03-14)***

A municipal, County-franchised, or County-owned wastewater system is considered available when the system is not under Florida Department of Environmental Protection (DEP) moratorium, the system has adequate hydraulic capacity to accept the quantity of wastewater to be generated by the proposed establishment and:

1. Single-family detached homes and Duplexes:

    a. For any such use, wastewater shall be considered available if the line abuts the property and gravity flow can be maintained from the building to the wastewater line.

    b. For any such use generating more than 2,700 gallons per day (g.p.d.), wastewater shall be considered available if a gravity line is in an easement or right-of-way within one-fourth mile of the property line and gravity flow can be maintained.

    c. For any such use generating more than 6,700 gallons per day (g.p.d.), wastewater shall be considered available if a gravity line, force main, manhole, or lift station is in an easement or right-of-way within one-fourth mile of the property line.

2. All other uses:

    a. For any such use, wastewater shall be considered available if the line abuts the property and gravity flow can be maintained from the building to the wastewater line.

    b. For any such use generating more than 1,000 g.p.d., wastewater shall be considered available if a gravity line, force main, manhole, or lift station is in an easement or right-of-way within one-fourth mile of the property line.

    c. For any such use generating more than 5,000 g.p.d., wastewater shall be considered available if a gravity line, force main, manhole, or lift station is in an easement or right-of-way within one mile of the property line.

3. Wastewater flows shall be calculated in accordance with the schedules as provided by the utility provider unless the applicant can demonstrate through sufficient competent evidence that other standards are appropriate.

F. ***Water Availability***

A municipal, County, or private Water System is considered to be available when:

1. There is sufficient capacity to serve the subject property, and

2. An adequately sized distribution system is within one mile of the property.

G. ***Reclaimed Reuse Systems*** ***(Revised 07/22/09 – Ord. 09-048)***

1. A municipal, County-franchised, or County-owned reclaimed water system is considered available pursuant to the following:

   a. For any residential subdivision, and all non-residential uses that have an estimated wastewater flow of 1,000 gallons per day or more, a reclaimed water main shall be considered available and connection shall be required if a reclaimed water main is in an easement or right of way existing under one of the following conditions:

      i. Is within 1/2 mile (2,640 feet) of the property;

      ii. Will serve 10 or more Equivalent Residential Connections (ERCs) or more of wastewater flow and is within 3/4 mile (3,960 feet) of the property;

      iii. Will serve 20 Equivalent Residential Connections (ERCs) or more of wastewater flow and is within one (1) mile (5,280 feet) of the property; and

   b. The wastewater treatment facility generating the reclaimed water shall have adequate capacity to serve the proposed development with reclaimed water as determined by the utility purveyor.

2. Except for single-family attached and single-family detached subdivisions located in Polk County Utilities' Northwest Regional Utility Service Area (NWRUSA), a connection to reclaimed water, as outlined in this section, shall not be required when an irrigation system is not installed and landscaping is provided in accordance with Section 720.E.6, Non-Irrigated Landscape Areas. Installation of or expansion of an irrigation system where one was not originally approved shall require another Level 2 Review and connection to reclaimed water may be necessary pursuant to this section. This provision shall apply to single-family attached and single-family detached

subdivisions only when the entire subdivision, inclusive of every lot and common areas, complies with Section 720.E.6. When exercising this provision, 702.G.2, notice shall be provided on all applicable construction plans, recorded plats, and recorded restrictive covenants associated with the development.

3. Nothing contained herein this section shall supersede any municipality's or private provider's authority to require a connection to reclaimed water.

H. ***Minimum Capacity*** ***(Revised 07/22/09 – Ord. 09-048)*****:**

Minimum capacity for a new private or public wastewater treatment plants shall be 100,000 gallons per day. At the discretion of the County, smaller, interim plants, may be allowed for industrial, commercial, and institutional uses within the Urban Development and Urban Growth Areas as designated in the Future Land Use Element and Map Series. These interim systems must be connected to the public regional or sub-regional system within a year of it becoming available. Isolated industrial sites in the suburban or rural areas may be allowed to use smaller plants as long as they satisfy the County's requirements as to effluent disposal capability and implement a groundwater monitoring program (GWMP) in accordance with DEP rules for wastewater treatment facilities with capacities of 100,000 gallons per day.

Section 703 Concurrency

A. ***Purpose and Intent***

The concurrency review process implements the objectives of the Polk County Comprehensive Plan and Florida Statutes, Chapter 163, which require that adequate public facilities and services be available at adopted Levels-of-Service, concurrent with the impacts of development.

B. ***Applicability*** *(Rev 07/14/08 – Ord. 08-037)*

1. This Section shall apply to the development or use of land within unincorporated Polk County, and development or use of land within a municipality if accessing a County maintained road.

2. Polk County shall not issue a final development permit until it has issued a Certificate of Concurrency.

3. The following shall be exempt from the requirements of this Section.

   a. Building permits issued solely for remodeling, reconstruction, or restoration of residential units or non-residential uses, provided that the building permits do not authorize an increase in the number of permanent dwelling units or an increase in the square footage of non-residential use or an increase in the impacts of the development.

b. Projects, parcels, or lots that have received vesting from concurrency pursuant to Section 111.

4. Potable water allocation and reservations in the Northeast Regional Utility Service Area are described in Subsection P. of this Chapter.

C. ***Concurrency Determination*** *(Rev. 11/27/06 - Ord. 06-084*)

1. A concurrency determination shall be requested simultaneously with the application for Final Development Plan approval. A concurrency determination shall indicate that:

   a. The public facilities and services will be available concurrent with the impacts of the development; and

   b. The reservation of capacity, if applicable, has not expired; and

   c. Public facilities and services will be available at all subsequent stages of the development approval process up to the date of expiration of the Certificate of Concurrency and capacity reservation.

2. If the concurrency determination shows that there is adequate capacity, the Department will issue a Certificate of Concurrency. If the concurrency determination indicates that there is not adequate capacity of any public facility or service within the impacted service area the Department shall deny issuance of a Certificate of Concurrency or issue a Certificate of Concurrency subject to one or more of the following conditions:

   a. Reduction of project size, density, and intensity to reduce the impacts of the development to less than or equal to the available capacity; and

   b. Require the provision, by the applicant, of the necessary public facilities and services, including any off site transportation improvements, to achieve available capacity and site improvements recommended in the traffic study. The provision of public facilities and services shall comply with the Comprehensive Plan and all applicable ordinances. The commitment, by the applicant, to construct public facilities and services prior to the issuance of a building permit must be included as a condition to the Certificate of Concurrency. The County may, at its option, reimburse the applicant for the costs of the excess capacity provided by the applicant. The improvements shall be in place prior to the Certificate of Occupancy.

c. The applicant enters into a binding Proportionate Share Agreement pursuant to the Transportation Proportionate Fair-Share Program provided for in Section 703. N.

3. Time limits shall be as follows:

a. The Certificate of Concurrency shall be valid for the same length of time as the development approval which was the basis of the concurrency determination. Applicants for water and sewer service shall sign a letter prepared by the utility purveyor releasing the capacity should the development approval from the Health Department or Florida Department of Environmental Protection expire.

b. A Certificate of Concurrency may be extended, if the development approval, which was the basis of the concurrency determination, is extended. The burden is upon the applicant to show that there have been no substantial changes in the original conditions or data since the final concurrency determination.

c. If a Certificate of Concurrency expires, the applicant must reapply for a concurrency determination, repay the application fee, and update the data and studies. Capacity reserved for the subject development will be placed back into the available capacity category.

4. Reservation of capacity:

a. Any reservation of capacity must be accompanied with, and limited to, applications for concept development approval. The applicant shall be required to prepay impact fees, utility connection fees, or provide other guarantees as provided for in the Capital Improvements Element, and sign a Development Agreement pursuant to Chapter 163, F.S. to reserve available capacity.

b. Any reservation fees paid by an applicant at one stage of the development approval process shall be credited toward the payment of impact fees or connection fees applicable to the facilities for which capacity has been reserved. If a Certificate of Concurrency is denied because of the expiration of a reservation of capacity, the applicant shall be entitled to a refund of the reservation fees paid as agreed upon in the Development Agreement pursuant to Chapter 163, F.S.

c. The provision of public facilities by the applicant shall be a reservation of capacity. This reservation shall be limited to the facility provided and the amount of capacity provided by the applicant.

5. A development generates traffic above the threshold for a Major Traffic Study, the applicant may submit a Major Traffic Study for that phase and a revised Major Traffic Study for future phases at construction plan approval. Certificate of Concurrency will be granted with each approval of construction plan.

6. If the project's impact on the road system is for less than two years from the commencement of development, then the applicant shall submit a Minor Traffic Study regardless of the trips generated. If the impacts continue past two years the applicant shall submit the required traffic study and construct required improvements.

7. A concurrency determination shall apply to the land and development project and is transferable to another owner of the land, but not transferable to other land. The persons transferring the property shall notify the County of the transfer. This will allow the County to provide proper notice to the new owner.

D. ***Methodology***

1. To ensure that adequate public facility and service capacity is available concurrent with the impact of a project, the following formula is provided. Total available capacity at time of concurrency approval must be greater than or equal to the demand from the proposed development.

Total Capacity - Demand from Existing Development - Demand from Vested Development - Demand for Development with Approved/Reserved Capacity = Total Available Capacity

2. The methods for determining the total capacity differ by facility type and are defined in the Capital Improvement Element of the Polk County Comprehensive Plan and the Concurrency Procedures Manual.

   a. Total capacity for sanitary sewer, solid waste, storm water management, and potable water facilities will be recognized if the facilities and services:

      i. Are currently in place or will be in place when the development approval is issued;

      ii. Are required by a Development Agreement pursuant to Chapter 163, F.S. to be in place when the impacts of the development occur;

      iii. Are under construction at the time of development approval; or

iv. Are guaranteed by an enforceable Development Agreement pursuant to Chapter 163, F.S. to be in place concurrent with the impacts of the development occur.

b. Total capacity for parks and recreation facilities will be recognized if the facilities and services:

i. Are currently in place or will be in place when the development approval is issued;

ii. Are a condition of the development approval and are guaranteed to be provided concurrent with the impacts of the development;

iii. Are under construction; or

iv. Are guaranteed in an enforceable Development Agreement pursuant to Chapter 163, F.S., which provides for the commencement of construction of the required facilities and services within one calendar year of the issuance of the development approval.

c. Total capacity of road and mass transit facilities will be recognized towards concurrency if adequate facilities:

i. Are currently in place or will be in place when the development approval is issued;

ii. Are a condition of the development approval and are guaranteed to be provided concurrent with the impacts of the development;

iii. Are under construction;

iv. Are guaranteed in an enforceable Development Agreement pursuant to Chapter 163, F.S., which provides for the commencement of construction of the required facilities and services within one calendar year of the issuance of the development approval; or

v. Are included in the three year Polk County Capital Improvements Program, which includes the first three years of the FDOT District One Work Program.

3. All applications for development approvals shall provide sufficient information to evaluate the impact of such development pursuant to the concurrency determination procedures. The application shall be made on a form provided by the Department, and shall include, at a minimum, the following information:

a. For residential development, the total number and type of dwelling units;

b. For non-residential development, the type and intensity of the development, where appropriate, at a level of detail necessary to describe all aspects of the use;

c. The location of the development and identification of the facilities impacted by the development;

d. For development located within a centralized utility service area, an affidavit and information from the utility purveyor that adequate capacity is available and reserved to satisfy the demand for water and sewer service based on the adopted minimum Level-of-Service in the Comprehensive Plan. This information shall include, at a minimum, the State permit number issued pursuant to a completed Notice of Intent to Use General Permit for wastewater collection/drinking water distribution system (Form No. 17-555.910(7)); and, if applicable, a copy of the latest Operation and Maintenance Performance Report prepared pursuant to Florida Administrative Code, Chapter 17-600.405 or any successor regulations. If the ability of the utility purveyor to serve a proposed development is contingent upon planned facility expansion, details regarding the planned improvements shall be submitted. Prior to the issuance of a development approval by the County, the applicant shall be required to provide evidence of a contract with the utility purveyor, indicating the purveyor's commitment and ability to serve the proposed development. Such evidence shall include a letter from the franchise operator stating that adequate capacity is available and reserved to serve the proposed development, including specific reference to a Florida Department of Environmental Protection (DEP) permit number;

4. Prior to any final approval the following information is required:

a. Where central water is not available, the applicant shall provide all applicable permits or approvals from the Polk County Health Department and the applicable Water Management District, at the time of pre-construction plan approval or commercial site plan approval; and

b. Development served by on-site sewage disposal systems or existing package treatment plants shall submit all applicable permits or approvals from the Polk County Health Department and the Florida Department of Environmental Regulation Package Sewer Treatment Plant permit.

E. ***Transportation Levels-of-Service***

1. A traffic study shall be prepared in accordance with the Traffic Impact Study Methodology and Procedures (see Appendix C). The County will compare the results

of the traffic study with the available capacity on a link by link basis to determine if there is sufficient capacity in the road network for the development.

2. The applicant shall use the minimum Levels-of-Service for peak hour periods on all roads, including County and State roads, as stated.

3. The County shall make a determination as to a link's ability to meet these standards by comparing Polk County and FDOT Annual Average Daily Traffic (AADT) data with the threshold values contained in the FDOT Level-of-Service standards and Guidelines Manual for the corresponding facility type, average signalization per mile rate, and minimum acceptable Level-of-Service. Speed and Delay studies, in accordance with FDOT guidelines, may be considered for verification of Level-of-Service. Final Level-of-Service determination will be made by Polk County. Each roadway segment failing to meet these criteria shall be reviewed and a determination will be made as to whether the segment is either a constrained or backlogged facility.

Table 7.1 Minimum Acceptable Levels-of-Service

Functional Classification	Level-of-Service/Peak Hour Periods	
	Polk County Urbanized Area (1)	Polk County Transition Area (2)
Limited Access	D	C
Principal Arterial	D	C
Minor Arterial	E	D
Urban Collector	E	D
Rural Major Collector	E	D
Rural Minor Collector	E	D

(1) The Polk County Urbanized Area includes the urban boundaries established for the County by the Transportation Planning Organization (TPO) and the Florida Department of Transportation (FDOT) for its planning and funding purposes, as well as the Urban Development Area (UDA), Urban Growth (UGA) and Suburban Development Areas (SDA) established in the Future Land Use Element.

(2) The Polk County Transition Area designation includes all lands not included in the Urbanized Area.

4. The County's Level-of-Service standards for constrained and backlogged segments shall be as shown:

Table 7.2 Constrained/Backlogged Facilities

Functional Classification	Constrained Facilities	Backlogged Facilities
Limited Access	Maintain	Maintain and Improve
Principal Arterial	Maintain	Maintain and Improve
Minor Arterial	Maintain	Maintain and Improve
Urban Collector	Maintain	Maintain and Improve
Rural Major Collector	Maintain	Maintain and Improve
Rural Minor Collector	Maintain	Maintain and Improve

5. A roadway facility is classified as a constrained facility when, for physical, environmental or jurisdictional reasons the facility cannot be expanded by at least two through lanes. A constrained facility in the Polk County Urbanized Area will be allowed to operate at levels that do not exceed a ten percent increase in the facility's 100th highest hour two-way traffic volumes, or a ten percent reduction in the facility's operating speed for the peak direction in the 100th highest hour. A constrained facility in the Polk County Transition Area will be allowed to operate at levels that do not exceed a five percent increase in the facility's average annual daily two-way traffic volumes or a five percent reduction in the facility's operating speed for the peak direction in the 100th highest hour. The initial classification of facilities as constrained shall be based on same year field counts and shall be concurrent with adoption of the Comprehensive Plan.

6. A roadway facility shall be classified as backlogged when it has begun to operate at less than the minimum acceptable Level-of-Service, and when no constraints exist which would prohibit installation of capacity improvements and such improvements are not programmed for construction in the first three years of FDOT's adopted work program or the three year schedule of improvements in the Capital Improvements Element. A backlogged facility in the Polk County Urbanized Area will be allowed to operate at levels that do not exceed a ten percent increase in the facility's 100th highest hour two-way traffic volumes, or a ten percent reduction in the facility's operating speed for the peak direction in the l00th highest hour. A backlogged facility in the Polk County Transition Area will be allowed to operate at levels that do not exceed a five percent increase in the facility's average annual daily two-way traffic volumes, or a five percent reduction in the facility's operating speed for the peak direction in the 100th highest hour. The initial classification of facilities as backlogged shall be based on same year field counts and shall be concurrent with adoption of the Comprehensive Plan.

7. Development orders will not be issued for projects which will significantly degrade the operating conditions of either a constrained or backlogged facility. Polk County considers the operating condition of a constrained or backlogged facility to be significantly deteriorated if the standards stated are exceeded. Development proposed along constrained or backlogged facilities must provide mitigation to accommodate the increased traffic volumes that will be generated.

8. Development Orders for projects served by constrained or backlogged facilities will be issued only if the applicable standards for the Polk County Urbanized and Transition Areas discussed are not exceeded. In addition, the operating condition on the constrained or backlogged facility can be maintained through the implementation of one or more of the following mitigation techniques. Prior to implementing any of these mitigation measures, the applicant must provide documentation which shows how the proposed measure will mitigate for the increase in traffic volumes that will be generated.

a. Mitigation of impacts during the peak hour of roadway traffic through the implementation of flexible work shifts, off-peak work shifts or other measures to reduce peak hour impacts.

b. Provision of extraordinary mass transit support such as reducing the number of available employee parking spaces and subsidizing employee transit fares.

c. Make road improvements or contribute a sufficient amount of money through a Development Agreement pursuant to Chapter 163, F.S. to the mass transit system's operating or capital costs program, which will cause operating conditions on the constrained facilities to be maintained or maintain and improve operating conditions on backlogged facilities.

d. Provision of data collected in the field using the FDOT guidelines to demonstrate that the facility in question is actually operating at a better level than would be assumed using a computer analysis procedure.

F. ***Potable Water and Sanitary Sewer***

The adopted minimum Level-of-Service standard for potable water and sanitary sewer is 360 gallons per Equivalent Residential Connection and 270 gallons per Equivalent Residential Connection, respectively, as identified in the Infrastructure Element. The applicant shall provide, at a minimum, the following data, subject to verification by the utility purveyor.

1. Total potable water and sewage treatment demand and peak demand projected to be generated by the proposed development; and

2. Certification of one of the following:

   a. The utility purveyor shall indicate that utility facilities will be available at the adopted Level-of-Service prior to issuance of a Certificate of Occupancy.

   b. Where central water is not available, the applicant shall provide all applicable permits or approvals from the Polk County Health Department and the applicable water management district, at the time of building permit.

   c. Projects served by septic tanks or package treatment plants shall provide all applicable permits or approvals from the Polk County Health Department and a Florida Department of Environmental Protection Package Sewer Treatment Plant permit.

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

Concurrency for recreation shall be applied to residential development only. The availability of adequate recreation acreage shall be determined pursuant to the available data on existing parks:

1. Consistent with the Recreation and Open Space Element, the adopted Level-of-Service standard shall be 6.67 acres per 1,000 persons and shall serve as the minimum criteria for determining whether available parks/open space acreage capacity exists.

2. The applicant shall provide, at a minimum, the following project data, subject to verification by the County Leisure Services Division:

    a. The specific location of the project;

    b. The total number of residential dwelling units proposed, by type;

    c. The total estimated residential population of the proposed development consistent with the average household size established by the Department, based on latest Census information or population estimates prepared by the University of Florida Bureau of Economic and Business Research;

    d. Project phasing information, if applicable; and

    e. Any proposed dedication or provision of park land by the applicant complying with the following parcel information:

        i. A boundary map of the parcel showing acreage, wetlands, site features, and proposed development,

        ii. A letter from either the Polk County Leisure Services Director, Environmental Lands Coordinator, or Land Development Director verifying that the offered parcel of land will meet existing recreational needs.

    f. Any other information as deemed necessary by the Polk County Leisure Services Division.

H. ***Storm Water Management*** ***(Rev. 8/28/02 - Ord. 02-56)***

1. The availability of adequate storm water management system capacity shall be determined by review of the phasing schedule and project data provided by the applicant, consistent with this Chapter and the Technical Standards Manual.

2. The adopted Level-of-Service standard shall serve as the minimum criterion for determining whether available drainage capacity exists pursuant to the Infrastructure Element and Table 7.3.

   a. The following facilities shall meet Level-of-Service IV: existing man-made storm water facilities (i.e., canals, ditches, detention/retention ponds), and existing drainage structures (i.e. culverts and bridges)shall meet Level-of-Service IV.

   b. Existing roads shall be maintained above the ten year flood elevation; and the lowest elevation of the pavement edge of new roads shall be constructed and maintained above the 100 year flood elevation.

   c. New and reconstructed drainage structures (e.g., culverts and bridges) which are related to arterial, urban collector roads, and rural major collector roads, shall meet Level-of-Service II.

   d. New and reconstructed drainage structures related to rural collector and local roads shall meet Level-of-Service IV.

   e. New and reconstructed storm water facilities in open drainage basins (i.e., ditches, canals, detention/retention ponds) shall be designed and constructed to meet Level-of-Service III.

   f. New and reconstructed storm water facilities in closed drainage basins shall be designed and constructed to meet Level-of-Service I. Storm water facilities discharging to offsite roadways without existing storm sewers or drainage structures shall meet the Level-of-Service I, wherein it will have the ability to handle the post development peak volume.

   g. Storm sewers and storm water facilities existing prior to November 18, 1992, shall be maintained to meet Level-of-Service V. New systems shall be required to meet Level-of-Service III for storm sewers, minor cross-drain culverts, and collector road culverts; and Level-of-Service III for arterial road culverts.

   h. For new development and redevelopment, post-development peak discharge volumes and runoff rates shall not exceed the corresponding pre-development volumes and rates.

   i. The applicant shall provide proper permitting documentation from the approving permitting agency for off-site areas used to receive or convey storm water discharge.

Table 7.3 Levels-of-Service Standards for Storm water

Level of Service	Ability to Handle		Capacity to Handle
	Drainage Structures (e.g. Bridges and Culverts)	Storm water Facilities (e.g. Ponds, Ditches, Canals)	Storm Sewer (e.g. inlets, pipe)
I	100 year, 24 hour storm event with 1 foot freeboard at allowed velocity	100 year 24 hour storm event at top of bank or berm	100 year storm event
II	50 year, 24 hour storm event with 1 foot freeboard at allowed velocity; 100 year, 24 hour storm event with no freeboard at allowed velocity	50 year 24 hour storm event at top of bank or berm	50 year storm event
III	25 year, 24 hour storm event with 1 foot freeboard at allowed velocity; 50 year, 24 hour storm event with no freeboard at allowed velocity	25 year 24 hour storm event at top of bank or berm	25 year storm event
IV	10 year, 24 hour-storm event with 1 foot freeboard at allowed velocity; 25 year, 24 hour storm event with no freeboard at allowed velocity	10 year 24 hour storm event at top of bank or berm	10 year storm event
V	3 year, 24 hour storm event with 1 foot freeboard at allowed velocity; 10 year, 24 hour storm event with no freeboard at allowed velocity	3 year 24 hour-storm event at top of bank or berm	3 year storm event

I. *Solid waste*

Development applications shall be analyzed with respect to the availability of adequate solid waste collection and disposal system capacity which shall be determined pursuant to the following information:

1. Documentation prepared by the Solid Waste Division projecting annual usage rates of solid waste disposal through the expected life of the county landfill and recycling facilities, using population projections consistent with those developed by the University of Florida Bureau of Economic and Business Research;

2. Project data pertaining to the development application under consideration shall be provided by the applicant, subject to verification by the Solid Waste Division, in sufficient detail to determine the annual impact of the project on the solid waste facilities, including at a minimum:

   a. The number and type of residential dwelling units proposed, and the estimated generation of solid waste from such units;

   b. The type and intensity of non-residential uses, and the estimated generation of solid waste from such uses from the solid waste generation tables in the Concurrency Management System; and

   c. Project phasing information, if applicable.

3. The adopted Level-of-Service standards are measured in pounds per capita per day (lbs/capita/day) by service area and are prescribed in Table 7.4.

4. Relying upon the data provided in Section I.1, the Solid Waste Division shall annually prepare a statement that available landfill capacity exists to meet existing and projected solid waste disposal requirements. This statement will serve as the finding of concurrency for all final development approvals issued during the subsequent year.

Table 7.4 Landfill Capacity (Pounds per Capita per Day)

Landfill/Service Area	1996	2000	2006	2010
North Central	6.40	6.49	6.57	6.62
Southeast Landfill	4.92	5.02	5.12	5.20
Northeast Landfill	5.13	5.27	5.41	5.50

J. ***Mass Transit***

The Transportation Department shall annually prepare a statement that available service providers and seating exists to meet the Level-of-Service standard. This statement shall be based on the criteria in this Code and will serve as the finding of concurrency for all final development approvals issued during the subsequent year. Consistent with the Mass Transit Element, the adopted Level-of-Service standard is 60,000 passenger trips in 1996.

K. ***Interlocal Review***

The minimum requirements in this Chapter shall apply only to those facilities within the unincorporated area of the County. If part of the applicable service area or traffic impact area lies within an adjacent county or city within Polk County, only those facilities within the unincorporated Polk County shall be evaluated with these criteria. If the County has entered into an inter-local agreement with an adjacent county or city providing for concurrency review, the County shall forward the application for concurrency determination to the affected county or city. The county or city will review the impacts of the proposed development on its facilities. The adjacent county or city must state in writing that the issuance of the development approval will not cause a reduction in the Level-of-Service for those facilities lying within the adjacent county or city. Polk County will not issue a Certificate of Concurrency until the county or city has completed its concurrency review. If the proposed development will cause a reduction in the Level-of-Service for those facilities lying within the adjacent county or city, Polk County shall not issue a Certificate of Concurrency.

L. ***Appeals***

An applicant who has been denied a Certificate of Concurrency, or who has been issued a certificate conditioned upon a reduction in the project or the provision of public facilities, may file an appeal within 15 days of such decision, as outlined in Section 921.

M. ***Development Agreements***

The County may enter into a Development Agreement as authorized by F.S., Sections 163.3220-163.3243, as amended, and Section 915, in order to ensure the availability of public facilities and services concurrent with the impacts of a proposed development. No Development Agreement may be entered into by the County unless the public facilities and services to be constructed by the applicant pursuant thereto are secured and guaranteed by a surety bond, performance bond, or other appropriate security as allowed in the Capital Improvements Element.

N. ***Transportation Proportionate Fair-Share Program*** *(Rev. 11/27/06 - Ord. 06-084)*

1. Purpose and Intent

The purpose of this subsection is to establish a method whereby the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors, to be known as the Transportation Proportionate Fair-Share Program, as required by and in a manner consistent with ' 163.3180(16), F.S.

2. Applicability

The Transportation Proportionate Fair-Share Program shall apply to all developments subject to Section 703. B., of the Land Development Code that have been notified of a lack of capacity to satisfy transportation concurrency on a transportation facility on the Concurrency Determination Network. This includes transportation facilities maintained by the Florida Department of Transportation (FDOT) or another jurisdiction that are relied upon for concurrency determinations, pursuant to the requirements of Section 703. N. 3. The Transportation Proportionate Fair-Share Program does not apply to developments of regional impact (DRIs) using proportionate fair-share under ' 163.3180(12), F.S. The Transportation Proportionate Fair-Share Program does not preclude applicants from funding transportation improvements pursuant to a development agreement to meet concurrency requirements.

3. General Requirements

a. An applicant may choose to satisfy the transportation concurrency requirements of the County by making a proportionate fair-share contribution, pursuant to the following requirements:

i. The proposed development is consistent with the Polk County Comprehensive Plan and the Land Development Code.

ii. The five-year schedule of capital improvements in the Polk County Capital Improvements Element (CIE) or the long-term schedule of capital improvements for an adopted long-term concurrency management system includes the construction phase of a transportation improvement(s) that, upon completion, will satisfy the requirements of the Section 703. C.

b. The County may choose to allow an applicant to satisfy transportation concurrency through the Proportionate Fair-Share Program by adding an improvement (construction phase) to the CIE or adopted long-term concurrency management system that will satisfy the requirements of Section 703. C. For the purposes of the Proportionate Fair-Share Program, no capacity road project shall be added to the CIE unless any required alignment study or a Project Development and Environmental (PD&E) Study has been completed with an endorsed build alternative.

To implement this option, the County shall adopt, by resolution or ordinance, a commitment to add the improvement to the five-year schedule of capital improvements in the CIE or long-term schedule of capital improvements for an adopted long-term concurrency management system no later than the next regularly scheduled update. To qualify for consideration under this section,

the proposed improvement must be reviewed by the County, and determined to be financially feasible pursuant to '163.3180(16) (b) 1, F.S., consistent with the Comprehensive Plan, and in compliance with the provisions of this Section. Any improvement project proposed to meet the developer's fair-share obligation must meet the design standards of the jurisdiction with maintenance responsibility for the subject transportation facility.

4. Memorandum of Understanding on Proportionate Fair-Share Program

Polk County shall coordinate with the Florida Department of Transportation, Polk Transportation Planning Organization, Central Florida Regional Planning Council and other local governments to implement the provisions of the Proportionate Fair-Share Program. Appropriate provisions for intergovernmental coordination will be detailed in a Memorandum of Understanding on the Proportionate Fair-Share Program (MOU), and Polk County shall coordinate with the signatory parties to ensure that mitigation to impacted facilities is based on comprehensive and consistent transportation data.

5. Application Process

a. Upon notification of a lack of capacity to satisfy transportation concurrency, the applicant shall also be notified in writing of the opportunity to satisfy transportation concurrency through the Proportionate Fair-Share Program pursuant to the requirements of Section 703. N. 3.

b. Prior to submitting an application for a proportionate fair-share agreement, a pre-application meeting shall be held to discuss eligibility, e.g., project status in CIE, application submittal requirements, potential mitigation options, and related issues. If the impacted facility is on the Strategic Intermodal System (SIS), or any state transportation facility, then the FDOT will be notified and invited to participate in the pre-application meeting.

c. Eligible applicants shall submit an application to the County that includes an application fee and the following:

i. Name, address and phone number of owner(s), developer and agent;

ii. Property location, including parcel identification number(s);

iii. Legal description and survey of property;

iv. Project description, including type, intensity and amount of development;

v. Phasing schedule, if applicable;

vi. Description of requested proportionate fair-share mitigation method(s);

vii. Copy of concurrency application;

viii. Copy of the project's traffic study or traffic impact analysis; and

ix. Location map depicting the site and affected road network.

d. The County shall review the application and certify that the application is sufficient and complete within 10 business days. If an application is determined to be insufficient, incomplete or inconsistent with the general requirements of the Proportionate Fair-Share Program as indicated in Section 703 N. 3, then the applicant will be notified in writing of the reasons for such deficiencies within 10 business days of submittal of the application. If such deficiencies are not remedied by the applicant within 30 days of receipt of the written notification, then the application will be deemed abandoned. The County may, in its discretion, grant an extension of time not to exceed 60 days to cure such deficiencies, provided that the applicant has shown good cause for the extension and has taken reasonable steps to effect a cure.

e. Pursuant to '163.3180(16) (e), F.S., proposed proportionate fair-share mitigation for development impacts to facilities on the SIS requires the concurrence of the FDOT. The applicant shall submit evidence of an agreement between the applicant and the FDOT for inclusion in the proportionate fair-share agreement.

f. When an application is deemed sufficient, complete, and eligible, the applicant shall be advised in writing and a proposed proportionate fair-share obligation and binding agreement will be prepared by the County or the applicant with direction from the County and delivered to the appropriate parties for review, including a copy to the FDOT for any proposed proportionate fair-share mitigation on a SIS facility, or any state transportation facility, no later than 60 days from the date at which the applicant received the notification of a sufficient application and no fewer than 45 working days prior to the Planning Commission meeting when the agreement will be considered.

g. The County shall notify the applicant regarding the date of the Board of County Commissioners (BoCC) meeting when the agreement will be considered for final approval. No proportionate fair-share agreement will be effective until approved by the BoCC.

6. Determining Proportionate Fair-Share Obligation

a. Proportionate fair-share mitigation for concurrency impacts may include, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities as provided in ' 163.3180 (16) (c), F.S.

b. A development shall not be required to pay more than its proportionate fair-share. The fair market value of the proportionate fair-share mitigation for the impacted facilities shall not differ based on the form of mitigation as provided in ' 163.3180 (16) (c), F.S. (contributions of private funds, land or facility construction).

c. The methodology used to calculate an applicant's proportionate fair-share obligation shall be as provided for in Section 163.3180 (12), F. S., as follows:

The cumulative number of peak hour, peak direction trips from the complete buildout of the proposed development, or buildout of the stage or phase being approved, that are assigned to the proportionate share program segment divided by the change in the peak hour maximum service volume (MSV) of the proportionate share program segment resulting from construction of the proportionate share program improvement, multiplied by the anticipated cost of the proportionate share project. In this context, cumulative does not include project trips from previously approved stages or phases of development. This methodology is expressed by the following formula:

$$\text{Proportionate Fair Share} = \sum\left[\left[(\text{Development Trips}_i) / (\text{SV Increase}_i)\right] \times \text{Cost}_i\right]$$

Where:

$\sum$= Sum of all deficient links proposed for proportionate fair-share mitigation for a project;

$\text{Development Trips}_i$ = Those trips from the stage or phase of development under review that are assigned to roadway segment "i" and have triggered a deficiency per the concurrency management system (CMS);

SV Increase_i = Service volume increase provided by the eligible improvement to roadway segment "I;"

$Cost_i$ = Adjusted cost of the improvement to segment "i." Cost shall include the cost of all project phases (preliminary engineering or alignment study, design, rights-of-way acquisition and construction) in the years said phases will occur with all associated costs.

d. The cost of the proportionate fair-share project shall be determined by the maintaining jurisdiction.

e. The value of right-of-way dedications used for proportionate fair-share payment shall be subject to the approval of the maintaining jurisdiction. No value shall be assigned to right-of-way dedications required under ordinance or as a condition of development approval.

7. Impact Fee Credit for Proportionate Fair-Share Mitigation

a. The County shall maintain a list of transportation projects funded by road impact fees under the CIE. If the subject improvement is contained in the current CIE and funded in part or whole by road impact fees, the proportionate fair-share contributions shall be applied as a credit against road impact fees.

b. Impact fee credits for the proportionate fair-share contribution will be determined when the transportation impact fee obligation is calculated for the proposed development. Impact fees owed by the applicant will be reduced per the Proportionate Fair-Share Agreement as they become due per the County Impact Fee Ordinance. If the applicant's proportionate fair-share obligation is less than the development's anticipated road impact fee for the specific stage or phase of development under review, then the applicant or its successor must pay the remaining impact fee amount to the County pursuant to the requirements of the County impact fee ordinance.

c. The proportionate fair-share obligation is intended to mitigate the transportation impacts of a proposed development at a specific location. As a result, any road impact fee credit based upon proportionate fair-share contributions for a proposed development cannot be transferred to any other location unless provided for within the local impact fee ordinance.

d. The amount of road impact fee credit for a proportionate fair-share contribution may be up to, but shall not exceed, the project's proportionate fair-share amount and will be determined based on the following formula:

Credit = [(Cost of Proportionate Share Project)) (Total Cost of All Projects in Applicable Impact Fee District)] x (Total Project Traffic Impact Fee Liability)

Where:
Cost of projects shall include the cost of all project phases in the year said phases will occur with all associated costs. Credit shall be calculated based on multiple Proportionate Share Projects, if applicable.

8. Proportionate Fair-Share Agreements

a. Upon execution of a proportionate fair-share agreement (Agreement) and satisfying other concurrency requirements, an applicant shall receive a Certificate of Concurrency subject to Section 703. C. Once a proportionate fair-share payment for a project is made and other impact fees for the project are paid, no refunds shall be given. All payments, however, shall run with the land.

b. Payment of the proportionate fair-share contribution for a project and other road impact fees not subject to an impact fee credit shall be due and must be paid within 60 days of the effective date of the proportionate fair share agreement. The effective date shall be specified in the agreement and shall be the date the agreement is approved by the BoCC.

c. All developer improvements accepted as proportionate fair share contributions must be completed with three years of the issuance of the first building permit for the project which is the subject of the proportionate fair share agreement and be accompanied by a security instrument that is sufficient to ensure the completion of all required improvements. It is the intent of this section that any required improvements be completed within three years of the issuance of the first building permit for the project which is the subject of the proportionate fair share agreement.

d. Dedication of necessary right-of-way for facility improvements pursuant to a proportionate fair-share agreement must be completed prior to the effective date of the proportionate fair share agreement.

e. Any requested change to a development project subsequent to issuance of a development order shall be subject to additional proportionate fair-share contributions to the extent the change would generate additional traffic that would require mitigation.

f. Applicants may submit a letter to withdraw from the proportionate fair-share agreement at any time prior to the execution of the agreement.

9. Appropriation of Fair-Share Revenues

a. Proportionate fair-share revenues shall be placed in the appropriate project account for funding of scheduled improvements in the County CIE, or as otherwise established in the terms of the proportionate fair-share agreement. At the discretion of the local government having jurisdiction over the relevant transportation facility subject to the proportionate fair share agreement, and with the concurrence of the local government issuing the development order, proportionate fair-share revenues may be used for operational improvements prior to construction of the capacity project from which the proportionate fair-share revenues were derived. These operational improvements shall be consistent with, and sustainable through, the construction of the capacity project. Proportionate fair-share revenues may also be used as the 50% local match for funding under the FDOT Transportation Regional Incentive Program.

b. In the event a scheduled facility improvement is removed from the CIE, then the revenues collected for its construction may be applied toward the construction of another improvement within that same corridor or sector that would mitigate the impacts of development.

O. ***School Concurrency*** ***(Revised 06/2015 – Ord. 15-031; Revised 06/2014; Added 01/09/08 - Ord. 08-001)***

School concurrency applies only to residential uses that generate or have the potential to generate demands for public school facilities and are proposed or established after the effective date of this School Concurrency Ordinance (08-001).

1. Exemptions

The following residential uses or projects shall be exempted from school concurrency review:

a. Single family residential development with construction plan approval and multifamily residential development with unexpired final site plan approval prior to the effective date of the jurisdiction of authority's school concurrency regulations. Subject projects shall be deemed concurrent for school facilities. This concurrency determination will be subject to the provisions of Subsection 2. and shall remain valid for the time period specified based on an effective start date of March 1, 2008.

b. Single family subdivisions actively being reviewed as of March 1, 2008 that are determined to be sufficient and approvable by the County (sufficient and approvable meaning a complete Level 2 application including all required items as specified within section 704 or 804 of the Land Development Code). Upon receiving final development approval, subject projects shall be deemed concurrent for school facilities. This concurrency determination will be subject to the provisions of Subsection 2.

c. Multi-family site plans actively being reviewed as of March 1, 2008 that are determined to be sufficient and approvable by the County (sufficient and approvable meaning a complete Level 2 application including all required items as specified within section 704 or 804 of the Land Development Code). Upon receiving final development approval, subject projects shall be deemed concurrent for school facilities. This concurrency determination will be subject to the provisions of Subsection 2.

d. Residential developments which have set aside a site for a public school that is found acceptable to the Polk County School Board and which has agreed to provide site access to roads and necessary utilities, shall be exempt for up to three years from concurrency for the school level (i.e. elementary, middle or high school) to be addressed by the future school. A Development of Regional Impact or DRI which has set aside one or more acceptable school sites and will provide road and utility access shall be exempt for up to five years from concurrency for the school level(s) to be addressed by said future school(s). Any residential or mixed-use DRI with an approved Development Order in effect prior to March 1, 2008 shall be exempt from school concurrency for their current phase or to the extent exempted through the approved development order. Consistent with the provision of Section 39, Chapter 2005-290, Laws of Florida, this provision shall not apply to DRIs for which a development order was issued prior to July 1, 2005, or for which an application was submitted prior to May 1, 2005, unless the developer elects otherwise in writing..

e. Single family lots of record having received final plat approval or recorded prior to the effective date of the jurisdiction of authority's school concurrency regulations.

f. Amendments to residential development approvals issued prior to the effective date of this school concurrency ordinance, which do not increase the number of residential units or change the type of residential units proposed.

g. Group quarters including residential type of facilities such as local jails, prisons, hospitals, bed and breakfasts, colleges, motels, hotels, temporary emergency shelters for the homeless, adult halfway houses, firehouse dorms and religious non-youth facilities.

h. Two-lot split of a vested parcel in compliance with all other land development regulations. For purposes of this section, a property owner may not divide his property into several developments in order to claim exemption as allowed by this section. In making a determination as to whether a property is exempt under this section, the County shall consider, in addition to the ownership and parcel configuration at the time of the application, the ownership as of the date of the adoption of this agreement.

i. Age restricted developments that are subject to deed restrictions prohibiting the permanent occupancy of residents under the age of (18). Such deed restrictions must be recorded and must be irrevocable for a period of at least thirty (30) years, with revocation conditioned upon the project satisfying school concurrency. Such deed restrictions shall also name the County and/or Polk County School Board as parties to be notified in the event that there is proposed change to the age restriction requirement.

2. School Concurrency Time Limits

Concurrency will be provided for a development for a time period not to exceed eighteen (18) months. The development must have proceeded to the horizontal construction phase prior to the end of the eighteen (18) month time period for reserved capacities and the agreement to remain valid. At a minimum, this construction shall include rough lot grading consistent with an approved Water Management District Stormwater Permit. The construction phase shall exclude model homes. If an applicant donates land for a school facility, then concurrency may be extended for a longer time period subject to approval by the local government and the School Board. For mixed use or residential DRIs, school concurrency may be extended for up to 5 years where the DRI has addressed all questions regarding school impacts and the Development Order includes conditions to address mitigation of any school impacts, as agreed to by the School Board including those defined in the Interlocal Agreement.

3. School Concurrency Service Areas

School Concurrency Service Areas (CSA) are designed and subsequently modified to maximize available school capacity and make efficient use of new and existing public schools. These areas shall be school attendance zones (excluding attendance "spot zones") as expressed in Policy 3.603-C1 of the Polk County Comprehensive Plan, and shall be designed so that the adopted Level-of-Service will be achievable and maintained within bounds of the School Board's requirement for financially feasible five year capital facilities plan.

4. Methodology

To ensure that adequate school capacity is available for each school level (elementary, middle, and high school) and concurrent with the impact of a project, the LOS standard of 100% of the permanent "Florida Inventory of School Houses" (FISH) capacity will be in effect for all schools.

Table 7.4a Tiered Levels Of Service

School Year 2008-2013

Facility Type	Percent (%) of FISH Capacity
Elementary	100%
Middle	100%
High School	100%

5. School Concurrency Determinations

Upon the receipt of a complete application for a binding School Concurrency Determination, the County will transmit the application to the School Board for a determination of whether there is adequate school capacity, for each level of school i.e. elementary, middle and high, to accommodate the proposed development, based on the LOS standards, Concurrency Service Areas (CSA), and other standards set forth within the Interlocal Agreement for Public School Facility Planning.

The County shall issue a Certificate of School Concurrency only upon:

a. the school Board's written determination that adequate school capacity will be in place or under actual construction within 3 years after the issuance of final subdivision or site plan approval for each level of school without mitigation; or

b. the execution of a legally binding mitigation agreement between the applicant and the School Board and Polk County.

If a proposed development does not meet school concurrency requirements and is not issued a Certificate of School Concurrency, then the School Board will place this development into a queue of pending projects for a period of eighteen (18) months. If conditions change such that adequate capacity becomes available to serve a pending project, then the applicant will be issued a determination of adequate school capacity.

6. School Concurrency Mitigation

In the event that the LOS standards will be exceeded due to a proposed development, mitigation measures shall be considered by both the County's Concurrency Director and the Polk County School Board Superintendent. The following criteria shall be used to determine whether or not a proposed mitigation can adequately offset the impacts of a proposed development:

a. proposed mitigation must be directed toward a permanent school capacity improvement identified by the Polk County School Board's financially feasible Five Year Program of Work;

b. proposed mitigation must satisfy the demand(s) created by the proposed development;

c. proposed mitigation must be, at minimum, proportionate to the demand for public school facilities to be created by actual development of the property;

d. if needed capacity for the development is available in one or more of the contiguous CSAs and the impacts of the development can be shifted to that CSA, then mitigation shall not be required;

e. temporary classrooms shall not be accepted as mitigation;

7. School Concurrency Proportionate Share Mitigation

In the event that the LOS standards set forth in this ordinance (08-001) will be exceeded by a proposed development (or developments), proportionate share mitigation measures may be considered by the County's Concurrency Director (or designee) in concert with the Polk County School Board Superintendent (or designee). If it is determined by both the County Concurrency Director and the School Board that a method of mitigation may be acceptable and can offset the impacts of a proposed development, one or more of the following procedures shall be used:

a. The donation, construction, or funding of school facilities sufficient to offset the demand for public school facilities created by the proposed development and/or

b. The creation of mitigation banking based on the construction of public school facility in exchange for the right to sell capacity credits.

c. Acceptable contribution of land in conjunction with the provision of additional school concurrency.

d. Provision of additional student stations through the donation of existing buildings for use as a primary or alternative learning facility as long as the building meets "State Requirements for Educational Facilities" (SREF) standards.

e. Provision of additional student stations through the renovation of existing buildings for use as learning facilities as long as the building meets SREF standards.

f. Construction of permanent student stations or core capacity as long as the building meets SREF standards.

g. Construction of a charter school designed in accordance with School Board and SREF standards, providing permanent capacity to the Board's inventory of student stations. Use of charter school for mitigation must include provisions for its continued existence, required attendance by students generated by development, including but not limited to the transfer of ownership of the charter school property and buildings and/or operations of the school to the School Board.

P. ***Water Allocation and Reservation Procedures in the Northeast Regional Utility Service Area*** *(Rev. 7/14/08 – Ord 08-037)*

1. Water allocation and reservation procedures are required to guide the use of potable water to create a sustainable community which includes the creation of economic opportunities for employment and an acceptable quality of life. As such, the following steps are to be completed to obtain a potable water allocation:

   a. the development shall have received all site/construction plan (Level 2 Review) approvals, except for concurrency for water capacity. This is determined when all the technical comments in the permit tracking system are resolved by the development reviewers other than concurrency for water capacity;

   b. the last date in which the development review comments were resolved from each of the development reviewers, except for water concurrency, shall be recorded as the Project Hold Date. This Date, along with project identification information, shall be entered into the Project Hold List that is the responsibility of the Growth Management Department to maintain with assistance from the Utilities Department;

   c. the priority to grant a water allocation as part of the Certificate of Concurrency shall be based on the Project Hold Date and granted in accordance with the sequence of Dates, beginning with the project with the

earliest Date receiving the highest priority and proceeding to the projects with the later Dates in sequential order;

d. the development shall be designated into one Land Use/Potable Water Use category; however, the water needs for a non-residential project may obtain a water allocation from a single category or may be divided among commercial/office/industrial development, mixed use development or economic development depending on the characteristics of the development;

e. a determination shall be made as to whether potable water is available in a respective category, and once potable water is allocated from that category, the amount shall be subtracted from the amount of the available potable water in that category;

f. a project may be phased in time increments not exceeding three years. If a project is phased, the water allocation shall be based on a County-approved phasing schedule and shall be incorporated into the Certificate of Concurrency. Water may be allocated for the initial phase and reserved for that phase by paying the connection fees associated with that phase. The water allocation for the remaining phases shall be subject to an Application for Concurrency and another review for water capacity. An Application for Concurrency for water for the next phase of the project shall be submitted no later than 180 days before the respective phase is to begin. If water is available to be reserved, a revised Certificate of Concurrency shall be issued for that phase. If water is not available, the phase will be placed on the Project Hold List and given a Date based on the date the Application of Concurrency is received. The County-approved development plans shall remain valid in accordance with Sections 704 B. (Effect of Approval) and 804 B. (Effect of Approval) of this Code; and as long as, the project or its respective phase is maintained on the Project Hold List. The reservation of the water will occur at the time the connection fees are paid for each respective phase.

g. prior to a potable water allocation being issued as part of concurrency, an evaluation shall be performed to determine that permitted water capacity is available in the Northeast Regional Utility Service Area; and

h. the Growth Management Department shall grant Concurrency based on the Project Hold Date and in accordance with the Land Use/Potable Water Use categories, the potable water amounts available for that respective category, the status of the capital facilities to generate, store and pump water, and the available permitted water capacity for the Northeast Regional Utility Service Area. The permitted water capacity shall be that capacity that is allowed for use based on the Water Use/Consumptive Use permits obtained from the applicable Water Management Districts.

i. the Project Hold List will proceed as far down the List as possible based on available water and proposed development. At the end of each quarter which shall be March 31, June 30, September 30 and December 31 of each year, the Hold List shall re-start with the earliest Date and proceed sequentially to the latest Date. Each project shall maintain its position on the list and shall obtain an earlier relative position as projects are allocated water and constructed. New projects that have obtained approvals, other than water capacity, shall be placed at the bottom of the Hold List with their designated Date. Projects shall remain on the Hold List for a period not to exceed three years (1,095 calendar days) from their respective Date. For projects that are on the Hold List at the time of the adoption of the Ordinance, these projects shall remain on the List for three years from the time of Effective Date of the Ordinance.

2. Land Use/Potable Water Use Categories and Water Allocation

The following categories and water allocation percents are to be used to permit potable water for the developments in the Northeast Regional Utility Service Area. The amount of potable water for each category will depend on the amount of permitted water capacity that is received by the County from the water management districts and shall not include the projects that are based on Development Agreements in accordance with Chapter 163, F.S.

Land Use/Potable Water Use Category	Percent Potable Water Allocation
Non-Residential:	
Commercial/Office/Industrial Development	30 %
Economic Development Plan	20 %
Mixed Use Development	20 %
Residential:	
Residential Development Single Family Detached Units	10 %
Residential Development Multi-Family Units	20 %

Also, see Paragraphs 4 and 6, Public Facilities and Platted Lots and Tracts Development, respectively, concerning the non-residential water allocation.

3. Payment of Connection Fees and Potable Water Reservation

At the time that the Certificate of Concurrency for the project or its respective phase is issued, the developer shall pay the applicable potable water connection fees to the County. The water allocation shall be used for those building permits that will be obtained within three years (or 1,095 calendar days) from the time that the Certificate of Concurrency is issued. The water allocation associated with the project in which building permits were not issued within the three year time period shall no longer be valid. An Application for Concurrency can be re-submitted for the water allocation that was not used and a review shall be performed to determine whether water is available. If construction is suspended by the developer for a period of six months (180 calendar days) or more, the water allocation shall no longer be valid and an Application for Concurrency shall also be re-submitted for review to determine if water is available. If water is available, the Certificate of Concurrency may be modified to include the additional water or a portion of the additional water for the project or project phase. If water is not available, the project or project phase shall be placed on the Project Hold List at the bottom of the List with a Hold Date and subject to the allocation procedure. The water allocation shall not be reserved unless the connection fees are received by the County. The connection fees associated with the water allocation that is not used, shall be refunded minus a maintenance fee. The maintenance fee shall be adopted by resolution by the Board of County Commissioners and shall be evaluated each year as part of the annual review (as described in Paragraph 8 of this Ordinance).

4. Public Facilities

Potable water for these facilities shall be allocated from the Non-Residential uses, either the Commercial/Office/Industrial Development or Mixed use Development categories as described in Section 3, Paragraph 2 of this Ordinance. If water is not available from these categories, then the Economic Development category may be used. Should a conflict for water allocation occur between public facilities and another type project, Public Facilities shall have a priority over the other projects.

5. Development Agreements

The County has entered into and may in the future enter into development agreements (consistent with Chapter 163, F. S.) for specific developments that include one or more land uses and significant benefits to Polk County and the Northeast Regional Utility Service Area. The potable water quantities allocated in the development agreement shall be given a priority over the developments that have been approved in the site/construction plan (Level 2) development review process and have a Project Hold Date. The potable water allocation and reservation, and prepayment of fees for projects that are included in development agreements shall be in accordance with the development agreement approved by the County and shall not be subject to the requirements Sections 2 and 3 of this Ordinance.

6. Platted Lots or Tracts Development

Platted Lots or Tracts Development and Lots of Record that were approved and started prior to July 1, 2003, shall be provided potable water from the Non-Residential categories as described in Section 3, Paragraph 2. of this Ordinance. The Commercial/Office/Industrial Development or Mixed use Development categories as described in Section 3, Paragraph 2 of this Ordinance shall be the primary categories for potable water. If water is not available from these categories, then the Economic Development category may be used.

7. Residential Platted Development

Residential development that is platted and recorded in accordance with the Comprehensive Plan and Land Development; and the respective water connection fee has been paid shall be deemed to have reserved water capacity. This reserved water capacity shall not expire as long as the respective plat is valid, and is not vacated or re-platted in a manner that increases the number of dwelling units. The reserved water capacity shall be considered used at the time a building permit is issued for the residential structure(s).

8. Potable Water Allocation Review

The potable water allocation percent and quantities shall be reviewed at least one time per fiscal year beginning October 1, 2008. These reviews may be performed more often, if necessary. The reviews shall also include the water quantities that have been allocated to the Platted Lots and Tracts Development. The review shall be conducted by representatives from County Management, County Attorney's Office, Utilities Department, Growth Management Department, and the Central Florida Development Council. It shall be the responsibility of the Growth Management Department to notify the other entities and hold the meeting. The results of each meeting shall be provided to the County Manager and Board of County Commissioners prior to October 15 of each year. The review shall include a current status of the situation and

a recommendation to the Board of County Commissioners to maintain or amend the current potable water allocation percents and quantities; and whether the revenue and maintenance fee shall remain the same or be amended for the following year. Any changes to water allocation categories or percents shall be amended by ordinance and shall be effective on January 1 of the following year and shall continue to be effective until December 31 of that same year, unless otherwise amended. Changes in the maintenance fee shall be accomplished in accordance with amending the applicable resolution, as necessary

Section 704 Commercial, Industrial & Multi-Family Construction Plans *(Rev. 10/07/09 - Ord. 09-061)*

The applicant shall submit construction plans for the installation of improvements that are to be constructed to serve the development site. The purpose of the review and approval of construction plans is to ensure satisfaction of the design and specification requirements for the improvements that are to be constructed to serve the development site. Construction plans shall be approved prior to commencing any construction activities.

A. *Exemptions (Revised 3-17-10 – Ord. 10-011)*

All land development activities within the unincorporated area of Polk County and any development activity accessing land or structures within County rights-of-way or easements shall submit site construction plans to the Land Development Division for a Level 2 Review with the exception of the following land development activities:

1. Bona fide Agricultural operations (not including agricultural support uses);

2. Non-residential development where infrastructure and site improvements are neither required nor regulated by the Land Development Code;

3. Reconstruction of or new construction in the footprint of the original structures previously approved through prior site construction plans provided all are in conformance with Section 120 of the Code.

Verification that a land development activity has met one of the aforementioned exemptions shall be determined through a Level 1 Review.

B. *Construction Plan Submittal Requirements (Rev. 3-17-10 – Ord. 10-011; 10/07/09 - Ord. 09-061; 5/20/09 – Ord. 09-023; 03/18/09 – Ord. 09-006; 01/03/05 - Ord. 04-43)*

All construction plans shall be submitted to the Land Development Division with the required number of copies and shall conform to specifications and requirements of this Code. Construction plans shall be prepared and certified for all improvements by a state registered professional engineer. All revisions shall be prepared and submitted as required for original plans. Construction plans shall include the following:

1. A legal description of the property, including the citation and general description of any existing easements, covenants or other restrictions affecting the use and development of the property existing at the time of submission;

2. A copy of the lot layout, if applicable, showing the development site.

3. Information on the existing site conditions shall be provided as follows:

    a. Location, size, elevation and other appropriate descriptive information of existing facilities and features and the point of connection to proposed facilities and utilities;

    b. Topographic contours at one foot intervals or at five feet interval for steep slope, based on the Mean Sea Level (MSL) datum;

    c. Flood elevation data and flood zones delineated;

    d. Soil survey data, prepared by an appropriate registered professional or a certified soil scientist, indicating all soil classifications and water table elevations.

4. Information on the proposed design shall be as follows:

    a. Proposed grading, fill and spot elevations at sufficient detail to define the proposed drainage patterns; the subject parcel as well as adjacent areas to be affected shall be shown;

    b. Internal street design showing radii of all curves, corners and dimensions;

    c. Plan and, where appropriate, profile sheets, depicting existing and proposed elevations, grades and treatment of all roads and intersections;

    d. Cross sections of all street intersections when required by the County Engineer;

    e. Plans, and where appropriate, profiles depicting the location and typical cross sections of all required improvements, including proposed storage lanes, acceleration and deceleration lanes;

    f. Details illustrating connections to existing and proposed utility systems;

    g. Details showing sidewalks, all traffic control, and striping in accordance with requirements of the County;

h. Location of fire hydrants; and verification of required fire flow, as determined by the Authority Having Jurisdiction, is available at time of permitting;

i. A certified boundary and topographic survey performed in accordance with Chapter 61G17-6, F.A.C., pursuant to Chapter 472.027, F.S., which accurately depicts the actual location of any existing roadway accesses, site improvements, visible encroachments, flood hazard areas and jurisdictional wetlands on-site. The survey shall be prepared at a scale sufficient to show all details of the site;

j. Drainage map, including the entire area to be developed and adjacent areas to be affected by such drainage. Disposition of storm waters should be shown;

k. If variable width rights-of-way are proposed, roadway and ditch cross sections, at intervals of 100 foot maximum, may be required. However, if conditions warrant, cross sections may be at intervals less than, or greater than, 100 feet, as determined by the County Engineer;

l. List of bench marks on based on the North American Vertical Datum of 1988 (NAVAS88), or the National Geodetic Vertical Datum of 1929 (NGVD29) giving location and elevation. There shall be at least one bench mark for every drainage outfall control structure in the development site. An assumed benchmark shall not be used;

m. Plans shall contain a note requiring compliance with current FDOT specifications for material quality and workmanship;

n. The proposed location of walls or fences shall be outside of road rights-of-way;

o. There shall be no areas without designations on construction plans. Areas shall be designated lots, tracts, or rights-of-way;

p. Construction plans shall show location and types of proposed lot lines, uses, facilities, easements, open space areas, typical structure dimensions, parking and loading areas, landscaping, buffers, vehicle circulation, and minimum setbacks;

q. Construction plans shall show the approximate location of all adjacent abutting development within a maximum of 100 feet including, phases, land use designations, and existing structures; and

r. Density Bonus Points, as outlined by this Code, shall be clearly illustrated on the construction plans.

s. Landscape plans and irrigation plans, when applicable, shall be submitted in accordance with Section 720.

5. Other information submitted in graphic and narrative form.

a. Storm water calculations and descriptions, prepared by a state registered engineer, needed to show compliance with requirements of the County, State and Water Management Districts;

b. Type and location of any erosion and sedimentation controls which will be used during the construction process;

c. Calculations and descriptions, prepared by a state registered engineer, used in sizing water and sanitary sewer mains, and storm water pipes and facilities, including any impact on existing systems and fire flow requirements;

d. Copies of permits, applications and approvals from all applicable regulatory agencies. If permit applications are submitted, the construction plan approval shall be based upon the assumption that the applicant will obtain the necessary permit approvals required;

e. Identification of all wetland encroachments and buffers;

f. Calculations for storage lane capacity, where applicable;

g. Traffic impact study in accordance with Appendix C.

6. Prior to any final approval the following information is required:

a. Plans, calculations, and descriptions necessary to show that the On-site Treatment Disposal System (OSTDS) in compliance with all applicable Federal, State, and County requirements;

b. Plans, calculations and descriptions required to determine that the potable water supply system is in compliance with all federal, state and county requirements;

7. Graphic standards shall be as follows:

a. Plans shall be on one or more sheets 24 inches by 36 inches in size. An index of plan sheets shall be provided;

b. All plans and profiles shall be at appropriate scale of sufficient size to show all detail;

c. Dimensions shall be shown on all drawings where applicable;

d. Drawings shall have a north arrow where applicable;

e. A title block shall shown on all sheets and shall contain the following information:

i. Development name;

ii. County and State;

iii. Sheet number and total number of sheets;

iv. Name, address and phone number of the responsible individual or professional;

v. Preparation date and date of any revisions.

C. ***Minor Revision to Level 2 Plans*** ***(Revised 3-17-10 – Ord. 10-011)***

Where a minor revision to approved Level 2 Review construction plans is proposed, plans may be submitted for review by the County Engineer and Current Planning, for approval or to determine whether the full DRC review is required. A minor revision is an adjustment in engineering or construction details that:

1. Does not change the external appearance of the development including adjustment in road or entrance alignment;

2. Does not violate any other agency regulations;

3. Does not require a Waiver from Technical Standards (See Section 932);

4. Does not violate any condition of approval;

5. Does not increase in density or intensity;

6. Does not require greater capacity of infrastructure and services offsite;

7. Increases impervious surface area by no more than 5% or 2,000 square feet whichever is less;

8. Increases parking spaces by no more than 5% or 5 spaces whichever is less;

9. Does not change primary or accessory uses on site to any use other than what is permitted by right (P) within the district as listed in Chapter 2 or in an overlay district in Chapters 4 and 5 (such as a Selected Area Plan, DRI, Green Swamp); or,

10. Does not change vehicle or pedestrian access or facility or its function.

A minor revision is intended to begin where a proposed change to an approved Level 2 Plan goes beyond the limits of a minor deviation under Section 980.B

D. ***Timing of Approval*** ***(Rev. 06-17-09 – Ord. 09-025)***

1. Upon approval of the construction plans and applicable permits, the applicant may:

   a. Obtain necessary permits to construct those improvements described on the approved construction plans; or

   b. Request BoCC approval to post performance security pursuant to Section 807, for uncompleted offsite improvements.

2. No construction shall commence until the plans have been approved by the County Engineer, other than preliminary ditching and earth moving incidental and necessary to site preparation, and not impacting wetlands, floodplain and drainage features.

   a. Approval of construction plans shall be valid for 36 months from the original date of approval. If construction has not commenced within this time frame, and the applicant has not requested an extension as outlined in this section, the applicant shall submit new construction plans for approval pursuant to Section 905, Level 2 Review. Construction may not commence prior to receiving approval of the new construction plans.

   b. An applicant may apply for one additional time extension. Said time extension shall be for a maximum of one year and shall be reviewed by the DRC. When reviewing a request for a time extension, the DRC may request changes to the approved construction plans only to reflect policy changes to this Code, since the original construction plans were approved, relative to the health, safety and welfare of the general public. Applications for time extension, as identified in this section, shall be submitted prior to the expirations of the Level 2 Review construction plans. If an application for time extension has been submitted prior to expiration of the Level 2 Review construction plan approval, but has not been acted upon by the DRC prior to the date of expiration, the request for extension shall still be considered by the DRC, and the project shall not expire until the DRC renders a final decision either approving or denying the request. However, in no instance may a time extension be granted for a period to exceed one year from the date of the

original Level 2 Review approval, regardless of when the DRC acts upon an application for a time extension

c. Decisions hereunder by the DRC may be appealed pursuant to Section 918.B and Section 921 of this Code. If the DRC grants a time extension pursuant to this section, thereafter if construction has not commenced within that extended time frame, then the applicant shall submit new construction plans for approval pursuant to Section 905, Level 2 Review. Construction may not commence prior to receiving approval of the new construction plans.

d. Any land alteration which takes place prior to construction plan approval shall be at the applicant's risk and may be required to be restored if it does not conform to the approved plans.

e. No sale of soils shall be allowed prior to obtaining all permits.

3. After construction has commenced, work shall be continuous until complete. Construction may be suspended no more than four times for the duration of the project, according to the following schedule:

a. one work suspension/stoppage may be for a period not to exceed six months,

b. the three remaining work suspension/stoppages may be for a period not to exceed one month each time, and

c. The work suspension/stoppages described above may not be combined.

If construction should be suspended exceeding the limits described in this section, the applicant shall submit new construction plans for approval pursuant to section 905, Level 2 Review. All work stoppages shall be reported to the engineering inspector responsible for the project.

4. If construction plan approval lapses, the plans become subject to any changes in this Code and other applicable regulations.

5. Additionally, Polk County acknowledges and will comply with the mandate of Senate Bill 360, which was enacted by the Florida Legislature and signed by the Governor in 2009. Therefore, Level 2 Review construction plans approved that are still valid and have not commenced construction that are scheduled to expire between September 1, 2008, and January 1, 2012, shall be extended for a period of two years from the original expiration date of the construction plans. Failure to commence construction prior to the extended expiration date shall result in the approval being null and void.

E. ***Inspection and Certification of Project Roadway and Drainage Improvements*** ***(Rev. 10/07/09 - Ord. 09-061; 12/08/03 Ord. 03-69)***

1. The County Engineer shall conduct periodic on-site field reviews during construction and shall advise the engineer of record of their findings. The applicant shall keep a copy of the approved construction plans of project improvements and any development approval transmittal letter on-site during construction activity. Each phase of construction may be accepted by Polk County. The applicant may proceed, at his own risk to the next stage of construction by providing test reports meeting Polk County specifications. Passing field test results may, at the discretion of the County Engineer or his/her representative, be used to allow the next stage (for example stabilized subgrade or base course) to proceed. Should conditions indicate non-compliance with the approved plans and specifications, Polk County shall require remedial actions as necessary. When the project is completed, the engineer of record shall submit record drawings and shall certify that the work was substantially constructed according to the project plans and specifications based upon the engineer's site reviews and certification by a Professional Surveyor and Mapper for the project.

2. Changes in plans or specifications substantially affecting conformance to standards or performance of systems must be requested by the engineer of record during construction prior to the implementation of such changes (for example: drainage and alignment). Such changes must be requested in writing and approved by the County Engineer. Changes of base course material to another base course material listed as an optional base course on the typical sections in Appendix A may be approved by the project inspector and noted in the project file.

3. The County Engineer may perform or require any inspection necessary to verify conformance with plans and specifications. The applicant, or the contractor retained by the applicant to construct the development, shall give the County Engineer at least five (5) days written notice before commencement of any construction. The applicant or contractor shall conduct a pre-construction meeting prior to commencement of construction of any public or private improvement. The applicant or contractor may commence clearing and grubbing operations only after the construction plans have been approved by the County Engineer and prior to the pre-construction meeting. All erosion control measures shall be in place prior to clearing and grubbing operations.

4. All tests shall be performed and samples taken as directed by the testing engineer in conformance with Appendix A – Technical Standards Manual and FDOT requirements. The testing engineer shall notify and schedule testing(s) with the County Engineer at least 24 hours before the testing. For any area where the tested sample does not meet the specifications, the area shall be re-worked and re-tested until a passing test is obtained. Test results for all required tests, including re-tests showing passing results for all deficient areas, along with a certification by the testing engineering that the materials tested meet the specifications shall be submitted to the engineer of record and the County Engineer. All testing shall conform with Appendix A - Technical Standards Manual, and with FDOT Standard Specifications.

5. Record drawings shall be prepared to specifications of the County and certified by the engineer of record as to conformity to the design and function of the drainage systems, show the actual installation of all improvements as certified by a Professional Surveyor and Mapper licensed in the state of Florida, and reflect any changes to the approved plans. Record drawings shall be submitted to the County Engineer within 30 days of completion of construction or prior to issuance of Certificate of Occupancy, for final inspection of public improvements.

6. The applicant, or the contractor retained by the applicant to construct the public improvements, shall maintain a temporary construction identification sign at the construction site providing information such as project name, developer and/or contractor name and emergency phone number.

F. ***Approval of Private Improvements***

Upon satisfactory final inspection of private improvements consistent with the approved site plan the county shall issue a Certificate of Occupancy. Significant changes to an approved site plan shall undergo a new review at the level of the original approval. Under no circumstances shall a new review be less than a Level 2 Review.

G. ***Acceptance of Public Improvements***

1. Upon satisfactory final inspection of any public improvements, such improvements may be approved by the County. Approval of such improvements does not imply acceptance for maintenance by the County.

2. Upon satisfactory final inspection of any public improvements, acceptance of as-built plans, a list of estimated values for roadway improvements, and required test reports, the County shall accept responsibility for the maintenance of such improvements, provided that such improvements are on land, which the County owns, or for which it has accepted an offer of dedication or easement. Such acceptance shall be evidenced by a written or stamped acceptance of improvements executed by appropriate County departments. Unless and until the County acquires such interests, maintenance of such improvements shall remain the sole responsibility of the applicant.

Section 705 Access to County Transportation System **(Rev. 7/10/18 – Ord. 18-047; 7/25/01 - Ord. 01-57; Rev. 12-08-03 Ord. 03-69**

This Section establishes standards for the vehicular ingress and egress from public and private roads in order to promote pedestrian and vehicular safety, minimize congestion, promote roadway aesthetics, provide for safe ingress and egress for emergency vehicles and maintain the functional capacity of roads in Polk County.

A. ***Minimum Access and Frontage*** ***(Rev.* 7/10/18 – Ord. 18-047; *03/190/08 - Ord. 08-004; 2/11/02 - Ord. 02-07)***

A tract of land to be used for residential or non-residential purposes shall have:

1. Legal access to a paved County road; and

2. Except as otherwise provided herein, direct frontage on a paved road accepted by the County for maintenance which includes:

   a. NON-RESIDENTIAL DEVELOPMENT – A non-residential development may meet minimum access and frontage requirements through the provision of a County approved, paved private internal service road that gives access to a paved County road and is maintained through a maintenance agreement, easement agreement or other similar agreement;

   b. RESIDENTIAL DEVELOPMENT – A residential development may meet minimum access and frontage requirements as follows:

      i. Through platted private roads, constructed to county standards, which provide access to a paved county road, and whose maintenance and upkeep are provided for by a homeowners association, property - owners association, or other similar organization;

      ii. Through platted public roads constructed to County standards and accepted by Polk County for maintenance and upkeep; or

      iii. Through a legally established easement consistent with the requirements outlined in Section 705.B.

   c. For multi-family developments, a County approved, paved private internal service road can provide access between common areas and a paved county road. The maintenance of said service road must be covered under a maintenance agreement, easement agreement, or other similar agreement.

B. Residential Access Through Easement (Added 07/10/18 – Ord. 18-047)

1. An easement providing access to a residential lot from a paved road meeting County standards shall meet the following requirements; the easement shall:

   a. Provide access for no more than four lots subject to other density, minimum lot size requirements and any other applicable requirements of this Code;

   b. Have a minimum width of 20 feet;

c. Not exceed 0.25 miles (1,320 feet) in length;

d. Provide for sufficient ingress and egress for fire trucks, ambulances, police cars and emergency vehicles; and

e. Be supported by the joinder and consent of all fee owners under easements to the use of the easement by the subject parcel(s). If joinders are provided for the easement, it shall be accompanied by an ownership and encumbrance report based on the legal description of the easement. In lieu of joinders, an applicant may provide a legal opinion from a licensed Florida attorney stating a lot has legal access, along with supporting documentation.

2. When creating a parcel that will be accessed solely via an easement as provided for herein, the parent tract (prior to subdividing) shall directly front on a public or private paved road meeting County standards. If the parent parcel fronts an unpaved road that is maintained by the County and the road is less than 0.25 miles (1,320 feet) in length, this shall also suffice as direct frontage.

3. The provisions as outlined in subsection B.1 above shall not be eligible for lots created as part of large unrecorded subdivisions where infrastructure was not constructed, as documented herein this Code.

4. Access provided solely via an easement shall not be permitted in undeveloped recorded subdivisions where infrastructure does not exist, commonly referred to as "paper plats."

5. Access provided solely via easement shall not be permitted in the Green Swamp Area of Critical State Concern.

6. Lot(s) gaining access solely via an easement pursuant to this Section shall be subject to a Level 1 Review and be provided written approval of same prior to obtaining a building permit.

7. Waivers to Section 705.B (subsections 1.a. [number of lots] and 1.c. and 2. only) may be granted by the Board of County Commissioners pursuant to a Level 4 Review and subject to the waiver provisions in Section 932 of this Code.

C. ***Types of Ingress and Egress*** ***(Rev. 2/11/02 – Ord. 02-07)***

Intersection[1] design standards vary based on the estimated amount of traffic entering and exiting through a development site entrance according to the most recent ITE[2] manual. The

[1]For purposes of this section intersection, driveway, and all points of ingress and egress shall be synonymous with the exception of driveways serving structures with four dwelling units or less, which requirements are specified in subsection 705.F

following standards apply to all roads within unincorporated Polk County and all County maintained roads within municipal boundaries where the cumulative traffic generation at a driveway or roadway intersection exceeds 90 AADT or 20 parking spaces. These standards are graphically depicted in Appendix A of this Code. The applicable intersection types are as follows:

1. A Type I intersection is required for new or reconstructed roads and non-residential driveways serving less than 500 AADT and less than 100 parking spaces. (see figure A.10) However, a 12' lane on the opposite side of the centerline is not required for developments of less the 250 AADT and less than 50 parking spaces.

2. A Type II intersection is required for new or reconstructed roads and non-residential driveways serving more than 499 AADT or 99 parking spaces, but less than 1,000 AADT and 200 parking spaces. Type II design varies depending on posted speed. (see figure A.11)

3. A Type III intersection is required for new or reconstructed roads and non-residential driveways serving more than 999 AADT or 199 parking spaces, but less than 1,500 AADT and 300 parking spaces. Type III design varies depending on posted speed. (see figure A.12)

4. A Type IV intersection is required for new or reconstructed roads and non-residential driveways serving more than 1,499 AADT or 299 parking spaces. Type IV design varies depending on posted speed. (see figure A.13)

5. A Type V intersection is required for new or reconstructed roads and non-residential driveways accessing a divided highway where the development is serving more than 500 AADT or 100 parking spaces, but less than 1,000 AADT and 200 parking spaces. Type V design varies depending on posted speed. (see figure A.14)

6. A Type VI intersection is required for new or reconstructed roads and non-residential driveways accessing a divided highway where the development is serving more than 1,000 AADT or 200 parking spaces. Type VI design varies depending on posted speed. (see figure A.15)

7. All lanes of collector and arterial roadways shall be a minimum of 12 feet in width for the length of intersection construction.

---

and illustrated in Table 7.7.

[2]ITE refers to the Institute of Transportation Engineers Manual.

8. Where an intersection occurs on a roadway that is identified to be below its designated level of service standard, intersection standards shall be increased as required by the County Engineer.

9. Intersection standards are based upon the cumulative amount of AADT passing through an individual ingress and egress point. Additional phases within a residential development, increases in parking spaces, or increases in AADT on an existing intersection may require that intersection to be redeveloped to greater standards.

10. The requirements of this section are minimum standards. The results of traffic studies may indicate the need for a higher standard of intersection construction, but shall not enable lower standards than the minimum requirements.

11. Where a development's sole access is a local residential road, and the roadway is part of a longer route that is interconnected with other collector or arterial roads and it serves multiple properties, the County Engineer may require intersection improvements to meet collector road standards based on future volumes, function, and or safety.

12. Due to roadway conditions including but not limited to site distance, pavement width, clear recovery, and terrain, higher intersection standards may be required by the County Engineer.

D. ***Access to Substandard Roads*** ***(Rev. 2/11/02 – Ord. 02-07)***

Development sites accessing a collector or arterial roadway that is substandard due to pavement width shall increase the pavement width to 24 feet in both directions and equally on both sides of the road along the existing roadway right-of-way for a distance as specified in Table 7.4b from the end of intersection construction.

E. ***Substandard Right-of-Way Width*** *(Rev. 01/07/14 – Ord 14-004; Rev. 9/13/06 - Ord. 06-047;* ***Rev. 2/11/02 – Ord. 02-07)***

Land, to be developed for residential purposes or non residential developments generating 27 or more new vehicle trips per day adjacent to an existing County road where right-of-way is deficient shall dedicate or deed additional right-of way from the centerline of the existing County road along the entire frontage of the development site at a width to meet the following requirements:

1. 40 feet from the centerline of two (2) lane collector roads constructed with a Rural Section (no curb); and

2. 30 feet from the centerline of two (2) lane collector roads constructed with a Village Section (depressed curb) and an Urban Section (curb and gutter).

Table 7.4b (Rev. 2/11/02 - Ord. 02-07)

Length of Pavement Width Improvement (Both Directions From the End of Intersection Construction, Both Sides of Roadway)					
	Posted Speed				
	35 mph or less	40 mph	45 mph	50 mph	55 mph and greater
Distance widened to 24' beyond Intersection Improvements if pavement is currently 20' wide or better	70'	80'	90'	100'	110'
Distance widened to 24' beyond Intersection Improvements if pavement is currently less than 20' wide[3]	105'	120'	135'	150'	165'

F. ***Driveway Permits*** ***(Revised 5/20/09 – Ord. 09-023)***

1. A driveway permit shall be obtained from the County prior to the installation of any access to a County maintained road, in the following situations:

   a. The alteration of an existing driveway, the issuance of a construction permit or mobile home set-up permit, or a new driveway on a County maintained road is proposed;

   b. Where the use of any building, structure, or premises is increased through addition of dwelling units, gross floor area, seating capacity, or other units related to trip generation;

   c. Prior to final development approval of any other development requesting direct access to a County maintained road, even when Polk County has no jurisdiction over the development;

   d. A temporary driveway permit must be obtained for construction access to a County maintained road.

   e. Bona fide agricultural uses which receive an agricultural exemption shall comply with all requirements except paving.

2. A driveway permit is not required for:

   a. Driveways designed and approved on subdivision plans, when constructed or bonded as part of the subdivision construction, prior to plat approval. Such

[3] Use 35' per 1' to determine specific lengths for roads that are greater than 18' in current width.

subdivision plans must show a typical detail of the access required to serve each lot.

b. Building permit applications for accessory structures to an existing residence where no additional driveway is needed.

c. If approved on construction plans per Section 704.

d. Paved residential driveway surfaces on local roads with curb and gutter, Miami curb or asphalt wings, constructed after the effective date of this Code.

e. On existing driveways without culverts where no change to driveways are made.

3. Driveway permit applications and the applicable fee shall be submitted as follows:

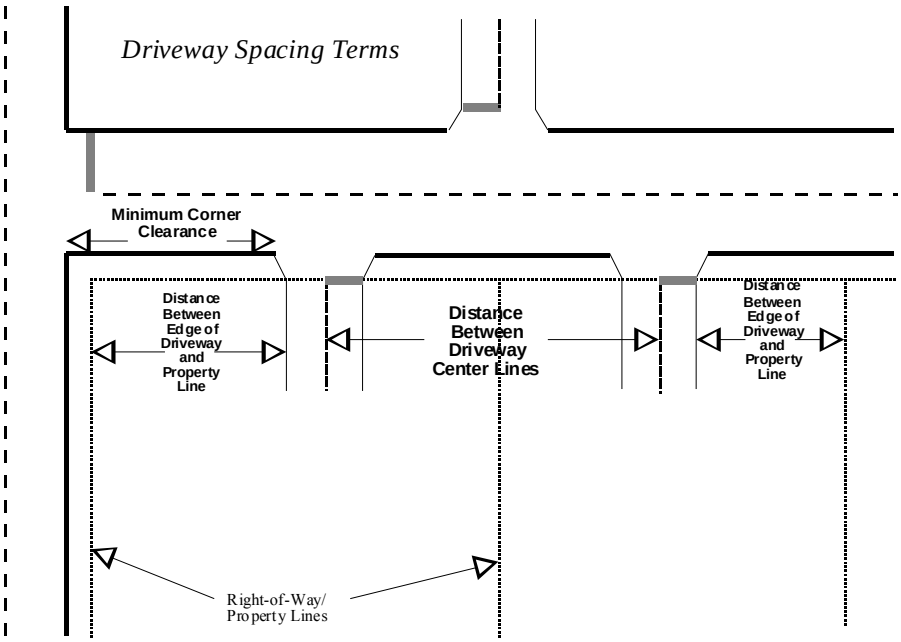
a. All driveway permit applications for single-family, duplex, triplexes, quadruplexes, and all agricultural uses, including temporary driveway permit applications, shall be submitted to the Building Division.

b. All driveway permit applications for uses not included in Section 705A.3.a, including temporary driveway permit applications, shall be submitted to the Land Development Division.

c. Any permits required by FDOT may serve in lieu of a Polk County driveway permit. A letter from FDOT will satisfy this requirement for existing driveways.

d. Driveways to roads under FDOT jurisdiction and driveways to be located on a County road within 0.25 mile of a limited access right-of-way fence shall comply with FDOT Administrative Rule 14-96 and 14-97.

Figure 7.1 Residential and Non-Residential Driveway and intersection spacing measurements [(1)] (Rev. 8/28/02 – Ord. 0256)



(1)See Table 7.5 and 7.6

4. Driveway permits shall be issued along with Final Development Plan approval. Building permits for buildings on any Final Development Plan shall not be issued until necessary driveway permits have been issued. No Certificate of Occupancy shall be issued until the required driveway has been constructed in accordance with these regulations.

G. ***Residential Driveway Location- Single-Family, Duplex, Triplex, and Quadruplex***

1. The number and placement of driveways allowed for each parcel shall be determined using the following criteria:

   a. All parcels shall be allowed one, two-way driveway or a pair of one-way driveways, except for those properties further restricted by a subdivision plat or a Final Development Plan;

   b. A third access point may be allowed for properties with at least two times the frontage as provided for in Section 822. Right-in only and right-out only driveways shall be used for this additional access;

c. The minimum distance between two-way driveway center lines shall be in accordance with Table 7.5;

Table 7.5 Residential Driveway Standards*(3)

Roadway Classification	Forty or less AADT
Minimum Distance Between Driveway Center lines	
Arterial, Principal	(1)
Arterial, Minor	100'
Collector, Urban	100'
Collector, Rural Major	100'
Collector, Rural Minor	100'
Local, Commercial	100'
Minimum Distance Between Edge of Driveway and Property Line (2)	
Arterial, Principal	n/a
Arterial, Minor	n/a
Collector, Urban	n/a
Collector, Rural Major	n/a
Collector, Rural Minor	n/a
Local, Commercial	n/a
Minimum Corner Clearance	
Arterial, Principal	(1)
Arterial, Minor	(1)
Collector, Urban	60'
Collector, Rural Major	60'
Collector, Rural Minor	60'
Local, Commercial	60'
Local, Residential	6'

Table 7.5 Residential Driveway Standards*(3)

Roadway Classification	Forty or less AADT

(1) Undesirable uses on roads of this classification, generally not permitted.

(2) This distance is measured from the right-of-way line.

(3) See Figure 7.1 Residential and Non-Residential Driveway and Intersection Spacing Measurements.

* General Notes: Does not apply to FDOT accessed roads and Lots-of-Record. The minimum distance from the intersecting edge of pavement to nearest edge of driveway (corner clearance). Corner clearance shall be measured from the edge of road to the edge of driveway along the right-of-way line. Local residential roads within platted subdivisions are exempt from Table 7.5.

d. The minimum distance between a two-way driveway centerline and a one-way driveway centerline on one parcel shall be in accordance with Table 7.5;

e. No driveways are to be constructed within intersections;

f. No driveways are to be constructed within turn lanes, or tapers unless no other access is available;

g. The minimum distance between the driveway and any adjacent property line without a cross-access easement shall be in accordance with Table 7.5.

2. Driveways near intersections shall be located to provide for stacking and protection of left turn movements. The minimum distance from the intersecting edge of pavement to nearest edge of driveway (corner clearance) shall be in accordance with Table 7.5. Return radii of driveway or intersecting roads are not included in this measurement.

3. Acceleration, deceleration, and turning lanes shall conform to the construction standards contained in Appendix A Technical Standards Manual.

4. All driveways shall be constructed within the limits of the frontage boundary of the property or development they serve.

5. Mitered end sections added to existing residential driveway culverts may encroach the frontage boundary of an adjacent property.

H. ***Non-Residential Driveway Location, including Multi-Family Structures of 5 Dwelling Units or More*** ***(Rev. 3/25/03 - Ord. 03-26; 7/25/01 - Ord. 01-57)***

1. Non-residential driveways shall not be permitted on a local road when it results in traffic from a collector or arterial road to pass residentially used or designated property.

2. Out-parcels for shopping, office, or industrial centers shall be limited to internal access to the center unless otherwise approved as part of a master development plan.

3. The number and placement of driveways allowed for each parcel shall be determined using the following criteria:

    a. All parcels shall be allowed one two-way driveway or may be allowed a pair of one-way driveways, except for those properties restricted by subdivision plat or a Final Development Plan.

    b. The minimum distance between two-way driveway center lines shall be in accordance with Table 7.6.

    c. The minimum distance between a two-way driveway centerline and a one-way driveway centerline on one parcel shall be in accordance with Table 7.6.

    d. No driveways are to be constructed within intersections.

    e. No driveways are to be constructed within turn lanes, or tapers unless no other access is available.

    f. The minimum distance between the driveway and any adjacent property line without a cross-access easement shall be in accordance with Table 7.6.

4. Driveways near intersections shall be located to provide for vehicle stacking and protection of left turn movements. The minimum distance from the intersecting edge of pavement to the nearest edge of driveway (corner clearance) shall be in accordance with Table 7.6. Return radii of driveway or intersecting roads are not included in this measurement. Refer to Technical Standards Manual for sample sketches.

5. Width and radii shall be as follows:

    a. The width and radii of all driveways shall be within the dimensions specified in Table 7.7. Actual width and radii shall be based on a) classification of the road, b) number of entrances to parcel, and c) expected traffic demand, including truck usage.

    b. Where one-way turning motions are dictated, reverse radii with a one and one half foot radius bullnose shall be provided. See Technical Standards Manual.

6. Acceleration, deceleration, and turning lanes shall conform to the construction standards contained in Appendix A - Technical Standards Manual.

Table 7.6 Non-Residential Driveway Standards*(1), (2), (3), (5)

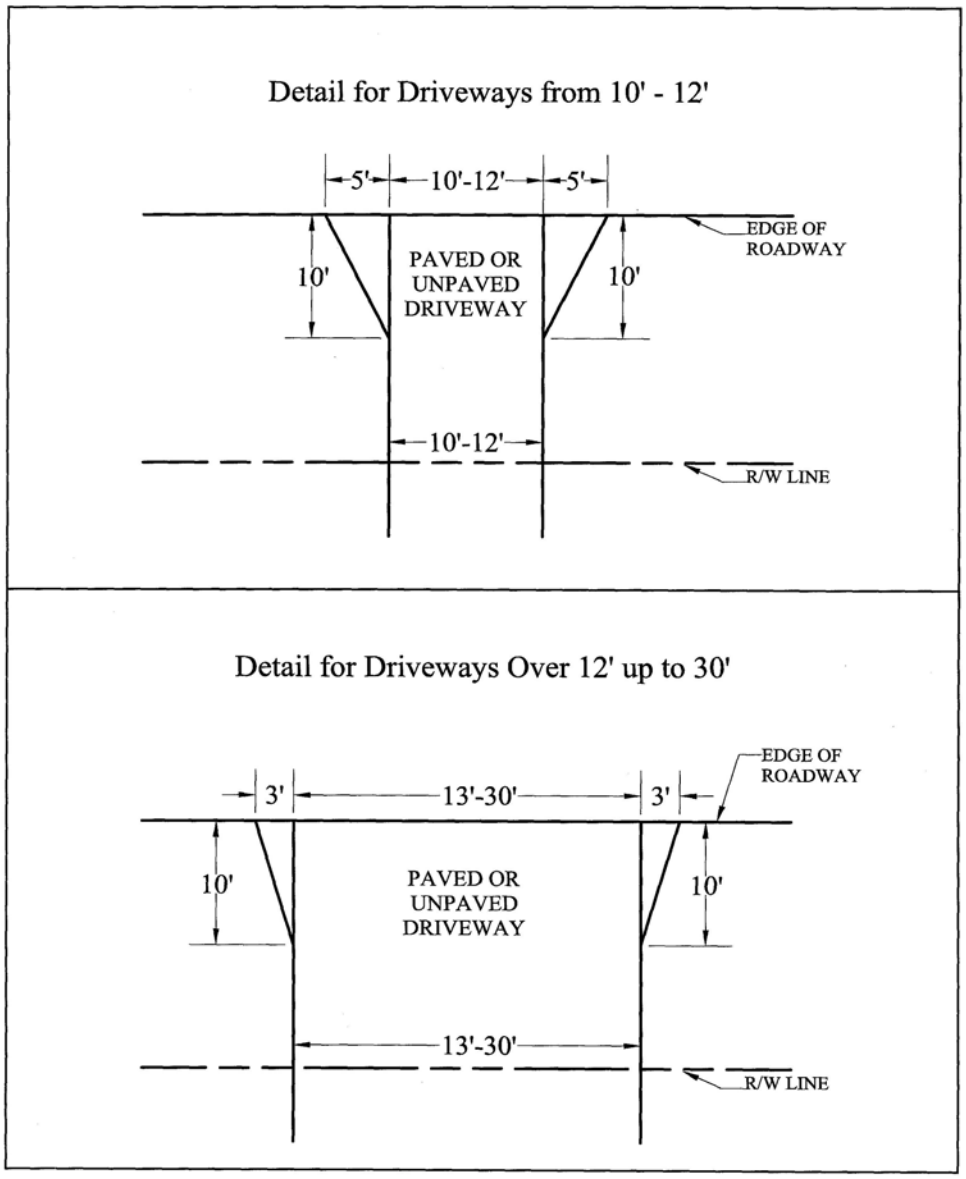
Roadway Classification	5 or More Dwelling Units	Commercial/Office	Industrial
Minimum Distance Between Driveway Center lines			
Arterial, Principal	350'	350'	350'
Arterial, Minor	280'	350'	350'
Collector, Urban	250'	280'	280'
Collector, Rural Major	210'	210'	210'
Collector, Rural Minor	150'	150'	150'
Local, Commercial	150'	105'	150'
Minimum Distance Between Edge of Driveway and Property Line (4)			
Arterial, Principal	35'	35'	50'
Arterial, Minor	35'	35'	50'
Collector, Urban	35'	35'	50'
Collector, Rural Major	35'	35'	50'
Collector, Rural Minor	35'	35'	50'
Local, Commercial	35'	35'	50'
Minimum Corner Clearance			
Arterial, Principal	150'	150'	200'
Arterial, Minor	150'	150'	200'
Collector, Urban	150'	120'	150'
Collector, Rural Major	120'	90'	100'
Collector, Rural Minor	120'	90'	100'
Local, Commercial	90'	90'	100'

(1) Does not apply to FDOT roads.
(2) Lots of record of insufficient width shall comply to the greatest extent possible.
(3) Corner clearance shall be measured from edge.
(4) This distance shall be measured from the right-of-way line
(5) See Figure 7.1 Residential and Non Residential Driveway and Intersection Spacing Measurements

* General Notes:
Accessed FDOT roads and Lots-of-Record are exempt, but must comply to the greatest extent possible. The minimum distance from the intersecting edge of pavement to nearest edge of driveway (corner clearance). Corner clearance shall be measured from the edge of road to the edge of driveway along the right-of-way line.

Table 7.7 Driveway Apron Width and Radii

Land Use	Width		Radii/Flare
	Minimum (in feet)	Maximum (in feet)	Minimum (in feet)
* Residential: 1 - 40 AADT	10 - 12	13 - 30	3 - 5
Multi-Family Residential	20	36	25
Commercial/Office	20	36	35
Industrial	24	40	50
* Residential Driveway Detail			



I. ***Driveway Design***

1. Driveways shall not impair the drainage of the road and rights-of-way, alter the stability of the roadway, or impair the drainage of adjacent areas.

2. Driveways shall not be located in such a position so as to adversely affect the placement of highway signs, traffic signals, lighting or other devices or the proper operation of same.

3. Driveways shall be perpendicular to the roadway wherever practical.

4. Driveways shall be designed so that no portion of the right-of-way is used for purposes such as parking, servicing vehicles, landscaping, displays, buildings, sales exhibits, business signs, service equipment or appurtenances, or the conducting of private business.

5. The area adjacent to the driveway and within the right-of-way and the limits of the driveway construction shall be finished in such a manner to insure proper drainage, easily maintained slopes, and adequate sight distance for traffic operations as specified by the FDOT Green Book.

6. Side drain pipes shall be installed under all new driveway/aprons except:

    a. Curb or gutter sections;

    b. Side hill or fill sections where slope from pavement is continuously downward past the right-of-way;

    c. At drainage divide;

    d. In swale sections where the ditch profile is at a grade greater than or equal to 0.5 percent. In this case the driveway shall conform to the cross section of the swale;

    e. In ditch sections to be used for retention where the driveway acts as a ditch block and the road base is constructed of waterproof material.

    f. In existing subdivisions where pre-existing driveways have been approved without pipes.

    g. On collector roads where no drainage ditches exist and where the property owner provides retention swale.

7. All side drain pipes shall be of material as approved by the FDOT Standard Specifications. Side drain pipes shall be of sufficient length to accommodate side slopes which are safe and convenient to maintain, and shall be a minimum of 20 feet long. Joints shall be made according to FDOT Standard Specifications. On local roads, the minimum size of side drain pipes installed within road right-of-way shall be 15 inches or equivalent, and no mitered-end sections are required. On all other roads the minimum pipe size shall be 18 inches or equivalent and these pipes shall be installed with mitered-end sections according to FDOT Index 273.

8. The County may elect to set the pipe invert grades on collector roads where the pipe grades are critical to maintaining drainage.

9. Apron width and radii:

   a. The width and radii of all driveways shall be within the dimensions specified in Table 7.7. Actual width and radii shall be based on:

      i. Classification of the road;

      ii. Number of entrances to parcel; and

      iii. Expected demand, including truck usage.

   b. Where one-way turning motions are dictated, reverse radii with a one and one half foot radius bullnose shall be provide.

10. The following requirements are applicable to residential driveways serving more than forty AADT and all non-residential driveways:

   a. The area to which the driveway provides access shall be of sufficient size to allow all necessary functions for loading, unloading and parking maneuvers to be carried out on private property and completely out of the road right-of-way. Driveways shall be designed to avoid conflict with parking movements.

   b. The minimum distance from the point of tangency of the radius return of any driveway to any interior service drive or parking space shall be:

      i. A minimum of 20 feet in all cases; and

      ii. A minimum of 100 feet if the anticipated daily traffic volume using the driveway exceeds 5,000 vehicles.

   c. Where special pedestrian and vehicular hazards may be encountered (e.g. day care centers), driveways may be restricted to one-way operation or may require a raised pedestrian safety island. Proper signs giving notice to the restricted use of driveways shall be erected and maintained by the property owner. Failure to erect such signs and failure to use such driveways in accordance with the proper signs shall be a violation of this Code.

J. ***All Driveway Construction***

1. Construction of driveways shall be in conformance with this Section and in accordance with approved plans and specifications. Driveway construction shall not be the responsibility of Polk County or other governmental agencies.

2. In areas where driveway/aprons are located within the limits of existing barrier curb and gutter or sidewalk, the existing curb and the sidewalk shall be removed in an acceptable manner. Either a six inch thick concrete sidewalk or asphalt pavement section meeting a structural number of 2.18 shall be constructed to replace that portion removed. The curb and gutter shall be replaced with an acceptable drop curb conforming to FDOT Standard Specifications.

3. Where pre-pour inspections are required, the owner or his representative shall notify the County at least two days prior to commencement of driveway/apron construction. The County may make periodic inspections during the construction period.

4. All driveway/aprons shall be surfaced as provided in Table 7.8 from the edge of the road pavement ten feet or to the right-of-way line whichever is less. However, in no case shall the distance be less than the point tangent with the required radius return.

   a. Flexible pavement with asphalt surface shall be constructed with a minimum structural number of 2.18 using the structural number criterion found in Appendix A Technical Standards Manual to determine the thickness of sub-base, base and surface.

   b. Rigid pavement (concrete) driveway/aprons shall be constructed with paving surface in accordance with Table 7.8.

   c. Sand/Clay (6 inches); Shell (6 inches); Lime rock (6 inches): Driveway aprons may be constructed of the same materials and quality as the abutting roadway.

5. Temporary driveways shall be constructed as follows:

   Driveways shall be constructed according to Table 7.8 to prevent erosion and damage to the pipe, and roadway. Driveways shall be removed at the termination of their use and the roadway and rights-of-way restored to original condition. Temporary access permits may be issued for a specified time period not to exceed twelve months. Extensions of temporary driveways shall be considered a waiver from this Section. Design and construction requirements for the temporary driveway shall be established by the County Engineer at the time of permit application.

K. ***Gates***

Entrance gates shall be placed outside of the adjacent road right of way, be no closer than 60 feet from the adjacent road edge of pavement or a distance equal to the length of the type vehicle accessing or served by the gate so that no part of the vehicle will be in the travel lane of the adjacent road, whichever is less.

L. ***Waivers***

Waivers to the requirements of this Section or the Technical Standards Manual shall be requested pursuant to Section 932.

Table 7.8 Paving Surface Requirements for Driveway Aprons

Land Use	Driveways onto Paved or Asphalt Stabilized Roads		Driveways onto Unpaved Roads
	Base	**Surface**	**Minimum**
Residential: Quads or less	6" compacted sand/clay, limerock or shell base equivalent	1" asphalt	6" compacted sand/clay, limerock or shell base equivalent
	6" of 2500 PSI concrete 4" of 2500 PSI concrete w/6 x 6 welded wire mesh (WWM)(1)		n/a
Residential: More than Quads Commercial Industrial	6" of 3000 PSI concrete 4" of 3000 PSI concrete w/ 6 x 6 WWM (1)		n/a
	Any combination of base, sub-base and asphalt meeting a structural number of 2.18 with no less than a 1 1/4 inch of asphalt surface course.		
Agricultural	6" compacted limerock or shell base equivalent	1" asphalt	6"compacted limerock or shell base equivalent

(1) Fibre mesh may be substituted for 6 x 6 Welded Wire Mesh

Section 706 Right-of-Way Use Permits **(Rev. 4/17/18 – Ord. 18-022; 01/30/03 - Ord. 03-14)**

A Right-of-Way Use Permit shall be required for all activity within existing road rights-of-way maintained by Polk County. All activity shall be in accordance with the Polk County Right-of-Way Use and Utility Accommodation Guide. Right-of-Way Use Permits shall be reviewed as part of a Level 2 Review approval.

A. Exemptions – The following activities within County rights of way do not require a Level 2 Review:

1. Collocation of Small Wireless Facilities - pursuant to Section 337.401 of Florida Statutes, the collocation of Small Wireless Facilities on existing utility poles within the right-of-way that do not extend beyond 10 feet of the original height of the pole are exempt from a Level 2 Review.

2. Individual residential driveways - residential driveways that are constructed in accordance with Section 705.I of this code and that serve four dwelling units or less may be permitted through the residential building construction process.

B. Wireless Support Structures and associated Small Wireless Facilities as defined in Chapter 337.401 may be constructed in the county rights-of-way provided they meet the following requirements:

1. Successfully complete a Level 2 Review;

2. Do not exceed the height limitations of the land use district;

3. Are not located within the Clear Recovery Zone identified by road type in Table 8.2 of this Code;

4. Do not interfere with the function, use, and maintenance of other existing or planned infrastructure within the right-of-way including but not limited to signage, traffic control equipment, utilities, fire hydrants, sidewalks, transit facilities, turn-lanes, or drainage; and,

5. Do not interfere with pedestrian access or movement.

Section 707 Sidewalks *(Rev. 12/08/03 Ord. 03-66; Rev. 06/08/04 Ord. 03-94)*

Sidewalks are considered an urban service and vital to the promotion of pedestrian well being and the minimization of pedestrian deaths in the County. Sidewalks are also an essential element of public and charter school infrastructure.

A. ***Sidewalks Required of Development*** (See Sidewalk Overlay District Map) ***(Rev. 12/08/03 Ord. 03-66)***

1. Within all areas designated on the current Sidewalk Overlay District Map, sidewalks shall be required along the frontage of arterial and collector roads of all developments that include the creation of a new habitable structure that are located within two miles of a public or charter elementary, middle, or high school and in:

a. The UDA, UGA;

b. The SDA, for SPDs and all residential infill developments where the minimum lot size is less than 40,000 square feet; or,

c. Development located in the RCC and RCC-R.

2. Sidewalks are not required for mining or agricultural activities.

B. ***Sidewalk Locations*** ***(Rev. 5/20/09 – Ord. 09-023; 12/08/03 Ord. 03-66; Rev. 06/08/04 Ord. 03-94)***

Sidewalks shall be located in accordance to the following requirements:

1. Sidewalks shall be required on both sides of an arterial road.

2. Sidewalks shall be required on both sides of an urban collector and rural major collector road.

3. Sidewalks shall be required on one side of a minor-collector road. The following shall guide the placement of sidewalks for minor-collector roads:

   a. If a rural minor-collector road has not had a sidewalk previously placed next to it, the side nearest the walking attraction (i.e., school, activity center) would be deemed the sidewalk side of the road C unless some physical feature along the side of the road, or some other impedance, would cause the continuation of the sidewalk on that side of the road to be impracticable. Such decision shall be made by the County Engineer after consultation with the Land Development Director.

   b. If a rural minor-collector road has previously had a sidewalk placed along both sides of it, the side which currently has the greatest linear amount of sidewalk along any given segment (defined as a continuous County road between either signed or signalized intersections or between designated pedestrian crossings) will be considered the sidewalk side of the road for that road segment, unless that side is physically constrained from being linked to a pedestrian system.

C. ***Sidewalk Connection*** ***(Rev. 5/20/09 – Ord. 09-023; 7/25/01 - Ord. 01-57; Rev. 12/08/03 Ord. 03-66)***

Sidewalks shall be placed within the rights-of-way of local, collector, and arterial roadways in accordance with the Appendix A. The Growth Management Department may require construction of a sidewalk to extend a maximum of 100 feet beyond a proposed development, where necessary to connect with or extend to other existing sidewalks, in the interest of safety, and for handicap accessibility.

D. ***Sidewalk Widths*** ***(Rev. 7/25/01 - Ord. 01-57; Rev. 12-08-03 Ord. 03-66)***

Sidewalks shall be four feet in width. A four foot wide sidewalk shall taper down to a lesser amount in instances where it must connect to an existing sidewalk. The County Engineer may allow sidewalk widths below four feet to be installed in locations where the majority of the sidewalks have already been installed with a width of less than four feet and, where, in the County's Engineers opinion, a small segment of four foot wide sidewalk would be inappropriate.

E. ***Protection of Future Sidewalks Area*** ***(Rev. 12/08/03 Ord. 03-66)***

Walls, fences, water retention structures, and other similar structures which could prohibit or impede the installation of future sidewalks shall be designed to accommodate future sidewalks where required by this Section.

F. ***Sidewalk Placement*** ***(Rev. 7/25/01 Ord - 01-57; Rev. 12/08/03 Ord. 03-66)***

The developer shall only be required to place sidewalks within the right-of-way adjacent to the site that is being developed. Expansion of existing development is only required to provide sidewalks along the road frontage, a distance equal to the percentage increase in gross square footage of expansion or the percentage increase in AADT, whichever is greatest, times the parcel's total distance of road frontage. This amount of sidewalk shall be placed along the frontage of the site within the rights-of-way where it is most functional to the public or projecting perpendicularly from a driveway.

G. ***Expansion of Existing Development (Rev. 12/08/03 Ord. 03-66)***

Expansion of existing development is only required to provide sidewalks along the road frontage, a distance equal to the percentage increase in gross square footage of expansion or the percentage increase in Average Annual Daily Trips (AADT), whichever is greatest, times the parcel's total distance of road frontage. This amount of sidewalk shall be placed along the frontage of the site within the rights-of-way where it is most functional to the public or projecting perpendicularly from a driveway.

H. ***Waivers (Rev. 12/08/03 Ord. 03-66)***

Waivers to the requirements of this Section shall be requested pursuant to Section 932. In addition to the minimum requirements for consideration of waivers, the following factors shall be considered for waivers to this section:

1. If there are any existing sidewalks located along the road which provides access between the development and the walking attraction.

2. If a sidewalk cannot be extended beyond the property boundary of the proposed development due to blockage or impediment by an existing development or adequate right-of-way.

3. If the location of the proposed development relative to property used or classified for residential uses and a walking attraction such as a school or activity center, indicates the sidewalk would not be reasonably usable, is redundant, or otherwise unnecessary.

4. If the FDOT will not issue a permit for a sidewalk within the right of way.

5. If physical features preclude the extension of a sidewalk.

6. If the road segment is programmed for construction of road improvements, in the 5-year Capital Improvements Plan and includes sidewalks in the design and construction of the project.

I. ***Fees in-lieu of Sidewalk Construction (Rev. 12/08/03 Ord. 03-66)***

At the developer's request and in concurrence with the County Engineer, a fee in the amount of the cost to construct the required sidewalk may be paid in-lieu of building the required sidewalk along a development's frontage provided all the following conditions are met:

1. The fee is applied to a sidewalk project within the current 5-year Capital Improvements Program(CIP); and,

2. The fee is based on the per unit cost of the County's annual sidewalk bid for the current fiscal year.

Section 708 Parking Space Requirements

A. ***Minimum Parking Requirements (Rev. 01/03/05 - Ord. 04-80)***

The minimum parking requirements for vehicles shall be in accordance with Table 7.10. A parking study shall be submitted in accordance with Section 710 for all land uses not found in this Table.

1. When the determination of the number of off-street spaces required by this Section results in a fractional space, the fraction of one half or less may be disregarded, and a fraction in excess of one half shall be counted as one parking space.

2. In stadiums, sports arenas, Religious Institutions and other places of assembly in which those in attendance occupy benches, pews or other similar seating facilities, or which contain an open assembly area, the occupancy shall be based on the maximum design occupancy.

B. ***Change in Use***

To ensure that adequate parking facilities are available, any change in the use of a structure shall meet the standards of this Section.

C. ***Handicapped Parking*** ***(Rev. 02/16/05 - Ord. 05-05***)

As a part of the minimum required spaces, not in addition to handicapped parking spaces shall be provided in all parking facilities. The location, design, and number of parking spaces shall be consistent with the requirements of either Chapters 316.1955 & 316.1956, F.S. or the Federal Americans with Disabilities Act (ADA). All handicapped parking spaces shall be paved.

D. ***Parking and Storage of Distressed or Abandoned Boats and Trailers***

No distressed or abandoned boat or trailer shall be parked or stored on a residentially zoned or used property unless expressly permitted by this Ordinance. Any distressed or abandoned boat or trailer may be parked or stored in a completely enclosed structure. In addition, one such boat or trailer is permitted in the rear yard provided such boat or trailer is completely screened from view of neighboring homes and properties. Sheet metal, tarpaulin, or earthen berms shall not be used to satisfy the screening requirements of this Section.

E. ***Agritourism*** ***(Revised 6/28/11 Ord. 11-008)***

Agritourism uses shall not be required to have a minimum number of parking spaces except for the required handicapped spaces. However, there shall be adequate areas within the site to accommodate the maximum number of visitors expected. There shall be no parking within the public rights-of-way.

Table 7.10 Minimum Off-Street Parking Requirements (For revision history, see last row in table.)	
Land Use	**Minimum Off Street Spaces**
RESIDENTIAL USES	
Adult Day Care Center	1 space per 5 clients permitted, plus one space per employee
Duplex/Two-Family Attached	2.0 spaces per unit, excluding garages
Family Farm	2.0 spaces per unit, excluding garages
Family Homestead	2.0 spaces per unit, excluding garages
Fly-in Communities	2.0 spaces per unit, excluding garages
Group Living Facility	1 space per 300 sq ft GFA, plus 0.25 space patient bed
Farm Worker Housing	1.5 spaces per unit
Mobile Home Parks	2.5 spaces per unit
Mobile Home Subdivision	2.0 spaces per unit, excluding garages
Mobile Homes, Individual	2.0 spaces per unit, excluding garages
Multi-Family	2 spaces per unit
Short-Term Rental Units	2.0 spaces per unit, excluding garages
Single-Family Detached Home	2.0 spaces per unit, excluding garages
Transitional Area Development	Based upon approved use.
ALL OTHER USES	
Adult Use	3 spaces or 1 space per 300 sq ft GFA, whichever is greater
Agricultural Support, Off-site	1 space per non-resident employee
Agricultural Support, On-site	1 space per non-resident employee
Agriculture Transfer/Packing, Off-site	1 space per non-resident employee
Agriculture-Transfer/Packing, On-site	1 space per non-resident employee
Airports	Site specific determination
Animal Grazing	n/a
Animal Farm, Intensive	1 space per non-resident employee
Animal Farm, Small, Specialty	1 space per non-resident employee
Aquiculture	1 space per non-resident employee
Bars, Lounges, Taverns	1 space per 75 sq ft of Gross Floor Area (GFA)
Bed & Breakfast	1 space per guest room, plus 2 spaces
Breeding Facility, Wild or Exotic	1 space per non-resident employee
Car wash, Full Service	1 space per employee, minimum 5 spaces
Car wash, Self Service	2 spaces per stall
Carwash, Incidental	At least 2 spaces (40 feet) for stacking
Cemeteries	5 visitor spaces, plus spaces required for any accessory use (i.e. funeral home)
Childcare Centers	1 space per 5 children permitted, plus 5 employee spaces
Clinics & Medical Offices	1 space per 200 sq ft GFA
Communication Towers	n/a
Community Centers	10 spaces per 1000 sq ft GFA
Construction Aggregate Processing	1 space per 300 sq ft of GFA, plus 1 space per acre of outdoor space
Construction Aggregate Storage	1 space per 300 sq ft of GFA, plus 1 space per acre of outdoor space

Table 7.10 Minimum Off-Street Parking Requirements (For revision history, see last row in table.)	
Land Use	**Minimum Off Street Spaces**
Convenience Stores	5 spaces per 1000 sq ft GFA
Convenience Stores, Isolated	5 spaces per 1000 sq ft GFA
Correctional Facilities	1 space per maximum shift plus I visitor space per 20 beds
Crematorium	1 space per 300 sq ft GFA
Cultural Facilities	1 space per 500 sq ft GFA
Dairies	1 space per non-resident employee
Emergency Shelter (Large Only)	1 space per 5 beds, and 1 space per maximum shift, 5 minimum
Equipment Repair Major	1 space per 1000 sq ft GFA, 12 space minimum
Event Facility	1 space per 3 seats or 150 sq ft GFA whichever is greater
Fish Camp	n/a
Family Daycare	1 space per 5 clients permitted, plus 5 employee spaces
Farming, General	1 space per non-resident employee
Financial Institution	1 space per 300 sq ft GFA
Financial Institution/Drive Thru	1 space per 300 sq ft GFA
Flea Market	1.5 spaces per booth/stand, plus 1 backup loading space adjacent to each booth/stand
Forestry Specialized Operations	1 space per non-resident employee
Funeral Home & Related	1 space per 3 seats within chapel, plus 1 space per 300 sq ft GFA
Gas Stations, with no accessory retail sales	0.25 space per fuel dispensing nozzle
Gas Stations, with accessory retail sales	0.25 space per fuel dispensing nozzle, plus 1 space per 150 sq ft FA
Gas Stations, no retail sales with automotive repair	0.25 space /per fuel dispensing nozzle, plus 4 spaces per service bay
Golf Courses	6 spaces per hole, plus 1 space per 100 sq ft GFA
Governmental Facilities	1 space per 260 sq ft GFA
Hazardous Waste Transfer/ Storage	1 space per 700 sq ft GFA (minimum 10 spaces)
Hazardous Waste Treatment Facilities	1 space per 700 sq ft GFA (minimum 10 spaces)
Heliports	Site specific determination
Helistops	Site specific determination
Hospitals	1 space for doctors for each 10 patient beds, plus 1 space per four patient beds, plus 1 space per 1.5 employees on all shifts
Hotels and Motels	3 spaces per establishment, plus 1.25 spaces per unit
Kennels, Boarding	1 space per 300 sq ft GFA
Kennels, Breeding	1 space per non-resident employee plus 1 space per 1000 sq ft
Livestock Sale/Auction	Site specific determination
Lodges and Retreats, Private	Site specific determination
Manufacturing, Volatile Materials	1 space per 700 sq ft GFA (minimum 10 spaces)
Manufacturing, General	1 space per 700 sq ft GFA (minimum 10 spaces)
Manufacturing, Light	1 space per 1 000 sq ft GFA (minimum 12 spaces)
Marinas/Related Facilities	1 space per 300 sq ft building area, plus I space 3 boat storage space
Medical Marijuana Dispensaries	3 spaces or 1 space per 300 sq ft GFA, whichever is greater
Mining, Non-Phosphate	1 space per employee, plus 5 visitor spaces
Mining, Phosphate	1 space per employee, plus 5 visitor spaces

Table 7.10 Minimum Off-Street Parking Requirements (For revision history, see last row in table.)	
Land Use	**Minimum Off Street Spaces**
Motor Freight Operations	1 space per employee, plus 1 space for each vehicle used in connection with the facility, plus sufficient space to accommodate the largest number of vehicles that may be expected at one time
Nightclubs, and Dance Halls	1 space per 75 sq ft GFA
Nurseries, Retail	1 space per 250 sq ft GFA of retail sales area, plus 1 space per 1000 sq ft of outside display area
Nurseries & Greenhouses	1 space per 150 sq ft GFA of retail sales area
Nursing Homes	1 space per bedroom
Offices	1 space per 300 sq ft GFA
Office Park	1 space per 300 sq ft GFA
Personal Service	1 space per 200 sq ft GFA
Power Plants, Non-Certified, Low	1 space per 750 sq ft GFA plus 5 visitor spaces
Power Plants, Non-Certified, High	1 space per 750 sq ft GFA plus 5 visitor spaces
Power Generation, Certified	1 space per 750 sq ft GFA plus 5 visitor spaces
Printing & Publishing	1 space per 700 sq ft GFA (minimum 10 spaces)
Railroad Yards	1 space per employee, plus 5 visitor spaces
Recreation, High Intensity	1 space per 3 seats or 150 sq ft GFA whichever is greater
Recreation, Low Intensity	Site specific determination
Recreation & Amusement, Intensive	1 space per 1 00 sq ft
Recreation & Amusement, General	1 space per 200 sq ft
Recreational Vehicle Park	2.0 spaces per unit. 1.5 spaces per unit visitor, .5 spaces per unit accessory
Religious Institutions	1 per 3 seats in principal room of worship
Institutional Campgrounds	Site specific determination.
Research & Development	1 space per 700 sq ft GFA. (minimum 10 spaces)
Residential Treatment Facility	1 space per 4 clients permitted, plus .5 employee spaces
Restaurant, Drive-thru/Drive-in	4 spaces per establishment plus 1 space per 100 sq ft GFA
Restaurant, Sit-down/Take-out	4 spaces per establishment plus 1 space per 75 sq ft GFA
Retail, Less than 5000 Sq Ft	3 spaces or 1 space per 300 sq ft GFA, whichever is greater
Retail, More than 5000 Sq Ft	3 spaces or 1 space per 300 sq ft GFA, whichever is greater
Retail, Home Sales offsite	1 space per 500 sq ft GFA, plus 1 space per 2,500 sq ft of display area
Retail, Outdoor Sales/Display	1 space per 250 sq ft GFA of retail sales area, plus 1 space per 1000 sq ft of outside display area
Salvage Yard	6 spaces plus 1 space per 5,000 sq ft of salvage yard space
School, Elementary	Two spaces per classroom, plus one space for each administrative or staff position or State Requirements for Educational Facilities (SREF).
School, Middle	Two spaces per classroom, plus one space for each administrative or staff position or State Requirements for Educational Facilities (SREF).
School, High	Ten spaces per classroom, plus one space per administrative or staff position or State Requirements for Educational Facilities (SREF).
School, Leisure/Special Interest	One space per 250 sq ft of GFA (minimum 10 spaces)
School, Technical/Vocational/Trade	One space per 250 sq ft of GFA (minimum 10 spaces)
School, Training	One space per 250 sq ft of GFA (minimum 10 spaces)

Table 7.10 Minimum Off-Street Parking Requirements (For revision history, see last row in table.)	
Land Use	**Minimum Off Street Spaces**
School, College/University	One space per student, one space per administrative or staff position. Housing facilities on college/university campuses must provide off-street parking of two spaces for each three sleeping rooms. Other such accessory uses for colleges/universities (i.e. libraries, auditoriums, stadiums, etc.) shall provide parking as required in this Table for such uses.
Seaplane Base	Site specific determination, during Level 3 Review process
Self-storage Warehouse	1 space per 300 sq. ft. of managers office
Solid Waste Management Facility	Site specific determination
Stables/Riding Academies	Site specific determination
Studios, Production	1 space per 700 sq ft GFA
Transit, Commercial	1 space per employee, plus 1 space for each vehicle used in connection with the facility, plus sufficient space to accommodate the largest number of vehicles that may be expected at one time
Transit Facilities	Site specific determination
Truck Stop	Site specific determination
Utilities, Class I	Site specific determination
Utilities, Class II	Site specific determination
Utilities, Class III	Site specific determination
Vehicle Recovery Service/Agency	1 space per 1,000 sq ft GFA, 10 space minimum
Vehicle Repair, Auto Body	6 spaces per repair bay
Vehicle Service, Mechanical	4 spaces per service bay
Vehicle Sales/Leasing	5 spaces per 1,000 sq ft GFA
Veterinary Services	1 space per 300 sq ft GFA
Warehousing	1 space per employee, plus 1 space for each vehicle used in connection with the facility, plus sufficient space to accommodate the largest number of vehicles that may be expected at one time
Wholesale, Enclosed	1 space per 500 sq ft GFA of sales area
(Revised. 04/17/2018 – Ord. 18-021; 11/21/17 – Ord. 17-067; 07/11/17 – Ord. 17-036; 2/3/10 – Ord. 10-007; 12/01/09 – Ord. 09-073; 09/16/09 – Ord. 09-060; 12/28/01 - Ord. 01-92; Rev. 7/25/01 - Ord. 01-57; Rev. 01/03/05 - Ord. 04-80)	

Section 709 Parking Area Design *(Rev. 06/08/04 Ord. 03-94; Rev. 01/03/05 - Ord. 04-80)*

All Final Development Plans, except single-family residential uses, shall include parking, loading, and internal circulation designed in accordance with the following criteria:

A. ***Paved Parking*** ***(Revised 6/28/11 – Ord. 11-008)***

All required parking areas shall be paved with the exception of the following uses:

1. Agricultural Activity;

2. Event Facility;

3. Religious Institutions;

4. Uses generating less than 27 daily trips per day;

5. Employee parking not publicly accessible.

6. Low intensity recreation.

These uses shall require paved parking spaces for any required handicapped parking spaces.

B. ***Parking Lot Landscaping***

All landscaping within parking areas shall comply with the provisions of Section 720.

C. ***Parking Area Location***

All required off-street parking spaces shall be located on-site unless the following criteria are met:

1. The location of any off-site parking spaces will adequately serve the use for which it is intended, is in close proximity to the use and has safe pedestrian access.

2. The location of the off-site parking spaces shall not:

   a. Create hazards;

   b. Interfere with access for pedestrian or vehicular traffic;

   c. Create unreasonable traffic congestion;

   d. Interfere with access to other parking spaces;

   e. Be a detriment to any nearby use; or

   f. Be located within a residential Future Land Use designation.

3. The owner supplies a written agreement, parking easement, deed restriction, or similar mechanism, assuring the continued availability of the off-site parking facilities for the use they are intended to serve.

D. ***Parking Space Location***

1. All automobile parking spaces required for multi-family residential development shall be located no further than 200 feet from their corresponding residential structures. Visitor and accessory parking may be located at a greater distance.

2. No parking spaces shall be permitted within 15 feet of a fire hydrant unless alternate access is provided, or according to the SBCCI 1988 Standard Fire Prevention Code.

E. ***Parking Space Size***

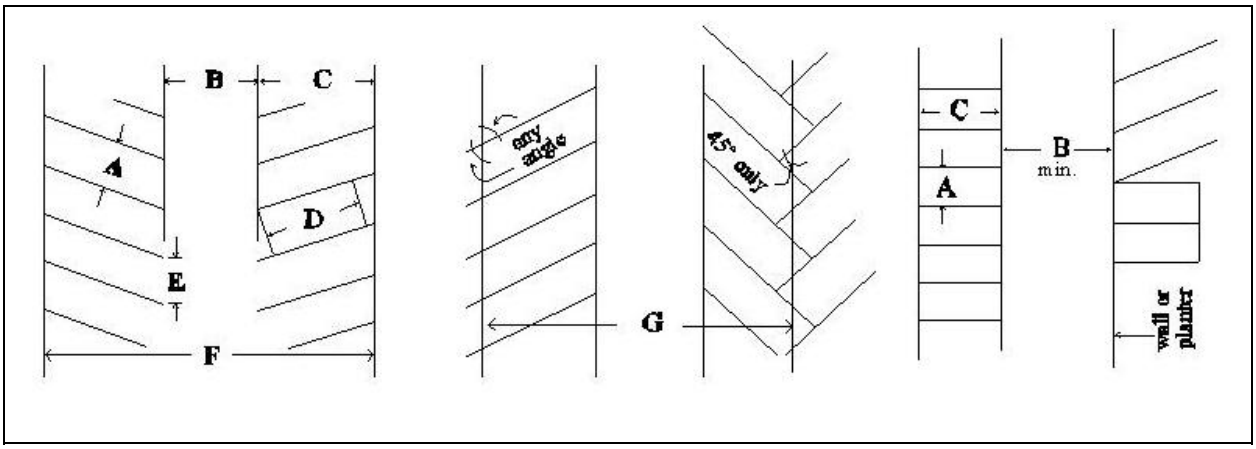
Parking spaces shall be sized according to Table 7.11.

Table 7.11Parking Space Dimensions (in feet) (Rev. 8/28/02 - Ord. 02-56)

Angle	Stall Width (A/E)	Stall Depth to Wall (C)	Stall Depth to Interlock (D)	Aisle Width (B)	Modules Interlock to Interlock (G)	Modules Wall to Wall (F)
45	9.0/ 9.5	19.5	16.5	12	45	51
60	9.0/ 9.5	20.5	18.5	16	53	57
75	9.0/ 9.5	20	19	20	58	60
90	9.0/ 9.5/ 10	18.5	18.5	25 23.5 22	62 60.5 59	62 60.5 59

A minimum aisle width of 22 feet is required for two-way traffic; twelve (12) feet is required for one-way traffic. Parking stalls shall be measured from the edge of pavement to the top of the stall on the same angle as stripe. The width of the stalls shall be measured form the center of a stripe to the center of the next stripe. The measurement shall be taken perpendicular to the stripes.

A. Depicts how minimum stall width is measured.
B. Depicts how minimum aisle width is measured.
C. Depicts how minimum corridor space depth is measured.
D. Depicts how minimum stall depth is measured.
E. Depicts how minimum stall width at aisle is measured.
F. Depicts how minimum wall to wall module is measured.
G. Depicts how minimum interlocking module is measured.



F. ***Loading Space Size***

The number and size of off-street loading spaces to be provided shall be at the applicant's discretion provided loading activity occurs on-site and does not interfere with traffic circulation. No loading activity is permitted on public roads or road rights-of-way.

G. ***Parking, Loading, and Internal Circulation Layout***

1. Sidewalks, internal roadways, driveways, and off-street parking and loading areas shall be designed to be safe.

2. Parking and loading areas, aisles, sidewalks, landscaping, and open space shall be designed as integral parts of the development plan.

3. Sidewalks or walkways shall be located to serve the most intense pedestrian traffic, particularly from building entrances to streets, parking areas, and adjacent buildings. Such walkways shall be designed to discourage walking into landscaped areas except at designated crossings.

4. Each off-street parking space shall open directly onto an aisle or drive that is not a public street.

5. Aisles and driveways shall not be used for parking vehicles, except that the driveway of a single-family, duplex, or mobile home park dwelling unit, if adequately sized shall be counted as a parking space for the dwelling unit.

6. The design of parking areas shall be based on a safe internal circulation system to serve the parking and loading spaces. Parking islands shall be required to separate parking spaces from travel lanes.

7. Parking spaces for all uses, except single-family, mobile home dwelling units, and duplex residences, shall be designed to permit entry and exit without moving any other vehicle.

8. Parking areas shall be designed using a minimum structural number of 1.58 as determined by the layer coefficient in Table A.7..

H. ***Lighting***

All parking and loading areas designated or intended for public use after dark shall have lighting. The illumination for, and glare from, these facilities shall be designed so that the lighting is shielded or aimed away from adjacent properties and roadways. The plan notes shall indicate compliance with this Section.

I. ***Interconnected Parking Areas*** ***(Rev. 06/08/04 Ord. 03-94)***

Non-residential developments fronting arterial and Urban collector and Rural Major collector roads shall provide driveway improvements and driveway "stub-outs" to property lines to facilitate existing and future interconnection of parking areas to adjacent sites.

1. Parking lot access driveways and driving aisles shall be designed and located to connect to adjacent properties or to marginal access roadways that serve the subject site and adjacent properties. All access points and interconnecting driveways shall be designed and constructed to accommodate safe and efficient vehicle travel between adjacent sites, as approved by the County Engineer.

2. All connecting driveway improvements shall be paved according to applicable standards, including proper driveway widths, construction specifications and treatment of transition grades.

3. The County Engineer may waive the interconnected parking area requirements at terminal points where non-residential development abuts a residential district, or in circumstances where mixing different types of traffic (e.g., automobile versus truck) is undesirable; where separation of traffic is necessary for traffic safety; where physical design constraints preclude interconnection of adjacent sites; where an adjacent property owner will not provide the necessary easement.

J. ***Waivers*** ***(Revised 5/20/09 – Ord. 09-023)***

1. The Director of the Development Review Committee may consider waivers from the requirements of this Section as deemed appropriate in accordance with Section 932.

2. An application for a waiver shall be submitted to the Land Development Division as part of the Final Development Plan.

3. One of the following documents shall be submitted to support the request:

   a. A parking study, in accordance with Section 710, which illustrates that the numbers of parking spaces required by this Section are unnecessary to serve the proposed land use;

   b. A Deferred Parking Plan, in accordance with Section 710, which illustrates sufficient land area is available to provide the number of spaces required by this Section, and a discussion detailing the reasons for deferring these spaces;

   c. A Transportation Demand Management Plan, in accordance with Section 710 which illustrates the number of spaces to be exempted;

   d. The applicant illustrates that an established public transportation system satisfies the transportation demands for a specified portion of the users and provides an on-site transit stop; or

   e. The applicant provides a written discussion detailing the reasons for the request that does not meet these standards.

4. All of the following criteria shall be met in order for the Director to approve the request:

   a. It will not result in illegal parking in the road right-of-way; and

   b. It will be in harmony with the general intent and purpose of this Section and will not be injurious or detrimental to the public health, safety or welfare.

Section 710 Alternative Parking Strategies (APS)

A. *Parking Study*

A parking study shall be required for the following:

1. Uses for which a parking requirement is not listed in Table 7.10;

2. When proposing an exemption from or reduction in the minimum parking requirements through an APS.

3. When requesting a parking space deferral.

B. ***Parking Study***

The parking study shall include, but not be limited to, the following:

1. Estimates of anticipated usage based on frequency, time of use, type of vehicles.

2. Estimates of parking requirements for the proposed use based on:

   a. Parking generation reports from recognized professional associations, such as those from ULI, ITE, or the Traffic Institute; or

   b. Data collected from uses or combinations of uses which are the same or comparable to the proposed use. Comparability shall be determined by density, scale, bulk, area, type of activity, and location.

3. Proposed parking based upon the parking study results.

4. Documentation of the source of data used to develop study results and alterations.

C. ***Deferred Parking Plan***

A Deferred Parking Plan shall:

1. Be designed to contain sufficient space to meet the full parking requirements of this Section, illustrate the layout for the full number of required parking spaces, and designate the parking spaces to be deferred;

2. Shall not assign deferred spaces to areas required for landscaping, buffer zones, setbacks, or areas that would otherwise be unsuitable for parking spaces because of the physical characteristics of the land or other requirements of this Code;

3. Include a landscaping plan for the deferred parking area; and

4. Include a written and executed agreement with the County that the deferred spaces will be converted to parking spaces that conform to this Code at the applicant's expense should the Director determine from experience that the additional parking spaces are needed.

D. ***Transportation Demand Management Plan*** ***(Revised 5/20/09 – Ord. 09-023)***

The objective of Transportation Demand Management (TDM) is to reduce traffic and urban sprawl congestion and thereby decrease air pollution from auto emissions. TDM measures are encouraged and concessions may be made for projects which include and implement a TDM Plan. Specifically, reduction in size or number of required parking spaces may be

allowed if it can be demonstrated that the Plan will achieve a measured reduction and can be implemented.

1. A Transportation Demand Management Plan shall be required where the applicant chooses to limit the parking needs for the site. A TDM Plan shall be submitted to the Land Development Division for review by Polk County Growth Management Department, the Polk County TPO and FDOT, if applicable.

2. A Transportation Demand Management Plan may consist of (but are not limited to) one or more of the following items:

    a. Ride Sharing;

    b. Alternative Work Hours;

    c. Tele-commuting;

    d. Parking Management (i.e., Employee parking fees, reduced or no fee for car pools);

    e. Non-motorized (Bicycle/Pedestrian) System;

    f. Establishment of a Commuter Assistance Program Director and Transportation Management Coordinator;

    g. Bus shelters;

    h. Reduced employee parking spaces;

    i. Reserved spaces for TDM participants;

    j. Emergency "ride home" program for TDM participants; and

    k. Shuttles to other public transportation facilities.

3. Nothing contained within this Section shall be construed to permit a reduction in the required number or location of handicapped accessible parking spaces, as specified by law.

Section 711 Clear Visibility Triangle

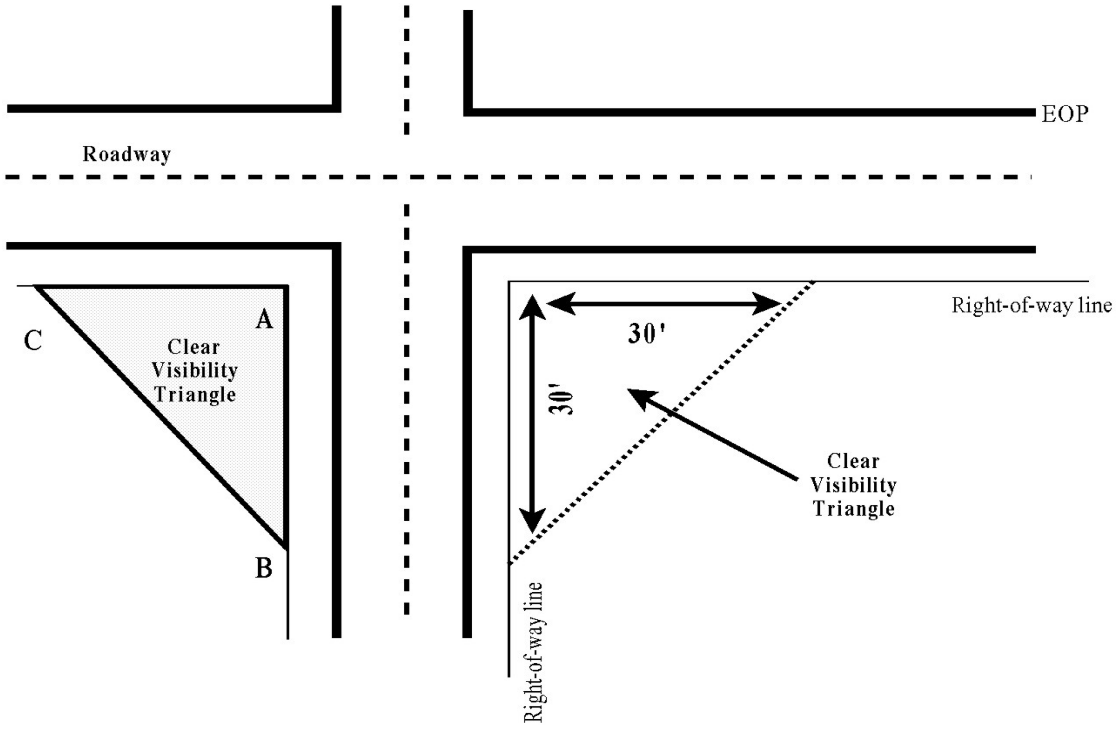
In order to provide a clear view of intersecting roads to the motorist, there shall be a triangular area of clear visibility formed by two intersecting roads or the intersection of a driveway and a road. Nothing shall be erected, placed, parked, planted, or allowed to grow in such a manner as to materially impede vision between a height of three feet and eleven feet above the grade for semi trucks, measured at the

centerline of the road with the exception of publicly owned highway signs, utility poles and traffic control poles.

A. ***Rights-of-way***

The triangle shall be formed by extending the rights-of-way lines to a point where the lines intersect each other (point A); and from point (A), measuring to a point 30 feet along both rights-of-way lines points (B and C). See Figure 7.2a.

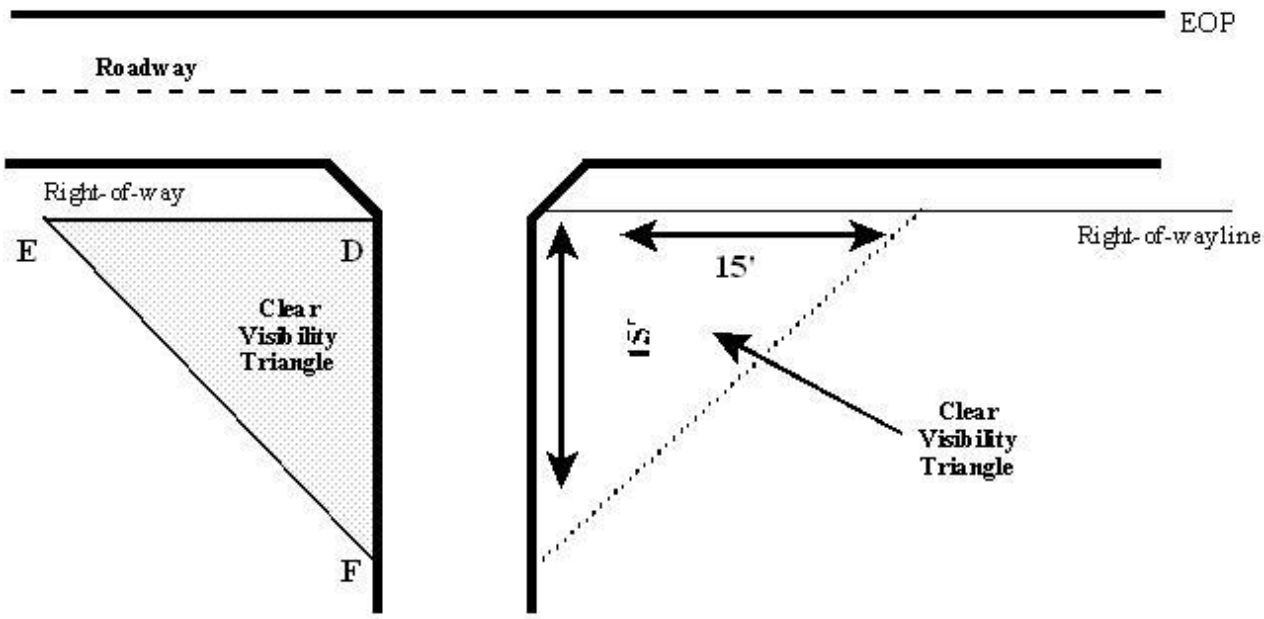
Figure 7.2a Clear Visibility Triangle at Roadway Intersections



B. ***Driveways***

The triangle formed by extending the edge of the driveway and the right-of-way line to a point where the y intersect (point D); and from point (D), measuring to a point fifteen (15) feet to points designated as (E); and (F), and then connecting points (E) and (F) to form a line. See Figure 7.2b.

Figure 7.2b Clear Visibility Triangle at Drive way Entrances



C. ***Conflicts*** - This Section controls any conflicts within landscaping requirements.

Sections 712 - 714 Reserved

Section 715 Mobile Home Stairs and Skirting Requirements

All mobile homes shall comply with the following:

A. ***Entrances***

All mobile homes shall have entry stairs at each entrance in compliance with the adopted building code. However, there shall be no landing requirement for entry stairs at least 42 inches wide and with a minimum 12 inch tread depth, that are aligned with the hinge side of the doorway to provide an off-set to the opening side of the doorway. In either case, guard rails and handrails shall not be required.

B. ***Skirting***

1. All mobile homes shall have skirting around the lower perimeter of the mobile home, between the ground and the mobile home.

2. Skirting shall have materials that are compatible with the exterior finish of the mobile home.

3. Ventilation and access openings shall be provided for skirted space under mobile homes and park trailers:

   a. Ventilation openings shall be provided at a minimum of one square foot per opening for every 150 square feet of enclosed space and are to be provided within three feet of each corner, with the remainder of the openings to be uniformly distributed around the skirted perimeter.

   b. Ventilation openings shall be covered with a mesh of not greater than 2 inch voids.

   c. A separate access opening providing a minimum of 18 by 24 inches with a door or other covering device that can be easily removed or operated shall be provided.

4. All appliance venting exiting underneath the home shall be extended to the exterior of the skirting.

5. Any attached porches or decks that allow the passage of rainwater shall be separated from the enclosed space under the home and skirting shall cover the area behind the porch or deck.

6. Any requirements found in the installation manual as provided by the home manufacturer that are more stringent shall supersede.

Section 716 Used Mobile Homes

The following requirements go into effect on October 1, 2000.

A. ***Pre-inspection Required***

1. All used mobile homes and park trailers more than three years old as counted from the date of manufacture shall require payment of a fee and pre-inspection for compliance with the standards listed in Sections B through F, below, before being placed on site.

2. No set up permit shall be issued for units requiring pre-inspection until the pre-inspection is completed. If the County inspector determines that only minor repairs or corrections are required, the set up permit may be issued prior to the completion of those corrections or repairs and they will be checked at set up inspection.

3. If the County inspector determines that major corrections or repairs are required, the appropriate permits shall be obtained, and the repairs completed, inspected and approved prior to issue of a set up permit.

4. If the estimated cost of repair exceeds the current market value of the unit, no set up permit shall be issued.

5. As an alternative to pre-inspection by the County, State licensed mobile home dealers and Florida registered architects or engineers may certify that a unit meets standards. Such certification shall be subject to verification by the County inspector at set up inspection.

6. Documentation abuse of this certification alternative by a provider may result in certifications no longer being accepted from that provider.

B. ***Fire Safety***

1. Approved, listed smoke detectors shall be properly located and installed, according to manufacturer's instructions, outside of each sleeping area.

2. All homes manufactured after 1975 shall have an operable egress window or exterior door located in each sleeping area with a minimum opening dimension of 22 inches.

C. ***Construction***

1. All floor, wall and roof systems shall be structurally sound, properly secured, free of holes and intact.

2. Exterior doors, including sliding glass, shall be in good working order and have operable locks. All missing or broken glass shall be replaced.

3. All windows and their operators shall be in good working condition. Missing or broken glass shall be replaced and screens shall be provided.

4. All interior and exterior finish shall be in good condition and properly secured in place.

5. Bottom board shall be rodent proofed throughout and sealed. Materials used for repairs shall be at least equivalent to the original.

6. Insulation shall be in good condition and missing insulation shall be replaced.

7. Where damage due to active water leaks is apparent, repairs shall be made.

8. Over-the-roof tie downs shall be free of damage.

9. Data plate shall indicate compliance with Wind Zone II and Climatic Zone I requirements.

D. ***Electrical***

1. The electrical system shall be complete and any hazardous conditions shall be corrected.

2. Distribution panel board shall be properly installed, complete with required breakers or fuses and unused openings properly covered.

3. All connections shall be tight and panels shall be accessible.

4. A minimum six inch space shall be provided between the face of the distribution panel and any easily ignitable materials.

5. All electrical fixtures shall be properly installed, wired and supported.

6. Aluminum conductors shall be connected to approved, listed devices.

7. Grounding conductors shall be properly secured to the correct location and/or connector on fixtures or devices.

8. Units with aluminum conductors shall require certification to these standards by a licensed electrical contractor.

E. ***Plumbing***

1. The plumbing system shall include a bathroom which provides privacy and includes a bathtub and/or shower, a toilet and a sink.

2. The plumbing system shall include a kitchen sink and approved, operating hot water heater.

3. All plumbing fixtures shall be securely attached and in workable condition.

4. All plumbing fixtures shall be properly vented and provided with approved, workable traps.

5. The hot water heater shall have a relief valve with sufficient room to operate and a minimum 3/4 inch discharge extended beneath the home.

6. Drainage piping shall be complete, properly supported and not constitute a hazard.

7. Water supply piping shall not be bent or kinked so as to retard flow and all fixtures shall be connected.

F. ***HVAC***

1. All heating/cooling devices shall be properly installed and secured in place.

2. If the heating system has been removed, drop outs shall be installed for connection of an exterior system.

3. Homes with central heating/cooling shall have an operable thermostat.

4. Air registers shall be operable.

5. Ducts shall be in place, sealed and in good condition.

6. Required gas furnace or water heater vents shall be properly installed and secured to the appliance.

7. Proper return air to heating and air conditioning units shall be provided.

8. Range hoods and bathroom exhaust fans shall be vented to the exterior.

9. All gas appliances shall be connected with an approved shut off valve in homes manufactured after May 1975.

Section 717 - 719 Reserved

Section 720 Landscaping and Buffering (Rev. 3/18/09 – Ord. 09-006; 12/04/03 Ord. 03-82; Rev. 06/08/04 Ord. 04-09;)

A. ***Purpose and Intent*** *(Rev. 3/18/09 – Ord. 09-006)*

Landscaping and buffering serves to benefit many functions of new development as well as to enhance the value of existing development. Landscaping reduces the drift of noise, airborne sediments, provides erosion control, mitigates the effects of heat islands and light pollution as well as promotes a successful economic perception by enhancing the visual quality and aesthetics of a community. The intent of this section is also to establish guidelines for landscape design, promote appropriate plant selection and maintenance, promote water conservation measures intended to reduce the need for supplemental irrigation beyond natural rainfall, and establish guidelines for mitigating potential conflicts between different land uses.

B. ***Applicability*** ***(Revised 6/28/11 – Ord. 11-008; 3/18/09 – Ord. 09-006)***

This section shall apply to the following:

1. All new development within unincorporated Polk County, except as specified in Section 720.E.

2. Expansion of existing multi-family and non-residential development:

   a. When above 25 percent (cumulative), right-of-way buffer requirements of this section shall apply.

   b. When an expansion occurs within 100 feet of adjacent property line(s), the buffer requirements of this section shall apply for the extent of the expansion.

   c. For additional parking spaces or drive aisles, the landscape requirements for additional parking areas shall apply.

3. Any development when a new or retrofitted irrigation system is installed. Retrofitted refers to those improvements beyond the replacement of heads or emitters and/or the mending of existing lines.

4. Agritourism uses shall be exempt from this Section except when Agritourism uses, such as parking, ingress and egress, and non-agricultural structures and buildings are to be located within 200 feet of a residentially designated parcel or parcel containing a residential dwelling unit.

C. ***Landscape Plan*** [4] *(Rev. 3/18/09 – Ord. 09-006)*

Where applicable, development shall be required to submit a landscape plan for approval through the Land Development Division concurrent with the Level 2 Review site construction plan. A landscape plan shall be submitted at a scale of no less than one inch equals 60 feet and shall contain, at minimum, the following information:

1. A title block that contains the date, scale, north arrow, project name, and the name and address of the person preparing the site plan.

2. Square footage of all impervious and vehicle use areas. Also provide percentage of vehicle use area to be covered by tree canopy. The location, quantity, container size or tree.

3. The property lines and dimensions of the property.

4. The street and lot layout showing existing and interior parking areas.

5. The location, dimensions and setbacks of all existing and proposed structures, fire hydrants, pumps, lift stations, lighting, other hardscape, right-of-way, easements, underground utilities and other utilities, including power lines.

4 Single-family and two-family units are not required to submit a landscape plan, See Section 226

6. Wetland jurisdiction lines and upland buffers, as required by Section 620.

7. The location and dimensions of all proposed landscaping, buffering, and screening areas.

8. The location, species, size and existing base elevation of any existing trees to be preserved, and counted against total requirements of this Section, and location and detail of protective barriers.

9. The location, quantity, container size or tree caliper and existing diameter breast height (d.b.h.), common names and botanical names of all proposed planted materials.

10. The size, in square feet, of all landscape islands and medians in the parking areas.

11. Delineation and labeling of all water use zones.

12. The location of irrigation well(s), if applicable.

D. ***Irrigation Plan*** *(Rev. 3/18/09 – Ord. 09-006)*

1. A title block that contains the date, scale, north arrow, project name and the name and address of the person preparing the plan.

2. The property lines and dimensions of the property.

3. The street and lot layout showing existing pavement and interior parking areas including any detention and retention areas.

4. The location, dimensions and setbacks of all existing and proposed structures, fire hydrants, lighting, rights of ways, easements and utilities, including power lines.

5. The location of irrigation well(s) or any other water sources used for irrigation on the site, if applicable.

6. The location of irrigation control unit, lines, water use zones, rain/moister sensors, backflow preventers and sprinkler heads and emitters.

7. A zone chart that identifies the flow rate (gallons per minute), pressure, head type, water use type, precipitation rate and run time for each zone on the site.

E. ***Water-Efficient Landscaping*** *(Rev. 3/18/09 – Ord. 09-006)*

Florida-friendly landscape and irrigation principles are based on the premise of placing the right plant in the right location in order to optimize their growing conditions, while reducing the need for irrigation, fertilizer, and overall maintenance. The intent of this section is to

establish guidelines for landscape design that promote appropriate plant selection and maintenance, and promote water conservation measures intended to reduce the need for supplemental irrigation beyond natural rainfall. The following water efficient landscape and irrigation principles shall be illustrated or described on the irrigation and landscape plans. The requirements of Section 720.E shall not apply to bonafide agricultural activities, recreational or athletic fields or courts, and golf course fairways. Section 720 E.1 through 720.E.5 shall apply to those landscaped areas in which irrigation is installed. Section 720.E.6 shall apply to those areas for which no irrigation system is installed

1. Irrigation Design

    a. Tree and plant material shall be grouped into high, moderate, and low water use zones designated by the water requirements of the plants.

    b. Micro/low volume irrigation shall be used for at least 50 percent of the irrigated area.

    c. Mirco/low volume irrigation shall be required for all non-turf areas.

    d. Irrigation shall be designed to prevent overflow or overspray onto impervious surfaces.

    e. Irrigation shall be conducted in accordance with County or Water Management District water restrictions, whichever is more restrictive.

2. Plant Selection

    Appendix B, includes a guideline for plant selection. Landscape plans may include other plants based on other published plant guides or similar sources, such as the most current version of the *Florida Yards and Neighborhood (FYN) Handbook and FYN Florida-friendly Plant List.*

    a. Minimum acceptable plant quality shall be Florida Grade No. 1.

    b. Plant material shall be selected based upon its adaptability to the natural growing and soil conditions found in the landscape area of the site.

    c. Plants shall be grouped according to the designated water use zones on the irrigation plan.

    d. Installed plantings shall be spaced and located to accommodate their mature size on the site

    e. In no case shall Class 1 or Class 2 invasive species, as defined by the Florida Exotic Pest Plan Council, be used to comply with proper plant selection.

3. Turf Grass and Other Ground Cover

Appendix B, includes a guideline for ground cover selection. Landscape plans may include ground cover based on other published plant guides or similar sources, such as the most current version of the *Florida Yards and Neighborhood (FYN) Handbook and FYN Florida-friendly Plant List.*

a. Turf grass and other groundcover shall be selected based upon its adaptability to the natural growing and soil conditions found in the landscape area of the site.

b. Turf grass areas shall be designed to be irrigated separately from trees, shrubs, and landscape bed areas.

c. Turf grass shall not be planted in areas smaller than four feet in width. Native or drought tolerant ground cover is an effective alternative to turf in such areas.

4. Mulch

a. A three inch layer of mulch shall be placed in shrub beds and around individual trees in turf grass areas to assist soils in retaining moisture.

b. Mulch may also be used in areas of the site where growing conditions are not favorable or conducive to turf or other ground covers.

c. Examples of mulches include wood bark chips, wood grindings, pine straw, nut shells, small gravel, and shredded landscape clippings.

5. Trees

Appendix B, includes a guideline for tree selection. Landscape plans my include other trees based on other published plant guides or similar sources such as the most current version of the *Florida Yards and Neighborhood (FYN) Handbook and FYN Florida-friendly Plant List.*

a. Minimum acceptable tree quality shall be Florida Grade No. 1.

b. Trees shall be selected based upon their adaptability to the natural growing, light and soil conditions found in the landscape area of the site.

c. Understory trees shall not be used to meet the canopy tree requirements.

d. Trees planted within 30 feet of existing power line easements shall adhere to the proximity to power line height restrictions (P/L column) in Appendix B.

e. Native trees shall comprise at least 60 percent of all required trees within the landscape areas of the site. Appendix B includes a guideline for tree selection.

f. In no case shall Class 1 or Class 2 invasive species, as defined by the Florida Exotic Pest Plant Council, be used to comply with proper plant selection.

g. Installed plantings shall be spaced and located to accommodate their mature size on the site.

h. Root barriers shall be required for all trees within three feet of impervious surfaces, accept for trees located within private non-residential parking areas or drive aisles.

6. Non-Irrigated Landscape Areas

a. Irrigation, through temporary measures, shall only be allowed for the establishment of plants and trees.

b. Landscaping and buffering requirements of this code can be met either by maintaining existing trees and vegetation on site or through plantings that are sustainable through normal precipitation.

c. Plant selections shall be appropriate for site conditions. Appendix B, includes a guideline for plant selection. Landscape plans may include other plants based on other published plant guides or similar sources such as the most current versions of the *Florida Yards and Neighborhood (FYN) Handbook* and *FYN Florida-friendly Plant List*.

d. Installed plantings shall be spaced and located to accommodate their mature size on the site.

e. Mulch use shall be consistent with Section 720.E.4.

f. Trees shall be planted consistent with Section 720.E.5.

g. Installation of an irrigation system where one was not approved or expansion to an irrigation system originally approved through a Level 2 Review shall require another Level 2 Review.

F. ***Landscape Requirements for Parking Areas (Rev. 03/18/09 – Ord. 09-006; 06/08/04 Ord. 04-09)***

A minimum of 15 square feet of landscaping for each parking space shall be provided within the interior of a required paved off-street parking area.

1. Each aisle of parking spaces shall be terminated by landscaped islands which measure not less than five feet in width and not less than 18 feet in length. A least one under story tree shall be planted in each terminal island. The size of the landscape island shall be large enough to accommodate the root system of the tree(s) at maturity.

2. Landscaped divider medians may be used to meet interior landscape requirements. If divider medians are used, they shall form a continuous landscaped strip between abutting rows of parking spaces, except to accommodate a four foot wide paved crosswalk through parking aisles. The minimum width of divider median shall be five feet. One under story tree shall be planted for each 40 linear feet of divider median, or fraction thereof. Trees in a divider median may be planted singly or in clusters. The maximum spacing between trees shall be 60 feet.

3. Mandatory landscaped islands shall be surrounded with a continuous, raised curb. Optional interior islands and divider medians shall be protected by curbing or wheel stops.

4. On sites with warehouse/distribution or manufacturing uses, the areas of the site used for truck maneuvering shall be exempt from Section 720. F.

5. Plantings shall provide a minimum canopy, at maturity, of 45 percent of the vehicle use impervious areas of a site. Understory trees shall not be used to meet canopy tree requirements.

6. The minimum canopy, at maturity may be reduced when the reduction is adjacent to physical structures, natural or man-made, that pose a threat to public safety. This reduction shall be the minimum necessary to protect the public safety and shall be shown and reviewed as part of the Level 2 Review Site Construction Plans.

G. ***Landscaping Adjacent to Public Right-of-Way*** ***(Revised. 03/18/09 – Ord. 09-006)***

Wherever a vehicular use area abuts a right-of-way, a perimeter landscape strip shall be created which meets the minimum standards shown as roadways/streets on Table 7.13. Such areas shall be no less than four (4) feet in width.

H. ***Buffering (Revised. 03/18/09 – Ord. 09-006; 12/12/08 – Ord. 08-052; 03/25/03 - Ord. 03-22; 9/26/01 - Ord. 01-70)***

Landscape buffers are required between certain abutting land uses to mitigate or minimize potential nuisances such as noise, light, glare, dirt and litter, signs, parking or storage areas.

1. The Buffer Matrix, Table 7.12 outlines the requirements for buffers which is based on the intensity of the proposed development or use, and the uses which are developed or intended on all adjacent properties. The letters A, B, C on Table 7.12 refer to specific types of buffers which are illustrated in Figure 7.3. "N" means no buffer is required by this Code. Where an abutting property is vacant, the land use designation of the abutting property shall determine the type of buffer required on that side of the property.

2. Buffers shall be located on the outer perimeter of a lot or parcel extending to the limits of the developed area of the site. They may not occupy any portion of an existing, dedicated, or reserved public or private street or right-of-way, unless a landscape maintenance agreement is approved by the Board of County Commissioners for public right-of-way and maintenance entity is identified on a plat for private streets or rights-of-way.

3. In those instances where a fence or wall is used the requirements of Section 210 shall apply in addition to the following:

   a. Fences shall be a minimum six feet high, 100 percent opaque wood or PVC.

   b. Walls shall be brick or masonry, a minimum of six feet in height and designed for proper drainage flow.

   c. Where fences or walls are used, the landscaping shall be planted along the exterior of the fence or wall as provided in Figure 7.3.

4. Buffers for public or private elementary, middle, and high schools shall include shrubs and canopy trees. The plant selection and landscape design shall be developed in accordance with the Florida Safe Schools Design Guidelines to promote natural surveillance from roads and surrounding property and to prevent crime through proper environmental design. Alternative landscape buffer designs, developed in accordance with the Florida Safe Schools Design Guidelines, will not be subject to waiver requirements.

I. ***Maintenance of Landscaped Areas*** ***(Revised 03/18/09 – Ord. 09-006)***

1. The property owner shall be responsible for the perpetual care and maintenance of all landscaped areas so as to present a neat, healthy, and orderly appearance free of refuse and debris.

2. Destroyed or dead plantings shall be replaced as needed with plantings equivalent to those approved in the landscape plan.

3. If preserved trees for which credit was awarded are destroyed or die, the trees shall be replaced by the requisite number of living trees according to the standards established by this Section.

Table 7.12.a Buffer Matrix (Rev. 11/4/14 – Ord. 14-066; 7/25/01 - Ord. 01-57; Rev. 01/03/05 - Ord. 04-80)

Proposed Use (Class Number [5])	Abutting Uses				
	Class 1	Class 2	Class 3	Class 4	Class 5
Single-Family Residential (Class 2)	N	N	B	B	C
All Other Residential (Class 3)	A	B	N	B	C
Retail/Office/Personal Services (Class 4)	A	B	B	N	B
Bars, Lounges, Taverns, Nightclubs, and Dance Halls (Class 4)	A	C	B	N	N
Rv Park/Marina/Fish Camp (Class 4)	A	B	B	N	B
Schools, Religious Institutions, Community Centers, Cultural Facilities, Government Office, Hospital (Class 4)	A	B	B	N	B
Heavy Commercial/Construction Aggregate Processing & Storage (Class 5)	A	C	C	B	N

[5] Follow these steps to identify the type of required buffer.

Step 1. Identify the class number of the proposed use and the class number of the abutting use from the list in Table 7.13.

Step 2. Locate on the matrix, Table 7.12.a, the proposed use/class number and the class number of the abutting use on each side. The A, B or C in the box which is common to both the proposed and abutting use indicates the type of buffer required. (N = No buffer required)

Step 3. Locate the required buffer type (A, B or C) on Figure 7.3 to determine the required buffer specifications.

Table 7.12.a Buffer Matrix (Rev. 11/4/14 – Ord. 14-066; 7/25/01 - Ord. 01-57; Rev. 01/03/05 - Ord. 04-80)

Recreation and Amusement, Intensive (Class 5)	A	C	C	B	N
Industrial/Warehouse (Class 5)	A	C	C	B	N
Mining (Class 5)	Buffer to be determined during Level 3 or Level 4 review				
Utilities (Class 5)	A	C	C	B	N
Agricultural (Class 5)	A	C	C	N	N

Table 7.13 Land Use Class Numbers (Rev. 11/4/14 – Ord. 14-066; 2/3/10 – Ord. 10-007; 7/25/01 - Ord. 01-57; Rev. 01/03/05 - Ord. 04-80)

Land Use	Class Number
Roadway/Street (Not internal driveways or drive aisles)	1
Residential	
Single-Family	2
Duplex	2
If vacant, abutting land zoned RS, RL1,RL2,RL3,RL4, A/RR, RCC-R, PRESV shall be considered Class 2	2
Multi-Family (triplex and greater)	3
Mobile Home Park	3
Congregate Living Facilities	3
If vacant, abutting land zoned RM, RH shall be considered Class 3	
Commercial/Office	
Bars, Lounges, Taverns, Nightclubs, and Dance Halls	4
Child Care Centers	3
Vehicle Oriented - Minor	4
Vehicle Oriented - Major	4
Vehicle Sales/Retail, Home Sales Offsite	4
Offices/Financial Institutions	4
Self-storage Facilities	4
Recreational Intensive	5
Outdoor Retail	5
Hotels and Motels	4
Hospitals/Clinics/Nursing Homes	4
If vacant, abutting land zoned RCC, CC, CE, LCC, NAC, CAC, RAC, TCC, BPC-1, LR, ROS shall be considered Class 4.	
RV Park/Marina/Fish Camp	4
Restaurant (drive-thru)	5
Restaurant (sit-down)	4
Retail Commercial (< 10,000 square feet)	4
Retail Commercial (> 10,000 square feet)	4
Water Ski Schools	5
All Other Commercial/Office Activities.	4
If vacant, abutting land zoned RCC, CC, CE, LCC, NAC, CAC, RAC, TCC, BPC-1, LR, ROS shall be considered Class 4.	

Table 7.13 Land Use Class Numbers (Rev. 11/4/14 – Ord. 14-066; 2/3/10 – Ord. 10-007; 7/25/01 - Ord. 01-57; Rev. 01/03/05 - Ord. 04-80)

Land Use	Class Number
Industrial/Heavy Commercial	
Construction Aggregate Processing and Storage	5
Heavy Equipment (sales, service, storage & repair)	5
Manufacturing/Industrial Uses	5
Warehousing/Distribution Facilities	5
Transportation Facilities/Truck Stops	5
Mining	5
If vacant, abutting land zoned HIC, BPC-2, IND, PM, INST shall be considered Class 5.	
Institutional	
Airport/Heliport/Helistop	5
Religious Institutions/Community Centers/Cultural Facilities	4
Correctional Facilities	5
Government Facilities/Office	4
Government Facilities/Outdoor Activity	5
Schools	4
Utilities	
Power Generation Plants	5
Water Treatment Facilities - Class II and III	5
Electrical Substations - 230 kV and below	5
Electrical Substations - above 230 kV	5
Wastewater Treatment Facilities - Class III(a)	5
Communication Towers	5
Agricultural	
All uses	5

J. ***Intersection Visibility***

1. Sight distance for landscaping adjacent to public rights-of-way, points of access to off-street parking and loading areas shall be provided so as to permit visibility for vehicular and pedestrian traffic. When an access-way intersects a public right-of-way or when the subject property abuts the intersection of two or more rights-of-way, all landscaping within the triangular area described in Section 711 shall provide an unobstructed cross-visibility at a level between two and ten feet.

2. No wall, fence, vegetative planting, earthen berm, or other visual obstruction between a height of two feet and ten feet above the average finished grade measured at the road centerline shall be established within the clear visibility triangle.

K. ***Curbing and Encroachment of Vehicles into Landscaped Areas*** ***(Rev. 8/28/02 - Ord. 02-56)***

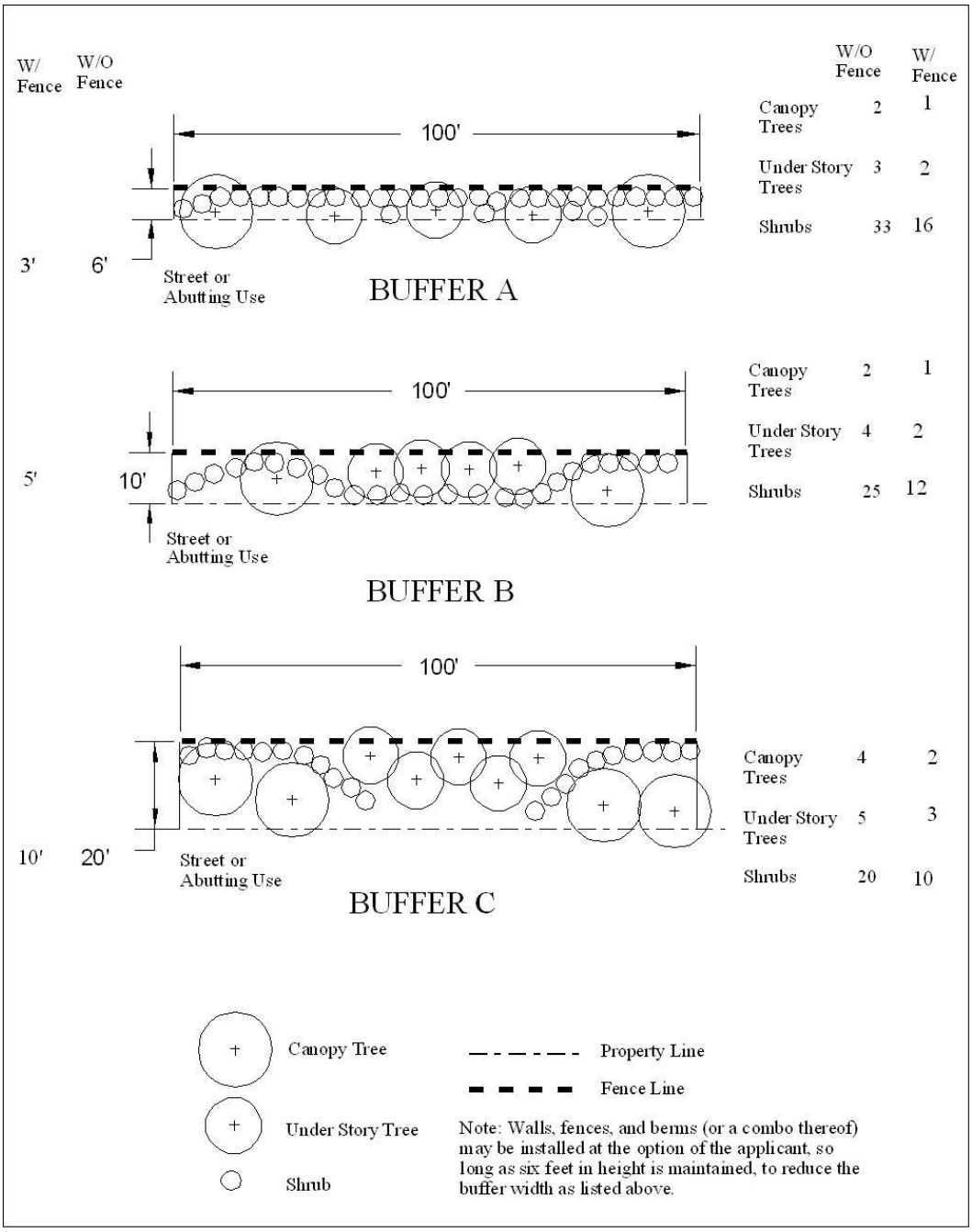
1. All landscape areas shall be separated from vehicle use areas, including parking by non-mountable, concrete curbing.

2 The width of curb shall be excluded from the calculations of the minimum dimensions of all required landscape areas.

L. ***Abutting Walls***

Where the property line of a proposed development abuts an existing brick or masonry wall at or greater than six feet in height, the minimum buffer requirement may be reduced to the standard for that buffer type that includes a fence or wall without constructing a second wall.

Figure 7.3 Buffer Types and Requirements (Rev. 9-26-01 - Ord. 01-70)



Section 721 Credit for Existing Trees

A. ***Credit for Existing Trees***

Where trees are required under this Code, credit for the use of existing canopy trees, as defined in the recommended species list in Appendix B, shall be given according Table 7.14.

Table 7.14 Credit for Existing Trees

Existing Crown Spread of Preserved Trees	or	Diameter of Tree at Diameter Breast Height (D.B.H.)	=	Number of Trees
90 feet or greater	or	36 inches or greater	=	7
60 to 89 feet	or	30 to 35 inches	=	6
50 to 59 feet	or	26 to 29 inches	=	5
40 to 49 feet	or	20 to 25 inches	=	4
30 to 39 feet	or	13 to 19 inches	=	3
20 to 29 feet	or	8 to 12 inches	=	2
10 to 19 feet	or	2 to 7 inches	=	1
less than 10 feet	or	less than 2 inches	=	0

B. ***Tree Protection Credit Guidelines***

Trees which are to be preserved on a site shall be protected from damage during construction in accordance with the following:

1. During the construction process, solvents, material, construction machinery or temporary soil deposits shall not be placed within the drip line (specified below) of any tree designated for preservation.

2. During construction, protective barriers shall be placed to prevent the destruction or damaging of credited trees. Credited trees destroyed or abused shall be replaced at the rate established by Table 7.14 before building occupancy. Such trees shall be physically identified on the site so as to be easily recognizable as a tree to be protected. Such identification may be flagging, painting or an equivalent technique, but shall not result in physical damage to the tree.

3. A protective barrier shall be placed in accordance with the following:

    a. Pine trees: at the drip line.

    b. All other credited trees: at a minimum distance two thirds from the tree trunk to the drip line. In no case shall a distance of greater than15 feet from the tree trunk be required.

4. All credited trees shall be required to be protected by barrier zones erected prior to construction of any structures, road, utility service, or other improvements. Protective barriers shall be constructed out of chain mesh fencing, metal posts or wood to form a continuous, rigid barrier at least four feet in height.

    a. Protective barrier zones shall remain intact until such time as landscape operations begin or when construction in the immediate area has been finalized.

    b. Landscape preparation in barrier zones shall be conducted by hand.

    c. Trenching for underground utilities shall be prohibited within barrier zones. If underground utilities must be routed through a barrier zone, tunneling will be required.

5. Existing trees may be credited towards minimum tree planting requirements according to the formula in Table 7.14. Fractional Measurements shall be attributed to the next lowest category.

6. Trees excluded from preservation credit. No credit shall be given for:

    a. Trees not properly protected from damage during construction.

    b. Trees listed as prohibited or controlled species and identified in Section 720.F.2.

    c. Trees that are dead, dying, diseased or infested with harmful insects.

    d. Citrus trees, except that 50 percent of the required trees for single-family residential may be existing citrus trees.

    e. Trees within Preservation Areas (PA).

7. If, at any time within one year after all alteration and construction activities are completed, a tree for which credit was given is dead, irreparably damaged or unhealthy as a result of these activities, then it shall be removed and replaced with the tree which originally would have been required.

8. It shall be the responsibility of the property owners to maintain approved landscaping and provide replacement for dead plant material.

Sections 722 - 739 Reserved

Section 740 Storm Water Management

A. ***Storm water Management Plan***

Prior to issuance of any development permit, with the exception of minor commercial sites and minor subdivisions, each applicant must submit a Storm Water Management Plan for proposed development as follows:

1. It is the responsibility of the applicant to include in the Storm Water Management Plan sufficient information for the County Engineer to evaluate the environmental characteristics of the affected areas, the potential and predicted impacts of the proposed activity on community waters, and the effectiveness and acceptability of those measures proposed by the applicant for reducing adverse impacts. The Storm Water Management Plan shall contain maps, charts, graphs, tables, photographs, narrative descriptions and explanations and citations to supporting references, as appropriate to communicate the information required by this Section. For projects requiring a storm water or surface water management permit from the Florida Department of Environmental Protection, or any Water Management District, such permit shall constitute full compliance with Section 740. C (1), except the provisions on pre post match of runoff volume; (2); (3); (4); (5); (6); (10); (12); (13).

2. The Storm Water Management Plan shall contain:

    a. A statement of the existing environmental and hydrological conditions of the site. Receiving waters and wetlands shall be described in detail, including the following:

        i. The direction, flow rate, and volume of storm water runoff, as an existing condition and, to the extent practical, pre-development conditions.

        ii. The locations of areas on the site where storm water collects or percolates into the ground.

        iii. A description of all watercourses, water bodies, and wetlands on or adjacent to the site or into which storm water flows.

        iv. Groundwater levels, including seasonal fluctuations.

    b. Proposed alterations of the site shall be described in detail, including a statement of:

        i. Changes in topography;

        ii. Areas where vegetation will be cleared or otherwise killed.

iii. Areas that will be covered with an impervious surface and description of the surfacing material.

iv. The elevation in relation to Mean Sea Level Datum (MSL) of the proposed lowest floor elevation (including basement and garages), of all proposed buildings or substantial improvements in flood hazard areas. The proposed lowest floor elevation shall include consideration of the septic tank, absorption/drain field, and on-site well where those are required.

c. All components of the storm water management system and any measures for the detention, retention, or infiltration of water or for the protection of water quality shall be described in detail, including:

i. The channel, direction, flow rate, volume, and quality of storm water that will be conveyed from the site, with a comparison to existing conditions and, to the extent practical, pre-development conditions.

ii. Detention and retention areas, including plans for the discharge of contained waters, maintenance plans and predictions of water quality in those areas.

iii. Areas of the site to be used or reserved for percolation including a prediction of the impact on groundwater quality.

iv. A plan for the control of erosion and sedimentation which describes in detail the type and location of control measures and provisions for their maintenance.

v. Any other information which the applicant or the County Engineer believes is reasonably necessary for an evaluation of the development.

d. Construction plans and specifications for all components of the storm water management system.

3. The Storm Water Management Plan for a development shall be prepared by a professional engineer registered in the State of Florida.

4. The placement of fill, during construction of any approved development, in areas of special flood hazard, shall be certified upon its completion by a professional Civil Engineer or Professional Surveyor and Mapper.

5. The elevation in relation to Mean Sea Level (MSL) datum of the proposed lowest floor elevation (including basement), of all proposed buildings or substantial improvements.

B. ***Water Management Design Criteria*** ***(Rev. 8/28/02 - Ord. 02-56)***

1. The hydrological requirements mandated by this Section shall be developed in accordance with the latest releases and revisions of the U.S. Department of Agriculture, Natural Resources Conservation Service's Technical Release Number 55 entitled, "Urban Hydrology for Small Watersheds" and SCS National Engineering Handbook, Section 4, "Hydrology." The Rational Method may be used for systems serving projects of less than ten acres total land area.

2. The design of water retention or detention structures and flow attenuation devices shall be subject to the approval of the County Engineer pursuant to the requirements of this Section.

3. Runoff computations shall be based on the most critical situation as provided in Table 7.3 (rainfall duration, Type II distribution and antecedent soil moisture condition) and conform to acceptable engineering practices using rainfall data and other local information applicable to the affected areas.

4. Composite coefficients used in runoff calculations using the Rational Method, shall not exceed the ranges recommended in, Section 4, Florida Department of Transportation (FDOT), Storm Water Management; or Composite Curve Numbers used in runoff calculations using the SCS Runoff Curve Number Method shall be in accordance with the latest edition of Urban Hydrology for Small Watersheds, Natural Resources Conservation Service (NRCS) Technical Release 55, or National Engineering Handbook (NEH-4).

5. The drainage area used in runoff calculations shall be the total contributing watershed area, either pre or post development, including areas beyond proposed site limits.

6. All storm water management systems shall be designed to enhance groundwater recharge while reducing pollution. However, in an area designated as a ground water recharge area, the applicant shall take all possible measures to limit runoff from the proposed site.

7. Sufficient easement, with slopes no steeper than 4:1 (horizontal to vertical), shall be provided around all storm water management systems for proper operation and maintenance. Easements shall be unobstructed and shall include ingress/egress to the storm water management systems.

8. The design high water elevation from runoff associated with the 100 year, 24 hour event shall be calculated through a detention/retention pond to establish the minimum

residential finished floor elevation and flood proofing elevation for commercial sites. In no case should the residential finished floor elevations and flood proofing elevations be lower than any flood elevation established by FEMA.

9. New roads shall be constructed and maintained with the lowest elevation of the pavement edge above the 100 year flood elevation.

C. ***Minimum Standards***

The following minimum standards shall apply to all development which occurs within an area of special flood hazard and to any man-made change to improved or unimproved real estate, including, but not limited to, mining, dredging, filling, grading, paving, drilling, (except to obtain soil and mineral samples) or excavation operations within 100 feet of a watercourse. Only the requirements of Sections 740 C (1), and (2), shall apply to agricultural land uses as defined in Chapter 10. Only the requirements of Sections 740 C (1), (2), (3), (4), (7), (8) and (12) shall apply to phosphate mining operations.

1. The hydrograph for the developed or redeveloped site shall not exceed the volume and rate of flow of runoff produced by conditions existing before development or redevelopment for the 25 year, 24 hour storm. In addition, the cumulative impact of the outflow hydro graph on downstream flow shall be considered. Runoff rates and volumes resulting from the project, in excess of existing volumes, shall be accommodated on-site. Project areas located in closed drainage basins shall be designed wherein the hydro graph for the developed or redeveloped site shall not exceed the volume and rate of flow of runoff produced by conditions existing before development or redevelopment for the 100 year, 24 hour storm. In addition, the cumulative impact of the outflow hydro graph on downstream flow shall be considered. Runoff rates and volumes resulting from the project, in excess of the existing rates and volumes, shall be accommodated on-site.

2. Storm water runoff shall be subject to best management practices prior to discharge into natural or artificial drainage systems. "Best Management Practice" shall mean a practice, or combination of practices, that provide for the treatment of storm water runoff such that the amount of pollution generated by the project is reduced to a level compatible with Florida Water Quality Standards found in Chapter 62-3, Florida Administrative Code.

3. Site Alteration shall conform to the following:

   a. Site alteration within wetlands shall be compensated if required by state or federal regulations. As a minimum, the compensation shall be that approved by the agencies with jurisdiction, such as the U.S. Army Corps of Engineers, the Florida Department of Environmental Protection, the Southwest Florida Water Management District, the South Florida Water Management District, or the St. Johns River Water Management District.

b. Site alteration of wetlands by phosphate mining operations shall be reviewed by the BoCC at the hearing on the operating permit application for the proposed mining.

c. It shall be the responsibility of the applicant to provide the information which will allow satisfactory determination of whether such lands lie within the uplands associations, pine flatwood associations, wetland association or any combination thereof. This determination shall be made by an engineer or the U.S. Natural Resources Conservation Service.

4. Any non-permeable surface greater than 4,000 square feet shall provide for release of surface runoff, collected or uncollected, in a manner approximating the natural surface water flow regime of the area.

5. Sediment shall be retained on the site of the development. Those areas which are not to be disturbed shall be protected from construction activity by an adequate barrier. No grading, cutting or filling shall be commenced until erosion and sedimentation control devices have been installed between the disturbed area and water bodies, watercourses and wetlands. Wetlands and other water bodies shall not be used as sediment traps during development. Erosion and sedimentation facilities shall receive regular maintenance to insure that they continue to function properly.

6. Any altered site shall be re-vegetated, with such re-vegetation to be substantially completed within 180 days following completion of a development. Re-vegetation shall be accomplished with pre-existing species or other suitable species, except that exotic or invasive species shall not be replanted or propagated.

7. At the completion of construction or phosphate mining activities, man-made lakes or other water impoundments shall be constructed with a maximum slope of 4:1 to a depth of six feet of water. When mineral extraction is completed in new pits, shoreline sloping, re-vegetation and contouring of soils or tailings shall be completed before abandonment. Existing mineral pit lakes shall be exempt from this provision, except that whenever any person carries out any activity defined as development or applies for any authorization to develop any existing mineral pit lake area, these regulations shall apply.

8. Development shall not detrimentally change the quantity of ground and surface water available for recharge to the Floridian Aquifer. An applicant shall not cause storm water from the site to discharge or run off into an existing sinkhole without prior written approval of the County Engineer.

9. The development shall not impair the water retention and filtering capacity of wetlands soils or vegetation.

10. New storm water management facilities channeling runoff directly into watercourses shall be prohibited. Storm water shall be treated in accordance with the provisions of Chapter 62-25, Florida Administrative Code, prior to discharge to water bodies. Runoff shall be routed through swales or other systems designed to increase time of concentration, decrease velocity, increase infiltration, allow suspended solids to settle and remove pollutants. New storm water management facilities shall also maintain a groundwater level sufficient to protect wetland vegetation through the use of weirs or equivalent structure or systems. Said facilities shall not retain, divert or otherwise block or channel the naturally occurring flows in a strand or slough.

11. Site alteration shall be permitted only when such alteration will not cause siltation of wetlands or reduce the natural retention and filtering capabilities of wetlands.

12. Groundwater withdrawal shall comply with the standards and regulations of the standards and regulations of the Southwest Florida Water Management District, South Florida Water Management District or the St. Johns River Water Management District or their successor agency.

13. The applicant shall provide retention of the runoff from the first one inch of rainfall, or as an option, for projects or project sub-units with drainage areas less than 100 acres, facilities which provide retention of the first one half inch of runoff.

D. ***Waivers***

Waivers to this Section shall be requested pursuant to Section 932.

Sections 741 - 749 Reserved

Section 750 Open Space

A. ***Upland Parcels***

Land dedicated within a development to meet open space requirements shall consist of upland parcels under common ownership for the purpose of either recreation or habitat preservation. Such land shall be of adequate width and length to support the purpose of the space.

B. ***Dedicated Open Space***

All areas dedicated to open space shall be improved and maintained by the applicant or assigns. Development within open space shall be limited to 0.25 ISR. Rights-of-way, building setbacks, parking lots, and wet storm water management facilities are not considered open space.

C. ***Requirements***

Where open space is required, an open space plan shall be submitted as part of the application for development approval. The plan shall designate the boundaries, the size and the proposed use of all open space. The plan shall specify whether the open space areas will be dedicated or preserved and by what mechanism.

Sections 751 - 752 Reserved

Section 753 Cluster Design Option

Cluster design is an option for residential subdivisions to preserve natural or historic resources, and to create more efficient design of land and facilities. A Cluster design may reduce some or all of the lots below the minimum lot size for the district provided that the approved density is maintained. All applicable regulations of this Code shall apply unless modified by this Section. Cluster development is allowed in all residential districts subject to the following requirements:

A. ***Design***

Cluster development shall be compatible with adjacent residential development. Where adjacent to residential districts, perimeter lots in a cluster development shall not be smaller than the minimum lot size for the adjacent residential district, or one acre, whichever is less.

B. ***Open Space System***

In all residential districts except A/RR and RS, open space is required according to the following requirements:

1. Except for open space set aside for preservation, as provided in Section 750.C, open space areas shall be accessible to all residents of the development.

2. The final plat shall indicate that open space areas are prohibited from future subdivision, or development other than recreation facilities.

3. Open Space shall comply with the definition in Chapter 10 and Section 703.G whichever is more restrictive.

C. ***Internal Transportation System***

At a minimum, a cluster development shall provide vehicular, pedestrian and bicycle connections between residential clusters and between residential clusters and open space areas.

D. ***Calculating Required Open Space***

The minimum amount of open space that shall be provided in a Cluster Development (except within A/RR and RS districts) shall be determined by subtracting from the standard minimum lot square footage requirement set forth in Table of Density and Dimensional Regulations, the amount of square footage of each lot that is smaller than that standard, and then by adding together the differences for each lot. In no instance shall the resulting open space set aside within a cluster subdivision be less than 10,000 contiguous square feet. (Example: Subject site is approximately 40 acres and in RL-1 district where 40,000 square feet is required, Cluster lot size proposed is 10,000 square feet and total number of lots is 40 B *40,000- 10,000 = 30, 000; 30,000 x 40 = 1,200,000 square feet or 27.5 acres of required open space*.)

E. ***Density***

The maximum gross density standard for the applicable district, as prescribed in the Table of Density and Dimensional Regulations, shall not be exceeded in any cluster development.

F. ***Modification of Minimum Lot Standards***

Minimum lot sizes may be reduced for some or all lots in a Cluster development, but shall not be smaller than those set forth in Table 7.15.

Table 7.15 Modification of Minimum Lot Standards

District	Minimum Square Feet	District	Minimum Square Feet
A/RR	43,560	RL-2	6,000
RCC-R	15,000	RL-3	5,000
RS	43,560	RL-4/RM	4,500
RL-1	7,500	RH	4,000

G. ***Procedural Requirements***

Cluster Development may be approved for single-family detached and two-family attached residential subdivisions pursuant to the subdivision procedures of this Code, including the plat review.

Section 754 Reserved

Section 755 Zero-Lot-Line Design

Zero Lot Line design is offered as an option to promote the more efficient use of land by permitting the construction of a structure on one side lot line, and allowing the consolidation of the required side yard setbacks into one usable side yard area. Zero Lot Line development is allowed, subject to the following requirements:

A. ***Side Setback*** ***(Rev. 4/4/02 - Ord. 02-17)***

On a zero lot line lot, one side yard setback shall be reduced to zero. The opposite side setback for principal and accessory buildings shall be a minimum of ten feet. The opposite side yard setback for non-residential lots shall be the minimum setback for the district (Table 2.2). No portion of the structure shall project over any property line without the appropriate easements reflected on the plat.

B. ***Easements***

In single-family detached subdivisions, easements shall be placed on the lot abutting any zero lot line yard to permit access for maintenance, construction, drainage and other purposes for the benefit of the zero lot line lot. The easements shall extend at least five feet perpendicular to the zero lot line dwelling unit.

C. ***Final Plat***

The zero lot line in a platted development shall be identified at Level 2 review and shown on the final plat.

Sections 756 - 759 Reserved

Section 760 Signs

A. ***Purpose and General Provisions*** **(** ***Revised 09/01/15, Ord. 15-056*****)**

1. This Section shall be known and may be cited as the "Polk County Sign Regulations."

2. The Purpose of these Sign Regulations is to make known that signs provide an important medium through which businesses and individuals may convey a variety of commercial and noncommercial messages. But, when left unregulated, signs can become a threat to public safety as a traffic hazard, and a detriment to property values and the County's overall public welfare as an aesthetic nuisance. Therefore, the intent of these Sign Regulations is to:

   a. Preserve the right of free speech and expression in the display of signs;
   b. Further the objectives of Polk County's comprehensive plan;
   c. Protect the public health, safety and welfare of County citizens;

d. Reduce traffic and pedestrian hazards;
e. Protect property values by minimizing signs' possible adverse effects;
f. Promote economic development; and
g. Ensure the fair and consistent enforcement thereof.

3. These Sign Regulations are intended to complement, and all signs shall be constructed and maintained in compliance with applicable building, electrical, and other codes which apply to structures. Where inconsistency exists between these Sign Regulations and applicable codes, the more restrictive requirement shall apply.

4. Measurement of Signs:

   a. The area of signs with regular geometric shapes, including combinations thereof, shall be measured using standard mathematical formulas. If the sign consists of more than one section or module facing the same direction, all areas will be totaled.

   b. For signs that are (or include) three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture, or statue-like trademarks), the sign area is the sum of the two adjacent vertical faces of the smallest cube encompassing the sign or object.

   c. Unless stated otherwise in these Sign Regulations, the total surface area of all sign faces shall be counted and considered to be part of the maximum total sign area allowance.

   d. Double-Face Signs: One side or the larger of the two sides shall be considered in computing square footage requirements for area limitations. Double-face signs connected, but angled more than 45 degrees, shall be required to calculate both sides of the sign.

5. Any sign determined under these Sign Regulations to be a hazard to the public health, safety, and welfare of County residents shall be immediately repaired or removed at the expense of the owner or other party determined to have beneficial use of the sign.

6. Signs placed or erected on public rights-of-way, located in the Clear Visibility Triangle per Section 711 and/or erected or maintained without required permits per Chapter 479, Florida Statutes, shall be subject to immediate removal unless expressly approved by Polk County or the Florida Department of Transportation.

7. Any sign not complying with all regulations in effect at the time of its construction or use is illegal and subject to prosecution in accordance with applicable law, including without limitation:

a. Enforcement in accordance with the Polk County Code Enforcement Special Magistrate Ordinance, as it may be amended or superseded;

b. Immediate removal at the expense of the violator, owner, or any person or entity that has beneficial use of the sign;

c. Prosecuted as a violation of County ordinance in the same manner as misdemeanors are prosecuted in accordance with Section 125.69, Florida Statutes; and/or

d. A double permit fee for any sign or sign component erected without a permit.

Nothing stated herein shall prevent the County from taking such other lawful action in law and equity as may be necessary to remedy the violation, including without limitation pursuit of injunctive and/or declaratory relief.

8. Compliance with the requirements of these regulations shall not constitute a defense to an action brought to abate a nuisance under the common law.

9. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of these Sign Regulations is declared invalid by a court of competent jurisdiction, such invalidity shall not affect the validity or enforceability of the remaining portions.

10. For every sign that is allowed herein, any non-commercial copy may be legally substituted in lieu of any other commercial or non-commercial copy.

B. ***Sign Permit Requirements and Appeal*** ***(Rev. 9/01/15 – Ord. 15-56; 9/26/01 - Ord. 01-71***)

1. A sign permit shall be required in accordance with the Polk County Land Development Code for the construction, erection, repair, alteration or relocation of any sign not otherwise exempted.

2. A sign permit shall become null and void if the work for which the permit was issued has not been started within a period of 6 months after the date of the issuance of the permit. Additionally, any work started, but discontinued for a period greater than 6 months shall cause the permit to become null and void.

3. In addition to any sign otherwise exempted, the changing of a face or normal and regular maintenance that does not alter the supports, structure or location of the sign, nor increases the sign area shall not require a permit.

4. All applications for sign permits shall be made on the forms provided by the Building Division and shall include the following:

a. Name, address, telephone number, and signature of the owner or authorized agent of the premises granting permission for the sign;

b. Name, address, telephone, and license number of the sign contractor;

c. A description of the sign indicating the number, size, shape and dimensions of the sign;

d. A schematic drawing of the site showing the proposed location of the sign in relation to nearby buildings and streets;

e. The number, in aggregate sign area, of signs on the premises (existing and proposed); and

f. For off-premises temporary sign permits, applications must also include:

1. The temporary need for the sign; and

2. The expected length of time the sign will be displayed.

5. Applications for permits shall be submitted to the Building Division together with an application fee as established by resolution of the Board of County Commissioners (BoCC). The Building Division shall review the application, examine the plans and specifications, and may inspect the premises upon which the proposed sign is to be erected.

6. Polk County shall have ten working days from the receipt of a complete application to review the application. A permit shall be issued or denied on or before the end of the ten working days review period if the application for a new sign or renewal complies with these Sign Regulations.

a. A sign permit application may be denied for reasons such as noncompliance with standards contained herein and any applicable code.

b. Polk County shall inform the applicant of the reasons for denying the sign permit application.

c. If Polk County does not issue a determination within the ten working day period, the sign permit is deemed approved.

7. The aggrieved party shall have 30 calendar days to revise and resubmit the sign permit application at no additional cost for review by Polk County.

a. In the alternative, the aggrieved party may appeal a denial of a sign permit application by submitting the appropriate application and fees pursuant to Section 918.C of the Land Development Code.

C. ***Exempt Signs*** ***(Rev. 9/1/15 – Ord. 15-056; 5/19/10; - Ord. 10-018; 9/26/01 - Ord. 01-71)***

The following signs are exempted from the permit requirements of Section 760.B provided that such signs must comply with all other requirements of these Sign Regulations and other applicable codes.

1. Directional signs:

   a. Signs shall not exceed 3.5 feet in height.; however, no sign shall exceed 3 feet in height in the clear visibility triangle.

   b. Each sign shall be no larger than four square feet.

   c. On-premises:

      i. No more than two signs per entrance.

      ii. One foot minimum setback from the property line.

   d. Off-premises:

      i. No more than two signs shall be permitted which must be located within a one and one half (1.5) mile radius of the geographic center of the property referenced on said sign.

      ii. Five foot minimum setback from the property line.

      iii. Written authorization from the property owner(s) where the sign(s) will be located shall be made available upon request.

2. On-premises temporary signs.

3. One tablet sign per building, not exceeding four square feet in area, when cut into any masonry surface, or when constructed of bronze or other incombustible material, and attached to the surface of a building.

   a. No tablet sign shall be mounted at a height greater than six feet from the ground or sidewalk to the bottom of the sign.

4. Signs incorporated into machinery or equipment by a manufacturer or distributor.

5. Signs carried by a person.

6. Flags - where the aggregate sign area of such flags shall not count as chareable square footage; provided that:

   a. No more than four flags may be displayed per parcel, and

   b. Each flag must be flown from a flagpole.

7. Any public purpose/safety sign, including regulatory signs and any other notice or warning signs required by Local, State, or Federal Government law, ordinance, regulation or resolution.

D. ***Prohibited Signs; Generally*** ***(Rev.9/1/15 – Ord. 15-056; 4/22/09 – Ord. 09-017; 7/29/02 - Ord. 02-52; 9/26/01 - Ord. 01-71)***

Any sign not specifically permitted by these Sign Regulations is prohibited.

E. ***Prohibited Signs; Specifically*** *(Rev. 9/1/15 – Ord. 15-056; 4/22/09 – Ord. 09-017; 9/26/01 – Ord. 01-071)*

Unless otherwise permitted, the following signs are prohibited and no variance shall be granted which would authorize same.

1. Signs that emit audible sound, odor, or visible matter such as smoke or steam.

2. Signs that interfere with any fire escape, emergency exit, standpipe, or any window to the extent that light or ventilation is reduced to a point below that required by any provision of this Section or other applicable regulation.

3. Signs that imitate or are made to resemble official traffic or government signs, symbols, and signals.

4. Signs of such intensity or brightness that glares onto adjoining residential property or impair the vision of motorists, cyclists, or pedestrians using or entering a public way.

5. Signs that are painted, pasted, or printed on any curbstone, flagstone, pavement, sidewalk or street, except house numbers and traffic control signs.

6. Signs placed upon, or attached to benches, bus shelters or waste receptacles that are located in the public rights-of-way.

7. Portable signs.

8. Parasite signs

9. Billboards in the following Selected Area Plans:

    - I-4/NE Parkway
    - Ronald Reagan Parkway
    - North US 27
    - State Road 559

10. Abandoned signs.

11. Snipe signs.

12. Vehicle signs, as defined by these Sign Regulations.

13. Signs containing statements, words, or pictures of an obscene, indecent, or immoral character that are not protected by the First Amendment of the United Sates and Article I §4 of the Constitution of the State of Florida.

14. Animated signs; provided that this subsection shall not prohibit changeable copy signs which are allowed in non-residential districts and on parcels within residential districts where residential support uses are permitted.

F. ***Temporary Signs***

1. Sign may be a ground or building sign but shall not be illuminated by electricity.

2. Sign may be on-premises or off-premises; however, off-premises signs shall require express consent of the property owner.

3. Sign is not included in the total allowance sign area for a parcel.

4. Unless stated otherwise, a parcel may display temporary signs with an aggregate sign area of 32 square feet. However, any double-faced sign allowed shall be permitted up to 64 square feet of aggregate sign area if no single face exceeds 32 square feet of aggregate sign area, and no other temporary sign is displayed on the parcel.

5. One additional temporary sign is allowed for a parcel that has no permanent sign, provided that such sign is not displayed for a period of more than 60 days or until installation of the permanent sign, whichever occurs first.

6. Parcels of more than one acre and multiple tenants (e.g., strip shopping centers or strip malls) shall be permitted temporary signs not to exceed 64 square feet of aggregate sign area. The owner of the strip shopping center or mall shall be responsible for any penalties accrued for non-compliance by the tenants.

7. Unless stated otherwise, temporary signs shall not exceed 6 feet in height in residential districts, or 8 feet in height in non-residential districts and in residential districts on parcels where residential support uses are permitted.

8. Sign shall have a minimum 5 foot setback from the property line.

9. On-premises temporary signs require no sign permit; however, the initial date of sign display shall be placed on the sign.

10. Off-premises temporary signs shall require an annual sign permit and the permit number printed or affixed to the sign. Such signs are allowed in:

    a. Non-residential districts;

    b. Residential districts on property with ≥ 5 acres and ≥ 500 feet of public street frontage or ≥ 10,000 square feet of floor area; and

    c. Residential districts on parcels where residential support uses are permitted.

11. Sign shall be removed within 30 days after the end of the scheduled occurrence or purpose to which it relates.

G. ***On-Premises Signs*** ***(Rev. 9/1/15 – Ord. 15-56; 5/20/09 – Ord. 09-023; 5/20/09 – Ord. 0-022; 4/01/03 - Ord. 03-25; 7/29/02 - Ord. 02-52; Rev. 9/26/01 - Ord. 01-71 Rev. 01/18/05 Ord. 04-23)***

On-Premises signs shall conform to the requirements of these Sign Regulations unless specifically permitted, exempted, or prohibited herein.

1. Ground signs shall conform to the following requirements:

    a. Signs located in the RAC, IND, PM, BPC-1, BPC-2, CAC, HIC, LCC, TCC, NAC, RCC, CC, CE and OC land use districts shall be set back a minimum of five feet from the property line, with a height no greater than 15 feet. Each additional foot above 15 feet requires an additional setback of six inches. No sign shall exceed the maximum structure height in the land use district.

    b. Signs located in the L/R, INST, ROS, PRESV, any of the RL subdistricts, RS, RM, RH and A/RR land use districts shall be set back a minimum of ten feet from the property line, and may be constructed to the maximum sign height as indicated in Table 7.16 without any additional setback. No sign shall exceed the maximum structure height in the land use district.

    c. One sign per parcel, and the sign may be double-faced.

d. Signs shall be separated by a minimum spacing of 50 feet between adjoining parcels.

e. Signs located within a Development of Regional Impact (DRI) shall conform to the standards in Table 7.15b.

Table 7.15b - Signs in a DRI

Land use per Map H	Sign Area	Sign Height	Minimum setback to achieve maximum height
Residential	32 square feet	6 feet	10 feet
Internal Retail/Commercial or Office	40 square feet	10 feet	5 feet
External Retail/Commercial or Office	250 square feet Parcels <5 acres 150 square feet	30 feet Parcels <5 acres 20 feet	15 feet Parcels <5 acres 10 feet
Phosphate Mining	300 square feet Parcels <5 acres 200 square feet	40 feet Parcels <5 acres 30 feet	20 feet Parcels <5 acres 15 feet

*Sign area and height shall be reduced by 15% in all Selected Area Plans (SAP's) that do not have adopted sign standards.

2. Monument signs shall not exceed 4 feet in height, 20 feet in length, 15 inches in width and may have a base of up to 3 feet, except as otherwise provided by these Sign Regulations.

   a. Multiple monument signs may be located on one parcel so long as the aggregate sign area does not exceed 80 square feet.

   b. Monument signs may be double-faced.

3. One plaza sign is permitted per parcel. The following shall apply to plaza signs:

   a. A plaza sign may represent two or more parcels. Each parcel identified on the plaza sign shall not be permitted an individual ground/on-premises sign unless the individual parcel or lot in question requesting a ground/on-premises sign complies with the following:

      i. It does not share a common wall within another building or structure on an adjacent parcel; and

ii. It does not advertise on said plaza sign; and

iii. The ground/on-premises sign is at least 50 linear feet from said plaza sign or any other ground/on-premises sign.

b. Plaza signs shall comply with the setback standards as outlined in Table 7.16 for on-premises signs and shall be permitted a maximum sign height of 20 feet, unless stated otherwise in 3.d, below.

c. Plaza signs shall be permitted 40 square feet of sign face for the plaza name plus 20 square feet of sign area per tenant, regardless of the land use district.

d. The maximum permitted plaza sign area within A/RR or any of the Residential land use districts shall adhere to the following sign area and height specifications based upon the road classification for which the plaza sign is oriented:

Road Classification	Square Feet Per Face	Maximum Height
Arterial Road	150	20 feet
Collector Road (1)	120	15 feet
Local Road (2)	80	10 feet

(1) Includes urban and rural collectors
(2) Or other internal drive aisles

e. The maximum permitted plaza sign area within the NAC, OC, RCC, CC, PIX, ECX, L/R, INST, LCC and CE land use districts shall not exceed 150 square feet.

f. Plaza signs shall not be permitted within the PRESV and ROS land use districts.

g. The maximum permitted plaza sign area in all other land use districts not identified ,herein, shall be 300 square feet.

h. Plaza signs serving multiple parcels shall submit a common signage plan to include the following:

i. All parcel boundaries of the parcels included within the request.

ii. Parking lot layout and drive aisles.

iii. Entrances and exits to all right-of-ways.

iv. All current and proposed signage.

i. The plaza sign areas and height as referenced within this Section shall be reduced by 15% in all Selected Area Plans (SAPs) that do not have adopted sign standards.

4. Building signs shall conform to the following requirements:

a. Building signs may cover an area equivalent to 25 percent of the largest vertical wall of the building. Said signs may be located on any side of the building, and shall not count against the total permitted sign area for ground and monument signs. Said signs shall not project above the vertical wall to which it is attached, or more than four feet horizontally from said wall. If said sign projects from the wall to which it is attached it must comply with sub-section 4.c regarding Projected signs.

b. Canopy signs may cover up to 15% of the total vertical sign area of all four sides of the canopy. Signs may be located on any side of the canopy.

c. Projected signs that protrude from the wall to which they are attached at a depth greater than three inches shall maintain a minimum vertical clearance of eight feet above the sidewalk or ground level and shall not be erected within or overhang any public rights-of-way. Such signs shall not extend more than four feet beyond the line of the building or structure to which it is attached. The building official may authorize lesser or greater standards in the interest of public safety.

d. Roof signs shall not exceed a height equivalent to the elevation of the building upon which the sign is located (i.e., if a building is 20 feet tall, the roof sign may only add an additional 20 feet). The height above the roof may be equal to the height from grade to the highest point of the building, but in no case will the height of the sign, exceed 20 feet from this point to the top of the sign. At no time shall the height of the building plus the height of the roof sign exceed the maximum district structure height as indicated in table 2.2.

e. Roof sign supports shall appear to be free of any extra bracing angle iron, guy wires, and cables. The supports shall appear to be an architectural and integral part of the building. Supporting columns of round, square, or shaped steel members may be erected if required bracing, visible to the public is minimized or covered.

5. Signs located on subdivision walls (See chapter 10: Subdivision wall)

a. The total sign area shall not count as chargeable square footage.

b. No sign, copy, text or symbol shall be placed upon a subdivision wall at a height greater than the maximum sign height indicated in Table 7.16.

c. Any sign located upon a wall-like structure that does not meet the definition of a subdivision wall must comply with the height, setback and sign area regulations for a monument sign.

6. Up to two permanent Neighborhood Identification signs may be permitted at each entrance to a designated neighborhood provided the following conditions are met.

a. *Location.* The sign shall not create a physical or visual hazard for pedestrians or motorists entering or leaving the neighborhood.

b. *Maintenance.* Upon application to Polk County for a sign permit, an individual firm, partnership, association, corporation, legally established neighborhood association, or other legal entity shall be designated, in the form of a written statement, as the person responsible for the perpetual maintenance of the sign. The statement shall provide that the person or organization, including its successor or assign, is responsible for maintaining the sign(s).

c. *Height and Square Footage.* The sign shall not exceed 6 feet in height and 64 square feet in aggregate sign area.

d. *Location of Neighborhood Identification Signs Within County Rights-of-Way.* Neighborhood Identification signs may be located within County rights-of-way only under the following conditions:

i. If the entity agreeing to maintain neighborhood signs as set out above in I (6)(c) enters into an indemnification and/or hold harmless agreement acceptable to the County Attorney, the County may permit a sign, and associated walls and permanent planters, to be placed at the entrance(s) of the neighborhood within the County rights-of-way, including medians, so long as such signs, walls and/or planters do not create a physical or visual hazard for pedestrians or motorists entering or leaving the neighborhood and are not located within the clear visibility triangle or the clear recovery area of the roadway as set out in the State of Florida Department of Transportation's *Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways*.

ii. The location and materials of any signs and associated walls and permanent planters, are subject to approval by Polk County during the permitting process. Applicant will be required to submit a letter of approval from the County Transportation Department or the Florida Department of Transportation. At the discretion of the Building

Director, the application may also be reviewed by the Director of the Land Development Division.

7. Window Signs:

   a. Window signs are permitted provided such signs, in aggregate sign area, are ≤ 25 percent of the total window surface area of the premises facing a public street or parking lot. The aggregate sign area of a window sign shall not count as chargeable square footage.

Table 7.16 On-Premise Sign Standards (Rev. 9/1/15 – Ord. 15-056; 7/29/02 - Ord. 02-52; Rev. 9/26/01 - Ord. 01-71)			
Future Land Use Designation*	**Max Square footage per face; Maximum of 2 faces**	**Max Sign Height**	**Minimum Setback to achieve maximum height (5' Min.=15' sign)**
Regional Activity Centers (RAC) Industrial (IND) Phosphate Mining (PM)	300 square feet **Parcels < 5 acres 200 square feet**	40 feet **Parcels < 5 acres 30 feet**	17.5 feet **Parcels < 5 acres 12.5 feet**
Business-Park Center-1 (BPC-1) Business-Park Center-2 (BPC-2) Community Activity Centers (CAC) High-Impact Commercial Centers (HIC) Linear Commercial Corridor (LCC) Tourism-Commercial Centers (TCC)	250 square feet **Parcels < 5 acres 150 square feet**	30 feet **Parcels < 5 acres 20 feet**	12.5 feet **Parcels < 5 acres 7.5 Feet**
Neighborhood Activity Centers (NAC)	80 square feet	20 feet	7.5 feet
Office Center (OC) Rural-Clusters Centers (RCC) Convenience Centers (CC) Commercial Enclave (CE)	50 square feet	12 feet	5 feet
Leisure/Recreation (L/R) Institutional (INST)	80 square feet	15 feet	10 feet
Recreation and Open Space (ROS) Preservation Areas (PRESV)	40 square feet	8 feet	10 feet
Residential-Suburban (RS) Residential-Low-1(RL-1) Residential-Low-2(RL-2) Residential-Low-3(RL-3) Residential-Low-4(RL-4) Residential-Medium (RM) Residential-High (RH)	32 square feet	6 feet	10 feet
Agriculture/Residential Rural (A/RR)	80 square feet	15 feet	10 feet

*Sign area and height shall be reduced by 15% in all Selected Area Plans (SAP's) that do not have adopted sign standards.

H. ***Off-Premises Signs*** ***(Rev.8/7/18 – Ord 18-055; 5 9/1/15 – Ord. 15-056; 5/20/09 – Ord. 09-023; 4/22/09 – Ord. 09-017; 5/08/01 - Ord. 01-14)***

1. Billboards shall be permitted in BPC-1, BPC-2, IND, TCC, RAC, CAC, HIC, and L/R land use districts and in any of such land use districts located within the Green Swamp Area of Critical State Concern, a Special Protection Area or the Polk Parkway Protection Area.

2. Billboards shall be permitted within a Selected Area Plan (SAP) land use district unless otherwise prohibited.

3. Minimum spacing between billboards shall be 1,000 feet measured linearly; except in the Polk Parkway Protection area, the minimum spacing shall be 1,500 feet measured linearly.

4. The Polk Parkway Protection Area is located on either side of the Polk Parkway (SR 570) within 1,000 feet of the centerline of the Polk Parkway right-of-way line.

5. Minimum spacing between a residential land use district and a billboard shall be 500 feet measured radially. Minimum spacing between a residential land use district and a billboard may be reduced to 250 feet, measured radially, provided a landscaped buffer, adequate to the location, is planted at the base of the sign and approved by the Land Development Director or his/her designee.

6. Minimum spacing from any public or private school or public park shall be 250 feet.

7. Minimum setbacks shall be 50 feet from the front property line and 10 feet from the side and rear property lines. Setbacks shall be measured from that portion of the sign in closest proximity to the respective property line.

8. Billboards shall not be stacked, placed side-to-side or have three or more faces, and shall be limited to ground signs.

9. Minimum sign face shall be 128 square feet. Maximum sign face shall be 800 square feet. Sign embellishments shall be considered a part of the sign face.

10. No portion of the sign face shall be less than 8 feet or more than 40 feet in height. In no instance shall a sign exceed the maximum district structure height as provided in Table 2.2.

I. ***Non-conforming Signs*** ***(Rev. 9/1/15 – Ord. 15-056; 5/08/01 - Ord. 01-14)***

1. Existing legal non-conforming signs shall be "Grandfathered" and may be maintained for continued safe use. A lawfully erected sign made non-conforming by new regulations becomes a legal non-conforming sign.

2. Any sign not lawfully existing under new regulations, and which should have been removed or modified under prior law is an illegal non-conforming sign. The adoption of this Ordinance shall not affect the requirement that all such illegal non-conforming signs be removed or made to conform to these Sign Regulations.

3. A non-conforming sign may not be relocated, except to a conforming location.

4. A non-conforming sign may not be enlarged or altered in a way which increases its degree of non-conformity, but any sign or portion thereof may be altered to decrease its degree of non-conformity.

5. In the event of an eminent domain action, Section 121 of this Code shall apply. However, a non-conforming sign subject to the provisions of Section 70.20, Florida Statutes, may be relocated and reconstructed.

6. Removal of Non-conforming Signs ***(Rev.8/7/2018 – Ord. 18-055; 9/1/15 – Ord. 15056; 5/08/01 - Ord. 01-14)***

   a. Non-conforming signs shall not be reestablished after damage or destruction if the estimated cost of reconstruction or repair exceeds 50 percent of the replacement value of the non-conforming sign. The sign must be rebuilt to conform to current regulations or removed within 90 days at no cost to the County.

   b. If a business for which a non-conforming sign is used ceases to operate for a period of six months, the sign shall lose its non-conforming status, and shall be removed or made to conform within 90 days of such business ceasing to operate.

J. ***Signage Plans*** ***(Rev. 9/1/15 – Ord. 15-056; Added 2/14/07 - Ord. 07-004)***

Introduction:

Unique mixed-use developments that have been planned to create a strong sense of place and community may have signage plans. Signage plan shall be permitted subject to the appropriate review, that implement a signage system that sets forth a strong identity for the overall development while at the same time allowing each business to communicate with the public in a consistent, community-building, coordinated manner. A balance of sign size to the overall environment, and overall enhancement of the development is a desired result of signage plans. To achieve this goal, a system of prescriptive and variable sign elements may be designed as part of a signage plan.

Requirements:

1. Large-scale mixed use projects may elect to create a specific signage plan consistent with the architectural theme of the overall project if the project consists of more than one land use or business activity.

2. The signage plan shall contain the following elements:

   a. Description of overall project.

   b. Description of signage and graphic element to include:

      i. Types and illustrations of signs allowed.

      ii. General location for Level 3 review (specific location to be determined during Level 2 review)

iii. General requirements.

iv. Maximum heights of each sign type.

v. Maximum copy area of each sign type.

vi. Proposed lighting of signs.

vii. Colors and materials.

viii. Treatment of "trademark business."

ix. Overall Project Identification sign(s), if proposed, at the entry of the project to create a unique image and identification for the project. More than one Project Identification sign may be permitted if there are multiple entrances to the project.

x. Provisions for Gateway Signs (at the applicant's discretion).

3. Signage plans shall be subject to the Polk County Level 3 review process.

K. ***Variances*** ***(Rev. 9/1/15 – Ord. 15-056; 12/1/10 - Ord. 10-082)***

Sign variances may be granted in accordance with Sections 930 and 931 for height and setbacks only. Sign variances shall be approved or denied by the Planning Commission for height and by the Land Development Division Development Review Committee for setbacks.

Section 761 Maximum Permissible Noise Levels by Land Use Designation

A. ***Noise Levels***

No person shall operate, cause to be operated, or permit on private property any source of noise or noise in such a manner as to create a noise level which exceeds the limits set forth in the land use designations category in Table 7.17. The noise shall not be permitted for more than ten minutes.

Table 7.17 Noise Levels by Land Use Designation

Land Use Designation (1)	Noise Level Limit, dB(A) (2)
BPC-2, IND, HIC	75
CC, NAC, CAC, RAC, LCC, L/R, CE, TC, TCC, RCC, BPC-1, EC	65

(1) of property on which the source of noise is located

(2) permitted from 7:00a.m. until 9:00 p.m.

B. ***Measurement of Noise***

For purposes of this Section, noise shall be measured at the property line of the property on which the noise source is located, and shall be made at least ten feet from any large reflecting surfaces on the subject property. The noise may also be measured at the Land Use designation boundary line if the Land Use designation does not permit residential development. If the Land Use designation permits residential development, the noise shall be measured at the property line at least ten feet from any large reflecting surfaces on the subject property.

C. ***Non-Conforming Uses***

Any noises which occur on property which, according to Section 120, is being used in a legal manner and which noise relates to said use, shall be judged as if the property bore a Land Use designation under which the use would be conforming.

D. ***Exceptions***

The provisions of this Section shall not apply to the following:

1. The emission of noise for the purpose of alerting persons to the existence of an emergency, or for the performance of emergency work.

2. The emission of noise for the purpose of providing federal, state, or local services including public safety facilities and including but not limited to refuse facilities.

3. The emission of noise for organized school related programs, activities, or events, or parades or other public programs, activities, or events authorized by the Polk County.

E. ***Variances***

1. The Board of Adjustment shall have the authority to grant variances from this Section.