



## Agenda Item – Supplemental Material

**To:** Hardee County Board of County Commissioners

**From:** Central Florida Regional Planning Council

**Subject:** Overview of Draft LDC Update

**Meeting Date:** September 7, 2023

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The agenda package for the September 7, 2023 Board of County Commissioners workshop included the following items:

- Draft Unified Land Development Code Update, August 17, 2023 binder
- Resolution for Technical Standards Manual – April 25, 2023

It has been determined that the following two issues will be addressed separately from the Unified Land Development Code update to ensure they have their own public hearing process.

- Farmworker Housing – Language in Draft Unified Land Development Code is same as existing Unified Land Development Code
- Medical Marijuana Distribution Centers

### **Supplemental Materials (Green Packet)**

Since the distribution of the agenda package, additional amendments have been identified. This supplement to the agenda package includes the replacement text for sections of some of the Articles. For some of the Articles, there were enough changes that it is easier to provide the full Article as a replacement. Some Articles have no additional amendments. The table below outlines the replacement language by Article. These amendment pages, which are identified by green paper, in conjunction with the August 17, 2023 Draft Unified Land Development Code, reflect the language presented to the Planning and Zoning Board at their August 31, 2023 workshop.

The following changes were made throughout the entire document and are not specifically reflected in the amendment pages

- References to “Land Development Code” amended to “Unified Land Development Code”.
- References to “LDC” amended to “ULDC”.
- References to “Religious Institutions” and “church” updated to “Places of Worship”.



## Planning and Zoning Board Workshop (Peach Packet)

At the August 31, 2023 Planning and Zoning Board workshop, the Planning and Zoning Board reviewed the materials in the August 17, 2023 Draft Unified Land Development Code and the supplemental materials (Green packet). The Planning and Zoning Board identified additional amendments at their meeting. These amendments are printed in the peach packet. These amendments will be presented to the Planning and Zoning Board for consideration as part of their September 7, 2023 public hearing package.

### Summary of Amendments

The table below identifies the amendments by article and identifies if they are part of the supplemental packet (Green pages) or the Planning and Zoning Board Workshop packet (peach pages).

Article	No Amendment Sheets	Green or Peach Packets	Amendment Sheets	Replacement Articles and Cross Reference Sheet
Article 1: General Provisions	X			
Article 2: General Regulations for All Zoning Districts		Green	X	
Article 3: Zoning Districts Dimensional Requirements and Restrictions		Green Peach	X	
Article 4: Standards for Specific Uses and Special Situations		Green		X
Article 5: Infrastructure Design and Improvement Standards		Green	X	
Article 6: Sign Regulations	X	Peach		
Article 7: Floodplain Management and Resource Protection Standards	X			
Article 8: Public Facility Monitoring and Permitting		Peach	X	
Article 9: Application and Decision Making		Green		X
Article 10: Administration and Enforcement		Green		X
Article 11: Variances, Waivers, Administrative Adjustments, and Nonconformities		Green	X	
Article 12: Code Compliance		Green		X
Article 13: Land Excavation and Mining	X			
Article 14: Definitions and Acronyms	X			
<b>Former Appendices</b>				
A: Engineering Design Standards	X			
B: Small Scale Amendments	X			
C: Ringleman Smoke Chart No. 7	X			

#### Attachments:

- Green Packet
  - Additional Amended Text – Article 2
  - Additional Amended Text – Article 3

- Additional Amended Text – Article 4
- Additional Amended Text – Article 5
- Additional Amended Text – Article 9
- Additional Amended Text – Article 10
- Additional Amended Text – Article 11
- Additional Amended Text – Article 12
- Peach Packet
  - Additional Amended Text – Article 3
  - Additional Amended Text – Article 6
  - Additional Amended Text – Article 8

**AUGUST 31, 2023 DRAFT UNIFIED LAND DEVELOPMENT CODE ADDITIONAL AMENDED TEXT**

**ARTICLE 2: GENERAL REGULATIONS FOR ALL ZONING DISTRICTS**

Additional changes to the August 17, 2023 Draft Unified Land Development Code are highlighted in yellow.

**SECTION 2.04.00- LOT SIZE ALTERATION-**

**2.04.01- Road Access-**

The development of land shall be such as to provide each lot or parcel, by means of a road or accessway, with a satisfactory and permanent access to an existing road. It is anticipated that a condition of a parcel being eligible for a development permit shall include the minimum lot frontage on a road required by the zoning district in which it is located. Lots/parcels/tracts not meeting the full frontage requirements on roadways as set forth in Table ~~2.29.02(C)~~ 3.03.00(B), and having not been subdivided in violation of the Code, shall have frontage on a roadway in fee simple ownership of 50 feet in width or by perpetual easement recorded in the public records of Hardee County not less than ~~50~~ 35 feet in width pursuant to the following criteria:

- (~~01~~A) Parcels created prior to ~~February 15, 1996~~ the effective date of this Code, and having access by easement or ownership less than the required 50 feet shall be considered a lot of record for development purposes and, for purposes of zoning only, shall be entitled to a development permit.
- (~~02~~B) Parcels existing after ~~February 15, 1996~~ the effective date of this Code, and are documented to not have been created in violation of the County's subdivision regulations, but otherwise have fewer than 50 feet of access frontage may be approved administratively to no less than 35 feet of access frontage. Access frontage less than 35 feet shall require approval by variance, subject to the review criteria in Section 11.03.00.
- (~~03~~C) Parcels created after the effective date of this Code amendment shall be required to follow the requirements of this Code.

Land being requested for development permits shall otherwise meet the requirements of the zoning district in which it is located by meeting the minimum lot width, depth, and area.

*Comment: Section relocated from Section 2.08.01; lot width added for clarity.*

## **SECTION 2.07.00 TEMPORARY USES AND SPECIAL EVENTS**

### **(D) Review Procedures**

Upon receipt of completed application packet and appropriate fees, (to be received no later than 15 business days prior to meeting place and special event type temporary uses), the Planning and Development Director or designee, will administer the review in accordance with the following:

- (1) For special events and meeting place temporary uses, the application packet will be distributed for review to the applicable department directors and any other affected division or agency, for review and comments.
- (2) Each reviewing department director, agency, or division shall review the application to determine if it is in compliance with applicable laws, rules, and regulations within each reviewing agency's purview and if the health, safety, and welfare of the participants, as well as that of the surrounding community are reasonably protected.
- (3) In the event that a department director, agency, or division determines that it cannot support the proposed temporary use or can only do so with conditions, they shall notify the Planning and Development Director or designee, of such objections or conditions.
- (4) Upon receipt of responses from each department, agency, and/or division, the Planning and Development Director or designee, shall approve the application, approve the application with conditions, or deny the application for failure to meet the standards of approval.

*Comment: New Section added to address temporary uses and special events.*

## **SECTION 2.08.00 TEMPORARY LIMITED SPECIAL USE PERMIT FOR MEDICAL AND FAMILY EMERGENCIES**

Any person, firm, or corporation owning property in the Hardee County may apply for a Temporary Limited Special Use Permit in a residential district for medical and family emergencies. There are no allowances for Temporary Limited Special Use Permits in any commercial or industrial districts. Temporary Limited Special Use Permits shall be granted only by the Board of County Commissioners in a public hearing that has been advertised in accordance with ~~Section 8.05.00~~ of this Code. Temporary Limited Special Use Permits granted by the Board of County Commissioners shall be the minimum necessary to provide a reasonable relief of an unusual and temporary situation and use of the property and may be approved subject to time limits or any other conditions that the Board of County Commissioners deems appropriate. Section 9.06.00

outlines the application process for limited special use permit for medical and family emergencies.

*Comment: Section relocated from Section 7.15.00; Section renamed Limited Special Use permits because they are more intense than temporary uses; Language added to reference application process in Section 9.*

## **SECTION 2.11.00 MODEL HOMES AND TEMPORARY SALES OFFICES**

Prior to final plat approval by the Board of County Commissioners and subsequent to the applicant's receipt of the County's written approval of Certified Subdivision Plans with infrastructure approval, model homes and temporary sales offices may be permitted within residential subdivisions, for the sale of lots/homes. The following requirements shall apply to all model homes and temporary sales offices constructed prior to final plat approval:

- (A) Each proposed subdivision shall be allowed at least one (1) model home.
- (B) The model home, or a separate modular unit, may be permitted as a temporary sales office for the project developer, builders, or their agents. Applicants shall receive approval from the County prior to starting construction on any model home.
- (B) All model home units shall meet all lot area, setbacks, parking, and unit separation requirements of the zoning district in which they are located. Failure of a model home to comply with the required setbacks shall result in a refusal to issue a certificate of occupancy for that home.
- (C) Fire hydrants and a stabilized road base and fire protection facilities shall be constructed and approved for use prior to the issuance of any building permits for model homes and the temporary sales office. The applicant shall be responsible for maintaining the stabilized road base in a manner that allows for the safe passage of fire/rescue equipment. Should the road surface be found in an unsafe condition, the Building Official shall issue a "Stop Work" order on all model homes under construction until such time the roadway is brought back to a safe condition.
- (D) Should the fire hydrants and a stabilized road base not be in place, model homes may be constructed according to standards established in the latest edition of NFPA (National Fire Protection Association) Publication 1141, Standard for Fire Protection Infrastructure for Land Development in Suburban and Rural Areas, and as may be amended.
- (E) To receive/seek final subdivision approval, a scaled drawing of the subdivision showing the locations of all model homes, shall be submitted to the Building Department.
- (F) Model homes and temporary sales offices may continue operation until all lots or houses within that subdivision are sold. Certificates of Occupancy may not be issued for model

homes until the subdivision plat has been approved by the County and recorded with the Clerk of the Courts.

(G) Signs used for model home and temporary sales offices shall conform to the requirements of Article 6. All signs shall be reviewed for placement, design, and duration.

*Comment: New Section added to address model homes and temporary sales offices in new subdivisions.*

### **2.13.00. Yard Trash.**

~~In all districts, the accumulation of litter and yard trash shall be prohibited, including but not limited to, old furniture, tires, appliances, and debris of any kind. In all districts (except A-1 and F-R zoned properties greater than four acres in size) yards and vacant lots shall be mowed or otherwise maintained for a vegetation height no greater than 12 inches (except for agricultural products), to reduce the risk of fire and for pest control. Violation of this Code may be enforced by issuance of a citation. See Article 8, Section 8.10.00 of this Code.~~

*Comment: Section relocated from Section 2.13.00 and deleted because the section will be relocated into the Code of Ordinances under Offences, nuisances.*

### **2.14.00. Dilapidated Dwellings.**

~~In all districts, dilapidated buildings are prohibited. Such buildings may be demolished, at the owner's expense, by the County, after action through the process enumerated under Article 8, Section 8.10.00 of this Code, and through the definitions, procedures and notification requirements of the International Property Maintenance Code, as published by the International Code Council, 2006 Edition. Actions through the enforcement provisions of this Code shall proceed as set forth in Section 8.10.00; however, upon a finding of violation the violator shall be provided 180 days to comply, unless the County Judge rules a lesser time.~~

*Comment: Section relocated from Section 2.14.00 and deleted because the section will be relocated into the Code of Ordinances.*

### **2.09.00. Animal Limitation.**

~~All animals, whether maintained as pets or livestock, shall at all times be kept on the owner's property or maintained under the owner's control. Except in A-1 and F-R zoned districts, no person shall keep or maintain in connection with any residential dwelling unit more than four dogs aged six months or older. No person shall keep or maintain more than two dogs in connection with any building used for commercial or industrial purposes. Except in A-1 and F-R zoned districts, no person shall breed or maintain farm animals, fowl, or other livestock within unincorporated Hardee County. These shall include, but are not limited to, bees, chickens (including roosters), peacocks, horses, cattle, sheep, goats, pigs, and pigeons. Where permitted, such animals shall be maintained in healthy conditions. Where non-agricultural districts abut~~

~~agricultural property, pens, cages, and other structures or facilities for such animals shall be located no less than 50 feet from any residential structure in any district other than A-1 and F-R.~~

~~No person shall breed or maintain any wild animal or poisonous reptile that poses a threat to human safety in Hardee County. Excluded from this Section are zoos, pet shops, animal shelters, kennels, veterinary clinics, medical or scientific facilities, or other locations where the showing or maintenance of such animals is a permitted use under the provisions of this Code. Such animals must be properly licensed.~~

*Comment: Section Relocated from Section 2.09.00 and deleted because the section will be relocated into the Code of Ordinances.*

## **SECTION 2.14.00 CHANGE OF USE**

- (A) A use is established when land has been declared to be usable, or permitted, for a particular use or activity, as identified within each zoning district. A “change of use” is a change from one permitted land use to another permitted land use.
- (B) A change of use may require more restrictive development standards than those required of the original permitted use. Such conditions for which this may occur include, but are not limited to, the following:
- (1) The new use is completely different in character than the present use;
  - (2) The new use is regulated in a different manner than the present use; and/or
  - (3) There is an intensification of use from the present use.
- (C) Landscaping and buffering requirements may apply for any change of use which results in the property becoming a higher impact/higher intensity use. Buffer yards are required with a change of use to a more intense use.
- (D) If the change of use triggers a change in occupancy or square footage by ten percent (10%)
- (E) The Development Review Committee (DRC) shall review change of use requests that trigger site development plan review.

*Comment: New Section added to address change of use.*



## **SECTION 2.15.00. DENSITY BONUSES FOR AFFORDABLE HOUSING.**

*Comment: Title relocated from Section 2.02.02 and amended to address affordable housing, not just density bonuses.*

### **2.15.01 Density Bonuses for Affordable Housing**

(A) The development of affordable housing units is encouraged in Hardee County by certain incentives and criteria approved by the Board of County Commissioners as established in the Hardee County Affordable Housing Program through Resolution 00-57.

(B) Where a developer voluntarily provides a substantial number of dwelling units that qualify as affordable housing under the definition provided in Article 914, Hardee County may authorize an increase in residential density. The purpose of this Section is to increase the supply of affordable housing resources for families of low and moderate income, and to provide incentives for private-sector developers who address this need.

(C) Density bonuses for affordable housing shall be awarded under the following conditions:

~~(A) Development sites must be located in the Town Center Classification, Highway Mixed Use Classification, Residential Mixed Use Classification, Rural Center Classification, or Agricultural Land Use designations, as indicated on the Future Land Use Map of the Hardee County Comprehensive Plan;~~

(B1) Density bonuses shall be considered only in PUD, R-0.5, R-1-, R-2-, R-3- and F-R-zoned districts. In no case shall a density bonus result in a density greater than that permitted in the underlying Future Land Use designation;

(C2) Development sites shall include a minimum of 20% of the units that meet the definition of low and very low income housing as set forth in Hardee County Affordable Housing Program. If the funding through the State Housing Initiatives Partnership (SHIP) program is utilized for the project, then at least 10% of the affordable housing units shall be occupied by households earning 50% or less of the metropolitan statistical area median income;

The low and very-low income housing units must be certified by the Board of County Commissioners as meeting the criteria for designation of an affordable housing project;

- (D3) Affordable units shall be evenly distributed throughout the site, and shall not be clustered into particular areas. Site Development Plans or Subdivision Plats shall note the location of all affordable housing units;
- (E4) Affordable units shall be similar in appearance and design with surrounding units, and must be compatible with the balance of the development;
- (F5) Where density bonuses are approved, single-family development minimum lot size, minimum lot width, minimum lot depth and minimum floor area may be reduced by 20% from that specified in Section ~~2.29.02~~ ~~of this Article 3.03.00~~, Table ~~2.29.02(C)~~ 3.03.00(B), Table of Development Standards, for R-0.5, R-1-, R-2-, R-3- and F-R-zoned districts. Principal building setbacks shall meet the following minimum standards, regardless of zoning district:

Minimum front yard:	20 feet
Minimum side yard:	05 feet
Minimum side (corner lot):	10 feet
Minimum rear yard:	20 feet

The above standards may be applied to all single-family residential units within the development site, including those not qualifying as affordable housing.

~~Duplex and single family attached development shall be permitted in R-3-zoned districts at a maximum density of 15 units per acre. All other appropriate development standards shall apply to development authorized under a density bonus;~~

- (G) Application for approval of a density bonus shall include a statement indicating the number, type(s) and approximate cost of the units being represented as affordable housing. The Planning and Development Division shall determine the maximum allowable cost of units offered either for sale or rent, based on the most recent U.S. Census data or other available information. Units qualifying as affordable housing shall not be rented or sold above this maximum allowable cost for a period of two years following the issuance of Certificates of Occupancy. If funding of more than one dollar is provided through the SHIP program, units must remain affordable for 20 years;

- (H) Density bonuses may be approved administratively upon receipt of all necessary development plans and documents meeting the standards listed above. However, at the County Manager's/designee's discretion, any application for a density bonus may be referred to the Planning and Zoning Board for review and recommendations, and to the Board of County Commissioners for final approval. In such cases, the application may be denied based on potential incompatibility with surrounding development, or approved with any conditions necessary to ensure compatibility.

*Comment: Section relocated from Section 2.02.02; Hardee County Affordable Housing Program to Resolution 00-57; Language relating to Future Land Use districts and Mining Overlay Districts removed in deference to the zoning districts; Language removed as no existing Future Land Use districts permit 15 dwelling units per acre and zoning cannot exceed Future Land Use; New proposed R-0.5 district added.*

**~~SECTION 2.16.00: GENERAL REGULATIONS FOR ACCESSORY STRUCTURES/USES:~~**

Accessory ~~structures/uses~~, as defined in Article 14, are incidental and secondary to a principal use that is permitted in a given zoning district. Accessory structures, as defined in Article 14, are those that are incidental and secondary to a principal structure that is permitted within a given zoning district. It is the purpose of this Section to regulate the height, size, location, setback, and use of accessory structures to ensure that they do not adversely affect nearby residents or surrounding properties.

Typical accessory structures associated with residential uses are detached garages and carports; storage buildings; fences (See Section 2.20.05); swimming pools (See Section ~~2.30.01~~ 2.20.04); bathhouses; yard structures, such as gazebos; boathouses, docks, slips and piers (See Section ~~2.30.02~~ 2.20.02); ~~satellite dish antennas (See Section 2.30.03)~~; and other similar structures.

Commercial and industrial uses also have accessory structures and uses, which include; garages, sheds, satellite dishes, antennas, security structures, special fencing and walls, solid waste pads and collection structures, and similar structures.

In addition to the standards provided below, accessory structures shall meet all requirements set forth in individual zoning districts and other applicable provisions of this Code. One or more accessory structures may be permitted on a development site, provided that the following requirements are met:

- (A) Accessory structures shall not be constructed prior to the principal structure except in F-R-~~2~~ and A-1, and A-2 -zoned districts;
- (B) All accessory structures shall comply with the Florida Building Code and all standards of this Code pertaining to the principal use;

- (C) Accessory structures shall not be located in a required landscape buffer;
- (D) Accessory structures shall be included in all calculations of impervious surface and stormwater runoff;
- (E) All accessory structures shall be shown on a Site Development Plan when one is required ~~under Section 7.06.00 of this Code~~;
- ~~(F) No accessory structure shall be used for residential purposes.~~
- ~~(G)~~ Except where otherwise provided, accessory structures shall be separated from each other by at least ~~ten~~ five feet ~~(except cargo containers allowed per subsection (I) below)~~, shall be set back from the principal structure no less than ~~three~~ five feet; and shall be set back from the rear and side yard property lines ~~as follows: accessory structures up to 200 square feet — minimum ten feet; 201 — 400 square feet — minimum 15 feet; 401+ square feet shall meet the minimum setback requirements as established by the zoning district (except for accessory structures 401 square feet or larger in the A-1 zoning district, which shall maintain a minimum rear setback of 25 feet). In all cases, however, accessory structures shall be setback from side yard property lines a minimum of~~ no less than seven feet;
- ~~(H)~~ No mobile home, manufactured home, trailer, semi-trailer, RV, or vehicle of any kind shall be allowed as an accessory structure on any development site except as allowed in the following sections.
- (1) Section 10.02.02 “Temporary Office or Construction Trailer”.
- (2) Section 10.02.03 “Temporary RV for Use During Construction of a Residence or as Disaster Relief not Related to a Declaration of Emergency”.
- (3) Section 10.02.04 “Use of Temporary Shelter after Declaration of Emergency”.
- (4) Section 2.08.00 “Temporary Special Use Permit for Medical and Family Emergencies”.
- (5) Section 2.20.01 “Accessory Dwelling Units”.
- ~~(H)~~ When associated with a commercial or industrial use, the accessory use must be clearly secondary, incidental, and subordinate and may not generate any activity or condition that would increase the design standard for the principal use.
- ~~(I)~~ Accessory structures on commercial or industrial development sites must be setback 10 feet from the rear and five feet from the side lot lines and a minimum of five feet from

each structure.

(J) All outdoor storage areas will be enclosed by suitable vegetation, fences, or walls in commercial zoning districts consistent with landscaping requirements in Article 5.

*Comment: Section relocated from Section 2.30.00 (except (I)); Section (F) regarding no accessory structures used as residential since accessory dwelling units are permitted; New (G) amended to address areas where vehicles are permitted for occupation as an accessory structure.*

**AUGUST 31, 2023 DRAFT UNIFIED LAND DEVELOPMENT CODE ADDITIONAL AMENDED TEXT**

**ARTICLE 3: ZONING DISTRICTS, DIMENSIONAL REQUIREMENTS, AND RESTRICTIONS**

Additional changes to the August 17, 2023 Draft Unified Land Development Code are highlighted in yellow.

**SECTION 3.01.00. GENERAL PROVISIONS:**

The Hardee County Comprehensive Plan establishes various Future Land Use classifications and contains a Future Land Use Map indicating the location of lands to which each of the classifications applies. This Unified Land Development Code establishes zoning districts to implement the Comprehensive Plan through detailed regulations and design standards that apply generally to all of the established land uses, such as residential, commercial, industrial, public, recreation, and conservation land uses. The purpose of this Article is to set forth the general provisions concerning land use. The provisions established herein shall regulate land use, density, and intensity, establish building lot and yard requirements, establish land use zoning districts that identify the location of land uses in the Hardee County, establish standards for land use zoning districts in the County, and provide for a map locating the permitted land uses in the County. All land in unincorporated Hardee County shall be subject to the provisions of this Article, and shall be shown on the Official Zoning Map as provided in Section ~~8.04.00~~ 10.08.00.

*Comment: Language relocated from Section 2.01.00 and updated to address the relationship between the Future Land Use classification and the zoning districts.*

**3.01.02 Interpretation – Materially Similar Uses**

(A) The Planning and Development Director shall determine if a use not mentioned can reasonably be interpreted to fit into a use category where similar uses are described. It is the intent of this Code to group similar or compatible land uses into specific zoning districts, either as permitted uses (P), uses permitted with conditions (PWC), or uses authorized as special exceptions (S). Uses required to be approved through Planned Unit Development (PUD) are listed in Table 3.03.00(B). Uses not listed in the Table of Uses (Table 3.03.00 (A)) as P, PWC, or S are presumed to be prohibited from the applicable zoning district. In the event that a particular use is not listed in the Table of Uses, and such use is not listed as a prohibited use under the specific zoning district and is not otherwise prohibited by law, the Planning and Development Director shall determine whether a materially similar use exists in this section.

(1) Should the Planning and Development Director determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed, and the Planning and Development

Director's decision shall be recorded in writing.

(B) Rules of Interpretation

(1) The Planning and Development Director may determine that a use is materially similar if the use is of the same general type as the uses permitted there by this Code based on characteristics, use patterns, and land use and traffic impacts.

(2) The Planning and Development Director may utilize the following resources in making a determination of materially similar use.

(a) The use is listed as within the same structure or function classification as the use specifically enumerated in the Table of Land Uses, as determined by the Land-Based Classification Standards (LBCS) of the American Planning Association (APA). The Planning and Development Director shall refer to the following documents in making this determination, which documents are incorporated by reference and are maintained on file in the office of the planning department:

1. LBCS Activity Dimension with Detail Descriptions (April 1, 2001)

2. LBCS Function Dimension with Detail Descriptions (April 1, 2001)

3. LBCS Structure Dimension with Detail Descriptions (April 1, 2001)

4. LBCS Tables (April 1, 2001).

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

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

*Comment: Section added to provide for materially similar uses.*

## **SECTION 3.04.00 – ZONING DISTRICTS**

### **3.04.01 RE-2.5 Residential Estate-2.5.**

(C) Principal Uses and Structures Permitted with Conditions: Uses Permitted with Conditions in this district are detailed in the Table of Land Uses in Section 3.03.00(A). Permitted with Conditions uses are designated by the letters "PWC". Uses Permitted with Conditions are permitted if they meet the listed conditions in Article 4, and subject to all other applicable standards. At the Planning and Development Director's discretion, any development plans larger than 5 acres or development plans that may have compatibility concerns based upon intensity, location, or use may be sent to the Planning and Zoning Board for approval.

### **3.04.02 R-05 Single-Family Residential District.**

(C) Principal Uses and Structures Permitted with Conditions: Uses Permitted with Conditions in this district are detailed in the Table of Land Uses in Section 3.03.00(A). Permitted with Conditions uses are designated by the letters "PWC". Uses Permitted with Conditions are permitted if they meet the listed conditions in Article 4, and subject to all other applicable standards. At the Planning and Development Director's discretion, any development plans larger than 5 acres or development plans that may have compatibility concerns based upon intensity, location, or use may be sent to the Planning and Zoning Board for approval.

### **3.04.03. R-1 Single-Family Residential District.**

(C) Principal Uses and Structures Permitted with Conditions: Uses Permitted with Conditions in this district are detailed in the Table of Land Uses in Section 3.03.00(A). Permitted with Conditions uses are designated by the letters "PWC". Uses Permitted with Conditions are permitted if they meet the listed conditions in Article 4, and subject to all other applicable standards. At the Planning and Development Director's discretion, any development plans larger than 5 acres or development plans that may have compatibility concerns based upon intensity, location, or use may be sent to the Planning and Zoning Board for approval.

### **3.04.04. R-2 Two-Family Residential District.**

(C) Principal Uses and Structures Permitted with Conditions: Uses Permitted with Conditions in this district are detailed in the Table of Land Uses in Section 3.03.00(A). Permitted with Conditions uses are designated by the letters "PWC". Uses Permitted with Conditions are permitted if they meet the listed conditions in Article 4, and subject to all other applicable standards. At the Planning and Development Director's discretion, any development plans larger than 5 acres or development plans that may have compatibility concerns based upon intensity, location, or use may be sent to the Planning and Zoning Board for approval.



**3.04.05. R-3 Multiple Family Residential District.**

(C) Principal Uses and Structures Permitted with Conditions: Uses Permitted with Conditions in this district are detailed in the Table of Land Uses in Section 3.03.00(A). Permitted with Conditions uses are designated by the letters "PWC". Uses Permitted with Conditions are permitted if they meet the listed conditions in Article 4, and subject to all other applicable standards. At the Planning and Development Director's discretion, any development plans larger than 5 acres or development plans that may have compatibility concerns based upon intensity, location, or use may be sent to the Planning and Zoning Board for approval.

**3.04.06 F-R Farm-Residential District.**

(C) Principal Uses and Structures Permitted with Conditions: Uses Permitted with Conditions in this district are detailed in the Table of Land Uses in Section 3.03.00(A). Permitted with Conditions uses are designated by the letters "PWC". Uses Permitted with Conditions are permitted if they meet the listed conditions in Article 4, and subject to all other applicable standards. At the Planning and Development Director's discretion, any development plans larger than 5 acres or development plans that may have compatibility concerns based upon intensity, location, or use may be sent to the Planning and Zoning Board for approval.

**3.04.07. C-1 Neighborhood Commercial District**

(C) Principal Uses and Structures Permitted with Conditions: Uses Permitted with Conditions in this district are detailed in the Table of Land Uses in Section 3.03.00(A). Permitted with Conditions uses are designated by the letters "PWC". Uses Permitted with Conditions are permitted if they meet the listed conditions in Article 4, and subject to all other applicable standards. At the Planning and Development Director's discretion, any development plans larger than 5 acres or development plans that may have compatibility concerns based upon intensity, location, or use may be sent to the Planning and Zoning Board for approval.

**3.04.08. C-2 General Commercial District.**

(C) Principal Uses and Structures Permitted with Conditions: Uses Permitted with Conditions in this district are detailed in the Table of Land Uses in Section 3.03.00(A). Permitted with Conditions uses are designated by the letters "PWC". Uses Permitted with Conditions are permitted if they meet the listed conditions in Article 4, and subject to all other applicable standards. At the Planning and Development Director's discretion, any development plans larger than 5 acres or development plans that may have compatibility concerns based upon intensity, location, or use may be sent to the Planning and Zoning Board for approval.

**3.04.09. I-1 Light Industrial District.**

(C) Principal Uses and Structures Permitted with Conditions: Uses Permitted with Conditions in this district are detailed in the Table of Land Uses in Section 3.03.00(A). Permitted with Conditions uses are designated by the letters "PWC". Uses Permitted with Conditions are permitted if they meet the listed conditions in Article 4, and subject to all other applicable standards. At the Planning and Development Director's discretion, any development plans larger than 5 acres or development plans that may have compatibility concerns based upon intensity, location, or use may be sent to the Planning and Zoning Board for approval.

**3.04.10. I-2 Heavy Industrial District.**

(C) Principal Uses and Structures Permitted with Conditions: Uses Permitted with Conditions in this district are detailed in the Table of Land Uses in Section 3.03.00(A). Permitted with Conditions uses are designated by the letters "PWC". Uses Permitted with Conditions are permitted if they meet the listed conditions in Article 4, and subject to all other applicable standards. At the Planning and Development Director's discretion, any development plans larger than 5 acres or development plans that may have compatibility concerns based upon intensity, location, or use may be sent to the Planning and Zoning Board for approval.

**3.04.11. A-1 Agricultural District.**

(C) Principal Uses and Structures Permitted with Conditions: Uses Permitted with Conditions in this district are detailed in the Table of Land Uses in Section 3.03.00(A). Permitted with Conditions uses are designated by the letters "PWC". Uses Permitted with Conditions are permitted if they meet the listed conditions in Article 4, and subject to all other applicable standards. At the Planning and Development Director's discretion, any development plans larger than 5 acres or development plans that may have compatibility concerns based upon intensity, location, or use may be sent to the Planning and Zoning Board for approval.

**3.04.12 A-2 Agriculture District-2.**

(C) Principal Uses and Structures Permitted with Conditions: Uses Permitted with Conditions in this district are detailed in the Table of Land Uses in Section 3.03.00(A). Permitted with Conditions uses are designated by the letters "PWC". Uses Permitted with Conditions are permitted if they meet the listed conditions in Article 4, and subject to all other applicable standards. At the Planning and Development Director's discretion, any development plans larger than 5 acres or development plans that may have compatibility concerns based upon intensity, location, or use may be sent to the Planning and Zoning Board for approval.

**3.04.13. P-I Public Institutional District.**

(C) Principal Uses and Structures Permitted with Conditions: Uses Permitted with Conditions in this district are detailed in the Table of Land Uses in Section 3.03.00(A). Permitted with Conditions uses are designated by the letters "PWC". Uses Permitted with Conditions are permitted if they meet the listed conditions in Article 4, and subject to all other applicable standards. At the Planning and Development Director's discretion, any development plans larger than 5 acres or development plans that may have compatibility concerns based upon intensity, location, or use may be sent to the Planning and Zoning Board for approval.

**3.04.14. P-R Public Recreation District.**

(C) Principal Uses and Structures Permitted with Conditions: Uses Permitted with Conditions in this district are detailed in the Table of Land Uses in Section 3.03.00(A). Permitted with Conditions uses are designated by the letters "PWC". Uses Permitted with Conditions are permitted if they meet the listed conditions in Article 4, and subject to all other applicable standards. At the Planning and Development Director's discretion, any development plans larger than 5 acres or development plans that may have compatibility concerns based upon intensity, location, or use may be sent to the Planning and Zoning Board for approval.

**3.04.15. CN Conservation District.**

(C) Principal Uses and Structures Permitted with Conditions: Uses Permitted with Conditions in this district are detailed in the Table of Land Uses in Section 3.03.00(A). Permitted with Conditions uses are designated by the letters "PWC". Uses Permitted with Conditions are permitted if they meet the listed conditions in Article 4, and subject to all other applicable standards. At the Planning and Development Director's discretion, any development plans larger than 5 acres or development plans that may have compatibility concerns based upon intensity, location, or use may be sent to the Planning and Zoning Board for approval.

**3.04.16 C/IBC Commercial/Industrial Business Center District.**

(C) Principal Uses and Structures Permitted with Conditions: Uses Permitted with Conditions in this district are detailed in the Table of Land Uses in Section 3.03.00(A). Permitted with Conditions uses are designated by the letters "PWC". Uses Permitted with Conditions are permitted if they meet the listed conditions in Article 4, and subject to all other applicable standards. At the Planning and Development Director's discretion, any development plans larger than 5 acres or development plans that may have compatibility concerns based upon intensity, location, or use may be sent to the Planning and Zoning Board for approval.

## **SECTION 3.04.00 – ZONING DISTRICTS**

### **3.04.02 R-05 Low Density Single-Family Residential District.**

- (A) Purpose: To provide the opportunity for conventional single-family development in appropriate areas of the County, compatible with existing development.
- (B) Permitted Principal Uses and Structures: Permitted uses in this district are detailed in the Table of Land Uses in Section 3.03.00(A) and are designated by the letter "P". They are permitted by right subject to all other applicable standards.
- (C) Principal Uses and Structures Permitted with Conditions: Uses Permitted with Conditions in this district are detailed in the Table of Land Uses in Section 3.03.00(A). Permitted with Conditions uses are designated by the letters "PWC". Uses Permitted with Conditions are permitted if they meet the listed conditions in Article 4, and subject to all other applicable standards. At the Planning and Development Director's discretion, any development plans larger than 5 acres or development plans that may have compatibility concerns based upon intensity, location, or use may be sent to the Planning and Zoning Board for approval.
- (D) Accessory Uses: Accessory uses and structures are clearly secondary, incidental, and subordinate to permitted principal uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.20.00 contains detailed guidance and regulations for permitted accessory uses.
- (E) Special Exception Uses: Uses permitted as Special Exceptions in this district are detailed in the Table of Land Uses in Section 3.03.00(A). Such uses are designated by the letter "S". Special Exception uses must meet the listed conditions in Article 4, and subject to all other applicable standards.
- (F) Development Standards: Development standards for uses in this district are detailed in the Table of Development Standards in Section 3.03.00(C). Specifically, standards are established, as applicable, for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Floor Area; Floor Area Ratio; Setbacks; Maximum Lot Coverage; and Maximum Building Height.
- (G) Other Requirements: None

*Comment: New Section added to address new zoning district.*

### **3.05.00 PUD PLANNED UNIT DEVELOPMENT**

#### **3.05.02.02 Use Compatibility**

The Board of County Commissioners shall enact PUD zoning only after making a determination that the proposed uses and the density and intensity of uses are consistent with the Hardee County Comprehensive Plan and are compatible with surrounding land uses.

*Comment: New Section added to address use compatibility.*

**AUGUST 31, 2023 DRAFT UNIFIED LAND DEVELOPMENT CODE ADDITIONAL AMENDED TEXT**

**ARTICLE 3: ZONING DISTRICTS, DIMENSIONAL REQUIREMENTS, AND RESTRICTIONS**

Additional changes to the August 17, 2023 Draft Unified Land Development Code and August 31, 2023 Trade Out Pages (Green Packet) are highlighted in yellow.

**SECTION 3.03.00 ZONING DISTRICT SUMMARY TABLES.**

The tables on the following pages present, in a quick reference format, information regarding permitted, permitted with conditions, and special exception land uses and development standards for all zoning districts. These tables must be read in conjunction with the regulations for specific zoning districts in Section ~~2.29.02~~ 3.08.00 and the supplemental standards and regulations as prescribed in Article 4 and the Future Land Use Element. The key to the tables is as follows:

P =	Permitted Use; <del>(see notes 1, 2)</del> – Use is permitted by right subject to all other applicable standards <u>including the submittal of a site plan or subdivision plan as applicable</u>
<u>PWC =</u>	<u>Permitted with Conditions – Use is permitted if it meets the listed conditions in Article 4, and subject to all other applicable standards. At the Planning and Development Director’s discretion, any development plans larger than 5 acres or development plans that may have compatibility concerns based upon intensity, location, or use may be sent to the Planning and Zoning Board for approval.</u>
S =	<del>Special Exception Use: Recommendation from Planning and Zoning Board; action by Board of County Commissioners</del> – <u>Use is permitted if it meets the listed conditions in Article 4, subject to all other applicable standards, and only after review and approval of a Special Exception Permit by the Planning and Zoning Board.</u>
<del>D =</del>	<del>Site Development Plan: Site Development Plan review required; recommendation by Development Review Committee, action by the Planning and Zoning Board; (see note 1)</del>
M =	<u>Mining Major Special Exception (recommendation from Planning and Zoning Board; action by Board of County Commissioners) subject to the requirements in Article 13</u>

Notes:

1. ~~Any "P" uses meeting the following criteria or otherwise classified by the Director of Planning and Development shall be considered 'D' uses for purposes of this code: retail, commercial and office uses greater than 10,000 sf. gfa; residential uses over ten dwelling units; warehouse and industrial uses greater than 50,000 sf. gfa; any use involving new construction; and, agricultural uses at the Director of Planning and Development's discretion.~~
2. ~~"P" uses that are proposed for existing structures may be required to obtain administrative approval from the Development Review Committee (DRC) based upon a case by case determination of the Planning and Development Director, or designee of the County Manager.~~

~~Any use or structure not specifically, provisionally, or by reasonable implication incidental to a use permitted here, or permissible by Special Exception or Major Special Exception, may be allowed as a Special Exception or Major Special Exception as determined by the Director or Planning and Development. Uses not such classified shall be prohibited.~~

~~\* See Table 3.03.00(B) for uses that require approval of a Planned Unit Development including conditions as outlined in Section 3.05.00.~~

*Comment: Relocated from Section 2.29.01 and updated to address the new approval process.*

**AUGUST 31, 2023 DRAFT UNIFIED LAND DEVELOPMENT CODE ADDITIONAL AMENDED TEXT**

**ARTICLE 4: STANDARDS FOR SPECIFIC USES AND SPECIAL SITUATIONS**

The entire Article 4 is traded out because text changes resulted in the renumbering of large quantities of the Article. These included changes to the Alcoholic Beverages section and the removal of the transmittal lines requirements.



**HARDEE COUNTY**  
**DRAFT UNIFIED LAND DEVELOPMENT CODE AMENDMENTS**  
**CROSS REFERENCE MATRIX**  
**ARTICLE 4 • STANDARDS FOR SPECIFIC USES AND SPECIAL SITUATIONS**

PROPOSED ULDC REFERENCE		EXISTING ULDC REFERENCE		COMMENT
Section	Title	Section	Title	
4.01.00	General Provisions			New Section added to address general provisions.
		3.16.00	Development Standards for Uses Requiring a Site Development Plan	Language relocated from Section 3.16.00 and deleted for new format
		3.17.00	Development Standards for Major Special Exception Uses	Language relocated from Section 3.17.00 and deleted because Major Special Exceptions are now Major Mining Special Exceptions, which are addressed in Article 13
4.01.01	Development Standards for Uses Permitted with Conditions			New Section added to address the standards for uses permitted with Conditions.
4.01.02	Development Standards for Uses Permitted by Special Exception	3.18.00	Development Standards for Uses Permitted by Special Exception	Language relocated from Section 3.18.00 and updated to clarify the role the conditions play.
		2.28.00	General Regulations for Commercial/Industrial Zoning Districts	Section title relocated from Section 2.28.00 and deleted as uses reorganized alphabetically.
		3.16.02	Multiple Family Residential	Section title relocated from Section 3.16.02 and deleted as uses reorganized alphabetically.
		3.16.04	Automotive	Section title relocated from Section 3.16.04 and deleted as uses reorganized alphabetically.
		3.16.05	Retail Commercial: Outdoor Storage Allowed	Section title relocated from Section 3.16.05 and deleted as uses reorganized alphabetically.
		3.16.06	Non-retail/Service Commercial	Section title relocated from Section 3.16.06 and deleted as uses reorganized alphabetically.
		3.16.09	Public Service Facilities	Section title relocated from Section 3.16.09 and deleted as uses reorganized alphabetically.
		3.17.05	Heavy Industry	Section title relocated from Section 3.17.05 and deleted as uses reorganized alphabetically.
		3.17.07	Public Service Facilities	Section title relocated from Section 3.17.07 and deleted as uses reorganized alphabetically.
		3.18.01	Single-Family Detached Dwelling Units	Section title relocated from Section 3.18.01 and deleted as uses reorganized alphabetically.
		3.20.00	Retail Commercial, No Outdoor Storage or Activities	Section title relocated from Section 3.20.00 and deleted as uses reorganized alphabetically.
		3.21.04	Public Service Facilities	Section title relocated from Section 3.21.04 and deleted as uses reorganized alphabetically.
		3.22.18	Educational/Cultural Facilities	Section title relocated from Section 3.22.18 and deleted as uses reorganized alphabetically.
4.02.00	Specific Uses			Section title added to address specific uses.

PROPOSED ULDC REFERENCE		EXISTING ULDC REFERENCE		COMMENT
Section	Title	Section	Title	
4.02.01	Adult Entertainment Establishment	3.17.01	Adult Entertainment Establishment	Section relocated from Section 3.17.01; change the word "church" to "place of worship" consistent with RLUIPA.
		2.05.00	Adult Living Facility and Nursing Home	Section relocated from Section 2.05.00 and deleted as a requirement for licensing by the state does not need to be included as a requirement in the ULDC.
4.02.02	Agricultural Disposal of Septage	2.26.00	Agricultural Disposal of Septage	Section relocated from Section 2.26.00
4.02.03	Airports and Aviation uses	3.17.04	Light Industry: Airports and Aviation Uses	Section relocated from Section 3.17.04.
		2.28.01	Sale and Consumption of Alcoholic Beverages on Premises.	Section relocated from Section 2.28.01 and deleted because the County is limited in location, hours, types of entertainment, and sanitary issues.
4.02.04	Sale and Consumption of Alcoholic Beverages General Provisions.	2.28.02	General Provisions	Section relocated from Section 2.28.02; language relating to levels of approval in zoning districts deleted as it is addressed in the Table of Uses.
4.02.05	Apartment Buildings	3.16.02.01	Apartment Buildings	Section relocated from Section 3.16.02.01
4.02.06	Building Supply Sales, Outdoor	3.16.05.01	Building Supply Sales, Outdoor	Section relocated from Section 3.16.05.01.
4.02.07	Building Supply Salvage Yard	3.16.08.01	Building Supply Salvage Yard	Section relocated from Section 3.16.08.01.
4.02.08	Bulk Storage of Chemicals, Petroleum Products, and/or Explosive Gases	3.17.05.01	Bulk Storage of Chemicals, Petroleum Products, and/or Explosive Gases	Section relocated from Section 3.17.05.01
4.02.09	Cannery	3.17.05.02	Cannery	Section relocated from Section 3.17.05.02
4.02.10	Car Washing and/or Detailing			New Section added to address car washing and/or detailing
4.02.11	Child Care Center	3.22.18.01	Day Care Center	Section relocated from Section 3.16.05.01 and additional requirements added.
4.02.12	Commercial Incinerator	3.17.05.03	Commercial Incinerator	Section relocated from Section 3.17.05.03; Language deleted as level of approval is addressed in the Table of Uses and all uses must meet performance standards.
4.02.13	Communications Towers	3.21.04.01	Communications Towers	Section relocated from Section 3.21.04.01. Text added to provide clarity in regulations.
4.02.14	Craft Breweries, Distilleries, and Wineries			New Section added to address craft Breweries, Distilleries, and Wineries
4.02.15	Drinking Establishment.	3.16.03.04	Drinking Establishment.	Section relocated from Section 3.16.03.04
		3.20.01	Drinking Establishment.	Section relocated from Section 3.20.01 and deleted as it is duplicate language from current 3.16.03.04.
4.02.16 and subsections	Farmworker Housing	3.16.01 and subsections	Farmworker Housing	Section relocated from Section 3.16.01 and subsections.
		3.17.05.04	Fertilizer Plant	Section relocated from Section 3.17.05.04 and deleted as all uses must meet performance standards.
4.02.17	Flea Market	3.21.00	Flea Market	Section relocated from Section 3.21.00
4.02.18	Food Packaging	3.21.03	Food Packaging	Section relocated from Section 3.21.03

PROPOSED ULDC REFERENCE		EXISTING ULDC REFERENCE		COMMENT
Section	Title	Section	Title	
		3.17.05.05	Food Processing Plant.	Section relocated from Section 3.17.05.05 and deleted since all uses must meet performance standards.
4.02.19	Freight or Trucking Terminal	3.16.07.01	Freight or Trucking Terminal	Section relocated from Section 3.16.07.01
4.02.20	Group Care Facilities	3.19.00	Group Care Facilities	Section title relocated from Section 3.19.00
4.02.20.01	Adult Family Care Home			New Section added consistent with Florida Statutes
4.02.20.02	ALF: Adult Living Facility	3.19.00	ALF: Adult Living Facility	Section relocated from Section 3.19.00.
4.02.20.03	Foster Home, Group Home, and Halfway House.	2.04.00	Foster Home, Group Home, and Halfway House.	Section relocated from Section 2.04.00
4.02.20.04	Group Homes with greater than 15 Persons	3.19.02	Group Homes with greater than 15 Persons	Section relocated from Section 3.19.02.
4.02.20.05	Halfway Home with greater than 15 Persons	3.19.03	Halfway Home with greater than 15 Persons	Section relocated from Section 3.19.03. Clarification provided regarding Adult Family Care Home.
4.02.21	Heavy Industry	3.16.08	Heavy Industry	Section relocated from Section 3.16.08
4.02.22	Indoor Gun Range	3.16.00.00	Indoor Gun Range	Language relocated from Section 3.16.00.00
4.02.23	Junkyard	3.17.03	Automotive: Junkyard	Language relocated from Section 3.17.03
4.02.24	Light Industry	3.16.07	Light Industry.	Language relocated from Section 3.16.07
		3.17.05.06	Manufacture of Building Materials	Section relocated from 3.17.05.06 and deleted as all uses must meet performance standard requirements.
		3.17.05.07	Manufacture or Storage of Explosives.	Section relocated from 3.17.05.07 and deleted as all uses must meet performance standard requirements.
4.02.25	Manufactured/Mobile Home Parks	3.18.01.01	Manufactured/Mobile Home Parks	Section relocated from Section 3.18.01.01
		3.16.07.02	Mining: 1 acre/year or Less.	Section relocated from Section 3.16.07.02 and deleted because reference is not needed as it is outlined in the Definitions as stated.
		3.17.06	Mining: Greater than 1 Acre/Year.	Section relocated from Section 3.17.06 and deleted because reference is included on the Table of Uses
4.02.26	Mini-Warehouse	3.16.03.05	Mini-Warehouse	Section relocated from Section 3.16.03.05.
		3.22.18.02	Museum	Section relocated from Section 3.22.18.02 and deleted because this information is included in the Table of Uses.
4.02.27	Nursing Home Facility	3.19.04	Nursing Home	Section relocated from Section 3.19.04
		3.17.05.08	Processing of Raw Materials.	Section relocated from Section 3.17.05.08 and deleted because all uses must meet the performance standards.
		3.22.18.04.	Recreation/Conservation Uses: Rifle or Archery Range.	Section relocated from Section 3.22.18.08 and deleted because there are no conditions included.
4.02.28	Recirculating Farms			New Section added to address recirculating farms.
4.02.29	Recreation, Outdoor, Commercial.	3.16.05.02	Recreation, Outdoor, Commercial.	Section relocated from Section 3.16.05.02

PROPOSED ULDC REFERENCE		EXISTING ULDC REFERENCE		COMMENT
Section	Title	Section	Title	
		3.21.01	Recreation, Outdoor, Commercial.	Section relocated from Section 3.21.01 and deleted as it is a duplicate of 3.16.05.02.
4.02.30	Recreational Resort.	3.23.00.	Recreational Resort.	Section title relocated from Section 3.23.00.
		3.23.01.01	Recreational Resort.	Section relocated from Section 3.23.01.01 and title deleted as it is a duplicate.
4.02.31	Recreation Vehicle (RV) Parks and RV Campgrounds.	3.18.01.02	Recreation Vehicle (RV) Parks and RV Campgrounds.	Section relocated from Section 3.18.01.02
4.02.32	Recycling Center, Indoor	3.16.03.06	Recycling Center, Indoor	Section relocated from Section 3.16.03.06
4.02.33	Recycling Collection Center, Outdoor	3.16.05.03	Recycling Collection Center, Outdoor	Section relocated from Section 3.16.05.03
		3.21.02	Recycling Collection Center, Outdoor	Section relocated from Section 3.21.02 and deleted as it is a duplicate of Section 3.16.05.03.
4.02.34	Recycled Materials Processing Center	3.16.07.03	Recycled Materials Processing Center	Section relocated from Section 3.16.07.03.
4.02.35	Restaurant	3.16.03.07	Restaurant	Section relocated from Section 3.16.03.07
		3.20.02	Restaurant	Section relocated from 3.20.02 and deleted as it is a duplicate of Section 3.16.03.07.
4.02.36	Restaurant, Drive-Thru (and other Drive-Thru Establishments).			New section to address Drive-thru establishments
4.02.37	Sales or Minor Storage of Propane Gas	3.16.07.04	Sales or Minor Storage of Propane Gas	Section relocated from Section 3.16.07.04
4.02.38	Sales/repair of heavy equipment	3.24.00	Sales/repair of heavy equipment	Section relocated from Section 3.24.00
4.02.39	Service Station/Minor Automotive Repair.	3.16.04.01	Service Station/Minor Automotive Repair.	Section relocated from Section 3.16.04.01.
4.02.40	Sewage Disposal Facility	3.16.09.01	Sewage Disposal Facility	Section relocated from Section 3.16.09.01; Reference removed as site development plans are required for all development.
4.02.41	Shopping Center (Less than 250,00 S.F)	3.20.03	Shopping Center (Less than 250,00 S.F)	Section relocated from Section 3.20.03.
4.02.42	Shopping Center (250,000+ S.F)	3.17.02	Shopping Center (250,000+ S.F)	Section relocated from Section 3.17.02.
4.02.43	Slaughterhouse	3.17.05.09	Slaughterhouse	Section relocated from Section 3.17.05.09.
4.02.44	Solar Power Generation Facility			New Section added to address Solar Power generation facilities.
4.02.45	Townhouses	3.16.02.02	Townhouses	Section relocated from Section 3.16.02.02.
		3.17.07.01	Transmittal Lines	Section relocated from Section 3.17.07.01 and deleted as it is removed from the Table of Uses.
4.02.46	Utility Substation	3.16.09.02	Utility Substation	Section relocated from Section 3.16.09.02.
		3.22.18.03	Vocational/Technical School	Section relocated from Section 3.22.18.03; Deleted as information is included on the Table of Uses.
4.02.47	Wastewater Residuals and Domestic Septage	3.22.00	Wastewater Residuals and Domestic Septage	Section Title relocated from Section 3.22.00
4.02.47.01	Intent and Purpose	3.22.01	Intent and Purpose	Section relocated from Section 3.22.01.

PROPOSED ULDC REFERENCE		EXISTING ULDC REFERENCE		COMMENT
Section	Title	Section	Title	
4.02.47.02	Adoption of State and Federal Rules by Reference	3.22.02	Adoption of State and Federal Rules by Reference	Section relocated from Section 3.22.02.
4.02.47.03	Definitions	3.22.03	Definitions	Section relocated from Section 3.22.03(A); reference to definitions in Article 14 added.
4.02.47.04	Exemptions	3.22.04	Exemptions	Section relocated from Section 3.22.04.
4.02.47.05	Prohibited Acts	3.22.05	Prohibited Acts	Section relocated from Section 3.22.05.
4.02.47.06	Land Spreading Permit Required	3.22.06	Land Spreading Permit Required	Section relocated from Section 3.22.06.
4.02.47.07	Permit Application Review and Issuance	3.22.07	Permit Application Review and Issuance	Section relocated from Section 3.22.07.
4.02.47.08	Modifications to Permits	3.22.08	Modifications to Permits	Section relocated from Section 3.22.08.
4.02.47.09	Land Spreading Site Requirements	3.22.09	Land Spreading Site Requirements	Section relocated from Section 3.22.09.
4.02.47.10	Vehicle Registration Requirements	3.22.10	Vehicle Registration Requirements	Section relocated from Section 3.22.10.
4.02.47.11	Permit Fees	3.22.11	Permit Fees	Section relocated from Section 3.22.11.
4.02.47.12	Reporting Requirements	3.22.12	Reporting Requirements	Section relocated from Section 3.22.12.
4.02.47.13	Monitoring and Inspection	3.22.13	Monitoring and Inspection	Section relocated from Section 3.22.13.
4.02.47.14	Forms	3.22.14	Forms	Section relocated from Section 3.22.14.
4.02.47.15	Enforcement and Penalties	3.22.15	Enforcement and Penalties	Section relocated from Section 3.22.15.
4.02.47.16	Annual Review	3.22.16	Annual Review	Section relocated from Section 3.22.16.
4.02.48	Wastewater Septage Treatment Facility Site in A-1 Zoned District	3.22.17	Septage Treatment Facility Site in A-1 Zoning District	Section relocated from Section 3.22.17
4.02.49	Water Tower	3.16.09.03	Water Tower	Section relocated from Section 3.16.09.03.
4.02.50	Wholesale Distributor More Than 50,000 s.f.	3.16.06.01	Wholesale Distributor More Than 50,000 s.f.	Section relocated from Section 3.16.06.01.

## ARTICLE 4 STANDARDS FOR SPECIFIC USES AND SPECIAL SITUATIONS

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4.02.06	Building Supply Sales, Outdoor.....	4-15
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4.02.35	Restaurant.....	4-62
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## ARTICLE 4

### STANDARDS FOR SPECIFIC USES AND SPECIAL SITUATIONS

Text that is underlined is text to be added and text that is shown as ~~strikeout~~ is to be removed. *Comments* provided for information and are not adopted as part of the Unified Land Development Code text.

#### **SECTION 4.01.00 GENERAL PROVISIONS**

These specific special uses have unique characteristics that require the imposition of development criteria to ensure that they are not harmful to the health, safety, and welfare of residents, surrounding uses and surrounding properties. These criteria may be applied in relation to use, occupancy, location, construction, design, character, scale, manner of operation, or the necessity for making complex or unusual determinations. The uses are listed in this Section together with the specific criteria that apply to each specific use. They are listed in alphabetical order and these criteria/minimum standards shall be met in addition to all other standards of this Code, unless specifically addressed in this section, and all applicable regulations of other governmental agencies.

*Comment: Language added to address general provisions.*

#### **~~3.16.00. Development Standards for Uses Requiring a Site Development Plan.~~**

~~The purpose of this Section is to set the standards and requirements for those uses requiring Site Development Plan review as set forth in Table 2.29.02(B). The intent of this Section is to ensure that such uses minimize site specific impacts with surrounding properties and are designed to safeguard the public health, safety and welfare. Where standards provided herein exceed and/or create greater restrictions than those of the underlying zoning district, this Section shall supersede any other provision of this Code.~~

~~Where no standard is established in this Section the standard established in the relevant zoning district shall apply.~~

*Comment: Language relocated from Section 3.16.00 and deleted for new format.*

#### **~~3.17.00. Development Standards for Major Special Exception Uses.~~**

~~The purpose of this Section is to set criteria for approval of Major Special Exception Uses. Major Special Exception Uses are those uses that have some special impact or uniqueness such that their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location. Major Special Exception Use Permits shall be granted in accordance with the provisions of Section 7.12.00. Special standards and requirements presented in this Section are conditions for approval of Major Special Exception Uses and shall be binding on all development authorized under the Major Special Exception Use Permit.~~

~~Where standards provided herein exceed and/or create greater restrictions than those of the underlying zoning district, this Section shall supersede any other provision of this code. Where no standard is established in this Section that section of the relevant zoning district shall apply.~~

*Comment: Language relocated from Section 3.17.00 and deleted because Major Special Exceptions are now Major Mining Special Exceptions, which are addressed in Article 13*

#### **4.01.01 Development Standards for Uses Permitted with Conditions (PWC)**

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

The standards for Uses identified in Section 4.02.00 apply to uses listed as "PWC" Permitted with Conditions in Section 3.03.00, Table 3.03.00(A), and approved under the provisions of Article 9, Section 9.07.00. Where standards provided herein exceed and/or create greater restrictions than those of the underlying zoning district, this Section shall supersede any other provision of this Code. Where no standard is established in this Section, that of the relevant zoning district shall apply.

No person shall have any right to operate a use identified as a Use Permitted with Conditions unless all of the conditions specified in the section related to that use or conditions set by the Planning and Zoning Board are currently and continuously complied with. It shall be a violation of this Code to operate any use delineated in this Article without complying with the applicable conditions.

*Comment: New Section added to address the standards for uses permitted with Conditions.*

#### **4.01.02- Development Standards for Uses Permitted By Special Exception-**

~~The purpose of this Section is to create an approval process~~ set the standards and requirements for Special Exception uses, those that are permitted only through special application and public review. Its intent is to ensure that such uses, if approved, are compatible with surrounding properties, and are developed in suitable locations with those design features that are necessary to safeguard the public health, safety, and welfare.

Special Exceptions shall be granted in accordance with the provisions of Section ~~7.13.00~~ 9.08.00. Special standards and requirements presented in this Section are conditions for approval of the Special Exception and shall be binding on all development authorized under the Special Exception.

The ~~following~~ standards for Uses identified in Section 4.02.00 apply to uses listed as "S" Special Exceptions in Section ~~2.29.01~~ 3.03.00, Table ~~2.29.01~~ 3.03.00 (A), and approved under the provisions of Article ~~79~~, Section ~~7.13.00~~ 9.08.00. Where standards provided herein exceed and/or create greater restrictions than those of the underlying zoning district, this Section shall supersede any other provision of this Code. Where no standard is established in this Section, that of the relevant zoning district shall apply.

No person shall have any right to operate a use identified as a Special Exception unless all the conditions specified in the section related to that use or conditions set by the Board of County Commissioners are currently and continuously complied with. It shall be a violation of this Code to operate any use delineated in this Article without complying with the applicable conditions.

*Comment: Language relocated from Section 3.18.00 and updated to clarify the role the conditions play.*

### ~~2.28.00. General Regulations for Commercial/Industrial Zoning Districts.~~

*Comment: Section title relocated from Section 2.28.00 and deleted as uses reorganized alphabetically.*

### ~~3.16.02. Multiple-Family Residential.~~

*Comment: Section title relocated from Section 3.16.02 and deleted as uses reorganized alphabetically.*

### ~~3.16.04. Automotive.~~

*Comment: Section title relocated from Section 3.16.04 and deleted as uses reorganized alphabetically.*

### ~~3.16.05. Retail Commercial: Outdoor Storage Allowed.~~

*Comment: Section title relocated from Section 3.16.05 and deleted as uses reorganized alphabetically.*

### ~~3.16.06. Non-retail/Service Commercial~~

*Comment: Section title relocated from Section 3.16.06 and deleted as uses reorganized alphabetically.*

**~~3.16.09. Public Service Facilities.~~**

*Comment: Section title relocated from Section 3.16.09 and deleted as uses reorganized alphabetically.*

**~~3.17.05. Heavy Industry.~~**

*Comment: Section title relocated from Section 3.17.05 and deleted as uses reorganized alphabetically.*

**~~3.17.07. Public Service Facilities.~~**

*Comment: Section title relocated from Section 3.17.07 and deleted as uses reorganized alphabetically.*

**~~3.18.01. Single Family Detached Dwelling Units.~~**

*Comment: Section title relocated from Section 3.18.01 and deleted as uses reorganized alphabetically.*

**~~3.20.00. Retail Commercial, No Outdoor Storage or Activities.~~**

*Comment: Section title relocated from Section 3.20.00 and deleted as uses reorganized alphabetically.*

**~~3.21.04. Public Service Facilities.~~**

*Comment: Section title relocated from Section 3.21.04 and deleted as uses reorganized alphabetically.*

**~~3.22.18. Educational/Cultural Facilities.~~**

*Comment: Section title relocated from Section 3.22.18 and deleted as uses reorganized alphabetically.*

## **SECTION 4.02.00 SPECIFIC USES**

*Comment: Section title added to address specific uses.*

### **4.02.01. Adult Entertainment Establishment.**

It is the purpose and intent of this Section to provide appropriate sites within the County for adult entertainment establishments, and to ensure the peace and tranquility of the community.

- (A) The establishment must be located at least 1,500 feet from a church place of worship, daycare, or any school (Pre-Kindergarten, Kindergarten, Elementary, Junior High, High School, Junior College, or College) whether public or private.
- (B) The establishment must be located at least 1,000 feet from any residence or residentially-zoned property.
- (C) Points of ingress/egress to the property must connect to a road having a functional classification of Collector or higher.

*Comment: Section relocated from Section 3.17.01; change the word "church" to "place of worship" consistent with RLUIPA.*

### **~~2.05.00. Adult Living Facility and Nursing Home.~~**

- ~~(A) Facility shall be licensed by the State of Florida.~~

*Comment: Section relocated from Section 2.05.00 and deleted as a requirement for licensing by the state does not need to be included as a requirement in the ULDC.*

### **4.02.02. - Agricultural Disposal of Septage.**

Land application of septage for agricultural purposes shall be permitted in A-1- zoned district upon the following conditions:

- (A) The State of Florida Department of ~~Health and Rehabilitative Services~~ Environmental Protection has approved the site for septage disposal; ~~and.~~
- (B) Land application of septage shall only occur after it has been properly treated by a septage stabilization process as approved by the State of Florida Department of ~~Health and Rehabilitative Services~~ Environmental Protection; ~~and.~~

- (C) *Letter of credit or bond.* An irrevocable letter of credit or bond in the amount of \$10,000.00 from the septage hauler/contractor who is applying for on-site disposal of septage, or operation of the Septage Treatment Facility shall be made payable to Hardee County, for the purposes of correcting any environmental damage or public health threat caused by the land application of septage. Only one \$10,000.00 irrevocable letter of credit or bond is required to cover all sites operated by one septage hauler/contractor. The irrevocable letter of credit or bond shall be for a period of one year and shall be renewed each year that the State of Florida Department of Health and Rehabilitative Services Environmental Protection, re-permits the site. No septage can be applied or disposed on-site without such irrevocable letter of credit or bond. This provision shall not apply to any government agency; ~~and.~~
- (D) *Setbacks.* The land application area must comply with the following minimum setbacks:

Surface Feature	Setback Distance in feet
Class I waterbody or Outstanding Florida Water (OFW)	3,000
Peace River, Horse Creek, Charlie Creek, Payne Creek, Little Payne Creek	3,000
Any river, stream or tributary	1,000
Any other surface water, including wetlands, except canals or waterbodies used for irrigation that are located entirely within the site and which will not discharge from the site at any time	200
Any public potable water supply well	1,000
Any private potable water supply well located off-site	1,000*
Any private potable water supply well located on-site	300
Any irrigation well (that is not drawing from the Floridan Aquifer)	100
Any building occupied by the general public	500
Any occupied residence	500*
Any property line	200**

The setback may be reduced to 300 feet minimum with an affidavit from affected property owner(s) granting such reduction. The affidavit must be dated, contain original signature(s) and signature(s) must be properly notarized, and affidavit must be recorded with the property owner(s) deed with the Clerk of the Court.

\*\*= The setback may be reduced to 75-foot minimum with an affidavit from affected property owner(s) granting such reduction. The affidavit must be dated, contain original signature(s)

and signature(s) must be properly notarized, and affidavit must be recorded with the property owner(s) deed with the Clerk of the Court.

*Comment: Section relocated from Section 2.26.00.*

**4.02.03. Light Industry: Airports and Aviation Uses.**

- (A) Landing strips and heliports, accessory hangers and sheds are subject to the intensity class performance criteria applicable to the underlying zoning district.
- (B) The area proposed for this use shall be sufficient and the site otherwise adequate to meet the standards of the FAA.
- (C) Any proposed runway or landing strip shall be situated so that any structures, high voltage power lines, towers, chimneys, and natural obstructions within the approach zones shall comply with regulations for height restrictions in airport approach zones of the FAA.
- (D) There shall be sufficient distance between the end of each usable landing strip and the airport boundary to satisfy the requirements of the FAA. If air rights or easements have been acquired from the owners of abutting properties in which approach zones fall, proof thereof shall be submitted with the application.
- (E) No existing or planned approach areas shall be permitted over existing residential areas or over vacant areas zoned for future residential development; however, approach areas may be allowed over such vacant areas if deed restrictions or other mechanisms ensure that they will not be developed for residential uses.
- (F) Off-street parking required: one space for every plane space within the hangers plus one space for every tie-down space plus one space for every two employees.
- (G) *Building setback:* All hangers or structures other than administration buildings shall be at least 100 feet from any street or lot line.
- (H) All repair of airplanes and machinery shall be done at least 100 feet from any street or lot line.
- (I) Residential uses shall not be located within the approach path or the noise zone.

*Comment: Section relocated from Section 3.17.04.*



### **~~2.28.01 Sale and Consumption of Alcoholic Beverages.~~**

~~The sale of alcoholic beverages for consumption on the premises where such beverages are sold is prohibited, except as provided in this subsection. "Bottle clubs" or other establishments where alcoholic beverages are consumed, but not sold, on the premises, shall be prohibited, except as provided below:~~

~~(A) Private Clubs.~~

~~Private clubs, including country clubs and civic or fraternal organizations, may serve alcoholic beverages upon obtaining the necessary licenses and permits from the State of Florida, when such service is incidental to the main use of the property and is limited to the exclusive use of members and guests of the club.~~

~~(B) Established Business.~~

~~The sale of alcoholic beverages in established businesses shall be permitted in C-1 and C-2 zoned districts with a special exception; shall be permitted as a use by right ("P") in the I-1 and I-2 zoned districts; and shall be permitted with a Site Development Plan in the C/IBC zoned district. "Established business" is defined in Article 9 of this Code. Review of an application for approval of a Site Development Plan is governed by Article 7. In these districts the sale of alcoholic beverages is subject to the following standards:~~

~~(01) More than 50 percent of the established business' revenues are derived from the sale of food;~~

~~(02) All public entrances of the established business are located at least 500 feet from an established church, an established day care center or an established school which distance shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the main public entrance of said established business to the nearest entrance of the established church, established day care center or established school;~~

~~(03) All public entrances of the established business are located at least 1,500 feet from any residentially zoned property;~~

~~(04) Points of ingress/egress to the property connect to a road having a functional classification of Collector or higher.~~

~~(C) Restaurants.~~

~~Any food service establishment whose revenues derived from the sale of prepared food exceed 50 percent of its revenues may sell alcoholic beverages for consumption on the premises.~~

*Comment: Section relocated from Section 2.28.01 and deleted because the County is limited in location, hours, types of entertainment, and sanitary issues.*

**4.02.04 Alcoholic Beverages General Provisions.**

~~Sale and Consumption of Alcoholic Beverages.~~

(A) Generally

~~(02)~~ All vendors shall be licensed by the Division of Alcoholic Beverages and Tobacco of the State Department of Business, shall comply with all laws of the State of Florida and all rules and regulations promulgated by the Division in the conduct and operation of all businesses authorized to sell, serve and dispense alcoholic beverages, and reference is hereby made to Chapters 561 through 568 of the Florida Statutes, and the same are hereby incorporated herein by reference and adopted as part hereof, except as portions thereof may be modified hereinafter.

~~(06)~~ No manufacturer, distributor, exporter or vendor of alcoholic beverages, including wine and/or beer, shall engage in the business and/or operation of selling alcoholic beverages, including wine and/or beer, without first having secured and/or obtained a license from the Division of Alcoholic Beverages and Tobacco of the State Department of Business Regulation.

(AB) Hours of Sale.

~~(01)~~ It shall be unlawful for any alcoholic beverages, including wines and/or beers, to be sold, served, dispensed, consumed or permitted to be served or consumed on the premises of any licensee operating under a valid license issued by the Division of Alcoholic Beverages and Tobacco of the State Department of Business regulation between the hours:

Sunday	1:00 a.m. and Noon
Monday	1:00 a.m. and 7:00 a.m.
Tuesday	1:00 a.m. and 7:00 a.m.

Wednesday	1:00 a.m. and 7:00 a.m.
Thursday	1:00 a.m. and 7:00 a.m.
Friday	1:00 a.m. and 7:00 a.m.
Saturday	1:00 a.m. and 7:00 a.m.

Division of Alcoholic Beverages and Tobacco of the State Department of Business Regulation is defined in Article 914 of this Code.

In addition to the hours of sale provided in Paragraph (01), the sale of alcoholic beverages shall be allowed for an additional hour from 1:00 a.m. and 2:00 a.m. on January 1st.

(C) Location

~~(031) No license shall be granted to a vendor to sell, serve or dispense alcoholic beverages, including wine and/or beer~~ No person shall construct or use any building for selling, serving, or dispensing alcoholic beverages, including wine and/or beer including for consumption on the vendor's property by the Division, whose place of business for selling, serving or dispensing alcoholic beverages, including wine and/or beer, is or shall be within 500 feet of an established church place of worship, school, or day care which distance shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the main entrance of said alcoholic beverage business to the nearest entrance of the established church, school or day care drawing a straight line from the nearest property line of the pre-existing protected use to the nearest line of the proposed alcoholic beverage business.

(Ba) Drinking Establishments.

~~The on premises consumption of alcoholic beverages in drinking establishments shall be permitted in C-2, I-1, and I-2 zoned districts with a Site Development Plan-Minor and permitted with a Site Development Plan-Major in C-1 zoned district. Review of an application for approval of a Site Development Plan is governed by Article 7. In these districts t~~The sale of alcoholic beverages is subject to the following standards:

~~(01).~~ All public entrances of the establishment are located at least 500 feet from a church place of worship, day care center, or an established school;

- ~~(02).~~ All public entrances of the establishment are located at least 1,500 feet from any residentially-zoned property;
- ~~(03).~~ Points of ingress/egress to the property connect to a road having a functional classification of Collector or higher.
- ~~(a) — No vendor licensed by the Division to sell, serve or dispense alcoholic beverages, including wine and/or beer, shall conduct his/her place of business within 500 feet of an established church, which distance shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the main entrance of the established church.~~
- ~~(b) — No vendor licensed by the Division to sell, serve or dispense alcoholic beverages, including wine and/or beer, shall conduct his/her place of business within 500 feet of an established school, which distance shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the main entrance of said place of business to the nearest point of the school grounds in use as part of the school facilities.~~
- ~~(c) — No vendor licensed by the Division to sell, serve or dispense alcoholic beverages, including wine and/or beer, shall conduct his/her place of business within 500 feet of an established day care, which distance shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the main entrance of said place of business to the nearest point of the day care grounds in use as part of the day care facilities.~~
- (04D) No certificate of use or occupancy, building, plumbing, electrical or other permit, including, but not limited to, health permits, shall be issued to any person, firm, association or corporation conducting and/or operating a business for sale of alcoholic beverages, including wine and/or beer, at a location prohibited, pursuant to Paragraph[s] ~~(03)(a), (03)(b), (03)(c)~~ above this Article.
- (05E) The provision of Paragraph[s] ~~(03)(a) and (03)(b)~~ shall not apply to licensed vendors:
- (a1) Holding valid licenses on January 01, 2001, for the sale of beer; but the license of any such vendor shall not be transferred to another location prohibited herein.

- (~~b~~2) Of beer and/or wines for consumption off the premises only;
- (~~e~~3) Of an "established business" as defined in Article ~~9~~14 of this Code.
- (~~07~~F) It shall be unlawful for any person, firm, association or corporation, or the officers, agents, or employees, to sell, give, serve, or permit to be served, any alcoholic beverages, including wine and/or beer, to any of the following enumerated persons or to permit any of the following enumerated persons to consume any of said beverages on licensed premises, to-wit:
- (~~a~~1) Any person under 21 years of age;
- (~~b~~2) Any person who is intoxicated;
- (~~e~~3) Any person who is mentally incompetent and known to be so by the seller or any person whom the seller has good reason to believe might be mentally incompetent; or
- (~~d~~4) Any person who is a habitual drunkard and known to be so by the seller or any person whom the seller has good reason to believe might be a habitual drunkard.
- (~~08~~G) No person shall possess an open container of an alcoholic beverage while in the parking lots or outside the premises for which a valid license for the sale of alcoholic beverages has been issued by the Division of Alcoholic Beverages and Tobacco of the State Department of Business Regulation.
- (~~09~~H) No person shall possess an open container of alcoholic beverages or consume any alcoholic beverages, including wine and/or beer, upon the public streets, roads, public parking lots or rights-of-way within the unincorporated areas of Hardee County, Florida, or upon the premises or parking lot or parking area of any club or business that operates a business other than the sale or consumption of alcoholic beverages.
- (~~10~~I) Open containers ~~is~~ are defined as any container whose contents are immediately capable of being consumed from, or the seal of which has been broken or tampered with.
- (~~11~~J) Upon receipt of written request, the Board of County Commissioners in writing may waive Paragraphs (~~08~~G), (~~09~~H) or (~~10~~I) for special events on a time and site-specific basis.

- ~~(12K)~~ Hardee County adopts by reference the definitions set out in Section 561.01, Florida Statutes, as they may, from time to time be amended.
- ~~(13L)~~ These provisions of ~~(A)(01) through (A)(14)~~ inclusive shall apply to and be in full force and effect in all unincorporated areas of Hardee County, Florida.
- ~~(14M)~~ Any expansion of the premises to include outside areas will not be considered an expansion of a non-conforming use so long as additional impervious area is not added. The perimeter of all approved outside areas shall either be fenced or delineated in a manner which will permit an objective determination of the boundary of the approved premise for enforcement purposes.
- ~~(15) The Board of County Commissioners shall review each "sketch" submitted to identify the premises and shall either approve, approve with conditions, or deny based upon compliance with provisions contained herein and other applicable provisions of the Land Development Code.~~
- ~~(CN)~~ Prohibited Acts in Licensed Alcoholic Beverage Establishments.
- (Ø1) It shall be unlawful for any person to appear in a licensed alcoholic beverage establishment or licensed premises, as defined in Section 561.01, Florida Statutes in such a manner or attire as to expose to public or private view, or to employ any device or covering that is intended to give the appearance of, any portion of the pubic area, anus, vulva or genitals, or, if such person is female, the area of the breast directly or laterally below the top of the areola.
- (Ø2) It shall be unlawful for any person owning, maintaining, operating or leasing a licensed alcoholic beverage establishment or licensed premises as defined in Section 561.01, Florida Statutes, or any other person, to permit any violation of subsection ~~(CN)~~(Ø1) of this Code.
- (Ø3) It shall be unlawful for any person to engage in any activity commonly referred to as a "lap dance" or "private table-side dancing" whereby the lap dancer or private table-side dancer intentionally sits upon or rubs against the clothed or unclothed genitals, vulva, anus or buttock of any patron, customer or spectator therein in exchange for receiving a tip, donation, gratuity or anything of value, including, but not limited to, money, or for no consideration at all. It shall be unlawful as well for the patron, customer, or spectator upon whose body the lap dancer or private table-side dancer is committing the above-proscribed activity to permit the activity to occur.

- (04) It shall be unlawful for any person owning, maintaining, operating or leasing a licensed alcoholic beverage establishment or licensed premises as defined in Section 561.01, Florida Statutes, to permit the construction, maintenance or use of areas completely or partially partitioned, curtained or screened from public view that are permitted to be used for the activities prescribed in (EN)(01) and (EN)(03) of this Code.

*Comment: Section relocated from Section 2.28.02; language relating to levels of approval in zoning districts deleted as it is addressed in the Table of Uses.*

#### **4.02.05. Apartment Buildings.**

- (A) Area Requirements:

Lot minimum:	10,000 square feet
<u>Lot</u> Width minimum:	85 feet at the front building setback line
<u>Lot</u> Depth minimum:	100 feet

- (1) The first four units of any multi-family structure shall require a minimum of 10,000 square feet of lot area.
- (2) For each dwelling unit in excess of four on the first two floors, there shall be an additional 1,200 square feet of lot area.
- (3) For each dwelling unit on the third floor there shall be an additional 900 square feet of lot area.
- (B) *Building Height Regulations:* Maximum of 35 feet in height from final ground level of building.
- (C) *Maximum Land Coverage:* The maximum area of land coverage by structures shall be regulated by the setbacks of this Section.
- (D) Yard Regulations:
- (01) *Front Yard.* Twenty-five feet in depth measured from any right-of-way line to the front of the structure.
- (02) *Rear and Side Yard.* Fifteen feet for the first two stories, and 20 feet for three stories. Any rear or side yard abutting a street shall be 25 feet.
- (E) *Off-Street Parking.* See Section ~~3-11.00~~ 5.09.00, Off-Street Parking Requirements.

*Comment: Section relocated from Section 3.16.02.01.*

**4.02.06. Building Supply Sales, Outdoor.**

- (A) Property shall be at least one acre in size.
- (B) Storage areas shall be screened from view with a wall or opaque fence. A fence must be constructed along the property line adjacent to residential land use in addition to the buffer yard required by Section ~~3.07.00~~ 5.13.00. This fence may be constructed of wood, chain link with inserts, masonry, or metal, no less than six feet in height. Specifications for the type of fences are as follows:
- (Ø1) *Wood fence:* Privacy fence constructed of cypress, redwood, or wood treated for outdoor exposure;
- (Ø2) *Chain link with inserts:* Must be of non-corrosive construction; inserts must be maintained so that there are no breaks or gaps; inserts must be metal or plastic;
- (Ø3) *Masonry:* Shall be constructed and maintained to present a clean, uniform appearance; or
- (Ø4) *Metal:* Shall be constructed and maintained to present a clean, uniform appearance with no rust and with no gaps showing.

*Comment: Section relocated from Section 3.16.05.01.*

**4.02.07. Building Supply Salvage Yard.**

This use shall conform to the General Requirements for Heavy Industrial Uses listed in Section ~~3.16.09~~ 4.02.20 except fencing, as detailed below.

Fencing must conform to those standards in Section ~~3.16.09(D)~~ 4.02.20(D) except that fencing must be no less than 10 feet in height.

*Comment: Section relocated from Section 3.16.08.01.*

**4.02.08. Bulk Storage of Chemicals, Petroleum Products, and/or Explosive Gases.**

- (A) Adequate containment must be utilized. Facilities and procedures shall be designed to prevent substances from entering the water or soil, and employ



adequate means for prompt and effective cleanup of spills that do occur. See Article ~~57~~, Section ~~5.03.08~~ 7.02.08 for more specific guidelines.

- (B) Containment must be adequate for any leaks or spills that may occur.
- (C) Storage of these kinds of materials must be appropriate to the surrounding land uses.
- (D) The facility shall meet applicable standards for noise, smoke, lighting, and gases established in Section 3.14.00, Performance Standards.
- (E) Setback for the bulk storage and disbursement of chemicals and explosive gases must meet all applicable State and Federal Standards.

*Comment: Section relocated from Section 3.17.05.01.*

#### **4.02.09. Cannery.**

- (A) Minimum lot size shall be one-half acre.
- (B) The buffer yard abutting the right-of-way of a public road shall be a buffer yard "D", see ~~Table 3.15F, Figure D~~ Section 5.13.00.
- (C) All lights shall be shielded to focus and direct lighting onto the uses established, and away from adjacent property, but may be of sufficient intensity to discourage vandalism and theft. Reference Section ~~3.14.00~~ 5.12.00, Performance Standards, for applicable glare and lighting standards.
- (D) Stored material shall be completely screened from view by an opaque fence no less than eight feet in height in addition to the buffer yard required by Section ~~3.15.00~~ 5.13.00. This fence may be constructed along the property line of wood, chain link with inserts, masonry, or metal. Specifications for the type of fences are as follows:
  - (Ø1) *Wood fence:* Privacy fence constructed of cypress, redwood, or wood treated for outdoor exposure.
  - (Ø2) *Chain link with inserts:* Must be of non-corrosive construction; inserts must be maintained so that there are no breaks or gaps; inserts must be metal or plastic.
  - (Ø3) *Masonry:* Shall be constructed and maintained to present a clean, uniform appearance.

- (04) *Metal*: Shall be constructed and maintained to present a clean, uniform appearance with no rust and with no gaps showing.

*Comment: Section relocated from Section 3.17.05.02.*

#### **4.02.10 Car Washing and/or Detailing**

- (A) Purpose. Car washes and detailing establishments are intended to provide service cleaning for motor vehicles and domestic equipment. However, car wash and detailing uses have the potential to generate undesirable conditions for adjacent properties including noise, particle disbursement and untreated runoff. The purpose and intent of this section is to establish appropriate standards which allow for the typical range of activities, while mitigating the associated undesirable impacts.
- (B) Applicability. This section shall apply to car wash and detailing uses. This section does not apply to temporary car wash activities that occur no more than three consecutive days at the same location.
- (C) Standards.
- (1) When within or adjacent to a residential district the following standards shall apply:
- (a) Sound from radios, stereos, or other sound amplification devices shall not be audible from the adjacent residential district. Signs shall be conspicuously posted notifying persons of these prohibitions.
- (b) Car washing and detailing activities shall be limited to the hours from 7:00 a.m. to 9:00 p.m.
- (c) Generators shall not be used in conjunction with exterior washing and detailing.
- (d) A six-foot high opaque wall or fence shall be provided along rear and side property lines around the car wash/detailing facility and its associated operations.
- (2) Vacuum stations.

- (a) Vacuum stations and related equipment shall comply with the setbacks for the principal structure.
- (b) Outside vacuum stations and related equipment are prohibited along any side of a building abutting a residential district.
- (3) Traffic circulation and vehicle stacking.
  - (a) Drive-lanes and parking spaces shall be clearly delineated.
  - (b) A bypass lane shall be provided to allow vehicles a way to enter and exit the site without having to turn around on the site or travel through a car wash tunnel or bay.
- (4) All carwash bays and tunnels and all carwash equipment shall be designed to minimize the creation, and carrying off the premises, of airborne particles of water, chemicals, and dust. No wash-water runoff generated by the carwash facility may be conveyed off site into the Municipal Separate Storm Sewer Systems (MS4). Runoff must be directed to either a recycling system or other water quality treatment facility.

*Comment: Language added to address car washing and/or detailing.*

#### **4.02.11 Day Child Care Center.**

Special Exception approval is required in R-2-, R-3- and A-1-zoned districts.

Child care centers shall meet NFPA-101 Life Safety Code, and all regulations specified by state law and County regulations.

- (A) Child care centers shall have direct access to a public street, including a sidewalk, which will accommodate separate pedestrian and vehicle traffic to and from the use, as determined by the Planning and Development Director.
- (B) All child care centers within residential zoning districts shall meet the following standards. Child care centers that do not meet these standards may still be allowed but only through a Special Exception.
  - (1) The child care center shall be located upon a roadway classified as a collector or higher on the Roadway Functional Classification Map; and

- (2) The child care center shall be located at the edge of a neighborhood, at a corner location or be an integral part of a multifamily development.

*Comment: Section relocated from Section 3.22.18.01 and additional requirements added.*

#### **4.02.12. Commercial Incinerator.**

~~Major Special Exception Use approval is required in I-1, I-2 and A-1 zoned districts.~~

- (A) Incinerator facility shall be located at least 1,000 feet from any property line.
- (B) Landscaping shall be provided in all setback areas according to Landscape Standard "D" See Section ~~3.15.00~~ 5.13.00.
- ~~(C) Incinerator facility shall meet applicable standards for noise, smoke, lighting, and gas established in Section 3.14.00, Performance Standards.~~

*Comment: Section relocated from Section 3.17.05.03; Language deleted as level of approval is addressed in the Table of Uses and all uses must meet performance standards.*

#### **4.02.13. Communications Towers.**

The purpose of this section is to provide for the siting, performance, development standards, and general regulations governing communications towers and antennas.

Special Exception approval is required in F-R, I-1, I-2, A-1 and P-I-zoned districts where the tower will not meet the 100% setback requirement. The tower may be set back a distance no less than 50% of its height:

- ~~(01A)~~ When certification by an engineer licensed in the State of Florida that the structure is designed to collapse within the boundaries of the property on which it is built has been received, and
- ~~(02B)~~ When the Board of County Commissioners determines that all safety concerns have been met the tower shall meet all applicable standards of the FCC, the FAA and any other relevant Federal or State agency.
- (C) This Section shall not apply to the following:

- (1) Any communication tower or antenna that is placed in response to an emergency, as declared by Hardee County, the State of Florida or any other agency with the authority to declare an emergency (this exemption shall

apply only for the duration of the emergency and for such period of time following the emergency as is reasonably necessary to remove the tower or antenna);

- (2) Any communication tower or antenna that is operated solely by an amateur radio operator licensed by the FCC; and,
- (3) Antennas placed on alternative support structures and antennas placed on communication towers which do not add to the height of an existing communication tower.

(D) General guidelines and requirements shall include the following:

- (1) Communication towers and antennas, including their equipment buildings and other supporting equipment, may be considered both principal uses and accessory uses such that, notwithstanding the provisions of this Section, the existence or non-existence of a principal use or structure on a lot or parcel shall not preclude the installation of an antenna or communication tower. For the purposes of applying setbacks, lot coverage, buffering and other applicable development regulations, the entire lot or parcel on which a communication tower or antenna is located shall be treated as the lot, even if the communication tower or antenna is located on a leased portion of land. Communication towers and their antenna, with the exception of their equipment buildings and other accessory structures, are exempt from the height regulations required by their land use district.
- (2) Aesthetics and lighting shall conform to the following:
  - (a) With the exception of concrete communication towers, all communication towers shall have either a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
  - (b) To the extent possible, communication towers and their support facilities shall be designed with materials, colors, textures, screening, and landscaping that will blend the communication tower with its surrounding environment.
  - (c) Communication towers shall not be artificially lighted unless required by the FAA or any other authority with jurisdiction. If lighting is required, strobe lighting shall be utilized during daylight hours only and red lighting shall be utilized at night unless another

form of lighting is required by the FAA or any other authority with jurisdiction.

- (3) Notwithstanding anything herein to the contrary, all communication towers shall meet all applicable requirements of the FAA, the FCC, and any other agency of the federal government with the authority to regulate telecommunication facilities.
- (4) New communication towers and antennas, as well as modifications to existing towers, including height additions and additions of antennas, shall be designed in accordance with the Florida Building Code requirements and all other applicable state and local construction Codes. Construction plans shall be signed and sealed by an engineer licensed to practice in the State of Florida.
- (5) In addition to the required fee for review, each application for the construction of a new communication tower shall include the tower manufacturer's product specifications indicating that the tower will satisfy all standards imposed by the American National Standards Institute (ANSI). Applications for modifications to existing communication towers shall include a certification as to the structural integrity of the structure, including the structure's foundation, prepared by an engineer licensed to practice in the State of Florida. Upon completion of a communication tower or a modification to an existing tower, a signed and sealed statement by an engineer licensed to practice in the State of Florida certifying that the structure has been constructed in accordance with the engineered design and all applicable state and local construction Codes shall be submitted as a condition of final approval or issuance of Certificate of Occupancy.
- (6) No communication tower shall be approved unless the application for the structure includes a certification that no antennas to be placed on the structure will cause significant interference with a public safety system or with the usual and customary transmission or reception of radio, television and other customary services enjoyed by adjacent residential and non-residential properties.
- (7) No commercial signage or advertising shall be placed on communication towers. However, signs pertaining to trespassing may be posted on communication towers and emergency phone numbers shall be posted in a conspicuous location on the security fencing required.

- (8) Communication towers shall be enclosed by security fencing not less than six feet in height. Access to communication towers shall be through a lockable gate.
- (9) All communication towers legally existing on the effective date of this Code may continue in use regardless of whether or not such structures would be authorized under the provisions of this Section. Notwithstanding, antennas may be co-located on nonconforming communication towers and nonconforming communication towers which have been damaged or destroyed beyond 50 percent may be repaired or replaced.
- (10) Abandoned communication towers shall be removed within 30 days of abandonment. The owner of an abandoned tower, as well as the owner of the real property upon which the tower is situated, shall be jointly and severally responsible for its removal. A communication tower shall be considered abandoned if no licensed operator has had an antenna in use on the structure for a period of 365 consecutive days.
- (11) No communication tower shall be approved unless a lease or other contract exists between the tower applicant and a telecommunication service provider for placement of an antenna on the tower upon approval and construction of the tower. An affidavit that a lease or contract exists may be either submitted in lieu of either lease or contract.
- (12) All communication towers erected as of the effective date of this Code shall provide for co-location in conformance with this Section. No new communication tower shall be approved unless the applicant demonstrates that no existing structure is available or sufficient to accommodate the applicant's proposed antenna. Evidence of any of the following shall be sufficient to demonstrate that no existing structure is available or sufficient to accommodate the applicant's proposed antenna:
- (a) No existing structures are located within the applicant's search ring.
  - (b) Existing structures are of insufficient height to meet the applicant's engineering requirements.
  - (c) Existing structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
  - (d) The applicant's proposed antenna would cause electromagnetic interference with antennas on existing structures, or antennas on

existing structures would cause interference with the applicant's proposed antenna.

(e) The fees, costs or other contractual provisions required by the owner of an existing structure for co-location or the engineering costs to adapt an existing structure for co-location are unreasonable. Fees and costs which exceed the costs to design and construct a new communication tower shall be presumed to be unreasonable.

(f) Other factors exist that render existing structures unsuitable.

(13) The visual impacts of communication towers on nearby viewers shall be mitigated to the extent reasonably possible. At a minimum, a row of trees at least six feet tall at planting shall be planted around the perimeter of the fence to the property and a continuous hedge at least 30 inches high at planting and capable of growing to at least 36 inches in height within 18 months shall be planted in front of the tree line referenced, together providing for an opacity at planting of 60 percent and achieving 100 percent opacity within two years of planting. The required opacity shall be achieved to a height of six feet. All landscaping shall be of an evergreen variety (non-deciduous), except that existing native vegetation shall be preserved if sufficient to meet opacity requirements. The required landscaping shall be located on the outside of the fence to the property. Landscaping requirements may be waived for those sides of a communication tower that are adjacent to undevelopable property or that are not otherwise visible from off-site.

*Comment: Section relocated from Section 3.21.04.01. Text added to provide clarity in regulations.*

#### **4.02.14 Craft Breweries, Distilleries, and Wineries**

All craft breweries, distilleries, or wineries which produces alcoholic beverages for consumption on premise or provide retail sales, shall comply with the following requirements:

(A) All mechanical equipment used in the alcohol production process shall be behind a wall or fence that separates the equipment from any property line abutting a public street other than an alley when viewed along a line perpendicular or radial to such property line. The wall or fence shall be opaque and have a minimum height of six feet.



- (B) Loading and unloading areas shall be provided to the side or rear of the building. Loading and unloading areas shall not be along the front of the building.
- (C) Spent or used grain or similar wastes may be placed outdoors for a period not to exceed 24 hours. The temporary stockpiling for spent or used grain shall be:
- (1) Clearly shown on a detailed dimensional and labeled drawing that depicts the location of the stockpiled spent grains on the property and the distance of the stockpiled grains from the property lines and the building containing the artisan brewery, distillery, or winery.
  - (2) Located only along the side or rear of the building.
  - (3) Fully enclosed in containers that are behind an opaque wall or fence. The wall or fence shall have a minimum height of six feet. Cargo containers and tractor trailers shall not be utilized for the temporary stockpiling of spent or used grains even if the cargo containers and tractor trailers are behind an opaque wall or fence.

*Comment: New Section added to address craft breweries, distilleries, and wineries.*

#### **4.02.15. Drinking Establishment.**

Reference Section ~~2.28~~ 4.02.40(B) for regulations regarding Drinking Establishments.

*Comment: Section relocated from Section 3.16.03.04 .*

#### **3.20.01. Drinking Establishment.**

~~Section 2.28 contains the criteria and standards for this use.~~

*Comment: Section relocated from Section 3.20.01 and deleted as it is duplicate language from current 3.16.03.04.*

#### **4.02.16. Farmworker Housing.**

Farmworker housing is provided specifically to house those persons engaged in agricultural labor on Hardee County groves/farms/ranches/dairies. It is recognized that farm labor currently is not limited to housing on groves/farms/ranches/dairies; however, new housing specifically directed at housing farmworkers is established to provide decent, safe, and sanitary accommodations including, but not limited to workers on groves, farms, ranches, and dairies.

Recognizing that differences in employment patterns exist between citrus operations, dairy/ranch operations and truck farming, different types of housing to accommodate the different operations and industries which are most suitable to their operations is necessary. And, since the intent of creating farmworker housing is for farm labor on Hardee County farms, farmworker housing may be located on non-contiguous lands owned by the grove/farm/ranch/dairy which are an integral part of the afore cited operation, farmworkers housed in farmworker housing shall be substantially employed within Hardee County. Conversely, it is not the intent of this section to establish farmworker housing for lease unless leased to entity principally controlled or owned by landowner applicant. Substantially employed as referenced herein shall mean that not less than 51 percent of the work performed shall be within Hardee County, as measured by the industry standard measurement of production. Nothing herein shall prevent the Board of County Commissioners, under its emergency powers, to grant relief from this requirement.

#### **4.02.16.01. Farmworker Housing, Group Quarters.**

A Site Development Plan shall be processed prior to Site Construction Plan approval and building permitting. Farmworker, Group Quarters, housing may consist of single-family detached dwellings, two-family dwellings (duplex) or congregate living dwellings, such as dormitories. Housing density shall not exceed the density permitted within the Agricultural land use category and the A-1 zoning districts. In addition, population density shall not exceed 3.75 persons per gross acre.

(A) *Locational Criteria:* In addition to being located in Agricultural/A-1 land use/zoning districts, Farmworker, Group Quarters, housing shall be further located as follows:

(01-) The minimum lot/parcel size shall be 40 acres; the maximum size shall not exceed 100 acres; with maximum population of between 150 and 375 persons, respectively.

(02-) Parcels shall front publicly-maintained paved roads. The minimum lot frontage width shall be 200 feet, except lots of record. The Board of County Commissioners may grant a variance from the paved road requirement pursuant to the review criteria set forth in Section ~~7.12~~ 9.08.00 of this Code.

(03-) Housing areas, as measured linearly from property line to property line, shall not be located closer than five miles between each other. The Board of County Commissioners may grant a variance from this

distance requirement pursuant to the review criteria set forth in Section ~~7.12~~ 9.08.00 of this Code.

(B) Development Criteria:

- ~~(01-)~~ Housing units shall be clustered on the site to minimize the space on the property used for the housing proposal. Structure separation shall be a minimum of 15 feet; structure setback from property lines shall be a minimum of 300 feet.
- ~~(02-)~~ Structures shall be limited to one story; however, the Board of County Commissioners may grant a ~~variance~~ waiver to permit two-story structures pursuant to the review criteria set forth in section ~~7.12~~ 11.02.00 of this ~~Code~~.
- ~~(03-)~~ Buffering of the clustered footprint shall be required. Buffering is meant to provide visual and audio screens between the housing area and surrounding properties. Where existing vegetation does not exist, or is impractical to provide, other opaque screens may be considered, including but not limited to masonry walls, PVC fencing, berming, combinations of the described, or other approved buffer.

(C) Structure Criteria:

- ~~(01-)~~ All structures shall comply with the Florida Building Code and related codes (electrical, mechanical, plumbing).

Nothing herein shall prohibit the Planning and Zoning Board from requiring appropriate conditions when considering approval of a Site Development Plan beyond the requirements set forth herein due to unique site-specific conditions.

**4.02.16.02 Farmworker Housing, Resident.**

A Site Development Plan shall be processed prior to building permitting. Farmworker Housing, Resident housing, shall be limited to single-family detached and duplex (two-family) housing structures. Housing density shall not exceed the density permitted within the Agricultural land use category and the A-1 zoning district.

- (A) *Criteria:* In addition to being located in Agricultural/A-1 land use/zoning districts, Farmworker Housing, Resident housing, shall be further located as follows:
01. For single-family dwelling units on parcels less than 20 acres, and/or two-family dwellings (duplex) on 20 or greater acres, compliance with Section 7.07.00, Subdivision Regulations.
  02. Where minimum parcel sizes for each housing are 20 acres, said parcels will be denoted/identified on the Site Development Plan with a metes and bounds description of each proposed parcel. The Site Development Plan shall also identify access to each 20-acre tract.

#### **4.02.16.03. Farmworker Housing/H-2A**

Housing for persons working on groves/farms/ranches and not otherwise meeting the above definitions and criteria, and reviewed and permitted by the Hardee County Department of Health (DOH) as migrant housing, said housing, shall be considered by the County as Farmworker Housing, Migrant/H-2A housing. Within the R-3, C-1 and C-2 zoned districts, the housing can be constructed as a dormitory or multi-family style residential development. And, in addition to being limited to the A-1, ~~A-2~~, R-3, C-1, and C-2 zoning districts, housing designated as Farmworker Housing, Migrant/H-2A housing shall also be required to obtain an annual operating permit from the County to ensure compliance with the adopted International Property Maintenance Code as minimum living standards.

*Comment: Section relocated from Section 3.16.01 and subsections*

#### **3.17.05.04. Fertilizer Plant.**

~~The facility shall meet applicable standards for noise, smoke, lighting, and gases established in Section 3.14.00, Performance Standards.~~

*Comment: Section relocated from Section 3.17.05.04 and deleted as all uses must meet performance standards.*

#### **4.02.17 Flea Market.**

It is the purpose of these standards to provide minimum development guidelines for a flea market, to protect established or permitted uses under ~~these regulations~~ this Code in the vicinity of such a facility, and to protect and promote the orderly growth and development of unincorporated Hardee County.

## (A) General Requirements.

Flea Markets shall be permitted only on property fronting on a Principal or Minor Arterial road, with all major points of ingress and egress connecting to that road.

At least one enclosed building of 300 square feet or more in size shall be constructed on the property.

## (B) Development Requirements.

(Ø1) *Minimum Lot Size.* An area with a minimum width of 200 feet and minimum depth of 300 feet.

(Ø2) *Setbacks.*

Front:	50 feet;
Side:	100 feet if contiguous to property <del>designated</del> <u>zoned</u> for residential use on the <del>Future Land Use</del> <u>Zoning Map</u> ; 30 feet if contiguous to property <del>designated</del> <u>zoned</u> for commercial or industrial use on the <del>Future Land Use</del> <u>Zoning Map</u> ;
Rear:	100 feet if contiguous to property <del>designated</del> <u>zoned</u> for residential use on the <del>Future Land Use</del> <u>Zoning Map</u> ; 30 feet if contiguous to property <del>designated</del> <u>zoned</u> for commercial or industrial use on the <del>Future Land Use</del> <u>Zoning Map</u> .

(Ø3) No more than 40% of the development site shall be covered by tents or structures.

## (C) Design Requirements.

(Ø1) *Lighting.* All lights shall be shielded to focus and direct lighting onto the uses established, and away from adjacent property, but may be of sufficient intensity to discourage vandalism and theft. Reference Section ~~3.14.00~~ 5.12.00, Performance Standards, for applicable glare standards.

(Ø2) *Fencing.* Where a property line abuts and is contiguous to property zoned for a residence or residential use, a fence no less than six feet in height, of wood, chain link with inserts, masonry, or metal, shall be constructed along the property line. Specifications for the type of fences are as follows:

- (a-) Wood fence: Privacy fence constructed of cypress, redwood, or wood treated for outdoor exposure;
  - (b-) Chain link with inserts: Must be of non-corrosive construction; inserts must be maintained so that there are no breaks or gaps; inserts must be metal or plastic;
  - (c-) Masonry: Shall be constructed and maintained to present a clean, uniform appearance;
  - (d-) Metal: Shall be constructed and maintained to present a clean, uniform appearance with no rust and with no gaps showing.
- (03) *Signs.* Signs are permitted according to the standards established in Article 46.
- (04) *Drives.* Drives shall have a smooth, stabilized, and dustless surface.
- (05) *Parking.* Parking shall adhere to the off-street parking standards in Section ~~3.11.00~~ 5.09.00.
- (06) *Landscaping.* Landscaping of vehicle use areas shall be in accordance with Section ~~3.15.00~~ 5.13.00. Landscaping shall be provided in all setback areas according to Figure "D", except where a fence is required.
- (07) *Restrooms.* Restroom facilities shall be provided to adequately serve the customers and vendors anticipated to frequent the flea market in accordance with State standards.

*Comment: Section relocated from Section 3.21.00.*

#### **4.02.18. - ~~Light Industry:~~ Food Packaging.**

This use shall comply with the General Requirements for Light Industrial Uses listed in Section ~~3.08.09~~ 4.02.23 as well as the below standards.

- (A) Minimum lot size shall be one acre unless in an approved industrial park.
- (B) Structures shall be set back 50 feet from all lot lines.
- (C) Canopy and buffer yards shall be provided in accordance with the standards of Section ~~3.15.00~~ 5.13.00 and Figure "D".

- (D) A six-foot fence must be constructed along the property line adjacent to residential land use in addition to the buffer yard required by Section ~~3.15.00~~ 5.13.00. This fence may be constructed of wood, chain link with inserts, masonry, or metal. Specifications for the type offences are as follows:
- (Ø1) Wood fence: Privacy fence constructed of cypress, redwood or wood treated for outdoor exposure;
  - (Ø2) Chain link with inserts: Must be of non-corrosive construction; inserts must be maintained so that there are no breaks or gaps; inserts must be metal or plastic;
  - (Ø3) Masonry: Shall be constructed and maintained to present a clean, uniform appearance; or
  - (Ø4) Metal: Shall be constructed and maintained to present a clean, uniform appearance with no rust and with no gaps showing.

*Comment: Section relocated from Section 3.21.03.*

#### **~~3.17.05.05. Food Processing Plant.~~**

~~The facility shall meet applicable standards for noise, smoke, lighting, and gases established in Section 3.14.00, Performance Standards.~~

*Comment: Section relocated from Section 3.17.05.05 and deleted since all uses must meet performance standards.*

#### **4.02.19. Freight or Trucking Terminal.**

This use shall conform to the General Requirements for Light Industrial Uses listed in Section ~~3.08.09~~ 4.02.23 in addition to the below standards:

- (A) The terminal must be located on an Arterial or a Major Rural Collector road;
- (B) Truck parking areas shall be set back at least 50 feet from any property zoned or designated on the Future Land Use Map for residential use. Adjacent to a residential area a fence is required as described in General Requirements for Light Industrial Uses, Section ~~3.16.08(D)~~ 4.02.23(D);
- (C) Truck parking areas shall be set back at least 20 feet from any property zoned or designated on the Future Land Use Map for commercial or industrial use;

- (D) Mechanical work shall be performed in an enclosed building or screened from general or casual view by landscaping or by a fence as described in General Requirements for Light Industrial Uses, Section ~~3.16.08(D)~~ 4.02.23(D).

*Comment: Section relocated from Section 3.16.07.01.*

#### **4.02.20 Group Care Facilities.**

*Comment: Section title relocated from Section 3.19.00.*

##### **4.02.20.01 Adult Family Care Home.**

Adult Family-Care Home is a full-time, family-type living arrangement, in a private home, under which a person who owns or rents the home provides room, board, and personal care, on a 24-hour basis, for no more than five disable adults or frail elders who are not relatives. The following family-type living arrangements are not required to be licensed as an adult family-care home:

- (A) An arrangement whereby the person who owns or rents the home provides room, board, and personal services for not more than two adults who do not receive optional state supplementation under s. 409.212, F.S. The person who provides the housing, meals, and personal care must own or rent the home and reside therein.
- (B) An arrangement whereby the person who owns or rents the home provides room, board, and personal services only to his or her relatives.
- (C) An establishment that is licensed as an assisted living facility. (429.65, F.S.)

*Comment: New Section added consistent with Florida Statutes.*

##### **4.02.20.02 ALF: Adult Living Facility.**

- (A) Facility shall be licensed by the State of Florida.

*Comment: Section relocated from Section 3.19.00.*

##### **4.02.20.03 Foster Home, Group Home, and Halfway House.**

- (A) Facility shall be licensed by the State of Florida.
- (B) No staff shall be employed on a full-time or live-in basis other than the owner/operator of the facility and his/her immediate family members.



- (C) The total number of residents shall not exceed 15, including the owner/operator and immediate family members.

*Comment: Section relocated from Section 2.04.00.*

**4.02.20.04. Group Homes with greater than 15 Persons.**

- (A) The facility shall be licensed by the State of Florida.
- (B) Facilities shall be separated by no less than 1,000 feet, as measured between the closest point of the properties.
- (C) No sign larger than two square feet shall be displayed indicating the purpose or nature of the facility shall be permitted in any residential district in accordance with Article 46 of this Code.
- (D) In addition to parking spaces normally required for a residential dwelling unit, a space shall be provided for each five residents, excluding staff and immediate family members. See ~~sSection 3.11.00~~ 5.09.00.

*Comment: Section relocated from Section 3.19.02.*

**4.02.20.05. Halfway Home with greater than 15 Persons.**

- (A) The facility shall be licensed by the State of Florida.
- (B) Facilities shall be separated by no less than 1,000 feet, as measured between the closest point of the properties.
- (C) No sign larger than two square feet shall be displayed indicating the purpose or nature of the facility shall be permitted in any residential district in accordance with Article 4 of this Code.
- (D) In addition to parking spaces normally required for a residential dwelling unit, one space shall be provided for each five residents, excluding staff and immediate family members. See Section 3.11.02.

*Comment: Section relocated from Section 3.19.03. Clarification provided regarding Adult Family Care Home.*

**4.02.21. Heavy Industry.**

General requirements for all Heavy Industrial Uses:

- (A) Minimum lot size shall be one-half acre;
- (B) The buffer yard abutting the right-of-way of a public road shall be a buffer yard "D", ~~see Table 3.15F, Figure D;~~
- (C) All lights shall be shielded to focus and direct light onto the uses established, and away from adjacent property, but may be of sufficient intensity to discourage vandalism and theft. Reference Section ~~3.14.00~~ 5.12.00, Performance Standards, for applicable glare and lighting standards;
- (D) Stored material shall be completely screened from view by an opaque fence no less than six feet in height in addition to the buffer yard required by Section ~~3.07.00~~ 5.10.01. This fence may be constructed along the property line of wood, chain link with inserts, masonry, or metal. Specifications for the type of fences are as follows:
  - (01) *Wood fence:* Privacy fence constructed of cypress, redwood, or wood treated for outdoor exposure;
  - (02) *Chain link with inserts:* Must be of non-corrosive construction; inserts must be maintained so that there are no breaks or gaps; inserts must be metal or plastic;
  - (03) *Masonry:* Shall be constructed and maintained to present a clean, uniform appearance; ~~or.~~
  - (04) *Metal:* Shall be constructed and maintained to present a clean, uniform appearance with no rust and with no gaps showing.

*Comment: Section relocated from Section 3.16.08.*

**4.02.22. Indoor Gun Range.**

- (A) The facility shall be located in a completely enclosed building.
- (B) The facility shall be adequately soundproof so that no noise from the range shall emanate outside the building in which it is located.

- (C) Construction of the facility shall comply with all local, state, and federal safety specifications required for indoor ranges prior to the issuance of a certificate of occupancy.
- (D) The National Rifle Association (NRA) publication titled "The NRA Range Sourcebook" should be consulted in planning and constructing indoor shooting ranges.
- (E) The National Association of Shooting Ranges (NASR) and the Occupational Safety and Health Administration (OSHA) publication titled "Lead Management and OSHA Compliance for Indoor Shooting Ranges" should be consulted in planning and constructing indoor shooting ranges.
- (F) The facility shall be constructed in such a way so that no bullet or projectile that is fired from within can penetrate the walls, ceiling, or floor of the range.

*Comment: Language relocated from Section 3.16.00.00.*

#### **4.02.23. Automotive Junkyard.**

The following standards apply:

- (A) Storage of Materials.
  - (01) In no case shall material that is not salvageable be buried or used as fill.
  - (02) Junkyard operators shall be responsible for compliance with all applicable Federal and State regulations.
  - (03) In any open storage area, it shall be prohibited to keep any icebox, refrigerator, deep-freeze locker, clothes washer, clothes dryer, or similar air-tight unit having an interior storage capacity of 1½ cubic feet or more from which the door has not been removed.
  - (04) There shall be no accumulation or storage of materials greater than the height of the fence.
- (B) *Screening.* All junkyards shall comply with the following screening requirements:
  - (01) All outdoor storage facilities shall be surrounded by a dirt berm or a fence no less than eight feet in height, of the following choices: wood, chain link with inserts, masonry or metal; which shall be in addition to the buffer yard required by Section ~~3.15.00~~ 5.13.00 shall be constructed along or within

10 feet of the property line. Specifications for the type of fences are as follows:

- (a-) Wood fence: Privacy fence constructed of cypress, redwood or wood treated for outdoor exposure;
  - (b-) Chain link with inserts: Must be of non-corrosive construction; inserts must be maintained so that there are no breaks or gaps; inserts must be metal or plastic;
  - (c-) Masonry: Shall be constructed and maintained to present a clean, uniform appearance; or
  - (d-) Metal: Shall be constructed and maintained to present a clean, uniform appearance with no rust and with no gaps showing.
- (02) Gates at entrance or exit shall be of a material without openings;
- (03) The screen shall be constructed of the same type of material throughout;
- (04) Screens shall be maintained and in good repair at all times.

*Comment: Language relocated from Section 3.17.03.*

#### **4.02.24. Light Industry.**

General requirements for all Light Industrial Uses:

- (A) Minimum lot size shall be one acre unless in an approved industrial park;
- (B) Structures shall be set back 50 feet from all lot lines;
- (C) Canopy and buffer yards shall be provided in accordance with the standards of Section ~~3.15.02~~ 5.13.00 and a buffer yard "D";
- (D) A six-foot fence must be constructed along the property line adjacent to residential land use in addition to the buffer yard required by Section ~~3.15.04~~ 5.13.00. This fence may be constructed of wood, chain link with inserts, masonry, or metal. Specifications for the type of fences are as follows:
  - (01) Wood fence: Privacy fence constructed of cypress, redwood or wood treated for outdoor exposure;

- (02) Chain link with inserts: Must be of non-corrosive construction; inserts must be maintained so that there are no breaks or gaps; inserts must be metal or plastic;
- (03) Masonry: Shall be constructed and maintained to present a clean, uniform appearance; or
- (04) Metal: Shall be constructed and maintained to present a clean, uniform appearance with no rust and with no gaps showing.

*Comment: Language relocated from Section 3.16.07.*

#### **~~3.17.05.06. Manufacture of Building Materials.~~**

~~The facility shall meet applicable standards for noise, smoke, lighting, and gases established in Section 3.14.00, Performance Standards.~~

*Comment: Section relocated from 3.17.05.06 and deleted as all uses must meet performance standard requirements.*

#### **~~3.17.05.07. Manufacture or Storage of Explosives.~~**

~~The facility shall meet applicable standards for noise, smoke, lighting, and gases established in Section 3.14.00, Performance Standards.~~

*Comment: Section relocated from 3.17.05.07 and deleted as all uses must meet performance standard requirements.*

#### **4.02.25. Manufactured/Mobile Home Parks.**

The purpose of this Section is to establish locations suitable for manufactured/mobile home development on undivided property, along with open space and other amenities for the common use of residents; to designate those uses and activities that are appropriate for and compatible with such areas; and to establish standards and provisions necessary to ensure proper development and public safety in a mobile home park setting. All manufactured/mobile homes must be tied down, according to the standards set forth in the F.A.C.

The development standards set forth in this Section shall supersede normal development standards applicable in R-2-zoned district.

	Max. Density (units/acre)	Minimum Tract/Lot Size	Minimum Tract/Lot Width	Floor Area of Living Area	Setbacks (feet)			Max. Bldg. Height (feet)
					Front	Rear	Sides	
Per Tract	1—12*	20 acres	150		30	30	30	35
Per Unit	1—12*	4,000 s.f.	0	500 s.f. min.	20	15	7.5	35

\* = Maximum density determined by Future Land Use category.  
Note: 15 feet must be between mobile home units, i.e. 7.5 foot side setback on each side.

(A) *Tract Requirements.* The tract requirements are listed in the Table of Development Standards, Table 4.02.24(A) above, with additional requirements as follows:

(Ø1) Minimum Yard Requirements:

(a-) No manufactured/mobile home or structure shall be placed less than 30 feet from the front property line or 30 feet from other property lines. Where the development site adjoins property with a commercial or industrial zoning designation, the required side and rear setback shall be 15 feet.

(b-) Manufactured/mobile homes and structures shall be placed at least 20 feet from the pavement edge of private park roads.

(c-) Each manufactured/mobile home shall be set back 7½ feet from the property line. There shall be a minimum of 15 feet between manufactured/mobile homes and between all other structures. In making an addition to a manufactured/mobile home, a carport or other appurtenant structure, the minimum standard of 15 feet between structures must be met.

(Ø2) *Manufactured/Mobile Home Park Abutting Residential Areas.* Where any property line of a manufactured/mobile home park abuts land either zoned for residential use or occupied by a residential use permitted by this Code, there shall be provided and maintained along or within ten feet of said property line, a fence no less than six feet in height, which shall be in addition to the buffer yard required by Section ~~3.15.00~~ 5.13.00. This fence may be constructed of wood, masonry, or metal. Specifications for the type of fences are as follows:

- (a-) *Wood fence:* Privacy fence constructed of cypress, redwood or wood treated for outdoor exposure;
  - (b-) *Masonry:* Shall be constructed and maintained to present a clean, uniform appearance;
  - (c-) *Metal:* Shall be constructed and maintained to present a clean, uniform appearance with no rust and with no gaps showing.
  - (d-) All fencing shall be maintained.
- (Ø3) *Mobile Home Park Abutting an Agricultural Use Area.* Where a mobile home park abuts an Agricultural use, the park setbacks shall be 30 feet for the front, sides, and rear.
- (Ø4) *Mobile Home Park Within an Agricultural Use Area.* From the Hardee County Comprehensive Plan: "Within an Agricultural use area, the approval of residential development shall acknowledge that the protection of agricultural land management activities associated with agricultural uses may be incompatible with residential development. However, such management activities are considered to be an essential element of the protection of successful operations on agricultural lands and the continuation of such activities shall take precedence" in all areas where there is existing agricultural uses or where the Comprehensive Plan Future Land Use Map allows agricultural uses.
- (B) Allowable Accessory Uses.
- (Ø1) Clubhouse, laundry, convenience store (no gasoline sales), hurricane/storm shelter, swimming pool, and other shared facilities for the common use of the residents of a development.
  - (Ø2) Storage area for boats, RVs, and other types of vehicles that exceed 30 feet in length. Storage area is for the use of park residents only, and shall be fenced and landscaped. Storage of these units shall be prohibited on individual mobile home sites or on park roads.
- (C) Other Requirements.
- (Ø1) *Ownership.* Mobile home parks may not be platted or otherwise divided by fee simple ownership unless it is platted per subdivision requirements; the sale of interests or memberships on a condominium basis is not

permitted, unless it is platted per subdivision requirements. All facilities, including roads, shall be privately owned or owned in common by residents of the park, and shall not occupy parcels of land which are deeded separately from the rest of the park. Hardee County shall not be responsible for maintenance and/or repair of common facilities within a mobile home park.

- (02) *Parking.* See Section ~~3-11-00~~ 5.09.00, Off-Street Parking Requirements.
- (03) *Common Open Space.* An area comprising ten percent of the development site or five acres, whichever is less, shall be set aside as open space as defined in Article 9.
- (04) *Hurricane Shelter.* Each mobile home park must provide one or more buildings to houseguests in a permanent building in the event of a hurricane, at a rate of 20 square feet of habitable floor space per person. Alternative cooking fuel sources; electrical generation for emergency lighting; sanitary sewer facilities; and, an alternate form of fresh water (i.e. water stored in drums or a well serving the shelter separate from the well system in place for the park) shall be provided and maintained. Each building must be built to conform to the Florida Building Code for hurricane shelters.
- To calculate the number of persons per park that would require shelter, each mobile home unit will be counted at a minimum of two persons per home. Shelter space would have to be provided for 100 percent of the total park population.
- Service buildings may be used as hurricane shelters as long as the buildings are built to minimum Florida Building Code regulations for hurricane shelters.
- (05) *Internal Streets.* All Internal streets are to be paved with an asphalt or concrete surface. Road surfacing shall meet the following minimum width requirements:
- (a-) One-way travel: 12 feet; or
  - (b-) Two-way travel: 20 feet.
- (06) *Water Supply System.* Connection to a potable public supply of water is required. Provision of water supply, water storage and water distribution shall be made in accordance with requirements and standards established by this Code and the State of Florida.



- (07) *Sanitary Connections.* Each park shall be provided with individual connections to each vehicle site in the park or connected to an on-site sewage disposal system or available public system, in accordance with design and construction requirements as established by the State of Florida.
- (08) *Electrical and Gas Systems.* Each park shall be provided with an electrical or gas system, which shall be installed and maintained in accordance with applicable codes and regulations.
- ~~(09) *Nonconformities.* No new mobile home spaces or lots may be added to an existing mobile home park that does not comply with applicable requirements of this Code. However, previously installed units may be moved and additional property and common facilities may be incorporated into the site, if such activities will eliminate nonconforming conditions or reduce the degree of nonconformity. See Section 7.16.00.~~

*Comment: Deleted and Relocated to Article 11.*

- ~~(109)~~ *Site Development Plan.* No manufactured/mobile homes, structures or facilities shall be installed or constructed until a Site Development Plan meeting the requirements of Section ~~7.06.00~~ 9.10.00 of this Code has been submitted and approved by the Planning and Zoning Board. All improvements, regardless of timing or project phasing, shall be substantially consistent with the approved Site Development Plan.

Where an existing mobile home park has no Site Development Plan, such a plan shall be prepared and submitted to the Planning and Zoning Department and approved by the Planning and Zoning Board prior to the addition, improvement, rearrangement or replacement of park facilities or mobile homes.

*Comment: Section relocated from Section 3.18.01.01*

~~**3.16.07.02. Mining: 1 acre/year or Less.**~~

~~See definition in Article 9.~~

*Comment: Section relocated from Section 3.16.07.02 and deleted because reference is not needed as it is outlined in the Definitions as stated.*

**3.17.06. Mining: Greater than 1 Acre/Year.**

The standards and criteria of Section 3.14.03 et seq. shall apply.

*Comment: Section relocated from Section 3.17.06 and deleted because reference is included on the Table of Uses.*

**4.02.26. Mini-Warehouse.**

It is the purpose of these standards to provide minimum development guidelines for a mini-warehouse facility and to protect established or permitted uses under ~~these regulations~~ this Code in the vicinity of such a facility.

No storage bay or unit in a mini-warehouse shall be used as a place of business by persons renting storage space, and no Certificate of Completion shall be approved for the property other than that of the mini-warehouse owner/operator.

No mini-warehouse shall be used as a place of residence or as a storage location for hazardous materials.

(A) Development Site Requirements.

(Ø1) *Minimum Lot Size.* An area not less than 20,000 square feet with a minimum width of 100 feet and a minimum depth of 200 feet.

(Ø2) Setbacks.

Front:	35 feet.
Side:	40 feet if contiguous to property <del>designated</del> <u>zoned</u> for residential use on the <del>Future Land Use</del> <u>Zoning</u> Map.
	10 feet if contiguous to property <del>designated</del> <u>zoned</u> for commercial or industrial use on the <del>Future Land Use</del> <u>Zoning</u> Map.
Rear	40 feet if contiguous to property <del>designated</del> <u>zoned</u> for residential use on the <del>Future Land Use</del> <u>Zoning</u> Map.
	20 feet if contiguous to property <del>designated</del> <u>zoned</u> for commercial or industrial use on the <del>Future Land Use</del> <u>Zoning</u> Map.

(Ø3) *Maximum Lot Coverage.* No more than 40% of the development site shall be covered by structures.

(B) Design Standards.

- (01) *Lighting*: All lights shall be shielded to focus and direct light onto the uses established, and away from adjacent property, but of sufficient intensity to discourage vandalism and theft. See Section 3.14.00, Performance Standards, for applicable glare and lighting standards.
- (02) *Fencing*: A fence must be constructed along the property line adjacent to residential land use in addition to the buffer yard required by Section ~~3.15.00~~ 5.13.00. This fence may be constructed of wood, chain link with inserts, masonry, or metal. Specifications for the type of fences are as follows:
- (a-) *Wood fence*: privacy fence constructed of cypress, redwood, or wood treated for outdoor exposure;
- (a-) *Chain link with inserts*: must be of non-corrosive construction; inserts must be maintained so that there are no breaks or gaps; inserts must be metal or plastic;
- (c-) *Masonry*: Shall be constructed and maintained to present a clean, uniform appearance; or
- (d-) *Metal*: Shall be constructed and maintained to present a clean, uniform appearance with no rust and with no gaps showing.
- (03) *Signs*: See Article 46.
- (04) *Landscaping*: Landscaping shall be provided in all required setback areas according to the standards of Section ~~3.15.00~~ 5.13.00.
- (05) *Parking*: See Section ~~3.11.00~~ 5.09.00, Off-Street Parking Requirements.
- (06) *Pavement*: Each access to an individual storage unit must be paved with 10 feet by 20 feet apron.

*Comment: Section relocated from Section 3.16.03.05.*

~~**3.22.18.02. Museum.**~~

~~Special Exception approval is required in A-1 zoned district.~~

*Comment: Section relocated from Section 3.22.18.02 and deleted because this information is included in the Table of Uses.*

#### **4.02.27. Nursing Home Facility.**

- (A) For parking requirements, see Section ~~3.11.00~~ 5.09.00.
- (B) Facility shall be licensed by the State of Florida.
- (C) Facilities shall be separated by no less than 1,000 feet, as measured between the closest points of the properties.
- (D) No sign larger than two square feet shall be displayed indicating the purpose or nature of the facility shall be permitted in any residential district, in accordance with Article 46.
- (A) In addition to parking spaces normally required for a residential dwelling unit, one space shall be provided for each five residents, excluding staff and immediate family members. See Section ~~3.11.02~~ 5.09.00.

*Comment: Section relocated from Section 3.19.04.*

#### **3.17.05.08. Processing of Raw Materials.**

~~The facility shall meet applicable standards for noise, smoke, lighting, and gases established in Section 3.14.00, Performance Standards.~~

*Comment: Section relocated from Section 3.17.05.08 and deleted because all uses must meet the performance standards.*

#### **3.22.18.04. Recreation/Conservation Uses: Rifle or Archery Range.**

~~Special Exception approval is required in A-1 zoned district.~~

*Comment: Section relocated from Section 3.22.18.08 and deleted because there are no conditions included.*

#### **4.02.28 Recirculating Farms (Hydroponics, Aquaculture, and/or Aquaponics)**

A site plan must be submitted for review. The screening of outdoor activities from adjacent properties must be provided in all districts except A-1, A-2, and FR. Accessory uses include greenhouses, lighting and climate control systems, irrigation equipment, and storage facilities for water and the nutrient mediums. This use is also allowed in the PUD zoning district.

*Comment: New Section added to address recirculating farms.*

**4.02.29. Recreation, Outdoor, Commercial.**

- (A) Property shall be at least one acre in size.
- (B) No outdoor commercial recreation facility shall be located within 300 feet of any existing residences or property designated for residential use on the Future Land Use Map of Hardee County. This distance shall be measured from the boundary of the property on which the proposed outdoor recreation enterprise would be located.
- (C) Lighting to illuminate buildings, stages, open areas or advertising shall be designed so as to shine only on the subject property, and shall be directed away from any public street or residential area.
- (D) Outdoor recreation activities shall be subject to applicable Performance Standards provided in Section ~~3.14.00~~ 5.12.00.
- (E) No building, mobile home, trailer, vehicle, or mechanical equipment shall be located within 50 feet of any property line.

*Comment: Section relocated from Section 3.16.05.02.*

~~**3.21.01. Recreation, Outdoor, Commercial.**~~

- ~~(A) Property shall be at least one acre in size.~~
- ~~(B) No outdoor commercial recreation facility shall be located within 300 feet of existing residences or property designated for residential use on the Future Land Use Map of Hardee County. This distance shall be measured from the boundary of the property on which the proposed outdoor recreation enterprise would be located.~~
- ~~(C) Lighting to illuminate buildings, stages, open areas or advertising shall be designed so as to shine only on the subject property and shall be directed away from any public street or residential area.~~
- ~~(D) Outdoor recreation activities shall be subject to applicable Performance Standards provided in Section 3.14.00.~~

~~(E) No building, mobile home, trailer, vehicle, or mechanical equipment shall be located within 50 feet of any property line.~~

*Comment: Section relocated from Section 3.21.01 and deleted as it is a duplicate of 3.16.05.02.*

#### **4.02.30. - Recreational ~~r~~Resort.**

##### ~~3.23.01.01. - Recreational resort.~~

It is the purpose of these standards to provide minimum development guidelines for a Recreational Resort designed to accommodate Recreational Vehicles, tents and cabins in a campground setting which may be located to chance the enjoyment of leisure time activities on a temporary basis. These provisions are intended to protect established or permitted uses in the vicinity of such a Recreational Resort, and to protect and promote the orderly growth and development of the County. Recreational Resort activities are recognized as a significant tourist-attracting hospitality industry.

- (A) *General Requirements.* Recreational Resorts shall be permitted with approval of a Special Exception in A-1-zoned districts only with a corresponding Future Land Use Designation of Agriculture.
- (B) *Allowed and Prohibited Uses.* All permitted uses will be defined as part of the Special Exception approval, both in the record of decision and on the master site plan; the following are the intended base uses.
- ~~(1-) Primary Allowed Uses.~~
- ~~(a-) Campsites for tents, travel trailers and recreational vehicles and cabins,~~
  - ~~(b-) Community recreational facilities,~~
  - ~~(c-) Fish camps with camping or with cottage facilities may have boat rentals, bait sales, etc., and~~
  - ~~(d-) Agricultural Uses.~~
- ~~(2-) Service Buildings and Facilities.~~
- ~~(a-) Management offices, repair shops and storage areas,~~
  - ~~(b-) Sanitary facilities,~~

- ~~(c-)~~ Laundry facilities,
- ~~(d-)~~ Indoor recreation areas.
- ~~(3-)~~ Recreational Resorts do not have to provide hurricane shelters. All visitors are to evacuate in the event of a natural disaster such as a hurricane.
- ~~(4-)~~ Accessory Uses.
  - ~~(a-)~~ Storage area for boats, RVs, and other types of vehicles that exceeds 30 feet in length. Storage area is for the use of Recreational Resorts residents only, and shall be fenced with a fence no less than six feet in height, which shall be in addition to the buffer yard required by Section ~~3-15.00~~ 5.13.00. Specifications for the type of fences are as follows:
    - (1) *Wood fence*: Privacy fence constructed of cypress, redwood or wood treated for outdoor exposure;
    - (2) *Chain link with inserts*: Must be of non-corrosive construction; inserts must be maintained so that there are no breaks or gaps; inserts must be metal or plastic;
    - (3) *Masonry*: Shall be constructed and maintained to present a clean, uniform appearance; or
    - (4) *Metal*: Shall be constructed and maintained to present a clean, uniform appearance with no rust and with no gaps showing.
- ~~(5-)~~ *Fires and Incinerator Facilities*. All outdoor cooking, campfires and incinerator facilities shall be so located, constructed, maintained and used as to minimize fire hazard and smoke nuisance both on the property on which they are used and on neighboring property. Plans, construction, and operation of incinerators shall be carried out in accordance with requirements of the State of Florida.
- ~~(6-)~~ Recreational Resort Owner or Operator Residence.
  - ~~(a-)~~ One single-family residence, or a manufactured home for Recreational the Resort owner or operator;

- (b-) Storage buildings for Recreational Resort owner's equipment and supplies.
- (7-) Prohibited Uses.
  - (a-) Park Model trailers<sub>7c</sub>
  - (b-) General retail<sub>7c</sub>
  - (c-) Bulk propane sales<sub>7c</sub>
  - (d-) Any length of stay over six months or farmworker housing of any length.
- (C) Environmental Requirements.
  - (1) *General.* Condition of soil, groundwater level, drainage, and topography shall not create hazards to the property or to the health and safety of the occupants.
  - (2) *Soil and Ground Cover Requirements.* Exposed ground surfaces in all parts of every vehicle site area or other vehicle parking area shall be paved, or covered with stone screening, or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.

~~Table 3.18.01.01~~ **4.02.30(A)**  
**Table of Development Standards**

	Maximum Density (units per acre)	Minimum Tract/Lot Size	Minimum Tract/Lot Width/Length (feet)	Setbacks		
				Front	Rear	Sides
Per Tract/Project Area	1	20 acres	150/200	25	25	25
Per Unit/Unit Area	5	1200 s.f.	20/40	10	15	15

- (D) *Tract Requirements.* The tract requirements are listed in the Table of Development Standards, Table 4.02.01(A) above, with additional requirements as follows:
  - (1) The tract shall have at least 75 feet of frontage on a paved road;



- (2) The minimum width of the tract shall be 150 feet at the front building setback line;
  - (3) Where any property line of a Recreational Resort abuts land either zoned for residential use or occupied by a residential use, there shall be provided and maintained along or within 10 feet of said property line a fence no less than six feet in height, which shall be in addition to the buffer yard required by Section ~~3.15.00~~ 5.13.00. Fences shall meet the specifics as defined in this section, and shall be maintained in good condition to ensure functionality;
  - (4) Where a Recreational Resort abuts an agricultural use or zoning, the tract setbacks shall be 30 feet on the front, sides, and rear.
  - (5) *Vegetative Buffering and Fencing.* A combination of vegetative buffering and fencing will be required as deemed appropriate for site conditions. These requirements will be partially based on the provisions in Section ~~3.15.00~~ 5.13.00 of this Code.
- (E) *Unit Area Requirements.* The individual RV/unit requirements are listed in the Table of Development Standards, Table 4.02.01(A) above, with additional requirements as follows:
- (1) For the purpose of determining recreational vehicle site width and depth, the width of a vehicle site shall be measured at right angles to and between the designated side boundary lines. The depth of a vehicle shall be measured at right angles to and between the designated front and rear boundary lines;
  - (2) The minimum distance between RVs shall be 15 feet at the rear and sides and 15 feet at the front. The minimum distance between an RV and any structure shall be 20 feet. The minimum allowable distance between RVs shall, for the purpose of this Section, be measured from and between the outermost structural parts or attached accessory features. The minimum distance between an RV and the edge of the Recreational Resort road shall be 15 feet;
  - (3) Each recreational vehicle site shall be clearly defined by a permanent marker, constructed of a durable material such as masonry or metal, placed at all corners;
  - (4) The addition or attachment of any permanent structures, such as awnings, porches, carports, or individual storage facilities, not specifically designed

and included as a standard part of the original RV, shall be expressly prohibited in a Recreational Resort.

(5) Tents.

(a-) Each tent shall be erected or placed on a site not less than 30 feet by 40 feet in area, clearly defined by markers at each corner.

(6) Cabins.

(a-) Each cabin shall be erected or placed on a site not less than 30 feet by 40 feet in area, clearly defined by markers at each corner, and no cabin used for temporary living or sleeping quarters shall be less than 280 square feet.

(b-) Each cabin shall meet the applicable standards contained in the Florida Building Code.

(F) *Recreation and Open Space Requirements.* There shall be provided within a Recreational Resort at recreational and open space areas consistent with Comprehensive Plan requirements for the Agricultural land use.

(1) At least one area designed for recreational use that is easily accessible from all vehicle sites. The size of such recreation area shall not be less than 10% of the entire tract area. Recreation area is defined as a specific area dedicated to active or passive recreation activities.

For purposes of this section such activities could include shuffleboard courts, tennis courts, basketball courts and the similar facilities or resource based activities such as equestrian or agricultural uses such as community gardening. Consideration will be given to site specific conditions such as but not limited to the proximity of public recreational facilities, the number of RVs, tents and cabins etc. when specifying the type and size of required facilities.

(2) The following planning controls shall establish the total open space requirements which includes the aforementioned recreational area requirements:

(a) Developments of four units or less are not required to retain open space except as otherwise required in this ~~Comprehensive Plan~~ or Unified Land Development Code;

- (b) Developments in excess of four units but less than 20 units shall retain a minimum of 50% of the project site as open space, and shall be clustered or otherwise developed as suitable for the site to protect agricultural areas, wetlands, native vegetative communities and wildlife habitats;
  - (c) Development of 20 units or more shall retain a minimum of 80% of the project site as open space, and shall be clustered or otherwise developed as suitable for the site to protect agricultural areas, wetlands, native vegetative communities and wildlife habitats.
- (G) Street System and Off-Street Parking Requirements.
- (1) *General.* All parking areas shall be provided with safe and convenient vehicular access from abutting public streets and roads to each vehicle site. Alignment and gradient shall be properly adapted to topography. Surfacing and maintenance shall provide a smooth, hard and dense surface that shall be well drained.
  - (2) *Access.* Access to a Recreational Resort from a public street or road shall be designed to minimize congestion and hazards at the entrance and on adjacent streets. All traffic into or out of the parking areas shall be through such entrances and exits.
    - (a-) The entrance to each Recreational Resort shall be a driveway at least 40 feet wide with a turn radius of 100 feet or more from the public roadway, for maneuvering of vehicles.
    - (b-) Each Recreational Resort site check-in location shall be setback 200 feet from any public right-of-way to accommodate the stacking of vehicles awaiting check-in.
  - (3) *Internal Streets.* All internal streets shall have a hard, stabilized surface acceptable to the County Engineer. Road surfacing shall meet the following minimum width requirements:
    - (a-) One-way travel: 12 feet; or
    - (b-) Two-way travel: 20 feet.
  - (4) *Off-Street Parking and Maneuvering Space.* Parking for visitors, towed and towing vehicles shall be provided consistent with Section ~~3-11.00~~ 5.09.00, Off-Street Parking/Loading requirements.

(H) Utilities.

- (1) *Watering Stations.* Each Recreational Resort shall be provided with one or more easily accessible water supply outlets for filling RV water storage tanks in accordance with design and construction requirements established by the State of Florida.
- (2) *Sanitary Facilities.* The type of sanitary facilities shall be determined by the composition of RVs, cabins, and tents indicated in the Special Exception application.
  - (a) RVs Central Facilities dumping or connection facilities shall be provided in accordance with design and construction requirements as established by the Department of Health.
  - (b) Each Recreational Resort where cabins, tents, or RV's without self-contained facilities are erected or placed and where private conveniences for each site or cottage are not provided, shall provide, at locations herein defined, toilets, urinals, wash basins, slop basins, showers or baths, water faucets or spigots in accordance with the following:
    - (c) Buildings shall be well lighted at all times, day or night, well ventilated with screened openings and constructed of such moisture-proof material as shall permit rapid and satisfactory cleaning, scouring and washing.
- (3) *Electrical and Gas Systems.* Each Recreational Resort shall be provided with an electrical or gas system, which shall be installed and maintained in accordance with applicable codes and regulations.

(I) Refuse Handling.

- (1) *General.* The storage, collection, and disposal of refuse (garbage, ashes, and rubbish) in a Recreational Resort shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazard or air pollution in accordance with requirements established by the State of Florida.
- (2) *Location.* All refuse shall be stored in watertight, fly-proof, rodent-proof containers, which shall be located within 150 feet of any vehicle.
- (3) *Collection.* All refuse containing garbage shall be collected at least weekly.

- (J) Permit Procedures and Requirements.
- (1) *Site Approvals.* Any applicant for the required permits to establish, construct, alter or extend a Recreational Resort in Hardee County shall first request and receive approval of a Special Exception in accordance with the provisions of Section ~~7.13.00~~ 9.08.00 of this Code and a Site Development Plan.
  - (2) *Health and Sanitation Permit.* After receipt of required land use approvals, applicant shall then apply for and receive a health and sanitation permit for the proposed Recreational Resort from the Hardee County Health Department and the State of Florida in accordance with the requirements of appropriate agencies.
- (K) Other Requirements.
- (1) *Ownership.* Recreational Resorts may not be platted or otherwise divided by fee simple ownership while actively operating. All facilities, including roads, shall be privately owned and shall not occupy parcels of land which are deeded separately from the rest of the Recreational Resort. Hardee County shall not be responsible for maintenance and/or repair of common facilities within a Recreational Resort.
  - (2) It shall be the duty of the owner, his/her agent or manager to keep a register of all persons accommodated in the Recreational Resort, such register to include the names of all persons, home addresses, the number and description of his/her automobiles or other vehicles; to prescribe rules and regulations for the management of the Recreational Resort; to make adequate provisions for the enforcement of such rules; and to subscribe to and adopt such general rules and regulations which may be hereafter adopted for the management of such Recreational Resort.
    - (a-) Provide for regular inspection of the water and the sanitary conveniences;
    - (b-) Provide for the collection and removal of garbage or other waste material;
    - (c-) Prohibit the placing or enclosed storage of unsightly material or vehicles of any kind;

- (d-) Provide for the regular cleaning, painting, repairing and disinfecting of all buildings;
  - (e-) Take such other measures as may be deemed to be necessary by the County and State to preserve the health, comfort and safety of all persons residing in the Recreational Resort and of the general public;
  - (f-) Cause each dog, cat or other pet animal to be kept under control at all times, either being tied, leashed or confined in a proper, humane enclosure;
  - (g-) Report to the County and State all cases of communicable disease or suspected cases of communicable disease affecting any guest of the Recreational Resort;
  - (h-) Report immediately to the public authority all acts of disorderly character committed by any person inside the Recreational Resort;
  - (i-) See that copies of standard rules and regulations shall be prepared and posted in conspicuous locations throughout the Recreational Resort.
- (L) *{Signage Requirements.}* Recreational Resorts shall have signage criteria determined during the Special Exception process with guidance from Article 4 of this code and the following standards:
- (1) No sign within 50 feet of a property line;
  - (2) Signage limited to ground signs;
    - (a-) No ground sign to exceed 6 six feet in overall height above ground;
  - (3) No internally illuminated signage;
  - (4) No off-site signs permitted;
  - (5) The number of signs per project shall be determined by the size, road frontage, road classification, surrounding land uses and other factors as determined during the approval process.

*Comment: Section relocated from Section 3.23.01.01; Title 3.23.01 deleted since it is duplicative.*

#### **4.02.31. Recreation Vehicle (RV) Parks and RV Campgrounds.**

It is the purpose of these standards to provide minimum development guidelines for an RV Park and an RV Campground designed only to accommodate the RV. For the purposes of this ordinance, an RV Park is defined as a development in which RV's, and/or "park model" RV's or mobile homes are permanently sited and occupied year round. An RV Campground, on the other hand, is a development for overnight or limited vacation-season type. These provisions are intended to protect established or permitted uses in the vicinity of such a Park or Campground, and to protect and promote the orderly growth and development of the County.

- (A) *General Requirements.* The Special Exception standards of this Section shall apply to both RV Parks and Campgrounds.

An RV Park or Campground meeting the required design and compatibility standards shall accommodate the traveling public for a defined maximum time period associated with the specialized seasonal vacation and transient characteristics of such development, in contrast to the more permanent and extended stay characteristics of an RV Park and a Mobile Home Park.

- (B) Environmental Requirements.

- (01) *General.* Condition of soil, groundwater level, drainage, and topography shall not create hazards to the property or to the health and safety of the occupants.
- (02) *Soil and Ground Cover Requirements.* Exposed ground surfaces in all parts of every vehicle site area or other vehicle parking area shall be paved, or covered with stone screening, or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.
- (03) *Drainage Requirements.* Surface drainage plans for the entire tract shall be reviewed by appropriate County staff, who shall determine whether the proposed plan is compatible with the surrounding existing drainage pattern and any relevant drainage plan of the site area or Hardee County, prior to approval of a Special Exception and issuance of building permits. No permit shall be issued in such instance where the County finds the plan to be incompatible with surrounding areas.

<b>Table <del>3.18.001.02</del> <u>4.02.31.01(A)</u>                      Table of Development Standards                      RV Park or Campground</b>						
	Max. Density (units/acre)	Minimum Tract/Lot Size	Minimum Tract/Lot Width (feet)	Setbacks (feet)		
				Front	Rear	Sides
Per Tract	15	20 acres	150/200	25	25	25
Per Unit	15	1200 s.f.	20/40	10	5	5

(C) *Tract Requirements.* The tract requirements are listed in the Table of Development Standards, Table ~~3.18.01.024~~ 4.02.31.01(A) above, with additional requirements as follows:

(Ø1) The tract shall have at least 75 feet of frontage on a paved Principal Arterial, Minor Arterial, Major Collector or Minor Collector roadway, as designated on the Future Traffic Circulation Map of the Hardee County Comprehensive Plan;

(Ø2) The minimum width of the tract shall be 150 feet at the front building setback line;

(Ø3) Where any property line of a RV Park or Campground abuts land either zoned for residential use or occupied by a residential use permitted by this Code, there shall be provided and maintained along or within 10 feet of said property line a fence no less than six feet in height, which shall be in addition to the buffer yard required by Section ~~3.15.00~~ 5.13.00. This fence may be constructed of wood, chain link with inserts, masonry, or metal. Specifications for the type of fences are as follows:

(a-) *Wood fence:* Privacy fence constructed of cypress, redwood or wood treated for outdoor exposure;

(b-) *Chain link with inserts:* Must be of non-corrosive construction; inserts must be maintained so that there are no breaks or gaps; inserts must be metal or plastic;

(c-) *Masonry:* Shall be constructed and maintained to present a clean, uniform appearance; or



- (d-) *Metal:* Shall be constructed and maintained to present a clean, uniform appearance with no rust and with no gaps showing.
- (04) Where an RV Park or Campground abuts an agricultural use, the tract setbacks shall be 30 feet on the front, sides, and rear.
- (D) *Vehicle Site Requirements.* The individual site requirements are listed in the Table of Development Standards, Table ~~3.18.02.02(A)~~ 4.02.31.01(A) above, with additional requirements as follows:
- (01) For the purpose of determining vehicle site width and depth, the width of a vehicle site shall be measured at right angles to and between the designated side boundary lines. The depth of a vehicle shall be measured at right angles to and between the designated front and rear boundary lines.
- (02) The minimum distance between RVs shall be ten feet at the rear and sides. The minimum distance between an RV and any structure shall be ten feet. The minimum allowable distance between RVs shall, for the purpose of this Section, be measured from and between the outermost structural parts or attached accessory features. The minimum distance between an RV and the edge of the park road shall be ten feet.
- (03) Each vehicle site shall be clearly defined by a permanent marker, constructed of a durable material such as masonry or metal.
- (04) The addition or attachment of any permanent structures, such as awnings, porches, carports, or individual storage facilities, not specifically designed and included as a standard part of the original RV, shall be expressly prohibited in an RV Campground. Such additions to "park model RVs" and RVs may be permitted in an RV Park, so long as they meet all required setbacks and all other requirements of this Code.
- (E) *Recreation and Open Space Requirements.* There shall be provided within a RV Park or Campground at least one area designed for recreational and open space use that is easily accessible from all vehicle sites. The size of such recreation area shall not be less than 10 percent of the entire tract area.
- (F) *Street System and Off-Street Parking Requirements.*
- (01) *General.* All parking areas shall be provided with safe and convenient vehicular access from abutting public streets and roads to each vehicle site.

Alignment and gradient shall be properly adapted to topography. Surfacing and maintenance shall provide a smooth, hard, and dense surface that shall be well drained.

(02) *Access.* Access to a RV Park or Campground from a public street or road shall be designed to minimize congestion and hazards at the entrance and on adjacent streets. All traffic into or out of the parking areas shall be through such entrances and exits.

(a-) The entrance to each RV Park or Campground shall be a driveway at least 40 feet wide with a turn radius of 100 feet or more from the public roadway, for maneuvering of vehicles.

(b-) Each RV Park or Campground site check-in location shall be setback 200 feet from any public right-of-way to accommodate the stacking of vehicles awaiting check-in.

(03) *Internal Streets.* All internal streets are to be paved with an asphaltic or concrete surface. Road surfacing shall meet the following minimum width requirements:

(a-) One-way travel: 12 feet; or

(b-) Two-way travel: 20 feet.

(04) *Off-Street Parking and Maneuvering Space.* See Section ~~3.11.00~~ 5.09.00, Off-Street Parking Requirements.

(G) Utilities.

(01) *Water Supply System.* Connection to a potable public supply of water is required. Provision of water supply, water storage and water distribution shall be made in accordance with requirements and standards established by this Code and the State of Florida.

(02) *Watering Stations.* Each RV Park or Campground shall be provided with one or more easily accessible water supply outlets for filling RV water storage tanks in accordance with design and construction requirements established by the State of Florida.

(03) *Sanitary Connections.* Each RV Park or Campground shall be provided with individual connections to each vehicle site in the RV Park or Campground connected to an on-site sewage disposal system or available public system,

in accordance with design and construction requirements as established by the State of Florida.

(04) *Electrical and Gas Systems.* Each RV Park or Campground shall be provided with an electrical or gas system, which shall be installed and maintained in accordance with applicable codes and regulations.

(H) Refuse Handling.

(01) *General.* The storage, collection, and disposal of refuse (garbage, ashes, and rubbish) in a RV Park or Campground shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazard or air pollution in accordance with requirements established by the State of Florida.

(02) *Location.* All refuse shall be stored in watertight, fly-proof, rodent-proof containers, which shall be located within 500 feet or reasonable proximity of any site, as approved by the Board of County Commissioners.

(03) *Collection.* All refuse containing garbage shall be collected at least twice weekly.

(I) Service Buildings and Facilities.

(01) *General.* The requirements of this Section shall apply to service buildings, recreation buildings and other service facilities, such as:

~~(a-)~~ Management offices, repair shops and storage areas;

~~(b-)~~ Sanitary facilities;

~~(c-)~~ Laundry facilities;

~~(d-)~~ Indoor recreation areas.

(02) *Service Buildings for Dependent Vehicles.* A central service building containing the necessary toilet and other plumbing fixtures specified by the State of Florida shall be provided in an RV Park or Campground, which provides vehicle sites for dependent vehicles. Service buildings shall be located within a reasonable proximity for all of the sites to be served, as approved by the Board of County Commissioners.

~~(03) —Reserved.~~

- (043) *Service Facilities in Connection with Other Businesses.* When an RV Park or Campground requiring a service building is operated in connection with a resort or other business establishment, the number of sanitary facilities for such business establishment shall be in addition to those required by the public health standards for vehicle sites and shall be based upon the total number of persons using or expected to use such facilities.
- (054) *Pedestrian Access to Service Buildings and Facilities.* Appropriately drained, clear walkways having a width of not less than five feet shall be provided from the vehicle sites to all service buildings and facilities, refuse collection areas, and recreation areas.
- (065) *Outdoor Cooking and Incinerator Facilities.* All outdoor cooking and incinerator facilities shall be so located, constructed, maintained and used as to minimize fire hazard and smoke nuisance both on the property on which they are used and on neighboring property. Plans, construction, and operation of incinerators shall be carried out in accordance with requirements of the State of Florida.
- (J) Permit Procedures and Requirements.
- (01) *Site Development Plan.* Any applicant for the required permits to establish, construct, alter or extend an RV Park or Campground in Hardee County shall first request and receive approval of a Special Exception in accordance with the provisions of Section ~~7.13.00~~ 9.08.00 of this Code.
- (02) *Health and Sanitation Permit.* After receipt of required land use approvals, applicant shall then apply for and receive a health and sanitation permit for the proposed RV Park or Campground from the Hardee County Health Department and the State of Florida in accordance with the requirements of appropriate agencies.
- (03) *Building Permit.* Upon completion of (A) and (B) above, application shall be made to the Building Department for the building permit to construct, alter, or extend an RV Park or Campground in accordance with the provisions of this Section. Before issuing a building permit for the construction, alteration or extension of an RV Park or Campground, the Building Director shall determine that all applicable review procedures and standards required under this Code have been satisfactorily met.
- (K) Accessory Uses.

- (Ø1) An allowable accessory use is the storage of RV units. However, no RV may be stored in any tract setback area.
- (Ø2) Storage area for boats, RVs, and other types of vehicles that exceed 30 feet in length. Storage area is for the use of park residents only, and shall be fenced with a fence no less than six feet in height, which shall be in addition to the buffer yard required by Section ~~3.15.00~~ 5.13.00. This fence may be constructed of wood, chain link with inserts, masonry, or metal. Specifications for the type of fences are as follows:
- (a-) Wood fence: Privacy fence constructed of cypress, redwood or wood treated for outdoor exposure;
  - (b-) Chain link with inserts: Must be of non-corrosive construction; inserts must be maintained so that there are no breaks or gaps; inserts must be metal or plastic;
  - (c-) Masonry: Shall be constructed and maintained to present a clean, uniform appearance; or
  - (d-) Metal: Shall be constructed and maintained to present a clean, uniform appearance with no rust and with no gaps showing.
- (L) Other Requirements.
- (Ø1) *Ownership.* RV Campgrounds may not be platted or otherwise divided by fee simple ownership unless it is platted per subdivision requirements; the sale of interests or memberships on a condominium basis is not permitted, unless it is platted per subdivision requirements. All facilities, including roads, shall be privately owned, or owned in common by residents of the campground, and shall not occupy parcels of land which are deeded separately from the rest of the campground. Hardee County shall not be responsible for maintenance and/or repair of common facilities within a campground.

*Comment: Section relocated from Section 3.18.01.02.*

#### **4.02.32. Recycling Center, Indoor.**

Facilities shall be subject to the following requirements:

- (A) All processing activities, as well as associated machinery or equipment, shall be located inside a permanent enclosed structure;

- (B) No recycled materials shall be stored outdoors, either before or after processing;
- (C) Facility structure shall be set back no less than 40 feet from all property lines.

*Comment: Section relocated from Section 3.16.03.06.*

#### **4.02.33. Recycling Collection Center, Outdoor.**

Recycling "center" in this context refers to a collection point for glass, paper, newspaper, cardboard, aluminum cans, plastic containers and/or wood for woodchips. No processing shall be allowed and no collection of hazardous materials shall be allowed. Storage of materials must be in an approved storage container that is watertight, child-proof, and sanitary.

*Comment: Section relocated from Section 3.16.05.03.*

#### **~~3.21.02. Recycling Collection Center, Outdoor.~~**

~~Recycling Center in this context refers to a collection point for glass, paper, newspaper, cardboard, aluminum cans, plastic containers and/or wood for woodchips. No processing shall be allowed and no collection of hazardous materials shall be allowed. Storage of materials must be in an approved storage container that is watertight, child-proof and sanitary.~~

*Comment: Section relocated from Section 3.21.02 and deleted as it is a duplicate of Section 3.16.05.03.*

#### **4.02.34. Recycled Materials Processing Center.**

This use shall conform to the General Requirements for Light Industrial Uses listed in Section ~~3.08.09~~ 4.02.23 in addition to the below standards:

- (A) All processing activities and associated machinery or equipment not located inside an enclosed structure shall be screened from general or casual view by a six-foot solid wall;
- (B) All recycled materials stored outdoors, either before or after processing shall be screened from general or casual view by a six-foot solid wall;
- (C) Structures shall be set back 40 feet from all lot lines;

- (D) Truck parking areas shall be set back at least 50 feet from any property zoned or designated on the Future Land Use Map for residential use;
- (E) Truck parking areas shall be set back at least 20 feet from any property zoned or designated on the Future Land Use Map for commercial or industrial use.

*Comment: Section relocated from Section 3.16.07.03.*

**4.02.35. Restaurant.**

All parking must be off-street See Section ~~3.11.02~~ 5.09.00.

*Comment: Section relocated from Section 3.16.03.07.*

**3.20.02. Restaurant.**

All parking must be off street. See Section 3.11.00.

*Comment: Section relocated from Section 3.20.02 and deleted as it is a duplicate of Section 3.16.03.07.*

**4.02.36. Restaurant, Drive-Thru (and Other Drive-Thru Establishments).**

The following standards shall apply to all drive-through facilities, including but not limited to restaurants, banks, drug stores, car washes, and dry cleaners.

- (A) All vehicular stacking areas associated with drive through facilities shall be set back at least thirty (30) feet from adjacent residential zoning/uses.
- (B) Drive through drive aisles shall be screened from adjacent residential zoning/uses by a six (6) foot solid fence and landscaping equal to sixty (60) percent opacity on the outside of the fence.
- (C) On-site traffic circulation shall be designed in such a manner so that no cars are stacked on any rights-of-way, drive aisle or blocking any parking or loading space.
- (D) Each stacking lane shall have a minimum width of nine (9) feet. Each stacking space shall have a minimum length of nineteen (19) feet.
- (E) All drive-through facilities shall provide a by-pass lane, or safe means of egress around drive-through lanes, unless waived by the Planning Director due to specific mitigating site or operational conditions.

- (F) One-way drive aisles which serve automobile-oriented uses may be reduced to eight (8) feet in width when adequate access for emergency vehicles is provided to the principal entrance of the building by other drives and when not encroaching upon a fire lane or walkway.

*Comment: New section to address Drive-thru establishments.*

#### **4.02.37. Sales or Minor Storage of Propane Gas.**

This use shall conform to the General Requirements for Light Industrial Uses listed in Section ~~3.08.09~~ 4.02.23 in addition to the below standards:

Storage area must be a minimum of 20 feet from any property line and 20 feet from any structure on-site and comply with National Fire Protection Association (NFPA) standards.

*Comment: Section relocated from Section 3.16.07.04.*

#### **~~Sec. 4.02.38. Sales/Repair of Heavy Equipment.~~**

~~A special exception approval is required for sites located in all three of the following areas: Agricultural Future Land Use, the A-1-zoned district, and the Mining Overlay of the adopted comprehensive plan. A special exception approval is also required for sites located in the C-2-zoned district.~~

~~In addition to the applicable regulations in Article 3, the following standards shall apply to the sale/repair of heavy equipment use:~~

~~(a) Development Requirements~~

- ~~(1) Minimum lot size shall be five acres in the A-1-zoned district and two acres in the C-2-zoned district.~~
- ~~(2) All new sites shall have frontage along a principal or minor arterial road; however, when adjacent to a collector or local road shall access the roadway of lesser classification as defined by the Hardee County Comprehensive Plan's Future Traffic Functional Classification Map.~~
- ~~(3) Direct access to principal or minor arterial shall only be allowed with approval by the county engineer and the Florida Department of Transportation.~~



- (4) All new sites accessing a collector or local 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 by the county engineer.
  - (5) When abutting a residential district or use, all equipment display and/or storage shall be setback a minimum of 50 feet from the property line. However, this distance may be reduced with increased buffering and screening as determined by the board of county commissioners.
  - (6) All vehicle/equipment repair structures shall be set back a minimum of 100 feet when abutting a residential district or use. However, this distance may be reduced with increased buffering and screening as determined by the board of county commissioners.
- (b) Design Requirements.
- (1) A six-foot fence must be constructed along the property line adjacent to a residential district or use in addition to the buffer yard required by Section ~~3.15.00~~ 5.13.00. This fence may be constructed of wood, chain link with inserts, masonry, or metal. Specifications for the type of fences are as follows:
    - (a-) *Wood fence*: Privacy fence constructed of cypress, redwood or wood treated for outdoor exposure;
    - (b-) *Chain link with inserts*: Must be of non-corrosive construction; inserts must be maintained so that there are no breaks or gaps; inserts must be metal or plastic;
    - (c-) *Masonry*: Shall be constructed and maintained to present a clean, uniform appearance; or,
    - (d-) *Metal*: Shall be constructed and maintained to present a clean, uniform appearance with no rust and with no gaps showing.
  - (2) Any security lighting provided shall be directed away from and not radiate on adjacent properties or any roadway.
  - (3) All heavy machinery equipment repairs shall be conducted within an enclosed structure.

- (4) All facilities shall be maintained so as not to create environmental or health hazards that pose a threat to ground or surface water quality, air quality, wildlife, or humans. Used tires and worn out batteries may not be stored onsite and all fluids shall be drained from inoperable vehicles or equipment stored for parts or salvage purposes.
- (5) Equipment storage and display areas may be left unpaved provided they are surfaced and maintained to provide a durable, dust-free surface and provide adequate drainage facilities for disposal of all collected surface water. Surfacing materials may include, but are not limited to, pavement, granite gravel, or pervious paving materials as approved by the County Engineer. Paved drive aisles shall be provided for internal circulation from the parking areas to public or private roadways.

*Comment: Section relocated from Section 3.24.00.*

#### **4.02.39. Service Station/Minor Automotive Repair.**

- (A) *Site—Service Station.* The minimum frontage on an Arterial or Collector road shall be 150 feet. The minimum area of service station development site shall be 15,000 square feet. Construction on-site of minimum area shall include no more than two service bays and two pump islands. One service bay and one pump island may be added for each additional 2,000 square feet.

*Site—Truck Stop.* Development site shall be at least two acres in size, and shall have no less than 150 feet of frontage on an Arterial roadway. Mechanical work shall be limited to minor automotive repairs as defined in Article 9.

- (B) *Service Area.* Service areas shall be provided as follows:

- (Ø1) *Paving.* The entire area of service station-sites not covered by structures and landscaping shall be paved; either concrete or asphaltic concrete shall be used for the paved area;

- (Ø2) *Curb.* At the property line, face each street side of the service area which is not included in a driveway with a concrete vertical curb 6" wide by 13" deep with a top six inches above the finished pavement grade except where a transition is made to driveway;

- (Ø3) *Equipment.* Pits, hoists, and all lubricating, washing, and repair equipment and workspace shall be enclosed within an approved

- sand and grease trap, drainfield and dry well, in accordance with all State standards;
- (04) *Off-Street Parking.* The service area shall include no less than one employee parking space for each two employees, with a minimum of two employee parking spaces;
- (05) *Truck Parking Areas—Truck Stop.* Truck parking areas shall be set back at least 50 feet from any property zoned or designated on the ~~Future Land Use~~ Zoning Map for residential use.
- (C) *Bulk Storage.* Liquid petroleum fuels shall be stored in accordance with applicable State standards. No loading or unloading of freight shall be permitted on the site.
- (D) *Structures.* Structures shall conform to the following standards:
- (01) *Building.* The building shall be set back a minimum of 40 feet from street property lines. This distance shall be measured to vertical canopy supports if they are used, and the building vertical walls if vertical canopy supports are not used. The building shall be set back a minimum of 10 feet from interior property lines. A canopy overhead shall not project more than 10 feet from the canopy vertical supports;
- (02) *Pump Islands.* Pump islands shall be set back a minimum of 25 feet from any property line;
- (03) *Exterior Lighting.* Exterior lighting fixtures shall cast no glare beyond a property line.
- (E) *Outdoor Display.* Outdoor display shall be limited to the following:
- (01) Racks containing cans of lubricating oil may be displayed on each service island;
- (02) One rack or pedestal for the display of no more than one tire may be placed on each service island and along any side of the main entrance;
- (03) One stationary storage cabinet may be located no more than four feet from the wall of the main structure, excluding vending machines;

- (04) The display of standards, banners, flags, and any sign not specifically authorized by this Code is prohibited, except that one permit for the display of standards, banners, and flags for not more than 30 days may be issued to a newly constructed service station.
- (05) The service area shall drain into a catch basin on the site and thence to a storm sewer if a storm sewer is available. If no storm sewer passes the site, the drainage shall be in accordance with Section ~~3.13.00~~ 5.11.00, Stormwater Management.
- (F) *Shopping Centers.* One service station may be constructed at a shopping center provided all other requirements of this Section are met.
- (G) *Storage, Sale, and Rental of Vehicles and Trailers.* The storage of vehicles and trailers shall be permitted only as incidental to the customary servicing of vehicles and trailers, except that one vehicle or trailer may be stored for each 200 square feet of land over 15,000 square feet of lot area. The sale of vehicles and trailers shall be prohibited. The rental of vehicles or trailers shall be permitted provided that an additional 200 square feet of lot area is provided for each rental vehicle and/or trailer.
- Storage of vehicles that are used for parts or that are stored in connection with a wrecker or towing service have a maximum accumulation time of two months.

*Comment: Section relocated from Section 3.16.04.01.*

#### **4.02.40. Sewage Disposal Facility.**

~~A Site Development Plan is required in I-2-zoned district.~~

- (A) All facilities or disposal activities, including spray equipment and over-land flow areas, shall be set back no less than 100 feet from all lot lines.
- (B) Property shall be screened from outside view by vegetative buffer areas. See Section ~~3.15.04~~ 5.13.00.
- (C) Facility shall meet all applicable standards of the State of Florida.

*Comment: Section relocated from Section 3.16.09.01; Reference removed as site development plans are required for all development.*

**4.02.41. Shopping Center (Less than 250,000 s.f.).**

It is the purpose of these standards to provide minimum development guidelines for a shopping center of less than 250,000 square feet of gross leasable area (SFGLA). These provisions are intended to protect established or permitted uses in the vicinity of such a shopping center and to protect and promote the orderly growth and development of Hardee County.

**(A) Development Site Requirements.**

(Ø1) *Minimum Lot Size.* An area not less than 50,000 square feet with a minimum frontage of 300 feet.

(Ø2) *Setbacks.*

Front:	35 feet;
Side:	40 feet if contiguous to property designated for residential use on the <del>Future Land Use</del> <u>Zoning Map</u> .
	20 feet if contiguous to property designated for commercial or industrial use on the <del>Future Land Use</del> <u>Zoning Map</u> ;
Rear:	50 feet if contiguous to property designated for residential use on the <del>Future Land Use</del> <u>Zoning Map</u> .
	30 feet if contiguous to property designated for commercial or industrial use on the <del>Future Land Use</del> <u>Zoning Map</u> .

(Ø3) *Maximum Lot Coverage.* No more than 30% of the development site shall be covered by structures.

**(B) Design Standards.**

(Ø1) *Lighting:* All lighting shall be shielded to focus and direct lighting onto the uses established, and away from adjacent property, but of sufficient intensity to discourage vandalism and theft. See Section 3.14.00, Performance Standards, for applicable glare and lighting standards.

(Ø2) *Fencing:* Where a property line abuts and is contiguous to any residential land use classification, a fence no less than six feet in height, which shall be in addition to the buffer yard required by Section ~~3.15.00~~ 5.13.00. This fence may be constructed of wood, chain link with inserts, masonry, or metal. Specifications for the type of fences are as follows:

- (a-) Wood fence: Privacy fence constructed of cypress, redwood or wood treated for outdoor exposure;
  - (b-) Chain link with inserts: Must be of non-corrosive construction; inserts must be maintained so that there are no breaks or gaps; inserts must be metal or plastic;
  - (c-) Masonry: Shall be constructed and maintained to present a clean, uniform appearance; or
  - (d-) Metal: Shall be constructed and maintained to present a clean, uniform appearance with no rust and with no gaps showing.
- (03) *Signs*: See Article ~~46~~, ~~Section 4.04.01~~.
- (04) *Landscaping*: Landscaping shall be provided in all required setback areas according to the standards of Section ~~3.15.00~~ 5.13.00.
- (05) *Parking*: See Section ~~3.11.00~~ 5.09.00, Off-Street Parking Requirements.
- (06) *Off-Street Loading*: There shall be a minimum of one off-street loading space for each 25,000 SFGLA in the center.
- (07) *Road Frontage*: Road frontage must have direct access onto an Arterial or Collector road.
- (08) *Driveway*: No driveway shall be closer than 60 feet to a Collector road and 60 feet to an Arterial road that adjoins at an intersection.

*Comment: Section relocated from Section 3.20.03.*

#### **4.02.42. Shopping Center (250,000+ s.f.).**

It is the purpose of these standards to provide minimum development guidelines for a shopping center of greater than 250,000 s.f. of gross leasable area (SFGLA). These provisions are intended to protect established or permitted uses in the vicinity of such a shopping center and to protect and promote the orderly growth and development of Hardee County.

##### **(A) Development Site Requirements.**

- (01) *Minimum Lot Size*. An area not less than 550,000 square feet, with a minimum frontage of 1,000 feet.

## (02) Setbacks.

Front:	75 feet
Side:	50 feet if contiguous to property designated for residential use on the <del>Future Land Use</del> <u>Zoning Map</u> .
	30 feet if contiguous to property designated for commercial or industrial use on the <del>Future Land Use</del> <u>Zoning Map</u> .
Rear:	75 feet if contiguous to property designated for residential use on the <del>Future Land Use</del> <u>Zoning Map</u> .
	40 feet if contiguous to property designated for commercial or industrial use on the <del>Future Land Use</del> <u>Zoning Map</u> .

(03) *Maximum Lot Coverage.* No more than 27% of the development site shall be covered by structures.

## (B) Design Requirements.

(01) *Lighting:* All lights shall be shielded to focus and direct lighting onto the shopping center, and away from adjacent property, but may be of sufficient intensity to discourage vandalism and theft. Reference Section ~~3.14.00~~ 5.12.00, Performance Standards, for applicable glare and lighting standards.

(02) *Fencing:* Where a property line abuts and is contiguous to any residential land use classification, a six-foot solid face masonry wall, in addition to required buffer yards, shall be constructed along, or within 10 feet, of the property line.

(03) *Signs:* See Article ~~46~~, ~~Section 4.04.01~~.

(04) *Landscaping:* Canopy and buffer yards shall be provided in accordance with the standards of Section ~~3.15.00~~ 5.13.00.

(05) *Parking:* There shall be a minimum of 5.5 parking spaces per 1,000 SFGLA.

(06) *Off-Street Loading:* There shall be a minimum of one off-street loading space for each 25,000 SFGLA in the center.

***Comment: Section relocated from Section 3.17.02.***

**4.02.43. Slaughterhouse.**

- (A) Adequate containment must be provided on the site in accordance with State and Federal Standards.
- (B) Disposal of by-products must be done on the site. Containment must be adequate to control all unpleasant odors from escaping the site.
- (C) Must be set back at least 100 feet from any property line; must not be located within 1,000 feet of a residence or residentially zoned area.

*Comment: Section relocated from Section 3.17.05.09.*

**4.02.44. Solar Power Generation Facility.**

- (A) Generally. All solar equipment and devices shall comply with Florida law and shall be certified by the Florida Solar Energy Center. The regulations imposed herein are not intended to prohibit or have the effect of prohibiting the installation of energy devices based on renewable resources pursuant to F.S. § 163.3205.
- (B) Design standards. The following provisions are intended to facilitate the commercial generation and distribution of solar power within the County. The Table of Uses, outlines the zoning districts where solar power generation facilities are allowed.
  - (1) Types of Solar Panels. The solar panels shall be ground mounted and may be fixed mount or solar tracker.
  - (2) Minimum lot size. The minimum lot size shall be ten (10) acres.
  - (3) Placement. The devices that capture energy and convert it to electricity shall not be placed in wetlands, environmentally sensitive resources, or habitats, imperiled and critically imperiled habitats as defined by the Florida Natural Areas Inventory, and buffers.
  - (4) Setbacks. All solar panels and related equipment shall be setback a minimum of 50 feet from all property lines and shall comply with all applicable right-of-way setbacks. On-site power lines and interconnections to electrical grids shall be placed underground where feasible. Transmission lines and supporting poles necessary to move electricity off-site are excluded from this requirement.
  - (5) Height. The maximum height allowed for all equipment associated with the solar power generation facilities shall be limited to 15 feet in height, excluding



transmission lines, supporting poles, and communication equipment. Solar panel height is measured when the panels are tilted to the design degree that creates the greatest overall height. All other structures shall conform with principal structure height requirements of the zoning district.

- (6) *Fencing.* Physical access to a solar power generation facility shall be restricted by fencing or walls. The security fence shall be a minimum height of six feet high and a maximum of eight feet high. When immediately adjacent to single and multi-family residential uses, community uses and commercial uses, opaque fencing shall be required. All fencing and wall details shall be shown on the site plan.
- (7) *Impervious Surfaces and Landscaping.* Solar panels associated with solar power generation facilities are considered pervious if configured to promote sheet flow of stormwater from panels and natural stormwater infiltration into the ground beneath the panels. The solar panels are not subject to lot coverage restrictions or canopy tree landscaping requirements. Solar power generation facilities must meet the buffering requirements of Section 3.07.04 of this code. However, walls, fences, and berms (or a contribution thereof) a minimum of six feet in height throughout the buffer may be installed to reduce the buffer width and planting requirements by 50%.
- (8) *Glare Reduction.* Where ground mounted solar panels face abutting residentially developed or zoned parcels or public roadways, the panels shall be made of glare reducing materials.
- (9) *Emergency access and response.* Reasonable accessibility for emergency service vehicles shall be provided and noted on the site plan. An emergency response plan including access routes, documents, schematics, and important contacts and other technical material must be submitted to the County.
- (10) *Internal access roads.* Internal access roads are not required to meet the street design standards of Section 3.02.03 but must provide sufficient capacity to serve emergency vehicles as established in the emergency response plan.
- (11) *Maintenance.* Solar panels and associated equipment shall be maintained in proper working order and shall not be allowed to enter a state of disrepair.
- (12) *Abandonment.* A solar power generation facility shall be considered abandoned after a one-year period without energy production. The property owner shall be responsible for removing all energy production and transmission equipment and appurtenances within 120 days of abandonment.

- (13) Utility Coordination. Prior to site plan approval, the applicant shall submit proof of notice to the utility company that operates the power grid where the solar power generation facility will be located of the intent to develop an interconnected power generation facility. Prior to site construction plan approval, the applicant shall submit proof of an executed interconnection agreement with the utility or other written proof of an agreement with the utility that construction can proceed.

*Comment: Language added to address Solar Power generation facilities.*

#### **4.02.45. Townhouses.**

All construction of townhouses is subject to the following conditions:

- (A) *Approval.* Townhouses shall be approved for a specific site only if:
- (Ø1) The proposed site shall be adequately served by all private, public, or tie into existing utilities and adequate streets; and
  - (Ø2) The proposed site is of such size and proportions so as to be adaptable to townhouse development in accordance with the site development standards and requirements of this Section.
- (B) Site Development Standards.
- (Ø1) *Lot Area Requirements.* Where townhouses are proposed for development upon existing platted lots or within a proposed subdivision of conventional lot and block design, the minimum area for townhouse development shall be that area comprising all lots within a block fronting upon a single street, provided that the minimum frontage area may be reduced to a minimum of 100 lineal feet.  
  
Where townhouse development is proposed as a unit with common parking and open areas provided, the minimum gross site area shall be one acre.
  - (Ø2) *Curved Frontage.* Where a lot fronts on a cul-de-sac or other curved right-of-way, there shall be no less than 12 feet of frontage, as measured along the arc of the curve.
  - (Ø3) Individual Lot Requirements.

Minimum lot area:	1,800 square feet
Minimum width:	18 feet
Front yard minimum depth:	15 feet
Rear yard minimum depth:	30 feet

Exception: Front yard having a minimum depth of 20 feet shall have a rear yard with a minimum depth of 25 feet.

- (04) *Density*. No less than three dwelling units and no more than nine dwelling units shall be contiguous. No more than two contiguous units shall be built in a row with the same or approximately the same front line. No contiguous unit or series of units shall be more than 162 feet in length without provision for space between units.
- (05) *Minimum Difference in Building Line Setback*. The minimum difference in building line setback to provide variation shall be two feet.
- (06) *Setback Between Buildings*. No portion of a townhouse or accessory structure in or related to one group of contiguous townhouses shall be closer than 20 feet to any portion of a townhouse or accessory structure related to another group, or to any building outside the townhouse area. A side yard having a minimum width of 10 feet shall be provided adjacent to any public right-of-way, except that no structure may be located within 40 feet of the centerline of any public road.
- (07) *Minimum Floor Area of a Unit*. Five hundred square feet.
- (08) *Maximum Building Height from Final Ground Level of Building*. Thirty-five feet.
- (09) *Off-Street Parking Requirements*. See Section ~~3-11-00~~ 5.09.00, Off-Street Parking Requirements.
- (10) *Common Areas*. Townhouse development of 20 or more dwellings shall have common open areas suitably developed for recreation purposes, not including parking lots, equal to 300 square feet per dwelling. Said requirement shall apply whether or not actual construction and/or development is carried out by units or sections having less than 20 dwellings.

- (11) *Accessory Structures:* Clubhouse, laundry, swimming pool, hurricane shelter, convenience store (no gasoline sales), and other shared facilities for the common use of the residents of a development.
- (C) *Private Garage or Carport.* A private garage or carport may be free-standing; constructed as part of the main building; or, be attached to the main building by a covered passage. It must conform to the architectural style of the project.
- (D) *Sign Advertising a Vacant Unit or Lot.* No sign exceeding nine square feet in area shall be permitted.
- (E) *Consistent Design Standards.* No change may be made to the originally approved architectural style.

*Comment: Section relocated from Section 3.16.02.02.*

**3.17.07.01. Transmission Lines.**

~~Lines of greater than 250 KW must be set back 500 feet from a residence in all districts.~~

*Comment: Section relocated from Section 3.17.07.01 and deleted as it is removed from the Table of Uses.*

**4.02.46. Utility Substation.**

- (A) Facility shall be surrounded by a fence at least six feet in height to deter unauthorized entry. Barbed wire may be placed on top for safety.
- (B) All structures and/or equipment shall be set back not less than 15 feet from all property lines. Canopy and buffer yards shall be provided in accordance with the standards of Section ~~3.15.00~~ 5.13.00 and a buffer yard "D".

*Comment: Section relocated from Section 3.16.09.02.*

**3.22.18.03. Vocational/Technical School.**

~~Special Exception approval is required in F-R and A-1 zoned districts.~~

*Comment: Section relocated from Section 3.22.18.03; Deleted as information is included on the Table of Uses.*

**4.02.47. - Wastewater Residuals and Domestic Septage.**

*Comment: Section Title relocated from Section 3.22.00.*

**4.02.47.01. Intent and Purpose.**

- (A) To provide a mechanism to promote a more efficient and effective method of regulating land spreading of domestic wastewater residuals, and industrial residuals, and to ensure protection of the public health, safety, and welfare.
- (B) To protect against the creation of a public nuisance through improper handling and disposal of domestic wastewater residuals and industrial residuals.
- (C) To ensure County control over the domestic wastewater residuals, and industrial residuals land application areas.
- (D) To ensure that proper pre-treatment of domestic wastewater residuals, and industrial residuals is occurring prior to land application, thereby protecting the land, water, and environment in general.

*Comment: Section relocated from Section 3.22.01.*

**4.02.47.02. Adoption of State and Federal Rules by Reference.**

The following rules, as may be renumbered or re-designated from time to time, are hereby adopted by this reference as fully as if set forth herein as Hardee County's regulatory standards governing the application and disposal of residuals, and sludges except to the extent modified by this Section:

- (A) F.A.C. Chapter 62-640;
- (B) F.A.C. Chapter 62-660;
- (C) F.A.C. Chapter ~~64E-6~~ 62-6;
- (D) 40 CFR, Part 503 Federal Regulation.

*Comment: Section relocated from Section 3.22.02.*

**4.02.47.03. Definitions.**

- (A) Definitions shall be as set forth in Rules 62-640 and 62-660, F.A.C., ~~64E-6~~ 62-6, F.A.C., and 40 CFR, Part 503, Federal Regulations, or as adopted under this Section. To the extent of a conflict or inconsistency, the

following shall prevail. References to the Department of Environmental Protection ("the Department") and the Secretary of the Department of Environmental Protection ("the Secretary") within Chapters 62-640 and 62-660, F.A.C., shall be construed to refer to the Hardee County Planning and Development Division. Specific definitions are included in Article 14.

*Comment: Section relocated from Section 3.22.03(A); reference to definitions in Article 14 added.*

#### **4.02.47.04. Exemptions.**

The following shall be considered exempt from this Section:

- (A) Any transportation of domestic wastewater residuals only on the site of a wastewater treatment plant.
- (B) Any land spreading of domestic septage, chemical portable toilet sludge, holding tank sludge and food service sludge which is permitted by the Department of ~~Health and Rehabilitative Services~~ Environmental Protection under Rule ~~64E-6-62-6~~.
- (C) Land spreading of vegetable waste for purposes of feeding livestock.

*Comment: Section relocated from Section 3.22.04.*

#### **4.02.47.05. Prohibited Acts.**

- (A) The land spreading of residuals, or any solid wastes, except as provided herein.
- (B) The land spreading of residuals, or any materials whatsoever, that may be toxic or hazardous in nature, or which may include substances considered as hazardous waste, hazardous materials, or toxic waste.
- (C) The land spreading of residuals in areas used for food crops.
- (D) The land spreading of untreated, improperly treated, or unstabilized residuals inconsistent with an approved DEP permit, or residuals generated from a facility not permitted under Chapter 62-620, F.A.C.
- (E) The land spreading of residuals in areas other than improved pasture, or for any reason(s) other than agricultural enhancement or bona fide agricultural purposes.

- (F) The land spreading of residuals or materials in such a manner as to potentially create point source(s) or non-point source(s) of pollution.
- (G) The application of domestic wastewater residuals which do not meet at least Class B pathogen reduction requirements and vector attraction reduction requirements of 40 CFR, Part 503 or similar requirements of Chapter 62-640 F.A.C. may be applied.
- (H) Land spreading of wastewater residuals and septage shall be prohibited between the hours of 8:00 p.m. and 6:00 a.m., except for scheduled maintenance operations at a wastewater treatment plant (WWTP) or emergency conditions as determined by the WWTP owner or operator. Written notification by the Owner/Manager of a WWTP of the need to engage in land spreading activity during prohibited hours as a result of a scheduled maintenance event shall be provided to the Planning and Development Division 72 hours prior to the maintenance event. In the event of an emergency condition, verbal notification of the need to land spread during prohibited hours, shall be provided to the Planning and Development on the next working day, followed by written notice within 72 hours.
- (I) The co-mingling of domestic septage, chemical/portable toilet sludge, holding tank sludge, food service sludge, or domestic wastewater residuals together with hazardous wastes, industrial residuals, air treatment sludges or water treatment sludges, and land spreading such mixtures on land within Hardee County is prohibited.
- (J) No person may cause, allow, or permit the discharge of air pollutants that cause or contribute to an objectionable odor or a sanitary nuisance as a result of any operation by any person regulated by this Section.

*Comment: Section relocated from Section 3.22.05.*

**4.02.47.06. Land Spreading Permit Required.**

- (A) Any person who intends to land spread domestic wastewater residuals for agricultural purposes, including, but not limited to, air treatment sludges and/or water treatment sludges, in Hardee County, shall first obtain a permit for such activity from the Planning and Development Division. Such permit may be revoked or denied for failure to comply with any of the requirements of this Section. Approval of a permit shall be contingent upon the applicant adequately providing the following minimum

information. Hardee County shall not be responsible for any errors or omissions pertaining to the information provided:

- (01) Location map of the proposed land spreading site(s).
- (02) Most recent aerial photo available at a scale of 1" = 200', no more than five years old, of each or all land spreading sites, with overlay, or separate drawing/graphic, depicting and delineating spreading site(s), setbacks, and the locations and aerial extents of wetlands, wells, floodplain boundaries, hydric soils, roads, entrance points, signage, residences, and other features, as relevant.
- (03) Proof of permission from property owners, or their agent, to accept industrial or domestic wastewater residuals on the site and their signature on the application accepting the conditions set forth in this Section.
- (04) The results of a soil analysis of specific land spreading sites within the property, conducted by a County approved testing laboratory within six months prior to permit application. At a minimum, the analysis will adhere to the following: (a) an array of soil samples/cores the type, number, and locations of which to be determined by the County and the USDA-NRCS, and; (c) analysis of said samples for pH, lime requirement, Phosphorus, Potassium, Calcium, Magnesium, Copper, Zinc, Sodium, Boron, Molybdenum, Nitrate, Sulfate, and Iron, and any additional parameter which may be required to develop a conservation plan.
- (05) An approved USDA-NRCS Conservation Plan for the parcel of land to be permitted for land spreading of residuals. If the permittee is unable to obtain the required conservation plan from the NRCS with a reasonable time period, Hardee County may be petitioned for an extension in order to meet the plant requirements.
- (06) The permittee is required to submit a repeat soil analysis, as specified in subsection (04) above, on an annual basis to Hardee County and to the USDA-NRCS for monitoring of the total nutrient management plan for the project.
- (07) Best Management Practices (BMPs) are encouraged, to the extent that they are not inconsistent with the provisions herein.



- (08) Transport routes, points of ingress and egress to the spreading site, and an estimate of the number of daily truck trips to the land spreading site.
- (09) Classes of residuals to be land spread, the land spreading rates for each land spreading area.
- (10) Agriculture Use Plan, as required in Chapter 62-640, F.A.C.
- (11) A copy of the written request for modification of the wastewater treatment facility's current FDEP operation or construction permit.
- (12) The permanent location and address of the business where transporting/land spreading operations will originate and where equipment is stored when it is not in use.
- (13) Certification by the lead operator, licensed in the State of Florida, documenting the ability of each wastewater treatment plant to achieve the minimum residuals stabilization levels required by Chapter 62-640, F.A.C. and 40 CFR, Part 503.
- (14) Certification by the lead operator that the wastewater residuals have been properly treated and stabilized, according to Rule 62-640, F.A.C. and 40 CFR, Part 503.
- (15) Proof that required residuals sampling and analyses, as specified in Rule 62-640, F.A.C., are being performed during periods of representative waste stream flow into the wastewater treatment plant. Non-representative flows include extended low flow periods during the off-season and other similar situations.
- (16) A surety bond in the amount of one million U.S. dollars, payable to Hardee County, for the purpose of correcting any environmental damage or public health threat caused by the permit holder.
- (17) All vehicles used to transport and/or apply residuals in Hardee County must be registered with the Planning and Development Division. Additional vehicles must be registered within 30 days of purchase or use in the County.
- (18) The applicable permit fees and registration fees.

- (19) The proposed land spreading must comply with all zoning requirements of the Hardee County Unified Land Development Code.
- (B) The County permit number, along with the company name, address, and telephone number shall be prominently displayed on the tank portion of the service truck in three-inch tall or larger letters. The County permit number and the vehicle's identification number shall be located on both sides and rear of the vehicle. If the service truck is used for both residuals and septage/related waste hauling, the Department of ~~Health and Rehabilitative Services~~ Environmental Protection's truck identification number shall also become Hardee County permit number (if requested by the permittee). This identification signage must be permanently applied to the vehicle(s). Signage must be a contrasting color to the vehicle color.
- (C) The permit shall not be transferable.
- (D) All land spreading sites whether new or existing must comply with this Section.
- (E) The term for each permit issued shall be for one year. A permittee must submit an application for renewal at least 30 calendar days prior to the expiration of the valid permit. However, even in the event that this Section is repealed in whole or in part, any permit issued hereunder for bona fide agricultural uses shall remain in effect until the expiration of the term of the permit.
- (F) The applicant shall allow the Planning and Development Division or designated enforcement officer to inspect the proposed land spreading site(s) for compliance with all applicable rules and regulations prior to an initial permit becoming effective and at all times during the life of the permit. All discrepancies must be corrected prior to permit approval.
- (G) Whenever a permit applicant is denied an initial permit or permit renewal or permittee has had a valid permit revoked, the applicant may appeal to the Hardee County Board of County Commissioners. A written appeal must be filed with the Planning and Development Division within 30 days of denial of the permit. The applicant or permittee must set forth in the written appeal reasons why the permit should not have been denied or revoked.

- (H) Permit applicants requesting multi-application-area approvals: All proposed residuals application areas located on contiguously-owned property may be considered as one site for application purposes.
- (I) Completed forms as listed in Chapter 62-640, F.A.C., may be submitted as part of the required information to obtain a land spreading permit.

*Comment: Section relocated from Section 3.22.06.*

#### **4.02.47.07. Permit Application Review and Issuance.**

Upon determination that a received application is complete, the Planning and Development Division shall have 60 working days to approve, approve with conditions, or deny the permit application. The Planning and Development Division shall have authority to impose specific conditions in a permit which are necessary to mitigate potential environmental impacts associated with the application activity.

Specific conditions may include, but are not limited to:

- (01) Setbacks exceeding the minimums as required in Section ~~3.22.09~~ 4.02.51.09 of this Section;
- (02) Limitation of land application based on soil types, aquifer recharge potential, pollutant transport (migration) risks, historical groundwater table levels or fluctuations, or other potentially sensitive environmental factors;
- (03) Setbacks from residences where it has or can be proven to cause objectionable odors and/or nuisances injurious to health;
- (04) Limitations on types of agricultural practices;
- (05) Any other conditions determined to be reasonable and necessary by the Planning and Development Division.

*Comment: Section relocated from Section 3.22.07.*

#### **4.02.47.08. Modifications to Permits.**

The permittee shall notify the Planning and Development Division, in writing, of any significant changes anticipated to operations in Hardee County prior to the fact, except for emergencies. The Planning and Development Division will then

decide whether a permit modification will be required. A written notification of operational changes due to an emergency must be submitted to the Planning and Development Division immediately.

*Comment: Section relocated from Section 3.22.08.*

**04.02.47.09. Land Spreading Site Requirements.**

- (A) Land spreading is permitted for necessary and bona fide agricultural purposes only.
- (B) Each permittee/property owner must endeavor to restrict access to the land spreading site(s) by the use of "No Trespassing" signs as required by this Section, suitable fencing or other effective means.
- (C) The maximum rate of application on any permitted site shall not exceed Hardee County's acceptable safe standards for approved land spreading applications as determined by the Board of County Commissioners.
- (D) All setback areas shall be vegetated with non-wetland vegetation, and not consists, in whole or in part, of bare ground.
- (E) Residuals shall be incorporated into the soil within 48 hours of application. Class B residuals must be incorporated within 24 hours. The stockpiling of residuals is prohibited. The testing of untreated residuals on a regular basis, the testing of soils prior to land spreading, and the regular testing of soils after treatment, shall be used to assist in monitoring compliance with the provisions of this Section, and to determine the appropriateness of the agricultural enhancement programs.
- (F) At access points on each road along the site perimeter, signs shall be posted stating:

"NO TRESPASSING - LAND SPREADING OF DOMESTIC WASTEWATER RESIDUALS/SEPTAGE".

The lettering on these signs shall be at least two inches high and of a contrasting color to the sign background.

- (G) A permittee may not land spread residuals within the following minimum setbacks:

SURFACE FEATURE	DISTANCE FEET	
	Class A/AA	Class B
Class 1 waterbody or Outstanding Florida Water (OFW)	1,500	1,500
Any river, stream or tributary	1,000	1,000
Any other surface water, including wetlands, except non-jurisdictional canals or non-jurisdictional, temporary, man-made waterbodies used for irrigation that are located entirely within the site and which will not discharge from the site at any time	Ø200	Ø500
Floodplains (100-Year Floodplain)	Ø200*	Ø500
Any public potable water supply well	1,000	1,000
Any public private water supply well	Ø500**	1,000
Any irrigation well	Ø100	Ø500
Any building occupied by the general public	Ø500	1,000
Any occupied or habitable residence	Ø500**	1,000
The nearest property line	Ø500***	1,000
Any public right-of-way easement	Ø500	1,000

\* The 200' setback may be reduced to 100' if residuals are injected into soil or a conservation plan is provided pursuant to Chapter 62-640, F.A.C.

\*\* The setback may be reduced to 300' with an approved written waiver granted by the County Manager/designee. Said waiver must contain letters of agreement for such reduction from affected property owners, and said waiver shall be prepared in such a form as to be acceptable for recording in the public records of Hardee County, Florida.

\*\*\* Setback may be waived by the County Manager/designee if property within 500' is similarly permitted or has received written permission to reduce setbacks from all of the property owners whose property is located within the 500' setbacks. Where any conflict or conflicts in the application of required setbacks exist, the greater distance shall apply.

*Comment: Section relocated from Section 3.22.09.*

#### **4.02.47.10. Vehicle Registration Requirements.**

All vehicles used to transport and/or apply residuals to land in Hardee County shall be registered with the Planning and Development Division.

*Comment: Section relocated from Section 3.22.10.*

**4.02.47.11. Permit Fees.**

Permitting fees shall be established by resolution.

*Comment: Section relocated from Section 3.22.11.*

**4.02.47.12. Reporting Requirements.**

- (A) Residuals transporters and applicators shall submit transporting/application records to the Planning and Development Division on a quarterly basis (due on April 15, July 15, October 15 and January 15 of each year), documenting the following:
- (01) Source, classification, and volume of residuals transported/land applied;
  - (02) Date, time and place (site and spreading zones) of application, including dates of spreading and incorporation;
  - (03) Transport routes within Hardee County;
  - (04) Weather conditions at time of application;
  - (05) Water table measurement below land surfaces, as determined by the use of monitoring wells or piezometers at representative locations on the site(s) unless the seasonal high water table can accurately be determined as greater than two feet below ground surface by use of the USDA Soil Survey of Hardee County Florida;
  - (06) Truck identification and registration number;
  - (07) Transporter's name;
  - (08) Transporter's signature;
  - (09) Method of incorporation;
  - (10) Non-use of application site.
- In addition, an annual summary of the total amount of residuals applied to each site and spreading zone shall be provided, with an annual update to the agricultural use plan, by the 1st of March for operations during the prior calendar year.

(B) ~~INCIDENT REPORTING~~ Incident Reporting

The following shall be required in the event of an incident involving the transporting, handling, or disposing of wastes regulated by this Section:

- (01) The transporter, applicator, or generator responsible for creating a defined incident situation, shall immediately report the fact to the Hardee County Emergency Management Department and Planning and Development Division and local Public Health Office. Incidents occurring after hours or on weekends shall be reported immediately to Hardee County Emergency Management Department.
- (02) An attempt shall be made to contain the spilled material and reduce the number of pathogenic organisms by application of lime or other suitable biocide to the spilled waste material.
- (03) Begin cleanup and removal of spilled waste material as soon as possible.
- (04) Submit a written report of the incident within seven working days to the Planning and Development Division. This report shall include the following minimum information:
- (a) The name and address of the responsible person(s);
  - (b) Action taken to mitigate the incident;
  - (c) The final disposal site for the waste material;
  - (d) The cause of the incident;
  - (e) Location of incident;
  - (f) Location of all water supply wells within 100 feet of the incident site;
  - (g) Agency name and name of person incident was reported to.

*Comment: Section relocated from Section 3.22.12.*

#### **4.02.47.13. Monitoring and Inspection.**

Soil sample analysis shall be obtained from an independent testing agency by Hardee County, and reported and submitted in writing by the testing agency on a semi-annual basis to Hardee County Planning and Development Division while the permit is in effect and at termination of spreading operations. All soil sample analyses costs shall be borne by the permit-holder.

Land spreading residuals of AA classification are exempt from semi-annual site testing and termination site testing but are subject to random testing. The County shall have right of entry for purposes of ascertaining compliance with this Section, and the County shall have the right to perform any additional monitoring and testing for purposes of ascertaining compliance with this Section. All costs of additional monitoring, testing and inspections shall be borne by the permit-holder.

*Comment: Section relocated from Section 3.22.13.*

#### **4.02.47.14. Forms.**

Standard forms utilized by the Florida Department of Environmental Protection ~~or the Florida Department of Health and Rehabilitative Services~~, as amended, may be submitted when completed to satisfy certain requirements of this Section. Any information required by this Section that is not contained within such forms shall be submitted separately.

*Comment: Section relocated from Section 3.22.14.*

#### **4.02.47.15. Enforcement and Penalties.**

The Code Enforcement Officer may issue a Notice of Violation per violation/incident and/or issue a Cease and Desist Order for:

- \* Any violation of this Section,
- \* An act of fraud,
- \* Misrepresentation with respect to the application or permit,
- \* ~~v~~Violation of conditions imposed pursuant to the permit for any site where work has commenced and a permit has not been obtained, but is required by applicable agency (ies), or other good cause.

The property owner and Lessee, if any, is responsible for monitoring the residual spreading for compliance with this Section.



Any person receiving such an order for cessation of operations shall immediately comply with the requirements thereof. It shall be a violation of this Section for any person to fail to or refuse to comply with a Cease and Desist Order issued and served under the provision of this Section.

Any person who is a recipient of a Cease and Desist Order and/or a Notice of Violation may appeal to the Special Master. A written appeal must be filed with the Planning and Development Division within 10 days of receipt of the Notice of Violation and/or Cease and Desist Order. The recipient must set forth in the written appeal reasons why the Cease and Desist Order and/or the Notice of Violation should be rescinded.

In the event of appeal by the alleged violator, the Special Master shall hold a quasi-judicial hearing at which it shall take evidence and witnesses. The alleged violator shall be given written notice of the hearing no less than 10 days prior to the hearing, and each side shall be given the right to be heard and to present evidence and witnesses. The Special Master, upon finding of violation may impose fines up to \$25,000.00 per incident against the operator/spreader, which shall include any and all administrative costs associated with the incident, and up to \$5,000.00 per incident for any property owner and lessee found not to have complied with its obligation hereunder.

In the event the alleged violator fails to pay such fine within 30 days of imposition thereof, upon recommendation of the Special Master, the Board of County Commissioners may revoke any permit issued under this Section and all spreading of residuals shall immediately cease.

*Comment: Section relocated from Section 3.22.15.*

#### **4.02.47.16. Annual Review.**

By March 1 of each year, the Board of County Commissioners shall review the number of applications for sludge spreading permits submitted in the previous calendar year, the number of permits issued, the locations of spreading sites, and other material and relevant factors to determine whether an amendment, modification, or repeal of this Section in whole, or in part, is reasonably required for the protection and preservation of the health, safety and welfare of the citizens of Hardee County.

*Comment: Section relocated from Section 3.22.16.*

**4.02.48. Wastewater Septage Treatment Facility Site in A-1-Zoned District.**

Special Exception approval is required in A-1-zoned ~~zoned~~ zoning district for any septage treatment facility.

- (A) The site must be approved for septage by State of Florida Department of ~~Health and Rehabilitative Services~~ Environmental Protection; and
- (B) *Setbacks.* The Septage Treatment Facility Site shall meet the following minimum setbacks:

Surface Feature	Setback Distance in feet
Class I waterbody or Outstanding Florida Water (OFW)	3,000
Peace River, Horse Creek, Charlie Creek, Payne Creek, Little Payne Creek	3,000
Any river, stream or tributary	1,000
Any other surface water, including wetlands, except canals or waterbodies used for irrigation that are located entirely within the site and which will not discharge from the site at any time	200
Any public potable water supply well	1,000
Any private potable water supply well located off-site	1,000*
Any private potable water supply well located on-site	300
Any irrigation well (that is not drawing from the Floridan Aquifer)	100
Any building occupied by the general public	500
Any occupied residence	500*
Any property line	200**
* = The setback may be reduced to 300 feet minimum with an affidavit from affected property owner(s) granting such reduction. The affidavit must be dated, contain original signature(s) and signature(s) must be properly notarized, and affidavit must be recorded with the property owner(s) deed with the Clerk of the Court.	
** = The setback may be reduced to 75-foot minimum with an affidavit from affected property owner(s) granting such reduction. The affidavit must be dated, contain original signature(s) and signature(s) must be properly notarized, and affidavit must be recorded with the property owner(s) deed with the Clerk of the Court.	

- (C) *Topographic Grades.* Land application topographic grades shall not exceed 2% unless a Florida-registered professional engineer has certified that all runoff will be contained. In no event may the topographic grade exceed 8%; and
- (D) *Septage Treatment Facility* is permitted on-site providing it has been permitted by State of Florida, Department of Health and Rehabilitative Services, as an approved septage stabilization process and meets the same setbacks requirements for land spreading of septage; and
- (E) *Letter of credit or bond.* An irrevocable letter of credit or bond in the amount of \$10,000.00 from the owner of the Septage Treatment Facility shall be made payable to Hardee County, for the purposes of correcting any environmental damage or public health threat caused by the land application of septage. The irrevocable letter of credit or bond shall be for a period of one year and must be renewed each year that the State of Florida Department of ~~Health and Rehabilitative Services~~ Environmental Protection, re-permits the site. No Septage Treatment Facility can be used without such irrevocable letter of credit or bond. This provision shall not apply to any government agency.

*Comment: Section relocated from Section 3.22.17.*

#### **4.02.49. Water Tower.**

Each tower shall be set back from all property lines a distance equal to its height. Alternatively, the tower shall be set back a distance equal to 50% of its height with certification by an engineer licensed in the State of Florida that the structure is designed to collapse within the boundaries of the property on which it is built. The tower shall meet all applicable standards of the FCC, the FAA, and any other relevant Federal or State agency.

*Comment: Section relocated from Section 3.16.09.03.*

#### **4.02.50. Wholesale Distributor More Than 50,000 s.f.**

- (A) Minimum lot size shall be two acres.
- (B) The terminal must be located on an Arterial or a Major Rural Collector road.
- (C) Truck parking areas shall be set back at least 50 feet from any property zoned or designated on the ~~Future Land Use~~ Zoning Map for residential use.
- (D) Truck parking areas shall be set back at least 20 feet from any property zoned or designated on the ~~Future Land Use~~ Zoning Map for commercial or industrial use.

- (E) Canopy and buffer yards shall be provided in accordance with the standards of Section ~~3.15.02~~ 5.13.00 and a buffer yard "C".

*Comment: Section relocated from Section 3.16.06.01.*

DRAFT

AUGUST 31, 2023 DRAFT UNIFIED LAND DEVELOPMENT CODE ADDITIONAL AMENDED TEXT

ARTICLE 5: INFRASTRUCTURE DESIGN AND IMPROVEMENT STANDARDS

Additional changes to the August 17, 2023 Draft Unified Land Development Code are highlighted in yellow.

**SECTION 5.13.00. COMPATIBILITY, LANDSCAPING AND BUFFERING STANDARDS.**

**5.13.04 Land Clearing/ Vegetative Protection and Preservation**

**5.13.04.03 Protection of Native Vegetation and Trees During Construction**

- (A) General. During construction, all steps necessary to prevent the destruction or damaging of native vegetation and trees **to be protected on the site shall be taken**. Native vegetation and trees destroyed or receiving major damage must be replaced by vegetation of equal environmental value, as specified by the Planning and Development Department.
- (B) Excavation. Unless otherwise authorized by the vegetation removal permit, no soil is to be removed from within the drip line of any that is to remain at its original location.
- (C) Filling and Construction Debris. During construction, unless otherwise authorized by the approved site construction plan, no excess soil, additional fill, equipment, liquids, or construction debris, shall be placed within the drip line of any tree that is required to be preserved in its present location.
- (D) Attachments. No attachments or wires other than those of a protective or non-damaging nature shall be attached to any **protected** vegetation during construction.
- (E) Protective Barriers.
- (1) Installation of Protection Barriers. All protection barriers shall be installed and maintained for the period of time beginning with the commencement of any land clearing or building operations and ending with the completion of the permitted clearing or building construction work on the site.

- (2) On-site Representative Required. The applicant shall, at the time of application, designate an on-site representative who will be responsible for the installation and the maintenance of all protection barriers. The representative shall be responsible for supervising the removal of all existing vegetation permitted to be removed. The representative shall be on-site at all times during the vegetation clearing operations.
- (3) Protection of Large Areas of Native Vegetation. When the circumference of an area of vegetation to be preserved is more than 200 linear feet, the area shall be protected during land alternation and construction activities by placing 2x2 wood stakes a maximum of 20 feet apart around the perimeter of the area of vegetation, and tying ribbon, survey flagging, rope, or similar material at a minimum height of three (3) feet from stake to stake along the perimeter of such areas to be preserved.
- (4) Protection of Small Areas of Native Vegetation. When the circumference of an area of protected vegetation is less than 200 linear feet, a protective barrier shall be placed around the groups of trees and understory that are indicated to remain. The barrier shall be not less than three (3) feet in height, shall limit access to the protected area, and shall be composed of wood, metal, or other suitable materials, which ensures compliance with the intent of the Article. The barrier shall be highlighted with strips of survey flagging placed no more than five (5) feet on center. The provided barrier shall not harm the protected vegetation through construction or any other means.
- (5) Protection of Individual Trees. When the retention of single trees is required by this Article, a protective barrier, similar to that required in paragraph (4) above, shall be placed around the tree at a minimum distance from the trunk of six (6) feet or 2/3 of the drip line, whichever is greater of a hardwood tree, and six (6) feet or the drip line, whichever is greater for a softwood tree, or as otherwise determined by the Planning and Development Department.

*Comment: New Section added to address the protection of vegetation and landscaping during construction.*

**AUGUST 31, 2023 DRAFT UNIFIED LAND DEVELOPMENT CODE ADDITIONAL AMENDED TEXT**

**ARTICLE 6: SIGN REGULATIONS**

Additional changes to the August 17, 2023 Draft Unified Land Development Code and August 31, 2023 Trade Out Pages (Green Packet) are highlighted in yellow.

**SECTION 6.08.00 PERMITTED SIGNS:**

**6.08.03 Electronic Message Center Signs**

**(A) Residential Properties**

Electronic message center signs located within fifty feet (50') of any residential property line, as measured from the property line to the sign, shall display static images only. When possible, the sign shall be oriented so that no portion of the sign face is visible from an existing or permitted principal structure on that lot.

**(B) State and County Highways**

Electronic message center signs located on properties along State and County highways may be subject to State and County sign and permitting requirements.

**(C) Sign Standards**

(1) All electronic message center signs shall come equipped with automatic shut-off technology so that the display will go dark during sign malfunction.

(2) All electronic message center signs shall comply with the Building and the National Electrical Code.

(3) All electronic message center signs shall come equipped with automatic dimming technology which automatically adjusts the sign's brightness based on ambient light conditions.

(4) Electronic message center signs shall not be placed or illuminated so as to obscure or interfere with traffic control devices.

(5) No electronic message center sign shall exceed a brightness level of 0.3-foot candles above ambient light as measured using a foot candle (Lux) meter at a preset distance depending on sign area, measured as shown on Table 6.08.03(A). For signs with an area in square feet other than those specifically listed in the table (e.g., 12 sq. ft., 400 sq. ft., etc.) the

measurement distance may be calculated with the following formula:  
Measurement Distance =  $\sqrt{\text{Area of Sign Sq. Ft.} \times 100}$ .

**Table 6.08.03(A)**  
**Electronic Message Center Sign Brightness Level Standard**

<u>Area of Sign (Sq. Ft.)</u>	<u>Distance Measurement (Feet)</u>
<u>10</u>	<u>32</u>
<u>15</u>	<u>39</u>
<u>20</u>	<u>45</u>
<u>25</u>	<u>50</u>
<u>30</u>	<u>55</u>
<u>35</u>	<u>59</u>
<u>40</u>	<u>63</u>
<u>45</u>	<u>67</u>
<u>50</u>	<u>71</u>
<u>55</u>	<u>74</u>
<u>60</u>	<u>77</u>
<u>65</u>	<u>81</u>
<u>70</u>	<u>84</u>
<u>75</u>	<u>87</u>
<u>80</u>	<u>89</u>
<u>85</u>	<u>92</u>
<u>90</u>	<u>95</u>
<u>95</u>	<u>97</u>
<u>100</u>	<u>100</u>

*Comment: New Section to address electronic message center signs.*

**SECTION 6.10.00 ILLUMINATION STANDARDS**

- (A) All lighted signs shall conform to all applicable requirements of the Florida Building Code and the National Electrical Code.
- (B) Sign lighting shall not be designed or located to interfere with traffic lights.
- (C) Illumination by floodlights, spotlights, or unshielded bulbs is permissible so long as none of the light emitted shines onto an adjoining property or into the eyes of motorists or pedestrians using or entering public streets. This standard applies to sign illumination originating inside of business windows or sign illumination originating on signs which are outside.
- (D) Lights used for external sign illumination shall be so designed as to concentrate the illumination upon the sign, with steady, stationary, light, and such lights shall not glare upon the street or upon adjacent property.



(E) Unshielded illuminated devices that produce glare or are a hazard or a nuisance to motorists or occupants of adjacent properties are prohibited.

(F) Unless otherwise provided in this sign code, various types of sign illumination, including neon, incandescent, LED, and similar, compatible, or comparable lighting technologies, are permitted consistent with all applicable requirements of this sign code.

(G) Internally illuminated signs in mixed use developments and in residential districts where residential support uses are located shall not be illuminated between the hours of 11:00 p.m. and 6:00 a.m.

*Comment: New Section added to address illumination standards.*

*NOTE: Section 6.08.10 through 6.08.14 renumbered to 6.08.11 through 6.08.15*

**AUGUST 31, 2023 DRAFT UNIFIED LAND DEVELOPMENT CODE ADDITIONAL AMENDED TEXT**

**ARTICLE 8: PUBLIC FACILITY MONITORING AND PERMITTING**

Additional changes to the August 17, 2023 Draft Unified Land Development Code and August 31, 2023 Trade Out Pages (Green Packet) are highlighted in yellow.

**SECTION 8.01.00 - CONCURRENCY**

**8.01.07 Required Determinations**

**8.01.07.06 Impact Fee Credit for Proportionate Fair-Share Mitigation**

(01A) 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 Hardee County Impact Fee Ordinance, **if adopted**. 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's impact fee ordinance.

(02B) 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.

(03) ~~Reserved.~~

(04C) The amount of traffic 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:

$$\text{Credit} = (\text{Cost of Proportionate Share Project}) \times (\text{Total Project Traffic Impact Fee Liability})$$

*Comment: Section relocated from Section 6.01.07.06*

**AUGUST 31, 2023 DRAFT UNIFIED LAND DEVELOPMENT CODE ADDITIONAL AMENDED TEXT**

**ARTICLE 9: APPLICATION REVIEW AND DECISION MAKING**

The entire Article 9 is traded out due to the many changes relating to clarifying procedural requirements for review processes for comprehensive plans, zonings, uses permitted with conditions, site plans, subdivision plans, etc.

**HARDEE COUNTY**  
**DRAFT UNIFIED LAND DEVELOPMENT CODE AMENDMENTS**  
**CROSS REFERENCE MATRIX**  
**ARTICLE 9 • APPLICATION REVIEW AND DECISION MAKING**

PROPOSED ULDC REFERENCE		EXISTING ULDC REFERENCE		COMMENT
Section	Title	Section	Title	
9.01.00	Development Approval Process			New Section to address development approval process.
9.01.01	Approval from State and/or Federal Agencies			New Section added from Florida Statutes addressing the applicant's responsibility to obtain state and/or federal permits.
9.02.00	DRC Review Meeting	7.02.00	DRC Review Meeting	Section relocated from Section 702.00; language added to incorporate Permitted with Conditions uses and amendments to the Comprehensive Plan.
9.03.00	Comprehensive Plan Amendments	7.03.00	Comprehensive Plan Amendments	Section title relocated from 7.03.00; Language added to explain the three types of Comprehensive Plan amendments.
9.03.01	Intent and Purpose	7.03.01	Intent and Purpose	Section title relocated from 7.03.01; Language added to clarify the different type of amendments and transmittal process.
9.03.02	Contents of the Application for Comprehensive Plan Amendments	7.03.02 & 7.03.03	Statutory Requirements for Plan Amendments  Contents of the Application for Comprehensive Plan Amendments	Section relocated from combination of Section 7.03.02 and 7.03.03; Language changed from Evaluation and Appraisal Report to Site Evaluation Report to avoid confusion with the state mandated Evaluation and Appraisal Report process.
9.03.03	Planning and Zoning Board Standards for Evaluation	7.03.04	Planning and Zoning Board Standards for Evaluation	Section relocated from Section 7.03.04; Section title changes to reflect standards for evaluation for all bodies, not just the Planning and Zoning Board Part (D) language relating to need removed as it is no longer required by Florida Statutes.
9.03.04	Public Hearings	7.03.05	Public Hearings	Section relocated from 7.03.05; language deleted and replaced with language to reflect the location of the advertisement requirements in Article 10.
		7.03.06	Findings and Recommendation to Approve a Comprehensive plan Amendment	Section relocated from 7.03.06 and deleted because it is too narrowly defined.
		7.03.07	Findings and Recommendation to Deny a Comprehensive Plan Amendment	Section relocated from 7.03.06 and deleted because it is too narrowly defined.
9.03.05	Action by Board of County Commissioners	7.03.08	Action by Board of County Commissioners	Section relocated from 7.03.08 and updated to address Florida Statutes Chapter 163.
9.04.00	Rezoning	7.04.00	Rezoning	Title relocated from 7.04.00
9.04.01	Purpose and Intent	7.04.01	Purpose and Intent	Section relocated from 7.04.01
9.04.02	Contents of the Application	7.04.02	Contents of the Application	Section relocated from 7.04.02; language added to address flora and fauna.
9.04.03	Planning and Zoning Board Standards for Evaluation	7.04.03	Planning and Zoning Board	Section relocated from 7.04.03; language relating to adversely affecting property values deleted because it is subjective; language

PROPOSED ULDC REFERENCE		EXISTING ULDC REFERENCE		COMMENT
Section	Title	Section	Title	
			Standards for Evaluation	relating to time vacant deleted because it is onerous.
9.04.04	Public Hearings	7.04.04	Public Hearings	Section relocated from 7.04.04.
9.04.05	Findings and Recommendations to Approve a Rezoning	7.04.05	Findings and Recommendations to Approve a Rezoning	Section relocated from 7.04.05.
9.04.06	Burden of Proof for a Rezoning	7.04.06	Burden of Proof for a Rezoning	Section relocated from 7.04.06.
9.04.07	Review of Rezoning Applications	7.04.07	Decision by Board of County Commissioners	Section relocated from 7.04.07; language deleted and updated with language consistent with Florida Statutes
9.05.00	Planned Unit Development (PUD)	7.05.00	Planned Unit Development (PUD)	Section title relocated from 7.05.00.
		7.05.06	Procedures for Obtaining a PUD Zoning Designation	Section relocated from 7.05.06; language deleted in favor of new PUD language below.
		7.05.07	Development Conditions	Section relocated from 7.05.07; language deleted in favor of new PUD language below.
		7.05.08	Approval of a PUD	Section relocated from 7.05.08; language deleted in favor of new PUD language below.
		7.05.09	Amendment or Termination of a PUD	Section relocated from 7.05.09; language deleted in favor of new PUD language below.
		7.05.10	Development in Stages	Section relocated from 7.05.10; language deleted in favor of new PUD language below.
		7.05.11	Ownership and Maintenance of Common Property	Section relocated from 7.05.11; language deleted in favor of new PUD language below.
		7.05.12	Private Roads	Section relocated from 7.05.12; language deleted in favor of new PUD language below.
		7.05.13	Bonding	Section relocated from 7.05.13; language deleted in favor of new PUD language below.
9.05.01	General PUD Requirements			New Section added to address General PUD Requirements.
9.05.01.01	Conditions			New Section added to address PUD conditions.
9.05.01.02	Concept Plan Review			New Section added to address PUD Concept Plan Review.
9.05.01.03	Planning and Zoning Board Action			New Section added to address Planning and Zoning Board action.
9.05.01.04	Board of County Commissioners Action			New Section added to address Board of County Commissioners action.
9.05.02	PUD Application Requirements			New Section added to address PUD application requirements.
9.05.03	Effect of Planned Unit Development Zoning			New Section title added to address the effect of PUD Zoning.
9.05.03.01	Site Plan Review and Approval Required			New Section added to address requirements for site development plans.
9.05.03.02	Changes to Site Development and Standards Plans, Conditions and Covenants			New Section added to address PUD amendments
9.05.04	Preceding PUD Ordinances Incorporated			New Section added to address the incorporation of preceding PUD Ordinances.

PROPOSED ULDC REFERENCE		EXISTING ULDC REFERENCE		COMMENT
Section	Title	Section	Title	
9.06.00	Application Process for Limited Special Use Permits for Medical and Family Emergencies in a Residential District			New Section Title added to address applications for Temporary Special Use permits.
9.06.01	Application	7.15.01	Application	Section relocated from Section 7.15.01; Term changed to Limited Special Use Permit since it may be approved for longer than a temporary period.
9.06.02	Criteria for Granting a Temporary Special Use Permit	7.15.02	Criteria for Granting a Temporary Special Use Permit	Section relocated from Section 7.15.02; Term changed to Limited Special Use Permit since it may be approved for longer than a temporary period; language added to reference requirement for a public hearing and adoption via Resolution.
9.07.00	Procedure for Permitted with Conditions Uses			New Section added to address the procedure for Permitted with Conditions Uses.
9.07.01	Application			New Section added to address the application for Permitted with Conditions Uses.
9.07.02	Process			New Section added to address the procedure for Permitted with Conditions Uses.
9.08.00	Procedure for Special Exception Uses			New Section Title added to combine special exception use requirements.
9.08.01	Purpose and Intent	7.13.01	Purpose and Intent	Section relocated from Section 7.13.01 and updated to address special exception uses.
9.08.02	Special Exception Uses	7.13.02	Identification by Table of Land Uses, Location of Development Standards and Hearing Body	Section relocated from Section 7.13.02 and updated to address special exception uses.
9.08.03	Application	7.13.05	Application	Section relocated from Section 7.13.05 and language added to address requirements of the application.
9.08.04	Review and Approval or Denial of Proposed Special Exception Use	7.13.06 and 7.13.03	Review of Proposed Special Exception or Variance  Standards of Review for Special Exceptions	Section relocated from Section 7.13.06; language added to address incomplete application expiration; Section (C) includes language relocated from Section 7.13.03 and amended to remove "land" to avoid confusion with Future Land Use; Language added to address review and hearing process.
9.08.05	Effect of a Special Exception Use			New Section added to address the effect of Special Exception uses.
9.08.06	Extension of Approved Special Exception	7.12.06	Extension of Approved Special Exception or Major Special Exception	Section relocated from Section 7.12.06; References to major special exceptions removed; Time of extensions changed from 12 months to 180 days and a total of 48 months (4 years) to 24 month (2 years) as base conditions change significantly in one or four years from the approval.
9.08.07	Amendments			New Section added to address amendments to the Special Exception Use.
9.08.08	Operation and Maintenance in Accordance with Special Exception Use Approval			New Section added to address the operation and maintenance requirements of Special Exception uses.

PROPOSED ULDC REFERENCE		EXISTING ULDC REFERENCE		COMMENT
Section	Title	Section	Title	
9.08.09	Review and Revocation of Special Exception Use			New Section added to address review and revocation of Special Exception uses.
9.08.10	Expiration or Abandonment of Special Exception Use	7.13.07	Expiration or Abandonment of Special Exception Use	Section relocated from Section 7.13.07 (misabeled for 7.12.07) and Section 7.13.07; Duplicative language removed.
9.09.00	Procedure for Mining Major Special Exception			New Section added to reference Mining Major Special Exception permits in Appendix A.
9.10.00	Development Plans	7.06.00	Development Plans	Title relocated from Section 7.06.00
9.10.01	Intent and Purpose	7.06.01	Intent and Purpose	Section relocated from Section 7.06.01; Language added address changes of use.
9.10.02	Concept Development Plan	7.06.02	Concept Development Plan	Section relocated from Section 7.06.02
9.10.03	Site Development Plans	7.06.03	Site Development Plans	Section relocated from Section 7.06.03; reference to Planning and Zoning Approval removed as not necessary in this Section; reference to need for site plan added for properties that change use to verify compliance with Code requirements.
9.10.04	Construction Plans	7.06.04	Construction Plans	Section relocated from Section 7.06.04
9.10.05	Review Procedures	7.06.05	Review Procedures	Section Title relocated from Section 7.06.05
9.10.05.01	Concept Development Plan	7.06.05.01	Concept Development Plan	Section relocated from Section 7.06.05.01
9.10.05.02	Site Development Plan	7.06.05.02	Site Development Plan	Section relocated from Section 7.06.05.02; Language added to reflect that not all site plans need to go to the Planning and Zoning Board.
9.10.05.02.01	Development Site to be Unified	7.06.05.02.01	Development Site to be Unified	Section relocated from Section 7.06.05.02.01
9.10.05.03	Site Development Plan Review and Action	7.06.05.03	Planning and Zoning Board Review and Action	Section relocated from Section 7.06.05.03; Language updated to reflect review and approval process not specific to the Planning and Zoning Board
9.10.05.04	Approval of Site Development Plans	7.06.05.04	Approval of Site Development Plans	Section relocated from Section 7.06.05.04
9.10.05.05	Modification of Site Development Plans	7.06.05.05	Modification of Site Development Plans	Section relocated from Section 7.06.05.05
9.10.05.06	Integration of Other Review Procedures	7.06.05.06	Integration of Other Review Procedures	Section relocated from Section 7.06.05.03; Language amended since all actions do not receive final approval from the BoCC
9.10.06	Construction Plans	7.06.06	Construction Plans	Section relocated from Section 7.06.06
9.10.06.01	Approval of Construction Plans	7.06.06.01	Approval of Construction Plans	Section relocated from Section 7.06.06.01
9.10.07	Non-Compliance	7.06.07	Non-Compliance	Section relocated from Section 7.06.07
9.10.08	Plan Content	7.06.08	Plan Content	Section Title relocated from Section 7.06.08
9.10.08.01	Concept Development Plans	7.06.08.01	Concept Development Plans	Section relocated from Section 7.06.08.01
9.10.08.02	Site Development Plans	7.06.08.02	Site Development Plans	Section relocated from Section 7.06.08.02

PROPOSED ULDC REFERENCE		EXISTING ULDC REFERENCE		COMMENT
Section	Title	Section	Title	
9.10.08.03	Construction Plans	7.06.08.03	Construction Plans	Section relocated from Section 7.06.08.03
9.11.00	Subdivision Platting Requirements	7.07.00	Subdivision Regulations	Section relocated from 7.07.00 and title expanded.
9.11.01	Purpose and Intent	7.07.01	Purpose and Intent	Language relocated from Section 7.07.01.01; Language updated to include a four-step process.
9.11.02	Applicability	7.07.01.02	Applicability	Language relocated from Section 7.07.01.02; Language updated to include a four-step process; Language relating to exemptions removed and relocated to Section 9.11.03.
9.11.03	Exemptions Including Large Lot Subdivisions	7.07.01.02	Exemptions	Language relocated from Section 7.07.01.02 and renamed to include lot subdivisions; Language updated to include a four-step process.
9.11.04	Subdivision of Land by Administrative Approval			New Section to address administrative approvals of one-lot splits.
9.11.05	Minor Subdivisions	7.07.02	Minor Subdivisions	Language relocated from Section 7.07.02
9.11.05.01	Approval of Minor Subdivisions	7.07.02.01	Approval of Minor Subdivisions	Language relocated from Section 7.07.02.01; Reference to Agriculture Future Land Use removed; Language related to appeals removed as appeals are addressed in Article 11.
9.11.05.02	Minimum Review Requirements	7.07.02.02	Minimum Review Requirements	Language relocated from Section 7.07.02.02; Language amended to remove the review from the BoCC's consent agenda.
9.11.05.03	Processing Requirements	7.07.02.03	Processing Requirements	Language relocated from Section 7.07.02.03; language added to reflect other options for GIS submittal
9.11.06	Procedure for Securing Approval of Subdivision Plans and Final Plats	7.07.03	Procedure for Securing Approval of Subdivision Plans and Final Plats	Language relocated from Section 7.07.03
9.11.06.01	Site Development Plan	7.07.03.01	Site Development Plan	Language relocated from Section 7.07.03.01
9.11.06.02	Submittals	7.07.03.02	Submittals	Language relocated from Section 7.07.03.02
9.11.06.03	Construction Plans	7.07.03.03	Construction Plans	Language relocated from Section 7.07.03.03
9.11.07	Performance Bond or Irrevocable Letter of Credit	7.07.04	Performance Bond or Irrevocable Letter of Credit	Language relocated from Section 7.07.04; language added to address model homes and temporary sales offices in Section 2.09.00.
9.11.08	Construction Inspection	7.07.05	Construction Inspection	Language relocated from Section 7.07.05
9.11.09	As-Built Engineering Drawings	7.07.06	As-Built Engineering Drawings	Language relocated from Section 7.07.06
9.11.10	Maintenance Guarantee	7.07.08	Maintenance Guarantee	Language relocated from Section 7.07.08
9.12.00	Final Subdivision Plat	7.08.00	Final Subdivision Plat	Language relocated from the first Section 7.08.00, Final Plat Subdivision
9.12.01	Submission of Final Subdivision Plat	7.08.01	Submission of Final Subdivision Plat	Language relocated from the first Section 7.08.01, Submission of Final Plat
9.13.00	Vacating of Subdivision Plats and Replats	7.08.00 (2 <sup>nd</sup> numbering)	Vacating of Subdivision Plats	Language relocated from second Section 7.08.00 (2 <sup>nd</sup> reading), Vacating of Subdivision Plats.



PROPOSED ULDC REFERENCE		EXISTING ULDC REFERENCE		COMMENT
Section	Title	Section	Title	
9.13.01	Vacating of Subdivision Plat by Owner	7.08.01 (2 <sup>nd</sup> numbering)	Vacating of Subdivision Plats by Owner	Language relocated from second Section 7.08.01 (2 <sup>nd</sup> reading), Vacating of Subdivision Plats.
9.13.02	Vacating of Subdivision Play by County	7.08.02	Vacating of Subdivision Play by County	Language relocated from Section 7.08.02
9.14.00	Access to Individually Owned Parcels	7.09.00	Access to Individually Owned Parcels	Language relocated from Section 7.09.00
9.15.00	Exceptions to the Minimum Lot Size for Residential Development in A-1 Zoning Districts	7.10.00	Exceptions to the Minimum Lot Size for Residential Development in A-1 Zoning Districts	Language relocated from Section 7.10.00; Language related to appeals removed as appeals are addressed in Article 11.
9.16.00	Accessibility	Appendix A, Section 2.5	Accessibility	Language relocated from Appendix A, Section 2.5
9.17.00	Minimum Requirements for Substandard Private Road Subdivision	Appendix A, Section 5.3	Minimum Requirements for Substandard Private Road Subdivision	Language relocated from Appendix A, Section 5.3
9.18.00	Acceptance of Improvements	Appendix A, Section 6	Acceptance of Improvements	Section Title relocated from Appendix A, Section 6
9.18.01	Acceptance for Maintenance	Appendix A, Section 6.1	Acceptance for Maintenance	Section Title relocated from Appendix A, Section 6.1
9.18.02	Subdivider Responsibility after Acceptance	Appendix A, Section 6.2	Subdivider Responsibility after Acceptance	Section Title relocated from Appendix A, Section 6.2
9.19.00	Recording of Common Areas, Easements			New Section added to address recording of common areas and easements
9.20.00	Development Agreements	6.10.00	Development Agreements	Section title relocated from Section 6.10.00
9.20.01	General Provisions	6.10.01	General Provisions	Section relocated from Section 6.10.01
9.20.02	Authority	6.10.02	Authority	Section relocated from Section 6.10.02
9.20.03	Procedures	6.10.03	Procedures	Section title relocated from Section 6.10.03
9.20.03.01	Application for Development Agreement	6.10.03.01	Application for Development Agreement	Section relocated from Section 6.10.03.01
9.20.03.02	Public Hearing	6.10.03.02	Public Hearing	Section relocated from Section 6.10.03.02
9.20.03.03	Notice of Hearing	6.10.03.03	Notice of Hearing	Section relocated from Section 6.10.03.03
9.20.03.04	Contents of Notice	6.10.03.04	Contents of Notice	Section relocated from Section 6.10.03.04
9.20.04	Contents and Duration of Development Agreement	6.10.04	Contents and Duration of Development Agreement	Section relocated from Section 6.10.04
9.20.04.01	Applicability of Laws	6.10.04.01	Applicability of Laws	Section relocated from Section 6.10.04.01
9.20.05	Review, Amendment, Termination	6.10.05	Review, Amendment, Termination	Section relocated from Section 6.10.05
9.20.06	Recording and Enforcement	6.10.06	Recording and Enforcement	Section relocated from Section 6.10.06

PROPOSED ULDC REFERENCE		EXISTING ULDC REFERENCE		COMMENT
Section	Title	Section	Title	
		7.11.00	Cluster/Zero Lot Line Development	Section relocated from Section 7.11.00 and deleted because cluster/zero lot line developments may be achieved via a PUD.
		7.11.01	Cluster Subdivision	Section relocated from Section 7.11.01 and deleted because cluster/zero lot line developments may be achieved via a PUD.
		7.11.02	Zero Lot Line Development	Section relocated from Section 7.11.02 and deleted because cluster/zero lot line developments may be achieved via a PUD.
		7.12.00	Major Special Exception Use Permit	Section relocated from Section 7.12.00 and deleted because the proposed development approval levels in Article 3 do not include major special exception uses except for mining major special exceptions.
		7.12.01	Purpose and Intent	Section relocated from Section 7.12.01 and deleted because the proposed development approval levels in Article 3 do not include major special exception uses except for mining major special exceptions.
		7.12.02	Identification by Table of Land Uses, Location of Development Standards, and Hearing Body	Section relocated from Section 7.12.02 and deleted because the proposed development approval levels in Article 3 do not include major special exception uses except for mining major special exceptions.
		7.12.03	Standards of Review	Section relocated from Section 7.12.03 and deleted because the proposed development approval levels in Article 3 do not include major special exception uses except for mining major special exceptions.
		7.12.04	Application	Section relocated from Section 7.12.04 and deleted because the proposed development approval levels in Article 3 do not include major special exception uses except for mining major special exceptions.
		7.12.05	Review of Proposed Major Special Exception Use	Section relocated from Section 7.12.05 and deleted because the proposed development approval levels in Article 3 do not include major special exception uses except for mining major special exceptions.
		7.13.00	Special Exception Permit, Variances, Appeals of the Decisions of the Administrative Official	Section title relocated from Section 7.13.00 and deleted because the Section is not needed; the subsection contents are relocated to other sections as explained with each subsection.

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## ARTICLE 9 APPLICATION REVIEW AND DECISION MAKING

Text that is underlined is text to be added and text that is shown as ~~strikeout~~ is to be removed. *Comments* provided for information and are not adopted as part of the Unified Land Development Code text.

### **SECTION 9.01.00 DEVELOPMENT APPROVAL PROCESS**

*Comment: New Section to address development approval process.*

#### **9.01.01 Approval from State and/or Federal Agencies**

For this Section, a development permit includes any zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.

Consistent with Florida Statute 125.022, for any development permit application filed with the County after July 1, 2012, the County does not require, as a condition of processing or issuing a development permit, that an applicant obtain a permit or approval from any state or federal agency unless the agency has issued a final agency action that denies the federal or state permit before the municipal action on the local development permit. Issuance of a development permit by the County does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

It is the applicant's responsibility to obtain all required state and federal permits.

*Comment: New Section added from Florida Statutes addressing the applicant's responsibility to obtain state and/or federal permits.*

### **SECTION 9.02.00. DRC REVIEW MEETING.**

A Development Review Committee (DRC) review meeting will be held for each new Comprehensive Plan amendment, Zoning amendment, Permitted with Conditions Use, Site Development Plan, Master Development Plan, Construction Plan, or Subdivision Plat submitted to the County for approval. In addition, upon request by the Planning and Development Director, the DRC will meet to consider amendments, whether internally or externally requested, to this Unified Land Development Code or the Comprehensive Plan. The DRC meeting will be scheduled upon submission of an application and payment of required fees. A DRC meeting may not be required for proposals involving existing development sites and meeting the following conditions:

- (01) *Site Development Plan*: Proposed change does not generate the need for additional parking spaces;
- (02) *Subdivision Plat*: Proposed change does not create more than two additional lots. Such proposals shall be considered amendments to existing plans rather than new ones; however, all other provisions of this Code shall apply.

*Comment: Section relocated from Section 702.00; language added to incorporate Permitted with Conditions uses and amendments to the Comprehensive Plan.*

### **SECTION 9.03.00- COMPREHENSIVE PLAN AMENDMENTS-**

Pursuant to Chapter 163, Florida Statutes, there are three general types of Comprehensive Plan amendments: expedited state review, state coordinated review, and small-scale. The expedited state review process is utilized for most Comprehensive Plan amendments adopted by local governments. The state coordinated review process is utilized for amendments that are in an area of critical state concern, amendments that propose a rural land stewardship area, amendments that propose a sector plan, or amendments that update a Comprehensive Plan based on an evaluation and appraisal report. The small-scale process is utilized for amendments that qualify as small-scale development amendments. Section 10.10.00 outlines the public notice requirements for the three types of Comprehensive Plan amendments.

*Comment: Section title relocated from 7.03.00; Language added to explain the three types of Comprehensive Plan amendments.*

#### **9.03.01- Intent and Purpose-**

An amendment to the Comprehensive Plan may either be a change to the goals, objectives, and policies of the Comprehensive Plan known as a “text amendment”; or, the amendment of a land use classification shown on the Future Land Use Map or amendment to another map in the map series, known as a “map amendment”. Any Comprehensive Plan Amendment may be initiated by the County, by a property owner or agent of a property owner, or by citizens or interested parties who have established standing to bring amendments to the County for consideration.

The basis for review of a proposed Comprehensive Plan Amendment is the same as the basis for the adoption of the Comprehensive Plan, which entails a review of data and analysis in support of the Comprehensive Plan Amendment: analysis of the impact of the Amendment on public facility Levels of Service and the Capital Improvements Budget of the County; and an analysis of the need for the proposed Amendment in relation to the existing structure of the County and the future as delineated in the goals, objectives and policies of the Comprehensive Plan.



The review process for comprehensive plan amendments shall be as follows:

- (A) Expedited State Review Process and State Coordinated Review Process: The Planning and Zoning Board as the Local Planning Agency shall review and provide a recommendation for the proposed Comprehensive Plan amendment, the Board of County Commissioners shall consider the proposed Comprehensive Plan amendment for transmittal to the DOC and state reviewing agencies, upon receipt of the comments from the DOC and state reviewing agencies, the Board of County Commissioners shall consider the proposed Comprehensive Plan Amendment for adoption.
- (B) Small Scale Amendment: The Planning and Zoning Board as the Local Planning Agency, shall review and provide a recommendation for the proposed small scale amendment, the Board of County Commissioners shall consider the proposed small scale amendment for adoption. The County shall transmit the adopted small scale amendment to the DCO so that the Department can maintain a complete and up-to-date copy of the County's Comprehensive Plan.

*Comment: Section title relocated from 7.03.01; Language added to clarify the different type of amendments and transmittal process.*

**9.03.02- Statutory Requirements for Plan Amendments Contents of the Application for Comprehensive Plan Amendments-**

~~There are two general types of Comprehensive Plan Amendments: text amendments; and, amendments effecting land use, development standards, and maps. Additionally, there are two scales of comprehensive plan amendments: large scale and small scale amendments. All requests for comprehensive plan amendments shall be submitted on application forms provided by the Planning and Development Division, together with applicable fees, which shall have been established by resolution of the Board of County Commissioners. Specific regulations for Comprehensive Plan Amendments applications are detailed in Section 7.03.03.~~

**7.03.03. Contents of the Application for Comprehensive Plan Amendments.**

- (A) *Application Contents for Text Amendments.* The application shall contain the following items, as applicable:
- (01) A description of the proposed Comprehensive Plan Amendment, specifying the goals, objectives, and policies of the Comprehensive Plan that are to be modified;

- (02) Data and analysis that supports the requested change ~~applied for~~. Specifically, new data that would alter the assumptions in the Comprehensive Plan and would, therefore, justify the Comprehensive Plan Amendment of a goal, objective, or policy.
- (B) *Application Contents for Amendments Effecting Future Land Use, Development Standards, and Maps*. The application shall contain the following items, as applicable:
- (01) A description of the proposed ~~Comprehensive Plan Amendment~~, specifying the goals, objectives, and policies of the Comprehensive Plan that are to be modified;
- (02) Where the Comprehensive Plan Amendment proposed will change the Future Land Use Map, a legal description of the property;
- (03) A concurrency analysis of all public facilities and services for which a Level of Service has been established in the Comprehensive Plan;
- (04) ~~A Site Evaluation and Appraisal Report (EAR)~~, the format of which is outlined in (C) below.
- (C) ~~Comprehensive Plan Amendment Evaluation and Appraisal Report (EAR)~~ Site Evaluation Report Required from the Applicant. Based on the data found in the Comprehensive Plan Data and Analysis sections, the ~~Evaluation and Appraisal~~ Site Evaluation Report shall contain the following, as applicable.
- (01) Inventory and Analysis of Site Characteristics:
- (a-) A description of the terrain; type of vegetation on the site; statement regarding the existence of surface water or wetlands or both; and existence of any floodplains on the site;
- (b-) The type of soils present on the site and in the area; an analysis of the limitations for construction for each type of soil; and an analysis of absorption rate for septic fields. Identification of habitats present on the site as indicated by the soil types;
- (c-) An inventory of endangered plant and animal species on the site; an inventory of plant and animal species (mammals, birds, and reptiles) common to this site;

- (d-) A list of trees with an estimate of canopy that they provide; a list of herbaceous plants and vines; a list of grasses and grasslike plants.
- (02) *Inventory and Analysis of Land Use*; Location in the County; former use; existing surrounding land uses; and, analysis of type of buffer needed between proposed project site and existing land uses;
- (03) *Inventory of Public Facilities*; Location of existing sewer service and potable water facilities serving the development site with capacities and the future demand associated with the proposed development; the functional classification of roads serving the area with estimated daily traffic volumes; an analysis detailing the future volumes and their effect on roadway Levels of Service; and an analysis of recreation land and facilities needs generated by the proposed land use classification.
- (04) *A statement and evaluation of the need for the proposed amendment.*

*Comment: Section relocated from combination of Section 7.03.02 and 7.03.03; Language changed from Evaluation and Appraisal Report to Site Evaluation Report to avoid confusion with the state mandated Evaluation and Appraisal Report process.*

### **9.03.03- Planning and Zoning Board Standards for Evaluation-**

~~The Planning and Zoning Board shall review every Comprehensive Plan Amendment. In reviewing and formulating recommendations to the Board of County Commissioners on proposed Amendments to the Comprehensive Plan, and particularly, the Future Land Use Element and Future Land Use Map, the Planning and Zoning Board shall specifically consider and evaluate the proposed amendments against the following standards:~~

When considering an application for a Comprehensive Plan amendment, the review shall include the standards and criteria as set forth below:

- (A) The proposed Comprehensive Plan Amendment is consistent with the goals of the Hardee County Comprehensive Plan. Objectives and policies of the Comprehensive Plan may be proposed for modification by the Amendment;
- (B) The proposed Comprehensive Plan Amendment contains an analysis of the Levels of Service for all public facilities and services; identifies the timing of improvements to maintain Levels of Service established by the Comprehensive Plan; and estimates the cost of such improvements to the County and to the developer;

- (C) In the case of a proposed Comprehensive Plan Amendment to the Future Land Use Map, the proposed Land Use Classification at the proposed location has been analyzed to identify adverse impacts to adjacent land uses, the character of the neighborhood, parking, or other matters affecting land use compatibilities and the general welfare of the County. Said analysis must address land uses as they now exist, and as they may exist in the future, as a result of the implementation of the goals, objectives, and policies of the Comprehensive Plan; and contains objectives and policies to mitigate or eliminate adverse impacts;
- ~~(D) The proposed Comprehensive Plan Amendment contains an analysis of community need for the development associated with the Amendment. The analysis is based on existing and proposed uses of a similar nature in the County, and an assessment of the need to provide or maintain a proper mix of uses within Hardee County;~~
- ~~(01) The proposed Comprehensive Plan Amendment shall not result in either a detrimental over concentration of a particular use within the County or within the immediate area;~~
- ~~(02) The Comprehensive Plan Amendment contains sufficient proof to convince the Planning and Zoning Board and the Board of County Commissioners that the proposed Comprehensive Plan Amendment and Land Use Classification supplants the analysis that supported the establishment of the existing Land Use Classification.~~

*Comment: Section relocated from Section 7.03.04; Section title changes to reflect standards for evaluation for all bodies, not just the Planning and Zoning Board Part (D) language relating to need removed as it is no longer required by Florida Statutes.*

#### **~~9.03.04- Public Hearings-~~**

~~No Comprehensive Plan Amendment may be considered by the Planning and Zoning Board until due public notice has been given of a public hearing. All procedures for advertisement and notification of a public hearing shall be as delineated in Article 8, Section 8.06.00 of this Code~~

Comprehensive Plan amendments shall be considered at duly notices public hearings in accordance with Article 10 and applicable provisions contained in Section 125.66, 163.3174, and 163.3184, Florida Statutes.

*Comment: Section relocated from 7.03.05; language deleted and replaced with language to reflect the location of the advertisement requirements in Article 10.*

**~~7.03.06. Findings and Recommendation to Approve a Comprehensive Plan Amendment.~~**

~~The Planning and Zoning Board may recommend approval of an application for a Comprehensive Plan Amendment only when all of the following conditions are met:~~

- ~~(A) The proposed Comprehensive Plan Amendment is, or proposes objectives and policies, that will be consistent with the Hardee County Comprehensive Plan;~~
- ~~(B) The proposed Comprehensive Plan Amendment will not degrade the Level of Service of one or more public facilities and services, or contains commitments to make improvements to maintain Levels of Service established by the Comprehensive Plan, and does not increase the cost of improvements to be undertaken by the County as stated in the Capital Improvements Element;~~
- ~~(C) There is a community need for the proposed Comprehensive Plan Amendment. This finding must be based on an analysis of existing and proposed land uses of a similar nature in the County, and an assessment of the need to provide or maintain a proper mix of land uses within Hardee County.~~

*Comment: Section relocated from 7.03.06 and deleted because it is too narrowly defined.*

**~~7.03.07. Findings and Recommendation to Deny a Comprehensive Plan Amendment.~~**

~~The Planning and Zoning Board may recommend denial of any application for a Comprehensive Plan Amendment for one or more of the following reasons:~~

- ~~(A) The proposed Comprehensive Plan Amendment is inconsistent with the Hardee County Comprehensive Plan;~~
- ~~(B) The proposed Comprehensive Plan Amendment will degrade the Level of Service of one or more public facilities and services, and contains no commitment to undertake improvements to maintain acceptable Levels of Service;~~
- ~~(C) No community need can be demonstrated for the proposed Comprehensive Plan Amendment at the proposed location.~~

*Comment: Section relocated from 7.03.07 and deleted because it is too narrowly defined.*

### **9.03.05- Action by Board of County Commissioners-**

~~Within 30 days of receipt of the Planning and Zoning Board recommendation, the Board of County Commissioners shall hold a public hearing, after due public notice, on all recommendations associated with a Comprehensive Plan Amendment from the Planning and Zoning Board. It may accept, reject, modify, return, or continue and seek additional information on those recommendations. No approval of a Comprehensive Plan Amendment shall be granted unless approved by a majority of the Commissioners voting. Comprehensive Plan Amendments are subject to review by the State of Florida under Chapter 163, F.S.~~

~~(A) Local Planning Agency Review. The Planning and Zoning Board shall serve as the Local Planning Agency (LPA). The Local Planning Agency shall review and consider all applications for amendments to the Comprehensive Plan in accordance with Ch. 163, F.S.~~

~~(B) Local Planning Agency Recommendation. The LPA shall submit a recommendation, including the applications' consistency with the Comprehensive Plan, to the BOCC regarding each application, and may recommend that an application be:~~

~~(1) Approved;~~

~~(2) Approved subject to modifications; or~~

~~(3) Denied.~~

~~(C) BOCC Review.~~

~~(1) Required Public Hearings for Expedited State Review Process and State Coordinated Review Process Amendments. The BOCC shall hold two (2) public hearings, as provided below, to consider the expedited state review process and state coordinated review process Comprehensive Plan amendments.~~

~~(a) Transmittal public hearing. A public hearing shall be held prior to transmittal of all proposed Comprehensive Plan amendments to the State Land Planning Agency for review.~~

~~1. The public hearing shall be held following receipt of recommendations from the Local Planning Agency.~~

~~2. At the public hearing, the BOCC may:~~

- a. Approve an application for transmittal;
- b. Approve an application for transmittal subject to modification; or
- c. Deny transmittal of an application.

(b) Adoption Public Hearing for Expedited State Review Process and State Coordinated Review Process Amendments. A public hearing shall be held within one hundred eighty (180) days of receipt of State agency comments or the objections, recommendations, and comments report on each proposed Comprehensive Plan amendment. At the public hearing, the BOCC may take action to:

1. Approve an amendment;
2. Approve an amendment subject to modification; or
3. Deny an amendment.

(2) Adoption Public Hearing for Small-Scale Amendments. An adoption public hearing shall be held following receipt of recommendations from the LPA. No transmittal hearing is required for small-scale amendments. The County shall transmit the adopted small-scale amendment to the DCO so that the Department can maintain a complete and up-to-date copy of the County's Comprehensive Plan. At the public hearing, the BOCC may:

- (a) Approve an amendment;
- (b) Approve an amendment subject to modification; or
- (c) Deny an amendment.

*Comment: Section relocated from 7.03.08 and updated to address Florida Statutes Chapter 163.*

#### **SECTION 9.04.00- REZONING-**

*Comment: Title relocated from 7.04.00*

**9.04.01- Purpose and Intent-**

A rezoning may be initiated by the County, or by a property owner or agent of a property owner. The basis for review of application for rezoning entails a review of data and analysis in support of the rezoning; analysis of the impact of the rezoning on public facilities Levels of Service; and an analysis of the need for the proposed rezoning in relation to the goals, objectives, and policies of the Comprehensive Plan.

*Comment: Section relocated from 7.04.01*

**9.04.02- Contents of the Application-**

Rezoning requests shall be submitted to the Planning and Development Division on an application form provided by the County, together with applicable fees, which shall have been established by resolution of the Board of County Commissioners. The application shall contain, at a minimum, the following information at the Planning and Development Director's discretion:

- (A) A legal description of the property, including the size of the area in acres. For all property not included in a platted and recorded subdivision, a certified boundary survey of the property to be rezoned.
- (B) A description of the proposed rezoning, specifying the goals, objectives, and policies of the Comprehensive Plan that it supports and advances.
- (C) A detailed map showing the location of the property in the County, existing land use, existing surrounding land uses; existing zoning and boundaries of the zoning district, and the proposed boundaries of the rezoned district.
- (D) The location of existing sewer service and potable water facilities to the development site and whether or not the existing facilities will serve the new development.
- (E) The functional classification of all roadways that will be impacted by development permitted by the proposed zoning district, with current and estimated future daily traffic volumes.
- (F) The location of all public and private streets, driveways, and utility easements within and adjacent to the site.
- (G) A description of the terrain and the vegetation on the site, including an aerial photograph of the site itself, and in relation to surrounding properties.



- (H) An inventory and description of surface water and wetlands; and any floodplains on the site;.
- (I) A general inventory of plant and animal species common to the area, any endangered plant and animal species, and habitats present on the site.
- (J) An inventory of trees with an estimate of canopy that they provide, and an inventory of stands of mature trees and understory vegetation that may provide wildlife habitats or other environmentally unique areas.

*Comment: Section relocated from 7.04.02; language added to address flora and fauna.*

#### **9.04.03- Planning and Zoning Board Standards for Evaluation-**

When considering an application for a rezoning, the review shall include the standards and criteria set forth below:

The Planning and Zoning Board shall review every request for rezoning. In reviewing and formulating recommendations to the Board of County Commissioners on rezoning applications, the Planning and Zoning Board shall specifically consider and evaluate the proposed rezoning against the following standards;.

- (A) *Consistency with the Comprehensive Plan.* The proposed rezoning is consistent with the goals of the Hardee County Comprehensive Plan;.
- (B) *Concurrency Analysis.* The proposed rezoning contains an analysis of the Levels of Service for all public facilities and services; identifies the timing of improvements to maintain Levels of Service established by the Comprehensive Plan; and estimates the cost of such improvements to the County and to the developer; for transportation concurrency, this determination shall consist of a preliminary assessment of the impacted segments on the adjacent street system. Additional analysis may be made based on procedures described in the Hardee County Traffic Impact Study Procedures Manual based on the discretion of the County Engineer or designee;.
- (C) *Impact Analysis.* The proposed rezoning has been analyzed to identify future adverse impacts to adjacent land uses, the character of the neighborhood, parking, or other matters affecting land use compatibilities and the general welfare of the County, ~~such as the following;.~~

- (D) *Zoning and Use of Nearby Property.* An analysis of the range of development that will occur as a result of the rezoning, in comparison to the existing pattern of development, and the future pattern established by the Comprehensive Plan. Depending on the uses permitted in the proposed zoning district, inconsistency in the two patterns may be created;\_
- (E) *Substantial Changes in Land Use Circumstances.* Analysis of the effect of significant changes in land use in the vicinity of the proposed rezoning. Such changes are substantial if they include: widening of a street, expansion of existing permitted uses, the completion of a subdivision that was previously platted, the construction of a new public facility, such as a park, or any number of other examples. One such change may not be significant and may not justify the rezoning, but several would be and may justify rezoning to higher intensities;\_
- ~~(F) *Time Vacant.* If the property (site) is vacant, an analysis of the length of the vacancy versus the present zoning classification is important. In particular, an analysis should have been done to compare the rate of land development in the vicinity of the property and the conversion of vacant land to development in the same zoning district in other parts of the County; and;\_~~
- ~~(G)~~ (H) Compatibility Standards.
- a.(1) Whether one or more of the following design standards proposed for the subject property will differ substantially from the design standards currently allowed for any of the adjacent properties, such as:
- (01a) Yards;
  - (02b) Setbacks;
  - (03c) Height;
  - (04d) Lot Coverage;
  - (05e) Impervious Surface Coverage;
  - (06f) Parking;
  - (07g) Hours of Operation.
- b.(2) Whether the intensity or density of use will be greater or lesser than that currently permitted for adjacent or currently existing properties;\_

- ~~e.~~(3) Whether the proposed change in land use will adversely alter the existing land use pattern;\_
- ~~d.~~(4) Whether the proposed change in land use will significantly increase traffic congestion or otherwise affect public safety;\_
- ~~e.~~(5) Whether the proposed change in land use will adversely affect the drainage of the property;\_
- ~~f.~~(6) Whether the proposed change in land use will decrease the quality of water, air, or light to adjacent properties;\_
- ~~g.~~ ~~Whether the proposed change in land use will adversely affect the property values of the adjacent properties;~~
- ~~h.~~(7) Whether the proposed change in land use will cause noticeable glare, noise, or odors for the adjacent properties;\_
- ~~i.~~(8) Whether the proposed change in land use would create a mixture of land uses so dissimilar to the existing pattern of development, that the overall quality and character of the surrounding neighborhood would be degraded; ~~and.~~\_
- ~~j.~~(9) Whether the detrimental effects of any identified incompatibilities can be mitigated or eliminated by adequate buffering.

*Comment: Section relocated from 7.04.03; Section title changes to reflect standards for evaluation for all bodies, not just the Planning and Zoning Board; language relating to adversely affecting property values deleted because it is subjective; language relating to time vacant deleted because it is onerous.*

#### **9.04.04- Public Hearings-**

~~*Due Public Notice.* No request for rezoning may be considered by the Planning and Zoning Board until due public notice has been given of a public hearing. All procedures for advertisement and notification of a public hearing must be followed as delineated in Article 8, Section 8.05.00 of this Code.~~

Applications for rezoning shall be considered at duly noticed public hearings in accordance with Article 10 and applicable provisions contained in Section 125.66, Florida Statutes.

*Comment: Section relocated from 7.04.04.*

#### **9.04.05- Findings and Recommendation to Approve a Rezoning-**

The Planning and Zoning Board may consider the following conditions when recommending approval of an application for a rezoning ~~only when all of the following conditions are met:~~

- (A) The proposed rezoning is consistent with the Hardee County Comprehensive Plan;
- (B) The proposed rezoning will not degrade the Level of Service of one or more public facilities and services, or contains commitments to make improvements to maintain Levels of Service established by the Comprehensive Plan, and does not increase the cost of improvements to be undertaken by the County as stated in the Capital Improvements Element; ~~and,~~
- (C) The proposed rezoning and all permitted uses are compatible with development on surrounding property; ~~or compatibility can be achieved by the imposition of conditions, buffers, or limitations on the uses within the zone, which are specified in the Planning and Zoning Board's recommendation. By this analysis the Planning and Zoning Board determines whether or not the proposed rezoning provides "appropriate use" of the property.~~

*Comment: Section relocated from 7.04.05.*

#### **9.04.06- Burden of Proof for a Rezoning-**

The burdens of proof in a rezone are as follows:

- (A) The initial burden is upon the applicant to prove that the rezoning proposal is consistent with the Comprehensive Plan and complies with all procedural requirements of this Unified Land Development Code.
- (B) At this point, the burden shifts to the County to demonstrate that maintaining the existing zoning classification with respect to the property accomplishes a legitimate public purpose. The County has the burden of showing that the refusal to rezone is not arbitrary, discriminatory, or unreasonable.

*Comment: Section relocated from 7.04.06.*

#### **9.04.07- Decision by Board of County Commissioners- Review of Rezoning Applications**

Within 30 days of receipt of the Planning and Zoning Board recommendation, the Board of County Commissioners shall hold a public hearing, after due public notice, on all recommendations associated with a rezoning from the Planning and Zoning Board. It may accept, reject, modify, return, or continue and seek additional information on those recommendations. No approval of an application for rezoning shall be granted unless approved by a majority of the Commissioners voting.

(A) Planning and Zoning Board Review. The Planning and Zoning Board shall serve as the Local Planning Agency. The Local Planning Agency (LPA) shall review and consider all applications for rezoning in accordance with Ch. 163, F.S.

(B) Planning and Zoning Board Recommendation. The Board shall submit a recommendation, including the applications' consistency with the Comprehensive Plan, to the BOCC regarding each application, and may recommend that an application be:

(1) Approved;

(2) Approved subject to modifications; or

(3) Denied.

(C) BOCC Review.

(1) Required Public Hearings for Rezoning Applications. In accordance with Section 125.66, Florida Statutes, the BOCC shall hold a minimum of (1) public hearing to consider the rezoning application. The public hearing shall be held following receipt of recommendations from the Planning and Zoning Board. At the public hearing the BOCC may take action to:

1. Approve an amendment;

2. Approve an amendment subject to modification; or

3. Deny an amendment.

*Comment: Section relocated from 7.04.07; language deleted and updated with language consistent with Florida Statutes.*

## **SECTION 9.05.00 PLANNED UNIT DEVELOPMENT (PUD)**

*Comment: Section title relocated from 7.05.00.*

### **~~7.05.06. Procedures for Obtaining a PUD Zoning Designation.~~**

~~The PUD approval process shall address land use density and intensity, building types, location of major roads and interior road networks, and the design for public utility service(s). The County Commission may exercise broad discretion in the Master Development Plan review process, and such review process shall be deemed to be an integral part of the zoning decision pertaining to such property.~~

~~As a condition for processing a PUD application, the County Manager, or his or her designee, the Planning and Zoning Board, and/or the County Commission may require the owner of the property to undertake specific studies or reports to be submitted regarding soil types, environmental aspects of the land or the impact of the proposed development on County utilities, roads, or other facilities. Proximity to wetlands, nature of vegetation, site specific and off-site environmental characteristics and impacts, and other appropriate matters of impact on the community may also be taken into consideration. The property owner may be required to provide whatever design features are necessary to minimize adverse impacts on the community or abutting properties, including the provision of any needed off-site improvements.~~

~~(A) *Master Development Plan:* Development requirements in a PUD are established through an approved Master Development Plan (MDP), to be consistent with the County's Comprehensive Plan. The MDP shall establish the overall development concept, dividing the development site into tracts and assigning generalized land use types to each (i.e., recreation, retail commercial, townhouses, low density single family, etc.), and depicting the approximate locations of roads, water bodies, utility plants, and other features of the development site.~~

~~(B) *Master Development Plan Conference:* At the option of the applicant, the County Manager, or his or her designee shall schedule a Master Development Plan pre-application conference, at which time the applicant may outline the proposal to all appropriate County staff members. The purpose of the pre-application conference is to assist the developer in clearly understanding all relevant County Code requirements, identify development issues specific to the proposed project, and discuss any other procedural matters relative to the review of the request.~~

~~(C) *Requirements for Master Development Plan Review:* The review and approval of a Master Development Plan constitutes a zoning change resulting in a PUD zoning designation. The determination by the Planning and Zoning Board and Commission concerning the appropriateness of the MDP shall be based on the same factors as any other change of zoning designation, including consistency with the Future Land Use Map and compatibility with surrounding land uses. In addition to other requirements of the rezoning process, applications for PUD designation shall include the following:~~

- ~~1. A letter of transmittal officially submitting the proposal for approval, signed by the developer or his authorized representative, stating which type of PUD is being proposed.~~
- ~~2. Firm evidence of unified control by the developer of the entire proposed PUD site and a signed statement that, if he proceeds with the proposed development, he will:
  - ~~a. A statement to abide by the officially approved Master Development Plan of the development, and such other conditions and modifications as may be included.~~
  - ~~b. Provide proposed agreements, covenants, or other appropriate mechanisms for completion of the undertaking in accordance with the approved Master Development Plan, as well as for the continuing operation and maintenance of such areas, functions, and facilities; and thereby as such are not to be provided, operated, and maintained at general public expense.~~
  - ~~c. Documentation to bind the applicant, developer, or owner, as applicable, and any successors in title to any commitments made as a condition of development approval.~~
  - ~~d. Secure written consents and agreements from all property owners of record within the PUD that they have given the applicant authority to act in their behalf and that said representative or agent has the delegated authority to represent the owner or owners and they agree that all commitments made by the aforementioned representative or agent are binding.~~~~
- ~~3. A statement of the applicant's interest in the property to be rezoned, including certificate of title or attorney as to ownership and, if a contract purchaser, written consent of the seller/owner; or, if a lease, a copy of the lease agreement and written consent of the owner(s).~~

- ~~4. A certified boundary survey of the tract prepared by a surveyor registered with the State of Florida showing the location and type of boundary evidence related to the State Plane Coordinate System; the accurate legal description of the property in metes and bounds; and a computation of the total acreage of the tract to the nearest tenth of an acre. The survey must have been completed within one year prior to filing.~~
- ~~5. Copies of a scaled Master Development Plan, the number to be determined by the County Manager, or his or her designee, of the entire proposal showing the following information:~~
  - ~~a. A key map at a scale of one inch (1") equals one hundred feet (100') showing existing roads, streams, street rights-of-way and street intersections; the location of the nearest public roads on all four sides; a statement indicating the distance to all public improvements such as schools, firehouses, public recreational areas and the like, that would serve the subject development; a description of how the proposed development is in conformity with the Hardee County Comprehensive Plan and all relevant laws, ordinances, and regulations, and the type of PUD.~~
  - ~~b. Location, with pavement type, right-of-way, names, and other related appurtenances of all existing public streets adjoining or traversing the site. In the event no public street now adjoins the site, sufficient description by metes and bounds as to identify the location of the site shall be required.~~
  - ~~c. Identification of the name, plat book and page number of any recorded subdivision comprising all or part of the site.~~
  - ~~d. Identification and location of any existing water courses, lakes, wooded areas, or other significant natural physical features upon the site, as well as on adjacent property within 200 feet of outside boundaries and proposed alterations to said features.~~
  - ~~e. Location and spatial arrangement of all land uses proposed, including the number of acres in each land use, proposed residential densities, and development type (i.e., single family residential, multifamily residential, commercial shopping center, hotel/motel, mixed use, etc.).~~



- ~~f. All existing and proposed means of vehicular access to and from the site, including an internal traffic circulation plan depicting arterial and collector streets.~~
- ~~g. A traffic impact analysis based on procedures described in the Hardee County Traffic Impact Study Procedures Manual (may be waived at the County Manager, or his or her designee's, discretion).~~
- ~~h. Location of existing structures and/or open space facilities of adjacent properties within 250 feet of any boundary line of the site (use of a recent aerial photo is adequate).~~
- ~~i. A statement by the applicant of the major planning assumptions and objectives of the development project including but not limited to:
  - ~~1) Size and/or scope of development including number and type of residential dwelling units and square feet of non-residential uses.~~
  - ~~2) Projected Population.~~
  - ~~3) Proposed timing and phases of development.~~
  - ~~4) Proposed ownership and forms of organization to maintain common open space and facilities.~~~~
- ~~j. A general layout of the types, quantities and location of trees and other such significant vegetative features (use of a recent aerial photo is adequate).~~
- ~~k. A soils classification map or soils conservation survey map as determined by the Natural Resource Conservation Service (NRCS).~~
- ~~l. A general floodplain map indicating areas subject to inundation and high groundwater levels up to the 100-year flood zone boundary, at a scale of one inch to 500 feet.~~
- ~~m. Delineation of all wetland areas on the site including type (i.e., FDEP jurisdictional, SWFWMD isolated, and all others). For the purpose of Master Development Plan review, wetland areas may be assumed using the best available data sources including, but not~~

~~limited to, aerial photographs, recognized published reports/studies, etc.~~

- ~~n. The most recent aerial photograph available, delineating the areas to be modified.~~
- ~~o. Preliminary drainage plan showing existing topographic contours at one (1) foot intervals, identification of the major natural drainage basin(s) of the site, areas for proposed stormwater management retention/detention basins, and location of outfall.~~
- ~~p. A description of anticipated potable water and sanitary sewer demands of the proposed development and what facilities are available or projected to be available to meet this demand.~~
- ~~q. Any other reasonable information that may be required by the County Manager, or his or her designee, that is commensurate with the intent and purpose of this Code.~~

~~Upon receipt of the materials described above, the County Manager, or his or her designee, shall transmit copies of the MDP and any relevant materials to the Development Review Committee, and other County officials and agencies, as appropriate. The County Manager, or his or her designee, shall also notify all adjacent units of government within a 1,000-foot radius of any proposed PUD that such review is under way and shall include their comments and recommendations into the record.~~

~~When review of the proposed PUD is complete, the Development Review Committee, shall recommend approval, conditional approval, or denial to the Planning and Zoning Board for its review and consideration. The Development Review Committee, shall include with its recommendations, the zoning application and a written report that shall include all pertinent documents, comments of the reviewing officials, and any other applicable documentation or graphics.~~

- ~~(D) *Planning and Zoning Board Review and Recommendations:* The Planning and Zoning Board shall hear the request at a regularly scheduled public hearing, and recommend to the County Commission whether the proposed rezoning be approved, approved with modifications or conditions, or denied. The official minutes of the meeting shall include a summary of the reasons for Board's advisory recommendation. In support of its recommendation, the Board shall make findings as to:~~

- ~~1. The suitability of the area for the type and pattern of development proposed in relation to the physical characteristics of the land, relation to surrounding areas, concurrency, and other requirements of this Code.~~
- ~~2. Conformity of the proposed development with the Hardee County Comprehensive Plan.~~
- ~~3. Conformity with these regulations, or as to desirable modification of such regulations in the particular case, based on determination that such modifications are justified as meeting public purposes.~~
- ~~4. Compatibility with surrounding land uses.~~
- ~~5. All such other review criteria as may be appropriate.~~

~~In consultation with the County Attorney, the Planning and Zoning Board shall also assess the adequacy of the following items relating to arrangements for ownership, operation and maintenance of common properties and/or facilities that are not provided at public expense:~~

- ~~1. Evidence of unified control of the overall development site.~~
- ~~2. Suitability of any proposed agreements, or contracts, or other instruments that are to be executed to create or provide the facilities.~~
- ~~3. The need for such instruments or for amendments in those that have been proposed.~~

~~(E) Action by County Commission: Upon completion of the required actions by the Planning and Zoning Board, the County Manager, or his or her designee, shall transmit the application to the County Commission and place the item on the next available regular agenda. That transmittal may include all pertinent documents submitted by the applicant, the Development Review Committee report and recommendation, the Planning and Zoning Board findings and any other applicable documentation or graphics. The County Clerk shall keep all this material as part of the public record of the County Commission. The County Commission may:~~

- ~~1. Grant conditional approval or modification of the application, attaching whatever reasonable conditions or requirements the County Commission deems necessary to ensure compliance with these standards or maximum mitigation of any adverse impacts of the development.~~

- ~~2. Modify the application so that these standards are met.~~
- ~~3. Phase the application to ensure compliance with the standards herein and other standards and requirements in this Code.~~
- ~~4. Deny the application.~~

*Comment: Section relocated from 7.05.06; language deleted in favor of new PUD language below.*

**~~7.05.07. Development Conditions.~~**

~~Conditions placed on a request by the County Commission may include requiring the applicant, at his or her cost and expense, to:~~

- ~~(A) Finance or dedicate land for public rights of way, easements, parks and open space, school sites, or other such sites as may be necessary to protect the health, safety, and welfare of the residents of the PUD.~~
- ~~(B) Finance or construct potable water, wastewater, or drainage facilities.~~
- ~~(C) Any other reasonable conditions necessary to ensure compliance with these standards, if the applicant agrees in writing in a recordable agreement binding upon his successors and assigns, that no further processing of the development request, pursuant to the provisions of this Code, shall occur until the requirements of this Article are met. Attachment of these conditions shall be voluntary on the part of the applicant, and agreement by the applicant to provide any conditions will not, in any way, obligate the County to approve the subject application. Any conditional approval shall be based solely on the fact that the development application, as modified or conditioned, meets the standards of this Article, and may not be based solely on the granting of certain conditions deemed favorable by the County unless the standards of the Planned Unit Development district are thereby met.~~

*Comment: Section relocated from 7.05.07; language deleted in favor of new PUD language below.*

**~~7.05.08. Approval of a PUD.~~**

- ~~(A) *General:* Approval of a Planned Unit Development shall constitute a rezoning of the subject property and amendment to the Official Zoning Map. Any and all~~

~~development of the approved PUD shall be in strict conformance with the Master Development Plan, as approved by the County Commission.~~

~~In the event of an amendment to the Comprehensive Plan, the Land Development Code, or other applicable regulations that occurs prior to completion of construction of the PUD, all subsequent development that has not received approval in accordance with Section 7.07.00 (Subdivision Regulations) or Section 7.06.00 (Development Plans) as of the date of the amendment shall be consistent with the new regulations. Approval of development under these Articles of the Code shall be valid for one (1) year. Unless construction begins on or before the first anniversary date, development approval shall be null and void, and the new standards shall apply.~~

~~Previous approval of a Master Development Plan shall not by itself convey the right to develop property in a manner that is inconsistent with the Comprehensive Plan and current codes. Prior to approval of further subdivision plats or site development plans within the PUD, the Master Development Plan shall be amended to reflect amended codes or other requirements.~~

~~(B) *Approval of Special Exception Uses:* No separate approval of a Special Exception use shall be required within a PUD, provided that the proposed use and its location are noted on the Master Development Plan. Allowable uses for any tract within a PUD shall include those listed in the Table of Land Uses as either a Permitted or Special Exception Use for the equivalent zoning district for that tract. However, any use listed in the Table as a Special Exception may be denied if the County Commission determines the proposed use would be incompatible with surrounding land uses either inside or outside the PUD. Additional uses proposed after approval and/or development of the PUD shall be authorized as a PUD amendment rather than through the Special Exception process.~~

*Comment: Section relocated from 7.05.08; language deleted in favor of new PUD language below.*

#### **7.05.09. Amendment or Termination of a PUD.**

~~Once PUD approval is granted, all development within the PUD development site shall conform to the approved Master Development Plan. In the event a developer wishes to deviate significantly from the approved development pattern, he/she shall either submit an amended Master Development Plan or apply for a conventional zoning classification through the normal rezoning process.~~

~~The addition to or removal of any tract or parcel from a PUD shall require an amendment to the Master Development Plan. Any amendment, variation or adjustment of a Master Development Plan shall require review and approval according to the following:~~

- ~~1. *Major Amendment:* Submission for review, first by the Development Review Committee, followed by review and approval by the Planning and Zoning Board and County Commission.~~
- ~~2. *Minor Amendment:* Submission for review and approval by the County Manager, or his or her designee.~~

~~The County Manager, or his or her designee, shall determine whether a proposed Master Development Plan amendment is a major amendment or a minor amendment. Determinations shall be based on, but not limited to the following:~~

- ~~(A) *Considerations for Determining a Major Amendment:* Any substantial change to the MDP, including increase in density, change in permitted uses, change in stormwater runoff characteristics, rearrangement of designated open space or recreation areas, change in traffic patterns and/or trip generation, or other similar changes.~~
- ~~(B) *Considerations for Determining a Minor Amendment:* Any proposed changes in configuration or other changes as deemed not to alter the intent and purpose of the approved overall development plan.~~

~~The County Manager, or his or her designee, may, at their discretion, forward any application for a plan amendment to one or more individual departments for review and recommendation both as to its classification as a major or minor amendment and as to whether it should be approved, approved with conditions, or denied.~~

*Comment: Section relocated from 7.05.09; language deleted in favor of new PUD language below.*

#### **7.05.10. Development in Stages.**

~~Rather than construct the entire PUD at once, the developer may choose to build the project in stages. Phased development of a PUD is permissible under the following conditions:~~

- ~~1. Developer must submit a construction schedule covering all phases of the PUD to the County Manager, or his or her designee. This schedule may be revised from time to time as necessary.~~

- ~~2. All roads, drainage and utility facilities needed to support any stage shall be completed and available for use prior to issuance of any building permits.~~
- ~~3. At least thirty percent (30%) of the total acreage of each stage shall qualify as Designated Open Space, as defined in Section 7.05.05.02(A)(1). No less than one-half of this acreage shall be developed as Common Recreation Area, as defined in Section 7.05.05.02(B). All recreation facilities shall be completed and available for use prior to issuance the first certificate of occupancy.~~
- ~~4. No individual stage of the PUD shall exceed the overall density approved on the Master Development Plan for the PUD as a whole.~~

*Comment: Section relocated from 7.05.10; language deleted in favor of new PUD language below.*

#### **~~7.05.11. Ownership and Maintenance of Common Property.~~**

~~The developer shall establish a property owner's association or similar legal entity for the perpetual ownership and maintenance of open space, drainage facilities and other community facilities designated on the Master Development Plan and subdivision or site development plans for individual tracts. These facilities include, but are not limited to, pedestrian or bike paths, playgrounds, landscaped open spaces, lakes, swimming pools, bath houses, tennis courts, parking lots, utilities, drainage channels, and retention/detention ponds. Roads shall also be included unless dedicated to Hardee County for public use. Such organizations shall be created by covenants running with the land, and such covenants shall be included as part of the final site development plan or subdivision plat of each phase, subject to County Commission approval.~~

~~In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after the establishment of a PUD fails to maintain the common areas as previously defined above, in reasonable order and condition, and in accordance with the adopted Master Development Plan and subsequent final development plans, the County may serve written notice upon such organization and/or the owners or residents of the PUD and hold a public hearing. If deficiencies of maintenance are not corrected within thirty (30) days after such notice and hearing, the County shall call upon any public or private agency to maintain the common open space for a period of one year. If the County determines that the subject organization is not prepared or able to maintain the common open space, such public or private agency shall continue maintenance for yearly periods. The cost of such maintenance by the designated public or private agency shall be assessed proportionately against the properties within the PUD that have a right of enjoyment of the common open space, and shall become a lien on said properties.~~

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

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

~~All common areas are to be properly defined in legal descriptions and must be consistent with the Master Development Plan and subsequent final development plans of the PUD.~~

*Comment: Section relocated from 7.05.11; language deleted in favor of new PUD language below.*

#### **7.05.12. Private Roads.**

~~Internal roads serving the PUD may remain in the private ownership of the developer or may be conveyed to a property owner's association or similar entity created under the provisions of Section 7.05.11, "Ownership and Maintenance of Common Property". However, such roads must be designed and constructed to meet all standards applicable to a public road serving the same function, including right of way widths. No private road that constitutes the primary access to residential or commercial properties within a PUD shall be built on an easement.~~



~~Hardee County shall have no responsibility for maintenance of private roads. Should such roads be offered for public dedication in the future, the County shall not accept the dedication unless the roads are in good repair and conform to all codes and standards in effect at the time of dedication.~~

~~If a guard house or other form of barrier is placed at the entrance to the PUD for the purpose of restricting access, the developer or property owner's association shall be responsible for ensuring entry to the property for emergency vehicles. The County shall have no liability for injury or loss of life resulting from restricted access to the development.~~

*Comment: Section relocated from 7.05.12; language deleted in favor of new PUD language below.*

### **~~7.05.13. Bonding.~~**

~~Prior to commencement of construction within any tract of a PUD, the developer shall file the following items with the Planning and Development Division:~~

- ~~1. A performance, labor and material payment bond for the completion of the construction of all public improvements specified in the Preliminary Subdivision Plan or Site Development Plan within one year.~~
- ~~2. A performance, labor and material payment bond for the completion of the construction of all common properties specified in the Preliminary Subdivision Plan or Site Development Plan within one year.~~
- ~~3. A maintenance warranty bond in the amount of 10 percent of the total cost of the construction of all public improvements, to be in force for a period of two years following acceptance by the County of the final construction of said public improvements.~~
- ~~4. In lieu of any bond, the developer may use an escrow account to insure the performance of the construction as planned if said account and the administration thereof are approved by the County Commission.~~

~~All bonds shall be from a company licensed as a surety in the State of Florida, listed by the U.S. Treasury Department and rated A:AAA in Best's Insurance Guide. Upon acceptance of all improvements, said performance and payment bonds shall be released.~~

*Comment: Section relocated from 7.05.13; language deleted in favor of new PUD language below.*

### **9.05.01 General PUD Requirements**

PUD zoning shall be enacted following the same general procedures set forth in Article 9 for zoning amendments. However, the additional provisions set forth in this section shall also apply.

*Comment: New Section added to address General PUD Requirements.*

#### **9.05.01.01 Conditions**

The Board of County Commissioners may attach suitable conditions which shall be binding upon the applicant and any successors in interest. Any such conditions shall be incorporated in the ordinance enacting PUD zoning for the subject property.

*Comment: New Section added to address PUD conditions.*

#### **9.05.01.02 Concept Plan Review**

Prior to submitting an application for PUD zoning or for modification of existing PUD zoning, the applicant shall submit concept plans for review and comment by applicable County departments in accordance with administrative procedures established for concept reviews. The purpose of such review is to provide applicants and their agents with information which will help in the preparation of a PUD zoning petition that conforms to the requirements of this code. At a minimum, concept plans shall:

- (A) Include a map showing dimensioned boundaries of the subject parcel or parcels, all existing streets, buildings, water courses, and other relevant existing physical features in and adjoining the project.
- (B) Designate various modules of land, the approximate acreage of each and the use or uses to which each module of land will be placed.
- (C) Designate the number of residential units or the gross square footage of nonresidential uses in each module.
- (D) Designate the location and size of thoroughfares and other vehicular and pedestrian circulation facilities to be located in the planned unit development.
- (E) Include such other information as may be required by the County to determine conformance with standards of this Code.

*Comment: New Section added to address Concept Plan Review.*

#### **9.05.01.03 Planning and Zoning Board Action**

Upon review of an application for Planned Unit Development zoning and completion of one or more public hearings as required by this Code, the Planning and Zoning Board shall:

- (A) Recommend enactment of a requested Planned Unit Development zoning if it determines that the requested zoning will conform to the criteria set forth in Section 3.05.00;
- (B) Recommend enactment of a requested Planned Unit Development Zoning including Concept Plan and Conditions (Master Development Plan) subject to conditions if it determines that the requested zoning subject to the recommended conditions will conform with the criteria set forth in Section 3.05.00 and that the applicant accepts the conditions; or
- (C) Recommend denial of the requested zoning if it determines that the requested zoning does not conform to the criteria set forth in Section 3.05.00 or that the applicant does not accept conditions which will result in conformity to the criteria.

*Comment: New Section added to address Planning and Zoning Board action.*

#### **9.05.01.04 Board of County Commissioners Action**

Upon review of an application and Planning and Zoning Board recommendations and upon completion of one or more public hearings as required by this Code, the Board of County Commissioners shall:

- (A) Enact the requested Planned Unit Development zoning if it determines that the requested zoning will conform with the criteria set forth in Section 3.05.00;
- (B) Enact the requested Planned Unit Development zoning subject to the Concept Plan (Master Development Plan) and conditions if it determines that the requested zoning subject to said conditions will conform with the criteria set forth in Section 3.05.00 and that the applicant accepts the conditions; or
- (C) Deny the requested zoning if it determines that the requested zoning application does not conform to the criteria set forth in Section 3.05.00 or

that the applicant does not accept conditions which will result in conformity to the criteria.

*Comment: New Section added to address Board of County Commissioners action.*

### **9.05.02 PUD Application Requirements**

- (A) Applicants for PUD zoning shall submit the same information required for a rezoning pursuant to the provisions of Article 9.
- (B) Applicants for PUD zoning shall also submit a Site Development and Standards Plan which shall at a minimum:
- (1) Include a legal description of the subject parcel or parcels along with the total acreage of each parcel.
  - (2) Include a map showing dimensional boundaries of the subject parcel or parcels, all existing streets, easements, buildings, water courses, and other relevant existing physical features in and adjoining the project.
  - (3) Designate various modules of land and the acreage of each.
  - (4) Designate the use or uses to which each module of land will be placed.
  - (5) Designate the number of residential units of various types along with the gross residential density to be located in each module of land.
  - (6) Designate the square footage of gross building area to be devoted to each type of residential and non-residential use in each module.
  - (7) Include alternative development regulations which provide at least as much development guidance as would conventional zoning regulations and a justification statement outlining why such alternative regulations should be granted.
  - (8) Designate the location and size of thoroughfares and other vehicular and pedestrian circulation facilities to be located in the planned unit development.
  - (9) Designate the location and size of main sewer, water, electrical, and other utility lines to serve the site.
  - (10) Include such agreements, contracts, covenants, deed restrictions, and

other instruments which the County may require to bind the controlling entity and all existing and successive holders of title to the subject property to full compliance with the enacted development standards plan and any conditions attached thereto by the County pursuant to enactment.

- (11) Include a schedule for completion of the Planned Unit Development in a single development operation or in a programmed series of development phases.
- (12) Include such additional development details or other documentation as may be deemed necessary by the County to determine compliance with all requirements of this code. Such additional development details may, but will not necessarily include, property surveys, subdivision plats and subdivision construction plans, utility plans, site plans, building elevations, and building floor plans.

*Comment: New Section added to address PUD application requirements.*

### **9.05.03 Effect of Planned Unit Development Zoning**

*Comment: New Section title added to address the effect of PUD Zoning.*

#### **9.05.03.01 Site Plan Review and Approval Required.**

After a parcel or group of parcels has been zoned as a PUD, all improvements not subject to review and approval pursuant to the subdivision regulations of this Code shall be subject to site plan review. Except, however, site plan review shall not be required:

- (A) For the construction of single-family and two-family dwellings and related improvements on lots designated by the Concept Plan and Conditions (Master Development Plan) for such purposes; or
- (B) For the construction of any improvements which are specified in the Concept Plan and Conditions (Master Development Plan) to a level of detail equal to or greater than is required pursuant to the site plan review provisions of this Code.

*Comment: New Section added to address requirements for site development plans.*

#### **9.05.03.02 Changes to Site Development and Standards Plans, Conditions and Covenants**

Proposed changes to PUD Concept Plan (Master Development Plan), conditions, covenants and any other provision incorporated as part of the ordinance enacting PUD zoning for a particular parcel or parcels, shall be reviewed by the Planning and Development Director to determine whether the change is a major or minor modification from previously approved plans or conditions. Any modification of an approved PUD plan which involves a change in land use shall be considered a major modification. Other modifications may be declared major modifications if the Planning and Development Director determines they deviate substantially from an approved PUD plan. Requests for major modifications shall follow the same procedure set forth herein for PUD zoning.

Any proposed change to an approved PUD which does not constitute a major modification shall be considered a minor modification. At the discretion of the Planning and Development Director, minor modifications may be referred to the Planning and Zoning Board with a recommendation or, if the Planning and Development Director deems the proposed change to be de minimus, they may make the minor modification administratively. Action by the Planning and Zoning Board or Planning and Development Director in such cases shall be final. Requests for minor modifications shall include a revised PUD plan indicating the effect of the proposed changes and the reasons why the changes are necessary.

*Comment: New Section added to address Changes to Site Development and Standards Plans, Conditions and Covenants.*

#### **9.05.04 Preceding PUD Ordinances Incorporated**

Prior to the effective date of this Article, parcels of land were zoned Planned Unit Development. It is the intent of this Article that parcels which were so zoned, and which are zoned Planned Unit Development pursuant to this Article, shall be regulated by the language contained in the particular ordinance which designated them as Planned Unit Developments. However, this intent does not apply to parcels which were at one time zoned Planned Unit Development, but which were specifically rezoned by subsequent ordinances including those ordinances enacted prior to and after this Article. Notwithstanding the foregoing, nothing herein is intended to or shall be interpreted as limiting the County's authority to initiate the rezoning of any parcel of land.

*Comment: New Section added to address the incorporation of preceding PUD Ordinances.*

### **SECTION 9.06.00 APPLICATION PROCESS FOR LIMITED SPECIAL USE PERMITS FOR SERIOUS MEDICAL AND FAMILY ISSUES IN A RESIDENTIAL DISTRICT.**

Limited Special Use Permits in a residential district for serious medical and family issues may be approved as outlined in Section 2.07.00.

*Comment: New Section added to address applications for Temporary Special Use permits.*

**9.06.01- Application.**

- (A) *Application; Fees.* All requests for ~~Temporary Limited~~ Special Use Permits shall be submitted on an application form available from the Planning and Development ~~Division Department~~, together with all applicable fees as provided by resolution.
- (B) *Contents.* The application shall contain the following items, as applicable:
- (01) A legal description and street address of the property;
  - (02) Notarized authorization of the owner if the applicant is other than the owner or an attorney for the owner;
  - (03) Narrative description of the request along with a justification for its consideration;
  - ~~(03)~~(04) Concept Development Plan.

*Comment: Section relocated from Section 7.15.01; Term changed to Limited Special Use Permit since it may be approved for longer than a temporary period.*

**9.06.02- Criteria for Granting a ~~Temporary Limited~~ Special Use Permit.**

The granting of a ~~Temporary Limited~~ Special Use Permit shall be based on a determination by the Board of County Commissioners at an advertised public hearing that the request will not be permanent and thus be contrary to the public interest and the intent of this Code. Considerations of health, convenience, or economics shall be considered as justification for a Temporary Special Use Permit. Approval of a ~~Temporary Limited~~ Special Use Permit shall be completed via Resolution and be based solely on the following criteria, all of which must be fully satisfied:

- (A) Special conditions and circumstances exist that are peculiar to the applicant involved, which include but are not limited to, temporary siting of mobile homes on a large residential lot - at minimum, within F-R and A-1 zoned districts on properties meeting the minimum lot area requirements - for temporary living quarters for family members who may be mentally or physically handicapped;
- (B) Special conditions are temporary and do not destroy the character of the residential district;

- (C) Literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the identical land use classification and will constitute an unnecessary and undue hardship on the applicant;
- (D) That the permit granted is the minimum ~~Temporary~~ Limited Special Use Permit that will make possible a reasonable use of the land or structure;
- (E) That the granting of the ~~Temporary~~ Limited Special Use Permit will be in harmony with the general intent of this Code, and that such ~~Temporary~~ Limited Special Use Permit will not be injurious to the area involved or otherwise detrimental to the public welfare; ~~and,~~
- (F) That the permit will be granted for not more than two years and expire thereon. Sixty days before expiration, the applicant may apply to the Planning and Development ~~Division~~ Department to renew the permit. A renewal fee will be charged and shall be granted by the Planning and Development Director if the circumstances have remained the same and none of the above has been violated. The ~~Temporary~~ Limited Special Use Permit must be renewed every six months thereafter. A renewal application and fee will be required every six months, and will be subject to the same regulations listed here.
- (G) A ~~Temporary~~ Limited Special Use Permit shall become null and void if it is not exercised, as evidenced by the pulling of all necessary permits within 12 months of the date of approval by the BOCC.

For each ~~Temporary~~ Limited Special Use permit granted, the applicant shall sign an affidavit stating that when the ~~Temporary~~ Limited Special Use permit for the specific individual use/need is no longer applicable, the temporary structure shall be removed from the property, ~~the~~ Board of County Commissioners shall approve, and the Chairman shall sign ~~a record of final decision~~ the Resolution listing the above criteria and attesting that each has been satisfied.

*Comment: Section relocated from Section 7.15.02; Term changed to Limited Special Use Permit since it may be approved for longer than a temporary period; language added to reference requirement for a public hearing and adoption via Resolution.*

## **SECTION 9.07.00 PROCEDURE FOR USES PERMITTED WITH CONDITIONS**

Hardee County finds that there are certain uses that exist which may be constructed, continued, and/or expanded provided they meet certain mitigating conditions specific to their design and/or



operation, in addition to the general requirements provided by this Zoning Code. Such conditions ensure compatibility among building types so that different uses may be located in proximity to one another without adverse effects to either. Uses Permitted with Conditions are those uses that may be treated as a permitted use if the use or structure complies with specifically identified conditions. It is the purpose of this Section to describe the standards and the review process for a Use Permitted with Conditions.

Uses Permitted with Conditions are permitted, as identified in the Table of Land Uses, if they meet the listed conditions in Section 4.02.00, and subject to all other applicable standards.

At the Planning and Development Director's discretion, any development plans larger than 5 acres or any development plans that may have compatibility concerns based upon intensity, location, or use may be sent to the Planning and Zoning Board for approval. The regulations that govern Uses Permitted with Conditions are set forth in Section 4.02.00. Where standards provided in Section 4.02.00 exceed and/or create greater restrictions than those of the underlying zoning district, Section 4.02.00 shall supersede any other provision of this Code. Where no standard is established in Section 4.02.00, that of the relevant zoning district and/or conditions as assigned by the Planning and Zoning Board shall apply. Upon determination that the proposed use can meet the required conditions, the Applicant/Property Owner may proceed with the site plan, subdivision plan, and/or submittal of Engineering/Construction Plans and/or Building Permits, as required.

*Comment: Section added to address the procedure for Permitted with Conditions Uses.*

#### **9.07.01 Application.**

The Planning and Development Director will determine the required materials for submittal to determine if the proposed use and site meet the conditions required for the use as set forth in Section 4.02.00.

(A) Contents. The application shall contain the following items, as applicable.

(1) A legal description and/or parcel ID and street address of the property.

(2) Notarized authorization of the owner if the applicant is other than the owner or an attorney for the owner.

(3) Site plan or sketch plan drawn to scale showing the following items.

(a) The dimensions of the property.

(b) The existing and proposed location of structures on the property

including signage, vehicular accessways and circulation areas, off street parking and loading areas, sidewalks, refuse and service areas, required yards and other open spaces, and landscaping or buffer areas.

- (c) The measurements of existing and proposed adjacent rights of way, setbacks, distances between buildings, widths of accessways and driveways, and sidewalks.
- (4) A tabular summary describing the proposed use of the property including the following items.

  - (a) Existing and proposed use of property.
  - (b) Conditions on the use, such as hours of operation, numbers of residents, etc.
  - (c) Area of the property, pervious, and impervious areas, and existing and proposed structures.
  - (d) Number of required and provided off-street parking and loading spaces, existing and proposed density, and number of existing and proposed units.
- (5) Other pertinent information as determined by the Planning and Development Director.

*Comment: Section added to address the application for Permitted with Conditions Uses.*

### **9.07.02 Process**

#### **(A) Application**

A pre-application conference is optional at the applicant's and/or the Planning and Development Director's request if the applicant intends to operate a use or develop a structure that is intended to be occupied by a use set forth as a use Permitted with Conditions in the Table of Uses. The purpose of the conference is to advise the applicant of any additional information required for the review of the application for a Permitted with Conditions use. The Planning and Development Director shall inform the applicant if the application materials are sufficient for review and whether the application will require DRC or Planning and Zoning Board review.

It is anticipated that there may be instances in which the applicant may not know at the time of the pre-application conference/original application all of the uses to which structure(s) in a development will be assigned, therefore, the applicant may seek a determination on whether a proposed use qualifies as a Use Permitted with Conditions from the Planning and Development Director at any time. An application shall be submitted with information, as the Planning and Development Director shall request. The Planning and Development Director shall inform the applicant of whether the application materials are sufficient for review and whether the application will require Planning and Zoning Board review.

No person, however, shall have any right to operate a use identified as a Use Permitted with Conditions unless all the conditions specified in Section 4.02.00 related to that use and/or conditions set by the Planning and Zoning Board are currently and continuously complied with. It shall be a violation of these Regulations to operate any use delineated in this Article without complying with the applicable conditions.

(B) Review and Approval

At the Planning and Development Director's discretion, any development plans larger than 5 acres or any development plans that may have compatibility concerns based upon intensity, location, or use. All other applications will be approved administratively.

(1) *Administrative.* The Planning and Development Director, and any necessary staff, will review the application for Use Permitted with Conditions to determine if the proposal meets the conditions as outlined in Section 4.03.00. If the proposal meets the required conditions, the Use Permitted with Conditions is approved, the applicant can move forward as a permitted use.

(2) *Planning and Zoning Board.* The Planning and Zoning Board shall hold a public hearing for each application that requires review by the Planning and Zoning Board. The Planning and Development Director shall submit a written report containing their recommendations relating to the proposed Use Permitted with Conditions to the Planning and Zoning Board prior to the meeting at which the application will be heard. A copy of the report shall be made available to the applicant. The Planning and Zoning Board may impose conditions or safeguards found to be necessary to ensure the compatibility of the Permitted with Conditions Use with surrounding properties or the community in general. These may include, but are not limited to, requiring restrictions on hours of operation and size of

buildings, additional landscape and buffer areas, limiting vehicular access points and location of off-street parking, and similar conditions.

(C) Basis of Review

In considering any application for a Use Permitted with Conditions permit, the Planning and Development Director and the Planning and Zoning Board may consider the following minimum criteria, to the extent they are pertinent to the particular application.

- (1) Character of the neighborhood.
- (2) Compatibility with adjacent property uses and zoning.
- (3) Suitability of the property for which the conditional use is being requested.
- (4) Consistency with permitted uses in the area in which the permitted with conditions use is sought.
- (5) Extent to which the proposed use will negatively impact the aesthetics of the property and adjoining properties.
- (6) Impact of additional storm water runoff to the existing system or to the watershed area if no storm sewer is available.
- (7) Impact of noise pollution or other environmental harm.

Conditions provided in Section 4.02.00 should be utilized for consideration of conditions to be applied to address potential incompatibility issues when reviewing proposed Uses Permitted with Conditions.

*Comment: Section added to address the procedure for Permitted with Conditions Uses.*

## **SECTION 9.08.00 PROCEDURE FOR SPECIAL EXCEPTION USES**

*Comment: Section Title added to combine special exception use requirements.*

### **9.08.01- Purpose and Intent-**

~~In a given Zoning District, certain uses may be identified that are not generally appropriate within the District, but can be allowed in certain locations, if specific requirements are met. Such uses are small-scale, normally involving no more than one lot or building site. The process set forth in this Article is established to expeditiously handle relatively minor~~

~~matters of land use compatibility, not involving impacts on public facilities or environmental resources that would entail special mitigation plans or actions; and to allow appeal to the Board of County Commissioners of the decisions of the Administrative Official (See Section 8.02.00).~~

It is the intent of this section to provide the process for review of "Special Exception" uses. Special Exception uses are those uses that have some special impact or uniqueness such that their effect on the surrounding environment cannot be accurately determined in advance of the use being proposed. Special Exception Uses are generally considered to be appropriate for any zoning district that permits that particular use but may require more close examination for compatibility at a particular location.

*Comment: Section relocated from Section 7.13.01 and updated to address special exception uses.*

### **~~9.08.02. Identification by Table of Land Uses, Location of Development Standards, and Hearing Body. Special Exception Uses~~**

~~Uses designated as Special Exception Uses are identified in the Table of Land Uses 2.29.01(A), Article 2. Special Exception Uses shall be granted under specific circumstances and on a case-by-case, site-by-site basis only for those uses specified as Special Exception Uses on the Table of Land Uses. They are designated by the letter "S" and require approval of an application by the Board of County Commissioners as outlined in the following sections. Minimum Development Standards for Special Exception Uses are found in Article 34, Section 3.10.00 4.02.00.~~

The Planning and Zoning Board will hear and make recommendations on Special Exception applications and Variance applications to the Board of County Commissioners. The Board of County Commissioners shall hear and decide applications for Special Exceptions and Variances authorized under this Code in the manner prescribed as follows: below.

*Comment: Section relocated from Section 7.13.02 and updated to address special exception uses.*

### **9.08.03. Application:**

- (A) *Application; Fees.* All requests for Special Exceptions Use or a Variance shall be submitted on an application form available from the Planning and Development Division, together with all applicable fees as provided by resolution.
- (B) *Contents.* The application shall contain the following items, as applicable:
  - (01) A legal description and street address of the property;

- 
- (02) Notarized authorization of the owner if the applicant is other than the owner or an attorney for the owner;
- (03) Narrative description of the request along with a justification for its consideration;
- (04) Concept Development Plan or Site Development Plan at the discretion of the Planning and Development Director.
- (5) A concurrency analysis of all public facilities and services for which a Level of Service has been established in the Comprehensive Plan, pursuant to the standards and procedures of these Codes.
- (6) A detailed Site Development Plan drawn to scale showing the following.
- (a) The dimensions of the property.
  - (b) The existing and proposed location of structures on the property including signage, vehicular accessways and circulation areas, off-street parking and loading areas, sidewalks, refuse and service areas, required yards and other open spaces, and landscaping or buffer areas.
  - (c) The measurements of existing and proposed adjacent rights-of-way, setbacks, distances between buildings, widths of accessways and driveways, and sidewalks.
- (7) A tabular summary describing the proposed use of the property including:
- (a) Existing and proposed use of property.
  - (b) Conditions on the use, such as hours of operation, numbers of residents, etc.
  - (c) Area of the property, pervious, and impervious areas, and existing and proposed structures.
  - (d) Number of required and provided off-street parking and loading spaces, existing and proposed density, and number of existing and proposed units.

*Comment: Section relocated from Section 7.13.05 and language added to address requirements of the application.*

**9.08.04 Review and Approval or Denial of Proposed Special Exception Use or Variance**

(A) *Completeness Review.* Within 30 calendar days of receipt of an application, the Planning and Development Division shall:

(Ø1) Determine that the information submitted as the application is incomplete and inform the applicant in writing of any deficiencies; ~~and,~~

(Ø2) Determine that the plan is complete and proceed with formal review.

(B) *Incomplete Application Expiration:* Applications that are not made complete by the applicant will expire after 90 days.

~~7.13.03~~(C) Standards of Review for Special Exceptions Uses.

At the time of a proposal for a particular Special Exception Use, a detailed review of the location, design, configuration, and impact will be conducted by comparing the proposed use to fixed standards. Of particular importance are standards for weighing the public need for and benefit to be derived from the use, against the greater than local impact that it may cause. The review considers the proposal in terms of:

(A~~1~~) Whether and to what extent, the Special Exception Use at the particular location for which it is proposed, is necessary or desirable and in the interest of furthering the Comprehensive Plan, of providing for the public convenience, or of contributing to the general welfare of Hardee County; ~~and,~~

(B~~2~~) Whether and to what extent all steps possible have been taken by the developer to minimize any adverse effects of the Special Exception Use on the immediate vicinity and on the public health, safety, and welfare in general; ~~and,~~

(C~~3~~) Whether and to what extent, planned and proposed public and private developments may be adversely affected by the Special Exception Use; ~~and,~~

(D~~4~~) Whether and to what extent, existing zoning, and land use in the vicinity of the Special Exception Use require special considerations and conditions.

- (~~E~~5) Whether and to what extent, the proposed Special Exception is compatible with the following standards:
- (~~01~~a) Whether one or more of the following design standards proposed for the subject property will differ substantially from the design standards currently allowed for any of the adjacent properties, such as:
- ~~a~~.1. Yards;
  - ~~b~~.2. Setbacks;
  - ~~c~~.3. Height;
  - ~~d~~.4. Lot Coverage;
  - ~~e~~.5. Impervious Surface Coverage;
  - ~~f~~.6. Parking;
  - ~~g~~.7. Hours of Operation.
- (~~02~~b) Whether the intensity or density of use will be greater or lesser than that currently permitted for adjacent or currently existing properties;
- (~~03~~c) Whether the proposed change in ~~land~~ use will adversely alter the existing land use pattern;
- (~~04~~d) Whether the proposed change in ~~land~~ use will significantly increase traffic congestion or otherwise affect public safety;
- (~~05~~e) Whether the proposed change in ~~land~~ use will adversely affect the drainage of the property;
- (~~06~~f) Whether the proposed change in ~~land~~ use will decrease the quality of water, air, or light to adjacent properties;
- (~~07~~g) Whether the proposed change in ~~land~~ use will adversely affect the property values of the adjacent properties;
- (~~08~~h) Whether the proposed change in ~~land~~ use will cause noticeable glare, noise, or odors for the adjacent properties;



- (09i) Whether the proposed change in ~~land~~ use would create a mixture of land uses so dissimilar to the existing pattern of development, that the overall quality and character of the surrounding neighborhood would be degraded; ~~and,~~
- (10i) Whether the detrimental effects of any identified incompatibilities can be mitigated or eliminated by adequate buffering.
- (B) *Report to Planning and Zoning Board.* Each application shall include a written report containing recommendations on the proposed Special Exception or Variance to the Planning and Zoning Board prior to the meeting at which the application will be heard. A copy of the report shall be made available to the applicant. The Planning and Zoning Board review shall include a concurrency management review of the proposed use pursuant to the standards and procedures in Article 6 of this Code.
- (C) *Planning and Zoning Board Hearing.* The Planning and Development Director, or their designee, shall forward the application, any attachments, and a staff report to the Planning and Zoning Board for their consideration. The Planning and Zoning Board shall hold a public hearing on each application to consider the application and shall make a recommendation to approve, to approve with conditions, or to deny the request to the Board of County Commissioners. Public notice shall be provided consistent with Section 10.10.00.
- (F) *Board of County Commissioners Review.* The Planning and Development Director, or their designee, shall forward the application, any attachments, a staff report, and the Planning and Zoning Board's recommendation, to the Board of County Commissioners. The Board of County Commissioners shall hold a public hearing to consider the application and make a final decision on the request. Public notice shall be provided consistent with Section 10.10.00. The Board of County Commissioners shall accept, reject, modify, return, or continue for the purpose of obtaining additional information on any conditions or issues associated with the application. No approval shall be granted unless the request is approved by a majority of the Board of County Commissioner members voting. Approval of a Special Exception request shall be in the form of a record of decision that may, at the discretion of the County Attorney, be required to be recorded as a restrictive covenant.
- (D) *Restrictions, Stipulations, Conditions, and Safeguards.* The development and use of the site of an approved Special Exception Use shall be in accordance with the approved sSite Development pPlan and application materials. The approved sSite Development pPlan shall be filed with the Building Official be adopted as part of

the Record of Decision approving the Special Exception Use, and all development shall be in compliance with that plan. The Planning and Zoning Board may recommend and the Board of County Commissioners may recommend and may impose on the grant of any before granting any Special Exception Use, any restrictions, stipulations, conditions, or safeguards found to be necessary to ensure the compatibility of the Special Exception Use with surrounding properties or the community in general. These may include, but are not limited to:

- (1) Requiring restrictions on hours of operation and size of buildings;
- (2) Requiring additional landscape and buffer areas;
- (3) Limiting vehicular access points and;
- (4) Prescribing the location of off-street parking.
- (5) and similar conditions. Other conditions which are reasonable and necessary to preserve the General Welfare of Hardee County.
- (6) A time limitation on the length of the permit in accordance with the provisions of Section (G) below and may require the posting of a guarantee or bond in a reasonable amount by the applicant.

Violation of any such condition or safeguard shall be deemed a violation of these Regulations and may result in a revocation of any Special Exception Use in addition to any other remedy for such violation provided in this Code.

(H) Time Limitations, Extensions, Renewals. In addition to the time limits set forth in this Article, the Board of County Commissioners may require, as a condition to the approval of any Special Exception Use, that it shall be approved for a specified period of time; that it may be subsequently extended for a designated period by the Board of County Commissioners; or that it may be periodically reviewed and renewed by the Board of County Commissioners.

(E) Burden of Proof for a Special Exception Use. The burdens of proof for a Special Exception Use are is as follows:

- (Ø1) The initial burden is upon the applicant to prove that the Special Exception Use request is consistent with the Comprehensive Plan and complies with all procedural requirements of the Unified Land Development Regulations Code.

~~(02) At this point, the burden shifts to the County to demonstrate that granting the Special Exception would be adverse to the public interest.~~

(J) Findings for Approval of a Special Exception Use. The Planning and Zoning Board may recommend and the Board of County Commissioners may approve a Special Exception Use application when the set criteria listed below has been met. The criteria include, but are not limited to, the following:

- (1) The proposed Special Exception Use is consistent with the Hardee County Comprehensive Plan.
- (2) The proposed Special Exception Use would not degrade the Level of Service of one or more public facilities and services or contains commitments to make improvements to maintain Levels of Service established by the Comprehensive Plan.
- (3) The proposed Special Exception Use at the proposed location will not result in adverse impacts to adjacent property, the character of the neighborhood, traffic conditions, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety, and general welfare.

(K) Findings for Denial of a Special Exception Use. The Planning and Zoning Board may recommend and the Board of County Commissioners may deny an application for any Special Exception Use for one or more of the following reasons:

- (1) The proposed Special Exception Use is inconsistent with the Hardee County Comprehensive Plan.
- (2) The proposed Special Exception Use would degrade the Level of Service of one of more public facilities and services and contains no commitment to make improvements to maintain acceptable Levels of Service.
- (3) No community need can be demonstrated for the proposed Special Exception Use at the proposed location.
- (4) The proposed Special Exception Use does not meet all of the standards and requirements of this Code that are applicable to it.
- (5) The proposed Special Exception Use at the proposed location results in an adverse impacts on adjacent property, the character of the neighborhood, traffic conditions, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety, and general welfare; and

no reasonable conditions have been, or can be, derived or agreed upon that will address the concerns of the Planning and Zoning Board and/or Board of County Commissioners and mitigate the impact of the proposed Special Exception Use.

- (L) Approval by Record of Decision. The Board of County Commissioners by a Record of Decision shall approve Special Exception Uses. The approved concept plan and all conditions shall be attached to the Record of Decision. All development and use of the property shall comply with that Record of Decision and shall be considered binding on the applicant and any subsequent owners. The approval may, at the discretion of the County Attorney, be required to be recorded as a restrictive covenant.
- (FM) Written Findings. The Board of County Commissioners shall make written findings, based on one or more of the reasons listed above, in support of a denial of an application for a Special Exception or Variance of its decision, which shall be furnished to the applicant. If the Special Exception Use is approved, a copy of the signed Record of Decision will be sent to the applicant.

*Comment: Section relocated from Section 7.13.06; language added to address incomplete application expiration; Section (C) includes language relocated from Section 7.13.03 and amended to remove "land" to avoid confusion with Future Land Use; Language added to address review and hearing process.*

#### **9.08.05 Effect of Approval of a Special Exception Use**

- (A) Special Exception Uses Run with the Land. Special Exception Uses are not personal in nature and shall run with the land. However, a Special Exception Use shall be approved only on the basis of the concept plan submitted with the application and shall be valid only for the location and area shown on the approved development plan which shall include a floor plan, if applicable.
- (B) Activating a Special Exception Use. Approval of the Special Exception Use shall give the applicant authority to submit an application for development permits and/or other appropriate approval. Where the Special Exception Use approval does not require development permits, the applicant shall provide written evidence to the County that the activity granted has been initiated within the time prescribed by the County, or that right or privilege shall expire.

*Comment: Section added to address the effect of Special Exception uses.*

#### **9.08.06- Extension of Approved Special Exception or Major Special Exception.**

Applicants ~~whom who~~ who have obtained an approval for a Special Exception ~~or Major Special Exception~~ by the Hardee County Board of County Commissioners but will be unable to initiate the development, use, or activities permitted by the granting of the Special Exception ~~or Major Special Exception~~ within one year of the date of approval or as required by Section ~~7.13.07~~ 9.08.05, may apply to the Planning and Development Division for an extension of the approval. The request for an Extension must be in writing on forms provided by the Planning and Development Division.

The request shall contain the following information.

(A)      Copy of the Record of Decision.

(B)      Narrative describing:

- (1-) Reason(s) why the Special Exception Use ~~or Major Special Exception~~ cannot be activated within 12 months of the date of approval.
- (2-) Anticipated timeline for activation of the Special Exception Use ~~or Major Special Exception~~.
- (3-) Extension period requested.

The Planning and Development Director shall review the application for extension, and provide written notification to the applicant of approval or approval with conditions. Any request for an extension of a Special Exception Use ~~or Major Special Exception~~, which, in the Planning and Development Director's determination, cannot be reasonably supported for approval or approval with conditions, shall be brought before the Board of County Commissioners for consideration.

Only one extension may be granted administratively by the Planning and Development Director, ~~and if the applicant can demonstrate good faith reliance.~~ Good faith reliance may include, but is not limited to, the securing of any required permits from other governmental agencies/jurisdictions or the expenditure of substantial funds in reliance on the approved Special Exception Use. ~~‡The extension shall not exceed 24 months~~ 180 days (6 months) from the date of the original approval by the Board of County Commissioners. Two additional extensions may be granted by the Board of County Commissioners only, but the sum of all extensions granted shall not exceed ~~48~~ 24 months from the date of the original approval.

*Comment: Section relocated from Section 7.12.06; References to major special exceptions removed; Time of extensions changed from 12 months to 180 days and a total of 48 months (4 years) to 24 month (2 years) as base conditions change significantly in one or four years from the approval.*

#### **9.08.07 Amendments**

Minor amendments not altering the intent and purpose of the approved Special Exception Use may be approved by the Planning and Development Director after such departmental comment as they deem appropriate. Amendments to an approved Special Exception Use, which the Planning and Development Director deems to be major, shall require the submittal of an application and compliance with the review procedures as set forth in this section and as otherwise provided in this Article.

*Comment: New Section added to address amendments to the Special Exception Use.*

#### **9.08.08 Operation and Maintenance in Accordance with Special Exception Use Approval**

It shall be the responsibility of the owner of the property and the operator of the use for which a Special Exception Use has been granted to develop, improve, operate, and maintain the use, including the site, buildings, and all site elements, in accordance with the provisions of these Codes and all conditions of Special Exception Use approval until the use is discontinued. Failure to comply with the provisions of this Section shall be a violation of the use provisions of this Code and shall be subject to the same penalties appropriate for a use violation.

The County may make periodic investigations of developments for which a Special Exception Use has been approved. Noncompliance with requirements or conditions of approval in the Record of Decision shall constitute grounds for the Board of County Commissioners to rescind Special Exception Use approval.

*Comment: New Section added to address the operation and maintenance requirements of Special Exception uses.*

#### **9.08.09 Review and Revocation of Special Exception Use.**

- (A) Jurisdiction. The Board of County Commissioners hereby reserves to itself the jurisdiction and authority to review and revoke Special Exception Use approvals.
- (B) Revocation. The Board of County Commissioners may revoke the Special Exception Use if the use violates the conditions or site plan in the Record of Decision approving the Special Exception Use.

*Comment: New Section added to address review and revocation of Special Exception uses.*

#### **9.08.10 Expiration or Abandonment of Special Exception Use-**

If a Special Exception Use does not begin to serve the purpose for which it was granted permission within ~~one year~~ 180 days from the date of approval, it shall expire unless granted an extension by the Planning and Development Director or the Board of County Commissioners in accordance with Section ~~7.12.06~~ 9.08.05 of this Code. Provided, however, that the Board of County Commissioners may establish a shorter or longer period for a Special Exception Use to commence. Once initiated, the Special Exception use may continue indefinitely or until the expiration of any time limit established as a condition of approval.

However, if such use is abandoned for ~~one year~~ 180 days, it shall expire unless granted an extension by the Planning and Development Director or the Board of County Commissioners in accordance with Section ~~7.12.06~~ 9.08.06 of this Code.

~~If a Special Exception does not begin to serve the purpose for which it was granted permission within one year from the date of approval, it shall expire. Once initiated, the Special Exception use may continue indefinitely or until the expiration of any time limit established as a condition of approval. However, if such use is abandoned for one year, it shall expire. The Planning and Development Division will establish a process to perform an annual review to determine continuing need of any and all Special Exceptions.~~

*Comment: Section relocated from Section 7.13.07 (misabeled for 7.12.07) and Section 7.13.07; Duplicative language removed.*

#### **SECTION 9.09.00 PROCEDURE FOR MINING MAJOR SPECIAL EXCEPTION**

The procedures for Mining Major Special Exceptions are addressed in Article 13.

*Comment: New Section added to reference Mining Major Special Exception permits in Appendix A.*

#### **SECTION 9.10.00- DEVELOPMENT PLANS-**

*Comment: Title relocated from Section 7.06.00.*

##### **9.10.01- Intent and Purpose-**

Development Plans shall be required for all subdivision, multi-family residential, and nonresidential development, to ensure that site specific development projects meet the requirements of this Code prior to the issuance of a building permit or business license, if

applicable. It is the intent of this Section that the Development Plan process be the instrument by which improvements to the site will be constructed and inspected, and by which final inspection and Certificate of Occupancy shall be issued. The Development Plan process is also used to verify compliance with Code requirements as sites change uses.

Notwithstanding the Master Development Plan required for Planned Unit Development zoning requests and the subdivision review process, ~~four~~ three types/levels of development plans are established by this Code: Concept Development Plans, Site Development Plans, and Construction Plans.

*Comment: Section relocated from Section 7.06.01; Language added related to business licenses if applicable; Language added address changes of use.*

#### **9.10.02- Concept Development Plans-**

The purpose for the Concept Development Plan is to present information in an illustrative form to supplement, graphically, requests typically described narratively. Concept Development Plan approval shall be required prior to issuance of a building permit for the following: (This is a representative list. For a complete list, see Table of Land Uses, Article 23, ~~Table 2.29.02(B)-3.03.00(A)~~).

- (A) Requests for variances, waivers, and administrative adjustments.
- (B) Requests for Temporary Special Use Permits.
- (C) Special Exceptions.
- (D) Any other type of request that the Planning and Development Director determines to be appropriate to provide adequate information for review, ~~and order~~ to protect the public health, safety, and welfare.

*Comment: Section relocated from Section 7.06.02.*

#### **9.10.03- Site Development Plans-**

The purpose for the Site Development Plan is to provide a true code compliance review for site improvements being proposed by development. Information on the plan, both graphically and tabularly, must be in such form and detail to verify that code compliance can be met, including but not limited to concurrency.

~~The Planning and Zoning Board shall have final approval authority over Site Development Plans.~~



Site Development Plan approval shall be required prior to the issuance of a building permit for the following: (This is a representative list. For a complete list, see Table of Land Uses, Article 23, ~~Table 2.29.02(B)~~ 3.03.00(A)).

- ~~(A) Residential subdivisions meeting the requirements of a major subdivision;~~
- ~~(B)~~ (BA) All non-residential uses, including hotels, motels, and RV parks;
- ~~(C)~~ (CB) Multiple-family residential use;
- ~~(D)~~ (DC) Manufactured/mobile home parks;
- ~~(E)~~ (ED) Clubhouses or similar facilities built on common property within a subdivision;
- ~~(F)~~ (FE) Division of an existing development site (such a division shall result in a new or modified Site Development Plan for previously existing development, in addition to a separate plan for new development);
- ~~(G)~~ (GF) An expansion or reconfiguration of any of those types of development that are subject to Site Development Plan requirements; or
- ~~(H)~~ (HG) Any other type of development that the Planning and Development Director determines to be appropriate for the Site Development Plan review process in order to protect the public health, safety, and welfare;
- ~~(I)~~ (IH) Farmworker housing.
- (I) For changes of use to verify compliance with Code requirements.

*Comment: Section relocated from Section 7.06.03; reference to Planning and Zoning Approval removed as not necessary in this Section; reference to need for site plan added for properties that change use to verify compliance with Code requirements.*

#### **9.10.04- Construction Plans-**

The purpose of the Construction Plan is to provide sufficient technical information to proceed with site construction. Construction Plans shall be technically complete and contain complete working drawings and design specifications. Construction Plans shall be signed and sealed by a professional engineer. All required extra-jurisdictional permitting shall be in place prior to any earth movement.

*Comment: Section relocated from Section 7.06.04*

### **9.10.05 Review Procedures**

*Comment: Section Title relocated from Section 7.06.05*

#### **9.10.05.01 Concept Development Plan**

The Concept Development Plan shall be an attachment to the application, narrative description and any other supporting documentation required for review and processing, and the requisite application fee. Concept development plans, being illustrative in nature, are established to provide information and context to requests such as variances, temporary special use permits, special exceptions, and other requests where concept development plans are permitted. In effect, the plan itself is not approved; only the nature of the request the plan illustrates. For example, a concept development plan will be required when evaluating a request for a setback variance. However, what is being evaluated and approved is the setback variance, not the concept development plan. The plan is an illustrative tool for staff, the Planning and Zoning Board, and the Board of County Commissioners, as necessary, to use to visually understand the scope of the request.

Those developments subject to Site Development Plan review as identified in the preceding paragraph shall be processed in the manner below.

*Comment: Section relocated from Section 7.06.05.01*

#### **9.10.05.02 Site Development Plan**

Twenty Five paper copies (or as many as required by the Planning and Development Director) and a digital format acceptable to the County of the Site Development Plan, 20 completed application forms, all necessary attachments and supporting documentation, and the requisite application fee shall be submitted to the Planning and Development Division to initiate processing of the plan. Additional site development plans shall be provided for review by other State, Regional, and County agencies upon staff request.

- (A) *Site Development Plan Preparation Requirements.* Where referenced in Section ~~7.06.03~~ 9.10.03 and as further established in Table ~~2.29.02(B)~~ 3.03.00(A), the Site Development Plan shall be required in the form established in this Section ~~7.06.10~~.
- (B) *Filing of Site Development Plan Applications.* Applications for Site Development Plan review shall be accepted on the first Friday of each

month and shall be scheduled for the DRC meeting according to the requirements of Section ~~7.02.00~~ 9.02.00.

Where the proposed development involves only the expansion of existing structures, the Planning and Development Director may reduce or waive certain criteria, data, or other submission requirements as appropriate provided that the following conditions are met:

- (Ø1) No existing structure will be expanded by more than 30 percent of its total floor area and/or seating;
- (Ø2) No change in the existing use of the site is proposed;
- (Ø3) No existing nonconforming use would be expanded, and all other aspects of the site are in conformity with the requirements of this Code; and,
- (Ø4) The development site will not be reduced in size.

- (C) *Staff Review.* The Development Review Committee and other appropriate individuals, if applicable, shall review all Site Development Plans with specific regard to the codes and ordinances of Hardee County.

The staff review shall identify matters of development policy concern and code compliance to which the developer shall address particular attention. The applicant is encouraged to respond to staff comments at this stage of review. The DRC staff shall provide specific written comments to be addressed based on review of the plan.

- (D) *Revised Plans.* Upon agreement by the applicant to incorporate the staff review comments into the plan, the applicant shall submit revised Site Development Plans in which all concerns of the staff have been addressed. At the Planning and Development Director's discretion, the revised plans may be considered at a second DRC meeting.

- (Ø1) When the Planning and Development Director determines that all DRC comments have been adequately addressed; ~~he/she shall prepare a report and schedule the Site Development Plan~~ they will forward the site plan and any DRC reports for review and final action by the ~~Planning and Zoning Board~~ department or board that is vested with said authority.

*Comment: Section relocated from Section 7.06.05.02; Language added to reflect that not all site plans need to go to the Planning and Zoning Board.*

#### **9.10.05.02.01. Development Site to be Unified.**

When requesting Site Development Plan approval, the applicant shall be owners of record and upon approval of the Site Development Plan the owners must show proof of undivided interest in the property and shall furnish proof that the development site is unified by title or a covenant in lieu of unity of title, subject to the County attorney review and approval, and not spatially divided by ownership (however, multiple ownership is permissible so long as each owner or investor holds a percentage or proportionate interest in the site as a whole). The development site shall be designed to provide all required facilities, including parking and stormwater retention; no such facilities shall be located off-site. The entire site shall have the zoning designation required to accommodate the principal use.

No development site, once granted Site Development Plan approval, shall be divided except through the Site Development Plan modification process established in Section ~~7.05.07~~ 9.10.05.05.

*Comment: Section relocated from Section 7.06.05.02.01.*

#### **9.10.05.03. Planning and Zoning Board Site Development Plan Review and Action.**

The ~~Planning and Zoning Board~~ Site Development Plan shall be reviewed and approved, approved with conditions, or deny denied Site Development Plan applications. In such cases, ~~the Planning and Zoning Board shall review and evaluate the Site Development Plan~~ shall be reviewed and evaluated with specific regard to the Comprehensive Plan, applicable County codes, and the advisory recommendations of County staff. ~~The Planning and Zoning Board shall approve, approve with conditions, or deny the Site Development Plan.~~

~~In the alternative, the Planning and Zoning Board may, for the purpose of allowing the applicant an opportunity to address unresolved issues, continue consideration of the Site Development Plan. In the event a Site Development Plan is denied, the reason(s) for the denial shall be noted. Appeal of the denial may be appealed to the Board of County Commissioners within 30 calendar days of the decision.~~

*Comment: Section relocated from Section 7.06.05.03; Language updated to reflect review and approval process not specific to the Planning and Zoning Board.*

#### **9.10.05.04- Approval of Site Development Plans**

On approval of a Site Development Plan, an applicant may submit complete site construction plans with engineering for county staff review. Construction plans submitted following an approved site development plan shall be substantially similar to the approved Site Development Plan.

Approved Site Development Plans shall remain valid for one year after approval. Granting of extensions for approval may be made by the Planning and Development Director for a single period up to 12 months from the date when a Site Development Plan would have otherwise expired. An extension may be granted if the Planning and Development Director concludes that conditions have not changed substantially so as to warrant a new application. All such requests for extensions must be submitted in writing, with the required fee, not less than 30 days before the expiration of the approved Site Development Plan stating the reason(s) for the time extension request.

*Comment: Section relocated from Section 7.06.05.04*

#### **9.10.05.05- Modification of Site Development Plans-**

Any major modification, variation or adjustment of an approved Site Development Plan shall require approval of the original approving body.

The Planning and Development Director shall determine whether a proposed Site Development Plan modification is a major modification or a minor modification. The determination shall be based on, but not limited to the following: any substantial change, including increase in density, change in permitted uses, change in stormwater runoff characteristics, change in traffic patterns, and trip generation, or other similar changes shall be considered a major modification; any proposed minor changes in configuration or similar changes shall be considered a minor modification.

*Comment: Section relocated from Section 7.06.05.05*

#### **9.10.05.06- Integration of Other Review Procedures-**

Any development involving the following provisions of this Code shall be coordinated as set forth as follows:

- (A) *Development Built in Phases.* Development built in phases or stages must clearly show the various phases or stages of the proposed development on the original Site Development Plan and on all subsequent Site

Development Plans. Any amenity or stormwater management system proposed in any future phase shall be constructed in the first phase of development. A Site Development Plan must be submitted for each successive phase of the development.

As part of the application for Site Development Plan approval, the developer shall submit a proposed schedule for completion of such improvements. Once a schedule has been approved and made part of the Site Development Plan requirements by the Planning and Development Department, no land may be used and no building may be occupied except in accordance with the schedule approved as part of the site plan. If no schedule has been approved, no more than two years shall elapse between the filing of successive Site Development Plans.

- (B) Those developments requiring a variance from any applicable regulation of this Code, a ~~Temporary Limited Special Use Permit request, an~~ Special Exception use, or any other use established pursuant to Table ~~2.29.02(B)~~ 3.03.00(A) shall be required to submit a Concept Development Plan; however, nothing herein shall prevent an applicant from submitting a Site Development Plan meeting the data requirements established for Site Development Plan in lieu of the Concept Development Plan should the final request require a Site Development Plan. The Site Development Plan may be reviewed concurrently with review and action on the variance request, but the Site Development Plan shall not be approved until the variance has been approved. ~~All specific requests must receive final approval by the Board of County Commissioners.~~

*Comment: Section relocated from Section 7.06.05.06; Language amended since all actions do not receive final approval from the BoCC.*

#### **9.10.06- Construction Plans-**

All development proposals as set forth in this Section and subject to Site Development Plan approval shall require approval of Construction Plans prior to actual development.

*Comment: Section relocated from Section 7.06.06*

#### **9.10.06.01- Approval of Construction Plans-**

- (A) Upon approval of a Site Development Plan, an applicant may proceed to submit Construction Plans—detailed construction drawings—to the Planning and Development Division. These drawings shall include, but are not limited to, detailed site construction plans, drainage and stormwater

management facilities, utility plans, plans and profiles and road and connection construction specifications. The applicant shall submit eight copies of signed and sealed site construction plans (or as many as required by the Planning and Development Director) and a digital format acceptable to the County, along with completed applications, supporting documentation and the requisite fee, along with all required permitting, including but not limited to the Southwest Florida Water Management District, Florida Department of Transportation, Florida Department of Environmental Protection, or any other agency with jurisdiction over the project, or evidence that such permitting has been filed with the appropriate agencies. Nothing contained herein shall preclude the processing of a Site Development Plan concurrently with a Construction Plan; however, at the Planning and Development Director's discretion, such concurrent review may be denied based on the complexity of the project.

- (B) ~~The DRC shall review and take action on all construction plans for site plan compliance, code compliance, and technical accuracy. The applicant shall submit twelve copies of the site plan sheet for review and action by the DRC.~~ The DRC, through review of the Construction Plan, may request that an applicant provide additional features to ~~insure~~ ensure that the public health, safety, and welfare is protected; however, the DRC shall not approve any plan that does not meet code compliance or is otherwise at variance to any provision of this Unified Land Development Code.
- (C) ~~Upon approval by the DRC, each copy of the signed/sealed site construction plans shall be stamped approved and initialed and dated by each DRC member.~~ the Planning and Development Director. Each DRC county office shall retain one copy, as necessary; for its files; the applicant shall be provided two copies, one of which shall remain on the job site for inspection purposes. Nothing herein shall prevent an applicant from filing Construction Plans concurrently with Site Development Plans.
- (D) ~~Approved Construction Plans shall remain valid for five years after approval. Granting of extensions for approval may be made by the Planning and Development Director for a single period up to 12 months from the date when a Construction Plan would have otherwise expired. An extension may be granted if the Planning and Development Director concludes that conditions have not changed substantially so as to warrant a new application. All such requests for extensions must be submitted in writing, with the required fee, not less than 30 days before the expiration of the approved Site Development Plan stating the reason(s) for the time extension request.~~ 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. Construction may not commence prior to receiving approval of the new construction plans.

- (E) 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 approved construction plans. If an application for time extension has been submitted prior to expiration of 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 construction plan approval, regardless of when the DRC acts upon an application for a time extension.

*Comment: Section relocated from Section 7.06.06.01; Language amended to clarify the approval and time extension process and to permit construction plans to be approved for 36 months instead of 5 years.*

#### **9.10.07- Non-Compliance.**

Failure to comply with a stamped approved Construction Plan or any of the conditions upon which such approval was contingent, including time limits for performance, shall be cause to deny issuance of a building permit or, where a permit has been issued pursuant to a stamped approved Construction Plan, to render such building permit invalid. Any action, construction, development or use of property undertaken in violation of the provisions of this Section for a site plan shall constitute a violation of this Code and may be subject to a Stop Work Order.

*Comment: Section relocated from Section 7.06.07*

#### **9.10.08- Plan Content.**

*Comment: Section Title relocated from Section 7.06.08*



**9.10.08.01 Concept Development Plans.**

- (A) *Boundary Sketch.* Each Concept Development Plan will contain a separate sheet identifying the boundary of the parcel under consideration. Said boundary sketch may be from a parcel map, an older survey or property boundary, or other instrument that depicts the parcel of property under consideration.
- (B) *Contents of Plan.* The following information may be required on or in an acceptable form so as to allow the Planning and Development Division to determine sufficiency of the Concept Development Plan:
- (01) Date, north arrow, and scale not less than 1"= 100'.
  - (02) Site location map related to Hardee County.
  - (03) Title block identifying the name and/or title of the proposal:
  - (04) Name, address, email address, and telephone number of the applicant, property owner, if different from the applicant, and the person preparing the plan.
  - (05) Legal description of the property. The 18-digit property identification is sufficient.
  - (06) Land use category and zoning district assigned to the property.
  - (07) All roads, with functional classification identified; utilities, if any; watercourses, drainage ditches, canals, and bodies of water on the site.
  - (08) General delineation of areas within the 100-year floodplain; general delineation of wetland areas.
  - (09) Existing and proposed utilities, if any.
  - (10) Any easements or other recorded restrictions/encumbrances on the parcel.
  - (11) Proposed layout of streets, blocks, lots, stormwater management area, buffer areas, etc., if subdivision, or proposed building, parking, drive aisle, etc., depiction is non-residential, or

required/proposed setbacks, lot dimension, lot size, etc., if a variance.

- (12) Open space/common area, if proposed.
- (13) Typical lot detail identifying lot width, ~~depth~~, area, setback requirements and structural placement.
- (14) Tabular data block including total site area in acres or square feet depending on the size of the parcel, area in wetlands/floodplain, if applicable, total number of lots and gross density or, if multifamily residential, commercial, or industrial, number of units, gross square footage of building(s), floor area ratio, area of impervious surface and impervious surface ratio, area in stormwater management and area in common area/recreation/open space.

*Comment: Section relocated from Section 7.06.08.01*

#### **9.10.08.02, Site Development Plans.**

- (A) *Site Survey.* A survey of the proposed parcel drawn to a minimum scale of 1" = 50' shall accompany the application, prepared by a surveyor registered in the State of Florida prepared within one year of Site Development Plan application.
- (B) *Contents of Plan.* Site Development Plans shall be drawn to a minimum scale of 1" = 50' on an overall sheet size not to exceed 24 by 36 inches. When more than one sheet is required, an index sheet of the same size shall be included showing the entire parcel with individual sheet numbers referenced thereon.

The following information shall be required:

- (01) Site Development Plan name.
- (02) The property owner's name, address, and telephone number; and the designated project applicant or representative if other than the property owner.
- (03) The preparer's name, address, telephone number, and email address.
- (04) North arrow, scale, and date prepared.

- (05) Land use designation and zoning district assigned to the property that is the subject of the plan and to the properties contiguous thereto.
- (06) Location map at a scale of not less than 1" = 2000' and indicating State Plan Coordinates, if available.
- (07) A specific delineation of watercourses, wetlands and the 100-year floodplain on the site. Delineation should be accurate based on expertise or filed verified data.
- (08) If a residential subdivision, accurate depiction of lot layout with the lot size proposed, accurate depiction of internal roadway configuration with drainage features; e.g., if curb and gutter drainage identify curbing and curbing type on the plan; if swale drainage, identify swales and cross-section detail.
- (09) Accurate depiction of stormwater systems, including drainage flow, conveyance systems, pond location(s) with approximate size area and structures.
- (10) Location of all easements to be proposed on the site and individual lots/properties.
- (11) If multifamily residential or non-residential, location of all buildings/structures, number of floors and gross square footage, setbacks and building separations.
- (12) Location of major roads/streets at the site, along with functional classification, right-of way width, and physical characteristics of the roadway (pavement width and drainage type) and the location of all proposed accesses into the site with radii.
- (13) Completion of a traffic impact analysis based on procedures described in the Hardee County Traffic Impact Study Procedures Manual.
- (14) Location of vehicular use areas.
- (15) Depiction of proposed parking spaces and size of parking spaces.

- (16) Type, size, and location of utilities proposed, if any, including potable water, sewer, reuse, and fire hydrants.
- (17) Depiction of all buffer and landscape areas with vegetation size and type proposed. Location of all walls or fences.
- (18) Sign location and size, if any.
- (19) Typical details including roadway cross section, typical building lot with setbacks and similar details.
- (20) Tabular data block including area of the site, in acres or square feet as appropriate, area in wetlands and floodplains, if applicable, total number of lots and gross density or, if multifamily, commercial or industrial, number of units, gross square footage of building(s), floor area ratio, area of impervious surface and impervious surface ratio, area in stormwater management, area in common/open space, number of parking spaces and any other information necessary to determine code compliance of the project
- (21) Completion of Application for Concurrency/Worksheet.

*Comment: Section relocated from Section 7.06.08.02*

#### **9.10.08.03. Construction Plans.**

All information as required by the Site Development Plan process as well as the following:

- (01) A certified survey of the site prepared by a surveyor registered in the State of Florida completed within one year of the Construction Plan application;
- (02) Plan scale shall be no greater than one inch = 50 feet;
- (03) Plans shall be signed and sealed by an engineer registered in the State of Florida;
- (04) All horizontal dimensions shown on the plan shall be in feet and in decimal fractions of a foot to the nearest one-tenth and all bearings in degrees, to the nearest minute;
- (05) Existing topography and proposed finished topography and finished grading with a one-foot contour interval;

- (06) Final alignments, dimensions, grades, and profiles of all proposed improvements including but not limited to streets, utilities, drainage, parking areas, structures, etc.;
- (07) Finished elevations of buildings, stormwater systems, and other improvements;
- (08) Such other calculations, computations, locations, and details as may be necessary to determine the limits of wetlands, stormwater outfalls, and other technical information that may be specified by the County;
- (09) Any agency permits including, but not limited to, FDOT, FDEP, etc.;
- (10) Required stormwater permit from the SWFWMD;
- (11) Any other required permitting approving utility plans.

*Comment: Section relocated from Section 7.06.08.03*

## **SECTION 9.11.00. SUBDIVISION REGULATIONS PLATTING REQUIREMENTS.**

*Comment: Section relocated from 7.07.00 and title expanded.*

### **9.11.01. Purpose and Intent.**

The purpose of this Section is to establish minimum procedures and standards to further the provisions of State Law that requires and regulates the platting of land for development; to further the goals and policies of the Hardee County Comprehensive Plan; and to set forth a process for approval of the subdivision of land within the jurisdiction of the County. Where provisions for subdividing land are either more restrictive or less restrictive than other land development codes, resolutions or rules adopted by the County, those provisions that are more restrictive and impose higher standards or requirements shall govern.

Subdivision approval procedures are set forth herein as a ~~three~~ four-step process: ~~the~~ Concept Plan Review; ~~the~~ Preliminary Plat Review; ~~the~~ Construction and Engineering Plan Review; and Final Subdivision Plat Approval. This process is intended to permit comprehensive review by the County and to benefit the ~~developer~~ applicant by identifying potential problems and their solutions at appropriate times during the process. As with all stages of the development approval process, it is the responsibility of the ~~developer~~ applicant to check all State and local regulations governing the subdivision of land and to adhere strictly to the procedures therein.

*Comment: Language relocated from Section 707.01.01; Language updated to include a four-step process.*

### **9.11.02- Applicability-**

These regulations shall apply to all subdivisions, including those intended for residential, commercial, and industrial development. The provisions of this Section are applicable to the division of a parcel of land, that is defined to mean the division of contiguous land holdings by a single owner or multiple owners, regardless of how said parcels are described or recorded, into two or more parcels, lots, tracts, or sites for the purpose of transfer of ownership or building development. ~~each of which is 20 acres or greater in size, shall be exempt from subdivision regulations. Also exempt from the provisions of these subdivisions regulations, except as set forth herein, are divisions and exchanges of land between contiguous landowners resulting in no more parcels than existed prior to the division and exchange, provided that the resulting parcels meet all the criteria set forth in these regulations for minor subdivisions. Upon application, staff shall review to confirm all criteria are met and shall forward to the County Manager for final approval.~~

*Comment: Language relocated from Section 707.01.02; Language updated to include a four-step process; Language relating to exemptions removed and relocated to Section 9.11.03.*

### **9.11.03- Exemptions- Including Large Lot Subdivisions**

Land that is subdivided into lots, parcels, sites, or tracts, each of which is 20 acres or greater in size, shall be exempt from subdivision regulations; however, such subdivision shall comply with minimum right-of-way dimension requirements for access and minimum lot frontage requirements. Also exempt from the provisions of these subdivisions regulations, except as set forth herein, are divisions and exchanges of land between contiguous landowners resulting in no more parcels than existed prior to the division and exchange, provided that the resulting parcels meet all the criteria set forth in these regulations for minor subdivisions. Upon application, staff shall review to confirm all criteria are met and shall forward it to the County Manager for final approval.

*Comment: Language relocated from Section 7.07.01.02 and renamed to include lot subdivisions; Language updated to include a four-step process.*

### **9.11.04 Subdivision of Land by Administrative Approval**

#### **(A) Lot divisions by survey or legal description**

The Planning and Development Director may administratively approve the division of property for residential use by means of a survey or metes and bounds legal

description rather than a plat under the following conditions:

- (1) The approval does not result in the creation of more than one new lot.
- (2) The approval does not create a lot which does not meet applicable zoning district standards for width, depth, and area.
- (3) Each lot has frontage on a public road, and no new public streets are needed to serve either property.
- (4) No extension of a public water or sewer system is needed.
- (5) There will be no necessity for drainage facilities serving other properties to cross either lot affected by the administrative approval (certification shall be provided by a professional engineer registered in the State of Florida).

(B) In requesting the administrative approval, the applicant shall provide the following items:

- (1) Copy of the deed to the property. If the applicant does not own the property, they must obtain written permission from the owner, including a notarized signature, authorizing them to make the application.
- (2) Copy of the official property appraiser's map indicating the subject property and all other properties within 200 feet.
- (3) Certified survey (if necessary).
- (4) Applicable fee as established by resolution of the Board of County Commissioners.

(C) Adjustments to Existing Plats.

Minor adjustments to a subdivision plat may be authorized by the Planning and Development Director without the requirement to replat, where all of the following conditions are satisfied:

- (1) No more than two new lots or tracts may be created.
- (2) No new street is proposed, or additional right-of-way is needed.
- (3) No vacation or elimination of streets, setback, access control or easements

are required or proposed.

- (4) Such action will not result in significant increases in service requirements or interfere with maintenance of existing levels of service.
- (5) All easement requirements have been or will have been satisfied.
- (6) Such division will not result in a tract or lot without direct access to a street.
- (7) A nonconforming lot, either by dimension or area as prescribed by the applicable zoning district, will not be created.

In granting approval, the Planning and Development Director may impose such conditions, safeguards, and requirements as deemed necessary to implement the intent and purpose of this Section. The Planning and Development Director may require any division or combination of previously platted property to comply with the complete the platting process as set forth in this section where warranted.

*Comment: New Section to address administrative approvals of one-lot splits.*

#### **9.11.05- Minor Subdivisions-**

A minor subdivision means a division of land into not more than five lots/parcels — four new lots/parcels and a remaining lot/parcel, each with its own parcel ID. If the remaining lot/parcel is 20 acres or greater in size, said lot/parcel may stand alone and may be eligible for future subdividing through the minor subdivision process.

*Comment: Language relocated from Section 7.07.02.*

#### **9.11.05.01- Approval of Minor Subdivisions-**

A minor subdivision of land may be approved by the Board of County Commissioners without the requirement to plat pursuant to these regulations where all of the following conditions are satisfied:

- (Ø1) The subject property has not previously been processed through this minor subdivision procedure;
- (Ø2) The approval does not result in the creation of more than five lots/parcels—defined as four new lots or parcels and a remaining lot/parcel;
- (Ø3) The approval does not create a lot/parcel, or lots/parcels, that do not meet applicable zoning district standards for width, depth, and area.



~~(a-)~~ *Exception:* Exceptions to the minimum lot size for a residential lot in the ~~Agricultural Future Land Use category and the A-1 zoning district~~ may be granted by the County to transfer to an immediate family member to serve as ~~his/her~~ their primary residence. No subdivision of land approved by exception shall result in less than 2.5-acre parcels, and shall require its own access with a minimum frontage on a county maintained or private road of 30 feet. Said frontage and access may be owned in fee-simple or by easement recorded in the public records of Hardee County. Where owned fee simple, the access may be included within the minimum acreage requirement. Additionally, nothing herein shall prohibit shared access of a single easement, provided that the easement is amended to include the party sharing the easement. Immediate family member is defined as persons related by blood, marriage or adoption and is limited to parents, spouses, siblings, children, grandparents, and grandchildren. Such an exception may not be granted more than one time for each family member. Exceptions shall be exercised within one year of approval or shall become null and void. Exercised, as used herein, shall mean the act of securing a building permit. ~~An Appeal of Decision by the County Manager, or a time extension shall be made directly to the Hardee County Board of County Commissioners;~~

- (04) Each lot/parcel has the minimum required frontage as set forth in the zoning district in which the lot/parcel lies on a maintained public road as adopted for maintenance by the Board of County Commissioners, and as identified by the County Road and Bridge Department, and no new streets, either public or private, are needed to serve either property. Minimum frontage shall be owned in fee-simple.
- (05) No extension of a public water or sewer system is needed.
- (06) The creation of a parcel wholly within the 100-year flood zone is prohibited.
- (07) No vacation or elimination of streets, setbacks, access control, or easements are required or proposed.
- (08) Such action, either individually or cumulatively, will not result in significant increases in service requirements, interfere with maintenance of existing levels of service, or create specific service deficiencies, such as drainage, roadway maintenance, or other deficiencies.

- (09) If a drainage facility is needed an easement in favor of the party responsible for maintenance must be recorded in the public records of Hardee County prior to the transfer of ownership of the lots/parcels created through minor subdivision. A maintenance agreement imposing responsibility for maintenance of drainage facility shall be required.
- (10) If the property is located on an access management roadway corridor, the site development plan must demonstrate compliance with the applicable access management standards.

*Comment: Language relocated from Section 7.07.02.01; Reference to Agriculture Future Land Use removed; Language related to appeals removed as appeals are addressed in Article 11.*

#### **9.11.05.02, Minimum Review Requirements.**

In requesting an approval of a minor subdivision, the applicant shall provide the following information:

- (01) A copy of the deed to the property. If the applicant does not own the property, ~~he/she~~ they must obtain written permission from the owner, including a notarized signature, authorizing ~~him/her~~ them to ~~make~~ submit the application.
- (02) A copy of the official property appraiser's map indicating the subject property and all other properties within 200 feet.
- (03) A certified boundary survey of the proposed property completed by a surveyor registered in the State of Florida within one year of the minor subdivision application.
- (04) A minor subdivision drawing shall include a boundary survey of the property, along with a sketch, and metes and bounds description of each land lot/parcel within the property boundary to be subdivided. Individual land lots/parcels within the surveyed boundary shall be identified as lots/parcels, ~~and~~.
- (05) If the property being divided is located in an identified stormwater problem area as shown on a map available from the County Engineer and the resultant lots/parcels are less than one acre in size, the application must also include drainage plans meeting the following requirements:

- (a) The ~~developer~~ applicant shall submit drainage calculations and plans for the collection, control, and disposal of run-off from a critical duration storm, up to, and including, a 100 year, 24-hour storm event. The calculations and plans shall be in accordance with specifications as required by the County Engineer, and shall include design and performance standards pursuant to Section 62.25.025 and Section 17-3.051, Florida Administrative Code. On-site retention and detention storage shall be provided for the increased storm water run-off from the proposed development and off-site contributing areas for all critical duration design storms up to and including the 24-hour, 100-year frequency storm. The drainage facilities shall provide a release mechanism to limit the storm water run-off peak rate and timing from the storage facility to that which would have been expected from the development site under natural or pre-developed conditions up to and including a 100-year critical duration storm. The County Engineer may decrease the allowed release rate for those developments which have documented significant downstream stormwater impacts to pre-developed stormwater runoff rate from a ten-year storm. The County Engineer may require that the design of drainage construction for major channels or under major roads be predicated upon a more severe storm. Drainage systems in areas with no positive drainage outlet shall be designed to more stringent criteria to include retention of the 24-hour, 100-year frequency storm with no offsite discharge. Compliance with rules and regulations of State and Federal regulatory agencies, including, but not limited to, the Florida Department of Environmental Protection and the United States Environmental Protection Agency, is the responsibility of the ~~developer~~ applicant and/or ~~his~~ their engineer and proof of such compliance in the form of permits (when required by the above agencies) must be submitted prior to the approval of the subdivision.
- (b) Drainage plans shall include provisions which incorporate natural drainage features into the overall drainage pattern when such incorporation does not negatively impact sensitive natural resources. Channeling runoff directly into water bodies or functioning wetlands is prohibited. Calculations for capacity of retention or detention facilities shall indicate the capacity of the facility to retain or detain with filtration at least the first inch of runoff for the design storm event. The calculations must demonstrate that the one-inch retention volume will be percolated

in 72 hours, and the entire retention volume will be recovered within 360 hours.

- (c) The degree of protection from flooding offered by the stormwater management requirements of the minor subdivision review as described in Section ~~7.07.02.02-9.11.04.02(05)~~b is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. The stormwater management requirements for minor subdivisions in identified stormwater problem areas do not imply that minor subdivisions located outside of the identified stormwater problem areas or uses permitted within such areas will be free from flooding or flood damages. Section ~~7.07.02.02-9.11.04.02(04)~~b shall not create liability on the part of Hardee County or by any officer or employee thereof for any flood damages that result from reliance on this Section or any administrative decision lawfully made thereunder.

- (06) Any established application fee, compliance review fee, plus the per-lot/parcel fee for minor subdivision shall be charged.

An application for minor subdivision approval shall be reviewed pursuant to the minimum requirements established in Subsections ~~7.07.02.01(01—10)~~ ~~9.11.04.01(1—10)~~, above, and any other information deemed necessary to fully review the request.

In recommending approval, the County Manager/designee may propose such conditions, safeguards and requirements as deemed necessary to implement the intent and purpose of this Section and this Code. In the alternative, the County Manager/designee may recommend any division or combination of previously platted property to comply with the complete platting process as set forth in this Section where warranted.

Minor subdivisions recommended for approval by the County Manager/designee shall be ~~amended for approval by consent by the Board of County Commissioners. Nothing herein shall prevent any member of the Board from removing a minor subdivision from consent for questions or additional information.~~ Submitted to the Board of County Commissioners for final action.

*Comment: Language relocated from Section 7.07.02.02; Language amended to remove the review from the BoCC's consent agenda.*

**9.11.05.03--Processing Requirements.**

Any minor subdivision of land offered for processing in Hardee County shall conform to the following:

- (01) The minor subdivision drawing shall be presented on 24" × 36" sheets and shall be drawn with a marginal line completely around each sheet and placed so as to leave at least a 1/2-inch margin on three sides and a 3-inch margin on the left.
- (02) The minor subdivision drawing shall include a boundary survey of the property, along with a sketch, and metes and bounds description of each land lot/parcel within the property boundary to be subdivided. Individual land lots/parcels within the surveyed boundary shall be identified as lots/parcels.
- (03) A prominent "north arrow" shall be drawn on every sheet included showing any portion of the lands subdivided. The bearing or azimuth reference shall be clearly stated on the face of the sheet in the notes or legend.
- (04) A permanent reference monument must be placed at each corner or change of direction.
- (05) Each survey shall show the section, township, and range as applicable, or, if in a land grant, the survey will so state. Each boundary survey shall show a description of the lands subdivided, and the description shall be the same in the title certification. The description must be so complete that from it, without reference, the starting point and boundary can be determined.
- (06) Hardee County, Florida shall appear under the name of the minor subdivision drawing in legible Arabic letters.
- (07) Certification blocks for the following shall be provided:
  - (a) Chairman, Board of County Commissioners;
  - (b) Surveyor
  - (c) Property Owners;
- (08) Approval blocks for the following shall be provided:
  - (a) County Planning and Development Director/Designee;
  - (b) Public Works Director/Designee;

- (09) Location, width, and names of all streets, waterways, or other rights-of-way shall be shown, as applicable.
- (10) Location and width of easements shall be shown on the minor subdivision drawing or in the notes or legend, and their intended use shall be clearly stated.
- (11) The application for minor subdivision drawing shall include a copy of the minor subdivision in electronic format on a digital storage media.

Upon approval of a minor subdivision, the County shall ensure one legible copy of the minor subdivision drawing and the boundary survey containing the depiction of each land lot/parcel is provided to the Hardee County Property Appraiser's Office, and one legible copy is provided to the Hardee County GIS Department for inclusion in the County's GIS system. The GIS copy shall be in electronic format in DWG or DXF format on a digital storage media or other media as identified by the County. Additionally, upon approval of the minor subdivision, the County shall prepare a Record of Decision for signature by the Chairman, Board of County Commissioners and shall record the Record of Decision with the Hardee County Clerk of Court.

Prior to any application for building permit, the parcel requesting the building permit must have its own established parcel identification number.

*Comment: Language relocated from Section 7.07.02.03; language added to reflect other options for GIS submittal.*

#### **9.11.06- Procedure for Securing Approval of Subdivision Plans and Final Plats-**

Whenever any subdivision of land is proposed and before any contract is made for the sale of any part thereof and before any permit for the installation of utilities, either public or private; construction; paving and drainage; or structures in a proposed subdivision shall be granted, the subdivider, or the authorized agent, shall apply for and secure approval of the proposed subdivision through submission of the following documents:

- (A) Site Development Plan;
- (B) Construction Plan;
- (C) Final Subdivision Plat.

This three-part process is designed to maintain consistency of the development process; from site design (site development), actual development (construction), and legal land sales instrument (final plat).

*Comment: Language relocated from Section 7.07.03.*

#### **9.11.06.01- Site Development Plan-**

The Site Development Plan shall be the beginning process for subdivision and final plat approval.

*Comment: Language relocated from Section 7.07.03.01.*

#### **9.11.06.02- Submittals-**

Submittal of Site Development Plans shall be as set forth in Section 7.06.08.02 as to procedure and content.

*Comment: Language relocated from Section 7.07.03.02;*

#### **9.11.06.03- Construction Plans-**

Submittal of Construction Plans shall be as set forth in Section ~~7.06.08.03~~ as to procedure and content.

*Comment: Language relocated from Section 7.07.03.03;*

#### **9.11.07- Performance Bond or Irrevocable Letter of Credit-**

If at the time of application for Final Subdivision Plat approval all improvements are not satisfactorily installed, the subdivider shall post a bond or an irrevocable letter of credit of 125 percent of the amount estimated as sufficient to secure to the County the satisfactory construction, installation, and dedication of all required improvements. Such performance bond or irrevocable letter of credit shall comply with all statutory requirements and shall be satisfactory to the County Attorney as to form, sufficiency, and manner of execution as set forth in ~~these regulations~~ this Code. The period within which required improvements must be completed shall be specified by the Board of County Commissioners as part of the approval action on the Final Subdivision Plat and shall be incorporated in the bond or irrevocable letter of credit and shall not in any event exceed two years from date of final County approval. The Board of County Commissioners may at any time during the period of such bond or irrevocable letter of credit accept a substitution of principal or sureties on the bond upon recommendation of the County Attorney.

~~If the construction/installation of model homes has been approved through another process within this Code, Section 2.09.00 addresses the approval of model homes and temporary sales offices. Consistent with this section, Final Certificates of Occupancy for model homes shall not be issued until the Board of County Commissioners has accepted the Final Subdivision Plat and recorded with the Clerk of the Circuit Court for Hardee County.~~

*Comment: Language relocated from Section 7.07.04; language added to address model homes and temporary sales offices in Section 2.09.00.*

#### **9.11.08- Construction Inspection-**

The County shall provide for periodic inspection of required improvements during construction to ensure their satisfactory completion. If it is found that any of the required improvements have not been constructed in accordance with the approved plans and the County's construction standards and specifications, the subdivider shall be responsible for modifying and/or completing the improvements so as to comply with such standards and specifications. Wherever a performance bond covers the cost of improvements, the sub-divider and the bonding company shall be severally and jointly liable for completing the improvements according to specifications.

*Comment: Language relocated from Section 7.07.05.*

#### **9.11.09- As-Built Engineering Drawings-**

Three sets of County-approved engineering as-built drawings shall be submitted with the Final Subdivision Plat application. All as-built drawings shall contain a certification by a professional engineer or registered land surveyor of personal verification of the exact location and dimensions of all completed improvements, as well as certification that all utilities have been installed in accordance with specifications.

*Comment: Language relocated from Section 7.07.06.*

#### **9.11.10. Maintenance Guarantee-**

The ~~developer~~ applicant shall guarantee the materials and workmanship of pavement, curb and gutter, sidewalks, water system, wastewater/sewage system and the drainage system in the subdivision for a period of one year after final acceptance by Hardee County. A bond or irrevocable letter of credit in an amount equal to 125 percent of the value of improvements shall be required for the maintenance and repair requirements to cover faulty plans, materials, or workmanship. The value of the improvements shall be determined by the Consulting County Engineer. The bond or irrevocable letter of credit shall be effective for one year.



*Comment: Language relocated from Section 7.07.08.*

## **SECTION 9.12.00- FINAL SUBDIVISION PLAT-**

Upon the acceptance by the County of all subdivision improvements, the ~~developer~~ applicant may present a Final Subdivision Plat for approval. The intent of the Final Subdivision Plat is to establish a legal record of the subdivision. The Final Subdivision Plat may not be approved unless it is in strict conformance to details of the approved construction plans and any changes required by, and approved by the County.

*Comment: Language relocated from the first Section 7.08.00, Final Plat Subdivision.*

### **9.12.01- Submission of Final Subdivision Plat-**

- (A) *Submittal.* An application for Final Subdivision Plat approval shall be submitted with an appropriate fee established by the Board of County Commissioners and with accompanying documents as specified herein to the planning and development division. The ~~Planning and Development~~ Director shall forward copies of the Final Subdivision Plat to the County Attorney, and other staff, as appropriate, for their review and comments, and shall place the application on the agenda of the Board of County Commissioners for final review and approval.
- (B) *Required Information.* Although it may constitute only that portion of the construction plan that the developer proposes to develop and record at the time, the Final Subdivision Plat for recording shall be prepared in conformance with the requirements specified herein. Eight copies of the Final Subdivision Plat (or as many as required by the Planning and Development Director) and a digital format acceptable to the County shall be submitted with the request for approval, and shall show, in addition to the data provided on the construction plan, the following:
- (Ø1) The Final Subdivision Plat shall be drawn on a linen tracing cloth or stable base film at least three mils thick, 24 inches wide by 36 inches long. Preferred scale of the Final Subdivision Plat is one inch = 100 feet. If a different scale is used for the recorded plat, a facsimile scaled to one inch = 100 feet on stable base film shall be provided to the submitted;
- (Ø2) Name of plat;
- (Ø3) Each plat shall show a description of lands platted and the description shall be the same in the title certification. The description shall be so complete

that from it, without reference to the plat, the starting point and boundary can be determined, and shall further include:

- (a) The section, township, and range, as applicable, or, if in a land grant, the plat will so state. If the subdivision is in an area where State Plane Coordinates or Geodetic Control Points have been established, the State Plan Coordinate values shall be annotated on the face of the plat for at least two Permanent Reference Monuments (PRM's) on every development of 40 acres or less and at least one additional PRM for every additional 40 acres. The coordinate datum shall be based on NGRS, current adjustment, and shall meet or exceed the accuracy standards for Second Order, Class I GPS surveys as specified by the FGCC.
  - (b) A copy of the drawing file in DXF format is required, along with coordinate points in World File format.
  - (c) Conservation and preservation areas. Exact locations of all conservation and preservation tracts or easements, including wetlands when density transfers are uplands, mitigated wetlands and upland preserves, shall be identified.
  - (d) Two vertical control points (VCP) shall be required for every development of 40 acres or less. A VCP shall be a two-inch diameter or greater brass disk set into concrete where appropriate, or aluminum cap mounted on 5/8-inch rebar consisting of a minimum of 24 inches in length, and shall be located in a right-of-way, drainage control structure, end wall or other suitable concrete structure. The elevation of the VCP shall be referenced from Mean Sea Level (MSL) datum and shall be annotated on the face of the plat and stamped into the disk together with the license number of either the Surveyor of the business entity.
  - (e) Where the plat boundary falls within a water boundary, a meander line shall be established at or near the ordinary high water line and monumented in accordance with Chapter 61G17-6, F.A.C. This line shall not constitute a line of ownership.
  - (f) There shall be no areas without designation on the plat. Areas shall be designated lots, tracts, and rights-of-way.
- (94) All required final permits and approvals issued by agencies and governing bodies having jurisdiction over properties being subdivided shall be

furnished to the Consulting County Engineer. The Board of County Commissioners shall not approve the Final Subdivision Plat without proper submission of the final permits and approvals;

- (05) All easements or rights-of-way provided for public services or utilities, and limitations of such easements;
- (06) All lots shall be numbered either by progressive numbers or, if in a block, progressively numbered or lettered in each block. Lot lines shall be marked with accurate dimensions in feet and hundredths of feet, and bearings or angles to street lines;
- (07) A statement shall be included on the Final Subdivision Plat indicating the final length of roads, water and sewer lines installed;
- (08) A statement on the plat whether the streets/roadways within the plat are to be dedicated to and maintained by the public or whether the streets/roadways are to be private, and maintained privately by a homeowners' association or other approved instrument;
- (09) The purpose of all areas dedicated must be clearly indicated or stated on the plat. Accurate descriptions of any such areas to be dedicated or reserved for public use shall state the purpose thereon;
- (10) In the event the plat includes open space, clubhouses, playgrounds, or other amenities to be owned and used in common by residents of the development, a plat note shall be added requiring the creation of a homeowners or property owners association that shall be responsible for such facilities;
- (11) All interior excepted parcels shall be clearly indicated and labeled "Not A Part of This Plat";
- (12) Any existing or proposed private restrictions and trusteeships and their periods of existence shall be filed as a separate instrument, and reference to such instrument shall be noted on the Final Subdivision Plat;
- (13) County signature spaces for the Board of County Commissioners' Chairman, Ex-Officio Clerk to the Board of County Commissioners, Planning and Development Director, and;
- (14) The Clerk of the Circuit Court of Hardee County certificate and the land surveyor's certificate and seal.

(C) *Plat Documentation Requirements.* The following documentation shall accompany the Final Subdivision Plat:

(Ø1) The Final Subdivision Plat for recording shall conform with all requirements set forth in Chapter 177, F.S., including dedications and reservations executed by the developer and certification by a registered land surveyor;

(Ø2) A title opinion by an Attorney at Law, licensed in Florida, or a certification by an abstractor or title company stating that the court records identify that the title of the land as described and shown on the plat is in the name of the person or persons or corporation executing the dedication. In addition, a document entitled, "Consent to Platting of Lands" shall be filed together with the Final Subdivision Plat for each person or corporation holding a mortgage on all land included on the plat, where such person or corporation has not signed the Final Subdivision Plat;

(Ø3) Certification by a registered land surveyor that the plat represents a survey made by that individual and, further, that all necessary monuments, lot sizes and lot dimensions are correctly shown thereon. Impressed thereon, and affixed thereto, shall be the personal seal and signature of the registered land surveyor by whom, or under whose authority and direction, the plat was prepared; and,

(Ø4) Certification that all real estate taxes have been paid.

(D) Procedure.

The Board of County Commissioners shall take action on the Final Subdivision Plat. Approval of the Final Subdivision Plat and acceptance of public improvements and dedications shall be by resolution and shall authorize the Board of County Commissioners' Chairman and Ex-Officio Clerk to the Board of County Commissioners to sign the copy of the plat to be recorded.

(E) Recording.

Upon approval by the Board of County Commissioners, the Final Subdivision Plat shall be filed by the County Manager's office and recorded with the Clerk of the Circuit Court. The Final Subdivision Plat shall be recorded prior to the issuance of any building permits within the subdivision.

*Comment: Language relocated from Section 7.08.01.*

**SECTION 9.13.00- - VACATING OF SUBDIVISION PLATS AND REPLATS-**

The vacating of a recorded plat is to cause that recorded document to cease having any rights or privileges platted property may enjoy. For purposes of this Section, vacating and/or replatting shall not include rearranging lots within a recorded subdivision by combining all or parts of platted lots to create new building parcels provided the following are met:

- (01A) The total number of parcels created by combining/rearranging platted lots does not result in an increase in the number of lots previously platted and recorded.
- (02B) Parcels created by combining/rearranging platted lots shall meet or exceed the minimum lot area and dimension as set forth in the zoning district where the plat exists.
- (03C) Any such request shall remove any and all rights typically associated with lots of record, and no rights afforded lots of record shall pertain to combined/rearranged platted lots.

Requests to combine/rearrange platted lots to create new parcels shall be filed with the Planning and Development Division on an application form approved by the division, along with a surveyed drawing of the combined/rearranged lots to be considered. Upon review and approval by the DRC, said combined/rearranged lots shall be eligible for building permit review.

Before acting on a proposal for vacation and annulment of subdivided land the Board of County Commissioners shall hold a public hearing upon providing written notice to property owners within the vacated portions of the subdivision. Notwithstanding these provisions, the County may require conformity with existing standards for all or parts of subdivisions as outlined in this Section.

*Comment: Language relocated from second Section 7.08.00 (2nd numbering).*

**9.13.01- Vacating of Subdivision Plat by Owner-**

The owner of any land subdivided into lots may petition the County under the provisions of Chapter 177.101, F.S., to remove, vacate, and annul the existing subdivision plat, or portion thereof, from the official records of Hardee County. The applicant vacating a subdivision plat, or a part thereof, shall file the petition, proof of publication of notice of intent, certificate of title, statement of taxes and resolution with the Planning and Development Division, and shall pay the appropriate filing fee as established by resolution of the Board of County Commissioners. Following review by the DRC and recommendation by the Planning and Zoning Board, the petition shall be acted on by the Board of County Commissioners. The Planning and Development Division shall be responsible for recording the petition and the proof of publication with the Clerk of the Circuit Court for Hardee County.

*Comment: Language relocated from Section 7.08.01 (2nd numbering).*

**9.13.02- Vacating of Subdivision Plat by County-**

The Board of County Commissioners may, on its own motion, order the vacation and annulment of all or any part of a subdivision within its jurisdiction. Such action may include the vacation of dedicated rights-of-way and easements, provided that:

- (A) The Subdivision Plat was lawfully recorded not less than five years before the date of such action by the Board of County Commissioners; and
- (B) No more than 10% of the total subdivision, or part thereof, has been sold as lots by the original subdivider or ~~his~~ their successor in title. Such action shall be based on a finding by the Board of County Commissioners that the proposed vacation and annulment of the subdivision plat will result in greater conformity with the Comprehensive Plan of the County, and the public health, safety, and welfare will be promoted.

*Comment: Language relocated from Section 7.08.02*

**SECTION 9.14.00- ACCESS TO INDIVIDUALLY OWNED PARCELS-**

No owner of any parcel of land in a subdivision shall be deprived by the vacation and annulment of a subdivision plat, or a portion of a subdivision plat, of reasonable access to such parcel, nor of reasonable access therefrom to existing facilities to which such parcel presently has access; provided that such access remaining or provided after such vacation need not be the same as that previously existing.

*Comment: Language relocated from Section 7.09.00*

**SECTION 9.15.00- EXCEPTIONS TO THE MINIMUM LOT SIZE FOR RESIDENTIAL DEVELOPMENT IN A-1 ZONING DISTRICTS-**

Exceptions to the minimum lot size for a residential lot in an A-1 zoning district may be granted by the County to transfer to an immediate family member to serve as ~~his/her~~ their primary residence. No subdivision of land approved by exception shall result in less than 2.5-acre parcels, and shall require its own access with a minimum frontage on a county maintained or private road of 50 feet. Said frontage and access may be owned in fee-simple or by easement recorded in the public records of Hardee County. Where owned fee simple, the access may be included within the minimum acreage requirement. Additionally, nothing herein shall prohibit shared access of a single easement, provided that the easement is amended to include the party sharing the easement. Immediate family member is defined as persons related by blood, marriage or adoption and is limited to parents, spouses, siblings, children, grandparents, and grandchildren. Such an exception may not be granted more than one time for each family member. Exceptions

shall be exercised within one year of approval or shall become null and void. Exercised, as used herein, shall mean the act of securing a building permit. ~~An Appeal of Decision by the County Manager, or a time extension shall be made directly to the Hardee County Board of County Commissioners.~~

*Comment: Language relocated from Section 7.10.00; Language related to appeals removed as appeals are addressed in Article 11.*

#### **SECTION 9.16.00- ACCESSIBILITY-**

Where a proposed subdivision has no frontage on an exiting county road, the subdivider must provide and dedicate to the County a suitable facility meeting County standards to connect the proposed subdivision to an existing county road.

*Comment: Language relocated from Appendix A, Section 2.5*

#### **SECTION 9.17.00- MINIMUM REQUIREMENTS FOR SUBSTANDARD PRIVATE ROAD SUBDIVISION-**

Unless the Board of County Commissioners shall otherwise provide in granting a ~~Variance~~ Waiver pursuant to the Section ~~5-2~~ 11.04.01 for the subdivision of land in a zoning district, which ~~Variance~~ Waiver allows the substandard construction and private ownership and maintenance of roads, such ~~Variance~~ Waiver shall be deemed to be conditioned upon compliance with the following minimum requirements:

- (1) A plat must be recorded which shows a statement prohibiting further re-subdividing of any platted tract~~;~~
- (2) Each tract shall not have less than 50 feet abutting the private road easement~~;~~
- (3) Recorded easements with minimum width of 60 feet (included in plat) granting easement over private road for ingress and egress and utilities to serve each lot which easement shall connect to a public road and reciting requirement of maintenance by owner~~;~~
- (4) Recorded plat of subdivision designating private nature of roads and drainage features and the County will not maintain same and reciting condition of subdivision regulations ~~Variance~~ including lot size limitation for building permits~~;~~
- (5) Deed restrictions must provide mechanism approved by Board for collection and performance of all maintenance and improvement functions~~;~~
- (6) Signs designating that roadways are private roads and showing street names at entrance~~;~~

- (7) Submit engineering plans for roadways and drainage including grades and typical section, along with a filing fee in such amount as the Board shall establish by Resolution. The engineering plans shall conform to the Typical sectioned details depicted in (1) above;
- (8) Buyer must sign that ~~he/she has~~ they have read Deed Restrictions and easement agreement and plat;
- (9) Show any areas in flood zone and also 100-year flood elevation; ~~and~~;
- (10) Developer and engineer's certification of improvements required upon final plat approval.

*Comment: Language relocated from Appendix A, Section 5.3; Variance amended to waiver consistent with the proposed waiver process.*

### **SECTION 9.18.00. ACCEPTANCE OF IMPROVEMENTS.**

*Comment: Section Title relocated from Appendix A, Section 6*

#### **9.18.01- Acceptance for Maintenance-**

The County shall accept for maintenance only those subdivision roads and drainage facilities which are constructed in accordance with ~~these regulations~~ this code and which are dedicated to the public by recorded plat.

*Comment: Section Title relocated from Appendix A, Section 6.1*

#### **9.18.02- Subdivider Responsibility After Acceptance-**

Prior to acceptance by the County, the subdivider's engineer should provide a certificate attesting to the fact that the improvements have been completed in accordance with the approved plans and specifications. If all work is found to be satisfactorily completed, the County Engineer will recommend to the Board such improvement for permanent maintenance by the County, with the express provision that the subdivider guarantees said work for a period of one year.

In the event of failures within the said period, the subdivider will be required to make necessary repairs.

*Comment: Section Title relocated from Appendix A, Section 6.2*

### **SECTION 9.19.00 RECORDING OF COMMON AREAS, EASEMENTS**

The following procedure shall be required after development approval by the Board of County



Commissioners, Planning and Zoning Board, or Planning and Development Director as appropriate to the specific case:

- (A) Any development that contains commonly owned areas, whether in the form of easements, drainage ways, open space, recreation space, buildings, or other structures, shall not be issued a building permit until all such common areas have been recorded in the office of the Hardee County Clerk.
- (B) Evidence in the form of certified copies of the Homeowner's Association shall be required for permit issue and shall be made a part of the permit file until completion thereof.

*Comment: New Section added to address recording of common areas and easements.*

### **SECTION 9.20.00- DEVELOPMENT AGREEMENTS.**

*Comment: Section title relocated from Section 6.10.00.*

#### **9.20.01- General Provisions-**

The lack of certainty in the approval of development can result in a waste of economic and land resources, discourage sound capital improvement planning and financing, escalate the cost of housing and development, and discourage commitment to comprehensive planning. Assurance to a developer that upon receipt of ~~his~~ their Development Permit the developer may proceed in accordance with existing laws and policies, subject to the conditions of a Development Agreement, strengthens the public planning process, encourages sound capital improvement planning and financing, assists in assuring there are adequate capital facilities for the development, encourages private participation in comprehensive planning, and reduces the economic costs of development.

It is the intent of this Section to encourage a stronger commitment to comprehensive and capital facilities planning, ensure the provision of adequate public facilities for development, encourage the efficient use of resources, and reduce the economic cost of development, all in conformity with and to carry out the purposes of the Hardee County Comprehensive Plan and the Local Government Comprehensive Planning and Unified Land Development Regulation Act.

*Comment: Relocated from Section 6.10.01.*

#### **9.20.02. Authority.**

This intent is affected by exercising the authority granted the County to enter into Development Agreements with developers under F.S. Sections 163.3220 through

163.3243. This Section shall be regarded as supplemental and additional to the powers conferred upon the County by other laws and shall not be regarded as in derogation of any powers now existing.

*Comment: Relocated from Section 6.10.02.*

### **9.20.03. Procedures.**

*Comment: Title Relocated from Section 6.10.03.*

#### **9.20.03.01. Application for Development Agreement.**

The developer shall make application for a Development Agreement through the Planning and Development Division and pay an application fee set by resolution.

*Comment: Relocated from Section 6.10.03.01.*

#### **9.20.03.02. Public Hearing.**

Before entering into, amending, or revoking a Development Agreement, the County shall conduct at least two public hearings, one of which shall be held by the Planning and Zoning Board.

*Comment: Relocated from Section 6.10.03.02.*

#### **9.20.03.03. Notice of Hearing.**

Notice of intent to consider a Development Agreement shall be advertised a minimum of seven days before each public hearing in a newspaper of general circulation and readership in Hardee County. Notice of intent to consider a development agreement shall also be mailed to all affected property owners before the first public hearing. The day, time, and place at which the second public hearing will be held shall be announced at the first public hearing. (Chapter 163.3225, F.S.)

*Comment: Relocated from Section 6.10.03.03.*

#### **9.20.03.04. Contents of Notice.**

The notice shall specify the location of the land subject to the Development Agreement, the development uses proposed on the property, the proposed population densities, and the proposed building intensities and height and shall

specify a place where a copy of the proposed agreement can be obtained.  
(Subsection 163.3225(b), F.S.)

*Comment: Relocated from Section 6.10.03.04.*

**9.20.04. Contents and Duration of Development Agreement.**

- (A) *Contents.* A Development Agreement shall include, in accordance with Section 163.3227, F.S., the following:
- (01) A legal description of the land subject to the agreement and the names of its legal and equitable owners;
  - (02) The duration of the agreement;
  - (03) The development uses permitted on the land, including population densities, and building intensities and height;
  - (04) A description of public facilities that will service the development, including who shall provide such facilities; the date any new facilities, if needed, will be constructed; and a schedule to assure public facilities are available concurrent with the impacts of the development;
  - (05) A description of any reservation or dedication of land for public purposes;
  - (06) A description of all local Development Permits approved or needed to be approved for the development of the land;
  - (07) A finding that the development permitted or proposed is consistent with the County's Comprehensive Plan and Unified Land Development regulations Code;
  - (08) A description of any conditions, terms, restrictions, or other requirements determined to be necessary by the County for the public health, safety, or welfare of its citizens;
  - (09) A statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction shall not relieve the developer of the necessity of complying with the law governing said permitting requirements, conditions, term, or restriction; and,

- (10) A Development Agreement may provide that the entire development or any phase thereof be commenced or completed within a specific period of time.
- (B) *Duration of Agreement.* The duration of a Development Agreement shall not exceed five years unless otherwise specified in the Development Agreement. (Section 163.3229, F.S.) It may be extended by mutual consent of the County and the developer, subject to a public hearing in accordance with Sections ~~6.02.03.02 – 6.02.03.04~~ 9.19.03.02 – 9.19.03.04 above.

*Comment: Relocated from Section 6.10.04.*

**9.20.04.01. Applicability of Laws.**

- (A) *Consistency with Plan and Regulations.* A Development Agreement and authorized development shall be consistent with the County's Comprehensive Plan and this Code.
- (B) *Development Governed by Laws in Effect at Execution.* The County's laws and policies governing the development of land at the time of the execution of the Development Agreement shall govern the development of the land for the duration of the Development Agreement.
- (C) *Applicability of Subsequent Laws.* The County may apply subsequently adopted laws and policies to a development that is subject to a Development Agreement only if the County has held a public hearing and determined:
- (01) They are not in conflict with the laws and policies governing the Development Agreement and do not prevent development of the land uses, intensities, or densities in the Development Agreement;
- (02) They are essential to the public health, safety, or welfare, and expressly state that they shall apply to a development that is subject to a Development Agreement;
- (03) They are specifically anticipated and provided for in the Development Agreement;
- (04) The County demonstrates that substantial changes have occurred in pertinent conditions existing at the time of approval of the Development Agreement; or

(05) The Development Agreement is based on substantially inaccurate information supplied by the developer.

(D) *Rights Vested Pursuant to Common Law.* This Section does not abrogate any rights that may vest pursuant to common law.

*Comment: Relocated from Section 6.10.04.01.*

**9.20.05- Review, Amendment, Termination-**

- (A) *Periodic Review of Agreements.* The County shall inspect land subject to Development Agreement at least once every 12 months to determine if there has been demonstrated good faith compliance with the terms of the Development Agreement. (Section 163.3235, F.S.) If the County finds, on the basis of substantial competent evidence, that there has been a failure to comply with the terms of the Development Agreement, the Agreement may be revoked or modified by the County.
- (B) *Amendment or Cancellation of Agreement.* A Development Agreement may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest.
- (C) *Modification or Revocation to Comply with Subsequent State and Federal Law.* If State or Federal laws are enacted after the execution of a Development Agreement that are applicable to and preclude the parties' compliance with the terms of a Development Agreement, such agreement shall be modified or revoked as is necessary to comply with the relevant State or Federal laws. (Section 163.3241, F.S.)

*Comment: Relocated from Section 6.10.05.*

**9.20.06- Recording and Enforcement-**

- (A) *Recording of Agreement.* Within 14 days after the County enters into a Development Agreement, the County shall record the Agreement with the Clerk of the Circuit Court. A certified copy of the recorded Development Agreement shall be mailed to the ~~Department of Community Affairs~~ Department of Commerce within 14 days after the Agreement is recorded. The burdens of the Development Agreement shall be binding upon, and the benefits of the Agreement shall inure to all successors in interest to the parties to the Agreement. (Section 163.3239, F.S.)

- (B) *Enforcement of Agreement.* Any party, any aggrieved or adversely affected person as defined in F.S. 163.3215(2), may file an action for injunctive relief in Circuit Court to enforce the terms of a Development Agreement or to challenge the validity of the Agreement.

*Comment: Relocated from Section 6.10.06*

#### **~~7.11.00. Cluster/Zero Lot Line Development.~~**

~~The purpose of this Section is to encourage creative development design in Hardee County and to provide a mechanism for preserving open space, protecting natural resources, or reserving land for recreational facilities to serve the County's residents. It may be used in implementing various policies of the Comprehensive Plan.~~

~~Cluster/zero lot line development may be granted in any district where single family detached development is permitted as a principal use. The Board of County Commissioners may limit the approval to permit cluster subdivision development only, or zero lot line development only; or, both techniques may be authorized for use in conjunction with each other; or, both may be used with conventional, detached, single family lots.~~

*Comment: Section relocated from Section 7.11.00 and deleted because cluster/zero lot line developments may be achieved via a PUD.*

#### **~~7.11.01. Cluster Subdivision.~~**

~~Clustering of single family detached dwelling units on a development site may be permitted where the Comprehensive Plan requires preservation of a natural resource, where land is needed for open space or low intensity recreational use, or where the developer wishes to create an amenity for residents of the site or for the County as a whole. Approval or denial of the clustering concept at a particular location shall be based on consistency with the Comprehensive Plan, compatibility with surrounding land uses, and compliance with the following requirements:~~

- ~~(A) *Density.* Gross density of the subdivision shall not exceed the maximum permitted density for the zoning district wherein the site is located, as shown in Table 2.29.01(B). For purposes of calculating density, the development site shall include all platted residential lots, together with roads, drainage facilities, utility sites and all other common property within the perimeter of the subject property, regardless of whether such facilities will ultimately be dedicated to the County.~~
- ~~(B) *Development Site to Be Unified.* In making application for approval of a cluster development, the applicant shall furnish proof that the development site is unified~~

by title, and not spatially divided by ownership (however, multiple ownership is permissible so long as each owner or investor holds a percentage or proportionate interest in the site as a whole). The site shall have the zoning designations required to accommodate the principal residential uses proposed.

~~(C) *Platting.* Information supplied to the Planning and Development Division in support of the application for a cluster/zero lot subdivision shall include a Preliminary Subdivision Plat that fulfills all of the requirements of Section 7.07.03. The application for a cluster/zero lot line subdivision shall be procured and reviewed in conjunction with each other, unless the Preliminary Subdivision Plat has been previously approved.~~

~~The Planning and Development Director may subsequently approve minor changes to the development concept that do not involve increases in density, additional points of access to existing roads, or substantial rearrangement of lots.~~

~~(D) *Private Streets.* Where internal streets are to be retained in private ownership, a security gate or other form of barrier to restrict access may be installed. However, the developer or homeowners' association shall be responsible for providing access to County emergency vehicles when necessary.~~

~~Private streets shall be placed on private right of way of development meeting width requirements applicable to a public road. The use of easements to provide access to residential lots shall be prohibited. Private streets shall conform to minimum County road standards.~~

~~(E) *Lot Size and Lot Coverage.* The normal minimum residential lot size and lot coverage requirements established in Table 2.29.01(B) shall be waived under this special exception. Where cluster subdivision development has been approved, minimum lot requirements shall be as follows:~~

District	Min. Lot Size	Min. Lot Width	Max. Lot Coverage
R-1	6,500 s.f.	65 feet	45%
R-2	6,000 s.f.	58 feet	50%
R-3	5,400 s.f.	50 feet	50%

~~(F) *Development Standards.*~~

~~(01) *Minimum Development Site Requirements*~~

Duplexes:	<del>7,500 square feet</del>
Three units or more:	<del>10,000 square feet</del>
Minimum site width:	<del>75 feet</del>
Minimum site depth:	<del>100 feet</del>

~~(02) Setbacks~~

- ~~a. All structures shall be located at least 25 feet from the front lot line and 20 feet from the rear lot line. Side street setbacks on corner lots shall be at least 25 feet.~~
- ~~b. All principal structures shall be located at least 10 feet from side lot lines where there is no common wall.~~
- ~~c. Accessory structures on residential lots, where permitted, shall be set back at least 7 1/2 feet from side and rear lot lines. This requirement shall apply to swimming pools and screen enclosures.~~

~~(03) Other Requirements~~

- ~~a. Each unit shall have an individual access to the outside, both in the front and rear.~~
- ~~b. Where ingress/egress to residential lots is from an Arterial or Collector road, driveway access points shall be limited to one per structure or one for each 50 feet of frontage, whichever is less.~~
- ~~c. All accessory structures are prohibited on residential lots of less than 5,000 square feet. On lots of 5,000 square feet or more, accessory structures are limited to a cumulative total of 400 square feet per lot.~~
- ~~d. Swimming pools and screen enclosures are not subject to the size limitation.~~

~~(G) Non-Residential Tracts.~~

- ~~(01) Prior to approving the Final Subdivision Plat for recording in the public records of Hardee County, the Planning and Development Director shall verify that all parcels or tracts not intended for use as residential lots are clearly delineated on the Final Subdivision Plat as to size and dimension. The purpose, ownership, and responsibility for maintenance for each parcel or tract shall be noted on the plat.~~



~~Unless specifically accepted by the Board of County Commissioners, Hardee County shall not be responsible for maintenance and/or repair of any common facilities or properties.~~

~~(02) Clubhouses, swimming pools, and other structures erected on common property shall be approved only after submittal of a Site Development Plan in accordance with the requirements of Section 7.06.00.~~

~~(H) *Open Space.* The Preliminary and Final Subdivision Plats for the cluster subdivision shall designate a specific parcel as an open space tract, which will encompass the natural feature(s) or open space area that the developer intends to preserve. No residential, commercial, industrial, or public institutional use shall be permitted within the open space.~~

~~Open space shall primarily consist of undisturbed natural land, with passive or low-intensity recreation facilities. Such areas shall be accessible and available for the use and enjoyment of all residents of the subdivision. Permitted uses include boat ramps, playing fields, nature trails and boardwalks. Uses requiring off-street parking and utilities shall not be included in the calculation of open space.~~

~~The minimum size of an open space tract shall be equal to 10% of the total area of the site, less the area of street right of way.~~

~~Where natural features are being preserved, open space tracts may include wooded areas, wetlands and floodplains. However, lands not in their natural state may be used for recreational purposes and shall be free of waste or debris, dangerous or hazardous materials, and all structures not related to the property's designated use. Open space tracts may include drainage or utility sites and facilities. Waterbodies may be included, but shall not count toward the minimum land area for an open space tract. Other areas may be excluded if, in the Planning and Development Director's opinion, the use of such areas in an open space tract would be inconsistent with the intent of this subsection.~~

~~Prior to submitting the Final Subdivision Plat for approval, the Planning and Development Division shall verify that the plat includes a notation indicating the ownership and maintenance responsibility for the open space tract, including all recreation facilities, existing or planned. No open space tracts or associated facilities shall be dedicated to Hardee County, unless specifically accepted by the Board of County Commissioners.~~

*Comment: Section relocated from Section 7.11.01 and deleted because cluster/zero lot line developments may be achieved via a PUD.*

### **7.11.02. Zero Lot Line Development.**

The purpose of this subsection is to promote architectural design flexibility and efficient use of land in residential subdivisions. Under this concept, the dwelling unit may be placed against a side lot line in order to maximize usable open area within each residential lot. The requirements provided below shall apply in addition to those of Article 3 and Section 7.06.00.

- (A) ~~*Density.* Gross density of the subdivision shall not exceed the maximum permitted density for the zoning district wherein the site is located, as shown in Table 2.29.01(B). For purposes of calculating density, the development site shall include all platted residential lots, together with roads, drainage facilities, utility sites and all other common property within the perimeter of the subject property, regardless of whether such facilities will ultimately be dedicated to the County.~~
- (B) ~~*Platting.* Building permits shall not be issued in a zero lot line subdivision until all requirements of Section 7.07.00 have been met.~~
- (C) ~~*Lot Size and Lot Coverage.* The normal minimum residential lot size and lot coverage requirements established in Table 2.29.01(B) shall be waived under this subdivision option. Where zero lot line subdivision development is proposed, minimum lot requirements shall be as follows:~~

District	Min. Lot Size	Min. Lot Width	Max. Lot Coverage
R-1	7,200 s.f.	72 feet	35%
R-2	6,750 s.f.	63 feet	40%
R-3	6,000 s.f.	54 feet	50%

- (D) ~~*Building Envelope and Maintenance Easements.* All zero lot line subdivision plats shall show building envelopes wherein all structures shall be located. No structures shall be placed outside the designated building envelope. No windows, doors, air conditioning units, or other openings or projections of any kind shall be permitted where the structure meets the side lot line. Structures on abutting lots may share a common zero lot line, and may be structurally joined by a common firewall or by porches, garages or privacy fence/wall.~~

For each unit constructed along a side lot line, an easement five feet in width shall be created on the neighboring property. The purpose of this easement is to permit maintenance and repair of the exterior portion of the structure or structures bordering the zero side yard. All maintenance easements shall be shown on the

~~Final Subdivision Plat, along with an indication of the lot to which each easement is assigned.~~

- ~~(E) **Setbacks.** Each dwelling unit in a zero lot line subdivision shall be set back 12 feet from one side lot line. No setback is normally required from the opposite lot line, but a setback may be provided such that the unit is detached in a conventional sense. On corner lots, the front setback requirement shall apply to both road frontages.~~

~~Front and rear setbacks for principal structures shall be those required by the zoning district.~~

~~Detached accessory structures shall be limited to a total of 400 square feet regardless of their number.~~

- ~~(F) **Open Space.** At the option of the developer, the Preliminary and Final Subdivision Plats for the zero lot line subdivision shall designate a specific parcel as an open space tract, that will encompass the natural feature(s) or open space area that the developer intends to preserve. No residential, commercial, industrial, or public institutional use shall be permitted within the open space.~~

~~Open space shall primarily consist of undisturbed natural land, with passive or low intensity recreation facilities. Such areas shall be accessible and available for the use and enjoyment of all residents of the subdivision. Permitted uses include boat ramps, playing fields, nature trails and boardwalks. Uses requiring off street parking and utilities shall be prohibited.~~

*Comment: Section relocated from Section 7.11.02 and deleted because cluster/zero lot line developments may be achieved via a PUD.*

#### ~~**7.12.00. Major Special Exception Use Permit.**~~

*Comment: Section relocated from Section 7.12.00 and deleted because the proposed development approval levels in Article 3 do not include major special exception uses except for mining major special exceptions.*

#### ~~**7.12.01. Purpose and Intent.**~~

~~Certain large scale uses, because of their size, character or unique combination of impacts on public facilities and environmental resources, require extraordinary review when proposed for a particular location within the County. Such uses may be private or public, high density or low density, and may involve extreme lot coverage or open space. Examples of these uses include: junkyards, airports, phosphate mining operations, race~~

~~track, power plant, wellfield or sewer treatment plant. The distinction between Major Special Exception Uses and Special Exception Uses is one of scale; but more so, one of undefined impacts associated with the Major Special Exception Use, and simple land use compatibility in the case of Special Exceptions, where no more than one lot or building site is involved. As a result, a Major Special Exception Use is subjected to a higher standard of review, and combines the analysis and considerations required for rezoning, review of a Site Development Plan, and other standards detailed in this Article 7. Before a Major Special Exception Use permit can be issued, a comprehensive plan amendment may be required. If so, the plan amendment must be completed prior to the Major Special Exception application being accepted. It is the purpose of this Section to identify the standards and the review process for a Major Special Exception Use Permit.~~

*Comment: Section relocated from Section 7.12.01 and deleted because the proposed development approval levels in Article 3 do not include major special exception uses except for mining major special exceptions.*

#### ~~**7.12.02. Identification by Table of Land Uses, Location of Development Standards, and Hearing Body.**~~

~~Uses designated as Major Special Exception Uses are identified in the Table of Land Uses 2.29.01(A), Article 2. Major Special Exception Uses are designated by the letter "M". Development Standards for Major Special Exception Uses are found in Article 3, Section 3.17.00. Major Special Exception Uses require approval of an application by the Planning and Zoning Board and the Board of County Commissioners as outlined in the following sections.~~

*Comment: Section relocated from Section 7.12.02 and deleted because the proposed development approval levels in Article 3 do not include major special exception uses except for mining major special exceptions.*

#### ~~**7.12.03. Standards of Review.**~~

~~At the time of a proposal for a particular Major Special Exception Use, a detailed review of the location, design, configuration, and impact will be conducted by comparing the proposed Major Special Exception Use to fixed standards. Of particular importance are standards for weighing the public need for and benefit to be derived from the use, against the greater than local impact that it may cause. The review considers the proposal in terms of:~~

~~(A) Whether and to what extent, the Major Special Exception Use at the particular location for which it is proposed, is necessary or desirable and in the interest of~~

~~furthering the Comprehensive Plan, of providing for the public convenience, or of contributing to the general welfare of Hardee County;~~

- ~~(B) Whether and to what extent all steps possible have been taken by the developer to minimize any adverse effects of the Major Special Exception Use on the immediate vicinity and on the public health, safety, and welfare in general;~~
- ~~(C) Whether and to what extent, planned and proposed public and private developments may be adversely affected by the Major Special Exception Use; and~~
- ~~(D) Whether and to what extent, existing zoning and land use in the vicinity of the Major Special Exception Use require special considerations and conditions.~~
- ~~(E) Whether and to what extent, the proposed Major Special Exception is compatible with the following standards:~~
- ~~(01) Whether one or more of the following design standards proposed for the subject property will differ substantially from the design standards currently allowed for any of the adjacent properties, such as:~~
- ~~a. Yards;~~
  - ~~b. Setbacks;~~
  - ~~c. Height;~~
  - ~~d. Lot Coverage;~~
  - ~~e. Impervious Surface Coverage;~~
  - ~~f. Parking;~~
  - ~~g. Hours of Operation.~~
- ~~(02) Whether the intensity or density of use will be greater or lesser than that currently permitted for adjacent or currently existing properties;~~
- ~~(03) Whether the proposed change in land use will adversely alter the existing land use pattern;~~
- ~~(04) Whether the proposed change in land use will significantly increase traffic congestion or otherwise affect public safety;~~
- ~~(05) Whether the proposed change in land use will adversely affect the drainage of the property;~~
- ~~(06) Whether the proposed change in land use will decrease the quality of water, air or light to adjacent properties;~~

- ~~(07) Whether the proposed change in land use will adversely affect the property values of the adjacent properties;~~
- ~~(08) Whether the proposed change in land use will cause noticeable glare, noise, or odors for the adjacent properties;~~
- ~~(09) Whether the proposed change in land use would create a mixture of land uses so dissimilar to the existing pattern of development, that the overall quality and character of the surrounding neighborhood would be degraded; and~~
- ~~(10) Whether the detrimental effects of any identified incompatibilities can be mitigated or eliminated by adequate buffering.~~

*Comment: Section relocated from Section 7.12.03 and deleted because the proposed development approval levels in Article 3 do not include major special exception uses except for mining major special exceptions.*

#### **7.12.04. Application.**

All requests for Major Special Exception Uses shall be submitted in writing to the Planning and Development Division, together with applicable fees, which shall have been established by resolution of the Board of County Commissioners.

~~(A) Contents.~~ The application shall contain the following items, as applicable:

- ~~(01) A legal description and street address of the property;~~
- ~~(02) Notarized authorization of the owner if the applicant is other than the owner or an attorney for the owner;~~
- ~~(03) A concurrency analysis of all public facilities and services for which a Level of Service has been established in the Comprehensive Plan, pursuant to the standards and procedures in Article 6 of this Code;~~
- ~~(04) A detailed Site Development Plan drawn to scale showing:
  - ~~a. The dimensions of the property;~~
  - ~~b. The existing and proposed location of structures on the property including signage, vehicular accessways and circulation areas, off-street parking and loading areas, sidewalks, refuse and service~~~~

~~areas, required yards and other open spaces, and landscaping or buffer areas;~~

~~e. The measurements of existing and proposed adjacent rights of way, setbacks, distances between buildings, widths of accessways and driveways, and sidewalks; and,~~

~~(05) A tabular summary describing the proposed use of the property including:~~

~~a. Existing and proposed use of property;~~

~~b. Conditions on the use, such as hours of operation, numbers of residents, etc.;~~

~~c. Area of the property, pervious and impervious areas, and existing and proposed structures; and,~~

~~d. Number of required and provided off-street parking and loading spaces, existing and proposed density, and number of existing and proposed units.~~

*Comment: Section relocated from Section 7.12.04 and deleted because the proposed development approval levels in Article 3 do not include major special exception uses except for mining major special exceptions.*

#### **~~7.12.05. Review of Proposed Major Special Exception Use.~~**

~~(A) Sufficiency Review. Within five working days of receipt of an application for a Major Special Exception Use, the Planning and Development Division shall:~~

~~(01) Determine that the plan is complete and proceed with formal review;~~

~~(02) Determine that the information submitted as the application is not complete and inform the developer in writing of any deficiencies;~~

~~a. The developer shall submit any required information within 15 working days, or submit a letter indicating that in his/her judgment the application is complete. In the second case, the developer shall specifically request that formal review commence; and,~~

~~b. If as a result of the Planning and Development Division's comments the developer chooses to submit an amended application, he/she shall do so within 60 working days without payment of an~~

~~additional fee. If more than 60 working days pass, the developer shall file a new application, which may be subject to additional fees.~~

- ~~(B) *Report to Planning and Zoning Board.* The Planning and Development Division shall submit a written report containing their recommendations on the proposed Major Special Exception Use to the Planning and Zoning Board prior to the meeting of the Planning and Zoning Board at which the application will be heard. A copy of the report shall be made available to the applicant.~~
- ~~(C) *Planning and Zoning Board Hearing.* Within 30 days of submission of the staff report, the Planning and Zoning Board shall hold a public hearing on the application for a Major Special Exception Use and shall forward its recommendations to the Board of County Commissioners. The Planning and Zoning Board review and recommendations shall specifically address:~~
- ~~(01) *Concurrency management issues and considerations associated with the proposed Major Special Exception Use, pursuant to the standards and procedures in Article 6 of this Code;*~~
- ~~(02) *The need to formally amend the Comprehensive Plan. Should the Planning and Zoning Board find that a Comprehensive Plan Amendment is required, then the Comprehensive Plan Amendment review shall be conducted in accordance with the standards and procedures set forth in Section 7.03.00 of this Code. Depending on the nature of the Plan Amendment, further consideration of the application for a Major Special Exception Use may be placed on hold until the amendment is adopted;*~~
- ~~(03) *Rezoning issues and recommended conditions for the proposed Major Special Exception Use pursuant to Section 7.04.00 of this Code; and*~~
- ~~(04) *Site Development Plan issues and conditions for the proposed Major Special Exception Use pursuant to Section 7.06.00 of this Code.*~~
- ~~(D) *Findings and Recommendation to Approve a Major Special Exception Use.* The Planning and Zoning Board may recommend approval of an application for a Major Special Exception Use only when all of the conditions below are met:~~



~~(01) The proposed Major Special Exception Use is consistent with the Hardee County Comprehensive Plan;~~

~~(02) The proposed Major Special Exception Use would not degrade the Level of Service of one or more public facilities and services, or contains commitments to make improvements to maintain Levels of Service established by the Comprehensive Plan;~~

~~(03) The proposed Major Special Exception Use at the proposed location will not result in adverse impacts to adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights of way, or other matters affecting the public health, safety, and general welfare; either as they now exist or as they may exist in the future, as a result of the implementation of the goals, objectives and policies of the Comprehensive Plan; and~~

~~(04) The proposed Major Special Exception Use meets all of the standards and requirements of this Code that are applicable to it; and~~

~~(05) Reasonable conditions can be derived and agreed upon that will address the concerns of the Planning and Zoning Board and mitigate adverse impacts of the proposed Major Special Exception Use.~~

~~(E) *Findings and Recommendation to Deny a Major Special Exception Use.* The Planning and Zoning Board may recommend denial of any application for any Major Special Exception Use for one or more of the following reasons:~~

~~(01) The proposed Major Special Exception Use is inconsistent with the Hardee County Comprehensive Plan;~~

~~(02) The proposed Major Special Exception Use would degrade the Level of Service of one or more public facilities and services, and contains no commitment to make improvements to maintain acceptable Levels of Service;~~

~~(03) The proposed Major Special Exception Use at the proposed location results in an adverse impacts on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights of way, or other matters affecting the public health, safety, and general welfare; and no~~

~~reasonable conditions have been, or can be, derived or agreed upon that will address the concerns of the Planning and Zoning Board and mitigate the impact of the proposed Major Special Exception Use.~~

~~(F) *Decision by Board of County Commissioners.* Within 30 days of receipt of the Planning and Zoning Board recommendation, the Board of County Commissioners shall hold a public hearing after due public notice on all recommendations associated with a Major Special Exception Use from the Planning and Zoning Board. The Board of County Commissioners may approve, approve with conditions, or deny the Major Special Exception request. In the alternative, the Board of County Commissioners may continue the request and seek additional information on those recommendations. No approval of a Major Special Exception Use shall be granted unless approved by a majority of the Commissioners voting.~~

~~(G) *Conditions and Safeguards.* The development and use of the site of an approved Major Special Exception Use shall be in accordance with the approved Site Development Plan and application materials. The approved Site Development Plan shall be filed with the Planning and Development Division, and all development shall be in compliance with the Site Development Plan. The Planning and Zoning Board may recommend and the Board of County Commissioners may impose on the granting of any Major Special Exception Use any conditions or safeguards found to be necessary to ensure the compatibility of the conditional use with surrounding properties or the community in general. These may include, but are not limited to:~~

~~(01) Requiring restrictions on hours of operation and size of buildings;~~

~~(02) Requiring additional landscape and buffer areas;~~

~~(03) Limiting vehicular access points;~~

~~(04) Prescribing the location of off-street parking; and~~

~~(05) Other conditions which are reasonable and necessary to preserve the general welfare of Hardee County.~~

~~Violation of any such condition or safeguard shall be deemed a violation of this Code and may result in a revocation of any Major Special Exception Use permit, in addition to any other remedy for such violation provided in this Code.~~

~~(H) — *Burden of Proof for a Major Special Exception Use.* The burdens of proof for a Major Special Exception are as follows:~~

~~(01) — The initial burden is upon the applicant to prove that the major special exception request is consistent with the Comprehensive Plan and meets all criteria of the Land Development Code for granting such exception;~~

~~(02) — At this point, the burden shifts to the County to demonstrate that granting the Major Special Exception would be adverse to the public interest.~~

~~(I) — *Findings.* The Board of County Commissioners shall make written findings of its decision, which shall be furnished to the applicant within five working days of the action. Any conditions adopted as a part of the approval of a Major Special Exception Use shall be explicitly stated in the correspondence, and shall be the basis for any subsequent Development Agreement or Development Order associated with the Major Special Exception Use. In the instance of a denial, the written finding shall state the reason, or reasons, for the denial from the list above, in sufficient detail to eliminate misunderstanding on the part of the applicant, any future applicant, and the officials of Hardee County.~~

*Comment: Section relocated from Section 7.12.05 and deleted because the proposed development approval levels in Article 3 do not include major special exception uses except for mining major special exceptions.*

~~**7.13.00. Special Exception Permit; Variances; Appeals of the Decisions of the Administrative Official.**~~

*Comment: Section title relocated from Section 7.13.00 and deleted because the Section is not needed; the subsection contents are relocated to other sections as explained with each subsection.*

**AUGUST 31, 2023 DRAFT UNIFIED LAND DEVELOPMENT CODE ADDITIONAL AMENDED TEXT**

**ARTICLE 10: ADMINISTRATION AND ENFORCEMENT**

The entire Article 10 is traded out due to the many changes relating to development officials, appeals, Planning and Zoning Board, and Public Notice Requirements.

**HARDEE COUNTY**  
**DRAFT UNIFIED LAND DEVELOPMENT CODE AMENDMENTS**  
**CROSS REFERENCE MATRIX**  
**ARTICLE 10 • ADMINISTRATION AND ENFORCEMENT**

PROPOSED ULDC REFERENCE		EXISTING ULDC REFERENCE		COMMENT
Section	Title	Section	Title	
10.01.00	Development Officials	8.01.00	Development Officials	Language relocated from Section 8.01.00; Language amended to clarify role of Planning and Development Director and the Building Official.
10.01.01	Planning and Development Director	8.02.00	Director of Planning and Development	Language relocated from Section 8.02.00; Language added to clarify the role of the Planning and Development Director; Language added related to the waiver process; Language combined under evaluation of applications; Language amended to reflect appeals of Planning and Development Director decisions to be made to the County Manager.
10.01.02	Building Official	8.01.01	Building Official	Section relocated from 8.01.01. Language added to address the powers and duties of the Building Official and to provide a reference to Article 12.
10.01.03	County Engineer or Consultant			New Section added to address the role of the County Engineer or Consultant
10.02.00	Administrative Approvals	8.02.01	Administrative Approvals of the Planning and Development Director	Section relocated from 8.02.01; Language added to address the powers and duties of the Planning and Development Director and to provide a reference to Article 11.
10.02.01	Setback Adjustments			New Section added to include a reference to Setback adjustments located in Section 11.05.04.03.
10.02.02	Temporary Office or Construction Trailer	8.02.01(B)	Temporary Office	Language relocated from 8.02.01(B) and title expanded.
10.02.03	Temporary RV for Use During Construction of a Residence or as Disaster Relief not Related to a Declaration of Emergency	8.02.01(C)	Temporary RV for Use During Construction of a Residence	Language relocated from 8.02.01(C); Language added to address disaster relief not related to Declarations of Emergency.
10.02.04	Use of Temporary Shelter after Declaration of Emergency			New Section added consistent with requirements as adopted through Senate Bill 250 (2023).
10.02.05	Continued Use of Existing Single Family Home During Construction of a Replacement Single Family Home			New Section added to address the use of existing single-family home during construction of a replacement single family home
10.02.06	Temporary Manufactured Home for Security Purposes	8.02.01(D)	Temporary Mobile Home for Security Purposes	Language relocated from 8.02.01(D); reference to A-1 zoning district removed as it should be permitted in all districts. Clarified size limit as maximum. Language added to address application, time limits, posting of bond, and termination of use.
10.03.00	Enforcement of Development Permits and Orders	8.09.00	Enforcement of Development Permits and Orders	Section relocated from Section 8.09.00.
10.03.01	Certificate of Occupancy	8.09.01	Certificate of Occupancy	Language relocated from 8.09.01; Language added to provide details on the different types of Certificates of Occupancy.

PROPOSED ULDC REFERENCE		EXISTING ULDC REFERENCE		COMMENT
Section	Title	Section	Title	
10.03.02	Administrative Approval of Minor Field Adjustments	8.09.02	Administrative Approval of Minor Field Adjustments	Section relocated from Section 8.09.02 and language deleted in favor of new language located in Section 11.05.00.
		8.09.03	Major Deviation from Development Permits and Development Orders	Section relocated from Section 8.09.03 ; Language deleted in favor of new language located in Section 11.05.00.
10.03.03	Revocation of Development Order	8.09.04	Revocation of Development Order	Section relocated from Section 8.09.04.
10.04.00	Appeals	8.02.02	Appeals of Administrative Determinations, Decisions, and Interpretations	Section relocated from Section 8.02.02; Language deleted and replaced with more current language
10.05.00	Development Boards and Committees	8.03.00	Development Boards	Section title relocated from Section 8.03.00 and language added to include committees.
10.05.01	Development Review Committee	7.01.00	Development Review Committee	Language relocated from Section 7.01.00 and expanded to address the DRC.
		7.01.01	Composition and Appointment	Language relocated from Section 7.01.01 and deleted as it is addressed in Policy 7.01.00 as part of the less formal DRC policy.
		7.01.02	Officers	Language relocated from Section 7.01.02 and deleted as it is not necessary as part of the less formal DRC policy.
		7.01.03	Rules and Regulations	Language relocated from Section 7.01.03 and deleted as it is not necessary as part of the less formal DRC policy.
		7.01.04	Powers and Duties	Language relocated from Section 7.01.04 and deleted as it is not necessary as part of the less formal DRC policy.
10.05.02	Planning and Zoning Board	8.03.01	Planning and Zoning Board	Language relocated from Section 8.03.01; language added to address additional requirements of the Planning and Zoning Board; language added to include Florida Statute requirement for a school board representative; language added to clarify when meetings occur; language related to property values removed because it can be subjective; language added to clarify the County Clerk keeps the meeting minutes and that the quorum is made of voting members; language added to address notice of public hearings.
10.05.03	Duties of the Board of County Commissioners Related to Planning	8.03.02	Duties of the Board of County Commissioners	Language relocated from Section 8.03.02; Title expanded to clarify the duties are related to planning; Language added to address acceptance of final plats and vacations of plats and rights-of-way and to include different application types
10.06.00	Comprehensive Plan Amendment			New Section added to address amendments to the Comprehensive Plan.
10.07.00	Unified Land Development Code Amendment			New Section added to address amendments to the Unified Land Development Code.

PROPOSED ULDC REFERENCE		EXISTING ULDC REFERENCE		COMMENT
Section	Title	Section	Title	
10.08.00	Official Zoning Map and Amendments	8.04.00	Official Zoning Map	Section relocated from Section 8.04.00; Language added to address the amendment of the Official Zoning Map and the five working day requirement removed because it should be set by County policy; Zoning map changes to map series as the zoning map does not reflect special exceptions and variances.
10.08.01	Rules of Interpretation of District Boundaries	8.04.00(A)	Rules of Interpretation of District Boundaries	Section relocated from Section 8.04.00(A)
10.09.00	Public Hearings/Public Notices	8.05.00	Public Notice of Hearings	Section relocated from Section 8.05.00; and amended to be consistent with Florida Statutes and more concise.
		8.06.00	Statutory Requirements for Comprehensive Plan Amendments	Section relocated from Section 8.06.00 and deleted
10.10.00	Public Records	8.07.00	Public Records	Section relocated from Section 8.07.00.
10.11.00	Administrative Fees	8.08.00	Fees	Section relocated from Section 8.08.00; Language updated to address fees.

**ARTICLE 10  
ADMINISTRATION AND ENFORCEMENT**

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## ARTICLE 10 ADMINISTRATION AND ENFORCEMENT

Text that is underlined is text to be added and text that is shown as ~~strikeout~~ is to be removed. *Comments* provided for information and are not adopted as part of the Unified Land Development Code text.

### **SECTION 10.01.00 DEVELOPMENT OFFICIALS**

The purpose of this Article is to establish the procedures to administer and enforce all matters arising under this Code to: 1) set forth the procedural rules associated with land development in the County; 2) minimize developer expense while facilitating compliance with the provisions of this Code and the Comprehensive Plan; 3) establish a procedure to amend provisions of this Code and the Comprehensive Plan; 4) establish a procedure for relief from specified regulations in this Code; and 5) establish the functions and responsibilities of those public entities charged with the administration of this Code as established by state statute, administrative regulation, and prevailing practice.

The ~~Director of Planning and Development~~ Director shall administer this Unified Land Development Code and the administrative elements of the Florida Building Code; the Building Official shall administer the technical elements of the Florida Building Code. The ~~Director of Planning and Development~~ Director and Building Official are authorized to act through aides and assistants, and in the performance of their duties, may request the assistance of any appropriate officer or agency of Hardee County.

*Comment: Language relocated from Section 8.01.00; Language amended to clarify role of Planning and Development Director and the Building Official.*

#### **10.01.01 ~~Director of Planning and Development~~ Director**

The Planning and Development Director shall supervise and administer all staff activities regarding comprehensive planning, zoning, development review, issue development and building permits, certificates of occupancy and code enforcement. The Planning and Development Director shall perform duties prescribed by this Code, as well as any others assigned by the Board of County Commissioner. The Planning and Development Director shall be duly qualified for these responsibilities through appropriate education and work experience. The Planning and Development Director shall have a thorough knowledge of the provisions of the Comprehensive Plan and this Code and shall have the authority to interpret the intent and meaning of this Code in situations where its applicability is not clear. Appeals of administrative decisions of the Planning and Development Director shall be made to County Manager consistent with Section 10.04.00.

~~The~~ Other specific duties of the ~~Director of Planning and Development~~ Director are as follows:

- (A) ~~Advise the~~ Under the direction of the County Manager, cooperate with the Planning and Zoning Board and the Board of County Commissioners in the implementation, amendment, and enforcement of this Code and the Comprehensive Plan;
- (B) Attend all public hearings at which comprehensive planning, zoning, and Land Development Code matters are discussed, including meetings of the Planning and Zoning Board and the Board of County Commissioners;
- (C) Accept and process all applications for amendments to the Comprehensive Plan, Land Development Code, zoning actions, site development plans, subdivision plans, and variances;
- (D) Certify the accuracy of the Official Zoning Map and amendments thereto;
- (E) Chair the Development Review Committee;
- (F) Collect and account for all required application fees, except building permit and related fees;
- (G) Grant or deny such administrative approvals and waivers as are allowed under the provisions of this Code;
- (H) ~~Receive applications and application fees for Site Development Plan, Rezoning, Subdivision Plat, Special Exceptions, Major Special Exception Use, Temporary Special Use Permit, and Exception to Policy L1.15 approvals;~~ Evaluate all applications for development permits provided by this Code.
- ~~(I) Evaluate each proposed Site Development Plan, subdivision plat and Major Special Exception Use for consistency with this Code and the Comprehensive Plan;~~
- ~~(J) Evaluate each application for a development order to determine whether it meets applicable Concurrency requirements;~~
- (K) Ensure that all time limits prescribed by this Code are met;
- (L) Monitor the progress of all development applications through the review process and be available to respond to inquiries from interested persons;

- (L) Process and submit copies of all Comprehensive Plan amendments to the Department of Commerce (DOC) and the other state agencies in accordance with Florida Statutes.
- (~~M~~K) Maintain the concurrency management system and evaluate each application for a development order, including building permits, to determine whether it meets applicable Concurrency requirements.
- (~~N~~L) Any other duties assigned by the County Manager.

*Comment: Language relocated from Section 8.02.00; Language added to clarify the role of the Planning and Development Director; Language added related to the waiver process; Language combined under evaluation of applications; Language amended to reflect appeals of Planning and Development Director decisions to be made to the County Manager.*

#### **10.01.02- Building Official-**

The Building Official shall supervise and administer all staff activities regarding issuance of building and other permits regulated by the Florida Building Code (FBC), enforcement of the FBC, and County Code Enforcement. The Building Official shall be duly qualified for these responsibilities through appropriate certification, education, and work experience.

Powers and duties, as detailed in Article 12, include, but are not limited, to the following:

- (A) Enforce the provisions of the FBC.
- (B) Enter premises for inspections.
- (C) Issue stop work orders.
- (D) Revoke permits.

*Comment: Language relocated from Section 8.01.01; Language added to address the powers and duties of the Building Official and to provide a reference to Article 12.*

#### **10.01.03 County Engineer or Consultant**

The duties and responsibilities of the County Engineer or Consultant under this Code shall include, but not be limited to, the following:

- (A) Provide technical information and assistance to the Planning and Development Director in the interpretation and application of this Code.

- (B) Assist the Floodplain Administrator to make necessary interpretations to determine the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).
- (C) Assist the Floodplain Administrator to review all commercial, retail, industrial, subdivision proposals, and other proposed developments to determine whether such proposals will be reasonably safe from the base flood elevation.
- (D) Review preliminary site plans and construction/engineering plans for compliance with the standards set forth within the Unified Land Development Code, Hardee County Comprehensive Plan, Engineering Technical Standards Manual, Florida Building Code, and all other applicable codes, standards, and regulations.

*Comment: Language added to address the role of the County Engineer or Consultant.*

## **SECTION 10.02.00 ADMINISTRATIVE APPROVALS OF THE PLANNING AND DEVELOPMENT DIRECTOR.**

The Planning and Development Director shall have the authority to approve the following, subject to conditions set forth below and in applicable provisions of this Code: Administrative Adjustments are located in Section 11.05.00.

*Comment: Section relocated from 8.02.01; Language added to address the powers and duties of the Planning & Development Director and to provide a reference to Article 11.*

### **10.02.01 Setback Adjustments**

See Section 11.05.04.03.

*Comment: New Section added to include a reference to setback adjustments located in Section 11.05.00(A).*

### **(B)10.02.02 Temporary Office or Construction Trailer.**

The Planning and Development Director may authorize the use of a temporary structure not meeting the requirements of the Florida Building Code at the construction site of an approved Site Development Plan. The temporary structure may be used only as an administrative or sales office, tool shed, or other facility in support of construction work, and shall not be used for living accommodations or for any other purpose.

The applicant shall designate the exact location of the temporary structure on the Site Development Plan, and shall place it only in the approved location. The temporary structure shall not be installed prior to issuance of the building permit for the

development site and shall be removed upon expiration of the building permit or issuance of the Certificate of Occupancy, whichever comes first.

*Comment: Language relocated from 8.02.01(B) and title expanded.*

**(C)10.02.03 Temporary RV for Use During Construction of a Residence or as Disaster Relief not Related to a Declaration of Emergency.**

The Planning and Development Director may authorize the use and permitting of a RV as a temporary residence during construction of a permanent residence or in the case of a disaster situation such as fire, flood, or hurricane under the following conditions listed below. The Use of Temporary Shelters after the declaration of a State of Emergency are addressed in Section 10.02.04.

- (01A) The lot or building site is at least one one-quarter acre in size;
- (02B) The applicant has received approval of a building permit for construction of a single-family residence on the property;
- (03C) The foundation and rough plumbing for the permanent structure have been completed and approved by a County Building Inspector, except for disaster relief;
- (04D) The temporary RV shall be placed at least 20 feet from all lot lines, and 10 feet from any other existing or planned structure;
- (05E) The temporary unit must be connected to a public sewer system or to a septic tank permitted by the Hardee County Health Department;
- (06F) Wheels and axles of the temporary unit shall not be removed;
- (07G) The temporary RV shall be removed from the building site prior to issuance within 30 days of the Certificate of Occupancy for the permanent residence, or at the end of a one-year period commencing at the date of its installation, whichever comes first; and;
- (08H) This administrative approval may be renewed or granted one time for an additional six-month period.

*Comment: Language relocated from 8.02.01(C); Language added to address disaster relief not related to Declarations of Emergency.*

#### **10.02.04 Use of Temporary Shelter after Declaration of Emergency**

The County enforces temporary shelter requirements after a Declaration of Emergency consistent with the Requirements from Florida Statutes Section 166.0335.

- (A) For the purposes of this section, the term “temporary shelter” includes, but is not limited to, a recreational vehicle, trailer, or similar structure placed on a residential property.
- (B) Notwithstanding any other law, ordinance, or regulation to the contrary, following the declaration of a state of emergency issued by the Governor for a natural emergency as defined in s. 252.34(8) during which a permanent residential structure was damaged and rendered uninhabitable, a municipality may not prohibit the placement of one temporary shelter on the residential property for up to 36 months after the date of the declaration or until a certificate of occupancy is issued on the permanent residential structure on the property, whichever occurs first, if all of the following circumstances apply:
- (1) The resident makes a good faith effort to rebuild or renovate the damaged permanent residential structure, including, but not limited to, applying for a building permit, submitting a plan or design to the municipality, or obtaining a construction loan.
  - (2) The temporary shelter is connected to water and electric utilities and does not present a threat to health and human safety.
  - (3) The resident lives in the temporary structure.

*Comment: Section added consistent with requirements as adopted through Senate Bill 250 (2023).*

#### **10.02.05 Continued Use of Existing Single Family Home During Construction of a Replacement Single Family Home**

The Planning and Development Director or Building Official may authorize the continued use of an existing single-family home during the construction of a new replacement single-family home with the following conditions:

- (A) The lot or building site is large enough to accommodate the existing single-family home and the construction of the replacement home while meeting all development standards for the district as listed in Table 3.03.00(C).

- (B) The property owner must provide a notarized letter explaining the reason why the existing home should remain during construction and the owner's intent to move into the new construction and have the existing house demolished within 30 days after the final Certificate of Occupancy on the new construction is issued.
- (C) Demolition of the existing single-family structure must occur within 30 days after issuance of the temporary Certificate of Occupancy.

*Comment: New Section added to address the use of existing single-family home during construction of a replacement single family home.*

**~~(D)~~10.02.06 Temporary Mobile Manufactured Home for Security Purposes:**

- (A) The Planning and Development Director may authorize the temporary use and permitting of a mobile manufactured home for security purposes for a period not to exceed one (1) year in the A-1 zoned district under the following conditions:
- (01) Unit shall be placed on contiguous property at least 10 acres in size.
  - (02) Wheels and axles shall not be removed from the temporary mobile manufactured home, and no appurtenant structures shall be added to the unit, such as carports, screen rooms, etc.
  - (03) The temporary unit shall be connected to a septic tank or sewer system in accordance with Hardee County Health Department regulations.
  - (04) The temporary unit shall be set back at least 100 feet from all property lines; and
  - (05) Temporary mobile manufactured homes permitted for security purposes in A-1 zoned districts shall be limited to a maximum of 780 square feet s-f. in size.
- (B) Application and Building Permit.
- (1) Upon application for administrative approval, a certified survey of the property on which the temporary mobile manufactured home will be placed shall be submitted to the Planning and Development Division. The proposed location of the temporary unit shall be shown on the survey.
  - (2) The applicant shall execute an agreement with the County, which shall be signed by the County Manager or designee on behalf of the County, in which the applicant agrees to the terms and conditions of this Section. This



agreement must be recorded in the public records of Hardee County, prior to issuance of a building permit.

- (3) After approval of the temporary manufactured home by the Planning and Development Director, the applicant shall obtain a building permit prior to any development or construction on the site.
- (4) The applicant shall post a bond for removal of the temporary manufactured home. The applicant may give the County cash or a surety bond in the amount of five thousand dollars (\$5,000.00) guaranteeing that: (1) the manufactured home shall remain on the site only as long as the manufactured home qualifies under this Section for placement upon the property; and (2) the manufactured home shall be removed when the need for the temporary manufactured home ceases to exist. The cash or bond shall be used to remove the manufactured home if the applicant fails to do so upon the ending of the need for the temporary manufactured home.

(C) Extension of Approval; Termination of Use.

- (1) *Extension of Approval.* If the applicant desires to renew the approval for the temporary manufactured home, such request and affidavit should be filed prior to the expiration of the existing approval. The Planning and Development Director shall grant a one (1) year extension if all the requirements of 10.02.05(B) continue to be met. The applicant shall be entitled to successive one (1) year extensions if all the requirements of 10.02.05(B) are met each year and if an application is filed.
- (2) *Notification by Applicant; Termination of Temporary Use; Removal of Manufactured Home.* When there is no further need for the temporary use, the applicant shall notify the County within thirty (30) days and the temporary manufactured home approval shall be terminated. At the termination of the temporary manufactured home approval, because of no further need, or because of non-renewal, the mobile home shall be removed from the property and any well or septic tank used solely for the temporary dwelling shall be properly abandoned.

*Comment: Language relocated from 8.02.01(D); reference to A-1 zoning district removed as it should be permitted in all districts; language added to clarify the size limit is a maximum limit; language added to address application, time limits, posting of bond, and termination of use.*

## **SECTION 10.03.00 ENFORCEMENT OF DEVELOPMENT PERMITS AND ORDERS**

The County Manager/designee is the enforcement officer for all regulations contained in this Code. Procedures for periodic inspection of development work in progress, to ensure compliance with a development permit and final development order that authorized the activity, is found within this Code.

*Comment: Language relocated from 8.09.00.*

### **10.03.01 Certificate of Occupancy**

Upon completion of work authorized by a development permit or development order, and before the development is occupied, the developer shall apply to the Building Department for a Certificate of Occupancy. The Building Official shall inspect the work and issue the Certificate, if all work is found to be in conformity with the permit or order.

- (A) New or Different Use (Change of Use). No building or structure, or part thereof, or premises, which are erected or altered or changed in occupancy, or land upon which a new or different use is established, shall be occupied, or used until a Certificate of Occupancy has been issued.
- (B) New Use of Existing Buildings. No building or structure, or part thereof, shall be changed to, or occupied by, a use of a different kind unless a Certificate of Occupancy is first obtained for the new or different use.
- (C) Existing Uses. Certificates of Occupancy shall be issued for existing buildings, structures, or parts thereof, or existing uses of land, if after inspection it is found that such buildings, structures, or uses of land are in conformity with the applicable provisions of this Code.
- (D) Accessory Buildings. Accessory buildings or structures shall not require separate certificates of occupancy but may be included in the Certificate of Occupancy for the dwelling when shown on the lot plan and when completed at the same time as such dwelling.
- (E) Temporary. Nothing in this Code shall prevent the issuance of a temporary Certificate of Occupancy for a portion of a building or structure in the process of erection or alteration, provided that such temporary certificate shall not be effective for a period in excess of six (6) months and provided further that such portion is in conformity with this Article and Article 12.
- (F) Numbers or Address Letters. No Certificate of Occupancy shall be issued until

permanent and proper numbers or address letters are displayed. Such numbers or letters shall be visible and legible from the street. Where the principal entrance of the building is clearly visible from the street, numbers or letters must be posted on the building over or near the principal entrance to be legible from the street. Where the principal entrance is not clearly visible from the street, numbers or letters must be affixed to a structure located at the intersection of the street and the building entrance way.

- (G) Fire Code Inspection. A new building shall not be occupied, or a change be made in occupancy or the nature or the use of a building or part of a building, until the Fire Official has conducted a fire code inspection and the building is found to be in compliance with the fire code and the Fire Official has signed the required Certificate of Occupancy.
- (H) Building Plans, Specifications, and Drawings for Fire Protection and Fire Equipment Systems. The Fire Official shall require a copy of building plans, specifications, and drawings, drawn to scale, with sufficient clarity and detail to indicate the type, nature, and character of the work of all fire protection and fire equipment systems.

*Comment: Language relocated from 8.09.01; Language added to provide details on the different types of Certificates of Occupancy.*

### **10.03.02- Administrative Approval of Minor and Major Field Adjustments-**

A minor field adjustment is a deviation from a final development order that falls within the following limits and that is necessary in light of technical or engineering considerations first discovered during actual development and not reasonably anticipated during the initial approval process; minor and major field adjustments shall be subject to the provisions of Section 11.05.00 Administrative Adjustments.

- ~~(A) Alteration of the location of any road, walkway, landscaping, or structure by not more than five feet;~~
- ~~(B) Reduction of the total amount of open space by not more than five percent, or reduction of the yard area or open space associated with any single structure by not more than five percent; provided that such reduction does not permit the required yard area or open space to be less than that required by this Code;~~
- ~~(C) If the work is found to have one or more minor field adjustments, the applicant shall be required to submit a revised site plan showing the deviations and amend the development order to conform to actual development. The County Manager or his/her designee may, however, refer any minor field adjustment that~~

significantly affects the development's compliance with the purposes of this Code to the Planning and Zoning Board for treatment as a major deviation; and,

- ~~(D) Major Deviation Defined. A major deviation is a deviation other than a minor field adjustment, from a final development order.~~

*Comment: Section relocated from Section 8.09.02; Language deleted in favor of new language located in Section 11.05.00.*

~~**8.09.03. Major Deviation from Development Permits and Development Orders.**~~

- ~~(A) If the work is found to have one or more major deviations, the Planning and Development Division shall:~~

~~(01) Place the matter on the next agenda of the Board of County Commissioners, allowing for adequate notice, and recommend appropriate action for the Board of County Commissioners to take,~~

~~(02) Issue a stop work order and/or refuse to allow occupancy of all or part of the development if deemed necessary to protect the public interest. The order shall remain in effect until the County Manager/designee determines that work or occupancy may proceed pursuant to the decision of the Planning and Zoning Board; and,~~

~~(03) Refer the matter to the Code Enforcement Department, if it appears that the developer has committed violations of the development order.~~

- ~~(B) The Code Enforcement Officer shall follow the process set forth in Section 8.10.00 of this Code.~~

*Comment: Section relocated from Section 8.09.03; Language deleted in favor of new language located in Section 11.05.00.*

~~**10.03.03. Revocation of Development Order.**~~

Should a development order or permit be revoked, development activity shall not proceed on the site until a new development order or permit is granted in accordance with procedures for original approval.

*Comment: Section relocated from Section 8.09.04.*

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**SECTION 10.04.00 APPEALS OF ADMINISTRATIVE DETERMINATIONS, DECISIONS, AND INTERPRETATIONS.**

- (A) Appeals of Administrative Determinations, Decisions and Interpretations ~~Any person aggrieved, or any interest affected~~ A substantially affected person may appeal by a decision of the Director of Planning and Development Director made in the administration of this eCode, may appeal the decision to the County Manager subject to the following.
- (1) ~~Appeals of the Director's decision shall be in conformance with the requirements of this Code, and shall be applied for in writing, through the County Manager's Office within 30 calendar days of the Director's official written response. An application and notice of appeal shall be filed with the Planning and Development Director no more than thirty (30) days after issuance or denial of the permit or order in question.~~
  - (2) ~~Upon receipt of the written notice of appeal from the County Manager, within 10 calendar days the Director shall transmit to the County Manager all the documents constituting the record upon which the decision was made. The County Manager shall then have 10 calendar days to prepare a written response to the original appeal request. If the appellant has not received a written response from the County Manager within the specified time frame, the appeal shall be directly forwarded by the Planning and Development Director to the Board of County Commissioners. An application for an appeal shall include:~~
    - (a) A statement as to each provision of the Code which is in question;
    - (b) The interpretation, application, or determination made by the Planning and Development Director from which the applicant appeals;
    - (c) A statement of the interpretation, application, or determination of law or fact advanced by the applicant; and
    - (d) The reason why the applicant believes their interpretation, application or determination is correct in law or fact.
  - (3) ~~The County Manager's written decision may be appealed to the Board of County Commissioners by filing a notice of appeal with the Planning and Development Department within 10 calendar days of receipt of the County Manager's official written response. The Planning and Development Department shall prepare a report which shall include:~~

- (a) The Department's agreement or disagreement with the applicants statement of the law or fact in question;
  - (b) The interpretation of the Department with regard to the law or fact in question;
  - (c) The basis for the Department's interpretation; and
  - (d) The reason why the Department believes its interpretation, application, or determination is correct in law or fact.
- (4) The Board of County Commissioners, upon receipt of the appeal of the County Manager's decision, shall within 30 calendar days schedule an appeals hearing and give public notice to the interested/affected parties, and render a decision. Within forty-five (45) days after receipt of a complete application and notice of appeal, the Planning and Development Director shall schedule a public hearing before the Board of County Commissioners. Published notice of the public hearing shall be given in accordance with the requirements of Section 10.09.00. Mailed and posted notices shall not be required.
- (5) The Board of County Commissioners shall hear and rule upon the appeal after a public hearing. The criteria for review is whether the administrative interpretation, application or determination at issue is clearly erroneous.
- (6) The final order of the Board of County Commissioners shall either affirm or reverse, in whole or in part, the interpretation, application or determination made by the Planning and Development Director in accordance with the above criteria.
- (7) The final order shall be effective thirty (30) days from the date of filing of the executed order.
- (B) Appeals of Planning and Zoning Board and Board of County Commissioner Determinations, Interpretations and Decisions. Any person/s jointly or severally aggrieved by any decision of the Planning and Zoning Board or the Board of County Commissioners may, within thirty (30) days of rendition of a decision, but not thereafter, apply to the courts for relief in the manner provided by the laws of the state.

*Comment: Section relocated from Section 8.02.02; Language deleted and replaced with more current language.*

## **SECTION 10.05.00 DEVELOPMENT BOARDS AND COMMITTEES**

*Comment: Section title relocated from Section 8.03.00 and language added to include committees.*

**10.05.01- Development Review Committee-**

A Development Review Committee (DRC) is hereby established to afford a multidisciplinary, interdepartmental review and assessment of the orderliness and impact of proposed development within the County. The DRC includes the Planning and Development Director, County Engineer, Public Works Director, Utilities Director, Fire Chief, Parks and Recreation Director, and Building Official. The Planning and Development Director may invite other County staff members or other agency representatives to participate in the DRC as needed. The DRC shall be responsible for reviewing development applications, site plans, landscape plans, subdivision plats, minor subdivision plats, and applications requiring Planning and Zoning Board and Board of County Commissioners action. The Planning and Development Director, or their designee, shall be charged with coordinating the activities of this Committee.

The DRC shall meet on a regular schedule to be determined by the Planning and Development Director. Meetings shall be noticed on the County Calendar and meeting minutes shall be recorded. The DRC meetings shall be open to the public.

*Comment: Language relocated from Section 7.01.00 and expanded to address the DRC.*

**7.01.01. Composition and Appointment.**

~~The committee shall initially be comprised of the following seven members:~~

- ~~1. County Engineer.~~
- ~~2. Director of Public Works.~~
- ~~3. Director of Utilities.~~
- ~~3. Fire Chief.~~
- ~~4. Director, Planning and Development.~~
- ~~5. Director, Parks and Recreation.~~
- ~~6. Building Official.~~
- ~~6[7]. School District Representative.~~

~~The County Manager/designee shall be empowered to augment or otherwise change the composition of the committee with other county staff persons or outside experts as may be necessary to increase the committee's efficiency and advance its stated purpose.~~

*Comment: Language relocated from Section 7.01.01 and deleted as it is addressed in Policy 7.01.00 as part of the less formal DRC policy.*

**7.01.02. Officers.**

~~The Planning and Development Director shall serve as chairman and the committee shall elect a vice chairman from among its members. The vice chairman shall preside at meetings in the absence of the chairman.~~

*Comment: Language relocated from Section 7.01.02 and deleted as it is not necessary as part of the less formal DRC policy.*

#### **~~7.01.03. Rules and Regulations.~~**

~~The committee may establish any rules necessary for the orderly conduct of its business. Meetings shall be held at the call of the chairman or at the direction of the County Manager.~~

*Comment: Language relocated from Section 7.01.03 and deleted as it is not necessary as part of the less formal DRC policy.*

#### **~~7.01.04. Powers and Duties.~~**

~~The committee shall have the following powers and duties:~~

- ~~(01) To develop recommendations that will enhance the public health, safety, order, convenience and general welfare of the County.~~
- ~~(02) To establish cooperative relationships between different departments and appropriate individuals, groups or boards in the county to promote awareness of activities that affect the community, and to encourage recommendations and acceptance of actions taken to improve the community.~~
- ~~(03) To submit recommendations and reports to the county manager on issues referred to the committee by the County Manager including but not limited to site plan review.~~
- ~~(04) To review ongoing and planned activities in such areas as parks and recreational facilities, streets, roads and sewer construction, residential and business development, and traffic control.~~
- ~~(05) To recommend approval, approval with conditions or denial of development plan applications to the Planning and Zoning Board.~~

*Comment: Language relocated from Section 7.01.04 and deleted as it is not necessary as part of the less formal DRC policy.*

#### **~~10.05.02. Planning and Zoning Board.~~**



- (A) Functions, Powers, and Duties.
- (01) Act as Local Planning Agency pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, Ch. 163, Part II, F.S., and perform all functions and duties prescribed in the statute.
- ~~(2)~~ Review and make recommendations to the governing body on any matter relating to the planning of the County, including the evaluation and appraisal of the Comprehensive Plan, Comprehensive Plan Amendments, the development and amendment of the Unified Land Development Code, the Official Zoning Map, and other matters the Board of County Commissioners may defer or refer to the Planning and Zoning Board.
- ~~(023)~~ ~~Obtain and maintain~~ Consider information on population, ~~property values~~, the land economy, land use and other information necessary to assess the amount, direction, and type of development to be expected in the County.
- ~~(034)~~ ~~Advise~~ Review and make recommendations to the Board of County Commissioners to approve, approve with conditions, or deny ~~regarding~~ applications for ~~amendments to the Official Zoning Map and requests for~~ Major Mining Special Exception Uses, Special Exceptions, Development Agreements, Planned Unit Developments, or other special designations on property within the County.
- ~~(045)~~ ~~Advise~~ Review and make recommendations to the Board of County Commissioners ~~to approve, approve with conditions, or deny regarding the approval, approval with conditions, or denial of Special Exceptions.~~ applications for site development plans that require final approval by the Board of County Commissioners.
- ~~(6)~~ Approve, approve with conditions, or deny applications for a Permitted with Conditions use, site development plans, or a request for a waiver from the ULDC.
- ~~(05)~~ ~~At the request of the Planning and Development Director, interpret and determine the intent of provisions of this Code that are unclear or in conflict with other regulations.~~
- ~~(067)~~ Consider the need for revision or addition of regulations in this Code, and recommend changes to the Board of County Commissioners.

- (078) Consider the need for revision of the Comprehensive Plan, and recommend changes to the Board of County Commissioners.
- (089) Other duties as assigned by the Board of County Commissioners.
- (B) Appointment of Members.
- (01) The Planning and Zoning Board shall have seven members, to be appointed by the Board of County Commissioners and shall include a representative of the school district appointed by the school board as a nonvoting member of the local planning agency or equivalent agency.
- (02) Each member of the Planning and Zoning Board shall reside in the County.
- (03) Each member shall be appointed to a three-year term. In the event ~~that~~ all members are appointed at the same time, three members shall be appointed for a term of one year, two members shall be appointed for a term of two years, and two members shall be appointed for a term of three years.
- (04) The terms of all appointments, except those made to fill vacancies, shall expire on January 1. Members shall serve until the end of their term or until a successor has been appointed, whichever occurs later.
- (05) If a position becomes vacant before the end of a term, the Board of County Commissioners shall appoint a substitute member to fill the vacancy for the duration of the vacated term. A member whose term expires may continue to serve until a successor is appointed and qualified.
- (06) Members may be removed without notice and without assignment of cause by a majority vote of the Board of County Commissioners.
- (07) At the first meeting held after January 1 of each year, the Planning and Zoning Board shall elect a Chairman, Vice-Chairman and such other officers as deemed necessary. The Chairman, or in ~~his/her~~ their absence the Vice-Chairman, shall preside over all meetings of the Board. Officers shall serve terms of one year.
- (08) The Chairman will establish subcommittees and appoint members as needed to carry out the purposes of the Planning and Zoning Board.
- (09) Members shall not be compensated, but may be reimbursed for travel and other expenses incurred on Planning and Zoning Board business.

- (10) If any member fails to attend three successive meetings, the Planning and Zoning Board may declare the member's office vacant and notify the Board of County Commissioners.
- (C) Procedures.
- (Ø1) The Planning and Zoning Board shall adopt procedures to carry out its purposes. All rules must conform to this Code, other County ordinances, and State law.
- (Ø2) Regular meetings of the The Planning and Zoning Board shall be held as necessary. meet at least once each month, unless a meeting is canceled by a decision of the Board at a regular meeting or by decision of the Chairman. Meetings may be called by the chairperson or the majority of the Board of County Commissioners, the chairperson or the majority of the Planning and Zoning Board, or by the County Manager or designee.
- (Ø3) ~~The Planning and Zoning Board~~ County Clerk shall keep minutes of its proceedings, indicating the attendance of each member, and the decision on every question.
- (Ø4) ~~Four~~ A majority of the voting members shall constitute a quorum.
- (Ø5) Each decision of the Planning and Zoning Board must be approved by ~~a majority vote of the members present at a meeting in which a quorum is present and voting~~ no less than three voting members.
- (D) Notice of Public Hearings.

Section 10.09.00 addresses notice requirements.

*Comment: Language relocated from Section 8.03.01; language added to address additional requirements of the Planning and Zoning Board; language added to include Florida Statute requirement for a school board representative; language added to clarify when meetings occur; language related to property values removed because it can be subjective; language added to clarify the County Clerk keeps the meeting minutes and that the quorum is made of voting members; language added to address notice of public hearings.*

**10.05.03- Duties of the Board of County Commissioners Related to Planning-**

- (A) Powers and Duties in the Areas of Development and Land Use Regulation.

- (01) Adopt and amend the Comprehensive Plan, including the map series.
- (02) Adopt and amend the Unified Land Development Code, including the Official Zoning Map.
- (03) Appoint members of the Planning and Zoning Board.
- (04) Determine the need for and appoint members of additional Boards, committees, and subcommittees to investigate and make recommendations or decisions on various land use/development issues.
- (05) Establish, by Resolution, fees for Comprehensive Plan Amendments, zoning actions, Site Development Plan reviews, Mining Major Special Exception Use reviews, Variances, Special Exceptions, Planned Unit Development, and other activities carried out under the provisions of this Code.
- (06) Make final decisions on requested changes to the Comprehensive Plan, Unified Land Development Code and Official Zoning Map, Planned Unit Developments, Special Exceptions and Mining Major Special Exceptions, Rezones, Temporary Special Use Permits, Variances, Development Agreements, Final Plats, vacation of plats, minor subdivisions, Site Development Plans included as part of an application for Planned Unit Development, Special Exceptions, Mining Major Special Exceptions, Rezoning, Temporary Special Use Permit, Variances and Development Agreements, and Appeals of an Administrative Decision.
- (07) Make final decisions on acceptance of public improvements constructed pursuant to the platting of approved subdivisions.
- (08) Take any other actions that it deems appropriate to implement the intent of this Code and the Comprehensive Plan.

*Comment: Language relocated from Section 8.03.02; Title expanded to clarify the duties are related to planning; Language added to address acceptance of final plats and vacations of plats and rights-of-way and to include different application types.*

### **SECTION 10.06.00 COMPREHENSIVE PLAN AMENDMENT**

The Hardee County Comprehensive Plan shall be amended by a recommendation from the Planning and Development Director or request by an interested party, and hearings with the Planning and Zoning Board, and the Board of County Commissioners, after due public notice

consistent with Section 10.09.00.

*Comment: New Section added to address amendments to the Comprehensive Plan.*

### **SECTION 10.07.00 UNIFIED LAND DEVELOPMENT CODE AMENDMENT**

This Code shall be amended by a recommendation from the Planning and Development Director or request by an interested party, and hearings with the Planning and Zoning Board, and Board of County Commissioners, after due public notice consistent with Section 10.09.00.

*Comment: New Section added to address amendments to the Unified Land Development Code.*

### **SECTION 10.08.00- OFFICIAL ZONING MAP AND AMENDMENTS-**

- (A) The districts listed in Article ~~2~~ 3 and the boundaries thereof are shown upon the Official Zoning Map or series of maps of the County enacted as law immediately upon enactment of this Code and made a part thereof, such maps being designated as the Official Zoning Map of Hardee County. This map or maps and all notations, references, and other information properly inscribed thereon are hereby incorporated as a part of this Article.
- (B) The boundaries of such districts as are shown on the Official Zoning Map, together with all regulations in this Code that are applicable in such districts, are hereby established and declared to be in effect upon all land included within the boundaries of each and every district shown upon said map(s).
- (C) The Official Zoning Map may be amended at any time, with a recommendation by the Planning and Development Director or request by an interested party, and hearings with the Planning and Zoning Board, and the Board of County Commissioners, after due public notice consistent with Section 10.09.00.
- (D) The Official Zoning Map may correct drafting and clerical errors or omissions in the prior Official Zoning Map, but no such corrections shall have the effect of amending the Code or any subsequent amendment thereto without duly noticed public hearings consistent with Section 10.09.00.
- (E) Within five working days of action by the Board of County Commissioners, the Official Zoning Map series will be amended to reflect all approved changes in zoning classifications, land uses, Special Exceptions, variances, and any other relevant information pertaining to permitted uses or development standards in Hardee County after the effective date of the relevant Ordinance, Resolution, or Record of Decision. When any Official Zoning Map is replaced, the prior Map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption

and amendment.

*Comment: Section relocated from Section 8.04.00; Language added to address the amendment of the Official Zoning Map and the five working day requirement removed because it should be set by County policy; Zoning map changes to map series as the zoning map does not reflect special exceptions and variances.*

**~~(A)10.08.01 Rules of Interpretation of District Boundaries:~~**

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

- ~~(01A)~~ ~~Boundaries~~ indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines~~;~~
- ~~(02B)~~ ~~Boundaries~~ indicated as approximately following platted lot lines shall be construed as following such lot lines~~;~~
- ~~(03C)~~ ~~Boundaries~~ indicated as following railroad lines shall be construed to be midway between the main tracks~~;~~
- ~~(04D)~~ ~~Boundaries~~ indicated as following shore-lines shall be construed to follow the high water line, and in the event of a lowering of the water level shall be construed as moving downward to the current water level~~;~~
- ~~(05E)~~ ~~Boundaries~~ indicated as following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines~~;~~ ~~and;~~
- ~~(06F)~~ ~~Boundaries~~ indicated as parallel to or extensions of features indicated in subsections ~~(01A)~~ through ~~(05E)~~ above shall be so construed.

The legal description advertised for public hearing purposes on a zoning action or ~~V~~variance on any parcel of property shall override any and all of the above rules for interpretation of district boundaries.

*Comment: Section relocated from Section 8.04.00(A).*

**SECTION 10.09.00: PUBLIC NOTICE OF HEARINGS/PUBLIC NOTICES:**

Applicability. Where a public hearing is required pursuant to this Unified Land Development Code, the County shall provide a notice of public hearing in the manner set out in this Section.

- (A) ~~*Public Notice Required.*~~ In addition to any statutory notice requirements, the following shall be complied with: *Publication.* The requirements for this type of notice shall be as follows:
- (01) ~~*Due Public Notice.*~~ No change in land use classification or designation, Variance, or amendment to this Code may be considered by the Planning and Zoning until due public notice has been given of a public hearing; Notice shall be published at least one (1) time in the non-legal section (unless specified otherwise) of a newspaper of general circulation published in Hardee County, Florida, at least ten (10) days prior to the date of any required public hearing.
- (02) ~~*15-Day Advance Notice.*~~ Public hearing notice shall be given at least 15 days in advance of the hearing by the publication in a newspaper of regular and general circulation in the County, and notice shall be posted at the County administration buildings. No official action may be taken unless and until the public hearing has been advertised. The notice of hearing shall state the date, time, and place of the meeting; the titles of the proposed ordinances or resolution or a description of the substance of the matter being considered; and the place within the County where the proposed ordinances or other materials may be inspected by the public. The notice shall also state that interested parties may appear at the meeting and be heard with respect to the matter.
- (3) A copy of the notice shall be available for public inspection at the County Administration Building during the regular business hours of the County.
- (034) ~~*Contents of Advertisement.*~~ The advertised notice shall contain the name of the applicant, the legal description of the affected property or a location map of the parcel(s), the existing land use classification, and any special designation(s), the request being considered by the Planning and Zoning Board, and the time and place of the public hearing at which the application will be considered; Notice for ordinances that change the actual list of permitted, permitted with conditions or prohibited uses, within a zoning category/district, or ordinances initiated by the County that change the actual zoning map designation of a parcel or parcels of land involving ten (10) contiguous acres or more, shall be published at least ten (10) days prior to the planning and zoning board public hearing, again at least seven (7) days prior to the first Board of County Commissioner's public hearing and again at least five (5) days prior to the second Board of County Commissioner's adoption hearing. Public notice shall be provided as described in the following subsections:
- (a) The required advertisements shall be no less than two (2) columns wide by ten (10) inches long in a standard size tabloid size newspaper and the headline in the advertisement shall be in a type no smaller than eighteen

(18) point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be placed in a newspaper of general paid circulation in the County, not one of limited subject matter, pursuant to F.S. Ch. 50. Whenever possible, the advertisement shall appear in a newspaper that is published at least five (5) days a week unless the only newspaper in the County is published less than five (5) days a week.

(b) The advertisement shall be in substantially the following form:

Notice of (Type) Change

Hardee County proposes to adopt the following ordinance or approve the following application: (title of ordinance or description of application).

A public hearing on the ordinance or application will be held on (date) at (time) at (location).

The proposed ordinance or application materials are available for inspection at the office of Planning and Development during normal business hours.

Interested parties may appear at the meeting and will be given the opportunity to be heard on the matter.

(c) Except for amendments which change the actual list of permitted, permitted with conditions or prohibited uses within a zoning category, the advertisement shall also contain a geographic location map which clearly indicates the area covered by the proposed ordinance or application. The map shall include major street names as a means of identification of the general area.

(d) In lieu of publishing the advertisement set out in this section, the County may mail a notice to each person owning real property within three hundred (300) feet of the property covered by the ordinance or application. Such notice shall clearly explain the proposed ordinance or application and shall notify the persons of the date, time and location of any public hearing on the proposed ordinance or application. The notice shall also inform the persons that the materials are available for inspection and of their opportunity to attend the meeting and be heard.



- (045) ~~300' Radius for Notification Area~~ For each zoning or Variance application to be considered at a public hearing, a notice shall be mailed as a courtesy to all property owners of record within a radius of 300 feet of the affected property; provided, however, that failure to receive such notice shall not invalidate any action or proceedings taken at the public hearing; Ordinances initiated by other than the County that would change the actual zoning map designation of a parcel of land or parcels of land shall be read by title, in full, at two (2) separate Board of County Commissioner hearings and shall be published at least ten (10) days before the planning and zoning board meeting, at least seven (7) days before the first Board of County Commissioner hearing and again at least ten (10) days before the second Board of County Commissioner adoption hearing which shall be at least ten (10) days after the first hearing. At least one Board of County Commissioner's hearing shall be held after 5 p.m. on a weekday, unless the Board, by a majority plus one vote, elects to conduct that hearing at another time of day.
- (056) ~~Posting of Property.~~ For each zoning or Variance application to be considered at a public hearing, the subject property shall be posted stating the requested action, the date and place of the public hearing, and where copies of the application and supporting documents may be viewed; Notice of small-scale development amendments to the comprehensive land use plan, initiated by someone other than the County, shall be published at least ten (10) days before the planning and zoning board public hearing and again at least five (5) days before the Board of County Commissioner's adoption hearing.
- (067) ~~Other Local Government Notification.~~ When a proposed zoning action or Variance lies within 300 feet of the jurisdiction of another local government, the Planning Board or governing body of that local government shall be notified, so that it may have an opportunity to send a representative to the public hearing to speak on its behalf. All comprehensive land use plan amendments, other than small-scale amendments, shall be published at least ten (10) days before the planning and zoning public hearing, and again at least seven (7) days before the first Board of County Commissioner's meeting, and again at least five (5) days before the Board of County Commissioner's adoption hearing.
- (8) Failure to provide advertised notice as set forth in the foregoing notice requirements shall not affect any action or proceedings taken under this section unless such notice is required by Florida Statutes.

~~(B) Public Notice Requirements for Amendments to Official Zoning Map Initiated by the Board of County Commissioners.~~

~~(01) Notification by Mail.~~

- ~~a. Where a zoning action has been initiated or undertaken at the direction of the Board of County Commissioners, and involves less than five percent of the total land area of the County, the Board of County Commissioners shall direct the Planning and Development Division to notify by mail each property owner whose land the County will rezone or whose land will be affected by the change in permitted use.~~
- ~~b. Such notice shall be given at least 30 days prior to the date set for the public hearing, and a copy of the notice shall be kept available for public inspection during regular business hours at the Office of Planning and Development.~~
- ~~c. The notice shall state the substance of the proposed ordinance as it affects that property owner and shall set a time and place for one or more public hearings on the ordinance.~~
- ~~d. The subject property shall be posted stating the requested action, the date and place of the public hearing, and where copies of the application and supporting documents may be viewed.~~
- ~~e. The Board of County Commissioners shall hold a public hearing on the proposed Ordinance and may, upon conclusion of the hearing, immediately adopt the Ordinance.~~

~~(02) Advertisement of Public Hearings.~~

- ~~a. Where a zoning action has been initiated or undertaken at the direction of the Board of County Commissioners, and involves five percent or more of the total land area of the County, the Board of County Commissioners shall hold two advertised public hearings on the proposed Ordinance.~~
- ~~b. Both hearings shall be held after 5:00 p.m. on a weekday, and the first shall be held approximately seven days after the day that the first advertisement is published.~~

- ~~e. The second hearing shall be held approximately two weeks after the first hearing and shall be advertised approximately five days prior to the public hearing.~~
- ~~d. The date, place, and time at which the second public hearing will be held shall be announced at the first public hearing.~~
- ~~e. The required advertisements shall be no less than one quarter page in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point.~~
- ~~f. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear.~~
- ~~g. The advertisement shall be published in a newspaper of general circulation in the County and of general interest and readership in the community.~~
- ~~(03) The advertisement shall be in the following form:~~

<p><del>NOTICE OF ZONING (PERMITTED USE) CHANGE</del>  <del>The Hardee County Board of County Commissioners proposes to rezone (change the permitted use of) the land within the area shown in the map in this advertisement.</del>  <del>A public hearing on the rezoning will be held on (date and time) at (meeting place).</del></p>
--

~~The advertisement shall also contain a geographic location map that clearly indicates the area covered by the proposed ordinance. The map shall include major street names as a means of identification of the area.~~

(B) Posting property.

- (1) All specific property being considered at a public hearing shall be posted at least ten (10) days in advance of the public hearing, provided however that the posting of specific property shall not be required when the property subject to change constitutes more than ten (10) contiguous acres. Such posting shall consist of a sign, the face surface of which shall not be larger than five hundred seventy- six (576) square inches in area, with black lettering and shall contain the following language:

[NAME OF DECISION-MAKING BODY]

NOTICE OF PUBLIC HEARINGPHONE:HEARING DATE:HEARING TIME:HEARING NUMBER:ACTION REQUESTED:ADDRESS:INTERESTED PARTIES MAY APPEAR AT THE MEETING AND WILL BE GIVEN THE OPPORTUNITY TO BE HEARD ON THE MATTER.

- (2) The sign shall be erected in full view of the public on each street side of the subject property. Where large parcels of property are involved with street frontages extending over considerable distances, as many signs shall be erected on the street frontage as may be deemed adequate by the County staff to inform the public.
- (3) The sign shall be located within the boundaries of the subject property and visible from the street.
- (4) The height of such sign shall be erected to project not more than seven (7) feet above the surface of the ground.
- (5) Failure to post specific property shall not affect any action or proceeding taken under the provisions of the Unified Land Development Code.

(C) Mailed Notices.

- (1) A notice of public hearing affecting specific properties containing general information as to the date, time, place of the hearing, property location and general nature of the application may be mailed to the property owners whose addresses are known by reference to the latest ad valorem tax record, within a three hundred (300) foot radius. This notification requirement is measured in feet from the perimeter boundaries of the subject property. The expense of mailing notice shall be borne by the applicant.

The Planning and Development Department may require that an additional area receive a courtesy notice on any application. The planning and development department may also require courtesy notices on applications that are not typically required to be so noticed if it is determined that such notice is desirable.

- (2) Courtesy notices shall be mailed at least ten (10) days prior to the date of the public hearing.

- (3) When a proposed ordinance is initiated by the County that changes the actual zoning map designation for a parcel or parcels of land less than ten (10) acres, the Planning and Development Department shall notify, by mail, each real property owner whose land the County will redesignate by enactment of the ordinance and whose address is known by reference to the latest ad valorem tax records. In addition, the notice will be mailed to all owners of property within a three hundred (300) foot radius of the subject property. The notice shall state the substance of the proposed ordinance as it affects that property owner and shall set a place and time for the public hearing on such ordinance. Such notice shall be given at least ten (10) days prior to the date of the planning and zoning board meeting and again at least thirty (30) days prior to the date of the Board of County Commissioner's public hearing.
- (4) Notice of small-scale development amendments to the Future Land Use Map, initiated by the County, shall be mailed to each owner of record of the property subject to the amendment in the current tax rolls. The notice shall state the substance of the proposed ordinance as it affects that property owner and shall set a time and place for the public hearing on such ordinance. Such notice shall be given at least ten (10) days prior to the date of the planning and zoning board public hearing and again at least thirty (30) days prior to the date of the Board of County Commissioner's public hearing.
- (5) Notice for ordinances that change the actual list of permitted, permitted with conditions or prohibited uses or special exceptions within a zoning category/use district, or ordinances initiated by the County that change the actual zoning map designation of a parcel or parcels of land involving ten (10) contiguous acres or more, shall be mailed at least ten (10) days prior to the planning and zoning board public hearing, again at least seven (7) days prior to the first Board of County Commissioner's public hearing and again at least five (5) days prior to the second Board of County Commissioner's adoption hearing.
- (6) A copy of mailed notice shall be available for public inspection during the regular business hours of the County.
- (7) Failure to mail where required by the Unified Land Development Code or receive notice shall not affect any action or proceeding taken under the Unified Land Development Code. The applicant shall be required to provide a mailing list and labels of the area within the radius prescribed above to the County. The mailing list shall be accompanied by a map certified by a registered surveyor or engineer or sworn to by a person regularly in the business of providing such lists, indicating the property within a three hundred (300) foot radius of the subject property.

*Comment: Section relocated from Section 8.05.00; and amended to be consistent*

*with Florida Statutes and more concise.*

#### **~~8.06.00. STATUTORY REQUIREMENTS FOR COMPREHENSIVE PLAN AMENDMENTS.~~**

~~There are two general types of Comprehensive Plan Amendments: text amendments; and, amendments effecting land use, development standards, and maps.~~

*Comment: Section relocated from Section 8.06.00 and deleted; Section held as reserved.*

#### **SECTION 10.11.00 PUBLIC RECORDS**

All resolutions, ordinances, and records involving permitted land uses, development regulations, and development approval are hereby declared to be public information and shall be maintained in an orderly fashion by the Planning and Development Division. Such materials shall be available for public inspection between the hours of 8:00 a.m. and 4:00 p.m. on weekdays at the office of the Planning and Development Division. Copies shall be made available at a price reflecting the County's reproduction costs.

*Comment: Section relocated from Section 8.07.00.*

#### **SECTION 10.11.00 ADMINISTRATIVE FEES**

~~The Board of County Commissioners shall, by separate resolution, establish and revise as necessary a schedule of fees for zoning changes, review/approval of plans, administrative approvals, and other actions undertaken under the provisions of this Code. All fees shall be set, at a minimum, at levels that cover the County's costs of administration, inspection, and enforcement.~~

A schedule of fees may be established by resolution of the Board of County Commissioners to cover the costs of technical and administrative activities required pursuant to these regulations. Unless specifically exempted by the provisions of these regulations or by the County Manager or designee based upon a showing of hardship, an applicant for any development that is subject to the regulations set out in this Code shall bear the costs stipulated within such fee schedule. An application shall not be deemed sufficient until all required fees have been paid.

All costs of advertising, mailing, and posting shall be borne by the applicant. For the purpose of the Planning and Zoning Board and Board of County Commissioner advertisements as set forth in this Section, the applicant shall pay a pro-rata share of the advertisement cost for each item submitted for review with any other applicant on the same agenda.

*Comment: Section relocated from Section 8.08.00; Language updated to address fees.*

**AUGUST 31, 2023 DRAFT UNIFIED LAND DEVELOPMENT CODE ADDITIONAL AMENDED TEXT**

**ARTICLE 11: VARIANCES, WAIVERS, ADMINISTRATIVE ADJUSTMENTS, AND NON-CONFORMITIES**

Additional changes to the August 17, 2023 Draft Unified Land Development Code are highlighted in yellow.

**THROUGHOUT**

References to Land Development Code Updated to Unified Land Development Code.

“Designee” removed from “The Planning and Development Director, or designee” as the Planning and Development Director shall be the least senior person with approval.

**SECTION 11.02.00 COMPARISON OF VARIANCES, WAIVERS, AND ADMINISTRATIVE ADJUSTMENTS**

The following table provides a comparison of the variance, waiver, and administrative adjustment process.

**Table 11-01**  
**Comparison of Variance, Waiver, and Administrative Adjustment**

<u>Item</u>	<u>Variance</u>	<u>Waiver</u>	<u>Administrative Adjustment</u>
<u>Level of Approval</u>	<u>BoCC</u>	<u>BoCC or P&amp;Z</u>	<u>Administrative</u>
Quasi-judicial Hearing	X	X	
Required Public Hearing	X	X	
May be approved with undue hardship created by unique circumstances that the property owner did not create.	X	X	X
May be approved if the hardship is created by the property owner.		X	X
Authorized only for height, area, size of structure or size of yards and open spaces, or other dimensional requirements.	X		

*Comment: New Section added to provide clarity in the processes.*

**11.05.04.01 Administrative Approval of Minor Field Adjustments**

The Planning and Development Director or Building Official, in the event the request is governed by the Florida Building Code, has the authority to approve minor field adjustments. A minor field adjustment is a deviation from a final development order that falls within the following limits and that is necessary in light of technical or engineering considerations first discovered during actual development and not reasonably anticipated during the initial approval process:

- (A) Alteration of the location of any road, walkway, landscaping, or structure by not more than five (5) feet.
- (B) Reduction of the total amount of the yard area associated with any single structure by not more than 10 percent.
- (C) Reduction of the total amount of open space by not more than 10 percent associated with any single structure.
- (D) If the work is found to have one or more minor field adjustments, the applicant shall submit a revised site plan showing the deviations and the development order to conform to the actual development. Any minor field adjustment that significantly affects the development's compliance with the purposes of this Code to the Board of County Commissioners.

*Comment: New Section added to address reference to Minor deviations from development permits and development orders; Language added to clarify when the Building Official would approve.*

#### **11.05.04.02 Major Deviation from Development Permits and Development Orders**

A major deviation is a deviation from a final development order other than a minor field adjustment.

Failure to adhere to the terms and conditions of a development order shall be considered a violation of the County Code and any persons found violating the conditions shall be subject to the penalties prescribed by Section xxx of the Code of Ordinances, including but not limited to, the revocation of any of the approval(s) granted by the development order.

*Comment: New Section added to address reference to Major deviations from development permits and development orders; Reference to language to be adopted in the Code of Ordinances.*



### **11.05.04.03 Setback Adjustments**

In single-family zoning districts ~~land use classifications~~ only, the Planning and Development Director may approve the reduction of front, side, and rear building setbacks for principal and accessory structures (excluding swimming pools) by no more than 10% subject to the following conditions:

- (01) The setback requirement is established by the zoning district ~~land use classification~~ and no other Section of this Code.
- (02) The total structural coverage of the lot or building site shall not exceed 25 ~~45~~ %.
- (03) The approval would not result in the encroachment of a structure into an existing utility or drainage easement held by the County.
- (04) A certified survey shall be submitted by the applicant verifying building locations and structural coverage; ~~and,~~
- ~~(05) A statement of no objection shall be provided with notarized signatures of owners of all adjoining properties.~~

~~At his/her discretion, the Planning and Development Director may deny the request for setback adjustment and refer the application to the Board of County Commissioners as a Variance, or for approval of a Site Development Plan.~~

*Comment: Language relocated from Section 8.02.01(A); Language requiring signatures of adjacent property owners removed as a 10 percent change to a setback is minor (Range of 0.7 to 3 feet); Language allowing item to be forwarded to Board of County Commissioners as a variance deleted because that is an existing option of the ULDC.*

### **SECTION 11.06.00 NON-CONFORMITIES:**

~~Non-conformities are land uses, structures, lots, and other elements of development that do not conform to the provisions of this Code but were created in accordance with those land development regulations (if any) in effect at the time of their establishment. Subject to the provisions listed below, non-conformities may continue to exist if otherwise lawful and in existence on the date of adoption of this Code. The casual, intermittent, temporary, or illegal use of land or structures prior to the effective date of this Code shall not qualify such use or structure for the privileges outlined in this Section.~~

The regulations of this Article govern uses, structures, lots, signs, and other situations that came into existence legally but that do not conform to one or more requirements of this Unified Land Development Code. These are referred to in this Code as "nonconformities."

To encourage development consistent with this Unified Land Development Code and provide owners with reasonable use of their land, it is the general policy of the County to allow uses, structures, signs, lots, and other situations that came into existence legally, in conformance with then applicable requirements, to continue to exist and be put to productive use, but to bring as many aspects of such situations into compliance with existing regulations as is reasonably possible in a manner consistent with the Comprehensive Plan.

The regulations of this Article are intended to:

- (A) Recognize the interests of owners in continuing to use their property;
- (B) Promote reuse, rehabilitation, and redevelopment of existing buildings and sites; and
- (C) Prohibit the expansion and alteration of nonconformities that have the potential to adversely affect surrounding properties or the community as a whole.

Any nonconformity that existed on the effective date of this Code or that becomes non-conforming upon the adoption of any amendment to this ULDC, may be continued in accordance with the provisions of this Article.

The burden of proving that a nonconformity exists rests with the subject owner. Non conformity status runs with the land and is not affected by changes of tenancy, ownership, or management.

*Comment: Language relocated from Section 7.16.00 and updated to better explain non-conformities.*

**11.06.01**  ~~Non-conforming Uses~~

~~Non conforming uses shall not be:~~

- ~~(A) Enlarged, increased or expanded to occupy a greater land or floor area than at the effective date of this Code or amendment to the Code, whichever date created the non conformity;~~
- ~~(B) Enlarged or intensified through the erection of any additional structure or use that is not permitted under the provisions of this Code;~~
- ~~(C) Re-established if destroyed or if use is discontinued for 90 consecutive days;~~
- ~~(D) Moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of this Code;~~

~~Non-conforming uses of land where no principal structure exists, other than Agriculture, shall be discontinued within two years of the adoption of this Code or amendment thereto, whichever date rendered the use non-conforming.~~

A use permitted by temporary use permit, or a use permitted by special use permit or special exception under previous zoning regulations; and which is a permitted use under the current Code shall be allowed to continue, extend, enlarge, expand, rebuild, or repair consistent with the requirements of the current Code, subject to voluntary termination of the previous approval in accordance with its approval process. So long as the existing permit remains valid, the use may continue, extend, enlarge, expand, rebuild, or repair consistent with the conditions of the existing development order.

(A) *Nonconforming Uses.* A nonconforming use of a structure shall be allowed to continue provided that it shall not be:

(1) Changed to another nonconforming use except where it is determined by the BOCC in accordance with the review process identified in Article 9, that:

(a) The design, construction, and character of the building is unsuitable for uses permitted in the district in which such nonconforming use is situated;

(b) It is further determined that the proposed nonconforming use, including its customary accessory uses, is equally or more appropriate to the district than the existing nonconforming use; and

(c) That the relation of the structure to the surrounding properties is such that adverse effects on occupants of neighboring properties will not be greater than if the existing nonconforming use is continued.

(2) Extended, enlarged, or expanded; unless under one of the following exceptions:

(a) Structural alterations to single-family residences shall be permitted if the cost of the structural alteration does not exceed fifty (50) percent of the market value of the structure.

(b) A single unenclosed covered structure less than one thousand five hundred (1,500) square feet may be added to non-residential sites provided that such structure complies with any required setbacks.

(c) A manufactured or mobile home established as a legal permanent residence prior to the effective date of this Code and which has not

been vacant for longer than one hundred eighty (180) days may be repaired, rebuilt or replaced in accordance with the following requirements:

1. The repaired, rebuilt, or replaced manufactured or mobile home meets the requirements and limitations, with the exception of zoning district, in \_\_\_\_\_; and
2. The Planning and Development Director determines that the replacement mobile home or manufactured home is newer than the unit being replaced.

(B) *Loss of Nonconforming Use Status.* Once a nonconforming use is abandoned, the use's nonconforming status is lost, and any subsequent use of the property shall comply with the regulations of the zoning district in which it is located. A nonconforming use will be considered abandoned when any of the following occurs:

- (1) The intent of the owner to discontinue the use is apparent;
- (2) The use has been discontinued for a period of eighteen (18) months or more;
- (3) A demolition permit has been applied for;
- (4) The characteristic equipment and furnishings associated with the nonconforming use have been removed from the premises and have not been replaced by similar equipment within ninety (90) days, unless other facts show intention to resume the nonconforming use;
- (5) The nonconforming use has been replaced by a conforming use; or
- (6) A building permit to reconstruct a damaged nonconforming use has not been secured within twelve (12) months of the date of occurrence of such damage or construction has not been diligently pursued.

(C) When a building or structure, the use of which does not conform to the provisions of this Code, is damaged to the extent of more than fifty percent (50%) of its fair market value immediately prior to the time of destruction, as determined by the County property appraiser, the use may not be restored except in conformity with the regulations of the applicable zoning district. This provision does not apply to single-family dwellings.

(D) Discontinuance of Nonconforming Uses of Land. Nonconforming uses of land, not contained within principal buildings and any open use of land that becomes nonconforming because of subsequent amendments to this Code, including but not limited to open storage; building supplies; vehicle, implement and machinery storage, either on the same lot or on another lot with a plant, factory or sales facility; junkyards; kennels; commercial dairies that did not exist prior to the effective date of this Code; commercial animal raising and similar uses shall comply with this Code or be discontinued on or before eighteen (18) months following notice by certified mail by the County, unless that time period for conformance or extension is extended by the BOCC. Prior to the conclusion of eighteen (18) months following notice of nonconformance by the County, a property owner may submit an application for an extended time period for conformance or discontinuance of a nonconforming open use of land in accordance with Article 9, Application Review and Decision Making. At a properly noticed public hearing, the BOCC shall consider the following as part of its decision to approve or deny an application for an extended time period for conformance or discontinuance of a nonconforming use, and, if approved, its decision of how long to extend the time period:

(1) To what extent the nonconforming use adversely affects the health, safety and welfare of the public; and

(2) Whether and to what extent, before the use became nonconforming, the owner made a substantial change in position or incurred extensive obligations and expenses that cannot be mitigated or recovered on or before eighteen (18) months following notice of nonconformance by the County.

The BOCC may require that satisfactory provisions be made to reduce noise, glare, or odor effects on surrounding properties as a condition of granting an extension of the time period for conformance or discontinuance. These provisions may include, but are not limited to, increased setbacks from the property lines, additional screening or buffering from neighboring properties, and limited hours of operation. If a property owner or other lawful occupant of a property for which the BOCC has approved a time period extension, fails to comply with the conditional provisions of the approval, the Board may, at a properly noticed public hearing, revoke the time period extension. Nothing in this provision prevents the BOCC from requiring the immediate conformance or discontinuance of a nonconforming use if it determines a particular use to be an imminent and substantial threat or nuisance to the health, safety, and welfare of the public.

**(E) Accessory Uses and Structures. A use accessory to a principal nonconforming use or structure may not be continued after the principal use or structure has lost its nonconforming status or been discontinued.**

*Comment: Language relocated from Section 7.16.01(A) through (D) and deleted; New language added to address nonconforming uses and structure.*

#### **11.05.04 Allowable Adjustments**

Only the following adjustments may be approved by the Planning and Development Director pursuant to Sections 11.05.02 and 11.05.03.

*Comment: New Section added to address the allowable administrative adjustments.*

##### **11.05.04.01 Administrative Approval of Minor Field Adjustments**

A minor field adjustment is a deviation from a final development order that falls within the following limits and that is necessary in light of technical or engineering considerations first discovered during actual development and not reasonably anticipated during the initial approval process:

- (A) Alteration of the location of any road, walkway, landscaping, or structure by not more than five feet;
- (B) Reduction of the total amount of open space by not more than five percent, or reduction of the yard area or open space associated with any single structure by not more than five percent; provided that such reduction does not permit the required yard area or open space to be less than that required by this Code;
- (C) If the work is found to have one or more minor field adjustments, the applicant shall be required to submit a revised site plan showing the deviations and amend the development order to conform to actual development. The County Manager or his/her designee may, however, refer any minor field adjustment that significantly affects the development's compliance with the intent and purposes of this Code to the Planning and Zoning Board for treatment as a major deviation; ~~and,~~
- (D) *Major Deviation Defined.* A major deviation is a deviation other than a minor field adjustment, from a final development order.

*Comment: Section relocated from Section 8.09.02.*

*Comment: New Section added to address reference to Minor deviations from*

*development permits and development orders.*

**11.05.04.02 Major Deviation from Development Permits and Development Orders**

A major deviation is a deviation from a final development order other than a minor field adjustment.

Failure to adhere to the terms and conditions of a development order shall be considered a violation of the County Code and any persons found violating the conditions shall be subject to the penalties prescribed by Section xxx of the Code of Ordinances, including but not limited to, the revocation of any of the approval(s) granted by the development order.

*Comment: New Section added to address reference to Major deviations from development permits and development orders; Reference to language to be adopted in the Code of Ordinances.*

**11.05.04.02- Major Deviation from Development Permits and Development Orders-**

- (A) If the work is found to have one or more major deviations, the Planning and Development Division shall:
  - (Ø1) Place the matter on the next agenda of the Board of County Commissioners, allowing for adequate notice, and recommend appropriate action for the Board of County Commissioners to take<sub>7</sub>.
  - (Ø2) Issue a stop work order and/or refuse to allow occupancy of all or part of the development if deemed necessary to protect the public interest. The order shall remain in effect until the County Manager/designee determines that work or occupancy may proceed pursuant to the decision of the Planning and Zoning Board<sub>7</sub>; and<sub>7</sub>.
  - (Ø3) Refer the matter to the Code Enforcement Department, if it appears that the developer has committed violations of the development order.
  
- (B) The Code Enforcement Officer shall follow the process set forth in Section ~~8.10.00~~ 12.01.00 of this Code.

*Comment: Section relocated from Section 8.09.03.*

**AUGUST 31, 2023 DRAFT UNIFIED LAND DEVELOPMENT CODE ADDITIONAL AMENDED TEXT**

**ARTICLE 12: CODE COMPLIANCE**

The entire Article 12 is traded out as language related to Code Enforcement is being deleted to be adopted through the updated Code of Ordinances. The name of the Article is amended from Code Compliance and “Code Enforcement” to “Code Compliance”.



**HARDEE COUNTY**  
**DRAFT UNIFIED LAND DEVELOPMENT CODE AMENDMENTS**  
**CROSS REFERENCE MATRIX**  
**ARTICLE 12 • CODE COMPLIANCE**

PROPOSED LDC REFERENCE		EXISTING ULDC REFERENCE		COMMENT
Section	Title	Section	Title	
12.01.00	Buildings and Construction	8.10.00	Code Enforcement	Section title Relocated and replaced as Buildings and Construction
		8.10.01	Authority and Purpose	Section relocated from Section 8.10.01 and deleted as it will be adopted through the updated Code of Ordinances
		8.10.02	Designation of Code Enforcement Officers	Section relocated from Section 8.10.02 and deleted as it will be adopted through the updated Code of Ordinances
12.01.01	Definitions	8.01.05	Definitions	Section relocated from Section 8.01.05; definitions relocated to Article 14
		8.10.03	Citation Authorization; Violation As Civil Infraction; Maximum Civil Penalty	Section relocated from Section 8.10.03 and deleted as it will be adopted through the updated Code of Ordinances.
		8.10.03.01	Notice Prior to Citation Issuance; Exception	Section relocated from Section 8.10.03.01 and deleted as it will be adopted through the updated Code of Ordinances.
		8.10.03.02	Service of Warning Notice or Citation	Section Relocated and deleted as it will be adopted through the updated Code of Ordinances.
		8.10.03.03	Form of Contents of Citation; Filing with Court	Section Relocated and deleted as it will be adopted through the updated Code of Ordinances.
		8.10.03.04	Refusal to Sign Citation	Section Relocated and deleted as it will be adopted through the updated Code of Ordinances.
		8.10.03.05	Payment of Civil Penalty; Court Hearings	Section Relocated and deleted as it will be adopted through the updated Code of Ordinances.
		8.10.03.06	Amounts and Procedure for Payment of Civil Penalty	Section Relocated and deleted as it will be adopted through the updated Code of Ordinances.
12.01.02	Administration of the Florida Building Code	8.01.02	Administration of the Florida Building Code	Section Relocated from Section 8.01.02
12.01.03	Permitting and Inspection	8.01.03	Permitting and Inspection	Section Relocated from Section 8.01.03
12.01.03.01	Applicability	8.01.04	Applicability	Section Relocated from Section 8.01.04
12.01.03.01(A)	General	8.01.04.01	General	Section Relocated from Section 8.01.04.01
12.01.03.01(B)	Building	8.01.04.02	Building	Section Relocated from Section 8.01.04.02; Some language removed as it is addressed in the Florida Building Code.
		8.01.04.03	Electrical	Section Relocated; Section deleted as it is addressed in the Florida Building Code.
		8.01.04.04	Gas	Section Relocated; Section deleted as it is addressed in the Florida Building Code.

PROPOSED LDC REFERENCE		EXISTING ULDC REFERENCE		COMMENT
Section	Title	Section	Title	
		8.01.04.05	Plumbing	Section Relocated; Section deleted as it is addressed in the Florida Building Code.
		8.01.04.06	Federal and State Authority	Section Relocated; Section deleted as it is addressed in the Florida Building Code.
		8.01.04.07	Referenced Standards	Section Relocated; Section deleted as it is addressed in the Florida Building Code.
		8.01.04.08	Units of Measure	Section Relocated; Section deleted as it is addressed in the Florida Building Code.
		8.01.04.09	Accessibility	Section Relocated; Section deleted as it is addressed in the Florida Building Code.
		8.01.04.10	Energy	Section Relocated; Section deleted as it is addressed in the Florida Building Code.
12.02.00	Building Official Powers and Duties Related to Code Compliance and Enforcement	8.01.06	Powers and Duties	Section Title Relocated and expanded to reference the Building Official
12.02.01	General	8.01.06.01	General	Section Relocated reference to location of other powers and duties of the Building Official added.
12.02.02	Right of Entry	8.01.06.02	Right of Entry	Section Relocated from Section 8.01.06.02
12.02.03	Stop Work Orders	8.01.06.03	Stop Work Orders	Section Relocated from Section 8.01.06.03
		8.01.06.04	Revocation of Permits	Section Relocated from Section 8.01.06.04 and deleted because it is addressed in the Florida Building Code.
12.02.04	Unsafe Buildings or Systems	8.01.06.05	Unsafe Buildings or Systems	Section Relocated from Section 8.01.06.05
12.02.05	Requirements Not Covered by Code	8.01.06.06	Requirements Not Covered by Code	Section Relocated from Section 8.01.06.06
12.03.00	Permits	8.01.07	Permits	Section Relocated from Section 8.01.07
		8.01.07.01	Exceptions	Section relocated from Section 8.01.07.01 and deleted because it is addressed in Florida Building Code.
		8.01.07.02	Information Required	Section relocated from Section 8.01.07.02 and deleted because it is addressed in Florida Building Code.
		8.01.07.03	Time Limitations	Section relocated from Section 8.01.07.03 and deleted because it is addressed in Florida Building Code.
		8.01.07.04	Notice of Commencement	Section relocated from Section 8.01.07.04 and deleted because it is addressed in Florida Building Code.
		8.01.07.05	Asbestos	Section relocated from Section 8.01.07.05 and deleted because it is addressed in Florida Building Code.
		8.01.07.06	Drawings and Specifications	Section relocated from Section 8.01.07.06 and deleted because it is addressed in Florida Building Code.
		8.01.07.07	Roof Assemblies	Section relocated and deleted from Section 8.01.07.07 because it is addressed in Florida Building Code.

PROPOSED LDC REFERENCE		EXISTING ULDC REFERENCE		COMMENT
Section	Title	Section	Title	
		8.01.07.08	Additional Data	Section relocated from Section 8.01.07.08 and deleted because it is addressed in Florida Building Code.
		8.01.07.09	Design Professional	Section relocated from Section 8.01.07.09 and deleted because it is addressed in Florida Building Code.
		8.01.07.09.01	Certification by Contractors	Section relocated from Section 8.01.07.09.01 and deleted because it is addressed in Florida Building Code.
		8.01.07.10	Structural and Fire Resistance Integrity	Section Relocated from Section 8.01.07.10 and deleted because it is addressed in the Florida Building Code and Florida Fire Code.
12.03.01	Site Drawings	8.01.07.11	Site Drawings	Section Relocated from Section 8.01.07.11 and updated to reflect current requirements.
		8.01.07.11.01	Hazardous Occupancies	Section relocated from Section 8.01.07.11.01 and deleted because it is addressed in Florida Building Code.
		8.01.07.12	Certificate of Protective Treatment for Termite Prevention	Section relocated from Section 8.01.07.12 and deleted because it is addressed in Florida Building Code.
		8.01.07.13	Notice of Termite Protection	Section relocated from Section 8.01.07.13 and deleted because it is addressed in Florida Building Code.
		8.01.08	Examination of Documents	Section relocated from Section 8.01.07.14 and deleted because it is addressed in Florida Building Code.
		8.01.08.01	Plan Review	Section relocated and deleted because it is addressed in Florida Building Code.
12.03.02	Minimum Plan Review Criteria – Buildings	8.01.08.02	Minimum Plan Review Criteria – Buildings	Section relocated from Section 8.01.08.02 and portion of language deleted because it is addressed in the Florida Building Code; references to mobile homes deleted as they are no longer constructed.
12.03.03	Minimum Construction, Design, Quality, and Condition Standards – Used/Pre-Owned Manufactured Homes	8.01.08.03	Minimum Construction, Design Quality and Condition Standards – Used/Pre-Owned Manufactured and Mobile Homes	Section Relocated; references to mobile homes deleted as they are no longer constructed.
12.04.03.01	Definitions	8.01.08.03.01	Definitions	Section title relocated from Section 8.01.08.03.01; definitions relocated to Article 14
12.03.03.02	Prohibited Manufactured Homes	8.01.08.03.02	Prohibited Manufactured/Mobile Homes	Section Relocated from Section 8.01.08.03.02; references to mobile homes deleted because they are no longer constructed.
		8.01.08.04	Commercial - Building	Section relocated from Section 8.01.08.04 and deleted because it is addressed in Florida Building Code.
		8.01.08.05	Commercial-Electrical	Section relocated from Section 8.01.08.05 and deleted because it is addressed in Florida Building Code.
		8.01.08.06	Commercial – Plumbing	Section relocated from Section 8.01.08.06 and deleted because it is addressed in Florida Building Code.
		8.01.08.07	Commercial – Mechanical	Section relocated from Section 8.01.08.07 and deleted because it is addressed in Florida Building Code.

PROPOSED LDC REFERENCE		EXISTING ULDC REFERENCE		COMMENT
Section	Title	Section	Title	
		8.01.08.08	Commercial – Gas	Section relocated from Section 8.01.08.08 and deleted because it is addressed in Florida Building Code.
		8.01.08.09	Commercial – Demolition	Section relocated from Section 8.01.08.09 and deleted because it is addressed in Florida Building Code.
		8.01.08.10	Conditions of the Permit	Section relocated from Section 8.01.08.10 and deleted because it is addressed in Florida Building Code.
12.03.03.03	Fees	8.01.08.11	Fees	Section Relocated from Section 8.01.08.11
12.03.03.04	Inspections	8.01.08.12	Inspections	Section Title Relocated from Section 8.01.08.12
12.03.03.04.01	Existing Building Inspections	8.01.08.12.01	Existing Building Inspections	Section Relocated from Section 8.01.08.12.01
12.03.03.04.02	Inspections Prior to Issuance of Certificate of Occupancy	8.01.08.12.02	Inspections Prior to Issuance of Certificate of Occupancy	Section Relocated from Section 8.01.08.12.02
12.03.03.04.03	Site Debris	8.01.08.12.03	Required Inspections	Section relocated from Section 8.01.08.12.03; Text that is deleted is addressed via the Florida Building Code. Only text retained is Site Debris, so retitled to accommodate topic.
		8.01.08.13	Written Release	Section Relocated from Section 8.01.08.13; language deleted because it is addressed in the Florida Building Code.
		8.01.08.14	Reinforcing Steel and Structural Frames	Section Relocated from Section 8.01.08.14; language deleted because it is addressed in the Florida Building Code.
		8.01.08.15	Plaster Fire Protection	Section Relocated from Section 8.01.08.15; language deleted because it is addressed in the Florida Building Code.
		8.01.08.16	Fire Resistant Joints and Penetrations	Section Relocated from Section 8.01.08.16; language deleted because it is addressed in the Florida Building Code.
		8.01.08.17	Termites	Section Relocated from Section 8.01.08.17; language deleted because it is addressed in the Florida Building Code.
		8.01.08.18	Threshold Building	Section Relocated from Section 8.01.08.18; language deleted because it is addressed in the Florida Building Code.
		8.01.09	Certificate of Occupancy	Section Relocated from Section 8.01.09; language deleted because it is addressed in the Florida Building Code.
		8.01.09.01	Building Occupancy	Section Relocated from Section 8.01.09.01; language deleted because it is addressed in the Florida Building Code.
		8.01.09.02	Issuing Certificate of Occupancy	Section Relocated from Section 8.01.09.02; language deleted because it is addressed in the Florida Building Code.
12.04.00	Service Utilities	8.01.10	Service Utilities	Section Relocated from Section 8.01.10
12.04.01	Connection of Service Utilities	8.01.10.01	Connection of Service Utilities	Section Relocated from Section 8.01.10.01
12.04.02	Temporary Connection	8.01.10.02	Temporary Connection	Section Relocated from Section 8.01.10.02
12.04.03	Authority to Disconnect Service Utilities	8.01.10.03	Authority to Disconnect Service Utilities	Section Relocated from Section 8.01.10.03

PROPOSED LDC REFERENCE		EXISTING ULDC REFERENCE		COMMENT
Section	Title	Section	Title	
		2.27.00	Abandoned, Wrecked, Dismantled, Or Inoperative Motor Vehicles	Section Relocated from Section 2.27.00 and deleted as it will be adopted through the updated Code of Ordinances.
		2.27.01	Definitions	Section Relocated from Section 2.27.01 and deleted as it will be adopted through the updated Code of Ordinances.
		2.27.02	Storing, Parking, or Leaving Junked Motor Vehicle Prohibited; Declared Nuisance; Exception	Section Relocated from Section 2.27.02 and deleted as it will be adopted through the updated Code of Ordinances.
		2.27.03	Penalty for Violation of this Section	Section relocated from Section 2.27.03 and deleted as it will be adopted through the updated Code of Ordinances.
		2.27.04	Notice to Remove	Section relocated from Section 2.27.04 and deleted as it will be adopted through the updated Code of Ordinances.
		2.27.05	Responsibility for Removal	Section relocated from Section 2.27.05 and deleted as it will be adopted through the updated Code of Ordinances.
		2.27.06	Notice Procedure	Section relocated from Section 2.27.06 and deleted as it will be adopted through the updated Code of Ordinances.
		2.27.07	Contents of Notice	Section relocated from Section 2.27.07 and deleted as it will be adopted through the updated Code of Ordinances.
		2.27.08	Request for Hearing	Section relocated from Section 2.27.08 and deleted as it will be adopted through the updated Code of Ordinances.
		2.27.09	Removal of Motor Vehicle from Property	Section relocated from Section 2.27.09 and deleted as it will be adopted through the updated Code of Ordinances.
		2.27.10	Notice of Removal	Section relocated from Section 2.27.10 and deleted as it will be adopted through the updated Code of Ordinances.
		2.27.11	Disposition of Vehicles	Section relocated from Section 2.27.11 and deleted as it will be adopted through the updated Code of Ordinances.
		2.27.12	Contents of Public Sale Notice	Section relocated from Section 2.27.12 and deleted as it will be adopted through the updated Code of Ordinances.
		2.27.13	Public Sale	Section relocated from Section 2.27.13 and deleted as it will be adopted through the updated Code of Ordinances.
		2.27.14	Redemption of Impounded Vehicles	Section relocated from Section 2.27.14 and deleted as it will be adopted through the updated Code of Ordinances.
		2.27.15	Liability of Owner or Occupant	Section relocated from Section 2.27.15 and deleted as it will be adopted through the updated Code of Ordinances.

## ARTICLE 12 CODE COMPLIANCE

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## ARTICLE 12 CODE COMPLIANCE

Text that is underlined is text to be added and text that is shown as ~~strikeout~~ is to be removed. *Comments* provided for information and are not adopted as part of the Unified Land Development Code text.

### **SECTION 12.01.00 ~~CODE ENFORCEMENT, BUILDINGS AND CONSTRUCTION~~**

*Comment: Section title relocated from Section 8.10.00 and replaced as Buildings and Construction.*

#### ~~8.10.01. Authority and Purpose.~~

- ~~(A) This Section is adopted pursuant to Section 125.69 and Chapter 162, Part II, Florida Statutes, as a supplemental method of enforcing certain of the codes and ordinances of Hardee County, and is enacted to protect the public health, welfare, and safety of the citizens of said Hardee County;~~
- ~~(B) Nothing in this Section shall be construed to prohibit Hardee County from enforcing its codes and ordinances by any other means including, but not limited to, a summons, a notice to appear in the County Court, an arrest, an action before the Code Enforcement Board or Special Master, a civil action for injunctive relief, a stop work order, or demolition.~~

*Comment: Section relocated from Section 8.10.01 and deleted as it will be adopted through the updated Code of Ordinances.*

#### ~~8.10.02. Designation of Code Enforcement Officers.~~

- ~~(A) The Board of County Commissioners of Hardee County, Florida hereby designates all code inspectors, sworn law enforcement officers, and fire inspectors as Code Enforcement Officers" who shall have the powers and authority to enforce the codes and ordinances of Hardee County as set forth in this Section;~~
- ~~(B) The training and qualifications of the Code Enforcement Officers shall be established by the Board of County Commissioners, Hardee County, Florida;~~
- ~~(C) Except as to sworn law enforcement officers, designation as a Code Enforcement Officer does not confer the power of arrest or other law enforcement powers, nor subject the Code Enforcement Officers to the provisions of Chapter 943, Florida Statutes;~~



- ~~(D) Nothing in this Section shall be construed to amend, alter, or contravene the provision of any retirement or pension plan or system administered by Hardee County.~~

*Comment: Section relocated from Section 8.10.02 and deleted as it will be adopted through the updated Code of Ordinances.*

**12.01.01: Definitions:**

The following words, terms, and phrases, when used in this Section, shall have the meanings described to them in ~~this Section~~ Article 14, Construction and Construction Related Terms, except where the context clearly indicates a different meaning. Additional definitions relative to this Section and Article ~~812~~ generally may be found in Article 914, Definitions and Acronyms, Land Development Code.

*Comment: Section relocated from Section 8.01.05; definitions relocated to Article 14.*

~~8.10.03. Citation Authorization; Violation As Civil Infraction; Maximum Civil Penalty.~~

- ~~(A) Any Code Enforcement Officer designated pursuant to Section 8.10.2. of this Code is hereby authorized to issue a citation to a person when, based upon personal investigation, the Code Enforcement Officer has reasonable cause to believe that the person has committed a violation of this Code or ordinance adopted by the Board of County Commissioners;~~
- ~~(B) A code or ordinance violation, for which a citation may be issued pursuant to this Section, shall be deemed to be a civil infraction;~~
- ~~(C) The maximum civil penalty for such a civil infraction shall not exceed \$500.00 per day per violation plus all applicable costs of prosecution and legislative assessments plus court costs of \$10.00~~
- ~~(D) Each violation of a code or ordinance shall be a separate civil infraction. Each day such violation shall continue shall be deemed to constitute a separate civil infraction.~~

*Comment: Section relocated from Section 8.10.03 and deleted as it will be adopted through the updated Code of Ordinances.*

~~8.10.03.01. Notice Prior to Citation Issuance; Exception.~~

- ~~(A) — Prior to issuing a citation, a Code Enforcement Officer shall provide notice to the person that the person has committed a violation of a code or ordinance and shall establish a reasonable time period within which the person must correct the violation. Such time period shall be no more than 30 calendar days. If, upon personal investigation a Code Enforcement Officer finds that the person has not corrected the violation within the time period, the Code Enforcement Officer may issue a citation to the person who has committed the violation.~~
- ~~(B) — A Code Enforcement Officer shall not be required to provide the person with a reasonable time period to correct the violation prior to issuing a citation and may immediately issue a citation if a repeat violation is found or if the Code Enforcement Officer has reason to believe that the violation presents a serious threat to the public health, safety, or welfare, or if the violation is irreparable or irreversible.~~

*Comment: Section relocated from Section 8.10.03.01 and deleted as it will be adopted through the updated Code of Ordinances.*

~~8.10.03.02. — Service of Warning Notice or Citation.~~

- ~~(A) — Written warning notices, if applicable, and citations shall be provided to the alleged violator by hand delivery by the Code Enforcement Officer. In the absence of the alleged violator, issuance of a written warning notice or citation may be accomplished by leaving a copy at the alleged violator's residence with any person residing therein who is 15 years of age or older and informing the person of the contents and serving the alleged violator a copy of the citation to the alleged violator's residence by registered mail or by certified mail, return receipt requested.~~
- ~~(B) — Issuance of a written warning notice or citation to a business may be accomplished by hand delivery by the Code Enforcement Officer to the owner of the business, or by leaving a copy at the business, during regular business hours, with any employee and informing the employee of the contents and serving the owner of the business a copy of the citation to the business address by registered mail or by certified mail, return receipt requested.~~

~~Each employee of the business shall be deemed to be an agent of the business for service of warning notices and citations.~~

*Comment: Section relocated from Section 8.10.03.02 and deleted as it will be adopted through the updated Code of Ordinances.*

~~8.10.03.03. Form of Contents of Citation; Filing with Court.~~

~~A citation issued by a Code Enforcement Officer shall be in a form prescribed by the Board of County Commissioners, or promulgated by administrative order issued by the Chief Judge of the Tenth Judicial Circuit in the case of a Uniform Code Citation, and shall contain:~~

- ~~(A) The date and time of issuance;~~
- ~~(B) The name and address of the person to whom the citation is issued;~~
- ~~(C) The date and time the civil infraction was committed documented;~~
- ~~(D) The facts constituting reasonable cause;~~
- ~~(E) The number of the section of the code or ordinance violated;~~
- ~~(F) The name and authority of the Code Enforcement Officer;~~
- ~~(G) The procedure for the person to follow in order to pay the civil penalty or to contest the citation;~~
- ~~(H) The applicable civil penalty if the person elects not to contest the citation;~~
- ~~(I) The applicable civil penalty if the person elects to contest the citation; and~~
  - ~~a. Each citation issued shall include a hearing date to appear before the County Court. After issuing a citation to an alleged violator, a Code Enforcement Officer shall deposit the original copy of the citation with the County Court, by filing same with the Clerk of the Court.~~

*Comment: Section relocated from Section 8.10.03.03 and deleted as it will be adopted through the updated Code of Ordinances.*

~~8.10.03.04. Refusal to Sign Citation.~~

- ~~(A) Any person who willfully refuses to sign and accept a citation issued by a Code Enforcement Officer shall be guilty of a misdemeanor of the second degree pursuant to Section 162.21(6), Florida Statutes.~~

- ~~(B) If the person cited so refuses to sign the citation, the Code Enforcement Officer shall write the words "Refused" or "Refused to Sign" in the space provided for the person's signature and shall then leave a copy of the citation with the person cited, if possible.~~
- ~~(C) Following such refusal to sign, the Code Enforcement Officer shall contact the Hardee County Sheriff's Department to report such refusal as a violation of Section 162.21(6), Florida Statutes.~~

*Comment: Section relocated from Section 8.10.03.04 and deleted as it will be adopted through the updated Code of Ordinances.*

~~8.10.03.05. Payment of Civil Penalty; Court Hearings.~~

- ~~(A) If the person elects not to contest the citation, the person shall pay in full the applicable civil penalty, as set forth herein, to the Clerk of the Court no later than one day prior to the date of the scheduled court hearing.~~
- ~~(B) If the person cited fails to pay the civil penalty prior to the date of the scheduled court hearing the person shall appear in County Court on the date cited on the citation to explain his/her failure to comply. Failure to appear may result in an Order to Show Cause, and may result in issuance of an arrest warrant.~~
- ~~(C) The County Court, after a hearing on the citation, shall make a determination whether or not a violation of the code or ordinance cited has been committed. If a violation is found to have occurred, the County Court may order the violator to correct the violation and may impose a civil penalty in an amount up to the maximum civil penalty.~~
- ~~(D) The County Court may provide for the civil penalty to be paid, and the violation to be corrected, within such time as the County Court determines to be appropriate. If the person found to be in violation fails to pay the civil penalty or correct the violation within the time provided, the code enforcement officer shall schedule the matter before the County Court, and the County Court may issue a civil judgment against that person in an amount up to the maximum civil penalty.~~
- ~~(E) Should the person cited willfully fail to comply with a County Court Order to abate or correct the violation, the County Court, after due notice and hearing on the matter, may Order the violator to pay a fine in an amount specified for each day the repeat violation continues past the date of notice to the violator, or may Order mitigation.~~

- ~~(F) — In the event that a civil judgment is entered against the person cited as provided herein, the County may record a certified copy of said judgment in the Official Records of Hardee County and the same shall thereafter constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator.~~
- ~~(G) — In the event that an Order is entered finding that a violation of the Ordinance cited has been committed, the County may record a certified copy of said Order in the Official Records of Hardee County and the same shall thereafter constitute notice to and be binding upon the violator and any subsequent purchasers, successors in interest or assigns if the violation concerns real property.~~
- ~~(H) — At any hearing pursuant to this Section, the commission of a violation of a code or ordinance must be proved by a preponderance of the evidence. The Florida Rules of Civil Procedure and the Florida Evidence Code shall be applicable to any such hearing.~~

*Comment: Section relocated from Section 8.10.03.05 and deleted as it will be adopted through the updated Code of Ordinances.*

~~12.01.04.06. — Amounts and Procedure for Payment of Civil Penalty.~~

~~Civil penalties shall be imposed as follows: (1) first offense/citation — \$125.00; (2) second offense/citation — \$250.00; (3) third and subsequent offenses/citations — \$500.00. A habitual offender may be issued the maximum penalty on a first offense. Payment of any civil penalty imposed by this Section shall be made to the Clerk of the Court, who shall forward the monies collected to the County's Director of Finance for deposit into the County's fund. If a judgment has been entered for the civil penalty, the Clerk of the Court shall notify the County when the judgment has been paid and the necessary Satisfaction of Judgment shall be prepared by the County Attorney and recorded in the Official Records of Hardee County.~~

*Comment: Section relocated from Section 8.10.03.06 and deleted as it will be adopted through the updated Code of Ordinances.*

### **12.01.02- Administration of the Florida Building Code:**

The Florida Building Code (FBC) is hereby declared to be remedial and shall be construed to secure the beneficial interests and purposes thereof, which are public safety, health, and general welfare through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards attributed to the

built environment including alteration, repair, removal, demolition, use and occupancy of buildings, structures or premises, and by regulating the installation and maintenance of all electrical, gas, mechanical and plumbing systems, which may be referred to as service systems. Quality control of materials and workmanship is not within the purview of the FBC except as it relates to the purposes stated herein.

*Comment: Section relocated from Section 8.01.02.*

### **12.01.03     Permitting and Inspection-**

The inspection or permitting of any building, system, or plan by the eCounty under the requirements of the FBC shall not be construed in any court as a warranty of the physical condition of such building, system, or plan or their adequacy. Neither the eCounty nor any employee thereof shall be liable in tort damages for any defect or hazardous or illegal condition or inadequacy in such building, system, or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting, unless the eCounty employee is found to have acted in bad faith or with malicious purpose in a manner exhibiting wanton and willful disregard of the safety, health, and welfare of the public.

*Comment: Section relocated from Section 8.01.03.*

#### **12.01.03.01.     Applicability.**

*Comment: Section title relocated from Section 8.01.04.*

##### **(A)-     General-**

Where, in any specific case, different sections of the FBC specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

*Comment: Section relocated from Section 8.01.04.01.*

##### **(B)     Building-**

~~(A)~~ The provisions of the FBC shall apply to the construction, erection, alteration, modification, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every public and private building, structure or facility, or any appurtenances connected or attached to such buildings, structures, and facilities. Additions, alterations, repairs, and changes of use or occupancy

group in all buildings and structures shall comply with the provisions provided in Chapter 34 of the FBC.

~~The following buildings, structures, and facilities are exempt from the FBC as provided by law, and any future exemptions shall be as determined by the legislature and provided by law:~~

~~(01) Buildings and structures specifically regulated and preempted by the Federal government.~~

~~(02) Railroads and ancillary facilities associated with the railroad.~~

~~(03) Nonresidential farm buildings on farms.~~

~~(04) Temporary buildings or sheds used exclusively for construction purposes.~~

~~(05) Mobile homes as temporary offices, except that the provisions of Part V, Sections 553.501—553.513, F.S., relating to accessibility by persons with disabilities shall apply to such mobile homes.~~

~~(06) Those structures or facilities of electric utilities, as defined in F.S. Section 366.02, which are directly involved in the generation, transmission, or distribution of electricity.~~

~~(07) Temporary sets, assemblies, or structures used in commercial motion picture or television production, or any sound-recording equipment used in such production, on or off the premises.~~

~~(08) Chikees constructed by the Miccosukee Tribe of Indians of Florida of the Seminole Tribe of Florida. As used in this paragraph, the term "chikee" means a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other nonwood features.~~

~~(B) The FBC does not apply to, and no code enforcement action shall be brought with respect to, zoning requirements, land use requirements and owner specifications or programmatic requirements which do not pertain to and govern the design, construction, erection, alteration, modification, or repair or demolition of public or private buildings, structures, or facilities or to programmatic requirements that do not pertain to enforcement of the FBC.~~

~~(C) Residential buildings or structures moved into or within the county shall comply with the requirements of this Code.~~

~~(D) Unsafe buildings shall be abated using the International Property Maintenance Code, 2003 edition, promulgated by the International Code Council, subject to all amendments, modifications or deletions hereinafter contained.~~

~~(E) This section does not apply to the jurisdiction and authority of the Department of Agriculture and Consumer Services to inspect amusement rides or the Department of Insurance to inspect state-owned buildings and boilers.~~

*Comment: Section relocated from Section 8.01.04.02; Some language removed as it is addressed in the Florida Building Code.*

#### ~~8.01.04.03. Electrical.~~

~~The provisions of Chapter 27, FBC, Building, shall apply to the installations of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances thereto.~~

*Comment: Section relocated from Section 8.01.04.03 and deleted because it is addressed in the Florida Building Code.*

#### ~~8.01.04.04. Gas.~~

~~The provisions of the FBC, Fuel Gas, shall apply to the installation of consumers' gas piping, gas appliances and related accessories as covered in the FBC. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances, and the installation and operation of residential and commercial gas appliances and related accessories.~~

*Comment: Section relocated from Section 8.01.04.04 and deleted because it is addressed in the Florida Building Code.*

#### ~~8.01.04.05. Plumbing.~~

~~The provisions of the FBC, plumbing, shall apply to every plumbing installation including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances and when connected to a water or sewerage system and all aspects of a medical gas system.~~



*Comment: Section relocated from Section 8.01.04.05 and deleted because it is addressed in the Florida Building Code.*

#### ~~8.01.04.06. Federal and State Authority.~~

~~The provisions of the FBC shall not be held to deprive and federal or state agency, or applicable governing authority having jurisdiction, of any power or authority which it had on the effective date of the adoption of the FBC or any remedy then existing for the enforcement of its orders, nor shall it deprive any individual or corporation of its legal rights as provided by law.~~

*Comment: Section relocated from Section 8.01.04.06 and deleted because it is addressed in the Florida Building Code.*

#### ~~8.01.04.07. Referenced Standards.~~

~~Standards referenced in the technical codes shall be considered an integral part of the codes without separate adoption. If specific portions of a standard are denoted by code text, only those portions of the standard shall be enforced. Permissive and advisory provisions in a standard shall not be construed as mandatory.~~

*Comment: Section relocated from Section 8.01.04.07 and deleted because it is addressed in the Florida Building Code.*

#### ~~8.01.04.08. Units of Measure.~~

~~The inch pound system of measurement is applicable to the provisions of the FBC. Metric units indicated in parenthesis following inch pound units are approximate equivalents and are provided for information purposes only.~~

*Comment: Section relocated from Section 8.01.04.08 and deleted because it is addressed in the Florida Building Code.*

#### ~~8.01.04.09. Accessibility.~~

~~For provisions related to accessibility, refer to Chapter 11, FBC, Building.~~

*Comment: Section relocated from Section 8.01.04.09 and deleted because it is addressed in the Florida Building Code.*

#### ~~8.01.04.10. Energy.~~

~~For provisions related to energy, refer to Chapter 13, FBC, Building.~~

*Comment: Section relocated from Section 8.01.04.10 and deleted because it is addressed in the Florida Building Code.*

## **SECTION 12.02.00- BUILDING OFFICIAL POWERS AND DUTIES**

*Comment: Section title relocated from Section 8.01.06 and expanded to reference the Building Official.*

### **12.02.01- General-**

The Building Official is hereby authorized and directed to enforce the provisions of the Florida Building Code (FBC). The Building Official shall have the authority to render interpretations of the FBC and develop procedures in order to clarify the application of its provisions. Such interpretations and procedures shall be in compliance with the intent and purpose of the FBC, and shall not have the effect of waiving requirements specifically provided for in the FBC. Other powers and duties of the Building Official are addressed in Article 10.

*Comment: Section relocated from Section 8.01.06.01; reference to location of other powers and duties of the Building Official added.*

### **12.02.02- Right of Entry-**

- (A) Whenever necessary to make an inspection to enforce any of the provisions of the FBC, or whenever the Building Official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, premises, electrical, gas, mechanical or plumbing systems unsafe, dangerous or hazardous, the Building Official may enter such building, structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the ~~h~~BBuilding ~~o~~fficial by the FBC and ~~l~~and ~~d~~evelopment ~~c~~ode. If such building or premises are occupied, the ~~h~~BBuilding ~~o~~fficial shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, the ~~h~~BBuilding ~~o~~fficial shall first make a ~~reasonably~~ reasonable effort to locate the owner or other persons having charge or control of such and request entry. If entry is refused, the Building Official shall have recourse to every remedy provided by law to secure entry.
- (B) When the Building Official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail to neglect, after proper request is made and herein provided, to promptly permit entry therein by the ~~h~~BBuilding ~~o~~fficial for the purpose of inspection and examination pursuant to the FBC and ~~l~~and ~~d~~evelopment ~~c~~ode.

*Comment: Section relocated from Section 8.01.06.02.*

**12.02.03- Stop Work Orders-**

Upon notice from the Building Official, work on any building, structure, electrical, gas, mechanical or plumbing system that is being done contrary to the provisions of the FBC or Land Development Code, or in a dangerous or unsafe manner, shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to ~~his~~ their agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, the ~~Building~~ Building ~~Official~~ shall not be required to give written notice prior to stopping the work.

*Comment: Section relocated from Section 8.01.06.03.*

**8.01.06.04. Revocation of Permits.**

- (A) ~~— Misrepresentation of application. The Building Official may revoke a permit or approval issued under the provisions of the FBC and land development code in case there has been any false statement or misrepresentation as to any material fact in the application or plans on which the permit or approval was based.~~
- (B) ~~— Violation of code provisions. The Building Official may revoke a permit upon determination by the building official that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the building, structure, electrical, gas, mechanical or plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of the FBC and land development code.~~

*Comment: Section relocated from Section 8.01.06.04 and deleted because it is addressed in the Florida Building Code.*

**12.02.04- Unsafe Buildings or Systems-**

All buildings, structures, electrical, gas, mechanical, or plumbing systems which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, are considered unsafe buildings or service systems. All such unsafe buildings or service systems are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of the Standard Unsafe Building Abatement Code or other County ordinance.

*Comment: Section relocated from Section 8.01.06.05.*

**12.02.05- Requirements Not Covered by Code-**

Any requirements necessary for the strength, stability, or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public health, welfare, and safety, not specifically covered by this or other technical codes, shall be determined by the County.

*Comment: Section relocated from Section 8.01.06.06.*

**SECTION 12.03.00- PERMITS-**

Except as otherwise provided in the FBC or Land Development Code, any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy or occupant content of a building or structure, or any outside area being used as the building's designated occupancy (single or mixed), or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the technical codes, or to cause any such work to be done, shall first make application to the building department and obtain the required permit for the work.

*Comment: Section relocated from Section 8.01.07.*

**8.01.07.01- Exceptions.**

- ~~(A) Work authorized. A building, electrical, gas, mechanical or plumbing permit shall carry with it the right to construct or install the work, provided the same is shown on the plans and set forth in the specifications filed with the application for permit. Where these are not shown on the drawings and covered by the specifications submitted with the application, separate permits shall be required.~~
- ~~(B) Minor repairs. Ordinary minor repairs may be made with the approval of the building official without a permit, provided that such repairs do not violate any of the provisions of the technical codes.~~

*Comment: Section relocated from Section 8.01.07.01 and deleted because it is addressed in the Florida Building Code.*

**8.01.07.02- Information Required.**

~~Each application for a permit, along with the required fee, shall be filed with the building department on forms furnished for that/those purpose(s) and shall contain a general description of the proposed work and its location. The owner or~~

his/her authorized agent shall sign the application. The building permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure, and shall contain other information as may be required by the building department.

*Comment: Section relocated from Section 8.01.07.02 and deleted because it is addressed in the Florida Building Code.*

#### **8.01.07.03. Time Limitations.**

Except as otherwise provided in this Section an application for permit for any proposed work shall be deemed to have been abandoned, and shall expire by limitation and become null and void six months after the date of filing for the permit. One or more extensions of time for periods of not more than 90 days may be allowed by the Building Official; provided the extension is requested in writing and justifiable cause is demonstrated.

*Comment: Section relocated from Section 8.01.07.03 and deleted because it is addressed in the Florida Building Code.*

#### **8.01.07.04. Notice of Commencement.**

As per F.S. Section 713.135, when any person applies for a building permit the permit placard shall have printed upon it in no less than 18-point, capitalized, boldfaced type: "**WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.**"

*Comment: Section relocated from Section 8.01.07.04 and deleted because it is addressed in the Florida Building Code.*

#### **8.01.07.05. Asbestos.**

The County shall require each building permit for the demolition or renovation of an existing structure to contain an asbestos notification statement which indicates the owner's or operator's responsibility to comply with the provisions of Section 469.003, F.S., and to notify the Department of Environmental Protection of his/her intentions to remove asbestos, when applicable, and in accordance with state and federal law.

*Comment: Section relocated from Section 8.01.07.05 and deleted because it is*

*addressed in the Florida Building Code.*

#### **~~8.01.07.06. Drawings and Specifications.~~**

~~A minimum of two copies of specifications, and of drawings drawn to scale with sufficient clarity and detail to indicate the nature and character of the work, shall accompany the application for a permit. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to comply with the technical codes. Such information shall be specific, and the technical codes shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent be used as a substitute for specific information. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design.~~

*Comment: Section relocated from Section 8.01.07.06 and deleted because it is addressed in the Florida Building Code.*

#### **~~8.01.07.07. Roof Assemblies.~~**

~~For roof assemblies required by the FBC, the construction documents shall illustrate, describe, and delineate the type of roofing system, materials, fastening requirements, flashing requirements and wind resistance rating that are required to be installed. Product evaluation and installation shall indicate compliance with the wind requirement required in Hardee County.~~

*Comment: Section relocated from Section 8.01.07.07 and deleted because it is addressed in the Florida Building Code.*

#### **~~8.01.07.08. Additional Data.~~**

~~The Building Official shall be allowed to require details, computations, stress diagrams, and other necessary data to describe the construction or installation and the basis of calculations.~~

*Comment: Section relocated from Section 8.01.07.08 and deleted because it is addressed in the Florida Building Code.*

#### **~~8.01.07.09. Design Professional.~~**

~~If the design professional is an architect or engineer legally registered under the laws of the state regulating the practice of architecture or engineering, then he/she shall affix his seal to said drawings, specifications and accompanying data, as required by Florida Statute.~~

*Comment: Section relocated from Section 8.01.07.09 and deleted because it is addressed in the Florida Building Code.*

#### **~~8.01.07.09.01. Certification by Contractors.~~**

~~Certification by contractors authorized under the provisions of Section 489.115(4)(b), F.S., shall be considered to be equivalent to sealed plans and specifications by a person licensed under Chapter 471, F.S. or Chapter 481, F.S. for plans review for permitting purposes relating to compliance with the wind resistance provisions of the FBC or alternate methodologies approved by the Florida Building Commission for one and two family dwellings. The County may rely upon such certification by contractors that the plans and specifications submitted conform to the requirements of the FBC for wind resistance. Upon good cause shown, the County may accept or reject plans sealed by persons licensed under Chapters 471, 482, or 489, F.S.~~

*Comment: Section relocated from Section 8.01.07.09.01 and deleted because it is addressed in the Florida Building Code.*

#### **~~8.01.07.10. Structural and Fire Resistance Integrity.~~**

~~Plans for all buildings shall indicate how required structural and fire resistance integrity will be maintained where a penetration of a required fire resistant wall, floor or partition will be made for electrical, mechanical, plumbing and communications conduits, pipes and systems. Such plans shall also indicate in sufficient detail how the fire integrity will be maintained where required fire-resistant floors intersect with exterior walls and where joints occur in required fire-resistant assemblies.~~

*Comment: Section relocated from Section 8.01.07.10 and deleted because it is addressed in the Florida Building Code and Florida Fire Code.*

#### **12.03.01- Site Drawings-**

At the Planning and Development Director or Building Official's discretion, a site drawing, boundary sketch, or survey of the lot or site may be required. Drawings shall show, on a boundary survey of the lot or site, if less than one acre, or The boundary sketch and/or survey if one acre or greater, shall be prepared by a land surveyor registered in the State of Florida within 12 months of the date of the permit application, if less than one acre, and shall depict the location of the proposed building or structure, and of every other building or structure on the lot or site.

*Comment: Section relocated from Section 8.01.07.11 and updated to reflect current requirements.*

#### **~~8.01.07.11.01. Hazardous Occupancies.~~**

The Building Official may require the following:

- ~~(01) *General site plan.* A general site plan drawn at a legible scale which shall include, but not be limited to, the location of all buildings, exterior storage facilities, permanent access ways, evacuation routes, parking lots, internal roads, chemical loading areas, equipment cleaning areas, storm and sanitary sewer accesses, emergency equipment and adjacent property uses. The exterior storage areas shall be identified with the hazardous classes and the maximum quantities per hazard class of hazardous materials stored.~~
- ~~(02) *Building floor plan.* A building floor plan drawn to a legible scale, which shall include, but not be limited to, all hazardous materials storage facilities within the building and shall indicate rooms, doorways, corridors, exits, fire rated assemblies with their hourly rating, location of liquid tight rooms, and evacuation routes. Each hazardous materials storage facility shall be identified on the plan with hazard class and quantity range per hazard class of the hazardous material stored.~~

*Comment: Section relocated from Section 8.01.07.11.01 and deleted because it is addressed in the Florida Building Code.*

#### **~~8.01.07.12. Certificate of Protective Treatment for Termite Prevention.~~**

~~A weather resistant jobsite posting board shall be provided to receive duplicate treatment certificates as each protective treatment is completed, providing a copy for the person the permit is issued to and another copy for the building permit files. The treatment certificate shall provide the product used, identity of the applicator, time and date of treatment, site location, area treated, chemical used, percent concentration and number of gallons used, to establish a verifiable record of protective treatment. If the soil chemical barrier method for termite prevention is used, final exterior treatment shall be completed prior to final building approval.~~

*Comment: Section relocated from Section 8.01.07.12 and deleted because it is addressed in the Florida Building Code.*



**~~8.01.07.13. Notice of Termite Protection.~~**

~~A permanent sign which identifies the termite treatment provider and need for re-inspection and treatment contact renewal shall be provided. The sign shall be posted near the water heater or electric panel.~~

*Comment: Section relocated from Section 8.01.07.13. and deleted because it is addressed in the Florida Building Code.*

**~~8.01.08. Examination of Documents.~~**

*Comment: Section title relocated from Section 8.01.08 and deleted because it is addressed in the Florida Building Code.*

**~~8.01.08.01. Plan Review.~~**

~~One and two family, manufactured, and mobile home permit applications shall require that all construction plans and required documents/specification be filed in duplicate. For commercial construction all plans and required documents/specifications shall be filed in triplicate. The building official shall examine or cause to be examined each application for a permit and the accompanying documents, consisting of drawings, specifications, and additional data, and shall ascertain by such examinations whether the construction indicated or described is in accordance with the requirements of the technical codes and all other pertinent laws or ordinances.~~

*Comment: Section relocated from Section 8.01.08.01 and deleted because it is addressed in the Florida Building Code.*

**~~12.03.02. Minimum Plan Review Criteria - Buildings.~~**

~~The examination of documents by the Building Official shall include the following minimum criteria and documents: a floor plan, site plan, foundation plan, floor/roof framing plan or truss layout and exterior elevation.~~

~~(A) Residential (one and two family) building:~~

~~(01) Site Requirements: Original lot/site surveys prepared within the last 12 months of a permit application, signed and sealed by a land surveyor licensed/registered in the State of Florida; except that on lots or parcels of one acre or greater in area a boundary sketch may be considered; soil tests (if deemed necessary by the building official); plot plans of the surveyed/sketched lot/site depicting the structure(s) drawn to scale, dimensions of the front, side and rear setbacks, location and dimension of~~

~~the driveway(s) and walkway(s); location of water and sewer lines (where applicable) or location of well and septic tank with Hardee County Health Department permit/approval, where applicable; location of laterals and connections to the structure(s), where applicable; location of the nearest fire hydrant to the lot/site, where applicable; proposed lot grading plan; base floor and lowest floor elevation.~~

~~(02) *Structural requirements:* Foundation plan; wall section from foundation through roof, including assembly and materials; connector tables; wind requirements; structural calculations; roof framing plan; truss drawings (prepared by the manufacturer).~~

~~(03) *Floor plan requirements:* Identification of spaces on each level; breakdown of the square footage (living area, porch(s), garage, lanai, patio, etc.); typical interior wall sections; stair location; exterior/interior door location/dimensions; kitchen/bath identification with fixture identification; hot water heater location.~~

~~(04) *Building elevation requirements:* North/south/east/west elevations; egress window size and location; stairs construction requirements; siding type; roofing type.~~

~~(05) *Electrical requirements:* Electric layout per floor plan; electric riser diagram including main panel size; electric load calculations.~~

~~(06) *Plumbing requirements:* Plumbing riser diagram.~~

~~(07) *Mechanical requirements:* Mechanical layout; compressor location; energy calculations signed by the preparer.~~

~~(08) *Fire safety requirements:* Fire resistant construction, if required; smoke detector locations.~~

~~(09) *Accessibility requirements:* Show/identify accessible bath.~~

~~(BA) Manufactured and mobile homes:~~

~~(01) *Site Requirements:* Original lot/site surveys prepared within the last 12 months of a permit application, signed and sealed by a land surveyor licensed/registered in the State of Florida; except that on lots or parcels of one acre or greater in area a boundary sketch may be considered; soil tests (if deemed necessary by the Building Official); plot plans of the surveyed lot/site depicting the structure(s) drawn to scale, dimensions of the front,~~

side and rear setbacks, location and dimension of the driveway(s) and walkway(s); location of water and sewer lines or location of well and septic tank, if applicable; location of laterals and connections to the structure(s); location of the nearest fire hydrant to the lot/site, where applicable; proposed lot grading plan; base floor and lowest floor elevation.

- (02) *Structural requirements:* Wind zone; anchoring; blocking.
- (03) *Mechanical:* Exhaust systems (clothes dryer exhaust; kitchen equipment exhaust).
- (04) *Electrical:* Exterior disconnect location; electric riser diagram, including main panel size.
- (05) *Plumbing:* Water/sewer connections.

*Comment: Section relocated from Section 8.01.08.02 and portion of language deleted because it is addressed in the Florida Building Code; references to mobile homes deleted as they are no longer constructed.*

**12.03.03- Minimum Construction, Design, and Quality, and Condition Standards - Used/Pre-Owned Manufactured and Mobile Homes:**

*Comment: Section title relocated from Section 8.01.08.03 references to mobile homes deleted as they are no longer constructed.*

**12.03.03.01 Definitions:**

See definitions specific to this topic in Article 14.

*Comment: Section title relocated from 8.01.08.03.01; definitions relocated to Article 14.*

**12.03.03.02- Prohibited Manufactured/~~Mobile~~ Homes:**

Any manufactured/~~mobile~~ home constructed prior to June 15, 1976, shall be prohibited from being permitted and installed within Hardee County.

- (A) Inspection requirements.

At the time of a permit application, any pre-owned or occupied ~~mobile home or any pre-owned or occupied~~ manufactured housing unit shall require a pre-inspection by the Hardee County Building Department, or its designee, prior to transport, installation, or commencement of work on

such unit within Hardee County. The purpose of the pre-inspection is to determine compliance with this Section.

(B) Repair and remodeling standards.

When repair or remodeling is necessary to bring a ~~preowned/occupied mobile home or~~ preowned/occupied manufactured housing unit into compliance with the housing standards contained herein, such repair or remodeling shall conform to the ~~Mobile/~~Manufactured Home Repair and Remodeling Code adopted by Rule 15C-22.0081 of the Florida Department of Motor Vehicles, ~~as set forth in Appendix 1 of this Code.~~ Any and all repairs shall be completed prior to being moved into the County or relocated to a new lot/parcel within the County.

(C) Requirements.

To qualify for a permit to install or set up a ~~used or preowned mobile home or~~ used or preowned manufactured housing unit, such ~~used or preowned mobile home or~~ used or preowned manufactured housing unit shall comply with the following minimum standards:

~~(a-1)~~ Structural system~~;~~

~~(01a)~~ The exterior bearing wall assembly including but not limited to framing, studs, upper and lower plates, wall sheathing and bracing system, shall be structurally sound and intact as a designed assembly;

~~(02b)~~ The floor joist system and floor sheathing shall be structurally sound, solidly secured, and intact as a designed assembly~~;~~

~~(03c)~~ The roof joists, rafters or trusses shall be structurally sound and intact as a designed assembly~~;~~

~~(04d)~~ The exterior siding and roof covering shall be free from rot, rust, decay, open seams, or physical damage, or any other openings permitting moisture, or insect or rodent penetration. The general condition of the exposed exterior shall be of sufficient appearance and quality to ensure continued service life with minimal maintenance~~;~~

~~(05e)~~ All exterior doors and windows shall be of an approved exterior type, suitable for ~~mobile home or a~~ manufactured

housing use, and in good condition and working order. Exterior doors shall be equipped with working key locksets. All exterior glass or windowpanes shall be intact and without cracks or breaks. Window openings where a window-type air conditioner has been removed for unit transport may be exempt.

(06f) All exposed siding or exterior materials shall be protected by sealing, priming, and painting, coating, or other product prescribed methods of protection.

(07g) The following shall not exist to a degree that compromises the structural integrity of the ~~used or preowned mobile home~~ or used or preowned manufactured housing unit:

~~a.~~(1) Rot.

~~b.~~(2) Rust.

~~c.~~(3) Neglected appearance.

~~d.~~(4) Physical damage.

~~e.~~(5) Excessive yielding of structural systems in bearing walls, floor system, roof system or permanent chassis that poses a threat of premature failure.

(08h) Visual evidence of existing repairs at time of pre-inspection that are considered covering internal structural damage or unpermitted repairs shall authorize the inspector to order such covering to be removed, opened, or otherwise uncovered so as to allow proper inspection.

(09i) Used or preowned ~~mobile homes~~ or used or preowned manufactured housing units failing structural inspection requirements under this Section may, at the Applicant's discretion, be put to an independent test. Such tests shall be certified by a Professional Engineer or State-approved inspection facility. Upon satisfactory test results, the written report shall be submitted with reapplication for permits. Testing report shall include, but not be limited to, structural load testing and roof load testing by acceptable

engineering non-destructive test methods. Fees for such special services shall be the responsibility of the Applicant.

~~(b-2)~~ Electrical system:

- ~~(01a)~~ Electrical equipment, wiring, fixtures, and devices shall be properly attached and securely mounted to solid construction.
- ~~(02b)~~ Any electrical equipment, wiring, fixtures, and devices showing signs of breakage, arcing, dry rot, or high temperature damage shall be replaced.
- ~~(03c)~~ Any external wiring, boxes or devices shall be securely attached, protected and weather tight.
- ~~(04d)~~ Electrical equipment, wiring, fixtures, and devices shall be protected by approved over current devices sized and installed according to the National Electrical Code as adopted by Hardee County.

~~(c-3)~~ Plumbing system:

- ~~(01a)~~ Plumbing fixtures, commodes, sinks, hose bibs, tub and shower enclosures, valves, piping, and similar plumbing components shall be securely attached to adjoining floor or wall construction.
- ~~(02b)~~ The plumbing system shall include:
  - ~~a-(1)~~ A bathroom which provides privacy and which contains a bathtub and/or shower, a toilet, and a sink.
  - ~~b-(2)~~ A kitchen sink.
  - ~~c-(3)~~ An approved hot water heater.
- ~~(03)c.~~ Fixture drains shall be trapped.
- ~~(04)d.~~ Fixtures shall be free of cracks or similar damage.

~~(d-4)~~ H.V.A.C system:

~~(01a)~~ H.V.A.C. air duct systems, whether intended for use or not, shall be tight, secure, and free of leaks, breaks or any exposure to outside entry or infiltration; and must have "fixed heat".

(e-5) Fire safety:

~~(01a)~~ Existing interior materials that do not meet original HUD flame-and-smoke spread rating minimum standards, shall be replaced with approved materials complying with original HUD Standards;

~~(02b)~~ Approved smoke detectors shall be installed near all sleeping areas.

*Comment: Section relocated from Section 8.01.08.03.02; references to mobile homes deleted as they are no longer constructed; requirement for fixed heat added.*

#### **~~8.01.08.04. Commercial Building:~~**

~~(01) Site requirements, pursuant to Section 7.06.00, Land Development Code.~~

~~(02) Occupancy group and special occupancy requirements shall be delineated.~~

~~(03) Minimum type of construction shall be determined (Table 500, FBC).~~

~~(04) Fire resistant construction requirements shall include the following components: fire resistant separations; fire resistant protection for type of construction; protection of openings and penetrations of rated walls; fire blocking and draft stopping; calculated fire resistance.~~

~~(05) Fire suppression systems shall include: early warning; smoke evacuation systems schematic; fire sprinklers (where required); standpipes pre-engineered systems; riser diagram.~~

~~(06) Life safety systems shall be determined and shall include the following requirements: occupant load and egress capacities; smoke control; stair pressurization; systems schematic.~~

~~(07) Occupancy load/egress requirements shall include: occupancy load (gross and net); means of egress exit access, exit, exit discharge; stairs construction/geometry of protection; doors; emergency lighting and exit~~

~~signs; specific occupancy requirements; construction requirements; horizontal exists/exit passageways.~~

~~(08) Structural requirements shall include: soil conditions/analysis; termite protection; design loads; wind requirements; building envelope; structural calculations, if required; foundation; wall systems; floor systems; roof systems; threshold inspection plan; stair system.~~

~~(09) Materials shall be reviewed and shall at a minimum include the following: wood; steel; aluminum; concrete; plastic; glass; masonry; gypsum board and plaster; insulating roofing; insulation.~~

~~(10) Accessibility requirements shall include the following: site requirements; accessible route; vertical accessibility; toilet and bathing facilities; drinking fountains; equipment; special occupancy requirements; fair housing requirements.~~

~~(11) Interior requirements shall include the following: interior finished (flame spread/smoke development); light and ventilation; sanitation.~~

~~(12) Special systems: elevators, escalators; lifts.~~

~~(13) Swimming pools: barrier requirements; spas; wading pools.~~

*Comment: Section relocated from Section 8.01.08.04 and language deleted because it is addressed in the Florida Building Code.*

#### ~~8.01.08.05. Commercial Electrical.~~

~~(01) Electrical wiring services; feeders and branch circuits; over-current protection; grounding; wiring methods and materials; GFCI's.~~

~~(02) Equipment.~~

~~(03) Special occupancies.~~

~~(04) Emergency systems.~~

~~(05) Communication systems.~~

~~(06) Low voltage.~~

~~(07) Load calculations.~~



*Comment: Section relocated from Section 8.01.08.05 and deleted because it is addressed in Florida Building Code.*

**~~8.01.08.06. Commercial – Plumbing.~~**

~~(01) Minimum plumbing facilities.~~

~~(02) Fixture requirements.~~

~~(03) Water supply piping.~~

~~(04) Sanitary drainage.~~

~~(05) Water heaters.~~

~~(06) Vents.~~

~~(07) Roof drainage.~~

~~(08) Back flow prevention.~~

~~(09) Irrigation.~~

~~(10) Location of water supply line.~~

~~(11) Grease traps.~~

~~(12) Environmental requirements.~~

~~(13) Plumbing riser.~~

*Comment: Section relocated from Section 8.01.08.06 and deleted because it is addressed in Florida Building Code.*

**~~8.01.08.07. Commercial – Mechanical.~~**

~~(01) Energy calculations.~~

~~(02) Exhaust systems: clothes dryer exhaust; kitchen equipment exhaust; specialty exhaust systems.~~

~~(03) Equipment.~~

- ~~(04) — Equipment location.~~
- ~~(05) — Make up air.~~
- ~~(06) — Roof mounted equipment.~~
- ~~(07) — Duct systems.~~
- ~~(08) — Ventilation~~
- ~~(09) — Combustion air.~~
- ~~(10) — Chimneys, fireplaces, and vents.~~
- ~~(11) — Appliances.~~
- ~~(12) — Boilers.~~
- ~~(13) — Refrigeration.~~
- ~~(14) — Bathroom ventilation.~~
- ~~(15) — Laboratory.~~

*Comment: Section relocated from Section 8.01.08.07 and deleted because it is addressed in Florida Building Code.*

#### ~~8.01.08.08. Commercial Gas.~~

- ~~(01) — Gas piping.~~
- ~~(02) — Venting.~~
- ~~(03) — Combustion air.~~
- ~~(04) — Chimneys and vents.~~
- ~~(05) — Appliances.~~
- ~~(06) — Type of gas.~~
- ~~(07) — Fireplaces~~

~~(08) — LP tank location.~~

~~(09) — Riser diagrams/shut-offs.~~

*Comment: Section relocated from Section 8.01.08.08 and deleted because it is addressed in Florida Building Code.*

#### ~~8.01.08.09. Commercial — Demolition.~~

~~(A) — Asbestos removal.~~

~~(01) — Affidavits. The Building Official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical codes. For buildings and structures, the affidavit shall state that the plans conform to the laws of egress, type of construction and general arrangement and, if accompanied by drawings, show the structural design and that the plans and design conform to the technical codes as to strength, stresses, strains, loads, and stability. The building official may, without any examination or inspection, accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the building official copies of inspection reports as inspections are performed and upon completion of the structure, electrical, mechanical, or plumbing systems a certification that the structure, electrical, gas, mechanical or plumbing system has been erected in accordance with the requirements of the technical codes and other pertinent laws or ordinances. The Building Official shall ensure that any person conducting plans review is qualified as a plans examiner under Chapter 468, F.S., Part XII, and that any person conducting inspections is qualified as a building inspector under Chapter 468, F.S., Part XII.~~

~~(02) — Issuing permits. The building official shall act upon an application for a permit without unreasonable or unnecessary delay. If the building official is satisfied that the work described in the application for a permit and the contract document filed therewith conform to the requirements of the technical codes and other pertinent laws and ordinances, he/she shall issue a permit.~~

~~No permit may be issued for any building construction, erection, alteration, modification, repair, or addition unless the applicant for such permit provides to the building department any of the~~

~~following documents which apply to the construction for which the permit is to be issued and which shall be prepared by or under the direction of an engineer registered under Chapter 471, F.S.:~~

- ~~(a) — Electrical documents for any new building or addition which requires an aggregate service capacity of 600 amperes (240 volts) or more on a residential electrical system or 800 amperes (240 volts) on a commercial or industrial electrical system and which costs more than \$50,000.00.~~
- ~~(b) — Plumbing documents for any new building or addition which requires a plumbing system with more than 250 fixtures or which costs more than \$50,000.00.~~
- ~~(c) — Fire sprinkler documents for any new building or addition that includes a fire sprinkler system which contains 50 or more sprinkler heads. A Contractor I, Contractor II, or Contractor IV, certified under F.S. Section 633.521, may design a fire sprinkler system if the alteration consists of the relocation, addition, or deletion of not more than 49 heads, notwithstanding the size of the existing fire sprinkler system.~~
- ~~(d) — Heating, ventilation and air conditioning documents for any new building or addition which requires more than a 15-ton per system capacity which is designed to accommodate 100 or more persons or for which the system costs more than \$50,000.00. This paragraph does not include any document for the replacement or repair of an existing system in which the work does not require altering a structural part of the building or for work on a residential one-family, two-family, three-family, or four-family structure.~~

~~An air conditioning system may be designed by an installing air conditioning contractor certified under F.S. Chapter 489 to serve any building or addition which is designed to accommodate fewer than 100 persons and requires an air-conditioning system with value of \$50,000.00 or less; and, when a 15-ton per system or less is designed for a singular space of a building and each 15-ton per system or less has an independent duct system. Systems not complying with~~

~~the above require design documents that are to be sealed by a professional engineer.~~

~~Example 1: When a space has two ten ton systems with each having an independent duct system, the contractor may design these two systems since each is less than 15 tons.~~

- ~~(e) Any specialized mechanical, electrical, or plumbing document for any new building or addition which includes medical gas, oxygen, steam, vacuum, toxic air infiltration, halon, or fire detection and alarm system which costs more than \$5,000.00.~~

~~Documents requiring an engineer seal by this part shall not be valid unless a professional engineer who possesses a valid certificate of registration has signed, dated, and stamped such document as provided in F.S. Section 471.025.~~

~~The county may not issue a building permit for any building construction, erection, alteration, modification, repair or addition unless the permit either includes on its face or there is attached to the permit the following statement: "NOTICE: In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of Hardee County, and there may be additional permits required from other governmental entities such as water management districts, state agencies, or federal agencies."~~

~~A building permit for a single family residential dwelling must be issued within 30 working days of the application therefore, unless unusual circumstances require a longer time for processing the application or unless the permit application fails to satisfy the FBC or the county's laws or ordinances.~~

- ~~(03) Refusal to issue permit. If the application for a permit and the accompanying contract documents describing the work do not conform to the requirements of the technical codes or other pertinent laws or ordinances, the Building Official shall not issue a permit, but shall return the contract documents to the applicant~~

with his/her refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reason for refusal.

~~(04) Identification of minimum premium policy. Except as otherwise provided in Chapter 440, F.S., Workers Compensation, every employer shall, as a condition of receiving a building permit, show proof that it has secured compensation for its employees as provided in Sections 440.10 and 440.38, F.S.~~

~~(05) Asbestos removal. Moving, removal or disposal of asbestos-containing materials on a residential building where the owner occupies the building, the building is not for sale or lease, and the work is performed according to the owner-builder limitations in this paragraph may be exempt from asbestos removal provisions under the FBC. To qualify for exemption under this paragraph, an owner must personally appear and sign the building permit application. The building department shall provide the person with a disclosure statement in substantially the following form:~~

~~Disclosure Statement:~~

~~State law requires asbestos abatement to be done by licensed contractors. You have applied for a permit under an exemption to that law. The exemption allows you, as the owner of your property, to act as your own asbestos abatement contractor even though you do not have a license. You must supervise the construction yourself. You may move, remove or dispose of asbestos-containing materials on a residential building where you occupy the building and the building is not for sale or lease, or the building is a farm outbuilding on your property. If you sell or lease such building within one year after the asbestos abatement is complete, the law will presume that you intended to sell or lease the property at the time the work was done, which is in violation of the exemption. You may not hire an unlicensed person as your contractor. Your work must be done according to all local, state and federal laws and regulations, which apply to asbestos abatement projects. It is your responsibility to make sure that people employed by you have licenses required by state and county ordinances.~~

~~(06) Special foundation permit. When application for permit to erect or enlarge a building has been filed, and pending issuance of such permit, the Building Official may, at his/her discretion, issue a special permit for the foundation only. The holder of such permit is proceeding at their own risk and without assurance that a permit~~

~~for the remainder of the work will be granted nor that corrections will not be required in order to meet the provisions of the technical codes.~~

~~(07) *Public right of way.* A permit shall not be issued by the Building Official for the construction of any building where said building is to be changed and such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting on any street, alley, or public land, or for the placing on any lot or premises of any building or structure removed from another lot or premises, unless the applicant has made application for right-of-way permits from the county.~~

*Comment: Section relocated from Section 8.01.08.09 and deleted because it is addressed in the Florida Building Code.*

#### **8.01.08.10. Conditions of the Permit.**

~~(A) *Permit intent.* A permit issued shall be construed as a license to proceed with the work and not as authority to violate, cancel, alter, or set aside any of the provisions of the technical codes, nor shall the issuance of a permit prevent the Building Official from thereafter requiring a correction of errors in plans, construction, or violations of the FBC. Every permit issued shall become invalid unless the work authorized by such permit is commenced within six months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six months after the time of the work is commenced. Failure to obtain an approved inspection within 180 days of the previous approved inspection shall constitute suspension or abandonment. One or more extensions of time, for periods of not more than 180 days each, may be allowed by the building official, provided the extension requested is in writing and justifiable cause is demonstrated prior to the expiration date. The building official shall record the extension of time granted.~~

~~If work has commenced and the permit is revoked, becomes null and void, or expires due to lack of progress or abandonment, a new permit, with all applicable fees covering the proposed construction, shall be obtained before proceeding with the work.~~

~~If a new permit is not obtained within 180 days from the date the initial permit became null and void, the building official is authorized to require that any work, which has been commenced or completed, be removed from the building site. Alternatively, a new permit may be issued on~~

~~application, providing the work in place and required to complete the structure meets all applicable regulations in effect at the time the initial permit became null and void, and any regulations which may have become effective between the date of the expiration and the date of issuance of the new permit.~~

~~Work shall be considered in active progress when the permit has received an approved inspection within 180 days. This provision shall not be applicable in case of civil commotion or strike or when building work is halted due directly to judicial injunction, order, or similar process.~~

~~The fee for renewal, re-issuance, and extension of a permit shall be established by resolution of the Board of County Commissioners.~~

~~Permits issued for the demolition of a structure shall expire 60 days from the date of issuance. For a justifiable cause, one extension of time for a period not exceeding 30 days may be allowed. Such requests shall be in writing to the building official.~~

~~(B) *Permit issued on the basis of affidavit.* Whenever a permit is issued in reliance upon an affidavit or whenever the work involves installation under conditions which, in the opinion of the Building Official, are hazardous or complex, the building official shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations shall supervise such work. In addition, they shall be responsible for conformity of the permit, provide copies on inspection reports as inspections are performed, and upon completion make and file with the building official written affidavit that the work has been done in conformity to the reviewed plans and with the structural provisions of the technical codes. In the event such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are reviewed by the building official. The building official shall insure that any person conducting plans review is qualified as a plans examiner under Chapter 468, F.S., Part XII, and that any person conducting inspections is qualified as a building inspector under Chapter 468, F.S., Part III.~~

~~(C) *Plans.* When the Building Official issues a permit, he/she shall endorse, in writing or by stamp, all sets of the reviewed plans "Reviewed for Code Compliance." The County shall retain one set of reviewed plans and the other sets shall be returned to the applicant. The permit drawings shall be kept at the job site and shall be open to inspection by the building official and/or county inspectors.~~



- ~~(D) *Posting of permit.* Work requiring a permit shall not commence until the permit holder or his agent posts the permit placard in a conspicuous place on the premises. The permit shall be protected from the weather and located in such position as to permit inspectors to conveniently make the required entries thereon. The permit placard shall be maintained in such a position by the permit holder until the Certificate of Occupancy is issued by the building official.~~

*Comment: Section relocated from Section 8.01.08.10 and deleted because it is addressed in the Florida Building Code.*

**12.03.03.03 Fees**

- (A) *Proscribed fees.* A permit shall not be issued until fees, ~~proscribed~~ established by resolution of the Board of County Commissioners, have been paid. Said fees shall be those authorized under F.S. Section 553.80, as well as any impact, assessment, capacity, or capital fees the Board of County Commissioners may establish from time to time. Nor shall an amendment to a permit be released until the additional fee, if any, due to an increase in the estimated cost of the building, structure, electrical, mechanical, plumbing or gas systems has been paid.
- (B) *Work commencing before permit issuance.* Any person who commences any work on a building, structure, electrical, mechanical, plumbing or gas system prior to obtaining the necessary permits shall be subject to a penalty of 100 percent of the usual permit fee in addition to the required permit fees. This provision shall not apply to emergency work when delay would clearly have placed life or property in imminent danger. But in all such cases the required permit(s) must be obtained within three business days and any unreasonable delay in obtaining those permit(s) shall result in a charge of a double fee. The payment of a double fee shall not preclude or be deemed a substitute for prosecution for commencing work without first obtaining a permit. The ~~Building Official~~ Building Official may grant extensions of time or waive fees when justifiable cause has been demonstrated in writing.
- (C) *Accounting.* The ~~County~~ County shall keep a permanent and accurate accounting of all permit fees and monies collected, the names of all persons upon whose account was paid, along with the date and amount thereof.
- (D) *Schedule of permit fees.* On all buildings, structures, electrical, mechanical, plumbing, and gas systems, as well as any other work established by the ~~County~~ County requiring a permit, a fee for each permit shall be paid prior to

issuance of any permit, in accordance with the fee established by the Board of County Commissioners.

*Comment: Section relocated from Section 8.01.08.11.*

**12.03.03.04- Inspections-**

*Comment: Section title relocated from Section 8.01.08.12.*

**12.03.03.04.01- Existing Building Inspections-**

Before issuing a permit, the Building Official may examine any building, electrical, mechanical, plumbing, gas, or life safety systems for which an application has been received for a permit to enlarge, alter, repair, move, demolish, install, or change the occupancy thereof. There shall be a record made of such examination and inspection and of all violations of the technical codes.

*Comment: Section relocated from Section 8.01.08.12.01.*

**12.03.03.04.02- Inspections Prior to Issuance of Certificate of Occupancy-**

The Building Official shall inspect or cause to be inspected, at various intervals, all construction work for which a permit is required, and a final inspection shall be made of every building, structure, electrical, mechanical, gas or plumbing system upon completion, prior to the issuance of the certificate of occupancy.

*Comment: Section relocated from Section 8.01.08.12.02.*

**12.04.03.04.03 Site Debris**

**8.01.08.12.03. Required Inspections.**

~~The Building Official, upon notification from the permit holder or his agent, shall make the following inspections and shall either release that portion of the construction or shall notify the permit holder or his agent of any violations which must be corrected in order to comply with the technical codes. The building official shall determine the timing and sequencing of when inspections occur and what elements are inspected at each inspection.~~

~~(A) Building-~~

~~(01) Foundation inspection: To be made after trenches are excavated and forms erected and shall include the following building components:~~

- ~~\* Footers/grade beams~~
- ~~\* Stem wall~~
- ~~\* Piling/pile cap~~
- ~~\* Monolithic slab on grade~~

~~(01.1) Slab inspection: To be made after the reinforcement is in place, all concealed conduit, piping, ducts and vents are installed and the electrical, plumbing and mechanical work is complete. Slab shall not be poured until all required inspections have been made, required soil compaction to at least 95 percent modified proctor has been certified, and evidence of soil treatment for termites has been certified.~~

~~A foundation survey shall be required for all new construction prior to vertical construction. The survey shall certify the placement of the building on the site, illustrate all surrounding setback dimensions, illustrate the lowest floor elevation, and shall be available at the job site for review by the building inspector and for the building permit file.~~

~~(02) Framing inspection. To be made after the roof, all framing, fireblocking and bracing is in place, all concealing wiring, all pipes, chimneys, ducts and vents are complete and shall include the following components:~~

- ~~\* Window/door framing and installation~~
- ~~\* Vertical cells/columns~~
- ~~\* Lintel/tie beams~~
- ~~\* Framing/trusses/bracing/connectors~~
- ~~\* Draft stopping/fireblocking~~
- ~~\* Curtain wall framing~~
- ~~\* Energy insulation~~
- ~~\* Accessibility~~

~~Roof truss plans, signed and sealed by the manufacturer shall be available at the job site for review by the building inspector and for the permit file.~~

~~(03) Sheathing inspection. To be made either as a part of a dry-in inspection or done separately at the request of the~~

~~contractor after all roof and wall sheathing and fasteners are complete and shall include the following components:~~

- ~~\* Roof sheathing~~
- ~~\* Wall sheathing~~
- ~~\* Sheathing fasteners~~
- ~~\* Roof/wall/dry in~~
- ~~\* Drywall fasteners~~

~~(04) Roofing inspection. To be made as two inspections on tile, slate or similar roof coverings or as one inspection on all other coverings, and shall include the following building components:~~

- ~~\* Dry in~~
- ~~\* Insulation~~
- ~~\* Roof coverings~~
- ~~\* Flashing~~

~~(05) Final inspection. To be made after the building is complete and ready for occupancy and shall include the following, when applicable:~~

- ~~\* Driveway/sidewalk~~
- ~~\* Deck/fencing~~
- ~~\* Irrigation/landscaping~~

~~(06) Swimming pool inspection.~~

- ~~\* First inspection to be made after excavation and installation of reinforcing steel, bonding and main drain, and prior to placing of concrete.~~
- ~~\* Second inspection to be made for electrical and plumbing system components.~~
- ~~\* Final inspection to be made when the swimming pool is complete and all required enclosure requirements are in place. In order to pass final inspection a residential swimming pool shall meet the requirements relating to pool safety features as described in section 424.2.17, FBC.~~

~~(07) Demolition inspections.~~

- ~~\* First inspection to be made after all utility connections have been disconnected and secured in such manner that no unsafe or unsanitary conditions exist during or after demolition operations.~~

~~\* Final inspection to be made after all demolition work is completed.~~

~~(B) Electrical.~~

~~(01) Underground inspection: to be made after trenches or ditches are excavated, conduit or cable is installed, and before any backfill is replaced.~~

~~(02) Rough-in: To be made after the roof, framing, fireblocking and bracing is in place and prior to the installation of wall or ceiling membranes.~~

~~(03) Final inspection: To be made after the building is complete, all required electrical fixtures are in place and properly connected or protected, and the structure is ready for occupancy.~~

~~(C) Mechanical.~~

~~(01) Underground inspection: To be made after trenches or ditches are excavated, underground duct and fuel piping installed, and before any backfill is replaced.~~

~~(02) Rough-in inspection: To be made after the roof, framing, fireblocking and bracing is in place and all ducting and other concealed components are complete, and prior to the installation of wall and ceiling membranes.~~

~~(03) Final inspection: To be made after the building is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.~~

~~(D) Plumbing.~~

~~(01) Underground inspection: To be made after trenches or ditches are excavated, piping installed, and before any backfill is replaced.~~

~~(02) Rough-in: To be made after the roof, framing, fireblocking and bracing is in place and all soil, waste, and vent piping is complete, and prior to the installation of wall or ceiling members.~~

~~(03) Final inspection: To be made after the building is complete, all required plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.~~

~~(E) Gas.~~

~~(01) Rough piping inspection: To be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed, or any fixtures or gas appliances have been connected.~~

~~(02) Final piping inspection: To be made after all portions which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been connected. This inspection shall include a pressure test.~~

~~(03) Final inspection: To be made on all new gas work authorized by the permit and such portions of existing systems as may be affected by the new work or any changes; to ensure compliance with all requirements of the FBC and to assure that the installation and construction of the gas system is in accordance with reviewed plans.~~

~~(FA) Site debris.~~

~~(01) The contractor and/or owner of any active or inactive construction project shall be responsible for the clean-up and removal of all construction debris or any other miscellaneous discarded articles prior to receiving final inspection approval. Construction job sites must be kept clean, such that accumulation of construction debris must not remain on the property for a period of time exceeding 14 days.~~

~~(02) All debris shall be kept in such manner as to prevent it from being spread by any means.~~

*Comment: Section relocated from Section 8.01.08.12.03; deleted text is addressed via the Florida Building Code; Only text retained is Site Debris, so retitled to accommodate topic.*

**~~8.01.08.13. Written Release.~~**

~~Work shall not be done on any building, structure, electrical, mechanical plumbing, or gas system beyond the point indicated in each successive inspection without first receiving a written release (passing inspection) from the county's inspector(s).~~

*Comment: Section relocated from Section 8.01.08.13; language removed because it is addressed in the Florida Building Code.*

**~~8.01.08.14. Reinforcing Steel and Structural Frames.~~**

~~Reinforcing steel or structural framework of any part of any building or structure shall not be covered or concealed without first passing inspection.~~

*Comment: Section relocated from Section 8.01.08.14; language removed because it is addressed in the Florida Building Code.*

**~~8.01.08.15. Plaster Fire Protection.~~**

~~In all buildings where plaster is used for fire protection purposes, the permit holder or his agent shall request an inspection from the county after all lathing and backing is in place.~~

*Comment: Section relocated from Section 8.01.08.15; language removed because it is addressed in the Florida Building Code.*

**~~8.01.08.16. Fire Resistant Joints and Penetrations.~~**

~~The protection of joints and penetrations in required fire resistant construction assemblies shall not be covered or concealed from view without first passing inspection.~~

*Comment: Section relocated from Section 8.01.08.16; language removed because it is addressed in the Florida Building Code.*

**~~8.01.08.17. Termites.~~**

~~Building components and building surroundings required to be protected from termite damage in accordance with sections 1503.4.4, 1804.6.2.7, 1916.7.5, 2303, or 2603.3, FBC, are specifically required to be inspected for termites in accordance with section 2116, FBC, or required to have chemical soil treatment in accordance~~

~~with section 1816, FBC, shall not be covered or concealed without first passing inspection.~~

*Comment: Section relocated from Section 8.01.08.17; language removed because it is addressed in the Florida Building Code.*

#### ~~8.01.08.18. Threshold Building.~~

~~All requirements pursuant to Section 19.3.6, FBC, shall be complied with.~~

*Comment: Section relocated from Section 8.01.08.18; language removed because it is addressed in the Florida Building Code.*

#### ~~8.01.09. Certificate of Occupancy.~~

*Comment: Section title relocated from Section 8.01.09 and deleted because it is addressed in the Florida Building Code.*

#### ~~8.01.09.01. Building Occupancy.~~

~~A new building shall not be occupied, or a change made in the occupancy, nature or use of a building or part of a building until after the building official has issued a certificate of occupancy. Said certificate shall not be issued until all required electrical, mechanical, plumbing, gas and fire protection systems have been inspected for compliance with the technical codes and other applicable laws and ordinances and released by the building official and, where applicable, the fire chief.~~

*Comment: Section relocated from Section 8.01.09.01 and deleted because it is addressed in the Florida Building Code.*

#### ~~8.01.09.02. Issuing Certificate of Occupancy.~~

~~Upon completion of construction of a building or structure and installation of electrical, mechanical, plumbing, and gas systems in accordance with the technical codes, reviewed plans and specifications, and after final inspection, and after verification that all septic system permits have received final inspection where applicable, the building official shall issue a Certificate of Occupancy stating the nature of the occupancy permitted, the number of persons for each floor when limited by law, and the allowable load per square foot for each floor in accordance with the provisions of the FBC.~~

*Comment: Section relocated from Section 8.01.09.02 and deleted because it is addressed in the Florida Building Code.*



**SECTION 12.04.00- SERVICE UTILITIES-**

*Comment: Section title relocated from Section 8.01.10.*

**12.04.01- Connection of Service Utilities-**

No person shall make connections from a utility source of energy, fuel, or power to a building or system which is regulated by the technical codes for which a permit is required, until released by the Building Official and a Certificate of Occupancy is issued.

*Comment: Section relocated from Section 8.01.10.01.*

**12.04.02- Temporary Connection-**

The Building Official, by written approval, may authorize the temporary connection of a nonresidential building or system to the utility source of energy, fuel, or power, for the purpose of testing building service systems.

*Comment: Section relocated from Section 8.01.10.02.*

**12.05.03- Authority to Disconnect Service Utilities-**

The Building Official shall have the authority to authorize disconnection of utility service to a building, structure or system regulated by the technical codes in case of emergency where necessary to eliminate an immediate hazard to life or property. The Building Official shall notify the serving utility, and whenever possible the owner and occupant of the building, structure, or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter

*Comment: Section relocated from Section 8.01.10.03.*

**~~2.27.00. ABANDONED, WRECKED, DISMANTLED, OR INOPERATIVE MOTOR VEHICLES~~**

*Comment: Section title relocated from Section 2.27.00 and deleted as it will be adopted through the updated Code of Ordinances.*

**~~2.27.01 Definitions.~~**

~~In addition to the definitions enumerated in Article 9 of this Code the following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:~~

~~Code enforcement officer means the Code Enforcement Officer of Hardee County.~~

~~County means the unincorporated area of Hardee County, as well as the municipalities of Bowling Green and Zolfo Springs.~~

~~Junked motor vehicle means any motor vehicle, as defined in this Section, the condition of which is wrecked, dismantled, partially dismantled, inoperative, unlicensed, abandoned or discarded. Within Agricultural Land Use categories and A-1 zoned districts, inoperable and partially dismantled vehicles shall be exempt; however, the AG/A-1 property must be an operating agricultural enterprise. The number of said inoperable and partially dismantled vehicles shall not exceed the number meeting the definition of a junk or salvage yard, except where, consistent with an bona fide agricultural operation, the County Manager/designee has approved additional vehicles up to a maximum of six vehicles. Any number of vehicles meeting the definition of junk vehicles under this Section beyond six shall require approval by the Board of County Commissioners. The Board of County Commissioners, in considering requests for junk vehicles beyond six vehicles may impose conditions to protect the public.~~

~~Motor vehicle means any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to, automobiles, buses, motorbikes, motorcycles, motor scooters, trucks, tractors, go carts, golf carts, campers, trailers, recreational vehicles and all terrain vehicles (ATV).~~

~~Private property means any real property within the County which is privately owned and which is not public property as defined in this Section.~~

~~Public property means any street or highway, which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and shall also mean any other publicly owned property or facility.~~

*Comment: Relocated from Section 2.27.01 and deleted as it will be adopted through the updated Code of Ordinances.*

**~~2.27.02. Storing, Parking, or Leaving Junked Motor Vehicle Prohibited; Declared Nuisance; Exception.~~**

~~No person shall park, store, leave, or permit the parking, storing, or leaving of more than one junked motor vehicle of any kind which is in an abandoned, wrecked, dismantled, inoperative, junked, unlicensed, or partially dismantled condition, whether attended or not, upon private property within the County for a period of time in excess of 48 hours.~~

~~No person shall park, store, leave, or permit the parking, storing, or leaving of more than one junked motor vehicle of any kind which is in an abandoned, wrecked, dismantled, inoperative, junked, unlicensed, or partially dismantled condition, whether attended or not, upon any public property within the County for a period of time in excess of 48 hours.~~

~~The presence of a junked motor vehicle on private or public property is hereby declared a public nuisance, which may be abated as such in accordance with the provisions of this Section. This Section shall not apply to any vehicle enclosed within a building on private property.~~

*Comment: Section relocated from Section 2.27.02 and deleted as it will be adopted through the updated Code of Ordinances.*

~~**2.27.03. Penalty for Violation of this Section.**~~

~~Any person violating any of the provisions of this Section shall be subject to fines as imposed by the County Court.~~

*Comment: Section relocated from Section 2.27.03 and deleted as it will be adopted through the updated Code of Ordinances.*

~~**2.27.04. Notice to Remove.**~~

~~Whenever it comes to the attention of the Code Enforcement Officer that any nuisance as defined in this Section exists in the County, a notice in writing shall be served upon the vehicle, the occupant of the land where the nuisance exists, or in case there is no such occupant, then upon the owner of the property or its agent, or the owner of the junked motor vehicle, either or all of them, notifying them of the existence of the nuisance and requesting its removal in the time specified in this Section.~~

*Comment: Section relocated from Section 2.27.04.*

~~**2.27.05. Responsibility for Removal.**~~

~~Upon proper notice and opportunity to be heard, the owner of an abandoned, wrecked, dismantled, unlicensed, or inoperative vehicle, or the owner or occupant of the private property on which such vehicle is located, either or all of them, shall be responsible for its removal. In the event of removal and disposition by the County, the owner, or occupant of the private property where such vehicle is located, shall be liable for the expenses incurred.~~

*Comment: Section relocated from Section 2.27.05.*

**~~2.27.06. Notice Procedure.~~**

~~The Code Enforcement Officer shall give notice of removal to the owner or occupant of the private property, or the owner of the abandoned, wrecked, dismantled, unlicensed, or inoperative vehicle, either or all of them, where it is located, at least five days before the time of compliance. It shall constitute sufficient notice when a copy of the notice is posted on the vehicle upon the private property on which the vehicle is located or when notice is sent by certified mail to the owner or occupant of the private property at his/her last known address.~~

*Comment: Section relocated from Section 2.27.06 and deleted as it will be adopted through the updated Code of Ordinances.*

**~~2.27.07. Contents of Notice.~~**

~~The notice provided in this Section shall contain the request for removal within the time specified in this Section, and the notice shall advise that upon failure to comply with the notice to remove, the County or its designee shall undertake such removal with the cost of removal to be levied against the owner or occupant of the property.~~

*Comment: Section relocated from Section 2.27.07 and deleted as it will be adopted through the updated Code of Ordinances.*

**~~2.27.08. Request for Hearing.~~**

~~The persons to whom the notices under this Article are directed, or their duly authorized agents, may appear for hearing before the Judge of the County Court as stipulated on the notice, for the purposes of defending the charges made by the County.~~

*Comment: Section relocated from Section 2.27.08 and deleted as it will be adopted through the updated Code of Ordinances.*

**~~2.2709. Removal of Motor Vehicle from Property.~~**

~~If the violation described in the notice under this Section has not been remedied within the prescribed period of compliance, and the existence of the violation is affirmed by the County Judge, the Court may order a duly licensed towing company to take possession of the junked motor vehicle and remove it from the premises. Such removal shall be promptly reported to the Hardee County Sheriff's Office and the Office of Hardee County Code Enforcement by the towing company. It shall be unlawful for any person to interfere with, hinder, or refuse to allow such persons to enter upon private property for the purpose of removing a vehicle under the provisions of this Section. The Code Enforcement Officer shall be immune from prosecution, civil or criminal, when conducting reasonable~~

~~good faith trespass upon private property while in the discharge of duty imposed by this Section.~~

*Comment: Section relocated from Section 2.27.09 and deleted as it will be adopted through the updated Code of Ordinances.*

**~~2.27.10. Notice of Removal.~~**

~~Within 48 hours of the removal of a junked vehicle under this Section, the County Manager/designee shall give notice to the registered owner of the junked motor vehicle, if known, and also to the owner or occupant of the private property from which the vehicle was removed, that such vehicle has been impounded and stored for violation of this Article. The notice shall give the location of where the vehicle is stored, and the costs incurred by the County for removal.~~

*Comment: Section relocated from Section 2.27.10 and deleted as it will be adopted through the updated Code of Ordinances.*

**~~2.27.11. Disposition of Vehicles.~~**

~~Upon removing a vehicle under the provisions of this Section, the County shall after ten days cause such vehicle to be appraised by a person knowledgeable as to junked motor vehicle values. If the vehicle is appraised at \$200.00 or less, the County Manager/designee shall execute an affidavit so attesting and describing the vehicle, including the license plates, if any, and stating the location and appraised value of the vehicle. The County Manager/designee, after complying with the above provisions, may summarily dispose of the junked motor vehicle and execute a certificate of sale. If the vehicle is appraised at over \$200.00, the County Manager/designee shall give notice of public sale not less than 30 days before the date of the proposed sale.~~

*Comment: Section relocated from Section 2.27.11 and deleted as it will be adopted through the updated Code of Ordinances.*

**~~2.27.12. Contents of Public Sale Notice.~~**

~~The notice of public sale shall state:~~

~~(01) The sale is of abandoned property in the possession of the County.~~

~~(02) A description of the vehicle, including make, model, license number and any other information which will accurately identify the vehicle.~~

~~(03) The terms of the sale.~~

~~(04) — The date, time, and place of the sale.~~

*Comment: Section relocated from Section 2.27.12 and deleted as it will be adopted through the updated Code of Ordinances.*

~~**2.27.13. — Public Sale.**~~

~~The junked motor vehicle sold at public sale under the terms of this Article shall be sold to the highest bidder. At the time of payment of the purchase price, the County Manager/designee shall execute a certificate of sale in duplicate, the original of which is to be given to the purchaser, and the copy thereof to be filed with the County Clerk. Should the sale for any reason be invalid, the County's liability shall be limited to the return of the purchase price.~~

*Comment: Section relocated from Section 2.27.13 and deleted as it will be adopted through the updated Code of Ordinances.*

~~**2.27.14. — Redemption of Impounded Vehicles.**~~

~~The owner of any junked motor vehicle seized under the provisions of this Article may redeem such vehicle at any time after its removal, but prior to the sale or destruction thereof, upon proof of ownership and payment to the County finance director of such sum as the County Manager/designee may determine and fix for the actual and reasonable expense of administration and removal, and any preliminary sale advertising expenses, attorney's fees, plus reasonable storage fees, for each vehicle redeemed.~~

*Comment: Section relocated from Section 2.27.14 and deleted as it will be adopted through the updated Code of Ordinances.*

~~**2.27.15. — Liability of Owner or Occupant.**~~

~~Upon the failure of the owner or occupant of property on which junked motor vehicles have been removed by the County to pay the un-recovered expenses incurred by the County in such removal and disposition, a lien shall be placed upon the said real property for the amount of such expenses, pursuant to an order of the County Court.~~

*Comment: Section relocated from Section 2.27.15 and deleted as it will be adopted through the updated Code of Ordinances.*