

ARTICLE 3

DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS

3.01.00 General Provisions

3.01.01 Purpose

The purpose of this Article is to provide development design and improvement standards applicable to all development activity within the City of Wauchula.

3.01.02 Responsibility for Improvements

Unless otherwise specifically provided, all improvements required by this Article shall be designed, installed, and paid for by the Owner, Applicant, Developer, and/or User.

3.01.03 Principles of Development Design

The provisions of this Article are intended to ensure functional and attractive development. Development design shall first take into account the protection of natural resources as prescribed in Article 5 of this Code. All development shall be designed to avoid unnecessary impervious surface cover; to provide adequate access to lots and sites; and to avoid adverse effects of glare, noise, odor, traffic, drainage, and utilities on surrounding properties.

3.01.04 Blocks, Yards, Lots, and Fences

(A) Blocks

- (1) Where a tract of land is bounded by streets forming a block, said block shall have sufficient width to provide for two tiers of lots of appropriate depths.
- (2) The lengths, widths, and shapes of blocks shall be consistent with adjacent areas.
- (3) Block lengths shall not exceed 1,000 feet in length or be less than 400 feet in length, except as may be approved by the Planning and Zoning Board.

(B) Yards and Lots

- (1) *Clear Visibility Triangle.* Obstructions to vision at street intersections shall not be allowed. See Section 3.02.04, "Clear Visibility Triangle".
- (2) *Front Yard Regulations for Double Frontage Lots.* Double frontage lots

shall, on both of the adjacent streets, meet the front yard regulations of the district in which they are located.

(3) Yard Regulations for Corner Lots.

- a. On corner lots in any zoning district where front yards are required, no obstruction shall be permitted to impede the clear visibility triangle (Section 3.02.04).
- b. On corner lots abutting two intersecting streets, both yards facing both streets shall be front yards and shall maintain the front yard required setback listed in the Table of Development Standards, Table 2.02.01(C).
- c. The side and rear yards for the corner lot shall be designated by the applicant at the time of his application for a Building Permit.

(4) *Application of Yards to One Building Only.* No part of a yard required for any building may be included as fulfilling the yard requirements for an adjacent building.

(5) Use of front yards for accessory buildings in Residential Zoning Districts. No accessory buildings are permitted in front yards. They are permitted in rear or side yards according to the dimension and area regulations.

(6) *Reduction in Lot Area Prohibited.* No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that lot area, yard, width, or other dimension and area regulations of this Code are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

(C) Yard Setbacks

- (1) The minimum front yard setback shall be that which is in the Table of Development Standards of Article 2, for each zoning district.
- (2) The City Commission may, however, grant a variance where existing development on adjoining lots does not meet this front yard requirement.
- (3) All lots shall front on a dedicated public street for a minimum distance of 50 feet, except that those lots which front on the turnarounds of permanent dead-end streets shall be permitted a minimum distance of 40 feet.
- (4) Lots of record less than 51 feet in width and more than 25 feet in width shall have a minimum side yard setback of five feet.

(D) Yard Setbacks in P-1, C1, and C2:

- (1) When commercial property adjoins residential property along a street line, the front setback of the commercial property improved must equal that required of the adjoining residential property.
- (2) There shall be a minimum side or rear yard setback of not less than 25 feet where the side or rear of the commercial property adjoins residential property.
- (3) If a nonresidential building is used also for residential purposes above the first story, there shall be a rear yard with a minimum depth of 30 feet. However, no rear yard shall be required within 50 feet of any front street line behind any story. An outside fire escape, stairway, or balcony may project not more than five feet into a rear yard.
- (4) Residential buildings in P-1, C1, and C2 shall have yards equal in width as specified for such dwellings in the least restrictive residential district.

(E) *Requirements for Lots Divided by a Right-of-Way.* Where a single lot or parcel that has been recorded in the public records of Hardee County under a unified legal description is divided by a public or private right-of-way, road, alley, or easement, the following standards shall apply:

- (1) Where the land area on each side of the right-of-way meets the minimum size requirement of the applicable zoning district, the property shall be considered two lots for the purposes of this Code.
- (2) Where the land area on one or both sides of the right-of-way fails to meet the minimum size requirement, then the property shall be considered one lot for the purposes of this Code. The principal structure shall be located on the larger portion of the property.
- (3) No subdivision plat that includes a lot divided by a right-of-way shall be approved unless such lot meets the applicable size requirement on at least one side of the right-of-way.

(F) *Alteration of Lot Size.* No existing lot shall be reduced in area or dimension below the minimum requirements applicable to such lot under the provisions of this Code, except that when a lot is reduced in dimension or total area by 20 percent or less by the voluntary dedication and acceptance of a portion of such lot for a public use, the lot shall be considered to contain the dimensions and area it contained prior to such dedication. However, for purposes of measuring compliance with setback requirements of this Code, the dimensions and area of

such lot as it exists after the voluntary dedication shall apply.

- (G) *Fence Height Limitations* A permit is required from the Development Director before erecting any fence.
- (1) *Residential Zoning Districts.* In all residential zoning districts, no fence or solid wall on any property shall exceed six feet in height. A solid fence may be added in the front yard as long as it does not exceed four feet in height and has a 10-foot minimum setback from the property line. A chain-link type fence (without slats) may be placed within the front setback area as long as it does not exceed four feet in height. Similarly, no fence shall exceed six feet in height in the rear and side yard; and a solid fence may be added in the side yard as long as a 10 foot minimum setback from the front property line is maintained. A chain-link type fence (without slats) may be placed within the side yard setback area up to the front property line and may not exceed four feet in height for the first ten feet from the front property line.
 - (2) *Other Zoning Districts.* No fence or solid wall on any property shall exceed eight feet in height in any commercial or industrial zoning districts.
 - (3) *Clear Visibility Triangle.* In all districts, no fence or other obstruction, including signs having less than 8 feet of ground clearance, walls, hedges, or other structures shall be permitted to impede the clear visibility triangle (Section 3.02.04) so as to interfere with traffic visibility across the corner.
 - (4) *Finished Side Facing Out.* Any fence located adjacent to a public right-of-way or private road shall be placed with the finished side facing that right-of-way.
 - (5) *Pools.* Unless the pool is entirely enclosed or screened-in with approval screen, it must be surrounded by a protective wall or chain link fence no less than four feet in height and meet the requirements of Section 2.04.04(C).
 - (6) *Double Frontage Lots.* See Section 3.01.04(B)(2).
- (H) *Fencing of Outdoor Storage Areas in Commercial and Industrial Zoning Districts* All outdoor storage areas will be enclosed by suitable vegetation, fences or walls. Commercial and Industrial uses next to residential uses are required to have a landscape buffer. See Article 3, Section 3.07.00, "Landscaping," for details.

Fencing of all industrial uses is required, unless the activity is conducted wholly within a permanent structure which obscures the use from public view.

3.02.00 Transportation Systems

3.02.01 General Provisions

- (A) *Purpose.* This Section establishes minimum requirements applicable to the development of the transportation system, including public and private streets, bikeways, pedestrian ways, parking and loading areas, and access control to and from public streets. The standards in this Section are intended to minimize the traffic impacts of development and shall be construed and implemented to create an efficient, safe, and balanced system of traffic circulation accommodating vehicles, bicycles, and pedestrians consistent with good engineering and development design practices.
- (B) *Compliance with Technical Construction Standards.* All required elements of the transportation system shall be provided in compliance with engineering design and construction standards adopted by the City of Wauchula.

3.02.02 Right-of-Way Widths

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

Table 3.02.02(A) Right-of-Way Widths

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

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

setbacks shall be based on future right-of-way lines.

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

3.02.03 Street Design Standards

(A) General Design Standards

- (1) All streets in a new development shall be designed and constructed pursuant to all engineering design standards adopted by the City of Wauchula. Streets shall be dedicated to the City upon completion, inspection, and acceptance by the City.
- (2) The street system of the proposed development shall, to the extent practicable, conform to the natural topography of the site, preserving existing hydrological and vegetative patterns, and minimizing erosion potential, runoff, and the need for site alteration. Particular effort should be directed toward securing the flattest possible grade near intersections.
- (3) Streets shall be laid out to avoid environmentally sensitive areas.
- (4) Private streets may be allowed within any development, provided they are designed and constructed pursuant all engineering standards applicable to public roads of the same functional classification.
- (5) Private ownership of streets may be permitted with approval by the City Commission, if the developer, in writing, assures the City that these private improvements shall be kept in a satisfactory state of repair and maintenance by the developer or by legally established homeowners association, which shall be clearly stated on the face of the final plat.
- (6) The street layout in all new development shall be coordinated with and interconnected to the street system of the surrounding area.
- (7) Streets in proposed subdivisions shall be connected to rights-of-way in adjacent areas to allow for proper inter-neighborhood traffic flow. If adjacent lands are unplatted, stub-outs in the new development shall be provided for future connection to the adjacent unplatted land.
- (8) Residential streets shall be arranged to discourage through traffic, but not

eliminate it.

- (9) Streets shall intersect as nearly as possible at right angles and in no case shall be less than 75 degrees.
 - (10) *Paving Thickness.* Pavement thickness shall be minimum of 1.5 inch asphalt concrete (compacted thickness) and a minimum four inch limerock base course (compacted thickness). Standard stability requirements on the asphalt and standard acceptable density requirements on the limerock base course shall be met. These specifications may be increased at the discretion of the City Commission.
 - (11) *Curbing Requirement.* Curbing shall be required for the purposes of drainage, safety, and delineation and protection of pavement edge along streets where the surface drainage plan requires curbing to channel stormwater. All curbing shall conform to the general engineering and construction standards for the City.
 - (12) *Shoulders.* Shoulders, where required, shall measure at least four feet (4') in width and shall be required on each side of streets and shall be located within the right-of-way. Shoulders shall consist of stabilized turf or other material permitted by the City.
- (B) *Pavement Widths.* Pavement widths for each street classification shall be as provided in the following table:

Table 3.02.03(A) Pavement Widths

Type of Street	Curb and Gutter	No Curb and Gutter
Arterial	22 feet	22 feet
Collector	20 feet	20 feet
Local Road	20 feet	20 feet

(C) Cul-de-sac Turnarounds and Alleys

- (1) *Cul-de-Sacs.* Permanent dead-end streets extending more than two lots or more than 125 feet shall provide a cul-de-sac turnaround, the location and specification of which shall be established by the Consulting City Engineer and the Fire Department.
- (2) An unobstructed 12-foot wide moving lane with a minimum outside turning radius of 38 feet shall be provided at the terminus of every permanent cul-de-sac. Each cul-de-sac shall not exceed 250 feet in length.
- (3) *Alleys.* Alleys shall be provided in commercial and industrial districts or areas except that the Planning and Zoning Board may waive requirement

where other definite and positive provisions are made for service access, off-street loading, unloading, or parking.

- a. *Width.* The width of any alley shall not be less than 10 feet and not more than 30 feet.
 - b. *Intersections, Direction Changes.* Alley intersections and sharp changes of direction shall be avoided. When necessary, all corners shall be rounded to a minimum radius of 20 feet to facilitate safe vehicular movement.
 - c. *Dead Ends.* Dead end alleys shall be prohibited unless provided with a turnaround or cul-de-sac.
- (D) *Signage and Signalization.* The developer shall deposit with the City sufficient funds to provide all necessary roadway signs and traffic signalization as may be required by the City, based upon City or State traffic standards. At least two street name signs shall be placed at each four-way street intersection, and one at each "T" intersection. Signs shall be installed under light standards and free of visual obstruction. The design of street name signs shall be consistent, of a style appropriate to the community, and of a uniform size and color.

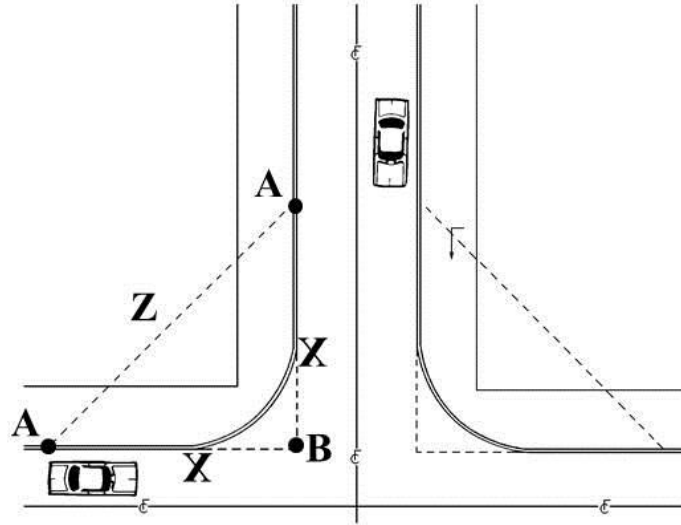
3.02.04 Clear Visibility Triangle

In order to provide a clear view of intersecting streets to the motorist, there shall be a triangular area of clear visibility formed by two intersecting streets or the intersection of a driveway and a street. The following standards shall be met:

- (A) Nothing shall be erected, placed, parked, planted, or allowed to grow in such a manner as to materially impede vision between a height of two feet (2') and ten feet (10') above the centerline grade, with the exception of publicly owned highway signs, utility poles, and traffic control poles, as measured from the centerline of the intersection. Anything placed in this triangle shall be in accordance with the roadside recovery area provisions of the State of Florida Department of Transportation's Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways (Florida Greenbook), current edition where available.
- (B) *Clear Visibility Triangle at Street Intersections:* The clear visibility triangle shall be formed by extending a line beginning from the back of the curb or edge of the pavement on each street right-of-way (point A) to a point of intersection (point B), measuring a prescribed minimum distance (transect X) as provided in subsection 3.02.04(C), Clear Visibility Triangle – Minimum Distance Required below. A third line connecting the two beginning points (points A) shall create the hypotenuse of the clear visibility triangle (transect Z). (See Figure 3.03.04(a)

below).

Figure 3.02.04(a)
Clear Visibility Triangle at Street Intersections



(C) Clear Visibility Triangle – Minimum Distances Required

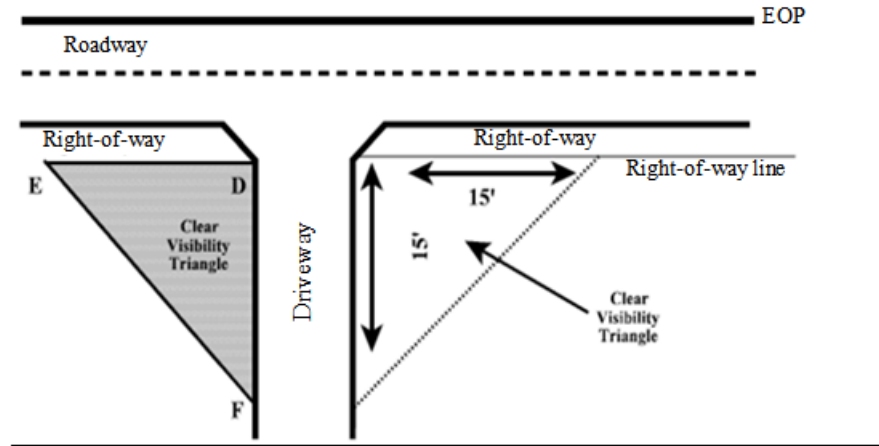
Road Classification	Distance from Street Right-of-Way Intersection
Major Arterial	100 feet
Minor Arterial	90 feet
Rural Major Collector	80 feet
Rural Minor Collector	70 feet
Local Street	50 feet

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

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

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

Figure 3.02.04(b)
Clear Visibility Triangle at Driveways



3.02.05 Sidewalks and Bikeways

(A) Sidewalks and bikeways are required for the following.

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

- (5) Residential projects adjacent to or in the immediate vicinity of commercial, office, service, schools, or recreation activities shall provide sidewalks from the development to the activity center.
 - (6) Pedestrian-ways or crosswalks, not less than 10 feet wide with a sidewalk meeting the requirements of this Section, may be required to be placed in the center of blocks more than 800 feet long where deemed necessary to provide circulation or access to schools, playgrounds, shopping centers, transportation, and other community facilities.
 - (7) The City Manager or his or her designee may waive the requirement of sidewalks on streets in those blocks where the average width of lots is 200 feet or more, or where a park, railroad, canal, or other use on one side of a street makes a sidewalk on that side not essential for safety of pedestrians, or where the requirement and installation of sidewalks would cause a serious drainage impact in locations where the requirement of storm drainage has been found to be impracticable.
 - (8) Where it appears that a previously dedicated street forms a boundary of a subdivision, the subdivider must dedicate proper sidewalk areas on the side of the street abutting the land(s) being subdivided.
- (B) *Design and Construction Standards.* Design and construction of sidewalks, bikeways, or other footpaths shall conform to all applicable engineering requirements adopted by the City of Wauchula, including provisions for access by physically handicapped persons. Standards shall be consistent with those adopted by the American Association of State Highway and Transportation Officials (AASHTO) and the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG).

3.02.06 Access Points and Circulation

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

onto City or County roads shall be as provided in Table 3.02.06A Number of Required Access Points:

Table 3.02.06(A)
Number of Required Access Points

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

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

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

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

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

Table 3.02.06(B)
Corner Lot Connection Requirements

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

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

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

Chapter 14-97, F.A.C. However, two adjacent projects may share a common driveway provided that appropriate access easements are granted between or among property owners.

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

City with documentation (i.e., studies, pedestrian counts, traffic counts, etc.) warranting the requested signalization device.

3.02.07 Standards for Drive-in Facilities

All facilities providing drive-in or drive-through service shall provide on-site stacking lanes in accordance with the following standards:

- (A) The facilities and stacking lanes shall be located and designed to minimize turning movements in relation to driveway access to streets and intersections.
- (B) The facilities and stacking lanes shall be located and designed to minimize or avoid conflicts between vehicular traffic and pedestrian areas such as sidewalks, crosswalks, or other pedestrian access ways.
- (C) A by-pass lane shall be provided.
- (D) Stacking lane distance shall be measured from the service window to the property line bordering the furthest street providing access to the facility.
- (E) Minimum stacking lane distance shall be as follows:
 - (1) Financial institutions shall have a minimum distance of 200 feet. Two or more stacking lanes may be provided that together total 200 feet.
 - (2) All other uses shall have a minimum distance of 120 feet.
- (F) Alleys or driveways in or abutting areas designed, approved, or developed for residential use shall not be used for circulation of traffic for drive-in facilities.
- (G) Where turns are required in the exit lane, the minimum distance from any drive-in station to the beginning point of the curve shall be 34 feet. The minimum inside turning radius shall be 25 feet.
- (H) Construction of stacking lanes shall conform to all engineering design standards adopted by the City of Wauchula.

3.03.00 Off-Street Parking And Loading

3.03.01 Applicability

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

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

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

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

3.03.02 Number of Required Spaces

- (A) *Number of Required Off-Street Parking Spaces.* In all districts, off-street parking shall be provided for each criterion as set forth in Table 3.03.02(A) Number of Required Off-Street Parking Spaces.
- (B) In R-1A, a minimum of three off-street parking spaces are required for every residential unit. In all other residential districts, a minimum of two off-street parking spaces are required for every residential unit. One additional car parking space shall be provided for each secondary dwelling unit (garage apartment). Off-street parking shall be surfaced in a stable manner and shall have vehicular access to a dedicated public street or alley.
- (C) *Off-Street Parking for the Physically Disabled.* All development covered by 316.1955-1956, F.S., shall provide parking for the physically disabled pursuant to the requirements of those sections. In addition, all residential developments with

greater than 25 required parking spaces shall comply with the requirements of 316.1956, F.S.

- (D) *Exceptions to Off-street Parking Spaces Required for uses in Historic Structures.* Upon approval of a site plan by the Development Director, off-street parking may be waived or reduced, provided the following determinations are made:
- (1) Construction of the required spaces on-site would prevent the continuous development of a compact and coordinated row of commercial buildings fronting on an already established commercial block or shopping area;
 - (2) The required spaces cannot be reasonably provided. In residential zoning districts and in conjunction with historic structures, parking may be allowed on the street, if the character of the neighborhood is not altered.
 - (3) The principal building and use proposed is not designed or oriented to providing sales or services to persons remaining in vehicles;
 - (4) Construction of the required space would detract from the overall shopping desirability of the adjoining buildings and premises and would result in the incompatible mixing of vehicles, buildings, and pedestrian shoppers.
- (E) Front setbacks of less than 25 feet in commercial and professional districts do not allow for pull-in parking and is prohibited. All parking must be in the rear or on the side of the building(s).
- (F) *Parking of Commercial Vehicles in Residential Districts.* Parking of commercial vehicles (truck, tractor trailer, or the like) as defined by Florida Statutes 316.003 is prohibited in all residential districts.

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

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

The City Commission may designate a city parking lot that can be used for the overnight and weekend parking of commercial vehicles. The City assumes no

liability for the safety of any vehicle or its contents; and no commercial vehicle shall be abandoned at the designated lot.

- (G) *Parking of Boats and Recreational Vehicles in Residential Districts.* Within any residential district, recreational vehicles (including collapsible camp trailers), and boats on trailers may be parked for storage purposes only within the side yard area not less than five feet from the side property line, and within the rear yard area not less than five feet from the rear property line. No recreational vehicle or boat may be parked between any public street and the living area of the principal building, except on the designated driveway.
- (H) *Uses Not Specifically Mentioned:* Uses not specifically listed in Table 3.03.02(A) shall provide off street parking as provided for the use most similar to the one being proposed.
- (I) *Fractional measurements:* Any fraction equal to or greater than $\frac{1}{2}$ of the required parking space shall require a full off-street parking space.
- (J) *Mixed Uses:* The total requirement for off-street parking shall be the sum of the requirements of each use computed separately. An off-street parking space for one use shall not be considered as providing the required off-street parking for any other use. See Section 3.03.04(D), Reduction for Shared-Use of Parking Spaces, for opportunities where shared-use parking is to be pursued.
- (K) *Computation of Parking Spaces Measurement:* Gross Floor Area (GFA) means the gross floor area inside of the exterior walls. In hospitals, bassinets shall not count as beds. In stadiums, sports arenas, religious establishments, and other places of assembly in which occupants utilize benches, pews, or other similar seating facilities, each 30 linear inches of such seating shall be counted as one seat for the purpose of computing the off-street parking requirement.

Table 3.03.02(A)
Required Off-Street Parking

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

Table 3.03.02(A)
Required Off-Street Parking

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

Table 3.03.02(A)
Required Off-Street Parking

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

Table 3.03.02(A)
Required Off-Street Parking

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

Table 3.03.02(A)
Required Off-Street Parking

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

Table 3.03.02(A)
Required Off-Street Parking

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

3.03.03 *Bicycle Parking*

- (A) One bicycle parking space shall be provided for every 10 automobile parking spaces, or fraction thereof, required for the use, except as provided below:

**Table 3.03.03A
Required Bicycle Parking Spaces**

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

- (B) Design Standards
- (1) All bicycle parking facilities shall be approved by the Development Director. The Development Director shall maintain a list of approved bicycle parking facilities.
 - (2) Other bicycle parking devices may be used if it is established to the satisfaction of the Department that the standards below are met.
 - (3) The rack or other facility shall:
 - a. Be designed to allow each bicycle to be supported by its frame.
 - b. Be designed to allow the frame and wheels of each bicycle to be secured against theft.
 - c. Be designed to avoid damage to the bicycles.
 - d. Be designed to accommodate a range of bicycle shapes and sizes, providing ease for locking without interfering with adjacent bicycles.
 - e. Be anchored to resist removal and solidly constructed to resist damage by rust, corrosion, and vandalism.

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

3.03.04 Location of Parking Spaces

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

- (1) Parking spaces required in this Section shall in no part exist upon, and no portion of any vehicle shall overhang, the right-of-way of any public road, street, alley, or walkway. There shall be no off-street parking in the front yards of single-family residences, except as normally exists in driveways.
- (2) Parking requirements for two or more uses, of the same or different types, may be provided by the establishment of the required number of spaces for each use in a common parking area.

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

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

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

Resident parking:	200 feet
Visitor parking:	250 feet

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

(C) Adjustments to Off-Street Parking Requirements

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

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

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

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

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

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

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

3.03.05 Required Parking Lot Improvements

This Section shall apply to all new construction requiring off-street parking, and existing nonconforming parking facilities, if on-site renovation, construction, or repair exceeds 50 percent of the assessed value of the property.

Any off-street parking lot serving any use other than dwellings of two units per building or less shall meet the following requirements for off-street parking lot improvements:

- (A) The parking area will be buffered and canopy provided pursuant to Section 3.07.00.

- (B) For all retail sales and services, business services, and professional services serving the general public and having access to and abutting a paved street, the off-street parking area shall be provided with a stabilized surface and shall be so graded and drained as to provide for the adequate runoff and disposal of surface water, and shall be constructed in accordance with standards of the City Engineer.
- (C) Where lighting facilities are provided for the parking area, they shall be designed and installed so as to direct the light away from any contiguous residential property.
- (D) All automobile and truck parking, loading, and unloading spaces and access thereto shall be surfaced in a stable manner.

3.03.06 Off-Street Loading Requirements

Off-street loading spaces shall be provided in accordance with the following standards:

- (A) Every hospital, institution, commercial or industrial building or similar use shall be provided with one loading space for each 20,000 s.f. or more of floor area, and requiring the receipt or distribution by vehicles of materials or merchandise shall have at least one permanent off-street loading space for each 20,000 s.f. of gross floor area, or fraction thereof, immediately adjacent to the principal building.
- (B) Retail operations, wholesale operations, and industrial operations, with a gross floor area of less than 20,000 s.f. shall provide sufficient space for loading and unloading operations in order that the free movement of vehicles and pedestrians over a sidewalk, street or alley shall not be impaired.
- (C) Every off-street loading and unloading space shall have a direct access to a public street or alley, and shall have the following minimum dimensions:
 - (1) Depth: 40 feet;
 - (2) Width: 12 feet;
 - (3) Overhead Clearance: 13.5 feet.
- (D) Manufactured home and recreational vehicle sales establishments shall provide adequate space off the public right-of-way for the maneuvering of manufactured homes and recreational vehicles into position on the property without blocking traffic on the abutting street or road.

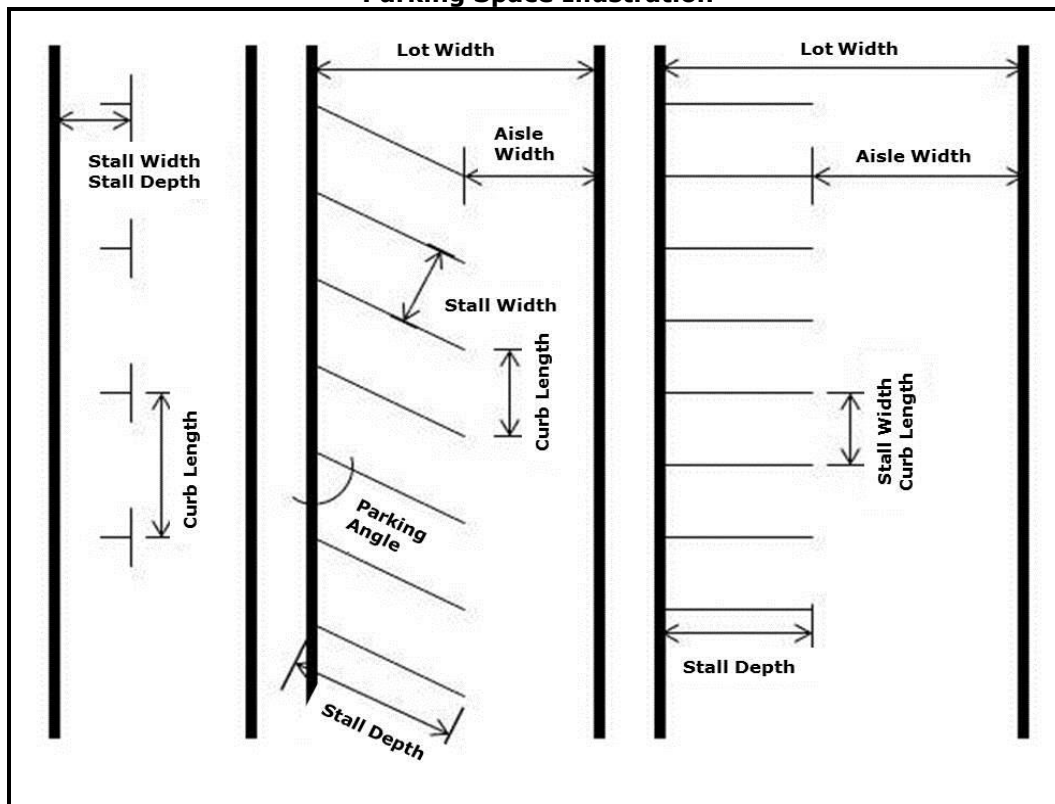
3.03.07 Design Standards for Off-Street Parking and Loading Areas

- (A) *Location.* All required off-street parking spaces shall be located on the same parcel as the use which they serve, unless approved as off-site parking.
- (B) *Size.* Standard and compact parking spaces for varying parking lot designs shall be sized according to Table 3.03.07(A) below.
 - (1) Parallel parking spaces shall be a minimum of eight feet wide and 22 feet long. If a parallel space abuts no more than one other parallel space, and adequate access room is available, then the length may be reduced to 20 feet.
 - (2) Tandem parking spaces must be a minimum of nine feet wide and 20 feet long.
 - (3) A standard motorcycle parking space shall be four and one-quarter (4¼) feet wide and nine and one-quarter (9¼) feet long.
 - (4) The length of one or more of the loading spaces shall be increased up to 55 feet, if full-length tractor-trailers must be accommodated.
 - (5) *Compact Parking Spaces.* Up to 20 percent of required parking spaces may be designated as compact spaces, with minimum dimensions of 8-feet by 16-feet. Compact spaces shall only be allowed for projects requiring 20 or more parking spaces. Compact spaces shall be clustered in one or more groups and dispersed throughout the development site, to provide drivers using either compact or full-sized spaces, equal access to the most convenient parking locations. Compact spaces shall be designated by signage on every third space, painted Compact on each pavement space and double striped to indicate their status. Spaces provided in excess of the required number of spaces may all be compact spaces, provided that the total number of compact spaces shall not exceed 33 percent of the total number of spaces provided.
 - (6) *Adjustments to Off-Street Parking Design Standards.* Development Director may modify these requirements where necessary to promote a substantial public interest relating to environmental protection, heritage conservation, aesthetics, tree protection, or drainage. The Development Director shall certify that the modification does not create a serious hazard or inconvenience, and the Development Director shall submit a written statement of the public interest served by allowing the modification, which shall be attached to the building permit.

Table 3.03.07A
Parking Space Dimensions

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

Figure 3.03.07(A)
Parking Space Illustration



- (C) *Layout.* Pedestrian circulation facilities, roadways, driveways, and off-street parking and loading areas shall be designed to be safe and convenient.
- (1) Each off-street parking space shall open directly onto an aisle or driveway that, except for single-family and two-family residences, is not a public street.
 - (2) Aisles and driveways shall not be used for parking vehicles, except that the driveway of a single-family or two-family residence may be counted as meeting the parking space requirements for the dwelling unit, provided it is at least 20 feet in length.
 - (3) The design shall be based on a definite and logical system of drive lanes to serve the parking and loading spaces.
 - (4) Parking spaces for all uses, except single-family and two-family residences, shall be designed to permit entry and exit without moving any other motor vehicle.
 - (5) No parking space shall be located so as to block access by emergency vehicles.
- (D) *Parking Lot Construction Standards.* Parking lots shall be constructed at a minimum, with six (6) inches of shellrock base, compacted to 95 percent density, as per AASHTO T-180 with a one and one-half (1½) inch S-I asphalt surface course, except as listed below:
- (1) Six (6) inches of 3,000 psi concrete over well compacted soil may be substituted for shellrock and asphalt.
 - (2) For places of public assembly where parking needs are limited to one or two days per week, parking spaces may be grass. Aisles and circulation areas shall be paved. This exemption may be approved upon a finding by the Development Director that there would be no detrimental effect due to erosion or other degrading of the natural environment.
 - (3) Parking lots that provide grass parking spaces shall not use such areas in the calculations needed to meet minimum requirements for buffers, landscaping, or stormwater retention.

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

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

Table 3.03.07(B)
Number of Required Handicapped Spaces

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

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

to the building or facility entrance.

- c. Parallel handicap parking spaces shall be located either at the beginning or end of a block or adjacent to an alley entrance. Curbs adjacent to such premises shall be of a height that will not interfere with opening and closing of motor vehicle doors.
 - d. Each handicap parking space shall be prominently outlined with blue paint and posted with a non-movable, above grade, fixed sign, of a color and design approved by the FDOT, bearing the internationally accepted wheelchair symbol and the caption "PARKING BY DISABLED PERMIT ONLY." The symbol and caption may be on two separate signs, or combined on one sign.
- (3) Ramps and curb cuts shall meet the following design and location requirements:
- a. Ramps and curb cuts from parking areas to level pedestrian walkways shall be provided and spaced at intervals of no more than 100 feet. Ramps and curb cuts shall be located as close as possible to the main entrances and exits of buildings, facilities, and uses being served.
 - b. The maximum slope of an access ramp for new construction shall be established at a ratio of 1:12. Ramps 30 feet in length or longer shall have a maximum slope of 1:20.

Exception: In lieu of a maximum slope of 1:20 for access ramps 30 feet in length or longer, a 1:12 slope ratio may be utilized, provided that a level platform at least 60 inches deep, in the direction of the access ramp, is provided at 30-foot intervals.
 - c. The minimum width of an access ramp shall be 44 inches, exclusive of flared sides. Ramps shall be constructed of a skid-resistant surface.

3.04.00 Utilities

3.04.01 Requirements for All Developments

Utility easements shall not be less than 15 feet wide or 7.5 feet on each side of a lot. The following basic utilities are required for all developments subject to the criteria listed herein:

- (A) *Water and Sewer.* Every principal use and every lot within a newly platted subdivision shall have central potable water and wastewater hookup whenever

required by the Comprehensive Plan and where the topography permits the connection to a public water or sewer line by running a connecting line no more than 200 feet from the lot to such line.

- (1) The developer shall pay for all water and sewer “taps” provided by the City at the City’s regular “tapping” fees and shall pay for any additional costs incurred by the City to extend, enlarge, add lift stations, or otherwise modify the City’s potable water or wastewater system(s) required to provide adequate service to the development.
- (2) Upon contractual agreement with the City, the developer shall install all potable water and wastewater facilities within the development, including labor and materials. Said contract shall require that all materials to be installed be approved by the City, and, further, that upon proper installation said facilities shall become the property of the City and thereafter the City will maintain said facilities.
- (3) Each single-family residence, each unit of a duplex, or other multi-unit structure, each commercial unit, each industrial unit, or other individual unit will be considered a single point of service for billing purposes; and the developer shall provide separate metering of water flow for each unit.
- (4) The developer shall pay whatever potable water and wastewater impact fees in force at the time of final approval of the developer’s facilities together with all other financial obligations of the developer to the City before the City will accept said facilities and render service.
- (5) Private potable water wells shall be permitted within the City only upon a finding by the Development Director that City potable water service is not available. Any such wells so permitted shall be constructed pursuant to the requirements of the Florida Statutes and the Florida Administrative Code and City Regulations.
- (6) Any private potable water systems servicing the public shall be permitted and constructed in accordance with the requirements of Florida Statutes, Florida Administrative Code and City regulations.
- (7) Septic tanks or other onsite wastewater disposal systems shall be permitted within the City only upon a finding by the Development Director that City wastewater service is **not** available. Any such septic tanks or other wastewater disposal systems so permitted by the City shall be constructed pursuant to the requirements of Florida Statutes, Florida Administrative Code, and the City’s regulations.

- (8) Any wastewater collection systems shall be constructed by the developer pursuant to the requirements of Florida Statutes, Florida Administrative Code and the City's regulations.
- (B) *Stormwater and Drainage.* Where a lot is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse and width adequate for its purpose, access, and maintenance. Parallel streets or parkways may be required in connection therein.
- (C) *Fire Hydrants.* All developments served by a central water system shall include a system of fire hydrants consistent with design standards adopted by the City of Wauchula.
- (D) *Electricity, Communication, and Cable Television.* Every principal use and every lot within a subdivision shall have available to it a source of electric power, telephone, and cable television adequate to accommodate the reasonable needs of such use and every lot within such subdivision, and shall be placed underground, except as follows:
 - (1) Equipment appurtenant to underground facilities, such as surface mounted transformers, pedestal mounted terminal boxes, and meter cabinets; and
 - (2) Poles supporting only street lights.
 - (3) Upon written application of the owner or subdivider, the City Commission may, by resolution, waive or modify any provisions for underground requirements.
- (E) *Illumination.* All streets, driveways, sidewalks, bikeways, parking lots, and other common areas and facilities in developments shall provide illumination meeting design standards adopted by the City of Wauchula.

3.04.02 Design Standards

- (A) *Compliance with Technical Construction Standards.* All utilities required by this Chapter shall meet or exceed minimum design standards adopted by the City of Wauchula.
- (B) **Placement of Utilities Underground**
 - (1) All electric, telephone, cable television, and other communication lines (exclusive of transformers or enclosures containing electrical equipment, including but not limited to switches, meters, or capacitors that may be pad mounted), and gas distribution lines shall be placed underground within

easements or dedicated public rights-of-way, installed in accordance with the City's adopted design standards.

- (2) At the discretion of the Development Director, lots abutting existing easements or public rights-of-way where overhead electric, telephone, or cable television distribution supply lines and service connections have previously been installed, may be supplied with such services from the utility's overhead facilities, provided the service connection to the site or lot is placed underground.
- (3) Screening of any utility apparatus placed above ground shall be required.

3.04.03 Utility Easements

When a developer installs or causes the installation of water, sewer, electrical power, telephone, or cable television facilities and intends that such facilities shall be owned, operated, or maintained by a public utility or any entity other than the developer, the developer shall transfer to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities.

3.05.00 Stormwater Management

Treatment of stormwater runoff shall be required for all development, redevelopment, and, when expansion occurs, existing developed areas, as required by SWFWMD. The stormwater treatment system or systems can be project specific, or serve sub-areas within the County. The design and performance of all stormwater management systems shall comply with applicable State Regulations (Chapter 17-25 and Chapter 17-302, Florida Administrative Code) and the rules of the SWFWMD stated in Chapter 40D-4, F.A.C. Stormwater discharge facilities shall be designed so as to not lower the receiving water quality or degrade the receiving water body below the minimum conditions necessary to maintain their classifications as established in Chapter 17-302, F.A.C. Steps to control erosion and sedimentation shall be taken for all development.

3.05.01 Stormwater Management Requirements

- (A) *Performance Standards.* All development must be designed, constructed, and maintained to meet the following performance standards:
 - (1) While development activity is underway and after it is completed, the characteristics of stormwater runoff shall approximate the rate, volume, quality, and timing of stormwater runoff that occurred under the site's natural unimproved or existing state, except that the first one inch of stormwater runoff shall be treated in an off-line retention system or according to FDEP's Best Management Practices.
 - (2) Maintenance activity may be undertaken so long as it does not change or

affect the quality, rate, volume, or location of stormwater flows on the site or of stormwater runoff.

- (3) Actions may be undertaken during emergency conditions that violate these regulations to prevent imminent harm or danger, or to protect property from fire, violent storms, hurricanes, or other hazards. Upon cessation of the emergency, all activities shall conform to this Section.
 - (4) Agriculture activity may be engaged in, provided farming activities are conducted in accordance with the requirements set forth in an approved Soil Conservation Service Conservation Plan. If the Conservation Plan is not implemented accordingly, this exemption shall become void and a stormwater permit shall be required.
- (B) *Residential Performance Standards.* It is intended that all of the standards in the citations from the Florida Administrative Code are to apply to all development and redevelopment and that exemptions based on project size thresholds and individual structures do not apply for concurrency determinations. All development must meet F.A.C. and subsequently meet the following performance standards.
- (1) *New Construction.* For the purposes of determining whether residential development of 1-4 units on an individual lot, retention is required if any one of the following standards exists:
 - a. Structure and any impervious surface is closer than 100 feet from the receiving water body;
 - b. the topography of the lot is greater than a 6% slope;
 - c. the total of all impervious surface is 25% or more for buildings and paved areas of the total lot area.
 - (2) *Infill development.* Infill development within an existing subdivision or a developed residential area is exempt from a retention area, when the following condition has been met:
 - a. Infill residential development shall be designed so as to not lower the receiving water quality or degrade the receiving water body below the minimum conditions necessary to maintain their classifications as established in Chapter 17-302, F.A.C.

3.05.02 Design Standards

To comply with the foregoing performance standards, the proposed stormwater

management system shall conform to the following design standards:

- (A) Detention and retention systems shall be designed to comply with the FDEP's Best Management Practices.
- (B) To the maximum extent practicable, natural systems shall be used to accommodate stormwater.
- (C) The proposed stormwater management system shall be designed to accommodate the stormwater that originates within the development and stormwater that flows onto or across the development from adjacent lands.
- (D) The proposed stormwater management system shall be designed to function properly for a minimum 20-year life.
- (E) The design and construction of the proposed stormwater management system shall be certified as meeting applicable requirements, by a professional engineer registered in the State of Florida.
- (F) No surface water may be channeled or directed into a sanitary sewer.
- (G) The proposed stormwater management system shall be compatible with the stormwater management facilities on surrounding properties or streets, taking into account the possibility that substandard systems may be improved in the future.
- (H) The banks of detention and retention areas shall be sloped at no less than a 3:1 ratio and shall be planted with appropriate vegetation.
- (I) Dredging, clearing of vegetation, deepening, widening, straightening, stabilizing, or otherwise altering natural surface waters shall be minimized.
- (J) Natural surface waters shall not be used as sediment traps during or after development.
- (K) Water reuse and conservation shall, to the maximum extent practicable, be achieved by incorporating the stormwater management system into irrigation systems serving the development.
- (L) Vegetated buffers of sufficient width to prevent erosion shall be retained or created along the shores, banks, or edges of all natural or man-made surface waters.
- (M) In phased developments, the stormwater management system for each integrated stage of completion shall be capable of functioning independently.

- (N) All detention and retention basins, except natural water bodies used for this purpose, shall be accessible for maintenance from streets or public rights-of-way.

3.05.03 Dedication or Maintenance of Stormwater Management Systems

- (A) *Dedication.* If a stormwater management system approved under this Code will function as an integral part of a City-maintained drainage system, as determined by the City, the facilities may be dedicated to the City of Wauchula. The applicant shall be an acceptable entity and shall be responsible for the operation and maintenance of the stormwater management system from the time construction begins until the stormwater management system is dedicated to and accepted by another acceptable entity. All stormwater management systems that are not dedicated to the City shall be operated and maintained by one of the following entities:

- (1) The property owner or developer if:
 - a. Written proof is submitted in the appropriate form by either letter or resolution, that a governmental entity or such other acceptable entity will accept the operation and maintenance of the stormwater management and discharge facility at a time certain in the future; or
 - b. A bond or other assurance of continued financial capacity to operate and maintain the system is submitted;
- (2) For-profit or non-profit corporations including homeowners associations, property owners associations, condominium owners associations, or master associations if:
 - a. The owner or developer submits documents constituting legal capacity and a binding legal obligation between the entity and the City affirmatively taking responsibility for the operation and maintenance of the stormwater management facility; or
 - b. The association has sufficient powers reflected in its organizational or operational documents to operate and maintain the stormwater management system as permitted by the City, establish rules and regulations, assess members, contract for services and exist perpetually, with the Articles of Incorporation providing that if the association is dissolved, the stormwater management system will be maintained by an acceptable entity as described above;
- (3) An active water control district created pursuant to Chapter 298, Florida Statutes, or drainage district created by special act, or Community

Development District created pursuant to Chapter 190, Florida Statutes, or
Special Assessment District created pursuant to Chapter 170, Florida
Statutes;

- (4) A State or Federal agency;
 - (5) An officially franchised, licensed, or approved communication, water, sewer, electrical, or other public utility; or
 - (6) Hardee County.
- (B) *Phased Development.* If a project is to be constructed in phases, and subsequent phases will use the same stormwater management facilities as the initial phase or phases, the operation and maintenance entity shall have the ability to accept responsibility for the operation and maintenance of the stormwater management systems of future phases of the project.

In phased developments that have an integrated stormwater management system, but employ independent operation and maintenance entities for different phases, such entities, either separately or collectively, shall have the responsibility and authority to operate and maintain the stormwater management system for the entire project. That authority shall include cross easements for stormwater management and the authority and ability of each entity to enter and maintain all facilities, should any entity fail to maintain a portion of the stormwater management system within the project.

3.06.00 Performance Standards Governing Waste and Emissions

3.06.01 General Provisions

All uses shall conform to the standards of performance described in this Section and shall be constructed, maintained, and operated so as not to be injurious or offensive to the occupants of adjacent premises by reason of the emission or creation of noise, vibration, smoke, dust, or other particulate matter, toxic or noxious waste materials, odors, fire, and explosive hazard or glare. **Within 100 feet of a residential district**, all processes and storage, except for vehicle parking, shall be in completely closed buildings. Processes and storage located at a greater distance shall be effectively screened by a solid wall or fence at least six feet in height. Where other ordinances or regulations (whether federal, state, or local) that may be adopted hereinafter impose greater restrictions than those specified herein, compliance with such other ordinances and regulations is mandatory.

3.06.02 Specific Standards

3.06.02.01 Vibration

Every use shall be so operated that ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point on the property line of the property on which the use is located. No vibration at any time shall produce an acceleration of more than 0.1g or shall result in any combination of amplitudes and frequencies beyond the "safe" range of Table 7 U.S. Bureau of Mines Bulletin No. 442. The equations of such bulletin shall be used to determine the values of enforcement.

3.06.02.02 Smoke

Every use shall be so operated as to prevent the emission of smoke, from any source whatever, to a density greater than described as Number 1 on the Ringelmann Smoke Chart; provided, however, that smoke equal to, but not in excess of, that shade of appearance described as Number 2 on the Ringelmann Chart may be emitted for a period or periods totaling four minutes in any 30 minutes. For the purpose of grading the density of smoke, the Ringelmann Chart as published and used by the United States Bureau of Mines, and which is hereby made, by reference, shall be standard. All measurements shall be at the point of emission. Smoke emission must comply with applicable rules of the FDEP.

3.06.02.03 Noise

No relative increase of 5dBA or greater is allowed as determined by the existing noise background level.

3.06.02.04 Dust and Dirt

Every use shall be so operated as to prevent the emission into the air of dust or other solid matter that may cause damage to property and health of persons or animals at or beyond the lot line of the property on which the use is located. Emissions must comply with applicable FDEP rules.

3.06.02.05 Industrial Sewage and Waste

Every use shall be so operated as to prevent the discharge into any stream, lake, or the ground of any waste that will be dangerous or discomforting to persons or animals or that will damage plants or crops beyond the lot line of the property on which the use is located. Industries shall comply with applicable FDEP rules.

3.06.02.06 Hazardous Wastes

The handling and discharge of all hazardous waste shall follow all applicable standards established by the County health department, State Legislature, and the U.S. Congress. Appropriate City officials shall review all procedures involving the handling and discharge of all hazardous waste to ensure that it does not create

any safety or health problems.

3.06.02.07 Odors

Every use shall be so operated as to prevent the emission of objectionable or offensive odors in such concentration as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. There is hereby established, as a guide in determining the quantities of offensive odors, table III, chapter 5, Air Pollution Abatement Manual of the Manufacturing Chemists Association, Inc., Washington, D.C.

3.06.02.08 Glare

Every use shall be so operated as to prevent the emission of glare of such intensity as to be readily perceptible at any point on the lot line of the property on which the use is located. Buffering may provide a means of meeting this standard.

3.06.02.09 Fumes, Vapors, and Gases

There shall be no emission of fumes, vapors, or gases of a noxious, toxic, or corrosive nature that can cause any danger or irritation to health, animals, vegetation, or to any form of property.

3.06.02.10 Heat, Cold, Dampness, or Movement of Air

Activities that shall produce any adverse effects on the temperature, motion, or humidity of the atmosphere beyond the lot line shall not be permitted.

3.06.02.11 Fire and Safety Hazard

Each use shall be operated to minimize the danger from fire and explosion. The specific regulations to be met are set forth in the building code and the fire prevention code of the City.

3.06.02.12 Radioactive Emission

There shall be no radiation emitted from radioactive materials or by-products exceeding a dangerous level of radioactive emissions at any point. Radiation limitations shall not exceed quantities established as safe by the U.S. Bureau of Standards.

3.06.02.13 Electromagnetic Radiation

- (A) *Compliance with FCC Regulations.* No person shall operate or cause to be operated, any planned or intentional source of electromagnetic radiation

for such purposes as communication, experimentation, entertainment, broadcasting, heating, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection, topographical survey, personal pleasure, or any other use directly or indirectly associated with these purposes that does not comply with the current regulations of the Federal Communications Commission regarding such sources of electromagnetic radiation. Further, such operation in compliance with the Federal Communications Commission regulations shall be unlawful if such radiation causes an abnormal degradation in the performance of other electromagnetic receptors or radiators of quality and proper design because of proximity, primary field, blanketing, spurious re-radiation, conducted energy in power or telephone systems or harmonic content.

- (B) *Evaluation of Performance.* The determination of abnormal degradation in performance and of good quality and proper design shall be made in accordance with good engineering practices as defined in the principles and standards of the American Institute of Electrical Engineers, the Institute of Radio Engineers, and the Radio Manufacturer's Association. In case of any conflict between the latest standards and principles of the above groups, the following precedence in the interpretation of the standards and principles shall apply:

- (1) American Institute of Electrical Engineers;
- (2) Institute of Radio Engineers;
- (3) Radio Manufacturer's Association.

Recognizing the special nature of many of the operations that may be conducted in connection with research and educational activities, it shall be unlawful for any person, firm, or corporation to operate or cause to be operated, to maintain or cause to be maintained, any planned or intentional source of electromagnetic energy, the radiated power from which exceeds 1,000 watts.

3.07.00 Compatibility, Landscaping, and Buffering Standards

3.07.01 Purpose and Intent

The City Commission finds that landscaping makes important contributions to the public safety and the general welfare of the City. The purpose and intent of this Section is to set forth requirements and standards for the provision of canopy trees, buffer yards, the conservation of native plants and trees, and the conservation of water resources in the City. Specifically, it is intended that buffer yards will aid in reducing the potential negative impacts caused by glare, noise, dust, dirt, litter, odors and view of various land

uses on adjacent land uses.

It is further intended that the planting of canopy trees will aid in lowering the ambient temperature of the air through increased shading; in conserving water; in enhancing the appearance of properties; in improving property values; and generally in protecting the health, safety, and welfare of the public through the improvement of the quality of the human environment. As part of the development approval process, the City of Wauchula shall ensure that all new development is properly buffered to prevent adverse impacts on surrounding land uses.

3.07.02 Applicability and Exemptions

- (A) *Applicability.* Except as specifically excluded in the exemptions below, the requirements and regulations of this Article shall apply to the following:
- (1) The construction of any new building or improvements that require off-street parking and other impervious surfaces to be constructed on the site, other than a single-family, detached residence or duplex that are exempt from all provisions of this Section.
 - (2) The alteration of existing structures or improvements, other than a single-family, detached residence and duplex, where the alteration adds usable floor area that requires additional off-street parking and other impervious surfaces to be constructed on the site.
 - (3) The construction or expansion of off-street parking and/or loading areas.
 - (4) The paving of any existing unpaved off-street parking and/or loading areas.
 - (5) Any change of use which results in the property becoming a higher impact/higher intensity use.
- (B) *Exemptions.* The development, redevelopment, reconfiguration, expansion, or change of use of any site requiring review by the City must comply with all elements of this Article, unless any of the following exemptions apply:
- (1) Enlargement or repair of a single family or duplex residence unless specifically stated otherwise.
 - (2) New single-family and duplex development on individual residential lots are exempt from all provisions of this Article, except the requirement of two (2) large or medium sized trees per residential lot, or one (1) tree per attached unit.

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

3.07.03 Landscaping Plans and Permits

- (A) Prior to the issuance of any Certificate of Occupancy, **all landscaping must be in place.**
- (B) ***Landscape Plan Required.*** For development requiring a landscape plan: Prior to issuance of any Development Permit, the Landscape Plan shall be submitted and approved, showing tree canopy and buffer yard information required by this Section. The Landscape Plan shall be drawn to a scale with sufficient clarity and detail to indicate the type, nature, and character of the improvements on the site, and the relative location of all landscaping in relation to said improvements. The Landscape Plan may be submitted separately, but shall be a part of the Site Development Plan, when a Site Development Plan is required under Section 7.05.00.
- (C) When landscaping is required under this Article, no building, grading, or site preparation shall be allowed until the landscape plan has been approved by the Development Director. The plan shall be dated and stamped approved by the City and only these plans and the requirements of this Article shall govern the construction of the site landscaping and subsequent maintenance inspections. A permit shall be obtained for the project within twelve (12) months of the approval date of the approved landscape plan or the plan shall become invalid, unless granted an extension.
- (D) At the discretion of the Development Director, installation of plants may be

postponed to the period of the year most appropriate for planting the particular species. If this requirement results in the planting of some or all of the landscaping subsequent to development approval, **a performance bond shall be posted** prior to the issuance of a certificate of occupancy, in an amount sufficient to insure that the required landscaping is installed.

3.07.04 Landscaping

Landscaping shall include the conservation of native plants and trees; the selection and planting of canopy trees to shade parking areas and other impervious surfaces; and the design, the selection of trees and shrubbery, the planting and the establishment of buffer yards.

3.07.04.01 Selection of New Trees and Shrubs; Site Conditions

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

All plants installed on the site shall be in accordance with the plans stamped approved by the City. In addition:

- (A) All plants shall be "Florida No. 1" or better, shall be healthy and free of diseases and pests, and shall be selected from Tables 3.07.10(A) through 3.07.10(F).
- (B) Canopy trees shall not be less than 10 feet in height and four inches in diameter at the time of planting. Small trees shall be a minimum of six feet in height and 1.5 inches in diameter at the time of planting;
- (C) Palm trees may **not** be counted as canopy trees, as they provide little or no shade, but they may be counted as shrubs in buffer strips;
- (D) Canopy trees must reach a minimum of 25 feet at maturity;
- (E) Shrubs shall not be less than 30 inches at planting, with the capability of reaching maturity within two years;
- (F) Vines, when used in conjunction with fences, screens or walls, shall cover a minimum of 30 square inches and maintain a minimum of 2.5 feet in height one year after planting;

- (G) Ground covers used in lieu of grass shall provide full coverage within one year from planting; and
- (H) Mulch shall consist of a minimum of three inches of chipped material or two inches of rock. A pre-emergent herbicide or weed barrier cloth shall be incorporated at the time of planting; and
- (I) Grass seed shall be sown for immediate effect and solid sod shall be used in areas subject to erosion (slopes of 6:1 or greater).

3.07.04.02 Preservation of Existing Trees and Shrubs

- (A) No person, organization, society, association, or corporation shall cut down, destroy, remove or effectively destroy through damage, any tree situated within the City of Wauchula without first obtaining a permit. A tree is defined for this purpose as having a diameter of twelve inches measured 4.5 feet above ground level, and having a height of ten feet or more.
- (B) Applications for a tree removal permit shall be filed with the Development Director and shall contain a sketch of the site; approximate location of all trees; and designation of trees to be removed.
- (C) Except on a single-family residential lot that is not being prepared for development, a tree may not be removed unless one of the following conditions exists.
 - (1) The tree is located where a structure or improvement is proposed to be placed and it unreasonably restricts the permitted use of the property;
 - (2) The tree is diseased, injured, or in danger of falling too close to existing or proposed structures.
 - (3) It is in the welfare of the general public that the tree be removed for a reason other than set forth above.
 - (4) Dead trees may be removed without a permit; and pruning and trimming may be performed without a permit.
 - (5) The Development Director may waive the tree removal permit requirement after a major storm event.
- (D) As a condition to the granting of a permit for removal, the applicant may be required to relocate the tree somewhere within the site or replace the

tree with another tree.

- (E) During land clearing and construction, the developer shall clearly mark all trees to be maintained and shall erect and maintain barriers around all such trees.
- (F) During construction of any development, the developer shall not allow the cleaning of equipment or material within the crown of any tree or groups of trees to be maintained.
- (G) An existing canopy tree shall be preserved whenever possible and its canopy calculated as it exists or from Table 3.07.10(A) or (B), whichever is greater. When a buffer is to be provided by preserving existing trees and shrubs, all healthy species growing in the location shall be acceptable to the City, and shall be maintained in their natural setting.
- (H) *Credits for Existing Trees.* Where trees are required under this section, credit for the use of existing trees shall be given according to the tree size as provided in the following table:

Table 3.07.04.02(A) Tree Credit for Existing Trees

Crown Spread (in Feet)	Avg. Diameter at 4.5 feet above the Ground (in Inches)	Number of credits
90 or more	35 or more	7
60-89	30 to 34	6
50-59	25 to 29	5
40-49	20 to 24	4
30-39	15 to 19	3
20-29	10 to 14	2
5-19	2 to 9	1

Section 3.07.04.03 Canopy Tree Requirements.

Minimum Number of Canopy Trees. Unless otherwise provided in this section, the minimum number of canopy trees, exclusive of buffers, to be planted or preserved upon each lot is as follows:

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

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

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

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

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

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

Section 3.07.04.05. Minimum Shrub Planting Requirements.

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

Section 3.07.04.06. Ground Covers.

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

Section 3.07.04.07. Lawn Grass.

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

Section 3.07.04.08. Mulch.

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

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

use of cypress mulch is discouraged.

Section 3.07.04.09. Planting Beds.

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

Section 3.07.04.10. Exotic and Nuisance Plants.

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

Section 3.07.04.11. Landscaping for Decorative and Masonry Walls.

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

Section 3.07.04.12. Encroachments.

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

3.07.05 Canopy Coverage and Tree Species

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

- (A). Canopy trees shall be selected from Table 3.07.10(A) and (B) and planted no closer than **five feet** to any paved surface, to minimize root damage to the paved surface.
- (B) One canopy tree of ten feet in height and four inches in diameter at the time of planting is required for each 5,000 square feet of lot of a new residential lot, with a minimum of one tree per lot and/or 1 tree for each attached unit; and shall be planted no closer than five feet to any paved surface to keep the roots from breaking up the pavement.
- (C) Canopy coverage trees shall be interspersed throughout all vehicular use areas rather than restricted in any way to only a portion of the site. This allows for flexibility and creative design opportunities.
- (D) Planting areas for canopy trees shall be no less than **100 s.f.** in area, to provide adequate room for the tree to reach maturity.
- (E) Planting areas under canopy trees shall be planted in compatible shrubs from Tables 3.07.10(C) or (D) or ground covers compatible with site conditions from Table 3.07.10(E), **but not planted in grass.**
- (F) Trees located in buffer yards may receive partial credit in meeting vehicular use areas interior landscaping canopy requirements.
- (G) Impervious Surface Calculations:
 - (1) This subsection requires the calculation of the total impervious surface on a given site, including structures, parking areas, loading zones, sidewalks, and other paved surfaces, with the exception of swimming pool decks and aprons, and the shading of **one-third of that total** impervious surface.
 - (2) To standardize the calculation, each paved parking space shall be considered to be 20 feet by 10 feet. Therefore, to shade an entire space, a tree with a canopy of at least 200 s.f. is required.

Section 3.07.06. Tree Canopy Waivers.

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

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

the City.

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

(B) Planning and Zoning Board Findings.

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

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

(C) Planning and Zoning Board Action.

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

3.07.07 Buffer Yards

A buffer yard is a landscaped area containing plant material, fences, walls, and/or berms along parcel boundaries that provides a visual screen and physical separation between incompatible or potentially incompatible uses and zoning districts. The purpose of this

subsection is to establish minimum buffer yard widths and landscaping requirements, in order to ensure compatibility between adjacent properties and land uses. The minimum required width of the buffer yard is therefore based on the **potential degree of incompatibility between two abutting land uses**. In no case shall the buffer yard width **be less than** the minimum setback required by the zoning district.

3.07.07.01 Establishment of Buffer Yards

A buffer is required for vacant property based on its zoning district classification at the time of the proposal to develop the abutting property. Buffer yards are also required with a change of use to a more intense use. Buffer yards are intended as landscaped open space; therefore, they shall be free of pavement and permanent structures other than fences, play equipment, unpaved pedestrian paths, and drainage and retention facilities.

3.07.07.02 Buffer Yard Width and Landscaping Requirements

- (A) The number of trees and shrubs required in a buffer yard depends on the nature of the adjoining land uses.
- (B) The standards for buffer yard width and the associated number of trees and shrubs are set forth in Figures A, B, C, and D that specify the number of each type of plant required per 100 linear feet.
- (C) For each buffer yard standard, as seen in Figures A-D, several options for the developer as to the width are offered, and different numbers of each type of plant are specified, depending on the width. **Any option** fulfills the buffer yard requirement, therefore, the developer **is free to choose the option that best fits** the site constraints and the features of the site design.
- (D) As buffer yard width **increases**, planting requirements are **reduced**. Trees and shrubs may be spaced evenly along the length of the buffer yard **or grouped to best display** the plant material.
- (E) When natural plant material is present, it counts toward fulfilling the total requirement for trees and shrubs. See the table under Section 3.07.04.02 for amount of credit calculation for trees preserved on a site.

3.07.07.03 Buffer Yards Between Proposed Uses and Existing Uses

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

3.07.07.04 Buffer Yards Between Proposed Uses and Vacant Property

When the property adjacent to a proposed development is vacant, the need for a buffer yard is determined by the zoning classification of the vacant site. If the zoning will permit the development of a land use that requires a buffer, the buffer standard that applies will be found in Table 3.07.07.07(B). Generally, the buffer yards for vacant property are only about half of those required next to an existing land use.

3.07.07.05. Buffer yards Between Proposed Land Use and Roadways.

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

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

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

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

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

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

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

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

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

Section 3.07.07.07 Buffer Yards, Utilities, and Utility Easements.

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

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

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

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

N = No Buffer Yard Required.

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

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

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

N = No Buffer Required.

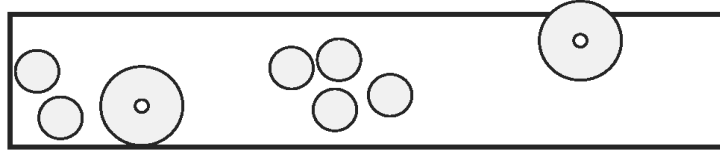
A through D = Type of Buffer Yard Required (See Section 6.04.06.04 for Illustrated Examples Buffer Yard Designs).

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

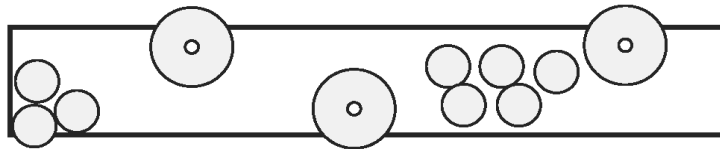
Plant Material / 100 Linear Feet

A**Width 20'**

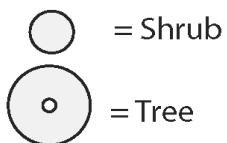
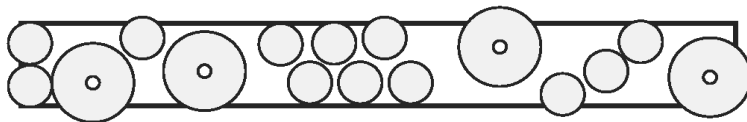
2 Trees
6 Shrubs

**Width 15'**

3 Trees
8 Shrubs

**Width 10'**

4 Trees
12 Shrubs



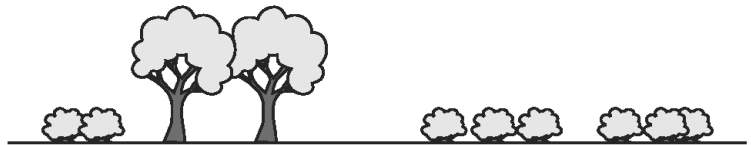
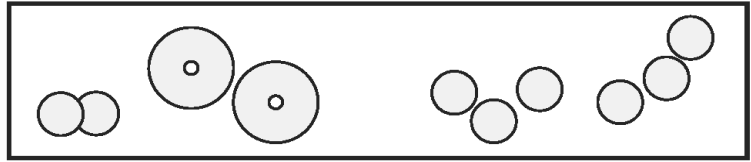
Buffer Yard

Plant Material / 100 Linear Feet

B

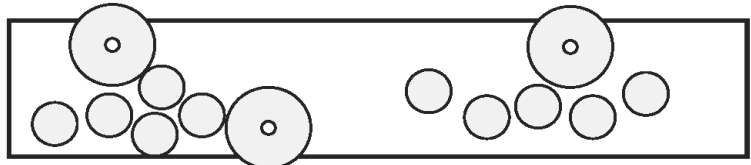
Width 25'

2 Trees
8 Shrubs



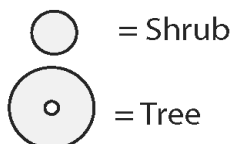
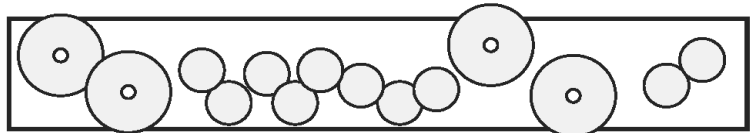
Width 20'

3 Trees
10 Shrubs



Width 15'

4 Trees
10 Shrubs



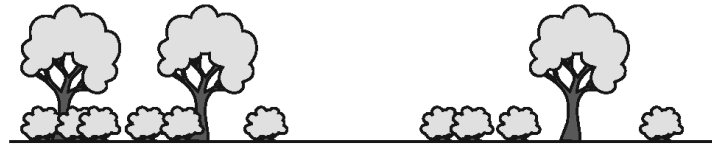
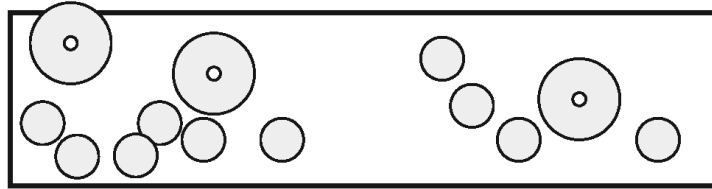
Buffer Yard

Plant Material / 100 Linear Feet

C

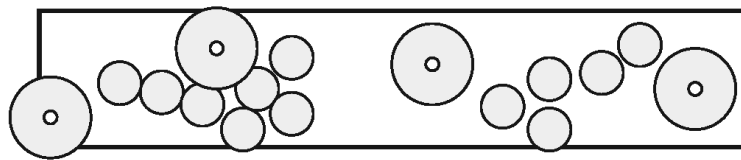
Width 30'

3 Trees
10 Shrubs



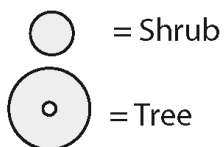
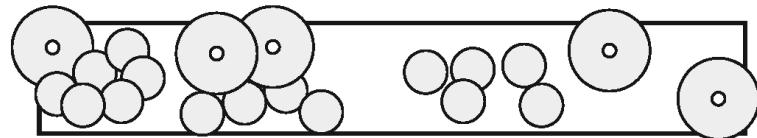
Width 20'

4 Trees
12 Shrubs



Width 15'

5 Trees
15 Shrubs



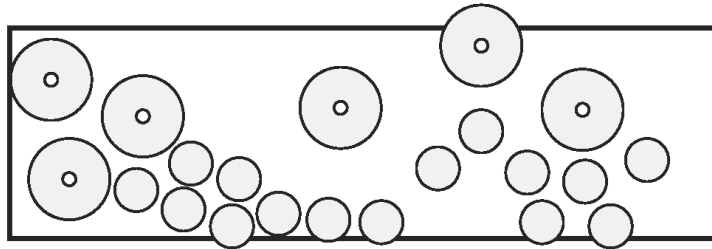
Buffer Yard

Plant Material / 100 Linear Feet

D

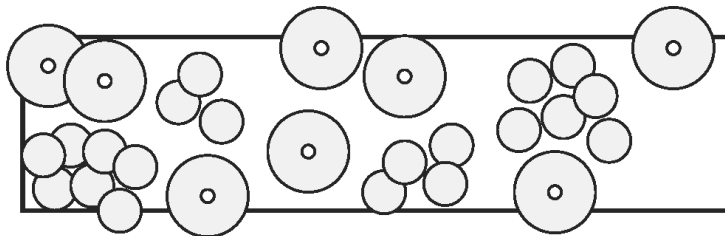
Width 40'

6 Trees
15 Shrubs



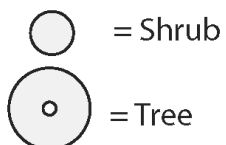
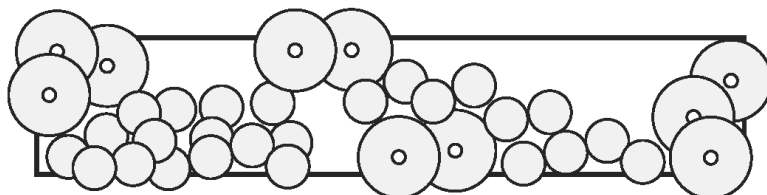
Width 30'

8 Trees
20 Shrubs



Width 20'

10 Trees
25 Shrubs



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

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

(B) Irrigation.

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

(C) Inspection and Certificate of Occupancy/Completion.

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

(D) Maintenance.

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

Section 3.07.09. *Violations and Penalties.*

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

Section 3.07.10. *Plant Species List.*

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

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

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

Table 3.07.10(A)
Large Trees

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

Table 3.07.10(B)
Medium and Small Trees

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

Table 3.07.10(C)
Large Shrubs

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

Table 3.07.10(C)
Large Shrubs

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

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

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

Table 3.07.10(E)
Ground Covers

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

Table 3.07.10(F)
Lawn Grass Species

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

3.08.00 *Development Standards for Uses Permitted with Conditions*

The purpose of this Section is to set the standards and requirements for **Uses Permitted with Conditions**. It is the intent of this Section to identify certain activities or structures, which, if the use or structure complies with specifically identified conditions, may be treated as a permitted use. At the Development Director's discretion, any development larger than 5 acres or development that may have compatibility concerns may be sent to the Planning and Zoning Board for approval. For the purposes of this Code, these uses shall be known as "Uses Permitted with Conditions." The regulations that govern Uses Permitted with Conditions are set forth in this Section. Where standards provided herein exceed and/or create greater restrictions than those of the underlying zoning district, this Section shall supersede any other provision of this Code. Where no standard is established in this Section, that of the relevant zoning district shall apply. Section 7.08.00 describes the standards and the review process for a Use Permitted with Conditions

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

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

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

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

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

Please see Section 7.07.02 for requirements.

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

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

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

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

The purpose of this Section is to establish locations suitable for manufactured (mobile) home development in a residential subdivision, along with open space and other amenities for the common use of residents; to designate those uses and activities that are appropriate for and compatible with such areas; and to establish standards and provisions necessary to ensure proper development and public safety in a manufactured home subdivision setting.

Manufactured home subdivisions are a permitted with conditions use in the R4 district. However, the development standards set forth in this Section shall supersede normal development standards applicable in R4. Development standards can be found in Article

2, Table of Development Standards, 2.02.01(C), under R4 zoning district.

3.08.03.01 Development Standards

(A) Minimum Lot Requirements for the Subdivision:

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

(B) Minimum Yard Requirements for the Subdivision:

No manufactured home or structure shall be placed less than 25 feet **from the subdivision's perimeter lot line** and said 25 foot setback shall be landscaped as a buffer area. The subdivision shall be permanently screened from adjoining and contiguous properties by a wall, fence, evergreen hedge, or other approved enclosure and shall have a minimum height of five feet and a maximum height of eight feet.

(C) Individual Unit Requirements:

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

3.08.03.02 Allowable Accessory Uses

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

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

(C) At least one storage area for boats, recreational vehicles, and other types of vehicles that exceed 30 feet in length is required. This storage area is for the use of subdivision residents only, and shall be fenced and landscaped. Storage of these units shall be prohibited on individual manufactured home sites or on subdivision roads.

3.08.03.03 Other Requirements

(A) *Parking.* For each manufactured home lot, one paved off-street parking space of 10 feet by 20 feet, and surfaced in a stable manner, shall be provided. In addition, for every three manufactured home units, one

visitor parking space must be provided.

- (B) *Hurricane Shelter.* Each manufactured home subdivision shall provide, and the homeowner's association shall maintain, one or more buildings to house guests in a permanent building in the event of a hurricane, at a rate of 20 square feet of habitable floor space per person for use during storm conditions. In addition, the following shall be provided and maintained by the homeowner's association: electrical generation for emergency lighting. Each building shall be built to conform with the Florida Building Code for hurricane shelters.

To calculate the number of persons per subdivision that would require shelter, each manufactured home unit will be counted at a minimum of two persons per unit. Shelter space shall be provided for 100% of the total subdivision population figured at that rate.

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

- (C) *Common Open Space.* An area comprising 20 percent of the development site or 5 acres, whichever is less, shall be set aside as common open space. Common open space includes the total area within the subdivision which has been set aside for recreational use, stormwater management, or for preservation in its natural condition.
- (D) *Ownership and Maintenance of Common Property.* The developer shall establish a homeowners' association prior to vertical construction for the perpetual ownership and maintenance of open space, drainage facilities, buffer areas and screening, and other community facilities designated on the subdivision or site development plans for individual tracts. These facilities include, but are not limited to, pedestrian or bike paths, playgrounds, landscaped open spaces and buffer areas, lakes, swimming pools, clubhouses, tennis courts, parking lots, utilities, drainage channels, and retention/detention ponds. Roads shall also be included unless dedicated to the City of Wauchula for public use. Such organizations shall be created by covenants running with the land, and such covenants shall be included as part of the final subdivision plat of each phase and subject to approval of the City Commission

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

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

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

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

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

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

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

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

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

- (F) *Nonconformities.* No new manufactured home sites may be added to an existing manufactured home subdivision in a R4 zone that does not comply with applicable requirements of this Code. However, existing vacant lots within the subdivision may be utilized and additional property and common facilities may be incorporated into the site if such activities will eliminate nonconforming conditions or reduce the degree of nonconformity. See Article 7, Section 7.11.00 "Nonconforming Uses."
- (G) *Site Development Plan Required for Residential Manufactured Home Subdivision.* A strictly residential manufactured home subdivision with associated allowable accessory uses and with no large-scale recreational facilities with commercial operations which may or may not be open to the public within the subdivision, such as golf courses or boating and fishing lakes with facilities or the like, are permitted in zoning category R4 with the approval of a subdivision plat and a Site Development Plan. No manufactured homes, structures, or facilities shall be installed or constructed until a site development plan meeting the requirements of Article 7, Section 7.05.00 "Site Development Plan" of this Code has been submitted to and approved by the City of Wauchula. All improvements, regardless of timing or project phasing, shall be substantially consistent with the approved site development plan.

Where an existing manufactured home subdivision in R4 district has no site development plan, such a plan shall be prepared and submitted to the City prior to the addition, improvement, rearrangement, or replacement of subdivision facilities or manufactured homes.

- (H) *Manufactured Home Subdivision as a PUD.* **All mixed-use manufactured home subdivisions** shall be subject to the regulations set forth in this Code for a Planned Unit Development (PUD), Article 7, Section 7.04.00 “Planned Unit Development.” A mixed-use manufactured home subdivision is one that contains large-scale recreational facilities with commercial operations which may or may not be open to the public within the subdivision, such as golf courses or boating and fishing lakes with facilities and the like.
- (I) *Plat.* The plat submitted to the Development Director shall contain the information required to plat a subdivision, found set out in Article 7, Section 7.06.00 “Subdivision Regulations,” and include a large scale plan of typical manufactured home lot.

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

Please see Section 2.04.02 for requirements.

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

Please see Section 2.04.01 for requirements.

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

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

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

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

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

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

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

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

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

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

Please see Section 3.08.06 for requirements.

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

Please see Section 3.08.06 for requirements.

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

Please see Section 3.08.06 for requirements.

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

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

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

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

- (E) The Development Director or the Planning and Zoning Board shall determine that traffic and noise caused by such uses will not unreasonably and adversely affect the use and enjoyment of neighboring property by the owners thereof.
- (F) The Development Director or the Planning and Zoning Board shall determine that such uses and buildings meet a community need without adversely affecting the adjacent properties.
- (G) If reviewed by the Planning and Zoning Board, the Planning and Zoning Board may impose additional and further appropriate conditions and safeguards designed to preserve the general character of the district in which such uses are proposed to be located.

3.08.11 *Lodging:*
Hotel/Motel

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

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

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

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

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

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

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

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

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

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

It is the purpose of these standards to provide minimum development guidelines for a shopping center of less than 150,000 s.f. of gross leasable area (SFGLA). These provisions are intended to protect established or permitted uses in the vicinity of such a shopping center and to protect and promote the orderly growth and development of Wauchula.

- (A) Design Requirements
 - (1) *Lighting:* All lights shall be shielded to focus and direct light onto the shopping center, and away from adjacent property, but may be of sufficient intensity to discourage vandalism and theft. Reference Section 3.06.00, Performance Standards, for applicable glare and lighting standards.
 - (2) *Fencing:* Where a property line abuts and is contiguous to any residential land use classification, a six-foot solid face masonry wall, in addition to required buffer yards, shall be constructed along, or within 10 feet, of the property line.

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

- (A) All activities, with the exception of animal exercise yards, shall be conducted within an enclosed building.
- (B) If completely enclosed with four solid walls, buildings housing animal hospitals or veterinary clinics shall be located no closer than 50 feet from any adjacent residentially zoned property. Those that are not fully enclosed shall not be located closer than 150 feet from any adjacent residentially zoned property.
- (C) Exercise and confinement yards shall not be less than 200 feet from any dwelling unit on adjacent property and 150 feet from any residentially zoned property.
- (D) The operator of the animal hospital or clinic shall be responsible for using good management practices to discourage undesirable odors, insects, and excessive noise.

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

- (A) It is the purpose of these standards to provide minimum development guidelines for a mini-warehouse facility and to protect established or permitted uses under these regulations in the vicinity of such a facility.
- (B) No mini-warehouse shall be used as a place of residence or as a storage location for hazardous materials.
- (C) Design Requirements
 - (1) *Lighting:* All lights shall be shielded to focus and direct light onto the uses established, and away from adjacent property, but may be of sufficient intensity to discourage vandalism and theft. Reference Section 3.06.00, "Performance Standards," for applicable glare and lighting standards.
 - (2) *Parking:* There shall be a minimum of two parking spaces that shall be located in proximity to the business or manager's office on the site.

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

- (A) *Lighting:* All lights shall be shielded to focus and direct light onto the commercial parking lot, and away from adjacent property, but may be of sufficient intensity to discourage vandalism and theft. Reference Section 3.06.00, Performance Standards, for applicable glare and lighting standards.
- (B) *Fencing:* Where a property line abuts and is contiguous to any residential land

use classification, a six-foot solid face masonry wall, in addition to required buffer yards, shall be constructed along, or within 10 feet, of the property line.

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

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

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

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

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

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

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

See requirements under 3.08.20.

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

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

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

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

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

See applicable requirements under 3.08.23.

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

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

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

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

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

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

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

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

See requirements under 3.08.33.

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

See requirements under 3.08.23.

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

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

- (C) *Lighting:* All lights shall be shielded to focus and direct light onto the uses established, and away from adjacent property, but may be of sufficient intensity to discourage vandalism and theft. Reference Section 3.06.00, "Performance Standards," for applicable glare and lighting standards.

3.08.30 *Heavy Industrial:*
Bulk Storage of Explosive Gases

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

3.08.31 *Heavy Industrial:*
Commercial Incinerator

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

3.08.32 *Heavy Industrial:*
Recycled Materials Processing Facility

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

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

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

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

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

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

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

- (A) Stored materials shall be completely screened from view by an opaque fence no less than ten feet in height. Said fence may be constructed along property lines, but shall be set back no less than 25 feet from the right-of-way of any abutting public roads.
- (B) All lights shall be shielded to focus and direct light onto the uses established, and away from adjacent property, but may be of sufficient intensity to discourage vandalism and theft. Reference Section 3.05.00, Performance Standards, for applicable glare and lighting standards.

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

- (A) Development site shall front on and primary ingress/egress points shall connect to an arterial road.
- (B) Landscaping of vehicle use areas shall be in accordance with Section 3.07.00. Landscaping shall be provided in all setback areas according to landscape standard C, except if a solid face masonry wall is utilized.

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

See requirements under 3.08.36.

3.08.38 *Places of Public Assembly:*

All Included Uses

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

3.08.39 Pawn Shops

- (A) Limitation on hours of operation. Pawn shops may be open any time between 7:00 a.m. and 9:00 p.m. each day, Sunday through Saturday

3.09.00 Development Standards for Uses Permitted by Special Exception

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

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

The following standards apply to uses listed as "S" Special Exceptions in Article 2, Section 2.02.01, Table 2.02.01(A), and approved under the provisions of Article 7, Section 7.09.00 "Special Exceptions." Where standards provided herein exceed and/or create greater restrictions than those of the underlying zoning district, this Section shall supersede any other provision of

this Code. Where no standard is established in this Section that of the relevant zoning district shall apply.

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

**3.09.01 Agricultural Uses:
Farm Labor Camp**

- (A) All facilities shall be constructed and licensed according to State regulations.
- (B) The maximum density of the farm labor camps shall not exceed the density permitted in the Comprehensive Plan.
- (C) Farm labor camps shall provide front, side, and rear yards of at least fifty feet.
- (D) A buffer area shall be provided according to Article 2, Section 3.07.00, between the camp and adjacent properties if the camp building footprint is located within 200 feet of the zoning lot line, or the adjacent property is under different ownership.
- (E) All structures containing dwelling units shall meet applicable Building Code Standards and shall be located a minimum of ten feet apart unless the structure is a dormitory. Dormitories shall be separated from other structures by a minimum of twenty feet.
- (F) All access drives serving the camp shall be at a minimum packed shell, gravel, or a similar material which will provide a relatively dust free surface.
- (G) All camps shall provide adequate sewage disposal and water supply systems which meet all Federal, State, and local requirements.
- (H) All camps shall be maintained in a neat, orderly, and safe manner.
- (I) All special exception requests for farm labor camps shall be reviewed by the City Commission through a de novo proceeding following rendition of a decision by the Planning and Zoning Board.

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

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

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

The purpose of this Section is to establish locations suitable for manufactured (mobile) home parks, along with open space and other amenities for the common use of residents; to designate those uses and activities that are appropriate for and compatible with such areas; and to establish standards and provisions necessary to ensure proper development and public safety in a manufactured home park setting.

Manufactured home parks are permitted with special exception approval in the R4 district. However, the development standards set forth in this Section shall supersede normal development standards applicable in R4. Development standards can be found in Article 2, Table of Development Standards, 2.04.01(C), under R4 zoning district.

3.09.03.01 *Development Standards*

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

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

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

(1) No manufactured home or structure shall be placed less than 25 feet from the perimeter lot line of the manufactured home park and said 25 foot setback shall be landscaped as a buffer area. The premises shall be permanently screened from adjoining and contiguous properties by a wall, fence, evergreen hedge, or other approved enclosure and shall have a minimum height of five feet and a maximum height of eight feet.

(2) Manufactured homes and structures shall be placed at least 20 feet from the pavement edge of private park roads, which shall also be landscaped.

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

3.09.03.02 *Allowable Accessory Uses*

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

- (B) No more than one conventionally constructed single family home may be located in a manufactured home park, and of at least 600 square feet in size, for the use of a resident manager.
- (C) At least one storage area for boats, recreational vehicles, and other types of vehicles that exceed 30 feet in length is required. This storage area is for the use of manufactured home park residents only, and shall be fenced and landscaped. Storage of these units shall be prohibited on individual manufactured home sites or on a manufactured home park roads.

3.09.03.03 Other Requirements

- (A) *Parking.* For each manufactured home site, one paved off-street parking space of 10 feet by 20 feet, and surfaced in a stable manner, shall be provided. In addition, for every three manufactured home units, one visitor parking space must be provided.
- (B) *Hurricane Shelter.* Each manufactured home park shall provide one or more buildings to house guests in a permanent building in the event of a hurricane, at a rate of 20 square feet of habitable floor space per person for use during storm conditions. In addition, the following shall be provided and maintained: electrical generation for emergency lighting. Each building shall be built to conform with the Florida Building Code for hurricane shelters.

To calculate the number of persons per manufacture home park that would require shelter, each manufactured home unit space will be counted at a minimum of two persons per unit. Shelter space shall be provided for 100% of the total subdivision population figured at that rate.

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

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

accordance with the standards for private roads.

- (2) Access to manufactured home parks shall be provided by an entrance road connected to a collector or arterial road.
- (3) Entrance roads shall provide a minimum of 50 feet of right-of-way for the first 100 feet and provide not less than 20 feet of pavement with a 50 foot minimum turn-off apron.
- (4) Dead end streets shall be no longer than 1,000 feet and be constructed with a cul-de-sac having a minimum diameter of 60 feet.
- (E) *Utilities.* Areas must be designated for all appropriate utility service lines, including, but not limited to, water, sewer, gas, electric, telephone, and cable to provide access to serve each lot and make necessary repairs. Such easements may utilize street right-of-way, open space, and buffer areas as agreeable to the owner and the utility provider.
- (F) *Nonconformities.* No new land for manufactured homes may be added to an existing manufactured home park in a R4 zone that does not comply with applicable requirements of this Code. However, existing vacant manufactured home sites within the subdivision may be utilized and previously installed units may be moved. Additional property and common facilities may be incorporated into the site if such activities will eliminate nonconforming conditions or reduce the degree of nonconformity. See Article 7, Section 7.11.00 “Nonconforming Uses.”
- (G) *Site Development Plan Required for Residential Manufactured Home Park.* No manufactured homes, structures, or facilities shall be installed or constructed until a site development plan meeting the requirements of Article 7, Section 7.05.00 “Site Development Plan” of this Code has been submitted to and approved by the City of Wauchula. All improvements, regardless of timing or project phasing, shall be substantially consistent with the approved site development plan.

Where an existing manufactured home park in R4 district has no site development plan, such a plan shall be prepared and submitted to the City prior to the addition, improvement, rearrangement, or replacement of park facilities or manufactured homes.

3.09.04 *Single Family Residential* ***Single Family, Cluster Subdivision***

See Section 7.07.01.

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

Please see Section 2.04.02 for requirements.

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

Please see Section 2.04.01 for requirements.

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

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

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

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

3.09.07.01 General Requirements

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

3.09.07.02 Environmental Requirements

- (A) *General.* Condition of soil, groundwater level, drainage, and topography

shall not create hazards to the property or to the health and safety of the occupants.

- (B) *Soil and Ground Cover Requirements.* Exposed ground surfaces in all parts of every vehicle site area or other vehicle parking area shall be paved, or covered with shell, gravel, or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.
- (C) *Drainage Requirements.* Surface drainage plans for the entire tract shall be reviewed by appropriate City staff, who shall determine whether the proposed plan is compatible with the surrounding existing drainage pattern and any relevant drainage plan of Hardee County, prior to issuance of Site Development Plan approval and building permits. No permit shall be issued in such instance where the Development Director finds the plan to be incompatible with surrounding areas.

3.09.07.03 Tract Requirements

- (A) Minimum tract size for a RV park or campground development shall be five acres.
- (B) Minimum width of the tract shall be 100 feet at the front building setback line.
- (C) Minimum perimeter setbacks shall be as follows:
 - (1) No RV or structure shall be placed less than 25 feet from the any lot line and said 25 foot setback shall be landscaped as a buffer area. The premises shall be permanently screened from adjoining and contiguous properties by a wall, fence, evergreen hedge or other approved enclosure and shall have a minimum height of five feet and a maximum height of eight feet.
 - (2) RVs and structures shall be placed at least 20 feet from the pavement edge of private park roads, which shall also be landscaped.
- (D) *RV Park/Campground Abuts Residential Use.* Where any property line of an RV park or campground abuts land either zoned for residential use or occupied by a residential use permitted by this Code, there shall be provided and maintained along, or within 10 feet of, said property line a solid face masonry wall, with a finish of stucco or other texture, no less than six feet in height, that shall be in addition to the buffer yard required by Section 3.07.00.

3.09.07.04 Vehicle Site Requirements

- (A) Maximum density shall be 10 sites per net acre.
- (B) Each vehicle site shall be clearly defined by a permanent marker, constructed of a durable material such as masonry or metal, placed at all corners.
- (C) The addition or attachment of any **permanent** structures, such as awnings, porches, carports, or individual storage facilities, not specifically designed and included as a standard part of the original RV, shall be expressly prohibited in an RV Campground. Such additions to park model RVs may be permitted in an RV Park, so long as they meet all required setbacks and all other requirements of this Code and State Regulations.
- (D) Each RV Park site shall contain a concrete patio slab not less than ten feet by 20 feet in dimension.

3.09.07.05 Recreational and Open Space Requirements

There shall be provided within a RV park or campground at least one area designed for recreational and open space use that is easily accessible from all vehicle sites. The size of such recreation area shall not be less than 10 percent of the entire tract area or 5 acres whichever is less.

3.09.07.06 Street System and Off-Street Parking Requirements

- (A) *General.* All parking areas shall be provided with safe and convenient vehicular access from abutting public streets and roads to each vehicle site. Alignment and gradient shall be properly adapted to topography. Surfacing and maintenance shall provide a stable surface that shall be well drained.
- (B) *Access.* Access to a RV park or campground from a public street or road shall be designed to minimize congestion and hazards at the entrance and on adjacent streets. All traffic into or out of the parking areas shall be through such entrances and exits.
- (C) *Internal Streets.* All streets shall be privately owned and maintained. Road surfacing shall meet the following minimum width requirements:
 - (1) One-way travel: 12 feet.
 - (2) Two-way travel: 20 feet.

- (3) All travel trailer spaces shall abut upon a driveway of not less than 20 feet in width, which shall have unobstructed access to the park street system.

(D) Off-Street Parking and Maneuvering Space

- (1) Each RV Park site shall contain a designated area for the parking of at least one automobile.
- (2) Each RV Park shall have an additional vehicular parking area for guest parking, to provide parking at a ratio of one parking space for every two home sites and tent camping sites. Each RV Campground shall provide guest parking at a ratio of one parking space for every five home sites.
- (3) Each RV Campground that includes tent camping shall provide an area for the parking of at least one automobile per tent site.
- (4) Each RV park or campground shall be designed so that parking, loading, or maneuvering of vehicles incidental to parking spaces shall not necessitate the use of any public street, sidewalk, or right-of-way, or any private grounds not part of the RV park or campground parking area.
- (5) Sufficient maneuvering space and off-street parking facilities shall be provided at each site to accommodate a towing vehicle, if any.

3.09.07.07 Service Requirements

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

- (A) *Water Supply System.* Connection to a potable public supply of water is required. Provision of water supply, water storage, and water distribution shall be made in accordance with requirements and standards established by this Code and the State of Florida. Each space shall be provided with a cold water tap at least four inches above the ground.
- (B) *Watering Stations.* Each RV park or campground shall be provided with one or more easily accessible water supply outlets for filling RV water

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

- (C) *Sewage Disposal System.* The RV park or campground sewerage system shall be connected to the City's public sewage system. The distribution system shall be designed, constructed, and maintained in accordance with requirements of this Code and by the State of Florida.
- (D) *Sanitary Connections.* Each RV park or campground shall be provided with individual connections to each vehicle site in the RV park or campground.

There shall be toilet and other sanitation facilities and lavatory, shower, and dressing room facilities provided, one for each ten spaces or fraction thereof for RV campgrounds.

- (E) *Laundry Facilities.* One automatic washer, one automatic dryer, and one double sink shall be provided for each 25 spaces or fraction thereof for RV Campgrounds.
- (F) *Electrical and Gas Systems.* Each RV park or campground shall be provided with an electrical or gas system that shall be installed and maintained in accordance with applicable codes and regulations. Each space shall be provided with an electrical outlet consistent with the National Electric Code.
- (G) *Walkways and Driveways Lighted.* All driveways and walkways within the park/campground shall be hard-surfaced and lighted at night with electric lamps type sodium vapor of not less than 100 watts each, spaced at intervals of not more than 100 feet.
- (H) *Hurricane Shelter.* RV Campgrounds do not have to provide hurricane shelters. All campers are to evacuate in the event of a natural disaster such as a hurricane. RV Parks that are combined with Campgrounds must provide hurricane shelters for those persons who are living, either permanently or seasonally, in an RV unit which is not portable and cannot be driven out of the area on short notice.

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

3.09.07.08 Refuse Handling

- (A) *General.* The storage, collection, and disposal of refuse (garbage, ashes,

and rubbish) in a RV park or campground shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazard or air pollution in accordance with requirements established by the State of Florida.

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

3.09.07.09 Service Buildings and Facilities

- (A) *General.* The requirements of this section shall apply to service buildings, recreation buildings, and other service facilities, such as management offices; repair shops and storage areas; sanitary facilities; laundry facilities; or indoor recreation areas.
- (B) *Service Building for Dependent Vehicles.* A central service building containing the necessary toilet and other plumbing fixtures specified by the State of Florida shall be provided in a RV park campground that provides vehicle sites for guest vehicles. Service buildings shall be conveniently located within a radius of approximately 300 feet of the sites to be served.
- (C) *Service Facilities in Connection with Other Businesses.* When a RV park or campground requiring a service building is operated in connection with a resort or other business establishment, the number of sanitary facilities for such business establishment shall be in addition to those required by the public health standards for vehicle sites and shall be based upon the total number of persons using or expected to use such facilities.
- (D) *Pedestrian Access to Service Buildings and Facilities.* Surfaced, appropriately drained walkways having a width of not less than 3 feet shall be provided from the vehicle sites to all service buildings and facilities, refuse collection areas, and recreation areas.
- (E) *Outdoor Cooking and Incinerator Facilities.* All outdoor cooking and incinerator facilities shall be so located, constructed, maintained, and used as to minimize fire hazard and smoke nuisance both on the property on which they are used and on neighboring property. Plans, construction, and operation of incinerators shall be carried out in accordance with requirements of the State of Florida.

3.09.07.10 General Operating Requirements

- (A) *General.* The person to whom appropriate permits and licenses are issued shall operate the RV park or campground at all times in compliance with applicable state and local laws pertaining to the management and operation

of such a facility.

- (B) *Duration of Stay in a RV Campground.* Vehicle sites shall be rented by the day or week only, and the occupant of a vehicle site shall remain at that site and within the RV campground for a limited period of time consistent with the special seasonal, vacation, and transient requirements of the RV user, **but in no case exceeding 180 calendar days within any 365 day period**, whether accumulated consecutively or intermittently. Tent camping, which must occur on an intermittent basis, shall not exceed 120 calendar days within any 365 day period.

It shall be the duty of each licensee and permittee to keep a register containing a record of all RV owners and occupants within the park/campground.

- (C) *Duration of Stay in a RV Park.* Vehicle sites are intended for year round occupancy.

3.09.07.11 Permit Procedures and Requirements

- (A) *Site Development Plan.* Any applicant for the required permits to establish, construct, alter or extend a RV park or campground in Wauchula shall first request and receive approval of a Site Development Plan in accordance with the provisions of Section 7.05.00 of this Code.
- (B) *Health and Sanitation Permit.* After receipt of required land use approvals, applicant shall then apply for and receive a health and sanitation permit for the proposed RV park or campground from the Hardee County Health Department and the State of Florida in accordance with the requirements of appropriate agencies. A Certificate of Occupancy will not be issued until a permit has been obtained.
- (C) *Building Permit.* Upon completion of (A) and (B) above, application shall be made to the Development Director for the building permit to construct, alter, or extend a RV park or campground in accordance with the provisions of this Section and all applicable Florida Building Code requirements. Before issuing a building permit for the construction, alteration, or extension of a RV park or campground, the Development Director shall determine that all applicable review procedures and standards required under this Code have been satisfactorily met.

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

- (A) *New Establishments.* New adult entertainment establishments shall be permitted

in the Industrial (I) district subject to the following standards:

- (1) No adult entertainment establishment shall be located within 500 feet of any property zoned Residential or Agricultural, or property within unincorporated Hardee County zoned for agricultural or residential use;
 - (2) No adult entertainment establishment shall be located within 2,000 feet of any day care center or public recreation facility;
 - (3) No adult entertainment establishment shall be located within 2,500 feet of any church or school; and
 - (4) No adult entertainment establishment shall be located within 1,000 feet of another adult entertainment establishment.
- (B) *Non-Conforming Establishments.* Adult entertainment establishments legally in operation prior to the effective date of this Code may continue to operate as a non-conforming use in accordance with Article 7.

Adult entertainment businesses established under paragraph (A) above shall not be rendered non-conforming by any of the following subsequent occurrences:

- (1) The rezoning of property within the City of Wauchula or unincorporated Hardee County for agricultural or residential use;
 - (2) The placement of a day care center or public recreation facility within 2,000 feet; and
 - (3) The placement of a church or school within 2,500 feet.
- (C) *Measurement of Distances.* Distances shall be measured from property line to property line, along the shortest distance between property lines, without regard to the route of normal travel.
- (D) *Applicability of Other Laws and Ordinances.* Nothing in this subsection shall be construed to permit the operation of any business or the performance of any activity prohibited under any other section of this Code or other applicable law or regulation. Additionally, nothing in this Code shall be construed to authorize, allow, or permit the establishment of any business, the performance of any activity, or the possession of any item, which is obscene under the judicially established definition of obscenity.

**3.09.09 Office/Financial/Medical Facilities:
 Medical Cannabis Dispensing Facility**

- (A) Limitation on Number of Facilities: In accordance with Florida Statutes 381.986(8)(b), the City of Wauchula limits the number of medical cannabis dispensing facilities within the City limits to one facility. This facility must meet the location criteria separation distances included in Chapter 3: Alcoholic Beverages and Medical Cannabis Dispensing Facilities Regulations
- (B) Compliance with Code Requirements: All requests and approved uses must comply with the applicable requirements in the Code of Ordinances Chapter 3: Alcoholic Beverages and Medical Cannabis Dispensing Facilities Regulations and the requirements of Florida Statutes 381.986(6).
- (B) Zoning Restrictions. Medical cannabis dispensing facilities shall be permitted as special exceptions in only the C-2 and I zoning districts throughout the City, as further defined and/or restricted by Chapter 3 of the Code of Ordinances, and only through the special exception approval process required through Section 7.09.00.
- (C) Single Addresses: No other business, aside or separate from the dispensing of medical cannabis shall be permitted to be conducted from the same address where the medical cannabis dispensing facility is located.

**3.09.10 Retail Commercial, No Outdoor Storage or Activities:
 Shopping Center /Big Box Retail (>150,000 SFGLA)**

It is the purpose of these standards to provide minimum development guidelines for a shopping center of greater than 150,000 s.f. of gross leasable area (SFGLA). These provisions are intended to protect established or permitted uses in the vicinity of such a shopping center and to protect and promote the orderly growth and development of Wauchula.

(A) Design Requirements

- (1) *Lighting:* All lights shall be shielded to focus and direct light onto the shopping center, and away from adjacent property, but may be of sufficient intensity to discourage vandalism and theft. Reference Section 3.06.00, Performance Standards, for applicable glare and lighting standards.
- (2) *Fencing:* Where a property line abuts and is contiguous to any residential land use classification, a six-foot solid face masonry wall, in addition to required buffer yards, shall be constructed along, or within 10 feet, of the

property line.

- (3) *Landscaping.* Canopy and buffer yards shall be provided in accordance with the standards Buffer Yard “D”. See Section 3.07.00.

3.09.11 *Retail Commercial, Outdoor Storage: Flea Market*

It is the purpose of these standards to provide minimum development guidelines for a flea market in the C-2 and Industrial Zoning District, to protect established or permitted uses under these regulations in the vicinity of such a facility, and to protect and promote the orderly growth and development of Wauchula.

- (A) *General Requirements.* Flea markets shall be permitted only on property fronting on a major arterial road, with all major points of ingress and egress connecting to that road. At least one enclosed building of 300 square feet in size shall be constructed on the property.
- (B) *Development Requirements.* The minimum size shall be 10 vendor spaces and five acres. Each vendor space must be a minimum of 100 square feet per space. No more than 40% of the development site shall be covered by permanent or temporary structures. The lot width shall be a minimum of 100 feet. The setbacks shall be 50 feet from the front, 30 feet from the side and 30 feet from the rear.
- (C) *Fees.* An applicant for a flea market business license shall pay any and all fees, as set by the City Commission.
- (D) *Design Requirements*
 - (1) *Lighting.* All lights shall be shielded to focus and direct light onto the uses established, and away from adjacent property, but may be of sufficient intensity to discourage vandalism and theft. Reference Section 3.06.00, “Performance Standards,” for applicable glare standards.
 - (2) *Fencing.* Where a property line abuts and is contiguous to property zoned for residential use, a six foot solid masonry wall shall be constructed along the property line. At the discretion of the Development Director, a landscaped buffer may be substituted for this requirement in accordance with Section 3.07.00. Within required structural setback distances from public roads, the height of the wall shall be four feet.
 - (3) *Drives.* Drives shall have a smooth, stabilized, and dustless surface.
 - (4) *Landscaping.* Landscaping of vehicle use areas shall be in accordance

with Section 3.07.00. Landscaping shall be provided in all setback areas according to Landscape Standard "D", except where a solid face masonry wall is required.

- (5) *Restrooms.* Restroom facilities shall be provided to adequately serve the customers anticipated to frequent the flea market.

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

See Section 3.08.31.

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

- (A) All inoperative motor vehicles shall be stored in the rear of the premises and shall be permanently screened from adjoining properties and/or public streets by a visual buffer such as a wall, fence, evergreen hedge and or other approved enclosure. Such wall, etc., shall be approved by the administrative official and shall be at least six feet in height.
- (B) No inoperative vehicle shall be permitted to be stored on the premises exceeding six months.
- (C) Not more than three inoperable vehicles may be stored at any one time. See "Junkyard" for a business which stores more than three inoperable vehicles.

**3.09.14 *Motor Vehicle Sales, Repairs, Rental, Parts:
Junkyards***

- (A) Storage of Materials
 - (1) Material that is not salvageable shall not be permitted to accumulate, except in bins or containers, and shall be disposed of in an approved sanitary landfill. The period of accumulation is limited to two months.
 - (2) In no case shall material that is not salvageable be buried or used as fill.
 - (3) Any items that can be recycled or salvaged shall be accumulated in bins or containers to be sold to a recycling firm.
 - (4) Recyclable material that cannot be stored in bins or containers may be stored in the open for a period not to exceed 30 days.
 - (5) Junkyard operators shall be responsible for compliance with all applicable

Federal and State regulations pertaining to the handling, storage, and disposal of waste fluids. In no case shall disposal of waste fluids be permitted on-site, except with the express approval of the FDEP.

- (6) In any open storage area, it shall be prohibited to keep any ice box, refrigerator, deep-freeze locker, clothes washer, clothes dryer, or similar air-tight unit having an interior storage capacity of 1.5 cubic feet or more from which the door has not been removed.

(B) *Screening.* All junkyards shall comply with the following screening requirements:

- (1) All outdoor storage facilities shall be surrounded by a substantial continuous masonry, wood or metal fence (not including chain link fences), or a wall, any of which shall be a minimum of eight feet in height without openings of any type except for one entrance and/or one exit that shall not exceed 25 feet in width.
- (2) Gates at entrance or exit shall be of a material without openings.
- (3) The screen shall be constructed of the noncorrosive material throughout.
- (4) Screens shall be maintained and in good repair at all times.

**3.09.15 *Heavy Industrial:
Recycled Materials Processing Facility***

See Section 3.08.32.

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

See Section 3.08.33.

**3.09.17 *Public/Semi Public Service Facilities:
Communications Towers and Antennas***

- (A) *Receive Only Antennas/Residential Personal Wireless Services.* This section shall not apply to antennas that are used exclusively to receive signals, such as those that receive video programming services via multi-point distribution services, and those which receive television broadcast signals. Further, this section shall not apply to antennas attached to single family dwelling units that are utilized, solely, to provide personal wireless services to the occupants of the single family dwelling unit. Regulations for those type of antennas and dishes are found in Article 2, Section 2.06.05.

- (B) *Special Exception.* Communications Towers and Antennas shall only be allowed with the approval of a special exception and only in agriculture and industrial zoning districts, as designated in Article 2, Section 2.02.00, Table 2.02.01(A) “Table of Land Uses” of this Code. The Special Exception Use request shall be considered and reviewed under the regulations set forth in Article 7, Section 7.08.00 “Special Exceptions,” except as noted here under (I), (J) and (K). As a condition of the special exception, an extended time limit for establishment purposes may be granted.
- (C) *Purpose.* The purpose of this section is to provide for the siting, performance, and construction standards and general regulations governing communications towers and antennas; and to:
- (1) Minimize adverse visual impacts of communications towers and antennas through appropriate design, siting, and landscape screening; and
 - (2) Accommodate the growing need for communications towers and antennas, while promoting and encouraging collocation of antennas on new and existing towers as a primary option rather than construction of additional single use towers.
- (D) *Definitions.* Definitions for *Camouflaged Construction*, *Communications Tower*, *Communications Antenna*, *FAA*, and *FCC* shall be added to Article 9. As used in this section, the following terms shall have the meanings as set forth below:
- (1) Height shall mean, when referring to a communications tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.
- (E) *Applicability.* All new communications towers and communications antennas located in the City shall be subject to the regulations contained in this section except as provided herein.
- (F) *Exceptions*
- (1) *Amateur Radio Station Operators.* This section shall not apply to any communications tower or communications antenna that is owned and operated by a federally licensed amateur radio station operator that is less than the maximum height allowed in any zoning district. In addition, the said owner/operator must comply with any and all applicable federal and state laws, regulations and standards and the installation and use of the equipment must be in accordance with manufacturer’s specifications, and grounding standards in conformance with those established by the National Electric Safety Code.

- (2) *AM Array.* For purposes of this section, an AM array, consisting of one or more tower units and supporting ground system that functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM Array. Additional tower units may be added within the perimeter of the AM Array.
- (3) *Antennas Installed Prior to this Amendment.* All communications towers and communications antennas legally installed in the City prior to the effective date of this amendment to the Unified Land Development Code shall be considered permitted nonconforming uses, allowed to continue their usage as they presently exist; provided, however, that anything other than routine maintenance, shall comply with the requirements of this section. See Article 7, Section 7.11.00 “Nonconformities”, and specifically Section 7.11.07 for further regulations.
- (4) *Government Owned and/or Operated Antennas.* This section shall not apply to communications towers and communications antennas approved by the City and that are governmentally owned and/or operated and primarily used for public health and safety.

(G) Regulations for Communications Antennas

- (1) To encourage collocation and to minimize the number of communications towers within the City, communications antennas shall be considered a permitted **accessory use** when placed on or attached to any structure which constitutes a principal use, including existing communications towers (whether or not such tower is considered a principal or accessory use). Subject to the height restrictions for each zoning district and set forth in the Table of Development Standards, Article 2, Table 2.02.01(C) for communications towers, communications antennas height restrictions shall be as follows:
 - a. In approved zoning districts, communications antennas shall not extend more than the district height maximum requirement as listed in Article 2, Table 2.02.01(C).
- (2) Communications antennas shall not be placed on, or attached to, any structure used as a single family dwelling unit;
- (3) Communications antennas, including any supporting electrical and mechanical equipment, must be operated and installed in accordance with all applicable state or federal laws, regulations and standards, including applicable FCC regulations relating to radio frequency emissions and

manufacturer standards.

- (4) Where reasonably practical, communications antennas, and any supporting electrical and mechanical equipment, shall be designed and installed to blend into or meet the aesthetic character of the principal structure to which it is attached. Other than camouflaged communication antennas, communications antennas shall not be placed on historic landmarks, recognized by federal, state, local law or ordinance, or listed in the National Register of Historic Places.
- (5) If a communications antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment shall be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- (6) Communications antennas, including any supporting electrical or mechanical equipment, shall comply with the minimum accessory building setback requirements of the district in which they are located.

(H) Regulations for Communications Towers

- (1) *Lot Size.* For purposes of determining whether the installation of a communications tower complies with the Table of Development Standards, Section 2.02.01(C) in any zoning district, the dimensions of the entire lot shall control, even though the tower may be located on leased parcels within such lot.
- (2) Communications towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness. Communications towers not requiring FAA painting/markings shall have either a galvanized finish or be painted a noncontrasting blue, gray, or black finish. The color should be selected so as to minimize the equipment's obtrusiveness.
- (3) The design of the buildings and related structures at a tower site shall, to the extent practicable, use materials, colors, and textures that will blend them into the natural setting and surrounding buildings.
- (4) *Building Codes and Safety Standards.* To ensure the structural integrity of towers, the owner of a tower shall ensure that communications towers, and any accessory structures are designed, constructed, and maintained in compliance with the City's codes and to the extent not in conflict therewith, the applicable standards that are published by the Electronic Industries Association, as amended. Designs for new communications

towers shall be signed and sealed by an engineer registered in the State of Florida.

- (5) *Setbacks.* Communications tower setbacks shall be measured from the base (including foundations above ground level) of the tower or protruding accessory building structure at the base of the tower, whichever is closest to the property line of the parcel on which it is located.

Each tower shall be set back from all property lines a distance equal to its height. Alternatively, a statement from a registered engineer in the State of Florida may be provided to certify that, in the event of structural failure, the tower would fall within the boundaries of the property on which it is located. In no case shall the tower be set back a distance of less than 50 percent of its height.

- (6) *Separation from Off-site Uses/Designated Areas.* The following separation from off-site uses/designated areas shall apply to all communications towers. Communications tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated area as specified in Table 3.09.1(A) below.

Table 3.09.16(A) Separation Distance for Communications Towers

Off-site Use/Designated Area	Separation Distance
Single family or duplex residential units, including modular homes and mobile homes used for living purposes.	200 feet or 300% height of tower, whichever is greater.
Vacant land zoned residential single family or duplex, which is either platted or has preliminary subdivision plan.	200 feet or 300% height of tower, whichever is greater. Separation is measured from base of tower to closest residential lot line.
Vacant unplatted residentially zoned lands. Includes any unplatted residential use properties without a valid preliminary subdivision plan or valid development plan approval and any multi-family residentially zoned land greater than duplex.	100 feet or 100% height of tower, whichever is greater.
Existing multi-family residential units of a greater density than duplex units.	100 feet or 100% height of tower, whichever is greater.
All lands zoned or used other than for residential.	None; only setbacks set forth in Subsection (5) "Setbacks."

- (7) *Separation Distances Between Communications Towers.* Separation distances between communications towers shall be measured between the proposed tower and the preexisting tower and shall be as specified in Table 3.09.16(B) below. The separation distance shall be measured by

drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan.

Table 3.09.16(B) Separation Distance between Towers

	Lattice	Monopole or Guyed Greater than 75 feet	Monopole, Camouflaged, or Guyed up to 75 feet
Lattice	2500 feet	1500 feet	750 feet
Monopole or Guyed greater than 75 feet	1500 feet	1500 feet	750 feet
Monopole, Camouflaged, or Guyed up to 75 feet	750 feet	750 feet	750 feet

- (8) *Security Fencing.* Communications towers, including accessory structures, shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device.
- (9) *Landscaping.* Landscaping, as required by this section, shall be installed on the outside of security fences. Further, existing vegetation shall be preserved to the maximum extent and may be used as a substitute of or in supplement towards meeting landscaping requirements. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent. In cases such as towers sited on large, wooded lots, natural growth around the property perimeter may be a sufficient buffer. Further, in cases where the tower is sited on paved or impervious surfaces, such as parking lots, the placement of landscaping required by this subsection may be modified so long as equivalent screening is provided. Camouflaged communication towers are exempt from the requirements of landscaping and buffering. The following landscaping and buffering of communications towers shall be required around the perimeter of the tower and accessory structures:
- A row of trees a minimum of eight feet tall and a maximum of twenty-five feet apart shall be planted around the perimeter of the fence and be in place when the tower is completed; and
 - A continuous hedge at least 30 inches high at planting capable of growing to at least 36 inches in height within 18 months shall be planted in front of the tree line referenced above; and
 - All landscaping shall be of the evergreen variety; and once installed, shall be preserved and maintained in an appropriate manner.

- (10) *Height.* No communications tower, whether freestanding or installed on another structure, shall exceed 200 feet in height from ground level. An existing communications tower may be modified to a taller height, not to exceed 200 feet in total height, to accommodate the collocation of an additional communications antenna(s); provided however, that any communications tower modified by greater than 40 feet must continue to be in compliance with all requirements of this section.
- (11) *Type of Construction.* Communications towers shall be monopole, guyed, lattice, or camouflaged construction.
- (12) *Signs and Advertising.* The use of any portion of a communications tower for sign or advertising purposes including, without limitation, company name, banners, or streamers, is prohibited.
- (13) *Illumination.* Communications towers shall not be artificially lighted except to assure human safety or as required by the FAA.
- (14) *Collocation*
 - a. Monopole communications towers shall be engineered and constructed to accommodate a minimum of one additional communication service provider.
 - b. Lattice communications towers shall be engineered and constructed to accommodate a minimum of two additional communication service providers.
 - c. Camouflaged communication towers may be engineered and constructed without accommodating additional communication service providers.
 - d. Communications towers located within electrical substations may be engineered and constructed without accommodating additional communication service providers.
 - e. *Onsite Relocation.* A communications tower which is being rebuilt to accommodate the collocation of an additional communication antenna may be moved onsite within 50 feet of its existing location, however, the tower shall meet the setback requirements of this section. After the communications tower is rebuilt to accommodate collocation, only one tower may remain on the site. The relocation of a tower in accordance with this subsection shall in no way be deemed to cause a violation of this section.

- (15) *Noninterference.* No communications tower or communications antenna shall interfere with public safety communication. Frequency coordination is required to ensure noninterference with public safety systems and/or public safety entities.
- (I) *Procedure for Obtaining a Special Exception.* **In addition to** the requirements of Article 7, Section 7.09.00 “Procedure for Obtaining a “Special Exception”, the following items are required.
 - (1) *Site Plan.* A site plan, scaled at a standard engineering scale, clearly indicating the location, type and height of proposed tower, on-site land uses and zoning, adjacent land uses and zoning, separation distances as set forth in Tables 3.09.16(A) and 3.09.16(B) of this section, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of proposed tower and any other structures, topography, parking, and any other information deemed by the City to be necessary to assess compliance with this section;
 - (2) Separation distances between proposed tower and nearest residential unit; and between the proposed tower and other existing towers within one mile of the site including information about the nearest tower including height and design;
 - (3) Proposed landscape plan;
 - (4) Method of fencing, finished color, and if applicable, the method of camouflage and illumination;
 - (5) A notarized statement of the applicant as to whether construction of the tower will accommodate collocation of additional communications antennas for future users.
 - (6) Identification by map of applicant’s existing communications towers within the City; and
 - (7) A description of the applicant’s authorized radio frequencies.
- (J) *Approval by the City Commission.* The Special Exception must be approved by the City Commission. In determining whether to grant a Special Exception Use pursuant to this section, the City Commission shall consider the following factors:
 - (1) Height of proposed tower;
 - (2) Nature of uses on adjacent and nearby properties and the proximity of the

tower to all adjacent land uses.

- (3) Surrounding topography;
- (4) Surrounding tree coverage and foliage;
- (5) Design of the tower and particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness, such as camouflaged construction;
- (6) Proposed ingress and egress;
- (7) Availability of suitable existing towers, other structures, not requiring the use of towers; and
- (8) The Commission **shall not** consider the environmental effects of radio frequency emissions, to the extent that the proposed tower, and attached communication antennas and related structures comply with the FCC's regulations concerning such emissions.
- (9) *Availability of Suitable Existing Towers or Other Structures.* No Conditional Use shall be granted for a new tower unless the applicant demonstrates that no existing tower or structure can accommodate the applicant's proposed communications antenna(s). In this regard, an applicant shall submit information which may consist of the following:
 - a. No existing towers or structures are located within the geographic area which meet the applicant's engineering requirements.
 - b. Existing towers or structures are not of sufficient height.
 - c. Existing towers do not have sufficient structural strength to support equipment.
 - d. The applicant's proposed communications antenna would cause electromagnetic interference with the antenna on the existing tower or vice versa.
 - e. The fees, costs, contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - f. The applicant demonstrates that there are other limiting factors that render existing tower and structures unsuitable.

- (K) *Denial by the City Commission.* Any decision by the City Commission to deny a request for a Special Exception Use shall be in writing and supported by competent, substantial evidence contained in a written record.
- (L) *Abandonment.* In the event the use of any communications tower or communications antenna has been discontinued for a period of 180 consecutive days, the tower or antenna shall be deemed to have been abandoned. Upon such abandonment, the owner/operator of the tower or antenna shall have an additional 180 days within which to reactivate the use, transfer the ownership/operation to another actual user, or dismantle the tower. The owner of the real property shall be ultimately responsible for all costs of dismantling and removal, and in the event the tower is not removed within 180 days of abandonment, the City may initiate legal proceedings to do so and assess the costs against real property.
- (M) *Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas.* Legally nonconforming communications towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain Special Exception approval. The type, height, and location of the tower on site shall be the same type and intensity as the original facility. Building permits to rebuild the facility shall comply with applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained, or said permit expires, the communications tower or antenna shall be deemed abandoned.

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

The purpose of this section is to establish development standards for uses that require approval of a Planned Unit Development (PUD). The uses listed in Table 2.02.01(B) have some special impact or uniqueness such that their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location. Planned Unit Development approval shall be granted in accordance with the provisions of Sections 07.04.00 and 2.02.02.15. Special standards and requirements presented in this section are minimum conditions for approval of the Planned Unit Development and shall be binding on all development authorized under the Planned Unit Development.

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

3.10.01 Required PUD Review: Hospital

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