

VILLAGE OF HIGHLAND PARK
UNIFIED LAND DEVELOPMENT CODE

Adopted December 12, 2012

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ARTICLE 1

GENERAL PROVISIONS

1.01.00 Title

This document shall be referred to as the "Land Development Code of the Village of Highland Park" or the "Land Development Regulations of the Village of Highland Park" and may be referred to herein as the "Code," the "Regulations," the "LDCs", or the "LDRs."

1.02.00 Authority

This Land Development Code is enacted pursuant to the requirements and authority of §163.3202, Florida Statutes (the Local Government Comprehensive Planning and Land Development Regulation Act), the Village Charter effective November 1, 1991, and the general powers enumerated in §166, Florida Statutes (Municipalities).

1.03.00 Applicability

1.03.01 General Applicability

With the exceptions listed in Section 1.10.00, all development in the Village of Highland Park shall be subject to the provisions of this Code, and no development shall be undertaken without prior authorization pursuant to this Code.

1.04.00 Repeal of Conflicting Local Laws

Any and all other Village ordinances, resolutions, or general laws, or any part thereof, which conflict with any provision or provisions of this Code are hereby repealed.

1.05.00 Interpretation

The provisions of this Code will be held to be the minimum requirements adopted for the promotion of the public health, safety and welfare and to implement the Comprehensive Plan of the Village of Highland Park.

1.05.01. Generally

In the interpretation and application of this Code, all provisions shall be liberally construed in favor of the objectives and purposes of the Village and deemed neither to limit nor repeal any other powers granted under State statutes.

1.05.02. Responsibility for Interpretation

In the event that any question arises concerning the application of regulations,

performance standards, definitions, development criteria, or any other provision of this Code, the Development Director, or his designee, shall be responsible for interpretation and shall look to the Village of Highland Park Comprehensive Plan for guidance.

1.05.03. Computation of Time

The time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday, or legal holiday, then the next business day shall be the last day.

1.05.04. Delegation of Authority

Whenever a provision appears requiring the head of a department or some other Village officer or employee to do some act or perform some duty, it is to be construed to authorize delegation to professional-level subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.

1.05.05. Relationship to Specific/General Provisions

More specific provisions of this Code shall be followed in lieu of more general provisions that may be more lenient than or in conflict with the more specific provision.

1.05.06. References Throughout this Code

References throughout this Code to the Florida Statutes, Florida Administrative Code, and any standards established by specific organizations identified in this Code, shall include any amendments and amendments hereafter, including Chapter, Code, and Rule renumbering. References to specific regulating agencies, and organizations which establish standards, shall include any changes in the identifying name of said agencies or organizations.

Any references made throughout this Code concerning written comments, copies, applications, and submittals may, at the discretion of the Village, include electronic formats.

1.06.00 Penalties for Violation

It shall be unlawful for any person to violate the provisions of this Code or to use land or structures in violation of any provision of this Code. Persons found guilty of violating this Code shall be deemed guilty of a misdemeanor and shall be subject to a fine not exceeding \$500.00 for each day that a violation exists, or by imprisonment for a period not exceeding 60 days, or both.

1.07.00 Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this Code is for any reason held by any court of competent jurisdiction to be unconstitutional or otherwise invalid, the validity of the remaining portions of this Code shall continue in full force and effect.

1.08.00 Effective Date

This Code is hereby enacted and shall be the Land Development Code for the Village of Highland Park, and shall be in full force and effect from and after its passage, the effective date being December 21, 2013

1.09.00 Amendment of this Code

This Code shall be amended by ordinance and in accordance with the regulations for a public hearing for an ordinance as adopted by the Village Commission. The proposed changes shall go before the Village Commission, acting as the Local Planning Agency, who shall make a recommendation for or against and shall forward that recommendation, with the ordinance, to the Village Commission for a final decision.

Proposed amendments to this Code are not reviewed by the Florida Department of Economic Opportunity (DEO), according to State statute.

1.10.00 Rules of Transition

The following rules shall apply to all properties in the Village on the effective date of this Code:

A. Violations Continue

Any violation of the Code previously in effect (1993 Land Development Code with all amendments through the effective date of this Land Development Code) will continue to be a violation under this Code and shall be subject to the penalties and enforcement provisions provided in Section 1.06.00 (Penalties for Violation), unless the use, development, construction, other activity, or violation issue complies with the provisions of this Code.

B. Developments with Approvals or Permits

1. Building Permit Issued Prior to Effective Date

Any building, structure, or sign for which a lawful Building Permit is issued or for which a complete Building Permit or Sign Permit application as determined by the Building Director or Development Director has been filed at least one day prior to the effective date of this Code, may be constructed and completed in conformance with the permit and other applicable approvals, permits, and conditions, even if such building, structure, or sign does not fully comply with this Code. If construction is not commenced in compliance with the applicable permit terms, the Building Director or Development Director may grant an extension in compliance with the provisions of the Building Code. If the extension does not state a specific time, it shall be an extension for six months. If the

building, structure, or sign is not completed in conformance with the Building Permit and any granted extension, then the building, structure, or sign shall be constructed, completed, or occupied only in compliance with this Code.

2. Final Site Plan Review and Approval Prior to Effective Date

An applicant whose development has received Site Plan Review and Approval prior to the effective date of this Code may file an application for a Building Permit in compliance with the approved site plan and any conditions of approval, even if the development does not comply with the provisions of this Code. Upon approval of construction plans for the development, a Building Permit may be issued. Site Plan Review and Approval for developments approved prior to the effective date of this Code shall be valid for one year from the date of approval. No time extensions shall be permitted.

C. Applications Filed Prior to the Effective Date

1. Complete applications for new developments including, but not limited to Site Plan Review and Approval and preliminary plats, filed prior to the effective date of this Code may be approved under the provisions of the zoning code previously in effect (1993 Land Development Code with all amendments through the effective date of this Land Development Code). Applicants may also elect to develop in compliance with the provisions of this Code, and in that case shall comply with all provisions of this Code. If a Building Permit application is not filed within one year of the date of approval of the application for new development, the approval shall expire. No time extensions shall be permitted.
2. Applications for amendments to the Zoning Map filed prior to the effective date of this Code shall be governed by the provisions of the zoning code previously in effect (1993 Land Development Code with all amendments through the effective date of this Land Development Code) unless the applicant elects to comply with this Code.

D. Planning Applications Filed After the Effective Date

All applications for new developments including, but not limited to, Site Plan Review and Approval and preliminary plats, as well as amendments to the Zoning Map, filed on or after the effective date of this Code, including modifications and amendments, shall conform to the provisions of this Code.

ARTICLE 2

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ARTICLE 2

REGULATIONS FOR SPECIFIC DISTRICTS

2.01.00 General Provisions

The purpose of this Section is to set forth the general provisions concerning land use. The provisions established herein shall regulate land use, density and intensity, establish building lot and yard requirements, establish land use districts which identify the location of land uses in the Village of Highland Park, establish standards for land use in the Village, and provide for a map locating the permitted land uses in the Village. All land in Highland Park shall be subject to the provisions of this Section, and shall be shown on the Official Zoning Map as provided in Section 8.054.00.

2.01.01 Seaplanes

Seaplanes are prohibited from landing on Lake Easy except in an emergency in accordance with the provisions of Village of Highland Park Ordinance 2003-01, as amended, said Ordinance originally adopted on June 19, 2003. (Amended by Ordinance 2005-04, passed on August 4, 2005)

2.02.00 General Regulations for All Zoning Districts

In order to regulate and restrict the use and location of buildings and other structures on lots within the Village and to realize the general purposes set forth in Article 1 of this Code, general regulations have been established for all zoning districts.

- (A) *Access:* Every building hereafter erected or moved shall be on a lot adjacent to a public street or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking. Approved private streets shall be constructed in accordance with Polk County specifications for the construction of roads, streets, alleys and other right-of-way improvements as set forth in its ordinance governing the subdivision of land in the unincorporated areas of Polk County, which is adopted by reference herein.
- (B) *Minimum Off-Street Parking and Off-Street Loading Requirements:* For the purpose of this ordinance, there shall be at least two (2) parking spaces for each dwelling. Parking spaces for all dwellings shall be located on the same lot or parcel as the main structure to be served and shall not include any public right-of-way.
- (C) *Recreation Equipment:* No recreational equipment shall be parked or stored for a period exceeding 24 hours on any lot in a residential district except in a carport, enclosed building, behind a planted screen, or behind the nearest portion of a building to a street. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or

stored on a residential lot, or in any location not approved for such use.

- (D) *Parking and Storage of Vehicles Without Licenses:* No automotive vehicles or trailers of any kind without current license plates shall be parked or stored on any residentially zoned property other than in a completely enclosed building.
- (E) *Refuse Facilities:* All containers for the deposit of refuse or garbage shall be located behind a constructed or planted screen or be within a carport or other enclosed area.

2.02.01 Setbacks and Locations of Structures on a Lot

- (A) For the purposes of interpreting lot frontage, the front of a structure shall be the side facing the main road which provides access to the lot.
- (B) All principal structures shall be set back from the parcel property line as delineated in the Table of Development Standards, Table 2.03.01(B).
- (C) Rear property lines within the R-2H zoning district shall be measured from the front parcel property line, a distance as delineated in the Table of Development Standards, Table 2.03.01(B).
- (D) Accessory structures shall be setback from all parcel property lines a minimum of ten (10) feet unless otherwise stated. Additional regulations for accessory structures are found in Section 2.04.00.
- (E) The location of accessory structures in a rear yard within the R-2H zoning district shall not encroach on the rear yard setback as delineated in the Table of Development Standards, Table 2.03.01(B).
- (F) No structure may be located within a required landscape buffer or public utility easement.
- (G) In all districts no building or structures other than a dock may be erected within 50 feet of the shoreline of Lake Easy at a water elevation of 115.5 feet, utilizing NAVD88 datum, as shown on the U.S.G.S. Map of Babson Park quadrangle, which is adopted by reference and incorporated herein.

2.02.02 Fencing Requirements and Limitations

All new fence installations shall require a permit prior to installation, and shall be subject to the following requirements and limitations.

- (A) Fences are permitted within the Estate Residential (R-1) and Single Family Residential (R-2) zoning districts.

- (B) Fences are prohibited within the Historic Single Family Residential (R-2H) and Traditional Single Family Residential (R-2T) zoning districts.
- (C) No fence permit shall be issued for installation on any property without a survey. A survey shall not be older than six (6) months. Survey must be submitted with the application and stakes shall be set by a surveyor prior to installation showing the boundaries of the property on which the fence is intended to be installed. No person other than a surveyor licensed in the State of Florida shall install, move or intentionally disturb such stakes. The stakes shall remain in place undisturbed until the fence installation is inspected by the Village.
- (D) Fences are permitted to be constructed in designated rear yards only. Such fences shall not be located forward of the rear edge of the principal structure.
- (E) Fences shall be constructed of metal, wood, or chain link. A two (2) inch opening shall be maintained between all fencing panels in order to provide open ventilation for proper passage of air.
- (F) All fences shall be constructed a minimum of four inches (4") inside the property line and shall not exceed a height of four feet (4') in any residential zoning district.
- (G) The construction of any fence shall be properly marked with survey stakes prior to installation.
- (H) Berms used in conjunction with fences shall be considered as included in the height restriction for such fences. The height of a fence shall be measured from finished grade prior to berming.
- (I) Fences shall, in no case, encroach on any public utility easement;
- (J) All fences shall be privately maintained.
- (K) Wireless perimeter pet fences are permitted in all residential zoning districts and shall be setback a minimum of 20 feet (20') from all property lines.

2.03.00 Establishment of Zoning Districts

In order to classify and regulate the use of land, to determine the area of yards, courts, and other open spaces surrounding buildings and to regulate and limit the density and intensity of land uses, the Village has been divided into the following zoning districts:

- R-1 Estate Residential
- R-2 Single Family Zoning District
- R-2H Historic Single Family Residential
- R-2T Traditional Single Family Residential
- CON Conservation
- ROS Recreation and Open Space
- PD Planned Development

2.03.01 Zoning District Summary Tables

The tables below present, in a quick reference form, information regarding permitted land uses and development standards for all zoning districts. The tables must be read in conjunction with the regulations for specific zoning districts in Section 2.03.02.

Table 2.03.01(A), Table of Land Uses

Category/Use	R-1	R-2	R-2H	R-2T	CON	ROS
Single Family Residential						
Single family detached, standard construction	P	P	P	P		
Recreation Facilities						
Parks						P
Golf courses and tennis courts						P
Incidental buildings and accessory uses thereto						P
Outdoor nature and picnic areas					P	P
Playgrounds and tot lots						P
Public Service Facilities						
Government buildings and service facilities						P
P = Permitted Use						

Table 2.03.01(B), Table of Development Standards

	Min. Lot Size (s.f.)	Min. Lot Width (feet)	Min. Floor Area	Setbacks (feet)			Max. Lot Covg. (%)	Max. Bldg. Height (feet) **
				Front	Rear	Sides		
R-1	43,560	125	2,000	50	30	20	40	35
R-2	15,000	100	2,000	25	20	10	40	35
R-2H	15,000	100	2,000	25	175*	10	40	35
R-2T	15,000	100	2,000	25	20	10	40	35
CON	-	-	-	-	-	-	-	-
ROS	-	-	-	-	-	-	-	-

* Distance calculated from front lot line of property in accordance with 2.02.01(C).
 ** Residential structure shall not exceed a maximum of two stories

2.03.02 Zoning Districts

The following Districts and regulations are hereby established within the Village of Highland Park.

2.03.02.01 Estate Residential (R-1)

- (A) *FLUM Designation:* Historic; Estate Residential
- (B) *Purpose and Intent:* To establish low density single family residential areas on one (1) acre or larger lots intended to provide protected homesites; to preserve and provide amenities conducive to a living environment, and to prevent the use of land and buildings which would tend to adversely affect these conditions.
- (C) *Accessory Uses and Structures:* Accessory uses and structures which are customarily incidental and subordinate to permitted principal uses and structures are permitted. Section 2.04.00 contains detailed regulations for permitted accessory uses and structures.
- (D) *Development Standards:* Development standards for uses in this district are detailed in the Table of Development Standards, Table 2.03.01(B). Specifically, standards are established for Minimum Lot Size; Minimum Lot Width; Minimum Floor Area; Setbacks; Maximum Lot Coverage; and Maximum Building Height.

2.03.02.02 Single Family Residential (R-2), Historic Single Family Residential (R-2H), and Traditional Single Family Residential (R-2T)

- (A) *FLUM Designation:* Single Family
- (B) *Purpose and Intent:* To establish land area for single family residences on a minimum of 15,000 square feet with lots intended to provide protected homesites; to preserve and provide amenities conducive to a desirable living environment, and to prevent the use of land and buildings which tend to adversely affect these conditions.
- (C) *Accessory Uses and Structures:* Accessory uses and structures which are customarily incidental and subordinate to permitted principal uses and structures are permitted. Section 2.04.00 contains detailed regulations for permitted accessory uses and structures.
- (D) *Development Standards:* Development standards for uses in these districts are detailed in the Table of Development Standards, Table 2.03.01(B). Specifically, standards are established for Minimum Lot Size; Minimum Lot Width; Minimum Floor Area; Setbacks; Maximum Lot Coverage; and Maximum Building Height.

2.03.02.03 Conservation (CON)

- (A) *FLUM Designation:* Conservation
- (B) CON districts are intended to preserve and protect open spaces, watersheds, and flood prone areas.

2.03.02.04 Recreation and Open Space (ROS)

- (A) *FLUM Designation:* Recreation and Open Space
- (B) *Purpose and Intent:* Intended to provide for recreational uses, open spaces, and park land. Watersheds, and flood prone areas are also intended to be protected in this district.

2.03.02.05 Planned Development District (PD)

- (A) *Purpose and Intent:* Intended for specialized purposes, where a proposed project warrants greater flexibility than a standard district provides. The PD district is limited to the properties on which Altamira Terrace, Amoret Apartments, and the Highland Park Apartments are located. In the event of redevelopment of these properties, the zoning district allows for flexibility in design and efficient use of land.

- (B) *Permitted Principal Uses & Structures:* Uses permitted in this district include Historic Multi-Family Residential uses and limited to the properties on which Altamira Terrace, Amoret Apartments, and Highland Park Apartments are located.
- (C) *Conditions for Establishment of a PD District:* The PD district recognizes structures that were:
 - (1) Originally approved as multi-family;
 - (2) Constructed prior to August 13, 1992; and
 - (3) Exist as of September 1, 2012
- (D) *Development Standards:* Properties established as a Planned Development shall respect all building setback requirements as established in the R-2H zoning district.

2.04.00 General Regulations for Accessory Structures

Accessory structures, as defined in Article 9, may be located on the same parcel or lot with, and of a nature customarily incidental and subordinate to, the principal use or structure. It is the purpose of this Section to regulate accessory uses and structures for construction, placement, and use, in order to ensure that they do not adversely affect nearby residents and/or surrounding properties. In addition to the standards provided below, accessory structures shall meet all requirements set forth in individual zoning districts and other applicable provisions of this Code.

One accessory structure in addition to a detached carport or garage and a swimming pool may be permitted on a development site, provided that the following requirements are met:

- (A) Accessory structures shall be setback from side and rear property lines a minimum of ten (10) feet, unless otherwise stated.
- (B) Accessory structures within the R-2T district shall be setback from rear property lines a minimum of five (5) feet.
- (C) For a corner lot, all accessory structures must be located in the interior corner of the rear yard.
- (D) Accessory structures shall not exceed the height of the principal structure on the lot.
- (E) Accessory structures shall not be constructed prior to the development of the principal structure on any lot.
- (F) Accessory structures shall not be located in a required landscape buffer, or within a public utility easement.

- (G) Accessory structures shall be included in all calculations of maximum lot coverage, impervious surface area, and stormwater runoff.
- (H) Accessory structures shall be separated from each other, the principal structure, and fence lines by no less than five (5) feet.
- (I) Regulations for accessory structures that are “guest houses”, “cottages”, and “garage apartments”, which are for human occupancy, are in Section 2.04.01 below.
- (J) *Mother In-law Units*: Mother In-law Units are attached or within the principal structure and are, therefore, not considered accessory structures. Regulations for Mother In-law Units are as follows:
 - (1) A unit is considered a “mother in-law unit” if it is within a principal structure or attached to a principal structure. If it does not meet either of these criteria, then it is considered to be a “guest house”, “cottage” or “garage apartment” and the regulations are located under Accessory Uses, Section 2.04.01, of this Article.
 - (2) Attached Mother In-law Units are intended to be occupied by family members or friends of the family and shall not be rented.
 - (3) A Mother In-law Unit shall not be served by an electrical meter billed separate from the principal building.
 - (4) Mother In-law Units may not take up more than 33% or one-third of the principal dwelling unit.
- (K) All accessory structures shall comply with Florida Building Code requirements and all standards of this Code pertaining to principal uses.

2.04.01 Guest Houses, Cottages, and Garage Apartments

Guest Houses, Cottages, and Garage Apartments, and similar accessory uses, are regulated in the following manner.

- (A) No mobile home, trailer, or recreational vehicle or vehicle of any kind shall be permitted to be used as an accessory structure or as living quarters; or for use as a storage unit.
- (B) A guest house, cottage or garage apartment shall not be served by an electrical meter billed separate from the principal building and shall not be rented.
- (C) A guest house, cottage or garage apartments constructed after the adoption of this Section of the Code shall meet these standards:
 - (1) The unit shall be located in the rear yard of the principal dwelling unit. All side yard and rear yard setbacks shall apply for the zoning district.

- (2) Minimum lot requirements: an additional 2,000 square feet in area is required for the construction of an accessory structure built for human occupancy in addition to the lot requirements for the principal building;
- (3) Minimum Floor Area: 480 s.f.;
- (4) Maximum Size: Maximum shall be not more than 75% of the square feet of the principal dwelling unit; and
- (5) Parking: A minimum of one additional off-street parking space shall be required for each secondary dwelling unit, located in the driveway or paved parking area of the principal unit (Added by Ordinance, 2005-05, passed on 7/2005).

2.04.02 Detached Carports and Garages

Detached carports and garages are permitted in all residential districts as an accessory use. The construction of any detached carport or garage shall comply with the general regulations for accessory structures in Section 2.04.00 and meet the following requirements:

- (A) A carport or garage unit not integrated into the construction of the principal structure shall be considered an accessory structure and must be located a minimum of 10 feet from all property lines.
- (B) A building permit is required to construct any detached carport or garage in any residential zoning district.
- (C) Detached carports and garages shall not exceed a floor area of 624 square feet (i.e., 26-feet by 24-feet).
- (D) The highest point of the roof constructed for a detached carport and garage shall not exceed fifteen feet (15') or the height of the highest point of the roof of the principal structure on the lot, whichever is less.
- (E) Detached carports and garages shall be constructed of materials which maintain the look and character of the principal structure on the property.
- (F) Any carport or garage with connected electricity and/or plumbing will require an electrical and/or plumbing permit.
- (G) Carports and garages may be attached to the principal structure, in line with or behind the front building line. Carports or garages attached to the principal structure shall not encroach into side yard setback areas.

- (H) Carports and garages may be constructed within a front yard, if attached to the principal structure. Carports and garages attached to the principal structure shall be considered part of the principal structure and subject to the front yard building setbacks for the zoning district in which they are located. A deviation in these requirements may be allowed, through variance approval by the Village Commission.
- (I) Each property owner is limited to one (1) detached carport or garage per residential dwelling unit. All construction shall comply with the Florida Building Code and be in conformity with the provisions of this Code.

2.04.03 Sheds

Sheds are permitted in all residential districts as an accessory use. The construction of any shed shall comply with the general regulations for accessory structures in Section 2.04.00 and meet the following requirements:

- (A) Sheds shall not exceed a floor area of 500 square feet (i.e., 20-feet by 25-feet).
- (B) A building permit is required to construct any shed in any residential zoning district. Construction shall meet all building and zoning regulations and be properly anchored to the ground and installed per approved manufacturer's standards.
- (C) The highest point of the roof constructed for a shed shall not exceed fifteen feet (15') or the height of the highest point of the roof of the principal structure on the lot, whichever is less.
- (D) Sheds shall only be constructed to have an exterior finish of wood or stucco.
- (E) Any shed with connected electricity and/or plumbing will require an electrical and/or plumbing permit.

2.04.04 Swimming Pools

Swimming pools are permitted in all residential districts as an accessory use. The construction of all swimming pools shall comply with the general regulations for accessory structures in Section 2.04.00 and meet the following requirements:

- (A) For purposes of setback measurement, the term "swimming pool" shall include all surrounding decking and vertical supports for fencing or screen enclosures.
- (B) Screen enclosures over and around swimming pools shall be erected so as to conform to setback requirements for accessory buildings; however, such enclosures may be attached to the principal building.

- (C) Swimming pools, including all decking and screen enclosures, shall not be located forward of the front edge of the principal structure, and shall not encroach into side yard setback areas.
- (D) All swimming pools within the Village of Highland Park must be enclosed or covered by a fence, screened enclosure, or equivalent type of barrier in accordance with Section 515.29 of Florida Statutes and as approved by the Building Official.
- (E) Fences and screen enclosures shall be equipped with self-closing gates and be equipped with self-latching devices placed at the top of the gate in accordance with Section 515.29(3) of Florida Statutes.
- (F) Perimeter fencing around pools shall be four feet (4') in height and constructed of wood or metal. A 2 inch (2") opening shall be maintained between all fencing panels and balusters in order to provide open ventilation for proper passage of air. Perimeter fencing around pools shall not be located a distance farther than ten feet (10') from the edge of the water.
- (G) A temporary safety barrier shall be placed around any pool under construction in such a manner as to keep children from entering the pool area. The temporary safety barrier shall be installed prior to the beginning of excavation and shall remain until replaced by a permanent barrier in accordance with Section 515.29 of Florida Statutes . Failure to install or maintain the temporary safety barrier shall be a violation of this Code which may, at the discretion of the Building Official, result in a Stop Work Order or such other enforcement as provided by this Code.
- (H) Lighting for pools shall be located and installed such that direct light is not visible on adjoining property.
- (I) Swimming pools shall not be located within any public utility or drainage easements.
- (J) Pools in residential districts may not be used for commercial purposes.

2.04.05 Docks and Piers

Docks and piers are permitted to be constructed on those properties directly abutting Lake Easy.

Docks and piers shall comply with the following minimum requirements and shall not preclude the applicability of laws, rules, standards and criteria adopted by the State of Florida, the Florida Department of Environmental Protection (FDEP), or any other regulating authorities.

- (A) For those properties located within the corporate limits of the Village of Highland Park, docks and piers shall only be constructed in the center one-third of the waterfront of the property.
- (B) All structures built on top of a dock or pier shall comply with FDEP and Florida Building Code standards. The highest point of any structure built on top of a dock or pier shall not exceed an above mean sea level (AMSL) elevation of 115-feet.
- (C) No person shall occupy any water craft as a residence.
- (D) A construction permit, issued by the Polk County Building and Codes Department is required for the construction of any dock or pier for properties meeting the following criteria:
 - 1. Where both the lakefront property from which the dock or pier is extended and the lake lie within the Village limits.
 - 2. Where the lakefront property is outside of the Village limits, but the lake is within the Village limits.
- (E) It shall be the responsibility of the owner of the property from which the dock or pier is extended to obtain all approvals, verifications, exemptions, surveys, and permits for construction and maintenance of said structure. The contractor and/or builder shall be equally responsible, with the owner, for construction in accordance with this Article and the Building Regulations of the Village; and is therefore equally subject to any applicable fines or penalties.

2.04.05.01 Application for Docks and Piers

Permit application for the construction of any dock or pier shall include a site plan, drawn to scale, indicating the nature and character of the proposed structure, and shall contain all information required by the Building Official, in order to determine compliance with these regulations.

- (A) Each site plan and application shall, at a minimum, contain the following information:
 - 1. The name of the water body in which the dock or pier will be located;
 - 2. An arrow indicating the northerly direction;
 - 3. The boundaries, with dimensions, of the subject property, which shall include a lake level survey and a boundary survey prepared

by a qualified land surveyor;

4. The location and size of the proposed dock or pier on the property, with dimensions;
5. The distance between the current shoreline and the principal residence on the lot, at the point where the structure is to be constructed; and
6. Setbacks of principal structures on adjacent property.

(B) Construction drawings shall accompany the application and site plan, and shall be drawn in sufficient detail to locate vertical and horizontal elements of the proposed structure that show beginning and terminating points on the shoreline and the lake bottom. Copies of all environmental management evaluations conducted by the applicant, local, State and Federal officials, and engineers and consultants retained by the applicant shall be attached.

2.04.05.02 Design Standards for Docks and Piers

All docks and piers shall be constructed in accordance with the FDEP standards for “single family dock construction.” Construction shall also meet the standards provided in this section. Where more stringent standards are provided, the more restrictive shall apply.

- (A) No permanent dock or pier, requiring a construction permit, including any platforms and walkways shall extend into Lake Easy for a distance greater than seventy-five (75) feet as measured from the Minimum Low Water Elevation line, as established by the Southwest Florida Water Management district (SWFWMD).
- (B) No portable or roll-in dock or pier shall extend into Lake Easy for a distance greater than seventy-five (75) feet as measured from the then current water line elevation.
- (C) The surface area of a dock or pier, or combination thereof, shall not exceed 1,000 square feet, which shall include all platforms and walkways, as measured on a horizontal plane. A terminal platform shall not exceed 250 square feet in area.
- (D) Where the depth of water at the lakeward end of a dock or pier is more than thirty (30) inches, a floating dock of not more than 144 square feet in area may be attached to the permanent seventy-five (75) foot dock, pier, or terminal platform.

- (E) The main access pier from the shore to the dock or terminal platform shall not exceed ten (10) feet in width. A handrail is required on one side of any part of a dock or pier that is less than four (4) feet in width.
- (F) All docks and piers shall be equipped with a structural member or warning device that is clearly visible a minimum of six (6) feet above the surface of the water. Devices may include flags, reflectors, or standard warning shapes painted International Orange, or some other bright color. Such devices shall be installed, beginning at the lakeward end of the structure at intervals of not more than 25 feet along the entire distance of the structure extending back to the shoreline.
- (G) No more than two (2) water craft may be moored overnight on any one dock or pier.
- (H) Lighting fixtures may be installed on any dock or pier, and on boat davits and boat lifts only in accordance with the following standards:
 1. Lighting required under federal and state laws or regulations as an aid to navigation.
 2. Other lighting fixtures are permitted providing they are designed and installed as to direct light downward. It is the intent to encourage lighting practices which minimize lighting “spill over” onto adjacent properties in order to prevent light pollution, glare, and conditions which degrade the night time visual environment.

2.04.05.03 Maintenance and Removal

- (A) All docks and piers shall be maintained as safe and structurally sound facilities. Substandard structures are identified as those having deteriorated or damaged structural components and those in a dilapidated condition that present a hazard to pedestrians and persons in boats. Structural components include, but are not limited to: pilings, stringers, joists, beams and decking, and any component hanging loose or no longer connected to the structure.
- (B) It shall be the responsibility of the owner to repair any substandard dock or pier, in accordance with the Building Regulations of the Village, or to remove it.

ARTICLE 3

DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS

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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 Village of Highland Park.

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 Developer.

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 shadow, glare, noise, odor, traffic, drainage, and utilities on surrounding properties.

3.02.00 *Utilities*

3.02.01 *Requirements for All Developments*

The following basic utilities are required for all developments subject to the criteria listed herein:

- (A) *Electricity.* Every principal use and every lot within a subdivision shall have available to it a source of electric power adequate to accommodate the reasonable needs of the principal and permitted accessory uses.
- (B) *Telephone.* Every principal use and every lot within a subdivision shall have available to it a telephone service cable adequate to accommodate the reasonable needs of the principal and permitted accessory uses.
- (C) *Water.* Every principal use and every lot within a subdivision shall be served by the Village of Highland Park's central water system for potable water needs.
- (D) *Sewer.* The developer shall provide every lot within a subdivision with an on-site

wastewater disposal system.

- (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 Village of Highland Park.
- (F) *Fire Hydrants.* All developments served by a central water system shall include a system of fire hydrants consistent with design standards adopted by the Village of Highland Park.

3.02.02 Design Standards

- (A) *Compliance with Technical Construction Standards.* All utilities required by this Chapter shall meet or exceed minimum design standards adopted by the Village of Highland Park.
- (B) *Placement of Utilities Underground*
 - 1. In all new subdivisions all electric, telephone, cable television, and other communication lines and gas distribution lines shall be placed underground within easements or dedicated public rights-of-way, installed in accordance with the Village's adopted design standards.
 - 2. Existing 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 overhead facilities.
 - 3. Utility apparatus placed above ground shall be screened.

3.02.03 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.

3.03.00 Land Use Compatibility Performance Standards

3.03.01 General Provisions

All uses shall conform to the standards of performance described within this Article 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, smoke, dust or other particulate matter, toxic or noxious waste materials, odors, fire and explosive hazard, or glare. Within the Village, all processes and storage, except for vehicle parking, shall be in a completely closed building.

3.03.02 Specific Standards

3.03.02.01 Noise

Every use shall be so operated as to comply with the maximum performance standards governing noise described below. Objectionable noises due to intermittence, beat frequency or shrillness shall be muffled or eliminated so as not to become a nuisance to adjacent uses. Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association.

Maximum Permitted Sound Level In Decibels		
Octave bands in cycles per second	Along property line abutting a residential district	
	8:00 am to 6:00 pm	6:00 pm to 8:00 am
0-75	70	65
75-150	65	50
150-300	57	43
300-600	50	38
600-1200	44	33
1200-2400	38	30
2400-4800	32	28
Over-4800	30	26

3.03.02.02 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. All measurements shall be at the point of emission. Smoke emission must comply with applicable rules of the Florida Department of Environmental Protection (FDEP).

3.03.02.03 Dust and Dirt

Every use shall be so operated as to prevent the emission into the air of dust or other solid matter which 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.

3.03.02.04 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 Village 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.

3.03.02.05 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.

3.03.02.06 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.

3.03.02.07 Fire and Safety Hazard

Each use shall be operated so as 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 Village.

3.03.02.08 Electromagnetic Radiation

Compliance with FCC Regulations. No person shall operate or cause to be operated, any planned or intentional source of electromagnetic radiation for any purposes which do not comply with the current regulations of the Federal Communications Commission regarding such sources of electromagnetic radiation.

3.04.00 Stormwater Management

Treatment of stormwater runoff shall be required for all development, redevelopment and, when expansion occurs, existing developed areas. 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 Southwest Florida Water Management District 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.

3.04.01 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 (1) inch of stormwater runoff shall be treated in an off-line retention system or according to FDER's Best Management Practices.
 2. The proposed development and development activity shall not violate water quality standards set forth in Chapter 17-3, Florida Administrative Code.

3.04.02 Exemptions

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, except as stated below.

- (A) Residential infill development within an existing subdivision or a developed residential area is exempt, when each of the following conditions have been met:
 1. Stormwater management provisions for the subdivision were previously approved and remain valid as part of a final plat or development plan; and
 2. The development is constructed in accordance with the stormwater management plans submitted with the final plat or development plan.
 3. 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.

- (B) Agricultural activity, 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.
- (C) Maintenance activity that does not change or affect the quality, rate, volume or location of stormwater flows on the site or of stormwater runoff.
- (D) Action taken under emergency conditions to prevent imminent harm or danger, or to protect property from fire, violent storms, hurricanes or other hazards.

3.04.03 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 FDER'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 channelled 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.

3.04.04 Dedication or Maintenance of Stormwater Management Systems

If a stormwater management system approved under this Code will function as an integral part of a county-maintained drainage system, as determined by the County Engineer, the facilities shall be dedicated to Polk County. All stormwater management systems that are not dedicated to Polk County shall be operated and maintained by one of the following entities:

- (A) The Village of Highland Park.
- (B) 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.
- (C) A state or federal agency.
- (D) An officially franchised, licensed or approved communication, water, sewer, electrical or other public utility.
- (E) The property owner or developer if:
 - 1. Written proof is submitted in the appropriate form by either letter or resolution, that a governmental entity or such other acceptable entity as set forth in paragraphs A-D above, will accept the operation and maintenance of the stormwater management and discharge facility at a time certain in the future.

2. A bond or other assurance of continued financial capacity to operate and maintain the system is submitted.
- (F) For-profit or non-profit corporations including homeowners associations, property owners associations, condominium owners associations or master associations if:
1. The owner or developer submits documents constituting legal capacity and a binding legal obligation between the entity and the Village affirmatively taking responsibility for the operation and maintenance of the stormwater management facility.
 2. The association has sufficient powers reflected in its organizational or operational documents to operate and maintain the stormwater management system as permitted by the Village, 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.

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.

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.

3.05.00 Regulations for Antennas, Communications Towers, and Satellite Dishes

3.05.01 Antennas

1. An antenna shall be an accessory use only, and shall not be the principal use of the property.
2. Antennas shall not exceed 30 feet in height.

3. Antennas shall not be located forward of the front building line or within a required side street setback area.
4. An antenna not mounted on or affixed to a principal structure shall be set back from all property lines a distance equal to its height.
5. No more than one antenna shall be permitted for each lot or development site.
6. An Antenna Installation Permit shall be required for all antennas exceeding 25 feet in height and four feet in diameter. Applications for this permit shall include a site plan, sketch plan or other scaled drawing showing all structures on the property, and the location, height and size of the proposed antenna.

3.05.02 Communications Towers and Satellite Dishes

Communication towers and satellite dishes are prohibited.

3.06.00 Compatibility, Landscaping and Buffering Standards

The Village Commission finds that landscaping makes important contributions to the public safety and the general welfare of the Village. 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 Village. 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; by conserving water; by enhancing the appearance of properties; by improving property values; and generally by 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 Village of Highland Park shall ensure that all new development is properly buffered to prevent adverse impacts on surrounding land uses. The requirements of this Section shall apply to:

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 a detached duplex structure, which are exempt from all provisions of this Section.
2. The alteration of existing structures or improvements, other than a single-family, detached residence and a detached duplex structure, 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.

Prior to issuance of any development permit covered, a Landscape Plan shall be submitted 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 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 7.02.00.

3.06.01 Classification of Land Uses

For the purposes of this Section, all land uses are classified in accordance with the following list. Classifications are based upon the incompatibilities present between various types of land uses. Uses with similar density, intensity, off-street parking, paved areas, and traffic generation make up Classifications I through IV.

LAND USE CLASSIFICATIONS	
Class	Land Use
I	Single family detached dwellings, including mobile homes on platted lots.
II	Duplex, single family attached, mobile home parks and multi-family residential developments not exceeding 4 units per acre; outdoor recreation facilities; and cemeteries.
III	Duplex, single family attached, mobile home parks and multi-family residential developments at a density of 4-8 units per acre.
IV	Single family attached, and multi-family residential developments at a density of more than 8 units per acre; substations, switching stations, or transfer facilities for electric power, natural gas, telephone and cable television service.
V	Churches and schools.
IV	Water and sewer treatment facilities.

3.06.02 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, selection of trees and shrubbery, planting, and the establishment of buffer yards.

3.06.02.01 Selection of New Trees and Shrubs

Canopy trees, small trees for buffer yards, and shrubbery that are best acclimated to the environment in the Village are listed in Tables 3.06A through 3.06C. Canopy areas shown in Table 3.06A 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.

3.06.02.02 Preservation of Existing Trees and Shrubs

An existing canopy tree shall be preserved whenever possible and its canopy calculated as it exists or from Table 3.06A, 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 Village, and shall be maintained in their natural setting.

3.06.03 Canopy Trees

Canopy trees shall be required for the purpose of shading impervious surfaces associated with all development in the Village, except single-family, detached residences and detached duplex structures. Structures shall not be used in calculating or estimating the area of impervious surface. This subsection requires the calculation of the total impervious surface on a given site and the shading of one-third of that total impervious surface. To standardize the calculation, each paved parking space shall require two hundred (200) square feet of canopy area. Loading zones, sidewalks and other paved surfaces, with the exception of swimming pool decks and aprons, shall be calculated separately and one-third of the total area shall be shaded with canopy trees.

1. Canopy trees shall be selected from Table 3.06A and planted no closer than five (5) feet to any paved surface.
2. Planting areas for canopy trees shall be no less than one hundred (100) square feet in area.
3. Planting areas under canopy trees shall be planted in compatible shrubs from Table 3.06C or ground covers, but not planted in grass.

Table 3.06A, Canopy Trees

Species	Common Name	Canopy (s.f.)
Acer Rubrum	Red maple	500
Carya glabra	Pignut hickory	700
Carya Illinoensis	Pecan	700
Carya tomentosa	Mockernut hickory	700
Celtis laevigata	Sugarberry (Hackberry)	1,300
Cinnamomum camphora	Camphor	700
Fraxinus caroliniana	Pop ash	500
Liquidambar styraciflua	Sweetgum	500
Magnolia grandiflora	Southern magnolia	500
Pinus clausa	Sand pine	500
Pinus elliottii	Slash pine	500
Pinus elliottii var. densa	South Florida pine	500
Pinus palustris	Longleaf pine	500
Platanus occidentalis	Sycamore	700
Quercus laurifolia	Laurel oak	970
Quercus nigra	Water oak	700
Quercus virginiana	Live oak	2,000
Tilia Caroliniana	Carolina basswood	500
Ulmus slata	Winged elm	500
Ulmus americana	Florida elm	700

Table 3.06B, Small Trees for Buffer Yards

Species	Common Name	Canopy (s.f.)
Baccharis halimifolia	Groundsel tree salt bush	50
Betula nigra	River birch	200
Callistemon viminalis	Weeping bottlebrush	80
Carpinus caroliniana	American hornbeam	120
Carya folridana	Scrub hickory	120
Chionanthus virginicus	Fringe tree	80
Cornus florida	Flowering dogwood	200
Crataegus	Hawthorne	120
Eriobotrya japonica	Loquat, Japanese plum	80
Eucalyptus cinerea	Silver dollar eucalyptus	120
Gleditsia aquatica	Water locust	180
Gordonia lasianthus	Loblolly bay	200
Ilex attenuata	East palatka holly	200
Ilex cassine	Dahoon holly	200
Ilex opaca	American holly	200
Juniperus silicicola	Southern red cedar	120
Koelreuteria elegans	Golden rain tree	320
Lagerstroemia indica	Crepe myrtle	120
Magnolia virginiana	Sweetbay magnolia	200
Osmanthus americana	Wild olive, Devilwood	50
Osmanthus megacarpa	Scrub olive	80
Parkinsonia aculeata	Jerusalem thorn	200
Persea borbornia	Red bay	120
Prunus caroliniana	Cherry laurel	120
Prunus serotina	Wild black cherry	320
Quercus chapmanii	Chapman oak	180
Quercus geminata	Sand live oak	120
Quercus incana	Bluejack oak	120
Quercus laevis	Turkey oak	180
Quercus myrtifolia	Myrtle oak	80
Taxodium distichum	Bald cypress	320
Ulmus parvifolia	Drake elm, Chinese elm	320

Table 3.06C, Shrubs

Species	Common Name	Species	Common Name
Abelia grandiflora	Glossy abelia	Jasminum pubescens	Downy jasmine
Baccharis halimifolia	Groundsel tree/saltbush	Juniperus "Pfitzeriana"	Pfitzer juniper
Befaria racemosa	Tarflower	Juniperus conferta "compacta"	Dwarf shore juniper
Bumelia tenax	Silver buckthorn	Junipera squamata "expansa"	
Camellia japonica	Camellia	Leucophyllum frutescens	Texas sage
Carrissa	Boxwood beauty	Ligustrum japonicum	Ligustrum
Cortaderia selloana	Pampas grass	Lyonia ferruginea	Rusty lyonia
Cycas revoluta	King sago	Lyonia lucida	Shiny lyonia/fetterbush
Duranta repens	Golden dewdrop	Myrica cerifera	Wax myrtle
Garberia heterophylla	Garberia	Persea humilis	Silk bay
Gardenia jasminoides	Gardenia	Photinia glabra	Red tip
Hydrangea macrophylla	Hydrangea	Pittosporum tobira	Green pittosporum
Hypericum hypericoides	St. Andrew's cross	Pittosporum tobira "compacta"	Compact pittosporum
Hypericum reductum	St. John's wort	Pittosporum tobira "variegata"	Variegated pittosporum
Ilex cornuta "Bufordi"	Buford holly	Raphiolepis indica	India hawthorn
Ilex cornuta "Dwarf Bufordi"	Dwarf Buford holly	Rhododendron "Duc de Rohan"	Azalea, "Duc de Rohan"
Ilex cornuta "rotunda"	Rotunda holly	Rhododendron simsii	Indian azalea
Ilex glabra	Gallberry	Rhododendron serrulatum	Swamp azalea
Ilex opaca arenicola	Scrub holly	Serenoa repens	Saw palmetto
Ilex vomitoria "nana"	Shillings holly	Thryallis glauca	Thryallis, Shower-of-gold
Ilex vomitoria "Pendula"	Weeping yaupon holly	Vaccinium darrowi	Little blueberry
Illicium anisatum	Japanese anise	Viburnum obovatum	Blackhaw
Illicium floridanum	Star anise	Viburnum odoratissimum	Sweet viburnum
Illicium parviflorum	Florida anise	Viburnum suspensum	Sandankwa viburnum
Itea virginica	Virginia willow	Zamia floridana	Coontie
Jasminum natidum	Shining jasmine		

3.06.04 Buffer Yards

A buffer yard is a landscaped strip along parcel boundaries that serves as a buffer 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.

3.06.04.01 Establishment of Buffer Yards

Table 3.06D establishes the buffer yard between a proposed and an existing land use. Table 3.06E establishes the buffer yard between a proposed land use and a vacant property. 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 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.

3.06.04.02 Buffer Yard Width and Landscaping Requirements

The number of trees and shrubs required in a buffer yard depends on the nature of the adjoining land uses. 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. For each buffer yard standard, 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. 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. When natural plant material is present, it counts toward fulfilling the total requirement for trees and shrubs.

3.06.04.03 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 3.06E. Generally, the buffer yards for vacant property are only about half of those required next to an existing land use.

**Table 3.06D
Landscape Requirements Between Proposed and Existing Land Uses**

Class		Existing					
		I	II	III	IV	V	VI
P r o p o s e d U s e	I. Single family detached dwellings	N	A	A	B	C	D
	II. Duplex; single family attached; multi-family residential not exceeding 4 units per acre; outdoor recreation facilities and cemeteries	A	N	A	A	B	C
	III. Duplex; single family attached; multi-family residential at density of 4-8 units per acre	A	A	N	A	B	C
	IV. Single family attached; multi-family residential at density of more than 8 units per acre	B	A	A	N	A	C
	V. Churches and schools	C	B	B	A	N	C
	VI. Water and sewer treatment facilities	D	C	C	C	C	N

N = No landscaping required

**Table 3.06E
Landscape Requirements Between Proposed Land Uses and Vacant Property**

Class		Principal Use Permitted by Zoning District on Vacant Adjoining Property					
		I	II	III	IV	V	VI
P r o p o s e d U s e	I. Single family detached dwellings	N	N	N	A	B	C
	II. Duplex; single family attached; multi-family residential not exceeding 4 units per acre; outdoor recreation facilities and cemeteries	N	N	N	N	B	B
	III. Duplex; single family attached; multi-family residential at density of 4-8 units per acre	N	N	N	N	A	B
	IV. Single family attached; multi-family residential at density of more than 8 units per acre	A	N	N	N	N	B
	V. Churches and schools	B	B	A	N	N	N
	VI. Water and sewer treatment facilities	C	B	B	B	N	N

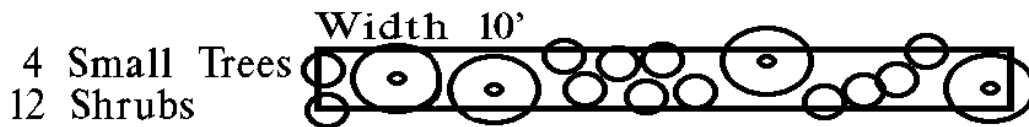
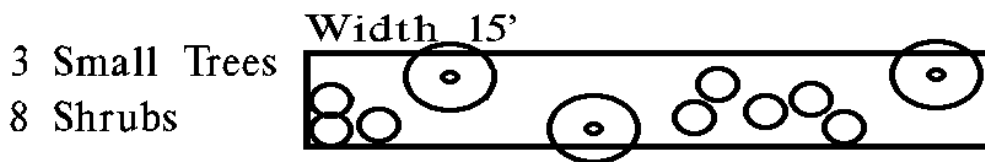
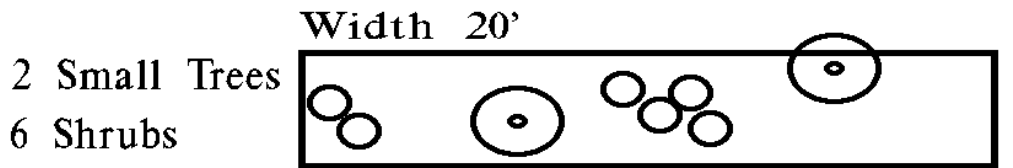
N = No landscaping required

Figure A

Buffer Yard

A

Plant Material / 100'



○ = Small Tree

○ = Shrub

Figure B

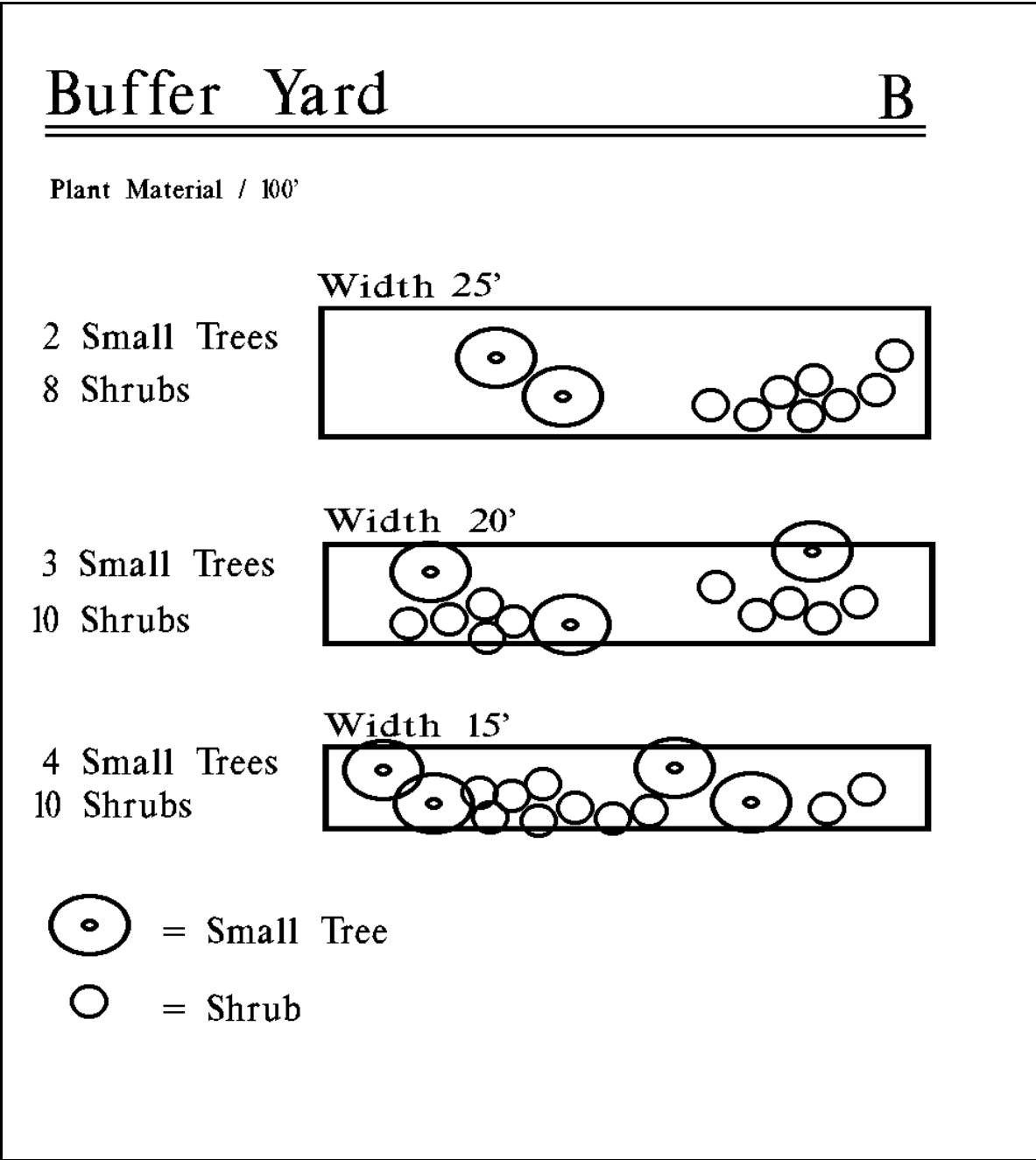


Figure C

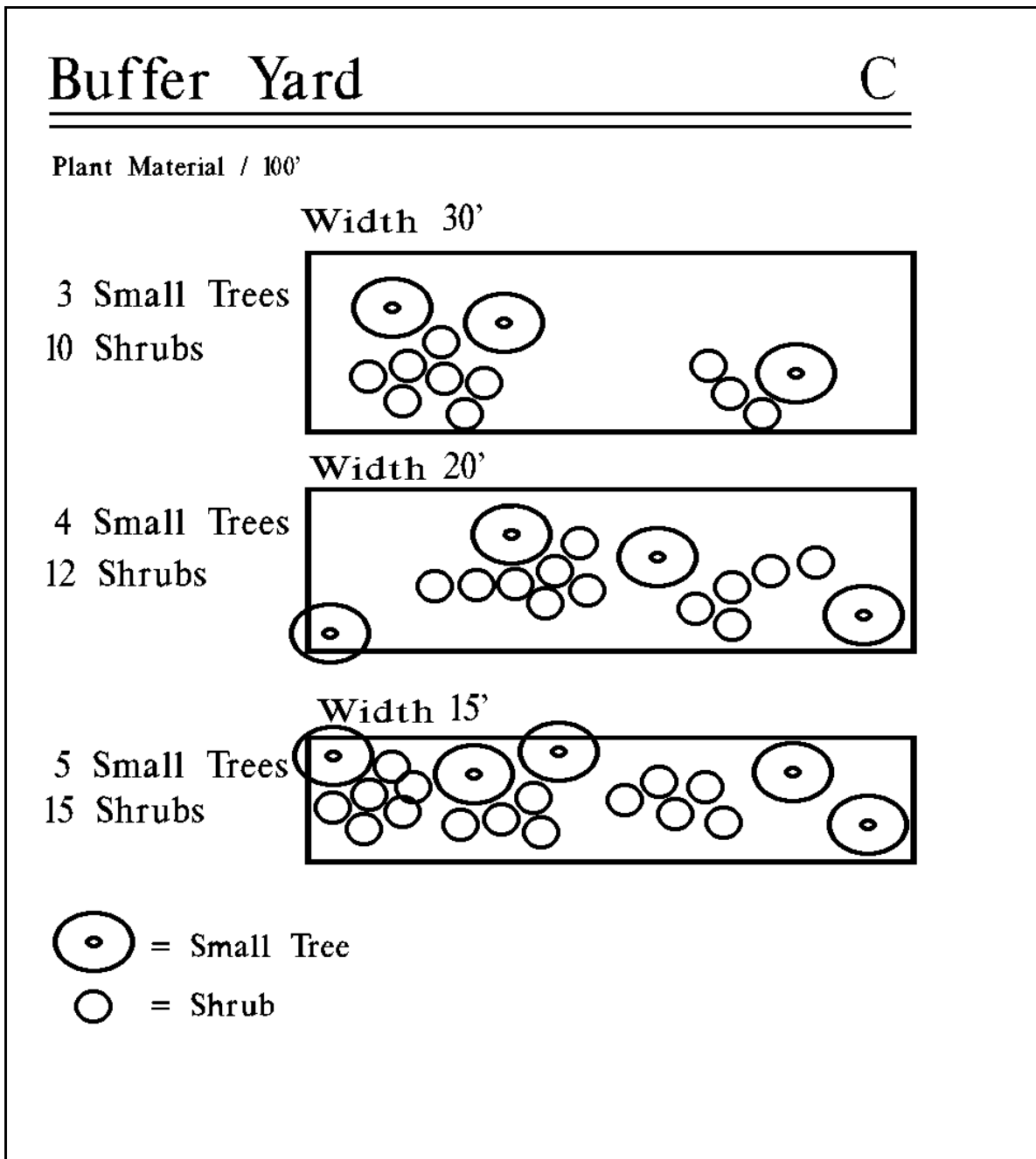
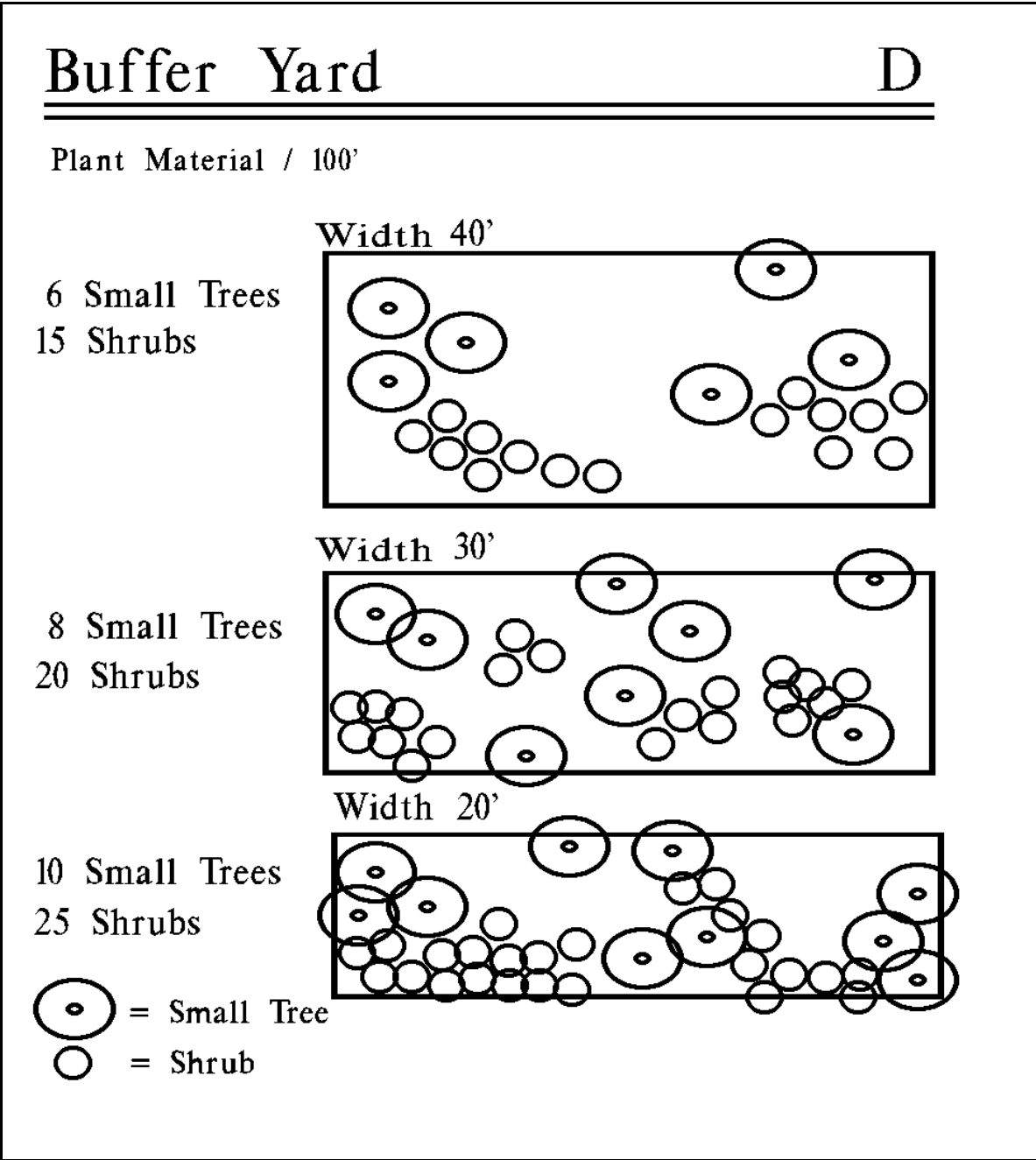


Figure D



3.06.05 Installation, Irrigation and Maintenance

Installation of Plants. All plants shall be "Florida No. 1" or better, shall be healthy and free of diseases and pests, and shall be selected from Tables 3.06A through 3.06C. The trunks of canopy trees at the time of planting shall be a minimum of three (3) inches in diameter twelve (12) inches above the ground; and small trees shall be a minimum of one and one-half (1½) inches in diameter twelve (12) inches above the ground. Shrubs shall be a minimum of nursery stock in two gallon containers. There is no minimum standard for ground cover.

1. Plants shall be installed during 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.
2. Landscape plants shall not interfere at maturity with power, cable television, or telephone lines, storm sewer or water pipes, or any other existing or proposed overhead or underground utility service.
3. 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. Required plants that die shall be replaced during before the next growing season.
4. All landscaped areas shall be provided with an appropriate irrigation system, consistent with the needs of the plants contained therein. Properties on which required landscape areas are in disrepair or improperly maintained shall be subject to Code Enforcement action by the Village.

3.06.06 Exemptions

The following shall be exempted from all landscaping provisions of this Section:

1. Single family and duplex development on individual lots.
2. Alteration of an existing development site that qualifies as a minor modification under Section 7.02.07.

ARTICLE 4

SIGNS

4.01.00 General Provisions

4.02.00 Exempted Signs

4.03.00 Prohibited Signs

4.04.00 Political Campaign Signs

4.05.00 Maintenance

ARTICLE 4

SIGNS

4.01.00 General Provisions

These sign regulations are intended to complement the requirements of the adopted building and electrical codes. In case of an inconsistency between these regulations and the building or electrical code, the more stringent requirement shall apply.

4.02.00 Exempted Signs

The following signs are exempt from the operation of these sign regulations, and from the requirement that a permit be obtained for the erection of permanent signs, provided they are not placed or constructed so as to create a hazard of any kind:

1. Signs that are not designed or located so as to be visible from any street or adjoining property.
2. Signs of two (2) square feet or less in area, provided that such sign, or combination of such signs, does not constitute a sign prohibited by Section 4.03.00 of this Code.
3. Signs necessary to promote health, safety and welfare, and other regulatory, statutory, traffic control or directional signs erected on public property.
4. Legal notices and official instruments.
5. Holiday lights and decorations.
6. Memorial signs or tablets containing names of buildings, dates of erection and other information when inscribed in a masonry surface or metal plaque and permanently affixed to the side of a building.
7. Public warning signs to indicate the dangers of trespassing, swimming, animals or similar hazards.
8. Signs carried by a person.
9. Religious displays.
10. Construction signs not exceeding 16 square feet in size.
11. Real estate yard signs not exceeding three (3) square feet in size.

12. Signs indicating yard sales or garage sales, provided that such signs are removed within 48 hours.

4.03.00 Prohibited Signs

The following types of signs are prohibited in all districts:

1. Abandoned signs.
2. Signs which are in violation of the adopted building or electrical codes.
3. Any sign that, in the opinion of the Village Commission, constitutes a safety hazard.
4. Blank temporary signs.
5. Signs imitating or resembling official traffic or government signs or signals.
6. Signs attached to trees, telephone poles, public benches, streetlights, or signs placed on any public property or public right-of-way.
7. Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign.
8. Any sign obstructing traffic visibility.
9. Portable signs.
10. Billboards

4.04.00 Political Campaign Signs

Political campaign signs may be allowed on a temporary basis in connection with a special event by permit issued by the Village Commission. Such permit shall be valid for a specified period not to exceed 30 days, after which time the sign or object shall be removed.

4.05.00 Maintenance

All signs, including their supports, braces, guys and anchors, electrical parts and lighting fixtures, and all painted and display areas, shall be maintained in accordance with the building and electrical codes adopted by the Village of Highland Park, and shall present a neat and clean appearance. The vegetation around, in front of, behind, and underneath the base of ground signs for a distance of 10 feet shall be neatly trimmed and free of unsightly weeds, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near the sign.

ARTICLE 5

RESOURCE PROTECTION STANDARDS

5.01.00 Development in Flood-Prone Areas

- 5.01.01 *Purpose and Intent*
- 5.01.02 *Standards for Reducing Flood Hazards in the Area of Special Flood Hazard*
- 5.01.03 *Additional Standards for Reducing Flood Hazards in Areas for Which FIRMs Have Been Prepared*
- 5.01.04 *Administration and Enforcement*

5.02.00 Potable Water Wellfield Protection

- 5.02.01 *Purpose and Intent*
- 5.02.02 *Establishment of Wellfield Protection Zone*
- 5.02.03 *Wellfield Protection Zone Uses*
- 5.02.04 *Wellfield Protection Restrictions*
- 5.02.05 *Modification of Requirements*

5.03.00 Wetlands Protection

- 5.03.01 *Purpose and Intent*
- 5.03.02 *Relationship to Other Requirements Relating to Wetlands Protection*
- 5.03.03 *Protection Zones Established*
- 5.03.04 *Permits Required*
- 5.03.05 *Exemptions*
- 5.03.06 *Development Standards*
- 5.03.07 *Mitigation*
- 5.03.08 *Prohibited Ongoing Activities*

5.04.00 Erosion Control

- 5.04.01 *Required Soil Conservation Measures*

5.05.00 Conservation Easements

ARTICLE 5

RESOURCE PROTECTION STANDARDS

5.01.00 Development in Flood-Prone Areas

5.01.01 Purpose and Intent

It is the purpose and intent of this Section to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas.

The regulations herein apply to all areas of special flood hazard within the jurisdictional boundaries of the Village of Highland Park. No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Section and other applicable regulations. These flood hazard management regulations do not repeal, abrogate, or impair any existing easements, covenants, or deed restrictions.

Areas of special flood hazard which have been or may be identified on a Flood Insurance Rate Map (FIRM), published by the Federal Emergency Management Agency (FEMA), and any revisions thereto, are adopted by reference and declared to be a part of this Section. In the absence of FIRMs and supporting data, areas of special flood hazard shall be identified by field analysis until such FIRMs are available.

Although the degree of flood protection required by this Section is reasonable and appropriate for regulatory purposes, based on scientific and engineering considerations, more severe floods will occur and flood heights may be increased by man-made or natural causes. Consequently, this Section is not intended to imply that land outside the areas of special flood hazard or uses permitted within those areas will be free from flooding or flood damages. This Section shall not create liability on the part of the Village or any of its officers or employees for any flood damages that result from reliance on these flood hazard management regulations or any administrative decision lawfully made thereunder.

5.01.02 Standards for Reducing Flood Hazards in the Area of Special Flood Hazard

The following standards apply to all development permitted within the Area of Special Flood Hazard.

- (A) *Compensatory Stormwater Storage Required.* Encroachments, including fill, new construction, substantial improvements and other development, are prohibited unless a registered professional engineer certifies that compensatory storage will be provided in order to alleviate flood problems within the impacted area.
- (B) *Anchoring.* All new construction and substantial improvements of existing construction shall be anchored to prevent flotation, collapse or lateral movement of

the structure during a base flood.

- (C) *Construction Materials and Methods.* All new construction and substantial improvements of existing construction shall be constructed with materials and utility equipment resistant to flood damage, and using methods and practices that will minimize flood damage and prevent the pollution of surface waters during a base flood.
- (D) *Service Facilities and Utilities*
1. Electrical heating, ventilation, plumbing, air conditioning and other service facilities shall be designed or located to prevent water from entering or accumulating within the components during a base flood.
 2. On-site sanitary sewage systems shall be located and constructed to avoid impairment or contamination from flooding, and shall not be installed, wholly or partially, in a regulatory floodway.
 3. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate both infiltration of flood waters into the systems and discharges from the systems into flood waters.

5.01.03 Additional Standards for Reducing Flood Hazards in Areas for Which FIRMs Have Been Prepared

The following standards must be complied with in all areas of special flood hazard for which a base flood elevation has been established as set forth in Section 5.01.01.

- (A) *Compensatory Stormwater Storage Required.* Encroachments, including fill, new construction, substantial improvements and other development, are prohibited unless a registered professional engineer certifies that compensatory storage will be provided in order to alleviate flood problems within the impacted area.
- (B) *Elevated Buildings.* New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the flood protection elevation, shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Designs for complying with this requirement must be certified by a professional engineer or architect.
- (C) *Residential Structures*
1. All new residential construction and substantial improvements to existing residential structures shall be constructed with the lowest finished floor elevated one foot above the flood protection elevation.

2. All new construction and substantial improvements to existing residential construction that have enclosed areas below the lowest floor that are subject to flooding, shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for automatic entry and exit of floodwater. Designs for meeting this requirement must be certified by a registered professional engineer or architect.
3. Electrical, plumbing, and other utility connections shall not be placed below the Flood Protection Elevation.

(D) *Accessory Structures.* New construction and substantial improvements to existing accessory structures shall comply with Section 5.01.03(C) of this Section. Walls below the flood protection elevation shall be substantially impermeable to the passage of water. Structural components shall resist hydrostatic and hydrodynamic loads and effects of buoyancy.

(E) *Subdivisions*

1. All preliminary subdivision proposals shall identify the area of special flood hazard and the elevation of the base flood.
2. All final subdivision plans shall identify the elevation of proposed structures and pads. If the site is filled above the base flood, the final pad elevation shall be certified by a registered professional engineer or surveyor.
3. All public utilities and facilities in subdivisions shall be located and constructed to minimize flood damage, and shall be adequately drained to reduce exposure to flood hazards.
4. Each lot must include a site suitable for constructing a structure in conformity with the standards of these flood damage prevention regulations.

5.01.04 Administration and Enforcement

In addition to other administrative and enforcement provisions in this Code, the following provisions shall apply:

(A) *Duties of Polk County*

The Village Commission, through the Interlocal Agreement with Polk County dated _____, 1992, requires that Polk County:

1. Review all proposed developments to assure that the requirements of these regulations have been met.

2. Review all certificates submitted to satisfy the requirements of these regulations.
3. Notify adjacent communities, the Southwest Florida Water Management District, and the State of Florida Department of Community Affairs, prior to permitting or approving any alteration or relocation of a watercourse, and, if applicable, provide evidence of such notification to FEMA.
4. Verify and record the actual elevation (in relation to mean sea level) of the lowest floor, or of the flood-proofing, of all new or substantially improved structures regulated by this Section.
5. Interpret the boundaries of the Areas of Special Flood Hazard and Areas of Shallow Flooding.
6. Maintain all records pertaining to the implementation of these flood damage prevention regulations.

(B) Certification of As-Built Elevations

1. For development activity which includes structures, and in areas where base flood elevations are available, the developer shall submit to Polk County a certification, prepared by a registered land surveyor or licensed professional engineer, of the as-built elevation in relation to mean sea level of the lowest floor, flood-proofed elevation, or horizontal structural members of the lowest floor, as applicable. This certification shall be provided before additional construction may occur.
2. Polk County shall review submitted floor elevation survey data and inform the applicant of any deficiencies within five (5) working days. No work shall be permitted to proceed until a deficiency is removed. Failure to submit the certification or to make required corrections shall be cause to issue a stop-work order for the project.
3. Upon submittal of certified elevations and/or a determination by Polk County that the development meets all of the applicable requirements of this Section, Polk County shall issue a certificate of compliance. All work performed before the issuance of this certificate shall be at the risk of the developer.

(C) Enforcement

1. Any violation of this Section is a public nuisance and may be restrained by injunction or otherwise abated in a manner provided by law.
2. In addition to any remedy or penalty provided herein or by law, any person

who violates the provisions of these flood damage prevention regulations shall be punished by a fine of not less than \$100 nor more than \$500 or by imprisonment in the county jail for a period not to exceed 60 days, or by both such fine and imprisonment. Each day during which the violation occurs shall constitute a separate offense.

3. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Village may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

5.02.00 Potable Water Wellfield Protection

5.02.01 Purpose and Intent

The purpose and intent of this Section is to safeguard the health, safety and welfare of the citizens of Highland Park by providing for regulation of the storage, handling, use or production of hazardous substances within zones of protection surrounding potable water supply wells, thereby providing protection of the principal source of water for domestic use. The availability of an adequate and dependable supply of potable quality water is of primary importance to the future of the Village. Therefore, standards are described in this Section with the intent of protecting both the quantity and quality of the groundwater supply. It is further the intent of this Section to control development in and adjacent to designated wellheads to protect water supplies from potential contamination.

5.02.02 Establishment of Wellfield Protection Zone

Development regulations provided in this Section shall be applicable to designated cones of influence for all municipal public supply wells. Prior to designation of, or in the absence of sufficient information to identify cones of influence, the Zone of Protection shall consist of a radius of 300 feet around each of the village's public supply potable water wells, as provided in Future Land Use Policy 3.5 of the Comprehensive Plan. An official map of the Zone of Protection shall be maintained in the office of the Village Commission.

Where a property lies partly outside the Zone of Protection, development standards contained in this Section shall apply only to that part of the property lying within the Zone. Where the Zone of Protection boundary passes through a building, the entire building shall be considered to be in the protection zone.

5.02.03 Wellfield Protection Zone Uses

Except as otherwise provided, no person shall construct, modify, install or replace a hazardous substance storage system within a protection zone.

5.02.04 Wellfield Protection Restrictions

- (A) *Zone of Protection.* Unless otherwise provided in this Section, new non-residential use, handling, production or storage of hazardous substances shall be prohibited within the wellfield protection zone. Any such use existing prior to adoption of this Code, including the use, handling, production or storage of hazardous substances of more than five (5) gallons in connection with a residential use, shall cease such use within one year of the adoption of this Code.
- (B) *Exemptions.* The following activities or uses are exempt from the provisions of this Section:
1. The transportation of any hazardous substance through the Zone of Protection.
 2. Agricultural uses, except that said uses shall comply with Chapter 487.011 et. seq., the Florida Pesticide Law and the Florida Pesticide Application Act of 1974 and Rule 5E-2.011 et seq. and Rule 5E-9.001 et seq., Florida Administrative Code.
 3. The use of any hazardous substance solely as fuel in a vehicle fuel tank or as lubricant in a vehicle.
 4. Fire, police, emergency medical services, governmental emergency management center facilities, and public utilities.
 5. Repairing or maintaining any facility or improvement on lands within the Zone of Protection.
 6. Storage tanks which are constructed and operated in accordance with the storage tanks regulations as set forth in Chapter 17-61, Florida Administrative Code.
 7. Geotechnical borings.
 8. Residential activities.

5.02.05 Modification of Requirements

Any person affected by this Section may petition the Village Commission for modification from the prohibitions of this Section, provided that the person demonstrates that special or unusual circumstances and adequate technology exists to isolate the facility or activity from the potable water supply in the event of a spill.

Should an abandoned storage system be located, a plan for the closing or removing or upgrading and permitting of such storage system shall be filed by the owner of the property at a reasonable time as determined by the Village Commission. Provided, however, such reasonable time for filing shall be not more than three (3) months.

5.03.00 Wetlands Protection

5.03.01 Purpose and Intent

The Highland Park Village Commission has determined that wetlands contiguous to waters of the State serve important functions in the hydrologic cycle and ecological system and therefore require protection. It is the purpose and intent of this Section to provide for the protection, maintenance, and enhancement of wetlands within the Village of Highland Park, in accordance with the adopted Comprehensive Plan; recognizing the rights of individual property owners to use their lands in a reasonable manner as well as the rights of all citizens to protection and purity of the waters of the Village of Highland Park and their associated wetland ecosystems. It is further the purpose and intent of this Section to ensure that there be no net loss of wetlands as defined in this Code.

5.03.02 Relationship to Other Requirements Relating to Wetlands Protection

In addition to meeting the following wetlands protection requirements, development plans shall comply with applicable federal, state and water management district regulations. In all cases, the strictest of the applicable standards shall apply.

5.03.03 Protection Zones Established

Two zones of protection for wetlands are hereby established. The protection zones shall be known as the wetland and upland zones.

(A) Wetland Zone

There is hereby created a wetlands protection zone in which special restrictions on development apply. The boundaries of this zone shall be the most landward extent of the following:

1. Areas within the dredge and fill jurisdiction of the Department of Environmental Protection (FDEP) as authorized by Section 403 of the Florida Statutes.
2. Areas within the jurisdiction of the U.S. Army Corps of Engineers as authorized by section 404, Clean Water Act or Section 10, River and Harbor Act.
3. Areas within the jurisdiction of the Southwest Florida Water Management District pursuant to Rule 40D-4, Florida Administrative Code.
4. Development requiring a permit or permits from one or more of the U.S. Army Corps of Engineers, FDEP, and the Southwest Florida Water Management District (SWFWMD), shall have the most restrictive agency

wetlands boundary determination recognized by the Village as the wetlands boundary. The term most restrictive is used here to mean the boundary covering the largest area.

5. In circumstances where the natural boundary of wetland vegetation is unclear, the line of demarcation may be approximated at a surveyed elevation measured at a location in the same wetland where the natural line is clear.
6. In the event an undeveloped area has been recently cleared of all vegetation, the wetland boundary may be determined by a study of the soils, aerial mapping, photography, hydrology, and other relevant historical information.

(B) Upland Zone

There is hereby created an upland zone adjacent to each wetland zone. The upland zone is an area having a direct ground- or surface water influence on the wetland and functions as a buffer between wetlands and development. The purpose of the upland zone is to minimize the adverse effects of development upon the wetland itself. This zone shall encompass all land within one hundred (100) feet of the boundary of the wetland zone, unless the applicant is able to demonstrate to the Village Commission's satisfaction that the functions of the wetland can be protected with a smaller upland zone. In no case, however, shall an upland zone of less than forty (40) feet be approved. A buffer adjacent to the wetland zone may be as narrow as twenty-five (25) feet, per Section 5.03.06(B)1.

5.03.04 Permits Required

Except as provided in Subsection 5.03.05, no person shall remove, fill, drain, dredge, clear, destroy or alter any wetland as defined in this Code without first submitting a wetland management plan to the Village Commission, or their designee, and obtaining from the Commission, or their designee, a wetland alteration permit. This permit may be issued concurrently with any other land development permits issued by the Village of Highland Park or Polk County.

5.03.05 Exemptions

Activities or development types which are exempted from this Section include:

1. Nonmechanical clearing of vegetation from an area of less than 10 percent of the protected zone.
2. Minor maintenance or emergency repair to existing structures of improved areas.
3. Cleared walking trails having no structural components.

4. Timber catwalks and docks four (4) feet or less in width.
5. Utility crossings.
6. Maintenance of drainage systems, including routine dredge and fill activities in ditches, retention and detention areas, public roads and other rights-of-way.
7. Bona fide mosquito control activities.
8. Activities approved by a federal, state, or regional agency prior to adoption of this Section.

5.03.06 Development Standards

- (A) *Wetland Zone.* Except as otherwise provided in this Section, it is presumed that development will have an adverse effect on wetlands. No activities other than those listed below shall be undertaken in a wetland protection zone.

Activities Permitted in a Wetland Zone. The following activities and development types generally may be undertaken unless the Village Commission determines in a specific case that a listed activity or development type would have a significant adverse impact on the wetland protection zone:

1. Scenic, historic, wildlife, or scientific preserves.
 2. Minor maintenance or emergency repair to existing boat docks, walking trails, and timber catwalks.
 3. Cultivating agricultural or horticultural products that occur naturally in the wetland.
 4. Constructing fences where no fill activity is required and where navigational access will not be impaired by construction of the fence.
 5. Developing a "Wetlands Storm Water Discharge Facility" in accordance with state permits received under Chapters 17-25, Florida Administrative Code.
 6. Construction of foot bridges and vehicular bridges.
- (B) *Upland Zone.* All development in an upland zone shall be in accordance with the Future Land Use Map of the Comprehensive Plan and the zoning classification, and shall be designed, constructed and maintained to avoid significant adverse effects on the adjacent wetland. Where a development site lies partly within the wetland zone and partly within the upland zone, the acreage within a wetland zone may be used to determine the total allowable units or square footage of development that will be

allowed on a site. This development potential shall be transferred from the wetland zone to the upland zone.

Special Standards for Upland Zones. The following standards shall apply within upland zones:

1. Natural vegetative buffer areas shall be retained between all development and all wetlands where such buffer areas exist. The minimum width of the buffer shall be twenty-five (25) feet and the average of all wetland buffers shall be forty (40) feet. No structures shall be located in such areas. Impervious surfaces shall be limited to roads or walking trails providing access to a body of water. Where a natural buffer area does not exist, an equivalent buffer shall be created.
2. The developer shall completely restore any portion of a wetland zone damaged as a result of construction activity in the upland zone.
3. The Village Commission may require other reasonable protective measures to be undertaken within the upland zone as necessary to prevent significant adverse effects on a wetland. Protective measures may include, but are not limited to:
 - a. Maintaining natural drainage patterns.
 - b. Limiting the removal of vegetation.
 - c. Minimizing the amount of fill used in the development activity.
 - d. Prohibiting or limiting the use of septic tanks.

5.03.07 Mitigation

The Village Commission, or its designee, may require mitigation of adverse impacts on wetlands as a condition of development approval, if it finds that such impacts are unavoidable. In such cases, action will be taken during or after development to reduce or counteract damage to wetlands. A mitigation plan approved by a federal, state, or regional agency shall be the mitigation plan. Mitigation shall not contribute to the production of mosquitoes by creating mosquito larval habitat or by eliminating habitat for predatory fish. The mitigation plan shall address the following circumstances as they apply to the specific condition of the proposal.

1. Preservation and maintenance regulations to reduce or eliminate the impact over time.
3. Compensation for the impact through enhancement of existing wetlands, reestablishment of wetlands which are no longer functioning, or the creation of new

wetlands.

3. Repair, rehabilitation, or restoration of the wetland.
4. Specific design requirements based upon conditions of the site and the type of wetland to be created or restored.
5. Periodic monitoring to remove exotic or nuisance vegetation.
6. Preservation or creation of an appropriate habitat in an adjacent wetland zone.

A developer of a compensatory mitigation plan shall grant a conservation easement in accordance with Section 704.06, Florida Statutes, and Section 5.06.00 of this Code on the newly purchased, created, enhanced or restored environmentally sensitive lands to protect them from future development. A legal mechanism other than a conservation easement may be considered, if appropriate, to carry out the purpose of this subsection.

5.03.08 Prohibited Ongoing Activities

The following standards apply to post-development activities taking place within any wetland or upland zone.

- (A) *Clearing.* Without an amendment to the development order, no person shall clear more vegetation than was permitted for the original development.
- (B) *Handling and Storage of Fuel, Hazardous and Toxic Substances, and Wastes.* No fuel or toxic substances shall be stored, transferred, or sold in a wetland or an upland zone.
- (C) *Fertilizers, Herbicides, or Pesticides.* Fertilizers, herbicides, or pesticides shall not be applied in a wetland, except for projects conducted under the authority of Sections 373.451 - 373.4595, Florida Statutes, the Surface Water Improvement and Management Act, and governmentally authorized mosquito control programs.

5.04.00 Erosion Control

5.04.01 Required Soil Conservation Measures

The following soil conservation measures shall apply to all development activities requiring site development plan or subdivision reviews:

- (A) *During Construction.* The developer shall follow standard practices as specified in the Erosion Control Handbook - Florida published by the U.S. Department of Agriculture, Soil Conservation Service, latest edition, or details specifically approved by the Village to prevent erosion and depositing of soils off the construction site.
-

- (B) *After Construction.* All disturbed areas shall be mulched, seeded or sodded as required by the Village, and shall be maintained as such. The removal or lack of maintenance of vegetation resulting in on-site or off-site erosion or windblown loss of soils shall be deemed a violation of this Section.

5.05.00 Conservation Easements

As a condition for approval of a development permit or development order, or as part of a development agreement established under Section 6.02.00 of this Code, any person, corporation or entity owning property in the Village of Highland Park may create a conservation easement. Conservation easements shall be subject to the provisions of Section 704.06, F.S., and may be used to prevent or prohibit the following activities:

1. Construction or placing of buildings, roads, signs or other advertising, utilities, or other structures on or above the ground.
2. Dumping or placing of soil or other substances or materials as landfill, and dumping of trash, waste, or unsightly or offensive materials.
3. Removal or destruction of trees, shrubs, or other vegetation.
4. Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface of the ground.
5. Any use that alters the natural condition of the land or water area.
6. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation.
7. Any use that is detrimental to the retention of land or water areas.
8. Any use that is detrimental to the preservation of properties of historical, architectural, archaeological, or cultural significance.

Conservation easements are perpetual, undivided interests in property and may be created or stated in the form of a restriction, easement, covenant, or condition in a deed, will, or other instrument executed by or on behalf of the owner of the property, or in any order of taking. Such easements may be acquired in the same manner as other interests in property are acquired, except by condemnation or by the exercise of the power of eminent domain. They may be assigned to other governmental agencies, charitable organizations, or trusts authorized to acquire such easements. Conservation easements run with the land and are binding on all subsequent owners of the property. Conservation easements entitle holder to enter the land in a reasonable manner and at reasonable times to assure compliance with the purpose(s) of the easement. All conservation easements shall be recorded and indexed in the public records of Polk County in the same manner as any other instrument affecting the title to real property.

ARTICLE 6

PUBLIC FACILITY MONITORING AND PERMITTING

6.01.00 Concurrency

- 6.01.01 *General Provisions*
- 6.01.02 *Concurrency Management System*
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6.02.00 Development Agreements

- 6.02.01 *Contents and Duration of Development Agreement*
 - 6.02.01.01 *Applicability of Laws*
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6.03.00 Development Exactions and Dedications

- 6.03.01 *Dedication of Right-of-Way*
- 6.03.02 *Dedication of Utility Easements*

ARTICLE 6

PUBLIC FACILITY MONITORING AND PERMITTING

6.01.00 Concurrency

6.01.01 General Provisions

The purpose of this Section is to ensure that transportation, potable water, drainage and recreation facilities and services needed to support development are available concurrent with the impacts of development. Sanitary sewer is not provided and solid waste disposal is the responsibility of Polk County.

Except as otherwise provided, no development proposal submitted after the effective date of this Code shall be approved unless public facilities are or will be available, such that the levels of service adopted in the Comprehensive Plan are maintained. Prior to concurrency approval for a proposed development, the following conditions shall be met, as applicable.

(A) *Potable Water, Solid Waste, and Drainage.* The concurrency requirement may be met through one of the following conditions:

1. The necessary facilities and services are in place at the time a development permit is issued; or
2. A development permit is issued subject to the condition that the necessary facilities and services will be in place when the impacts of the development occur; or
3. The necessary facilities are under construction at the time a permit is issued; or
4. The necessary facilities and services are guaranteed in an enforceable development agreement that includes provisions 1-3 above. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, F.S., or an agreement or development order issued pursuant to Section 163.3220, F.S., or an agreement or development order issued pursuant to Chapter 380, F.S. The agreement shall guarantee that the necessary facilities and services will be in place when the impacts of the development occur.

(B) *Roads.* The concurrency requirement may be met by satisfying the conditions listed in paragraphs (A) 1.-4. above, and by complying with the following standards:

1. The Capital Improvements Element and 5-Year Schedule of Capital Improvements must be financially feasible.
2. The 5-Year Schedule of Capital Improvements must include roads necessary to maintain the adopted level of service standards to serve the proposed new development.
3. The Capital Improvements Element and 5-Year Schedule of Capital Improvements must be based on currently available revenue sources which must be adequate to fund the public facilities required to serve the development authorized by the development order and development permit.
4. The 5-Year Schedule of Capital Improvements must include the estimated date of commencement of actual construction and the estimated date of project completion.
5. The 5-Year Schedule of Capital Improvements must demonstrate that the actual construction of the road must be scheduled to commence in or before the third year of the five-year schedule.

(C) *Parks and Recreation.* The Village of Highland Park has an abundant supply of parkland -- approximately 110 acres. As a result, there are nearly 32 acres per 100 persons in the peak season. The level of service established in the Comprehensive Plan is 3.75 acres per 1000 persons. It is the determination of the Village Commission that the park and recreation level of service will not be degraded by future development for the next twenty (20) years, or more. Therefore, the concurrency requirement for parks and recreation is satisfied for all future development, until and unless the Village Commission determines through the amendment of the Comprehensive Plan that the level of service must be amended, and that this Code shall likewise be amended.

6.01.02 Concurrency Management System

The Concurrency Management System (CMS) shall identify and inventory existing service capacities available for development. It shall include facility and service improvements approved in the first year of the Village's 5-Year Schedule of Capital Improvements. No development plan or permit may be approved by the Village which results in a reduction in LOS below the adopted standard.

6.01.02.01 Concurrency Test Statement

Concurrency Test Statements shall be filed with and reviewed by the Village, and a determination of concurrency shall be made prior to formal submittal of a development plan of any kind. This shall include issuance of building permits for residential development on existing lots where no plat or site development plan is required.

6.01.02.02 Procedure

The following procedure shall be carried out in order to obtain a determination of concurrency:

1. Prepare Concurrency Test Statements on forms available at the Village Clerk's office.
2. Completed Concurrency Test Statements shall include the following information:
 - a. A legal description of the site proposed to be developed along with a map identifying the site in relationship to the Village's boundaries.
 - b. A narrative description of the proposed development identifying the type of development and all land uses proposed within the site.
 - c. Identification of all roadways adjacent to the site by name, pavement width, functional classification, jurisdiction (i.e., state, county or Village jurisdiction), current capacity and existing LOS.
 - d. Projected Average Daily Traffic (ADT) and peak-hour traffic generated by the proposed development and the traffic distribution on the existing roadway(s).
 - e. Projected potable water demand generated by the proposed development and identification of the service provider.
 - f. Projected solid waste generation and identification of the service provider.
 - g. Description of the stormwater management system for the proposed development. This description shall include the drainage basin in which the proposed project is located, method of treatment, system design parameters, and location of outfall.
 - h. Identification of required park and recreation facilities, if any, and method of providing said facilities.
 - i. A development schedule identifying the proposed date for the start of construction and the date of project completion.

Where required information is readily available, the Village Commission may, at its own discretion, obtain or calculate one or more of the above data requirements. However, it shall be the applicant's full responsibility to ensure that the Concurrency Test Statement is complete and accurate.

For any public service not provided by the Village of Highland Park, the Village Commission may waive capacity certification on a case-by-case basis if there is satisfactory evidence that capacity is available to support the proposed development. Drainage certification for single family development on existing lots may be waived under the same conditions.

The applicant shall be notified within seven (7) working days as to whether the proposed development meets the concurrency requirement. If the proposal is determined to meet concurrency, the applicant may proceed with the development process as set forth in other sections of this Code. Proposals not meeting concurrency shall not be processed for review until and unless an agreement has been reached by the Village and the developer to mitigate the identified deficiency.

6.01.03 Fees

Fees for staff review of Concurrency Test Statements shall be established, and may be changed from time to time, by resolution of the Village Commission.

6.01.04 Developments to be Consistent with Concurrency Test Statements

All development proposals submitted to the Village for review shall be consistent with the data established in the Concurrency Test Statement. Where deficiencies have been identified, development plans based on an agreement to provide needed facilities and/or services shall be processed with the agreement as a condition of development approval. However, the Village shall not be required to approve a development plan which meets the concurrency requirement but does not satisfy other provisions of this Code.

6.01.05 Allocation of Municipal Services

Allocations of public facility and service capacities shall be on a first-come, first-served basis. Services shall be allocated at the following stages:

- (A) *Subdivisions.* On final approval of a subdivision plat, service capacities shall be allocated based on the approved plat. Allocation of service capacity shall be valid for five (5) years from the date of final plat approval.
- (B) *Site Development Plan.* Those developments which are processed under the site development plan review procedures shall be allocated service capacities upon approval of the site development plan. Allocation of service capacity shall be valid for six (6) months from the date of site development plan approval.

- (C) *Single Family Residential on Existing Lots.* Prior to receiving a building permit for single family structures on platted lots existing before the adoption of this Code, or on non-subdivision lots established by metes and bounds legal description, the builder or property owner shall secure a Certificate of Concurrency from the Village Commission. Allocation of service capacity shall be valid until the expiration date of the building permit or the issuance of a certificate of occupancy.

6.01.06 Levels of Service

Through the Concurrency Management System, Highland Park shall maintain the following levels of service for public facilities:

Facility	Level of Service
Potable Water	352 gallons per capita per day (gpcd) 1993: 150 gpcd 1997: 140 gpcd 2001: 130 gpcd
Solid Waste	5.2 pounds per person per day
Local Roads	D
Recreation and Open Space	3.75 acres per 1000 people
Drainage	25-year 24-hour storm event for new development. Stormwater treatment and disposal facilities pursuant to Section 17-25.025, F.A.C. Stormwater discharge pursuant to Section 17-3.051, F.A.C.

All development which was not approved through a subdivision plat, site development plan, or the issuance of a building permit prior to the date of adoption of this Code shall be subject to an Adequacy Determination through the Concurrency Management System. An Adequacy Determination shall also be required for existing development where any improvement, expansion, or other change is proposed which may result in a greater demand for those public facilities addressed in this Section. The Village Commission shall determine whether a proposed change in existing development requires an Adequacy Determination.

6.01.07 Required Determinations

As part of the Adequacy Determination, findings shall be made as to the amount of available capacity in those public facilities which are addressed in this Section.

6.01.07.01 Adequacy of the Road System

The adequacy of the road network shall be evaluated according to conditions at the time the development plan or building permit is approved. Initial measurement of roadway capacities shall be carried out using data and methodology accepted by FDOT. All proposed developments shall be required to address the adequacy of Village roads compared to the projected traffic volumes generated by the development. Where roadway capacities are found to be inadequate to support a proposed development, the application may be granted with an express condition regarding the adequacy of the Village's transportation network. At the sole discretion of the Village Commission, such condition shall require one of the following:

1. That the applicant shall construct the necessary improvements proportional to the share of the additional capacity that is needed to accommodate traffic generated by the applicant's development; or
2. That the applicant deposit money into a "road fund" equal to the share of the cost of the improvements that would otherwise be required.

Properties served by local roads or other roads for which traffic count information is unavailable shall be evaluated for impact on the nearest road(s) for which levels of service can be measured. The impact on the transportation system shall be determined by utilizing the trip generation standards set forth in the *ITE Trip Generation Manual*, 4th Edition, or most recent. The estimated number of trips generated by the proposed development shall be subtracted cumulatively from the available capacity on the roadway to determine whether the roadway's capacity is adequate to support the development based on the impacted roadway's level of service.

6.01.07.02 Adequacy of Drainage

Proposed development shall be designed to provide areas and easements for the construction and maintenance of stormwater management systems serving the development and adjacent public rights-of-way. Said stormwater management system shall conform to sound engineering standards. All developments shall meet the following LOS standards, where applicable:

- (A) *Road Protection.* Residential streets shall have crown elevations equal to the 100-year flood elevation.
- (B) *Buildings.* The lower floor elevation for buildings shall be no lower than one (1) foot above the 100-year elevation.

- (C) *Off-Site Discharge.* Off-site discharge is not to exceed the standards allowed by the Southwest Florida Water Management District and this Code.
- (D) *Storm Sewers.* The design frequency applicable to storm sewers is the 25-year, 24-hour storm event. See Section 3.04.00.

6.01.07.03 Adequacy of Potable Water Service

Potable water service must be available for the needs of the proposed development at the adopted LOS. The proposed development shall be designed so as to reserve rights-of way, easements, and any other areas that may be needed for the installation and maintenance of a potable water distribution system which will meet all applicable building, health, and environmental regulations, including Chapter 17-22, F.A.C.

Where adequate potable water capacity is available, certification shall be made by the appropriate Village official. Such certification shall be based on the existing level of demand in addition to permitted development which has not been constructed, and any other development for which capacity has been reserved.

Where adequate potable water service will be made available at a future date concurrent with the impacts of the proposed development, an Adequacy Determination must be based on a financially feasible plan to construct or expand a water treatment facility which will have sufficient capacity to provide for the needs of the development.

An agreement will be required between the Village and the developer prior to approval in order to provide for the expansion of water treatment facilities necessary to serve the proposed development. Village approval of an application for plat approval shall not create a reservation of potable water plant or network capacity, or a commitment to provide service.

6.01.07.04 Adequacy of Parkland

The supply of park and recreation land is adequate in the Village for at least twenty (20) years. There shall be no requirement for a developer to increase the supply of public park and recreation land. The developer may set aside private land and construct private recreation facilities within development, or may elect to construct recreation facilities on public land with the approval and acceptance of such facilities by the Village Commission.

Dedication or donation of recreation land or facilities is not required to maintain the adopted level of service; therefore, the Village may refuse to accept such land, or establish reasonable conditions for acceptance. Proposed recreational uses must be consistent with the Future Land Use Map of the Highland Park Comprehensive Plan. Other conditions may include, but are not limited to, the following:

- a. Land must be readily accessible and usable for recreational purposes.
- b. Land must be fully or partially developed for recreational use at time of acceptance.
- c. The facility would meet a specific recreational need of the Village, such as picnic areas, boat launch facilities, tennis courts, or expansion of the golf course.

Conditions for the Village's acceptance of recreation land or facilities shall be established in a Development Agreement under the provisions of Section 6.02.00.

6.01.08 Monitoring

The Concurrency Management System shall be monitored and updated annually. Monitoring and updating shall consist of summing all approved services during each year and subtracting those sums from the capacities available at the beginning of the concurrency period. Any capital improvement scheduled during the concurrency period and constructed or placed into service shall then be added to the capacity totals. Any developer-sponsored facility or service placed into service shall also be included in the calculations. Upon calculation of available capacities under this method, all capital improvements projects budgeted and approved by the Village Commission in the first year of its 5-Year Schedule of Capital Improvements shall be added to the relevant capacities. The sums of all aforementioned calculations shall be the available capacities for the next year. The following calculation shall be the basis of the annual concurrency monitoring system:

$$\begin{array}{r} \text{Available Capacity} \\ + \text{Programmed Improvements (1st year} \\ \text{S.C.I.)} \\ - \text{Development Approved during year} \\ \hline \text{Available Capacity (Nth year)} \end{array}$$

If capital projects identified in the first year of the Village's 5-Year Schedule of Capital Improvements were not constructed or placed into service during the identified concurrency period, those projects shall be subtracted from available capacities and, if not provided for in the Capital Budget, removed from capacity available for concurrency purposes. Development projects approved based on service capacities presumed to be available shall not be permitted to proceed until a method to mitigate any deficiency has been approved. Such mitigation shall include, but not be limited to, phasing of a development project, payment of monies to construct necessary facilities, or the construction of necessary facilities.

Any subdivision plat or site development plan for which construction has not begun within the time frame specified in this Code shall be considered lapsed and shall forfeit any allocation of service capacity. Upon forfeiture, all capacities so allocated shall be returned to the service/facility provider. The Concurrency Management System shall be approved by Resolution of the Village Commission on the first regularly scheduled Village Commission meeting in September of each year.

6.01.09 *Appealing Village's Adequacy Determination*

A developer may challenge any concurrency determination made by the Village by appealing the decision to the Village Commission. The appeal shall be accompanied by substantial, competent evidence that sufficient capacity does exist by virtue of the following:

1. The impacts of the proposed development will differ from the impacts estimated by the Village as a result of special circumstances of that development;
2. The information on which the Village's analysis was based is erroneous or inadequate;
3. In the case of roads, the applicant presents evidence through travel speed, distance and time studies that impacted roadway links actually operate at higher levels of service than indicated by the Village's analysis. Methodology for such travel speed/distance/time studies shall be certified by a licensed professional traffic engineer. In the event the travel speed/distance/time studies are warranted, the Village or its agent shall conduct or commission such a study after receiving a fee from the applicant to cover the costs of conducting and analyzing the study. The applicant shall have the opportunity to review the methodology prior to the commencement of the study.

6.01.10 *Options for Achieving Compliance*

Where it appears, or it has been determined, that there is a lack of capacity to service a proposed development, the developer should consider a variety of methods for achieving compliance. Some possibilities are as follows.

- (A) *Plan Amendment.* The developer may propose a plan amendment which lowers the

adopted level of service standard for the affected facilities and/or services.

- (B) *Reduce Impact of Development.* The developer may propose a reduction in the scale or impact of the proposed development.
- (C) *Phasing of Development.* The developer may propose a phasing of the proposed development to match the availability of capacity with the timing of each phase of the development. Specific conditions for permitting each phase to proceed shall be included in an enforceable development agreement or development order to ensure that necessary public facilities and services will be in place when the impacts of the development occur.
- (D) *Development Agreement.* The developer may propose a development agreement assuring that the required facility capacity will be provided. Any development agreement must provide one or more of the following assurances, acceptable to the Village in form and amount, to guarantee the applicant's pro rata share of the cost of providing any public facilities and services which may be necessary to maintain the adopted level of service standards for the subject property:
 - 1. Cash escrow;
 - 2. Irrevocable letter of credit;
 - 3. Prepayment of capacity/connection charges.

Whenever an applicant's pro rata share of a public facility is less than the full cost of the facility, the Village shall do one of the following:

- 1. Contract with the applicant for the full cost of the facility, including terms regarding reimbursement of the applicant for costs in excess of the applicant's pro rata share; or
 - 2. Obtain assurances from other sources similar to those described above in this Section; or
 - 3. Amend the Comprehensive Plan to modify the adopted level of service standard so as to reduce the required facility to equal the applicant's needs.
- (E) *Alternative Transportation Study.* Where a developer disagrees with the results obtained by the Village in its concurrency review regarding transportation, a transportation study may be performed at the option and expense of the developer. The results of the study shall be considered by the Village in subsequent determinations regarding the development's compliance with concurrency requirements.
 - (F) *Other Transportation Studies.* For those roadway facilities which indicate a lower

LOS than the adopted standard of the Village of Highland Park Comprehensive Plan, the Village shall allow applicants to perform an operating LOS assessment based upon procedures outlined in the 1985 Highway Capacity Manual. A discussion of any proposed transportation system management and/or mitigation strategies shall be included in the study. The transportation study shall be signed and sealed by a registered professional engineer. The cost of this assessment shall be borne by the applicant.

6.02.00 Development Agreements

The intent of this Section is to allow the Village to enter into development agreements with developers under F.S. Sections 163.3220 through 163.3243. The developer shall make application for a development agreement through the Village Commission and pay an application fee set by resolution. Before entering into, amending or revoking a development agreement, the Village shall conduct at least two (2) public hearings. Notice of intent to consider a development agreement shall be advertised approximately seven (7) days before each public hearing in a newspaper of general circulation and readership in Polk County. Notice of intent to consider a development agreement shall also be mailed to all affected property owners before the first public hearing. The day, time, and place at which the second public hearing will be held shall be announced at the first public hearing. The notice shall specify the location of the land subject to the development agreement, the development uses proposed on the property, the proposed population densities, and the proposed building intensities and height and shall specify a place where a copy of the proposed agreement can be obtained.

6.02.01 Contents and Duration of Development Agreement

(A) *Contents.* A development agreement shall include the following:

1. A legal description of the land subject to the agreement and the names of its legal and equitable owners.
2. The duration of the agreement.
3. The development uses permitted on the land, including population densities, and building intensities and height.
4. A description of public facilities that will service the development, including who shall provide such facilities; the date any new facilities, if needed, will be constructed; and a schedule to assure public facilities are available concurrent with the impacts of the development.
5. A description of any reservation or dedication of land for public purposes.

6. A description of all local development permits approved or needed to be approved for the development of the land.
 7. A finding that the development permitted or proposed is consistent with the Village's Comprehensive Plan and land development regulations.
 8. A description of any conditions, terms, restrictions, or other requirements determined to be necessary by the Village for the public health, safety, or welfare of its citizens.
 9. A statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction shall not relieve the developer of the necessity of complying with the law governing said permitting requirements, conditions, term, or restriction.
 10. A development agreement may provide that the entire development or any phase thereof be commenced or completed within a specific period of time.
- (B) *Duration of Agreement.* The duration of a development agreement shall not exceed five (5) years. It may be extended by mutual consent of the Village and the developer, subject to a public hearing in accordance with 6.02.03.02-6.02.03.04 above.

6.02.01.01 Applicability of Laws

- (A) *Consistency with Plan and Regulations.* A development agreement and authorized development plan shall be consistent with the Village's Comprehensive Plan and land development regulations.
- (B) *Development Governed by Laws in Effect at Execution.* The Village's laws and policies governing the development of land at the time of the execution of the development agreement shall govern the development of the land for the duration of the development agreement.
- (C) *Applicability of Subsequent Laws.* The Village may apply subsequently adopted laws and policies to a development that is subject to a development agreement only if the Village has held a public hearing and determined:
1. They are not in conflict with the laws and policies governing the development agreement and do not prevent development of the land uses, intensities, or densities in the development agreement;
 2. They are essential to the public health, safety, or welfare, and expressly state that they shall apply to a development that is subject to a development agreement;

3. They are specifically anticipated and provided for in the development agreement;
4. The Village demonstrates that substantial changes have occurred in pertinent conditions existing at the time of approval of the development agreement; or
5. The development agreement is based on substantially inaccurate information supplied by the developer.

(D) *Rights Vested Pursuant to Common Law.* This Section does not abrogate any rights that may vest pursuant to common law.

6.02.02 Review, Amendment, Termination

- (A) *Periodic Review of Agreements.* The Village shall inspect land subject to development agreement at least once every 12 months to determine if there has been demonstrated good faith compliance with the terms of the development agreement. If the Village finds, on the basis of substantial competent evidence, that there has been a failure to comply with the terms of the development agreement, the agreement may be revoked or modified by the Village.
- (B) *Amendment or Cancellation of Agreement.* A development agreement may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest.
- (C) *Modification or Revocation to Comply with Subsequent State and Federal Law.* If state or federal laws are enacted after the execution of a development agreement which are applicable to and preclude the parties' compliance with the terms of a development agreement, such agreement shall be modified or revoked as is necessary to comply with the relevant state or federal laws.

6.02.03 Recording and Enforcement

- (A) *Recording of Agreement.* Within 14 days after the Village enters into a development agreement, the Village shall record the agreement with the clerk of the circuit court. A copy of the recorded development agreement shall be submitted to the Department of Community Affairs within 14 days after the agreement is recorded. The burdens of the development agreement shall be binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.
- (B) *Enforcement of Agreement.* Any party, any aggrieved or adversely affect person as defined in F.S. 163.3215(2), or the Department of Community Affairs, may file an action for injunctive relief in circuit court to enforce the terms of a development agreement or to challenge the validity of the agreement.

6.03.00 Development Exactions and Dedications

6.03.01 Dedication of Right-of-Way

Right-of-way required to serve all development shall be dedicated in accordance with the requirements of Article 3 of this Code. Where subdivisions are bordered by public right-of-way, additional right-of-way shall be dedicated so as to meet minimum widths specified in the comprehensive plan. Where dedicated right-of-way is extended to an adjoining property or street, there shall be no reserved strips affording private control of future access. The Village may require public reserved strips where such reservations promote the public health and safety and implement the comprehensive plan.

Where right-of-way has been dedicated independent of any requirement of this Code or the Comprehensive Plan, the Village may refuse to accept such right-of-way, or establish such conditions for acceptance as the Village Commission determines to be reasonable.

6.03.02 Dedication of Utility Easements

Except where alleys are provided for the purpose of access and utility placement, easements of no less than 15 feet in width, or wider as the Village Commission or their designee deems necessary, shall be dedicated for the installation of underground utilities by the Village or franchised utility providers. Easements for watercourses or drainageways traversing a subdivision shall be of a width sufficient to convey the volume of stormwater projected to be generated by the 25-year storm event. Such easements shall be approved by the Village and/or their designee.

APPLICATION FOR CONCURRENCY EVALUATION
Village of Highland Park

This application, together with all required attachments, shall be completed and filed with the Development Director prior to making application for site development plan, subdivision, or building permit approval. A finding of non-deficiency only entitles the owner to apply for development permits pursuant to the time parameters established in Article 6 of the Village of Highland Park Land Development Code.

Type or Print the following information.

Owner	Applicant
Address	Address
Zip	Zip
Phone #	Phone #
<i>PROPERTY DESCRIPTION</i>	
Adjacent Road(s)	
Township	Range
	Section
Subdivision Name	Block
	Lot/Parcel
Plat Book / Page Number (if applicable)	
<i>PROPOSAL</i>	
<input type="checkbox"/> Site Development Plan	<input type="checkbox"/> Subdivision
	<input type="checkbox"/> Building Permit
<i>DEVELOPMENT INFORMATION</i>	
Acreage / Lot Dimensions	Zoning District
<input type="checkbox"/> Residential Development	
Type(s) of Units	Maximum Number of Units
<input type="checkbox"/> Non-Residential Development	
Specific Use(s)	Floor Area or Acreage*
* Other measures of intensity may be substituted as appropriate for the proposed use, such as number of students (schools), seating capacity (churches and theaters), etc.	

CONCURRENCY EVALUATION WORKSHEET

<i>TRANSPORTATION FACILITIES</i>	
Primary Access Street(s)	
Classification	Current PHT
Current V/C and LOS	Adopted LOS Standard
Required facility improvement scheduled in:	
<input type="checkbox"/>	5-Year Schedule of Capital Improvements
<input type="checkbox"/>	FDOT 5-Year Work Program (no later than 3rd year)
<input type="checkbox"/>	No facility improvement needed
Potential PHT generated by development	V/C ratio & LOS with development
Further evaluation of traffic impacts needed	<input type="checkbox"/> Yes <input type="checkbox"/> No
<i>POTABLE WATER FACILITIES</i>	
Is proposed development within an existing potable water service area?	
<input type="checkbox"/>	Yes (Capacity Certification attached) Supplier of potable water service _____
<input type="checkbox"/>	No
Are facility expansions or improvements needed to service the development?	
<input type="checkbox"/>	Yes <input type="checkbox"/> Needed facilities included in 5-Year Schedule of Capital Improvements
	<input type="checkbox"/> Needed facilities will be provided by applicant
	<input type="checkbox"/> Needed facilities will be provided by other means (explain below)

<input type="checkbox"/>	No
<i>SANITARY SEWER FACILITIES</i>	
Is proposed development within an existing sanitary sewer service area?	
<input type="checkbox"/>	Yes (Capacity Certification attached) Supplier of sanitary sewer service _____
<input type="checkbox"/>	No (Attach copy of Septic Tank Permit)
Are facility expansions or improvements needed to service the development?	
<input type="checkbox"/>	Yes <input type="checkbox"/> Needed facilities included in 5-Year Schedule of Capital Improvements
	<input type="checkbox"/> Needed facilities will be provided by applicant
	<input type="checkbox"/> Needed facilities will be provided by other means (explain below)

<input type="checkbox"/>	No
<i>PARKS AND RECREATION FACILITIES (Residential proposals only)</i>	
Potential population of development proposal	
Existing Level of Service	Level of Service based on proposal's potential
Additional recreation property/funding required to service development	<input type="checkbox"/> Yes <input type="checkbox"/> No

SOLID WASTE DISPOSAL	
Solid Waste facility to be used:	
Adequate facility capacity is available to service the development	
☺	Yes (Capacity Certification attached)
☹	No
DRAINAGE	
This development is designed such that post-development runoff does not exceed pre-development runoff for a 25-year storm even of 24-hour duration.	
☺	Yes (Engineering plans or certification attached)
☹	No

SUMMARY OF CONCURRENCY EVALUATION RESULTS

Using the information provided in items A through F of the worksheet, will the development proposal be served by the following facilities and services with the adopted Level of Service Standards of the Village of Highland Park Comprehensive Plan?

	Yes	No	Unknown (Explain below)
Transportation			_____ _____
Potable Water			_____ _____
Sanitary Sewer			_____ _____
Solid Waste			_____ _____
Parks/Recreation			_____ _____
Drainage			_____ _____

ARTICLE 7

DEVELOPMENT APPROVAL PROCESS

7.01.00 Subdivision Regulations

- 7.01.01 *General*
- 7.01.02 *Applicability*
- 7.01.03 *Adjustments to Existing Plats*
- 7.01.04 *Review and Approval of Subdivision Plans*
 - 7.01.04.01 *Preliminary Subdivision Plan*
 - 7.01.04.02 *Final Plat*
- 7.01.05 *Construction Prior to Platting*
- 7.01.06 *Bond Required*
- 7.01.07 *Construction Inspection*
- 7.01.08 *Acceptance of Required Improvements*
- 7.01.09 *Vacating of Plats and Replats*
 - 7.01.09.01 *Vacating of Plat by Owner*
 - 7.01.09.02 *Vacating of Plat by Village*
- 7.01.10 *Access to Individually Owned Parcels*

7.02.00 Site Development Plans

- 7.02.01 *Intent and Purpose*
- 7.02.02 *Development Requiring Site Development Plan Approval*
- 7.02.03 *Review Procedures*
 - 7.02.03.01 *Site Development Plan*
- 7.02.04 *Village Commission Review and Action*
- 7.02.05 *Approval of Site Development Plans*
- 7.02.06 *Effect of Site Development Plan Approval*
- 7.02.07 *Modification of Site Development Plans*
- 7.02.08 *Integration of Other Review Procedures*
- 7.02.09 *Non-Compliance*
- 7.02.10 *Development Site to be Unified*
- 7.02.11 *Content*

7.03.00 Variances

- 7.03.01 *Criteria for Granting a Variance*

7.04.00 Nonconformities

7.05.00 Procedure for Text Amendments and Rezoning

7.05.01 *Basis for Text Amendments and Rezoning*

7.05.02 *Procedure*

7.05.03 *No Action Construed as Denial*

7.05.04 *Time Limits*

7.05.05 *Notice of Hearings*

ARTICLE 7

DEVELOPMENT APPROVAL PROCESS

7.01.00 Subdivision Regulations

7.01.01 General

The purpose of this Section is to establish procedures and standards for the development and subdivision of real property within the Village of Highland Park, in an effort to insure proper legal description, identification, monumentation and recording of real estate boundaries; aid in the coordination of land development in Highland Park in accordance with orderly physical patterns; promote the health, safety and general welfare of the residents; insure the purchaser of land in a subdivision that necessary improvements of lasting quality have been installed; insure that the citizens and taxpayers of Highland Park will not have to bear the costs resulting from haphazard subdivision of land; to maintain the authority of the village to require installation by the developer of adequate and necessary physical improvements; assure equitable handling of all subdivision plats by providing uniform procedures and standards for observation both by the subdivider and the village; guide the future growth and development of the village in accordance with the Comprehensive Plan.

7.01.02 Applicability

These regulations shall apply to all subdivisions. The provisions of this Section are applicable to the division of a parcel of land, which is defined to mean the division of contiguous land holdings by a single owner or multiple owners, regardless of how described or recorded, into three or more parcels, lots, tracts or sites for the purpose of transfer of ownership or building development.

7.01.03 Adjustments to Existing Plats

Minor adjustments to a subdivision plat may be authorized by the Village Commission without the requirement to replat, where all of the following conditions are satisfied:

1. No more than two new lots or tracts may be created.
2. No new street is proposed, or additional right-of-way is needed.
3. No vacation or elimination of streets, setback, access control or easements are required or proposed.

4. Such action will not result in significant increases in service requirements or interfere with maintenance of existing levels of service.
5. All easement requirements have been or will have been satisfied.
6. Such division will not result in a tract, or lot, without direct access to a street.
7. A nonconforming lot, either by dimension or area as prescribed by the applicable zoning district, will not be created.

In granting approval, the Village Commission may impose such conditions, safeguards and requirements as deemed necessary to implement the intent and purpose of this Section. The Village Commission may require any division or combination of previously platted property to comply with the complete platting process as set forth in this Section where warranted.

7.01.04 Review and Approval of Subdivision Plans

Whenever any subdivision of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for the installation of utilities, either public or private, construction, paving and drainage, or structures in such proposed subdivisions shall be granted, the subdividing owner, or his authorized agent, shall apply for and secure approval of such proposed subdivision through submission of the following documents:

1. Preliminary Subdivision Plan
2. Final Subdivision Plat

7.01.04.01 Preliminary Subdivision Plan

The purpose of the Preliminary Subdivision Plan (PSP) is to provide sufficient information regarding a proposed development to enable the village to evaluate the proposed subdivision as it relates to the Comprehensive Plan and Land Development Code.

(A) *Submittals.* The PSP review shall be initiated when the following items are submitted:

1. Four (4) copies of the PSP.
2. Completed application forms with all necessary attachments.
3. The pre-application review fee, as established by resolution of the Village Commission.

(B) *Required Information.* The PSP shall be drawn to a scale not smaller than 1

inch = 100 feet, and shall include the following:

1. Date, north arrow, and scale.
2. Title block, identifying the name and/or title of the proposed subdivision. The name shall not duplicate or closely approximate the name of any other subdivision recorded in the Public Records of Polk County, Florida.
3. Name, address, and telephone number of the applicant, property owner (if different than the applicant), and the person preparing the plan.
4. Legal description of the property, US survey section, township and range lines. Boundary lines of the tract to be subdivided shall be shown, drawn accurately to scale and with accurate linear and angular dimensions.
5. All roads (with functional classifications identified), utilities, watercourses, drainage ditches, canals and bodies of water on and within 500 feet of the proposed subdivision.
6. All significant land features, existing structures, wooded areas, and the location and names of adjacent subdivisions.
7. Delineation of areas within the 100-year flood zone as identified by the Federal Emergency Management Agency (FEMA).
8. All existing restrictions on the use of the land, including easements, rights-of-way, jurisdictional wetlands areas, either assumed or confirmed, and zoning district lines.
9. Existing storm sewers, water mains, culverts, and other underground structures within the site or immediately adjacent to it, including the location and size of the nearest water line.
10. Topographic map, both existing and proposed, of the site to be developed. Existing contours shall be based on mean sea level (MSL), USGS datum and shall be identified by dashed lines. Proposed contours shall be identified by solid lines. Both data shall be shown at 1-foot contour intervals. Assumed datums shall not be acceptable.
11. Proposed layout of streets, blocks, lots, location of all driveways within 660 feet of the entrance(s) to the proposed subdivision, stormwater management areas, easements, and preliminary site

drainage system including proposed surface drainage pattern.

12. Number of lots, building type contemplated, indication of utilities to be provided, and any zoning changes, easements, or deed restrictions.
13. Proposed parks, playgrounds, and other common areas.
14. Site location map related to the Village Limits.
15. Typical lot detail identifying lot width and depth, lot area, all setback requirements, and general structure placement and driveway location.
16. Tabular data block including total site acreage, acres of the site in wetlands, acres of the site in water bodies, area and delineation of the site within the 100-year flood zone as identified by FEMA, total number of lots, acres in stormwater management, and acres of site in common area, open space and recreation use.

(C) *General Procedure.* Processing of the Preliminary Subdivision Plan shall be as follows:

1. **Distribution:** Copies of the PSP and all attachments shall be distributed to members of the Village staff and other appropriate persons for review in a Pre-Application Conference, to be scheduled by the Village Commission. A qualified engineering professional representing the owner or developer of the property shall be present at the Pre-Application Conference.
2. **Review:** The Village Commission and other persons to whom the PSP has been submitted shall review the PSP for accuracy, content and consistency with the requirements of the Comprehensive Plan, the design standards as set forth in this Code, and all other applicable provisions established by this Code. The Village Commission will enumerate specific conditions for final approval of the proposed subdivision. All comments made during the review process will, in the opinion of the Village Commission, be adequately addressed before approval of the Final Subdivision Plat.

7.01.04.02 Final Plat

The intent of the final plat is to establish a legal record of the plat. Whenever the provisions of this Code have been complied with and while the approval of the Preliminary Subdivision Plat is in effect, the applicant shall submit the Final Plat for approval and recording. The Final Plat shall conform substantially to the approved PSP and, at the option of the subdivider, may constitute only that portion or phase of the approved PSP, which is proposed to be recorded at that time.

Final plat approval is required prior to the issuance of any building permits within the subdivision. Following approval by the Village Commission, the plat shall be forwarded by the Village Clerk to the Board of County Commissioners of Polk County for review and approval in accordance with county procedures. The original plat shall then be submitted to the Clerk of the Circuit Court for recording within the public records of Polk County.

- (A) *General Procedure.* The applicant shall submit the original mylar, along with five (5) copies of the plat. The Village Commission and Village Attorney shall determine the completeness of the final plat and compliance with the PSP. They shall verify the accuracy of information provided, and evaluate the degree of compliance with the technical requirements as established in this Code and other applicable village and state requirements. Upon completion of the review, the Village Commission shall schedule a public hearing at which the Village Commission shall take final action to approve or deny the final plat. The action of the Village Commission shall be forwarded in writing to the subdivider or his authorized representative.

Should any adverse review comment or recommendation be made by the Village Commission which may require a revision of the proposed final plat, the Village Commission shall so notify the subdivider or his authorized representative, so that necessary revisions may be made for reconsideration by the Village Commission.

Upon plat approval, and with certification that a final inspection of the improvements has been made and approved, or an acceptable financial guarantee has been provided for the satisfactory completion of the improvements, the final plat mylar shall be forwarded to the Village Clerk for signature. Upon signature by the Mayor and the Village Clerk, the applicant shall be notified that the plat is complete and may be recorded at the office of the Clerk of the Circuit Court for Polk County.

- (B) *Submittals.* The Final Plat shall conform with Chapter 177, Florida Statutes and shall be clearly and legibly drawn, in ink, on mylar, to a scale of not more than 1 inch equals 100 feet. The overall sheet size shall be consistent with the standards established by the Clerk of the Circuit Court for Polk County for recording. Where the Final Plat of a proposed subdivision

requires more than one (1) sheet, each sheet shall be keyed to a master map with appropriate marks of identification. Each sheet shall be provided with a one-inch (1") margin on each of three sides and a three-inch margin on the left side of the plat for binding purposes.

(C) *Plat Data Requirements.* Information required on the Final Plat shall include:

1. Name of plat.
2. Location of the plat by US Survey System and political subdivision, including section, township, range, county and state.
3. Names of existing streets abutting or giving access to the proposed plat.
4. All plat boundaries based on an accurate traverse, with all angular and linear dimensions shown. Error of enclosure of such boundary survey shall not exceed one foot for each 10,000 feet of perimeter survey.
5. All blocks, lots, street crosswalks, easements and waterways, within and adjacent to the plat, all of which shall have angular and linear dimensions given at all radii, internal angles, bearings, points of curvature, tangents, and lengths of all curves so that no dimensions or data are missing which are required for future location of any of the corners or boundaries of blocks, lots, or streets as listed above. When any lot or portion of the plat is bounded by an irregular line, the major portion of that lot or plat shall be enclosed by a witness line showing complete data, with distances along such lines extended beyond the enclosure to the irregular boundary shown with as much certainty as can be determined or a more or less if variable. All dimensions shall be given to the nearest hundredth of a foot. True angles and distances shall be drawn to the nearest established official monuments, not less than three of which shall be accurately depicted on the plat. The intended use of all easements shall be clearly stated.
6. Curvilinear lots shall show arc distances and radii, chord, and chord bearings. Radial lines shall be so designated. Direction of nonradial lines shall be so indicated.
7. Sufficient angles and bearings shall identify the direction of all lines and shall be shown to the nearest second.
8. All rights-of-way centerlines shall be shown with distances, angle bearings or azimuth, points of curvature, points of tangency, points

of reverse curvature, points of compound curvature, arc distance, central angles, tangents, radii, chord, chord bearings or azimuth, or both.

9. All easements or rights-of-way provided for public services or utilities, and limitations of such easements.
10. All lot numbers and lines. Lot lines shall be marked with accurate dimensions in feet and hundredths of feet, and bearings or angles to street lines.
11. Accurate descriptions of any areas to be dedicated or reserved for public use with the purpose indicated thereon.
12. Title, date of survey, graphic scale of map and north arrow. The bearing or azimuth reference shall be clearly stated on the face of the plat in the notes or legend.
13. Permanent reference monuments shall be placed in accordance with the requirements of the village.
14. Each plat shall show a description of lands platted and the description shall be the same in the title certification. The description shall be so complete that from it, without reference to the plat, the starting point and boundary can be determined.
15. The Clerk of the Circuit Court certificate and the land surveyor's certificate and seal.
16. All section lines and quarter section lines occluding in the plat shall be indicated by lines drawn on the plat with appropriate words or figures. If the description is metes and bounds the points of beginning shall be indicated together with all bearings and distances of the boundary lines. If the platted lines are in a land grant or are not included in a subdivision of government surveys, the boundaries shall be so defined by metes and bounds and courses. The point of beginning in the description shall be tied to the nearest government corner, or other recorded or well established corner.
17. All contiguous properties shall be identified by plat title, plat book and page or, if unplatted, land shall be so designated. If the area platted is a replatting of a part or the whole of a previously recorded plat, sufficient ties shall be shown to the controlling lines appearing on the earlier plat to permit an overlay to be made, and reference to the platting shall be so stated as a subtitle following the names of the plat wherever it appears on the plat.

18. All lots shall be numbered either by progressive numbers or, if in a block, progressively numbered or lettered in each block, except that in blocks in numbered additions bearing the same name, may be numbered consecutively throughout the several additions.
19. Park and recreation parcels shall be so designated.
20. All interior excepted parcels shall be clearly indicated and labeled "Not A Part Of This Plat."
21. The purpose of all areas dedicated must be clearly indicated or stated on the plat.
22. When it is not possible to show curve detail information on the plat, a tabular form may be used.
23. Village signature spaces for the Mayor, Village Clerk and Village Attorney.

(D) *Plat Documentation Requirements.* The following documentation shall accompany the Final Plat:

1. A title opinion by an Attorney at Law, licensed in Florida, or a certification by an abstractor or title company stating that the court records identify that the title of the land as described and shown on the plat is in the name of the person or persons or corporation executing the dedication. In addition, a document entitled, "Consent to Platting of Lands and Partial Release of Mortgage," shall be filed together with the Final Plat for each person or corporation holding a mortgage on all land included on the plat, where such person or corporation has not signed the Final Plat.
2. Certification by a registered land surveyor that the plat represents a survey made by that individual and, further, that all necessary monuments, lot sizes and lot dimensions are correctly shown thereon. Impressed thereon, and affixed thereto, shall be the personal seal and signature of the registered land surveyor by whom, or under whose authority and direction, the plat was prepared.
3. Certification that all real estate taxes have been paid.
4. Every plat for a subdivision filed for record shall include any required dedication by the applicant. The dedication shall be executed by all owners having a record interest in the land being platted in the same manner in which deeds are executed. All

mortgagees having a record interest in the land platted shall execute, in the same manner as deeds are executed, either the dedication contained on the plat or in a separate instrument joining in the ratification of the plat and all dedications and reservations thereon in the form of a consent to plat from all mortgage interests acceptable to the Village Attorney. When a tract or parcel of land has been platted and a plat thereof bearing the dedication executed by the developer and approved by the village has been secured and recorded in compliance with this Section, all streets, easements, rights-of-way, and public areas shown on the plat, unless otherwise stated, shall be determined to have been dedicated for public uses and purposes stated thereon, notwithstanding any separate action by resolution of the Village Commission to formally accept such offers of dedication.

5. Any existing or proposed private restrictions and trusteeships and their periods of existence shall be filed as a separate instrument, and reference to such instrument shall be noted on the Final Plat.
6. Three (3) prints of as-built drawings showing the improvements that have been constructed according to the Final Subdivision Plat and a copy of the financial guarantee for completion of required improvements shall be filed with the Village Clerk prior to plat recording.

7.01.05 Construction Prior to Platting

Construction of streets, drainage facilities, and/or other subdivision improvements prior to actual platting shall be permitted only upon specific application therefore and upon specific approval by the Village Commission. In granting any such approval, the Village Commission may impose such conditions, restrictions, and/or time schedules as may be deemed necessary in the public interest.

7.01.06 Bond Required

At the time of application for final plat approval, the subdivider shall post a bond in an amount estimated as sufficient to secure to the village the satisfactory construction, installation and dedication of all required improvements. The performance bond shall also secure all lot improvements on the individual lots of the subdivision as required by these regulations. Such performance bond shall comply with all statutory requirements and shall be satisfactory to the Village Attorney as to form, sufficiency and manner of execution as set forth in these regulations. The period within which required improvements must be completed shall be specified by the Village Commission as part of the approval action on the final plat and shall be incorporated in the bond and shall not in any event exceed two (2) years from date of final village approval. The Village Commission may at any time during the period of such bond accept a substitution of principal or sureties on the bond upon recommendation of the Village Attorney.

7.01.07 Construction Inspection

The Village shall provide for periodic inspection of required improvements during construction to ensure their satisfactory completion. If it is found that any of the required improvements have not been constructed in accordance with the Village's construction standards and specifications, the subdivider shall be responsible for modifying and/or completing the improvements so as to comply with such standards and specifications. Wherever the cost of improvements is covered by a performance bond, the subdivider and the bonding company shall be severally and jointly liable for completing the improvements according to specifications.

7.01.08 Acceptance of Required Improvements

Approval of the final plat shall not constitute acceptance of any area or facilities offered by said plat for dedication to the Village of Highland Park. The Village Commission shall not accept dedication of required improvements nor release nor reduce a performance bond until the Village is satisfied that all required improvements have been properly completed and until the engineer or subdivider has certified, through submission of a detailed "as-built" survey plat of the subdivision indicating location dimensions, materials, and other information required by the Village, that the layout of the line and grade of all public improvements is in accordance with construction plans for the subdivision and that a title insurance policy has been furnished to and approved by the Village Attorney indicating that the improvements shall have been completed, are ready for dedication to the Village and are free and clear of all liens and encumbrances. Upon such approval and recommendation, the Village Commission shall thereafter accept the improvements for dedication in accordance with the established procedure.

7.01.09 Vacating of Plats and Replats

7.01.09.01 Vacating of Plat by Owner

The owner of any land subdivided into lots may petition the Village under the provisions of Chapter 177.101, Florida Statutes, to remove (vacate and annul) the existing plat, or portion thereof, from the official records of the Village of Highland Park and Polk County. The applicant vacating a plat, or a part thereof, shall file the petition, proof of publication of notice of intent, certificate of title, statement of taxes and resolution, and shall pay the appropriate filing fee as established by Resolution of the Village Commission. Following review in accordance with the procedures stated above, the Village Commission shall act to approve or deny the petition. The applicant shall be responsible for recording the petition and the proof of publication with the Clerk of the Circuit Court for Polk County.

7.01.09.02 Vacating of Plat by Village

The Village Commission may, on its own motion, order the vacation and annulment of all or any part of a subdivision within its jurisdiction. Such action may include the vacation of dedicated rights-of-way and easements, provided that:

1. The subdivision plat was lawfully recorded not less than five (5) years before the date of such action by Village Commission; and
2. No more than 10 percent of the total subdivision, or part thereof, has been sold as lots by the original subdivider or his successor in title. Such action shall be based on a finding by the Commission that the proposed vacation and annulment of the plat will result in greater conformity with the comprehensive plan of the village, and the public health, safety, and welfare will be promoted.

Before acting on a proposal for vacation and annulment of subdivided land the Commission shall hold a public hearing, with notice of intent as set forth by Chapter 166, F.S. Notwithstanding these provisions, the village may require conformity with existing standards for all or parts of subdivisions as outlined in this Section.

7.01.10 Access to Individually Owned Parcels

No owner of any parcel of land in a subdivision shall be deprived by the vacation and annulment of a plat, or a portion of a plat, of reasonable access to such parcel, nor of reasonable access therefrom to existing facilities to which such parcel presently has access; provided that such access remaining or provided after such vacation need not be the same as that previously existing.

7.02.00 Site Development Plans

7.02.01 Intent and Purpose

The site development plan procedure shall be required for all multi-family residential and non-residential construction to ensure that site-specific development projects meet the requirements of this Code, prior to the issuance of a building permit. It is the intent of this section that the site development plan process be a part of the building permit application process, in that the site development plan is the instrument by which improvements to the site will be constructed and inspected, and by which final inspection and certificate of occupancy shall be issued.

7.02.02 Development Requiring Site Development Plan Approval

Site development plan approval shall be required prior to the issuance of a building permit for the following:

1. A parcel of land proposed for a non-residential use.
2. A parcel of land proposed for multiple-family residential use.
3. Clubhouses or similar facilities built on common property within a subdivision, including single-family attached developments.
4. An expansion or reconfiguration of any of those types of development which are subject to site development plan requirements.
5. Any other type of development which the Village Commission determines to be appropriate for the site development plan review process in order to protect the public health, safety and welfare.

7.02.03 Review Procedures

Those developments subject to site development plan review as identified in the preceding paragraph shall be processed in the following manner:

7.02.03.01 Site Development Plan

Five (5) copies of the site development plan, five (5) completed application forms, all necessary attachments and the requisite application fee shall be submitted to the Village Commission to initiate processing of the plan. Additional plans shall be provided for review by other state, regional and county agencies upon staff request.

- (A) *Site Development Plan Preparation Requirements.* Where the proposed development site is three acres in size or larger, the site development plan shall be prepared by an architect or engineering professional. At the Village Commission's discretion, the same requirement may be applied to sites of less than three acres, where the plan proposes high-intensity uses or activities which may have a substantial impact on surrounding properties.

Sketch plans and drawings submitted with variance, supplemental use or other zoning-related applications shall not be accepted for review as a site development plan, unless prepared in accordance with the guidelines of this section and contain all required information. In all cases, engineering plans addressing drainage, road construction and other technical aspects of development design shall be sealed by a civil engineer registered in the State of Florida.

- (B) *Completeness of Plans.* Completeness of site development plans shall be determined within five days by the Village Commission, and if complete shall be scheduled for review by the Polk County Building and Codes Department.

Where the proposed development involves only the expansion of existing structures, the Village Commission may reduce or waive certain criteria, data, or other submission requirements as appropriate provided that the following conditions are met:

1. No existing structure will be expanded by more than 30 percent of its total floor area and/or seating.
2. No change in the existing use of the site is proposed.
3. No existing nonconforming use would be expanded, and all other aspects of the site are in conformity with the requirements of this Code.
4. The development site will not be reduced in size.

7.02.04 Village Commission Review and Action

At its own discretion, Village Commission shall have the authority to review and approve or disapprove any site development plan. In such cases, the Village Commission shall review and evaluate the site development plan with specific regard to the Comprehensive Plan, applicable Village codes, and the advisory recommendations of the Polk County Building and Codes Department. The Village Commission shall approve, approve with conditions, or deny the site plan.

In the alternative, the Commission may, for the purpose of allowing the applicant an opportunity to address unresolved issues, continue consideration of the site plan. In the event a site development plan is denied, the reason(s) for the denial shall be noted.

7.02.05 Approval of Site Development Plans

On approval of a site development plan, a minimum of five (5) copies, and any additional copies as may be required by the Village, of the approved site development plan shall be submitted to the Village Commission prior to processing of a building permit. The Village Clerk shall retain and file one copy of the site development plan to constitute a permanent record of the site development plan. A minimum of three copies of the plan shall be reserved for the applicant, two of which shall accompany the application for building permit submitted to the Polk County Building and Codes Department, and one copy to be available for inspection at the job site.

7.02.06 Effect of Site Development Plan Approval

Approved site development plans shall remain valid if a building permit is obtained subject thereto within one year after final approval. Granting of extensions for approval may be made by the Village Commission for a single period up to six months from the date when a site development plan would otherwise expire. An extension may be granted if the Village

Commission concludes that the recipient of the approved site development plan has proceeded with due diligence and in good faith, and that conditions have not changed substantially so as to warrant a new application. All such requests for extensions must be submitted in writing, with the required fee, not less than 30 days before the expiration of the approved site development plan stating the reason for the time extension request.

Upon approval of the site development plan, the applicant may proceed to submit detailed construction drawings to the Village Commission, or their designee, for permitting. These shall include, but are not limited to, detailed building plans, drainage and stormwater management facilities, road and driveway construction specifications, and tree removal plans.

Nothing contained herein shall preclude the Village Commission or Polk County Building and Codes Department from accepting for review and processing building construction plans related to the structural, mechanical, electrical and plumbing systems prior to stamped approval of a site development plan, subject to such conditions as may be established by the Village Commission and/or Polk County Building and Codes Department relative to such pre-plan certification processing.

In such instances, no building permit will be issued until the site development plan has been stamped approved and is on file in the office of the Village Clerk and/or the Polk County Building Office. All building and construction permits issued for any project requiring site development plan review shall be consistent with the stamped approved site development plan. The approval of a site development plan shall not under any circumstances be construed to waive or otherwise diminish the applicable Village or Polk County requirements for construction or installation of structures or materials. Whenever a conflict between the site development plan and such construction details occurs, the more restrictive or that requiring the higher standard shall prevail.

7.02.07 Modification of Site Development Plans

Any modification, variation or adjustment of a stamped approved site development plan shall require approval of a site development plan amendment.

The Village Commission and/or the Polk County Building and Codes Department shall determine whether a proposed site development plan modification is a major modification or a minor modification. The determination shall be based on, but not limited to the following: any substantial change, including increase in density, change in permitted uses, change in stormwater runoff characteristics, change in traffic patterns and trip generation, or other similar changes shall be considered a major modification; any proposed minor changes in configuration or similar changes shall be considered a minor modification.

The Village Commission and/or the Polk County Building and Codes Department may approve a minor modification. If the proposed change or amendment is determined to be other than a minor modification, the Village Commission may forward any revisions to outside consultants for recommendations and/or approval of the change.

7.02.08 Integration of Other Review Procedures

Any development involving the following provisions of this code shall be coordinated as set forth below:

- (A) *Development Built in Phases.* Development built in phases or stages must clearly show the various phases or stages of the proposed development on the site development plan and on all subsequent site development plans. Any amenity or stormwater management system proposed in any future phase shall be constructed in the first phase of development. A site development plan must be submitted for each successive phase of the development.

As part of the application for site development plan approval, the developer shall submit a proposed schedule for completion of such improvements. Once a schedule has been approved and made part of the site development plan requirements by the Village Commission and/or Polk County Building and Codes Department, no land may be used and no building may be occupied except in accordance with the schedule approved as part of the site plan. If no schedule has been approved, no more than two years shall elapse between the filing of successive site development plans.

- (B) *Variance or Waiver.* Those developments requiring a variance or a waiver from any applicable regulation of this Code in conjunction with site development plan review shall have the appropriate request acted upon by the Village Commission. This shall include existing development sites proposed for expansion or reconfiguration, which are non-conforming to any requirement of this Code. The site development plan may be reviewed concurrently with review and action on the variance or waiver request, but the site development plan shall not be approved until the variance or waiver has been approved.

- (C) *Conditional Uses.* For developments requiring conditional use approval, a request for such approval shall be submitted to the Village Commission, and the conditional use shall be approved prior to final approval of the site development plan. A site development plan and a conditional use request may be processed concurrently.

7.02.09 Non-Compliance

Failure to comply with a stamped approved site development plan or any of the conditions upon which such approval was contingent, including time limits for performance, shall be cause to deny issuance of a building permit or, where a permit has been issued pursuant to a stamped approved site development plan, to render such building permit invalid. Any action, construction, development or use of property undertaken in violation of the provisions of this section for a site plan shall constitute a violation of this Code and may be subject to a stop-work order.

7.02.10 Development Site to be Unified

When requesting site development plan approval, the applicant shall furnish proof that the development site is unified by title, and not spatially divided by ownership (however, multiple ownership is permissible so long as each owner or investor holds a percentage or proportionate interest in the site as a whole). The development site shall be designed to provide all required facilities, including parking and stormwater retention; no such facilities shall be located off-site. The entire site shall have the zoning designation required to accommodate the principal use.

No development site, once granted site development plan approval, shall be divided except through the site development plan modification process established in section 7.02.07.

7.02.11 Content

Site development plans shall be drawn to a minimum scale of one inch equals 100 feet on an overall sheet size not to exceed 22 by 36 inches. When more than one sheet is required, an index sheet of the same size shall be included showing the entire parcel with individual sheet numbers referenced thereon. The following information is required on or in an acceptable form so as to accompany the site development plans respectively:

1. Site development plan name.
2. The property owner's name, address and telephone number; and the designated project applicant or representative if other than property owner. In addition, it shall reserve a blank space, three inches wide and five inches high for the use of the approving authority.
3. The engineer's name, address, telephone number and registration number.
4. North arrow, scale and date prepared.
5. A certified boundary survey of the tract prepared by a surveyor registered with the State of Florida showing the location and type of boundary evidence related to the State Plane Coordinate System if available and the accurate legal description of the property and a computation of the total acreage of the tract to the nearest tenth of an acre. Survey must have been done within one year prior to filing.
6. Zoning district assigned to the property which is the subject of the site plan and to the properties contiguous thereto.
7. Identification of watercourse, wetlands, tree masses and specimen trees, including description and location of understory, ground cover vegetation and wildlife habitats or other environmentally unique areas.
8. Gross and net site area expressed in square feet and acres.

9. Number of units proposed, if any, and resulting net density.
10. Number of floors, floor area devoted to each category of use and floor area ratio.
11. Delineation in mapped form and computation of the area of the site devoted to building coverage and open space for the lot expressed in square feet and as a percentage of the overall site.
12. Number of parking spaces required and proposed (stated in relationship to the applicable formula).
13. Location, type and size of vehicular use area (including but not limited to, all paved parking spaces and driveways) expressed in square feet.
14. General location of all driveways, parking areas and curb cuts and their relationship to publicly dedicated streets.
15. Location of all public and private easements and streets within and adjacent to the site.
16. The location, size and height of all existing and proposed buildings and structures on the site including setback lines.
17. Depiction (by shading or cross hatching) of required landscape areas.
18. Sign location.
19. Phase lines, if the development is constructed in phases.
20. Location map at a scale of not less than one inch equals two thousand (1" = 2,000') feet and indicating State Plane Coordinates, if available.
21. Existing (including official records book and page numbers) and proposed utility easements.
22. Provisions for both on- and off-site stormwater drainage and detention related to the proposed development.
23. All horizontal dimensions shown on the site plan shall be in feet and decimal fractions of a foot to the nearest one-tenth and all bearings in degrees, to the nearest minute.
24. All existing and proposed street right-of-way reservations and easements, watercourses and their names.

25. Existing topography with a maximum contour interval of one foot.
26. Proposed finished grading by contours supplemented where necessary by spot elevations and in particular at those locations along lot lines.
27. The delineation of all wetlands and flood-prone areas as delineated by the National Wetlands Inventory and the Flood Insurance Rate Maps published by the Federal Emergency Management Agency (FEMA).
28. Clearly show and delineate all environmentally sensitive areas as determined by any appropriate agency.
29. Provisions for the adequate control of erosion and sedimentation, indicating the proposed temporary and permanent control practices and measures that will be implemented during all phases of clearing, grading and construction.
30. Provisions for adequate disposition of natural surface waters and stormwater runoff in accordance with design criteria and standards established in Article 3, including the location, size and type or grade of ditches, catch basins, and pipes and connections to existing drainage systems including rim and invert elevation, and on-site water retention.
31. All existing and proposed utilities, including but not limited to:
 - a. Water pipe sizes, rim and invert elevations, direction of flow and top and bottom elevations and fire hydrant locations and flows.
 - b. Telephone, electric, gas and other utilities.
32. Location of solid waste receptacles.

7.03.00 Variances

Any person, firm or corporation owning property in the Village of Highland Park may apply for a variance from any provision of this Code, excepting those relating to permitted land use and consistency with the Comprehensive Plan. Variances shall be granted only by the Village Commission in a public hearing which has been advertised in accordance with appropriate provisions of this Code. Variances granted by the Village Commission shall be the minimum necessary to provide a reasonable use of the property and may be approved subject to time limits or any other conditions which the Commission deems appropriate.

7.03.01 Criteria for Granting a Variance

The granting of a variance shall be based on a determination by the Village Commission that the request will not be contrary to the public interest and the intent of this Code, and that strict enforcement of the regulation in question would create an undue and unnecessary

hardship for the applicant. Considerations of health, convenience or economics shall not be considered as justification for a variance. Approval of a variance shall be based solely on the following criteria, all of which must be fully satisfied:

1. Special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same land use classification.
2. The special conditions and circumstances do not result from the actions of the applicant.
3. The requested variance, if approved, will not confer on the applicant any special privilege that is denied by the provisions of this Code to other lands or structures in the same land use classification.
4. Literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the identical land use classification and will constitute an unnecessary and undue hardship on the applicant.
5. That the variance granted is the minimum variance that will make possible a reasonable use of the land or structure.
6. That the granting of the variance will be in harmony with the general intent of this Code, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

For each variance granted, the Village Commission shall approve, and the Mayor shall sign, a resolution listing the above criteria and attesting that each has been satisfied.

7.04.00 Nonconformities

Within the zoning districts established by this Code or amendments that may later be adopted, there exist lots, structures and uses of land and structures which were lawful prior to the effective date of this Code, but which would be prohibited, regulated, or restricted under the terms of this Code or future amendment. Such nonconformities shall be allowed to continue until they are removed, but shall not be encouraged to continue.

(A) Nonconforming Lots of Record

Where any lots legally recorded at the time of the adoption or subsequent amendment to this ordinance do not conform to the minimum area and/or dimension specified by this ordinance, such lot may be utilized for a single family dwelling, if such structure meets appropriate setbacks. Any necessary variance of yard requirements must be obtained as prescribed herein.

(B) *Nonconforming Uses*

The following are provisions that apply to all non-conforming uses:

1. Nonconforming uses shall not be enlarged or increased, or extended to occupy a greater land or floor area than was occupied at the effective date of adoption or amendment of this Code.
2. Nonconforming uses shall not be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Code.
3. If any such nonconforming land use ceases for any reason for a period of more than one year any subsequent use of such land shall conform to the regulations specified by this ordinance.

(C) *Nonconforming Structures*

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which construction was lawfully begun prior to the effective date of this Code or amendment thereto, and upon which actual building construction has been carried on diligently. Where a lawfully existing structure does not conform to the regulation on the effective date of this ordinance or amendment thereto, such structure may be continued so long as it remains otherwise lawful, subject to the following:

1. No such nonconforming structure may be enlarged or altered in any way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
2. Should such nonconforming structure or nonconforming portion of a structure be removed or destroyed by any means to an extent of more than 50 percent of its replacement cost at time of removal or destruction, it shall not be replaced or reconstructed except in conformity with the provisions of this Code.
3. When a nonconforming use is discontinued or abandoned for six (6) consecutive months or for 18 months during any three (3) year period (except when government action impedes access to the premises), the structure, or structure and premises in combination shall not thereafter be used except in conformity with the regulations of the district in which it is located. Seasonal use only shall not constitute abandonment or be considered a discontinued use.

(D) *Repairs and Maintenance*

Any nonconforming structure or portion thereof may be maintained or repaired if such work does not include repair of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding 10 percent of the current replacement cost of the nonconforming structure or nonconforming portion of the structure as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased.

1. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.
2. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

7.05.00 Procedure for Text Amendments and Rezonings

7.05.01 Basis for Text Amendments and Rezonings

In reviewing requested or proposed changes in this Code or changes in land use classification, the Village Commission shall consider and evaluate the changes in relation to all pertinent factors, including the following:

- (A) The character of the district and its peculiar suitability for particular uses.
- (B) Conservation of the value of buildings and encouraging the most appropriate use of land throughout the village.
- (C) The applicable portions of any current village plans and programs such as land use, traffic ways, recreation, schools, neighborhoods, drainage and housing.
- (D) The needs of the village for land areas for specific purposes to serve population and economic activities.
- (E) Whether there have been substantial changes in the character or development of areas in or near an area under consideration for rezoning.
- (F) The facts and opinions presented to the Village Commission through hearings.
- (G) *The Public Welfare* - Is there a substantial relationship between the protection and advancement of the health, safety, morals and general welfare of Highland Park and the zoning or land use classification you are recommending for the property in question? A recommendation to keep the zoning or land use the same, and therefore

deny the request, still requires you to answer this question.

- (H) *Comprehensive Planning* - Has the village undertaken a thorough study of all of the factors and conditions that influence the growth and development of Highland Park, and developed a Comprehensive Plan that safeguards the wishes of the people and their general welfare? Has the Comprehensive Plan been adopted according to Florida Statutes, and how does it direct and guide the zoning or land use decision before you?
- (I) *Need of the Change* - Has there been a significant change in the assumptions that underlie the Comprehensive Plan and the Zoning Map for Highland Park, that would support the requested rezoning? Has there been a great deal of growth or has new infrastructure been extended to the property or has the petitioner presented a market analysis or other information that would change the planning conclusions supporting the present zoning district?
- (J) *State Concerns (Level of Service)* - This is another way of describing the system of infrastructure in the village. It refers not only to water, sewer, streets and drainage, but also to fire and police protection, recreation facilities, schools, garbage collection and disposal, health care, jails, and the condition of the natural environment itself. What impact will the change in zoning or land use have on the current and future level of service of all of these systems and services?
- (K) *Zoning and Use of Nearby Property* - What is the pattern of zoning of nearby property, and how does the pattern of the actual land use compare to the zoning? This knowledge is important in judging whether the Comprehensive Plan and the Zoning Map are reasonably consistent in accommodating development and in respecting the timing of development. Depending on the inconsistency of the two patterns, rezoning may be overdue, or early, and the Comprehensive Plan may require amending to keep things synchronized.
- (L) *Substantial Change in Land Use Circumstances* - Apart from paragraph (I). above, have there been significant changes in land use in the vicinity of the property requested for rezoning? Such changes are substantial if they include: widening of a street from two lanes to three or four lanes; a large expansion of an existing use like a new wing on the hospital or the doubling of an office complex; the completion of a subdivision that was only platted a few years ago; the construction of a new public facility like a park, fire station, or even a village hall, or any number of other examples. One such change may not be significant, but several would be.
- (M) *Effect on Property Values* - Has evidence been presented that the proposed rezoning will adversely affect the value of neighboring property? This information can be presented by either the petitioner or the opponents. And, has the petitioner presented any information that shows that the current zoning classification has devalued the property by removing some or all of its reasonable use?

- (N) *Suitability* - Is the land, the location and the amount of property suitable for the purposes for which it is zoned, or is the proposed rezoning or land use change better? This idea also requires an answer to a related question: Is the requested zoning or land use classification compatible with development on surrounding property, or can it be made so with the imposition of conditions, buffers or limitations on the uses within the zone? The answers to these questions should lead to a conclusion as to the "appropriate use" of the property.
- (O) *Time Vacant* - How long has the property been vacant under the present zoning classification, or a similar classification prior to its present one? This information should be compared to the rate of land development in the vicinity of the property and particularly in the conversion of vacant land to development in the same zoning district in other parts of the village.
- (P) *Gain versus Hardship* - This idea has only one interpretation and should be answered before you recommend denial. Is the public gain in maintaining the present zoning or land use classification so great that the hardship imposed on the property owner is justified?

7.05.02 Procedure

The following procedure shall be followed in enacting amendments to this Code:

- (A) *Rezoning.* A petition for rezoning of land may be filed by an owner thereof or by any person having a legal or equitable interest therein.
- (B) *Change of District Regulations.* A petition for a change of district regulations may be filed by any citizen or owner of land in the village.
- (C) *Formalities; Filing; Information Required.* Petitions for change of zoning or district regulations shall be addressed to the Village Commission and shall be filed with the Village Clerk. Material submitted with the petition or on subsequent request by the Commission shall include all plans, maps, studies and reports which may reasonably be required to make the determinations called for in the particular case, with sufficient copies for necessary referrals and records.
- (D) *Public Hearing.* No recommendation for a change in zoning district classification or in district regulations shall be made by the Village Commission unless and until a public hearing as prescribed in Section 8.06.00.
- (E) *Proposals Processed as Petitions.* Proposals originating with the Village Commission shall be processed in the same manner as provided for petitions in the preceding paragraphs.

7.05.03 No Action Construed as Denial

If a petition or recommendation for a change or amendment to this Code is not acted upon finally by the Village Commission within six (6) months of the date on which the application was originally filed, such petition shall be deemed to have been denied.

7.05.04 Time Limits

Procedures under this Section shall conform to the following time limitations:

- (A) *Denial; Same Rezoning; Reconsideration After One Year.* Whenever the Village Commission has taken action to deny a petition for rezoning of property, the Commission shall not consider any further petition for the same rezoning of any part of the same property for a period of six (6) months from the date of such action.
- (B) *Amendatory Ordinance; Same Rezoning; Reconsideration After Six Months.* Whenever the Village Commission has changed the zoning of property by an amendatory ordinance, the Commission shall not consider any petition for rezoning of any part of the same property for a period of six (6) months from the effective date of the amendatory ordinance.
- (C) *Waiver By Village Commission; Conditions.* The above time limits may be waived by the Village Commission by the affirmative vote of four (4) Commission members, when the Village Commission deems such action necessary to prevent an injustice or to facilitate the proper development of the village.

7.05.05 Notice of Hearings

The method and time of giving notice of public hearings before the Village Commission shall be as required in Article 8.

ARTICLE 8
ADMINISTRATION AND ENFORCEMENT

8.01.00 Development Administration

8.02.00 Duties of Village Commission

8.03.00 Administrative Approvals

8.03.01 *Building Permit*

8.03.02 *Certificate of Occupancy*

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8.04.00 Official Zoning Map

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8.05.00 Public Notice of Hearings

8.05.01 *Public Notice Requirements for Zoning Changes that are Petitioner Initiated – (166.041, F.S.)*

8.05.02 *Public Notice Requirements for Amendments to Official Zoning Map Initiated by Village Commission, Involving Less than 10 Acres – (166.041, F.S.)*

8.05.03 *Public Notice Requirements for Amendments to Official Zoning Map Initiated by Village Commission, Involving More than 10 Acres – (166.041, F.S.)*

8.06.00 Statutory Requirements for Comprehensive Plan Amendments

8.06.01 *Expedited State Review Process (consistent with 163.3184, F.S.)*

8.06.02 *State Coordinated Review Process (consistent with 163.3184, F.S.)*

8.06.03 *Small Scale Plan Amendments Exempt from DEO Review (consistent with 163.3184, F.S. and 163.3187, F.S.)*

8.07.00 Public Records

8.08.00 Fees

ARTICLE 8

ADMINISTRATION AND ENFORCEMENT

8.01.00 Development Administration

The Village Commission shall oversee all activities regarding comprehensive planning, zoning, development review, issuance of permits, and code enforcement. The Village Clerk shall perform certain duties prescribed below, as well as any others assigned by the Village Commission. The Village Commission shall serve as the Development Director and may delegate any and all authority and duties of the Development Director to an individual, the Central Florida Regional Planning Council, or a private consultant. The Village Commission, or a person or consultant designated as Development Director, shall have a thorough knowledge of the provisions of the Comprehensive Plan and this Code, and shall have the authority to interpret the intent and meaning of this Code in situations where its applicability is not clear. If the Village Commission delegates the authority and duties of the Development Director, appeals of administrative decisions of said Development Director shall be made to the Village Commission.

1. The specific duties of the Village Clerk are:
 - a. To attend all Village Commission hearings at which zoning and comprehensive planning matters are discussed.
 - b. To certify the accuracy of the Official Zoning Map and amendments thereto.
 - c. To accept and process all applications for amendments to the Official Zoning Map.
 - d. To accept and process all applications and application fees for Plan amendments, zoning actions, variances, and site development plan approvals.
 - e. To collect and account for all application fees required for zoning actions.
 - f. To ensure that all time limits prescribed by this Code are met.
 - g. To monitor the progress of all development applications through the review process and be available to respond to inquiries from interested persons.
 - h. Other duties assigned by the Village Commission.

2. The specific duties of the Development Director are:
 - a. Advise and cooperate with the Village Manager in the implementation, amendment, and enforcement of this Code and the Comprehensive Plan.

- b. To attend all Village Commission hearings at which zoning and comprehensive planning matters are discussed.
 - c. To evaluate each proposed Plan amendment, zoning change, site development plan and subdivision plat for consistency with this Code and the Comprehensive Plan.
 - d. To evaluate each application for a development order, including building permits, to determine whether it meets applicable Concurrency requirements.
 - e. Other duties assigned by the Village Commission.
3. The specific duties of the Building Official are:
- a. The Building Official shall be responsible for review of building construction plans, the issuance of Building Permits and Certificates of Occupancy, and the inspection of construction sites and buildings under construction. He/she shall have a working knowledge of the Florida Building Code and be familiar with electrical, fire, zoning, and other codes having a bearing on building construction in Highland Park. The Building Official shall be duly qualified for these responsibilities through appropriate certification, education, and work experience. Alternatively, the Village may retain a licensed professional contractor/builder, or other qualified entity to perform such activities.

8.02.00 Duties of Village Commission

The Village Commission shall administer and enforce this Code, and have the following powers and duties:

- 1. Adopt and amend the Comprehensive Plan.
- 2. Adopt and amend the Land Development Code.
- 3. Establish fees for Comprehensive Plan Amendments, zoning actions, development plan reviews, and other activities carried out under the provisions of this Code.
- 4. Make final decisions on requested changes to the Comprehensive Plan, the Official Zoning Map, and other special designations on property within the Village.
- 5. Make final decisions on requests for variances where, by reason of the exception of narrowness, shallowness, or unusual shape of a site on the effective date of this Code, or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of that site, the literal enforcement of the dimensional requirements (height or width of building or size of yards, but not dwelling unit or population density) of this Code would deprive the applicant of reasonable use of the land in a manner enjoyed by other landowners in the same zoning district. The Commission may impose any reasonable conditions or restrictions in granting said variance.

6. Upon finding that any of the provisions of this Code are being violated, the Village Commission shall notify in writing the person responsible for such violation(s), ordering the action necessary to correct such violation.
7. Order discontinuances of illegal uses of land, buildings, or structures.
8. Order removal of illegal buildings or structures or illegal additions or structural alterations.
9. Order discontinuance of any illegal work being done.
10. Limit or refuse the issuance of and action on building permits and certificate of occupancy permits and such similar administrative duties as are permissible under the law to insure compliance with or to prevent violation(s) of this Code.
11. Make records of all official actions relating to the administration and enforcement of the provisions of this Code including but not limited to written records of all complaints, all violations discovered, actions taken and the final disposition of all such matters

8.03.00 Administrative Approvals

The Development Director and/or Building Official shall have the authority to approve the following, subject to conditions set forth below and in applicable provisions of this Code.

8.03.01 Building Permits

A Building Permit is required prior to the construction or alteration of any building or structure located within the Village.

1. It shall be unlawful to commence any excavation or construction or any alteration of any structure until the Building Official has issued a building permit authorizing such work.
2. If no building permit has been issued and a builder begins or continues to build, a stop work order may be issued by the Development Director or a restraining order may be obtained upon application to the proper court of record, and evidence of the lack of a building permit shall establish a prima facie case for the issuance of the restraining order.
3. *Application for a Building Permit.* All building permit applications shall be submitted to the Village Clerk for processing. Permit applications shall contain or be accompanied by all pertinent information required for proper consideration of the development request, including a site plan, construction documents, and any other attachments. Completeness of applications shall be reviewed by the Development Director within five (5) working days. Upon finding of compliance, the Development Director, or his or her designee shall forward the application to

the Polk County Building and Codes Department for permit review. Development applications for multi-family residential and non-residential construction shall be submitted in accordance with Section 7.02.00, Site Development Plans.

4. *Duration of Permit*

- a. A building permit shall be valid for one calendar year following the date of issuance of such permit. If the work is not completed within the permitted period, work must cease until a new building permit is obtained.
- b. One or more extensions may be granted by the Development Director or Building Official, not to exceed 90 days each. Applications for a permit extension shall be submitted to the Development Director no less than 30 days prior to the expiration date of the approved permit.

8.03.02 Certificate of Occupancy

1. The Building Official shall implement a procedure for periodic inspection of development work in progress to ensure compliance with the development permit and final development order that authorized the activity.
2. Upon completion of work authorized by a development permit or development order, and before the development is occupied, the developer shall apply to the Building Official for a Certificate of Occupancy. The Building Official shall inspect the work and issue the certificate, if all work is found to be in conformity with the permit or order.

8.03.03 Revocation of Development Order

Should a development order or permit be revoked, development activity shall not proceed on the site until a new development order or permit is granted in accordance with procedures for original approval.

8.03.04 Temporary Office or Construction Trailer

The use of a mobile home or other temporary structure not meeting the requirements of the Florida Building Code may be authorized at the construction site of an approved site development plan. The temporary structure may be used only as an office, tool shed or other facility in support of construction work, and shall not be used for living accommodations, for sales/rental of lots or offices, or for any other purpose.

The applicant shall designate the exact location of the temporary structure on the site development plan, and shall place it only in the approved location. The temporary structure shall not be installed prior to issuance of the building permit for the development site, and shall be removed upon expiration of the building permit or issuance of the Certificate of Occupancy, whichever comes first. If a mobile home is to be used, the wheels and axles

shall not be removed.

8.03.05 Temporary Mobile Home for Use During Construction of a Residence or as Disaster Relief

The use of a mobile home as a temporary residence during construction of a permanent residence may be authorized under the following conditions:

1. Lot or building site is at least one-half (1/2) acre in size;
2. Applicant has received approval of a building permit for construction of a single family residence on the property;
3. Foundation and rough plumbing for the permanent structure have been completed and approved by a Polk County building inspector on behalf of the village.

The mobile home shall be placed at least 20 feet from all lot lines, and 10 feet from any other existing or planned structure. The unit must be connected to a public sewer system or have received a septic tank permit from the Polk County Health Department. Wheels and axles shall not be removed.

The mobile home shall be removed from the building site prior to issuance of the Certificate of Occupancy for the permanent residence, or at the end of a one-year period commencing at the date of its installation, whichever comes first. This administrative approval may not be renewed or granted a second time for the same building site.

8.04.00 Official Zoning Map

The zoning districts listed in Article 2 and the boundaries thereof are shown upon the Official Zoning Map or series of maps of the Village, and made a part thereof, such maps being designated as the "Official Zoning Map of the Village of Highland Park." This map or maps and all notations, references, and other information properly inscribed thereon are hereby incorporated as a part of this Article.

The boundaries of such districts as are shown on the Official Zoning Map, together with all regulations in this Code that are applicable in such districts, are hereby established and declared to be in effect upon all land included within the boundaries of each and every district shown upon said map(s).

The Village of Highland Park hereby adopts and incorporates by reference the Official Zoning Map which shall be available for public inspection during regular business hours at Village Clerk's residence. The map shall show only those land use classifications and special designations established under the provisions of this Code.

The Village Commission will amend the Official Zoning Map within five (5) working days of the date of action of the local governing body to reflect any land use changes or variances granted. Any

amendment, either approved by Ordinance or Resolution, which alters the Official Zoning Map, shall be kept on file for public inspection at the Village Clerk's residence.

It shall be unlawful for any person(s) other than the Village Commission or their designee to alter the Official Zoning Map of Highland Park. Any person found guilty of altering or defacing the Official Zoning Map shall be punished according to the provisions of Section 1.06.00 of this Code.

8.04.01 Rules of Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines;
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
4. Boundaries indicated as following shore lines shall be construed to follow the high water line, and in the event of a lowering of the water level shall be construed as moving downward to the current water level;
5. Boundaries indicated as following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines;
6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so construed.

The legal description advertised for public hearing purposes on a zoning action or variance on any parcel of property shall override any and all of the above rules for interpretation of district boundaries.

8.05.00 Public Notice of Hearings

Due Public Notice. No change in land use classification or designation, zoning classification or designation, variance, or amendment to this Code may be considered by the Village Commission until due public notice has been given of a public hearing; and all changes, except variances, are made by ordinance. The requirements for Public Hearings concerning Comprehensive Plan amendments are provided under Section 8.06.00. An emergency ordinance or a resolution may not be used to make Comprehensive Plan amendment changes. Specific regulations pursuant to Chapter 166.041, F.S., are listed below.

1. All ordinances acted on by the Village must be read on two separate days and shall, at least 10 days before adoption, be noticed once in a newspaper of regular and general circulation in the Village. The notice of proposed enactment shall state the date, time, and place of the meeting; the title or titles of proposed ordinances; and the place or places within the municipality where such proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance. All requests shall be submitted in writing to the Development Director, together with applicable fees, which will have been established by the Village Commission.
2. For each zoning or variance application to be considered at a public hearing, a notice shall be mailed as a courtesy to all property owners of record within a radius of 300 feet of the affected property; provided, however, that failure to receive such notice shall not invalidate any action or proceedings taken at the public hearing.
3. When a proposed zoning action or variance lies within 300 feet of the jurisdiction of another local government, the planning board or local governing body of that local government shall be notified so that it may have an opportunity to send a representative to the public hearing to speak on its behalf.

8.05.01 Public Notice Requirements for Zoning Changes that are Petitioner Initiated – (166.041, F.S.)

In cases in which the proposed Ordinance changes the actual zoning map designation for a parcel(s) of land, public notice shall be enacted pursuant to Section 8.05.00(1).

8.05.02 Public Notice Requirements for Amendments to Official Zoning Map Initiated by Village Commission, Involving Less than 10 Acres – (166.041, F.S.)

1. *Notice By Mail:* In cases in which the Village initiated proposed ordinance changes the actual zoning map designation for a parcel(s) of land involving less than 10 contiguous acres of the total land area of the municipality, the governing body shall direct the Village Clerk of the governing body to notify by mail each real property owner whose land will be redesignated by enactment of the ordinance and whose address is known by reference to the latest ad valorem tax records. Notice shall be mailed to all property owners whose land will be affected at least 30 days prior to the date of the public hearing.
2. *Contents of the Notice.* The notice shall state the substance of the proposed ordinance as it affects that property owner and shall set a time and place for one or more public hearings on such ordinance. A copy of the notice shall be kept available for public inspection during the regular business hours of the office of the Village Clerk.

3. *Public Notice.* The public notice shall be enacted pursuant to Section 8.05.00(1).

8.05.03 Public Notice Requirements for Amendments to Official Zoning Map Initiated by Village Commission, Involving More than 10 Acres – (166.041, F.S.)

1. In cases where the Village initiated proposed ordinance changes the actual zoning map designation for a parcel(s) of land involving 10 contiguous acres or more of the total land area of the municipality: the governing body shall hold two advertised public hearings on the proposed ordinance.
2. At least one hearing shall be held after 5 p.m. on a weekday, unless the local governing body, by a majority plus one vote, elects to conduct that hearing at another time of day, and the first shall be held approximately seven (7) days after the day that the first advertisement is published. The second hearing shall be held at least ten (10) days after the first hearing and shall be advertised approximately five (5) days prior to the public hearing. The date, place, and time at which the second public hearing will be held shall be announced at the first public hearing.
3. The required advertisements shall be no less than two columns wide by ten inches long in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published in a newspaper of general circulation in the Village and of general interest and readership in the community.
4. The advertisement shall be in the following form:

<p style="text-align: center;">NOTICE OF (TYPE OF) CHANGE</p> <p>The Village of Highland Park proposes to adopt the following ordinance: (title of the ordinance).</p> <p>A public hearing on the ordinance will be held on (date and time) at (meeting place).</p>

5. The advertisement shall also contain a geographic location map which clearly indicates the area covered by the proposed ordinance. The map shall include major street names as a means of identification of the area.
6. *Mail-out May Be Done.* In lieu of publishing the advertisement as outlined above, the Village may mail a notice to each person owning real property within the area covered by the ordinance. Such notice shall clearly explain the proposed ordinance and shall notify the person of the time, place, and location of both public hearings on the proposed ordinance. If mail-outs are completed, the Ordinance must be advertised per the requirements of Section 8.05.00(1).

8.06.00 Statutory Requirements for Comprehensive Plan Amendments

There are three general types of Comprehensive Plan Amendments: Expedited State Review, State Coordinated Review, and Small Scale. The Expedited State Review Process is utilized for the majority of Comprehensive Plan amendments adopted by local governments. The State Coordinated Review Process is utilized for amendments that are in an area of critical state concern, amendments that propose a rural land stewardship area, amendments that propose a sector plan, or amendments that update a comprehensive plan based on an Evaluation and Appraisal Report. The Small Scale process is utilized for amendments that qualify as small-scale development amendments.

All requests for Comprehensive Plan Amendments shall be submitted in writing to the Development Director, together with applicable fees, which will have been established by the Village Commission. Specific regulations for Comprehensive Plan Amendments applications are detailed in Article 7, Section 7.05.00. Comprehensive Plan Amendments may be submitted by the Village to DEO for review according to the procedures established in Chapter 163 F.S. The following sections outline the requirements for each type of Comprehensive Plan Amendment.

8.06.01 Expedited State Review Process (consistent with 163.3184, F.S.)

The Expedited State Review Process is utilized for all Comprehensive Plan amendments except amendments that are in an area of critical state concern, amendments that propose a rural land stewardship area, amendments that propose a sector plan, amendments that update a comprehensive plan based on an Evaluation and Appraisal Report, or amendments that qualify as small-scale development amendments.

Public Notice Requirements: All procedures for advertisement of a public hearing to adopt an ordinance must be followed as adopted by the Village and set forth in Section 8.05.00 above and in keeping with Florida Statutes Chapter 166. According to State Law, the following section (A) must be adhered to:

1. The local governing body shall hold two advertised public hearings, advertised per the requirements of Section 8.05.02, on the proposed comprehensive plan or

plan amendment as follows:

- a. The first public hearing shall be held at the transmittal stage. It shall be held on a weekday at least 7 days after the day that the first advertisement is published pursuant to the requirements of Florida Statutes Chapter 166.
- b. The second public hearing shall be held at the adoption stage. It shall be held on a weekday at least 5 days after the day that the second advertisement is published pursuant to the requirements of Florida Statutes Chapter 166.

First Public Hearing: After the initial public hearing, the local government shall transmit the amendment and all supporting data and analysis within 10 days to the review agencies and any local governments that have filed a written request.

Comments: Comments from agencies and local governments reviewing the proposed amendment must be received by the Village no later than 30 days from the date on which the agency or government received the amendment from the Village.

Second Public Hearing: The local government shall hold its second public hearing, which shall be a hearing on whether to adopt one or more comprehensive plan amendments. If the local government fails, within 180 days after receipt of agency comments, to hold the second public hearing, the amendments shall be deemed withdrawn unless extended by agreement with notice to the DEO and any affected person that provided comments on the amendment. The 180-day limitation does not apply to DRI amendments.

Adoption Transmittal: All adopted Comprehensive Plan amendments, along with the supporting data and analysis, shall be transmitted within 10 days after the second public hearing to DEO and any other agency or local government that provided timely comments. DEO shall notify the local government of any deficiencies within 5 working days after receipt of an amendment package. For purposes of completeness, an amendment shall be deemed complete if it contains a full, executed copy of the adoption ordinance or ordinances; in the case of a text amendment, a full copy of the amended language in legislative format with strike-thru/underline changes; in the case of a Future Land Use Map amendment, a color copy of the Future Land Use Map clearly depicting the parcel, its existing Future Land Use designation, and its adopted designation; and a copy of any data and analyses the local government deems appropriate.

Effective Date: An amendment adopted under the Expedited State Review Process does not become effective until 31 days after DEO notifies the local government that the plan amendment package is complete. If timely challenged, an amendment does not become effective until DEO or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

8.06.02 State Coordinated Review Process (consistent with 163.3184, F.S.)

The State Coordinated Review Process is utilized for Comprehensive Plan amendments that are in an area of critical state concern, amendments that propose a rural land stewardship area, amendments that propose a sector plan, or amendments that update a comprehensive plan based on an evaluation and appraisal report,

Public Notice Requirements: All procedures for advertisement of a public hearing to adopt an ordinance must be followed as adopted by the Village and set forth in Section 8.05.00 above and in keeping with Florida Statutes Chapter 166. According to State Law, the following requirements of subsection (1) below must be adhered to:

1. The local governing body shall hold at least two advertised public hearings, advertised per the requirements of Section 8.05.02, on the proposed comprehensive plan or plan amendment as follows:
 - a. The first public hearing shall be held at the transmittal stage. It shall be held on a weekday at least 7 days after the day that the first advertisement is published pursuant to the requirements of Florida Statutes Chapter 166.
 - b. The second public hearing shall be held at the adoption stage. It shall be held on a weekday at least 5 days after the day that the second advertisement is published pursuant to the requirements of Florida Statutes Chapter 166.

First Public Hearing: After the initial public hearing, the local government shall transmit the amendment and all supporting data and analysis within 10 days to the review agencies and any local governments that has filed a written request. The transmitted document shall clearly indicate on the cover sheet that this plan amendment is subject to the state coordinated review process.

Comments: Comments from agencies and local governments reviewing the proposed amendment must be received by DEO not later than 30 days from the date on which the DEO received the amendment.

DEO Review: If DEO elects to review an amendment, DEO shall issue a report giving its objections, recommendations, and comments regarding the proposed plan or plan amendment within 60 days after receipt of the amendment. DEO may make objections, recommendations, and comments in its report regarding whether the amendment is in compliance and whether the amendment will adversely impact important state resources and facilities.

Second Public Hearing: The local government shall hold its second public hearing, which shall be a hearing on whether to adopt one or more comprehensive plan

amendments. If the local government fails, within 180 days after receipt of agency comments, to hold the second public hearing, the amendments shall be deemed withdrawn unless extended by agreement with notice to DEO and any affected person that provided comments on the amendment. The 180-day limitation does not apply to DRI amendments.

Adoption Transmittal: All adopted Comprehensive Plan amendments, along with the supporting data and analysis, shall be transmitted within 10 days after the second public hearing to the DEO and any other agency or local government that provided timely comments. DEO shall notify the local government of any deficiencies within 5 working days after receipt of an amendment package. For purposes of completeness, an amendment shall be deemed complete if it contains a full, executed copy of the adoption ordinance or ordinances; in the case of a text amendment, a full copy of the amended language in legislative format with strike-thru/underline changes; in the case of a Future Land Use Map amendment, a color copy of the Future Land Use Map clearly depicting the parcel, its existing Future Land Use designation, and its adopted designation; and a copy of any data and analyses the local government deems appropriate.

Notice of Intent: After DEO makes a determination of completeness regarding the adopted plan or plan amendment, DEO shall have 45 days to determine if the plan or plan amendment is in compliance. Unless the amendment is substantially changed from the one commented on, DEO's compliance determination shall be limited to objections raised in the objections, recommendations, and comments report. During the 45 days, DEO shall issue, through a senior administrator or the secretary, a notice of intent to find that the amendment is in compliance or not in compliance. DEO shall post a copy of the notice of intent on the agency's Internet website. Publication by DEO of the notice of intent on DEO's Internet site shall be prima facie evidence of compliance with the publication requirements of Florida Statutes.

Effective Date: An amendment adopted under the State Coordinated Review Process shall go into effect pursuant to DEO's notice of intent. If timely challenged, an amendment does not become effective until DEO or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

**8.06.03 Small Scale Plan Amendments Exempt from DEO Review
(consistent with 163.3184, F.S. and 163.3187, F.S.)**

Plan amendments that are defined as Small Scale Amendments do not have to be submitted to DEO for review. The amendment is adopted by ordinance and sent to DEO and the Central Florida Regional Planning Council. DEO will not issue a Notice of Intent for the small scale amendment.

1. *Definition.* Small Scale Plan Amendments are defined by Florida Statute as:
 - a. Encompassing the use of 10 or fewer acres of any land use category;

- b. Does not include any text change to the Comprehensive Plan's goals, objectives, and policies;
 - c. Is not located within an area of critical state concern; and
 - d. The local government can approve the amendment without exceeding its yearly maximum of 120 acres of small scale amendments.
2. *Reviewing Board.* Proposed Small Scale Plan Amendments are heard by the Village's Local Planning Agency (LPA) and are recommended to the Village Commission by the LPA. Then the amendments are heard at one Public Hearing and adopted by Ordinance. The amendments become law after the waiting period for the ordinance has expired, which is 31 days after adoption.
3. *Public Notice Requirements.* The public notice required for the amendment is:
- a. A newspaper notice as outlined in Sections 8.05.01 or 8.05.02; and
 - b. The Village must mail the owners of the property notice; and
 - c. There is no size requirements for the newspaper advertisement; and
 - d. Notice must be given of: the date, place, and time of the meeting; the title of the proposed ordinance; the location where the proposed ordinance can be inspected by the public; and that interested parties can appear and be heard.
4. *Challenges.* Challenges will be heard by the Division of Administrative Hearings. Any affected person may file a petition with the Division of Administrative Hearings to challenge the small scale development amendment within 30 days following the local government's adoption of the amendment per Section 163.3184(5). An administrative law judge shall hold a hearing in the affected jurisdiction not less than 30 days nor more than 60 days following the filing of a petition and the assignment of an administrative law judge. The parties to a hearing held pursuant to this subsection shall be the petitioner, the local government, and any intervener. In the proceeding, the plan amendment shall be determined to be in compliance if the local government's determination that the small scale development amendment is in compliance is fairly debatable. DEO may not intervene in any proceeding initiated pursuant to this section.

If the administrative law judge recommends that the small scale development amendment be found not in compliance, the administrative law judge shall submit the recommended order to the Administration Commission for final agency action. If the administrative law judge recommends that the small scale development amendment be found in compliance, the administrative law judge shall submit the recommended order to DEO.

8.07.00 Public Records

All resolutions, ordinances and records involving permitted land uses, development regulations and development approval are hereby declared to be public information and shall be maintained in an orderly fashion by the Village Clerk. Such materials shall be available for public inspection between the hours of 8 a.m. and 5 p.m. on weekdays at Village Clerk's residence. Copies shall be made available at a price reflecting the Village's reproduction costs.

8.08.00 Fees

The Village Commission shall, by separate resolution, establish and revise as necessary a schedule of fees for zoning changes, review/approval of plans, administrative approvals, and appropriate other actions undertaken under the provisions of this Code. All fees shall be set, at a minimum, at levels which cover the Village's costs of administration, inspection, and enforcement.

ARTICLE 9

DEFINITIONS

For the purposes of this Code, the following terms shall have the meanings set forth below. Included are pertinent definitions adopted in the Comprehensive Plan, in addition to others applicable to this Code but not covered in the Plan. It is the intent of this Article to incorporate Comprehensive Plan definitions in substantially the same form in which they were adopted, although some terms may be defined here in a more detailed or restrictive manner. In the event a Comprehensive Plan amendment conflicts with a definition contained herein, the definition in the Comprehensive Plan shall take precedence, and shall be incorporated into this Code by reference.

Abandon: To discontinue a nonconforming land use for six (6) consecutive months or for 18 months during any three (3) year period (except when government action impedes access to the premises); or to discontinue use of a structure for more than six (6) months. Seasonal use only shall not constitute abandonment or be considered a discontinued use.

Accessory Use or Structure: A use or structure located on the same parcel or lot with, and of a nature customarily incidental and subordinate to the principal use or structure.

Adverse Effects: Any modifications, alterations, or effects on waters, associated wetlands, or shorelands, including their quality, quantity, hydrology, surface area, species composition, or usefulness for human or natural uses which are or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity, or stability or which unreasonably interfere with the reasonable use of property, including outdoor recreation. The term includes secondary and cumulative as well as direct impacts.

Alterations, Structural: Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

Antenna: Electronic device, whose purpose is to receive television or radio signals directly from ground-based sources, which is freestanding or mounted on a structure, and does not exceed 30 feet in height.

Area of Special Flood Hazard: The Area of Special Flood Hazard shall include:

1. All areas designated as an area of special flood hazard pursuant to Section 5.01.01(C). The relevant Flood Hazard Boundary Map and Flood Insurance Rate Maps, and any revisions thereto, are adopted by reference and declared to be a part of this Code.
2. Other areas of the community designated on a map by the Village Commission as having a one (1) percent or greater chance of flooding in any given year. This may

include isolated topographic depressions with a history of flooding or a high potential for flooding.

Availability or Available: With regard to the provision of facilities and services concurrent with the impacts of development, means that at a minimum the facilities and services will be provided in accordance with the standards set forth in Rule 9J-5.0055(2), Florida Administrative Code.

Base Flood: The flood having a one (1) percent chance of being equaled or exceeded in any given year.

Buffer: An area or strip of land established to separate and protect one type of land use from another with which it is incompatible. A buffer area typically is landscaped and contains vegetative plantings, berms, and/or walls or fences to create a visual and/or sound barrier between the two incompatible uses.

Buffer Yard: A buffer yard is an area between land uses or surrounding a land use, which screens or blocks vision, light, noise, pollutants, and other negative effects associated with land uses.

Building: Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind. The term "building" shall be construed as if followed by the words "or part thereof."

Building Height: Vertical distance from grade to the highest point of a structure, to the decline of mansard roofs, excluding chimneys, parapet walls, ventilation equipment, antennas and flagpoles.

Canopy: Canopy refers to the area shaded by the crown of a mature tree, which is listed among the approved species for the Village of Highland Park.

Certificate of Occupancy: An official approval by the appropriate building official that a building or structure has met the requirements of the Village of Highland Park Building and Zoning Codes.

Certified Survey: Scaled drawing of a parcel or lot, showing property lines, dimensions, building locations, and other features of the property, which has been signed and sealed by a professional surveyor licensed in the State of Florida.

Club: An association of persons for some common purpose, not primarily a business or church. The term when used herein shall also encompass "lodge," "fraternal order," or "society."

Communications Tower: Mast, pole, or other structure exceeding 30 feet in height, on which are mounted one or more antennas whose purpose is to receive television or radio signals directly from ground-based sources, or to transmit such signals directly to ground-based receivers.

Concurrency: The necessary public facilities and services to maintain the adopted level of service standards are available when the impacts of development occur.

Concurrency Management System: The procedures and/or process that the local government will

utilize to assure that development orders and permits are not issued unless the necessary facilities and services are available concurrent with the impacts of development.

Concurrent with the Impacts of Development: Pursuant to §9J-5.0055(2), concurrent with the impacts of development shall be satisfied when: the necessary facilities and services are in place at the time a development permit is issued; or a development permit is issued subject to the condition that the necessary facilities and services will be in place when the impacts of the development occur; or that the necessary facilities are under construction at the time a permit is issued; or that the necessary facilities and services are guaranteed in an enforceable development agreement that includes the provisions of concurrency as defined. For recreation facilities, concurrency may also be met by adherence to §9J-5.0055(2)(b). For roads, concurrency may also be met by adherence to §9J-5.0055(2)(c)

Cone of Influence: A designated area around a municipal public supply well, identified through scientific research and analysis, which is critical to maintaining the safety of the village's drinking water supplies. Within such areas, certain land uses shall be prohibited or subject to special regulations in order to prevent contamination of such wells. The location and extent of cones of influence shall be verified by the Florida Department of Environmental Protection or the Southwest Florida Water Management District.

Conservation: Conservation is the preservation of native plants and trees to provide canopy, buffer yards, and reduce water demanded to maintain landscaping.

Density: The average number of families or dwelling units per acre of land.

Density, Gross: The overall number of units per acre in a development, including all supporting facilities.

Density, Net: Number of units per buildable acre of land, excluding supporting facilities such as subdivision road right-of-way, water and wastewater treatment plants, and property owned or used in common by the residents of a development (e.g., clubhouse or golf course).

Developer: Any person, including a governmental agency, undertaking any development.

Development: The carrying out of any building activity, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels.

The following activities or uses shall be taken to involve "development:"

A reconstruction, alteration of the size, or material change in the external appearance of a structure on land; a change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land; alteration of a shore or bank of a seacoast, river, stream, lake, pond, or canal, including any "coastal construction"; commencement of drilling, except to obtain soil samples, mining, or excavation on a parcel of land; demolition

of a structure; clearing of land as an adjunct of construction; deposit of refuse, solid or liquid waste, or fill on a parcel of land.

The following operations or uses shall not be taken to involve "development":

Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way; work by any utility and other persons engaged in the distribution or transmission of gas or water, for the purpose of inspecting, repairing, renewing, or constructing on established rights-of-way any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like; work for the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure; the use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling; the use of any land for the purpose of growing plants, crops, trees, and other agricultural or forestry products, raising livestock, or for other agricultural purposes; a change in use of land or structure from a use within a class specified in an ordinance or rule to another use in the same class; a change in the ownership or form of ownership of any parcel or structure; the creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land.

"Development" as designated herein includes all other development customarily associated with it unless otherwise specified. When appropriate to the context, "development" refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development.

Development Order: Any order granting, or granting with conditions, an application for a development permit. This definition shall not include variances, zoning district changes or supplemental use approvals, or changes in Future Land Use designations.

Development Site: One or more parcels of land unified under common ownership which constitute the entire area of development shown on a site plan or subdivision plat. Development site must include all land needed for parking, retention areas, internal access roads or driveways, landscaping, and other physical design features needed to serve the proposed development

Docks and Piers: A platform extending from a seawall or the shoreline which is used to secure or provide access to boats or other watercraft.

Drainage Facilities: A system of man-made structures designed to collect, convey, hold, divert or discharge stormwater, and includes stormwater sewers, canals, detention structures, and retention structures.

Dredging: Excavation by any means in any waterbody or wetland. Excavation or creation of a water body which is, or is to be connected to waters, directly or via excavated water bodies or a

series of excavated water bodies.

Dwelling: Any building or structure or part of a structure which is wholly or partly used or intended to be used for living or sleeping by one family.

Dwelling, Single Family: A structure consisting of a single family dwelling unit only, separated from other dwelling units by open space.

Easement: A right, not involving ownership of land, to use property for a specified purpose and/or cross property with facilities such as, but not limited to, access roads or driveways, utility lines or drainage facilities.

Family: One (1) or more persons related by blood, marriage or adoption, sharing living and cooking facilities as a single housekeeping unit, and in addition, no more than two (2) unrelated persons; alternatively, no more than four (4) unrelated persons living together as a single housekeeping unit.

Fence: A fabricated vertical physical barrier extending above grade and anchored below it, but not constructed as a freestanding wall.

Fill: Depositing of any materials by any means in any waterbody or wetland.

Flood or Flooding: A temporary partial or complete inundation of normally dry land from the overflow of lakes, rivers, or other water bodies, or from the unusual and rapid accumulation of runoff or surface waters from any source.

Flood Insurance Rate Map (FIRM): The official map issued by the Federal Emergency Management Agency showing both the Area of Special Flood Hazard and the risk premium zones within the city.

Flood Protection Elevation: The elevation of the base flood plus one (1) foot.

Floodway: The channel of a natural stream or river and portions of the floodplain adjoining the channel, which are reasonably required to carry and discharge the floodwater or flood flow of any natural stream or river.

Floor Area: The sum of the horizontal area of all floors of a building, measured from exterior walls or from the centerline of common walls separating adjoining buildings. Accessory buildings, garages and screen enclosures/porches are excluded from this definition.

Frontage: Pertaining to signs, the length of the property line of any one parcel along a street on which it borders.

Garage: A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers and/or boats of the occupants of the premises.

Grade: The natural elevation of the ground, when compared to abutting properties, or the grade established as minimum floor elevation by the flood insurance map published by the Federal Emergency Management Agency or, in extreme cases of varied elevations within the same site, grade shall be established by the Building Director.

Hazardous Substances: Materials or substances which, by reason of their toxic, caustic or corrosive, abrasive or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or using or otherwise coming into contact with such materials or substances.

Hazardous Waste: Solid waste, or a combination of solid wastes, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated or otherwise managed.

Home Occupation: Commercial activity carried out within a residential dwelling unit which is clearly incidental and secondary to the residential use and which does not alter the exterior of the property or affect the residential character of the neighborhood.

Impervious Surface: Impervious surfaces shall include all land paved with concrete or asphalt that is used for off-street parking, driveways, sidewalks, patios, and service areas.

Level of Service (LOS): An indicator of the extent or degree of service provided by, or proposed to be provided by a facility based on and related to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility.

Local Road: A roadway providing service which is of relatively low traffic volume, short average trip length or minimal through traffic movements, and high volume land access for abutting property.

Lot: A parcel of land established by plat or legal description properly recorded in the public records of Polk County.

Lot Coverage: The area of a site covered by buildings or roofed areas, excluding eaves, balconies, and other projections above the first story.

Lot Depth: Distance between the midpoints of the front and rear lot lines. On irregular lots for which there is no clear rear lot line, depth shall be measured as follows:

1. At a distance equal to 125 percent of the normal lot depth requirement for the applicable land use classification, draw a line parallel to the front setback line.
2. The length of this line, as measured from property boundaries on each end, must be at least 50 percent of the normal lot width requirement for the applicable land use classification.

Lot of Record: A lot which is part of a subdivision recorded in the office of the Clerk of the Circuit Court, or a lot parcel described by metes and bounds, the description of which has also been recorded.

Lot Line, Front: The lot line which abuts a street right-of-way. For corner lots, regardless of the standard side setback requirement of the applicable zoning district, the side street setback shall be equal to the front setback requirement of the adjacent interior lot.

Lot Line, Rear: The lot line which is the most opposite the front property line.

Lot Line, Side: All lot lines that are not front or rear lot lines.

Lot Width: The distance between side lot lines measured at the front setback line. In cases where side lot lines are not parallel because the lot fronts on a curved right-of-way, minimum width at road frontage shall be as follows:

1. Curved right-of-way: 75 percent of width requirement established by the applicable zoning district.
2. Subdivision cul-de-sac: 67 percent of width requirement established by the applicable zoning district.

Width at road frontage shall be measured along a straight line connecting the foremost points of side lot lines.

Lowest Floor: The lowest enclosed floor of a structure, including a basement, but not including the floor of an area enclosed only with insect screening or wood lattice as permitted by the flood damage prevention regulations in this Code.

Mean Sea Level: The average height of the sea for all stages of the tide. For purposes of this Section the term is synonymous with National Geodetic Vertical Datum (NGVD).

Mitigation: Any action, including but not limited to, restoration, enhancement, or creation of wetlands, required to be taken in order to offset environmental impacts of permitted activities.

Mobile Home: A preconstructed dwelling unit, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width, and which is built on a metal frame and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. If manufactured after June 15, 1976, each section must bear a U.S. Department of Housing and Urban Development label certifying that it is built in compliance with the federal Manufactured Home Construction and Safety Standards. Mobile homes shall be used for single-family residential purposes only and shall be licensed pursuant to Chapter 320, F.S. In the event a mobile home becomes ineligible for a title certificate under Chapter 319, F.S., it shall no longer be considered a mobile home.

Municipal Public Supply Well: Water well, whether publicly owned, privately owned, or owned in common by the residents of a development, which serves 15 or more service connections or at least 25 residents.

New Construction: Structures or substantial improvements for which the "start of construction" occurred on or after the effective date of this Code, and any alteration, repair, reconstruction or improvements to a structure which is in compliance with these flood damage prevention regulations.

Nonconforming Lot of Record: See Section 7.04.00(A) of this Code.

Nonconforming Structure: Structure which does not comply with current land use regulations relating to size, setbacks, or building design, but does meet those standards in effect at the time of construction. A nonconforming structure cannot be rebuilt, replaced or enlarged, except as provided in the land development regulations. The presence of a nonconforming structure on a parcel of land does not allow the reestablishment of a nonconforming use which has been abandoned or eliminated.

Nonconforming Use: Land use or activity which is prohibited under the current provisions of the Comprehensive Plan or land development regulations, but complied with those requirements in effect at the time it was established. Such uses may continue indefinitely, except where land development regulations require their elimination. In order to qualify as nonconforming, a use must have been continuous or have followed a regular seasonal pattern of activity without ceasing for a continuous period of longer than six months. Nonconforming uses shall not be expanded, enlarged or increased in any manner, except as provided in the land development regulations. Once a nonconforming use is abandoned or eliminated, associated land or structures shall be used only in accordance with the adopted Comprehensive Plan and current requirements of the land development regulations.

Open Space: Undeveloped lands suitable for passive recreation or conservation uses. The area may include swimming pools, tennis courts, any other facilities that the planning commission deems permissive. Streets, structures for habitation, parking lots, and the like shall be excluded.

Parcel of Land: Any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit or which has been used or developed as a unit.

Parking Space, Off-Street: For the purpose of this ordinance, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides; together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

Permitted Use: Use or activity allowed without special approvals within a zoning district, subject to setback standards and other specified requirements.

Potable Water: Water suitable for human consumption and which meets water quality standards determined by the Department of Health and Rehabilitative Services, provided through a public

system or by private well.

Potable Water Facilities: A system of structures designed to collect, treat, or distribute potable water, and includes water wells, treatment plants, reservoirs, and distribution mains.

Principal Structure: Structure housing or supporting the principal use on a parcel of property.

Principal Use: The major or primary use or activity occurring on a parcel of property, classified as a permitted use under the provisions of this Code.

Public Uses: Public parks, municipal buildings, and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

Recreation, Passive: Outdoor leisure activities that present minimal impacts to natural and built environments. Examples may include, walking, jogging, hiking, bird-watching, and picnicking.

Regulatory Floodway: The channel of a river or other watercourse and the adjacent land areas that must be unobstructed in order to discharge the base flood without increasing the water surface elevation of that flood more than one (1) foot at any point.

Right-of-Way: Land which the state, a county, or a municipality owns for purposes of transportation or distribution of utility service.

Sanitary Sewer Facilities: Structures or systems designed for the collection, transmission, treatment, or disposal of sewage and includes trunk mains, interceptors, treatment plants and disposal systems.

Satellite Dish Antenna: Parabolic or spherical antenna whose purpose is to receive and/or transmit audio and/or television signals to or from satellites.

Septic Tank: A watertight receptacle constructed to promote separation of solid and liquid components of wastewater, to provide limited digestion of organic matter, to store solids, and to allow clarified liquid to discharge for further treatment and disposal in a soil absorption system.

Setback: The minimum required distance between the property line and a structure, as measured from the nearest point of ground support (i.e., wall or vertical support pole). Roofs, terraces and other cantilevered projections may extend no more than three (3) feet into a required setback area.

Shoreline: All land or water which is on the lake side of the ordinary high-water line.

Significant Adverse Effect: Any modification, alteration, or effect upon a wetland protection or Wetland Transitional Zone which measurably reduces the Area's beneficial functions as delineated in the Conservation Element of the Highland Park Comprehensive Plan.

Sign: Any writing, pictorial presentation, number, illustration, or decoration, flag, banner or

pennant, or other device which is used to announce, direct attention to, identify, advertise or otherwise make anything known. The term sign shall not be deemed to include the terms "building" or "landscaping," or any architectural embellishment of a building not intended to communicate information.

Site Development Plan: A plan, drawn to scale by a licensed professional engineer, showing uses, structures and all other physical features proposed for a development site as required by the regulations involved. It includes lot lines, streets, building sites, parking spaces, walkways, reserved open spaces, easements, buildings, and major natural and man-made landscape features.

Start Of Construction: The date the construction permit was issued, provided the "actual start of construction" was within 180 days of the permit date. The "actual start of construction" means the first placement of permanent elements of a structure on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or of the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; installation of streets and/or walkways; excavation for a basement, footings, piers or foundations; erection of temporary forms; or the installation of accessory structures.

Stormwater: The flow of water which results from a rainfall event.

Structure: Anything constructed or installed which is rigidly and permanently attached to the ground or to another object which is rigidly and permanently attached to the ground. This shall include but not be limited to supporting walls, signs, screened or unscreened enclosures covered by a permanent roof, swimming pools, poles, and pipelines.

Structural Alteration: Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

Subdivision: Any tract or plot of land divided into two or more lots or parcels less than one acre in size for sale, lease or rent for residential, industrial or commercial use, regardless of whether the lots or parcels are described by reference to recorded plats, metes and bounds description, or by any other legal method.

Substantial Improvement: Any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during the life of a structure, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure. The market value of the structure is the appraised value of the structure prior to the start of the initial repair or improvement, or, in the case of damage, the value of the structure prior to the occurrence of the damage. For the purposes of this definition, "substantial improvement" occurs when the first alteration of any wall, ceiling, floor, or other structural part of the structure commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any improvement of a structure to comply with existing health, sanitary, or safety codes, or any alteration of a structure listed on the National Register of Historic Places, the Local Register of Historic Places, or a State Inventory of Historic Places, unless that alteration will cause the structure to lose its historical designation.

Swimming Pool: A receptacle for water, or an artificial pool of water having a depth at any point of more than two (2) feet, intended for the purpose of immersion or partial immersion therein of human beings, and including all appurtenant equipment.

25-Year Floodplain: Area subject to flooding in a 25-year storm event.

25-Year Frequency 24-Hour Duration Storm Event: A storm event and associated rainfall during a continuous 24-hour period that may be expected to occur once every 25 years. Its associated floodplain is that land which may be expected to be flooded during the storm event.

Water or Waters: Relative to wetlands, includes, but is not limited to, water on or beneath the surface of the ground or in the atmosphere, including natural or artificial watercourses, streams, rivers, lakes, ponds, or diffused surface water and water percolating, standing, or flowing beneath the surface of the ground.

Water Body: Any natural or artificial pond, lake, reservoir, or other area with a discernible shoreline which ordinarily or intermittently contains water.

Watercourse: Any natural or artificial channel, ditch, canal, stream, river, creek, waterway or wetland through which water flows in a definite direction, either continuously or intermittently, and which has a definite channel, bed, banks, or other discernible boundary.

Wetland Vegetation: Vegetation identified as wetland species in Rule 17-301.400 Florida Administrative Code.

Wetlands: Lands which are identified by being inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do or would support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The definition includes all contiguous and noncontiguous or isolated wetlands to waters, water bodies, and watercourses. Wetlands include, but are not limited to swamp hammocks, hardwood hybrid hammocks, riverian cypress, cypress ponds, bayheads, bogs, wet prairies and freshwater marshes. Dominant wetland vegetation shall be determined as provided in Rule 17-301.400, Florida Administrative Code.

Variance: A modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interests and where owing on conditions peculiar to the property and the application of the regulations would result in unnecessary and undue hardship.

Yard, Front: A yard extending between side lot lines across the front of a lot and from property line to the front of the principal building.

Yard, Rear: A yard extending between side lot lines across the rear of the principal building.

Yard, Side: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.