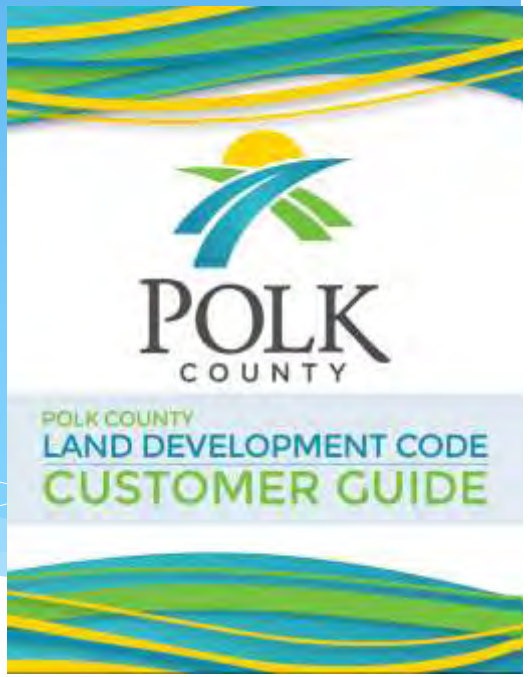
Land Development Code

Customer Guide

DEO Technical Assistance Grant



POLK COUNTY

DEO
FLORIDA DEPARTMENT of ECONOMIC OPPORTUNITY

Goal: Create a bilingual customer friendly, easy-to-use guide to the Polk County Land Development Code (LDC) with….

* stylized graphics and illustrations of planning and development terms that will be **suitably generic**, so they can be used by other jurisdictions;
* **hyperlinks** to the LDC, LDC chapters and key sections or tables, e.g., Table 2.1 Use Table for Standard Land Use Districts;
* a simple **format that focuses on key customer questions** such as "what can I do with my property?", "what is the process for project approval?", "how do I need to construct my project?", and "how do I bring my property into compliance with the LDC?";
* English and Spanish versions of the guide; and
* a format suitable for publication in a variety of print and digital media.

Process

1. Form focus group of common users
2. Identify most commonly used sections of the code
3. Break-down the text into plain terms
4. Identify what transcends to pictures
5. Prepare sketches
6. Present them to Focus Group for Comments
7. Revise
8. Sketches redrawn by professional artists
9. Present them to Focus Group for Comments
10. Revise (if artists are accommodating)
11. Translate text to Spanish.

Focus Group Participants

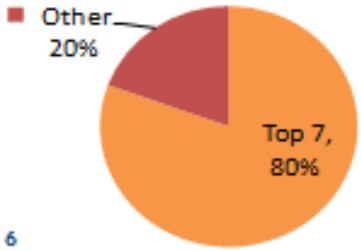
* **Planning and Engineering Consultants** *(they have to work in multiple jurisdictions)*
* **Code Enforcement Staff** *(they have to explain the regulations more than anyone)*
* **Communications Staff** *(they are good at this sort of thing)*
* **Customer Service Staff** *(they have to explain the regulations too)*
* **Non-planners doing Development Review**
* **Residents**

Identify
Most Commonly Used Sections

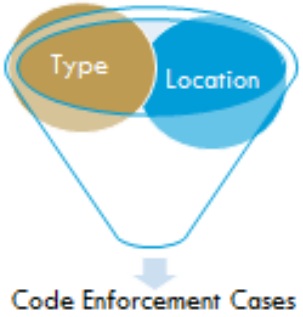
Code Enforcement tracks code violations. A customer guide should address these first, because the many residents appear to be unaware of them.

Most Common Code Violations

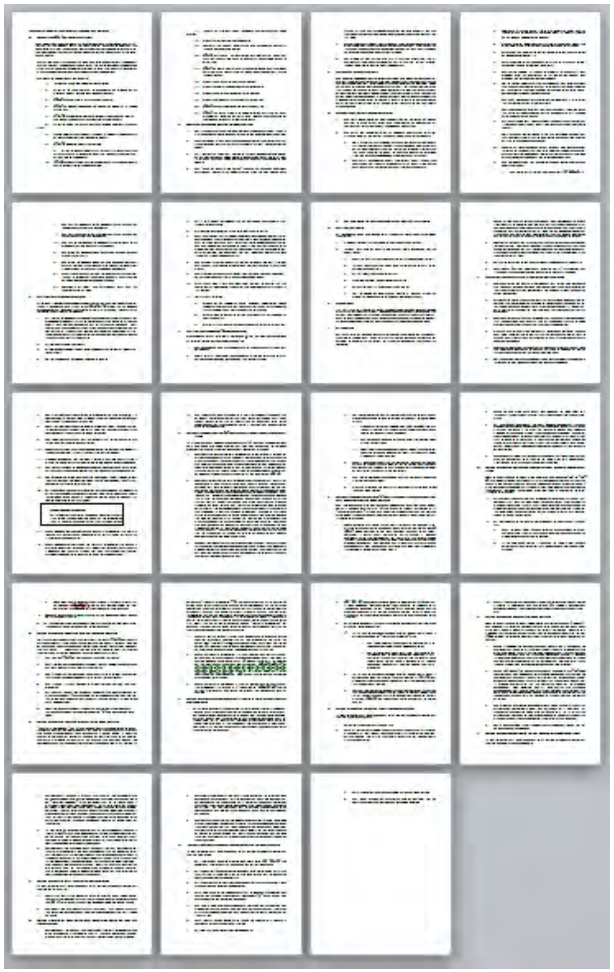
1. Overgrowth
2. Junk/Outside Storage
3. Distressed/Abandoned Vehicles
4. Minimum Housing (SMO)
5. Building without Permits
6. Organic Debris
7. Boats, Sports Vehicles, Occupied RV's
8. Land Use
9. Commercial Vehicle parking
10. Signs
11. Pool Barrier / Stagnant Water
12. Setback Violations
13. Farm Animals
14. Occupied Accessory Structure
15. Prohibited Accessory Structure
15. Yard Sales
16. Shipping Containers
17. Miscellaneous



The 7 top violations account for 80% of the total. These 7 drive today's workload.

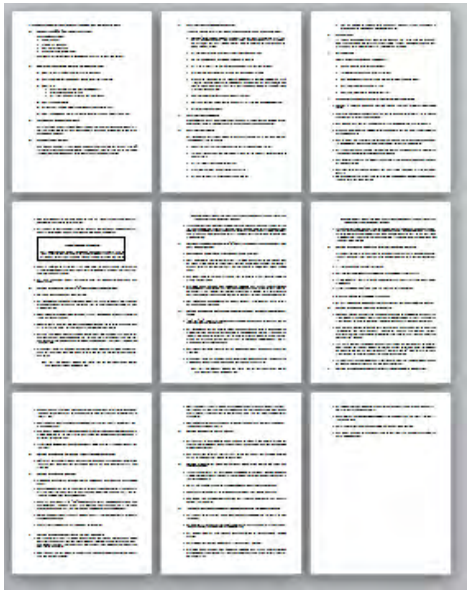


Breaking Down Code



Turn This

Into This



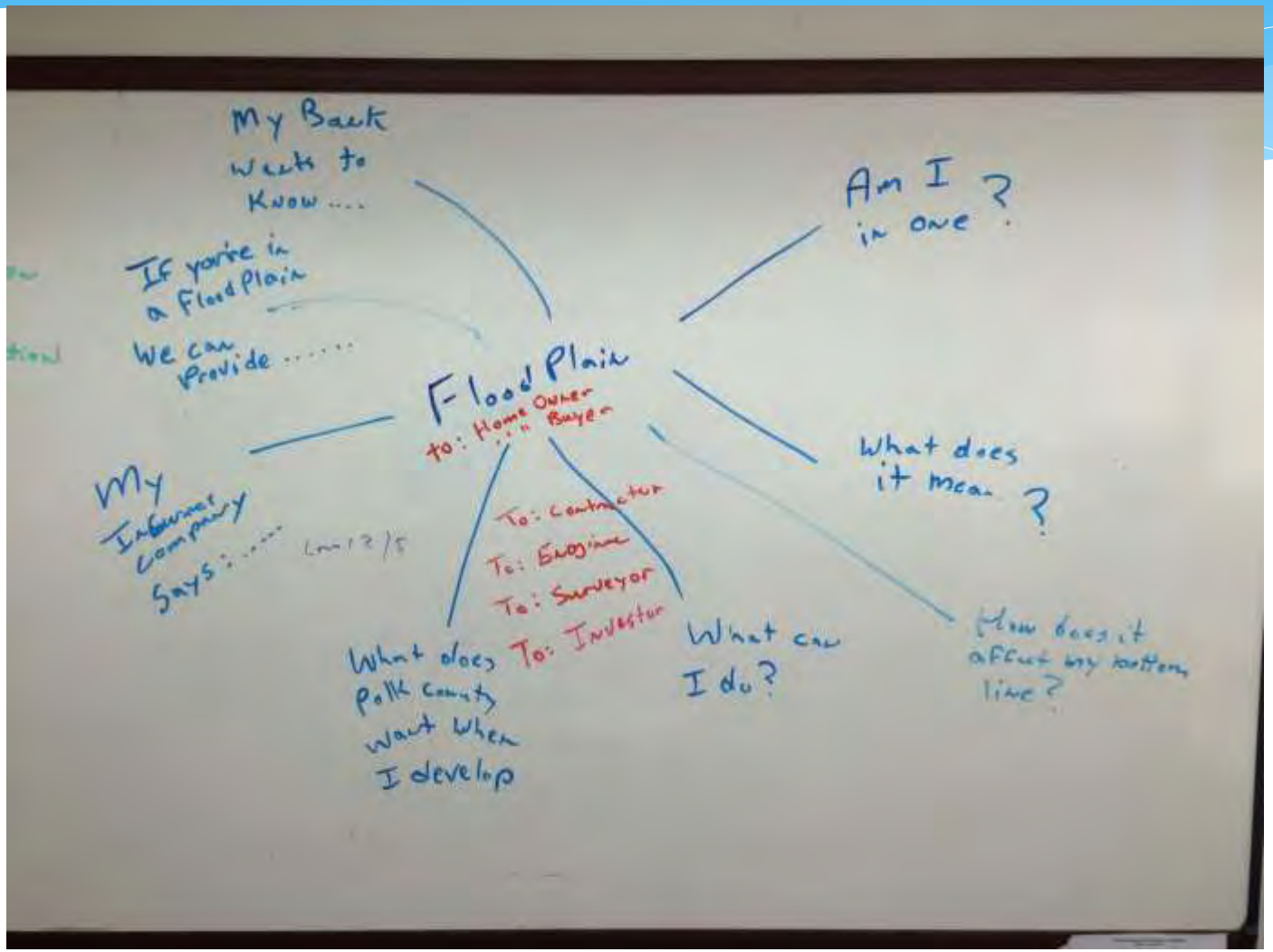
Breaking Down Code

K. ***Specific Standards for Numbered "A" Zone Flood Hazard Areas (AE)***

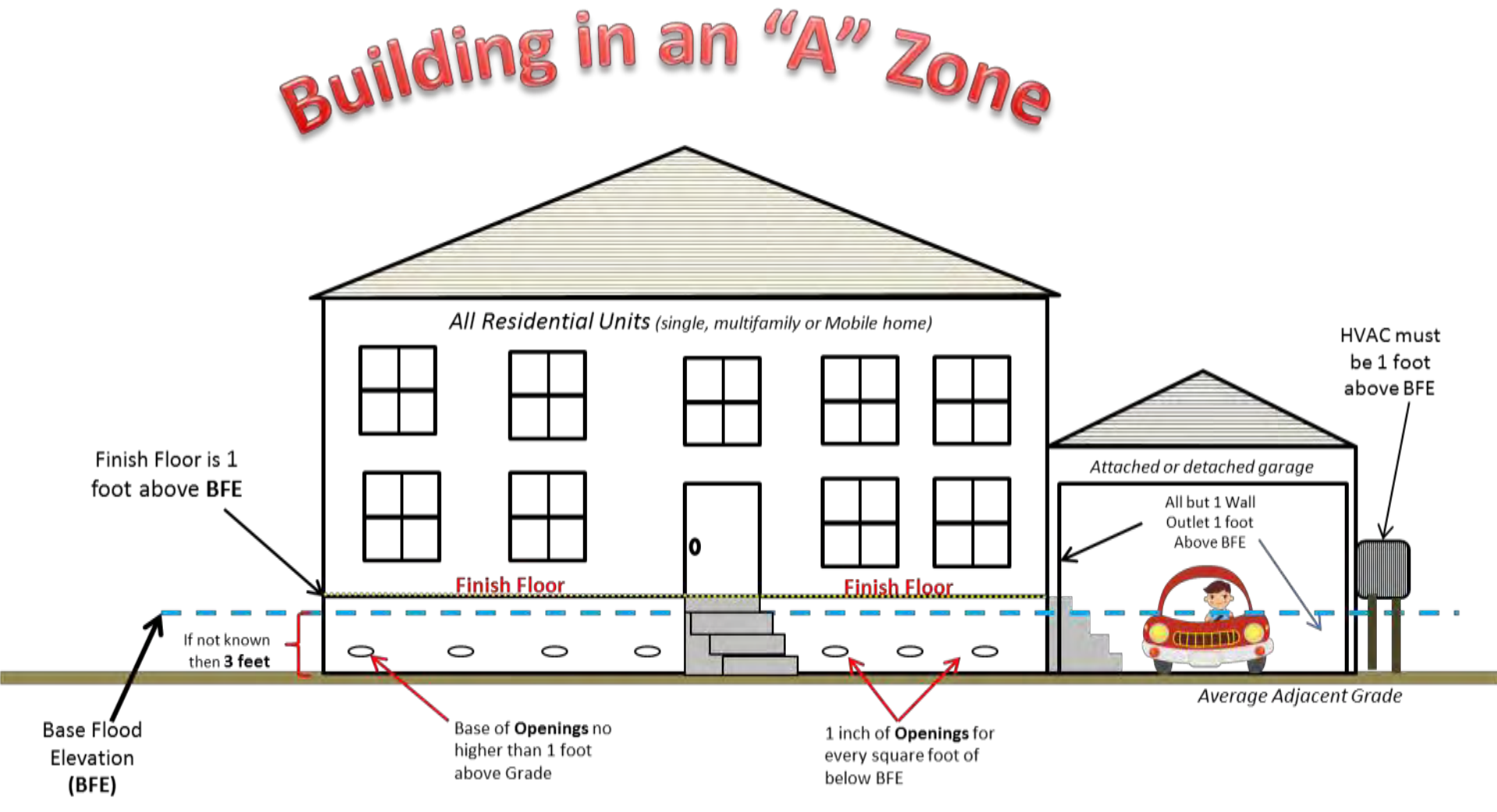
- AE zones have known base flood elevations.
- All development including manufactured homes shall have the lowest floor, and every piece of mechanical or electrical equipment, shall be elevated **one foot** above the Base Flood Elevation.
- Openings on solid foundation perimeter walls shall allow flood waters to pass through the same as elevated structures.
- Non-residential buildings located may be flood proofed in lieu of being elevated as long as all utilities are water tight and substantially impermeable to flooding
- Garages and loading docks may go below the base flood elevation if an architect or engineer certifies required openings are installed and all mechanical and electrical equipment is elevated above the Base Flood Elevation. **One outlet** may be allowed below the base flood.
- Elevated buildings that include fully enclosed areas below the Base Flood Elevation shall have no living space and flood waters to enter and exit. An engineer or architect must certify that:
    - At least **two openings** provide **one square inch** for every **one square foot** of enclosed area subject to flooding; and,
    - The bottom of all openings is no higher than **one foot** above highest adjacent grade (openings may be screened or louvered).
- If an enclosed area below the base flood is for parking of vehicles access shall be limited to a garage door, but if for just storage or access to upper floor only a standard exterior door or elevator door may be used. The enclosed area shall not be partitioned into rooms and all electrical, plumbing, and other utility connections are prohibited below the base flood elevation.

Highlight Measurements

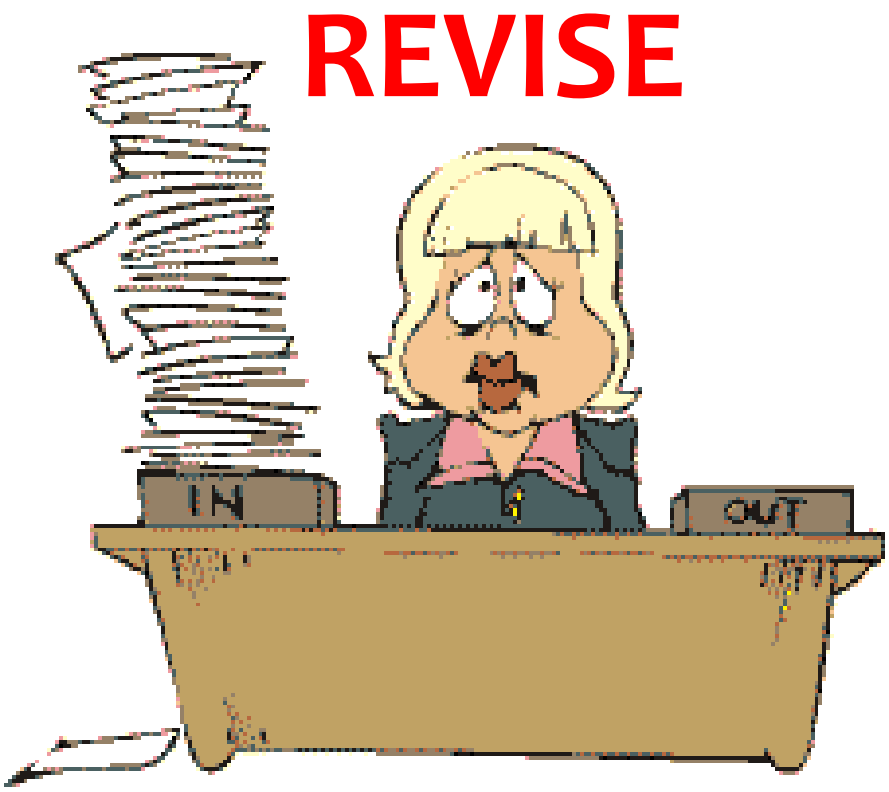
Comprise Questions



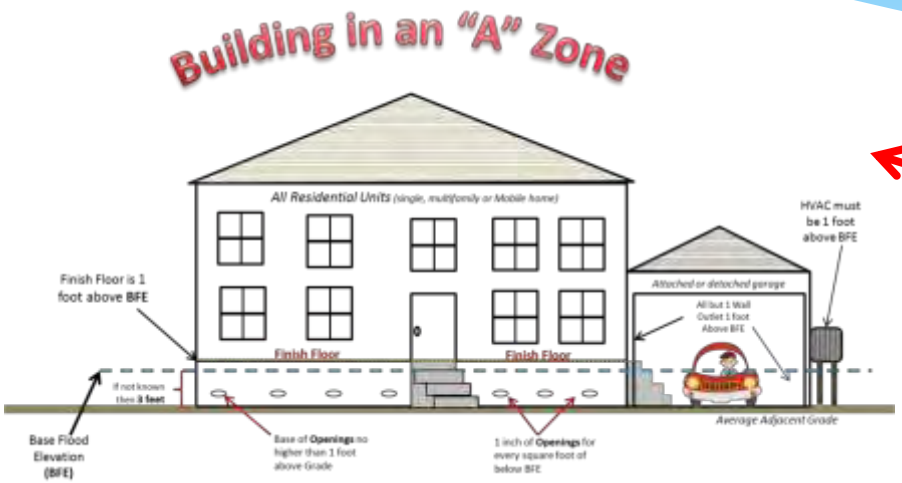
Sketch Them Out



Present to Focus Group Members



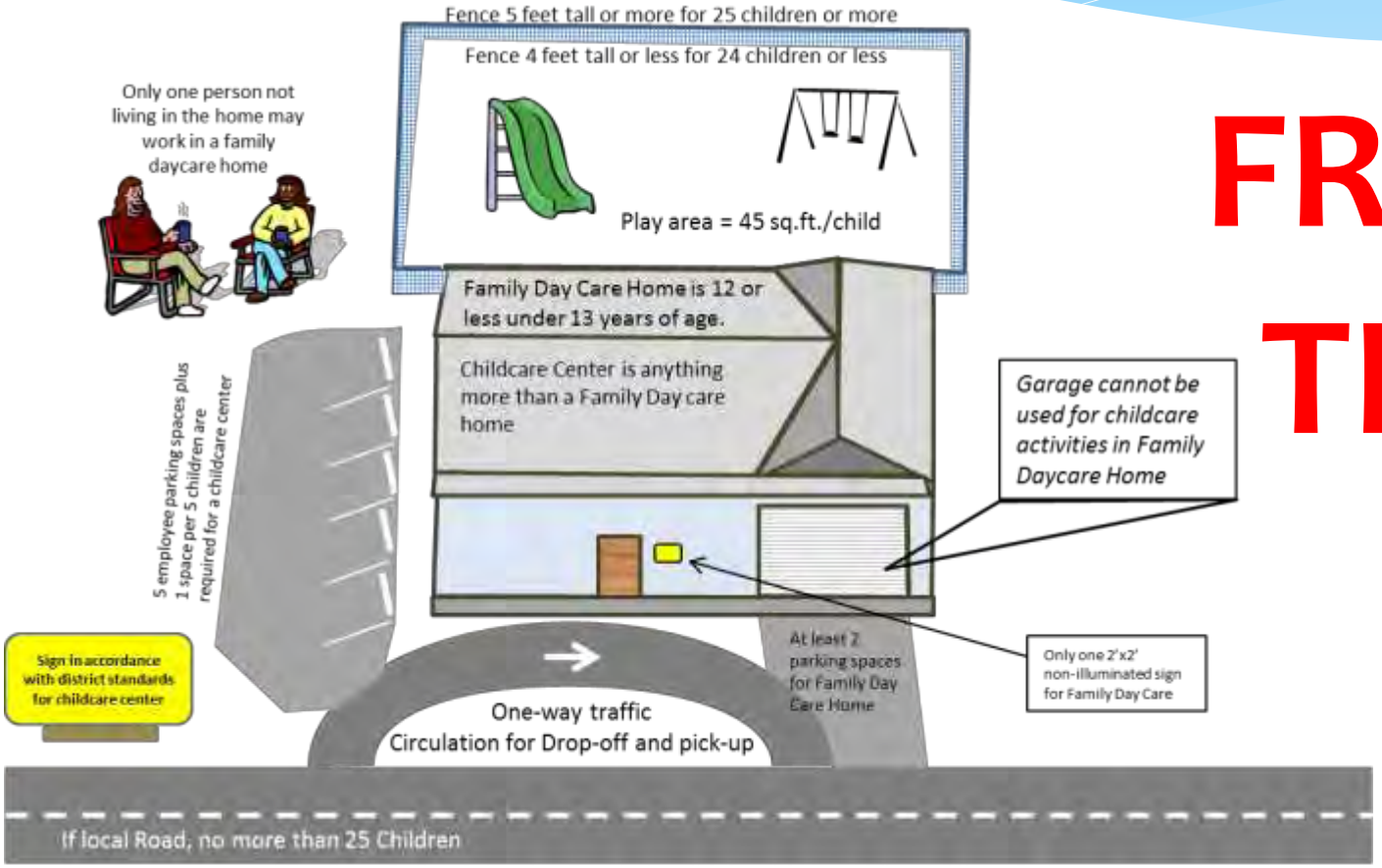
Have Artists Work Magic



Go From This

To This

More Magic



FROM THIS

TO THIS

Family Daycare Home Requirements
Section 206

Less than 12 children under age 12, including children related to caregiver

- Permitted in all residential land use districts
- Must comply with Florida Department of Children and Family Services
- Must not alter exterior of the dwelling unit
- Confined to interior of dwelling
- Garage or other storage area shall not be utilized for child care activities
- Only <u>one</u> person who is not a family member, not residing in home is allowed to assist with the operations of home daycare
- Sufficient off street parking

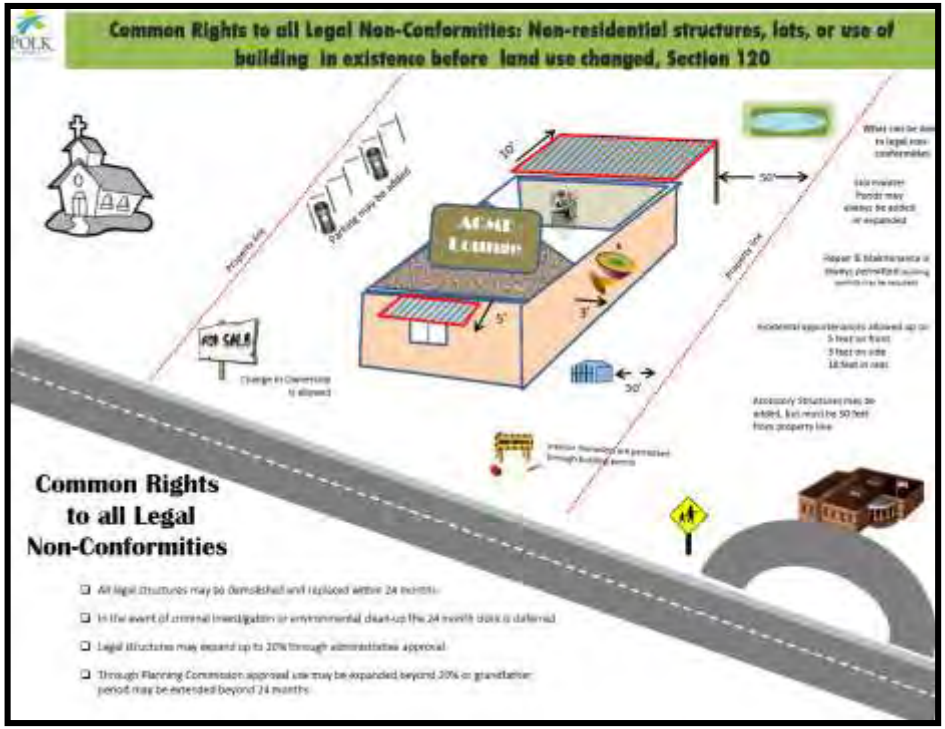
Childcare Center
Section 303

More than 12 children

- More than 25 children shall not have access to a local residential street
- 45 square feet of usable , safe outdoor play area per child, minimum play area = 45 square feet for ½ capacity of childcare center
- Four feet minimum fence height for under 25 kids
- Five feet minimum fence height for more than 25 kids
- NB: Religious Institutions childcare center allows a maximum of 100 children

AFTER

BEFORE



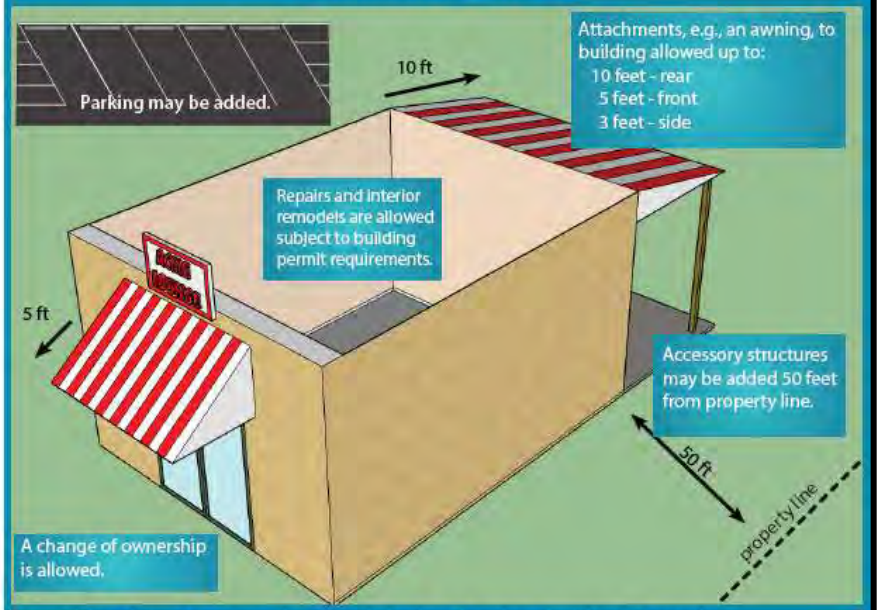
LEGAL NON-CONFORMING USES, STRUCTURES AND LOTS

Commonly referred to as "Grandfathered Rights"

A legal non-conforming use (or structure or lot) is a use of land that was lawful when it was established. However, it would be prohibited or restricted today due to the subsequent adoption of the Polk County Comprehensive Plan or regulations under the Land Development Code. Therefore, it is considered to be non-conforming.

While the Code encourages these uses to come into compliance with today's regulations, it does allow these uses to continue and to be put to productive use. These rights are commonly referred to as "grandfathered rights." Here are some rights extended to all legal non-conformities.

Common Rights



- All legal structures may be demolished and replaced within 24 months.
- Legal structures may expand up to 20% through administrative approval.
- Through Planning Commission approval:
  - Use may be expanded more than 20%
  - Use may be given permanent recognition subject to conditions of approval

BEFORE

Polk County Temporary Uses Requirements, Section 207

Special Events
14 total days per year

- ✓ Application and Site Plan Required
- ✓ 15 day review
- ✓ Performance Bond Required
- ✓ One Sign 32 sq.ft, 8 ft. high, 5 feet from property line
- ✓ Only allowed in non-residential districts and A/RR

For the Organization

Meeting Places
30 total days per year

Garage/Yard Sales

- ✓ Up to 4 times per year
- ✓ 3 days each time
- ✓ No application requirements
- ✓ One sign 4 sq.ft., 3½ ft. tall, 5 feet off the property line

For the Home

- ✓ Application and Site Plan Required
- ✓ One Sign 32 sq.ft, 8 ft. high, 5 feet from property line
- ✓ Only allowed in non-residential districts and A/RR

Retail Stands

60 total days per year

Food or Produce Stands

6 Months, Twice per year

For the Business

Vehicle Sales

- ❖ Limited to CAC, RAC, IAC, HIC, TCC, LCC & L/R
- ❖ 4 times per year
- ❖ 4 days each

Temporary Mobile Home for Medical Hardship

- ✓ Requires BOA approval
- ✓ Minimum lot size 12,500 square feet
- ✓ Minimum lot width 50 feet in width.
- ✓ Not in the front yard
- ✓ Requires letter from an attending physician stating continuous care and supervision is required
- ✓ Valid for one year, renewal required

For Difficult Times

Temporary Emergency Shelter

- ✓ Dwelling unit has been rendered uninhabitable by a calamity
- ✓ During the reconstruction, repair, or renovation of the permanent dwelling
- ✓ Shall not exceed 90 consecutive days
- ✓ Extensions may be approved by the Building Division Director
- ✓ In no instance exceed nine consecutive months.

For the Builder

Model Homes and Temporary Sales Offices

- ✓5 units or 10% of the Subdivision
- ✓One may be a sales office
- ✓Roadbase and fire hydrants required before Certificate of Occupancy (CO)
- ✓One sign per unit 4 sq.ft., 3½ ft. tall, 5 feet off the property line

Road Construction Materials/ Equipment

- ✓For licensed contractors
- ✓30 days prior to permit
- ✓Removed 30 days after Completion
- ✓Materials cant be stored in a wetland

Construction Trailers/Offices

- ✓For licensed contractors
- ✓Same property as construction
- ✓30 days prior to permit
- ✓Removed 30 days after CO
- ✓May not be used for living quarters

AFTER

TEMPORARY USES

The Code allows some activities or uses to be conducted on a temporary basis. Temporary uses are defined as those types of activities that are not regularly conducted from a permanent structure or location, and are conducted for only a short period of time. Here is some information on some common temporary uses.

Garage or Yard Sales:

- Up to four times per year
- Three days each time
- No application needed

Allowed 14 Total Days Per Year

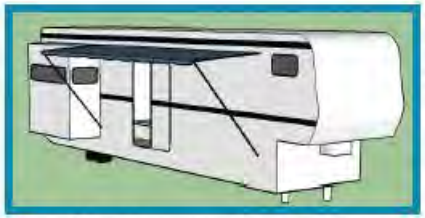
- Application and site plan required
- Performance bond may be required
- Only allowed in non-residential land use districts and A/RR
- 15 day review of application

Temporary Mobile Home for Medical Hardships

- Requires letter from doctor and approval by Board of Adjustment
- Valid for one year, renewal required application needed
- Not allowed in front yard

Minimum lot size = 12,500 square feet
Minimum lot width = 50 feet

TEMPORARY USES



Temporary Emergency Shelter

When a permanent residential dwelling unit has been rendered uninhabitable by a calamity, an emergency shelter (mobile home or recreational vehicle) may be temporarily occupied on the same property during the reconstruction, repair or renovation of the permanent dwelling, subject to a Level 1 Review.

Allowed for 90 consecutive days. Time period may be extended by Building Director but cannot exceed 9 months.

Model Homes and Temporary Sales Offices

Model homes and temporary sales offices may be permitted within residential subdivisions for the sale of lots or homes.

- Maximum of 5 model homes or 10% of subdivision whichever is greater
- One may be sales office
- Stabilized roadbase and fire protection needed before opening of model home

Permitted on a temporary basis in all districts for licensed contractors:

Construction Trailers/Offices

- Located on same property as construction project
- May not be used as living quarters

Road Construction Material/Equipment

- Material may not be stored in a wetland

Allowed 30 days before and after a construction project

SPANISH

USOS TEMPOREROS

El código permite algunas actividades o usos temporeros. Usos temporeros son esas actividades que no son hechas regularmente en una estructura permanente o localidad, y se llevan a cabo solamente por un tiempo corto. Usos temporeros incluyen los siguientes usos:

Garage or Yard Sales:

- Hasta cuatro veces por año
- Tres días cada vez
- No se necesita aplicar

Permitido por 14 días en total por año

- Requieren aplicación y plan
- Fianza de cumplimiento puede ser necesaria
- Solamente permitidas en distrito de tierra no-residencial y A/RR
- Revisión de aplicación 15 días

Casa Tipo Trailer Temporera por Problemás Médicos

- Necesita carta de doctor y aprobación por el Board of Adjustment
- Válido por un año, necesita aplicar para renovar el permiso
- No es permitido al frente de la casa

Ancho mínimo de terreno: 50 pies

Ancho mínimo de terreno: 50 pies

USOS TEMPOREROS

Albergue temporero de emergencia

Cuando una vivienda permanente ha sido clasificada inhabitable por una calamidad, un albergue de emergencia (casa tipo "tráiler" o casa rodante) pueden ser utilizado temporeramente en la misma propiedad durante la construcción, reparación, o renovación de la vivienda permanente con un Nivel 1 de reviso.

Puede ser utilizado por 90 días consecutivos. Más tiempo puede ser aprobado por el Director de Edificios, pero no puede sobrepasar 9 meses.

Casas Modelo y Oficinas de Ventas Temporarias

Casas modelo y oficinas de ventas temporeras pueden ser permitidas adentro de urbanizaciones para la venta de terrenos o casas.

- Máximo 5 casas modelo o 10% de la urbanización, use el número mayor
- Una puede ser la casa de ventas
- Antes de abrir la casa de ventas, la calle debe ser estabilizada y con protección contra fuego

Permitidas para uso temporeros en todos los distritos para contratistas con licencia:

Trailers de Oficinas de Construcción

- Situadas en las misma propiedad donde la nueva casa va a ser construida
- No pueden ser utilizadas como viviendas

Material y Equipo de Construcción de Carreteras

- Material no puede ser almacenado en áreas designadas como pantano

Permitido 30 días antes y después de un proyecto de construcción.

Home Occupations, Section 206 E

All home occupation practitioners shall obtain an occupational license from the Polk County Tax Collector's Office.

HOME OCCUPATION: An occupation carried on in a dwelling unit by the resident thereof; provided that the use is limited in extent and incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character thereof.

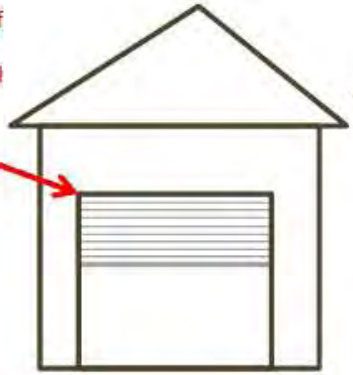
Examples of Home Occupations

- Activities conducted principally by telephone, computer, facsimile, or mail,
- Studios where handicrafts or objects-of-art are produced.
- Teaching and tutoring instruction of no more than four pupils at a time.
- Dressmaking or apparel alterations.
- Barber and beauty shop (one chair).

NO!

- Display of merchandise
- Outside storage of equipment or materials,
- Changes to external appearance (principal, accessory, or property)
- Noise, vibration, glare, fumes, electromagnetic interference, odors or air pollution.
- Hazardous materials, other than substances of a type and quantity customarily associated with a home or hobby,

Requires Planning Commission Approval if located in anything other than the principal structure



The home occupation shall be clearly incidental and secondary to the property's use for residential purposes.

Must be a bona fide residence of the home occupation practitioner

Please review Home Owners Association rules, deed restriction, and housing covenants before beginning a Home Occupation.

2 sq.ft. non-illuminated identification sign

Only 25% of the gross habitable floor space

No more than five (5) visitors/customers per day on an annual average

In addition to the residents of the home, One person who does not reside on the premises may be employed in the operation of a home occupation.

Uses Not Permitted as Home Occupations

- Adult entertainment,
- Automotive service and repair,
- Bed and breakfast,
- Eating and drinking establishments,
- Kennels,
- Manufacturing,
- Tanning Salons, tattoo parlors, massage parlors.
- Commercial sales or leasing of vehicles; and,
- Any use that requires a Building Code upgrade (i.e., from residential standards to commercial standards) to accommodate the home occupation.

HOME OCCUPATIONS

Section 206 E

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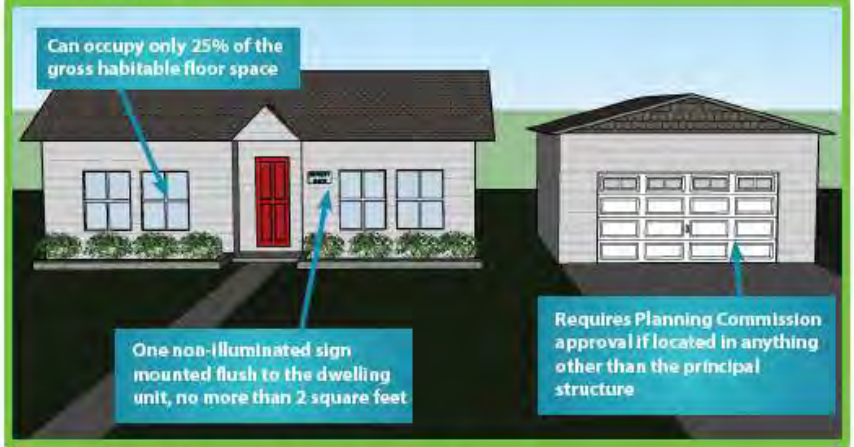

EXAMPLES OF HOME OCCUPATIONS:

- Activities conducted principally by telephone, computer, facsimile, or mail.
- Studios where handicrafts or objects-of-art are produced.
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- Dressmaking or apparel alterations.
- Barber and beauty shop (one chair).

PLEASE NOTE:

- The home occupation shall be clearly incidental and secondary to the property's use for residential purposes.
- Must be a bona fide residence of the home occupation practitioner.
- In addition to the residents of the home, one person who does not reside on the premises may be employed in the operation of a home occupation.
- No more than five visitors/customers per day on an annual average

HOME OCCUPATIONS

All home occupation practitioners shall obtain an occupational license from the Polk County Tax Collector's Office.

Please review Home Owners Association rules, deed restriction, and housing covenants before beginning a Home Occupation.

USES NOT PERMITTED AS HOME OCCUPATIONS

- Adult entertainment
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- Bed and breakfast
- Eating and drinking establishments
- Kennels
- Manufacturing
- Tanning Salons, tattoo parlors or massage parlors
- Commercial sales or leasing of vehicles
- Any use that requires a Building Code upgrade (i.e., from residential standards to commercial standards) to accommodate the home occupation.

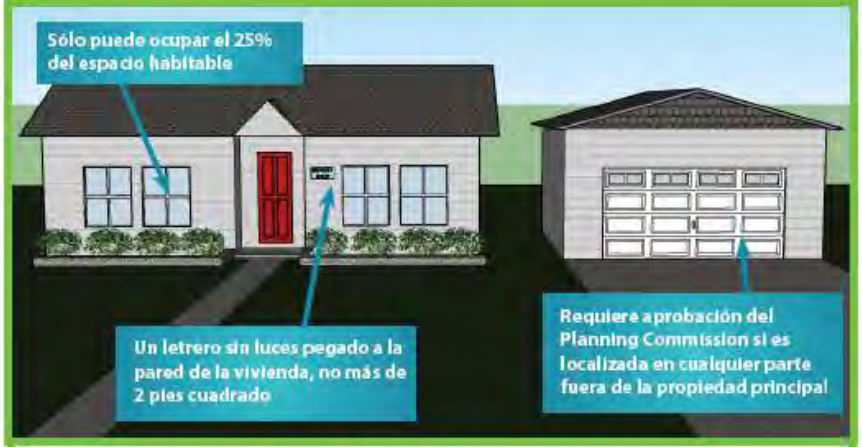
ADDITIONAL NOTES

- No display of merchandise
- No outside storage of equipment or materials
- No changes to external appearance (principal, accessory, or property)
- No noise, vibration, glare, fumes, electromagnetic interference, odors or air pollution
- No hazardous materials, other than substances of a type and quantity customarily associated with a home or hobby

OFICIOS DEL HOGAR

Seccion 206 E

OFICIOS DESDE EL HOGAR: Un oficio hecho desde una vivienda por su residente; el uso debe ser limitado e incidental y secundario al uso de la unidad de vivienda con el propósito residencial, sin cambiar su carácter.



EJEMPLOS DE OFICIOS DEL HOGAR:

- Actividades hechas principalmente por teléfono, computadora, facsímile o correo.
- Estudio donde se preparan manualidades u objetos de arte.
- Instrucción escolar o tutorías de no más de cuatro alumnos.
- Costura o reparaciones de tela.
- Barbero y salón de belleza (una silla).

POR FAVOR PRESTE ATENCION:

- El oficio en el hogar debe ser claramente incidental y secundario al uso principal de la propiedad de vivienda.
- Tiene que ser la vivienda legal del trabajador.
- Además de la gente que vive en el hogar, una persona que no se hospeda en la residencia puede trabajar en el negocio.
- No más de cinco visitantes/clientes por día por promedio en un año.

OFICIOS DEL HOGAR

Toda persona que ejerce una profesión desde su hogar tiene que obtener una licencia ocupacional de la Oficina de Impuestos del Condado de Polk.

Por favor revise las reglas de la Asociación de Propietarios, restricciones de la escritura, y pacto de vivienda antes de empezar un oficio desde el hogar.

USOS NO PERMITIDOS COMO OFICIOS DESDE EL HOGAR

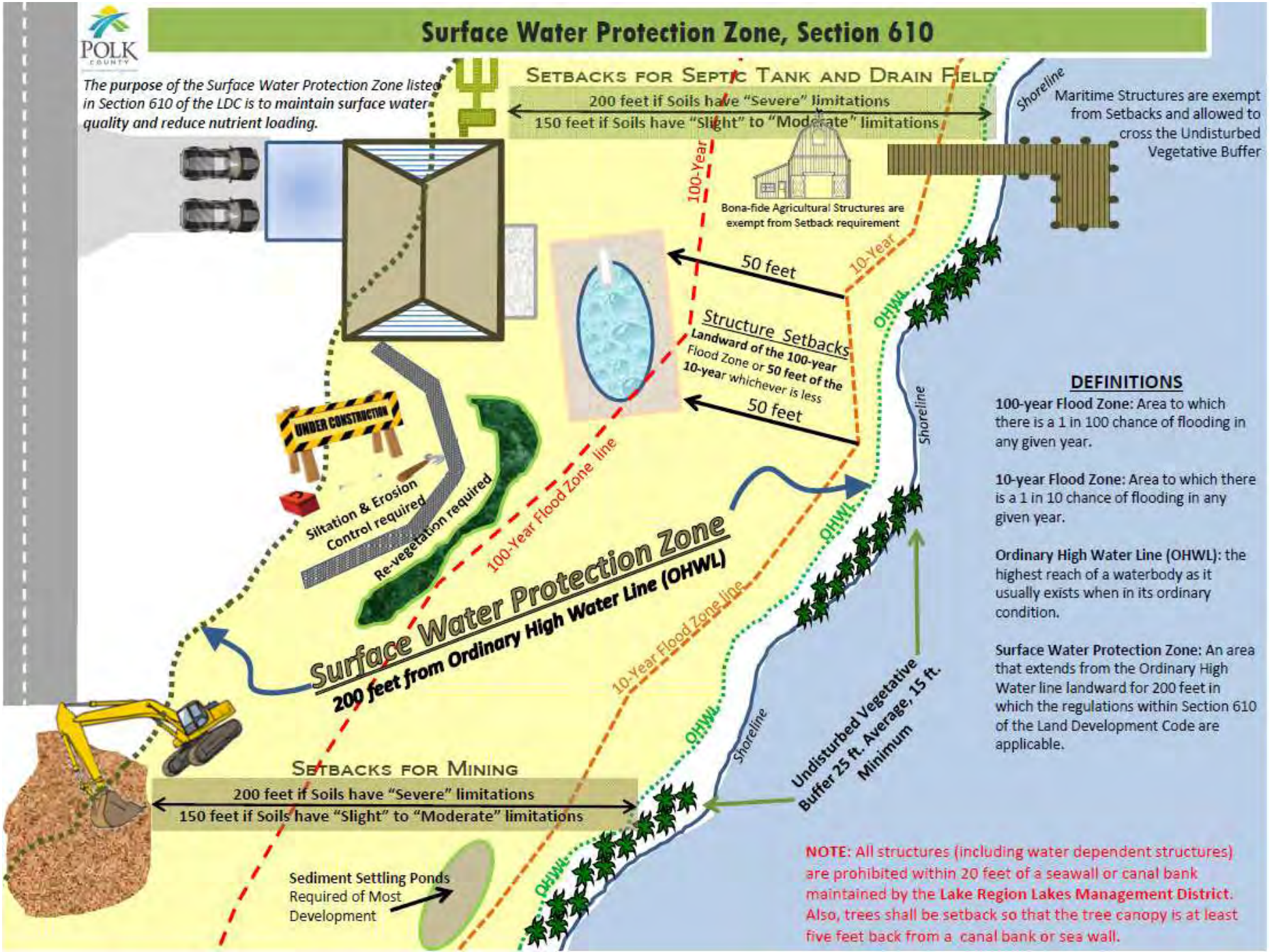
- Entretenimiento para Adultos
- Servicio y Reparación de Autos
- Paradores
- Establecimientos de Comida y Bebida
- Hospedaje para Animales
- Fabricación
- Salones de Tomar Sol, Salones de Tatuajes, o Salones de Masaje
- Ventas Comerciales o Alquileres de Autos
- Cualquier uso que requiere una mejora al Código de Construcción (por ejemplo, de estándares residencial a estándares comerciales) para poder trabajar desde el hogar.

NOTAS ADICIONALES

- Sin exhibición de mercancía
- No se puede guardar equipo o materiales al aire libre
- Sin cambios a la fachada exterior (estructura principal, accesoria o propiedad)
- No ruidos, vibraciones, alumbres, humos, interferencia electromagnética, olores o contaminación al aire
- Sin materiales peligrosos, otro que substancias de tipo y cantidad conocidas comúnmente con un hogar o un pasatiempo.

Surface Water Protection Zone, Section 610

The purpose of the Surface Water Protection Zone listed in Section 610 of the LDC is to maintain surface water quality and reduce nutrient loading.



DEFINITIONS

100-year Flood Zone: Area to which there is a 1 in 100 chance of flooding in any given year.

10-year Flood Zone: Area to which there is a 1 in 10 chance of flooding in any given year.

Ordinary High Water Line (OHWL): the highest reach of a waterbody as it usually exists when in its ordinary condition.

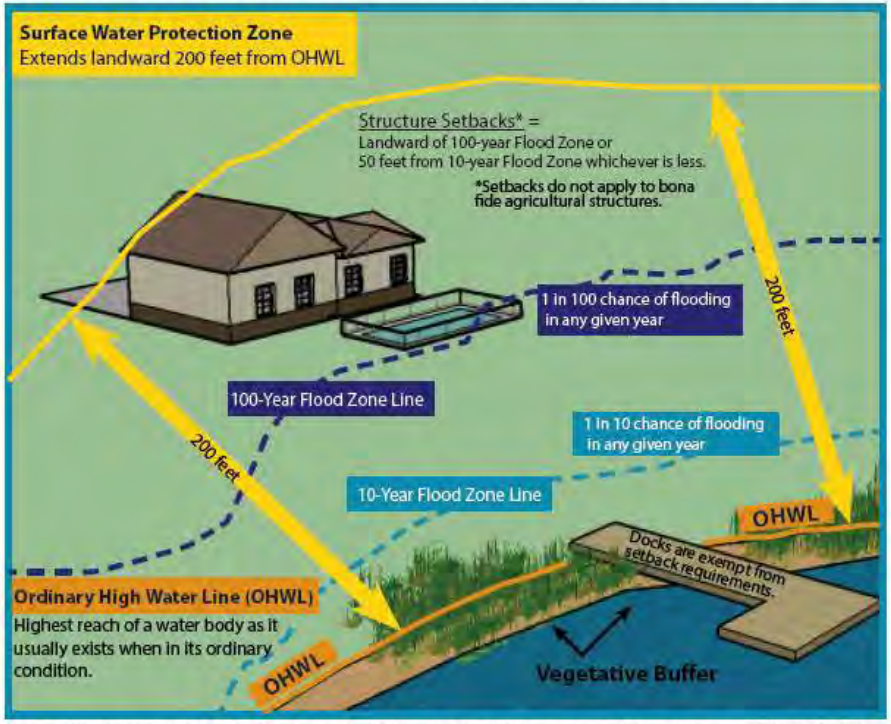
Surface Water Protection Zone: An area that extends from the Ordinary High Water line landward for 200 feet in which the regulations within Section 610 of the Land Development Code are applicable.

NOTE: All structures (including water dependent structures) are prohibited within 20 feet of a seawall or canal bank maintained by the **Lake Region Lakes Management District**. Also, trees shall be setback so that the tree canopy is at least five feet back from a canal bank or sea wall.

English to Spanish

SURFACE WATER PROTECTION ZONE

To maintain water quality and reduce nutrient loading in lakes and watercourses, the LDC establishes a Surface Water Protection Zone. New structures, on-site sewage disposal systems and mines are required to be set back a reasonable distance from surface waters and provide additional stormwater treatment.

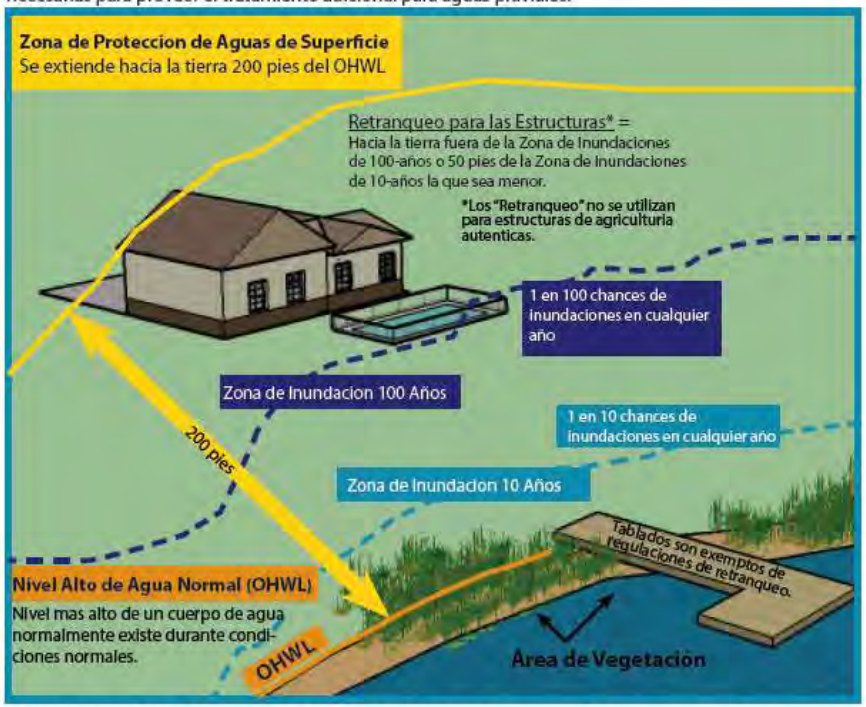


An undisturbed **vegetative buffer** is required adjacent to surface waters with an average width of 25 feet and a minimum width of 15 feet as measured perpendicularly from the OHWL or the jurisdictional wetland line, whichever is greater. This buffer is required for protection of wildlife and stormwater treatment.

	Minimum Setback from Ordinary High Water Line (OHWL)	
	Soils with Slight or Moderate Limitations	Soils with Severe Limitations
Septic Tank & Drain Field	150'	200'
Mining	150'	200'

ZONA DE PROTECCION DE AGUAS DE SUPERFICIE

Para mantener la calidad y reducir las cargas de nutrientes en lagos y cursos de agua, el CDT ha establecido una zona de protección de aguas de superficie. Una distancia razonable para separar cuerpos de agua de estructuras nuevas, sistemas privados de tratamientos para aguas residuales y minas son necesarias para proveer el tratamiento adicional para aguas pluviales.



Se requiere una **área de vegetación** sin disturbo al lado de aguas superficiales con una anchura promedia d 25 pies y una anchura minima de 15 pies medido perpendicularmente del OHWL o de la línea jurisdiccional del humedal, cuál de las dos más grandes. Esta área es requerida para la protección de la vida salvaje y las aguas pluviales.

	Retranqueo Minimo Del Nivel Alto De Agua Normal (OHWL)	
	Suelos con Pocas Limitaciones o Moderadas	Suelos con Limitaciones Grandes
Sistema Septico y Campo de Drenaje	150'	200'
Mineria	150'	200'

More than Just Planning & Zoning

WHEN DO I NEED A PERMIT?

EXAMPLES:

Please note that these examples are not all inclusive. If you have questions on the requirements for a permit, call the Polk County Building Division at (863)534-6080.

Permit Required:

Air Conditioning

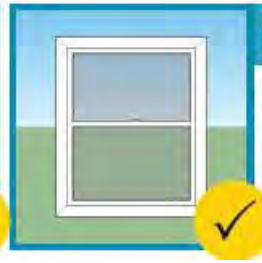
Installation of an air conditioning unit or changing the existing unit

Water Heater

Installation or replacement of any water heater

Electrical

Changing or adding electrical outlets or circuits, changing out or adding loads to the electrical panel, wiring new equipment or appliances



Window and Door Replacements

Permit is required for the replacement of windows and exterior doors including glass doors and garage doors

WHEN DO I NEED A PERMIT?

Mobile Home Set-Ups

Mobile home and park trailer set-ups: owners of a mobile home or park trailer situated on a rented lot will not be able to permit additions as owner builders without notarized landowner consent

Masonry Walls

All masonry walls and fences with masonry pilasters - all solid fences over eight feet high

Storage Sheds

Pre-manufactured storage buildings

Tents

Tents 201 square feet or larger for public assembly or use or having electrical lighting

More than Just Planning & Zoning

¿CUANDO NECESITO UN PERMISO?

EJEMPLOS:

Por favor, entienda que estos ejemplos no son completamente inclusivos. Si usted tiene preguntas sobre los requirimientos para un permiso, por favor llamar a Polk County Building Division at (863)534-6080.

✓ Requieren Permiso:

Aire Acondicionado

Instalacion de unidad de aire acondicionado o cambio de unidad existente

Calentador de Agua

Instalacion o re-emplazo de cualquier calentador de agua

Electricidad

Cambio o anadimiento de "enchufes" de electricidad o cambio/agrandar la capacidad del panel electrico, cable para nevo equipo o enseres electricos

Cambio de Puertas y Ventanas

Un permiso es requiredo para el re-emplazo de ventanas y puertas exteriores incluyendo puertas de cristal y puertas de garage.

¿CUANDO NECESITO UN PERMISO?

Instalacion para Casa de "trailer"

Casa tipo "trailer" y Parque de "trailers": dueños de mobile homes y parques situados en un local rentado no pueden applicar para permisos de ampliación como dueños constructores sin el consentimiento notarizado de el dueño del local.

Paredes de Bloques

Todas las parades de bloques y verjas con columnas de bloques – todas las verjas solidas sobre ocho pies de alto.

Casitas de Almacen

Edificio pre-manefacturado de almacenamiento

Carpa/Toldo

Carpas de 201 pies cuadrado o mayor para asambleas publicas o uso o si tienen luces de electricidad

The project has only begun…..

Complete Streets

Standard Urban Section on a Local Road

Land Division: When and Why to Plat

Platting is required to:

- To provide for the **orderly division** of land;
- To provide a **complete** and continent historical **record** of the land division and its essential development requirements including but not limited to easements, covenants, dedications, etc.;
- To provide greater **precision** of measurements and location of property boundaries;
- To ensure complete and concise identification of **legal access** to the public roadway network;
- To ensure a **complete review** of land development requirements; and,
- To **minimize** future land ownership **disputes**.

- Legal Access
- Public Safety
- Perpetual Maintenance

Stormwater and Drainage – Section 740

Stormwater Management Plan

Standards

1
2
3
4
5

Water Management Design

Why is Access so Vital?

Benefits of Innovation Grant

FLORIDA DEPARTMENT of ECONOMIC OPPORTUNITY

* Propelled a project that might not have been started;
* Enabled the project to go further than current resources would allow; and
* Pushed the project to be successful where it might have been set aside for other work.

Thanks Dan!

For Graphics files contact

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