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FROM DREAMS TO DEEDS

## Property Details

Owner Name:	HOWARD CARLA M 50% WILLIAMS TAJ L 50%
Assessor's Parcel Number:	23-28-09-000000-014050 (232809000000014000)
Property Address:	Sutton Rd, Lakeland, FL, 33810
County, State:	Polk County, FL
Subdivision:	N/A
Lot Number:	N/A
Legal Description:	***DEED APPEARS IN ERROR*** W 263.93 FT OF S 110.03 FT OF N 2010.18 FT OF W1/4 OF NE1/4 LESS RD R/W
TRS:	T28S R23E SEC 9
Parcel Size:	0.58 Acres
Terrain Type:	Wooded
Lot Dimensions:	235 ft x 110 ft



Elevation:	120 Ft
Flood Zone / Wetlands:	<b>Flood Zone (Ae- 100) / Wetlands Present</b>
Notes:	<b>Please see deed attached for complete legal description. Per Assessor Notes: ***Deed Appears In Error***</b>

## Property Location & Access

Google Map Link:	<a href="https://maps.app.goo.gl/oTWWhki8KTMUEzQHA">https://maps.app.goo.gl/oTWWhki8KTMUEzQHA</a>
GPS Coordinates (Center):	28.06422, -82.01439
GPS Coordinates (4 corners):	28.0644, -82.014 NE 28.0641, -82.014 SE 28.0641, -82.0148 SW 28.06,44 -82.0148 NW
City or County Limits:	Polk County Limits
School District:	Polk County School District
Access To Property:	Yes, Sutton Rd
Road Type:	Paved
Who Maintains Roads:	County



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Closest Highways:	I-4
Closest Major City:	Tampa, Florida, 35 min (31.2 miles)
Closest Small Town:	N/A
Closest Gas Station:	FIVE STAR GAS & FUEL, 2340 W Memorial Blvd, Lakeland, FL 33815, 4 min (1.9 miles)
Nearby Attractions:	Sir Henry's Haunted Trail, 2837 S Frontage Rd, Plant City, FL 33566, 11 min (6.4 miles) Lake Morton, Lake Morton Dr, Lakeland, FL 33801, 13 min (5.5 miles) Dinosaur World, 5145 Harvey Tew Rd, Plant City, FL 33565, 19 min (13.3 miles)
Notes:	N/A

## Property Tax Information

Assessed Taxable Value:	\$7,196
Assessed Actual Value:	\$7,759
Back Taxes Owed? If so amount owed:	No
Tax Liens? If so amount owed:	No
Annual Property Taxes:	\$97.45



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Notes:

**Taxes are current.**

## Zoning & Restriction Information

Zoning / Property Use Code: Residential Low-1 (RL-1)

What can be built on the property?

Single Family Detached. See land use table for details.

Time limit to build?

Permits expire within 6 months if construction has not commenced.

Is camping allowed?

Per County, No

Camping restrictions if any:

N/A

Are RV's allowed?

Per County, No

RV restrictions if any:

N/A

Are mobile homes allowed?

Per County, No

Mobile home restrictions if any:

Mobile homes in RL districts are only allowed as a special exception (temporary hardship), with approval.

Are tiny homes allowed?

Per County, Yes

Tiny home restrictions if any:

Must be built to code, same as single family dwelling.



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Are short term vacation rentals allowed?	Per County, may be allowed as conditional use, would require approval.
Vacation rental restrictions if any:	Must be single family dwelling. Must register with county and meet all requirements.
Is property part of an HOA / POA?	County could not confirm association status and no relevant information found online.
HOA / POA dues, if any:	N/A
Subdivision CC&R Availability:	Unable to locate, if any.
CC&R Information:	N/A
Deed Availability:	See attached.
Deed Information:	Book / Page - 09495 / 01521
Notes:	<b>Information above is based on county restrictions. Unable to locate CC&amp;R's, if any.</b>

## Utility Information

Water?	Would have to contact Polk County Utilities (863) 298-4100
Sewer / Septic?	Would have to install a septic system.
Electric?	Would have to contact Lakeland Electric (863) 834-9535



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Gas?	Would have to contact Heritage Propane (863) 665-6016, Suburban Propane (813) 626-4157, etc.
Waste?	Would have to contact Polk County Waste and Recycling (863) 284-4319.
Notes:	<b>Would have to contact Polk County Utilities (863) 298-4100 to apply for residential services and for further details about deposit and connection fees.</b>

## County Contact Information

County Website:	<a href="https://www.polk-county.net">https://www.polk-county.net</a>
Assessor Website:	<a href="https://www.polkpa.org">https://www.polkpa.org</a>
Treasurer Website:	<a href="https://www.polktaxes.com">https://www.polktaxes.com</a>
Recorder Website:	<a href="https://www.polkcountyclerk.net/184/County-Recorder">https://www.polkcountyclerk.net/184/County-Recorder</a>
GIS Website:	<a href="https://map.polkpa.org/">https://map.polkpa.org/</a>
Zoning Link:	<a href="https://www.polk-county.net/land-development">https://www.polk-county.net/land-development</a>
Phone number for Planning Dept:	(863) 534-6792
Phone number for Recorder:	863-534-4000
Phone number for Treasurer:	(863) 534-4700



Phone number for Assessor:	Main: (863) 534-4777 / Lakeland Office: (863) 802-6150 / Winter Haven Office: (863) 401-2424
City Website:	N/A
Phone number for City:	N/A
Notes:	N/A



INSTR # 2015061727  
 BK 9495 Pgs 1521-1522 PG(S)2  
 RECORDED 04/08/2015 12:07:16 PM  
 STACY M. BUTTERFIELD,  
 CLERK OF COURT POLK COUNTY  
 DEED DOC \$38.50  
 RECORDING FEES \$18.50  
 RECORDED BY monirobl

When recorded mail to:

AAN Tv Realty Inc  
 289 34<sup>th</sup> St N  
 St Petersburg, FL 33713

**Carla M. Howard**  
**Taj L. Williams**  
**6536 Grist Mill Road**  
**Fayetteville, NC 28314**

Space above this line reserved for Recorder's use

## SPECIAL WARRANTY DEED

### KNOW ALL MEN BY THESE PRESENT THAT:

FOR VALUABLE CONSIDERATION OF TEN DOLLARS (\$10.00), and other good and valuable consideration, cash in hand paid, the receipt and sufficiency of which is hereby acknowledged, **AAN TV Realty, Inc.**, hereinafter referred to as "Grantor", does hereby grant, bargain, sell, convey, and warrant unto **Carla M. Howard and Taj L. Williams**, a married couple, hereinafter referred to as "Grantee", the following lands and property, together with all improvements located thereon, lying in the County of Polk, State of Florida, to wit:

**W 263.93 FT OF S 110.03 FT OF N 2010.18 FT OF W1/4 OF NE1/4 LESS RD R/W**

**PARCEL# 23-28-09-000000-014050**

SUBJECT to easements, restrictions, reservations and limitations of record, if any, and taxes for the current year.

TO HAVE AND TO HOLD same unto Grantee, and unto Grantee's heirs and assigns forever, with all appurtenances thereunto belonging.

GRANTOR does for Grantor and Grantor's heirs, personal representatives, executors and assigns forever hereby covenant with GRANTEE that Grantor is lawfully seized in fee simple of said premises; that the premises are free from all encumbrances, unless otherwise noted above; that Grantor has a good right to sell and convey the same as aforesaid; and to forever warrant and defend the title to the said lands against all claims whatever.

The property herein conveyed is not the homestead property of the Grantor.

WITNESS Grantor's hand this 30<sup>th</sup> day of March 2015.

Witness #1

*Carrie T. Russell*  
 Carrie T. Russell

Witness #2

*Aiste Bagdonaitis*  
 AISTE BAGDONAITIS

*Jeremiah P. Hartman*  
 AAN TV Realty, Inc Grantor  
 Jeremiah P. Hartman-President



STATE OF FLORIDA  
COUNTY OF PINELLAS

On this the 30<sup>th</sup> day of March 2015, before me, the undersigned officer, personally appeared, Jeremiah P. Hartman, an authorized signor for AAN TV Realty, Inc., known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purpose therein contained.

In witness where of I hereunto set my hand and official seal.



Aiste Bagdonaite  
Notary Public - AISTE BAGDONAITE

My Commission Expires: 01/11/2019

**Grantors Name, Address and Phone:**

AAN TV Realty Inc  
Jeremiah P. Hartman-President  
289 34<sup>th</sup> Street North  
St. Petersburg, FL 33713

(800) 269-9629

SEND TAX STATEMENTS TO GRANTEE

**Grantee's Address:**

Carla M. Howard  
Taj L. Williams  
6536 Grist Mill Road  
Fayetteville, NC 28314

This instrument prepared by: AAN TV Realty Inc  
Aiste Bagdonaite  
289 34<sup>th</sup> Street North  
St. Petersburg, FL 33713

Section 205 - Use Tables for Standard Land Use Districts (Revised 5/1/18 - Ord. 18-025)

The permitted and conditional uses for the standard land use districts are prescribed in Table 2.1. Additional review levels may be required as specified in [Section 903](#).

The following are the Footnotes for use with Table 2.1 Use Table for Standard Land Use Districts:

**A. Prohibited Uses**

The use of land or structures not expressly listed in the Use Tables in [Sections 205](#), [Chapter 4](#) (SAP's) or [Chapter 5](#) (ACSC) as permitted or conditional are prohibited.

**B. Selected Area Plans (SAP) and Neighborhood Plans (Revised 1/6/2010 - Ord. 10-002)**

Uses proposed within any of the SAPs or Neighborhood Plans are identified in the respective Use Tables in [Chapter 4](#) and shall be adhered to accordingly. Land uses not shown are prohibited

**C. Green Swamp Area of Critical State Concern (ACSC) (Revised 1/6/2010 - Ord. 10-002)**

Uses proposed within any of the SAPs or Neighborhood Plans are identified in the respective Use Tables in [Chapter 4](#) and shall be adhered to accordingly. Land uses not shown are prohibited

**D. Other Regulations**

Uses listed as permitted may be established only after meeting all applicable regulations of Polk County and other governmental agencies.

**E. Conditional Uses**

Uses listed as conditional may be established only after compliance with the specific conditions and procedures outlined in [Chapter 3](#), Conditional Uses, and all applicable codes of Polk County and other governmental agencies.

- C1 Conditional uses which are reviewed at the staff level through an existing permit procedure. The review process is a Level 1 Review.
- C2 Conditional uses which are reviewed by the staff but involve multiple issues or departments. The review process is a Level 2 Review, and involves review of a site plan by the Development Review Committee.
- C3 Conditional uses which are reviewed by the staff but involve multiple issues and potential off-site impacts. The review process is a Level 3 Review, and includes a site plan submittal for review by the Development Review Committee (DRC) and a public hearing before the Planning Commission (PC).
- C4 Conditional uses which involve multiple issues and potential significant off-site impacts. These uses are reviewed by the DRC and include public hearings before the Planning Commission and BOCC. The procedure for this review is a Level 4 Review.

**F. Accessory and Temporary Uses**

Accessory and Temporary Uses are defined in Chapter 10 and regulated in [Sections 206](#) and 207 of this Chapter.

**G. Infill and Compatibility**

- 1. All uses are subject to Infill and Compatibility requirements outlined in [Sections 220](#) and 221.

**H. Linear Commercial Corridor (LCC) Infill Criteria**

- 1. New industrial and High-Impact-Commercial-type (HIC) development uses within the Linear Commercial Corridor (LCC) land use district shall be limited to in-filling existing industrial/HIC areas, and new industrial/HIC development shall not extend or expand these industrial/high-impact areas.
- 2. New development or redevelopment of non-residential uses within a Linear Commercial Corridor shall be limited to the intensities of uses at the same or less intensity as adjacent existing uses. New development or redevelopment of non-residential uses adjacent to existing uses shall be compatible with each other without allowing a higher intensity of development.

**I. Pre-Development of Regional Impact and Development of Regional Impact**

Pre-Development of Regional Impact and Development of Regional Impact land use designations shall be consistent with [Chapter 4](#) of the Land Development Regulations ([Section 402](#)).

**J. Resulting Nonconformity**

Any proposed use that will render a legal use nonconforming shall require a Level 3 Review.

**Table 2.1 Use Table for Standard Land Use Districts (For revision history, please see last row of table. Newer ordinances appear at end of secti**

	A/ RR	RCC -R	RS	RL- 1	RL- 2	RL- 3	RL- 4	RM	RH	RCC	CC	CE	LCC	NAC	CAC	RAC	OC	TCC	HIC	BPC -1	BI -2
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Key to Table: P = Permitted Use; C = Conditional Use/Level of Review

Residential Uses

Duplex, Two-family Attached		C3	C3	C3	C3	C3	C3	P	P	C3										
Family Farm	C1		C1																	
Fly-in Community	C3		C3																	
Group Home, Small (6 or less residents)	C1	C1	C1	C1	C1	C1	C1	C1	C1											
Group Home, Large (7-14 residents)	C3	C3	C3					C1	C1											
Group Living Facility (15 or more residents)	C3	C3	C3	C3	C3	C3	C3	C3	C2											
Farm Worker Dormitory, Apartment Style	C2	C2	C2							C2										
Farm Worker Dormitory, Barrack Style	C3	C3	C3							C3										C3
Mobile Home Park	C3	C3	C3	C3	C3	C3	C3	C3	C3											
Mobile Home Subdivision	C3	C3	C3	C3	C3	C3	C3	C3	C3											
Mobile Homes, Individual	C1	C1	C1	C1	C1	C1	C1	C1	C1											
Multi-family		C3		C3	C3	C3	C3	C2	C2	C3			C3	C3	C3	C3	C3	C2		C3
Recreational camping	C3																			
Residential Infill Development			C2	C2	C2	C2	C2													
Rural Residential Development (RRD)	C3		C3																	
Short-Term Rental Unit				C3	C3	C3	C3	C3	C3											P
Single-family Detached Home & Subdivision	P	P	P	P	P	P	P	P	P	C2										
Suburban Planned Development			C3																	

Mixed Uses

Planned Development	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3
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Residentially Based Mixed Development (RBMD)	C3		C3	C3	C3	C3	C3	C3													
Rural Mixed Development (RMD)	C3		C3																		
Transitional Area Development			C3	C3	C3	C3	C3	C3			C3	C3	C3	C3	C3	C3		C3	C3	C3	C3
<b>All Other Uses</b>																					
Adult Day Care Center (7 or more clients)	C3	C3	C3	C3	C3	C3	C3	C3	C2												
Adult Use												C1		C1	C1		C1				
Agricultural Support, Off-Site	C3	C3	C3	C3						P		P	P				C3		P	C3	P
Airport	C4																C4		C4		C4
Airstrip, Private	C3																				
Alcohol Package Sales										C1	C1	C1	C1	C1	C1	C1		C1	C1	C1	C1
Animal Farm, Intensive	P		C1	C1						P										C3	P
Bars, Lounges, and Taverns												C3	C3	C3	C1	C1		C1	C1	C1	C1
Bed and Breakfast	C3	C3	C3	C3	C3	C3	C3	C2	C2	C2											
Breeding, Boarding, and Rehabilitation Facility, Wild or Exotic	C3									C3											C3
Car Wash, Full Service													C2		P	P		P			
Car Wash, Incidental										C2	C2	C2	C2	C2	P	P		P			
Car Wash, Self Service													C2		P	P		P			
Cardboard & Shredded Paper Collection																				C2	C3
Cemetery	C2	C3	C3							C3	C3	C3	C3	C3	C2	C2		C3	C2		
Childcare Center	C3	C3	C3	C3	C3	C3	C3	C3	C3	P	P	C2	P	P	P	P	C3	P	C1		
Clinics & Medical Offices										C2	C2	C2	P	C2	P	P	P	P			
Commercial Vehicle Parking										C3		C2	C2		C2	C2		C2	P	C2	P

Communication Towers, Guyed and Lattice	C2	C3	C3	C3	C3	C3	C3	C3	C3					C3	C3			C3	C3	C3	
Communication Tower, Monopole	C2	C3	C3	C3	C3	C3	C3	C3	C3	C3			C3		C2	C2		C2	C2	C2	C3
Community Center	C3	C3	C3	C3	C3	C3	C3	C3	C3	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C3
Construction Aggregate Processing																					
Construction Aggregate Storage																					
Convenience Stores, Isolated	C2	C2	C2							C2									C2	C2	C3
Correctional Facility	C4																				
Crematorium																					
Cultural Facility	C3	C3	C3	C3	C3	C3	C3	C3	C3	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C3
Emergency Shelter, Small (6 or less residents)	C1	C1	C1	C1	C1	C1	C1	C1	C1												
Emergency Shelter, Medium (7-14 residents)	C3	C3	C3					C1	C1												
Emergency Shelter, Large (15 or more residents)	C3	C3	C3	C3	C3	C3	C3	C3	C2												
Event Facility	C3		C3																		
Fish Camp																					
Farming General	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Financial Institution										P	P	C2	C2	P	P	P	C2	P	C2	C2	C3
Financial Institution, Drive Through										C2	C2	C2	C2	C2	C2	C2	C3	C2	C2	C2	C3
Flea Market/Enclosed															C1	C1			C1		
Flea Market/Open															C4	C3			C1		
Funeral Home & Related Facilities										C2	C2	C3	C2		C2	P			P		
Gas Station										C2	C2	C2	C2	P	P	P		P	P	C2	C3
Golf Course	C1	C1	C1	C1	C1	C1	C1	C3	C3	C3								C1		C1	C3
Government Facility	C3	C3	C3	C3	C3	C3	C3	C3	C3	P	P	P	P	P	P	P	C3	P	P	P	P

Gypsum Stack																					
Hazardous Waste Transfer, Storage																					
Hazardous Waste Treatment Facilities																					
Heavy Machinery Equipment Sales and Services													C2						C2		C2
Heliports	C2												C3		C2	C2		C2	C2	C2	C2
Helistops	C2	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C2	C2	C3	C3	C2	C3	C3	C2	C2	C2
Hospitals										P					P	P	C3				
Hotels and Motels												C3	C2		P	P		P		C2	C2
Kennels, Boarding and Breeding	P		C3							C2	P	P			C1	P		C1	P		C2
Lime Stabilization Facility	C3		C3							C3	C3	C3							C3	C3	C2
Livestock Sale, Auction	P		C1	C1						P			C2						C2		C2
Lodges and Retreats	C3		C3							P		C2	P					P	P		
Manufacturing, Explosives/Volatile Material																					
Manufacturing, General														C2					C3		
Manufacturing, Light														C2					C2		C2
Marinas and Related Facilities	C3												C3	C1	C1	C1	C1	C1		C1	
Medical Marijuana Dispensaries														C2	C2	C2	C2	C2	C2	C3	C2
Mining, Non-phosphate	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3
Mining, Phosphate																					
Motor Freight Terminal														C3	C3					P	P
Nightclubs and Dance Halls														C3	C3		C3	C1		C1	
Nurseries, Retail													P	P	C2	P	P	P	P		P

Nurseries and Greenhouses	P	C1	C1	C1						P	P	C2	P	P	P					P	P
Nursing Home								C2	C2	C2		C2	C2		C2	C2					
Office										C2	C2	C2	P	C2	P	P	P	P	C2	P	P
Office Park													P				C2			P	P
Outdoor Concert Venue	C3		C3															C3			
Personal Service										C2	C2	C1	P	C2	P	P	C2	P	C2	P	P
Power Plants Non-Certified, Low																			C4	C4	C4
Power Plants, Non-Certified, High																					C4
Power Generation, Certified																					
Printing & Publishing													C2				C2		P	P	P
Railroad Yard																			C3		
Recreation, Passive	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1
Recreation, High Intensity	C3	C3	C3	C3	C3	C3	C3	C3	C3									C1			
Recreation, Low-Intensity	C2	C2	C2	C2	C2	C2	C2	C2	C2									C1			
Recreation & Amusement General										C2	C2	C2	C2	C2	C2	C2		C2	C2'		
Recreation & Amusement Intensive												C3			C3			C2	C3		
Recreation, Vehicle Oriented	C3	C3	C3	C3	C3	C3	C3	C3	C3									C2			
Recreational Vehicle Park																		P			
Recreational Vehicle Storage										C2			C2			C2		C2	C2		C2
Religious Institution	C3	C3	C3	C3	C3	C3	C3	C3	C3	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2
Research & Development												C2			P	C3		P	P	P	
Residential Treatment Facility	C4									C4		C4	C4		C4	C4					
Restaurant, Drive-thru/Drive-in										C2	C2	C3	C2	C2	C2	C2		C2	C2	C2	C2

Restaurant, Sit-down/Take-out										C2	C2	C2	P	P	P	P		P	P	C2	C3
Retail, 10,000 - 34,999 sq. ft.										C3	C3	C2	P	P	P	P	C3	P	P	C2	C3
Retail, 35,000 - 64,999 sq. ft													P	P	P	P		P	P	C2	C3
Retail, More than 65,000 sq. ft.													C3	C3	P	P		C2	C2	C3	C3
Retail, Home Sales Offsite												C3	C2			P			P		
Retail, Less than 10,000 sq. ft.										P	P	P	P	P	P	P	C3	P	P	C2	C3
Retail, Outdoor Sales/Display												C3	C2		C3	C3		C3	P		P
Riding Academies	C1		C1	C3						P											
Salvage Yard																					
School, Elementary	C3	C2	C2	C2	C2	C2	C2	C2	C2	C2											
School, Middle		C3	C3	C2	C2	C2	C2	C2	C2	C3											
School, High		C3	C3	C3	C3	C3	C3	C2	C2												
School, Leisure/Special Interest	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C2	C2	C2	P	P	C3	P	P	C2	C3
School, Technical/Vocational/Trade & Training	C3									C3	C3	C3	C3	C3	C2	C2	C2	C2	P	C2	C3
School, University/College		C3					C3	C3	C3	C3			C2	C3	C3	C3		C3	C3	C2	C3
Seaplane Base	C3	C3	C3															C3			
Self-storage Facility										C3		C2	C2	C2	C2	C2			C2	C2	C3
Solid Waste Management Facility																					
Studio, Production										P		P	P			P	P		P	P	P
Solar Electric-Power Generation Facility	C2	C3	C3																C2	C2	C3
Transit, Commercial													C3			P			C2		P
Transit, Facility										P		P	P	P	P	P		P	P	P	P



Transitional Area Development			C4	C4	C4	C4	C4	C4				C4	C4	C4	C4	C4	C4	C4	C4	C4	C4
Truck Stop													C2			P			P		
Utilities, Class I	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Utilities, Class II	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	P	P	P	P	P	P	C1	P	P	P	P
Utilities, Class III	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3
Vehicle Recovery Service/Agency										C2		C2	C2						C2		C3
Vehicle Repair, Auto Body										C2		C3	C3						P		P
Vehicle Service, Mechanical										P		C3	C2	P	P	P		P	P		P
Vehicle Sales, Leasing										C2		C3	C2		C2	P		C2	P		
Veterinary Service	P		C2							C1	C1	P	P	P	P	P	C2	P	P		C3
Warehousing/Distribution													C2						P	P	P
Water Ski Schools	C4		C4							C4	C3	C3	C3	C3	C3	C3		C3	C3	C3	C3

Revised 5/1/18; Ord. 18-025; 4/17/18; Ord. 18-021; 10/3/17 Ord. 17-050; 11/21/17 Ord. 17-067; 11/21/17; Ord. 17-066; 7/11/17; Ord. 17-036; 08/16/17 Ord. 15-053; 11/4/14; Ord. 14-066; 8/5/14; Ord. 14-045; 3/18/14; Ord. 14-015; 8/20/13; Ord. 13-023; 12/6/11; Ord. 11-033; 12/6/11; Ord. 11-032; 6/28/11 Ord. 09-073; 09/16/09; Ord. 09-060; 09/02/09; Ord. 09-055; 9/2/09; Ord. 09-054; 7/22/09 - Ord. 09-047; 11/12/08; Ord. 08-56; 8/15/07; Ord. 07-44; 05/08/07 Ord. 04-80; 10/07/04 - Ord. 04-58; 06/08/04 - Ord. 03-95, Ord. 04-09; 12/04/03 - Ord. 03-81; 03/25/03 - Ord. 03-23; 01/30/03 - Ord. 03-12, Ord. 03-13 Ord. 02-69; 7/29/02 - Ord. 02-51; 5/15/02 - Ord. 02-22; 5/6/09; Ord. 09-018; 4/4/02 - Ord. 02-18; 2/11/02 - Ord. 02-04; 12/28/01 - Ord. 01-92; 7/25/01

Footnote for Table 2.1:

1. Properties designated CAC or RAC prior to August 16, 2022 shall only require a C2 Conditional Use approval for Multi-Family development.

(Ord. No. [2023-048](#), § 4, 7-25-2023; Ord. No. [2024-007](#), § 2, 2-6-2024; Ord. No. [2024-022](#), § 2, 3-19-2024)

Table 2.2 Density and Dimensional Regulations for Standard Districts(Revised 12/15/2015 - Ord. 15-079; 3/18/14 - Ord. 14-015; 11/16/10 - Ord. 10-078; 01/03/05 - Ord. 04-80; 12/27/02 - Ord. 02-88; 7/29/02 - Ord. 02-51; 7/25/01 - Ord. 01-57)														
	A/RR	RCC-R	RS	RL-1	RL-2	RL-3	RL-4	RM	RH	RCC	OC	CC	NAC	CAC
RESIDENTIAL GROSS DENSITY <sup>(1)(2)</sup> : MAXIMUM / MINIMUM	1 du/5 ac(2) N/A	2 du/ac N/A	1 du/5 ac(2) N/A	1 du/ac N/A	2 du/ac N/A	3 du/ac N/A	4 du/ac N/A	7 du/ac N/A	10 du/ac N/A	N/A N/A	N/A N/A	N/A	N/A	25/15
MIN. RESIDENTIAL LOT AREA <sup>(3)</sup>	5 AC	20,000 sf	5 AC	40,000 sf	15,000 sf	10,000 sf	6,000 sf	6,000 sf	5,000 sf	N/A	N/A	4,500 sf	4,000 sf	3,500 sf

MAX. NON-RESIDENTIAL IMPERVIOUS SURFACE RATIO <sub>(ISR)(4)</sub>	0.50	0.50	0.60	0.65	0.65	0.70	0.70	0.70	0.70	0.50	0.70 0.60-SDA	0.70 0.60-SDA	0.70 0.60-SDA	0.70 0.60-SDA
MAX. NON-RESIDENTIAL FLOOR AREA RATIO <sub>(FAR)(5)</sub>	0.25	0.30	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.30	0.30	0.25	0.25	0.30 0.25-SDA
<b>MIN. SETBACKS: (ROAD Rights-of-Way / Center Line) (6) (9) (10) (13)</b>														
LIMITED ACCESS	100 / NA	100 / NA	100 / NA	100 / NA	100 / NA	100 / NA	100 / NA	100 / NA	100 / NA	100 / NA	100/NA	100 / NA	100 / NA	100 / NA
PRINCIPAL ARTERIAL	65 / 125	65 / 125	65 / 125	65 / 125	65 / 125	65 / 125	65 / 125	65 / 125	65 / 125	65 / 125	65 / 125	65 / 125	65 / 125	65 / 125
MINOR ARTERIAL	50 / 90	50 / 90	50 / 90	50 / 90	50 / 90	50 / 90	50 / 90	50 / 90	50 / 90	50 / 90	50 / 90	50 / 90	50 / 90	50 / 90
URBAN COLLECTOR	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65
RURAL MAJOR COLLECTOR	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 95	35 / 95	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65
RURAL MINOR COLLECTOR	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65
LOCAL, 60' R/W, or greater	25 / 55	25 / 55	20 / 50	15 / 45	15 / 45	15 / 45	15 / 45	15 / 45	15 / 45	15 / 45	15 / 45	30 / 60	30 / 60	30 / 60
LOCAL, 41- 60' R/W	25 / 50	25 / 50	20 / 45	15 / 40	15 / 40	15 / 40	15 / 40	15 / 40	15 / 40	15 / 40	15 / 40	30 / 60	30 / 60	30 / 60
LOCAL, 40' R/W	25 / 45	25 / 45	20 / 40	15 / 35	15 / 35	15 / 35	15 / 35	15 / 35	15 / 35	15 / 35	15 / 35	30/55	30 / 55	30 / 55
<b>MINIMUM SETBACKS (Principal Structure / Accessory Structures)</b>														
INTERIOR SIDE <sub>(9)(10)(15)</sub>	15 / 10	15 / 10	10 / 5	10 / 5	7 / 5	7 / 5	7 / 5	7 / 5	7 / 5	7 / 5	7 / 5	15 / 15	15 / 15	15 / 15
INTERIOR REAR <sub>(9)(10)</sub>	20 / 10	20 / 10	15 / 10	15 / 10	10 / 5	10 / 5	10 / 5	10 / 5	10 / 5	10 / 5	15 / 5	15 / 15	15 / 15	15 / 15
MAX. STRUCTURE HEIGHT (ft) <sub>(7)(12)</sub>	50	50	50	50	50	50	50	50	50	75	50	50	50	75

<b>Table 2.2. Density and Dimensional Regulations for Standard Districts (Revised 12/27/02 - Ord. 02-88; 7/25/01 - Ord. 01-57)</b>														
	RAC	BPC-1	BPC-2	HIC	TCC	LCC	CE	IND	PM	L/R	INST1	INST2	ROS	PRESV

RESIDENTIAL GROSS DENSITY <sup>(1)(2)</sup> : MAXIMUM/ MINIMUM	25 15	15 du/ac 10.01 du/ac	N/A	N/A	N/A	N/A	N/A	N/A	N/A	10 du/ac N/A	N/A	N/A	N/A	N/A
MIN. RESIDENTIAL LOT AREA <sup>(3)</sup>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
MAX. NON-RESIDENTIAL IMPERVIOUS SURFACE RATIO <sup>(ISR)(4)</sup>	0.70 0.60- SDA	0.75 0.60- SDA 0.55- RDA	0.75 0.60- SDA 0.55- RDA	0.80 0.70- SDA	0.70 0.60- SDA 0.50- RDA	0.70 0.60- SDA 0.50- RDA	0.70 0.60- SDA 0.50- RDA	0.75 0.60- SDA 0.50- RDA	0.75	0.70 0.60- SDA 0.50- RDA	0.70 0.60- SDA 0.50- RDA	0.70 0.60- SDA 0.50- RDA	0.20 0.15- SDA 0.10- RDA	0.0001
MAX. NON-RESIDENTIAL FLOOR AREA RATIO <sup>(FAR)(5)</sup>	0.35	0.75 0.50- SDA 0.35- RDA 0.25- COM	0.75 0.60- SDA .35- RDA 0.25- COM	0.50 0.40- SDA	0.35 0.30- SDA 0.25- RDA	0.35 0.30- SDA 0.25- RDA	0.35 0.30- SDA 0.25- RDA	0.75 0.65- SDA 0.50- RDA 0.25- COM	0.75	0.25	0.75	0.75	0.10 0.05- SDA 0.01- RDA	0.00005

**MINIMUM SETBACKS: (ROAD Rights- of- Way / Center Line) (6)(9)(10)(13)**

LIMITED ACCESS	100 / NA	100 / NA	100 / NA	100 / NA	100 / NA	100 / NA	100 / NA	100 / NA	100 / NA	100 / NA	100 / NA	100 / NA	100 / NA	100 / NA
PRINCIPAL ARTERIAL	65 / 125	65 / 125	65 / 125	65 / 125	65 / 125	65 / 125	65 / 125	65 / 125	65 / 125	65 / 125	65 / 125	65 / 125	65 / 125	65 / 125
MINOR ARTERIAL	50 / 90	50 / 90	50 / 90	50 / 90	50 / 90	50 / 90	50 / 90	50 / 90	50 / 90	50 / 90	50 / 90	50 / 90	50 / 90	50 / 90
URBAN COLLECTOR	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65
RURAL MAJOR COLLECTOR	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65
RURAL MINOR COLLECTOR	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65	35 / 65
LOCAL, 60' R/W, or greater	30 / 60	30 / 60	30 / 60	30 / 60	30 / 60	30 / 60	30 / 60	25 / 55	25 / 55	30 / 60	30 / 60	30 / 60	30 / 60	25 / 55
LOCAL, 41- 60' R/W	30 / 60	30 / 60	30 / 60	30 / 60	30 / 60	30 / 60	30 / 60	25 / 50	25 / 50	30 / 60	30 / 60	30 / 60	30 / 60	25 / 50
LOCAL, 40> R/W	30 / 55	30 / 55	30 / 55	30 / 55	30 / 55	30 / 55	30 / 55	25 / 45	25 / 45	30 / 55	30 / 55	30 / 55	30 / 55	25 / 45

**MINIMUM SETBACKS (Principal Structure/ Accessory Structures)**

INTERIOR SIDE <sup>(9)(10)(15)</sup>	15 / 15	20 / 20	20 / 20	15 / 15	15 / 15	15 / 15	15 / 15	15 / 15	15 / 15	15 / 15	15 / 15	15 / 15	15 / 15	15 / 15
INTERIOR REAR <sup>(9)(10)</sup>	30 / 10	20 / 20	20 / 20	15 / 15	15 / 15	15 / 15	15 / 15	30 / 10	30 / 10	15 / 15	15 / 15	15 / 15	15 / 15	30 / 10
MAX. STRUCTURE HEIGHT <sup>(ft)(7)(12)(21)</sup>	75	75	100	50	100	35	35	N/A <sup>18</sup>	N/A <sup>18</sup>	50	50	160	25 <sup>(19)</sup>	25

See footnotes following table.

**Footnotes for Table 2.2** (Revised 9/18/12; Ord 12-028; 12/27/02 - Ord. 02-88; 7/29/02 - Ord. 02-52; 7/25/01 - Ord. 01-57)

1. Residential density is the average number of dwelling units per acre of land. Gross density is calculated by dividing the total number of dwelling units on a site by the gross site area, exclusive of existing water bodies (Note: The term "water bodies" does not include man-made wet-retention/detention areas, man made lakes, or man made ponds). The area for computing gross density shall include all public and institutional land areas (e.g., internal streets, sewer plants, schools, and parks) located within a site, as well as one-half of the right-of-way area for perimeter local streets, and one-fourth of the right-of-way area for perimeter local street intersections. In the Rural Development Area (RDA) and Suburban Development Area (SDA), outside of the Green Swamp Area of Critical State of Concern, one unit per five-acre (1 du/ 5ac) density may also be measured to the centerline of collector roads. Additionally, density may be adjusted based on the actual size of the section. A property may be considered five acres if it is one one-hundred and twenty-eighth (1/128) the section size for sections less than six hundred forty acres (640 acres).
2. Higher densities may be achieved through a Planned Development. For a duplex structure on an individual lot, increases in density may be granted through a Level 3 Conditional Use approval. See [Section 303](#).
3. Lot areas are given on a per unit basis for single-family detached and duplex units. Smaller lot areas may be achieved through a Planned Development. For individual duplex units, see [Section 303](#).
4. The impervious surface ratio (ISR) is the relationship between the total amount of impervious surface which is present on a site and the total site area. Impervious surfaces are those which do not absorb water. They include buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete or asphalt. The ISR is calculated by dividing the total area of all impervious surfaces on a site by the gross site area, excluding existing water bodies (Note: The term "water bodies" does not include man-made wet-retention/detention areas, man made lakes, or man made ponds).
5. The floor area ratio (FAR) is the relationship between the total floor area on a site and the total site area. The FAR is calculated by adding together all floor areas of all floors and dividing this total by the gross site area, exclusive of existing water bodies (Note: The term "water bodies" does not include man-made wet-retention/detention areas, man made lakes, or man made ponds).
6. Front, exterior side, and exterior rear setbacks for principal and accessory structures shall be determined by the distance from the road right-of-way (R/W) or road centerline (C/L), whichever results in the greatest distance from the property line. Setbacks from private roads shall be calculated in the same manner or from the edge of pavement, whichever is greater. All linear dimensions are given in feet.
7. Residential structures exceeding 35 feet in height, setbacks shall be increased by one-half of one foot for each one foot of height over 35 feet.
8. All development is subject to [Section 610](#) - Setbacks from lakes and surface waters.
9. All development is subject to [Section 220](#) - Compatibility.
10. All development is subject to Section 208.E - Residential Infill Requirements.
11. Chimneys, smoke stacks, communication towers, and Religious Institution symbols, unless located in the Avon Park Air Force Range Military Compatibility Zone, as depicted in the Military Compatibility Zone Map, are exempt from the structure height limitations.
12. All structures are subject to compliance with the Polk County Airport Zoning Regulations, adopted and administered by the Joint Airport Zoning Board (JAZB).
13. There are no minimum setback requirements from railroad rights-of-way in the IND, BPC, and HIC districts. Structures in all other categories shall use the applicable setback.
14. All structures shall comply with [Section 214](#) - Distance Between Buildings.
15. The side yard set back for lots of 75 feet or less in width which exist at the time of adoption of this ordinance shall be a minimum of seven feet provided that the sum of both set backs shall be a minimum of 15 feet.
16. Minimum interior side setbacks for non-residential uses which adjoin non-residential districts may utilize a zero setback in accordance with the provisions in [Section 755](#), provided that side adjoins a non-residential district.
17. Non-residential farm outbuildings are excluded from height regulations.
18. Where a structure in IND or PM abuts a residential use or district, structure height shall be limited to 50 feet at the building set back line and may be increased one foot higher for each foot a structure is placed further from the required setback.

19. Recreational lighting, seating, press boxes, and other similar appurtenances are excluded from height restrictions when approved through a Level 3 Conditional Use process.
20. The Building Official may approve a reduction in the required setbacks of up to ten percent (10%) of the requirement through a Level 1 Review process.
21. Solid Waste Management Facilities within the Institutional-2 (INST-2) Future Land use, may be developed up to 380 feet above adjacent grade or as further limited by the Board of County Commissioners.
22. Additional setback requirements can be found in Sections 206, 207, 208, 209, 213, 220, 222, and 303 for the applicable use.
23. All single-family detached, single-family attached, duplex, townhome, and residential detached garage entrances for vehicles shall be setback a minimum of 25 feet from the property line, drive aisle, or right-of-way easement.
24. Townhouses, duplexes, and single-family attached units intended to be subdivided and sold as individual units shall have no setback from the common wall between units.

(Ord. No. 19-066, § 1, 11-19-2019; Ord. No. 19-069, § 1, 12-3-2019; Ord. No. 19-072, § 1, 12-3-2019; Ord. No. 20-030, § 1, 6-16-2020; Ord. No. 2020-048, § 1, 12-1-2020; Ord. No. 2021-038, § 2, 7-6-2021; Ord. No. 22-017, § 1, 3-1-2022; Ord. No. 2022-023, § 1, 4-5-2022; Ord. No. 2022-061, § 1, 8-16-2022; Ord. No. 2022-079, § 2, 12-6-2022; Ord. No. 2022-083, § 2, 12-20-2022; Ord. No. 2023-002, § 2, 1-3-2023; Ord. No. 2023-039, § 2, 5-16-2023; Ord. No. 2023-063, § 2, 10-3-2023; Ord. No. 2024-022, § 3, 3-19-2024; Ord. No. 2024-025, § 2, 4-16-2024)

#### Section 206 - Accessory Uses (Revised 12/1/10; Ord. 10-083; 01/03/05 - Ord. 04-80; 7/25/01 - Ord. 01-57)

Accessory uses are permitted in conjunction with the primary use in all land use districts. Accessory uses are those land uses that are incidental and subordinate to the primary use of the property (see table 2.1 for a list of primary land uses allowed per district). Specific requirements pertaining to the determination of what is incidental and subordinate for certain types of accessory uses are listed in the section and sections to follow in this chapter. All accessory uses contained herein, and any other not included shall comply with Section 209.

##### A. Accessory Dwelling Unit (ADU)

Accessory dwelling units (ADUs) may be permitted as accessory uses to single-family detached homes and mobile homes in all residential districts and lots of record for residential purposes subject to the applicable district regulations and the following requirements:

1. No more than one accessory dwelling unit may be permitted on any single-family residential lot or parcel.
2. An accessory dwelling unit shall be located in the side or rear yard of the principal dwelling unit.
3. Accessory dwelling units may utilize setbacks pertaining to accessory structures unless attached to the principal structure.
4. Mobile homes shall not be permitted to be used as accessory dwelling units. However, where mobile homes are the primary residence, an accessory dwelling unit built to the standards of the Florida Building Code may be permitted provided it is 50% or less in heated floorspace than the mobile home.
5. Accessory dwelling units shall be permitted subject to a Level 1 Review.
6. Accessory dwelling units shall not be approved for short-term rental or vacation rental.
7. ADUs may be rented, leased, or serve as housing for living assistants, guests, or family members. ADU's may not be subdivided from the parent property or placed under separate ownership from the primary dwelling.
8. ADUs in conformance with this section do not count as additional dwelling units in the calculation of density.
9. When an ADU is attached to the principal structure, uses the same electrical service and plumbing as the primary dwelling unit, access is through a subordinate entrance on the rear or side of the principal structure, and the primary dwelling unit and ADU combined do not exceed five bedrooms, it is considered one single-family home and the parcel is eligible for an additional detached ADU.

##### B. Secondary Residential Structures for Non-residential Uses

Secondary Residential Structures may be permitted as an attached or detached accessory use in all non-residential districts for purposes of security, maintenance, monitoring, and protection of the principal non-residential use, subject to the applicable district regulations and the following requirements:

1. Not more than one single-family dwelling unit or mobile home may be permitted on the same lot or parcel as a non-residential use.
2. A Secondary Residential Structures may be permitted as an accessory use pursuant to a Level 1 Review.
3. A dwelling unit intended for the onsite habitation of clergy may be approved pursuant to the previous two conditions.

##### C. Dining Facilities, Employee Fitness Centers, and Childcare Centers in Non-Residential Developments (Revised 7/25/01 - Ord. 01-57)

Non-residential development projects may provide amenities for the exclusive use of the employees of the project. Such amenities shall only be permitted as accessory uses in accordance with the following:

1. Dining rooms/cafeterias/snack shops shall not be open to the general public. There shall be no identification signs other than directional signs, identifying the facility.
2. Employee fitness and childcare centers shall not be open to the general public.

- a. There shall be no signs, other than directional signs, identifying the facility.
- b. A childcare center shall meet all of the requirements of [Section 303](#).
3. Alcohol beverage sales for consumption on site shall be permitted as an accessory use in dining facilities. Alcohol sales shall be less than 50% of total food sales based on gross revenue.
4. Such facilities shall be permitted subject to a Level 1 Review.

**D. Dining Facilities, Clubhouses, and Recreation Facilities in Residential Developments (Revised 7/25/01 Ord. 01-57; 01/03/05 - Ord. 04-80)**

Residential development projects may provide amenities for the exclusive use of the residents of the project. Such amenities shall be permitted as accessory uses only as provided:

1. Dining rooms/cafeterias/snack shops shall not be open to the general public and there shall be no identifying signs, other than directional signs identifying the facility.
2. Residential projects may provide a central facility for a meeting place and recreation opportunities (including golf course, swimming pool, or tennis courts) for residents, subject to the following restrictions:
  - a. The facilities shall not be open to the general public.
  - b. Parking to serve the facilities shall be provided as required by [Chapter 7](#).
  - c. There shall be no signs, other than directional signs identifying the facilities.
3. Alcohol beverage sales for consumption on site shall be permitted as an accessory use in dining facilities. Alcohol sales shall be less than 50% of total food sales on gross revenue.
4. Such uses shall be subject to the same review process as for the principal residential project. If any of these accessory facilities are proposed after a residential development is constructed and lots are sold, then such facility shall be permitted as an accessory use pursuant to a Level 3 Review.

**E. Home Occupations (Revised 01/03/05 - Ord. 04-80)**

Home occupations may be permitted as an accessory use to an existing dwelling unit in all residential districts subject to Section 559.995, Florida Statutes, as may be amended, the applicable district regulations, and the requirements listed to follow.

1. A maximum of two employees or independent contractors who do not permanently reside on the premises may work onsite in the operation of a home occupation.
2. the principal dwelling unit on the property shall be the bona fide residence of the home occupation practitioner. The home occupation shall be clearly incidental and secondary to the property's use for residential purposes.
3. Reserved.
4. Traffic generated by the proposed use must not negatively impact the safety, ambiance, and characteristics of the residential neighborhood. There shall be a minimum of two improved (concrete or pavement) off-street parking spaces available for residents of the dwelling exclusive of an attached or detached garage (as required in [Section 709](#)). Additional parking for employees, patrons, or vehicles associated with the Home Occupation shall be located on the property, improved (concrete or pavement), and a minimum of five feet from rights-of-way or neighboring property lines.
5. No display of merchandise or outside storage of equipment or materials shall be permitted.
6. No alterations shall be made to the external appearance of any principal or accessory structures or of the property which changes the character of the site from residential to non-residential.
7. No equipment or process used in the home occupation shall create noise, vibration, glare, fumes, electromagnetic interference, odors, or air pollution outside the building other than the type and quantity customarily associated with a home or hobby.
8. Signage shall be in accordance with Section 760.G.
9. No storage of hazardous materials, other than substances of a type and quantity customarily associated with a home or hobby, shall be permitted.
10. All home occupation practitioners shall obtain an occupational license.

**F. Outdoor Display of Merchandise**

Outdoor display of merchandise, as an accessory use in non-residential districts where outdoor retail sales are not otherwise allowed, is permitted on a limited basis in accordance with the following requirements:

1. The merchandise being displayed must be an item otherwise permitted to be sold in the district where the property is located. Such merchandise to be displayed outdoors shall comprise no more than 25 percent of the total merchandise sold on site.
2. Only merchandise ordinarily used outdoors after purchase (such as outdoor play equipment or landscaping materials) may be displayed outdoors. Merchandise not ordinarily used outside (such as appliances or furniture other than patio furniture) may not be displayed outdoors except during occasional "sidewalk sales" in accordance with the requirements of [Section 207](#), temporary uses.
3. Merchandise displayed outdoors shall not encroach into any required parking area, vehicular use area, landscaped area, buffer yard, or public right-of-way.

4. Outside display areas must be shown on the approved site plan for the project. Areas used for the outside display of merchandise under this Section shall be included in the Floor Area Ratio (FAR) calculation for the site.

**G. Religious Institution Schools (Revised 01/03/05 - Ord. 04-80; 12/28/01 - Ord. 01-92)**

Schools locating within existing or proposed religious institutions shall be permitted as an accessory use in accordance with the following requirements:

1. The maximum allowable students shall be no more than 100;
2. All parking used for the school shall meet the parking space requirements as outlined in [Section 708](#). Spaces designated for the religious institution may be used to calculate the required spaces for the school;
3. All parking used for the school shall be paved and in addition comply with [Section 709](#);
4. The curriculum shall be no higher than an eighth grade level;
5. All landscaping and buffering shall be in accordance [Section 720](#);
6. All parking designated for the school shall be oriented in such a manner so as not be located adjacent to residential property. If this cannot be met, then those areas shall be buffered with either a solid fence or Type C buffer (see [Section 720](#)) that has 80 percent opacity within two years; and
7. All signage shall comply with [Section 760](#).
8. All access points shall be on a collector road or better if any of the following conditions exist;
  - a. The uses (Religious Institution and School combined) generate 50 or more Average Annual Daily Trips (AADT).
  - b. The overall Gross Floor Area (GFA) of all proposed uses combined exceeds 5,400 square feet.

If the Religious Institution and accessory uses generate more than 50 AADT based on the Institute of Traffic Engineers (ITE) Rate-Land Use Code 560 (9.11 trips per 1,000 square feet) or exceeds 5,400 square feet, the applicant has the option to provide a detailed study demonstrating that a lower trip generation rate can be achieved. The methodology shall be subject to approval by the Polk Transportation Planning Organization (TPO) and follow the guidelines as set forth in Appendix "C" of this Code.

**H. Religious Institution Childcare Center (Revised 01/03/05 - Ord. 04-80; 12/28/01 - Ord. 01-92)**

Childcare centers locating within existing or proposed religious institutions shall be permitted as an accessory use in accordance with all conditions as outlined in [Section 303](#) for childcare centers. In addition, the following standards shall also apply:

1. The maximum allowable children shall be no more than 100;
2. All parking used for the school shall meet the parking space requirements as outlined in [Section 708](#). Spaces designated for the religious institution may be used to calculate the required spaces for the school;
3. All parking used for the school shall be paved and in addition comply with [Section 709](#);
4. All landscaping and buffering shall be in accordance with [Section 720](#); and
5. All signage shall comply with [Section 760](#).
6. All access points shall be on a collector road or better if any of the following conditions exist:
  - a. The uses (Religious Institution and Childcare Center combined) generate 50 or more Average Annual Daily Trips (AADT).
  - b. The overall Gross Floor Area (GFA) of all proposed uses combined exceeds 5,400 square feet.

If the Religious Institution and accessory uses generate more than 50 AADT based on the Institute of Traffic Engineers (ITE) Rate-Land Use Code 560 (9.11 trips per 1,000 square feet) or exceeds 5,400 square feet, the applicant has the option to provide a detailed study demonstrating that a lower trip generation rate can be achieved. The methodology shall be subject to approval by the Polk Transportation Planning Organization (TPO) and follow the guidelines as set forth in Appendix "C" of this Code.

**I. Alcoholic Sales (Consumption on site) (Revised 01/03/05 - Ord. 04-80; 7/25/01 - Ord. 01-57)**

Other than those establishments provided in this section, [Section 224](#), and Table 2.1 the on-site consumption of alcoholic beverages shall be permitted as an accessory use according to the following requirements:

1. Alcoholic beverage sales for consumption on-site for Community Centers, Cultural Facilities, Religious Institutions, private Lodges, Intensive and General Recreation and Amusement, and High Intensity Recreation shall be permitted as an accessory use only in conjunction with a special event at the facility. The consumption, sales, or service of alcoholic beverages shall meet those requirements in [Section 224](#) for Alcohol Sales.
2. Alcoholic Beverage sales for consumption on-site shall be permitted as an accessory use associated with a hotel and motel. Alcohol sales shall be less than 50% of gross revenue.
3. Alcohol sales, meeting those conditions in [Section 224](#), shall be considered accessory.
4. Such Sale uses shall be permitted subject to Level 1 Review.

**J. Family Day Care Home (Added 7/22/09 - Ord. 09-047)**

Home may be permitted as an accessory use to a single-family detached dwelling unit in A/RR, RCC-R and all Residential districts subject to the applicable district regulations and a Level 1 Review. The Family Day Care Home activities must be clearly incidental to the residential use of the property. The following shall apply to Family Day Care Homes:

1. The Family Day Care Home shall comply with all applicable Florida Statutes. In addition, it shall also comply with all applicable provisions and requirements imposed by the Florida Department of Children and Family Services, or its successor agency.
2. There shall be no exterior alterations which change the residential character of the dwelling unit.
3. One non-illuminated sign mounted flush to the dwelling unit and not more than two square feet in area shall be allowed.
4. The Family Day Care Home use is not transferable to other locations or other providers.
5. The Family Day Care Home shall be confined to the interior of the dwelling unit with exception to the outdoor play area which shall be confined to the rear and side yards. The outdoor play area and structures shall be located to minimize any noise and adverse impact on adjacent properties.
6. The garage or any other vehicle storage areas shall not be utilized for child care activities, including use as a play area.
7. Family Day Care Home shall be allowed to provide care for a maximum of twelve (12) children, which includes those children under thirteen (13) years of age that are related to the caregiver(s).
8. Excluding the homeowner/operator and other adult family members residing on the premises, there shall only be one (1) person assisting in the Family Day Care Home at any one time.
9. There shall be sufficient off-street parking to accommodate the vehicle of the non-resident employee.

**K. Cargo Containers for Permanent Storage (Rev. 09/02/09; Ord. 09-058)**

Cargo containers are permitted to be used as permanent storage in accordance with the following:

1. All cargo containers shall comply with the Florida Building Code, Florida Fire Prevention code, and shall require a building permit.
2. Cargo Containers for permanent storage are prohibited in the following land use districts: RCC-R, RL, RM, RH, OC, L/R, ROS, and PRESV.
3. Cargo containers shall be permitted in accordance with the following:
  - a. As a temporary use in any land use district in conjunction with an authorized construction project, and shall be removed upon completion of the project unless properly permitted to remain as permanent storage in accordance with section.
  - b. Bona fide agricultural properties are permitted to have one cargo container per five acres of agricultural tax exempt acres of land, with no minimum acreage being required.
  - c. Parcels designated A/RR and RS shall be permitted one cargo container per five acre parcel, with a minimum property size of five acres.
  - d. Non-residential properties are permitted one cargo container per acre, with no minimum acreage being required.
4. In the instance where more than one cargo container, as outlined in this section, is allowed they shall not be stacked. However, within the IND and BPC-2 land use district they shall be permitted to be stacked two-high.
5. Cargo containers located on a residentially developed lot, or within the CE, LCC, RCC, CC, NAC, CAC land use districts, that is adjacent to residentially developed lots or structures shall be buffered and/or screened from the adjacent off-site residential lot or structure. Additionally, they shall maintain a minimum setback of 15 feet.
6. All cargo containers shall be placed in either the side or rear yard and meet accessory structure setbacks for the applicable land use district or the set back as outlined in the Condition #5 above, whichever is more restrictive.
7. Cargo containers shall not be located within any drainage easements.
8. Cargo containers shall not occupy any required off-street parking spaces, vehicular accesses or drive aisles, pedestrian facilities or landscape areas for the site.
9. Cargo containers shall not be permitted to have signage of any type.
10. Cargo Containers are not considered to be used for permanent storage if they are modified or retrofitted for residential habitation in accordance with the Florida Building Code. This section does not apply to the construction of residential dwellings.

**L. Adult Day Care Home (6 Clients or less) (Rev. 12/01/09; Ord. 09-073)**

The following shall apply to Adult Day Care Homes containing six (6) clients or less:

1. Any request for an Adult Day Care Home shall comply with F.S. ch. 429.
2. A maximum of one person who is not a member of the immediate family residing on the premises may be employed in the operation of an Adult Day Care Home.
3. There shall be no exterior alterations which change the residential character of the structure.
4. Adult Day Care Homes shall be permitted one non illuminated sign mounted flush to the dwelling unit and not more than two square feet in area shall be allowed.

**M. Non Residential Mixed and Accessory Uses (Revised 2/3/10; Ord. 10-007)**

1. Non-residential properties can accommodate more than one primary use.



2. All accessory uses and structures in a non-residential district shall be clearly incidental and subordinate to their primary host or they will be evaluated as an additional primary use.
3. Accessory uses to retail and service establishments such as storage, offices, or light assembly may be conducted in a detached structure so long as it is incidental and subordinate to the primary retail or service establishment.
4. Non-residential uses, whether accessory or primary, which require the use of loud equipment or machinery (e.g., saws, mixers, conveyors, hoppers, compactors, etc.) may only be allowed in Industrial (IND), High Impact Commercial (HIC), or within an enclosed facility in a Business Park Center-2 (BPC-2) district.
5. Commercial uses that support activity within the BPC may occur before primary BPC uses if located at signalized intersections.

**N. Solar Panels and Solar Energy Systems (Revised 12/6/11; Ord. 11-033)**

1. Solar panels and solar energy systems shall be allowed on all types of structures, lots, or parcels and in all land use designations as an accessory use. The installation of such devices shall comply with the following:
  - a. All devices shall comply with the Florida Building Code and be required to obtain a building permit.
  - b. All ground-mounted solar panels and solar energy systems shall comply with the following:
    - i. Shall be located on lots or parcels a minimum of 15,000 square feet in size;
    - ii. All setback requirements for accessory structures shall be met;
    - iii. Shall be located in the side or rear yard (may be allowed in the front yard with a 100 foot setback from all rights-of-way);
    - iv. For lots less than one acre in size, all ground-mounted solar panels and solar energy systems shall not exceed 10 feet in height when utilized in conjunction with residential properties or structures; all other uses and properties shall comply with the structure height requirements for the applicable land use district; and,
    - v. For lots less than one acre in size, the total surface area of all ground-mounted solar panels and solar energy systems shall not exceed 800 square feet when in a residential land use district or lot containing a residential structure.
  - c. The installation of solar panels or solar energy systems on rooftops or structures shall comply with the following:
    - i. All structure height requirements for the applicable land use district shall be complied with, inclusive of the solar panel or solar energy system;
    - ii. No part of the solar panel or solar energy system and equipment shall extend beyond the edge of the roof; and
    - iii. Required accessory equipment may be permitted on the roof or ground. Accessory equipment located on the ground shall meet all accessory structure setbacks.
  - d. Any solar panel or solar energy system that has generated no electricity for a period of 12 months shall be deemed to be abandoned and shall be removed within 180 days of such abandonment. This shall include the removal of the entire solar panel or solar energy system and any associated facilities and equipment connected thereto from the premises and the restoration of the area to a compliant pre-installation condition.
  - e. A variance may be requested for lot size, setbacks, height, or solar panel or equipment location requirements in accordance with [Section 930](#) of this Code.
2. These provisions contained herein this subsection only apply when the solar panel or solar energy system are considered to be accessory. These provisions do not apply to Solar Electric-Power Generation Facilities as defined in this Code (see Chapter 10, Definitions, and [Section 303](#)).

**O. Outdoor Storage (Added 11/4/14; Ord. 14-066)**

Outdoor storage shall be allowed as an accessory use in accordance with the following:

1. Bona fide agricultural uses are permitted outdoor storage of equipment, supplies and other items customary to an agricultural operation;
2. Outdoor storage shall be allowed in the following land use districts as an accessory use: LCC, CE, HIC, BPC-2, IND and PM (non-residential use only). Outdoor storage shall be screened from off-site view in LCC, CE, and BPC-2.
3. All outdoor storage shall be a minimum of 50 feet from any residential use or residential land use district;
4. Additional restrictions regarding outdoor storage are found within this Code. The more restrictive provisions shall apply.

**P. Wind Energy Conversion System (WECS) (Added 03/06/18; Ord. 18-014, LDC 18T-01)**

A Wind Energy Conversion System (WECS) is allowed on all types of structures, lots, or parcels as an accessory use to a home, business or farm located on the lot or parcel provided the following requirements are met:

1. All ground-mounted WECS shall comply with the following:
  - a. Shall be setback from all property lines, public road rights-of-way, overhead utility lines, and occupied structures (not including garages or storage buildings or pump houses) a distance greater than one and one quarter times (1.25x) the height of the entire structure as measured from the average adjacent grade to the end of the rotor blade at its highest reach.
  - b. Shall be located in the side or rear yard.
  - c.

The standard height limits of the land use districts shall apply, unless variance is granted in accordance with [Section 930](#), and as limited by Federal Aviation Administration (FAA) regulations. Height shall be as measured from the average adjacent grade to the end of the rotor blade at its highest reach. In districts without height limits, WECS shall not exceed 120 feet as measured from the average adjacent grade to the end of the rotor blade at its highest reach.

- d. Shall be designed to utilize tubular supports with pointed tops rather than lattice supports to minimize bird perching and nesting opportunities. The placement of external ladders and platforms on tubular towers should be avoided in an effort to minimize perching and nesting by birds.
  - e. Shall either be supported by a tower that lacks useable hand or foot holds below sixteen feet in height, or if supported by a tower that could be climbed, shall be fenced with six-foot security fence around the base.
  - f. Shall not emit noise exceeding 50dBA as measured at the property line. The described level may be exceeded during short-term events such as utility outages and/or severe wind storms.
  - g. Shall not produce vibrations which are humanly perceptible at or beyond the property lines. The described level may be exceeded during short-term events such as utility outages and/or severe wind storms.
  - h. Shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.
  - i. Shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless approved in the building permit. Paint or finishes shall be non-reflective and shall be maintained free of rust and corrosion by the operator throughout the life of the equipment.
  - j. Shall have no signage visible from any public right-of-way, except for appropriate warning signs and to identify the manufacturer, installer, and/or owner.
2. The installation of WECS on rooftops or structures shall comply with the following:
    - a. The standard height limits of the land use districts shall apply, unless variance is granted in accordance with [Section 930](#), and as limited by Federal Aviation Administration (FAA) regulations. Height shall be as measured from the average adjacent grade to the end of the rotor blade at its highest reach. In districts without height limits, WECS shall not exceed 120 feet as measured from the average adjacent grade to the end of the rotor blade at its highest reach.
    - b. No part of the WECS shall extend beyond the edge of the roof.
    - c. Required accessory equipment may be permitted on the roof or ground provided accessory equipment located on the ground shall meet all accessory structure setbacks.
    - d. Shall not emit noise exceeding 50dBA as measured at the property line. The described level may be exceeded during short-term events such as utility outages and/or severe wind storms.
    - e. Shall not produce vibrations which are humanly perceptible at or beyond the property lines. The described level may be exceeded during short-term events such as utility outages and/or severe wind storms. When placing WECS on a building, vibration pads or other engineering shall be considered.
    - f. Shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.
    - g. Shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless approved in the building permit. Paint or finishes shall be non-reflective and shall be maintained free of rust and corrosion by the operator throughout the life of the equipment.
    - h. Shall have no signage visible from any public right-of-way, except for appropriate warning signs and to identify the manufacturer, installer, and/or owner.
  3. Building permit applications for WECS shall be accompanied by standard drawings of the WECS, including the tower, base, and footings. An engineering analysis of the tower showing compliance with the currently adopted edition of the Florida Building Code and certified by a licensed professional engineer shall also be submitted. A site plan shall be submitted clearly denoting the proposed WECS location on the property including the distances to property boundaries, existing structures on the property.
  4. The WECS shall be equipped with a manual braking system for use in the event of an emergency.
  5. Any WECS that has generated no electricity for a period of one year shall be deemed to be abandoned and shall be removed within 180 days of such abandonment. This shall include the removal of the entire WECS and any associated facilities and equipment connected thereto from the premises and the restoration of the area to a compliant pre-installation condition.
  6. An applicant may seek relief pursuant to [Section 930](#) for any requirement that has the effect of prohibiting the installation of WECS under F.S. § 163.04.

**Q. Cardboard and Shredded Paper Collection**

Non-residential development projects may include collection, compaction, bailing, and transfer of discarded cardboard and shredded paper materials such as boxes, containers, office paper, card stock, cotton bond paper, and parcel packing materials in accordance with the following:

1. All cardboard shall be stored within enclosed structures except for within BPC-2 and IND districts.
2. Outdoor storage of cardboard in BPC-2 districts shall be screened from offsite view.

3. Shredded paper shall not be stored outdoors.
4. Bailers and compactors shall be located a minimum of 50 feet from any residential district or offsite residential structure.

(Ord. No. 21-037, § 2, 7-6-2021; Ord. No. 2022-002, § 2, 1-4-2022; Ord. No. 2022-079, § 3, 12-6-2022; Ord. No. 2023-064, §§ 2, 3, 10-3-2023; Ord. No. 2024-022, § 4, 3-19-2024)

#### Section 207 - Temporary Uses

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. Uses that meet the definition of an Outdoor Concert Venue are only permitted as conditional uses in select land use districts subject to applicable development criteria in [Section 303](#). (Revised 11/21/17; Ord. 17-066)

##### A. Categories of Temporary Uses (Revised 11/21/17; Ord. 17-066; 12/17/13; Ord. 13-68; 12/18/12; Ord. 12-040)

2. Booths, platforms, and food stands used for the production or sale of prepared or processed food products, such as hot dog and portable barbecue stands, also known as "Food Stands;"
3. Mobile Food Dispensing Vehicles, also known as. "Food Trucks:"
4. Booths, platforms, and stands used for the selling flowers, fruits, vegetables, and firewood, (Flowers, firewood, fruits, and vegetables that are grown or cultivated on-site are exempt from the requirements of this section), also known as "Produce Stands;"
5. Sales of retail products not classified as Produce Stands, such as fireworks, crafts, and Christmas trees, also known as "Retail Sales;"
6. Sales of vehicles to include, cars, trucks, boats, recreational vehicles, and other similar type vehicles;
7. Tents, bleachers, and similar types of facilities intended for use by congregations of people, also known as "Meeting Places;"
8. Circuses, fairs, carnivals, festivals, rodeos and similar types of activities that are unlike the usual activities associated with the properties where the events are to be located, and which are intended or likely to attract substantial crowds, also known as "Special Events;" and
9. Other similar uses or activities as determined by the Land Development Director.

##### B. Review Criteria (Revised 11/21/17; Ord. 17-066; 12/18/12; Ord. 12-040)

Temporary Use applications shall be submitted in accordance with [Section 207 C](#), through the Office of Planning and Development and evaluated for;

1. Whether there is a legally established non-residential land use on the property;
2. Whether the proposed temporary use is incidental and subordinate to the legally established non-residential land use;
3. Whether the property is appropriately sized to accommodate all activities without infringement into public rights-of-way;
4. Whether all setback requirements and off-street parking and loading are consistent with the applicable district requirements;
5. Whether the proposed temporary use is compatible with surrounding properties;
6. If the proposed temporary use will attract 250 people or more at any given time during the event or will involve amplified music, whether it is appropriately sized to ensure that noise, odor, lighting, and traffic impacts to surrounding properties will be minimized and is compatible with surrounding properties;
7. Whether the proposed temporary use constitutes an Outdoor Concert Venue as defined in Chapter 10.
8. Whether proposed strategies for mitigating noise, odor, lighting, and traffic impacts adequately protect the surrounding property owners;
9. Whether the hours of operation of the proposed temporary use are compatible with surrounding properties;
10. Whether adequate measures have been taken to ensure the safety of participants and customers, including, but not limited to, crowd control, fire safety, and emergency access;
11. Whether adequate plans exist to ensure that trash and debris are removed from the site within 24 hours of the conclusion of the proposed temporary use;
12. Whether consumption, distribution, or sale of alcoholic beverages comply with [Section 224](#) of this Code and all other Federal, state and local regulations;
13. Whether proposed temporary signage is compatible with surrounding areas, not intruding into the public right-of-way, or otherwise posing a safety hazard;
14. Whether appropriate measures have been made to avoid the repeat of any previous violations or infractions of prior temporary uses.

##### C. Application Requirements (Revised 11/21/17; Ord. 17-066; 12/18/12; Ord. 12-040)

Except as provided herein, no person or entity shall stage, conduct, manage or authorize a Temporary Use without first obtaining a Temporary Use Permit from the County.

1. Garage or yard sales require no permit from the County and shall be permitted in any district, notwithstanding the following:
  - a. The property where the sale is to be held must also contain a principal structure and,
  - b. Frequency of sales is limited, as noted in [Section 207 E](#).
2. Mobile food dispensing vehicles require no permit from the County. A mobile food dispensing vehicle shall meet the following:

- a. Only operate in those districts specified in Table 2.3.
  - b. Be located a minimum distance of five (5) feet from the right-of-way.
  - c. Any overnight accessory structures or furniture including, without limitation, tables, canopies, trash receptacles, shall be considered a food stand and require a permit pursuant to this Section.
3. All other temporary use types may be permitted as specified in Table 2.3 and where there is a legally established non-residential land use and the temporary use is incidental and subordinate to the primary non-residential use.
  4. All temporary use requests, with the exception of garage or yard sales, shall be required to apply for a Temporary Use permit, which is a Level 1 administrative review. Application requirements include, at a minimum:
    - a. Identification of legally established non-residential principal land use on the property to be used for the temporary use.
    - b. Description of the temporary use proposed;
    - c. The hours of operation and anticipated duration of the temporary use;
    - d. The number of persons expected to attend the temporary use on a daily basis and over the duration of the temporary use together with the highest anticipated attendance at any time. The maximum attendance expected for any event with amplified sound or music.
    - e. A site layout plan that addresses location of temporary uses, access, parking area, pedestrian and vehicular travel patterns and distance from surrounding properties;
    - f. Description of any amplified sound or music to be provided including the location of speakers and measures to be implemented to minimize noise impacts on surrounding properties.
    - g. Description of potential impacts (e.g., noise, odor, traffic, lights) to surrounding properties and mitigation efforts to minimize such impacts.
    - h. Description of safety and security measures to be followed, as well as a waste management plan;
    - i. Description of temporary uses on the properties within the current calendar year;
    - j. Description of any planned advertisement and marketing strategies;
    - k. Description of any activities that require permitting from other agencies, such as the Florida Department of Health and the status of such permitting.
    - l. Provision of necessary permitting from the Polk County Transportation Division or applicable agency if utilization of or closure of any public rights-of-way are being proposed, and
    - m. Provision of any other additional information as requested by the County or reviewing agencies which is deemed necessary to evaluate the application.

**D. Review Procedures (Revised 12/18/12; Ord. 12-040)**

Upon receipt of completed application packet and appropriate fees, (to be received no later than 15 business days prior to Meeting Place and Special Event type temporary uses), the Office of Planning and Development will administer the review in accordance with the following:

1. For Special Events and Meeting Place temporary uses, the application packet will be distributed for review to affected divisions or agencies, including, but not limited to, Transportation Division, Waste Resource Management, Building and Codes Division, Land Development Division, Polk County Health Department; Polk County Sheriff's Office; and the Polk County Fire Marshal.
2. Each reviewing agency or division shall review the application to determine if it is in compliance with applicable laws, rules, and regulations within each reviewing agency's purview and if the health, safety, and welfare of the participants, as well as that of the surrounding community are reasonably protected.
3. In the event that an agency or division determines that it cannot support the proposed temporary use or can only do so with conditions, the agency or division shall notify the Office of Planning and Development of such objections or conditions.
4. Upon receipt of responses from each agency the Director of the Office of Planning and Development or his or her assign shall approve the application, approve the application with conditions, or deny the application for failure to meet the standards of approval provided in Section 207B. No permit shall be issued until applicant complies with Section 207 C., as applicable.

**E. Frequency Limitations (Revised 12/17/13; Ord. 13-068; 12/18/12; Ord. 12-040)**

An applicant may apply for a new temporary use permit or apply for renewal of an existing temporary use permit on the same lot(s) or parcel(s), in accordance with the following limitations:

1. Food stands: maximum of six months at a time per parcel <sup>1</sup>, but renewable with a new application and review.
2. Retail stands: maximum of 60 days per calendar year per parcel <sup>2</sup>.
3. Produce stands: maximum of six months at a time per parcel <sup>2</sup>, but renewable with a new application and review.
4. Meeting places: maximum of 30 days <sup>1</sup>, renewable with application after use has ceased for 60 days.
5. Special events: maximum of 14 days per calendar year per parcel <sup>2</sup>.
6. Garage or yard sales: Although permits are not required, limited to four times a calendar year with a limit of three days per sale per parcel <sup>2</sup>.
7. Vehicle sales: a maximum of four (4) four-day permits per calendar year per parcel <sup>2</sup>.

- 8. All other uses not specifically addressed: maximum of 30 days per calendar year per parcel <sup>2</sup>. <sup>[1]</sup>
- 9. Applicants may not obtain a permit for a temporary use for the same parcel if that site has exceeded the time limitation for that calendar year. In the event that an applicant requests a temporary use permit for a parcel that has previously received a permit for an activity that is different from the current permit request, the most restrictive time limitation for the applicable temporary use shall apply.

**F. Signage for Temporary Uses (Revised 09/01/15; Ord. 15-056; 12/18/12; Ord. 12-040)**

Signs for Temporary Uses shall be in accordance with Section 760 F., Temporary Signs.

**G. Performance Bond Requirements (Revised 12/18/12; Ord. 12-040)**

- 1. For Special Events or Meeting Places types of temporary uses with expected attendance greater than 250 people, the applicant shall obtain a performance bond on behalf of Polk County in the sum of \$10,000, conditioned that the applicant shall conduct the approved temporary use in accordance with the approval and any imposed conditions and that any damages to public infrastructure, demands for removal, or other failure on the part of the applicant, the amount thereof shall be recoverable by the County for any damages resulting from the failure.
- 2. The performance bond provisions may be waived or modified by the Director of the Office of Planning and Development upon written request accompanied by evidence of financial responsibility, an estimate demonstrating coverage less than \$10,000 is sufficient to cover any damages or failure to comply with approval, or demonstration of the successful execution of prior temporary uses.

**Table 2.3 Temporary Uses (Revised 12/17/13; Ord. 13-68; 12/18/12; Ord. 12-040)**

District	Retail Stands <sup>1</sup>	Vehicle Sales	Food & Produce Stands, Mobile Food Dispensing Vehicles	Meeting Places <sup>1</sup>	Special Events <sup>1</sup>
RCC	X		X	X	X
RCC-R					
CC	X		X	X	
NAC	X		X	X	X
CAC	X	X	X	X	X
RAC	X	X	X	X	X
IAC	X	X	X	X	X
EC	X		X	X	X
OC	X		X		
TC	X		X	X	X
MU	X		X	X	X
PI	X		X		
BPC-1	X		X	X	X
BPC-2	X		X	X	X
HIC	X	X	X	X	X
TCC	X	X	X	X	X
LCC	X	X	X	X	X
CE	X		X	X	X

IND	X		X	X	X
PM	X		X	X	X
L/R	X	X	X	X	X
INST-1	X		X	X	X
INST-2	X		X	X	X
ROS				X	X
PRESV					
RS <sup>2</sup>	X <sup>2</sup>		X <sup>2</sup>	X	X <sup>2</sup>
RL-1					
RL-2					
RL-3					
RL-4					
RM					
RH					
A/RR	X		X	X	X
CORE					
Pre-DRI & DRL <sup>3</sup>	X	X	X		X

**Note:** Table 2.3 regulates temporary uses within all Future Land Use Map (FLUM) designations within unincorporated Polk County, including land within the Green Swamp Area of Critical State Concern and all Neighborhood Plans and Selected Area Plans (SAPs).

**X** = Permitted subject to requirements in [Section 207](#)      **Blank** = Not Permitted

- For non-residential principal land uses in RS, RL-1, RL-2, RL-3, RL-4, RM, and RH land use districts that were either approved through the conditional use process (including Planned Developments) or are legal, non-conforming uses, Special Events, Retail Stands, and Meeting Place may be considered.
- Uses are only permitted within the Wahnetta Neighborhood Plan for parcels fronting a collector or arterial road. They are not permitted within any other RS district.
- Temporary Uses within a Pre-DRI or DRI shall only be permitted in non-residentially designated areas of an approved binding site plan with an existing non-residential primary use.

**H. Model Homes and Temporary Sales Offices (Revised 8/28/02 - Ord. 02-56)**

Model homes and temporary sales offices may be permitted within residential subdivisions, for the sale of lots/homes. The following standards apply:

- One or more of the model homes, or a separate modular unit, may also be permitted as a temporary sales office for the project developer, builders, or their agents.
- Model home units shall meet all lot area, setbacks, parking, and unit separation requirements of the district in which they are located.
- A stabilized road base and fire protection facilities must be in place to the model home lots prior to lintel inspection for a model home unit or temporary sales office, as certified in writing by the engineer of record for the subdivision.
-

Model homes and temporary sales offices may continue operation until all lots or houses within that subdivision are sold. Final Certificates of Occupancy may not be issued for model homes until the subdivision plat has been recorded and all construction has been completed. No model homes may be conveyed by deed until the plat has been recorded.

5. Signs used for model home and temporary sales offices shall conform to the requirements of Chapter 7.
6. Temporary parking facilities for model homes or temporary sales office may be allowed on the adjoining lot or lots within the development. However, the parking lot must be removed before the last new home or lot is sold within the development.

**I. Construction Trailers/Offices**

Construction trailers/offices may be permitted on a temporary basis in all districts subject to a Level 1 Review and the following requirements:

1. Construction trailers/offices may only be approved for licensed contractors working on construction projects for which permits have been issued. They shall be located on the same property and within the same project area where the work is being done and shall not encroach into any public right-of-way. Construction trailers/offices shall be required to meet all applicable state and local building and set-up codes.
2. Construction trailers/offices may be approved no sooner than 30 days prior to the start of construction and shall be removed within 30 days after completion of the work for which the construction permit has been issued.
3. Temporary construction trailers/offices may not be used as residences.

**J. Temporary Mobile Homes for Medical Hardships**

Mobile homes may be permitted as a temporary special exception in all residential districts, on the same lot or parcel as an existing principal residence, in cases of medical hardship in which the infirm resident requires continuous supervision. The mobile home may be the residence of the infirm person, or the residence of the person providing the supervision. Temporary mobile homes for medical hardships are subject to the following requirements:

1. For lots or parcels meeting or exceeding one acre, a mobile home for this purpose may be approved through a Level 1 Review, pursuant to the standards below. For lots or parcels below one acre, an application for a temporary mobile home for a medical hardship may only be approved by the Land Use Hearing Officer pursuant to procedures in Chapter 9.
2. The mobile home shall not be located in the front yard of the existing principal residence.
3. The mobile home shall meet all setbacks and building separation requirements pertaining to the principal residence.
4. The mobile home may be approved only in cases of medical hardship where a resident requires continuous care and supervision as substantiated by a letter submitted by an attending physician.
5. Approvals shall be valid for one year, or for a shorter period as specified by the Land Use Hearing Officer. Approvals may be renewed by the Land Development Director, following notice provided by the Land Development Director within 30 days before expiration, when the medical hardship warranting the original approval remains and is verified. If for any reason the resident requiring medical supervision ceases to reside on the property, the mobile home must be removed from the property within 60 days.
6. Approval is not transferable to another person, and it shall not remain in effect in the event of a change of ownership of any land, structure, use, or other item covered by the approval.

**K. Temporary Emergency Shelters (Revised 5/20/09; Ord. 09-023)**

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. Initial occupancy of the temporary shelter shall not exceed 90 consecutive days. Extensions may be approved by the Building and Codes Division Director when determined to be necessary to complete the work to make the permanent residence habitable; however, in no instance shall the period of temporary occupancy of the shelter exceed nine consecutive months. Connection to potable water and wastewater shall be demonstrated during the Level 1 Review process.

In the event where new construction or replacement of a primary residence on a vacant lot is proposed and when not located in a platted subdivision, a Temporary Emergency Shelter may be occupied on the same lot, subject to a Level 1 Review, until construction or placement of the primary residence is complete and a Certificate of Occupancy (CO) has been issued. Construction of the primary residence shall be completed and occupied within one year of the Temporary Emergency Shelter approval. An extension may be requested from the Building Division Director or designee due to unforeseen circumstances. Once the primary residence has been issued a CO, the Temporary Emergency Shelter shall be removed within 60 days or the property owner must comply with all relevant policies of the Polk County Land Development Code.

**L. Road Construction Materials/Equipment (Added 12/17/13; Ord. 13-068)**

Road construction materials/equipment may be permitted on a temporary basis in all land use districts subject to a Level 1 Review and meeting the following requirements:

1. Road construction materials/equipment may only be approved for licensed contractors working on road construction projects for which permits have been issued. They shall be located within close proximity, if not along the road under construction. The construction materials/equipment may be permitted to be located within the right-of-way as long as their placement and location does not impede the traffic flow or obstruct the

view of motorists.

2. Road construction materials/equipment may be located no sooner than 30 days prior to the start of construction and shall be removed within 30 days after completion of the work for which the construction permits have been issued.
3. Construction trailers/offices shall comply with subsection I of this section.
4. Road construction materials/equipment shall be prohibited from being located within a wetland. Road construction equipment may be located within a flood plain if approved as part of the Level 1 Review.

(Ord. No. 20-038, § 1, 9-1-2020; Ord. No. 2021-011, § 2, 2-2-2021; Ord. No. 2022-067, § 2, 9-6-2022; Ord. No. 2024-022, § 5, 3-19-2024)

*Footnotes:*

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*A five day extension may be authorized by the Director of the Office of Planning and Development or his/her designee. <sup>2</sup> Contiguous parcels under the same ownership comprising a single principal use, including accessory uses, shall be considered as one parcel.*