

ORDINANCE NO. 20-21-14

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HIGHLANDS COUNTY, FLORIDA, PERTAINING TO AMENDMENTS TO THE FUTURE LAND USE ELEMENT, HOUSING ELEMENT, INFRASTRUCTURE ELEMENT, NATURAL RESOURCES ELEMENT, AND DEFINITIONS AND ACRONYMS SECTION OF THE HIGHLANDS COUNTY 2030 COMPREHENSIVE PLAN; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR PLAN AMENDMENT AND ADOPTION; PROVIDING FOR IMPLEMENTATION OF ADMINISTRATIVE ACTIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR NON-CODIFICATION AND SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, empower the Highlands County Board of County Commissioners (hereinafter referred to as the "Board") to adopt and to amend the Highlands County 2030 Comprehensive Plan (hereinafter referred to as the "Plan"); and

WHEREAS, the Highlands County Planning and Zoning Commission, acting as the Local Planning Agency, held a duly noticed public hearing on August 11, 2020, to review Large-Scale Plan amendment CPA-20-576LS, and recommended that the Board approve the Large-Scale Plan amendment CPA-20-576LS for transmittal to the Florida Department of Economic Opportunity (hereinafter referred to as the "DEO"); and

WHEREAS, the Board held a duly noticed public hearing on September 15, 2020, and approved transmittal of Large-Scale Plan amendment CPA-20-574LS to the DEO for its review; and

WHEREAS, DEO submitted its Comment Letter on October 29, 2020, and identified comments related to adverse impacts to important state resources for Highlands County, Florida (Amendment No. 20-05ESR [expedited state review]); and

WHEREAS, the proposed amendments identified as adverse impacts to important state resources have been revised to address DEO's comments.

NOW, THEREFORE, BE IT ORDAINED by the Board, after due notice and public hearing, as follows:

SECTION 1. LEGISLATIVE FINDINGS AND INTENT. The Board of County Commissioners for Highlands County has complied with all requirements and procedures of Florida law in processing this Ordinance. The above recitals are hereby adopted.

SECTION 2. PLAN AMENDMENT AND ADOPTION. the Future Land Use Element, Housing Element, Infrastructure Element, Natural Resources Element, and

Definitions and Acronyms Section of the Plan are hereby amended and adopted by reference as identified in Exhibit "A" attached hereto.

SECTION 3. IMPLEMENTING ADMINISTRATIVE ACTIONS. The County Administrator is hereby authorized and directed to take such actions as are deemed necessary and appropriate in order to implement the provisions of this Ordinance. The County Administrator may, as deemed appropriate, necessary and convenient, delegate the powers of implementation as herein set forth to such County employees as deemed effectual and prudent.

SECTION 4. SAVINGS CLAUSE. All prior actions of Highlands County pertaining to CPA-20-576LS, as well as any and all matters relating thereto, are hereby ratified and affirmed consistent with the provisions of this Ordinance.

SECTION 5. NON-CODIFICATION AND SCRIVENER'S ERRORS. The provisions of this Ordinance shall not be codified in the Board of County Commissioners of Highlands County Code of Ordinances. Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the County Administrator and County Attorney, may be corrected.

SECTION 6. CONFLICTS. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION 7. SEVERABILITY. If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.

SECTION 8. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage and adoption.

DONE AND ADOPTED this 16th day of March, 2021.

(SEAL)



BOARD OF COUNTY COMMISSIONERS
HIGHLANDS COUNTY, FLORIDA

By: _____

Scott A. Kirouac, Chairman

ATTEST _____

Jerome Kaszubowski, Clerk

EXHIBIT “A”

Amendments to the Future Land Use Element, Housing Element,
Infrastructure Element, Natural Resources Element,
and Definitions and Acronyms Section of the Plan

FUTURE LAND USE ELEMENT

The area within the Future Land Use (FLU) Element that propose text amendments are in the existing policies in Objective 1. The proposed text amendments are presented in legislative format.

Objective 1: Growth Management Strategy

FUTURE LAND USE ELEMENT

GOAL: ENSURE A HIGH QUALITY, DIVERSIFIED LIVING ENVIRONMENT THROUGH THE EFFICIENT DISTRIBUTION OF COMPATIBLE LAND USES, DISCOURAGE URBAN SPRAWL, PROTECT ENVIRONMENTALLY SENSITIVE LANDS, REDUCE GREENHOUSE GAS EMISSIONS, AND PROVIDE GUIDANCE FOR THE LOCATION, TYPE, AND INTENSITY FOR NEW DEVELOPMENT, WITHIN THE 2010 TO 2030 PLANNING PERIOD.

OBJECTIVE 1: GROWTH MANAGEMENT STRATEGY

Development within the County shall be managed through the application of Comprehensive Plan Goals, Objectives, and Policies including the implementation of the Land Development Regulations of Highlands County for the planning period of 2010 to 2030.

Policy 1.1: General Growth Management Strategy

- A. The Future Land Use Element shall be used as a common framework to govern land use decisions by the public sector and to guide the development activities of the private sector. The General Growth Management Strategy consists of the following:
1. Encourage compatible future growth, including infill, in the planning period of 2010 to 2030;
 2. Allow and encourage compatible infill development wherever properties are already served by public infrastructure, but not utilized at the most suitable density and/or intensity or type of land use in relation to surrounding development;
 3. Protect the existing Rural Village, and allow for Overlay Districts such as Sustainable Communities;
 4. Use clustering, planned development, transfer of development rights, purchase or volunteer of conservation easements, and density bonuses as the primary methods to

preserve the open space characteristics of rural areas, whenever such lands are proposed for development;

5. Use environmental clearance reviews, clearinghouse development review procedures, coordination with other agencies, and land acquisition strategies (including fee purchase, easements, donations and other less than fee mechanisms) as the principal vehicles to protect natural resources;
 6. Provide a basic recognition that commercial and personal services should be provided at existing Rural Village locations to serve rural populations; and
 7. Provide a basic recognition that the land uses outside of urbanized areas are primarily agricultural activities or low density rural development except in the Compact Urban Development Area of Sustainable Communities.
- B. In general, the outward expansion of urban land uses from the municipal limits of Avon Park, Sebring, and Lake Placid shall connect to the existing and planned infrastructures and centralized services that support the communities, municipalities and many of the employment centers of Highlands County. In most instances, development decisions should recognize this as a fundamental principle of policies governing future development within Highlands County.

The County shall give preference to:

1. Opportunities for infill or redevelopment, where such opportunities exist;
2. The development of mixed-use sites;
3. In the long-term planning horizon, sites within a Sustainable Community Overlay District;
4. Development opportunities which provide permanent jobs and improve the County's revenue base;
5. Well planned development that meets the objectives and policies of this Comprehensive Plan, especially as regards for provision of:
 - a. Central wastewater and potable water systems;

- b. Protection or mitigation of environmentally sensitive lands;
 - c. On-site and off-site roadway improvements or traffic enhancements;
 - d. Affordable priced housing, workforce housing and farm worker housing;
 - e. The voluntary re-planning and modernization of older subdivisions;
 - f. Land use patterns which reduce the potential for greenhouse gases;
 - g. Transportation options; and
 - h. Walkable communities promoting a healthy lifestyle.
- C. Development impacts, timing, the availability and adequacy of infrastructure facilities, the installation of new infrastructure, the provision of new or the expansion of existing services by the public or private sectors, historic growth trends, and the limits of public budgets to provide services shall be considered as impacts of future development proposals. These considerations are particularly important whenever land use amendments are evaluated for the most suitable density and/or intensity or type of land use.
- D. Sprawl Guidelines: It is the goal of Highlands County to build on its historical development pattern as a given point of departure, and to mitigate the forces fostering urban sprawl. Urban sprawl is generally scattered, untimely or poorly planned urban development that occurs on the fringe of rural areas and has occasionally invaded lands important and most suitable for agriculture or environmental and natural resource protection. In order to effect this goal, the primary sprawl indicators that a proposed plan or plan amendment discourages will function as a sprawl litmus test. The determination of the presence of one or several of these indicators shall consist of an analysis of the proposed plan or plan amendment within the context of features and characteristics unique to the local community in order to determine whether the plan or plan amendment manifests these findings. For reference, the indicators are contained within the Technical Support Documents to the Comprehensive Plan.
- E. Other Measures to Promote Growth Management

The following measures in addition to implementation of FLU Policy 1.2.A through FLU Policy 1.2.D. shall be undertaken by the County to encourage orderly growth, to promote compatible land use patterns, to maintain separation between urban and agricultural land use activities, and to avoid or minimize impacts to the County's environmental resources:

1. Implementation of Future Land Use Maps that express the development capacity and potential use of unincorporated lands in the form of an overall land use pattern for the County;
2. Implementation of planning guidelines and criteria for evaluating land use changes and establishment of a new growth management system that more appropriately addresses rural planning conditions, infrastructure enhancements, future development trends, and community values;
3. Implementation of Land Development Regulations which are consistent with the policies of this Comprehensive Plan;
4. Implementation of a Concurrency Management System to assure that all development and redevelopment adheres to the Level of Service Standards set forth in this Comprehensive Plan;
5. Protection of natural resources against the impacts of development through the establishment of environmental clearance procedures, mitigation procedures, and development standards;
6. Establishment of procedures and criteria to recognize vested rights;
7. Protection and maintenance of the natural and man-made environment and resources in a manner protective of the water supply;
8. Implementation of the Goals, Objectives, and Policies of the Comprehensive Plan to guide and manage growth;
9. Use of population projections, to guide public/private entities in planning for development, redevelopment, and service delivery; and

10. Use of specific area plans, subject matter plans, neighborhood improvement plans, Sustainable Community Master Plans, independent special districts, and applicable state and regional plans to guide the decision making process of the Planning and Zoning Commission and the Board of County Commissioners.

Policy 1.2: Land Use Categories, Densities, and Intensities

- A. Official Future Land Use Map Established:
 1. Land Use Categories shall be depicted on the Future Land Use Map series for all properties in the unincorporated area of Highlands County. This map series shall be part of the Future Land Use Element. Each land use map, of the map series, shall be consistent with the scale of the Zoning Atlas and at other scales as appropriate in order to facilitate cross referencing and identifying inconsistencies. Collectively, the land use maps shall constitute the official Future Land Use Map.
 2. Each Future Land Use category shall be identified on each map by the designations established within this Comprehensive Plan.
 3. A property's development potential and development order approvals shall be consistent with the Future Land Use Element as a whole and with other applicable goals, policies, and objectives of the Comprehensive Plan.
 4. Urban land use designations are those land uses allowing for high density and intensity of development (4 du/ac or higher), not including the Agriculture land use, Conservation Management land use or Low Density residential land use.
- B. As a means to allow aquifer recharge, the following maximum site coverage standards have been applied to the Land Use Categories described in Paragraph "D" below.
- C. Nonresidential Land Use Categories: The intensity of nonresidential development shall recognize natural environmental constraints, traffic and access, the character of surrounding development, and the necessity of potable water and central wastewater installations as a prerequisite to development. The intensity to which a property may be developed for the nonresidential land uses described in Paragraph "D" below shall be governed by the indicated site coverage standards and floor area

ratios (FAR). The County shall amend its Land Development Regulations to incorporate these standards and ratios.

D. Land Use Categories:

1. **Agriculture: (abbreviation = AG):**

Agriculture is the predominant land use for the rural areas of Highlands County. This category encompasses those activities generally associated with rural settlements, active agriculture including biofuel feedstock and other resource based activities, and recreation and open space.

- a. Starting Density: 0.20 or less, units per acre, or one (1) dwelling for every five acres.
- b. Maximum Density: 1 unit per 1 acre on the receiving parcel with a density transfer pursuant to a transfer of development rights or clustering; or,

1 unit per 2 acres on the receiving parcel when transfer of development rights or clustering is required onsite to protect natural resources on sending parcels as identified on the Conservation Overlay Map. Number of dwelling units transferred is determined by the land use designation of the sending parcel: ~~or,~~

~~Agricultural workforce housing shall be allowed as established by the Highlands County Land Development Regulations.~~

Other parcels less than 5 acres must be created under the following conditions:

- 1) Parcels created pursuant to the family homestead provisions of the Florida Statutes and the Land Development Regulations must:
 - i. Have a minimum lot size of one acre;
 - ii. Have direct access to a publicly maintained road; and,
 - iii. Have at least one-half acre of upland which will be sufficient to accommodate the proposed development, in

accordance with wetland and other land protection policies contained in Natural Resource Element (NRE) Objective 3.

- 2) Parcels other than that created under the family homestead provision at a density greater than one dwelling unit per five acres (less than 5 acres in size) pursuant to either clustering or transfer of development rights are subject to the following provisions:
 - i. Individual lots shall have a minimum lot size of one acre, when resource protection pursuant to NRE Objective 3 is not involved. (Protected resources cannot be used as part of this minimum lot size computation);
 - ii. Must achieve the purposes of FLUE Policy 3.3 and/or protect agriculture lands that are being used for farming or achieve the purposes of the land protection objectives of Natural Resource Element Objectives 3 and 4;
 - iii. Must conform to all other requirements of the adopted Land Development Regulations (including platting requirements), Land Development Regulations, and Comprehensive Plan, as applicable to other agriculture properties;
 - iv. Have direct access to a publicly maintained road;
 - v. Have at least one-half (1/2) acre of land which will be sufficient to accommodate the proposed development, in accordance with wetland and other land protection policies contained in Natural Resource Element Objectives 3 and 4. (Protected resources cannot be used as part of this minimum lot size computation);

- vi. Must file a legal instrument that acknowledges the receipt and understanding of the provisions of F.S. 823.14, the Florida Right to Farm Act;
 - vii. Must provide a minimum fifty-foot buffer and building setback from any property line between an adjacent agriculture use and any non-agriculture use proposed on the property. This buffer shall be provided by the non-agriculture development;
 - viii. The undeveloped portion of such tracts that is the sending parcel, and is used to transfer development density to the receiving parcel, pursuant to the transfer provisions and requirements of the transfer of development rights ordinance, must be reserved in either an agriculture, open space or conservation easement. The use of the agriculture, recreation and open space, or conservation easement for other purposes shall require an equivalent transfer of density from another parcel and the recordation of an equivalent easement that meets identical purposes of FLUE Policy 3.3, including protection of agriculture lands that are being used for farming or achieve the purposes of the land protection objectives of Natural Resource Element Objectives 3 and 4; and,
 - ix. The sending parcel's density must be equal or less than the receiving parcel's density
- 3) Subdivision development for lots greater than 5 acres shall not be required to follow the clustering or transfer of development rights provisions stated above but shall be required to conform to the platting requirements of the adopted Land Development Regulations, and

- Comprehensive Plan, as applicable to other agriculture properties.
- 4) New subdivisions in the Agriculture land use category which create more than 20 lots are required to cluster. Such lots should have frontage on a publicly maintained road, and be reasonably accessible to other urban services.
- c. Wetland and Flood Plain Density: A density of 0.10 units/acre (1 dwelling for every 10 acres) shall be assigned to any delineated jurisdictional wetland and flood plain area, within the Agriculture land use category which is depicted on the Future Land Use Map series. Any legally created property that is only partially impacted by wetlands or flood plains is exempt from this provisions, as long as development can be achieved on the property maintaining the required setbacks from lot lines and wetland resources and has a minimum of 1 acre of contiguous area for that development that is not impacted by the delineated jurisdictional wetland or flood plain area.
 - d. Additional Allowable Uses: Places of worship; emergency support services. Public schools (Elementary & Middle) consistent with Policy 1.5.1 of the Public School Facilities Element; to serve the rural population to the greatest extent possible collocated with the following public facilities to the extent possible: public recreational facilities; community centers; public library; museum; and gallery.
 - e. Additional Uses which may be granted upon approval of an application Subject to Specific Criteria set forth in the Land Development Regulations: Other non-resource based uses such as cemeteries; agro-industrial research and education facilities (i.e. typically co-located with the agricultural or resource uses); telecommunication facilities; and self-contained temporary plants such as asphalt plants or pipe yards intended to serve a specific project for a limited period of time; solar based power generation facilities; and wastewater treatment plants, provided they meet the following: Power plants shall be allowed subject to the criteria below and consistent with the Power Plant Siting Act, Transmission Line

Siting Act, Highlands County Comprehensive Plan, and the Highlands County Land Development Regulations.

Criteria for granting such approval of additional uses shall be based upon site specific evaluation of soil suitability, stormwater treatment, traffic, land use compatibility with surrounding properties, water supply including aquifer recharge, utility availability including water, wastewater and solid waste disposal and impact on natural resources and environmental systems.

1. The provision of the facilities and services is in conformity with the provisions of this and other elements of the 2030 Comprehensive Plan;
 2. The use meets all local, State, and federal regulatory requirements and performance standards;
 3. The location, type, scale, density/intensity, and design of the facilities are compatible with the overall character of the existing, as well as the proposed future development of the area;
 4. Facilities and structures must be located and designed in such a manner as to protect the safety of individuals nearby and to ensure that neighboring properties and structures are protected during the normal operation of these facilities and structures and in the event that the facilities or structures are damaged or destroyed; and
 5. The use does not attract spin-off urban development or may not be a desirable activity in the urbanized area because of external impacts on adjacent lands.
- f. Agritourism as an Additional Use: Any agricultural activity consistent with a bona fide farm, livestock operation, or ranch or in a working forest which allows members of the general public to view or enjoy the farming activities for recreational, entertainment, or educational purposes, pursuant to Section 570.85, F.S.

- g. Accessory Uses: The accessory activity and/or its structure: (1) is subordinate in area, extent and purpose to the principal use; (2) is consistent and contributes to the comfort, convenience or necessity of the principal use; (3) is located on the same lot or parcel and in the same implementing zoning district as the principal use; and (4) is necessary structure and infrastructure.

2. Low Density Residential: (abbreviation = RL):

This land use classification requires large lots for single-family housing which is typical of estate subdivisions or ranchettes. This land use is primarily utilized as a means to define the transition to agrarian settlement patterns within the County, such as in Existing Rural Villages. It performs the function of an urban/rural threshold around the urban cores. Low Density Residential should be the primary land use option for the development of less accessible lands or less useable lands on the Lake Wales Ridge.

- a. Starting Density: 1.00 units per acre.
- b. Maximum Density: 3.00 units per acre.
- c. Additional Allowable Uses: Public schools (Elementary & Middle); collocated with the following public facilities to the extent possible: public recreational facilities; community centers; public library; museum and gallery.
- d. Accessory Uses: The accessory activity and/or its structure: (1) is subordinate in area, extent and purpose to the principal use; (2) is consistent and contributes to the comfort, convenience or necessity of the principal use; and (3) is located on the same lot or parcel and in the same implementing zoning district as the principal use.

3. Medium Density Residential: (abbreviation = RM):

The development pattern for this residential category begins with the traditional development density for single-family lots on unincorporated properties in the County. Generally subdivided into quarter-acre lots, which established the starting density this land use category constituted the primary residential environment for County residents

comprising both site-built and mobile homes. Historic development patterns for this land use category favor commuter linkages from satellite subdivisions around municipalities and along arterial corridors. Housing service ranges from single-family detached neighborhoods to attached housing complexes, such as duplexes, which offer both ownership and rental opportunities. Vacant infill properties are prime candidates for this land use category. Future projects should emphasize a traditional preference for privacy, visual amenity, and low profile development: one and two story construction, ample separation between buildings, off-street parking, landscape treatments, etc. The upper end of this density range, which includes the Mobile Home Park (max. 8 dus/ac), may be achieved where existing infrastructure and paved roads exist to serve the development site or whenever special taxing districts are created to provide such infrastructure.

- a. Starting Density: 4.00 units per acre.
- b. Maximum Density: 8.00 units per acre
- c. Additional Allowable Uses: Public schools (Elementary, Middle, & High); colocated with the following public facilities to the extent possible: public recreational facilities; community centers; public library; museum and gallery.
- d. Permitted Supporting Uses: include potable water and wastewater treatment plants.
- e. Accessory Uses: The accessory activity and/or its structure: (1) is subordinate in area, extent and purpose to the principal use; (2) is consistent and contributes to the comfort, convenience or necessity of the principal use; and (3) is located on the same lot or parcel and in the same implementing zoning district as the principal use.

4. High Density Residential: (abbreviation = RH):

Land use with the highest residential development potential. Historically, this has been the predominant residential density for mobile home and attached multiple-family housing projects, although small lot subdivisions are achievable at the low end of this density range.

Prime candidates for development at this density are infill properties situated in close proximity to municipal boundaries, shopping and employment centers, the intersections of paved arterial or collector roads, and similarly developed sites. In addition to these considerations, new development or redevelopment at the upper limits of this density range may be required to connect to an existing central wastewater system and potable water system which are available to the site, or provided on site as required supporting uses.

Because of their high profile in the urban fabric, High Density Residential projects should integrate landscape treatments and buffers, screened or covered on-site parking, properly controlled internal circulation and access/egress points, and amenity spaces/facilities into the site plan.

In order to assure that High Density Residential projects are compatible with the character of neighboring residential properties and respectful to the visual perspective of the street scape, design consideration should also be given to the scale of the project; building mass, heights, setbacks, and orientations; architectural style and material treatments; and signage.

- a. Starting Density: 9.00 units per acre.
- b. Maximum Density: 12.00 units per acre, except that *Assisted Living Facilities* shall be allowed a maximum of 30 units per acre and affordable or workforce housing shall be allowed a maximum density of 16 dwelling units per acre.
- ~~b.c.~~ Maximum Intensity - Floor Area Ratio: Up to 0.70 FAR for office; Up to 0.80 for other commercial uses. Density and intensity shall be calculated separately.
- ~~c.d.~~ Additional Allowable Uses: Public schools co-located with the following public facilities to the extent possible: public recreational facilities; community centers; public library; museum and gallery.
- ~~d.e.~~ Site Specific Criteria of *Assisted Living Facilities*: All ALF facilities must meet the following:

- 1) Be serviced by urban infrastructure such as centralized utilities and compact, walkable development;
- 2) Have access on or to a traffic collector or arterial road;
- 3) Have access to on-site or adjacent open space areas or to a County or Municipal Park or recreation area; and
- 4) Have central water and central wastewater or equivalent or comply with the restrictions of F.A.C. 64E-6.

e.f. Accessory Uses: The accessory activity and/or its structure: (1) is subordinate in area, extent and extent and purpose to the principal use; (2) is consistent and contributes to the comfort, convenience or necessity of the principal use; and (3) is located on the same lot or parcel and in the same implementing zoning district as the principal use.

5. Public/Quasi-Public Facility and Institutional Lands: (abbreviation = P):

This land use category encompasses all lands in public ownership that are used for public airports, recreation, athletic sports, stadiums, public schools, college & university campuses, military training and management, flood control, sanitary landfill, public potable water and public waste water treatment plants, civic buildings, and government activities. Quasi-public uses in this category are properties held by: privately owned institutions for the beneficial use, recreation, education, assembly, or membership of the public, including private schools, church owned land that is used for other than regular worship services (such as retreats, camps, parochial schools), facilities of nonprofit fraternal organizations, cemeteries, hospitals, park facilities, and similar places accessible to the public; utility company, railroad, and airport facilities that include such uses as administrative headquarters, corporation storage and repair yards, power stations, electrical generating facilities, electrical and liquefied gas substations, primary transmission lines, communication towers, potable water

and wastewater treatment plants, incinerators, and similar commercially operated facilities are included.

Airport related uses allowed include all uses normally accessory to an airport in addition to commercial uses, industrial uses and parks of commerce approved by the Board of County Commissioners.

- a. Development Capacity: permanent residential uses between 1 unit/acre and 0.1 unit/acre (depending upon the development capacity of surrounding land uses), plus facilities and improvements necessary for the intended use or activity.
- b. Maximum Intensity - Floor Area Ratio: Up to 1.00 FAR.
- c. Accessory Uses: The accessory activity and/or its structure: (1) is subordinate in area, extent and purpose to the principal use; (2) is consistent and contributes to the comfort, convenience or necessity of the principal use; and (3) is located on the same lot or parcel and in the same implementing zoning district as the principal use.

6. Conservation/Management Lands: (abbreviation = CM):

This land use category includes all public or private-nonprofit organization lands that have been obtained (including acquisition, conservation easements, donations and other less than fee mechanisms) for environmental research, preservation, conservation, mitigation or education purposes. Examples include Conservation and Recreation Lands (CARL) or Florida Forever sites, open space easements, flood and water management lands, native preserves, natural park land, environmental research stations, wildlife management areas, and incidental accessory improvements directly related to these uses and for access improvements, such as boat-ramps, to recreational waters and equestrian camping facilities associated with established or planned trail systems such as the Florida National Scenic Trail, a part of which is along the Kissimmee River, connecting the Chain of Lakes with Lake Okeechobee. The Conceptual Plan Line (See Administrative Section III) will show proposed CARL sites, Water Management District purchases of environmentally sensitive

land, the Kissimmee River Restoration project, proposed County purchases, or Save Our River purchases.

- a. Development Capacity: 1 unit/80 acres, plus facilities and improvements necessary for the intended conservation use or activity.
- b. Maximum Intensity: Floor Area Ratio: Up to 0.15 FAR.
- c. Maximum Impervious Surface: Limited to that which is necessary to support the intended conservation or management use or activity.
- d. Additional Uses: Campgrounds, in association with trails, trailheads and hiking stations for accessing recreation facilities such as boat ramps and equestrian camping facilities, supported by on-site parking facilities, are permitted uses when part of a management plan by a public agency and single family residential uses in vested subdivisions.
- e. Accessory Uses: The accessory activity and/or its structure: (1) is subordinate in area, extent and purpose to the principal use; (2) is consistent and contributes to the comfort, convenience or necessity of the principal use; and (3) is located on the same lot or parcel and in the same implementing zoning district as the principal use.

7. Commercial: (abbreviation = C)

Retail business operations which serve as convenience shopping or personal service destinations for nearby residential neighborhoods. Generally, such uses should locate at the intersection of arterial/collector roads or at the center of large scale subdivisions. Examples include dry cleaning outlets, convenience stores, salons and barber shops, pharmacies, small retail shops, branch banks, small dry goods or hardware stores, antique shops, service stations, and similar types of use.

Businesses serving a county-wide or regional market area which provide a variety of trade goods and commodities at retail and wholesale levels. These commercial uses are usually dependent upon highway or arterial intersection locations. Community serving commercial businesses may

develop in combination with neighborhood commercial businesses. Examples are large department stores, auto dealerships and repair garages, strip shopping centers, motels, larger restaurants, corporate headquarters, and other retail complexes. Shopping centers and malls over 5 acres in size must be developed under PD zoning.

Business operations that provide administrative, personal, or professional services to the general public or to other businesses. As a general rule, such uses are not associated with on-site activities common to stock and trade commercial operations, such as the retail sale and display of commodities or fair trade items. Under this heading are assisted living facilities (ALF), offices or studios for doctors, veterinarians, stock brokerages, real estate agencies, attorneys, engineers, architects, accountants, artists, postal services, financial consultants, travel agencies, and similar non-intensive, single purpose businesses. Commercial uses of a special nature range in character from rural to urban and represent a principal growth factor for the recreation/tourist economy of Highlands County. Commercial recreation businesses and resort recreation facilities which are established for seasonal populations and temporary occupancy should be the primary focus for special commercial use. Because of the specific location, factors related to recreation sport and certain commercial attractions, a special commercial uses should generally be located in proximity to Rural Villages or along a rural highway or close to the recreational feature it serves. Examples of this would be a specialized single purpose commercial use such as a fish camp resort, amusement park, outdoor farmers market, horse racing track, equestrian resort, marina, archery and gun club, golf driving ranges, or a sports complex.

- a. Maximum Intensity - Floor Area Ratio: Up to 0.70 FAR for office; Up to 0.80 for other commercial uses.
- b. Accessory Uses: The accessory activity and/or its structure: (1) is subordinate in area, extent and purpose to the principal use; (2) is consistent and contributes to the comfort, convenience or necessity of the principal use; and (3) is located on the same lot or parcel and in the same implementing zoning district as the principal use.

c. Density as described in Future Land Use Policy 1.2.D.4, provided that the residential FAR does not exceed the commercial FAR, does not exceed 50% of the property, and is located behind or above the commercial use.

e.d. Site Specific Criteria of *Assisted Living Facilities*: All ALF facilities must meet the following:

- 1) Be serviced by urban infrastructure such as centralized utilities and compact, walkable development;
- 2) Have access on or to a traffic collector or arterial road;
- 3) Have access to on-site or adjacent open space areas or to a County or Municipal Park or recreation area; and
- 4) Have central water and central wastewater or equivalent or comply with the restrictions of F.A.C. 64E-6.

8. Commercial/Industrial Mixed Use: (abbreviation = CI):

This mixed land use category is intended to permit a limited amount of low traffic, light industrial land uses in combination with highway dependent businesses and heavy commercial operations. Examples are mini warehouses, small scale inside assembly operations, retail sales in association with citrus operations, industrial offices, outside storage facilities which are screened and landscaped, and similar uses. The commercial use is the primary use in this land use category; the industrial mixed use is an optional secondary use. An industrial use shall always be subordinate to the commercial use in site area, floor area, and traffic generation. Mixed uses must be developed in accordance with PD zoning regulations and employ buffers.

- a. Mixed Use Ratio: Up to 40% of gross site area for the secondary industrial use.
- b. Maximum Intensity - Floor Area Ratio: Up to 0.80 FAR.

- c. Accessory Uses: The accessory activity and/or its structure: (1) is subordinate in area, extent and extent and purpose to the principal use; (2) is consistent and contributes to the comfort, convenience or necessity of the principal use; and (3) is located on the same lot or parcel and in the same implementing zoning district as the principal use.

9. Business Park Center: (abbreviation= BPC):

The Business Park Center (BPC) category is intended to provide for the placement of establishments to accommodate employment centers including logistics center, light-assembly, manufacturing, warehousing, distribution, showroom, and local and non-local office needs. The BPC is intended for land use activities conducted entirely within enclosed structures with the exception of loading and unloading.

The BPC is not intended for general retail uses or commercial offices but for major employment centers. Limited retail uses shall be allowed in the category where such uses are related to or supportive of the primary employers and businesses already located or under development within a BPC.

Business Park Centers shall be encouraged to locate around the infrastructure and centralized services which support many of the employment centers of Highlands County or within Sustainable Communities of the County. Business Park Centers may be located in other areas contingent upon provision of adequate facilities and services.

No more than 10% of the total land area of the Business Park Center category may be utilized for supportive commercial uses such as office supply, limited restaurant uses, and day care centers. Mixed uses within a BPC shall be subject to a master plan. Retail and hotel uses shall be subject to a high degree of interconnectivity for vehicle and pedestrian access within the BPC. No residential uses shall be permitted the BPC.

Hotel uses shall be an allowed use within a Business Park, and not limited to the 10 % retail component. Retail and hotel uses shall be designed with internal connectivity for vehicular and pedestrian access within the business park.

- a. Maximum Intensity - Floor Area Ratio: Up to .50 FAR for non-commercial uses.
- b. Accessory Uses: The accessory activity and/or its structure: (1) is subordinate in area, extent and purpose to the principal use; (2) is consistent and contributes to the comfort, convenience or necessity of the principal use; and (3) is located on the same lot or parcel and in the same implementing zoning district as the principal use.

10. Industrial: (abbreviation= I):

This category generally covers land use activities which involve converting or processing raw materials; the manufacture, assembly, production, or repair of durable goods; wholesale commerce; warehousing or storage operations; distribution and shipment of cargo; and, corporate functions in association with industrial operations.

Industrial activities involving corporate offices and light industrial operations (such as small warehouses, assembly operations, distribution and shipping facilities, and like uses) shall be encouraged to locate around the infrastructure and centralized services which support many of the employment centers of Highlands County or within Sustainable Communities of the County.

Industrial uses that directly support agricultural operations (such as fertilizer plants, farm equipment repair, milk pasteurization plants) or that pose a significant nuisance from noise and odor (such as slaughter houses, juice plants, animal transport stock yards, sludge processing plants) may locate on lands depicted as Agriculture, subject to the Land Use Permit requirements of the Agriculture zoning district.

Industrial uses that are a potential endangerment to public health and safety (such as chemical plants, incinerators, waste processing facilities, the manufacture and storage of explosives, electrical generation stations and natural gas sub-stations) shall be required in all cases to locate in isolated areas, away from population centers, and generally in the rural areas of the County.

- a. Maximum Intensity - Floor Area Ratio: Up to 1.00 FAR.

- b. Accessory Uses: The accessory activity and/or its structure: (1) is subordinate in area, extent and extent and purpose to the principal use; (2) is consistent and contributes to the comfort, convenience or necessity of the principal use; and (3) is located on the same lot or parcel and in the same implementing zoning district as the principal use.

11. Existing Designation Category: (abbreviation = E):

The Existing Designation Category applies to those areas, uses of land, or uses of buildings that currently exist and are scattered around the County in a pattern that does not conform to the applicable sections of the Florida Statutes that prohibit sprawl or leapfrog development. These areas, uses of land, or uses of buildings were previously approved when such approvals conformed to applicable state laws and when the prohibitions against sprawl and leapfrog development did not exist. Such categories are to be considered legal designations under all applicable Highlands County growth management laws but are not allowed to expand or increase beyond the boundaries previously approved by Highlands County. All uses, uses of land and uses of buildings within these designations must meet all applicable Highlands County growth management regulations now in effect or in effect at some future date.

12. Mixed Use: (abbreviation= MU):

This category shall apply to developments that are not singular in their uses but comprised of multiple or mixed uses which require specific or selected land use districts in order to implement them. Fundamental structural elements within the Mixed Use category should be present such as compact development, mixed uses, provision for multiple modes of transportation and responsive to the environmental and cultural attributes of the development site or community. The implementing districts that may be used are the TND: Traditional Neighborhood Development district, PD: Planned Development district, and any other mixed use patterns evolving out of new urbanism practices that integrates individual land uses of differing densities and intensities. This category shall include approved Developments of Regional Impact" (DRI); approved "Florida Quality Developments" (FQD); and, Projects with a "Binding Letter of Interpretation of Vested Rights Status" (BL) from either the

former Florida Department of Community Affairs or the Florida Department of Economic Opportunity.

- a. Development Capacity: Development includes approved development orders and Development Agreements in the project portfolios on file at the Planning Department.
- b. Accessory Uses: The accessory activity and/or its structure: (1) is subordinate in area, extent and purpose to the principal use; (2) is consistent and contributes to the comfort, convenience or necessity of the principal use; and (3) is located on the same lot or parcel and in the same implementing zoning district as the principal use.

13. Multi Use Center (abbreviation= MUC):

The Multi Use Center (MUC) Future Land Use category is intended to provide a balanced mix of residential and non-residential uses including residences, shops, work places, parks, and other urban uses. The MUC should functionally and physically integrate a mix of commercial (office and retail), industrial, if desirable, residential (including affordable housing), recreational, and public or semipublic uses.

The mix of land uses within the MUC should produce a high internal capture of daily trips. To accomplish this, the MUC should be designed with a high degree of interconnectivity for vehicle and pedestrian access.

The MUC shall be subject to a master plan. In order to achieve a balanced mix of uses, the land uses should be provided within the following ranges:

- a. Residential: Up to 80% of acreage
- b. Retail/Office/Light Industrial: Up to 80% of acreage
- c. Recreation/Open Space/Public/Civic Space: At least 10% of project
- d. Maximum Density:
Multi-Family: 20 dwelling units per acre

Single Family: 5 dwelling units per acre

- e. Maximum Intensity - Floor Area Ratio: 1.0 FAR

14. Vested Development

- a. The Vested Development Category applies to subdivisions or developments that have received vested status by either Highlands County through the appropriate Administrative Section of the adopted Comprehensive Plan or by the State of Florida through the Binding Letter process or Development of Regional Impact process.
- b. The developments or subdivisions covered by this category include the developments or subdivisions shown in the table entitled "List of Vested Developments" in the Technical Support Section of the adopted Comprehensive Plan. Property or land in this category shall be considered consistent with the Vested Category when the zoning is single family residential. All property included in this category shall have as their basic vested property right the development of a single family detached dwelling on at least a lot size of a quarter acre or 10,000 square feet.
- c. This vesting does not waive requirements for all applicable County, Regional WMD, State or Federal permits.

15. Overlay Districts (abbreviation = OL)

This category shall apply to areas that are not singular in their uses but comprised of multiple or mixed uses and which have established specific policies to guide development. This designation is intended to set standards and guides for future development entitlements achieved through Comprehensive Plan Amendments, Development of Regional Impact (DRI) review process, processed through an optional Sector Plan pursuant to section 163.3245, Florida Statutes, or other applicable growth management legislation such as may be permitted under Florida Statutes which may include a full or partial exemption from DRI review to the extent allowed by state law, or pursuant to a written

agreement executed by Highlands County and the state land planning agency.

16. Public Water Supply: (abbreviation PW)

This category includes all lands allowing the development of potable water facilities. It is the intent of this district to:

- a. Attain consistency between the PW, Public Water Supply zoning district and the Public Water Supply Land Use Classification, as required by Chapter 163 of the Florida Statutes;
- b. Maintain and protect the natural and man-made environment and resources in a manner protective of the water supply;
- c. Ensure the availability of adequate dependable sources of good quality water for domestic; residential, commercial, and industrial use, as required by Chapter 163 of the Florida Statutes;
- d. Protect both quantity and quality of groundwater supply and to protect groundwater supplies from potential contamination; and
- e. Safeguard the health, safety, and welfare of the citizens of Highlands County.
 - 1) Permitted Uses: Only uses functionally related to the water supply system; open space; passive recreation, parks with no structures or impervious surfaces except for fencing; active recreation activities with no vehicles; structures or impervious surfaces; and, ballfields or playfields.
 - 2) Permitted accessory structures: Only structures accessory to the permitted principal uses are allowed.
 - 3) Prohibited Uses: Uses not functionally related to a water supply system or to the other uses cited in a. above. No parking areas, structures, or impervious surfaces, except for those shown as permitted or accessory shall be allowed.

- 4) Minimum Lot Requirements: As defined by the Highlands County Land Development Regulations.
- 5) Requirements: An Environmental Clearance Report (ECR) is required pursuant to NRE Policy 3.3.E., and all requirements of Objective 6 of the Natural Resource Element must be satisfied.
- 6) Density and Intensity: No commercial, industrial, or residential density or intensity are allowed except for FAR and impervious surface that is directly related to public water supply.
- 7) Applicability: This land use category and its implementing zoning district shall apply to ~~all~~ only those potable water facilities that ~~must obtain a Water Use Permit from a Water Management District.~~ have a PW land use designation before March 3, 2020.

- E. Nonconformities: The County shall allow all land use activities made nonconforming by the Comprehensive Plan to continue as nonconforming uses to the extent allowed by County Land Development Regulations governing nonconformance. Without exception, no expansion or reestablishment of a nonconforming use shall be allowed beyond that permitted in the County's Land Development Regulations or vesting order.

The guiding principles for preparing the County's land development regulation on nonconformance are expressed below:

1. Nonconforming uses may continue and, under certain conditions, may be expanded, restored, altered, or improved in conformity with character of surrounding uses, for public health and safety, to abate public nuisances or eyesores, to allow the beneficial enjoyment of property in keeping with similar uses or activities allowed to other properties, or to achieve the purposes and intent of Comprehensive Plan policy. Any expansion of nonconforming uses must otherwise be consistent with the provisions of this Plan.
2. Nonconforming structures or uses must have been existing prior to the adoption date of this Comprehensive Plan policy.

3. No future action by County government shall create additional nonconformance or a nonconforming situation.
 4. If the nonconforming use is discontinued for a certain period of time prescribed by County regulations, subsequent use or development of the property shall be made to conform to the current zoning district regulation for that property.
- F. Density and/or Intensity in Wetlands: For the purposes of implementing this policy, a density of 0.10 units/acre (1 dwelling for every 10 acres) shall be assigned to any delineated jurisdictional wetland and flood plain area, within any Agricultural or Residential land use category which is depicted on the Future Land Use Map (FLUM).

For non-agricultural or non-residential uses, 25 percent (25 %) of the FAR for a delineated jurisdictional wetland or flood plain area in any Commercial, Commercial/Industrial Mixed Use and Industrial land use categories depicted on the FLUM shall be assigned, unless a mitigation option is selected from NRE Policy 3.16.

In the event a property owner wishes to transfer development rights (TDR) from off of the delineated jurisdictional wetland or flood plain, it may be granted only at the starting density of the Agriculture or Residential land use category in which the delineated wetland and flood plain are located.

(Example: *Agriculture*; 1 dwelling unit for every 5 acres may be transferred; *Low Density Residential*; 1 dwelling unit for every 1 acre may be transferred).

1. Owners of property that are lots of record, in a district in which dwellings are permitted, may erect a single family residential dwelling and customary accessory buildings pursuant to NRE Policy 3.5 and to the provisions of the Land Development Regulations.
2. Any legally created property that is only partially impacted by wetlands or flood plains is exempt from this provision, as long as development can be achieved on the property maintaining the required setbacks from lot lines and wetland resources, and in the Agricultural land use category, has a minimum of 1 acre of contiguous area for that development that is not impacted by the delineated jurisdictional wetland or floodplain area. In other Residential land use categories, a minimum contiguous area for development that is not

impacted by the delineated jurisdictional wetland or flood plain will be pursuant to the development capacity for that category.

Policy 1.3: Recognition of the Existing Rural Village, and Specific Neighborhoods

A. Definition of Rural Village, Rural Neighborhood and Suburban Neighborhood:

Locales to be designated for Rural Village, or Specific Neighborhood overlay categories are existing communities identified on the Future Land Use Map series. These are places where some higher density residential and neighborhood commercial uses may be established through either buildout of existing developments or Future Land Use amendments. These higher density developments should be complimentary to existing neighborhoods.

The Rural Village includes:

Rural Village of Lorida

The Rural Village and Specific Neighborhood designations recognize existing and emerging neighborhoods in rural areas of the county. These areas have been identified on the Future Land Use Map.

The General purpose statements and Planning guidelines expressed in Paragraphs B, C, D, E, and F below are intended to guide future development of these areas. The designated Rural Village is Lorida.

1. Rural Village: The rural village is a small community, usually of historical significance developed over a number of generations and possessing a cultural cohesiveness and place identity. Generally, one or more churches have been established and a central facility is available for social events as well as a common open space for outdoor recreation activities. The village is innately residential in function, but possessing the attributes for mixed uses inasmuch as the early settlement was around a number of commercial/service activities accommodating local residents, local agricultural needs and the traveling public. Currently, the village has become the focus for people preferring to live in a tranquil rural environment, on a larger lot and/or to maintain animals for recreation or consumption.

Usually the core of the village is structured by an earlier platted subdivision of small lots from which an accretion of larger lots have occurred over the years that have split from adjacent larger parent parcels resulting in density decreasing outward from the center of the village and affording a variety of housing types.

The village will accommodate a diversified population of young families and retired couples requiring public and personal services coupled with attendant commercial/retail facilities. This diversity will generate local employment opportunities and lessen the dependency of the village on the incorporated communities for this requirement. Another factor of significance is the lessening of job and shopping related vehicular trips on the inter-community highways as these needs are partially met internally.

Public facilities such as a central potable water system and a central wastewater system would be considered future upgrades from existing individual private potable water wells and on-site wastewater treatment and disposal systems. Whether central systems are initiated by a utility provider that services the unincorporated County or a private developer to accommodate a specific scale of development; or, a combination of both the said utility provider and the developer installing the systems through a development agreement, such systems are encouraged by the Comprehensive Plan Infrastructure Policies 1.5, 2.1 & 6.5.

Light industrial uses would be appropriate within the sphere of influence of the village, inasmuch as the comparative advantage in location places the village within centralized positions favorable for serving the agri-business community. The locale identified and designated as a Rural Village overlay category is LORIDA.

2. Specific Neighborhoods: These are the typical large residential developments, created by land development entrepreneurs and characterized by aggressive promotional sales techniques that reach beyond national boundaries. The initial improvements were oriented toward the recreational benefits available within the development for the potential investor, such as an 18-hole golf course, club house, swimming pool, and tennis courts. The essential product of these developments was the single family lot for the second home or retirement home buyer. Higher density

products were offered such as duplex, villa and small unit condominiums. Commercial facilities were programmed into the overall development plans. These developments were repetitious in street and lot layout, seemingly ignoring the various site characteristics which would normally influence street alignments and lot configurations. Also, public uses such as school sites and neighborhood parks were not seriously considered, perhaps due to the average age of the initial lot buyer being past the normal child bearing ages. The development patterns for these neighborhoods have been established by their respective Plans and all future development will be build-out of these Plans as they were platted.

Water and wastewater facilities are, in part, provided through initial investor owned systems within these developments. However, these facilities will require up-grading and expanding as new development phases are initiated. Sufficient development has occurred within each of these specific neighborhoods to establish place identity for the residents in relation to the incorporated community to which they are adjacent.

- B. Land uses within the Rural Village and Specific Neighborhoods shall be designated with the appropriate land use category.
- C. Approval of New Land Uses within the Existing Rural Village or Specific Neighborhood Overlay Category: New development or new land uses within the Rural Village, or Specific Neighborhood are required to obtain both Plan amendments and, where applicable, consistency rezones. Optimal physical standards structuring the spatial characteristics of the multiple center categories mentioned above are as follows:
 - 1. Rural Village:
 - Approximate population:* 400 to 2400 persons
 - Approximate dwelling units:* 200 to 1200 D.U.
 - Density* Less than or equal to 1 D.U. per acre without central water system.
 - Less than or equal to 2 D.U. per acre with central water system.

Equal to or greater than 2 D.U. per acre up to 4 D.U. per acre with central water and wastewater systems and 50% of site in natural open space.

Village Green (Park): 200 S.F. per D.U. (4 acre minimum, centrally located, and where applicable, adjacent to a school site)

2. Specific Neighborhood:

Approximate area: Limits of the existing approved subdivisions.

Approximate population: Correlated with existing platted lot build-out (average persons per household (PPH) in 1990 US Census was 2.28; est. PPH in 2020 is 2.02).

Approximate dwelling units: Limit of platted lots within the planned subdivisions.

Density: Established by the existing vesting order or applicable vesting policies applied to the subdivision.

Neighborhood Green (Park): 200 S.F. per D.U. (4 acre minimum, spatially equally centered within the neighborhood, or if applicable, adjacent to any subsequently located school within the planned neighborhood).

- D. Future Commercial Development Consistent with Need and Compatible to Existing and Future Uses: Compatible commercial development shall be allowed in appropriate locations throughout the County including the Rural Villages and Specific Neighborhoods.

The subsequent location of all new commercial uses shall, when possible, relate directly to established commercial uses and/or planned commercial centers consistent with the character of the surrounding noncommercial development. The focus of the commercial development should be to support the needs of residents and visitors as well as agricultural activities and to provide the consumer with goods and personal services which are generally unavailable in the community.

Commercial uses shall, when possible, be located, in proximity to arterial road intersections or where a pattern of existing commercial uses has already been established.

Small-scale commercial infill proposals are appropriate when the use will reinforce an existing land use pattern or in a land use pattern that is evolving into a center of business activity.

Small shopping centers, typical of strip development where off-street parking separates the shops from the street, shall be discouraged and the neo-traditional view of village and town centers shall be reinforced. In other words, commercial/retail facilities offering a variety of consumer goods and services, when appropriately located and designed placing the parking to the rear of the shops and accessed off of side streets, shall be consistent with the scale of the community.

The following criteria shall be used when approving commercial, business or office uses.

1. The proposed commercial site is within 1/8 mile of the intersection of roads depicted on the Future Traffic Circulation Maps as Major Collector or higher or is adjacent to an existing commercial use having frontage along an arterial road or highway;
 2. The proposed commercial site will assure compatible development in scale with the surrounding uses and will not create or promote the expansion of a nuisance, hazard, or eyesore;
 3. The gross floor area does not exceed a cumulative cap of 52 square feet per dwelling unit within the immediate rural or specific community. However, in the event to insure the efficacy of the proposed project because of economies of scale, the additional gross floor area is not to exceed the cumulative commercial gross floor area total representing 125% of the existing dwelling units in the community; and
 4. The development approval provides conditions to assure that the proposed site will be compatible with the character of surrounding community.
- E. Future Residential Development: Additional compatible residential development shall be allowed throughout the County to accommodate projected growth and to implement the desired General Growth Strategy.

Compatibility through appropriate site and building design measures, such as the use of landscape buffers, setbacks,

appropriate massing, height, and architectural design shall be considered to determine compatibility.

In the existing Rural Village and the Specific Neighborhoods a limited amount of higher residential densities shall be appropriate to promote affordable housing with a variety in rental and ownership housing in these areas at all income levels.

Criteria for evaluating residential land use proposals are:

1. *Requirements for Rural Villages and Specific Neighborhoods:* Densities shall not be higher than 1 dwelling unit per gross acre, unless a public water and/or wastewater system will serve the project site. In the latter instance, density may be allowed up to a maximum of 2 dwelling units per gross acre.

Clustered development, which devotes at least 30% of site acreage to natural open space and landscaped buffers, may be allowed. Gross densities may be allowed to exceed 2 dwelling units per acre if 50% of the proposed site is devoted to natural open space and landscaped buffers, but not to exceed 4 dwelling units per gross acre when both public water and wastewater systems are available.

Whenever the proposed residential site contains, or is adjacent to, agriculturally zoned land, surface water bodies or listed natural environmental resources, development shall be set back the prescribed distance established in the appropriate Land Development Regulations, from the identified boundaries of these features.

2. *Re-platting subdivisions:* Planning alternatives for the larger existing specific neighborhoods shall encourage re-platting to spatially achieve environmentally sensitive lot configurations, cluster developments, open space easements and the provision for central wastewater and water service and cost-effective deployment of other infrastructures.
3. *Other criteria for approval of higher density residential uses:* The following findings shall be made when approving land use approvals for higher density residential projects:
 - a. The proposed residential site will assure that clustered development or transfers of development

rights, if used, are in accordance with all applicable Land Development Regulations; and

- b. The amendment provides conditions to assure that development of the proposed site will be compatible with the character of surrounding established uses and will not create or promote the expansion of a nuisance, hazard or eyesore;

Policy 1.4: New Land Fill Site

The County shall continue to operate a landfill site providing compatibility with adjacent land uses and having a capacity to accommodate all the solid waste needs of the County. Should a new landfill site become necessary, the County shall work to properly locate such a site while considering effects on the natural environment.

Policy 1.5: Proper Siting of Utility Distribution

- A. Utility distribution lines shall be permitted in all of the land use classifications in accordance with County Land Development Regulations. The design of such facilities shall be subject to the approval of the County Engineer.
- B. Utility primary transmission lines and appurtenant installations shall be located in existing transmission line easements away from arterial rights-of-way where feasible and where all State and local requirements can be met.
- C. The County shall continue to implement the Land Development Regulations to include provisions for the location of primary electric transmission lines, natural gas transmission lines, substation facilities and other technologies. These regulations shall address affected utility lines or facilities locating within 500 feet of a residential zoning district. The required Utility Use Permit for any lines or facilities having a capacity above the stated threshold shall be approved by the Board of County Commissioners.
- D. The County shall continue to implement a process for local review and comment to the appropriate agency for power plant siting and transmission corridor projects (gas and power) proposed to be located in the County.

Policy 1.6: Right to Farm

The County shall continue to promote right to farm precepts pursuant to Florida Statute 823.14. Agricultural lands shall be protected from encroachment by urban uses through:

- A. Requirements for open space buffers pursuant to Future Land Use Policy 4.4;
- B. Clustering in rural areas pursuant to Future Land Use Policy 4.3; and,
- C. The ability to transfer development rights from agricultural lands to other lands appropriately situated for new development pursuant to the General Growth Management Strategy.

Policy 1.7: Public Schools

The County shall facilitate the adequate and efficient provision of public schools by:

- A. Encouraging public schools for consideration in appropriate locations for suitable Future Land Use categories. The land use categories in which schools are an allowable use and the appropriate location criteria to guide the collocation of other public facilities such as community centers, parks, and libraries, to the extent possible, adjacent to existing school sites shall include Agriculture (to serve the rural population to the greatest extent possible), Low Density Residential, Medium Density Residential, High Density Residential, and Public/Quasi-Public Facility, and Institutional Lands categories. Land Development Regulations (LDRs) shall address conditions including, but not limited to the following:
 - 1. Proximity to major overhead high voltage transmission lines;
 - 2. Proximity to major gas transmission lines;
 - 3. Proximity to water and wastewater treatment plants;
 - 4. Proximity to known landfills;
 - 5. Location within one-hundred-year floodplain unless compensating storage is provided on site;
 - 6. Proximity to high congestion or impact areas such as limited access highway interchanges, active railway crossings,

heavy access used by emergency vehicles and traffic arteries or interchanges with four or more lanes in any one direction (including turn lanes);

7. Or any site prohibited by law for use as a public school.

Within the confines of the LDRs, any disagreement shall be first resolved by staff and if not resolved at that level shall be resolved by joint meeting of the Board of County Commissioners and the Highlands County School Board.

- B. Addressing public school facilities pursuant to the provisions of Sections 163.3161(4), 163.3164(38), and 163.3180, Florida Statutes.
- C. Cooperating with the School Board in its efforts on school planning, site selections and construction; and coordinating with the School Board in development approval pursuant to Chapter 1013, Florida Statutes.
- D. Subject to the specific circumstances and program requirements established by the School Board, the minimum public school site areas are:
 1. Elementary School - 20 acres.
 2. Middle School - 40 acres.
 3. High School - 60 acres.
- E. Location criteria subject to site-specific circumstances determined by the School Board include:
 1. Consideration of issues cited in A. above;
 2. Minimize average home-to-school travel distances by locating elementary and middle schools as close as practical to existing and planned residential neighborhoods;
 3. Direct access to elementary and middle schools should be, at a minimum, off a collector road that does not direct traffic to and from the school through the residential neighborhood;
 4. Avoid locating elementary and middle schools adjacent to railroad rights-of-way or within the path of flight approaches to any airport;

5. Consistent for elementary, middle, and high schools, properties adjacent to or within the range of existing and potential land use and users producing ambient noise, odor, or other disturbances that would likely interfere with educational programs should be avoided;
 6. Grant priority status to those potential future sites, possessing the above attributes, that are within the service areas of centralized water, wastewater and fire protection consistent with the Infrastructure Element Policy 5.1;
 7. Seek to co-locate public facilities such as parks, libraries, and community centers with schools to the extent possible.
- F. Land use planning coordination with the School Board includes:
1. The School Board shall be represented by its designee, on the County's Predevelopment Conference Committee (PCC) and the Development Review Committee (DRC) which reviews all development order requests set by the chairman's agenda;
 2. As a member of the PCC and DRC, the School Board's designated representative shall receive communications, staff reports, relevant data and information pertaining to Comprehensive Plan implementation and County-wide development activity;
 3. The School Board may use either the PCC or the DRC or others to convey to the County its planning and programming proposals pertaining to §1013.33, F.S., coordination of planning with local bodies; and,
 4. The County may use either the PCC or the DRC as one of the several avenues it may use to implement Intergovernmental Coordination Element Policy 3.1: Public Schools.
- G. Maintaining, for public review, a listing of capacity-deficient public schools and the School Board's Educational Plant Survey and Capital Financial Strategy.

Policy 1.8: Location Criteria for Industrial Parks and Parks of Commerce

The County shall encourage the location and clustering of major commercial and industrial activities to enhance the comparative advantage of these uses to develop in Highlands County over areas

outside the County. Location criteria, subject to site-specific circumstances, determined by tested experience within the industry nation-wide shall include;

- A. Uniform slope, stable soils, non-flood area. If the environmental problems exist pursuant to NRE Objective 3, the opportunity to mitigate should be available.
- B. Adjacent vacant lands available for potential future expansion. (i.e., earmarked site not surrounded by urban development)
- C. The location will not have negative impact on the adjacent community if industrial processes produce smoke, noise, vibrations, ambient light, etc.
- D. Effect upon the community or natural environment, if the site has extensive natural vegetative cover that will be required to be removed to accommodate the industry.
- E. Have in place or preparation being made to put in place, water, wastewater, power and gas with sufficient capacity to accommodate the potential demands of the industry.
- F. Sufficiently served by fire, police and refuse collection.
- G. Utility easements crossing the site do not negatively impact lot layout or other factors on this list.
- H. Sites of sufficient size, 100 acres or larger, preferably capable of expansion to at least 300 acres.
- I. Sites within the industrial subdivision or park should range in size from 2 acres to 5 acres in relatively simple shapes (preferably square) capable of being combined to create parcels of 25 to 50 acres or more if needed.
- J. All access to the sites should be fully improved, preferably arterials or major collectors, with the industrial sites having direct access.
- K. Each site sufficiently designed or configured to accommodate at least 2 separate access points, employees by car and truck entrances for loading and unloading. A third preferable access would be rail depending upon the industry's requirements.
- L. Performance standards should be in place informing the industry of its responsibility to conduct an orderly and acceptable operation

that will reflect a positive image for the community, which includes on site landscape considerations.

M. Compact Urban Development Areas within Sustainable Communities.

No Change**Future Land Use Element**

There are no proposed text amendments to Objectives 2 through 16 of the Future Land Use Element. This is shown below as "(No Change)".

- Objective 2: Purpose And Intent Of The Future Land Use Map - (No Change)
- Objective 3: Platted Lands Strategy - (No Change)
- Objective 4: Land Development Regulations And Project Reviews - (No Change)
- Objective 5: Concurrency Clearance - (No Change)
- Objective 6: Protect Groundwater Resources - (No Change)
- Objective 7: Protect Cultural Resources - (No Change)
- Objective 8: Kissimmee River - (No Change)
- Objective 9: Protect Natural Resources - (No Change)
- Objective 10: Military Base Encroachment - (No Change)
- Objective 11: Hazard Mitigation - (No Change)
- Objective 12: Lake Placid Regional Plan - (No Change)
- Objective 13: Directing Urban Development Within Highlands County Will Be Facilitated By
The Use Of Specific Area Plans- (No Change)
- Objective 14: Sustainable Community Overlay And Sustainable Community – Characteristics
- (No Change)
- Objective 15: Site Specific Developments - (No Change)
- Objective 16: Voluntary Vision Plan Framework - (No Change)

HOUSING ELEMENT

The areas within the Housing Element that propose text amendments are in the existing Table of Contents and policies in Objectives 2 and 9. The proposed text amendments are presented in legislative format.

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Objective 2: Provide Affordable Housing

Objective 9: ~~Farm-Agricultural~~ Worker Housing

HOUSING ELEMENT

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OBJECTIVE 2: PROVIDE AFFORDABLE HOUSING

The County shall assist in providing opportunities for affordable, structurally sound housing for current and seasonal residents regardless of age, race, sex, persons with disabilities, or family size.

Policy 2.1: County Housing Assistance

Upon request, the County shall provide information and technical assistance to the private and non-profit sectors, including special interest groups such as self-help housing providers, to assist in the production of new housing units. Such assistance may include help in the preparation of applications for grants or low interest loans from federal or state funding agencies; or, the consideration of applications for density bonuses for the provision of very low, low, and moderate income housing.

Policy 2.2: Streamline Review Process

The County shall continually monitor and review its development approval process to identify and eliminate any unnecessary impediments to the provision of housing within the community, ensuring all housing applications including workforce, affordable, and very low, low and moderate income housing applications are processed as quickly as possible.

As part of this review the County shall include review of potential regulatory changes which may affect housing cost.

The County shall implement the streamlined review and adoption process for amendments to the Comprehensive Plan consistent with state regulations.

Policy 2.3: Affordable Housing Developed with Adequate Infrastructure and Services

Affordable housing shall be located where adequate infrastructure and services are available.

Policy 2.4: Waiver or Deferral of Workforce and/or Affordable Housing Impact Fees

The County shall consider providing for the total and/or partial waiver or deferral of certain impact fees generated by the construction of owner-occupied and/or rental housing for very low, low and moderate income households.

The annual amount allocated to Impact Fee waivers or deferrals shall be limited to the amount approved by the Board of County Commissioners.

Policy 2.5: Housing Assistance Plan

The County, where eligible, shall participate in the SHIP Programs and shall maintain and update a local housing assistance plan created to make affordable residential units available to persons of very low income, low income, or moderate income and to persons who have special housing needs, including, but not limited to, homeless people, the elderly, and ~~migrant farm-~~ agricultural workers. The plans are intended to increase the availability of affordable residential units by combining local resources and cost-saving measures into a local housing partnership and using private and public funds to reduce the cost of housing.

Policy 2.6: Infrastructure Coordination

The County shall monitor infrastructure capacity and coordinate potential sites with availability such that capacity for housing for very low, low, and

moderate income persons is reserved with a high degree of priority as opportunities arise.

OBJECTIVE 9: ~~FARM WORKER~~ AGRICULTURAL WORKFORCEWORKER HOUSING

Encourage the development of ~~farm worker~~ agricultural workforceworker housing to meet the needs of agricultural businesses in the County.

Policy 9.1: ~~Farm Worker~~ Agricultural WorkforceWorker Housing Project Density

The County shall continue to ~~allow housing~~ encourage clustering for ~~for farm~~ agricultural workers and their families, ~~at densities up to 10 units per acre, at net densities up to 10 units per acre,~~ in areas designated for Agriculture on the Future Land Use Map.

~~Maximum density for agricultural workforce housing shall be allowed as established by the Highlands County Land Development Regulations.~~

Policy 9.2: ~~Migrant Farm Worker~~ Agricultural WorkforceWorker Housing

The County shall actively assist private industry and the County Housing Authority to increase the supply of ~~legal migrant farm worker~~ agricultural workforceworker housing.

Policy 9.3: Assisted ~~Farm Worker~~ Agricultural WorkforceWorker Housing

Highlands County shall coordinate and work with the Highlands County Housing Authority to apply for applicable funds to increase the supply of ~~farm worker~~ agricultural workforceworker housing.

Policy 9.4: The County shall continue to provide incentives to encourage private industry to develop new housing for ~~farm~~ agricultural workers.

No Change**HOUSING ELEMENT**

There are no proposed text amendments to Objectives 1, 3 through 8 and 10 of the Housing Element. This is shown below as "(No Change)".

- Objective 1: Housing Implementation Program – (No Change)
- Objective 3: Programs and Grants to Eliminate Substandard Housing – (No Change)
- Objective 4: Identify Housing Subsidy Sites – (No Change)
- Objective 5: Manufactured Home Target – (No Change)
- Objective 6: Group and Foster Care Housing – (No Change)
- Objective 7: Preserve Historic Housing – (No Change)
- Objective 8: Displacement by Government Actions – (No Change)
- Objective 10: Reduction of Greenhouse Gases and Increase in Energy Efficiency – (No Change)

INFRASTRUCTURE ELEMENT

The area within the Infrastructure Element that propose text amendments are in the existing policy in Objective 6. The proposed text amendments are presented in legislative format.

Objective 6: Provide Sufficient Potable Water To Residential And Non-Residential Users Within Water Service Areas Consistent With The Water Supply Facilities Work Plan

INFRASTRUCTURE ELEMENT

OBJECTIVE 6: SUPPORT THE UTILITY PROVIDERS THAT SERVE THE UNINCORPORATED PORTIONS OF HIGHLANDS COUNTY IN PROVIDING SUFFICIENT POTABLE WATER TO RESIDENTIAL AND NON-RESIDENTIAL USERS WITHIN WATER SERVICE AREAS CONSISTENT WITH THE WATER SUPPLY FACILITIES WORK PLAN

UTILIZE THE DATA, ANALYSIS, AND RECOMMENDATIONS OF THE WATER SUPPLY FACILITY WORK PLAN (WSFWP) AS A GUIDE TO MONITOR WATER PROVIDERS SERVING UNINCORPORATED PORTIONS OF HIGHLANDS COUNTY.

Policy 6.1: Water Supply Plan Updates

- A. Highlands County shall coordinate with the staff of the South Florida and Southwest Florida Water Management Districts as Regional Water Supply Plans are updated. Within 18 months of completion of the updates to the South Florida and Southwest Florida Water Management District Plans, the County shall update its 10-Year Water Supply Facilities Work Plan and related water supply policies to address alternative water sources, water conservation and needed capital improvements.
- B. The County hereby adopts by reference the Water Supply Facilities Work Plan, dated February 21, 2017, and titled "10-Year Water Supply Facilities Work Plan Update 2017-2027." The Work Plan addresses issues that pertain to water supply facilities and requirements needed to serve current and future development within the County.

Policy 6.2: Design Capacities for Public Water Systems

- A. The County shall coordinate with the utility providers that service the unincorporated areas of the County to ensure that the following minimum design standards to residential water systems are maintained:

RV Park	75 gpcd
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Mobile Home Park	100 gpcd
Single Family Residential	120 gpcd
Multi-Family Development	120 gpcd

- B. The County shall assist the utility providers to ensure there is a total project water storage capacity (in combination with standby pumping capacity) of at least 50% of the maximum daily water system demand.

Minimum water pressure for fire-flows shall be 20 pounds per square inch, with minimum flow capacity as follows:

Residential	500 gallons per minute
Commercial	750 gallons per minute
Industrial	1,000 gallons per minute

On the calculated fire flow rate based on a higher psi.

- C. The County shall continue to administer Land Development Regulations which require new development or redevelopment to meet or exceed the above standards, unless greater or lesser flows/capacities are demonstrated to be required or adequate to serve the project.

Policy 6.3: Study Existing Public Water Systems

The County staff shall monitor the entity having operational responsibility as they continue to compile data on current demand, level of service, and an analysis of the general performance for each identified public and private potable water facility. The information generated by this survey shall be used as reference material for implementing Future Land Use Policy 6.2.

- A. The County shall coordinate with the utility providers to monitor water supply source deficiencies and improvements serving unincorporated portions of Highlands County as tracked by the Water Supply Facilities Work Plan.
- B. The County shall coordinate with the utility providers to monitor water supply demands created by new development within the County for their impacts upon public water supply providers and as it pertains to the Regional Water Supply Plans of the SWFWMD and the SFWMD.
- C. Where practical, the County shall assist the utility providers to decentralize their potable water by locating new wells and associated water supply infrastructure in strategic locations to assure sufficient water pressures throughout the system and to distribute aquifer draw downs.

- D. The County shall coordinate with and strongly encourage utility providers, wherever possible, construct its water distribution systems, comprising loops, to more evenly maintain consistent water pressure.

Policy 6.4: Water Storage Deficiencies

The County shall work in conjunction with the utility providers that service the unincorporated portions of the County, SWFWMD and SFWMD to eliminate water storage deficiencies. Existing developments having water storage capacity deficiencies shall give priority to the elimination of such deficiencies.

Policy 6.5: Mandatory Connection to Central Water System

Connections to Central potable water systems shall be guided by the following:

- A. Except for lots greater than one gross acre, require connection to the central water system for all new development within one-quarter mile of an existing water line.
- B. The County shall require that all new development and redevelopment containing dwelling units on lots smaller than one (1.0) gross acre in size to provide potable water as follows:
 - 1. Multi-Family Developments (regardless of parcel size) and subdivisions with lots less than 1 acre in size shall be required to:
 - a. Connect to an existing system; or
 - b. Construct or guarantee to construct an approved central potable water system, or sufficiently upgrade an existing system to serve the entire proposed project.
 - 2. Multi-Family Developments (regardless of parcel size) and subdivisions with lots less than one (1) gross acre in size shall be required to provide or guarantee to provide a central potable water system designed to support all phases of the development to provide for future fire suppression requirements including hydrant connections.
- C. Commercial and industrial uses, utilizing potable water, shall connect to an existing public water system if within 1/4 mile of an available system.
- D. The Town of Lake Placid Utilities, to include the former Placid Utilities and Highway Park Utilities shall endeavor to provide potable water service to all existing residences and businesses within the unincorporated portion of its prescribed service area, scheduled by an

annual update of the Water Supply Facilities Plan. Each new residence and business developed within the unincorporated portion of the Town of Lake Placid Utilities Service Area shall be required to connect to public potable water services, and where available, shall have access to reclaimed water for irrigation and industrial/commercial use.

- E. The County shall require all residences within the unincorporated portion of the Town of Lake Placid Utilities Service Area that are using intercept devices provided by the Department of Environmental Protection and the Department of Health, due to well-water contamination, to connect to the potable water system, when it becomes available, within a time certain established by the Board of County Commissioners.
- F. Wherever a utility provider has assumed the responsibility to provide water connections in areas subject to surficial aquifer contamination, the utility provider shall continue to plan for and provide potable water service to existing and proposed development within its selected service areas.
- G. The County shall encourage utility providers to proactively investigate the opportunities for grant-in-aid, provided by the various state agencies responsible for water quality control, and to implement programs for domestic hook-ups to public potable water systems.
- H. Incremental installation of the potable water and fire suppression system to accommodate phased development may be allowed upon approval by the Board of County Commissioners.
- I. Private drinking water systems shall be required to meet the level of service standards set forth in Infrastructure Policy 6.2.
- J. Commercial and industrial uses, utilizing potable water, shall connect to an existing public water system if within 1/4 mile of an available system.
- K. Pursuant to F.S. 163.3180, prior to the issuance of a building permit, the developer shall submit written guarantee from the water supplier to ensure adequate water supplies will be available by the date of issuance of a Certificate of Occupancy and no Certificate of Occupancy shall be issued until potable water is available to the unit.

Policy 6.6: Wellhead Protection Zones

- A. For a use or development activity known to adversely affect the water quality of public water supplies, the County shall require a "Wellhead Protection Zone" around all public potable water wells and entirely on the affected property whenever possible. Existing land uses and activities

within the Protection Zone as of the effective date of this policy (May 2, 1994) shall be considered a legal nonconforming use.

1. *Zone of Exclusion* is that area within a 200-foot radius around an affected wellhead.

Only the following future land uses and development activities shall be allowed:

- a. Uses functionally related to the water supply system;
- b. Open space, parks, playgrounds, playing courts, open air shelters, and other similar recreation facilities; and,
- c. One single-family dwelling unit per parcel, tract, or lot that may be entirely or partially within this Zone of Exclusion, provided that it was created on or before the effective date of the adoption of this policy and provided that the residence cannot feasibly or practicably be located outside this Zone.

No parking areas, structures, or impervious surfaces - except for those listed above or accessory to residential uses - shall be allowed in this Zone of Exclusion.

2. *Zone of Control* is that area within a 600-foot radius around an affected wellhead.

All the land uses and activities listed below shall be prohibited:

- a. The bulk storage, processing, or disposal of off-site generated hazardous waste, special solid waste (as defined by County Land Development Regulations), and medical waste;
- b. Central Wastewater system lift stations, wastewater treatment plants, percolation ponds, and sludge or septic land application sites;
- c. Landfills, landfill operations, open dumps, junkyards, and the processing or disposal of solid waste which is not generated at the site;
- d. Mines and mining operations which intersect or disturb the groundwater table;

- e. The bulk storage, mixing, processing, production, or disposal of:
 - i. Any pesticide for which an area of groundwater contamination has been delineated by the Florida Department of Environmental Protection within Highlands County under Chapter 62-524 F.A.C.; and,
 - ii. Sewage and sludge.
 - f. The bulk storage or disposal of pesticide containers;
 - g. Agricultural and industrial processing plants;
 - h. Feed lots or other concentrated livestock yards or facilities;
 - i. The bulk storage, mixing, processing, production, or disposal of substances listed in the federal Comprehensive Environmental Response Compensation Liability Act (CERCLA) in 40 CFR Part 302, Table 302.4 which are known to pollute or contaminate groundwater; and,
 - j. The application of fertilizers, except if done in accordance with application rates recommended by the Institute of Food and Agriculture Services (IFAS) or in accordance with the Best Management Practices published by IFAS, whenever applicable.
3. Within the Zone of Control, the land uses and activities listed below shall be restricted:
- a. Industrial land uses and development activities not covered above, including the installation of infrastructure in support of such development, excepting that which is necessary for well construction, appurtenant operational and distribution facilities, and well maintenance activities; and,
 - b. Golf courses, citrus groves, caladium fields, plant nurseries, or other commercial food crop cultivation or high intensity agriculture operation.
- B. For purposes of implementing this policy, the setback standards and prohibitions expressed in paragraph "A" above shall not apply to existing land uses or activities around non-public potable wellheads. The term "existing" in this context shall mean prior to the effective date of this

policy's adoption. If, however, the existing land use or activity changes status after the effective date of this policy's adoption, the setback standards and prohibitions shall apply henceforward to the property.

- C. For the purpose of implementing this policy, a public potable water well shall mean any well connected to a public or private potable water supply system which has 15 or more service connections or regularly serves a minimum of 25 persons daily at least 60-days per year, as defined by Chapter 62-550 F.A.C.
- D. The setback standards expressed in paragraph "A" may be increased or decreased on the basis of specific hydrological data which supports an expansion or a reduction of the area encompassed by a Wellhead Protection Zone. Furthermore, these setback standards may be reduced or increased in specific instances where the governing regulations of State permitting agencies prescribe a setback distance from the wellhead.
- E. Should groundwater contamination be traced to the use of labeled pesticides, the County shall request that the Department of Agriculture and Consumer Services (DACS) review the pesticide in order to determine whether additional DACS restrictions are necessary to protect groundwater from further contamination by the use of such pesticide.
- F. Public potable water wells shall be abandoned in accordance with Chapter 62-532, F.A.C.

Policy 6.7: LDRs for Wellhead Protection Zones

The County shall continue to administer development standards within its Land Development Regulations which are consistent with the provisions of Policy 6.6 relating to wellhead protection zones.

Policy 6.8: Clearinghouse Procedures for Public Water Systems

- A. Any development application which involves the construction of a new, or retrofit of an existing public potable water well system, as defined by Chapters 62-532, 62-550 & 62-555, F.A.C., shall be forwarded to the following agencies for regulatory review prior to the County taking action on the affected application:
 - 1. Florida Department of Environmental Protection (DEP);
 - 2. Florida Department of Health (FDH);

3. South Florida or Southwest Florida Water Management District (SFWMD or SWFWMD).
- B. The County shall condition its development order based upon the permit requirements expressed by any of these agencies which shall be 30 calendar days of receipt of the application to respond. In the event that the agency does not respond within this time-frame, the County shall advise the applicant of their responsibility to obtain appropriate state and federal permits.

Policy 6.9: ~~Reserved~~Mandatory Connection to Central Water System

~~A. Upon adoption, the County shall require that all new development and redevelopment containing dwelling units on lots smaller than one (1.0) gross acre in size to provide potable water as follows:~~

~~1. Multi-Family Developments (regardless of parcel size) and subdivisions with lots less than 1 acre in size shall be required to:~~

~~a. Connect to an existing system; or~~

~~b. Construct or guarantee to construct an approved central potable water system, or sufficiently upgrade an existing system to serve the entire proposed project.~~

~~2. Multi-Family Developments (regardless of parcel size) and subdivisions with lots less than one (1) gross acre in size shall be required to provide or guarantee to provide a central potable water system designed to support all phases of the development to provide for future fire suppression requirements including hydrant connections.~~

~~B. Incremental installation of the potable water and fire suppression system to accommodate phased development may be allowed upon approval by the Board of County Commissioners.~~

~~Private drinking water systems shall be required to meet the level of service standards set forth in Infrastructure Policy 6.2.~~

~~Commercial and industrial uses, utilizing potable water, shall connect to an existing public water system if within 1/4 mile of an available system.~~

~~Pursuant to F.S. 163.3180, prior to the issuance of a building permit, the developer shall submit written guarantee from the water supplier to ensure adequate water supplies will be available by the date of issuance of a Certificate of Occupancy and no Certificate of occupancy shall be issued until potable water is available to the unit.~~

Policy 6.10: Additional Task for Sewer and Water

The findings of the County's Comprehensive 1993 Sewer and Water Study shall be considered for incorporation into any future studies by utility providers and shall include a cost-benefits and feasibility analysis for a County-wide central water distribution network, whereby water mains would be extended to connect households on private shallow wells to public water systems with deep wells.

Policy 6.11: Support Quality of Water Improvement Project (QWIP)

The County shall coordinate with the Water Management Districts to identify candidate projects for the QWIP.

Policy 6.12: Promote Public Health Risk Education

The County shall assist the Florida Department of Health in distributing pertinent data, such as health risk information, well location and testing for water potability to households which draw potable water from shallow or surficial wells, where groundwater may be contaminated.

Policy 6.13: Community-Wide Potable Water/Wastewater Monitoring

The County shall continue to implement an on-going monitoring program, which it will initiate in conjunction with the utility directors of the municipalities of Avon Park, Sebring and Lake Placid, tracking the cumulative disposition of the committed water demand, the permitted capacities and the available or excess capacities, as well as wastewater treatment capacities, as planning tools to determine the efficacy of future development requests within the County that might draw upon these resources.

No Change**Infrastructure Element**

There are no proposed text amendments to Objectives 1 through 5 and Objectives 7 through 14 of the Housing Element. This is shown below as "(No Change)".

- Objective 1: On-Site Sewage Treatment And Disposal Systems – (No Change)
- Objective 2: Central Wastewater Systems – (No Change)
- Objective 3: Expansion Of Central Wastewater Treatment Systems – (No Change)
- Objective 4: Maintain Adopted Levels Of Service For Wastewater Treatment – (No Change)
- Objective 5: Growth Management Through Central Wastewater Systems – (No Change)
- Objective 7: Potable Well Design And Water Quality Standards – (No Change)
- Objective 8: Conserve Potable Water Resources – (No Change)
- Objective 9: Solid Waste Disposal Capacity – (No Change)
- Objective 10: Recycling Program – (No Change)
- Objective 11: Prohibit Incineration Of Certain Wastes And Their Imports To Landfill Sites – (No Change)
- Objective 12: Correct Drainage Facility Deficiencies – (No Change)
- Objective 13: Maximize Use Of Existing Stormwater Facilities – (No Change)
- Objective 14: Protect Natural Drainage Features – (No Change)

NATURAL RESOURCES ELEMENT

The area within the Natural Resources Element that propose text amendments are in the existing policy in Objective 3. The proposed text amendments are presented in legislative format.

Objective 3: Protect Conservation Land

NATURAL RESOURCES ELEMENT

OBJECTIVE 3: PROTECT CONSERVATION LAND

The County shall protect native vegetative communities identified herein and shall restrict activities known to adversely affect endangered and threatened species and their habitat. This shall be a joint effort with state, federal, not-for-profit entities, private land owners, and for-profit private entities.

Policy 3.1: Identification of Endangered or Threatened Species, Including Species of Special Concern

- A. For purposes of implementing Objective 3, the County adopts the following source documents to identify endangered or threatened species, including species of special concern:
1. United States Fish and Wildlife Service memorandum (as updated on the USFWS's website) listing endangered and threatened species in Highlands County, Florida, dated September 20, 1991.
 2. Chapter 581.185 (2) and (3), Florida Statutes, Endangered Plant List and Threatened Plant List.
 3. Florida Chapter Soil & Water Conservation Society publication entitled "26 Ecological Communities of Florida" revised and dated July 1989.
 4. Florida Division of Forestry publication F89G46 entitled "Forest Trees of Florida", 16th Edition dated June 1989.
 5. Florida Fish and Wildlife Conservation Commission publication entitled "Florida's Endangered Species, Threatened Species, and Species of Special Concern" June 2006 and all updates.

Policy 3.2: Map Resources on Conservation Overlay

- A. The County shall use the adopted Conservation Overlay Map Series which is part of the Future Land Use Map Series contained within the Future Land Use Element as a general indicator for the presence of one or more of the following resources:
 - 1. Xeric uplands;
 - 2. Wetlands;
 - 3. Cutthroatgrass seeps;
 - 4. Historical and archaeological resources;
 - 5. Wellhead protection zone;
 - 6. Aquifer recharge areas.
- B. The Conservation Overlay Map Series contained within the Natural Resource Element consists of the following:
 - 1. Soil Survey of Highlands County (base document - USDA/SCS, Soil Survey of Highlands County, Florida, July 1989);
 - 2. Selected Natural Resources Map;
 - 3. Map 600 - Highlands County, Florida Wetlands (US Department of the Interior, Fish and Wildlife Service, National Wetlands Inventory);
 - 4. Archaeological Resource Map;
 - 5. Historic Preservation Resource Map; and,
 - 6. Wellhead Protection Zone Map.
- C. The Conservation Overlay Map Series, contained within the Natural Resource Element shall be amended as new and more accurate information becomes available.

Policy 3.3: Environmental Clearance Process

- A. Environmental Clearance Process and Determination by Development Services Director:

1. The Development Services Director shall make an Environmental Clearance Determination prior to the issuance of a County Land Clearing Permit or Building Permit except as provided in Policy 3.5.
2. Environmental Clearance Not Required: The Development Services Director shall make the Environmental Clearance Determination without further review whenever a particular site is not in an area where the Conservation Overlay Map Series shows the resource categories listed in Policy 3.2, unless resources are proven to exist on that particular site or if they are identified on adopted County resources.

Other Exemptions from Highlands County Environmental Clearance Requirements: The County shall exempt the following from the environmental clearance process for land clearing or construction:

- a. 1/2 acre of Xeric Uplands habitat for residential development on legally recorded lots that existed prior to September 15, 1993.
- b. Property with Xeric Uplands habitat which has been cleared of vegetation prior to May 2, 1994.
- c. All development on lots ~~legally recorded on or after September 15, 1993~~ with previously approved Environmental Clearance.
- d. DRI or Binding Letter that is fully mitigated based on State recommendation and or approval for protected natural resources.
- e. Remodeling, reconstruction, or restoration of residential units or nonresidential units with no increase in the number of permanent dwelling units, or no increase in the square-footage of nonresidential use, or no increase in the environmental impacts of the development.
- f. Bona-fide agriculture (See Also NRE 3.14.E).
- g. Up to two (2) acres of Xeric Uplands habitat on land for development with urban zoning and urban FLUM designations.

- h. Up to two (2) acres of Xeric Uplands habitat for residential development (one single family home) on legal lots with Rural Land Use.
 - i. During a Large Scale Comprehensive Plan Amendment to establish the Sustainable Community Overlay. The Environmental Clearance Process will be required for the adopted Master Plan of the Sustainable Community Overlay.
- 3. Environmental Clearance Required:
 - a. Environmental Clearance is required whenever a particular site is in an area where the resource categories listed in Policy 3.2 are mapped on the Conservation Overlay Map Series or are identified on adopted County resources, or are known to occur on that particular site. The applicant shall submit an Environmental Clearance Report to the Planning Department, ~~which shall be valid for a period not to exceed 5 years from the date of clearance issuance,~~ and which has been prepared by a professional, firm, government agency, or institution. For purposes of this policy, the term "known to occur" means any information received from a County approved professional, government agency with appropriate jurisdiction, any scientific study, or any reference material contained in this plan or the base documents that supported development of the plan.
 - b. Notwithstanding Policy 3.3.A.3.a, Environmental Clearance Reports, and review are required (unless otherwise exempted or an appropriate substitute as allowed) for:
 - 1) Large Scale Comprehensive Plan Amendments;
 - 2) Rezoning's, Site Plans and Plats, consisting of an area greater than 10 acres, or 50 lots or more.
 - 3) Building Permits and Land Clearing Permits for any land clearing of an area greater than two acres.

- c. After submitting the EC Report, the following shall occur:
 - 1) The Environmental Clearance Report shall establish that none of the resource categories listed in Policy 3.2 actually exist on site, or if they are identified on the adopted County resources or if they are proven to exist on that particular site, the Environmental Clearance Determination shall be made by the Development Services Director without further review; or
 - 2) If the Environmental Clearance Report establishes that one or more of those resources exists on the site, the Environmental Clearance Report shall be reviewed as described in this Policy.
- 4. Mandatory approval of Environmental Clearance required-state or federal permit: Whenever a particular site having any of the resources listed in Policy 3.1 and 3.2 has received a permit for impacts to the resources from the state or federal agency charged with reviewing and approving the applicable permit, the Development Services Director shall make the Environmental Clearance Determination without further review. The terms and conditions for activities allowed under that state or federal permit shall be incorporated in the County Land Clearing Permit, Building Permit, or other Final Development Order.
- 5. Mandatory approval of Environmental Clearance required - sale for conservation purposes: Notwithstanding the foregoing, whenever a particular site having one of the resource categories listed in Policy 3.1 and 3.2 is offered and is sold to either the federal, state, or local government, or a not-for-profit corporation purchasing for conservation purposes, the Development Services Director shall make the Environmental Clearance Determination, when use of the mitigation of Policy 3.16 (D) and Policy 3.3.A.7 is approved by the Board of County Commissioners.
- 6. Mandatory approval of Environmental Clearance shall be required for Building Permits and Land Clearing Permits for lots that are mitigated under Policy 3.5.

7. Option to Environmental Clearance Report - mitigation approved by the Board of County Commissioners: Satisfactory completion of any one mitigation option listed in Policy 3.16 shall eliminate the requirement to complete an Environmental Clearance Report. This option can only be used when: (1) the quantity of land impacted or developed is less than 10% of the parcel, the balance of which is preserved or mitigated; and (2) the environmental quality of land preserved is equal to or greater in quality than the land to be developed/impacted. Proof that the environmental quality of the land preserved is equal to or greater in quality than the land to be developed or impacted must be established by an approved permit from an appropriate federal or state agency, where applicable.
- B. Environmental Clearance Consultant: Environmental Clearance Reports shall be prepared by qualified professionals, firms, agencies, or institutions.
- C. Environmental Clearance Reports - Contents & Preparation: shall be prepared in accordance with the Land Development Regulations.
- D. Agency and Natural Resources Advisory Commission (NRAC) Review and Comments: The application packet and Environmental Clearance Report (ECR) shall be transmitted to those agencies listed in the Environmental Clearance Report as having permit requirements and to the Natural Resources Conservation Service. The Environmental Clearance Report shall be forwarded to the Natural Resources Advisory Commission (NRAC) for their review and recommendations for the following types of development:
 1. Large Scale Comprehensive Plan Amendments;
 2. Rezoning's, site plans, plats, and land clearing permits consisting of an area greater than 10 acres, or 50 lots or more regardless of the acres;
 3. Non-residential development where the development impacts more than 2 acres of those natural resource categories listed in Policy 3.2 (i.e., development not qualifying for small-scale environmental clearance.)

Each of the permitting agencies shall have 45 days from the transmittal date to determine and notify the County whether its permit is required prior to the commencement of the proposed development. Comments and recommendations from the Natural Resource Conservation Service shall be

provided to the Development Services Director within the same 45-day review period. The Development Services Director shall transmit all comments to the local decision making authority as part of the documented records for the project.

- E. Development Order Conditions: Prior to taking action on a development order, the County shall recognize NRAC or the Highlands County Natural Resources Department determinations as they consider recommendations of the Environmental Clearance Report regarding the following:
1. Protect and preserve the water quality or natural functions of floodplains and drainage ways, potable water wells, and wetlands;
 2. Protect and preserve the function of native vegetative communities, which are endemic to Central Florida, or the habitats of endangered species, threatened species, or species of special concern;
 3. Preserve and protect historical and archaeological resources;
 4. Establish measures to protect life and property from flood hazards; or,
 5. Establish land maintenance and management procedures for the natural resource to assure its continued viability or function after development;
 6. In addition, the County's final development order shall be conditioned upon adequate avoidance, preservation, mitigation, or remedial actions for the protection of environmental resources identified in Policy 3.2 and shall be consistent with the wetlands, floodplain, aquifer recharge, water quality, and cultural resource protection measures set forth within the policies framework of this Comprehensive Plan;
 7. Moreover, the County shall require that, in addition to the protection requirements of the Plan, necessary State and local permits be obtained as a condition of approval for the project's final development order. In accordance with F.S. 163.3184 (4) (d)1., Highlands County shall not impose any requirements for wetlands and cutthroat grass seeps in addition to those required by either the Florida Department of Environmental Protection or the applicable Water

Management District. No development in wetlands regulated by the State of Florida shall be permitted by Highlands County except as permitted by state law;

8. Except where mitigated as allowed by the Plan, avoidance, preservation, and management of the resource shall be required for protecting the resource. This may be accomplished through methods such as, but not limited to, acquisition, conservation easements or dedications, sale to either the Federal, State, or local government, or a not for profit corporation purchasing for conservation purposes, or site design methods (including clustering development to the portion of the site where the resource does not exist or, if this is not possible, to the least environmentally sensitive portion of the site);
 9. Buffers between the development and the resource shall be recorded on the plat or the site plan in accordance with other relevant goals, objectives, and policies of the plan; and,
 10. All applicants for building permits for properties that are mitigated under Policy 3.5 shall be required to deliver to the Building Department a signed notice that their property may contain habitat or species that are protected under state or federal law and that the receipt of a building permit does not absolve the owner or builder of responsibility for complying with all requirements of federal or state law when clearing land or building structures.
- F. An Appeal for Reconsideration of an Environmental Clearance determination or development order conditions can be made to the Natural Resources Advisory Commission (NRAC) and Board of County Commissioners. The form of appeal shall be in a letter and contain specific reasons why the decision should be reconsidered: (1) that the decision was based on erroneous information or; (2) that more suitable alternatives were not considered. NRAC may recommend upholding the determination or provide recommendations for alternative development order conditions. The final decision rests with the Board of County Commissioners.

Policy 3.4: High Ecological Value Map and a Voluntary Incentive Based Program

- A. Once the U.S. Fish and Wildlife Service Habitat Conservation Plan (HCP) has been completed and adopted by the County, a High Ecological Value Map shall be developed and adopted.

- B. An incentives based program shall be developed to encourage preservation or conservation areas identified on the HCP Map.
- C. Highlands County shall establish incentive programs for landowners to protect the naturally beneficial features of the lands identified as having high ecological value pursuant to the High Ecological Value Map, rather than solely relying upon regulatory police power authority. These additional incentives shall utilize a full range of techniques as appropriate to provide flexible, rather than rigid ways to meet environmental standards.
- D. **Parcels Contiguous to Environmental Lands**

The County shall develop incentives in the Land Development Regulations to encourage the use of conservation planning principles on parcels contiguous to public or privately-owned environmental lands. It shall provide an attractive alternative to large lot subdivisions in order to minimize fragmentation of wildlife habitat and provide additional open space to complement the environmental lands such as provided for in Sustainable Communities. The program incentives shall also encourage the use of other sustainable development practices which might include Low Impact Development, the Florida Water StarSM Program, and Fire wise Communities. Incentives shall encourage the use of conservation planning principles in order to promote the formation of linked open space networks consistent with the objectives and policies for the Natural Resource Element.
- E. The County's development review process shall seek to identify potential conservation and preservation area habitats in those areas which have the potential of becoming incorporated into an overall natural areas network through the voluntary incentive program.

Policy 3.5: Mitigation Fee for Exempt Lots

- A. For purposes of implementing Policy 3.3, so long as landowners comply with state and/or federal regulations in areas of natural resources that would otherwise be required to undergo environmental clearance, the County shall exempt the following from environmental clearance upon payment of an environmental mitigation fee to be set by the Board of County Commissioners. An environmental mitigation fee for exempt lots shall be periodically reexamined while considering the recommendations by various agencies such as the U.S. Fish and Wildlife Service (FWS).

- B. Up to one-half acre from the environmental clearance process of Policy 3.3 for land clearing or construction on individual lots of record established prior to September 15, 1993; and
- C. Up to two (2) acres on land for development with urban zoning and urban FLUM designations; and
- D. Up to two (2) acres for residential development (one single family home) on legal lots with Rural Land Use.
- E. All environmental mitigation fees shall be placed in the County's Conservation Trust Fund.

Policy 3.6: Measures for Environmental Conservation

- A. The County shall continue an ongoing program to define, identify, and conserve its native vegetative communities and the habitats of endangered or threatened species and species of special concern.

This conservation program may include, but not be limited to, the following implementation measures:

- 1. Acquisition of lands using public funds and grants, including fee purchase, easements, donations and other less than fee mechanisms;
- 2. Lease of land;
- 3. Tax abatement;
- 4. Land swaps and transfers of title;
- 5. Establishment of conservation or open space easements through the local development approval and permit processes;
- 6. Density bonuses up to the top end of the density range for those cluster developments which voluntarily provide more than the minimum set aside of land for conservation purposes;
- 7. Density bonuses up to the top end of the density range for new development and redevelopment which preserves habitat and avoids impact to endangered or threatened species, including species of special concern;
- 8. Density transfers from the conservation set aside areas to the buildable portions of the development site; and,

9. Sale to the Federal, State, or local government, or a not for profit corporation purchasing for conservation purposes.
- B. The first order of priority for the County's conservation program shall be to work with public and private agencies to acquire and manage the following in their natural state:
1. Scrub or sandhill habitats (xeric uplands);
 2. Endemic populations of endangered or threatened species, including species of special concern;
 3. Wetlands, cutthroatgrass seeps, and un-canalized freshwater estuaries feeding the lakes;
 4. Important aquifer recharge functions;
 5. Unique scenic or natural resources;
 6. Dry prairie;
 7. Southern Florida Flatwood of high quality; and,
 8. Other natural resource types of ecological value.
- C. Transportation and associated infrastructure that responds to potential direct and indirect impacts to habitats and wildlife, shall be planned, designed, and constructed to avoid, minimize, and where necessary, mitigate impacts to both public and private conservation lands or lands containing high quality resources, including wildlife corridors.

Policy 3.7: Model Review Procedure for Special Habitats

The County shall continue to administer a development review process similar to the "Review Procedure for Special Habitats (Central Florida Regional Planning Council, May 17, 1991) which coordinates with local, state, and federal agencies whose regulatory authorities involve the following:

- A. The protection of endangered or threatened species, including species of special concern;
- B. Native vegetative communities or habitat areas spanning more than one local jurisdiction.

Policy 3.8: Conservation Trust

- A. The County shall create a restricted Conservation Trust Fund account to be used for the acquisition (including fee purchase, easements, donations, and other less than fee mechanisms) of natural resources, listed in Policy 3.6B or the enhancement, required maintenance, and/or management of other publicly-owned conservation-valued lands, as determined by the Board of County Commissioners.
- B. The Conservation Trust Fund account may also be used for the following:
 - 1. Restoration of lands purchased that will be preserved as conservation lands,
 - 2. Acquisition of lands that will result in alleviating usage stress and/or disturbance to previously acquired and managed lands which contain threatened and endangered species and endemic ecological communities,
 - 3. Management and maintenance of existing acquired lands, including construction of fences and/or barriers designed to protect the lands from vandalism and disturbance.
- C. The following measures may be used by the Board as sources of funding for this account:
 - 1. Voluntary contributions;
 - 2. Mitigation or impact fees;
 - 3. Matching grants; and,
 - 4. Referendum.

Other sources of funding recommended by the Natural Resources Advisory Commission shall also be considered by the Board of County Commissioners for the Conservation Trust Fund.

Policy 3.9: Exotic Pest Plant and Animal Control Program

- A. The County shall continue to devise and implement a program for the removal and control of exotic pest plant and animal species as per the Florida Exotic Pest Plant Council, Florida Fish and Wildlife Conservation Commission, and other state and/or federal agencies.

- B. The County shall continue to work in conjunction with cooperating regional, state and federal agencies where removal and control of exotic pest plants and animals from the environs of surface water bodies is advisable or is a requirement for joint permitting and for dredge and fill permits.
- C. The County shall continue to assist private property owners in the methods of appropriate removal techniques, bio-control mechanisms, and chemical control of exotic pest plants and animals.

Policy 3.10: Agricultural Best Management

Future land use planning for the County shall encourage agricultural uses which use Best Management Practices (BMPs) and which are compatible with wildlife protection and water quality outputs. The County shall continue to work with United States Department of Agriculture, Natural Resources Conservation Service, Florida Division of Forestry, Florida Department of Agriculture and Consumer Services and other agency BMP Manuals for both agriculture and silviculture respectively. The County shall continue to work with the Highlands Soil and Water Conservation District to implement erosion control programs for the benefit of agriculture and to facilitate "Cooperator of the District" agreements for putting Best Management Practices on these lands.

Policy 3.11: Incorporate Conservation Measures into Local Plans and Projects

The County shall incorporate the protection and conservation measures called for under this Element into all County surface water management plans, public works projects, and infrastructure improvement plans.

Policy 3.12: Wildlife/Greenway Corridor Strategy

- A. Ecological and Habitat Connectivity as Part of the Development Review Process

As a measure to promote a conservation strategy for the establishment of wildlife/greenway corridors within the County, new development plans, including roads, shall identify existing conservation areas, protected areas, waterways and wildlife/greenway corridors adjoining the project site.

- B. Contiguity

The County shall require, whenever applicable and feasible, projects that plan to designate on-site dedications for conservation purposes to locate them contiguous with an existing adjacent conservation area.

- C. The County will consider an amendment to the Conservation Overlay Map to show adopted wildlife/greenway corridors as a means to identify significant environmental and wildlife corridors, such as the Arbuckle Creek - Carter Creek - Morgan Hole Creek corridor, the Fisheating Creek corridor and the Josephine Creek-Yellow Bluff Creek corridor, among others, and reinforce this Policy by designating these riparian greenways on the FLUM with a Conceptual Plan Line (CPL) for the purpose of guiding development and restricting activities, as indicated in A and B, known to adversely affect the endangered and threatened species and their habitats.

The County shall also provide consistency with Policy 1.7.1 of the Strategic Regional Policy Plan (SRPP), where applicable, by identifying those greenway corridors, designated by the Central Florida Regional Planning Council (CFRPC) as having regional significance within Highlands County, on the Conservation Overlay Map series.

- D. Discourage New Roadway Crossings through Wildlife/Greenway Corridors

Where new crossings are necessary to ensure the health, safety and welfare of the citizenry, transportation corridors shall be designed as limited access facilities that prohibit non-emergency stopping. Roadway and associated utility corridors should be designed to have minimal adverse impacts to the environment and shall include provisions for wildlife crossings based on the standards of Florida Fish and Wildlife Conservation Commission (FWC) and the U.S. Fish and Wildlife Service (FWS).

Policy 3.13: Parks for Resource Preservation

Where compatible with the goals, objectives, and policies of the Comprehensive Plan and whenever feasible, locate future parks to encompass areas of undisturbed native vegetative communities and environmentally sensitive lands for passive recreational use, such as hiking trails, primitive camping and other conservation based activities, as opposed to active recreational use.

Management plans for such parks shall be consistent with the protection, preservation, and conservation of those natural resources occurring on the site.

Evaluation of the priority for acquisition shall consider the location of sites within the urban development areas in order to preserve natural open-space most at risk for development.

Policy 3.14: Land Clearing

- A. Definition: Land Clearing means engaging in a land management practice or practices, which will result in the destruction of natural resources (as identified on the Conservation Overlay Map Series; i.e., xeric uplands, cutthroatgrass seep, or wetlands), with the natural resource being replaced or succeeded by something else (e.g. bare soil, different resource type, or invaded by non-native species) which precludes the long-term (5 years) recovery of the original natural resource type. Land clearing activities which impact listed species may also be subject to state and federal regulation.
- B. Exemptions: For the purposes of this Comprehensive Plan, the following activities are exempt from environmental clearance review, do not constitute land clearing, and do not require a Land Clearing Permit even when undertaken in areas with natural resources as identified on the Conservation Overlay Map Series:
1. Maintenance of existing roads, rights of way, and utility easements;
 2. Construction or maintenance of fence lines up to 20 feet on each side of the fence;
 3. Maintenance of existing drainage and storm water management systems;
 4. Permitted and prescribed maintenance of fire breaks and fire lines up to 40 feet wide;
 5. Maintenance burning, other than bayheads;
 6. Maintenance of native range according to the Best Management Practices of the US Natural Resources Conservation Service;
 7. Maintenance or improvement of improved pasture and land in active agricultural production;
 8. Removal of non-native vegetation;
 9. Surveying pursuant to Florida Statutes;
 10. Clearing on a lot or tract that is exempted pursuant to Policy 3.3;
 11. Agricultural activities as defined in Paragraph E below;

12. Clearing for all activities and uses outside the conservation areas depicted on the Conservation Overlay Map Series pursuant to Natural Resource Policy 3.3; or,

13. Whenever life or property is threatened or endangered during a civil emergency.

13.14. Mulching and bush-hogging that does not disturb the soil.

- C. Land Clearing Permit: Except as provided in paragraph “E” of this policy and the Land Clearing definition in paragraphs “A” and “B” above, no land clearing shall be allowed to commence on a site where natural, archaeological, or historical resources are known to exist without first obtaining a County Land Clearing Permit. A Land Clearing Permit shall be issued upon completion of the environmental clearance report required by Policy 3.3, unless that report determines that a natural resource listed in Policy 3.2 exists on the site. Whenever a natural resource listed in Policy 3.2 is identified on the site, the Land Clearing Permit shall be issued in accordance with Policy 3.3.

The County, in consultation with the property owner, shall impose one or more of the following penalties as appropriate if land is cleared without appropriate environmental clearance review or a County Land Clearing Permit.

1. A penalty fee shall be imposed based on a set of fees approved by the Board of County Commissioners, based on the amount of land cleared;
2. No development or additional land clearing shall be permitted for a period of three years after such clearing;
3. The vegetation shall be replaced or the habitat allowed to restore itself through development and implementation of a management plan;
4. A land clearing company and/or registered contractor clearing land without a land clearing permit on behalf of a land owner shall be subject to penalties;
5. Any mitigation or penalties imposed by the State or Federal agencies for the same land clearing violation may substitute for County mitigation penalties;
6. County penalty fees shall be placed in the Conservation Trust Fund; or,

7. The decision to impose a land clearing penalty may be appealed pursuant to Policy 3.3.F.
- D. State and Federal Permits: Individual property owners or developers prior to clearing land when a resource is located on site are responsible for obtaining appropriate state or federal permits or authorizations.
- E. Agricultural Exemption: No County Land Clearing Permit shall be required for any agricultural activity not requiring a Highlands County land development order conducted by a lawfully operating and bona fide agricultural operation. This is a business for the purpose of growing plants, crops, trees, silviculture, or other agricultural or forestry products or that is in business for the purpose of raising livestock. When the agricultural activity occurs on property owned or lawfully occupied by the person conducting said agricultural activity and said property is designated by the Future Land Use Map as Agriculture and the land clearing is done in pursuit of said activity.

When land clearing has been performed under this exemption based upon the use of the property for an agricultural operation, the following shall apply:

1. No land development order shall be approved for any non-agricultural use on the same site within three (3) years of the completion of such land clearing; and,
2. Agricultural operations are encouraged to implement a Natural Resources Conservation Service approved Conservation Plan, including the use of Best Management Practices, as applicable to the specific area being cleared, and to secure all other permits required by state and federal agencies exercising jurisdiction over the natural resources referred to in Policy 3.2 and found on said property.

Policy 3.15: Protection of Environmentally Sensitive Land

- A. In the absence of state or federal setback requirements for mitigation of development impacts on environmentally sensitive land and except as otherwise provided in this Comprehensive Plan, affected local development orders shall require that dwellings, commercial/industrial buildings, and septic systems be set back the lesser of 50 feet or 40% of the average depth of the site as perpendicularly measured from the mean high water line or the boundary of:

1. An identified wetland (including cutthroatgrass seeps and bayheads);
2. A surface water body;
3. A habitat conservation area;
4. A ranked State Florida Forever site or federal acquisition site; or,
5. Publicly-owned and privately-owned recorded conservation lands.

Note: The Florida Department of Environmental Protection may require a greater setback distance for some septic systems. Refer also to the NRE Policies 4.3 and 4.4.

- B. Except as otherwise provided in this Comprehensive Plan, the County shall require that all affected developments satisfy the following conditions of approval whenever construction is proposed in the vicinity of a surface water body or wetland:
1. That construction activities shall not encroach into the setback areas described by paragraph "A" above;
 2. That existing topography and vegetation shall be retained within this setback area, if required by State permits or Environmental Impact Report conclusions as they may apply to the development proposal;
 3. That whenever clearing or grading of the construction site is proposed, silt screens shall be placed between the construction and the surface water body or wetland;
 4. That the setback boundary line be marked and posted prior to the commencement of construction activities at the development site; and,
 5. That vegetation within the setback area shall be retained or be reestablished after construction, as appropriate, so as to stabilize soil conditions along the boundary of development, to minimize siltation from eroded soils, and to filter stormwater runoff from the developed area.
- C. Except for maintaining existing lots where lake vegetation has been removed, removal of upland vegetation along lake frontages shall be limited to the minimum necessary to achieve reasonable access to the lake.

- D. The County shall require these setback areas to be recorded as public or private conservation setback easements on the approved site plan or plat.
- E. For the purpose of implementing this policy, the County shall allow:
 - 1. Density attributable to any setback area to be transferred to the buildable portions of the site;
 - 2. Flood control improvements within the setback area which are necessary for the protection of life and property;
 - 3. The right to maintain existing or to construct new hiking and equestrian trails within the setback area;
 - 4. The right to use existing grazing, pasture, and crop lands within the setback area for agricultural purposes;
 - 5. The right-of-way over or to a surface water body, subject to obtaining all required permits from jurisdictional agencies; and,
 - 6. The right to use existing or to construct new docks or boat ramps.
- F. Forestland, rangeland, wildlife management areas, parks, preserves, and other areas for public use depend on prescribed burning for reforestation, removal of exotics, nutrient cycling, quality and quantity of herbaceous vegetation and the perpetuation, restoration and management of many plant and animal communities to maintain specific economic and ecological resource value. Florida Statutes recognizes prescribed burning as being in the public interest and does not constitute a public or private nuisance when conducted under applicable state air pollution statutes and rules. The County should pursue recognition mechanisms such as deed restrictions on lots or acreages in areas that may experience smoke and air particulates from prescribed burning on agricultural and conservation lands. Highlands County considers prescribed burning a necessary management strategy of forestland, rangeland, wildlife management areas, parks, preserves, and other areas for public use.
- G. Recognizing that many of the subdivisions platted in the 1960s and early 1970s are generally not consistent with current use practices and growth management strategies aimed at discouraging sprawl and protecting environmentally significant lands, the following shall apply to these subdivisions in particular and to all public and private conservation areas in general.

1. Residential projects developed adjacent or in close proximity (500 ft.) to conservation areas or other land uses that use fire management, and approved subsequent to the adoption of this policy, shall be required to notify buyers and potential buyers of the adjacent conservation area. Specifically, buyers and potential buyers must be informed of the possibility of any fire management program for the adjacent conservation area or other land use (including agricultural properties) that uses fire management, and be explicitly told that they may experience smoke and odors from these fire management practices.

Policy 3.16: Mitigation Options

In accordance with the preservation priorities established by Policy 3.3B, the County may allow the following options to all affected developments upon approval of the Board of County Commissioners:

- A. On-site Option: Provision of the required acreage as a public or private conservation/open space easement; or
- B. Off-site Option: Provision of the required acreage at an approved off-site location; or
- C. In-lieu Option: Contribution to the County's Conservation Trust Fund amounting to the fair market value for comparable acreage; or,
- D. Sale to the federal, state, or local government, or a not for profit corporation purchasing for conservation purposes, including mitigation for the loss of wetlands by either one of the water management district's regulations; or
- E. County requires no further mitigation if any state, federal or regulatory agency is already requiring mitigation. Then such mitigation may meet County mitigation options and no additional County mitigation may be required; or,
- F. County Mitigation Bank payment of funds into a Department of Environmental Protection or U.S. Fish and Wildlife Service authorized mitigation bank in Highlands County for use within the County; or,
- G. A combination of the above options.

Policy 3.17: Preference for Planned Unit Developments

The County should endeavor to require all development proposals which involve environmentally sensitive lands, or protected species to seek

approvals under the Planned Unit Development regulations of the Land Development Regulations. Design options allowed for Planned Unit Development proposals shall include the following, subject to County approval and under the condition that they are not prohibited by the regulations of other governmental authorities:

- A. Transfers of density from dedicated set aside areas to the buildable areas of the proposed development site in the amounts allowed for under the Future Land Use Element, provided that the top end of the land use density range is not exceeded; or,
- B. Density bonuses above the midpoint density for developments which provide more than the minimum set aside acreage and provided that:
 - 1. The total amount of density allowed to the site is in accordance with policies of the Future Land Use Element; and,
 - 2. The top end of the land use density range is not exceeded.

Policy 3.18: Natural Resource Advisory Commission (NRAC)

- A. The Board of County Commissioners shall continue to appoint a Natural Resources Advisory Commission comprised of citizens having qualifications and experience commensurate with the mission objectives assigned to the Commission.
- B. The protocols for the composition, nomination, appointment, rotation, election, meetings, mission, primary function, and authorities of the Natural Resources Advisory Commission (NRAC) shall be set forth by Resolution and approved by the Board of County Commissioners.

Policy 3.19: Acquisition of Environmentally Sensitive Lands

Highlands County supports the acquisition of environmentally sensitive lands to achieve permanent protection for future generations. The Board of County Commissioners recognizes these efforts are best achieved through a combination of public and private efforts including fee purchase, easements, transfer of development rights management agreements, donations and other less than fee mechanisms. The Board of County Commissioners may adopt a target list of priorities for acquisition.

Policy 3.20: Buffer Public Conservation Lands

Highlands Hammock State Park, publicly and privately owned conservation lands, and conservation lands being considered for acquisition with public funds, shall be buffered against the encroachment of any urban land uses which would be out of character with their scenic open space qualities or

their natural functions. The intent of this policy shall be assured through the application of the growth management policies contained in the Future Land Use Element, and promulgation of new project review authorities to implement the conservation strategies of this Element.

Policy 3.21: Environmental Conservation of Selected Lands

- A. Highlands County shall encourage, through incentives, existing agricultural areas determined to have a high ecological value as shown on the Conservation Overlay Map Series to:
1. Provide well managed areas for native species habitat,
 2. Provide conservation easements compatible with the ecological value of the property.
 - a. Uses that may be determined compatible include: existing agriculture, ecological burning, ecosystem restoration, hydrologic restoration, hiking and natural resource recreation, and boardwalks, where those uses do not conflict with the resource management goals of those lands;
 - b. Conservation easements generally should provide connectivity between or expansion of existing conservation areas, and be of a quality and size to provide for long-term habitat viability. Conservation easements that establish small, isolated, conservation areas shall be discouraged.
 3. Encourage retention of agricultural lands adjacent to conservation areas, essential natural habitats, and significant waterways to provide ecological buffers. The purpose of buffer areas is to adequately protect natural resources from human encroachment, as well as to protect the public health, safety, and welfare by providing adequate separation between human activities and wildlife habitat and conservation practices such as prescribed burns.
 4. Encourage public access to conservation lands, where appropriate and where such access does not conflict with the resource management goals of those lands.
 5. Utilize incentive based Transfer of Development Rights, as detailed in the Future Land Use Element or Sustainable Community Overlay.

- 6. Provide ecological connections between natural areas, whether in public or private ownership.
- B. This policy does not affect any existing rights the property owner may have to develop these lands as permitted under the Comprehensive Plan and Land Development Regulations.

Policy 3.22: Planned Transportation Improvements and Alignments in Relation to Environmental Issues

Ensure that the transportation network will avoid, minimize, and mitigate habitat fragmentation by applying the following wildlife design criteria:

- A. Require that wildlife habitat linkage analysis be used as a standard procedure for updating the County's long range transportation plan network.
- B. Design wildlife crossing structures for multiple species and sustained habitat connectivity.
- C. Provide fencing or barrier walls to direct wildlife to crossing entrances where appropriate.
- D. New roadway crossings through wildlife/greenway corridors are discouraged. Where new crossings are necessary to ensure the health, safety and welfare of the citizenry, transportation corridors shall be designed as limited access facilities that prohibit non-emergency stopping. Roadway and associated utility corridors shall be designed to have minimal adverse impacts to the environment and shall include provisions for wildlife crossings based on the standards of Florida Fish and Wildlife Conservation Commission (FWC) and the U.S. Fish and Wildlife Service (FWS).

Policy 3.23: Conservation Wildlife Corridor Connectivity

If new development as defined in NRE Policy 3.3D. is proposed, any conservation areas or easements for conservation shall, where possible, connect to regionally significant wildlife corridors based upon best available data.

No Change**Natural Resources Element**

There are no proposed text amendments to Objectives 1, 2, and 4 through 11 of the Natural Resources Element. This is shown below as "(No Change)".

Objective 1: Preserve and Protect Cultural Resources - (No Change)

Objective 2: Conserve Soil and Mineral Resources - (No Change)

Objective 4: Protect Wetlands - (No Change)

Objective 5: Meet Air Quality Standards - (No Change)

Objective 6: Protect Groundwater Resources, Protect Aquifer Recharge Areas and Groundwater Resources Against Contamination and Depletion - (No Change)

Objective 7: Water Conservation - (No Change)

Objective 8: Water Resource Protection - (No Change)

Objective 9: Environmental Education Program - (No Change)

Objective 10: Measures to Protect Floodplains - (No Change)

Objective 11: Integrated Green Infrastructure - (No Change)

DEFINITIONS AND ACRONYMS

The area within the Definitions and Acronyms Section that propose text amendments are in existing Definitions. The proposed text amendments are present in legislative format.

DEFINITIONS

~A~

ADJUSTED FOR FAMILY SIZE – Means adjusted in a manner that results in an income eligibility level that is lower for households having fewer than four people, or higher for households having more than four people, than the base income eligibility determined as provided in the definitions of very-low-income person/household, low-income person/household, or moderate-income person/households based upon a formula established by the United States Department of Housing and Urban Development.

ADJUSTED GROSS INCOME – Means all wages, assets, regular cash or non-cash contributions or gifts from persons outside the household, and such other resources and benefits as may be determined to be income by the United States Department of Housing and Urban Development, adjusted for family size, less deductions allowable under s. 62 of the Internal Revenue Code.

AFFORDABLE – Means that monthly rents or monthly mortgage payments including taxes, insurance, and utilities do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross annual income for the households as indicated in the definitions of very-low-income persons, low-income persons, or moderate-income persons.

AFFORDABLE HOUSING – Means that monthly rents or monthly mortgage payments, including taxes, insurance, and utilities, do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross annual income for the households as indicated in the definitions of extremely-low-income persons, very-low-income persons, low-income persons, moderate-income persons as indicated in Section 420.0004, F.S. Affordable housing definitions that are prescribed by other affordable housing programs administered by either the United States Department of Housing and Urban Development or the State of Florida may be used by local governments if such programs are implemented by the local government to provide affordable housing.

AGRICULTURE – Means the science and art of producing plants and animals for use by mankind, including the preparation of land resources to accommodate agricultural practices and, to a variable extent, the preparation and harvesting of agricultural

products for marketing purposes. The term "*agriculture*" encompasses activities such as but not limited to the production of biofuel, food and fiber and all activities that are customarily associated with aquaculture and fisheries, horticulture, floriculture, viticulture, silviculture, and aaviaculture, livestock and poultry operations, bee keeping, stable and kennel operations, animal husbandry, ranching, dairy operations, forestry, veterinary medicine, or any other practice which the Board of County Commissioners deems is typical of, necessary to, or in keeping with these listed agricultural activities.

AGRICULTURAL USES – Means activities within land areas which are predominantly used for the cultivation of crops and livestock including: cropland, pastureland, orchards, vineyards, nurseries, ornamental horticulture areas, groves, confined feeding operations, specialty farms, and silviculture areas. Agricultural uses also include activities generally associated with rural settlement, active agriculture including biofuel feedstock and recreation and open space.

AGRITOURISM ACTIVITY - Means any agricultural related activity consistent with a bona fide farm, livestock operation, or ranch or in a working forest which allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy activities, including farming, ranching, historical, cultural, civic, ceremonial, training and exhibition, or harvest-your-own activities and attractions. An agritourism activity does not include the construction of new or additional structures or facilities intended primarily to house, shelter, transport, or otherwise accommodate members of the general public. An activity is an agritourism activity regardless of whether the participant paid to participate in the activity.

AIRPORT CLEAR ZONE – Means a designated area of land which is subject to peak aircraft noise and on which there is the highest potential of danger from airport operations.

AIRPORT FACILITY – Means any area of land or water improved, maintained or operated by a governmental agency for the landing and take-off of aircraft, or privately owned paved runways of 4,000 or more feet in length, and any appurtenant area which is used for airport buildings, or other airport facilities or rights-of-way.

AIRPORT – MILITARY – ACCIDENT POTENTIAL ZONE – Accident Potential Zone (APZ) is an area beyond the clear zone that exhibits a measurable potential for accidents relative to the clear zone. The APZ may curve to follow flight tracks.

AIRPORT – MILITARY – MILITARY AIRPORT NOTIFICATION ZONE – Military Airport Notification Zones are those areas within which notification of airfield proximity is required when property is sold or leased.

AIRPORT – MILITARY – MILITARY AIRPORT ZONE (MAZ) – The Military Airport Zone (MAZ) is an overlay district providing regulatory measures and zoning standards to achieve land use compatibility and protection of public health and safety in the areas exposed to impacts generated by military flight or ground activities occurring at, near, or above military airports.

AIRPORT – NOISE CONTOUR – A line connecting points of similar day night average sound levels measured from a specific noise source.

AIRPORT OBSTRUCTION – Means any structure, object of natural growth, existing condition, or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or which otherwise increases the risk of danger to aircraft operations.

ARTERIAL ROAD – Means a roadway providing service which is relatively continuous and of relatively high traffic volume, long trip length, and high, operating speed. In addition, every United States numbered highway is an arterial road.

ASSISTED LIVING FACILITY (ALF) – Assisted Living Facility, hereinafter referred to as “facility” or “ALF,” means any building or buildings, section of a building, or distinct part of a building, residence, private home, boarding home, home for the aged, or other place, whether operated for profit or not, which undertakes through its ownership or management to provide, for a period exceeding 24 hours, housing, food service, and one or more personal services for four or more adults, not related to the owner or administrator by blood or marriage, who require such services; or to provide extended congregate care, limited nursing services, or limited mental health services, when specifically licensed to do so pursuant to s.400.407, unless the facility is licensed as an adult family-care home. A facility offering personal services, extended congregate care, limited nursing services, or limited mental health services for fewer than four adults is within the meaning of this definition if it formally or informally advertises to or solicits the public for residents or referrals and holds itself out to the public to be an establishment which regularly provides such services, unless the facility is licensed as an adult family-care home.

AVAILABILITY or AVAILABLE – With regard to the provision of facilities and services concurrent with the impacts of development, means that at a minimum the facilities and services will be provided in accordance with the standards set forth in Section 163.3180, Florida Statutes.

~ B ~

BEST MANAGEMENT PRACTICES (BMPs) – A practice or combination of those practices currently determined to be the most effective and practicable (including technological, economical, and institutional considerations) means to achieve goals. BMPs can either be adopted requirements or voluntary practices and procedures.

BICYCLE and PEDESTRIAN WAYS – Means any road, path, or way which is open to bicycle travel and traffic afoot and from which motor vehicles are excluded.

BLUEWAYS – Blueways are small boat and paddling routes that combine recreation and environmental awareness and allow users to travel to designated stops along the way for rest, overnight stays, and/or enjoyment of land-based attractions in the vicinity.

BUSINESS – Means all gainful private sector activity. Includes commerce, industry, agriculture, construction, tourism, recreation sport, medical practice, retail trades and services, and any other such undertakings contributing to the economic base of Highlands County.

~ C ~

CANAL – Means any manmade waterway used for the purposes of drainage, irrigation, or transportation which collects and then diverts or directs the flow of surface water or groundwater. A ditch is not a canal. [Source: *Modified from FDOT Glossary of Transportation Terms, 1992*]

CAPITAL BUDGET – Means the portion of Highlands County's budget which reflects capital improvements that are scheduled for a given fiscal year.

CAPITAL IMPROVEMENT – Means physical assets constructed or purchased to provide, improve, or replace a public facility and which are large scale and high in cost. The cost of a capital improvement is generally nonrecurring and may require multi-year financing. For the purposes of this Comprehensive Plan, physical assets which have been identified as "*existing needs*" or "*projected needs*" in the Plan Elements shall be considered capital improvements.

COLLECTOR ROAD – Means a roadway providing service which is of relatively moderate traffic volume, moderate trip length, and moderate operating speed. Collector roads collect and distribute traffic between local roads or arterial roads.

COMMERCIAL NODE – Means a collection of commercial uses typically located at the intersection of two thoroughfare roadways.

COMMERCIAL RURAL – Means commercial uses of limited size, primarily serving the agricultural community, located within the Agricultural Future Land Use Category.

COMMERCIAL USES – Means activities within land areas which are predominantly connected with the sale, rental, and distribution of products or the performance of services.

COMMUNITY PARK – Means a park located near major roadways, and designed to serve the needs of more than one neighborhood.

COMPACT URBAN DEVELOPMENT AREA (CUDA) – Means the area within a Sustainable Community Overlay in which urban development may occur. This area shall not exceed fifteen percent of the entire Sustainable Community Overlay.

COMPATIBILITY - Means a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.

COMPREHENSIVE PLAN – Means any Elements or portions thereof prepared, adopted, or amended pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, as amended. [Source: *modified from Chapter 380.031, F.S.*]

CONCURRENCY – Means that the necessary public facilities and services to maintain the adopted level of service standards are available when the impacts of development occur.

CONCURRENCY MANAGEMENT SYSTEM – Means the procedures and/or process that the local government will utilize to assure that development orders and permits are not issued unless the necessary facilities and services are available concurrent with the impacts of development.

CONE OF INFLUENCE – Means an area around one or more major water-wells, the boundary of which is determined by the government agency having specific statutory authority to make such a determination based on groundwater travel or

drawdown depth.

CONSERVATION AND RECREATION LAND – Means those lands that are proposed for acquisition because of outstanding natural resources, opportunity for natural resource-based recreation, or historical and archaeological resources. After purchase, these lands are reclassified as Managed Areas.

CONSERVATION USES – Means activities within land areas designated for the purpose of conserving or protecting natural resources or environmental quality and includes areas designated for such purposes as flood control, protection of quality or quantity of groundwater or surface water, floodplain management, fisheries management, or protection of vegetative communities or wildlife habitats.

CONSISTENCY REZONE – Means that action taken by the Board of County Commissioners to make a property's zoning district classification consistent with its Comprehensive Plan Land Use Designation.

CULTURAL RESOURCE(S) – For purposes of this Comprehensive Plan, means any natural or manmade artifact, structure, or site which conveys knowledge about the history, prehistory, or culture of Highlands County.

CUTTHROATGRASS SEEP – Means any area of land supporting cutthroatgrass (*Panicum abscissum Swallen*) as the dominant species.

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DENSITY – means an objective measurement of the number of people or residential units allowed per unit of land, such as residents or employees per acre.

DENSITY BONUS – For each currently entitled dwelling unit within the Sustainable Community Overlay allowed by this Comprehensive Plan that is transferred into the Compact Urban Development Area (CUDA), a property owner shall be awarded two (2) bonus dwelling units. The bonus dwelling units are granted to the property owner for removing residential entitlements from the lands for agriculture, conservation, and preservation land uses (Sustainable Green Assets).

DEVELOPER – Means any person, including a governmental agency, undertaking any development as defined in this Definitions Section. [Source: *modified from Chapter 380.031, F.S.*]

DEVELOPMENT – Shall mean the exact definition included in Chapter 380.04, F.S.:

- “(1) The term “development” means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels.*
- (2) The following activities or uses shall be taken for the purposes of this chapter to involve “development”, as defined in this section:*
- (a) A reconstruction, alteration of the size, or material change in the external appearance of a structure on land;*
 - (b) A change in the intensity of the use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land;*
 - (c) Alteration of a shore or bank of a seacoast, river, stream, lake, pond, or canal, including any “coastal construction” as defined in ss 161.021;*
 - (d) Commencement of drilling, except to obtain soil samples, mining, or excavation on a parcel of land;*
 - (e) Demolition of a structure;*
 - (f) Clearing of land as an adjunct of construction; and,*
 - (g) Deposit of refuse, solid or liquid waste, or fill on a parcel of land.*
- (3) The following operations or uses shall not be taken for the purpose of this chapter to involve “development” as defined in this section:*
- (a) Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way;*
 - (b) Work of any utility and other persons engaged in the distribution or transmission of gas, electricity, or water, for the purpose of inspecting, repairing, renewing, or constructing on established rights-of-way any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like. This provision conveys no property interest and does not eliminate any applicable notice requirements to affected land owners;*
 - (c) Work for the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the*

structure or the decoration of the exterior of the structure;

- (d) The use of the structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling;*
 - (e) The use of any land for the purpose of growing plants, crops, trees, and other agricultural or forestry products; raising livestock; or for other agricultural purposes;*
 - (f) A change in use of land or structure from a use within a class specified in an ordinance or rule to another use in the same class;*
 - (g) A change in the ownership or form of ownership of any parcel or structure; and,*
 - (h) The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land.*
- (4) "Development" as designated in an ordinance, rule, or development permit includes all other development customarily associated with it unless otherwise specified. When appropriate to the context, "development" refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development, reference to particular operations is not intended to limit the generality of subsection (1)."*

DEVELOPMENT OF REGIONAL IMPACT – Large-scale developments that are likely to have regional effects beyond the local government jurisdiction in which they are located.

DEVELOPMENT ORDER/PERMIT – Means any order or approval by Highlands County that grants, denies, or grants with conditions an application for a development permit, including but not limited to any building permit, zoning action or permit, plat approval, certification, variance, or other action having the effect of permitting new development, redevelopment, or ongoing development. [Source: *modified from Chapter 380.031, F.S.*]

DEVELOPMENT, SMALL SCALE – (a/k/a small scale plan amendment) Means those development proposals or activities which meet the statutory criteria of Section 163.3187(1), F.S.

DITCH – Means a long, narrow, shallow trench or furrow that has been dug in the ground for irrigation, drainage, or boundary line purposes. [Source: *Modified from FDOT Glossary of Transportation Terms, 1992*]

DOMINANT PLANT SPECIES – For the purposes of this Comprehensive Plan, means any individual herbaceous species which constitutes the greatest percent of cover for a given area.

DRAINAGE BASIN – Means the area defined by topographic boundaries which contributes stormwater to a drainage system, estuarine waters, or oceanic waters, including all areas artificially added to the basin.

DRAINAGE FACILITIES – Means a system of man-made structures designed to collect, convey, hold, divert, retain, or discharge stormwater, and includes stormwater, sewers, canals, detention structures, and retention structures.

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ECONOMIC BASE – The structure of the local economy in terms of industries, employers, employment trends and projections, demographic trends and projections, and business conditions.

EDUCATIONAL USES – Means activities and facilities of public or private primary or secondary schools, vocational and technical schools, and colleges and universities licensed by the Florida Department of Education, including the areas of buildings, campus open space, dormitories, recreational facilities, or parking.

ENSURE – Provide the resources for achieving a set goal, objective, or policy.

ENVIRONMENTAL CLEARANCE – Means those procedures and processes that are used to establish remedies for any negative impacts a specific development proposal may have on natural resources occurring at the development site.

ESSENTIAL NATURAL HABITAT – Land or water bodies that, through the provision of breeding or feeding habitat, are necessary to the survival of endangered or threatened plant and animal species, or species of special concern, as determined by the Florida Fish and Wildlife Conservation Commission or the U.S. Fish and Wildlife Service.

ESTABLISHMENT – An establishment is a multi-family apartment, condominium or townhouse complex, a non-residential commercial or institutional development, or place of business or assembly. Inclusive with an establishment are all buildings or structures and the land appertaining thereto, having an owners association or other legal entity which is responsible for maintenance and operation of the development's sewage treatment and disposal facilities.

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FAIR HOUSING LAND DEVELOPMENT REGULATIONS – An Ordinance adopted by a jurisdiction in keeping with the laws of the United States of America and the spirit of the Constitution of the State of Florida, to promote through fair, orderly, and lawful procedure, the opportunity for each person so desiring to obtain housing of such person's choice without regard to race, color, ancestry, national origin, religion, sex, marital status, familial status, handicap or age, and, to that end, to prohibit discrimination in housing by any person.

FINDINGS – For purposes of this Comprehensive Plan, means the factual and legal basis upon which decisions are made in accordance with Comprehensive Plan objectives and policies.

FIREWISE COMMUNITIES – The national Firewise Communities program is a multi-agency effort designed to reach beyond the fire service by involving homeowners, community leaders, planners, developers, and others in the effort to protect people, property, and natural resources from the risk of wildland fire - before a fire starts. The Firewise Communities approach emphasizes community responsibility for planning in the design of a safe community as well as effective emergency response, and individual responsibility for safer home construction and design, landscaping, and maintenance.

FLOODPLAIN – For purposes of this Comprehensive Plan, means the area calculated to be inundated or the actual area that is inundated during a 100-year storm event, as generally identified by the National Flood Insurance Program as an A Zone or V Zone on Flood Insurance Rate Maps or Flood Hazard Boundary Maps.

FLOODPRONE AREAS - means areas inundated during a 100-year flood event or areas identified by the National Flood Insurance Program as an A Zone on flood insurance rate maps or flood hazard boundary maps.

FLORIDA WATER STARSM – Florida Water StarSM is a voluntary certification program for new and existing residential and commercial developments that encourages water efficiency in household appliances, plumbing fixtures, irrigation systems and landscapes.

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GOAL – Means the long-term end toward which programs or activities are ultimately directed.

GOVERNMENTAL AGENCY – Means:

- A. The United States or any department, commission, agency, or other instrumentality thereof;
- B. This state or any department, commission, agency, or other instrumentality thereof;
- C. Any local government, as defined in this section, or any department, commission, agency, or other instrumentality thereof; and,
- D. Any school board or other special district, authority, or other governmental entity. [*Source: Chapter 380.031, F.S.*]

GREEN BUILDING TECHNIQUES – The practice of creating structures and using processes that are environmentally responsible and resource-efficient throughout a building's life-cycle: from siting to design, construction, operation, maintenance, renovation, and deconstruction. This practice expands and complements the classical building design concerns of economy, utility, durability, and comfort. This is also known as also known as green construction or sustainable building,

GREEN COMMUNITY DESIGN – Design that embraces ecological considerations, sustainability, recycling, conservation of resources, and cleaner, quieter and safer domestic environments.

GREENWAY - A linear open space established along either a natural corridor, such as a riverfront, stream valley, or ridgeline, or over land along a railroad right-of-way converted to recreational use, a canal. A scenic road, or other route; any natural or landscaped course for pedestrian or bicycle passage; an open space connector linking parks, nature reserves, cultural features, or historic sites with each other and populated areas; or a local strip or linear park designated as a parkway or greenbelt.

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HAZARDOUS WASTE – Means any industrial or medical by-product, refuse, waste material, biomass, chemical, or substance which is unsuitable for reuse, remanufacture, or recycling and which requires extraordinary measures or precautions for its containment, storage, transportation, or disposal as a means to protect: (1) public health and safety; (2) the naturally occurring ecology of the County; (3) the purity of local aquifers and the quality of groundwater recharge occurring on the Lake Wales ridge; and, (4) the productivity and usefulness of private property.

Hazardous waste is further defined for the purposes of this Comprehensive Plan as including, but not being limited to, any noxious, poisonous, carcinogenic, contaminated, radioactive, or pathological refuse, by-products, or precipitates resulting from any process to treat or incinerate industrial or medical wastes generated outside Highlands County.

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

HIGH ECOLOGICAL VALUE – Areas of the unincorporated County that meet the criteria of rarity of habitats or species, quality of native habitats, long-term viability of the natural functions and habitats, ecological connectedness with existing preserved natural areas, and/or importance to maintaining water quality.

HISTORIC RESOURCES – Means all areas, districts, or sites containing properties listed on the Florida Master Site File, the National Register of Historic Places, or designated by a local government as historically, architecturally, or archaeologically significant.

HURRICANE SHELTER – Means a structure designated by local officials as a place of safe refuge during a storm or hurricane.



INCENTIVE – Any assistance granted to aid in the development or expansion of a non-residential enterprise. This may be in the form of financial grants, loans, coordination of training programs for expanding or relocating firms, or any other mechanisms approved by the Highlands County Board of County Commissioners.

INDUSTRIAL DEVELOPMENT AUTHORITY (IDA) – The Highlands County Board of County Commissioners by Resolution, created the Highlands County Industrial Development Authority. The Highlands County Industrial Development Authority and the Economic Development Commission for Highlands County, Inc. - function as one and the same in representing the public and private sectors in a partnership engaged in economic development activities in Highlands County.

INDUSTRIAL USES – Means the activities within land areas predominantly connected with manufacturing, assembly, processing, or storage of products.

INFILL – Means a land use strategy to encourage the utilization of existing infrastructure for the orderly development of isolated or skipped-over properties within the urbanized areas of the County. "*Infill Development*" means the improvement and building up of such properties for the most suitable density and/or intensity or type of land use that is compatible with surrounding development patterns and infrastructure capacities.

INFRASTRUCTURE – Means those man-made structures which serve the common needs of the population, such as: sewage disposal systems; potable water systems; potable water wells serving a system; solid waste disposal sites or retention areas; stormwater systems; utilities; piers; docks; wharves; breakwaters; bulkheads; seawalls; bulwarks; revetments; causeways; marinas; navigation channels; bridges, and roadways.

INTENSITY – Means an objective measurement of the extent to which land may be developed or used, including the consumption or use of the space above, on, or below ground; the measurement of the use of or demand on natural resources; and the measurement of the use of or demand on facilities and services.

INTERNAL TRIP CAPTURE – Means trips generated by a mixed-use project that travel from one onsite land use to another onsite land use without using the external road network.

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LAND – Means the earth, water, and air above, below, or on the surface, and includes any improvements or structures customarily regarded as land. [Source: Chapter 380.031, F.S.]

LAND CLEARING – Engaging in a land management practice or practices, which will result in the destruction of natural resources (as identified on the Conservation Overlay map; i.e., xeric uplands, cutthroatgrass seep, or wetlands), with the natural resource being replaced or succeeded by something else (e.g. bare soil, different resource type, or invaded by non-native species) which precludes the long-term ~~(5 years)~~ recovery of the original natural resource type. Land clearing activities which impact listed species may also be subject to state and federal regulation.

LAND DEVELOPMENT REGULATIONS – Include local zoning, subdivision, building, and other regulations controlling the development of land. [Source: Chapter 380.031, F.S.] Highlands County's Land Development Regulations are located in Chapter 12 of the Code of Ordinances.

LAND USE – Means the development that has occurred or is designated to occur on a property by the Future Land Use map series. [Source: modified from Chapter 380.031, F.S.]

LEED – The Leadership in Energy and Environmental Design (LEED) Green Building Rating System, which was developed by the U.S. Green Building Council (USGBC), provides a suite of standards for environmentally sustainable construction.

LEVEL OF SERVICE – Means an indicator of the extent or degree of service provided by a facility based on and related to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility.

LIMITED ACCESS FACILITY/ROAD – Means a roadway especially designed for through traffic, and over, from, or to which owners or occupants of abutting land or other persons have no greater than a limited right or easement of access.

LOCAL ROAD – Means a roadway providing service which is of relatively low traffic volume, short average trip length or minimal through traffic movements, and high volume land access for abutting property.

LOT – A “lot” is a parcel of land of at least sufficient size to meet the minimum requirements for use, coverage, and area and to provide such yard and open space as is herein required. Such lot shall have frontage on an improved public road or street where required by the terms of this chapter and may consist of:

- A. A single lot of record;
- B. A portion of a lot of record;
- C. A combination of complete lots of record; of complete lots of record and portions of lots of record; or of portions of lots of record;
- D. A parcel described by metes and bounds;

Provided that in no case of division or combination shall any residual lot or parcel which does not meet the requirements of this Plan. Includes the words “plot” or “parcel”.

LOT OF RECORD – Means a lot which is part of a subdivision recorded in the office of the Clerk of the Circuit Court, or a lot or parcel described by metes and bounds, the description of which is recorded.

LOW IMPACT DESIGN PRINCIPLES – Low Impact Design (LID) is an approach to land development or re-development that works with nature to manage stormwater as close to its source as possible to reduce the impact of built areas and promote the natural movement of water within an ecosystem or watershed. LID employs principles such as preserving and recreating natural features, minimizing impervious surfaces to create functional and appealing site drainage which treats stormwater as a resource rather than a waste product. Practices that can be used to adhere to these principles include bio-retention facilities, rain gardens, vegetated rooftops, rain barrels, and permeable pavements.

LOW IMPACT DEVELOPMENT – A comprehensive land planning and engineering design approach with a goal of maintaining and enhancing the pre-development hydrologic regime of urban and developing watersheds.

LOW-INCOME FAMILY(IES)/HOUSEHOLDS – Means “lower income families” as

defined under the federal Section 8 Assisted Housing Program, or families whose annual income does not exceed 80 percent of the median income for Highlands County. The term "*families*" includes "*households*".

LOW INCOME PERSONS/HOUSEHOLDS – One or more natural persons or a family, the total annual adjusted gross household income of which does not exceed 80 percent of the median annual adjusted gross income for households within the state, or 80 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater.

LOW-INCOME OR MODERATE-INCOME PERSONS – Means families and persons who cannot afford, as defined by federal law, to pay the amounts at which private enterprise is providing a substantial supply of decent, safe, and sanitary housing and fall within income limitations set by the agency in its rules.

LOW-INCOME PERSONS – Means one or more natural persons or a family, the total annual adjusted gross household income of which does not exceed 80 percent of the median annual adjusted gross income for households within the state, or 80 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater.

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MAJOR PUBLIC FACILITY – Means any publicly owned facility of more than local significance. [Source: Chapter 380.031, F.S.]

MAJOR TRIP GENERATORS or ATTRACTORS – Means concentrated areas of intense land use or activity that produces or attracts a significant number of local trip ends.

MANUFACTURED HOME – Means a mobile home fabricated on or after June 15, 1976, in an offsite manufacturing facility for installation or assembly at the building site, with each section bearing a seal certifying that it is built in compliance with the federal Manufactured Home Construction and Safety Standard Act. [Source: Section 320.01, Florida Statutes]

MASTER COMMUNITY PLAN – The Master Community Plan for a Sustainable Community Overlay shall provide for future development which:

- A. Establishes future land use patterns for the Compact Urban Development Area (CUDA) of a Sustainable Community Overlay and the maximum and

minimum densities and intensities of use for all such land uses;

- B. Identifies regionally significant natural resources within the Sustainable Community Overlay;
- C. Identifies regionally significant public facilities within the Sustainable Community Overlay;
- D. Establishes guiding principles that address urban form and interrelationships of anticipated future land uses; and
- E. Identifies procedures to ensure intergovernmental coordination to address extra jurisdictional impacts from the Sustainable Community Overlay.

MINERALS – Means all solid minerals, including clay, gravel, phosphate rock, lime, shells (excluding live shellfish), stone, sand, heavy minerals, and any rare earths, which are contained in the soils or waters of the state.

MINING – Means the commercial extraction of minerals, ores, and organic matter from their natural location by excavation, including any associated processing and storage of these raw materials.

MOBILE HOME – Means a structure, transportable in one or more sections, which is 8 body feet or more in width and which is built on an integral chassis and designed to be used as a dwelling when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. For tax purposes, the length of a mobile home is the distance from the exterior of the wall nearest to the drawbar and coupling mechanism to the exterior of the wall at the opposite end of the home where such walls enclose living or other interior space. Such distance includes expandable rooms, but excludes bay windows, porches, drawbars, couplings, hitches, wall and roof extensions, or other attachments that do not enclose interior space. In the event that the mobile home owner has no proof of the length of the drawbar, coupling, or hitch, then the tax collector may in his or her discretion either inspect the home to determine the actual length or may assume 4 feet to be the length of the drawbar, coupling, or hitch. [Source: Section 320.01, Florida Statutes]

MODERATE INCOME PERSONS/HOUSEHOLDS – “Moderate-income persons” means one or more natural persons or a family, the total annual adjusted gross household income of which is less than 120 percent of the median annual adjusted gross income for households within the state, or 120 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater.

MODERATE-INCOME PERSONS – Means one or more natural persons or a family, the total annual adjusted gross household income of which is less than 120 percent of the median annual adjusted gross income for households within the state, or 120 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater.

MULTI-MODAL TRANSPORTATION SYSTEM – A Multi-Modal Transportation System is a system that incorporates the movements of people and goods with connections using two or more modes. These modes include air, car, rail, boat, public transit and non-motorized transportation.

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NATURAL DRAINAGE FEATURES – Means the naturally occurring features of an area which accommodates the flow of stormwater, such as streams, rivers, lakes and wetlands.

NATURAL PRESERVATION SITES – Means areas designated for conservation purposes which are operated by contractual agreement with or are managed by a federal, state, regional, or local government or non-profit agency, such as: national or state parks; lands purchased for conservation purposes with public funds, such as under the Save Our Rivers, Preservation 2000, or Highlands County Conservation Trust Fund programs; and, lands used for sanctuaries, natural systems research and education, preserves, monuments, archaeological sites, historic sites, wildlife management areas, national seashores, and Outstanding Florida Waters.

NEIGHBORHOOD PARK – Means a park which serves the population of a neighborhood and is generally accessible by bicycle or pedestrian ways.

NONCONFORMING – In the context of this Comprehensive Plan, means that the physical features or use of a particular property which existed prior to the Comprehensive Plan's effective date of adoption do not conform to the requirements or standards established by the policies of the Comprehensive Plan.

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OBJECTIVE – Means a specific, measurable, intermediate end that is achievable and marks progress toward a goal.

OPEN SPACE(S) – Means undeveloped lands suitable for passive recreation or conservation uses.

OVERLAY – An area that is superimposed over one or more Future Land Use designations or parts of designations to supplement or supersede existing regulations, and/or permit exceptions or require a less-restrictive guideline. Overlays are adopted as part of the Future Land Use Element of the Comprehensive Plan.

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PARCEL OF LAND – Means any quantity of land capable of being described with such definitiveness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit. [Source: Chapter 380.031, F.S.]

PARK – Means a neighborhood, community, or regional park.

PERFORMANCE-BASED TREATMENT SYSTEMS – A specialized on-site sewage treatment and disposal system designed by a professional engineer with a background in wastewater engineering, registered in the State of Florida, using the appropriate application of sound engineering principles to achieve specified levels of CBOD₅ (carbonaceous biochemical oxygen demand 5 Day Incubation), TSS (total suspended solids), TN (total nitrogen), TP (total phosphorus), and fecal coliform found in domestic sewage waste, to a specific and measurable established performance standard. The term also includes innovative systems.

PERSON – Means an individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity. [Source: Chapter 380.031, F.S.]

PLANNED DEVELOPMENT – A planned development district mixes different types of housing with compatible commercial uses, shopping centers, office parks, and other mixed use developments.

PLANNING PERIOD – Planning Period means the period of time covered by the Comprehensive Plan.

POLICY – Means the way in which programs and activities are conducted to achieve an identified goal.

POLLUTION – Means the presence in the outdoor atmosphere, ground or water of any substances, contaminants, noise, or manmade or man-induced alteration of the chemical, physical, biological, or radiological integrity of air or water, in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or unreasonably interfere with the enjoyment of life or property.

POTABLE WATER FACILITIES – Means a system of structures designed to collect, treat, or distribute potable water, and includes water wells, treatment plants, reservoirs and distribution mains.

PUBLIC FACILITIES – Means major capital improvements, including transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational facilities.

PUBLIC POTABLE WATER WELL – Means any well serving 15 or more residential households or serving a commercial or industrial property, as defined by Chapter 17-550, FAC.

PUBLIC RECREATION SITES – Means sites owned or leased on a long-term basis by a federal, State, regional, or local government agency for purposes of recreational use.

PUBLIC SERVICES – Means any administrative, entitlement, protective, maintenance, or utility provided by Highlands County to the general public.

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RECREATION FACILITY – Means a component of a recreation site used by the public such as a trail, court, athletic field, or swimming pool.

RECREATION, ACTIVE – Means leisure-time activities, usually of a formal nature and often performed with other people, requiring equipment and taking place at prescribed places, sites, or fields. Such activities include swimming, tennis, and other court games, baseball and other field sports such as football and soccer, track, and playground activities.

RECREATION, PASSIVE – Means activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, card games, chess, checkers, and similar table games, and nature walks and observation.

RECREATIONAL USES – Means activities within areas where recreation occurs.

REGIONAL PARK – Means a park which is designed to serve two or more communities.

REGULATION – Means a principle, rule, or law currently implemented in Highlands County, that is designed to govern or control behavior.

RELOCATION HOUSING – Means those dwellings which are made available to families displaced by public programs, provided that such dwellings are decent, safe and sanitary and within the financial means of the families or individuals displaced.

RESIDENTIAL USES – Means activities within land areas used predominantly for housing.

RIGHT-OF-WAY – Means land in which the state, a county, or a municipality owns the fee simple title or has an easement dedicated or required for a transportation or utility use.

ROADWAY – CRITICAL ROADWAY – A transportation facility forecasted to operate at one of the following levels in the base year of the Highlands County Annual Concurrency Management System Summary Report that does not have a capacity improvement scheduled in the first three years of the County's Capital Facility Schedule (CFS):

- A. Not on a Designated Emergency Evacuation Route: volume to maximum service volume (V/MSV) at the adopted level of service standard ratio greater than 1.1.
- B. Designated Emergency Evacuation Route: volume to maximum service volume (V/MSV) at the adopted level of service standard ratio greater than 1.0.

ROADWAY – NEAR CRITICAL ROADWAY – A transportation facility forecasted to operate at one of the following levels in the base year of the Highland County Annual Concurrency Management System Summary Report that does not have a capacity improvement scheduled in the first three years of the County's CFS.

- A. Not on a Designated Emergency Route: volume to maximum service volume (V/MSV) at the adopted level of service standard ratio greater than 0.9 and less than 1.1.

- B. Designated Emergency Evacuation Route: volume to maximum service volume (VMSV) at the adopted level of service standard greater than 0.9 and less than 1.0.

ROADWAY FUNCTIONAL CLASSIFICATION – Means the assignment of roads into categories according to the character of service they provide in relation to the total road network. Basic functional categories include limited access facilities, arterial roads, and collector roads, which may be subcategorized into principal, major, or minor levels. Those levels may be further grouped into urban and rural categories.

RURAL VILLAGE – Means a place or locale in the more rural areas of the County for which a master land use plan, called a Rural Village Plan, has been adopted or designated to be done.

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SEASONAL POPULATION – Means part-time inhabitants who utilize, or may be expected to utilize, public facilities or services, but are not residents. Seasonal population shall include tourists, migrant farmworkers, and other short-term and long-term visitors.

SELECTED AREA PLAN (SAP) – A detailed, integrated land use plan for an area of the County that includes a Future Land Use designation with objectives and policies establishing a mix of land uses, the densities and intensities of the land uses, and specific provision for roads, potable water, sanitary sewer and parks and recreation facilities. The purposes of the SAP are to incorporate walkability, recreation facilities, and protection of historical resources to be responsive to natural features or specifically to promote employment uses. SAPs are adopted as part of the Future Land Use Element of the Comprehensive Plan.

SERVICES – Means the programs and employees determined necessary by local government to provide adequate operation and maintenance of public facilities and infrastructure as well as those educational, health care, social, and other programs necessary to support the programs, public facilities, and infrastructure set out in the local plan or required by local, state, or federal law.

SHORELINE OR SHORE – Means the interface of land and water and, as used in the coastal management element requirements, is limited to oceanic and estuarine interfaces.

SMART GROWTH – Smart growth is an urban planning and transportation theory that concentrates growth in the center of a municipality to avoid urban sprawl; and

advocates compact, transit-oriented, walkable, bicycle-friendly land use, including neighborhood schools, complete streets, and mixed-use development with a range of housing choices.

Smart growth values long-range, regional considerations of sustainability over a short-term focus. Its goals are to achieve a unique sense of community and place; expand the range of transportation, employment, and housing choices; equitably distribute the costs and benefits of development; preserve and enhance natural and cultural resources; and promote public health.

Smart Growth uses comprehensive planning to guide, design, develop, revitalize and build communities for all that:

- A. Have a unique sense of community and place;
- B. Preserve, and enhance valuable natural and cultural resources;
- C. Equitably distribute the costs and benefits of development;
- D. Expand the range of transportation, employment, and housing choices in a fiscally responsible manner;
- E. Value long-range, regional considerations of sustainability over short term incremental geographically isolated actions; and
- F. Promote public health and healthy communities.

SOLID WASTE – Means sludge from a waste treatment works, water supply treatment plant, or air pollution control facility or garbage, rubbish, refuse, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

SOLID WASTE FACILITIES – Means structures or systems designed for the collection, processing, or disposal of solid wastes, including hazardous wastes, and includes transfer stations, processing plants, recycling plants, and disposal systems.

SOUTHERN WATER USE CAUTION AREA (SWUCA) – A water use caution area is where water resources are or will become critical in the next 20 years. The Southern Water Use Caution Area (SWUCA) encompasses approximately 5,100 square miles, including all or part of eight counties in the southern portion of the Southwest Florida Water Management District (SWFWMD). [Source: SWFWMD]

STANDARD HOUSING CODE – A municipal ordinance (sometimes a state statute) that sets standards for the construction, rehabilitation, and maintenance of buildings.

STORMWATER – Means the flow of water which results from a rainfall event.

STORMWATER FACILITIES – Means manmade structures that are part of a stormwater management system designed to collect, convey, hold, divert, or discharge stormwater, and may include stormwater sewers, canals, detention facilities, and retention facilities.

STRUCTURE – Means anything constructed, installed, or portable, the use of which requires a location on a parcel of land. It includes a movable structure while it is located on land which can be used for housing, business, commercial, agricultural, or office purposes either temporarily or permanently. "Structure" also includes fences, billboards, swimming pools, poles, pipelines, transmission lines, tracks, and advertising signs. [Source: Chapter 380.031, F.S.]

SUB-STANDARD – Means:

- A. Any unit lacking complete plumbing or sanitary facilities for the exclusive use of the occupants;
- B. A unit which is in violation of one or more major sections of an applicable housing code and where such violation poses a serious threat to the health of the occupant; or
- C. A unit that has been declared unfit for human habitation but that could be rehabilitated for less than 50 percent of the property value.

SUITABILITY - means the degree to which the existing characteristics and limitations of land and water are compatible with a proposed use or development.

SUSTAINABLE COMMUNITY OVERLAY – A Sustainable Community Overlay is characterized as a mixed use urban development that is intended to accomplish the goals of enhancing agricultural sustainability, encouraging conservation of key habitats, and preserving unique natural resources while allowing growth in a higher density urban community with a sustainable mix of uses.

SUSTAINABLE GREEN ASSETS – Sustainable Green Assets refers to agricultural lands, natural resource lands and other lands to be preserved within the Sustainable Community Overlay.

SUSTAINABLE URBAN CENTER – A large and densely populated urban area which may include several independent administrative districts where the quality of life, including ecological, cultural, political, institutional, social, and economic components is improved without leaving a burden on future generations.

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TARGET INDUSTRY – Any industrial sector that is shown through a study to match Highlands County's economic characteristics.

TECHNICAL ADVISORY COMMITTEE (TAC) – The TAC, which is an advisory committee to the Intergovernmental Coordination Element Advisory Committee, consists of representatives from agencies having operational and maintenance responsibility for facilities which have a level of service (LOS) standard established within the County's Plan. The TAC discusses implications of potential LOS changes.

TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) – Traditional Neighborhood Development (TND), or Neotraditional Planning, is a New Urbanist approach to designing municipalities, towns, and neighborhoods. Traditional, or Neotraditional, planners, developers, architects, and designers try to reduce traffic and eliminate sprawl. Homes, shops, businesses, theaters, schools, parks, and other important services are placed within easy walking distance.

TRAILS - Linear corridors and any adjacent support parcels on land or water providing public access for recreation or authorized alternative modes of transportation. Trails are a common recreational component of greenways. Types of trails include; Bicycle Trail (Bikeways); Canoe and Kayak Trails (Blueways); Equestrian Trail (exercise Par Course); Fitness Trail; Hiking Trail; Interpretative/Nature Trail; and Multipurpose, Multi-Use, or Shared Trail.

TRANSPORTATION DISADVANTAGED – Means those individuals who because of physical or mental disability, income status, or age are unable to transport themselves to or purchase transportation and are, therefore dependent upon others to obtain access to health care, employment, education, shopping, social activities, or other life-sustaining activities.

TRANSPORTATION MANAGEMENT SYSTEM STRATEGIES – Strategies that provide money saving multimodal solutions that relieve congestion, optimize infrastructure investments, promote travel options, and reduce greenhouse gas emissions.

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URBAN LAND USE – Means those land use designations on the Future Land Use Map where urban density and intensity of development is allowed; i.e., land uses with 4 du/acre or higher, commercial, commercial/industrial and industrial.

URBAN ZONING – Means those implementing zoning districts allowed within the urban land use designations.

URBANIZED AREA – Means areas serviced by urban infrastructure such as centralized utilities or compact, walkable development.

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VEGETATIVE COMMUNITIES – Means ecological communities, such as coastal strands, oak hammocks, and cypress swamps, which are classified based on the presence of certain soils, vegetation, and animals.

VERY LOW DENSITY – One (1) dwelling unit per 5 acres or less in areas outside of the Compact Urban Development Area (CUDA).

VERY-LOW-INCOME PERSONS/FAMILY – Means one or more natural persons or a family, not including students, the total annual adjusted gross household income of which does not exceed 50 percent of the median annual adjusted gross income for households within the state, or 50 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater.

VESTING – Means a legal procedure by which Highlands County acknowledges that an individual relied on an act of government to confer specific rights to develop property for certain uses, densities, and intensities of use before the effective date of the Comprehensive Plan or its amendments, even though such development may now be inconsistent with this Plan or its amendments.

VIEWSHED – Indicates the entire area an individual can see from a given point.

VOLUNTARY VISION PLAN – An adopted plan that provides a unified vision for a cohesive geographic area under one or more property ownerships and possibly more than one jurisdiction.

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WASTEWATER FACILITIES – Means structures or systems designed for the collection, transmission, treatment, or disposal of sewage and includes trunk mains,

interceptors, treatment plants and disposal systems.

WATER-DEPENDENT USES – Means activities which can be carried out only on, in or adjacent to water areas because the use requires access to the water body for: waterborne transportation including ports or marinas; recreation; electrical generating facilities; or water supply.

WATER-RELATED USES – Means activities which are not directly dependent upon access to a water body, but which provide goods and services that are directly associated with water-dependent or waterway uses.

WATER SERVICE AREA – The geographical service area that identifies where a Central Water Service provider currently provides direct water service and plans to provide new water service.

WATERSHED – An area of land that drains downslope to the lowest point. The water moves through a network of drainage pathways, both underground and on the surface. Generally, these pathways converge into streams and rivers, which become progressively larger as the water moves on downstream, eventually reaching an estuary and the ocean. Other terms used interchangeably with watershed include drainage basin or catchment basin.

WELLHEAD PROTECTION AREA – Means an area designated by local government to provide land use protection for the groundwater source for a potable water wellfield, as defined in this chapter, including the surface and subsurface area surrounding the wellfield. Differing levels of protection may be established within the wellhead protection area commensurate with the capacity of the well and an evaluation of the risk to human health and the environment. Wellhead protection areas shall be delineated using professionally accepted methodologies based on the best available data and taking into account any zones of contribution described in existing data.

WETLAND – Means those areas that are inundated or saturated by surface water or groundwater at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils.

Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological, or reproductive adaptations, have the ability to grow, reproduce, or persist in aquatic environments or anaerobic soil conditions.

Florida wetlands generally include swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps, and other similar areas.

Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto. [Source: *Florida Statutes*, 373.019 (17)]

WILDLIFE HABITAT LINKAGE ANALYSIS – An analysis of that is used to identify ecologically intact core habitats in need of preservation or restoration and also pinpoint wildlife movement corridors as they intersect with highways. Connectivity analyses identify and prioritize those areas most important for a variety of wildlife conservation needs and enables DOTs, resource agencies, conservation partners, and others to make better decisions regarding transportation planning, design, and mitigation.

WORKFORCE HOUSING – Housing that is affordable to those households whose occupants earn between 60 and 150 percent of an area's median income.

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XERIC UPLANDS – Means those areas containing both the soils listed below and the plant species listed below. Xeric uplands are those areas that are dry or relatively dry sites which contain a unique assembly of plants not found in any other Ecosystems (the unique suite of plants which are endemic to central Florida) and contains the appropriate soil, as identified by the following soils: Paola Sand 0 to 8 percent slope (map symbol 1), St. Lucie Sand 0 to 8 percent slope (map symbol 2), Duettee Sand 0 to 5 percent slope (map symbol 4), Daytona Sand 0 to 5 percent slopes (map symbol 5), Tavares Sand 0 to 5 slope (map symbol 6), Astatula Sand 0 to 8 percent slopes (map symbol 9), Orsino Sand (map symbol 11), Satellite Sand (map symbol 14), Archbold Sand 0 to 5 percent slopes (map symbol 28), Tavares-Basinger-Sanabel Complex Rolling (map symbol 34), Pomello Sand 0 to 5 percent slopes (map symbol 36), Astatula-Urban Land Complex 0 to 8 percent slopes (map symbol 42), Satellite-Basinger-Urban Land Complex (map symbol 44), Paola-Basinger Sands Rolling (map symbol 45).

Those plants included in these areas are listed but not limited to the following species (found on pages 55 and 565 of Notes on “*Plants Endemic to Florida Scrub*”). The landward extent of wetlands shall be delineated pursuant to Sections 62-340.100 through 62-340.550, FAC, as ratified by section 373.4211, F.S.:

SCIENTIFIC NAME	COMMON NAME	(FAMILY)
<i>Ziziphus celata</i>	Florida jujube	(Rhamnaceae)
<i>Lupinus westianus</i> var. <i>ardorum</i>	Scrub lupine	(Fabaceae)
<i>Dicerandra christmanii</i>	Yellow scrub balm	(Lamiaceae)
<i>Chrysopsis floridana</i>	Florida golden aster	(Asteraceae)
<i>Crotalaria</i> sp. nov.	Avon Park Crotalaria	(Fabaceae)
<i>Dicerandra cornutissima</i>	Long-spurred scrub palm	(Lamiaceae)
<i>Dicerandra immaculata</i>	Lakela's mint	(Lamiaceae)
<i>Dicerandra frutescens</i>	Scrub balm	(Lamiaceae)
<i>Eryngium cuneifolium</i>	Wedge-leaved button-snakeroot	(Apiaceae)
<i>Polygala lewtonii</i>	Lewton's polygala	(Polygalaceae)
<i>Conradina brevifolia</i>	Short-leaved rosemary	(Lamiaceae)
<i>Warea carteri</i>	Carter's warea	(Brassicaceae)
<i>Eriogonum longifolium</i> var. <i>gnaphalifolium</i>	Scrub buckwheat	(Polygonaceae)
<i>Calamintha ashei</i>	Ashe's savory	(Lamiaceae)
<i>Chionanthus pygmaeus</i>	Pygmy fringe-tree	(Oleaceae)
<i>Asimina tetramera</i>	Four-petaled pawpaw	(Annonaceae)
<i>Hypericum cumulicola</i>	Highlands scrub hypericum	(Clusiaceae)
<i>Bonamia grandiflora</i>	Scrub morning glory	(Convolvulaceae)
<i>Liatris ohlingerae</i>	Scrub blazing-star	(Asteraceae)
<i>Polygonella myriophylla</i>	Sand-lace	(Polygonaceae)
<i>Polygonella basiramia</i>	Hairy jointweed	(Polygonaceae)
<i>Paronychia chartacea</i>	Papery whitlow-wort	(Caryophyllaceae)
<i>Conradina grandiflora</i>	Large-flowered rosemary	(Lamiaceae)
<i>Schizachyrium niveum</i>	Riparian autumngrass	(Poaceae)
<i>Prunus geniculata</i>	Scrub plum	(Rosaceae)
<i>Lechea cernua</i>	Nodding pinweed	(Cistaceae)
<i>Nolina brittoniana</i>	Scrub beargrass	(Nolinaceae)
<i>Clitoria fragrans</i>	Pigeon-wing	(Fabaceae)
<i>Persea humilus</i> ¹	Silk bay	(Lauraceae)
<i>Pinus clausa</i>	Sand pine	(Pinaceae)
<i>Carya floridana</i>	Scrub hickory	(Juglandaceae)
<i>Ceratiola ericoides</i>	Florida rosemary	(Empetraceae)
<i>Asclepias curtissii</i>	Scrub milkweed	(Asteraceae)
<i>Garberia heterophylla</i>	Garberia	(Asteraceae)
<i>Sabal etonia</i>	Scrub palmetto	(Arecaceae)
<i>Ilex opaca</i> var. <i>arenicola</i>	Scrub holly	(Aquifoliaceae)
<i>Osmanthus magacarpus</i>	Scrub wild-olive	(Oleaceae)
<i>Quercus inopina</i>	Scrub oak	(Fagaceae)
<i>Sisyrinchium xerophyllum</i>	Scrub blue-eyed grass	(Iridaceae)

SCIENTIFIC NAME	COMMON NAME	(FAMILY)
<i>Bumelia tenax</i> lacuum entity	Scrub buckthorn	(Sapotaceae)

1. Taxon that sometimes is treated as a variety of *Persea borbonia* (L.) Spreng. (e.g., Little, 1979), but here is considered to be specifically distinct because of significant differences from *Persea borbonia* in density and length of appressed ferrugineous hairs on its abaxial leaf surfaces and in flavonoid complement (see Wofford, 1973).

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No Change

DEFINITIONS AND ACRONYMS

There are no proposed text amendments to the Acronyms of the Definitions and Acronyms Section. This is shown below as “(No Change)”.

Acronyms – (No Change)



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

March 22, 2021

Honorable Robert W. Germaine
Clerk of the Circuit Court
Highlands County
590 South Commerce Avenue
Sebring, Florida 33870-3867

Attention: Pamela Gamez

Dear Mr. Germaine:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Highlands County Ordinance No. 20-21-14, which was filed in this office on March 22, 2021.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb