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[Highlands County](#)[Code of Ordinances](#)[Chapter 12. LAND DEVELOPMENT REGULATIONS](#)[Article 5. DISTRICTS AND SUPPLEMENTARY DISTRICT REGULATIONS](#)[Division 2. DISTRICT REGULATIONS](#)

§ 12.05.200. AU Agricultural District.

Latest version.

- A. Intent. The AU agricultural district is intended to apply to those areas presently and primarily agricultural.
- B. Permitted principal uses and structures are:
1. One-family dwellings;
 2. Community residential homes licensed by the State of Florida providing for six or fewer residents which otherwise meet the definition of a "community residential home" as that term is defined in F.S. ch. 419, provided that such community homes shall not be located within a radius of 1,000 feet of another existing community residential home with six or fewer residents (See definition # 55B);
 3. Church, and accessory residence;
 4. Golf course, country club, private club, or outdoor recreation club, provided all buildings must be at least 50 feet from any road right-of-way line and 100 feet from any private lot line;
 5. Grove, produce farm, truck garden, horticultural farm, botanical garden, floriculture, nursery, sod farm, crop raising, hydroponic garden, greenhouse, slat house, forestry, beekeeping with use or keeping animals only as incidental or accessory thereto;
 6. Cattle or stock raising and grazing, dairy farm, but not including commercial goat, sheep or hog raising;
 7. Noncommercial raising or keeping a maximum of three in total number of the following animals: hogs, sheep, and goats collectively or singly;
 - 7a. Commercial raising or keeping a maximum, collectively, of nine hogs, sheep, and goats, of which not more than three may be hogs;
 8. Dock, noncommercial boat pier, slip or boathouse for docking private water

craft;

9. Railroad right-of-way and tracks, team tracts, but not including yards, shops or roundhouses;
10. Permanent or temporary structures to house farm labor personnel on farm site with structures located at least 300 feet from any other property under separate and different ownership;
11. Individual mobile home on individual lot, subject to requirements of this chapter;
12. Wayside stands for sale of agricultural products only as an accessory use to an adjacent farm when that farm is the principal use;
13. The parking of one nonagricultural commercial vehicle, on a minimum of five acres, where the commercial vehicle is used by a resident of the premises;
14. Wastewater treatment and water treatment facilities serving a single development when the water treatment facility is not included in the definition of a potable water facility;
15. Public parks/recreation;
16. Schools, public and private (see definitions in # 263);
17. Potable water facilities that have an annual average withdrawal from any source or combined sources less than 100,000 gpd.

C. Limitations on uses. The following limitations on uses in this district shall apply:

1. Structures for the commercial raising of cattle, horses, sheep, goats and the like (excluding hogs and poultry) shall not be located within 500 feet of a dwelling under separate ownership or within 500 feet of residentially zoned property or within 100 feet of any lot line. Structures for raising poultry or hogs shall not be located within 500 feet of any dwelling under separate ownership or within 500 feet of residentially zoned property or within 200 feet of any lot line. For purposes of this paragraph, structures which are located and begin use in conformity with this section and with this chapter, subsequent rezoning of nearby land to residential zoning or construction of a dwelling under separate ownership shall not put such structure in violation of this chapter.
2. The raising of hogs or poultry shall not be placed, kept or permitted within 100 feet of any dwelling under separate ownership or within 50 feet of residentially zoned property or within 50 feet of any lot line.
3. The raising of hogs, sheep, goats, cattle, horses, and poultry by 4-H or FFA members for exhibition at 4-H exhibitions, FFA exhibitions, county fairs or state fairs is allowed and shall not be required to comply with setbacks otherwise required by this section for raising those animals. For purposes of this paragraph, the structures for the raising of hogs, sheep, goats, cattle, horses,

and poultry shall not be located within 100 feet of any dwelling under separate ownership or within 50 feet of any lot line. (also see section 12.05.200.G.6).

4. Wastewater treatment facilities or structures or water treatment facilities or structures shall conform to the standards contained in [section 12.08.131](#).
 5. Nonagricultural commercial vehicle shall not be parked in any front yard or nearer than 25 feet to any side or rear lot line.
 6. All potable water facilities that have an annual average withdrawal from any source or combined sources greater than or equal to 100,000 gpd, shall be located within the public water supply zoning district and the public water supply comprehensive plan future land use map designation and shall obtain a special use permit satisfying the standards contained in [section 12.05.281](#), PW public water supply district, and sections [12.03.107](#) and [12.03.411](#) special use permit approved by the BCC.
- D. Permitted accessory uses and structures. Accessory uses and structures allowed in this district are accessory to the principal structures and uses.
- E. Prohibited uses and structures. Listed permissible uses in this district do not include, either as a principal or accessory use, any of the following which are listed for emphasis:
1. Manufacturing or industrial establishments;
 2. Wholesale warehouse or storage establishments;
 3. Junkyards, house wrecking yard, automobile wrecking, used auto parts, display, storage or sale;
 4. Automobile, truck or trailer display, storage, service, repair or sale;
 5. Oil, asphalt or petroleum products, storage, processing or sale except as incidental to approved oil well drilling or to agriculture;
 6. Building supplies or material display, storage or sale, except for storage of building materials incidental to agriculture;
 7. Contractor construction or equipment yard;
 8. Any business established for display, storage or sale of used or secondhand merchandise.
- F. Special exceptions. Permissible in this district by the BOA after public hearing and subject to appropriate conditions and safeguards are:
1. Cemetery, crematory, columbarium, mausoleum;
 2. Race track for animals or vehicles when non-commercial in nature;
 3. Airport, air park or air field with turf or grass runways, etc.;
 4. Public utility and public service buildings;
 5. Dude ranch, riding stable, livery stable, boarding place, fur farm, dog kennel;

6. The commercial raising or keeping of more than three hogs, or, collectively, more than nine hogs, sheep, and goats, raising or keeping of 100 or more poultry, poultry slaughtering or dressing;
7. The noncommercial raising or keeping of more than three hogs, sheep or goats collectively or singly;
8. Raising or keeping or slaughtering or dressing crocodilians for commercial purposes on a lot with a minimum of 20 acres. Structures for this purpose shall not be located within 500 feet of a dwelling under separate ownership, within 500 feet of residentially zoned property, or within 100 feet of any lot line and shall not be placed, kept or permitted within 100 feet of any lot line. These separation requirements are not applicable where a dwelling is located on property which is utilized for the same type of purpose as the use which would otherwise be required to provide specified separation;
9. Boat yard, boat storage, service, repair or building, marine railway marina, mooring and operations incidental thereto;
10. Golf driving range;
11. Outdoor or indoor rifle range and shotgun and pistol shooting range;
12. Eleemosynary or philanthropic institution, including library, public museums/galleries, schools and similar institutions of a noncommercial nature;
13. Wireless communications facility (WCF) or transmission tower or tower, including lattice towers, guyed towers, monopole towers, ground-mounted towers and alternative tower structure or other similar wireless communications facilities, pursuant to the standards contained in sections [12.08.133](#) and [12.08.135](#) of this Code;
14. Sand, gravel, rock or stone pit or quarry or other operation involving the extraction of natural materials, removing of earth or topsoil;
15. Rodeos and carnivals;
16. Day care, residential group home or sanitarium or institution, or nursing home for contagious diseases, mental, alcoholic, drug cases, penal or correctional institution;
17. Residential group home or convalescent home, nursing home, not including contagious diseases, insanity, feeble-mindedness, drug addicts or alcoholics;
18. Temporary or permanent housing to house farm labor when located within 300 feet of any property under separate ownership, when such farm labor is not employed on the same property upon which housing is located, or when housing has a greater capacity than one dwelling unit or two persons for each five acres of land contained in the property upon which the housing is located and the farm labor used;

19. Crushing, screening and processing of materials excavated on premises;
20. Storage in bulk of sand, rock or stone for the purpose of transshipment or distribution;
21. Oil wells and oil drilling;
22. Sale of nursery products;
23. Off-street parking of motor vehicles accessory to a use not located on the same premises or which is located outside of the district;
24. Commercial activity directly serving agricultural pursuits and limited to the service of agricultural pursuits;
25. Camping grounds for temporary camping with primitive or tent camping only and with RVs developed at a gross density of less than two per acre with the maximum stay per resident set at the public hearing but less than two months per any one year;
26. Fireworks or other explosives, manufacture or storage facilities authorized by permit or license by the Bureau of Alcohol, Tobacco and Firearms (BATF);
27. Parking of more than one nonagricultural commercial vehicle on a minimum of five acres, where the commercial vehicles are used by a resident of the premises;
28. Wastewater and water treatment facilities serving more than one development when the water treatment facility is not included in the definition of a potable water facility;
29. Guesthouse, providing that for any grant of special exception for such purpose, the owner shall sign an agreement that such guesthouse will not be used for rental purposes and providing such guesthouse shall have a minimum floor area of 600 square feet;
30. Landfill limited exclusively to natural vegetative material, and/or clean and asbestos free concrete, cinder block, bricks, and ceramic tile;
31. Store, recycle, or crush clean and asbestos free concrete, cinder block, bricks, and ceramic tile;
32. Store, recycle, or mulch, soil, sand, muck and natural vegetative material;
33. Convent, monastery and parish house;
34. Wayside stands for sale of agricultural products when a principal use or not adjacent to a farm;
35. Keeping of exotic and wild animals pursuant to [section 12.05.316](#) of this Code;
36. Landscaping and lawn care services, other than those allowed under [section 12.08.109](#) home occupations;
37. community shelters for victims of domestic violence (see definition # 55C) or community residences for the developmentally disabled (see definition # 55A).

G. Minimum lot requirements in regard to area and width shall be as follows:

1. Area, minimum. Five acres and a minimum of 100 feet of road frontage for all uses. Other parcels less than five acres must be created under the following conditions:
 - a. Parcels created pursuant to the family homestead provisions of the Florida Statutes and subsection 12.05.200.N. family homestead provisions of this chapter must have a minimum lot size of one acre.
 - b. Parcels other than those created under the family homestead provision at a density greater than one dwelling unit per five acres (less than five acres in size) pursuant to either clustering or transfer of development rights subject to the provisions of subsection 12.05.200.O. transfer of development rights/cluster lots.
 - (1) One dwelling unit per one acre on receiving parcel when a density transfer is pursuant to a transfer of development rights or clustering; or
 - (2) One unit per one-half acre 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 or as known to occur.
2. Wetland and floodplain density. A density of one dwelling unit for every ten acres shall be assigned to any delineated jurisdictional wetland and floodplain area, within the agriculture land use category which is depicted on the future land use map series.
3. A lot with minimum area of 5,000 square feet and minimum width of 50 feet, platted as single lot or acquired by present owner prior to January 1, 1971, may be utilized for single-family dwelling unit or a single-family mobile home.
4. Parcels of land created and recorded in the public records of Highlands County, Florida prior to June 26, 1973, with a minimum area of one acre and 100 feet of road frontage may be utilized for all uses permitted in this district including a single-family dwelling unit or a single-family mobile home.
5. Parcels of land created and recorded in the public records of Highlands County, Florida between June 26, 1973, and January 1, 1991, with a minimum area of one acre and 100 feet of road frontage may be used for a single-family dwelling, all permitted uses in this district, and all special exceptions except for a mobile home unless the lot contains a minimum area of five acres and 100 feet of road.
6. Parcels of land created and recorded in the public records of Highlands County, Florida prior to April 18, 2006, with a minimum area of one acre and 100 feet of road frontage, may be used for a church or any bona fide agriculture use, but none of the special exceptions.

H. Reserved.

- I. Setbacks. The minimum setbacks in this district shall be the following distances measured from the nearest adjacent lot line or road right-of-way line, whichever is closest to the structure:
 1. Front: 25 feet.
 2. Side: Ten feet for one-family dwelling and 25 feet for all other uses and 25 feet for parcels of five acres or more as provided in subsection N of this section.
 3. Rear: 25 feet.
 4. Corner: 15 feet and 25 feet for parcels of five acres or more, as provided in subsection N of this section.
- J. Maximum height of structures. No portion intended for human occupancy shall exceed 50 feet in height, except as provided in sections [12.05.302](#), [12.08.133](#), and [12.08.135](#). See definition of height of buildings in [section 12.02.104](#).
- K. Minimum area of structures. Minimum area of structures in this district shall be 480 square feet for a mobile home and otherwise 400 square feet for one person occupancy; 750 square feet for a family dwelling unit.
- L. Limitations on signs shall apply in this district as follows: No signs intended to be read from off the premises, except:
 1. Service signs and off-site signs, subject to general regulations.
 2. One non-illuminated sign on a dwelling unit, indicating the name of the occupant and a permitted home occupation, such sign being a wall or ground sign, not exceeding 12 square feet in area.
 3. One identification sign for each farm, ranch, grove, nursery or other permitted agricultural use, such sign not to exceed 32 square feet in area for each 500 feet or major fraction thereof of street frontage on the street along which the sign is placed.
 4. One bulletin board, not exceeding 32 square feet in area for each church, hospital, club, library, museum, institution or public building or public owned or operated use, in addition to any identification sign, not to exceed 32 square feet in area. These uses may each have one combination vertical and roof sign, not to exceed 100 square feet in total area, five feet in projection beyond the wall or ten feet in height above the roof.
 5. Directional signs on a lot, none to exceed 12 square feet in area.
 6. Trespassing or caution sign, none to exceed 12 square feet in area.
 7. No ground sign shall exceed 25 feet in overall height above the ground or grade of the adjacent road, whichever may be higher.
 8. Where use of land is authorized pursuant to special exception, the BOA may also allow signs of such size, number and location as the BOA may find appropriate and consistent with this chapter.

- M. Reserved.
- N. Family homestead provisions. A minimum of one acre with at least 100 feet frontage on a road shall be required for a parcel of property used solely as the homestead by an individual who is the grandparent, parent, stepparent, adopted parent, sibling, child, stepchild, adopted child or grandchild of the person who conveyed the parcel to said individual; provided, however, that the family homestead provision of the Florida Statutes and this Code shall apply only once to any individual and further provided that:
1. The parcel of land so created shall be established and recorded in the official records of the county in accordance with the applicable land subdivision requirements of the county; and
 2. The individual provides the county with a written certification that he has not taken title to more than one such property pursuant to F.S. § 163.3179; and
 3. The deed with which the individual takes title to the property affirmatively states that it is a conveyance pursuant to F.S. § 163.3179; and
 4. The parcel of land so created shall have direct access to a publicly maintained road; and
 5. The parcel of land so created shall have at least one-half acre of upland which will accommodate the proposed development, in accordance with wetland and other land protection polices contained in Comprehensive Plan Natural Resource Element Objective 3; and
 6. The remaining portion of the original parcel shall have a minimum lot requirement of one acre and 100 feet of road frontage to be recognized as a legal lot of record.
- O. Transfer of development rights/cluster lots. Parcels other than those created under the family homestead provisions at a density greater than one dwelling unit per five acres (less than five acres in size) pursuant to either clustering or transfer of development rights are subject to the following requirements:
1. A minimum lot size of one-half acre with at least 100 feet frontage on a road is required; and
 2. The requirements adopted by the BCC for clustering or transfer of development rights are followed; and
 3. The gross land use density is not exceeded without an approved transfer of development rights agreement; and
 4. The proposal must achieve the purposes of Comprehensive Plan FLUE policy 3.3, or protect agriculture lands that are being used for farming, or achieve the purposes of the land protection objectives of Comprehensive Plan Natural Resource Element Objectives 3 and 4 and comply with Division 6 of [Article 12](#)

- of this Code (Environmental Clearance and Land Clearing Permits); and
5. The proposal must conform to all other requirements of the adopted land development regulations (including platting requirements), zoning code, and comprehensive plan; and
 6. The parcel must have direct access to a publicly maintained road; and
 7. The parcel must have at least one acre of upland which will accommodate the proposed development, in accordance with wetland and other land protection polices contained in Comprehensive Plan Natural Resource Element Objectives 3 and 4; and
 8. The owners of the parcel must record a legal instrument that acknowledges the receipt and understanding of the provisions of F.S. § 823.14, the Florida Right to Farm Act; and
 9. The receiving parcel must provide a minimum of 50 feet buffer and building setback from any property line between an adjacent agriculture use and any non-agriculture use proposed on the property; and
 10. Use of the undeveloped portion of the tract 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 restricted by either an agriculture, open space, or conservation easement. The agriculture, open space, or conservation easement shall not be extinguished unless an equivalent transfer of density from another parcel and an equivalent easement is accepted by the BCC and recorded meeting identical purposes of Comprehensive Plan FLUE policy 3.3, including protection of agriculture lands that are being used for farming or achieving the purposes of the land protection objectives of Comprehensive Plan Natural Resource Element Objectives 3 and 4; and
 11. The sending parcel's density must be equal to or less than the receiving parcel's density; and
 12. The easement required in subparagraph 10. of this paragraph shall result in the preservation of at least 75 percent of the combined acreage of both the sending and receiving parcels; and
 13. Subdivision development for lots each of which is equal to or greater than five 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 land development regulations and to all other requirements of the adopted land development regulations, zoning regulations, and comprehensive plan; and
 14. New subdivisions which create more than 20 lots shall be required to cluster. Such lots shall have frontage on a publicly maintained road and shall have

reasonable access to other urban services.

- P. Special use permits. Permissible in this district by the board of county commissioners after public hearing and subject to appropriate conditions and safeguards are:
1. Ethanol or biofuel Production pursuant to the requirements of [12.08.102](#).
 2. Wholesale nurseries on parcels greater than 75 acres having a maximum impervious surface ratio greater than otherwise allowed by 12.05.200.H.

(Ord. No. 05-06-05; Ord. No. 05-06-30, §§ 8—12; Ord. No. 05-06-33, §§ 6, 7; Ord. No. 06-07-4, §§ 6—8; Ord. No. 06-07-29, §§ 1, 2; Ord. No. 06-07-37, § 5; Ord. No. 07-08-32, §§ 3—6; Ord. No. 07-08-31, § 2; Ord. No. 08-09-64, §§ 3, 4; Ord. No. 09-10-03, § 1; Ord. No. 11-12-04, §§ 36—38; Ord. No. 13-14-02, §§ 5, 6; Ord. No. 14-15-01, §§ 1, 2)

EDITOR'S NOTE

Ord. No. 07-08-32, § 3, adopted Aug. 26, 2008, changed the title of [§ 12.05.200](#) from "AU Agricultural" to "AU Agricultural District." The historical notation has been preserved for reference purposes.

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[Highlands County](#)[Code of Ordinances](#)[Chapter 12. LAND DEVELOPMENT REGULATIONS](#)[Article 5. DISTRICTS AND SUPPLEMENTARY DISTRICT REGULATIONS](#)[Division 2. DISTRICT REGULATIONS](#)

§ 12.05.240. B-1 neighborhood business district.

Latest version.

- A. Intent. The B-1 neighborhood business district is intended primarily to provide for very limited retail and personal service needs for a limited surrounding residential area. The retail and service establishments permitted therein are intended to provide convenience goods and personal service needs which are customary daily necessities for residential neighborhoods. Such establishments do not require large lots and do not do large volumes of business. Businesses of a type deleterious to residential property by reason of excessive noise, lights or night operation are prohibited.
- B. Permitted principal uses and structures in this district are:
1. Retail outlets for sale of food and nonalcoholic beverages, wearing apparel, sundries and notions, drugs, hardware, garden supplies, including fertilizer packaged for retail sale, toys and similar products. Florist, gift and jewelry shops, pet and hobby supply outlets are permitted. Other retail outlets of similar character are permitted.
 2. Personal service establishments, such as barber shops, beauty parlors, shoe repair and shine shops, restaurants, self-service laundry, ice stations, tailor or dressmaking shop, watch or jewelry repair, laundry or dry cleaning pickup station.
 3. Miscellaneous uses such as medical or dental office, church, private or parochial school, nursery school or child care center, parking lot and parking garage.
 4. Wastewater and water treatment facilities serving a single development when the water treatment facility is not included in the definition of a potable water facility.
 5. Assisted living facility (see definition 26A).
 6. Boarding home for sheltered care (see definition 32A).

7. Congregate living facility (see definition 62A).
 8. Intermediate care facility (see definition 157A).
 9. Nursing home (see definition 211).
- C. Limitation on uses. The following limitations on uses apply in this district:
1. Sale, display, preparation and storage to be conducted within a completely enclosed building.
 2. No sale, display or storage of secondhand or used merchandise, except as incidental to the sale of new merchandise.
 3. No retail store to have floor area open to the public, including display, service and sale of greater than 5,000 square feet.
 4. Products to be sold at retail only.
 5.
 - a.

Wastewater treatment facilities or structures or water treatment facilities or structures shall conform to the standards contained in [section 12.08.131](#).
 - b. All potable water facilities that have an annual average withdrawal from any source or combined sources greater than or equal to 100,000 gpd, shall be located within the public water supply zoning district and the public water supply comprehensive plan future land use map designation and shall obtain a special use permit satisfying the standards contained in [section 12.05.281](#), PW public water supply district, and sections [12.03.107](#) and [12.03.411](#) Special use permit approved by the BCC.
- D. Permitted accessory uses and structures in this district are accessory uses and structures, including residential uses incidental to a permitted use.
- E. Prohibited uses and structures. Listed permissible uses in this district do not include, either as a principal or accessory use, any of the following, which are listed for emphasis:
1. Automobile, truck, trailer, motorcycle, boat or machinery sales, storage or service, including repair garages, used car lots and washing and polishing establishments.
 2. Mortuaries.
 3. Business offices and professional offices not listed under permitted uses.
 4. Vocational or business schools.
 5. Drive-in restaurants or drive-in refreshment stands.
 6. Wholesale establishments.
 7. Pawnshops.
 8. Sales, storage or display of lumber or building materials.

9. Theaters, nightclubs, establishments for sale or consumption of alcoholic beverages on or off the premises.
 10. Plumbing, electrical or sheet metal shops.
 11. Animal hospitals and veterinary clinics.
 12. Cabinet or carpenter shops.
 13. Storage or warehouse uses, except as incidental to a permitted use.
 14. Any other use first permitted in a less restrictive district.
- F. Special exceptions. Permissible in this district by the BOA after public hearing and subject to appropriate conditions and safeguards are:
1. Service stations, but not to include garage repair services.
 2. Wastewater and water treatment facilities serving more than one development when the water treatment facility is not included in the definition of a potable water facility.
 3. Wireless communications facility (WCF) or transmission tower or tower, including lattice towers, guyed towers, monopole towers, ground-mounted towers and alternative tower structure or other similar wireless communications facilities, pursuant to the standards contained in sections [12.08.133](#) and [12.08.135](#) of this Code.
- G. Minimum lot requirements in this district, in regard to area and width, are 80 feet frontage, 10,000 square feet.
- H. Minimum yard requirements. (Depth of front and rear yards, width of side yards.) See sections [12.05.307](#) and [12.05.402](#) of this Code. Side yard, seven and one-half feet minimum.
- I. Maximum intensity (floor area ratio) and height of structures.
1. No portion intended for human occupancy shall exceed:
 - a. For use first permitted in B-1 district, 30 feet in height, except as provided in sections [12.05.302](#), [12.08.133](#), and [12.08.135](#). See definition of height of buildings in [section 12.02.104](#).
 - b. For any other use: 50 feet in height, except as provided in sections [12.05.302](#), [12.08.133](#), and [12.08.135](#). See definition of height of buildings in [Section 12.02.104](#).
 2. Maximum intensity (floor area ratio): Up to 0.70 FAR for office; Up to 0.80 for other commercial uses.
- J. Limitations on signs shall apply in this district as follows: No sign intended to be read from off the premises except:
1. Signs as permitted in R-3.
 2. No off-site, animated, projecting or roof signs, except as specified.

3. No signs within 50 feet of EU, M-1-S, M-1, M-2, R-1A, R-1, R-2 or R-3 districts.
4. On-site ground sign each not to exceed 100 square feet in area and not exceeding 12 feet in overall height above ground.
5. On-site wall signs not exceeding 20 percent of wall area upon which such signs are placed.
6. Marquee signs not to extend beyond marquee and not to exceed four feet in height.
7. On-site combination vertical and roof signs, not to extend more than four feet above the building wall and not to extend more than five feet above the roof.
8. Aggregate area of all signs not to exceed four square feet in area for each foot of frontage of building displaying sign or two square feet for each foot of frontage of property occupied by such buildings or devoted to such use, whichever is the greatest.
9. Neon type sign allowed.
10. Strip lighting allowed.

(Ord. No. 05-06-05; Ord. No. 05-06-30, §§ 42—44; Ord. No. 09-10-03 , § 11; Ord. No. 13-14-02 , § 16)



Highlands County

Code of Ordinances

Chapter 12. LAND DEVELOPMENT REGULATIONS

Article 5. DISTRICTS AND SUPPLEMENTARY DISTRICT REGULATIONS

Division 2. DISTRICT REGULATIONS

§ 12.05.241. B-2 limited business district.

Latest version.

- A. Intent. The B-2 limited business district is intended to provide retail and service needs for several neighborhoods or a substantial territory. Retail stores include convenience, fashion and durable goods. Service needs extend beyond the provision of purely personal services, but repair activities are limited. Professional uses are encouraged.
- B. Permitted principal uses and structures in this district are:
1. Any use permitted in a B-1 district.
 2. Hotel, motel.
 3. Retail establishments, such as department stores, household furnishings and home appliances, office furniture and equipment, automobile new parts and accessories, camera and photographic supply, package liquor, sporting goods, bait and tackle, musical instruments, television and radio, including repair incidental to sales, paint and wallpaper, pet store.
 4. Service establishments such as service stations, utility trailer display and storage incidental to service station, with not more than five such rental trailers, radio and television repair, hospitals and other health institutions, interior decorator, photographic studio, drive-thru restaurants.
 5. Office uses, such as banks and financial institutions, business and professional offices, governmental and utilities offices, travel agencies, employment office, and newspaper office.
 6. Miscellaneous commercial uses, such as business, commercial, art, dancing, music, radio, television, day nursery or nursery schools, fortune telling, artist studio, dental or medical laboratory or research or experimental activity.
 7. Noncommercial uses such as church, church school, library, museum, community buildings, private club, lodge, fraternity and similar uses not operated for profit.

8. Wastewater and water treatment facilities serving a single development when the water treatment.
9. Community residences for the developmentally disabled (see definition 55A).
10. Continuing care retirement community (see definition 67A).
11. Convalescent home (see definition 70).
12. Extended care facility (see definition 114A).
13. Intermediate care facility (see definition 157A).
14. Nursing home (see definition 211).
15. Residential health care facility (see definition 250A).

C. Limitations on uses. The following limitations on uses apply in this district:

1. Sale, display, preparation and storage to be conducted within a completely enclosed building.
2. Products produced to be sold only at retail.
3. No sale, display or storage of secondhand or used merchandise, except in an antique shop, or as incidental to the sale of new merchandise.
4.
 - a.

Wastewater treatment facilities or structures or water treatment facilities or structures shall conform to the standards contained in [section 12.08.131](#).

- b. All potable water facilities that have an annual average withdrawal from any source or combined sources greater than or equal to 100,000 gpd, shall be located within the public water supply zoning district and the public water supply comprehensive plan future land use map designation and shall obtain a special use permit satisfying the standards contained in [section 12.05.281](#), PW, public water supply district, and sections [12.03.107](#) and [12.03.411](#) special use permit approved by the BCC.

D. Permitted accessory uses and structures in this district are accessory uses and structures, including residential uses incidental to a permitted use.

E. Prohibited uses and structures. Listed permissible uses in this district do not include, either as a principal or accessory use, any of the following, which are listed for emphasis:

1. Automobile, truck, trailer, motorcycle or machinery sales, display, storage or repair, including repair garages, new car agencies, used car lots and auto carwash.
2. Mortuaries, vocational schools, except as specifically permitted.
3. Drive-in theaters, drive-in restaurants, drive-in refreshment stands, establishments for the consumption of alcoholic beverages on-premises.
4. Bulk sales, storage or display of lumber or building materials.

5. Wholesale establishments.
 6. Pawnshops.
 7. Display or sale of secondhand or used merchandise, except in antique shop, or as incidental to the sale of new merchandise.
 8. Cabinet, carpenter, plumbing, electrical, sign or sheet metal shops.
 9. Animal hospital or veterinary clinic.
 10. Storage or warehouse uses, except as accessory to a permitted use.
 11. Any other use first permitted in a less restricted district.
- F. Special exceptions. Permissible in this district by the BOA after public hearing and subject to appropriate conditions and safeguards are:
1. Fishing or amusement pier.
 2. Public utility station or substation.
 3. Wastewater and water treatment facilities serving more than one development when the water treatment facility is not included in the definition of a potable water facility.
 4. Wireless communications facility (WCF) or transmission tower or tower, including lattice towers, guyed towers, monopole towers, ground-mounted towers and alternative tower structure or other similar wireless communications facilities, pursuant to the standards contained in sections [12.08.133](#) and [12.08.135](#) of this Code.
- G. Minimum lot requirements in this district, in regard to area and width, are 100 feet frontage, 15,000 square feet.
- H. Minimum yard requirements. (Depth of front and rear yards, width of side yards.) Minimum side yard depth seven and one-half feet. See sections [12.05.307](#) and [12.05.402](#) of this Code.
- I. Maximum intensity (floor area ratio) and height of structures.
1. No portion intended for human occupancy shall exceed 50 feet in height, except as provided in sections [12.05.302](#), [12.08.133](#), and [12.08.135](#). See definition of height of buildings in [section 12.02.104](#).
 2. Maximum intensity (floor area ratio):
 - a. When the comprehensive plan category is commercial/industrial mixed use: Up to 0.80 FAR.
 - b. When the comprehensive plan category is commercial: Up to 0.70 FAR for office; Up to 0.80 for other commercial uses.
- J. Minimum floor areas in this district shall be: 120 square feet for each sleeping room.
- K. Limitations on signs in this district shall be: No signs intended to be read from off the premises except:

1. Signs as permitted for B-1.
2. No signs within 50 feet of R-1A, R-1, R-2, R-3, M-1-S, M-1, M-2 or EU districts.
3. No ground signs to exceed 25 feet in overall height above ground.
4. Off-site signs permitted subject to general regulations for such signs.
5. Marquee signs.
6. Wall, ground, roof and pylon signs. Roof sign not to exceed 25 feet in height above roof and not to obstruct light or air of adjacent property.
7. Combination vertical and roof signs not to exceed 200 square feet in area for one story building, plus additional 50 square feet of area for each story above first story. Such signs not extending more than four feet from building wall and not more than 15 feet above roof.
8. Temporary construction signs: Same as for R-3.
9. Neon type signs allowed.
10. Strip lighting allowed.

(Ord. No. 05-06-05; Ord. No. 05-06-30, §§ 45—47; Ord. No. 09-10-03 , § 12; Ord. No. 13-14-02 , § 17)

[Highlands County](#)[Code of Ordinances](#)[Chapter 12. LAND DEVELOPMENT REGULATIONS](#)[Article 5. DISTRICTS AND SUPPLEMENTARY DISTRICT REGULATIONS](#)[Division 2. DISTRICT REGULATIONS](#)

§ 12.05.242. B-3 business district.

Latest version.

- A. Intent. The B-3 business district is intended to apply to general business, retail and wholesale, warehouse storage and other services of a general character.
- B. Permitted principal uses and structures in this district are:
1. Any use permitted in a B-1 or B-2 district.
 2. Retail establishments such as those for display and sale of heavy machinery, new automobiles, trucks, mobile homes and boats; display and sale of used automobiles in running order and of used mobile homes and boats; display and storage of utility trailers for sale or rental; tires and batteries; plumbing and electrical fixtures; lawnmower service, sale and rental; dairy supplies; feed and fertilizer; flea markets—inside only.
 3. Service establishments such as repair and service garage; pest control agency; carwash, hand laundry, home appliance repair—inside only, job printing shop or newspaper plant, locksmith, barbecue stand or drive-in restaurant or refreshment stand, pawnshop, auction houses, plant nursery or landscaper, taxidermist, veterinarian or animal hospital or boarding kennels; dyeing; cleaning; carpet or rug cleaning establishments; diaper service; linen supply; crating, packing, shipping service, including fruit packing and shipping; distribution service; packing, delivery, wholesale magazine agency; milk distribution agency or creamery; soft drink bottling; telephone exchange.
 4. Commercial sports activities, such as bowling alley, golf driving range or miniature golf course, skating rink, swimming pool, archery range, pony ride.
 5. Commercial recreation activities, such as boxing, sports arena or go-cart track; nightclub, tavern, bar or other establishment for consumption of alcoholic beverages on-premises, pool room, theater, aquarium, assembly hall, museum and exhibits, games of skill and chance, penny arcades.
 6. Sale and display of automobile secondhand parts, (no wrecking); secondhand

merchandise, inside storage only; construction machinery and equipment, tractors, agricultural implements, heavy machinery; pumps; welding equipment and supplies; restaurants and hotel supplies and equipment; motorcycles; monuments; building supplies (in a building); lumberyard; utility trailers (including storage).

7. Service establishments, such as ambulance service, trade or vocational school.
 8. Miscellaneous utility uses, such as express office, gas regulator station, railroad freight yards and storage tracks, transformer and electrical switching station, motor bus terminal.
 9. Repair and shop uses, such as auto body and paint shop, awning and canvas shop, carpenter, cabinet or furniture repair shop, heating, roofing, sheet metal, electrical or plumbing contractor or repair shop, sign shop, upholstering, tinsmith, boat and boat motor repair (up to 45 feet).
 10. Light assembly of pre-manufactured products.
 11. Water related uses, such as boat and marine motor service and repair while boats are in water, boat rental, charter boats, commercial wharves, piers, slips and anchorages.
 12. Wholesale, warehouse or storage uses, such as ice or cold storage plant and frozen food lockers; wholesale establishments, storage warehouse.
 13. Wastewater treatment and water treatment facilities serving a single development when the water treatment facility is not included in the definition of a potable water facility.
 14. Community residences for the developmentally disabled (see definition 55A).
 15. Continuing care retirement community (see definition 67A).
 16. Convalescent home (see definition 70).
 17. Extended care facility (see definition 114A).
 18. Intermediate care facility (see definition 157A).
 19. Residential health care facility (see definition 250A).
- C. Permitted accessory uses and structures in this district are accessory uses and structures, including residential uses incidental to a permitted use.
- D. Prohibited uses and structures. Permissible uses in this district do not include, either as a principal use or accessory use, any of the following, which are listed for emphasis:
1. Motor freight terminal.
 2. Open air display, sale or storage of used building materials.
 3. Any use first permitted in a less restricted district.
- E. Special exceptions. Permissible in this district by the BOA after public hearing and subject to appropriate conditions and safeguards are:

1. Mobile home as accessory use for security to protect property against vandals, thieves, etc., providing that any grant of a special exception shall set a time limit of not to exceed five years. However, this shall not permit the use of an RV or travel trailer for this purpose.
 2. Wastewater and water treatment facilities serving more than one development when the water treatment facility is not included in the definition of a potable water facility.
 3. Wireless communications facility (WCF) or transmission tower or tower, including lattice towers, guyed towers, monopole towers, ground-mounted towers and alternative tower structure or other similar wireless communications facilities, pursuant to the standards contained in sections [12.08.133](#) and [12.08.135](#) of this Code.
 4. Keeping of exotic and wild animals pursuant to [section 12.05.316](#) of this Code.
 5. Flea market, open. Approval shall be subject to the conditions and requirements pursuant to [section 12.08.108](#) of this Code.
- F. Minimum lot requirements in this district, in regard to area and width, are:
1. Width: 100 feet.
 2. Area: 20,000 square feet.
- G. Minimum yard requirements. (Depth of front and rear yards, width of side yards.) Minimum side yard width seven and one-half feet. See [section 12.05.402](#) of this Code.
- H. Maximum intensity (floor area ratio) and height of structures.
1. No portion intended for human occupancy shall exceed 90 feet in height, except as provided in sections [12.05.302](#), [12.08.133](#), and [12.08.135](#). See definition of height of buildings in [section 12.02.104](#).
 2. Maximum intensity (floor area ratio):
 - a. When the comprehensive plan category is commercial/industrial mixed use: Up to 0.80 FAR.
 - b. When the comprehensive plan category is commercial: Up to 0.70 FAR for office; up to 0.80 for other commercial uses.
- I. Limitations on signs shall apply in this district as follows. No signs intended to be read from off the premises, except:
1. Signs as permitted for B-2.
 2. No sign within 50 feet of R-1A, R-1, R-2, R-3, M-1-S, M-1, M-2 or EU district.
 3. No ground sign to exceed 25 feet in overall height above ground.
 4. Off-site signs permitted subject to general Regulations for such signs.
 5. Roof signs not to exceed 25 feet in height above the roof and not to obstruct light or air of adjacent property.

6. Vertical projecting signs, not to extend over five feet beyond the wall.
 7. Temporary construction signs. Same as for R-3.
- J. Limitations on uses. The following limitations on uses apply in this district:
1. Light assembly uses shall not require the processes or machinery which could, by the emission of noise, vibration, odor, water or pollution create conditions detrimental to the value of, or existing use of adjacent properties.
 2. Wastewater treatment facilities or structures or water treatment facilities or structures shall conform to the standards contained in [section 12.08.131](#).
 3. All potable water facilities that have an annual average withdrawal from any source or combined sources greater than or equal to 100,000 gpd, shall be located within the public water supply zoning district and the public water supply comprehensive plan future land use map designation and shall obtain a special use permit satisfying the standards contained in [section 12.05.281](#), PW public water supply district, and sections [12.03.107](#) and [12.03.411](#) special use permit approved by the BCC.

(Ord. No. 05-06-05; Ord. No. 05-06-30, §§ 48—50; Ord. No. 09-10-03 , § 13; Ord. No. 13-14-02 , § 18)

Zoning, City, Parcel D-1

Sec. 26-135. - Multiple-family residential districts: R-2 one- and two-family district; R-3 multiple-family district; R-3P multiple-family/professional district; R-4 multiple-family district.

(a) *Establishment of multiple-family residential zoning districts.* The full names, short names, and map symbols of the multiple family residential zoning districts are established below:

- (1) R-2 one- and two-family district is a single-family and two-family residential area with a density up to 5.8 dwelling units per acre with a lot area of 15,000 square feet for a duplex where the city's goal is to serve the district with city water and sewer.
- (2) R-3 multiple-family district is a multi-family zone that allows single-family and two-family dwellings with a lot area of 15,000 square feet for multi-family and a maximum density of 12 dwelling units per acre where the city's goal is to serve the district with city water and sewer.
- (3) R-3P multiple-family/professional district is a multi-family zone that allows professional offices, single-family and two-family dwellings with a lot area of 15,000 square feet for multi-family, and a maximum density of 12 dwelling units per acre where the city's goal is to serve the district with city water and sewer.
- (4) R-4 multiple-family district is a multi-family zone that allows single-family and two-family dwellings with a lot area of 15,000 square feet for multi-family and a maximum density of 12 dwelling units per acre. Construction of dwellings is allowed on the lots that are smaller than the minimum lot size with a number of 4,500 square foot lots eligible for construction of dwellings where the city's goal is to serve the district with city water and sewer.

(b) *Table 26-135.B. Permitted Uses for the R-2, R-3, R-3P and R-4 Zoning Districts* The letters "P", "PX", "C", and "A" in the Permitted Use Table have the meanings pursuant to subsection 26-132(b).

Land Use Function or Structure	Zoning Districts			
	R2	R3	R3P	R4
Dwelling, single-family, detached	P	P	P	P



Duplex dwelling (pursuant to <u>section 26-236</u>)	PX	PX	PX	PX
Multi-family dwelling \geq three families* (pursuant to <u>section 26-257</u>)		PX	PX	PX
Rooming house or boardinghouse		C		C
Community residential homes type A (pursuant to <u>section 26-234</u>)	PX	PX	PX	PX



Community residential homes type B (pursuant to <u>section 26-234</u>)		C	C	C
Group living, Type C including assisted living facilities (pursuant to <u>section 26-234</u>)		C	C	C
Group living, Type D including transitional care Homes (pursuant to <u>section 26-234</u>)		C	C	C
Mobile homes (pursuant to <u>section 26-254</u>)				PX



Hospice		C		
Nursing home		C		C
Transitional care clinic		C		C
Day care center or child care institution (basic)		C	C	C
Clubs or lodges			P	

Professional office or bank building, stand-alone (without drive-through), business services or administrative Services or real estate, or financial, or research-and-development services (scientific, medical, and technology)			P	
Parking lots or parking structures, or covered parking not required by the development	C	C	C	C

Places of assembly congregating less than 25 persons	A	A	A	A
Places of assembly congregating more than 25 persons (pursuant to <u>section 26-262</u>)	C	PX	PX	PX

Public schools and private schools offering curricula substantially equivalent to public schools of comparable grades and meeting requirements of the State Department of Education	C	C	C	C
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Public buildings only including libraries, community centers, recreation or social centers not operated for profit, and buildings used exclusively by the federal, state, county or city government for public purposes	C	C	C	C
Public safety-related facility, including fire and rescue station and police station, emergency operation center	C	C	C	C

Accessory guest dwelling unit, attached or detached (pursuant to <u>section 26-221</u>)	C	C	C	C
Accessory structures and uses (pursuant to section 26-223); including yard sales pursuant to subsection <u>26-221(c)(7)</u>	P	P	P	P
Home occupation, family day care (home based)	C	C	C	C
Home occupation— Bed and breakfast (home based)	C	C	C	C

Home occupation— All others (pursuant to <u>section 26-243</u> , "home occupations")	PX	PX	PX	PX
Home occupations employing up to two nonresident employees (pursuant to <u>section 26-243</u> , "home occupations")	C	C	C	C

(c) *Table 26-135.C. Dimensional Standards in the R-2, R-3, R-3P, and R-4 Districts.*

Name of Standard	Zoning District			
	R-2	R-3	R-3P	R-4

Density (maximum dwelling units per gross acre)	5.8	20*
Height (maximum feet)	35 feet	45 feet*
Impervious surface ratio (maximum, percent of gross lot area)	70 percent	
Living area, single-family (minimum, square feet per dwelling unit)	1,000 square feet	800 square feet

Living area, duplex (minimum, square feet, total for both units, square feet for smallest dwelling unit)	2,000 square feet total; the smallest not less than 800 square feet	
Living area, multiple-family (minimum, square feet per dwelling unit)		800 square feet

<p>Lot size, single- family (minimum square feet) Lot width (feet)</p>	<p>10,000 square feet 80-foot width</p>	
<p>R-4 lot size, single- family (minimum square feet) Lot width (feet)</p>		<p>6,500 square feet 80 feet</p>
<p>Lot size, duplex, (minimum square feet) Lot width (feet)</p>	<p>15,000 square feet Width—100 feet</p>	

<p>Lot size, multi-family dwelling (minimum square feet)</p> <p>Lot width (feet)</p>		<p>15,000 square feet for up to the first seven units plus 2,178 square feet of lot area for each additional unit</p> <p>Width—150 feet</p>
<p>Lot size, all other permitted uses except where specified (minimum square feet) and Lot width (feet)</p>	<p>15,000 square feet</p> <p>Width—150 feet</p>	
<p>Open space (minimum percent of gross area)</p>	<p>30 percent</p>	

Distance between buildings on same lot (minimum feet)	15 feet	
Setback, front (minimum feet)	25 feet	15 feet
	Or the average of the front setbacks of the adjacent single-family residences; or, where only one single-family residence is adjacent to the real property, the setback of such adjacent single-family residence.	
Setback, side (minimum feet)	7½ feet**	5 feet

<p>**Setback, rear (minimum, feet from the rear property line or where applicable, the mean high water)**</p>	<p>25 feet</p>	<p>20 feet**</p>
<p>**Setback, corner (minimum feet)**</p>	<p>15-foot side street setback**</p>	

* Height above 45 feet or density above 20 DU per acre up to 40 DU per acre requires PD zoning.

** Additional setback provisions are in section 26-173, encroachment into setbacks table, division 1 "general regulations" of article V "supplementary district regulations."

(d) *Cross references for other applicable code sections.* A list of other major sections of the code that apply to new and existing development in these zoning districts is in subsection 26-132(c).

(e) *Nonconformity provisions in the R-2, R-3, R-3P and R-4 districts:*

(1) Where a lot has an area or width of less than the required minimum and was platted as of February 15, 1944, such lot may be occupied by a single-family dwelling provided the

minimum side and front setback requirements set out in this section are complied with.
(See nonconforming lots of record).

- (2) Where an existing building has been destroyed by an act of nature, a building of the same size as that destroyed may be replaced.

(Ord. No. 1335, § 17, 8-7-2012; Ord. No. 1382, § 1, 11-4-2014)

Editor's note— Section 17 of Ord. No. 1335, adopted Aug. 7, 2012, amended, combined and renumbered §§ 26-135—26-137 as new § 26-135. Former §§ 26-135—26-137 pertained to R-2 one- and two-family district; R-3 multiple-family district; R-3P multiple-family/professional district; R-4 multiple-family district, and derived from the 1981 Code, §§ 22-9—22-11; Ord. No. 1102, §§ 8—14, adopted June 1, 2004; Ord. No. 1149, §§ 1, 2, adopted May 17, 2005; Ord. No. 1158, §§ 1, 2, adopted Aug. 16, 2005; Ord. No. 1192, §§ 2—7, adopted Jan. 17, 2006; Ord. No. 1218, §§ 3—5, adopted Dec. 5, 2006; and Ord. No. 1299, § 1, adopted March 2, 2010.



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§ 12.05.201. EU Estate District.

Latest version.

- A. Intent. The EU estate district is intended to be single-family residential area, ranging from low to medium population density with minimum lot area.
- B. Permitted principal uses and structures in this district are:
 1. One-family dwelling. Single-family dwelling or a modular home not including a mobile home.
 2. Community residential homes licensed by the Florida Department of Health and Rehabilitative Services having six or fewer residents which otherwise meet the definition of a "community residential home" as that term is defined in F.S. Ch. 419, provided that such community homes shall not be located within a radius of 1,000 feet of another existing community residential home with six or fewer residents. (See Definition# 55B)
 3. Home occupations, as allowed pursuant to [section 12.08.109](#) such as any occupation or profession carried on by a member of the family residing on the premises. There shall be no exterior advertising of such home occupation, other than a nameplate, not exceeding one square foot in area, or any display that will indicate from the exterior that the building is used for any purpose other than that of a dwelling and there shall not be kept thereon any stock in trade and provided that such home occupation is incidental to the main use of the building as a dwelling.
 4. Recreation buildings and facilities, playgrounds, play fields, parks and beaches, owned and operated by federal, state, county or municipal governments.
 5. Existing cemetery, crematory or mausoleum.
 6. Existing railroad right-of-way, not including switching, freight or storage tracts, yards, buildings or maintenance structures.
 7. Publicly owned or operated library, art gallery or museum.
 8. Wastewater treatment and water treatment facilities serving a single

development when the water treatment facility is not included in the definition of a potable water facility.

9. Schools, public and private (see in definitions # 263).
- C. Permitted accessory uses and structures in this district shall be uses accessory to any of the permitted uses when located on the same lot, and not involving conduct of any business, trade, occupation or profession, except a home occupation as allowed in [section 12.08.109](#).
- D. Special exceptions. Permissible in this district by the BOA after public hearing and subject to the appropriate conditions and safeguards are:
1. Public utility buildings.
 2. Educational, recreational and social centers not operated for profit and intended to serve the surrounding neighborhood.
 3. Churches.
 4. Private schools offering curricula substantially equivalent to public schools of comparable grades and meeting requirements of the state department of education.
 5. Golf course, not including miniature golf course or practice driving tee, providing lot comprises at least 100 acres of land in one parcel and any accessory parking area, building or structure is located not less than 100 feet from any residentially zoned property which is not a part of the plat.
 6. Open parking lots accessory only to the permitted uses either as a first permitted use or by special exception in the district in which the special exception is being sought.
 7. Guesthouse, providing that for any grant of special exception for such purpose, the owner shall sign an agreement that such guesthouse will not be used for rental purposes and providing such guesthouse shall have a minimum floor area of 600 square feet.
 8. The keeping or pasturing of hoofed animals, fowl, or livestock, subject to the appropriate conditions and safeguards pertaining to setbacks from property lines and dwellings under separate ownership, number and type of hoofed animals, fowl, or livestock, to be kept which shall be set at the public hearing. Such setbacks for structures shall be not less than otherwise allowed in that district without a zoning variance.
 9. Wastewater and water treatment facilities serving more than one development when the water treatment facility is not included in the definition of a potable water facility.
- E. Minimum lot requirements.
1. When located in an area mapped for low density residential use on the

comprehensive plan future land use map, the minimum lot requirements in the EU district shall be 20,000 square feet minimum lot area and 100 feet minimum lot frontage; or

2. When located in an area mapped for general agriculture use on the comprehensive plan future land use map, the minimum lot requirements in the EU district shall be five acres or greater minimum lot area and 100 feet minimum lot frontage for all parcels except those described in paragraph 3. of this subsection; or
 3. Parcels that are one acre or greater, have 100 feet of frontage, and are created pursuant to the family homestead provisions of the Florida Statutes and zoning regulations must meet the requirements of [section 12.05.200\(N\)](#) of this Code.
- F. Maximum lot coverage. Maximum lot coverage by all buildings in this district shall be 35 percent.
- G. Minimum yard requirements. The depth of front and rear yards, width of side yards for a residence in this district shall be:
1. Front: 35 feet, minimum.
 2. Side: Ten feet, minimum.
 3. Rear: 25 feet, minimum.
 4. Corner: 15 feet, side street, minimum.
- H. Maximum height of structures. Maximum height of structures shall be as follows:
1. Residence. No dwelling shall exceed 35 feet in height, except as provided in [section 12.05.302](#). See definition of height of buildings in [section 12.02.104](#).
 2. Permitted non-residence. Same, except that with approval of BOA, maximum height may be 50 feet if BOA shall find such action will not injure surrounding property and accords with spirit and purpose of this chapter. Exceptions as provided in [section 12.05.302](#) may apply. See definition of height of buildings in [section 12.02.104](#).
- I. Permitted nonresidential structures or uses in this district shall be subject to the following yard requirements:
1. Front: 35 feet (except accessory buildings, structures or uses).
 2. Side: 20 feet, with increase in minimum of one foot for each two feet of height of structure in excess of 20 feet (except accessory buildings, structures or uses).
 3. Rear: 25 feet (except accessory buildings, structures or uses).
 4. Corner: 25 feet.
- J. Minimum floor areas in this district shall be 1,000 square feet; ground floor area 750 square feet excluding carports, porches, patios, storage and utility.
- K. Limitations on signs shall apply in this district as follows: No signs intended to be read from off the premises, except:

1. One non-illuminated wall or ground sign not over six square feet in area, advertising sale or rental of property upon which the sign is located.
 2. One non-illuminated wall or ground sign not over two square feet in area to prohibit trespassing, for safety or caution.
 3. On a lot containing permitted, nonresidential use other than an accessory use, one identification wall sign not over 12 square feet in area and one bulletin sign not over 32 square feet in area on each side street.
 4. Two soft lighted illuminated subdivision identification signs and two non-illuminated project signs on a subdivision under development to advertise the sale of lots or new houses, each having an area not over 128 square feet, provided such subdivision has an area of at least three acres.
 5. No animated, roof or projecting type signs permitted. Overall height of any ground sign not to exceed four feet above the ground, except that bulletin sign or subdivision sign may extend a maximum height of 12 feet above the ground.
 6. One temporary construction project ground sign, not to exceed 32 square feet of area, on each street side on which lot abuts, such sign not to be closer than 15 feet to any property line, not to be erected more than 60 days prior to beginning actual construction and to be removed upon completion of construction. If construction is not begun within 60 days after sign is erected or if construction shall not be continuously and actively prosecuted to completion, sign shall be removed.
 7. Neon-type signs prohibited.
 8. Strip lighting prohibited.
- L. Limitations on uses. The following limitations on uses apply in this district:
1. Wastewater treatment facilities or structures or water treatment facilities or structures shall conform to the standards contained in [section 12.08.131](#).
 2. All potable water facilities that have an annual average withdrawal from any source or combined sources greater than or equal to 100,000 gpd, shall be located within the public water supply zoning district and the public water supply comprehensive plan future land use map designation and shall obtain a special use permit satisfying the standards contained in [section 12.05.281](#), PW public water supply district, and sections [12.03.107](#) and [12.03.411](#) Special use permit approved by the BCC.

(Ord. No. 05-06-05; Ord. No. 05-06-30, §§ 13—15; Ord. No. 06-07-37, § 6; Ord. No. 07-08-32, §§ 7, 8; Ord. No. 09-10-03, § 2; Ord. No. 13-14-02, §§ 7, 8)



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§ 12.05.211. R-1 residential district.

Latest version.

Regulations for the R-1 residential district shall be the same as the R-1A district, except the minimum floor area shall be 750 square feet with same exclusions.

(Ord. No. 05-06-05)



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§ 12.05.212. R-2 two-family dwelling district.

Latest version.

- A. Permitted principal uses and structures in the R-2 two-family dwelling district shall be:
1. Any use permitted in R-1 district, subject to the limitations, requirements and procedures specified for such use, unless such use is specifically permitted in this district.
 2. Two-family dwelling, which may be under multiple ownership with proper fire separation as required under section 704.4 Standard Building Code.
 3. Two one-family dwellings.
 4. Church.
 5. Wastewater treatment and water treatment facilities serving a single development when the water treatment facility is not included in the definition of a potable water facility.
- B. Permitted accessory uses and structures in this district shall be accessory uses and structures when located on the same lot and not involving the conduct of any business, trade, occupation or profession, except as permitted in R-1 district.
- C. Special exceptions. Permissible in this district by the BOA after public hearing and subject to appropriate conditions and safeguards are:
1. Public utility buildings.
 2. Same as for R-1 district, except that churches are permitted in R-2 districts.
 3. Wastewater and water treatment facilities serving more than one development when the water treatment facility is not included in the definition of a potable water facility.
- D. Minimum lot requirements in this district, in regard to area and width, are:
Residential: 10,000 square feet; frontage, 80 feet.
- E. Maximum lot coverage. Maximum lot coverage by all buildings in this district shall be

- 40 percent.
- F. Minimum yard requirements. The minimum depth of front and rear yards, and width of side yards, for a residence in this district shall be:
1. Front: 25 feet.
 2. Side: Seven and one-half feet.
 3. Rear: 25 feet.
 4. Corner: 15 feet side yard.
- G. Maximum height of structures. No portion intended for human occupancy shall exceed the limits as provided for R-1 and R-1A districts.
- H. Permitted nonresidential structures or uses in this district shall be subject to the following requirements:
1. Front: 30 feet.
 2. Side: Ten percent of frontage width; minimum ten feet; maximum 20 feet.
 3. Rear: 25 feet.
 4. Corner: 20 feet.
- I. Minimum floor area in this district shall be 750 square feet, except that the minimum for the second unit in a two-family dwelling is 600 square feet under same roof.
- J. Limitations on signs shall apply in this district as follows: No signs intended to be read from off the premises, except:
1. Same as EU district.
- K. Limitations on use. The following limitations on uses apply in this district:
1. Wastewater treatment facilities or structures or water treatment facilities or structures shall conform to the standards contained in [section 12.08.131](#).
 2. All potable water facilities that have an annual average withdrawal from any source or combined sources greater than or equal to 100,000 gpd, shall be located within the public water supply zoning district and the public water supply comprehensive plan future land use map designation and shall obtain a special use permit satisfying the standards contained in [section 12.05.281](#), PW public water supply district, and sections [12.03.107](#) and [12.03.411](#) special use permit approved by the BCC.

(Ord. No. 05-06-05; Ord. No. 05-06-30, §§ 18, 19; Ord. No. 13-14-02 , § 10)



Highlands County

Code of Ordinances

Chapter 12. LAND DEVELOPMENT REGULATIONS

Article 5. DISTRICTS AND SUPPLEMENTARY DISTRICT REGULATIONS

Division 2. DISTRICT REGULATIONS

§ 12.05.210. R-1A residential district.

Latest version.

- A. Intent. The R-1A residential district is intended to be single-family residential area, medium population density with minimum lot area.
- B. Permitted principal uses and structures are as follows:
 - 1. Any use permitted in EU district.
 - 2. Wastewater treatment and water treatment facilities serving a single development when the water treatment facility is not included in the definition of a potable water facility.
 - 3. Schools, public and private (see definitions in # 263).
- C. Permitted accessory uses and structures. Permitted accessory uses and structures in this district shall be accessory uses and structures when located on the same lot and not involving the conduct of any business, trade, occupation or profession, except as permitted in the EU district.
- D. Special exceptions. Permissible in this district by the BOA after public hearing and subject to appropriate conditions and safeguards are any special exception in EU district except the following:
 - 1. The keeping or pasturing of livestock or animals.
 - 2. Unattached guesthouse.
 - 3. Wastewater and water treatment facilities serving more than one development when the water treatment facility is not included in the definition of a potable water facility.
- E. Minimum lot requirements in regard to area and width, in this district are 10,000 square feet lot area; minimum 80-foot frontage.
- F. Maximum lot coverage by all buildings. The maximum lot coverage by all buildings in this district shall be 35 percent.
- G. Minimum yard requirements. The minimum depth of front and rear yards and width

of side yards, for a residence in this district shall be:

1. Front: 25 feet.
 2. Side: Seven and one-half feet.
 3. Rear: 25 feet.
 4. Corner: 15 feet side street setback.
- H. Maximum height of structures. Maximum height of structures shall be as follows:
1. Residence: No dwelling shall exceed 35 feet in height, except as provided in [section 12.05.302](#). See definition of height of buildings in [section 12.02.104](#).
 2. Permitted nonresidential: Same as EU Estate District.
- I. Permitted nonresidential structure or use yards. Yards of permitted nonresidential structures or uses in this district shall be subject to the same requirements as for the EU district.
- J. Minimum floor area in this district shall be 1,000 square feet, 750 square feet ground floor level, excluding carports, porches, patios, storage, and utility rooms.
- K. Limitation on signs shall apply in this district. No signs intended to be read from off the premises, except:
1. Same as EU district.
- L. Limitations on uses. The following limitations on uses apply in this district:
1. Wastewater treatment facilities or structures or water treatment facilities or structures shall conform to the standards contained in [section 12.08.131](#).
 2. All potable water facilities that have an annual average withdrawal from any source or combined sources greater than or equal to 100,000 gpd, shall be located within the public water supply zoning district and the public water supply comprehensive plan future land use map designation and shall obtain a special use permit satisfying the standards contained in [section 12.05.281](#), PW public water supply district, and sections [12.03.107](#) and [12.03.411](#) special use permit approved by the BCC.

(Ord. No. 05-06-05; Ord. No. 05-06-30, §§ 16, 17; Ord. No. 06-07-37, § 7; Ord. No. 09-10-03 , § 3; Ord. No. 13-14-02 , § 9)