

HIGHLANDS COUNTY LAND DEVELOPMENT REGULATIONS

DIVISION 2. DISTRICT REGULATIONS

Section 12.05.200. AU Agricultural District.

- 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); (Ord No. 05-06-05 § 8) (Ord. 05-06-30 § 8)
 3. Church, and accessory residence;
 4. Golf course, country club, private club, or outdoor recreation club, provided all buildings must be at least fifty (50) feet from any road right-of-way line and one hundred (100) feet from any private lot line; (Ord. No. 11-12-04)
 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. Raising or keeping a maximum, collectively, of nine hogs, sheep, and goats, of which not more than three may be hogs; (Ord. No. 14-15-01; Ord. No. 16-17-17 § 27)
 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;

HIGHLANDS COUNTY LAND DEVELOPMENT REGULATIONS

13. The parking of one nonagricultural commercial vehicle, on a minimum of one acre, where the resident of the premises is an authorized driver of the commercial vehicle; (Ord. No. 19-20-09 § 6)
14. Central wastewater treatment and water treatment facilities serving a single development; (Ord. No. 16-17-17 § 27; Ord. No. 19-20-09 § 6)
15. Public parks/recreation;
16. Schools, public and private (see definitions in # 263). (Ord. No. 06-07-37 § 5)
17. Central potable water facilities. (Ord. No. 07-08-32 § 4; Ord. No. 16-17-17 § 27; Ord. No. 19-20-09 § 6)
18. Fish farm. (Ord. No. 16-17-17 § 28)
19. Guesthouse as an accessory to a principal dwelling, provided that the owner shall sign an agreement that such guesthouse will not be used for rental purposes, and subject to the limitations set out in Section 12.05.200.G. (Ord. No. 19-20-09 § 5)

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. The following structures are exempt from this requirement:
 - a. Fences that meet the minimum yard requirements as specified in section 12.05.306, provided that all other separation requirements of this section are met;
 - b. Signs shall meet the minimum yard requirements as specified in section 12.05.200.L.; and
 - c. Structures for the temporary placement of livestock provided that all other minimum yard requirements of this section are met. (Ord. No. 16-17-17 § 30)
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. (Ord No. 05-06-05 § 9) (Ord. 05-06-30 § 9)
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,

HIGHLANDS COUNTY LAND DEVELOPMENT REGULATIONS

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. Central wastewater treatment facilities or structures or water treatment facilities or structures shall conform to the standards contained in section 12.08.131. (Ord. No. 16-17-17 § 30)
5. Nonagricultural commercial vehicle shall not be parked in any front yard or nearer than 25 feet to any side or rear lot line unless placement is determined otherwise by the BOA during a special exception hearing. (Ord. No. 19-20-09 § 7)
6. All central potable water facilities shall comply with all applicable state and federal laws, rules, and regulations, including permitting requirements. (Ord. No. 06-07-04 § 6; Ord. No. 06-07-29 § 1; Ord. No. 16-17-17 § 30; Ord. No. 19-20-09 § 7)

D. **Permitted accessory uses and structures.** Accessory uses and structures allowed in this district are accessory to the principal structures and uses. (Ord. 05-06-33 § 6)

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;

HIGHLANDS COUNTY LAND DEVELOPMENT REGULATIONS

3. Airport, air park or air field with turf or grass runways, etc.;
4. Public utility facilities; (Ord. No. 16-17-17 § 31)
5. Dude ranch, riding stable, livery stable, boarding place, fur farm, dog kennel;
6. The 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; (Ord. No. 14-15-01; Ord. No. 16-17-17 § 31)
7. Reserved; (Ord. No. 16-17-17 § 31)
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. 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. (Ord. No. 19-20-09 § 8)
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, 12.08.134 and 12.08.135 of this Code; (Ord. No. 16-17-17 § 31)
14. Sand, gravel, rock or stone pit or quarry or other mining operation involving the extraction of natural materials, removing of earth or topsoil; (Ord. No. 19-20-09 § 8)
15. Rodeos and carnivals;
16. Day care, residential group home or sanitarium or institution, convalescent home, nursing home, or penal or correctional institution; (Ord. No. 19-20-09 § 8)
17. Reserved; (Ord. No. 19-20-09 § 8)
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

HIGHLANDS COUNTY LAND DEVELOPMENT REGULATIONS

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 three 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 two acres, where the commercial vehicles are driven by residents of the premises; (Ord. No. 19-20-09 § 8)
28. Central wastewater and water treatment facilities serving more than one development; (Ord. No. 16-17-17 § 31; Ord. No. 19-20-09 § 8)
29. Reserved; (Ord. No. 19-20-09 § 8)
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; (Ord.13-14-02 § 5)
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.

HIGHLANDS COUNTY LAND DEVELOPMENT REGULATIONS

37. Community Shelters for Victims of Domestic Violence (see definition # 55C) or community residences for the developmentally disabled (see definition # 55A).

38. Solar energy systems. (Ord. No. 16-17-17 § 32)

(Ord.05-06-05 § 10; Ord. 05-06-30 § 10; Ord. No. 06-07-04 § 7; Ord. No. 06-07-29 § 2; Ord. No. 16-17-17 § 31--32)

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

1. **Area, minimum.** Five acres and a minimum width of 100 feet for all uses; provided that the property has legal access. Other parcels less than five acres must be created under the following conditions: (Ord. No. 16-17-17 § 33)
 - 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 on-site to protect natural resources on sending parcels as identified on the conservation overlay map or as known to occur. (Ord. No. 16-17-17 § 33)
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 width of 100 feet, provided that the property has legal access and obtains a driveway permit pursuant to Section 12.09.105.A., may be utilized for all uses permitted in this district and special exceptions. (Ord. No. 16-17-17 § 33; Ord. No. 19-20-09 § 9)
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 width of 100 feet, provided that the property has legal access and obtains a driveway permit pursuant to Section 12.09.105.A., may be used for a single-family dwelling, all permitted

HIGHLANDS COUNTY LAND DEVELOPMENT REGULATIONS

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. (Ord. No. 16-17-17 § 33)

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 width of 100 feet, provided that the property has legal access, may be used for a church or any bona fide agriculture use, but none of the special exceptions.** (Ord. No. 16-17-17 § 33)

(Ord No. 05-06-05 § 11; Ord No. 05-06-30 § 11; Ord No. 05-06-33 § 7; Ord. No. 06-07-04 § 8; Ord. No. 07-08-32 § 5; Ord. No. 16-17-17 § 33)

H. **Reserved.** (Ord.13-14-02 § 6)

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:** Twenty-five (25) feet.
2. **Side:** Ten (10) feet for one-family dwelling and Twenty-five (25) feet for all other uses and Twenty-five (25) feet for parcels of five acres or more as provided in subsection N of this section.
3. **Rear:** Twenty-five (25) feet.
4. **Corner:** Fifteen (15) feet and Twenty-five (25) feet for parcels of five acres or more, as provided in subsection N of this section. (Ord. No. 11-12-04)

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. (Ord. No. 09-10-03 § 1)

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, 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. (Ord. No. 19-20-09 § 10)
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.

HIGHLANDS COUNTY LAND DEVELOPMENT REGULATIONS

4. One bulletin board, not exceeding 32 square feet in area for each church, 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. (Ord. No. 19-20-09 § 10)
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.
9. Signs shall have a minimum setback of 15 feet from the front property line, provided that all other setback requirements are met; (Ord. No. 16-17-17 § 34)
10. All signage must be located entirely within the property of the applicant; and (Ord. No. 16-17-17 § 34)
11. No sign shall be placed that would obstruct the visibility of pedestrians or motorists, or that would minimize or restrict access to adjoining properties. (Ord. No. 16-17-17 § 34)

M. **Reserved.** (Ord No. 05-06-05 § 12; Ord No. 05-06-30 § 12)

N. **Family homestead provisions.** A minimum of one acre with at least 100 feet of width, provided that the property has legal access and obtains a driveway permit pursuant to Section 12.09.105.A., 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: (Ord. No. 19-20-09 § 11)

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

HIGHLANDS COUNTY LAND DEVELOPMENT REGULATIONS

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 Resources Element Objective 3. (Ord. No. 16-17-17 § 35)
6. The remaining portion of the original parcel shall have a minimum lot requirement of one acre and 100 feet of width, provided that the property has legal access and obtains a driveway permit pursuant to Section 12.09.105.A., to be recognized as a legal lot of record. (Ord. No. 07-08-32 § 6; Ord. No. 19-20-09 § 11)

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 4.3, or protect agriculture lands that are being used for farming, or achieve the purposes of the land protection objectives of Comprehensive Plan Natural Resources Element Objectives 3 and 4 and comply with Division 6 of Article 12 of this Code (Environmental Clearance and Land Clearing Permits); and (Ord. No. 16-17-17 § 36)
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 Resources Element Objectives 3 and 4; and (Ord. No. 16-17-17 § 36)
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

HIGHLANDS COUNTY LAND DEVELOPMENT REGULATIONS

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 4.3, including protection of agriculture lands that are being used for farming or achieving the purposes of the land protection objectives of Comprehensive Plan Natural Resources Element Objectives 3 and 4; and (Ord. No. 16-17-17 § 36)
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 BCC after public hearing and subject to appropriate conditions and safeguards are: (Ord. No. 16-17-17 § 37)

1. Ethanol or Biofuel Production pursuant to the requirements of 12.08.102. (Ord. No. 07-08-31 § 2)

(Res. of 8-18-70 (sched. AU); Res. of 6-26-73; No. 90-02; Ord. No. 93-15, §§ 13 & 18; Ord. No. 94-4, § 8; Ord. No. 95-5, § 1; Ord. No. 95-28, § 1 & 3; Ord. No. 96-05, § 3; Ord. No. 96-30, §§ 2, 4; Ord. 98-04, § 2 & 3; Ord. 98-13, §§ 3, 4 & 5, Ord. 99-3, § 3;)(Ord. No. 99-18 § 3, 22, 41; Ord No. 00-01-1 §4)(Ord No. 00-01-11 §1 thru 9)(Ord No. 03-04-1)(Old Sec. 12-82)(Ord. No. 05-06-05, §§ 8--12; Ord. No. 05-06-30, §§ 8--12; Ord. No. 05-06-33, §§ 6, 7; Ord. No. 06-07-04, §§ 6--8; Ord. No. 06-07-29, §§ 1, 2; Ord. No. 06-07-37, § 5; Ord. No. 07-08-31 § 2; Ord. No. 07-08-32, §§ 3--6; Ord. No 08-09-64 § 4; Ord. No. 09-10-03 § 1; Ord. No. 11-12-04; Ord. No. 16-17-17 § 27--37; Ord. No. 19-20-09 § 5-11)