

**HARDEE COUNTY, FLORIDA
ORDINANCE NO. 2013-07**

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AN ORDINANCE OF HARDEE COUNTY, FLORIDA

- AMENDING** the HARDEE COUNTY UNIFIED LAND DEVELOPMENT CODE (Ordinance No. 2007-11), as amended; and,
- PROVIDING** for an amendment to Article 2 and Article 3 of the Hardee County Unified Land Development Code for the purpose of adding the Land Excavation/Borrow Pit Category/Use to Table 2.29.02(B) as well as creating a new Section 3.23.00 Land Excavation in order to establish regulations governing all land excavation and borrow pit activities in the unincorporated area as necessary; and,
- PROVIDING** for severability;
- PROVIDING** for repeal of conflicting ordinances; and
- PROVIDING** for effective date.

WHEREAS, Chapters 125 and 163, FLORIDA STATUTES, empower the Board of County Commissioners of Hardee County, Florida to prepare and enforce land development regulations that are consistent with state law and that implement the Hardee County Comprehensive Plan; and,

WHEREAS, the Board of County Commissioners of Hardee County, Florida has determined that it would be in the best interest of the health, safety and welfare of the general public of Hardee County to amend the HARDEE COUNTY UNIFIED LAND DEVELOPMENT CODE, as amended, by amending Article 2 and Article 3 of the Hardee County Unified Land Development Code for the purpose of adding the Land Excavation/Borrow Pit Category/Use to Table 2.29.02(B) and creating a new Section 3.23.00 Land Excavation in order to establish regulations governing all land excavation and borrow pit activities in the unincorporated area as necessary; and,

WHEREAS, pursuant to and consistent with the requirements of Section 125.66, FLORIDA STATUTES, the Board of County Commissioners of Hardee County, Florida has advertised and held public hearings as required and with public notice having been provided to obtain public comment; and,

WHEREAS, the Board of County Commissioners of Hardee County, Florida has considered all written and oral comments received during such public hearings; and,

WHEREAS, the Board of County Commissioners of Hardee County, Florida has determined that this amendment is consistent with the Hardee County Comprehensive Plan,

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HARDEE COUNTY, FLORIDA that:

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The following revised and added Sections of the HARDEE COUNTY UNIFIED LAND DEVELOPMENT CODE shall be:

Table 2.29.02(B)

Category/Use	R-1	R-2	R-3	F-R	C-1	C-2	I-1	I-2	A-1	P-1	PR	CN	C/ IBC
<i>Light Industry</i>													
Airports/Aviation Users							M	M	M	M			
Bottling Plant/Bakery						D	D	D					D
Food Packaging							D	D	S				D
Freight/Trucking Terminal						D	D	D					D
Manufacture of Finished Products						D	D	D					D
Land Excavation/Borrow Pit									M				
Mining—To or Less Than 5 ac.: 1 ac./yr./5-ac. Site									P				
Printing/Publishing						D	D	D					D
Recycled Materials Processing							D	D	D				D
Sales/Minor Storage of Propane Gas						D	D	D					D

Section 3.23.00. Land Excavation.

Section 3.23.01. General Provisions.

A. Short Title.

This Part shall be known and may be cited as the "Hardee County Land Excavation Regulations."

B. Purpose.

The purpose of this Section is to protect the public health, safety, and welfare through the establishment of reasonable standards for the review and regulation of the location and operation of land excavation activities for materials to meet the demands of construction projects within Hardee County. It is intended that this division be used in conjunction with the provisions of Article 7 of this Code pertaining to a Major Special Exception Use Permit. This Section shall fairly and equitably allow the operation of borrow pits or other non-mining land excavation activities, which are not covered by Section 3.14.00 of the Code, while at the same time protecting the following needs and interests of Hardee County.

1. Reuse of Property Excavated,
2. Reclamation of Excavated Area,
3. Surrounding Land Use,
4. Transportation Concerns,
5. Environmentally Sensitive Areas and heavily treed sites,
6. Water Quality,

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7. Water Quantity,
8. Drainage,
9. Public Safety,
10. Fugitive Dust Attenuation,
11. Noise Levels,
12. Property Values, and
13. Compliance with the Hardee County Comprehensive Plan.

All land excavations authorized by the SWFWMD or FDEP for the purpose of agricultural irrigation, including cattle ponds, shall be exempt from this Section of the Code.

Section. 3.23.02. Requirements.

A. Permits.

Unless specifically exempted by this Code, it shall be unlawful for any person, persons, firm, or corporation either individually, collectively, or through an agent to cause land excavation, as defined in this Code, including pre-excavation site preparatory activities thereto, within the unincorporated areas of Hardee County without having first obtained a Major Special Exception Use Permit for Land Excavation pursuant to Article 7 of the Unified Land Development Code.

B. Compliance with Other Regulations.

Issuance of a Major Special Exception Use Permit by Hardee County, or exemption from the requirement thereof, does not abrogate any legal requirement to comply with the regulations of any other governmental agency, local, state or federal, which may have jurisdiction over the proposed activity upon the land.

Section. 3.23.03. Review Procedures.

A. Application.

An application for a Major Special Exception Use Permit shall be submitted to the Planning and Development Department and shall contain the required information as set forth in Article 7 of the Unified Land Development Code. Afterwards, the Planning Director, or their designee, shall distribute copies of the application to the Mining Department as well as to the members of the Development Review Committee (DRC) and the Planning and Zoning Board for review and comment.

B. Determination by the Board of County Commissioners.

1. The Board of County Commissioners (BoCC) shall review the Major Special Exception Use Permit application as well as the required Site and Development Plan and make a determination as to compliance with the provisions of this Section as well as the Unified Land Development Code and the Comprehensive Plan. If, the Major Special Exception Use Permit is approved, then the applicant may apply for a Land Excavation Operating Permit from the Mining Department.

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C. Issuance of Land Excavation Operating Permit.

1. A land excavation operating permit shall be obtained from the Mining Coordinator prior to commencing land excavation and must be in effect at all times during such land excavation.
2. The land excavation operating permit shall be consistent with the Major Special Exception Use Permit's conditions of approval, and issued for an operating period no longer than that approved by the Board.
3. A protected, complete copy of the permit shall be posted at the site entrance where it is visible for public viewing.
4. Within ten calendar days following a decision of the Mining Coordinator to issue or deny a land excavation operating permit, the applicant shall post notice in a conspicuous location on the land excavation-site informing the public of the decision, the right to appeal, and the date by which an appeal must be filed with the County pursuant to Administrative Appeals process contained in this Code.

D. Land Excavation Operating Permit Application Procedures.

1. **Land Excavation and Reclamation Plan:** The Applicant shall submit 25 copies of a proposed Land Excavation and Reclamation Plan to the Mining Department which outlines the proposed excavation or earth moving activity, waste disposal, water use, land reclamation and monitoring for the project. It shall include at a minimum:
 - a. **Owner:** The names, addresses and telephone numbers of the owner(s) of the project and its agents located in Hardee County upon which service of any papers under this Section may be made;
 - b. **Applicant/Operator:** The names, addresses and telephone numbers of the Applicant if other than the owner, and its agent residing in Hardee County upon which service of any papers under this Section may be made;
 - c. **Engineer:** The name, address and telephone number of the Florida registered professional engineer of record for the project, who shall prepare and sign all engineering documents submitted to the County;
 - d. **Survey and Legal Description:** A boundary and topographic survey signed and sealed by a licensed surveyor in the State of Florida that includes a legal description of the Excavation Site and the Excavation Limits;
 - e. **Material:** Type and volume of material to be extracted;
 - f. **Topographic Maps:**
 - (01) A topographic map or maps of the entire tract covered in the application shall be provided. Said map shall show contour lines at two-foot intervals accurate within one foot, which depict the actual ground contours prior to the commencement of mining operations. The contour map or maps shall be indexed using a grid system of one sheet per section on a 1" = 400' scale with the section corners located;

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- (02) There shall also be provided a composite topographic map on a single sheet, not to exceed 72 inches by 72 inches in size, using an appropriate scale;
- g. *Land Excavation and Reclamation Plan.*
Maps and other appropriate documents depicting the project tract and including:
- (01) Owners and locations of all tracts of land contiguous to the tracts of land under consideration, for the project;
- (02) Locations of each excavation unit or borrow pit;
- (03) Excavation sequence of the units for the life of the site shown on a year-by-year basis;
- (04) The schedule of operation and completion of each unit for the life of the site shown on a year-by-year basis;
- (05) Locations and sizes of proposed ponds;
- (06) Location and general description of all physical facilities or other structures, including pipelines;
- (07) Location and general description of all stormwater management facilities;
- (08) Location and general description of all points of discharge for air pollutants, wastewater, and stormwater runoff;
- (09) Location and general description of all existing natural and man-made streams and lakes, and definition of the 100-year and 25-year flood plains pursuant to methodology approved by the Southwest Florida Water Management District, or its successor;
- (10) Location and description of all existing wells;
- (11) Contour elevations of the limestone strata beneath the tracts under consideration;
- (12) Type and classification of the soil overburden;
- (13) Water table elevations both existing and the historical high;
- (14) A transportation analysis;
- (15) The results of a detailed survey of the entire tract by a qualified archeologist in order to make a full assessment of its archeological and historical resources;
- (16) The location of any archeological sites, historical sites cemeteries or burial grounds contained on the tract and what, if any, measures the Applicant proposes to preserve or dispose of such findings;
- (17) Location of all existing utility lines, easements and existing roads, public or private;

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3. Failure to obtain a transfer of permit prior to the new owner conducting land excavation activities may result in penalties or temporary, if not permanent closure of the operation.
- F. **Appeal of Determination of Operating Permit.**
Appeals of determination of Operating Permits are to comply with Section 8.02.02. of the Unified Land Development Code.
- G. **Fees.**
The Board is authorized to set reasonable fees for the implementation of this Part. In addition to the fee which accompanies the application, the permittee shall also submit to the County a signed, dated, notarized document indicating the number of cubic yards of material removed from the excavation and the fee based upon this amount. The amount of this fee shall be established by resolution of the Board. The notarized document indicating the number of cubic yards of material removed from the excavation and the corresponding fee shall be submitted to the Mining Coordinator each quarter until the land excavation ceases. The fee shall be payable to the Board of County Commissioners. Final calculation of fees shall be based on calculations submitted by an Engineer registered in the State of Florida. Calculations shall be based on a topographic survey of 100 foot grids prepared by a surveyor registered in the State of Florida or a calculation of the cubic yards excavated by multiplying the maximum depth of the excavation by the surface area of the excavation. The amount collected shall be used by the County to offset expenses incurred in enforcement and inspection procedures.

Section. 3.23.04. Financial Security for Reclamation Plan.

- A. **Financial Security.**
Financial security is required per the procedure contained in this Section.
1. A surety in the amount to be established by the Board shall be deposited into a restricted escrow account or a performance bond in that amount shall be secured. The amount will be based on quantities mined in relation to the acres reclaimed and evaluated on an annual basis. Escrow funds or the performance bond shall forfeit to the County should the mining operator fail to perform according to the approved mining reclamation plan and schedule.
 2. The surety must be for 18 months or the length of the permit plus six months, whichever is less, for reclamation. Likewise, it must also be in a form that is acceptable to the Mining Coordinator, the County Engineer and the Board Attorney, and it is subject to final acceptance by the BoCC. This surety will have to be renewed on an annual basis until the permitted mining operation is completed. At the time of renewal, the amount of the surety will be adjusted for reclamation performed and any changes in the quantities to be mined.
- B. **Release of Financial Security To Ensure Reclamation.**
1. The permittee shall notify the Mining Coordinator in writing to request the release of financial security. Prior to the release, the following shall occur:
 - a. The Mining Coordinator shall complete a final inspection and approve reclamation of the site.

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- b. The permittee shall submit a signed, sealed and dated topographic survey to indicate total cubic yards of material excavated or a calculation of the cubic yards excavated by multiplying the maximum depth of the excavation by the surface area of the excavation.
 - c. The permittee shall submit the balance of payment in full for the total cubic yards of material excavated.
2. The Administrator shall return the released financial security to the permittee within 30 days of approval.

Section 3.23.05. Operating Standards.

A. Staking.

Prior to excavation, the perimeter of the land excavation shall be adequately staked to delineate the excavation. These stakes shall be maintained throughout the duration of excavation and reclamation. The Mining Coordinator may require a legal description of the land excavation when necessary for determining staking and location of the land excavation.

B. Protection of Water Resources.

1. Land excavation operations shall not have an adverse impact on the quality of either surface water or groundwater on surrounding property. Applicants must ensure the proposed operations meet the standards of the County, the Florida Department of Environmental Protection, and other applicable regulatory agencies.
2. Land excavation operations shall not have any adverse impact on water levels of either surface water or groundwater on surrounding property. The Mining Coordinator may set limits on water level declines at the property line, may require the applicant to install appropriate monitoring/observation wells, and may require the applicant to submit monitoring reports regarding water level fluctuation.
3. Land excavation operations shall not breach the semiconfining layer beneath the surficial aquifer. A minimum thickness of ten feet of the semi-confining unit must remain beneath the base of the excavation at all times.
4. All lake creations will be subject to the regulations of the County, Southwest Florida Water Management District, the Florida Department of Environmental Protection and other applicable regulatory agencies.
5. Except as otherwise restricted by this Code, agriculture irrigation reservoir authorizations issued through the Southwest Florida Water Management District or Florida Department of Environmental Protection under Environmental Resource Permit or Water Use Permit rules, including permits and exemptions, will be accepted as meeting the protection of water resource criteria of this section.

C. Noise.

Land excavation operations shall not create a sound level which exceeds the limits established by Hardee County.

D. Toxic or Hazardous Substances.

There shall be no disposal of any toxic or hazardous substances, or vegetative material or any other discarded material into the land excavation or on the land excavation site either during or subsequent to land excavation operations. The property owner shall be responsible for the immediate removal of all unauthorized materials disposed of in excavated areas or on the land excavation site with or without his knowledge or consent.

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Any unauthorized materials existing on the land excavation site must be removed prior to permit issuance. Vegetative material from the site may be burned if properly permitted. All other unauthorized materials must be transported to a permitted landfill, transfer station or other approved disposal site.

E. Slopes.

1. The standard slope for the side of a lake creation, including ditches, shall be four feet measured horizontally to one foot measured vertically (4:1) to a depth of six feet below normal water level, then no steeper than two feet measured horizontally to one foot measured vertically (2:1) to the bottom of the excavation. The side slopes of excavations for the purpose of agriculture irrigation reservoirs shall be designed and constructed as authorized by the Southwest Florida Water Management District or the Florida Department of Environmental Protection. Proof of permitted design shall be submitted at the time of Operating Permit application. Dry land excavations shall be no steeper than four feet measured horizontally to one foot measured vertically (4:1) to the bottom of the excavation. Any mitigated wetlands shall be sloped and vegetated as approved by the State of Florida.
2. Required side slopes shall be constructed and maintained as excavation progresses. Side slopes shall not be excavated and backfilled, unless approved by the Board.

F. Haul Roads.

The land excavation property owner shall control dust generated by the land excavation's trucks within 500 feet of any residence. Additionally, if an offsite haul route contains a dirt segment of a public road, the land excavation property owner may be required by the BoCC, as part of the Major Special Exception Use Permit's conditions of approval, to pave the dirt segment of the public road in accordance with the County's requirements.

G. Dust and Smoke.

1. The land excavation shall be operated in such a manner that fugitive dust emissions are minimized. To minimize dust and to prevent the deposit of land excavation material on paved roads, trucks shall be covered with their tailgates securely latched. Dirt road segments of the designated haul route may require regular watering to minimize dust generated by hauling activities.
2. Open burning associated with land excavation must be processed in accordance with County's requirements.

H. Ingress/Egress.

1. Ingress/Egress aprons are required for all land excavations from which material is excavated and transported on a public road(s). Aprons shall be geometrically designed according to the specifications for a Type II Turnout as provided in the Florida Department of Transportation Standard Sheet #516.
2. The minimum pavement of the apron shall be one and three-fourths inches of asphaltic concrete type S-1 over eight inches of limerock base over 12 inches of stabilization (minimum LBR 40), or equivalent as approved by the County Administrator or his designee.
3. The ingress/egress apron shall be maintained throughout the duration of the land excavation activities.
4. A stop sign shall be posted at the land excavation site access onto a public road.

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5. On-site, excavated material shall be transported along a course from the land excavation to the point of ingress/egress access which would have the least adverse impact, if any, on surrounding land uses and/or environmentally sensitive areas.
- I. Trees and Upland Habitat.
 1. The applicant shall locate the proposed excavation to minimize the removal of trees having a DBH of five inches or greater. However, the applicant for an excavation authorized by SWFWMD or FDEP for the purpose of agricultural irrigation may, as necessary, remove these trees.
 2. Upland significant and essential wildlife habitat shall be protected in accordance with the standards and guidelines as set forth by the rules and regulations of the State of Florida.
 - J. Compliance With FDEP Requirements.
 1. The land excavation shall comply with the Florida Department of Environmental Protection (FDEP) Reclamation Requirements for Solid Resources other than Phosphate, Limestone, Heavy Minerals, and Fuller's Earth.

Section 3.23.06. Standards for Reclamation.

- A. Grading.
 1. Side slopes of the land excavation shall be fine graded to a slope of four feet measured horizontally to one foot measured vertically (4:1) to a depth of six feet below normal water level, then no steeper than two feet measured horizontally to one foot measured vertically (2:1) to the bottom of the excavation. The side slopes of excavations for the purpose of agriculture irrigation reservoirs shall be designed and constructed as authorized by the SWFWMD or FDEP. Proof of permitted design shall be submitted at the time of Operating Permit application. Dry land excavations shall be no steeper than four feet measured horizontally vertically (4:1) to the bottom of the excavation.
 2. All disturbed upland areas within the land excavation site shall be graded to elevations which existed prior to permit approval. Notwithstanding, in the case of excavations for the purpose of agricultural irrigation the site shall be graded to the elevations authorized by SWFWMD or/or FDEP. Proof of approved grading requirements shall be submitted at time of Operating Permit application.
- B. Vegetation.
 1. A landscaped littoral shelf shall be incorporated along a minimum of 30 percent of the bank along the entire perimeter of the excavation. The littoral shelf shall be landscaped with native wetland plants. This landscaping material shall consist of a diversity of herbaceous and/or forested plants as recommended by the Mining Department. This requirement shall not apply to excavations authorized by the SWFWMD or FDEP for the purpose of agricultural irrigation.
 2. Lake Creation—All side slopes shall be stabilized by seed and mulch or sod to a minimum elevation of six feet below normal low water level.
 3. Dry Land Excavations.
 - a. The entire area of the land excavation (side slopes and bottom) shall be seeded and mulched or sodded.

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- b. Prior to the commencement of onsite activities, a maximum of 30 trees per acre of disturbed land shall be planted within all required buffer areas, as determined by the County.
 - (1) Tree species selected shall be suitable to the site conditions, representative of the surrounding plant ecology, and freeze tolerant.
 - (2) The trees shall be an assortment of large (mature height of 50 feet or greater), medium (mature height from 25 to 50 feet), and small trees (mature height from 15 to 25 feet) planted on 20-foot centers in offset rows.
 - (3) To the extent feasible, the planting format should create, upon maturity, a tiered effect, with the large trees planted closest to the excavation, medium trees in the middle, and small trees planted closest to the property line.
 - (4) At installation, all trees shall be six feet in height and meet Florida Grade #1 or better quality as specified in the "latest" Grades and Standards for Nursery Plants, Part II, Florida Department of Agriculture and Consumer Services.
 - (5) A low volume irrigation system or suitable alternative is required to ensure that adequate water is available for the establishment and maintenance of the trees.
 - (6) Replacement of dead, diseased, or irreparably damaged trees may be required at any time during the operation or reclamation of the land excavation if the number of healthy trees drops below approximately 75 percent of the number originally planted.
4. All upland disturbed areas within the land excavation site shall be seeded and mulched or sodded.

Section 3.23.07. Fees.

A. Application Fees.

1. The Board of County Commissioners finds these fees to be fair, reasonable and necessary to the effective administration and enforcement of the ordinance. Therefore, the following fees shall apply upon adoption of this ordinance. In addition, the Board of County Commissioners may adjust these fees from time to time via resolution of the Board.
 - a. Operating Permit Fee - \$500.00 plus \$10.00 for each acre over 100;
 - b. Annual Progress Report Fee - \$300.00.

The following definition shall be added to **Article 9 - Definitions**, of the HARDEE COUNTY UNIFIED LAND DEVELOPMENT CODE:

Land Excavation: The removal of sand, dirt or any other earthen material from one location to be used or sold for fill in another off-site location, resulting in an excavation pit which may also be known as a "borrow pit".

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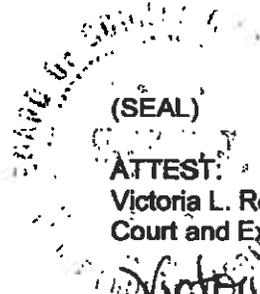
SEVERABILITY. In the event that any portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

REPEAL OF CONFLICTING ORDINANCES. If on the effective date of this Ordinance any ordinance of Hardee County is found to be in conflict herewith, such ordinance is repealed to the extent of such conflict.

EFFECTIVE DATE. This Ordinance shall be effective immediately upon adoption in accordance with law.

Passed Upon at the **FIRST READING** by the Hardee County Board of County Commissioners in the Board's Chambers, Courthouse Annex, Wauchula, Florida on this the 16th day of May, 2013.

Enacted at the **SECOND READING** by the Hardee County Board of County Commissioners in the Board's Chambers, Courthouse Annex, Wauchula, Florida on this the 06th day of June, 2013.



(SEAL)

ATTEST:

Victoria L. Rogers, Clerk of the
Court and Ex-Officio Clerk to the Board

Victoria L. Rogers

BOARD OF COUNTY COMMISSIONERS
OF HARDEE COUNTY, FLORIDA

Sue Birge

Sue Birge, Chairperson

Approved as to form and legality:

Kenneth B. Evers

Kenneth B. Evers, County Attorney

AFFIDAVIT OF PUBLICATION
The Herald-Advocate
 Published Weekly at Wauchula, Florida

P/D
 APR 18 2013

STATE OF FLORIDA,
 COUNTY OF HARDEE

Before the undersigned authority personally appeared Kim Beasly who on oath says he is the Secretary of The Herald-Advocate, a newspaper published at Wauchula, in Hardee County, Florida; that the attached copy of advertisement, being a Public Notice in the matter of BoCC - Public Hearing in the Court, was published in said newspaper in the issue of March 28, 2013

Affiant further says that the said Herald-Advocate is a newspaper published at Wauchula, in said Hardee County, Florida, and that the said newspaper has heretofore been continuously published in said Hardee County, Florida, each week and has been entered as second class mail matter at the post office in Wauchula, in said Hardee County, Florida, for a period of one year next preceding the publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.



Sworn to and subscribed before me this 28th day of March A.D. 20 13
Nancy P. Davis
 Notary Public
 My Commission Expires May 14 20 16

FILED
 APR 18 2013
 Hardee Co. Clerk of Court

PUBLIC NOTICE

The BOARD OF COUNTY COMMISSIONERS

PUBLIC HEARING on

THURSDAY, APRIL 18, 2013

6:05 P.M. or as soon thereafter

in the County Commissioners' Board Room
 Room 102, 1st floor Courthouse Annex
 412 West Orange St., Wauchula, FL

to hear the **FIRST READING** of the request, to receive a recommendation from the Planning/Zoning Board, and to receive public input for

Amends No. 12-01—ORDINANCE NO. 2013-07
 Hardee County Board of County Commissioners by and through the Authorized Representative requests approval of an Ordinance to amend Article 03 of the Hardee County Unified Land Development Code (ULDC), as amended to create Section 3.23.00—**Land Excavation** establishing regulations governing all land excavation and borrow pit activities in the unincorporated areas of Hardee County and to amend Article 02 of the Hardee County ULDC, as amended to add **Land Excavation/Borrow Pit** category to Table 2.29.02(B) and to provide for Applicability, Severability and to provide for an Effective Date as **ORDINANCE NO. 2013-07**.

At that same Public Hearing the Board will hear the **FIRST READING** of the request, receive a recommendation from the Planning/Zoning Board and receive public input for:

Amends No. 12-02—ORDINANCE NO. 2013-08
 Hardee County Board of County Commissioners by and through the Authorized Representative requests approval of an Ordinance to amend Article 07 of the Hardee County Unified Land Development Code (ULDC), as amended to create a zoning process entitled **Mining—Major Special Exception** to number as Section 7.13.00 and to renumber the succeeding subsections to the end of Article 07 and to amend Article 02 of the Hardee County ULDC, as amended to add **Mining—Major Special Exception** to Table 2.29.02(B); and to provide for Applicability, Severability and to provide for an Effective Date as **ORDINANCE NO. 2013-08**.

At that same Public Hearing the Board will hear the **FIRST READING** of the request, receive public input and offer a recommendation to the Board of County Commissioners for

Amends No. 12-03—ORDINANCE NO. 2013-09
 Hardee County Board of County Commissioners by and through the Authorized Representative requests approval of an Ordinance to amend the Hardee County Unified Land Development Code (ULDC), as amended to add language for the prohibited use of Stimulated Gambling Devices in the unincorporated areas of Hardee County, and to provide for Definitions, and to provide for Applicability, Severability and to provide for an Effective Date as **ORDINANCE NO. 2013-09**.

Sue Birge, Chairperson

This is a Disabled-Accessible facility. Any disabled person needing to make special arrangements should contact the County Manager's Office at least two (2) working days prior to the BoCC Public Hearing.

This Public Notice is published in accordance with the Hardee County Unified Land Development Code.

Prior to the BoCC Public Hearing, documents relating to the request are available for public inspection during weekdays between the hours of 8:00 A.M. and 4:00 P.M. at the Planning and Development Department, 110 S. 6th Ave., Wauchula, Florida. If you wish to inspect the requests, it is suggested to please call 943-787-1004 to schedule an appointment with Hardee County Planning and Development Director prior to the public hearing.

All interested persons shall have the right to be heard. In rendering any decision the Board of County Commissioners shall rely solely on testimony that is relevant and material.

Although minutes of the Public Hearing will be recorded, anyone wishing to appeal any decision made at the public hearing will need to ensure a verbatim record of the proceedings is made by a court reporter.

AFFIDAVIT OF PUBLICATION
The Herald-Advocate
 Published Weekly at Wauchula, Florida

P/D
 APR 12 2013

FILED
 APR 15 2013

STATE OF FLORIDA,
 COUNTY OF HARDEE

Before the undersigned authority personally appeared Kim P. Davis who on oath says he is the Secretary of The Herald-Advocate, a newspaper published at Wauchula, in Hardee County, Florida; that the attached copy of advertisement, being a Public Notice in the matter of Public Hearing BOCC of April 11, 2013 was published in said newspaper in the issue of April 11, 2013

Hardee Co. Clerk of Court



Affiant further says that the said Herald-Advocate is a newspaper published at Wauchula in said Hardee County, Florida, and that the said newspaper has heretofore been continuously published in said Hardee County, Florida, each week and has been entered as second class mail matter at post office at Wauchula, in said Hardee County, Florida, for a period of one year next preceding publication of the attached copy of advertisement, and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 11th day of April A D 20 13
Nancy P. Davis
 Notary Public
 My Commission Expires May 26 20 16

Ordinance's
 2013-07
 2013-08
 2013-09

PUBLIC NOTICE
 The BOARD OF COUNTY COMMISSIONERS

will hold a
PUBLIC HEARING on
THURSDAY, MAY 02, 2013
8:30 A.M., or as soon thereafter
 in the County Commissioners' Board Room
 Room 102, 1st floor Courthouse Annex
 412 West Orange St., Wauchula, FL.

to read the **SECOND READING** of the request, and to receive public input for **Amends No. 12-01—ORDINANCE NO. 2013-07** Hardee County Board of County Commissioners by and through the Authorized Representative requests approval of an Ordinance to amend Article 83 of the Hardee County Unified Land Development Code (ULDC), as amended to create Section 3.23.00—**Land Excavation** establishing regulations governing all land excavation and borrow pit activities in the unincorporated areas of Hardee County and to amend Article 02 of the Hardee County ULDC, as amended to add **Land Excavation/Borrow Pit** category to Table 2.29.02(B) and to provide for Applicability, Severability and to provide for an Effective Date as **ORDINANCE NO. 2013-07**.

At that same Public Hearing the Board will hear the **SECOND READING** of the request, and receive public input for: **Amends No. 12-02—ORDINANCE NO. 2013-08** Hardee County Board of County Commissioners by and through the Authorized Representative requests approval of an Ordinance to amend Article 07 of the Hardee County Unified Land Development Code (ULDC), as amended to create a zoning process entitled **Mining—Major Special Exception** to number as Section 7.13.00 and to renumber the succeeding subsections to the end of Article 07 and to amend Article 02 of the Hardee County ULDC, as amended to add **Mining—Major Special Exception** to Table 2.29.02(B); and to provide for Applicability, Severability and to provide for an Effective Date as **ORDINANCE NO. 2013-08**.

At that same Public Hearing the Board will hear the **SECOND READING** of the request, and receive public input for: **Amends No. 12-03—ORDINANCE NO. 2013-09** Hardee County Board of County Commissioners by and through the Authorized Representative requests approval of an Ordinance to amend the Hardee County Unified Land Development Code (ULDC), as amended to add language for the prohibited use of **Simulated Gambling Devices** in the unincorporated areas of Hardee County and to provide for Definitions, and to provide for Applicability, Severability and to provide for an Effective Date as **ORDINANCE NO. 2013-09**.

Sue Birge, Chairperson

This is a Disabled-Accessible facility. Any disabled person needing to make special arrangements should contact the County Manager's Office at least two (2) working days prior to the BoCC Public Hearing.

This Public Notice is published in accordance with the Hardee County Unified Land Development Code.

Prior to the BoCC Public Hearing, documents relating to the request are available for public inspection during weekdays between the hours of 8:00 A.M. and 4:00 P.M. at the Planning and Development Department, 110 S. 9th Ave., Wauchula, Florida. If you wish to discuss the requests prior to the public hearing, it is suggested to call 888.777.1884 to schedule an appointment with Hardee County Planning and Development Director.

All interested persons shall have the right to be heard. In rendering any decision the Board of County Commissioners shall rely solely on testimony that is relevant and material.

Although minutes of the Public Hearing will be recorded, anyone wishing to appeal any decision made at the public hearing will need to ensure a verbatim record of the proceedings is made by a court reporter. 9c-11c

04-1-134 0:01 100

AFFIDAVIT OF PUBLICATION
The Herald-Advocate
 Published Weekly at Wauchula, Florida

P/D
 APR 26 2013

STATE OF FLORIDA,
 COUNTY OF HARDEE

Before the undersigned authority personally appeared Ken Beas who on oath says he is the Secretary of The Herald-Advocate, a newspaper published at Wauchula, in Hardee County, Florida; that the attached copy of advertisement, being a Public Notice in the matter of BOCC Public Hearing in the _____ Court, was published in said newspaper in the issue of April 25, 2013

Affiant further says that the said Herald-Advocate is a newspaper published at Wauchula, in said Hardee County, Florida, and that the said newspaper has heretofore been continuously published in said Hardee County, Florida, each week and has been entered as second class mail matter at the post office in Wauchula, in said Hardee County, Florida, for a period of one year next preceding the publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.



Sworn to and subscribed before me this 25th day of April
 A.D. 20 13
Nancy P. Davis
 My Commission Expires May 26 Notary Public
 20 16

PUBLIC NOTICE

The BOARD OF COUNTY COMMISSIONERS will hold a

PUBLIC HEARING on
THURSDAY, MAY 16, 2013
8:05 P.M., or as soon thereafter

In the County Commissioners' Board Room
 Room 102, 1st floor Courthouse Annex
 412 West Orange St., Wauchula, FL

to hear the **FIRST READING** of the request, to receive a recommendation from the Planning/Zoning Board, and to receive public input for

Agenda No. 12-01—ORDINANCE NO. 2013-07
 Hardee County Board of County Commissioners by and through the Authorized Representative requests approval of an Ordinance to amend Article 03 of the Hardee County Unified Land Development Code (ULDC), as amended to create Section 3.23.00—**Land Excavation** establishing regulations governing all land excavation and borrow pit activities in the unincorporated areas of Hardee County and to amend Article 02 of the Hardee County ULDC, as amended to add **Land Excavation/Borrow Pit** category to Table 2.29.02(B) and to amend Article 09 of the Hardee County ULDC, as amended to add a definition for Land Excavation, and to provide for Applicability, Severability and to provide for an Effective Date as **ORDINANCE NO. 2013-07**.

Sue Sirgo, Chairperson

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This Public Notice is published in accordance with the Hardee County Unified Land Development Code.

Prior to the BoCC Public Hearing, documents relating to the request are available for public inspection during weekdays between the hours of 8:00 A.M. and 4:00 P.M. at the Planning and Development Department, 110 S. 9th Ave., Wauchula, Florida. **If you wish to discuss the request, it is suggested to please call 863.787.1884 to schedule an appointment with Hardee County Planning and Development Director prior to the public hearing.**

All interested persons shall have the right to be heard. In rendering any decision the Board of County Commissioners shall rely solely on testimony that is relevant and material.

Although minutes of the Public Hearing will be recorded, anyone wishing to appeal any decision made at the public hearing will need to ensure a verbatim record of the proceedings is made by a court reporter.