

ORDINANCE NO. 22-_____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING LAND DEVELOPMENT CODE AMENDMENT LDCT-2022-7, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE, AMENDING CHAPTER 4, TABLE 401.08.01 TO ADD INDIVIDUAL MOBILE HOMES INTO THE VILLAGE CENTER AND VILLAGE CENTER CORE OVERLAY AREAS WITHIN THE SOUTHEAST POLK SELECTED AREA PLAN; AMENDING SECTION 401.08.01.K TO PROVIDE CONDITIONS OF APPROVAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section I(g) of the Constitution of the State of Florida and the Community Planning Act, Chapter 163, Part II, Florida Statutes (FS), as amended, (the “Act”) Polk County is authorized and required to adopt a Land Development Regulations consistent with the Polk County Comprehensive Plan; and

WHEREAS, the Board of County Commissioners (the “Board”) adopted said Land Development Regulations on March 1, 2000, titled the Polk County Land Development Code (the “LDC”); and

WHEREAS, Chapter 9, Section 903 of the Land Development Code requires Land Development Code Amendments to be a Level 4 Review; and

WHEREAS, Chapter 9, Section 907 sets forth the purpose and review process for Level 4 Reviews; and

WHEREAS, pursuant to Section 125.67 of the Florida Statutes, every ordinance shall embrace but one subject and matter properly connected therewith; and

WHEREAS, pursuant to Section 163.3164 of the Florida Statutes, the Polk County Planning Commission conducted a public hearing, with due public notice having been provided, on the proposed Land Development Code Amendment on August 3, 2022; and

WHEREAS, LDCT-2022-7 is a County-initiated request to add Individual Mobile Homes into the Village Center and Village Center Core Overlay Areas of the Southeast Polk SAP and provide conditions for approval; and

WHEREAS, the Board of County Commissioners of Polk County has determined it appropriate to adopt regulations that are consistent with the Comprehensive Plan;

WHEREAS, the Board held two public hearings on September 6, 2022 and September 20, 2022 wherein the Board reviewed and considered the Planning Commission’s recommendation, the staff report, and all comments received during said public hearings, and

provided for necessary revisions, if any.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Polk County, Florida that:

NOTE: The underlined text indicates proposed additions to the current language. The ~~strikeout~~ indicates text to be removed from the current ordinance.

SECTION 1: FINDINGS The Board hereby finds and determines that:

- a) The findings set forth in the recitals to this Ordinance are true and correct and hereby adopted.
- b) The Planning Commission, acting in its capacity as the Local Planning Agency for the County, held a public hearing on August 3, 2022 to consider the LDC text amendments contained within Application LDCT-2022-7 and found them to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC Text Amendment contained within Application LDCT-2022-7.
- c) The adoption of LDCT-2022-7 is consistent with the Comprehensive Plan and LDC.

SECTION 2: Chapter 4, Section 401.08, Table 401.08.01 of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended to modify the following sections:

	Village Centers and Village Center Cores																			
	A/RRX	RCC-RX	RSX	RL-1X	RL-2X	RL-3X	RL-4X	RMX	RCCX	CCX	CEX	LCCX	NACX	OCX	TCCX	BPC-1X	BPC-2X	INDX	L/RX	INSTX
	Key to Table: P = Permitted Use; C = Conditional Use/Level of Review																			
	Mobile Home Park & Subdivision	C3	C3	C3	C3	C3	C3	C3	C3											
Mobile Homes, Individual	C1	C1	C1	C1	C1	C1	C1	C1												

SECTION 3: Chapter 4, Section 401.08.K of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended to modify the following sections:

K. Conditional Uses:

In addition to those conditions listed in Section 303 of this Code, and unless otherwise stated, the following conditions apply to development throughout the SE Polk SAP:

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29. Manufacturing, Light: The following standards shall apply within the Village and VC-Core:

- a. No outdoor storage of any materials shall be permitted forward of the rear building line;
- b. Outdoor storage shall be subordinate and ancillary to the manufacturing activity;
- c. Outdoor storage shall be setback 100-feet from the property boundary of any residentially used or designated property.
- d. Additional to the required buffer, a 50-foot set-back and an opaque eight-foot fence shall be provided between a residential use and any structure requiring loading and unloading of commercial vehicles.

30. Mobile Homes shall be permitted in all of the following locations within the Village and VC-Core. The permitting of mobile homes outside of this overlay are subject to LDC Section 303:

- 1. Within any registered mobile home park that has been approved by Polk County;
- 2. Within any platted residential subdivision that has been approved by Polk County as a mobile home subdivision;
- 3. Within any platted residential subdivision, or single platted phase within a multiple phased development, in which 50 percent or more of the developed lots contain mobile homes;
- 4. On any un-platted parcel in the A/RR district;
- 5. On any un-platted parcel that is five acres or larger in the RS district;
- 6. On any un-platted parcel where 50 percent or more of all contiguous residential lots or parcels are developed with mobile homes. Contiguous lots and parcels are those that share a common boundary, but not including those that intersect only at a corner point. Lots or parcels that are otherwise contiguous except for intervening local roads shall be considered contiguous for this calculation.

~~30.~~ 31. Motor Freight Terminals...

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SECTION 4: SEVERABILITY

If any provision of this Ordinance is held to be illegal, invalid, or unconstitutional by a court of

competent jurisdiction the other provisions shall remain in full force and effect.

SECTION 5: EFFECTIVE DATE

This ordinance shall become effective upon filing with the Department of State.

ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY,
FLORIDA on this 20th day of September, 2022