

ORDINANCE NO. 26-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS, POLK COUNTY, FLORIDA, LAND DEVELOPMENT CODE AMENDMENT **LDCT-2025-29**, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE, AMENDING CHAPTER 2, SECTION 205, TABLE 2.1, ADDING A STORAGE YARD LAND USE CATEGORY; CHAPTER 3 CONDITIONAL USES, SECTION 303, CRITERIA FOR CONDITIONAL USES, ADDING CONDITIONS FOR STORAGE YARDS; CHAPTER 4, SECTION 401.02, TABLE 4.3, USE TABLE FOR STANDARD LAND USE DISTRICTS FOR THE RONALD REAGAN SELECTED AREA PLAN AND SECTION 401.08, TABLE 4.01.08.01, USE TABLE FOR SOUTH EAST POLK SELECTED AREA PLAN ADDING A STORAGE YARD LAND USE CATEGORY; CHAPTER 10, DEFINITIONS, DEFINING STORAGE YARDS TO ALLOW FOR THE OUTDOOR STORAGE OF RAW MATERIALS AND FINISHED GOODS AS A PRIMARY USE OF PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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

WHEREAS the Board of County Commissioners adopted said Land Development Regulations on March 1, 2000, titled the Polk County Land Development Code; 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 March 6, 2026; and

WHEREAS the proposed text amendment to the Polk County Land Development Code is intended to allow for the outdoor storage of raw materials and finished goods in certain Future Land Use Map districts, provide conditions of approval, and define storage yards; and

WHEREAS, the Board of County Commissioners reviewed and considered all comments received during said public hearing, and provided for necessary revisions; and

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 findings set forth in the recitals to this Ordinance are true and correct and hereby adopted. In addition, the Board hereby adopts and incorporates herein the staff report and makes the following findings based upon the staff report, testimony, and exhibits presented during the hearing:

- a) The Planning Commission, acting in its capacity as the Local Planning Agency for the County, held a public hearing on March 4, 2026. to consider the LDC text amendment contained within the Application and found it to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC text amendment contained within the Application.
- b) Pursuant to Section 907.D.10 of the LDC, the Board shall, in the review of the Application, consider the following factors:
 - a. Whether the proposed text amendment is consistent with all relevant requirements of the Code;
 - b. Whether the proposed text amendment is consistent with all applicable policies of the Comprehensive Plan; and
 - c. Any other matter which the BoCC may deem appropriate and relevant to the text amendment proposal.
- c) The Application is consistent with all relevant requirements of the Comprehensive Plan.
- d) The Application is consistent with all relevant requirements of the LDC, including without limitation, Section 907.

SECTION 2: Chapter 2, Section 205, Table 2.1, Use Table for Standard Land Use Districts of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended to allow Storage Yards as a C2 (Level 2 Conditional Use) in Industrial (IND) and Institutional-2 (INST-2).

SECTION 3: Section 303, Criteria for Conditional Uses, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended to add the following subsection:

Storage Yards

In addition to all applicable regulations, storage yards shall comply with the following requirements:

1. A Type “A” buffer in accordance with Section 720 Landscaping and Buffering shall be planted along all abutting rights-of-way. A Type “C” buffer shall be planted when abutting residential districts or land uses.
2. All storage shall be kept behind a minimum 6-foot opaque fence set 25 feet back from all rights-of-way.
3. If abutting residential land use districts or residentially developed properties, all storage shall be set back 100 feet from the property line behind a 6-foot opaque fence and a Type “C” landscape buffer.
4. Access shall be comprised of a Type I intersection with a 50-foot radius at a minimum. A greater intersection improvement may be needed depending on volume and usage.
5. Entrance gates shall be setback a minimum of 80 feet from the right-of-way.
6. There shall be no junk or distressed vehicles and no waste or scrap materials onsite unless approved and developed for a Salvage Yard. All storage shall be comprised of finished goods that have a demonstrable current market value.
7. Bulk materials shall only be permissible if stored within containers.

SECTION 4: Chapter 4, Section 401.02, Table 4.3, Use Table for Standard Land Use Districts for the Ronald Reagan Selected Area Plan, Polk County Ordinance No. 00-09, as amended, is hereby amended to allow Storage Yards as a C2 (Level 2 Conditional Use) in Industrial (INDX) and Institutional-2 (INST-2X).

SECTION 5: Chapter 4, Section 401.08, Table 4.01.08.01, Use Table for Southeast Polk Selected Area Plan, Polk County Ordinance No. 00-09, as amended, is hereby amended to allow Storage Yards as a C2 (Level 2 Conditional Use) in Industrial (INDX) and Institutional-2X (INST-2X).

SECTION 6: Chapter 10, Definitions, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended to add the following definition:

STORAGE YARD: Any property where the primary function is the outdoor storage of operable vehicles, equipment, machinery, or the storage of finished products and materials where there is no other primary use of the property. This includes staging areas, lay-down yards, and bulk storage. This does not include salvage yards or aggregate storage.

SECTION 7: 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 8: 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 this _____ day of _____, 2026.