

ORDINANCE NO. 25-_____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING LAND DEVELOPMENT CODE AMENDMENT LDCT-2025-16, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE; AMENDING CHAPTER 4, SECTION 403.01.C, TABLE 4: WAHNETA NEIGHBORHOOD PLAN – USE TABLE, TO ADD HEAVY MACHINERY EQUIPMENT SALES AND SERVICES AS A CONDITIONAL USE IN THE INDUSTRIAL-X (INDX) LAND USE DISTRICT; 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 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 August 6, 2025; and

WHEREAS, the proposed text amendment to the Polk County Land Development Code shall allow Heavy Machinery Equipment Sales and Services as a conditional use in Industrial-X land use districts; and

WHEREAS, the Board of County Commissioners held two public hearings on September 2, 2025 and September 16, 2025 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; and

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

<i>NOTE:</i> The <u>underlined text</u> indicates proposed additions to the current language. The strikeout indicates text to be removed from the current ordinance.
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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 6, 2025, to consider the LDC text amendments contained within Application LDCT-2025-16 and found them to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC Text Amendment contained within Application LDCT-2025-16.
- c) The adoption of LDCT-2025-16 is consistent with the Comprehensive Plan and LDC.

SECTION 2: Chapter 4, Section 403.01.C, Table 4: Wahneta Neighborhood Plan - Use Table, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

	CCX	CEX	LCCX	NACX	OCX	BPC-1X	BPC-2X	HICX	INDX	INST-1X	INST-2X
Heavy Machinery Equipment Sales and Services			C2				C2		<u>C2</u>		

SECTION 3: 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 4: 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 16th day of September 2025.