

ORDINANCE NO. 24-_____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING LAND DEVELOPMENT CODE AMENDMENT **LDCT-2024-6**, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE; AMENDING CHAPTER 2, SECTION 218 TO CLARIFY THE LENGTH OF UTILITY TRAILERS PERMITTED WITHIN RESIDENTIAL LOTS, SECTION 219 TO ADD REGULATIONS FOR VEHICLE REPAIR WITHIN RESIDENTIAL DISTRICTS, 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 May 1, 2024; and

WHEREAS, the proposed text amendment to the Polk County Land Development Code shall decrease the level of review of particular uses and clarify current policy; and

WHEREAS, the Board of County Commissioners held two public hearings on May 7, 2024 and May 21, 2024 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:

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 May 1, 2024, to consider the LDC text amendments contained within Application LDCT-2024-6 and found them to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC Text Amendment contained within Application LDCT-2024-6.
- c) The adoption of LDCT-2024-6 is consistent with the Comprehensive Plan and LDC.

SECTION 2: Chapter 2, Section 218, Boats Utility Trailers, Sports Vehicles and Recreational Vehicles

Vehicles such as unoccupied boats, air boats, or personal watercrafts with or without trailers; sports vehicles such as dune buggies, racing vehicles, off-road vehicles, hunting vehicles; or unoccupied recreational vehicles; or utility trailers less than 26 feet in length with the tongue may be parked on residential lots or parcels provided the following criteria are met:

A. Front Yard

Only one such vehicle may be parked or stored in the front yard. More than one vehicle may be parked or stored in the side and rear yard of a dwelling unit provided that they are no closer than five feet from any side or rear property line.

B. Vehicle Registration

The vehicle is operative and is currently registered or licensed where required by state law.

C. Driveway Function

The driveway to the residence remains functional, and the parking of such vehicle is exclusive of the required two parking spaces on the lot.

D. Public Rights-of-Way

No such vehicle shall be parked or stored in such a manner as to encroach into a public right-of-way. All such vehicles shall be completely parked or stored on the residential lot except for the purpose of loading or unloading, not to exceed one hour in any 24 hour period.

E. Connection to Utilities

Recreational vehicles and watercraft may be connected to a permitted electrical source for maintenance purposes. However, no water or wastewater connections are permitted unless in accordance with Section 207.K Temporary Emergency Shelters.

F. Residential Use

It is strictly prohibited to reside in a vehicle parked in a residential district or residential development other than for use as a Temporary Emergency Shelter as permitted under [Section 207 E.](#) of this Code.

Chapter 2, Section 219 - Reserved, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

Section 219 – Reserved Vehicle Repair in Residential Districts
(Relocated to Section 208.E)

The repair and/or maintenance of domestic vehicles, recreational vehicles, and hobby vehicles shall be a permitted accessory use of residentially developed properties subject to the following restrictions:

1. Autobody vehicle repair is strictly prohibited.
2. Repairs and maintenance performed outdoors or in partially enclosed structures shall be limited to the changing and replenishment of fluid levels, such as hydraulic fluid, windshield washer fluid and lubricating oil; the replacement of sparkplugs; repairs to minor electrical components including battery installation; the rotation of tires and checking of adequate tire pressure; replacement of brake system components, the replacement of accessory external drive belts and hydraulic lines, and other repairs and maintenance that can be completed within one hour.
3. All other types of maintenance, excluding autobody repair, shall be permitted only within fully enclosed structures.
4. All repairs and maintenance shall be limited to vehicles, recreational vehicles and watercraft registered to or owned by the resident of the property on which the services are performed. Repair and/or maintenance of other vehicles shall be prohibited.
5. No oil, gas or other fluids shall be discharged or allowed to drain, leak or run off into any grass, sod, soil, non-impervious surface, right-of-way or public property.
6. All repairs shall be completed within twenty-four hours of commencement.
7. Repairs and maintenance shall not be performed on more than two (2) vehicles at a time.
8. Repair and maintenance work shall take place between 6 a.m. and 9 p.m.
9. Hydraulic lifts, or a functional equivalent, within residential districts shall be located within a fully enclosed structure and shall be required to be installed with appropriate permitting with the Building Division.
10. Any violation of this section shall be subject to Code Enforcement action.

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 this 21th day of May, 2024.