

POLK COUNTY DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

DRC Date:	January 25, 2024	Level of Review:	Level 4 Review
PC Date:	April 3, 2024	Type:	LDC Text Amendment
BoCC Date:	May 7, 2024	Case Numbers:	LDCT-2024-5
	May 21, 2024	Case Name:	ROS Boat Ramps Amendment
Applicant:	Polk County	Case Planner:	Ian Nance

Request:	A County-initiated LDC Text Amendment to Chapter 3, Section 303, Vehicle-Oriented Recreation, to allow Boat Ramps to be open 24 Hours in Recreation Open Space (ROS) land use districts.
DRC Recommendation:	Approval
Planning Commission Vote:	Recommend Approval 7-0

Among the changes to Chapter 3:

- Allowing administrative approval of boat ramps to operate 24 hours on properties designated within the Recreation Open Space (ROS) land use district.

Summary:

This Land Development Code (LDC) text amendment is to allow 24-hour usage of boat ramps in Recreation Open Space (ROS) land use districts. Currently, Polk County Parks & Natural Resources operates and maintains 44 facilities with 56 boat ramps and four canoe launches spread across multiple land use districts and local municipalities. Many of these facilities have been in operation prior to the LDC and Comprehensive Plan, and all but two have 24-hour service.

Boat ramps fall under the land use category, Vehicle-Oriented Recreation. LDC Section 303 now requires Board approval for boat ramps to be open 24 hours in all land use districts in which Vehicle-Oriented Recreation is allowed. This amendment will permit 24-hour boats ramps by-right in only ROS land use districts. This is part of an ongoing effort by the County to conform existing facilities to LDC and Comprehensive Plan standards.

Relevant Sections, Policies, and/or Regulations to Consider:

Comprehensive Plan Section 2.117 Recreation and Open Space
 LDC Section 205 Use Table for Standard Land Use Districts
 LDC Section 303: Criteria for Conditional Uses
 LDC Chapter 4 Selected Area Plans
 LDC Section 907 Level 4 Reviews

Findings of Fact

- *This is a County-initiated request for a Land Development Code (LDC) Text Amendment to Chapter 3, Section 303, Vehicle-Oriented Recreation, to allow Boat Ramps to be open 24 Hours in Recreation Open Space (ROS) land use districts without BoCC approval.*
- *Boat ramps are covered under the definition of “Recreation, Vehicle-Oriented” in Chapter 10 of the LDC as, “Any type of recreation, competition, or facility designed to accommodate motorized vehicle use as part of the activity including, but not limited to, off-road vehicles, watercraft, and remote-control vehicles.”*
- *Comprehensive Plan Policy 2.117-A1 states, “Recreation and open space areas are primarily sites and facilities which are accessible to the general public, and which are oriented toward providing recreation services for the resident and the short and long-term visitor to Polk County. A recreational activity included within recreation and open space areas may be motorized, allow for the discharge of firearms, accommodate nighttime use, and produce large crowds at events. Retail sales are limited to concessions at events or to enhance the quality of the recreation experience onsite unless combined with commercially designated lands.”*
- *Polk County has 223,440 acres designated on the Future Land Use Map as ROS. 79,946 acres of these are within 500 feet of a lake.*
- *Polk County Parks & Natural Resources operates and maintains 44 facilities with 56 boat ramps and four canoe launches. Two do not allow 24-hour access. According to GIS data, three (3) County boat ramps are currently in ROS land use districts.*
- *Comprehensive Plan Policy 2.117-A4 states, “Recreation and Open Space development shall conform to the following criteria:*
 - a. provide for adequate parking to meet the present and future demands of the use;*
 - b. provide buffering, screening or setbacks where the effects of lighting, noise, odors, and other such factors may adversely affect adjacent land uses. Parking lots, dumpsters, utilities and air handling units, signage, etc. are examples of activities that may require special buffering, screening or setbacks provision; and*
 - c. incorporate water and energy conserving techniques.*
 - d. in the Rural Special Protection Area of the Green Swamp Area of Critical State Concern Recreation and Open Space may not include the following:*
 - 1. Motorized Recreation except when providing access for disabled persons and boat access for non-competitive recreation;*
 - 2. Recreation activities that produce large crowds (more than 250 people); or,*

3. Facilities with lighting that accommodates nighttime use.

- According to Table 2.1 of the LDC, “Recreation, Vehicle Oriented” is a “C2” conditional use in ROS land use districts.
- According to Section 303 of the LDC, Vehicle Oriented Recreation structures and associated activities located in or adjacent to residential districts shall be limited to operation from 7:00 a.m. to 11:00 p.m. **Boat ramps may be approved for 24-hour use through Level 4 Review.**
- On November 17, 2009, the Board of County Commissioners (BoCC) voted via Resolution No. 09-217 to establish the Polk County Lakes Access Advisory Committee (LAAC) as a standing County committee. The LAAC studies how to increase public access to Polk County's lakes and reports findings and recommendations back to the BoCC.
- This request has been reviewed for consistency with Tables 2.1 & 2.2 and Sections 303 and 907 of the LDC.

The Land Development Division, based on the information provided with the proposed text amendment application, finds that the proposed text change request is **CONSISTENT** with the Polk County Land Development Code and the Polk County Comprehensive Plan. Staff recommends **Approval of LDCT-2024-5**.

On April 3, 2024, at an advertised public hearing, the Planning Commission voted 7-0 to recommend approval of this application.

Analysis:

Polk County has a long history of water-based recreation, and its economy has greatly benefitted from and been shaped by native waterways. With 554 natural freshwater lakes, numerous rivers, and flooded phosphate pits, residents and tourists alike have enjoyed activities ranging from hunting and fishing to waterskiing and boat racing. As development has advanced over the last fifty years, opportunities for the public to access local lakes have been lost.

Currently, though, Polk County Parks & Natural Resources operates and maintains 44 facilities with 56 boat ramps and four canoe launches. Many of these facilities have been in operation prior to the LDC and Comprehensive Plan, and all but two have 24-hour service. These are spread throughout multiple land use districts and municipalities. Of these ramps, three (3) are within ROS land use districts. The County is currently working to adopt Comprehensive Plan Amendments (CPAs) to correct this, and this application is another step towards conforming these sites to the LDC and Comprehensive Plan.

The need for 24-hour accessibility is based upon hunting and fishing opportunities, many of which require lake access prior to sunrise or after sunset. The ROS land use district is a non-residential category intended to provide access to the general public, and which are oriented toward providing

recreation services for the resident and the short and long-term visitor to Polk County. Land Development staff is aware that not all residents are eager to have boat ramp facilities near their property. Boat ramps are classified under Vehicle-Oriented Recreation in Polk County's various use tables. This use is not permitted in the Green Swamp Area of Critical State Concern and is a "C3" conditional use requiring Planning Commission approval in all residential land use categories. The ROS district requires an administrative "C2" conditional use approval for Vehicle-Oriented Recreation, and this amendment will only allow by-right 24-hour operations within ROS districts. Elsewhere, a Level 4 BoCC approval for these hours will continue to be required. This amendment, though, still provides the Board this discretion when deciding upon a potential Future Land Use Map change to ROS.

Limits of the Proposed Ordinance

This effects of this amendment are restricted to Vehicle-Oriented Recreation in ROS districts and the standards that apply from LDC Section 303. This use is not permitted in the Green Swamp Area of Critical State Concern.

Consistency with the Comprehensive Plan & Land Development Code

The request is consistent with the Comprehensive Plan and the Land Development Code. No use is being proposed within a land use designation for which it was not intended. This is a policy change pertaining to the level of approval required for 24-hour boat ramp operations in ROS districts.

Comments from Other Agencies: None

Draft Ordinance: Under separate attachment