

ORDINANCE NO. 25-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS, POLK COUNTY, FLORIDA, LAND DEVELOPMENT CODE AMENDMENT **LDCT-2025-6**, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE, AMENDING CHAPTER 3 CONDITIONAL USES, SECTION 303, CRITERIA FOR CONDITIONAL USES, INDIVIDUAL MOBILE HOMES, TO ALLOW MOBILE HOMES BY RIGHT IN SUBDIVISION PLATS RECORDED PRIOR TO MAY 20, 1971; 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 April 2, 2025; and

WHEREAS the proposed text amendment to the Polk County Land Development Code is intended to allow mobile homes by right in plats recorded prior to May 20, 1971; 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:

<p><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.</p>
--

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 April 2, 2025, 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 3, Conditional Uses, Section 303, Criteria for Conditional Uses, Mobile Homes, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended in the following manner:

Section 303 - Criteria for Conditional Uses

The following land uses are conditional uses and are arranged in alphabetical order for presentation purposes.

...

Mobile Homes, Individual (Revised 7/29/02 - Ord. 02-52; 4/4/02 - Ord. 02-17; 12/08/03 Ord. 03-69)

Mobile homes shall be permitted in all of the following locations:

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 recorded prior to May 20, 1971;
- ~~3.4.~~ Within any platted residential subdivision, or single platted phase within a multiple phased development recorded after May 20, 1971, in which 50 percent or more of the developed lots contain mobile homes;
- ~~4.5.~~ On any un-platted legal residential lot or parcel in the A/RR district;

- ~~5.6.~~ On any un-platted legal residential lot or parcel that is five acres or larger in the RS district;
- ~~6.7.~~ On any un-platted legal residential lot or parcel that is abutting vacant properties to all side and rear property lines;
- ~~7.8.~~ On any un-platted legal residential lot or parcel where at least one property abutting the subject property's side lot line has a mobile home;
- ~~8.9.~~ On lots of record, including those within platted subdivisions, where at least one property abutting the subject property's side lot line has a mobile home. Within subdivisions, the abutting property must be within the plat; or,
- ~~9.10.~~ On any legal residential lot or parcel where it is determined by the Planning Commission to be compatible with the established character of the surrounding area.

...

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 _____ day of _____, 2025.