

ORDINANCE NO. 25-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS, POLK COUNTY, FLORIDA, LAND DEVELOPMENT CODE AMENDMENT **LDCT-2025-10**, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE, AMENDING CHAPTER 2, SECTION 207 TEMPORARY USES, SUBSECTION 207.L, ROAD CONSTRUCTION MATERIALS/EQUIPMENT, TO INCLUDE UTILITIES CONSTRUCTION, AND ADD A SUBSECTION 207.M, TEMPORARY STORAGE OF VEGETATIVE DEBRIS COLLECTED FROM MAJOR STORMS, TO ALLOW FOR TEMPORARY ORGANIC DEBRIS STORAGE SITES AFTER MAJOR STORM EVENTS FOR A LIMITED TIME IN NON-RESIDENTIAL LAND USE DISTRICTS; 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 June 4, 2025; and

WHEREAS the proposed text amendment to the Polk County Land Development Code is intended accommodate temporary site for material storage in infrastructure improvement projects during construction and temporary sites for storm debris processing during storm events and implementation of disposal; 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 June 4, 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: Section 207 Temporary Uses, subsection 207.L, Acceptance of Public Improvements of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended in the following manner:

Section 207 Temporary Uses

Temporary uses are defined as those types of activities that are not regularly conducted from a permanent structure or location, and are conducted for only a short period of time. Uses that meet the definition of an Outdoor Concert Venue are only permitted as conditional uses in select land use districts subject to applicable development criteria in Section 303. (Revised 11/21/17; Ord. 17-066)

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L. Road Construction and Utilities Materials/Equipment (Added 12/17/13; Ord. 13-068)

Road construction and utility installation infrastructure projects that require materials/equipment storage and assembly may be permitted on a temporary basis in all land use districts subject to a Level 1 Review and meeting the following requirements:

1. ~~Road construction materials/equipment~~ The sites may only be approved for licensed contractors working on ~~road construction~~ infrastructure projects for which permits have been issued.
2. ~~They~~ The sites shall be located within close proximity, ~~if not along the road under construction~~ to the infrastructure project.
3. ~~The construction materials/equipment~~ The sites may be ~~permitted to be located~~ allowed within the right-of-way as long as their placement and location does not impede the traffic flow or obstruct the view of motorists.
24. ~~Road construction materials/equipment~~ The sites may be ~~located~~ occupied no sooner than 30 days prior to the start of construction and shall be removed within 30 days after completion of the work for which the construction permits have been issued.
35. Construction trailers/offices shall comply with subsection I of this section.

SECTION 3: Section 207 Temporary Uses, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended to add the following subsection:

M. Temporary Storage of Vegetative Debris Collected from Major Storms

After a storm event federal, state, and local governments set up temporary Disposal Management Sites (DMS) on government lands to collect and process storm debris. Independent disposal contractors are hired to remove the processed debris and dispose or repurpose the debris in accordance with state and local laws of the jurisdiction where they transport the debris. This section provides temporary storage sites that these contractors can use for a limited period to assimilate all the debris in a legal manner.

Temporary storage sites for trees, shrubs, leaf, and grass debris gathered from a storm or calamity which is permitted under the supervision of, or at the direction of a local, state, or federal agency, may be permitted in non-residential land use districts subject to a Level 1 Review and meeting the following requirements and standards:

1. All vegetative debris storage must be conducted under an active debris disposal contract with a local, state, or federal government agency.
2. The site must have legal access to a County maintained road or permitted access to a city or state roadway facility.
3. The site is not located in the Green Swamp Area of Critical State Concern.

4. Application must be submitted by either the contractor or the local, state, or federal agency contracting for debris removal through a Development Review Committee (DRC) Level 1 Review.
5. The applicant shall clearly identify all properties involved in the storage of materials and describe all storage methods. Application for DRC approval shall include:
 - a. Property Owner, lead operator, and a list of all contractors and sub-contractors utilizing the site and their contact information including phone numbers, email, and place of business.
 - b. Site Plan showing all properties and location of access, intake, location of storage, extent of material drop-off and separation, and provisions for ample internal stacking of intake vehicles.
 - c. Days and hours of operation.
 - d. Closure and post closure plan
6. DRC shall review for potential conflicts with infrastructure, drainage paths, floodplain impact, and neighboring properties.
7. Prior to commencement, authorization must be granted by the Florida Department of Environmental Protection (FDEP) through permit issuance or FDEP's written acknowledgement of permit exemption.
8. All storage of vegetative debris shall be setback a minimum of 35 feet from all rights-of-way, 15 feet from non-residential property lines, and 200 feet from any offsite residence.
9. Storage site property owners and operators shall provide Code Enforcement Division staff access to the site during normal business hours for periodic inspection.
10. Prior to closing out of the debris disposal contract, the contractor shall formally contact the Code Enforcement Division for final inspection.
11. The maximum period of operation shall be no longer than six (6) months from the date of the government contract commencement.
12. In the event of extenuating circumstances, the DRC may grant additional time for debris removal from a temporary storage site provided no new debris is being delivered to the site and such extension does not exceed six (6) months.

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 _____ day of _____, 2025.