

ORDINANCE NO. 24-_____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING LAND DEVELOPMENT CODE AMENDMENT **LDCT-2024-5**, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE; AMENDING CHAPTER 3, SECTION 303, VEHICLE-ORIENTED RECREATION, TO ALLOW BOAT RAMPS TO BE OPEN 24 HOURS IN RECREATION OPEN SPACE (ROS) LAND USE 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 April 3, 2024; and

WHEREAS, the proposed text amendment to the Polk County Land Development Code shall allow the 24-hour operation of boat ramps in Recreation Open Space land use districts; 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:

<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 April 3, 2024, to consider the LDC text amendments contained within Application **LDCT-2024-5** and found them to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC Text Amendment contained within Application **LDCT-2024-5**.
- c) The adoption of **LDCT-2024-5** is consistent with the Comprehensive Plan and LDC.

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

Recreation, Vehicle Oriented ~~(Added 10/02/12, Ord. 12-030)~~

Vehicle Oriented Recreation uses and facilities shall comply with all applicable standards and all of the following conditions:

- 1. All outdoor lighting shall be directional and shall not directly radiate onto adjacent properties.
- 2. All 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.~~
- 3. Boat ramps may operate 24 hours in Recreation Open Space (ROS) land use districts. In all other applicable land use districts, 24-hour use shall be approved through a Level 4 Review.
- ~~3-4.~~ All access points shall have at a minimum 50 feet of road frontage on a paved public road.
- ~~4~~ 5. Buildings or structures used for or in connection with any such use shall be located at a minimum of fifty feet from adjoining property which is in a residential district.
- ~~5~~ 6. Off street parking or loading spaces shall be located at a minimum of fifty feet from adjoining property which is in a residential district. The Planning Commission may grant a variance if adequate screening and buffering is provided to mitigate adverse impacts upon adjoining residential properties.
- ~~6~~ 7. Food and retail sales shall be limited to concessions during events. Continual food or retail sales or services provided at Vehicle Oriented Recreation Facilities shall require a Level 4 Review. During the Review the Board shall determine that the activity meets the following criteria:
 - a. The activity is clearly subordinate and incidental to the primary recreational use; and,
 - b. The activity is directly related to the performance of the recreational activity.

- ~~7~~ 8. Alcohol sales shall be limited to One, Two or Three Day Permits (ODP or SODP), no more than three (3) times per year per location (at the time of adoption, this license was referenced to Section 561.422 F.S).
- ~~8~~ 9. Use of a water body for competition, commercial entertainment, or instruction with motorized vehicles, such as boat tours, water-ski shows, or racing, shall require a minimum Level 3 Review if more than 50% of the water body shoreline abuts a residential district (A/RR is not considered a residential district).
- ~~9~~ 10. RV Camping shall be limited to 10% of the facility and restricted to stays of 30 days or less.
- ~~10~~ 11. Outdoor activity that may exceed 90dB at any residential property line shall be a Level 4 Review.
- ~~11~~ 12. The required number of parking spaces shall be determined by DRC during Level 2 Review using the following information provided by the applicant:
- a. Average daily attendance,
 - b. Maximum peak event attendance; and,
 - c. Off-site parking alternatives.

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 21st day of May 2024.