

ORDINANCE NO. 24-_____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING LAND DEVELOPMENT CODE AMENDMENT LDCT-2024-3, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE; AMENDING CHAPTER 3, SECTION 303, TO MODIFY CONDITIONAL USE CRITERIA FOR RECREATIONAL CAMPING AND RV PARKS; AMENDING CHAPTER 10 TO PROVIDE DEFINITION FOR PRIMITIVE CAMPING; 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 clarify standards as they pertain to Recreational Camping and RV Parks; 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 April 3, 2024, to consider the LDC text amendments contained within Application LDCT-2024-3 and found them to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC Text Amendment contained within Application LDCT-2024-3.
- c) The adoption of LDCT-2024-3 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:

Recreational Camping

Recreational campsites are intended to be located and designed to afford the users an opportunity to camp in a quiet, uncongested, and natural setting. In addition to all applicable regulations, the following standards shall apply to recreational camping uses:

1. The camping area or park in which the camping area is located shall have direct access to a paved County road or private road meeting County standards. ~~collector road or better.~~ Camping areas within larger park or resort facilities may be located on internal local roads.
2. The maximum intensity of recreational camping shall be no greater than four (4) campsites per acre. Uses exceeding this intensity shall be defined and permitted as an RV Park meeting the standards required by this code.
3. The minimum area allowable for a campground shall be at least five (5) acres.
4. ~~Campsites shall be located, designed and intended to afford the users an opportunity to camp in a quiet, uncongested and natural setting. The campground shall incorporate a continuous pedestrian and bicycle pathway throughout the entire area of the site, and amenities installed for use by guests.~~
5. ~~All campsites shall afford the visitor an unencumbered space of at least 30 feet in width and 3,000 square feet of upland area.~~
6. ~~4.~~ Bathhouses (including showers, toilets, and sinks) and emergency shelters shall be provided within the campground to accommodate its occupancy when at full capacity.
7. ~~5.~~ For Each each camping and RV space, the administrative office, maintenance facilities facility, security or administrative residence, or any other similar use, shall provide a connection to a central potable water system shall be provided. Wastewater treatment may be provided to individual campsites or may have a central collection facility onsite. Central collection facilities shall be setback a minimum of 300 feet from any campsite or property line.
8. ~~6.~~ Within a camping area, the following accessory uses are permitted:

- a. recreation amenities restricted to use by guests, including pools, tennis and shuffleboard courts, recreation rooms, equestrian facilities, nature and walking trails, pedestrian and bicycle paths, playgrounds, tot lots, docks and similar facilities;
 - b. gate houses or similar facilities designed to provide security to the park and campground;
 - c. maintenance facilities;
 - d. administrative office space necessary for operation of the park and campground; and commercial or retail uses located internal to the park and restricted to use by guests, including convenience food and beverage items and recreational vehicle parts and ancillary commercial uses.
 - e. accessory commercial and retail uses ~~shall~~, shall be located and accessed via the internal campground system unless the camping area is part of a larger park facility.
9. ~~7.~~ Permanent residential use of any camping area is prohibited, other than ~~security quarters~~ security or administration quarters that may be established in the park, pursuant to LDC Section 206.B. RV spaces providing for stays of longer than 30 days shall only be permitted as an RV Park meeting the standards required by this code.
- ~~10.~~ 8. Parking of recreational vehicles in areas not designated for such use is prohibited.
- ~~11.~~ 9. The storage of recreational vehicles is prohibited.

10. Primitive camping on private and public lands is exempted from this section.

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Recreational Vehicle Parks (12-3-19, ORD 19-069)

In addition to all applicable regulations the following standards shall apply:

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15. Recreational Camping is permitted within RV parks under the following criteria: ~~if spaces meet the Recreational Camping standards of this code.~~

- a. Areas for camping shall be designated on site plans.**
- b. Camping areas and units shall not be limited by lot size or considered towards density calculations provided stays more than 30 days are prohibited.**
- c. For each camping and RV space, a connection to a central potable water system shall be provided.**

16. Accessory structures shall require building permits. Individually owned accessory structures by tenants within the park shall require the park owner's permission in writing.
17. Detached accessory structures are required to be spaced six (6) feet from all other structures or occupied vehicles on adjacent spaces. All habitable structures attached to a habitable structure shall require the same separation distance as a habitable structure from adjacent habitable structure or occupied vehicle (See Figure 3.3).
18. The subdivision of lots within an approved RV Park ~~or any other form of divided ownership among tenants such as condominium, cooperative, or time share~~ shall require a Level 3 Review or major modification to the existing Planned Development. During this review, the following minimum elements shall be addressed and conditioned in the approval:
 - a. Access to all properties and minimum right-of-way;
 - b. Public and private utility needs;
 - c. Accessory structures including type, size, amount and use;
 - d. Setbacks for all structures from both property lines and right-of-way center lines; and,
 - e. Whether or not the development remains in the RV Park Registry.

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SECTION 3: Chapter 10, Definitions, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

PRIMITIVE CAMPING: Primitive camping is a form of camping that generally has no facilities, no electric power, and is typically accessible only by foot or by off-road vehicle. Limited improvements include fire rings and cleared or partially-cleared sites for tent camping.

RECREATIONAL CAMPING: Land under unified ownership and management which has been planned, designed, and constructed for the placement of Recreational Vehicles, cabins, and/or tents for short-term occupancy of spaces rented from the owner for recreational purposes, ~~a use and typically located away from urban areas, where tents, RVs, or simple buildings (as cabins) may be parked or erected for overnight stays of a short duration.~~ For purposes of this definition, unless otherwise limited in sections of this Code, ~~stays of short duration~~ short-term occupancy shall mean stays not exceeding 30 days. Such uses may be standalone or part of a larger park or resort facility.

RECREATIONAL VEHICLE (RV) PARK: Land for sale, lease, or rent for the placement of recreational vehicles and Park Trailers for stays up to and exceeding 30 days. RV parks are not intended to accommodate year-round residential use.

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 21st day of May 2024.