

ORDINANCE NO. 23-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS, POLK COUNTY, FLORIDA, LAND DEVELOPMENT CODE AMENDMENT **LDCT-2023-12**, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE, AMENDING CHAPTER 4, TABLE 4.16 TO ADD CAR WASH, FULL SERVICE USE AS A C3 CONDITIONAL USE IN PROFESSIONAL INSTITUTIONAL-X (PIX) LAND USE DISTRICT; AMENDING SECTION 401.06.E.3.T TO ALLOW SELF-STORAGE FACILITIES WITHIN ECX AND PIX DISTRICTS THROUGH A PLANNED DEVELOPMENT AND TO REMOVE THE COURTYARD REQUIREMENT FOR OUTDOOR STORAGE WITHIN SELF-STORAGE FACILITIES; 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 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 (the “Board”) adopted said Land Development Regulations on March 1, 2000, titled the Polk County Land Development Code (the “LDC”); 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 October 4, 2023; and

WHEREAS, Application LDCT-2023-12 is an applicant/County-initiated application to amend the text of the LDC to allow for an option to the Board of County Commissioners to deny a Level 3 Review appeal but allow the applicant to return directly to the Board with a revised request within one year;

WHEREAS, the Board held two public hearings on November 21, 2023 and December 5, 2023, 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, if any.

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 October 4, 2023, to consider the LDC text amendments contained within Application LDCT-2023-12 and found them to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC Text Amendments contained within Application LDCT-2023-12
- c) The adoption of LDCT-2023-12 is consistent with the Comprehensive Plan and LDC.

SECTION 2: Chapter 4, Section 401.06 North Ridge Selected Area Plan, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

Table 4.16 Use Table for North Ridge Selected Area Plan Land Use District

	IND X	PIX	L/R X	ECX	INST X	RO SX	PRES VX
Bars, Lounges, and Taverns	C2		C1				
Bed & Breakfast			C2				
Car Wash, Full Service		<u>C3</u>		C2			
Car Wash, Incidental		C2		C2			
Cemeteries		C2			P		C2
Childcare Center		C2	C2	C2	P		

Section 401.06.E North Ridge Selected Area Plan, Modified Special Use Requirements

Section 401.06.E.3.t

t. Self Storage Facilities - These facilities shall ~~not be more than ten (10) percent of the total area of the~~ be permitted through a Planned Development within the ECX EXC or PIX district. In addition, the individual storage spaces shall not be permitted to be accessed from the outside. All users shall access the individual rented storage space through a common access. Where the facility fronts the collector road, mixed use structures (e.g., office, personal service, commercial with the self-storage above or behind), are required. ~~Outdoor storage will only be allowed within the courtyard of the facilities, where the surrounding structure is enclosed or semi-enclosed usable space (not just a wall). The courtyard area cannot be larger than ½ the area of the footprint of the building surrounding it.~~ Each facade of the facility shall have an office or similar appearance.

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 after the filing with the Department of State.

**ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY,
FLORIDA** this 5th day of December, 2023.