

ORDINANCE NO. 23-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS, POLK COUNTY, FLORIDA, LAND DEVELOPMENT CODE AMENDMENT **LDCT-2023-9**, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE, AMENDING CHAPTER 2, SECTION 218, BOATS, UTILITY TRAILERS, SPORTS VEHICLES AND RECREATIONAL VEHICLES, TO ALLOW RECREATIONAL VEHICLES AND WATERCRAFT STORED AT A RESIDENCE TO CONNECT TO ELECTRIC POWER FOR MAINTENANCE; 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 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 June 7, 2023; and

WHEREAS the proposed text amendment to the Polk County Land Development Code is intended to allow recreational vehicles and watercraft stored at a residence to connect to electric power for maintenance; 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>
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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 7, 2023. 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 218, Boats, Utility Trailers, Sports Vehicles and Recreational Vehicles, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended in the following manner:

Section 218 Boats, Utility Trailers, Sports Vehicles and Recreational Vehicles

Vehicles such as unoccupied boats, air boats, or personal watercrafts with or without trailers; sports vehicles such as dune buggies, racing vehicles, off-road vehicles, hunting vehicles; or unoccupied recreational vehicles; or utility trailers may be parked on residential lots or parcels provided the following criteria are met:

A. *Front Yard*

Only one such vehicle may be parked or stored in the front yard. More than one vehicle may be parked or stored in the side and rear yard of a dwelling unit provided that they are no closer than five feet from any side or rear property line.

B. *Vehicle Registration*

The vehicle is operative and is currently registered or licensed where required by state law.

C. ***Driveway Function***

The driveway to the residence remains functional, and the parking of such vehicle is exclusive of the required two parking spaces on the lot.

D. ***Public Rights-of-Way***

No such vehicle shall be parked or stored in such a manner as to encroach into a public right-of-way. All such vehicles shall be completely parked or stored on the residential lot except for the purpose of loading or unloading, not to exceed one hour in any 24 hour period.

E. ***Connection to Utilities***

~~No recreational vehicle shall be connected to utility services except in preparation for departure.~~ Recreational vehicles and watercraft may be connected to a permitted electrical source for maintenance purposes. However, no water or wastewater connections are permitted unless in accordance with Section 207.K Temporary Emergency Shelters.

F. ***Residential Use***

It is strictly prohibited to reside in a vehicle parked in a residential district or residential development other than for use as a Temporary Emergency Shelter as permitted under Section 207.E of this Code.

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 _____, 2023.