

ORDINANCE NO. 19-055

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING LAND DEVELOPMENT CODE AMENDMENT **LDCT-2019-6**, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE, AMENDING CHAPTER 4, SECTION 401.04, TABLE 4.12 ALLOWABLE USES FOR US HIGHWAY 98 SAP TO ALLOW VEHICLE SALES, LEASING TO BE PERMITTED IN EMPLOYMENT CENTER-X (ECX) DISTRICTS, AMENDING SECTION 401.04.E TO ADD CONDITIONAL USE REQUIREMENTS FOR VEHICLE SALES, LEASING; 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 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 July 3, 2019; and

WHEREAS, the proposed text amendment to the Polk County Land Development Code shall establish Vehicle Sales, Leasing in Employment Center-X (ECX) Future Land Use Map districts within the US 98 SAP as a Level 2 Conditional Use;

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: Use Tables Amended Section 401.04, Table 4.12, Allowable Uses Table for US 98 SAP, Section 401.04, Table 4.12, Allowable Uses for US Highway 98 SAP of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, are hereby amended to add the following use:

Section 401.04 US Highway 98 Selected Area Plan

Table 4.12 - Allowable Uses for US Highway 98 SAP (For revision history, please see last row in table.)

	A/RR	RS	RL-1	RL-2	RL-3	RL-4	RM	RH	EC	CE	LCC	NAC	OC	TC	BPC-1	BPC-2	IND	L/RX	INST-1X	ROS	PRES	
	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X					
Key to Table: P = Permitted Use; C = Conditional Use/Level of Review																						
All Other Uses:																						
Vehicle Sales, Leasing									C2	C2	C2											

SECTION 2: Conditional Use Requirements Amended Chapter 4, Section 401.04.E, Conditional Use Requirements, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended in the following manner:

E. Conditional Use Requirements

...

20. **Vehicle Sales, Leasing** – The following shall apply within the ECX land use district:

- a. Vehicle Sales and Leasing establishments are considered to be retail/commercial uses and shall not exceed the 30% limit of such retail/commercial uses allowed throughout the defined ECX district.
- b. The minimum acreage shall be five acres.
- c. All Vehicle Sales and Leasing uses shall have direct frontage on US Highway 98.
- d. All garage bay doors or openings for vehicles shall not face US Highway 98. If garage bay doors or openings for vehicles are facing residentially-designated properties, there shall be a 50' setback.
- e. A buffer equal to a Type C Buffer (see Section 720) shall be provided between the use and all abutting residential districts and uses.
- f. Vehicles shall not be parked or stored within the right-of-way or in front of any landscaping or grassed area adjacent to the right-of-way.
- g. All building facades facing US Highway 98 shall resemble a permanent construction office style or type.

h. All Vehicle Sales and Leasing establishments within the ECX district shall include an onsite service and repair operation in an effort to increase the employment potential of the district. The service and repair operation shall be performed within an enclosed structure(s), thereby limiting the extent of their external impacts upon adjacent and nearby properties.

...

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
20th day of August, 2019

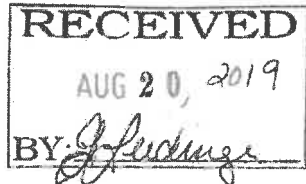
STATE OF FLORIDA)
)
COUNTY OF POLK)

I Stacy M. Butterfield, County Clerk and Comptroller for Polk County, Florida, hereby certify that the foregoing is a true and correct copy of Ordinance No.19-055 adopted by the Board on August 20, 2019.

WITNESS my hand and official seal on this 20th day of August, 2019.

STACY M. BUTTERFIELD, CLERK

By:  
Jennifer Leiding
Deputy Clerk



FLORIDA DEPARTMENT OF STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

August 20, 2019

Ms. Jennifer Leidinge, Deputy Clerk
Finance and Accounting
Post Office Box 988
Bartow, Florida 33831-0988

Dear Ms. Leidinge:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Polk County Ordinance No. 19-055, which was filed in this office on August 20, 2019.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

Rake, Gloria

From: Bohde, John
Sent: Tuesday, August 27, 2019 3:28 PM
To: Rake, Gloria
Subject: RE: Ordinance No. 19-055 (LDCT-2019-6) Car Sales in ECX

Gloria:

Please ask Chanda and/or Michelle about the LDC ordinances related to the CPAs. As for Ord. 19-055, it does not need to go to DEO.

Thanks
John

John M. Bohde, AICP, CPM
Director | Land Development Division
Polk County Board of County Commissioners
330 W. Church Street | 863-534-6792 | 863-534-6407 (fax)
P.O. Box 9005, Drawer GM03 | Bartow, FL 33831-9005
JohnBohde@polk-county.net



From: Rake, Gloria <GloriaRake@polk-county.net>
Sent: Tuesday, August 27, 2019 1:55 PM
To: Bohde, John <JohnBohde@polk-county.net>
Subject: Ordinance No. 19-055 (LDCT-2019-6) Car Sales in ECX

Good morning!

Does the above ordinances need to be sent to DEO? Also, Ord. No. 19-050 (LDCPAS 2019-3) and Ord. No. 19-051 (LDCT 2019-2) are related. Can I send 19-051 before we get back approval for 19-050 (LDCPAS 2019-3)?

Thanks



Gloria Rake, Secretary I
Long Range Planning
P.O. Box 9005, Drawer TS05
Bartow, FL 33831
Office Phone: (863) 534-7684 FAX: (863) 534-6471
gloriarake@polk-county.net