

ORDINANCE NO. 19 -057

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING LAND DEVELOPMENT CODE AMENDMENT LDCT-2019-5 AMENDING ORDINANCE NO. 00-09, AS AMENDED (ALSO KNOWN AS THE POLK COUNTY LAND DEVELOPMENT CODE), AMENDING CHAPTER 4, SECTION 401.08 SOUTHEAST POLK SELECTED AREA PLAN (SAP), TO ALLOW HEAVY MACHINERY EQUIPMENT SALES AND SERVICES AS A CONDITIONAL USE IN THE COMMERCIAL ENCLAVE-X (CEX) LAND USE DISTRICT AND PROVIDING FOR DEVELOPMENT CRITERIA; 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, 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 August 7, 2019; and

WHEREAS, the proposed text amendment to the Polk County Land Development Code amends Chapter 4, Section 401.08 Southeast Polk Selected Area Plan (SAP), to allow Heavy Machinery Equipment Sales and Services as a conditional use in the Commercial Enclave-X (CEX) land use district and providing for development criteria; 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>NOTE: 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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K. *Conditional Uses:*

In addition to those conditions listed in Section 303 of this Code, and unless otherwise stated, the following conditions apply to development throughout the SE Polk SAP:

24. Heavy Machinery Equipment Sales and Service: The following standards shall apply within the Village and VC-Core,

a. No outdoor storage of any materials other than the equipment for sale shall be permitted;

b. There shall be no external activity beyond loading and unloading of materials to and from an enclosed structure; and

c. A Type C Buffer and a minimum 25 feet setback shall be provided between a residential use, local road, and any structure requiring loading and unloading of commercial vehicle(s).

d. For Heavy Machinery Equipment Sales and Service uses in the Commercial Enclave-X (CEX) land use district, the following additional conditions shall apply:

i. Shall have direct frontage along US 27;

ii. All ingress/egress shall be from US 27;

iii. Shall be limited to no more than five acres in size; and

iv. All hours of operation shall be limited to 6:00 a.m. to 7:00 p.m.

SECTION 2: 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 3: 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 17th day of September, 2019.

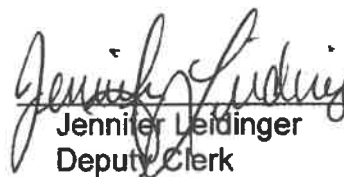
STATE OF FLORIDA)
)
COUNTY OF POLK)

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.19-057 adopted by the Board on September 17, 2019.

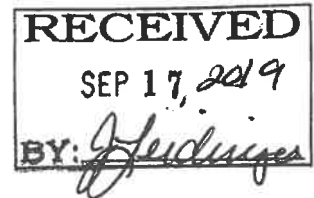
WITNESS my hand and official seal on this 17th day of September, 2019.

STACY M. BUTTERFIELD, CLERK

By:


Jennifer Leidinger
Deputy Clerk





FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

September 17, 2019

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

Dear Ms. Leidinger:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Polk County Ordinance No. 19-057, which was filed in this office on September 17, 2019.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb