

**ORDINANCE NO. 2012-1293**

**AN ORDINANCE OF THE CITY OF POLK CITY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE OF THE CITY OF POLK CITY, FLORIDA, BY ADDING THE DEFINITION FOR "FARMER'S MARKETS" TO ARTICLE 9; AND AMENDING ARTICLE 2, REGULATIONS FOR SPECIFIC DISTRICTS, SECTION 2.03.00, GENERAL REGULATIONS FOR COMMERCIAL/INDUSTRIAL DISTRICTS IN ORDER TO ADOPT CERTAIN REGULATIONS PERTAINING TO FARMER'S MARKETS; AND AMENDING ARTICLE 2, REGULATIONS FOR SPECIFIC DISTRICTS, SECTION 2.04.00, ZONING DISTRICT SUMMARY TABLES, TABLE 4 – TABLE OF USES FOR EACH ZONING DISTRICT, TO INCLUDE FARMER'S MARKETS AS A USE PERMITTED IN THE M1 – LIGHT INDUSTRIAL ZONING DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**AMENDMENT  
TO THE  
UNIFIED LAND DEVELOPMENT CODE**

**WHEREAS**, Section 163.3167(c), Florida Statutes, empowers the City to adopt land development regulations to guide the growth and development of the City; and

**WHEREAS**, the City Council of the City of Polk City has determined it necessary and desirable to amend the regulations to allow for farmer's markets in the M-1 (Light Industrial) Zoning District; and

**WHEREAS**, pursuant to Section 166.041(c)2, Florida Statutes, the Planning Commission and the City Council have held meetings and hearings to amend the **Unified Land Development Code as presented in the attached exhibit**, such exhibit attached as Exhibit "A" and made a part hereof; and, the meetings were advertised and held with due public notice, to obtain public comment; and having considered written and oral comments received during public hearings, find the changes necessary and appropriate to the needs of the City.

**NOW, THEREFORE BE IT ENACTED BY THE PEOPLE OF THE CITY OF POLK CITY, FLORIDA** that the **Unified Land Development Code of the City of Polk City** is amended as set forth in Exhibit "A".

- (a) **Severability:** If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

- (b) **Codification:** This Ordinance shall be codified in the Code of Ordinances of the City of Polk City, Florida.
  
- (c) **Effective Date:** This Ordinance shall be effective 10 days after passage upon Second Reading.

**INTRODUCED, PASSED on FIRST READING,** this \_\_\_\_day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
**Joe LaCascia, Mayor**

**ATTEST:**

**Approved as to form and correctness**

\_\_\_\_\_  
**Patricia R. Jackson, City Manager**

\_\_\_\_\_  
**Thomas A. Cloud, City Attorney**

**PASSED AND DULY ADOPTED ON SECOND READING,** with a quorum present and voting by the City Council of the City of Polk City, Florida meeting in Regular Session this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
**Joe LaCascia, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Patricia R. Jackson, City Manager**

**EXHIBIT "A"**

**AMENDMENTS TO**

**ARTICLE 2, SECTION 2.03.01**

**– GENERAL REGULATIONS FOR COMMERCIAL/INDUSTRIAL ZONING DISTRICTS**

**ARTICLE 2, SECTION 2.04.01 – TABLE 4**

**– TABLE OF USES FOR EACH ZONING DISTRICT**

**ARTICLE 9, DEFINITIONS**

**OF THE**

**UNIFIED LAND DEVELOPMENT CODE**

**ALLOWING FOR FARMER'S MARKETS**

**IN THE M-1 (LIGHT INDUSTRIAL) ZONING DISTRICT**

The proposed amendments to the Land Development Code (LDC) regarding Farmer's Markets are provided below. Text that is underlined is text to be added and text that is shown as ~~strikeout~~ is to be removed.

**Amendments to:**

**ARTICLE 2**

**REGULATIONS FOR SPECIFIC DISTRICTS**

***2.03.00 General Regulations for Commercial/Industrial Zoning Districts***

**2.03.04 Farmer's Markets**

The following design standards and application requirements shall apply to Farmer's Markets and shall take precedence over any other City code or land development regulation when in conflict herewith. The design standards and application requirements set forth herein are in addition to other requirements the City set forth in the code and land development regulations.

- (A) An application for the Farmer's Market shall be submitted to the Building Department along with a plan of the proposed site showing the location of any tents in relation to entryways to businesses and any other features that affect accessibility to the site. The plan shall show any tables, display areas or other equipment that will not be under tents.
- (B) Restroom facilities shall be provided.
- (C) Parking areas must be on site and clearly marked. No parking shall be allowed on the Right of Way or Street.
- (D) Property must be fenced.
- (E) Adult material is prohibited from being sold or purchased at Farmer's Markets. Adult material for purposes of this chapter is: any one or more of the following regardless of whether it is new or used:
  - (1) Books, magazines, periodicals, other printed matter, photographs, films, motion pictures, videotapes, slides, computer digital graphic recordings, other visual representations, tape recordings or other audio matter which have as their primary or dominant theme matter depicting, illustrating, describing, or relating to specified sexual activities or specified anatomical areas; or
  - (2) Instruments, novelties, devices, or paraphernalia which are designed for use in connection with specified sexual activities.

- (F) If canopies, tents, or other temporary facilities are utilized they shall be secured for safety and removed at the end of the day. If Fire Rated Commercial tents are used, they must be in compliance with all relevant Fire Code Regulations.
- (G) The Farmer’s Market must comply with the provisions concerning noise set forth in Section 3.06.02.03 of the City’s Land Development Regulations.
- (H) Mobile food vendors must display all State and Health Department permits.
- (I) Farmer’s Markets shall be exempt from Section 2.03.01 regarding Temporary Tents.
- (J) Waivers to Section 2.03.04(D), Article 4, Signs of the City’s Land Development Code, and Chapter 54 of the City’s Code of Ordinances, may be applied for based on site and use configurations.

**2.04.01 Zoning District Summary Tables**

The tables on the following pages present, in a quick-reference form, information regarding permitted and special exception land uses, and development standards for all zoning districts. These tables must be read in conjunction with the regulations for specific zoning districts in Section 2.04.02. Similar uses are permitted; and the zoning district in which they are permitted is to be determined by the Development Director. The key to the table is as follows:

- P = Permitted Use
- D = Site Development Plan required, use is permitted upon approval of Site Development Plan
- S = Special Exception Use, Planning Commission action required
- C = Conditional Use, Planning Commission **and** City Council action required

Table 4 - Table of Uses for Each Zoning District

Category/Use	AG1	AG2	R1	R2	R3	R4	R5	MH	C1	C2	M1	M2	PB	PR	CN
<b><u>Farmer’s Market*</u></b>											<b>P</b>				

\*Permitted in conjunction with the requirements of Section 2.03.04.

**Amendments to:**

**ARTICLE 9**

**DEFINITIONS**

**Farmer's Market:** A business authorized to conduct business in the City of Polk City pursuant to the issuance of a business tax receipt for the purpose of operating and organizing a gathering for buying and selling merchandise or farm products, and which may take place within a fully enclosed building, but is not required to be within a fully enclosed building. Farmer's Markets are intended to be open and operational on a regular basis.