

**ORDINANCE 2019-02**

**AN ORDINANCE OF POLK CITY, FLORIDA; AMENDING THE POLK CITY CODE OF ORDINANCES AND THE UNIFIED LAND DEVELOPMENT CODE OF POLK CITY, FLORIDA, BY AMENDING ARTICLE 2, REGULATIONS FOR SPECIFIC DISTRICTS, TABLE 2 – TABLE OF USES FOR EACH ZONING DISTRICT TO ADD SPECIAL EVENTS FACILITIES IN THE ZONING DISTRICTS OF AGRICULTURE/SINGLE FAMILY RESIDENTIAL (AG-1), SINGLE FAMILY RESIDENTIAL WITH HORSES (AG-2), SINGLE FAMILY RESIDENTIAL (R-1), SINGLE FAMILY RESIDENTIAL (R-2), RESIDENTIAL, BUSINESS, AND PROFESSIONAL DISTRICT (C-1), GENERAL COMMERCIAL DISTRICT (C2), AND PUBLIC BUILDINGS AND GROUNDS (PB); AMENDING ARTICLE 3, DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS ADDING SECTION 3.10.01.2. SPECIAL EVENTS FACILITIES; AND AMENDING ARTICLE 9 DEFINITIONS ADDING THE DEFINITION OF SPECIAL EVENTS FACILITIES; PROVIDING FOR APPLICABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

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

**SECTION 1. COMMISSION FINDINGS.** In adopting this Ordinance and modifying the Polk City Code and the therein-incorporated Unified Land Development Code, the City Commission of Polk City, Florida, hereby makes the following findings:

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

(2) The City Commission recognizes the need for regulations specific to Special Events Facilities within Polk City.

(3) The City Commission has determined that the permitting of Special Events Facilities should be required to mitigate potential off-site impacts.

(4) Pursuant to Section 166.041(c)2, Florida Statutes, the Planning Commission and the City Commission 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.

(5) 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.

**SECTION 2. AMENDMENT TO UNIFIED LAND DEVELOPMENT CODE CONTAINED IN SECTION 78-1, POLK CITY CODE.**

**SECTION 3. CODIFICATION OF ORDINANCE.** This Ordinance shall be codified in the Code of Ordinances of Polk City, Florida. A certified copy of this enacting ordinance shall be located in the Office of the City Clerk of Polk City. The City Clerk shall also make copies available to the public for a reasonable publication charge.

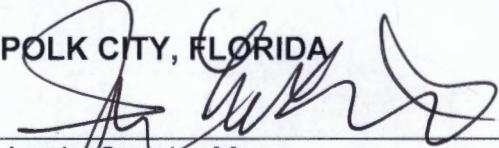
**SECTION 4. SEVERABILITY.** If any section, subsection, sentence, clause, phrase, or portion of this Policy is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 5. CONFLICTING ORDINANCES AND RESOLUTIONS.** All existing ordinances and resolutions of the City of Polk City in conflict with this ordinance are repealed to the extent necessary to give this Ordinance full force and effect.

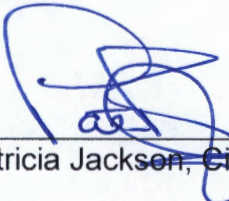
**SECTION 6. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon its passage.

**INTRODUCED, PASSED on FIRST READING, this 18<sup>th</sup> day of February, 2019.**

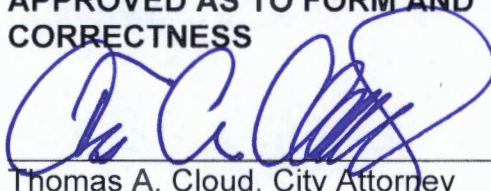
**POLK CITY, FLORIDA**

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

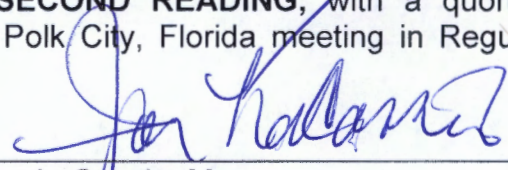
**ATTEST:**

  
\_\_\_\_\_  
Patricia Jackson, City Manager/City Clerk

**APPROVED AS TO FORM AND CORRECTNESS**

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

**PASSED AND DULY ADOPTED ON SECOND READING,** with a quorum present and voting by the City Commission of Polk City, Florida meeting in Regular Session this 18<sup>th</sup> day of March, 2019.

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

**ATTEST:**

  
\_\_\_\_\_  
Patricia Jackson, City Manager/City Clerk

**ORDINANCE 2019-02  
EXHIBIT "A"**

**PROPOSED AMENDMENTS**

**CITY OF POLK CITY LAND DEVELOPMENT CODE**

**TO PROVIDE REGULATIONS SPECIFIC TO SPECIAL EVENTS FACILITIES**

- The following amendments to the Polk City Land Development Code are proposed to provide regulations regarding Special Events Facilities in the City.
- Text shown in gray shading as underlined is text to be added and text shown as ~~strikeout~~ is text to be removed.

---

**ARTICLE 9: DEFINITIONS**

*The definition below relates to Special Events Facilities and is re proposed to be added to Article 9: Definitions.*

**Special Events Facilities:**

Public or private facilities providing indoor or outdoor facilities for events including but not limited to weddings, parties, cultural events, etc. the mitigation of off-site impacts shall be addressed through the Conditional Use Permit process.

***Comment:** A new definition for Special Events Facilities is proposed to be added to the definitions in Article 9 of the Land Development Code.*

## ARTICLE 2: REGULATIONS FOR SPECIFIC DISTRICTS

*The text below is proposed to be added Article 2 Regulations for Specific Districts in the Polk City Land Development Code.*

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

### **2.04.00 Establishment of Districts**

In order to classify, regulate, and restrict the uses of land, water, buildings, and structures; to regulate and restrict the height and bulk of buildings; to regulate the area of yards, courts, and other open spaces between buildings; and to regulate the intensity of land use, all the area of the City of Polk City is classified into one of the following districts:

**Table 1 - Zoning Districts**

<b>Map Designation</b>	<b>Zoning District Name</b>
AG1	Agriculture
AG2	Single Family Residential Plus Horses
R1	Single Family Residential
R2	Single Family Residential
R3	Single Family and Duplex Residential
R4	Mixed Residential Use
R5	Multi Family Residential
MH	Mobile Home Park
C1	Residential, Business and Professional District
C2	General Commercial
M1	Light Industrial
M2	Heavy Industrial
PB	Public Buildings and Grounds
PR	Public Recreation
CON	Conservation

**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 Commission action required

**Table 2 - Table of Uses for Each Zoning District**

Category/Use	Zoning Districts														
	AG 1	A G2	R 1	R 2	R 3	R 4	R 5	M H	C 1	C 2	M 1	M 2	P B	P R	C N
<b>Special Events Facilities</b>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	-	-	-	-	<u>C</u>	<u>C</u>	-		<u>C</u>		

**Comment:** *The Category/Use of Special Events Facilities is proposed to be added to the Table 2-Table of Uses for Each Zoning District in the AG1, AG2, R1, R2, C1, C2, and PB Zoning Districts. The use is listed as a "C" because it requires approval of a Conditional Use.*

### ARTICLE 3: DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS

*The text below is proposed to be added Article 3 Development Design and Improvement Standards in the Polk City Land Development Code.*

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

#### ***3.10.00 Development Standards for Conditional Uses***

The purpose of this section is to set criteria for approval of Conditional Uses. **Conditional Uses** are those uses that have some special impact or uniqueness such that their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location. Conditional Use Permits shall be granted in accordance with the provisions of Section 7.08.00. Special standards and requirements presented in this section are conditions for approval of Conditional Uses and shall be binding on all development authorized under the Conditional Use Permit.

Where standards provided herein exceed and/or create greater restrictions than those of the underlying zoning district, this section shall supersede any other provision of this code. Where no standard is established in this section, that of the relevant zoning district shall apply.

#### ***3.10.01.1. Automotive: Junkyard***

##### ***(A) Storage of Materials***

- (1) Material that is not salvageable shall not be permitted to accumulate, except in bins or containers, and shall be disposed of in an approved sanitary landfill. The period of accumulation is limited to two months.
- (2) In no case shall material that is not salvageable be buried or used as fill.
- (3) Any items that can be recycled or salvaged shall be accumulated in bins or containers to be sold to a recycling firm.
- (4) Recyclable material that cannot be stored in bins or containers may be stored in the open.
- (5) Junkyard operators shall be responsible for compliance with all applicable Federal and State regulations pertaining to the handling, storage, and disposal of waste fluids. In no case shall disposal of waste fluids be permitted on-site, except with the express approval of the FDEP.
- (6) In any open storage area, it shall be prohibited to keep any ice box, refrigerator, deep-freeze locker, clothes washer, clothes dryer, or similar air-tight unit having feet or more from which the door has not been removed.

(B) *Screening.* All junkyards shall comply with the following screening requirements:

- (1) All outdoor storage facilities shall be surrounded by a substantial continuous masonry, wood or metal fence (not including chain link fences), or a wall, any of which shall be a minimum of eight feet in height without openings of any type except for one entrance and/or one exit that shall not exceed 25 feet in width.
- (2) Gates at entrance or exit shall be of a material without openings.
- (3) The screen shall be constructed of the same type of material throughout.
- (4) No screen shall be constructed of metal that will rust.
- (5) Screens shall be maintained and in good repair at all times.

(C) *Buffer In Lieu of Screening.* Where an outdoor storage facility does not abut a public street or highway, a vegetative buffer may be permitted in lieu of screening. Such buffer may be approved by the City Council after a finding that the proposed buffer would provide screening equivalent to that required in (B) above.

*Comment: Section 3.10.01 above has been renumbered to Section 3.10.01.1. to make room for the new Section 3.10.01.2. Special Events Facilities.*

**3.10.01.2. – Special Events Facilities**

Such facilities shall be subject to the following requirements:

- (A) No special events facilities shall be located within 30 feet of existing residential development or property designated for residential use on the Future Land Use Map of the Polk City Comprehensive Plan. This distance shall be measured from the boundary of the property on which the proposed special events facilities would be located.
- (B) Minimum lot size shall be one acre.
- (C) Lighting to illuminate buildings, stages, open areas or advertising shall be designed so as to shine only on the subject property, and shall be directed away from any public street or residential area.
- (D) Special events facilities shall be subject to applicable performance standards provided in section 3.06.00.
- (E) Additional requirements may be applied based on the proposed use and its location to mitigate off-site impacts.

*Comment: This amendment provides for site-specific conditions to mitigate off-site impacts of special events facilities.*