

ORDINANCE 2023-01

AN ORDINANCE OF POLK CITY, FLORIDA; AMENDING SECTION 2.05.02, POLK CITY LAND DEVELOPMENT CODE, REMOVING REQUIREMENTS FOR CITY COMMISSION APPROVAL OF BOAT DOCKS AND PROVIDING FOR CORRECTIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF POLK CITY, FLORIDA:

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 procedures and regulations for the review and consideration of boat slips/ramps and docks within Polk City.
- (3) The City Commission has determined that correction of scrivener's errors, removal of the requirement for City Commission approval for boat slips/ramps and docks and providing for consistency with the practices and resources of Polk City, will provide for a more user-friendly Land Development Code.
- (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 Section 2 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 SECTION 2.05.02, UNIFIED LAND DEVELOPMENT CODE, CONTAINED IN SECTION 78-1, POLK CITY CODE. Section 2.05.02, Unified Land Development Code, is hereby amended to read as follows:

2.05.02 Boat Slips/Ramps and Docks

Boat slips/ramps, docks, boat houses and fishing piers are permitted in all districts as an accessory use. Private boat slips/ramps and docks may be constructed by the owner on any lot bordering a lake, providing they comply with the following:

- (A) Docks shall not extend into the lake a distance greater than fifty (50) feet measured from the regulatory water line, ~~which shall be established by the City Council on any lake that is not a meandering lake.~~
- (B) In residential districts, no boat house or permanent structure covering a dock, pier, boat slip or boat ramp is permitted beyond the regulatory water line. Permanent accessory structures may be permitted landward of the regulatory water line, when permitted and constructed in accordance with all pertinent Codes of Polk City.
- (C) ~~No permit shall be issued for a boat house, dock, pier, boat slip or boat ramp, except with the review and approval of the City Council. The applicant shall provide to the Building Official complete plans, specifications and details, at least thirty (30) days prior to a regular meeting of the City Council at which the proposed structure is to be considered. The Building Official shall determine if such plans meet all requirements of this Code, any state or other governmental rules or regulations and transmit his findings to the City Council. The applicant shall post a cash or surety bond, as the City Council may determine, to assure that the work proposed is completed in a manner fully consistent with an approved Development Order.~~

SECTION 4. CODIFICATION OF ORDINANCE. This Ordinance shall be codified in the Code of Ordinances of Polk City, Florida, and incorporated into the Unified Land Development Code which is a part thereof. 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 5. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this ordinance 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 6. CONFLICTING ORDINANCES AND RESOLUTIONS. All existing ordinances and resolutions of Polk City in conflict with this ordinance are repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 7. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage.

INTRODUCED AND PASSED on FIRST READING, this 21st day of March, 2023.

POLK CITY, FLORIDA



Joe LaCascia, Mayor

ATTEST:



Patricia Jackson, City Manager/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 18th day of April, 2023.



Joe LaCascia, Mayor

ATTEST:



Patricia Jackson, City Manager/Clerk