

ORDINANCE 2023-02

AN ORDINANCE OF POLK CITY, FLORIDA; AMENDING THE POLK CITY LAND DEVELOPMENT CODE BY ADDING SECTION 2.03.05, "OUTDOOR DISPLAY OF MERCHANDISE"; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND 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 to provide opportunities for outdoor display of merchandise in commercial and industrial zoning districts while protecting the health and safety of the community.
- (3) The City Commission has determined that the addition of requirements for outdoor display of merchandise in commercial and industrial zoning districts will provide opportunities for businesses to promote their merchandise while ensuring the health and safety of the community by regulating location and safety issues.
- (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. ADDITION OF SECTION 2.03.05, UNIFIED LAND DEVELOPMENT CODE, CONTAINED IN SECTION 78-1, POLK CITY CODE. Section 2.03.05, Unified Land Development Code, is hereby added to the Unified Land Development Code to read as follows:

"2.03.05 Outdoor Display of Merchandise

Polk City requires a permit for outdoor display of merchandise. Unless specifically addressed in another location, the following requirements pertain to outdoor display of merchandise.

(A) General Requirements:

- (1) Is limited to items normally sold or produced in the respective business.
- (2) Must be brought inside when the business is closed or in the event of high winds, severe weather watches or warnings, and/or upon issuance of a hurricane evacuation notice for Polk County.
- (3) Must be accessory to a business in an enclosed building. Sales must be conducted by employees of the principal business.
- (4) Cannot be used for storage purposes.
- (5) Such areas shall be accurately delineated on applicable site plans for permit.

(B) Location Requirements:

- (1) Outdoor display shall be limited to 10 percent of the floor area of the primary structure.
- (2) Display areas shall be limited to the length of façade on which it is located within.
- (3) Display areas shall not extend more than 5 feet from the wall of the principal structure.
- (4) Display areas shall not exceed 5 feet in height.
- (5) Any material located within 3 feet of any building entry shall not exceed 3.5 feet in height.
- (6) Display areas must be adjacent to the principal building(s) of the business.
- (7) Display areas shall not block entrances or exits or restrict pedestrian movement and when the display area is in place, there shall be a minimum of five (5) feet clear sidewalk or walkway width for

pedestrian travel and otherwise shall comply with the Americans with Disabilities Act (ADA) requirements.

(8) Items shall be located on a hard, durable surface.

(9) Display areas cannot be located in public right-of-way.

(10) Display areas shall not be placed to obstruct vehicular traffic sight.

(C) Safety Requirements:

(1) Outdoor display shall not impair pedestrian use of the building.

(2) Outdoor display shall not be located in or block fire lanes, emergency access ways, maneuvering aisle, driving aisles, driveways, unloading/loading areas, or a parking space necessary to meet the minimum parking requirements of the use(s) on the property."

SECTION 3. 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 4. 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 5. 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 6. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage.

INTRODUCED AND PASSED on FIRST READING, this 18th day of July, 2023.

POLK CITY, FLORIDA

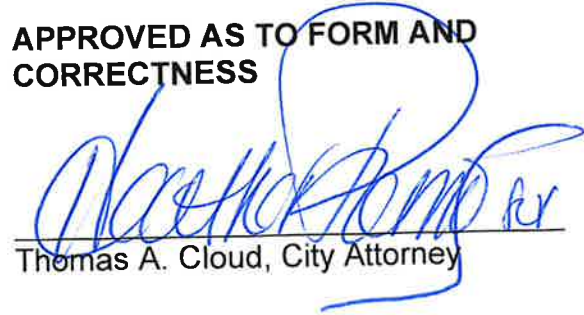

Joe LaCascia, Mayor

ATTEST:



Patricia R. Jackson, City Manager/Clerk

**APPROVED AS TO FORM AND
CORRECTNESS**



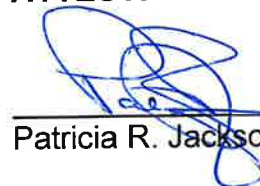
Thomas A. Cloud, City Attorney

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
15th day of August, 2023.



Joe LaCascia, Mayor

ATTEST:



Patricia R. Jackson, City Manager/Clerk