

ORDINANCE NO. 25-_____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING LAND DEVELOPMENT CODE AMENDMENT LDCT-2025-7, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE, CHAPTER 2, SECTION 206.K, CARGO CONTAINERS, TO REMOVE PROHIBITIONS ON CARGO CONTAINERS IN RESIDENTIAL FUTURE LAND USE DESIGNATIONS; 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 Community Planning Act, Chapter 163, Part II, Florida Statutes (FS), as amended, (the Act) Polk County is authorized and required to adopt 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, Chapter 9, Section 903 of the Land Development Code requires Land Development Code Amendments to be a Level 4 Review; and

WHEREAS, Chapter 9, Section 907 sets forth the purpose and review process for Level 4 Reviews; 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 October 1, 2025; and

WHEREAS, the proposed text amendment to the Polk County Land Development Code shall allow cargo containers for permanent storage in residential future land use districts; and,

WHEREAS, the Board of County Commissioners held two public hearings on November 4, and December 2, 2025, wherein the Board reviewed and considered the Planning Commission's recommendation, the staff report, and all comments received during said public hearings, and provided for necessary revisions; and

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Polk County, Florida that:

NOTE: The underlined text indicates proposed additions to the current language. The ~~strikeout~~ indicates text to be removed from the current ordinance.

SECTION 1: FINDINGS The Board hereby finds and determines that:

- a) The findings set forth in the recitals to this Ordinance are true and correct and hereby adopted.
- b) The Planning Commission, acting in its capacity as the Local Planning Agency for the County, held a public hearing on October 1, 2025, to consider the LDC text amendments contained within Application LDCT-2025-7 and found them to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC Text Amendment contained within Application LDCT-2025-7.
- c) The adoption of LDCT-2025-7 is consistent with the Comprehensive Plan and LDC.

SECTION 2: Chapter 2, Section 206.K, Cargo Containers, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

K. ~~Cargo Containers for Permanent Storage (Rev. 09/02/09; Ord. 09-058)~~

~~Cargo containers are permitted to be used as permanent storage in accordance with the following:~~

- ~~1. All cargo containers shall comply with the Florida Building Code, Florida Fire Prevention code, and shall require a building permit.~~
- ~~2. Cargo Containers for permanent storage are prohibited in the following land use districts: RCC R, RL, RM, RH, OC, L/R, ROS, and PRESV.~~
- ~~3. Cargo containers shall be permitted in accordance with the following:~~
 - ~~a. As a temporary use in any land use district in conjunction with an authorized construction project, and shall be removed upon completion of the project unless properly permitted to remain as permanent storage in accordance with section.~~
 - ~~b. Bona fide agricultural properties are permitted to have one cargo container per five acres of agricultural tax exempt acres of land, with no minimum acreage being required.~~
 - ~~c. Parcels designated A/RR and RS shall be permitted one cargo container per five acre parcel, with a minimum property size of five acres.~~

- d. ~~Non-residential properties are permitted one cargo container per acre, with no minimum acreage being required.~~
4. ~~In the instance where more than one cargo container, as outlined in this section, is allowed they shall not be stacked. However, within the IND and BPC-2 land use district they shall be permitted to be stacked two high.~~
5. ~~Cargo containers located on a residentially developed lot, or within the CE, LCC, RCC, CC, NAC, CAC land use districts, that is adjacent to residentially developed lots or structures shall be buffered and/or screened from the adjacent off-site residential lot or structure. Additionally, they shall maintain a minimum setback of 15 feet.~~
6. ~~All cargo containers shall be placed in either the side or rear yard and meet accessory structure setbacks for the applicable land use district or the set back as outlined in the Condition #5 above, whichever is more restrictive.~~
7. ~~Cargo containers shall not be located within any drainage easements.~~
8. ~~Cargo containers shall not occupy any required off-street parking spaces, vehicular accesses or drive aisles, pedestrian facilities or landscape areas for the site.~~
9. ~~Cargo containers shall not be permitted to have signage of any type.~~
10. ~~Cargo Containers are not considered to be used for permanent storage if they are modified or retrofitted for residential habitation in accordance with the Florida Building Code. This section does not apply to the construction of residential dwellings.~~

K. Cargo Containers (Rev. 09/02/09; Ord. 09-058)

This section does not apply to the construction of residential dwellings if Cargo Containers are modified or retrofitted for residential habitation in accordance with the Florida Building Code.

1. All cargo containers shall comply with the Florida Building Code, Florida Fire Prevention code, and shall require a building permit.
2. Cargo containers shall be permitted in accordance with the following:
 - a. As a temporary use in any land use district in conjunction with an authorized construction project and shall be removed upon completion of the project unless properly permitted to remain as permanent storage in accordance with section.

- b. Bona fide agricultural properties are permitted to have one cargo container per five acres of agricultural tax-exempt acres of land, with no minimum acreage being required.
 - c. Residentially developed properties are permitted one cargo container per acre, with a minimum property size of one acre.
 - d. Non-residentially developed properties are permitted one cargo container per acre, with no minimum acreage being required.
 - e. Cargo containers on residentially developed properties that do not meet the minimum acreage requirement above (2.c) but were permitted through the Building Department prior to December 2, 2025, shall be considered legally non-conforming.
- 3. Where more than one cargo container is allowed, as outlined in this section, they shall not be stacked. However, within the IND and BPC-2 land use district they shall be permitted to be stacked two-high.
 - 4. Cargo containers located on a residentially developed lot, or within the CE, LCC, RCC, CC, NAC, CAC land use districts, that is adjacent to residentially developed lots or structures shall be buffered and/or screened from the adjacent off-site residential lot or structure. Additionally, they shall maintain a minimum setback of 15 feet.
 - 5. All cargo containers shall be placed in either the side or rear yard and meet accessory structure setbacks for the applicable land use district or the setback as outlined in Condition #4 above, whichever is more restrictive.
 - 6. Cargo containers shall not be located within any drainage easements.
 - 7. Cargo containers shall not occupy any required off-street parking spaces, vehicular accesses or drive aisles, pedestrian facilities, or landscape areas for the site.
 - 8. Cargo containers shall not be permitted to have signage of any type.

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 2nd day of December 2025.