

**ORDINANCE NO. 13-\_\_\_\_\_**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS, POLK COUNTY, FLORIDA, LAND DEVELOPMENT CODE AMENDMENT LDC 13T-08, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE, AMENDING SECTION 209 (ACCESSORY STRUCTURES), SECTION 212 (STORAGE BUILDINGS, AND GREENHOUSES), SECTION 213 (DUMPSTERS), SECTION 214 (DISTANCE BETWEEN BUILDINGS), CHAPTER 10 (DEFINITIONS); AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Article VIII, Section I(g) of the Constitution of the State of Florida and the Local Government Comprehensive Plan and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes (FS), as amended, (the Act) Polk County is authorized and required to adopt a 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 November 6, 2013; and

**WHEREAS**, Section 209.D. *Location*, of the Polk County Land Development Code shall be amended as described in Section 1 of this Ordinance;

**WHEREAS**, Section 212 *Storage Buildings, and Greenhouses*, of the Polk County Land Development Code shall be amended and reserved as described in Section 2 of this Ordinance;

**WHEREAS**, Section 213 *Dumpsters*, of the Polk County Land Development Code shall be amended as described in Section 3 of this Ordinance;

**WHEREAS**, Section 214 *Distance Between Buildings*, of the Polk County Land Development Code shall be amended as described in Section 4 of this Ordinance;

**WHEREAS**, Chapter 10 *Definitions*, of the Polk County Land Development Code shall be amended to include a definition of “*Donation Bins*” as described in Section 6 of this Ordinance;

**WHEREAS**, the Board of County Commissioners, reviewed and considered all comments received during said public hearing, 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:** Section 209, Accessory Structures, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, shall be amended in the following manner:

**Section 209 Accessory Structures**

D. *Location (Rev. 12/1/10 – Ord. 10-083)*

1. Accessory structures shall be located in the side or rear yard meeting the required setbacks. Only those accessory structures located within the Agriculture/Residential Rural land use district that are part of a bona fide agricultural use shall be permitted within any yard (front, side, or rear) and shall adhere to applicable setback requirements for the district.
  
4. When a lot is determined to be a reverse frontage lot, the front, side and rear lot lines, the orientation of the primary structure (with regards to primary front access), along with the applicable setback requirements for the land use district, shall be used to determine the allowable placement location of an accessory structure(s).

**SECTION 2:** Section 212, Storage Buildings, and Greenhouses, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended to add and amend the following subsections:

**Section 212 Reserved ~~Storage Buildings, and Greenhouses~~**

~~Storage buildings and greenhouses shall be permitted only in side and rear yards in all residential districts. In the A/RR district, such buildings may be permitted in any yard.~~

**SECTION 3:** Section 213, Dumpsters, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended to add and amend the following subsections:

**Section 213 Dumpsters and Donation Bins**

A. *Accessory Use Requirements*

~~Dumpsters shall meet all of the applicable requirements in Section 209.~~

1. Dumpsters and donation bins shall meet all of the applicable requirements in Section 209.B. in addition to the requirements of this Section.
2. Donation bins shall comply with the following criteria:
  - a. Donation bins shall only be allowed within non-residential land use districts (or in conjunction with approved non-residential uses) and may be allowed within any yard (front, side, or rear).
  - b. Donation bins shall not be located within the right-of-way.
  - c. Donation bins are required to be at least 10 feet from all lot lines;
  - d. When located within a parking lot, donation bins shall not impede traffic circulation or create any potential traffic hazard;
  - e. It shall be the responsibility of the owner or agent whose property the bin is placed to ensure that all items are deposited within the donation bin. Donation items shall not be permitted to be deposited or stored outside of the donation bin.
  - f. Donation bins shall comply with the applicable requirements in Section 220, Compatibility Standards, of the Code.
3. Dumpsters shall comply with the following criteria:
  - a. Dumpsters shall be prohibited within residential land use districts unless they are part of an approved non-residential use, a mobile home park, a recreational vehicle park, or multifamily development project.
  - b. Within non-residential land use districts, dumpsters shall be located to the side or rear of a principal building. When two or more roadway frontages exist (as with reverse frontage lots), the orientation of the principal building (with regards to its primary front access) shall be used to guide the placement of the dumpster to a side or rear yard location based upon the identified side and rear lot lines.
  - c. Dumpsters shall adhere to the setback requirements of the applicable land use district to which it is being placed.
  - d. It shall be the responsibility of the owner or agent whose property is being serviced by the dumpster(s) to maintain the lid(s) in a closed condition at all times except when actually in the process of placing in or removing refuse from the dumpster(s).

- e. It shall be the responsibility of the property owner to maintain the dumpster area free of odors, scattered debris, overflow, and all other nuisances.
- f. No dumpster shall be used to dispose of hazardous or bio-hazardous materials.
- g. Dumpsters shall be situated so as not to obstruct the view of flowing traffic.

**B. *Screening and Buffering***

~~Buffering shall be required and designed to completely shield dumpsters from view from all public roads and residential dwelling units. Buffering may include vegetation, fences, or walls.~~

All dumpsters shall be completely screened from view of all public roads and residential dwelling units. Screening shall include a minimum six (6) foot high opaque fence or wall. Screening requirements do not apply to donation bins or areas where dumpsters are temporarily set out for the collection of refuse.

**SECTION 4:** Section 214, Distance Between Buildings, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended to add and amend the following subsections:

**B. *Buildings Housing Animals***

No structure for the sheltering or feeding of animals (such as barns, stables, coups, aviaries, troughs or feeders) shall be permitted to be built within 25 feet of a property boundary. Such structures within the A/RR, A/RRX, PM and CORE land use districts shall be permitted to meet the accessory structure setback requirements of its land use district.

**SECTION 5:** Chapter 10 Definitions, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended to add and amend the following subsections:

**DONATION BIN:** A receptacle, typically mobile, designed with a door, slot, or other opening that is intended to accept materials such as clothing and other household or office goods donated by the public.

**SECTION 6: SEVERABILITY**

If any provision of this Ordinance is held to be illegal, invalid, or unconstitutional by a court of competent jurisdiction the other provisions shall remain in full force and effect.

**SECTION 7: EFFECTIVE DATE**

This ordinance shall become effective as outlined §380.05, Florida Statutes, and upon filing with the Department of State.

**ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY,**

**FLORIDA** this \_\_\_\_\_ day of \_\_\_\_\_, 2013.