

ORDINANCE NO. 09-\_\_\_\_\_

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS, POLK COUNTY, FLORIDA, LAND DEVELOPMENT CODE AMENDMENT LDC 09T-27, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE, AMENDING SECTION 206, ACCESSORY USES, AND SECTION 209, ACCESSORY BUILDINGS, TO PROVIDE FOR REGULATIONS TO PERMIT CARGO/SHIPPING CONTAINERS AS PERMANENT STORAGE, AMENDING SECTION 207, TEMPORARY USES, TO PROVIDE FOR REGULATIONS TO PERMIT PORTABLE STORAGE STRUCTURES, AMENDING CHAPTER 10 DEFINITIONS; PROVIDING FOR SEVERABILITY; PROVIDING 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 July 14, 2009; and

**WHEREAS**, the proposed text amendment to the Polk County Land Development Code shall provide for regulations to allow for cargo/shipping containers to be used as permanent storage and provide for regulations relative to temporary portable storage containers; and

**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:** Chapter 2, Section 206, Accessory Uses, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended to add the following subsection:

**Section 206 Accessory Uses** (*Revised 01/03/05-Ord.04-80; 7/25/01-Ord.01-57*)

**K. Cargo Containers for Permanent Storage**

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 this section.
  - b. Bonafide 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 setback as outlined in 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 shall not be modified or retrofitted for habitation.

**SECTION 2:** Chapter 2, Section 209, Accessory Buildings, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended in the following manner:

**Section 209 Accessory Buildings**

This Section applies to accessory buildings in all districts. More than one accessory structure may be located on a parcel provided that the following requirements are met:

**E. *Prohibited Accessory Structures***

Vehicles, vehicle parts, ~~convex shipping containers~~, boilers, walk-in freezers, and mobile homes shall not be used as accessory structures in any district.

**SECTION 3:** Chapter 10, Definitions, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended in the following manner:

**CHAPTER TEN DEFINITIONS**

**CARGO CONTAINER (ALSO CALLED SHIPPING CONTAINER):** A reusable vessel that is originally, specifically or formerly designed for or used in the packing, shipping, movement, or transportation of freight, articles, goods, or commodities and is also designed for or capable of being mounted or moved on a rail car, truck trailer or loaded on a ship.

**SECTION 4: 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 5: 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 \_\_\_\_\_ day of \_\_\_\_\_, 2009.

BOARD OF COUNTY COMMISSIONERS OF  
POLK COUNTY, FLORIDA

STATE OF FLORIDA        )  
                                  )  
COUNTY OF POLK        )

I, Richard M. Weiss, Clerk and Auditor to the Board of County Commissioners of Polk County, Florida, hereby certify that the foregoing is a true and correct copy of Ordinance No. 09-\_\_\_\_\_, an amendment to the Polk County Land Development Code, which was adopted by the Board of County Commissioners of Polk County, Florida on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

WITNESS my hand and official seal on this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

(SEAL)

By: \_\_\_\_\_  
Kathryn Courtney  
Deputy Clerk