

**POLK COUNTY  
DEVELOPMENT REVIEW COMMITTEE  
CASE OVERVIEW**

<b>DRC Date:</b> February 7, 2019	<b>Level of Review:</b> 4
<b>PC Date:</b> April 3, 2019	<b>Type:</b> LDC Text Amendment
<b>BoCC Date:</b> April 16, 2019	<b>Case Numbers:</b> LDCT-2019-1
May 21, 2019	<b>Case Name:</b> No Sewer in Car Washes
<b>Applicant:</b> Moe Isa	<b>Case Planner:</b> Ian Nance

<b>Request:</b>	This is an applicant-initiated request for a LDC text amendment to remove the requirement of “Car Wash, Full Service,” “Car Wash, Incidental,” and “Car Wash Self-Service” uses to connect to public or community sanitary sewer from Section 303; add a requirement to Section 303 that these uses connect to a Car Wash Recycle System or a similar wastewater treatment system; and add the definition of “Car Wash Recycle System” to Chapter 10.
<b>Location:</b>	n/a
<b>Property Owner:</b>	n/a
<b>Parcel Size (Number):</b>	n/a
<b>Development Area:</b>	n/a
<b>Nearest Municipality:</b>	n/a
<b>DRC Recommendation:</b>	Approval
<b>Planning Commission Vote:</b>	Pending Hearing

**Summary:**

The applicant wishes to remove the requirement of “Car Wash, Full Service,” “Car Wash, Incidental,” and “Car Wash Self-Service” uses to connect to public or community sanitary sewer from Section 303 of the Land Development Code. This will be replaced by the requirement to utilize a Car Wash Recycle System or other wastewater treatment system as required by the Florida Department of Environmental Protection or other incumbent regulatory agency.

Chapter 10 of Polk County’s Land Development Code (LDC) defines “Car Wash, Full Service” as:

*“Any facility providing complete car washing and cleaning services. Car washing is generally automatic, with the driver leaving the car during the washing procedure. Waxing and detailing may also be provided.”*

Chapter 10 of Polk County’s Land Development Code (LDC) defines “Car Wash, Incidental” as:

*“Any automated car wash which is incidental to the sale of fuel, and characterized by an automatic wash which requires the driver to remain in the vehicle during operation. The facility may be an attached or a free standing structure.”*

Chapter 10 of Polk County’s Land Development Code (LDC) defines “Car Wash, Self-Service” as:

*“Any facility providing stalls with water, soap, wax, or other materials for cleaning vehicles by individuals.”*

In summation, Section 303 of the LDC establishes the conditional use criteria for “Car Wash, Full Service,” “Car Wash, Incidental,” and “Car Wash, Self-Service” uses:

In addition to the applicable district regulations in Table 2.2, the following standards shall apply:

1. The minimum distance from a car wash facility to any residentially designated property shall be 50 feet measured at the narrowest point between the property line of the residential property and either the stacking lane, car washing enclosure, or detailing area, whichever is closer. All car wash activities shall be screened from off-site residential view.
2. Land use activities, containing a car wash, located adjacent to residentially designated properties shall, at a minimum, provide a landscaped buffer equal to a Type C buffer (see Section 720) between the entire property and adjacent residential areas.
3. All car wash operations shall be required to connect to public or community sanitary sewer.
4. All car wash operations shall be required to connect re-use water where and when it is available.

**Among the changes to Section 303 is:**

- Remove the requirement for carwashes to connect to public or community sanitary service.
- Add a requirement that car wash facilities will require approval of a Car Wash Recycle System or similar wastewater treatment system by the Florida Department of Environmental Protection or other incumbent regulatory agency.

**Among the changes to Chapter 10, Definitions is:**

- Adding “Car Wash Recycle System” as the method, as approved by the Florida Department of Environmental Protection or other incumbent regulatory authority, of recycling wash water that is captured, treated, and redirected back into the same car wash facility.

**ORDINANCE NO. 18-\_\_\_\_\_**

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING LAND DEVELOPMENT CODE AMENDMENT LDCT-2019-1, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE, AMENDING CHAPTER 3, SECTION 303, TO REMOVE THE REQUIREMENT OF CAR WASH, FULL SERVICE, CAR WASH, INCIDENTAL, AND CAR WASH SELF-SERVICE USES TO CONNECT TO PUBLIC OR COMMUNITY SANITARY SEWER, TO ADD THE REQUIREMENT TO SECTION 303 THAT THESE USES CONNECT TO A CAR WASH RECYCLING SYSTEM OR SIMILAR WASTEWATER TREATMENT SYSTEM, ADD TO CHAPTER 10, DEFINITIONS, CAR WASH RECYCLE SYSTEM; 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 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 June 6, 2018; and

**WHEREAS**, the proposed text amendment to the Polk County Land Development Code shall remove the requirement of Car Wash, Full Service, Car Wash, Incidental, and Car Wash Self-Service uses to connect to public or community sanitary sewer; 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 3, Section 303, Criteria for Conditional Uses, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

**Car Wash, Full Service**

In addition to the applicable district regulations in Table 2.2, the following standards shall apply:

1. The minimum distance from a full service car wash facility to any residentially designated property shall be 50 feet measured at the narrowest point between the property line of the residential property and either the stacking lane, car washing enclosure, or detailing area, whichever is closer. All car wash activities shall be screened from off-site residential view.
2. Land use activities, containing a full service car wash, located adjacent to residentially designated properties shall, at a minimum, provide a landscaped buffer equal to a Type C buffer (see Section 720) between the entire property and adjacent residential areas.
3. All car wash operations shall be required to connect to ~~public or community sanitary sewer~~ a Car Wash Recycle System or similar wastewater treatment system approved by the Florida Department of Environmental Protection or other incumbent regulatory agency.
4. All car wash operations shall be required to connect re-use water where and when it is available.

**Car Wash, Incidental**

In addition to the applicable district regulations in Table 2.2, the following standards shall apply:

1. The minimum distance from an incidental car wash facility to any residentially designated property shall be 50 feet measured at the narrowest point between the property line of the residential property and either the stacking lane, car washing enclosure, or detailing area, whichever is closer. All car wash activities shall be screened from off-site residential view.
2. Land use activities, containing an incidental car wash, located adjacent to residentially designated properties shall, at a minimum, provide a landscaped buffer equal to a Type C buffer (see Section 720) between the entire property and adjacent residential areas.
3. All car wash operations shall be required to connect to ~~public or community sanitary sewer~~ a Car Wash Recycle System or similar wastewater treatment system approved by the Florida Department of Environmental Protection or other incumbent regulatory agency.
4. All car wash operations shall be required to connect re-use water where and when it is available.

**Car Wash, Self Service**

In addition to the applicable district regulations in Table 2.2, the following standards shall apply:

1. The minimum distance from a self service car wash facility to any residentially designated property shall be 50 feet measured at the narrowest point between the property line of the residential property and either the stacking lane, car washing enclosure, or detailing area, whichever is closer. All car wash activities shall be screened from off-site residential view.
2. Land use activities, containing a self service car wash, located adjacent to residentially designated properties shall, at a minimum, provide a landscaped buffer equal to a Type C buffer (see Section 720) between the entire property and adjacent residential areas.
3. All car wash operations shall be required to connect to ~~public or community sanitary sewer~~ a Car Wash Recycle System or similar wastewater treatment system approved by the Florida Department of Environmental Protection or other incumbent regulatory agency.
4. All car wash operations shall be required to connect re-use water where and when it is available.

**SECTION 2:** Chapter 109, Definitions, of the of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended to add the following definitions:

**Car Wash Recycle System:** A method, as approved by the Florida Department of Environmental Protection or other incumbent regulatory authority, of recycling wash water that is captured, treated, and redirected back into the same car wash facility.

**SECTION 3: 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 4: 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 \_\_\_\_\_, 2019.

