

ORDINANCE NO. 22 - 036

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING LAND DEVELOPMENT CODE AMENDMENT **LDCT-2021-22**, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE; AMENDING APPENDIX E, SECTION E105, PARCEL SPECIFIC LAND USE WITH CONDITIONS, ADDING DEVELOPMENT STANDARDS FOR PROPERTY PART OF LDCPAS-2021-24 AND LOCATED SOUTH OF OLD MEDULLA ROAD, EAST AND WEST OF WARING ROAD, NORTH OF PIPKIN ROAD AND EAST AND SOUTH OF THE CITY OF LAKELAND IN SECTION 03 AND 10, TOWNSHIP 29, RANGE 23; 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 March 5, 2022; 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 following text is proposed to be deleted from the current ordinance language. Proposed new text is shown Underlined, deleted text is shown as ~~strikeout~~.

SECTION 1: The Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, shall be amended in the following manner:

APPENDIX E SECTION E105 O LDCPAS-2021-24 Parcel numbers 232903-000000-042010; 232910-000000-031050, 232910-000000-031140, 232910-000000-032020, 232910-000000-032050, 232910-000000-032060

1. Applicability

The provisions and requirements of this Subsection apply to the subject site, the boundaries of which are shown on the Future Land Use Map Series and Land Use District maps, more particularly those depicted in the panel showing Range 23 East, Township 29 South, Section 3 and 10. The site is legally described as:

The East 1/2 of the Northeast 1/4 of the Northwest 1/4, Less the West 40 Feet and Less the East 200 feet of the West 240 feet of the North 155 feet thereof all in section 10, Township 29 South, Range 23 East, TOGETHER with all improvements located thereon;

And

The South 40 yards of the Southeast 1/4 of the Southeast 1/4 of the Southwest 1/4, Less the West 240 feet thereof, and Less road, right of way for Drane Field Road, all being in Section 3, Township 29 South, Range 23 East, TOGETHER with all improvements located thereon;

LESS AND EXCEPT that parcel of land described in Official Records Rook 5444, Page 1628 of the Public Records of Polk County, Florida, being more particularly as follows;

The South 208.71 feet of the North 930.71 feet of the East 208.71 feet of the West 248.71 feet of the East 1/2 of the Northeast 1/4 of the Northwest 1/4 of Section 10, Township 29 South, Range 23 East, Polk County, Florida; Together with an easement for egress, ingress and utility purposes over and across the North 930.71 feet of the West 40.0 feet of the East 1/2 of the Northeast 1/4 of the Northwest 1/4 of the said Section 10 and over and across that port of the West 40.0 feet of the East 1/2 of the Southeast 1/4 of the Southwest 1/4, Lying South of the South Right-of-Way line of Medulla Road of Section 3, Township 29 South, Range 23 East, Polk County, Florida.

TOGETHER WITH AN EASEMENT for ingress and egress over and across the West 40 feet of the North 1/2 of Northeast 1/4 of Northwest 1/4 of Section 10, Township 29 South, Range 23 East and the West 40 feet of the East 1/2 of the South 40 yards of the Southeast 1/4 of the Southwest 1/4 of Section 3, Township 29 South, Range 23 East, less road right of way for Drane Field Road.

AND

The West 446.61 feet of the North 420.00 feet of the West 700.00 feet of the Southeast 1/4 of the Northwest 1/4 of Section 10, Township 29 South, Range 23 East, Together with an Easement for Ingress, Egress and Utilities over the East 30.00 feet and the South 30.00 feet of the East 253.39 feet of the North 420.00 feet of the West 700.00 feet of the Southeast 1/4 of the Northwest 1/4 of Section 10, Township 29 South, Range 23 East, Polk County, Florida.

AND

The West 40 feet of East 1/2 of Northeast 1/4 of Northwest 1/4 of Section 10, Township 29 South, Range 23 East and the West 40 feet of the East 1/2 of the South 40 yards of the Southeast 1/4 of Southwest 1/4 of Section 3, Township 29 South, Range 23 East, less road right-of-way for Drane Field Road, all of the public records of Polk County, Florida.

AND

The North 195.00 feet of the East 253.39 feet of the North 420.00 feet of the West 700.00 feet of the Southeast 1/4 of the Northwest 1/4 of Section 10, Township 29 South, Range 23 East. Subject to an Easement for Ingress, Egress and Utilities over the East 30.00 feet thereof. Together with a non-exclusive Easement over and across the West 40 feet of East 1/2 of Northeast 1/4 of Northwest 1/4 of Section 10, Township 29 South, Range 23 East and the West 40 feet of the East 1/2 of the South 40 yards of the Southeast 1/4 of Southwest 1/4 of Section 3, Township 29 South, Range 23 East, less road right-of-way for Drane Field Road, all of the public records of Polk County, Florida.

AND

The South 225.00 feet of the East 253.39 feet of the North 420.00 feet of the West 700.00 feet of the Southeast 1/4 of the Northwest 1/4 of Section 10, Township 29 South, Range 23 East, subject to an Easement for Ingress, Egress and Utilities over the East 30.00 feet and the South 30.00 feet thereof, and together with and Easement for Ingress, Egress and Utilities over the East 30.00 feet of the North 195.00 feet of the of the East 253.39 feet of the North 420.00 feet of the West 700.00 feet of the Southeast 1/4 of the Northwest 1/4 of Section 10, Township 29 South, Range 23 East, all of the Public records of Polk County, Florida.

AND LESS AND EXCEPT the following

A PARCEL OF LAND BEING IN THE NORTHWEST 1/4 OF SECTION 10 AND THE SOUTHWEST 1/4 OF SECTION 3, BOTH IN TOWNSHIP 29 SOUTH, RANGE 23 EAST, POLK COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 10 (SOUTHWEST CORNER OF SAID SECTION 3) THENCE NORTH 89°55'115" EAST 2247.82 FEET ALONG THE NORTH LINE OF SAID SECTION 10 (SOUTH LINE OF SAID SECTION 3); THENCE DEPARTING SAID SECTION LINE, RUN NORTH 00°13'11" WEST 17.33 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00°13'11" WEST 21.21 FEET TO THE EXISTING SOUTHERLY RIGHT OF WAY LINE OF MEDULLA ROAD (AS SHOWN ON THE CITY OF LAKELAND RIGHT OF WAY MAP PROJECT

NO. 005533) ; THENCE NORTH 89°57'29" EAST 75.51 FEET ALONG SAID EXISTING SOUTHERLY RIGHT OF WAY LINE OF MEDULLA ROAD TO A POINT ON A TANGENT CURVE TO THE RIGHT (CONCAVE SOUTHWESTERLY); THENCE NORTHEASTERLY, EASTERLY AND SOUTHEASTERLY ALONG SAID EXISTING SOUTHERLY RIGHT OF WAY LINE AND SAID CURVE, HAVING A RADIUS OF 691.20 FEET, FOR AN ARC DISTANCE OF 270.03 FEET, THROUGH A CENTRAL ANGLE OF 22°23'00" TO END OF CURVE; THENCE SOUTH 67°39'31" EAST 9.05 FEET ALONG SAID RIGHT OF WAY LINE TO A POINT ON A TANGENT CURVE TO THE LEFT (CONCAVE NORTHEASTERLY); THENCE SOUTHEASTERLY ALONG SAID RIGHT OF WAY LINE AND SAID CURVE, HAVING A RADIUS OF 843.51 FEET, FOR AN ARC DISTANCE OF 89.18 FEET, THROUGH A CENTRAL ANGLE OF 06°03'26" TO THE EAST LINE OF SAID SOUTHWEST 1/4 OF SECTION 3, AND END OF CURVE; THENCE SOUTH 00°15'18" EAST 12.18 FEET ALONG SAID EAST LINE OF THE SOUTHWEST 1/4 OF SECTION 3 TO A POINT ON A NON-TANGENT CURVE TO THE RIGHT (CONCAVE NORTHEASTERLY); THENCE NORTHWESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 840.00 FEET, FOR A DISTANCE OF 64.87 FEET, HAVING A CHORD BEARING OF NORTH 71°20'26" WEST FOR A DISTANCE OF 64.86 FEET, THROUGH A CENTRAL ANGLE OF 04°25'30" TO A POINT OF REVERSE CURVE TO THE LEFT (CONCAVE SOUTHWESTERLY); THENCE NORTHWESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 840.00 FEET, FOR A DISTANCE OF 144.22 FEET, HAVING A CHORD BEARING OF NORTH 73°40'03" WEST FOR A DISTANCE OF 144.04 FEET, THROUGH A CENTRAL ANGLE OF 09°50'14" TO END OF CURVE; THENCE SOUTH 89°25'57" WEST 37.47 FEET TO A POINT ON A NON-TANGENT CURVE TO THE LEFT (CONCAVE SOUTHEASTERLY); THENCE SOUTHWESTERLY, SOUTHERLY AND SOUTHEASTERLY ALONG SAID CURVE, HAVING A RADIUS OF 46.00 FEET, FOR AN ARC INSTANCE OF 59.08 FEET, HAVING A CHORD BEARING OF SOUTH 15°39'33" WEST FOR A DISTANCE OF 55.10 FEET, THROUGH A CENTRAL ANGLE OF 73°35'14" TO A POINT OF COMPOUND CURVE TO THE LEFT (CONCAVE NORTHEASTERLY); THENCE SOUTHEASTERLY ALONG SAID CURVE, HAVING A RADIUS OF 900.00 FEET, FOR AN ARC DISTANCE OF 156.12 FEET, HAVING A CHORD BEARING OF SOUTH 26°06'14" EAST FOR A DISTANCE OF 155.92 FEET, THROUGH A CENTRAL ANGLE OF 09°56'20" TO END OF CURVE; THENCE SOUTH 31°04'24" EAST 279.91 FEET TO A POINT ON A TANGENT CURVE TO THE RIGHT (CONCAVE SOUTHWESTERLY); THENCE SOUTHEASTERLY ALONG SAID CURVE, HAVING A RADIUS OF 1,000.00 FEET, FOR AN ARC DISTANCE OF 86.17 FEET THROUGH A CENTRAL ANGLE OF 04°56'14" TO SAID EAST LINE OF THE NORTHWEST ¼ OF SECTION 10, AND END OF CURVE; THENCE SOUTH 00°17'39" EAST 435.89 FEET ALONG SAID EAST LINE OF THE NORTHWEST ¼ TO A POINT ON A NON-TANGENT CURVE TO THE LEFT (CONCAVE SOUTHWESTERLY); THENCE NORTHWESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 900.00 FEET, FOR A DISTANCE OF 483.48 FEET, HAVING A CHORD BEARING OF NORTH 15°41'01" WEST FOR A DISTANCE OF 477.69 FEET, THROUGH A CENTRAL ANGLE OF 30°46'45" TO END OF CURVE; THENCE NORTH 31°04'24" WEST 279.91 FEET TO A POINT ON A TANGENT CURVE TO THE RIGHT (CONCAVE NORTHEASTERLY); THENCE NORTHWESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 1,000.00 FEET, FOR AN ARC DISTANCE OF 282.53 FEET, THROUGH A CENTRAL ANGLE OF

16°11'15" TO END OF CURVE SAID POINT BEING ON A NON-TANGENT CURVE TO THE LEFT (CONCAVE SOUTHERLY); THENCE NORTHWESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 905.00 FEET, FOR AN ARC DISTANCE OF 1.97 FEET, HAVING A CHORD BEARING OF NORTH89°38'25" WEST FOR A DISTANCE OF 1.97 FEET, THROUGH A CENTRAL ANGLE OF 00°07'29" TO END OF CURVE; THENCE NORTH 89°42'10" WEST 50.26 FEET TO THE POINT OF BEGINNING.

AND ALSO LESS;

A PARCEL OF LAND BEING IN THE SOUTHWEST 1/4 OF SECTION 3, TOWNSHIP 29 SOUTH, RANGE 23 EAST, POLK COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 3; THENCE NORTH 89°55'15" EAST 2,007.82 FEET ALONG THE SOUTH LINE OF SAID SECTION 3 TO THE WEST LINE OF THAT CERTAIN PROPERTY AS DESCRIBED IN OFFICIAL RECORDS BOOK 1376, PAGE 813 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE NORTH 00°13'11" WEST 78.90 FEET ALONG SAID WEST PROPERTY LINE TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID WEST PROPERTY LINE, NORTH 00°13'11" WEST 19.79 FEET TO THE EXISTING SOUTHERLY RIGHT OF WAY LINE OF MEDULLA ROAD (AS SHOWN ON THE CITY OF LAKE LAND RIGHT OF WAY MAP PROJECT NO. 005533); THENCE NORTH 89°57'29" EAST 40.00 FEET ALONG SAID RIGHT OF WAY LINE TO THE EAST PROPERTY LINE OF AFOREMENTIONED PROPERTY; THENCE SOUTH 00°13'11" EAST 20.03 FEET ALONG SAID EAST PROPERTY LINE; THENCE DEPARTING SAID EAST LINE, RUN NORTH 89°42'10" WEST 40.00 FEET TO THE POINT OF BEGINNING.

1. Permitted Uses. The permitted uses on this site shall be those uses associated with the Residential High future land use as permitted in Table 2.1 of this Code. Except that the three western most parcels shall only be restricted to retention, open space, or parking.
2. Additional Site Development Standards

In addition to all applicable standards of this Code, any development on the subject site shall comply with the following site development standards prior to site alteration or development:

- a. Any development of the site adjacent to existing single-family residential homes use shall be conditioned upon a 25-foot setback that shall incorporate at least a Type "B" Landscape Buffer as outlined in Section 720 of this Code that is irrigated.
- b. Dumpsters, mailboxes, car washing & maintenance areas, storage areas, and other accessory structures shall be located at least 50 feet from any residential property lines.
- c. Parking lots (minimum two rows) shall separate all structures from all perimeter residential lots.
- d. All balconies and terraces shall face interior to the site.

e. All outdoor lighting in areas adjacent to a residential use shall be subject to the following conditions:

i. All outdoor lighting shall be located, aimed or shielded so as to minimize light projection across property boundaries.

ii. Except for security lighting fixtures, all outdoor lighting fixtures shall be of the fully shielded type. Examples of the fully shielded lights are set forth in Figure "A".

a) Light fixtures shall be aimed no higher than 45 degrees above vertical down (half-way between straight down and straight to the side) when the light source is visible from any off-site residential property or thoroughfare.

b) Prohibited lights:

1) Flashing, revolving, or intermittent lights visible from any property line.

2) High intensity light beams such as but not limited to searchlights, laser lights, or strobe lights visible from any property line.

FIGURE "A"

EXAMPLES OF FULLY SHIELDED LIGHTS



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 3rd day of May, 2022.



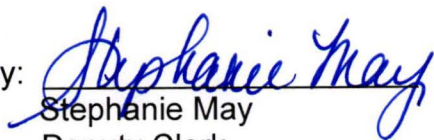
STATE OF FLORIDA)
)
COUNTY OF POLK)

I Stacy M. Butterfield, County Clerk and Comptroller for Polk County, Florida, hereby certify that the foregoing is a true and correct copy of Ordinance No. 2022-36 adopted by the Board on May 3, 2022.

WITNESS my hand and official seal on this 3rd day of May 2022.

STACY M. BUTTERFIELD, CLERK

By:


Stephanie May
Deputy Clerk





FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

May 3, 2022

Stephanie May
Polk County
Post Office Box 988
Bartow, Florida 33831-0988

Dear Stephanie May:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Polk County Ordinance No. 22-036, which was filed in this office on May 3, 2022.

Sincerely,

Anya Owens
Program Administrator

ACO/mas

