

ORDINANCE NO. 2023-028

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING LAND DEVELOPMENT CODE AMENDMENT LDCT-2022-24, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE, AMENDING CHAPTER 7, SECTION 707, TO REQUIRE SIDEWALKS ALONG DEVELOPMENT WITHIN MUNICIPALITIES WITH FRONTAGE ON COUNTY ROADWAYS; AMENDING CHAPTER 8, SECTION 824, TO REQUIRE INTERNAL SIDEWALKS WITHIN ALL MAJOR SUBDIVISIONS; 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 a Land Development Regulations consistent with the Polk County Comprehensive Plan; and

WHEREAS, the Board of County Commissioners (the "Board") adopted said Land Development Regulations on March 1, 2000, titled the Polk County Land Development Code (the "LDC"); 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 1, 2023; and

WHEREAS, LDCT-2022-24 is a County-initiated request to modify sidewalk standards; and

WHEREAS, the Board of County Commissioners of Polk County has determined it appropriate to adopt regulations that are consistent with the Comprehensive Plan;

WHEREAS, the Board held two public hearings on April 4, 2023 and April 18, 2023 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, if any.

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 March 1, 2023 to consider the LDC text amendments contained within Application LDCT-2022-24 and found them to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC Text Amendment contained within Application LDCT-2022-24.
- c) The adoption of LDCT-2022-24 is consistent with the Comprehensive Plan and LDC.

SECTION 2: Chapter 7, Section 707, Sidewalks of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended:

Section 707 Sidewalks (*Rev. 12/08/03 Ord. 03-66; Rev. 06/08/04 Ord. 03-94*) (*11-3-2020 ORD 2020-042*)

Sidewalks are considered an urban service and vital to the promotion of pedestrian well being and the minimization of pedestrian deaths in the County. Sidewalks are also an essential element of public and charter school infrastructure.

A. *Sidewalks Required of Development* (See Sidewalk Overlay District Map) (*Rev. 12/08/03 Ord. 03-66*)

1. ~~Within all areas designated on the current Sidewalk Overlay District Map, sidewalks~~ Sidewalks shall be required along the frontage of arterial and collector roads of all developments that include the creation of a new habitable structure that are located within two miles of a public or charter elementary, middle, or high school and in:
 - a. The TSDA, UGA, or UEA;
 - b. The SDA, for SPDs; ~~and all residential infill developments where the minimum lot size is less than 40,000 square feet; or,~~
 - c. Platted residential infill developments where the minimum lot size is less than or equal to 40,000 square feet;
 - ~~e. d.~~ d. Development located in the RCC and RCC-R; or,
 - e. Development located within city limits with frontage on County roadways.

2. Sidewalks are not required for mining or agricultural activities.

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SECTION 3: Chapter 8, Section 824, Roadway Design of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended:

...

H. Internal Sidewalks

1. To enhance pedestrian safety and recreation opportunities, all major subdivisions shall provide sidewalks along internal roadways, as follows:
 - a. Where sidewalks are present or required along County roadways abutting a major subdivision, sidewalks shall be provided on both sides of internal public or private roads. Connectivity shall be provided to sidewalks along the frontage of the development, where accessing the County roadway system.
 - b. Where sidewalks are not present or required along County roadways abutting a major subdivision, a sidewalk shall be provided on at least one side of internal public or private roads.
 - c. Internal sidewalks shall provide connectivity from all lots to open space, recreation, and parking facilities.

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 on this 18 day of April, 2023



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. 2023-028 adopted by the Board on April 18, 2023

WITNESS my hand and official seal on this 18th day of April 2023.

STACY M. BUTTERFIELD, CLERK

By: Yolanda Harris
Yolanda Harris
Deputy Clerk





FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

April 19, 2023

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

Attention: Yolanda Harris

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. 2023-028, which was filed in this office on April 18, 2023.

Sincerely,

Anya Owens
Program Administrator

ACO/wlh

