

ORDINANCE NO. 2024- 057

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING LAND DEVELOPMENT CODE AMENDMENT **LDCT-2024-16**, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE, TO AMEND APPENDIX E, SECTION E105, ADDING INSTITUTIONAL AS AN ALLOWABLE LAND USE AND ALTERING PORTIONS OF THE BUFFERING ON PROPERTY SUBJECT TO LDCPAS-2024-5. THE SUBJECT PROPERTY IS LOCATED ON THE NORTH SIDE OF W PIPKIN ROAD, EAST OF DOSSEY RD., SOUTH OF JORDAN ROAD, AND WEST OF HARDEN BOULEYARD, SOUTH OF LAKE LAND CITY LIMITS, IN SECTION 11, TOWNSHIP 29 AND 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 of the Land Development Code 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 April 4, 2018; and

WHEREAS, the proposed text amendment to the Polk County Land Development Code is to correct inconsistencies between the Comprehensive Plan and Land Development Code; 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:

SECTION 1: APPENDIX E, Parcel Specific Future Land Use Designation with Conditions, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, shall be created in the following manner:

Section E 105 Parcel Specific Comprehensive Plan Amendments (CPA) with Conditions

F. CPA 18C-01 and LDCPAS-2024-5

1. Applicability

The provisions and requirements of this Section apply to the subject site, the boundaries of which are shown on the Future Land Use Map Series and Land Use District maps.

2. Allowable Uses and Intensity of Development

a. The allowable use for this property shall be limited as follows:

i. Business Park Center Uses that shall be allowed only in the area designated on the Activity Center Plan subject to the Level of Review established in Table 2.1 of this LDC. The Activity Center Plan shall be limited to the following uses and at a minimum, comply with the Criteria for Conditional Uses contained in Section 303 of this Code:

- a) Commercial Vehicle Parking
- b) Office
- c) Self-Storage Facility
- d) Commercial Uses, consistent with Convenience Center land use, shall not extend more than 260-feet into the site as measured from the right-of-way of W. Pipkin Road.

ii. Institutional Uses that shall be allowed only in the area designated on the Activity Center Plan subject to the Level of Review established in Table 2.1 of this LDC and at a minimum, comply with the Criteria for Conditional Uses contained in Section 303 of this Code.

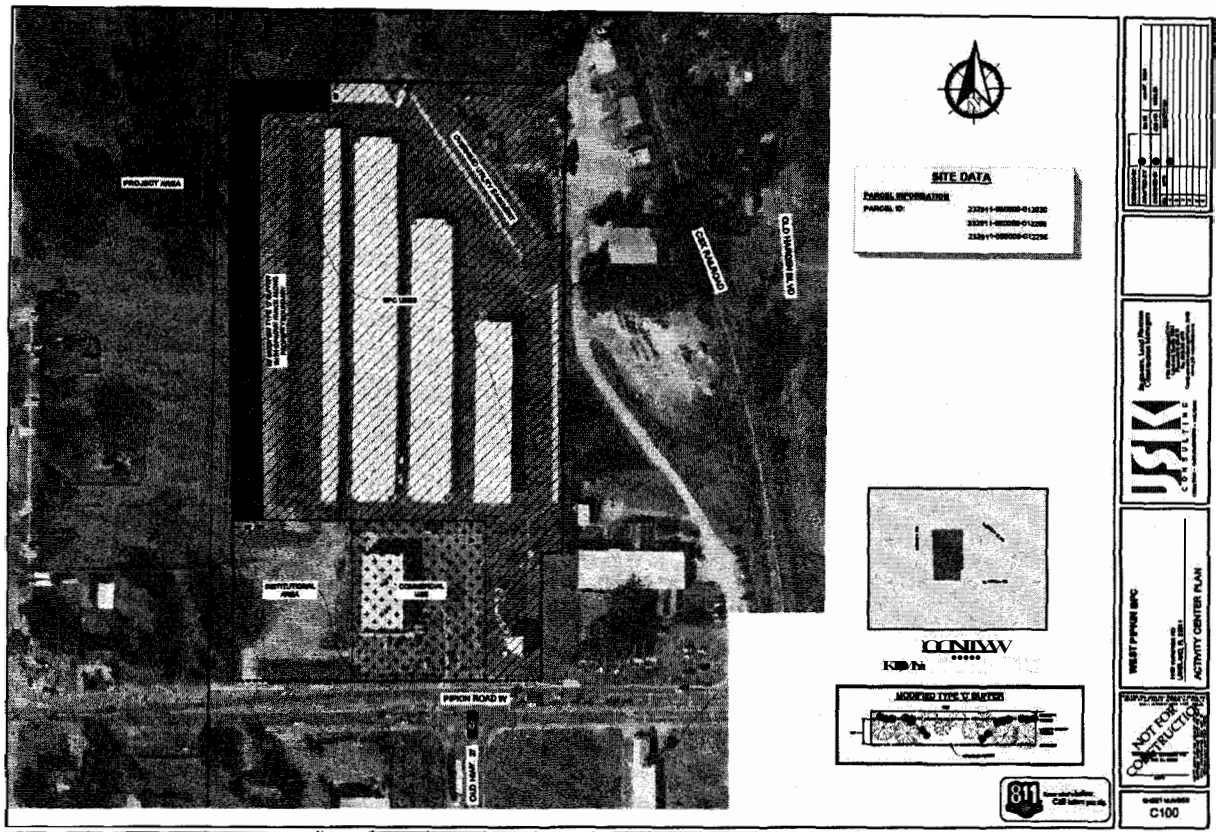
b. All allowable uses shall comply with the following additional site development standards prior to site alteration or development:

i. All proposed development or redevelopment of the site shall be conditioned upon a 50-foot wide buffer area running ~~800'~~ 760' south from the northernmost property line along the residential uses to the west and 165' east along the north property line from the westernmost property line as generally shown on the Activity Center Plan. The buffer shall include the plantings of a Type "C" Landscape Buffer as outlined in Section

720 of this Code. In addition, a minimum six-foot-high opaque fence shall be installed around the entire property boundary using outdoor storage.

- ii. Except as provided in Condition 2(b)(i), all proposed development or redevelopment of the site shall have a minimum 20-foot setback requirement unless a larger setback is required in Table 2.2 and subject to standard Landscape Buffer requirements as outlined in Section 720 of this Code.
- iii. All development shall submit a lighting plan. All lighting shall be directional and fully shielded with cut-off, non-glare fixtures directed straight downward onto the subject site. The maximum height of on-site lighting fixtures shall be limited to 17 feet. All light fixtures shall be setback a horizontal distance of at least 50 feet from any residentially used or designated property. Illumination onto adjacent properties and rights-of-way shall not exceed 0.5-foot candles, measured at the property line of the site.
- iv. Structures shall not exceed fifty (50) feet in height.

3. The Activity Center Plan shall be as shown:



SECTION 2: 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 3: 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 17th day of September 2024.

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. 2024-057 adopted by the Board on September 17, 2024

WITNESS my hand and official seal on this 17th day of September 2024.

STACY M. BUTTERFIELD, CLERK

By: 1
Erin Valle
Deputy Clerk





FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

September 18, 2024

Stacy M. Butterfield
Clerk of the Circuit Court and Comptroller
Polk County
Post Office Box 988
Bartow, FL 33831-0988

Dear Stacy Butterfield,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Polk County Ordinance No. 24-057, which was filed in this office on September 17, 2024.

Sincerely,

Alexandra Leijon
Administrative Code and Register Director

AL/wlh

