

ORDINANCE NO. 2023-001

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING THE ADOPTION OF AMENDMENT **LDCPAL-2022-8**; AN AMENDMENT TO THE POLK COUNTY COMPREHENSIVE PLAN; ORDINANCE 92-36, AS AMENDED TO ADD A NEW FOOTNOTE TO THE TABLE IN POLICY 2.109-A1 LAND USE CATEGORIES ESTABLISHED AND IN POLICY 2.125-C3(C) TRANSITIONAL AREA DEVELOPMENT (TAD) CONTROLS ALLOWING AN INCREASE IN THE FLOOR AREA RATIO (FAR) WITH A PLANNED DEVELOPMENT IN OFFICE CENTER (OC); 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 Comprehensive Plan (Plan); and

WHEREAS, Section 163.3184, FS, and Comprehensive Plan Section 4.305.B, provides for the approval of Large-Scale Comprehensive Plan Amendments; and

WHEREAS, Application LDCPAL 2022-8 is an applicant-initiated application to add a new footnote to the table in Policy 2.109-A1 Land Use Categories Established and in Policy 2.125-C3(c) Transitional Area Development (TAD) Controls allowing an increase in the Floor Area Ratio (FAR) with a Planned Development in Office Center (OC) for self-storage facilities when part of a Transitional Area Development (the “Amendment”); and

WHEREAS, pursuant to Section 163.3174, FS, the Local Planning Authority (Planning Commission) conducted a public hearing, with due public notice having been provided, on the Amendment on September 7, 2022; and

WHEREAS, pursuant to Section 163.3184, FS, the Board of County Commissioners on November 1, 2022, held an initial public hearing and authorized

transmittal of the Amendment to the Department of Economic Opportunity (DEO) for written comment, and

WHEREAS, DEO, by letter dated November 30, 2022, transmitted objections, recommendations, and comments on the Amendment; and

WHEREAS, pursuant to Section 163.3184, FS, the Board of County Commissioners conducted an adoption public hearing, with due public notice having been provided, on the Amendment on January 3, 2023; and

WHEREAS, the Board of County Commissioners reviewed and considered all comments received during said public hearings, and provided for necessary revisions, if any; and

WHEREAS, the Board of County Commissioners has considered the data and analysis contained within the staff report; and

WHEREAS, the Amendment is consistent with Chapter 163, FS, and the Polk County Comprehensive Plan.

NOW THEREFORE, BE IT ORDAINED by the Polk County Board of County Commissioners:

SECTION 1: LEGISLATIVE FINDINGS OF FACT

The findings of fact set forth in the recitals to this Ordinance are true and correct and hereby adopted.

SECTION 2: COMPREHENSIVE PLAN AMENDMENT

The Future Land Use Map of Ordinance No. 92-36, as amended, (the “Polk County Comprehensive Plan”) is hereby amended to add a new footnote to the table in Policy

2.109-A1 Land Use Categories Established and in Policy 2.125-C3(c) Transitional Area Development (TAD) Controls as shown in Attachment "A" of this Ordinance.

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 be effective 31 days after adoption, unless the amendment is challenged. If challenged, the effective date of this ordinance shall be the date a Final Order is issued by the Department of Economic Opportunity or Administration Commission finding the amendment in compliance in accordance with Section 163.3184 (1).(b), Florida Statutes. No development orders, development permits, or land uses dependent upon this amendment, as described on the attached map of proposed land uses, may be issued or commence before it has become effective.

SECTION 6: FILING WITH THE DEPARTMENT OF STATE:

The Clerk and Auditor to the Board of County Commissioners of Polk County, Florida, shall file a certified copy of this ordinance with the Department of State, through the Secretary of State, upon adoption by the Board of County Commissioners of Polk County, Florida.

ADOPTED, in open session of the Polk County Board of County Commissioners with a quorum present and voting this 3rd day of January, 2023.



ATTACHMENT "A"

NOTE: The following text is the proposed addition to the current ordinance language. Strikeout text in red reflex text to be removed and underline text in red indicates text to be added.

POLICY 2.109-A1: LAND USE CATEGORIES ESTABLISHED - The following land use categories are hereby established for the Polk County Comprehensive Plan:

	Map Symbol	Maximum Standard Residential Density(1)	Maximum Planned Development Density(2)	Standard Non-residential FAR(3)	Maximum Planned Development FAR(4)
a Activity Centers					
1. Rural-Cluster Centers	RCC	2.0	2.0	0.30	0.30
2. Convenience Centers	CC	0.0	0.0	0.25	0.50
3. Neighborhood Activity Centers	NAC	0.0	5.0	0.25	0.70
4. Community Activity Centers	CAC	25.0	25.0	0.30	1.00
5. Regional Activity Centers	RAC	25.0	25.0	0.35	1.50
6. High-Impact Centers	HIC	0.0	0.0	0.50	0.50
7. Tourism-Commercial Centers	TCC	0.0	0.0	0.50	1.00
b Linear Commercial Corridor	LCC	0.0	0.0	0.35	0.35
c Commercial Enclave	CE	0.0	0.0	0.35	0.35
d Industrial / Business Park Center/Office Center					
1. Industrial	IND	0.0	0.0	0.75	1.50
2. Business Park Center	BPC	15.0	15.0	0.75	1.50
3. <u>Office Center</u>	OC	0.0	0.0	0.30	.30
e Phosphate Mining	PM	0.0	0.0	0.75	0.75
f Leisure/Recreation	L/R	10.0	10.0	0.25	0.25
g Institutional	INST	0.0	15.0	0.75	0.75
h Recreation and Open Space	ROS	0.0	0.0	0.25	0.25
i Preservation Areas	PRESV	0.0	0.0	0.0001	0.0001
j Residential					
1. Urban					
(a) Residential-Suburban	RS	0.2	3.0	0.25	0.25
(b) Residential-Low	RL	5.0	5.0	0.25	0.25
(c) Residential-Medium	RM	7.0	10.0	0.25	0.25
(d) Residential-High	RH	15.0	15.0	0.25	0.25
2. Agricultural/Residential-Rural	A/RR	0.2	2.0	0.25	0.25

	Map Symbol	Maximum Standard Residential Density(1)	Maximum Planned Development Density(2)	Standard Non-residential FAR(3)	Maximum Planned Development FAR(4)
3. Rural Cluster Center	RCC-R	2.0	2.0	0.25	0.25

(1) Maximum Standard Residential Density is the highest number of dwelling units that may be achieved for residential development other than a Planned Development.

(2) Maximum Planned Development Density is the highest number of dwelling units that may be achieved within a Planned Development.

(3) Standard Non-residential FAR is the most intense floor to area ratio for non-residential buildings within development proposals that are not within a Planned Development.

(4) Maximum Planned Development FAR is the most intense floor to area ratio for buildings within a Planned Development.

(5) Maximum Planned Development FAR of up to 0.75 is permitted for self-storage facilities in the OC land use in a Transitional Area.

For properties within the Transit Supportive Development Areas (TSDA), higher densities and intensities can be achieved in accordance with the criteria established in Policy 2.104-A7.

POLICY 2.125-C3: TRANSITIONAL AREA DEVELOPMENT CONTROLS - Transitional Areas shall be limited to the following:

a. Transitional Areas shall generally have the following attributes:

1. normal-business hours (Monday-Saturday, 7 a.m. to 6 p.m.);
2. low-traffic generation (40 trips per 1000 square feet per day, or less); and
3. non- or low-external lighting glare, noise, odors, etc.

b. Development within a Transitional Area shall be responsible for providing appropriate buffering from the less-intensive use and shall meet, at a minimum, the development criteria applicable to the intensive-use area for which the Transitional Area is being established. Also, other Plan policies, such as Policies 2.102-A1, 2.119-A3.a., and 2.119-A3.b. still are applicable to Transitional Areas.

c. FAR may be increased in OC, RL, RM and RH with an approved Planned Development associated with a Self-Storage Facility.

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. 2023-001 adopted by the Board on January 03, 2023.

WITNESS my hand and official seal on this 3rd day of January 2023.

STACY M. BUTTERFIELD, CLERK

By:


Stephanie May
Deputy Clerk





FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

January 3, 2023

Stephanie May
Polk County
Post Office Box 988
Bartow, FL 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. 2023-001, which was filed in this office on January 3, 2023.

Sincerely,

Anya Owens
Program Administrator

ACO/rra

