

ORDINANCE NO. 2023 -037_____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING THE ADOPTION OF AMENDMENT **LDCPAL-2022-14**; AN AMENDMENT TO THE POLK COUNTY COMPREHENSIVE PLAN; ORDINANCE 92-36, TO MODIFY SECTION 2.120-B SUBURBAN PLANNED DEVELOPMENT (SPD); TO REMOVE DUPLICATIVE LANGUAGE ALSO FOUND IN THE LAND DEVELOPMENT CODE AND RELATED TO LDCT-2022-16; 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-2022-14 is a County-initiated application to change Section 2.120-B Suburban Planned Developments to remove language duplicated in the Land Development Code (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 November 2, 2022; and

WHEREAS, pursuant to Section 163.3184, FS, the Board of County Commissioners on December 6, 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 May 3, 2023, 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 May 16, 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 change Section 2.120-B, Suburban Planned Developments, 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

The effective date of this plan amendment, if the amendment is not timely challenged, shall be the date the Department of Economic Opportunity posts a notice of intent determining that this amendment is in compliance. If timely challenged, or if the state land planning agency issues a notice of intent determining that this amendment is not in compliance, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity.

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 16th day of May, 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.

SECTION 2.120-B: SUBURBAN PLANNED DEVELOPMENT (SPD)

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POLICY:2.120-B2: SPD USE APPROVAL CONDITIONS - A proposed SPD project shall not be approved if it is determined to be premature. When evaluating proposed SPD projects, the following factors shall indicate whether it is premature:

- a. the condition and adequacy of the collector and arterial road network is deficient;
- b. there is a lack of urban services, including but not limited to, police, fire, and EMS;
- c. there is considerable displacement of ongoing economically viable agricultural activities; and the degree of existing development ~~* surrounding the proposed SPD's boundary is less than:~~ surrounding the proposed SPD, as determined by the LDC.

~~1. forty percent (40%) developed (of developable area**) within a one (1)-mile radius for parcels containing from 0.00 to 99.99 acres; and~~

~~2. sixty percent (60%) developed (of developable area**) within a two (2)-mile radius for parcels containing 100.00 or more acres.~~

POLICY 2.120-B3: SPD DEVELOPMENT CRITERIA - SPDs may contain single-family and duplex units at a gross density (exclusive of water bodies and wetlands except as permitted in Policy 2.123-C3) of up to, and including, three dwelling units per acre (3 DU/AC).

* Existing development is the amount of area included within parcels which contain:

- ~~a. residential lots and/or parcels at densities of 1 DU/AC or greater, to also include subdivisions with lots of at least 1/AC which have been built out at least 50%;~~
- ~~b. non-residential structures, excluding agricultural related structures;~~
- ~~c. roads; parks; and~~
- ~~d. other similar improvements~~

~~** Developable areas, for the purpose of this policy, excludes areas not suitable for development and/or areas where the Plan prohibits, or discourages development, e.g. ancient scrub, wetlands, floodplains, lakes, streams, rivers, and other water bodies.~~

POLICY 2.120-B4: SPD DEVELOPMENT CONDITIONS

a. All SPDs shall:

1. be adjoining (touching) the right of way of an arterial, paved collector, or paved County-maintained local road meeting or exceeding adopted level-of-service standards. ~~(collector or local roads must be linked to an arterial road by a paved road or roads to qualify);~~

2. restrict access from the development onto County and state roads to appropriate locations in order to address the maintenance of levels of service and public safety issues; and

3. submit a binding site plan demonstrating compliance with LDC standards and undergo the County's development review and approval process;.

~~b. SPD'S containing from 0.00 to 99.99 acres shall, in addition to a. above:~~

~~1. be connected to an adjacent existing public or franchised water system which meets LOS standards established within this Plan; and~~

~~2. provide a minimum of 10% open space.~~

~~c. SPDs containing 100.00 or more acres shall, in addition to a. above:~~

~~1. be connected to an adjacent existing public or franchised water system which meets LOS standards established within this Plan; and~~

~~2. provide a minimum of 20% open space.~~

...

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. 2023-037 adopted by the Board on May 16, 2023

WITNESS my hand and official seal on this 16th day of May 2023.

STACY M. BUTTERFIELD, CLERK

By: *Yolanda Harris*
Yolanda Harris
Deputy Clerk





FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

May 17, 2023

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

Attention: Yolanda Harris

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. 2023-037, which was filed in this office on May 16, 2023.

Sincerely,

Anya Owens
Administrative Code and Register Director

ACO/wlh

