

ORDINANCE NO. 24 - ____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING LAND DEVELOPMENT CODE AMENDMENT LDCT-2024-1, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE, MODIFYING APPENDIX E, SECTION E105 PARCEL SPECIFIC COMPREHENSIVE PLAN AMENDMENTS WITH CONDITIONS. THIS CASE IS RELATED TO LDCPAS 2023-34. THE SUBJECT SITE IS LOCATED SOUTH SIDE OF COUNTY ROAD 630, 1.6 MILES SOUTHWEST OF THE SR 60 AND CR 630 INTERSECTION, 7.75 MILES EAST OF THE CITY OF FROSTPROOF IN SECTION 16, TOWNSHIP 31, RANGE 30; 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 April 3, 2024; 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 underlined text indicates proposed additions to the current language. The ~~strikeout~~ indicates text to be removed from the current ordinance.

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 amended in the following manner:

R. LDCPAS-2023-34 Parcel numbers 303116-000000-032030; 303116-000000-032040; and, 303116-000000-032050.

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 30, Township 31, Section 16. The site is legally described as:

Begin at the Southwest corner of the Northwest $\frac{1}{4}$ of Section 16, Township 31 South, Range 30 East, Polk County, Florida; thence run North $00^{\circ}13'26''$ East along the West line of said Northwest $\frac{1}{4}$ a distance of 140.80 feet to a point of the South Right-of-Way line of County Road 630; thence run North $65^{\circ}30'43''$ East along said South Right-of-Way a distance of 1455.73 feet to a point on the East line of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 16, Township 31 South, Range 30 East, Polk County, Florida; thence run South $00^{\circ}07'26''$ East along the East line of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 16 a distance of 762.75 feet to the Southeast corner of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 16, Township 31 South, Range 30 East; thence run South $00^{\circ}05'21''$ East along the East line of the West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section 16, Township 31 South, Range 30 East, Polk County, Florida a distance of 331.28 feet; thence departing said East line, run North $89^{\circ}13'18''$ West a distance of 329.17 feet; thence run North $00^{\circ}32'15''$ West a distance of 331.45 feet to a point on the South line of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 16; thence run North $89^{\circ}11'54''$ West along said South line a distance of 354.84 feet; thence departing said South line, run South $00^{\circ}48'13''$ West a distance of 331.53 feet; thence run North $89^{\circ}13'18''$ West a distance of 437.00 feet; thence run North $00^{\circ}48'13''$ East a distance of 331.70 feet to a point on the South line of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 16, Township 31 South, Range 30 East; thence run North $89^{\circ}11'54''$ West a distance of 203.51 feet to the Point of Beginning.

AND

The North 1094 feet of the West 50.00 feet of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ and the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ lying South and East of Highway 630 in Section 16, Township 31 South, Range 30 East, Polk County, Florida.

2. Prohibitive Uses

The following uses are prohibited on this subject parcel:

- a. Multi-family
- b. Mobile Home Park
- c. Communication Tower, Monopole
- d. Helistops
- e. Seaplane Base
- f. Recreational Vehicle Parks

3. 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. Per the JLUS (7.2.4), Low Level Flight Areas signage shall be placed at the entrance and throughout the Subject Site to state that there is potential of low flying aircraft.
- b. Per the JLUS (7.2.6), in order to reduce bird/aircraft strike hazards JLUS (7.2.6), all trash receptacles shall be covered.
- c. Per the JLUS (7.2.7), all outdoor lighting shall be consistent with “dark sky” requirements and be subject to the following conditions:
 - i. All outdoor lighting shall be located, aimed or shielded so as to minimize light projection off-site.
 - ii. All outdoor lighting fixtures shall be of the fully shielded type. Examples of the fully shielded lights are set forth in Figure "A" below.
- a. Light fixtures shall be aimed no higher than 45 degrees above vertical down (halfway between straight down and straight to the side) when the light source is visible from any off-site 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"



SECTION 2: SEVERABILITY

If any provisions 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 be effective upon filing with the Department of State.

ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY,
FLORIDA THIS 4st DAY OF JUNE 2024.