

ORDINANCE NO. 23-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS, POLK COUNTY, FLORIDA, LAND DEVELOPMENT CODE AMENDMENT **LDCT-2023-1**, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE, AMENDING CHAPTER 3, SECTION 303, CRITERIA FOR CONDITIONAL USES, ELEMENTARY SCHOOL, MIDDLE, AND HIGH SCHOOL, TO ALLOW SCHOOLS IN THE SUBURBAN DEVELOPMENT AREA (SDA) AND RURAL DEVELOPMENT AREA (RDA) TO CONNECT TO A DISTRIBUTED WASTEWATER TREATMENT SYSTEM WHEN SEWER CONNECTION IS NOT AVAILABLE; AMENDING CHAPTER 10, DEFINITIONS TO ADD DEFINITIONS FOR DISTRIBUTED WASTEWATER TREATMENT SYSTEMS, SCADA SYSTEM, AND SEQUENCING BATCH REACTORS; PROVIDING FOR SEVERABILITY; PROVIDING 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 February 1, 2023; and

WHEREAS the proposed text amendment to the Polk County Land Development Code is intended to enable schools to use an alternative central sewer system when connection a typical centralized sewer system is not available in areas not planned for sewer availability; 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: FINDINGS The findings set forth in the recitals to this Ordinance are true and correct and hereby adopted. In addition, the Board hereby adopts and incorporates herein the staff report and makes the following findings based upon the staff report, testimony, and exhibits presented during the hearing:

- a) The Planning Commission, acting in its capacity as the Local Planning Agency for the County, held a public hearing on February 1, 2023, to consider the LDC text amendment contained within the Application and found it to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC text amendment contained within the Application.
- b) Pursuant to Section 907.D.10 of the LDC, the Board shall, in the review of the Application, consider the following factors:
 - a. Whether the proposed text amendment is consistent with all relevant requirements of the Code;
 - b. Whether the proposed text amendment is consistent with all applicable policies of the Comprehensive Plan; and
 - c. Any other matter which the BoCC may deem appropriate and relevant to the text amendment proposal.
- c) The Application is consistent with all relevant requirements of the Comprehensive Plan.
- d) The Application is consistent with all relevant requirements of the LDC, including without limitation, Section 907.

SECTION 2: Section 303, Criteria for Conditional Uses, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended in the following manner:

...

School, Elementary (Revised 12/12/08 – Ord. 08-052; Rev. 12/28/01 - Ord. 01-92; Rev. 06/08/04 - Ord. 03-94)

All new, whether in an existing structure or new structure, elementary schools whether public, private or non-profit shall comply with the following standards:

1. ~~They~~ All elementary schools shall connect to central potable water and sanitary sewer except for in the SDA and RDA where they may connect to a Distributed Wastewater Treatment System if central sanitary sewer is not available.
2. No school shall have its primary access point crossing an active railroad;
3. All schools with enrollment above 249 students shall conform to the following

access requirements and include:

- a. Safe access for pedestrians and bicyclists. Five-foot sidewalks shall be provided along that portion of the school site which is adjacent to public roadways. Where feasible, school sites shall be connected to adjoining residential developments by sidewalks or paved multi-use trails in order to facilitate safe pedestrian movement.
 - b. Minimum of 50 feet road frontage
 - c. Access on a publicly maintained paved road with a site design that provides adequate vehicular access and internal circulation to serve buses and cars without traffic queuing on the public road. Two access points are preferred.
 - d. At least one Type III Intersection or better in accordance with Appendix A at its primary access point.
4. All required parking areas shall be paved, including faculty and staff. This provision shall not apply to temporary or overflow parking areas;
 5. Any proposal for a school in a location that will render a legal use nonconforming shall require a Level 3 Review; and
 6. All schools with enrollment above 249 students shall not be permitted in the Green Swamp Area of Critical State Concern Rural Special Protection Area.

School, Middle and High ((Revised 12/12/08 – Ord. 08-052; 12/28/01 - Ord. 01-92; 06/08/04 Ord. 03-94)

All new, whether in an existing structure or new structure, middle and high schools public, private or non-profit shall comply with the following standards:

1. ~~They~~ All middle and high schools shall connect to central potable water and sanitary sewer except in the SDA and RDA they may connect to a Distributed Wastewater Treatment System if central sanitary sewer is not available.
2. No school shall have its primary access point crossing an active railroad;
3. All schools shall conform to the following access requirements and include:
 - a. Safe access for pedestrians and bicyclists. Five-foot sidewalks shall be provided along that portion of the school site which is adjacent to public roadways. Where feasible, school sites shall be connected to adjoining residential developments by sidewalks or paved multi-use trails in order to facilitate safe pedestrian movement.
 - b. A design that accommodates access by public bus transportation
 - c. Minimum of 50 feet road frontage

- d. Access on a paved collector road or better with a site design that provides adequate vehicular access and internal circulation to serve buses and cars without traffic queuing on the public road. Two access points are preferred.
 - e. At least one Type III Intersection or better in accordance with Appendix A at its primary access point.
- 4. All required parking areas shall be paved, including faculty and staff. This provision shall not apply to temporary or overflow parking areas;
 - 5. Any proposal for a school in a location that will render a legal use nonconforming shall require a Level 3 Review; and
 - 6. No school shall be permitted in the Green Swamp Area of Critical State Concern Rural Special Protection Area.

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SECTION 3: Chapter 10, Definitions, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended to add the following definitions:

Distributed Wastewater Treatment System: Facilities that treat domestic waste to secondary treatment standards using a Sequencing Batch Reactor (SBR) process, and all of which are (1) commonly owned, (2) individually (remotely) controllable (e.g. though a SCADA system), (3) operated and maintained by licensed wastewater operators, and (4) subject to the standard inspection, monitoring and reporting requirements in Chapter 62-600, F.A.C.

SCADA System: Supervisory Control and Data Acquisition (SCADA) is a category of software applications for controlling industrial processes, which is the gathering of data in real time from remote locations in order to control equipment and conditions.

Sequencing Batch Reactors (SBR) (or sequential batch reactors): A type of activated sludge process for the treatment of wastewater. SBR reactors treat wastewater such as sewage or output from anaerobic digesters or mechanical biological treatment facilities in batches. Oxygen is bubbled through the mixture of wastewater and activated sludge to reduce the organic matter (measured as biochemical oxygen demand (BOD) and chemical oxygen demand (COD)). The treated effluent may be suitable for discharge to surface waters or possibly for use on land.

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 this _____ day of _____, 2023.