

Ordinance No. 24 - ____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING THE ADOPTION OF AMENDMENT **LDCPAL 2023-13**; AN AMENDMENT TO THE POLK COUNTY COMPREHENSIVE PLAN; ORDINANCE 92-36, AS AMENDED TO CHANGE SEVERAL ELEMENTS, SECTIONS AND POLICIES OF THE COMPREHENSIVE PLAN ADDRESSING NEW SEPTIC TANK LIMITATIONS IN AREAS WITH A BASIN MANAGEMENT ACTION PLAN (BMAP) AND ADDING A NEW RESOURCE-PROTECTION DISTRICT CALLED NUTRIENT RESTORATION PLAN OVERLAY AND MAP SERIES, ADDRESSING FEASIBILITY ANALYSIS OF SEPTIC TANK CONVERSION TO SEWER; THE ELEMENTS AND APPENDICES CHANGING INCLUDE DIVISION 2.100 FUTURE LAND USE ELEMENT, APPENDIX 2.132 CRITICAL AREA RESOURCE MANAGEMENT PLAN; DIVISION 2.300 CONSERVATION ELEMENT, 3.100 INFRASTRUCTURE ELEMENT, DIVISION 4.200 CAPITAL IMPROVEMENTS ELEMENT AND ADDING AND MODIFYING DEFINITIONS TO DIVISION 4.400 GLOSSARY; 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 2023-13 is a County-initiated application to amend Several Elements, Sections and Policies of the Comprehensive Plan addressing new septic tank limitations in areas with a Basin Management Action Plan (BMAP) and adding a new Resource-Protection District called Nutrient Restoration Plan Overlay and map series, addressing feasibility analysis of septic tank conversion to sewer; the Elements and appendices changing include Division 2.100 Future Land Use Element, Appendix 2.132 Critical Area Resource Management Plan; Division 2.300 Conservation Element, 3.100 Infrastructure Element, Division 4.200 Capital Improvements Element and adding and modifying definitions to Division 4.400 Glossary; (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, Amendment on March 6, 2024; and

WHEREAS, pursuant to Section 163.3184, FS, the Board of County Commissioners on April 16, 2024, held an initial public hearing and authorized transmittal of the Amendment to the Department of Economic Opportunity (DEO) for written comment, and

WHEREAS, Florida Commerce, by letter dated [REDACTED] 2024 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 June 18, 2024; and

WHEREAS, the Board of County Commissioners, reviewed and considered all comments received during said public hearing, 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 text of the Comprehensive Plan Ordinance No. 92-36, as amended, (the “Polk County Comprehensive Plan”) is hereby amended to reflect text changes depicted Attachment “A” and adding the new Nutrient Restoration Plan Overlay as depicted in Attachment “B”.

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 Florida Commerce 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.

SECTION 5: 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 18th day of June 2024.

NOTE: The underlined text indicates proposed additions to the current language. The ~~strikeout~~ indicates text to be removed from the current ordinance.

DIVISION 2.100 FUTURE LAND USE ELEMENT

SECTION 2.101 INTRODUCTION

SPECIAL-AREA OVERLAY DISTRICTS AND AREAS - The Third Level

"Special-Area Overlay Districts and Areas" are the third layer of the County's growth-management three-layer strategy. These overlays do not establish or change land uses, however, they regulate the intensity of a given land use. The Plan establishes the general overlay categories of:

" Development-Limitation Areas ." Areas where environmentally sensitive lands are especially subject to adverse impacts of development.

" Resource-Protection Districts ." Areas where specific natural or man-made features, structures, or areas require protection for continued public benefit to be realized.

Generally, for the purposes of this Plan, "districts" are more specifically delineated by absolute boundaries, while the exact boundaries of overlay "areas" may not be determined until site-specific field inspections are conducted to authenticate those boundaries.

The County's Plan establishes the following special-area overlay districts and areas:

- a. Development-Limitation Areas
 - 1. Floodplain-Protection Areas
 - 2. Wetland-Protection Areas
 - 3. Aquifer-Protection Areas
 - 4. Green Swamp Protection Area
 - 5. Local Hazard Mitigation Strategy
- b. Resource-Protection Districts
 - 1. Transit Corridors and Centers Overlay
 - 2. Airport-Buffer Districts
 - 3. Mineral Resource-Protection Districts
 - 4. Wellhead-Protection Districts
 - 5. PolkGreen District
 - 6. Redevelopment Districts
 - 7. Historic-Preservation Sites
 - 8. SR 17 Ridge Scenic Highway
 - 9. Nutrient Restoration Plan Overlay

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SECTION 2.106 SUBURBAN-DEVELOPMENT AREAS (SDA)

POLICY 2.106-A6: SEWER EXTENSIONS - Sanitary sewer shall not be extended into the SDA, except as allowed by Policy 2.132-C10 or the Board deems it necessary given one of the following circumstances:

- a. It is in the interest of on site and/or nearby environmental features including the site's location within the Nutrient Restoration Plan Overlay Areas;
- b. It is in the interest of public health; or
- c. The area has been designated a redevelopment district under Policy 2.124-F. Provided the development density of land served by the sewer lines does not exceed the amount allowed under the current land use designation.

SECTION 2.107 UTILITY-ENCLAVE AREAS (UEA)

POLICY 2.107-A5: DEVELOPMENT CRITERIA - Development within UEAs shall conform to the following criteria as further specified by the Land Development Code:

- a. All uses developed after adoption of the Polk County Comprehensive Plan shall be required to connect to the existing centralized water and sewer system and may receive a development order provided all other provisions of this Plan are met. Connection to public sewer shall be required as regulated by the Nutrient Restoration Plan Overlay
- b. Incorporate design features that promote healthy communities, green building practices, mixed use development, transit oriented design, variety in housing choices and other initiatives consistent with Section 2.1251 - Community Design, of this element.
- c. Provide access to parks, green areas, and open space and other amenities.
- d. Be designed to facilitate the provision of public safety services (i.e., fire, EMS and law enforcement). In order to achieve higher densities and intensities allowed by each land use, development in the UEA shall be required to connect to centralized water and sewer system and incorporate clustering and other low impact design criteria as established under the Conservation Development Section (Section 2.1251).

SECTION 2.108 RURAL-DEVELOPMENT AREAS (RDA)

POLICY 2.108-A5: DEVELOPMENT CRITERIA - Development within RDAs shall be guided by the following criteria:

- a. The detailed criteria listed for each land use category permitted within the Rural-Development Area;
- b. Elementary, middle and high schools and other community facilities and essential services will be allowed as conditional use, in accordance with the guidelines of the County's Land Development Code; and

- c. Be designed to facilitate the provision of public safety services (i.e., fire, EMS and law enforcement).
- d. Connect to public sewer as required by the Nutrient Restoration Plan Overlay.

POLICY 2.113-A4: DEVELOPMENT CRITERIA - Development within an **Industrial area** shall conform to the following criteria:

- a. Permitted uses include facilities for the processing, fabrication, manufacturing, recycling, bulk material storage, and distribution of goods, disposal yards, and limited retail commercial in accordance with Policy 2.113-A4.b. Other non-residential uses that produce significant amounts of noise, odor, vibration, dust, and lighting on and off-site may be permitted within an industrial district through conditional approval. Permitted uses also include any use found within a Business-Park Center.
- b. Retail commercial uses within an industrial area shall be sized for the purpose of serving just the employees of, and visitors to, the industrial area, and shall be limited to a scale appropriate for that purpose. The maximum floor area ratio for commercial uses within an industrial area shall not exceed 0.25.
- c. Industrial sites shall be designed to provide for:
 - 1. adequate parking to meet the demands of the use; and
 - 2. buffering where the effects of lighting, noise, odors, and other such factors would adversely affect adjacent land uses. Parking lots, loading areas, dumpsters, utilities and air conditioning units, signage, etc., are examples of facilities which may require special buffering provisions.
- d. The maximum floor area ratio for non-commercial uses within an Industrial area shall not exceed 0.75 in the TSDA, 0.65 in the UGA, 0.50 in the SDA, and 0.50 in the RDA, unless developed as a Planned Development.
- e. Retail sale of goods manufactured on the site of a business located within an Industrial area is allowed provided the operation is incidental and subordinate to the manufacturing activity conducted on site and does not exceed eight percent (8%) of the total floor area or 15,000 square feet, whichever is the lesser.
- f. Where centralized water or wastewater services are not available, the maximum impervious surface ratio shall be reduced to afford better protection and function of well and septic tank systems and as required if within a Nutrient Restoration Plan Overlay.
- g. Planned Developments within the Industrial district may be permitted a maximum floor area ratio up to 1.5 for innovative and attractive employment centers. Intensity increases shall be reserved for those uses that provide substantial economic income opportunities for the County and its residents. Intensity increases shall only be granted to parcels within the TSDA and UGA. The Land Development Code shall establish development standards and criteria for Planned Developments within the Industrial district.
- h. Industrial districts shall be separated from existing schools and developed residential areas through physical separation, screening, buffering, or a combination thereof, consistent with the standards in the County's Land Development Code.

- i. Workforce housing for unaccompanied workers in barrack, dormitory, or apartment units under specific design parameters listed in the Land Development Code not to exceed an intensity of thirty-two (32) workers per acre or the limitations established by the Department of Health for water and wastewater usage, whichever allowed intensity is the lesser.

POLICY 2.113-B-4: DEVELOPMENT CRITERIA - Development within a **Business-Park Center** shall conform to the following criteria:

- a. Business-Park Center developments shall have frontage on, or direct access to, a collector or better roadway, or a local commercial road or service drive that directly connects to a collector roadway or better. Business-Park Centers shall incorporate the use of frontage roads or shared ingress/egress facilities wherever practical.
- b. Adequate parking shall be provided to meet the demands of the uses, and interior traffic-circulation patterns shall facilitate the safe movement of vehicular, bicycle, and pedestrian traffic.
- c. Buffering shall be provided where the effects of lighting, noise, odors, and other such factors would adversely affect adjacent land uses. Parking lots, loading areas, dumpsters, utilities and air conditioning units, signage, etc. are examples of facilities which may require special buffering provisions.
- d. Commercial activities to support activity within a Business Park Center shall not exceed 15 percent of the total area of the Business Park.
- e. The maximum floor area ratio for commercial activities shall not exceed 0.25. The maximum floor area ratio for non-commercial activities shall not exceed 0.75 in the TSDA, 0.65 in the SDA, and 0.50 in the RDA, unless developed as a Planned Development.
- f. Retail sale of goods manufactured on the site of a business located within a Business Park Center is allowed without affecting the fifteen percent (15%) of commercial activity permitted for the entire activity center provided the operation is incidental and subordinate to the manufacturing activity conducted on site and does not exceed eight percent (8%) of the total floor area or 15,000 square feet, whichever is the lesser.
- g. New residential development within Business Park Centers shall be limited to High-Density Residential (with proper buffering).
- h. All research and development, light-industrial, and distribution activities shall be conducted within enclosed structures with the exception of loading and unloading of transport and distribution vehicles. Outdoor storage shall be screened from off-site view and significantly limited in respect to the floor area provided within enclosed structures.
- i. Where centralized water or wastewater services are not available, the maximum impervious surface ratio shall be reduced to afford better protection and function of well and septic tank septic **and as required if within a Nutrient Restoration Plan Overlay.**
- j. Planned Developments within the Business Park Center district may be permitted a maximum floor area ratio up to 1.5 for innovative and attractive employment centers.

Intensity increases shall be reserved for those uses that provide substantial economic income opportunities for the County and its residents. Intensity increases shall only be granted to parcels within the TSDA and UGA. The Land Development Code shall establish development standards and criteria for Planned Developments within the BPC district.

- k. Workforce housing for unaccompanied workers in barrack, dormitory, or apartment units under specific design parameters listed in the Land Development Code not to exceed an intensity of thirty-two (32) workers per acre or the limitations established by the Department of Health for water and wastewater usage, whichever allowed intensity is the lesser.

SECTION 2.122 SPECIAL-AREA OVERLAY DISTRICTS AND AREAS.

OBJECTIVE 2.122-A: The Polk County Plan shall establish and utilize overlay districts or areas for the purpose of regulating development intensity where environmentally sensitive lands may be subject to adverse impacts of development, or where a specific natural or man-made feature, structure, or area requires protection.

POLICY 2.122-A1: DISTRICTS ESTABLISHED - The following "Special-Area Overlay Districts and Areas" land use classifications are hereby established:

- a. Development-Limitation Areas: The Polk County Plan shall define those areas of the County that are subject to natural development limitations through the establishment and mapping of Development - Limitation Areas as part of the Future Land Use Map Series and described in Policy 2.123.
 - 1. CHARACTERISTICS - Development-Limitation Areas are areas which contain natural or environmentally based development constraints, including, but not limited to:
 - (a) areas subject to 100 year flooding;
 - (b) environmentally sensitive lands;
 - (c) areas with on-site sewage disposal system restrictions due to severe percolation limitations, and/or
 - (d) areas requiring protection for the public's health, safety, and welfare.
 - 2. DESIGNATION AND MAPPING - The Future Land Use Map Series shall designate and map Development-Limitation Area overlays. These overlay areas are generally shown on the Future Land Use Map Series. In most cases, the specific boundaries of these overlay areas may not be determined until site-specific field inspections are conducted to verify those boundaries. It shall be the responsibility of the owner and/or developer to submit documentation (Exhibits, studies, etc.), for the purpose of establishing that properties should not be included within a Development-Limitation Area overlay when the adopted Future Land Use Map Series indicate that the property is within such an area. These areas shall include:
 - (a) Floodplain-Protection Areas.
 - (b) Wetland-Protection Areas.

- (c) Aquifer-Protection Areas.
 - (d) Green Swamp Protection Areas.
 - (e) Local Hazard Mitigation Strategy.
- b. Resource-Protection Districts: The Polk County Plan shall define those areas of the County that require special care in order to maintain, develop, or enhance an existing resource(s) through the establishment and mapping of Resource-Protection Districts as part of the Future Land Use Map Series and described in Policy 2.124.
1. CHARACTERISTICS - Resource-Protection Districts are characterized by areas which contain a man-made or natural resource which requires protection due to general public value.
 2. DESIGNATION AND MAPPING - The Future Land Use Map Series shall designate and map the boundaries for the following Resource-Protection Districts (if currently applicable):
 - (a) Transit corridors and Centers Overlay.
 - (b) Airport-Impact Districts.
 - (c) Mineral Resource-Protection Districts.
 - (d) Wellhead-Protection Districts.
 - (e) PolkGreen Districts.
 - (f) Redevelopment Districts.
 - (g) Historic-Preservation Sites.
 - (h) SR 17 Ridge Scenic Highway.
 - (i) Nutrient Restoration Plan Overlay.**

POLICY 2.122-A2: DEVELOPMENT CRITERIA - When an area is included within more than one special area overlay district or area, the most restrictive policies of the applicable special-area overlay district(s) or areas shall apply to any development within that area. Any development occurring on or within an area which is within a special-area overlay district or area shall be reviewed by the Land Development Division for compliance with the policies of that district or area, and the Land Development Code regulations.

SECTION 2.124-J Nutrient Restoration Plan Overlay.

OBJECTIVE 2.124-J: The Polk County Plan shall manage land use and development to protect surface waters from nutrient impairment by septic tanks by:

- a. the designation and mapping of Nutrient Restoration Plan Overlay (NRP); and**
- b. the establishment of criteria applicable to development of lands and use of septic tanks within the NRP(s).**

PURPOSE 2.124-J1: In compliance with Florida Statutes, Polk County shall support plans to reduce nutrient loads from onsite sewage treatment and disposal systems (septic tanks) in areas covered by Basin Management Action Plans (BMAP), Reasonable Assurance Plans (RAP), and Pollution Reduction Plans (PRP) for nutrients.

POLICY 2.124-J2: DESIGNATION AND MAPPING - Polk County establishes Nutrient Restoration Plan Overlay (NRPO) of the Comprehensive Plan Map Series, to identify those areas where additional permitting requirements shall be established to reduce nutrient loads from septic tanks. The map overlay for the NRP shall include:

- a. Basin Management Action Plans for nutrients adopted by the Florida Department of Environmental Protection (FDEP);
- b. Reasonable Assurance Plans for nutrients adopted by FDEP; and
- c. Pollution Reduction Plan areas approved by FDEP.

POLICY 2.124-J3: DEVELOPMENT CRITERIA – Permitting of septic tanks within the Nutrient Restoration Plan Overlay shall conform to the Land Development Code and shall implement the following requirements:

- a. New onsite sewage disposal systems shall be prohibited within Nutrient Restoration Plan Overlay where connection to a publicly owned or investor-owned sewer is available, as defined in Section 702, E.
- b. If sewer lines are not available in these areas, new onsite sewage disposal systems on lots one acre or less shall be an enhanced nutrient-reducing system that achieves at least a 50 percent reduction in total nitrogen before discharge to the drainfield or at least a 65 percent nitrogen reduction combined after leaving the drainfield.
- c. Enhanced nutrient reduction systems must either be types approved by the Florida Department of Environmental Protection (Aerobic Treatment Units and Performance-Based Treatment Systems) or meet the standards for In-Ground Nitrogen-Reducing Biofilters in Rule 62-6.009(7), Florida Administrative Code.

APPENDIX 2.132 CRITICAL AREA RESOURCE MANAGEMENT PLAN

POLICY 2.132-B10: DEVELOPMENT CRITERIA - Development within the RIDGE-SPA shall conform to the following:

- a. Residential development shall not exceed a gross density per parcel of eight dwelling units per acre, within the RL land use category. Residential development within the US 27 SAP and North Ridge SAP shall be as adopted. Development of the RM parcels shall be subject to the following restrictions:
 1. Commercial development shall be prohibited unless permitted in conjunction with a Residentially-based, Mixed-Use Development. If a Residentially-based, Mixed-Use development is approved, then commercial restrictions shall be as set forth in the Ridge-SPA.
 2. Consistent with the objectives and goal of making shorter the average daily trip lengths, and the goal of providing affordable housing in close proximity to places of employment and major transportation corridors, residential development within the RM parcel shall be allowed as follows:
 - (a) Up to or equal to 15 units per acre, providing the development meets the terms and conditions of this CARMP and the comprehensive plan as well as the required density bonus points listed within the Land Development Code.
 3. New septic tanks on parcels one acre or smaller are required to utilize an Enhanced Nutrient Reduction System within the Nutrient Restoration Plan Overlay consistent with Section 2.124-J and the Land Development Code if sewer is not available.

POLICY 2.132-C8: DEVELOPMENT CRITERIA - Development within the PC-SPA shall conform to the following:

- a. Golf courses shall be considered to recreational and commercial in nature and shall be permitted in the following land uses:
 1. Leisure/Recreation.
 2. Recreation and Open Space.
 3. Residential-Low.
 4. Residential-Suburban.
- b. Residential densities shall be modified as follows:
 1. Densities within the PC-SPA shall not exceed a gross density per parcel of 3 dwelling units per acre.
 2. Within the PC SPA the use of septic tanks shall only be permitted within the SDA. If septic tanks are to be utilized, the maximum net density shall be 1 dwelling unit per 40,000 square feet. New septic tanks on parcels one acre or smaller are required to utilize an Enhanced Nutrient Reduction System within the Nutrient Restoration Plan Overlay consistent with Section 2.124-J and the Land Development Code if sewer is not available.

- c. Development shall comply with the following Open Space (OS) and Impervious Surface Ratio (ISR) standards:
 - 1. All residential development shall provide a minimum open space set-aside of no less than 30% of total land area unless the lots are within a master planned residential community that maintains an overall ISR of 50% and 30% set-aside for open space.
 - 2. Single family lots shall not exceed an impervious surface ratio of 50% unless the lots are within a master planned residential community that maintains an overall ISR of 50% and 30% set-aside for open space.
 - 3. Commercial development shall not exceed an impervious surface ratio of 60%.
 - 4. Development within the BPC shall not exceed an impervious surface ratio of 70%.

POLICY 2.132-C9: Municipalities or other entities may apply for a Comprehensive Plan Amendment to exchange the SDA designation to TSDA, UGA, or UEA if the following are met:

- a. They demonstrate they have the capacity at existing central regional sewer plants to provide service for the area, or they demonstrate through a capital improvements plan that within a ten year (TSDA) or twenty-year (UGA) period they will have capacity in a central regional sewer plant to provide service for the area; and
- b. An interlocal agreement (or similar conveyance) is in place which indicates that the municipality or entity will commit to serve to the area.

POLICY 2.132-C10: Sewer may be extended into the Suburban Development Area to serve existing or previously approved development that meets the following standards:

- a. The development has:
 - 1. entered into a settlement agreement or developer's agreement with DCA, and
 - 2. received a Vested Rights Special Use Permit from Polk County, or
 - 3. received Engineering Services and Planning Division approval of Engineering Plans prior to the adoption date of this policy;
- b. The developer pays all costs of line extensions, including oversizing, and capacity to serve the development; **and**
- c. The provider is a municipal or county facility; **and**
- d. Within the Nutrient Restoration Plan Overlay areas.**

The allowed density of land adjacent to the sewer lines remains the same as allowed under Section 2.132 A.

POLICY 2.132-D8: DEVELOPMENT CRITERIA - Development within the Rural-SPA shall conform to the following:

- a. The following residential densities shall apply within the A/RRX:
 - 1. Uplands: one dwelling unit per ten acres (1 DU/10 AC).
 - 2. Wetlands: one dwelling unit per twenty acres (1 DU/20 AC).

3. Wetland density shall be transferred to the uplands.
- b. The impact of golf courses in the Rural-SPA shall be studied. If it is determined golf courses can be operated without significant degradation of surface or groundwater, then the plan shall be amended to permit golf courses upon such conditions as are appropriate, including a limitation on the use of chemical pesticides and non-organic fertilizers.
- c. Golf Courses are expressly prohibited from the Conservation-Core.
- d. New roads (designed and built after the adoption of this Management Plan) within the RURAL-SPA shall be subject to the following:
 1. New roads, unless determined to be necessary for the health or safety of the general population, shall not be constructed by the public nor shall public funds be used for the construction of new roads.
 2. The County shall not utilize public dollars to maintain new private roads. A maintenance agreement and/or a taxing district may be established by the developer/land owners association and the County to maintain the roads at private expense.
 3. New subdivision roads shall be required to meet County construction standards.
 4. The County's Land Development Code shall address minimizing the crossing of new roads over rivers and major named tributaries. Construction of new roads over rivers and major tributaries shall be required to:
 - a. minimize adverse impacts to water quality,
 - b. prevent adverse impacts to the free flow of water through natural channels, and
 - c. prevent the creation of major obstacles to the movement of aquatic and wetland dependant species.
- e. Unless determined to be a health and/or safety issue, the County shall place the paving of roads within the RURAL-SPA as the lowest paving priority for the County. This shall not be construed to include the maintenance of roads already paved in this area.
- f. The vegetative communities and habitat found in the RURAL-SPA shall be protected by requiring:
 1. development which is started on or after the adoption of this Management Plan shall be required to conserve (no structures to be built in this area) at least 80% of the land within the A/RR land use category and at least 90% of the land within the Core-Conservation land use category. This shall be accomplished by indicating on the plat:
 - (a) that portion of the land which is to be conserved, and
 - (b) clearly stating on the plat that no clearing and no structures of any kind, except for family agricultural purposes, are to be placed in this area.
 2. for land which is being subdivided, clustering is encouraged by:

- (a) permitting lots as small as 40,000 sq. ft., as long as the overall gross density of is not exceeded, and
 - (b) permitting the reservation to occur outside of the individual lots. Privately owned lakes shall receive 100% credit toward meeting the open space requirement of this policy.
3. lots which were created prior to the adoption of this Management Plan which are less than five acres in size and have direct access onto a County-approved road shall be permitted to construct one house.
- g. In the Rural Special Protection Area of the Green Swamp Area of Critical State Concern Recreation and Open Space may not include the following:
 1. Motorized Recreation except when providing access for disabled persons and boat access for non-competitive recreation;
 2. Recreation activities that produce large crowds;
 3. Facilities with lighting that accommodates nighttime use.
 - h. New septic tanks on parcels one acre or smaller are required to utilize an Enhanced Nutrient Reduction System within the Nutrient Reduction Plan Overlay consistent with Section 2.124-J and the Land Development Code if sewer is not available.

POLICY 2.132-E9: SEPTAGE/SLUDGE STUDY GROUP - By July 15, 1994, the County shall establish a Septage/Sludge Study Group. This group shall, no later than November 1, 1994, produce a report making recommendations on when, where, and how the spreading of septage and/or sludge within the Green Swamp Area of Critical State Concern should occur.

POLICY 2.132-E10: SEPTAGE/SLUDGE - By January 31, 1995, the County shall adopt regulations which address the recommendations made by the Septage/Sludge Study Group. After May 1, 1994, the disposing of sludge from wastewater treatment plants or land spreading of septage from septic tanks shall be prohibited until these regulations are adopted.

POLICY 2.132-E11: SEPTIC TANKS -

- a. All septic tanks and all drainfields shall be set back a minimum of 75 feet from the furthest upland extent of any wetland.
- b. The County shall adopt a septic tank maintenance and inspection ordinance by July 31, 1995, which, as a minimum, shall be applicable to all new septic tanks permitted within the Green Swamp Area of Critical State Concern. The ordinance shall require that:
 1. Septic tanks shall be inspected by a qualified inspector on a regular, recurring basis. The initial inspection schedule shall be once every five years.
 2. Data on sludge and scum accumulation should be collected from each tank serviced during the first five year period. Only those tanks with excess sludge and/or scum accumulation, as defined in Chapter 10D-6, FAC, should be pumped out.
 3. The County Engineer, or other qualified individual, shall review the accumulated data and suggest modifications to the schedule consistent with the results. If the data show that few, if any, tanks need to be pumped on a five-year schedule, or if

the data show household characteristics which accurately predict those limited households which need more frequent pumping, the schedule should be modified accordingly.

4. In addition to inspecting for sludge and scum accumulation, the septic tank system shall be checked to ensure that the mound, drainfield, and septic tank are in good working order and in compliance with the requirements of Rule 10D-6, F.A.C.
 5. The lot owner shall make all repairs that are necessary to bring the septic tank system into compliance with the requirements of Rule 10D-6, F.A.C.
- c. The County shall investigate the feasibility of making the septic-tank-maintenance-and-inspection program applicable to all septic-tank owners in the Green Swamp Area of Critical State Concern.

POLICY 2.132-E12: SANITARY SEWER - All development within the TSDA, UGA, and UEA shall be required to connect to a centralized regional sewer system at the time of development, with lots of record being exempt from this requirement. Where septic tanks are permitted within the CARMP, the minimum lot size shall be no smaller than 40,000 sq. ft.

DIVISION 2.300 CONSERVATION

SECTION 2.301 INTRODUCTIONS

The Conservation Element of the Comprehensive Plan is intended to guide the protection and use of the County's natural resources. This document was prepared in accordance with the requirements of Chapter 9J-5, FAC.

Polk County is 2048 square miles of land and water. Its central cities, Lakeland and Winter Haven, form the heart of the developing area as a Standard Metropolitan Area. The majority of the County's land is undeveloped and is the basis of the rural setting for many of its 17 municipalities.

Polk County's natural resources such as surface waters, groundwater, floodplains, wetlands, minerals, soils, air quality, and vegetative communities, have played a large part in the area's development through their abundance and potential for use, in terms of the aesthetic value they provided, or by the constraints to development they necessitated.

The County contains the headwaters of six Florida rivers, and contributes water to those rivers via 22 major streams. Polk County also contains a large portion of the Green Swamp (an Area of Critical State Concern). The groundwater levels measured in the County form the potentiometric high for the state.

Sand Pine Scrub, a rare and endangered vegetative community, endemic to central Florida, is found insignificant quantities in Polk County. Air quality is in compliance with Federal standards due to the low level of industrialization for the size of the County as well as the dispersion of motor vehicle traffic. Mineral resources are abundant here and have historically been significant to the local economy.

The goal, objectives, and policies of the Conservation Element are designed to protect the natural resources which make Polk County a special place while preventing degradation of the environment and allowing development and economic expansion to occur.

Polk County contains the Hillsborough Bay Watershed, Alafia River Basin, Lake Okeechobee Watershed, and Upper Ocklawaha Basin. These are areas of the County that are more acceptable to poor quality nutrient levels. These areas are part of the Nutrient Restoration Plan Overlay and Basin Management Action Plan (BMAP).

SECTION 2.305 SURFACE WATER

Policy 2.305-A7: Polk County's development regulations shall require setbacks of septic tanks (i.e. OSTDS, Enhanced nutrient reduction systems), from waterbodies and setbacks of structures from lakes.

POLICY 2.305-B5: Polk County shall work with FDEP to reduce nutrients in surface water system in Polk County. This shall include the following:

- a. maintaining the Nutrient Restoration Plan Overlay as part of the Future Land Use Map series and include it on the County's GIS mapping software used for permitting,
- b. work to connect areas with a one septic tank per acre density to public wastewater within Polk County's wastewater utility service areas,
- c. coordinate with other jurisdictions that have a utility service area in unincorporated Polk County to connect transfer homes on septic tanks to public wastewater.

SECTION 2.306 GROUNDWATER

POLICY 2.306-A3: The County shall continue coordination with the Health Department, DEP, and other applicable agencies to implement a program where Polk County Health Department staff inspects, identifies, and takes action, within existing regulatory parameters, to correct the deficiencies found in onsite disposal systems (e.g. septic tanks) and private wastewater treatment and disposal facilities that are polluting ground or surface waters or otherwise creating health hazards including the review and coordination with other utility providers in the conversion of septic tanks to sewer in the Nutrient Reduction Plan Overlay areas.

POLICY 2.306-A5: Private on-site disposal systems (e.g. septic tanks) shall be designed and located in accordance to standards established by the Department of Health using USDA Soil Conservation Services' determinations as to the adequacy of each type of soil to support septic tank use and the depth of the wet-season water table level.

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POLICY 2.305-B6: Polk County shall require an enhanced nitrogen-reducing septic system in the Nutrient Restoration Plan Overlay areas when central sewer is not available.

DIVISION 3.100 INFRASTRUCTURE

SECTION 3.102 - SANITARY SEWER.

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OBJECTIVE 3.102-C: Polk County shall continue to implement through the County's Health Department, a management program to ensure proper installation, use, and maintenance of on-site treatment and disposal systems (i.e. septic tanks, enhanced nutrient reduction systems), in accordance with Section 163.3202(1), F.S.

POLICY 3.102-C1: Private on-site disposal systems shall, at a minimum, meet the requirements set by the Department of Health in Chapter 64E-6, FAC as amended.

POLICY 3.102-C2: The County shall coordinate with Department of Health, FDEP, and other applicable agencies to develop and implement a program where the Polk County Health Department staff inspects, and identifies and takes action to correct the deficiencies found in on-site disposal systems (e.g. septic tanks) and private wastewater treatment and disposal facilities (e.g. package treatment plants) that are polluting ground or surface waters or otherwise creating health hazards as shown in the results of investigations by any County's Divisions, FDEP, water management district, or any other related agency, or by public complaint. Such inspection shall be financed by a fee which must not exceed the cost of the inspection. (Any cost incurred to correct any deficiencies found in private systems shall be paid by the owner(s) of such system.)

POLICY 3.102-C3: The Polk County Utilities Division, Parks and Natural Resources Division, and Waste and Recycling Resource Management Division shall coordinate with Department of Health, DEP, EPA, and other concerned agencies, to ensure the proper disposal of sludge and septage, from treatment plants and onsite wastewater disposal systems.

POLICY 3.102-C4: Private on-site disposal systems (e.g. septic tanks) shall be designed and located in accordance to standards established by Chapter 64E-6, FAC, for the Department of Health using USDA Soil Conservation Services' determinations as to the adequacy of each type of soil to support septic-tank use, and the depth of the wet-season water-table level.

POLICY 3.102-C5: Density and intensity of on-site treatment and disposal systems will be evaluated for impact on ground and surface water during development review process.

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OBJECTIVE 3.102-E: Reduce nutrient loads in the Nutrient Restoration Plan Overlay areas.

Policy 3.102-E1: Polk County shall coordinate with FDEP and other appropriate state and regional agencies to implement the 2024 OSTD Remediation Plan and any updates. The OSTD Remediation Plan was required by Subparagraph 403.067(7)(a)9., Florida Statutes because FDEP identified domestic wastewater treatment facilities or onsite sewage treatment and disposal systems as contributors of at least 20 percent of point source or nonpoint source nutrient pollution.

Policy 3.103-E2: Per the requirements of Subparagraph 403.067(7)(a)9., Florida Statutes and the Florida Department of Environmental Protection's Final Order for OGC Case No. 23-0112 to 0135 dated June 12, 2023, Polk County shall prepare an On-Site Disposal Treatment System Remediation Plan (The OSTDS Plan).

DIVISION 4.200 CAPITAL IMPROVEMENTS ELEMENT

SECTION 4.201 INTRODUCTION.

The purpose of the Capital Improvements Element (CIE) is to tie the capital improvement needs identified in the other elements to the County's budgeting and development review processes. The goal, objective and policies section and the implementation section of the CIE establish the framework that:

1. identifies the required capacity of capital improvements to serve existing and future development based on level-of-service (LOS) standards;
2. establishes a system of priorities to determine which capital improvements are funded to satisfy the LOS;
3. provides guidance on funding the projects;
4. outlines mechanisms to assure provision of the required capital improvement;
5. ties land development decisions to the availability of capital facilities and improvements; and
6. outlines implementation programs.

Implementation: The Capital Improvements Element requires the County to develop a concurrency management system, a Capital Improvements Program known as Polk County's Community Investment Program (CIP), and a capital budget. The concurrency management system will monitor the quantity and quality of public facilities and the impacts of development on those facilities. The CIP lists a 5-year schedule of the capital improvement projects required, for concurrency **and the County's natural and environmental infrastructure**, to maintain the LOS standards and repair/replace obsolete or worn out facilities **and negatively impacted water systems**. The projects in the CIP are listed by construction date, costs and revenue sources. The CIP ~~will~~ lists County, State, Federal, and private resources required to provide the programmed facilities and shall be reviewed on an annual basis, and modified as necessary, in order to maintain a 5-year schedule of capital improvements. The County will annually prepare a Capital Improvements Budget (CIB), which will include appropriations for the County's projects.

To fulfill the above requirements Polk County adopts the following goal:

GOAL: Polk County shall provide for, in a timely manner, and maintain capital facilities which meet or exceed adopted County standards consistent with available fiscal resources.

SECTION 4.203 LEVEL-OF-SERVICE STANDARDS.

OBJECTIVE 4.203-A: Polk County shall define types of public facilities, and establish the standards for level of service (LOS) by facility type. [Section 163.3177 F.S.]

POLICY 4.203-A4: Category "C" public facilities: Polk County shall adopt level-of-service standards for Category "C" public facilities, and include them in the CIP. The level-of-service standards for Category "C" public facilities **and other related projects** shall be the following:

- a. Preservation lands LOS standard of County acquisition of a minimum of 500 acres for protection of federally- or state-listed endangered or threatened plant or animal species in fiscal year 1993/94 and County acquisition of a minimum of 200 acres for protection of federally or state listed endangered or threatened plant or animal species in each fiscal year from 1994 to 1996.
- b. The following is a list of projects in the CIP that will help make progress towards achieving necessary pollutant load reductions:
 - 1. Kissimmee Watershed Project
 - 2. Small Scale Surface Water Enhancement/Treatment Project Plan
 - 3. Peace Creek Canal
 - 4. Peace River Corridor
 - 5. Crooked Lake West Hydrologic Restoration and Water Quality Improvement Project
 - 6. Stormwater Ridge to River Corridor Projects

DIVISION 4.400 GLOSSARY

ENHANCED NITROGEN-REDUCING SEPTIC SYSTEMS: Any domestic sewage treatment and disposal facility that achieves at least a 50 percent reduction in total nitrogen before discharge to the drainfield or at least a 65 percent nitrogen reduction combined after leaving the drainfield..

ON-SITE DISPOSAL SYSTEM: Any domestic sewage treatment and disposal facility, including standard subsurface systems, gray-water systems, laundry wastewater systems, alternative system, or experimental system, installed or proposed to be installed on land of the owner(s) or on other land to which owner(s) have the legal right to install a system. (Chapter 10D-6 FAC) (e.g. septic tank, holding tank, aerobic treatment unit, organic composting, (i.e., septic tanks, enhanced nitrogen-reducing septic systems)).

Septic Tank: See On-Site Disposal System.

Private On-Site Disposal System: See On-Site Disposal System

ATTACHMENT "B"

