

ORDINANCE NO. 24 - ____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING THE ADOPTION OF AMENDMENT **LDCPAL-2023-9**; AN AMENDMENT TO THE POLK COUNTY COMPREHENSIVE PLAN, ORDINANCE 92-36, AS AMENDED TO CHANGE POLICY 2.110-B1, 2.110-B2, 2.110-B3, AND POLICY 2.110-B4, REGARDING RURAL CLUSTER CENTERS; POLICY 2.110-J1, EXISTING ACTIVITY CENTER EXPANSION AND POLICY 2.110-L3 ACTIVITY CENTER PLAN EXPANSION (INITIATED BY A PROPERTY OWNER); 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 2023-9 is a staff-initiated application to change policies in Objective 2.110-B (Rural Cluster Centers) and Policies 2.110-J1 & L3 regarding existing activity center expansions and the initiation of Activity Center Plans. (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 January 3, 2024; and

WHEREAS, pursuant to Section 163.3184, FS, the Board of County Commissioners on February 20, 2024, 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 [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 April 16, 2024; 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 Element of Ordinance No. 92-36, as amended, (the “Polk County Comprehensive Plan”) is hereby amended to change policies in Objective 2.110-B (Rural Cluster Centers) and Policies 2.110-J1 & L3 regarding existing activity center expansions and the initiation of Activity Center Plans, 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 the Department of Economic Opportunity notifies the County that the plan amendment package is complete. If timely challenged, this amendment becomes 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.

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 April, 2024.

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 2.110-B1: CHARACTERISTICS – At the adoption of the Comprehensive Plan in 1991 the Rural-Cluster Center (RCC) was to serve ~~serve~~ as a focus for the County's rural communities ~~community~~ and was to generally contains public services, such as fire stations and schools, and retail-commercial uses at a level to serve the surrounding population that may or may not be included in the RCC. As rural uses have changed since the Comprehensive Plan adoption, there is a need based on the County's seasonal population and more trips on the County's regional roads to allow commercial nodes of RCC separate from the historical RCC communities designated at the time of the initial adoption of the Comprehensive Plan, including, but not limited to Alturas, Babson Park, Bowling Green, Bradley Junction, Crooked Lake Park, and Homeland. One commercial node of RCC exists at the intersection of Boy Scout Road and SR 60. This node does not include any residential. It is intended to allow some additional commercial nodes of RCC without any initial residential consistent with the location criteria listed in Policy 2.110-B3 at the time of application for a Future Land Use Map amendment.

POLICY 2.110-B2: DESIGNATION AND MAPPING - Rural-Cluster Centers shall be designated and mapped on the Future Land Use Map Series for those clusters of residential parcels located within the "Rural-Development Area" of the County, which also have a concentration of non-residential uses located within the immediate area. These centers shall be shown on the Future Land Use Map Series as "Rural-Cluster Center" (RCC). RCCs can also be designated for commercial nodes without any initial residential to serve a surrounding existing, tourist, or seasonal population in A/RR areas with significant traffic counts on the fronting roadways.

POLICY 2.110-B3: LOCATION CRITERIA - The establishment of new RCCs intended for both residential and commercial uses shall be located at the intersections of arterial and/or collector roads and shall be guided by the criteria established within Section 2.110-K Activity Center Establishment. The establishment of new RCCs, subject to Section 2.110-K, intended for rural commercial-support activity, shall be located at:

1. the intersections of arterial and/or collector roads whereby the intersection is central to seasonal, tourist, migratory population, or permanent residential population vehicle trips, this may include "t" intersections with safe access creating the appearance of a full intersection; or
2. on an intersection of arterials and collector roads that serve as part of the main vehicle trip route for clusters of neighborhoods and in areas with 2,500 people in a three (3) mile radius.

3. Not within 3 miles of another Activity Center or other RCC;
4. Can be at the same intersection with a developed CE;
5. The expansion of these isolated commercial nodes, in situations when the 80% developed standard cannot be met may be permitted according to the following:
 - a. Up to the size of a Neighborhood Activity Center (NAC) with an Activity Center Plan (ACP) to be incorporated into Appendix E of the Land Development Code
 - b. To ensure the increase of the node on as many corners as possible, and to ensure consistency with Policy 2.110-A5.

POLICY 2.110-B4: DEVELOPMENT CRITERIA - Development within Rural-Cluster Centers shall conform to the following standards:

a. Residential development within the Rural-Cluster Center shall be permitted at a density of up to two dwelling units per acre (2 DU/AC).

b. Non-residential development in the RCCs within the communities listed in Policy 2.110-B1, shall be permitted within a Rural Cluster as follows:

1. Commercial uses shall be limited to an intensity and scale necessary to provide the immediate rural population with retail and personal services. Such determination should be based on the market-area radius and minimum population support criteria established for Convenience, Neighborhood, or Community Activity Centers. The maximum floor area ratio shall not exceed 0.30.

2. Non-residential uses should be concentrated at the center of the cluster, with direct access to a collector or arterial intersection.

3. Typical non-residential uses are grocery, pharmacy, medical offices, and personal services.

4. The amount of non-residential uses for any cluster shall be based on the location and minimum population support criteria established for the applicable Activity Center.

c. Farmworker housing under specific design parameters listed in the Land Development Code not to exceed an intensity of sixteen (16) workers per acre.

POLICY 2.110-J1: Existing Activity Centers may be expanded to contiguous properties, subject to approval by the Board of County Commissioners, and approved as a Comprehensive Plan Amendment in compliance with state and local law. Expansions and reclassifications of Activity Centers shall be in accordance with the following criteria:

a. Expansion of an existing Activity Center may occur when eighty percent (80%) or more of the usable area within the center is developed, or has received approval of:

1. a final engineered construction plan (with building-permit application); or

2. a final PUD/PD/CU approval.

If the remaining undeveloped usable area of an Activity Center is controlled by a single interest, items 1 and 2 above may be waived by the Board.

b. The expansion of an isolated commercial RCC may occur according to the criteria in Objective 2.110-B.

POLICY 2.110-L3: INITIATED BY A PROPERTY OWNER – Property owners of property located within an Activity Center shall have the option of preparing and submitting Any property owner applying for a new Activity Center shall prepare and submit an ACP for consideration by the Board of County Commissioners for inclusion within the Future Land Use Element through a Comprehensive Plan Amendment. The ACP can also be used as supporting documentation for a proposed an expansion or reclassification. The Board may require that such submittal of a requested ACP include land use, traffic, and market studies, or other appropriate studies to support the requested ACP as outlined in L5 below.