

ORDINANCE NO. 22-_____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING THE ADOPTION OF **LD CD-2022-10**, AN AMENDMENT TO THE POLK COUNTY LAND DEVELOPMENT CODE SUB-DISTRICT MAP (ORDINANCE 01-69), AS AMENDED, AMENDING THE SUB-DISTRICT MAP TO CHANGE 3.31 +/- ACRES FROM RESIDENTIAL LOW-1 (RL-1) TO RESIDENTIAL LOW-3 (RL-3) IN THE TRANSIT SUPPORTIVE DEVELOPMENT AREA (TSDA). THE SUBJECT SITE IS LOCATED WEST OF OLD HIGHWAY 37 SOUTH OF DOSSEY ROAD W, NORTH OF PARKER ROAD, EAST OF CHARLES LANE ESTATES, SOUTH OF THE CITY OF LAKELAND, FLORIDA, IN SECTION 11, TOWNSHIP 29, RANGE 23; 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 Land Development Regulations consistent with the Polk County Comprehensive Plan; and

WHEREAS, the Board of County Commissioners (the “Board”) adopted said Land Development Regulations on March 1, 2000, titled the Polk County Land Development Code; (the “LDC”) and

WHEREAS, the Board of County Commissioners adopted a LDC Sub-district Map on September 26, 2001; and

WHEREAS, Chapter 9, Section 903 of the LDC provides the approval process for amending the LDC Sub-district Map as a Level 4 Review; and

WHEREAS, LD CD-2022-9 is an applicant-initiated application (the “Application”) to amend the LDC Sub-district maps to change 3.31 +/- acres from Residential Low-1 (RL-1) to Residential Low-3 (RL-3); and

WHEREAS, pursuant to Section 163.3174 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 Sub-district Map Amendment on February 1, 2023; and

WHEREAS, pursuant to Section 125.66 of the Florida Statutes, the Board of County Commissioners conducted an adoption public hearing, with due public notice having been

provided, on the proposed Land Development Code Sub-district Map Amendment on March 21, 2023; and

WHEREAS, the Board reviewed and considered all comments received during said public hearing, the Planning Commission's recommendation, the staff report, and provided for necessary revisions, if any; and

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Polk County, Florida that:

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 DRC staff report and makes the following findings based upon the staff report and other record evidence 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 Sub-district map amendment contained within the Application and found it to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC Sub-district Map Amendment contained within the Application.
- b) Pursuant to section 907D.10 of the LDC, the Board shall, in the review of the Application, consider the following factors:
 - a. Whether the proposed development is consistent with all relevant requirements of the Code;
 - b. Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;
 - c. Whether the proposed use is compatible with surrounding uses and the general character of the area, including such factors as density, height, bulk, scale, intensity, traffic, noise, and appearance; and
 - d. Any other matter which the BoCC may deem appropriate and relevant to the specific development 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.

- e) The Application is compatible with surrounding uses and the general character of the area.
- f) The record is hereby incorporated by reference into this ordinance and is on file with the County Clerk. The record consists of the following: the Application, Impact Assessment Statement, the DRC staff report, staff's PowerPoint presentation, the Planning Commission's recommendation, and all testimony and evidence presented at the hearing.

SECTION 2: AREA AMENDED.

Polk County Ordinance No. 01-69 as amended (the "Polk County Land Development Code Sub-district Map"), of Polk County Ordinance No. 00-09, as amended (the "Polk County Land Development Code") is hereby amended to reflect a change in the Sub-district of Parcels, legally described below and graphically depicted in Attachment "A" of this ordinance, from Residential Low-1 (RL-1) to Residential Low-3 (RL-3) as:

PARCEL ONE: 232911-000000-022010

Begin 40 feet West of the Northeast corner of the SE ¼ of the SE ¼ of Section 11, Township 29 South, Range 23 East, of Polk County, Florida, run thence West 628 feet, thence South 476 feet, thence East 208 feet, thence South 4 feet, thence East 210 feet, thence North 70 feet, thence East 40 feet, thence North 75 feet, thence East 170 feet, thence North 335 feet to the point of beginning, LESS AND EXCEPT road right-of-way and LESS AND EXCEPT WINDERWOOD, as recorded in Plat Book 76, Page 6, Public Records of Polk County, Florida.

PARCEL TWO: 232911-139762-000090

Lot 9, Winderwood, according to the map or plat thereof as recorded in Plat Book 76, Page 6, Public Records of Polk County, Florida.

PARCEL THREE: 232911-139762-000110

Tract A WINDERWOOD according to the map or plot thereof as recorded in Plat Book 76. Page 6. Public Records of Polk County, Florida.

SECTION 3: SEVERABILITY.

If any portion of this Ordinance is for any reason held unconstitutional or otherwise invalid by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4: EFFECTIVE DATE.

This Ordinance shall become effective upon filing of a certified copy of the Ordinance with the Department of State.

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 21st day of March, 2023.

Date rendered to the Clerk: _____

Exhibits to Board's Order

Exhibit A-Property Map

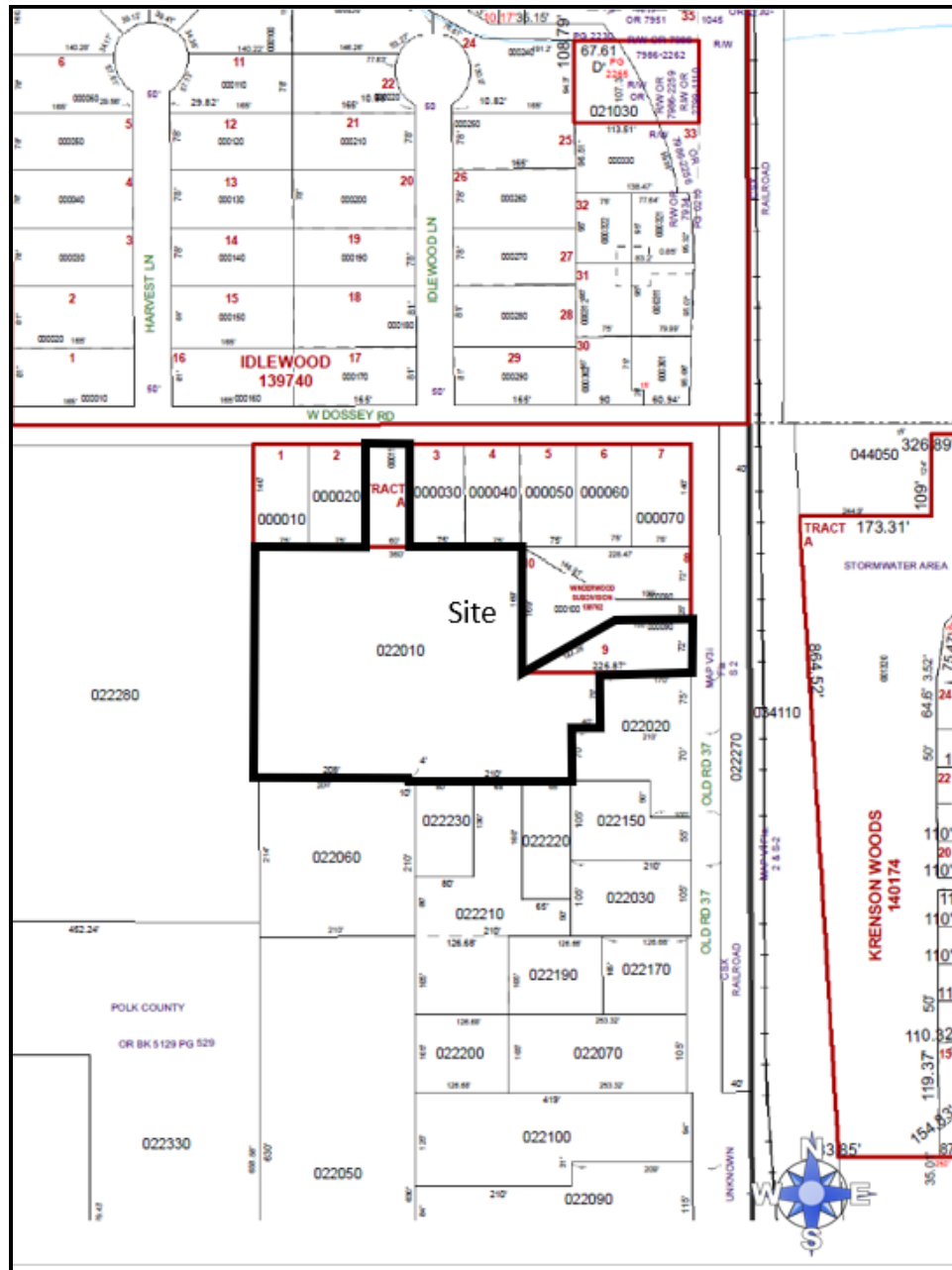
Exhibit B-Staff Report

LDCD 2022-10

Development Area: Transit Supportive Development Area (TSDA)

Location: West of Old Highway 37 south of Dossey Road W, north of Parker Road, east of Charles Lane Estates, south of the City of Lakeland, Florida

Section 11, Township 29, Range 23



PARCEL DETAIL

Note: Not to Scale