

ORDINANCE NO. 24-_____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING LAND DEVELOPMENT CODE AMENDMENT **LDCT-2024-18**, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE; AMENDING CHAPTER 2, SECTION 220 TO ADD AGRICULTURAL/RESIDENTIAL RURAL (A/RR) TO SECTION INTRODUCTION; ADD A NEW SUBSECTION H. FOUR OR MORE LOADING/UNLOADING AREAS, DOCKING FACILITIES, AND ACCESSORY TRUCK PARKING AREAS TO ADDRESS FENCING, BUFFERS, SETBACKS, AND PROHIBITIONS; 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 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 December 4, 2024; and

WHEREAS, the proposed text amendment to the Polk County Land Development Code shall clarify standards as they pertain to Section 220, Chapter 2 Compatibility Standards, to add Agricultural Residential Rural (A/RR) to the list of Future Land Use designations where 50-foot compatibility zones apply; and add a new Subsection H. to add screening and buffering standards for structures with four (4) or more loading/unloading areas and docking bays; and

WHEREAS, the Board of County Commissioners held two public hearings on January 21, 2025 and February 4, 2025, wherein the Board reviewed and considered the Planning Commission's recommendation, the staff report, and all comments received during said public hearings, 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 Board hereby finds and determines that:

- a) The findings set forth in the recitals to this Ordinance are true and correct and hereby adopted.
- b) The Planning Commission, acting in its capacity as the Local Planning Agency for the County, held a public hearing on December 4, 2024, to consider the LDC text amendments contained within Application LDCT-2024-18 and found them to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC Text Amendment contained within Application LDCT-2024-18.
- c) The adoption of LDCT-2024-18 is consistent with the Comprehensive Plan and LDC.

SECTION 2: Section 220 Compatibility Standards, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

Section 220 Compatibility Standards

The provisions of this Section shall apply to all non-residential development within 50 feet of an existing residence or property designated as Agricultural/Residential Rural (A/RR), Residential Suburban (RS), Residential-Low (RL-1, RL-2, RL-3, RL-4), Residential-Medium (RM), Residential High (RH) or Rural Cluster Center-Residential (RCC-R) by the Future Land Use Map Series. Only the portion of the development within the 50-foot compatibility area shall be subject to the requirements of this Section.

A. Signage

Signage shall be attached to the building or shall be limited to signs of 24 square feet in area and ten feet in height. Internal illuminated signs shall be prohibited.

B. Lighting

Exterior lighting shall be designed to minimize light trespass from non-residential structures and parking facilities onto adjacent residential properties and into rights-of-way except at the vehicular entrances into developments. Electrical reflectors, spotlights, floodlights, and other sources of illumination may be used to illuminate buildings, landscaping, signs, parking and loading areas, on any property provided they are equipped with proper lenses or other devices concentrating the illumination upon the building, landscaping, signs, parking and loading areas, on any property, and preventing any bright, direct illumination upon adjacent property or any public right-of-way. Lighting fixtures shall be recessed or designed with shields which prevent direct view of the light sources from adjacent property boundaries.

A lighting plan shall be required for all non-residential development proposing light fixtures within 50 feet of existing residential properties or residential districts. The plan shall clearly demonstrate that there will be no increase in ambient lighting into existing residential properties and residential districts.

The lighting plan shall include the following elements:

1. No light source shall be located closer than 15 feet from any property line, excluding public rights-of-way.
2. Mounting heights for exterior lights shall not exceed 30 feet in height within a parking lot and 15 feet within adjacent non-vehicular pedestrian areas.
3. Maximum maintained illumination levels measured at finished grade on an adjoining residential property of the project in question shall average no more than 0.5 foot-candles (fc) at the property line and shall not exceed 0.1 fc at 10 feet beyond the property line.
4. Potentially adverse effects of parking area lighting or of other light sources from the property on which the non-residential use is to be located shall be eliminated or prevented so that lights do not illuminate adjacent residential property or shine into any residential window per the standards of Section 220.E.

C. Buildings

Non-residential buildings shall not be located within the 50-foot compatibility area.

D. Prohibited Uses/Activities

The following are prohibited within ~~the 50-foot~~ the 50-foot compatibility area:

1. Dumpsters, except temporary construction dumpsters.
2. Outdoor sales, storage, or display.
3. Air conditioning units greater than five tons. If said unit has a capacity of less than five tons, the unit shall be located to reduce off-site impacts.
4. Loading facilities/structures.
5. Drive-thru facilities.
6. Grease Traps
7. Wastewater lift stations.
8. Gasoline pump islands

E. Additional Screening and Buffering for Parking Areas

When vehicle parking is located within 50 feet of a residential structure or platted residential lots with a lot depth of less than 200 feet, the parking area shall require a minimum setback of 15 feet and additional landscaping with specific types of plantings required to minimize noise, light and visual effects upon neighboring residential properties. The following shall be applied in addition to the standard buffer required:

1. For noise reduction: evergreen plantings shall be required with thick foliage covering from ground level to a minimum of 12 feet in height at maturity and spaced to provide overlapping branches within two years after planting.
2. For minimizing ambient light: well foliated, non-deciduous canopy trees spaced to provide overlapping branches within five (5) years after planting and a hedge row to reach 100% opacity above 4 feet within three (3) years to block vehicle lights.
3. For visual effects: decorative plantings, that seasonally flower, staggered between buildings and property line(s) at eight trees per 100 linear feet.

F. Commercial Vehicles

Along drive aisles and where commercial vehicles may park or travel within 50 feet of a residential property line there shall be a wall or sound reducing opaque fence of at least eight (8) feet in height or greater. Where there are grade separations in which the drive aisles, parking, loading occur that are lower than the residential properties, wall height may be adjusted.

G. Linear Commercial Corridor and Commercial Enclave

In addition to the other requirements of this section, these requirements shall apply to all new development and redevelopment of LCC and CE properties:

1. New development or redevelopment of non-residential uses within a Linear Commercial Corridor and Commercial Enclave shall be limited to the intensities of uses at the same or less intensity as adjacent existing uses.

H. Large Loading/Unloading Areas and Accessory Truck Parking Areas

For docking facilities and areas where loading and unloading of goods and materials is conducted that have four (4) or more bay door openings and any associated truck or trailer parking areas abutting residential¹ property, the following shall be required for minimizing vehicular lights and noise reduction:

1. Fencing - An 8-foot opaque fence, limited to solid PVC fences, solid wooden fences, or solid masonry walls shall be required setback 30 feet from any residential¹ property line.
2. Additional Buffering - The required buffer plantings in Section 720 of this code shall be required on the outside side of the fence (as required in section H.1 above) between the fence and the property line. The plantings shall include evergreen plantings with thick foliage covering from ground level to a minimum of 12 feet in height at maturity and spaced to provide overlapping branches within two years after planting. Existing native mature vegetation shall be incorporated into the landscape Buffer where possible.
3. Building setback - The setback shall be a minimum of 100 feet from residential¹ property lines for the buildings with loading and unloading bays.
4. Truck Parking – No commercial vehicle or trailer shall be parked within the 50 feet of the residential¹ property lines.

¹Residential Property is property designated as Agricultural/Residential Rural (A/RR), Residential Suburban (RS), Residential-Low (RL-1, RL-2, RL-3, RL-4), Residential-Medium (RM), Residential High (RH), or Rural Cluster Center-Residential (RCC-R) Future Land Use districts and non-residential districts with an existing residence within 200 feet of the abutting property line.

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 4th day of February 2025.