

ORDINANCE NO. 10-_____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING LAND DEVELOPMENT CODE AMENDMENT LDC 10T-08, AMENDING ORDINANCE NO. 00-09, AS AMENDED, MODIFYING TABLE 5.2, USE TABLE FOR GREEN SWAMP AREA OF CRITICAL STATE CONCERN, TO ADD THE LINEAR COMMERCIAL CORRIDOR-X (LCCX) LAND USE DISTRICT TO THE POLK CITY SPECIAL PROTECTION AREA; 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 July 13, 2010; and

WHEREAS, the proposed text amendment to the Polk County Land Development Code shall be amended to add the Linear Commercial Corridor-X (LCCX) land use district to the Polk City Special Protection Area portion of Table 5.2, Use Table for Green Swamp ACSC; 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 indicate proposed additions to the current language. The ~~strikeout~~ indicates text to be removed from the current ordinance.

SECTION 1: Table 5.2, Use Table for Green Swamp ACSC, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended in the following manner:

Table 5.2 Use Table for Green Swamp ACSC (For revision history, please see <u>next to</u> last row in table.)																						
	Polk City Special Protection Area													Rural Special Protection Area								
	CEX	<u>LCCX</u> ¹	L/RX	RL-1X	RL-2X	RL-3X	RSX	ROS X	INST- 1X	INST- 2-X	BPC-1 X	BPC-2 X	CCX	OCX	INST-1X	INST- 2X	PRES VX	L/RX	A/RRX	CORE	CEX	RSX
Residential Uses																						
Duplex/Two- Family Attached						C3	C3															C3
Family Farm/Family Homestead							C1												C1			C1
Fly-in Community																			C3			C3
Group Home, Small (6 or less residents)				C1	C1	C1	C1												C1			C1
Group Home, Large (7-14 residents)							C3		C1						C1	C1			C3			C3
Group Living Facility (15 or more residents)				C3	C3	C3	C3		C2	C2					C2	C2						C3
Farm Worker Housing																			C3			
Mobile Home Park & Subdivision				C3	C3		C3															C4
Mobile Homes, Individual				C1	C1	C1	C1												C1	C1		C1
Multi-Family						C3																
Residential Infill Development				C2	C2	C2	C2															
Short -Term Rental Units			P	C3	C3	C3												P				
Single-Family Detached Home				P	P	P	P												P	P		P
Suburban Planned Development (SPD)							C3															C3

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	Polk City Special Protection Area														Rural Special Protection Area							
	CEX	<u>LCCX</u> ¹	L/RX	RL-1X	RL-2X	RL-3X	RSX	ROS X	INST- 1X	INST- 2-X	BPC-1 X	BPC-2 X	CCX	OCX	INST-1X	INST- 2X	PRES VX	L/RX	A/RRX	CORE	CEX	RSX
Mixed-Uses																						
Planned Development	C3	<u>C3</u>	C3	C3	C3	C3	C3	C3			C3	C3	C3	C3			C3	C3	C3	C3	C3	C3
Residentially Based Mixed Development (RBMD)				C3	C3	C3																
All Other Uses																						
Adult Day Care Center (7 or more clients)				C3	C3	C3	C3		C2	C2					C2	C2						C3
Agricultural Support, On-site	P		P	P	P	P	P	P	P		P	P	P		P			P	P	P	P	P
Agricultural Support, Off-site		<u>C2</u>					C3												C3	C3		C3
Agriculture, Intensive							C3												C2			C3
Alcohol Package Sales	C1	<u>C1</u>	C1								C1	C1	C1					C1			C1	
Animal Grazing	P	<u>P</u>	P	P	P	P	P	P	P	P	P	P	P		P	P		P	P	P	P	P
Animal Farms, Small Specialty							C												P	C1		C3
Aquiculture																			P	C1		C3
Bars, Lounges, and Taverns	C3	<u>C3</u>	C1								C1	C1						C1			C3	
Breeding Facility, Wild or Exotic																			C4	C4		
Cemetery									C2	C2									C3			C3
Childcare Center	C2	<u>C2</u>		C3	C3	C3			P	P			P	C3					C3		C2	
Clinics & Medical Offices	C3	<u>P</u>							C2	C2			P	P							C3	
Communication Towers, Guyed & Lattice								C3	C2	C2	C3	C2			C2	C2			C2	C2		
Communication Towers, Monopole		<u>C3</u>	C3					C3	C2	C2	C2	C2			C2	C2	C3	C3	C2	C2		
Community Center	C2	<u>C2</u>	C2	C3	C3	C3	C3	C4	C2	C2	C2	C2	C2	C2	C2	C2		C2	C3		C2	C3
Convenience Stores	C3	<u>C2</u>	C2								C2	C2	P					C2			C3	
Convenience Stores,							C3												C3			C3

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Isolated																						
Correctional Facility										C4						C4			C4			
Cultural Facility	C2	<u>C2</u>	C2	C3	C3	C3	C3	C4	C2	C2	C2	C2	C2	C2	C2	C2		C2	C3		C2	C3
Dairy							C2															
Emergency Shelter, Small (6 or less residents)				C1	C1	C1	C1															
Emergency Shelter, Medium (7-14 residents)							C3		C1	C1					C1	C1			C3			C3
Emergency Shelter, Large (15 or more residents)				C3	C3	C3	C3		C2	C2					C2	C2						C3
Heavy Machinery Equipment Sales and Services												C2										
Fish Camp			P															P	C3			
Farming, General	P	<u>P</u>	P	P	P	P	P	P	P	P	P	P	P		P	P		P	P	P	P	P
Financial Institution	C3	<u>C2</u>									C2	C2	P	C3							C3	
Financial Institution, Drive-Thru	C3	<u>C2</u>									C2	C2	C2								C3	
Forestry Specialized Operations																			C2	C2		
Funeral Home & Related	C3	<u>C2</u>											P								C3	
Gas Stations	C4	<u>C2</u>									C3	C3	C3								C4	
Governmental Facilities	P	<u>P</u>	C3	C3	C3	C3	C3	C3	P	P	P	P	P	C3	C3	C3		C3	C3	C3	P	C3
Heliports									C2	C2	C2	C2			C3	C3			C2			
Helistops	C4	<u>C2</u>	C3	C3	C3	C3	C3	C3	C2	C2	C2	C2	C2		C3	C3		C3	C2		C4	C3
Hospitals									C3	C2												
Hotels and Motels	C3										C2	C2									C3	
Kennels, Boarding	C3	<u>C3</u>																	C3		C3	
Kennels, Breeding							C3												C3			C3
Livestock Sale/Auction																			C3			

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Lodges and Retreats, Private			P						P	P								P	C3			
Manufacturing, Light											C2	P										
Marina & Related Facilities			P										P					P	C3			
Mining, Non-phosphate	C3		C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3				C3	C3	C3	C3	C3
Motor Freight Operations	C3											P									C3	
Nightclubs and Dance Halls		<u>C3</u>	C3								C1	C1						C3			C3	
Nurseries, Retail	C2	<u>P</u>											P								C2	
Nurseries & Greenhouses	C2	<u>P</u>					C3						P						P		C2	C3
Nursing Homes	C2	<u>C2</u>							C2	C2					C2	C2					C2	
Offices	C2	<u>P</u>							C2	C2	P	P	P	P							C2	
Outdoor Storage												P										
Personal Service	C1	<u>C2</u>									P	P	P	C2							C1	
Printing & Publishing		<u>P</u>									C2	C2		C3								
Recreation, Low Intensity	P	<u>P</u>	P	P	P	P		P	P	P	P	P	P				C3	P	P	C3	P	P
Recreation, High Intensity			P	C3	C3	C3	C3		P	P								P	C3			C3
Recreation & Amusement, General	C3	<u>C2</u>	P										P					P			C3	
Recreational Vehicle Park			C2															C2				
Religious Institutions	C2	<u>C2</u>	C2	C3	C3	C3	C3	C4	C2	C2	C2	C2	C2	C2	C2	C2		C2	C3		C2	C3
Institutional Campgrounds			P				C3	C3										P	C3	C3		C3
Research & Development									C3	C3	P	P										
Residential Treatment facility									C4	C4									C4			
Restaurant, Drive-through	C3	<u>C3</u>									C2	C2									C3	
Restaurant, Sit-down & Take-out	C2	<u>C2</u>	C2								C2	C2	C2					C2			C2	

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Retail, Less than 5,000 square feet	P	<u>P</u>	C2								C2	C2	P	C3				C2			P			
Retail, 5,000 - 49,999 square feet													C3											
Retail, Outdoor Sales/Display	C3	<u>C2</u>									P										C3			
School, Leisure/Special Interest	C2	<u>C2</u>	C3					P	P	P	C2	C2	C2	C3				C3			C2			
School, Technical/Vocational/Trade	C3	<u>C3</u>	C2						C3	P	C2	C2	C3	C2				C2			C3			
School, Training	C3	<u>C3</u>	C2						C3	P	C2	C2	C3	C2				C2			C3			
Self-storage facility	C2	<u>C2</u>									C2	C2									C2			
Stable/Riding Academy			P					P																
Studio, Artisan	P	<u>P</u>										P	P						C3		P			
Studio, Production		<u>P</u>									P	P												
Transit, Commercial	C3	<u>C3</u>									C3	P												
Transit Facility											P	P												
Utilities, Class I	P	<u>P</u>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C2	P	P	P	P	P		
Utilities, Class II	C1	<u>P</u>	C1	C1	C1	C1	C1	C1	P	P	C1	C1	C1	C1	P	P	C2	C1	C1	C1	C2	C1		
Utilities, Class III	C3	<u>C4</u>	C3	C3	C3	C3	C3	C3	C4	C3	C3	C3	C3	C4	C4	C3		C3	C3	C3	C3	C3		
Vehicle Repair, Auto body	C4	<u>C3</u>										P									C4			
Vehicle Service, Mechanical	C4	<u>C2</u>										P	P								C4			
Vehicle, Sales and Leasing	C4	<u>C2</u>																			C4			
Veterinary Services	C1	<u>P</u>											C1						C3		C1			
Warehousing											P	P												
Wholesale, Enclosed	C3	<u>C2</u>									P	P									C3			

Rev. 12/01/09 – Ord. 09-073; 07/22/09 – Ord. 09-047; 02/16/05 - Ord. 05-05; Rev. 01/03/05 - Ord. 04-80; Rev. 12/08/03 - Ord. 03-67; Rev. 03/19/03 - Ord. 03-23; Rev. 10/23/02 - Ord. 02-68; Rev. 5/15/02 - Ord. 02-22; Rev. 2/11/02 - Ord. 02-04 - Ord. 02-06; Rev. 12/28/01 - Ord. 01-92; Rev. 7/25/01 - Ord. 01-57)

Footnotes for Table 5.2

1. Comprehensive Plan Amendments to change a parcel's Future Land Use District to Linear Commercial Corridor within the Polk City Special Protection Area are prohibited by Policy 2.132-C3 of the Polk County Comprehensive Plan. Only parcels with the existing LCCX Future Land Use District are allowed within the Polk City Special Protection Area.

SECTION 2: 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 3: EFFECTIVE DATE

This ordinance shall become effective as outlined in §380.05, Florida Statutes, and upon filing with the Department of State.

**ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY,
FLORIDA** this _____ day of _____, 2010.

BOARD OF COUNTY COMMISSIONERS OF
POLK COUNTY, FLORIDA

STATE OF FLORIDA)
)
COUNTY OF POLK)

I, Richard M. Weiss, Clerk and Auditor to the Board of County Commissioners of Polk County, Florida, hereby certify that the foregoing is a true and correct copy of Ordinance No. 10-____, an amendment to the Polk County Land Development Code, which was adopted by the Board of County Commissioners of Polk County, Florida on the _____ day of _____, 2010.

WITNESS my hand and official seal on this _____ day of _____, 2010.

(SEAL) By: _____
 Kathryn Courtney
 Deputy Clerk