

ORDINANCE NO. 24-_____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING LAND DEVELOPMENT CODE AMENDMENT **LDCT-2023-21**, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE; AMENDING APPENDIX E, SECTION F. CPA 17A-02 - PARCEL ID#: 252911-000000-031020; 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, 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 January 3, 2024; and

WHEREAS, the proposed text amendment to the Polk County Land Development Code is intended for the revised calculation of density in rural and suburban development areas to address minimum lot size calculations; and

WHEREAS, the Board of County Commissioners of Polk County has determined it appropriate to adopt regulations that are consistent with the Comprehensive Plan;

WHEREAS, the Board held two public hearings on February 6, 2024 and February 20, 2024 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, if any.

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 January 3, 2024, to consider the LDC text amendments contained within Application LDCT-2023-21 and found them to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC Text Amendment contained within Application LDCT-2023-21.
- c) The adoption of LDCT-2023-21 is consistent with the Comprehensive Plan and LDC.

SECTION 2: Appendix E, Section F CPA 17A-02 - Parcel ID#: 252911-000000-031020 of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended in the following manner:

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F. CPA 17A-02 - Parcel ID#: 252911-000000-031020

1. Applicability

The provisions and requirements of this Subsection apply to the subject site, the boundaries of which are shown on the Future Land Use Map Series and Land Use District maps, more particularly those depicted in the panel showing Range 25, Township 29, Section 11. The site is legally described as:

THE SOUTH 530.00' OF THE FOLLOWING DESCRIBES THE PROPERTY.
A PARCEL OF LAND LYING IN THE NORTHWEST ¼ OF SECTION 11 AND THE SOUTHWEST ¼ OF SECTION 2 OF TOWNSHIP 29 SOUTH, RANGE 25 EAST, POLK COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:
COMMENCE AT THE SOUTHEAST CORNER OF SAID NORTHWEST ¼ OF SECTION 11, THENCE S89°47'18"-W ALONG THE SOUTH BOUNDARY OF SAID NORTHWEST ¼ OF SECTION 11 A DISTANCE OF 40.00 FEET TO THE WEST RIGHT OF WAY LINE OF SPIRIT LAKE ROAD ACCORDING TO MAP BOOK 4, PAGE 741, PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE N00°00'25"-W ALONG SAID WEST RIGHT OF WAY LINE A DISTANCE OF 1788.60 FEET TO THE POINT OF BEGINNING; THENCE S89°37'40"-W A DISTANCE OF 826.37 FEET; THENCE NORTH 00°00'25"-W A DISTANCE OF 870.33 FEET TO THE SOUTH BOUNDARY OF SAID SOUTHWEST ¼ OF SECTION 2; THENCE CONTINUE N-00°00'25"-W A DISTANCE OF 252.22 FEET TO THE SOUTH RIGHT OF WAY LINE OF THORNHILL ROAD ACCORDING TO MAP BOOK 1, PAGES 31-33, PUBLIC RECORDS OF POLK COUNTY,

FLORIDA; THENCE ALONG SAID SOUTH RIGHT OF WAY THE FOLLOWING SIX COURSES; S67°30'17"-E A DISTANCE OF 29.14 FEET; THENCE S67°47'29"-EAST A DISTANCE OF 200.00 FEET; THENCE S67°30'17"-E A DISTANCE OF 200.00 FEET; THENCE S67°47'29"-E A DISTANCE OF 217.56 FEET TO THE NORTH BOUNDARY OF SAID NORTHWEST ¼ OF SECTION 11; THENCE CONTINUE S67°47'29"-E A DISTANCE OF 177.40 FEET TO A POINT ON A RIGHT OF WAY LINE FOR SPIRIT LAKE ROAD, ACCORDING TO MAP BOOK 3, PAGE 117, PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE S-46°18'50"-EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 88.33 FEET TO SAID WEST RIGHT OF WAY LINE OF SPIRIT LAKE ROAD, THENCE S-00°00'25"-E ALONG SAID WEST RIGHT OF WAY LINE A DISTANCE OF 743.62 FEET TO THE POINT OF BEGINNING.

Less and except – approximately the southern 30 feet so that the portion of parcel 252911-000000-031020 that is within this conditional land use amendment is removed so that the uses in what changes to Institutional (INST) is regulated by Table 2.1 rather than the table in this section.

CONTAINING 10.05 ACRES MORE OR LESS.

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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 become effective upon filing with the Department of State.

ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA on this ____ day of ____, 2024.