

ORDINANCE NO. 24 - _____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING LAND DEVELOPMENT CODE AMENDMENT **LDCT-2023-23**, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE, TO AMEND APPENDIX E PARCEL SPECIFIC COMPREHENSIVE PLAN AMENDMENTS WITH CONDITIONS TO ADD STANDARDS FOR DEVELOPMENT ON PROPERTY SUBJECT TO LDCPAL-2023-10 AND ALSO RELATED TO LDCD-2023-10 AND LOCATED ON THE NORTH SIDE OF SWINDELL ROAD, EAST OF N. ALDERMAN RD., SOUTH OF MUSKET DRIVE, AND WEST OF SWINDELL ROAD, NORTH OF LAKELAND CITY LIMITS, IN SECTION 18, TOWNSHIP 28 AND 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 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 July 10, 2024; and

WHEREAS, the Board held two public hearings on August 6, 2024 and _____, 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:

SECTION 1: The Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, shall be amended in the following manner:

Section E105 Parcel Specific Comprehensive Plan Amendments (CPA) with Conditions

Table E1 Parcel Specific Comprehensive Plan Amendments (CPA) with Conditions (Insert Row)

Subsection	CPA Case Number	CPA Approval	Parcel Number(s)
R	<u>CPA LDCPAL-2024-10</u>	<u>October 1, 2024</u>	232818-000000-014010, 232818-000000-012000, 232818-087000-000701, and 232818-000000-021090

APPENDIX E SECTION E105 R LDCPAS-2023-3 Parcel Numbers 232818-000000-014010, 232818-000000-012000, 232818-087000-000701, and 232818-000000-021090.

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 23, Township 28, Section 18. The entire site is legally described as:

DESCRIPTION:

A parcel of land lying within Section 18, Township 28 South, Range 23 East, Polk County, Florida, being more particularly described as follows:

For a POINT OF BEGINNING commence at the Northeast corner of the Southeast 1/4 of the Northeast 1/4 of said Section 18; thence S.00°11'50"E., along the East line of the Northeast 1/4 of said Section 18, a distance of 1,327.39 feet to the Northeast corner of the Southeast 1/4 of said Section 18; thence S.00°16'11"E., along the East line of the Southeast 1/4 of said Section 18, a distance of 666.63 feet; thence S.89°46'39"W., a distance of 1,059.48 feet; thence S.00°11'25"E., a distance of 664.22 feet; thence S.89°45'05"W., a distance of 267.33 feet; thence S.00°02'23"E., a distance of 467.13 feet; thence S.89°55'34"W., a distance of 949.87 feet; thence S.00°04'46"W., a distance of 833.44 feet to the Northerly maintained right-of-way line of Swindell Road; thence along said Northerly right-of-way line the following four (4) courses: (1) N.89°44'36"W., a distance of 32.03 feet; (2) S.89°52'25"W., a distance of 100.00 feet; (3) S.89°35'14"W., a distance of 100.00 feet; (4) N.89°22'54"W., a distance of 95.80 feet to the Easterly maintained right-of-way line of Alderman Road; thence along said Easterly right-of-way line the following three (3) courses: (1) N.11°08'53"W., a distance of 176.17 feet; (2) N.00°21'10"E., a distance of 1,125.29 feet; (3) N.00°00'53"E., a distance of 1,324.90 feet; thence S.89°40'48"W., a distance of 24.69 feet to the West line of the Northeast 1/4 of said Section 18; thence N.00°01'04"E., along said West

line, a distance of 1,323.97 feet to the North line of the South 1/2 of the Northeast 1/4 of said Section 18; thence N.89°36'20"E., along said North line, a distance of 2,646.54 feet to the POINT OF BEGINNING.

Containing 165.484 acres, more or less.

2. The following standards shall apply to all buildings:

- a) All buildings shall have an office front appearance, generally consistent with the architectural design demonstrated in the figure below, while allowing for appropriate loading and unloading facilities: **(INSERT Design possibilities)**
- b) All retention ponds shall be designed to resemble natural features this can include any combination of pond shape or the use of planting materials;
- c) Any changes to this section shall be subject to the public hearing and notice requirements for a Comprehensive Plan map amendment as listed in Chapter 9 of the Land Development Code.

3. BPC-1 – The following additional Development Standards shall apply to the BPC-1

- a) BPC-1 Legal Description:

DESCRIPTION:

A parcel of land lying within Section 18, Township 28 South, Range 23 East, Polk County, Florida, being more particularly described as follows:

For a POINT OF REFERENCE commence at the Northeast corner of the Southeast 1/4 of the Northeast 1/4 of said Section 18; thence S.89°36'20"W., along the North line of the South 1/2 of the Northeast 1/4 of said Section 18, a distance of 1,318.75 feet for a POINT OF BEGINNING; thence S.00°02'23"E., a distance of 3,121.55 feet; thence S.89°55'34"W., a distance of 949.87 feet; thence S.00°04'46"W., a distance of 833.44 feet to the Northerly maintained right-of-way line of Swindell Road; thence along said Northerly right-of-way line the following four (4) courses: (1) N.89°44'36"W., a distance of 32.03 feet; (2) S.89°52'25"W., a distance of 100.00 feet; (3) S.89°35'14"W., a distance of 100.00 feet; (4) N.89°22'54"W., a distance of 95.80 feet to the Easterly maintained right-of-way line of Alderman Road; thence along said Easterly maintained right-of-way line the following three (3) courses: (1) N.11°08'53"W., a distance of 176.17 feet; (2) N.00°21'10"E., a distance of 1,125.29 feet; (3) N.00°00'53"E., a distance of 1,324.90 feet; thence S.89°40'48"W., a distance of 24.69 feet to the West line of the Northeast 1/4 of said Section 18; thence N.00°01'04"E., along said West line, a distance of 1,323.97 feet to the aforementioned North line of the South 1/2 of the Northeast 1/4 of said Section 18; thence N.89°36'20"E., along said North line, a distance of 1,327.79 feet to the POINT OF BEGINNING.

Containing 100.982 acres, more or less.

- b) BPC-1 - Additional Site Development Standards

In addition to all applicable standards of this Code, all allowable uses shall comply with the following additional site development standards prior to site alteration or development:

- a) Any development or redevelopment of the subject site, shall be conditioned upon the following enhanced buffering. The western buffer, starting at the southwest corner of the property, going north along Alderman Road, for 850 feet northward, shall be Type “C” landscape buffer, consistent with the planting types within Section 720 of the Code, with a width of 20 feet. Starting 850 feet north of the southwestern property corner, along the Western boundary of the parcel to the northwestern corner of the property boundary the buffer shall be a minimum 70 feet wide which shall include a minimum 6 foot PVC fence atop a 6 foot high berm. The northern boundary, starting at the northwest corner of the property shall be a 70 foot wide minimum Type “C” landscape buffer, consistent with the planting types within Section 720 of the Code, including a 6 foot PVC fence and shall extend the length of the BPC district. All other property boundaries shall have a buffer consistent with Section 720 of the Code. See Attachment “A”.
- b) Total Development shall not exceed 685,000 square feet.
- c) Industrial uses shall not exceed 640,000 square feet.
- d) Industrial buildings shall not be located in the southernmost 850 feet of the development.
- e) Commercial uses shall not exceed 45,000 square feet.
- f) Structures shall not exceed 60 feet in height.
- g) Site access shall only be provided via Swindell Road. Direct access to Alderman Road is prohibited.
- h) Setback requirements. The building setback from the western property line (the same line as the eastern edge of the existing 30’ wide right-of-way line of Alderman Road) shall not be less than 165’. This setback shall begin 850’ from the southwest corner of the property and continue north along the Western property line. The building setback from the remainder of Alderman Road and all of Swindell Road shall be a minimum of 30 feet from the existing property line or 60 feet from centerline, whichever is greater. The building setbacks from the North property boundary shall be minimum 70 feet.
- i) All loading and unloading areas shall be at least 120 feet from all property lines abutting residentially used or designated property.
- j) There shall be no overnight idling of trucks unless connected to an electric power source.
- k) Refrigeration trucks shall be restricted from active operation between the hours of 9:00 pm to 7:00 am.
- l) All doors and loading bays shall remain closed except while being accessed for loading and/or unloading.
- m) Outdoor storage is prohibited.
- n) Lighting shall be consistent with Dark Skies best practices as listed in Section 642 of the Land Development Code.

4. BPC-2 - The following additional Development Standards shall apply to the BPC-2

a) BPC-2 Legal Description:

DESCRIPTION:

A parcel of land lying within Section 18, Township 28 South, Range 23 East, Polk County, Florida, being more particularly described as follows:

For a POINT OF REFERENCE commence at the Northeast corner of the Southeast 1/4 of the Northeast 1/4 of said Section 18; thence S.89°36'20"W., along the North line of the South 1/2 of the Northeast 1/4 of said Section 18, a distance of 1,318.75 feet for a POINT OF BEGINNING; thence S.00°02'23"E., a distance of 3,121.55 feet; thence S.89°55'34"W., a distance of 931.10 feet; thence N.00°00'53"E., a distance of 3,116.37 feet to the aforesaid North line of the South 1/2 of the Northeast 1/4 of said Section 18; thence N.89°36'20"E., along said North line, a distance of 928.17 feet to the POINT OF BEGINNING.

Containing 66.563 acres, more or less.

b) Additional Site Development Standards

In addition to all applicable standards of this Code, all allowable uses shall comply with the following additional site development standards prior to site alteration or development:

- a) Any development or redevelopment of the subject site, shall be conditioned upon the following enhanced buffering. The northern boundary, starting at the northwest corner of the property shall be a 70 foot wide minimum Type "C" landscape buffer, consistent with the planting types within Section 720 of the Code, including a 6 foot PVC fence and shall extend the length of the BPC district. All other property boundaries shall have a buffer consistent with Section 720 of the Code. See Attachment "A".
- b) Total Development shall not exceed 685,000 square feet.
- c) Industrial uses shall not exceed 640,000 square feet.
- d) Commercial uses shall not exceed 45,000 square feet.
- e) Structures shall not exceed 60 feet in height.
- f) Site access shall only be provided via Swindell Road. Direct access to Alderman Road is prohibited.
- g) There shall be no overnight idling of trucks unless connected to an electric power source.
- h) Refrigeration trucks shall be restricted from active operation between the hours of 9:00 pm to 5:00 am.
- i) Setback requirements. The building setback from the North property line shall be a minimum 70 feet and the building setback from the South property boundaries shall be minimum 50 feet.
- j) The master stormwater detention pond shall be designed to accommodate the 25-yr/24-hr storm event if determined there is positive outfall (open basin) and the 100-yr/24-hr storm event if determined no positive outfall (closed basin) as

required by the Southwest Florida Water Management District and Polk County.

- k) All loading and unloading areas shall be at least 120 feet from all property lines abutting residentially used or designated property.
- l) All doors and loading bays shall remain closed except while being accessed for loading and/or unloading.
- m) Lighting shall be consistent with Dark Skies best practices as listed in Section 642 of the Land Development Code.

5. A/RR - The following additional Development Standards shall apply to the A/RR

- a) A/RR Legal Description:

DESCRIPTION:

A parcel of land lying within Section 18, Township 28 South, Range 23 East, Polk County, Florida, being more particularly described as follows:

For a POINT OF BEGINNING commence at the Northeast corner of the Southeast 1/4 of the Northeast 1/4 of said Section 18; thence S.00°11'50"E., along the East line of the Northeast 1/4 of said Section 18, a distance of 1,327.39 feet to the Northeast corner of the Southeast 1/4 of said Section 18; thence S.89°36'08"W., along the South line of the Northeast 1/4 of said Section 18, a distance of 1,328.05 feet to the West line of the Southeast 1/4 of the Northeast 1/4 of said Section 18; thence N.00°17'00"W., along said West line, a distance of 1,327.47 feet to the North line of the Southeast 1/4 of the Northeast 1/4 of said Section 18; thence N.89°36'20"E., along said North line, a distance of 1,330.04 feet to the POINT OF BEGINNING.

Containing 40.500 acres, more or less.

- b) Additional Site Development Standards

In addition to all applicable standards of this Code, all allowable uses shall comply with the following additional site development standards prior to site alteration or development:

- a) Development shall be prohibited with the exception of stormwater facilities and floodplain compensation to serve development within the BPC-1 and BPC-2 portion of the project.
- b) Site access shall only be provided via the BPC-1 and BPC-2 development area via Swindell Road. All other access is prohibited.
- c) Lighting shall be consistent with Dark Skies best practices as listed in Section 642 of the Land Development Code.

6. RL-1 - The following additional Development Standards shall apply to the RL-1

- a) RL-1 Legal Description:

DESCRIPTION:

A parcel of land lying within Section 18, Township 28 South, Range 23 East, Polk County, Florida, being more particularly described as follows:

For a POINT OF BEGINNING commence at the Northeast corner of the Southeast 1/4 of said Section 18; thence S.00°16'11"E., along the East line of the Southeast 1/4 of said Section 18, a distance of 666.63 feet; thence S.89°46'39"W., a distance of 1,059.48 feet; thence S.00°11'25"E., a distance of 664.22 feet; thence S.89°45'05"W., a distance of 267.33 feet; thence N.00°17'00"W., a distance of 1,326.91 feet to the North line of the Southeast 1/4 of said Section 18; thence N.89°36'08"E., along said North line, a distance of 1,328.05 feet to the POINT OF BEGINNING.

Containing 24.346 acres, more or less.

b) Additional Site Development Standards

In addition to all applicable standards of this Code, all allowable uses shall comply with the following additional site development standards prior to site alteration or development:

- a) Development shall not exceed one single family detached residence (existing) with the exception of stormwater facilities and floodplain compensation to serve development within the BPC-1 and BPC-2 portion of the development.
- b) Site access for the one single family detached residence (existing) shall only be provided via Swindell Road.
- c) Structures shall not exceed 35 feet in height.
- d) Setback requirements for residential structures shall not be less than 50 feet from the southern property line and 50 feet from the eastern property line.
- e) Lighting shall be consistent with Dark Skies best practices as listed in Section 642 of the Land Development Code.

7. Revised Use Table

The following Prohibited Use Tables (Tables E4 - E7) shall replace Table 2.1 and specifies the types of uses explicitly prohibited within this site. If a use is not listed in this table, and listed in Table 2.1, it is allowable as allowed in Table 2.1. All conditions outlined in Section 303 of this Code shall apply to each use listed below:

TABLE E4, BPC-1 PROHIBITED LAND USES FOR
LDCPAL-2023-10 AND LDCD-2023-13

Prohibited
Multi-family; Airport; Animal Farm, Intensive; Bars, Lounges, and Tavern; Community Center; Cultural Facility; Financial Institution; Financial Institution, Drive Through; Golf Course; Government Facility; Heliports; Helistops; Hotels and Motels; Lime Stabilization Facility; Mining, Non-phosphate; Power Plants Non-Certified, Low; Religious Institution; Restaurant, Drive-thru/Drive-in; Restaurant, Sit-down/Take-out; Retail, More than 65,000 sq. ft.; School, Leisure/Special Interest; School, Technical/Vocational/Trade & Training; School, University/College; Solar Electric-

Power Generation Facility; Transit, Facility; Utilities, Class I; Utilities, Class II; Utilities, Class III; Water Ski Schools
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TABLE E5, BPC-2 PROHIBITED LAND USES FOR
LDCPAL-2023-10 AND LDCD-2023-13

Prohibited
Farm Worker Dormitory, Barrack Style; Agricultural Support, Off-Site; Airport; Alcohol package Sales; Animal Farm, Intensive; Bars, Lounges, and Taverns; Breeding, Boarding, and Rehabilitation Facility, Wild or Exotic; Community Center,; Convenience Stores, Isolated; Cultural Facility; Financial Institution; Financial Institution, Drive Through; Golf Course; Government Facility; Heliports; Helistops; Hotels and Motels; Kennels, Boarding and Breeding; Lime Stabilization Facility; Livestock Sale, Auction; Mining, Non-phosphate; Power Plants Non-Certified, Low; Power Plants, Non-Certified, High; Religious Institution; Restaurant, Drive-thru/Drive-in; Restaurant, Sit-down/Take-out; Retail, More than 65,000 sq. ft.; School, Leisure/Special Interest; School, Technical/Vocational/Trade & Training; School, University/College; Solar Electric-Power Generation Facility; Transit, Commercial; Transit, Facility; Utilities, Class I; Utilities, Class II; Utilities, Class III; Vehicle Recovery Service/Agency; Vehicle Repair, Auto Body; Vehicle Service, Mechanical; Water Ski Schools

TABLE E6, A/RR PROHIBITED LAND USES FOR
LDCPAL-2023-10 AND LDCD-2023-13

Prohibited
Fly-in Community; Group Home, Small (6 or less residents); Group Home, Large (7-14 residents); Group Living Facility (15 or more residents); Farm Worker Dormitory, Apartment Style; Farm Worker Dormitory, Barrack Style; Mobile Home Park; Mobile Home Subdivision; Mobile Homes, Individual; Rural Residential Development (RRD); Single-family Detached Home & Subdivision; Planned Development; Residentially Based Mixed Development (RBMD), Rural Mixed Development (RMD); Adult Day Care Center (7 or more clients); Airport; Airstrip, Private; Animal Farm, Intensive; Bed and Breakfast; Breeding, Boarding, and Rehabilitation Facility, Wild or Exotic; Cemetery; Childcare Center; Communication Towers, Guyed and Lattice, Communication Tower, Monopole; Community Center; Convenience Stores, Isolated; Correctional Facility; Cultural Facility; Emergency Shelter, Small (6 or less residents); Emergency Shelter, Medium (7-14 residents); Emergency Shelter, Large (15 or more residents); Event Facility; Golf Course; Government Facility; Heliports; Helistops; Kennels, Boarding and Breeding; Lime Stabilization Facility; Livestock Sale, Auction; Lodges and Retreats; Marinas and Related Facilities; Mining, Non-phosphate; Nurseries and Greenhouses; Outdoor Concert Venue; Recreation, High Intensity; Recreation, Low-Intensity; Recreation, Vehicle Oriented; Religious Institution; Residential Treatment Facility; Riding Academies; School, Elementary; School, Leisure/Special Interest; School, Technical/Vocational/Trade & Training; Seaplane

Base; Solar Electric-Power Generation Facility; Utilities, Class I; Utilities, Class II; Utilities, Class III; Veterinary Service; Water Ski Schools
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TABLE E7, RL-1 PROHIBITED LAND USES FOR
LDCPAL-2023-10 AND LDCD-2023-13

Prohibited
Group Home, Small (6 or less residents); Group Living Facility (15 or more residents); Mobile Home Park; Mobile Home Subdivision; Mobile Homes, Individual; Multi-family; Residential Infill Development; Short-Term Rental Unit; Planned Development; Residentially Based Mixed Development (RBMD); Transitional Area Development; Adult Day Care Center (7 or more clients); Animal Farm, Intensive; Bed and Breakfast; Childcare Center; Communication Towers, Guyed and Lattice; Communication Tower, Monopole; Community Center; Cultural Facility; Emergency Shelter, Small (6 or less residents); Emergency Shelter, Large (15 or more residents); Farming General; Golf Course; Government Facility; Helistops; Livestock Sale, Auction; Mining, Non-phosphate; Nurseries and Greenhouses; Recreation, High Intensity; Recreation, Low-Intensity; Recreation, Vehicle Oriented; Religious Institution; Riding Academies; School, Elementary; School, Middle; School, High, School, Leisure/Special Interest; Transitional Area Development; Utilities, Class I; Utilities, Class II; Utilities, Class III

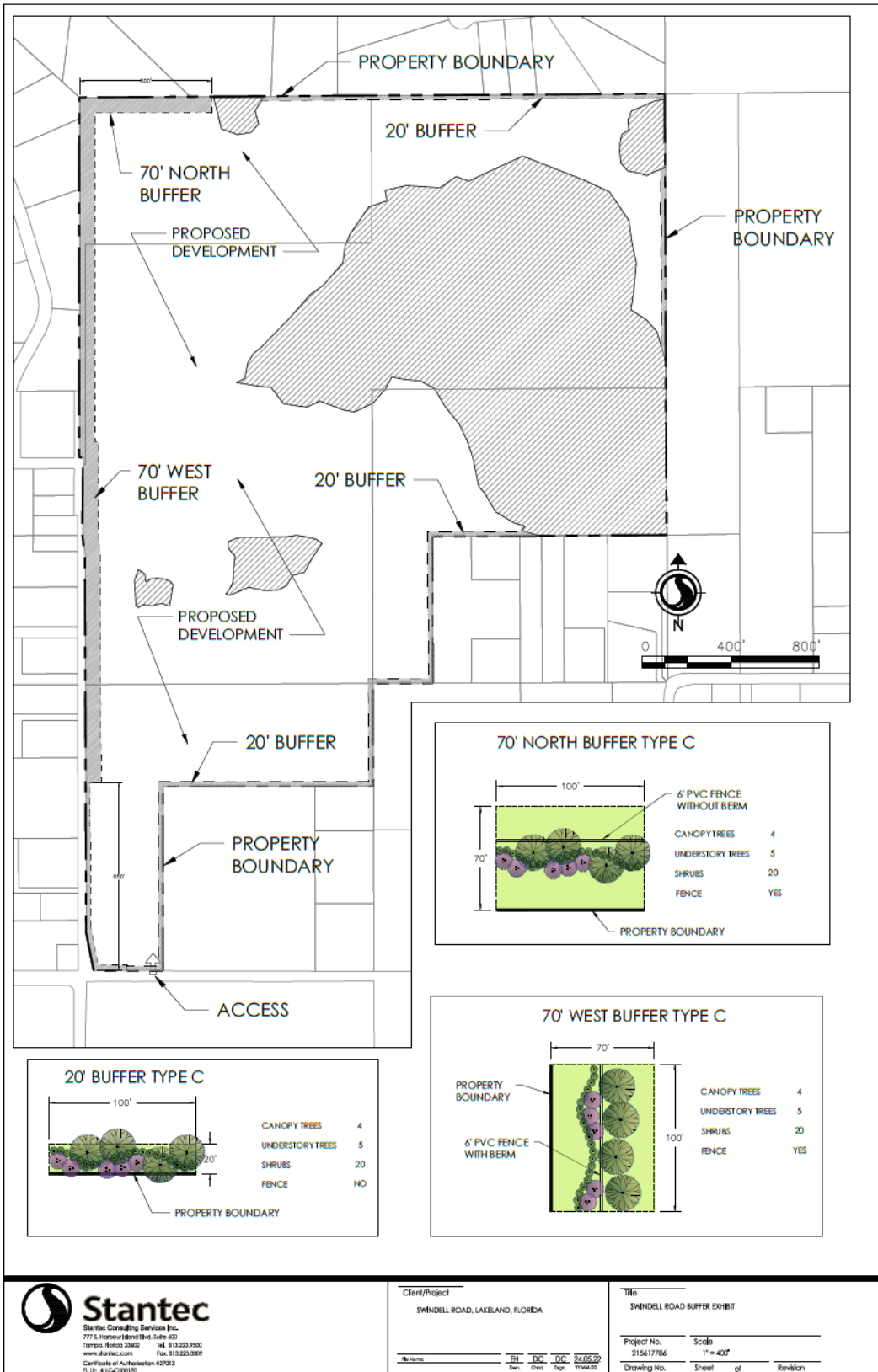
SECTION 2: SEVERABILITY

If any provisions 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 be effective upon filing with the Department of State.

ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA THIS 1ST DAY OF OCTOBER, 2024.



Stantec
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 Certificate of Authorization #27013
 FL Lic. # LC-000176

Client/Project
 SWINDELL ROAD, LAKELAND, FLORIDA

Title
 SWINDELL ROAD BUFFER EXHIBIT

By Name:
 Des. Chk. App. Title

Project No. 215617286 Scale 1" = 400'
 Drawing No. _____ Sheet _____ of _____ Revision _____