

ORDINANCE NO. 24-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS, POLK COUNTY, FLORIDA, LAND DEVELOPMENT CODE AMENDMENT **LDCT-2023-15**, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE, AMENDING APPENDIX E, SECTION E105.E CPA 16C-02, SUBSECTION 3 TO ADD ADDITIONAL DEFINED AREA TO THE BOUNDARIES DEPICTED FOR CONSTRUCTION AGGREGATE, PROCESSING AND STORAGE 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 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 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-2023-15 and found them to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC Text Amendments contained within Application LDCT-2023-15
- c) The adoption of LDCT-2023-15 is consistent with the Comprehensive Plan and LDC.

SECTION 2: Appendix E Parcel Specific Comprehensive Plan Amendments with Conditions, Section E105.E CPA 16C-2 Subsection 3 of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

Appendix E, Parcel Specific Comprehensive Plan Amendments with Conditions

E.

CPA 16C-02 - Parcel IDs #: 242827-000000-014022, 242827-000000-014001, 242827-000000-041011, 242827-000000-041030, 242827-000000-041032 and 242827-000000-041033

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 24, Township 24, and Section 27. The site is legally described as:

THE FOLLOWING THREE PARCELS OF LAND RECORDED IN O.R. BOOK 9414, PAGE 1026, IN THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, ALSO BEING REFERENCED IN THE DEED AS PARCEL ID# 242827-000000-014022, PARCEL ID# 242827-000000-041001, PARCEL ID # 242827-000000-041011.

AND

THE PARCEL OF LAND RECORDED IN O.R. BOOK 6613, PAGE 1593, IN THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, ALSO KNOWN AS PARCEL ID# 242827-000000-041030.

AND

THE PARCEL OF LAND RECORDED IN O.R. BOOK 9698, PAGE [222](#), IN THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, ALSO KNOWN AS PARCEL ID# 242827-000000-041033.

AND

THE PARCEL OF LAND RECORDED IN O.R. BOOK 9693, PAGE 240, IN THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, ALSO KNOWN AS PARCEL ID# 242827-000000-041032.

2.

Salvage Yards and outdoor activity shall not be within 300 feet from residential land uses. The 300 foot buffer can count towards the minimum 10 acre requirement for a salvage yard.

3.

Construction Aggregate, Processing and Storage shall be limited to a defined area as described by legal description and map depicted below:

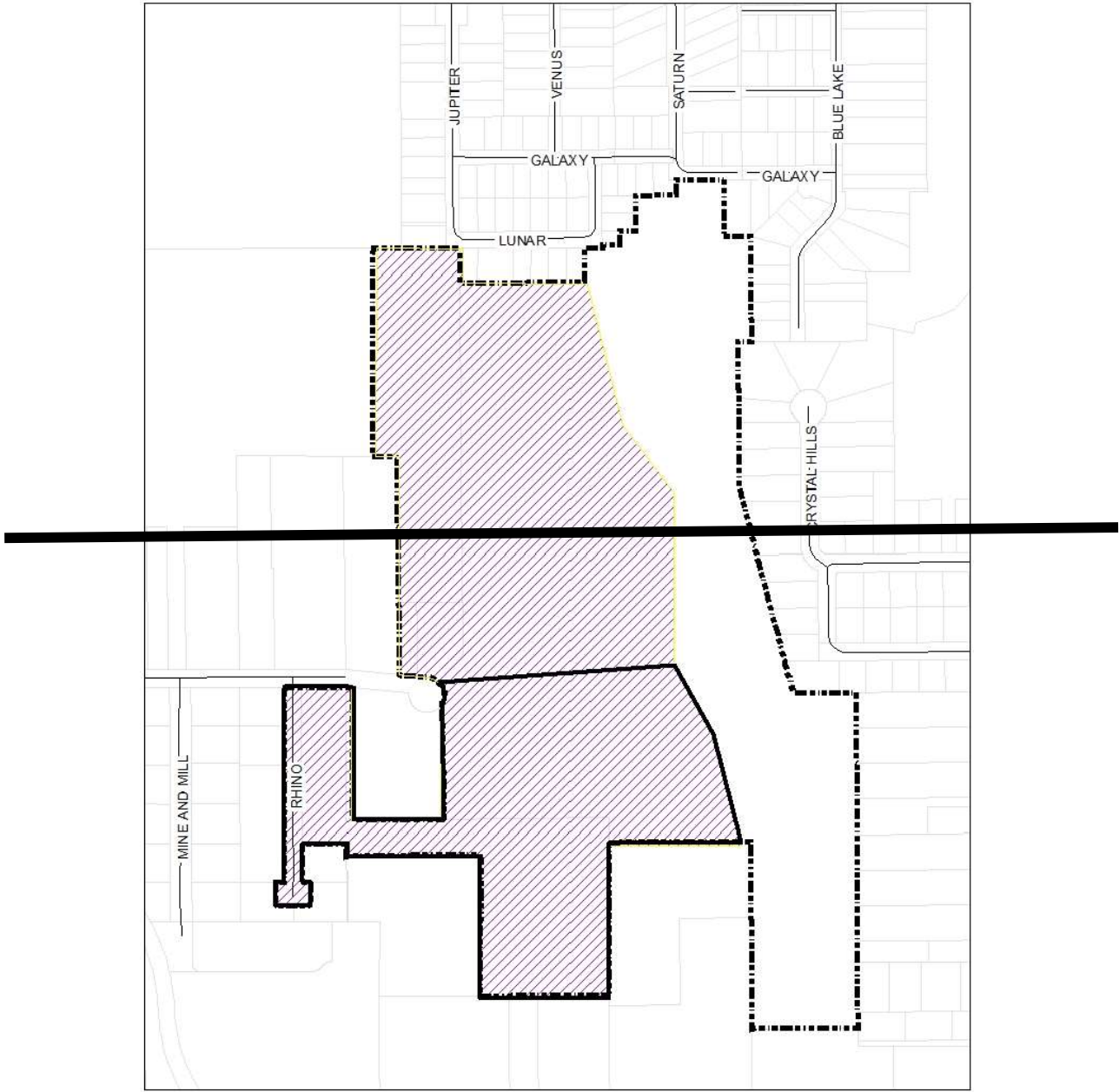
A PARCEL OF LAND BEING A PORTION OF THE SOUTHWEST ¼ OF SECTION 27, TOWNSHIP 28 SOUTH, RANGE 24 EAST, POLK COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS: COMMENCE AT THE SW CORNER OF THE NE ¼ OF THE SW ¼ OF SECTION 27, TOWNSHIP 28 SOUTH, RANGE 24 EAST, POLK COUNTY, FLORIDA; THENCE N 00°00'00" E, ALONG THE WEST LINE OF SAID NE ¼ OF THE SW ¼, A DISTANCE OF 96.13 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF MINE AND MILL ROAD AS RECORDED IN OFFICIAL RECORDS BOOK 2009, PAGE 846, PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE N 89°56'52" E, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 395.47 FEET TO THE POINT OF BEGINNING; CONTINUE N 89°56'52" E, ALONG SAID SOUTH RIGHT-OF-WAY LINE OF MINE AND MILL ROAD, 174.82; THENCE S83°46'29"E, ALONG SAID SOUTH RIGHT-OF- WAY LINE, 15.08 FEET; THENCE S00°05'29"W, 375.36 FEET; THENCE EAST, 253.00 FEET; THENCE N00°05'29"E, 325.24 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVED WESTERLY HAVING A RADIUS OF 50.00 FEET, CHORD BEARING OF N07°%d15'39"W AND A CHORD DISTANCE OF 65.37 FEET, SAID POINT BEING ON THE RIGHT-OF-WAY LINE OF SAID MINE AND MILL ROAD; THENCE NORTHERLY ALONG SAID CURVE THRU A CENTRAL ANGLE OF 81°%d38'42", AN ARC LENGTH OF 71.25 FEET TO THE END OF SAID CURVE; THENCE N85°58'05"E, 664.44 FEET; THENCE S28°59'30"E, 219.88 FEET; THENCE S14°41'53"E, 323.86 FEET; THENCE WEST, 375.00 FEET; THENCE SOUTH, 430.78 FEET; THENCE WEST 360.52 FEET; THENCE NORTH, 399.50 FEET; THENCE WEST 375.65 FEET; THENCE NORTH, 36.67 FEET; THENCE WEST, 125.01 FEET; THENCE SOUTH, 109.57 FEET; THENCE EAST, 25.09 FEET; THENCE SOUTH, 65.00 FEET; THENCE WEST, 100.00 FEET; THENCE NORTH 65.00 FEET; THENCE EAST 25.09 FEET; THENCE NORTH, 549.68 FEET RETURNING TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 651,972 SQUARE FEET OR 14.97 ACRES, MORE OR LESS.

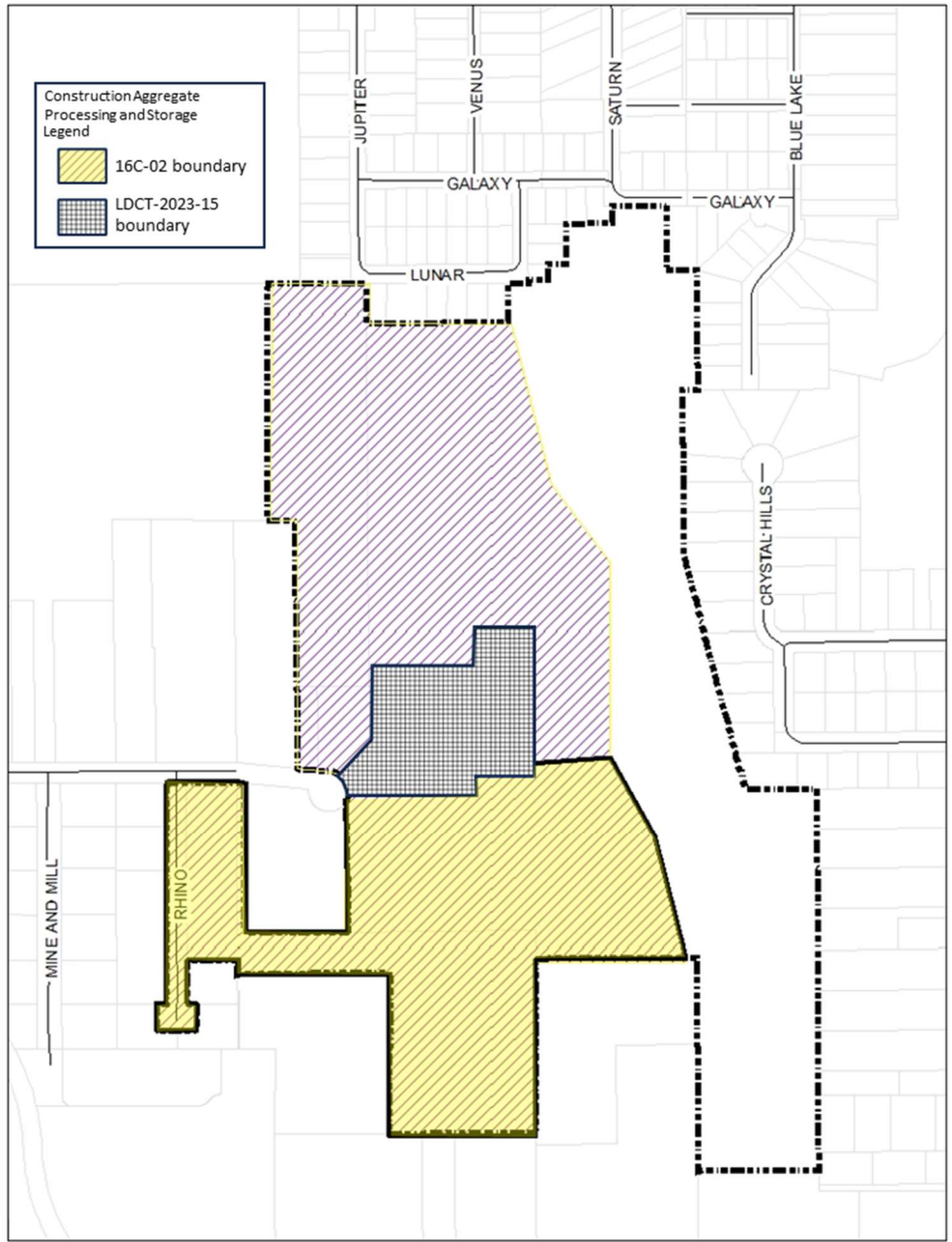
AND

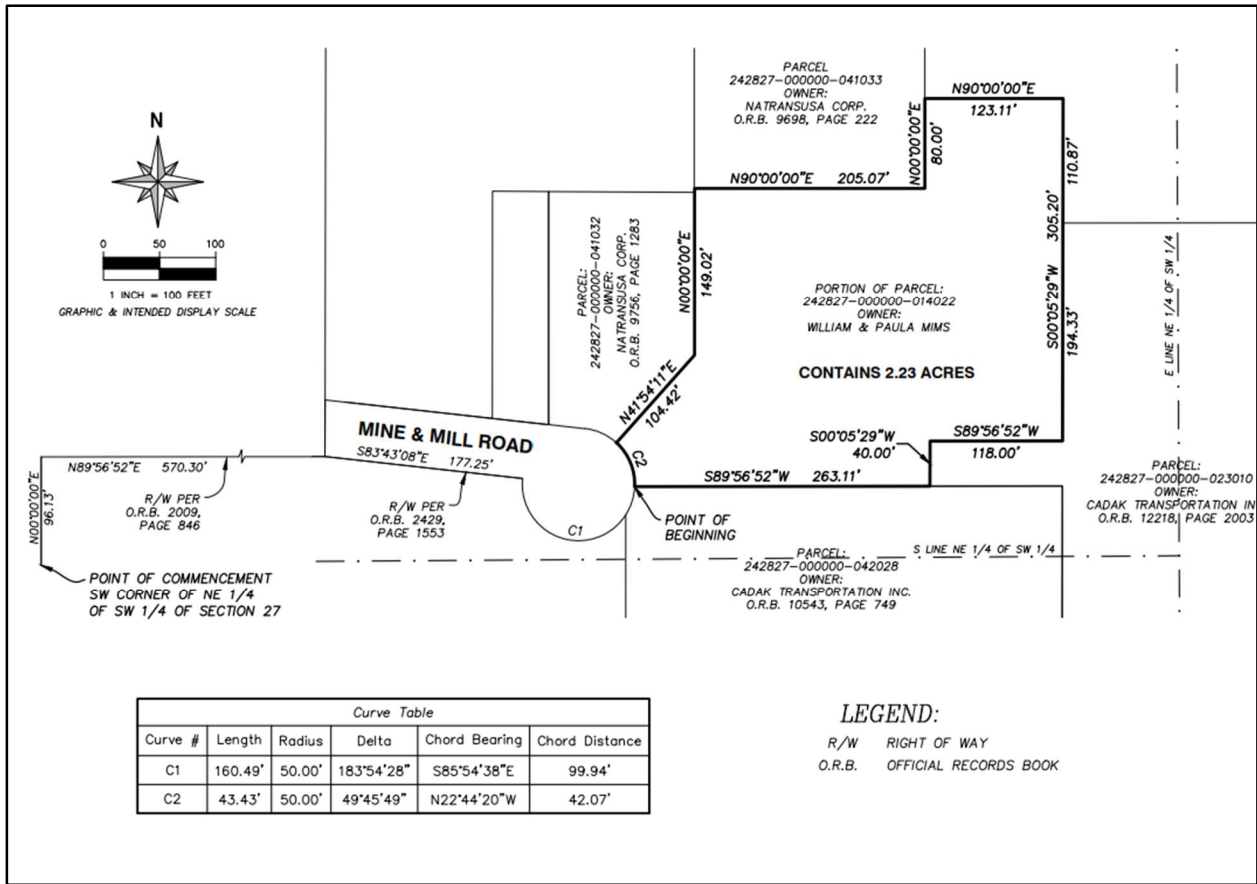
A PARCEL OF LAND BEING A PORTION OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 27, TOWNSHIP 28 SOUTH, RANGE 24 EAST, POLK COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE SW CORNER OF THE NE 1/4 OF THE SW 1/4 OF SAID

SECTION 27; THENCE N00°00'00"E ALONG THE WEST LINE OF SAID NE 1/4 OF THE SW 1/4 A DISTANCE OF 96.13 FEET TO THE SOUTH RIGHT OF WAY LINE OF MINE AND MILL ROAD AS RECORDED IN OFFICIAL RECORDS BOOK 2009, PAGE 846, PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE N89°56'52"E ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 570.30 FEET; THENCE S83°43'08"E ALONG SAID RIGHT OF WAY LINE OF MINE AND MILL ROAD AS RECORDED IN OFFICIAL RECORDS BOOK 2429, PAGE 1553 A DISTANCE OF 177.25 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 50.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 183°54'28" AN ARC LENGTH OF 160.49 FEET (CHORD BEARING = S85°54'38"E, CHORD = 99.94 FEET) TO THE POINT OF BEGINNING AT THE NW CORNER OF THE PARCEL RECORDED IN OFFICIAL RECORDS BOOK 10543, PAGE 749 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE CONTINUE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 49°45'49" AN ARC LENGTH OF 129.88 FEET (CHORD BEARING = N22°44'20"W, CHORD = 42.07 FEET) TO THE SOUTHERNMOST CORNER OF A PARCEL RECORDED IN OFFICIAL RECORDS BOOK 9756, PAGE 1283 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE ALONG THE BOUNDARY OF SAID PARCEL FOR THE FOLLOWING TWO COURSES; (1) N41°54'11"E A DISTANCE OF 104.42 FEET; (2) N00°00'00"E A DISTANCE OF 149.02 FEET TO A POINT ON THE SOUTH LINE OF THE PARCEL RECORDED IN OFFICIAL RECORDS BOOK 9698, PAGE 222 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE ALONG THE BOUNDARY OF SAID PARCEL FOR THE FOLLOWING TWO COURSES; (1) N90°00'00"E A DISTANCE OF 205.07 FEET; (2) N00°00'00"E A DISTANCE OF 80.00 FEET; THENCE N90°00'00"E A DISTANCE OF 123.11 FEET; THENCE S00°05'29"W A DISTANCE OF 110.87 FEET TO THE NORTHWEST CORNER OF THE PARCEL RECORDED IN OFFICIAL RECORDS BOOK 12218, PAGE 2003 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE ALONG THE BOUNDARY OF SAID PARCEL THE FOLLOWING THREE CALLS; (1) S00°05'29"W A DISTANCE OF 194.33 FEET; (2) S89°56'52"W A DISTANCE OF 118.00 FEET; (3) S00°05'29"W A DISTANCE OF 40.00 FEET TO A POINT ON THE NORTH LINE OF AFORESAID PARCEL RECORDED IN OFFICIAL RECORDS BOOK 10543, PAGE 749; THENCE S89°56'52"W ALONG SAID NORTH LINE A DISTANCE OF 263.11 FEET TO THE POINT OF BEGINNING.







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 after the filing with the Department of State.

**ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY,
 FLORIDA this 20th day of February 2024.**