

**ORDINANCE NO. 23-\_\_\_\_\_**

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING LAND DEVELOPMENT CODE AMENDMENT **LDCT-2023-5** AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE, PROVIDING FINDINGS; AMENDING CHAPTER 2, SECTION 205, FOOTNOTES FOR TABLE 2.2, AND SECTION 208.A, ADDRESSING THE CALCULATION OF DENSITY IN RURAL AND SUBURBAN DEVELOPMENT AREAS TO ADDRESS MINIMUM LOT SIZE CALCULATIONS; RELATED TO LDCPAL-2023-3; 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 June 7, 2023; 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 August 1, 2023 and October 3, 2023 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 June 7, 2023, to consider the LDC text amendments contained within Application LDCT-2023-5 and found them to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC Text Amendment contained within Application LDCT-2023-5.
- c) The adoption of LDCT-2023-5 is consistent with the Comprehensive Plan and LDC.

**SECTION 2:** Chapter 2, Section 205, Footnotes for Table 2.2 of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended in the following manner:

...

1. Residential density is the average number of dwelling units per acre of land. Gross density is calculated by dividing the total number of dwelling units on a site by the gross site area, exclusive of existing water bodies (Note: The term "water bodies" does not include man-made wet-retention/detention areas, man made lakes, or man made ponds). The area for computing gross density shall include all public and institutional land areas (e.g., internal streets, sewer plants, schools, and parks) located within a site, as well as one-half of the right-of-way area for perimeter local streets, and one-fourth of the right-of-way area for perimeter local street intersections. In the Rural Development Area (RDA) and Suburban Development Area (SDA), outside of the Green Swamp Area of Critical State of Concern, one unit per five-acre (1du/ 5ac) density may also be measured to the centerline of collector roads. Additionally, density may be adjusted based on the actual size of the section. A property may be considered five acres if it is one one-hundred and twenty-eighth (1/128) the section size for sections less than six hundred forty acres (640 acres).

....

**SECTION 3:** Chapter 2, Section 208.A of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended in the following manner:

....

**A. Density and Dimensional Regulations for Standard Districts**

2. Density and dimensional regulations for the standard land use districts are prescribed in

Table 2.2. In the Rural Development Area (RDA) and Suburban Development Area (SDA), outside of the Green Swamp Area of Critical State of Concern, one unit per five-acre (1du/5ac) density may also be measured to the centerline of collector roads. Additionally, density may be adjusted based on the actual size of the section. A property may be considered five acres if it is one one-hundred and twenty-eighth (1/128) the section size for sections less than six hundred forty acres (640 acres).

*For example:*

*Section 4, Township 28, Range 29 contains 631.78 acres. The total acreage (631.78 acres) divided by 128 equals 4.94 acres. Within this Section, Township and Range, any lot measuring 4.94 acres shall be considered five acres for purposes of density.*

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#### **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** on this \_\_\_\_ day of \_\_\_\_, 2023.