

ORDINANCE NO. 23 - ____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING THE ADOPTION OF AMENDMENT **LDCPAL-2023-3**; AN AMENDMENT TO THE POLK COUNTY COMPREHENSIVE PLAN; ORDINANCE 92-36, AS AMENDED TO THE COMPREHENSIVE PLAN DIVISION 2.100 FUTURE LAND USE ELEMENT, TO MODIFY POLICY 2.119-A3 SUBSECTION F, ADDRESSING THE CALCULATION OF DENSITY IN RURAL AND SUBURBAN DEVELOPMENT AREAS; AMENDING POLICY 2.120-A4 SUBSECTION A AND POLICY 2.121-A2 SUBSECTION A TO ADDRESS MINIMUM LOT SIZE CALCULATIONS.

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 Comprehensive Plan (Plan); and

WHEREAS, Section 163.3184, FS, and Comprehensive Plan Section 4.305.B, provides for the approval of Large-Scale Comprehensive Plan Amendments; and

WHEREAS, Application LDCPAL 2023-3 is an application initiated by County staff for the calculation of density in rural and suburban development areas to address minimum lot size calculations (the “Amendment”); and

WHEREAS, pursuant to Section 163.3174, FS, the Local Planning Authority (Planning Commission) conducted a public hearing, with due public notice having been provided, on the Amendment on June 7, 2023; and

WHEREAS, pursuant to Section 163.3184, FS, the Board of County Commissioners on August 1, 2023, held an initial public hearing and authorized transmittal of the Amendment to the Department of Economic Opportunity (DEO) for written comment, and

WHEREAS, DEO, by letter dated ____2023 transmitted objections, recommendations, and comments on the Amendment; and

WHEREAS, pursuant to Section 163.3184, FS, the Board of County Commissioners conducted an adoption public hearing, with due public notice having been provided, on the Amendment on October 3, 2023; and

WHEREAS, the Board of County Commissioners reviewed and considered all comments received during said public hearings, and provided for necessary revisions, if any; and

WHEREAS, the Board of County Commissioners has considered the data and analysis contained within the staff report; and

WHEREAS, the Amendment is consistent with Chapter 163, FS, and the Polk County Comprehensive Plan.

NOW THEREFORE, BE IT ORDAINED by the Polk County Board of County Commissioners:

SECTION 1: LEGISLATIVE FINDINGS OF FACT

The findings of fact set forth in the recitals to this Ordinance are true and correct and hereby adopted.

SECTION 2: COMPREHENSIVE PLAN AMENDMENT

The Comprehensive Plan of Ordinance No. 92-36, as amended, (the “Polk County Comprehensive Plan”) is hereby amended to reflect the changes listed in Attachment “A”.

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 be effective 31 days after the Department of Economic Opportunity notifies the County that the plan amendment package is complete. If timely challenged, this amendment becomes effective on the date the state land planning agency, or the Administration Commission

enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective.

SECTION 5: FILING WITH THE DEPARTMENT OF STATE:

The Clerk and Auditor to the Board of County Commissioners of Polk County, Florida, shall file a certified copy of this ordinance with the Department of State, through the Secretary of State, upon adoption by the Board of County Commissioners of Polk County, Florida.

ADOPTED, in open session of the Polk County Board of County Commissioners with a quorum present and voting this 3rd day of October 2023.

NOTE: The underlined text indicates proposed additions to the current language. The ~~strikeout~~ indicates text to be removed from the current ordinance.

DIVISION 2.100 FUTURE LAND USE ELEMENT

POLICY 2.119-A3: DEVELOPMENT CRITERIA - Residential development shall conform to the following criteria:

- a. **BUFFERING:** Buffering, when provided to lessen the impact and friction between residential and non-residential land uses, may take the form of physical barriers, such as walls, fences, berms, landscaping, open spaces, or other similar design features.
- b. **DENSITY AND SCALE:** New residential development, immediately adjacent to existing residential areas, should be designed so as to minimize any potential adverse impacts due to dissimilar densities or building scale.
- c. **HOUSING TYPES:** Residential structures may include all various types, such as: conventionally built single-family dwelling units; attached or detached units; zero-lot-line structures; factory-built modular units; mobile homes; duplexes; townhouses; and apartment complexes, provided they meet appropriate location standards and meet adopted building codes and construction standards.
- d. **ACCESS TO STREETS:** New residential development should have direct access to local streets, as specified in Policy 2.128-C3. Access to collector and arterial streets shall be provided by local streets at intervals meeting recognized safety standards. Private residential driveways should be discouraged on collector or arterial streets.
- e. **INTERNAL CIRCULATION:** Residential developments should be designed to provide for an efficient internal circulation system to include the provision of collector streets and adequate parking in accordance to the scale of the development.
- f. **DENSITY COMPUTATIONS:** Polk County shall use gross densities when determining residential densities. Gross density is determined by dividing the total number of dwelling units on the site by the total area of the residential site, exclusive of water bodies. The area for computing gross density shall include all public and institutional land uses (e.g. internal streets, sewer plants, schools, parks, etc.) located within the 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, for those areas not already owned by the public. 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.

POLICY 2.120-A4: DEVELOPMENT CRITERIA - Development within designated RS areas shall be limited to:

- a. Residential development containing single-family dwelling units, duplex units, and family-care homes, at a density of up to, and including, one dwelling unit per five acres (1 DU/5 AC). Density may be adjusted based on the actual size of the section. A property outside of the Green Swamp Area of Critical State of Concern, 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). This includes counting to the centerline of local and collector roads.
- b. The "permitted uses" of Suburban Planned Development (SPD), Rural-Residential Development (RRD), or Rural Mixed-Use Development (RMD). (See Sections 2.120-B, 2.121-B, and 2.121-C.)
- c. Properties adjacent to SR 17 shall be allowed densities and/or intensities up to the maximum allowed in this land use category (3 dwelling units per acre) as a permitted use without requiring a public hearing provided the development meets all the criteria established in Section 2.124-H for Scenic Highways and the Scenic Highway development regulations within the Land Development Code. At a minimum, all development shall:
 - 1. Connect to a centralized potable water supply, and
 - 2. Provide no less than 30% open space throughout the development with at least 70% of that open space dedicated to scenic vista preservation, either along the highway or through the property to a distant view beyond the property boundary. This open space shall be set aside as conservation in perpetuity via a binding legal instrument which prohibits future development within the established boundaries.
- d. Community Facilities, in accordance with policies of this Plan and the provisions of the Land Development Code.
- e. Residential Infill Development (RID) that contains single-family or duplex-style development and is located amongst an existing residential community (See Section 2.125-N).
- f. Farmworker housing under specific design parameters listed in the Land Development Code not to exceed an intensity of sixteen (16) workers per acres.

NOTE: All SDA policies also apply.

POLICY 2.121-A2: DEVELOPMENT CRITERIA - Development within designated A/RR areas shall conform to:

- a. Residential density of one dwelling unit per five acres (1 DU/5 AC). Density may be adjusted based on the actual size of the section. A property outside of the Green Swamp Area of Critical State of Concern, 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). This includes counting to the centerline of local and collector roads.

- b. Farmworker housing under specific design parameters listed in the Land Development Code not to exceed sixteen (16) workers per acre.
- c. Utility structures for the storage of farm equipment and to conduct normal farm operations, to include on-site packing and other on-site agricultural-support activities typical of those uses listed in Policy 2.125-L1.a-d, provided that such activity is subordinate and accessory to the principal agricultural use. (Agricultural equipment may be used off-site.)
- d. Structures for the sale of agricultural products grown or raised on the premises, provided that such sales activity is subordinate and accessory to the principal agricultural use.
- e. The permitted uses of:
 - 1. Rural Residential Development (RRD), and
 - 2. Rural Mixed-Use Development (RMD).
- f. Institutional uses, Community Facilities and essential services will be allowed as conditional uses, in accordance with policies of this Plan and the guidelines of the County's Land Development Code.
- g. Properties adjacent to SR 17 shall be allowed densities and/or intensities up to the maximum allowed in this land use category (2 dwelling units per acre) as a permitted use without requiring a public hearing provided the development meets all the criteria established in Section 2.124-H for Scenic Highways and the Scenic Highway development regulations within the Land Development Code. At a minimum, all development shall:
 - 1. Connect to a centralized potable water supply, and
 - 2. Provide no less than 30% open space throughout the development with at least 70% of that open space dedicated to scenic vista preservation, either along the highway or through the property to a distant view beyond the property boundary. This open space shall be set aside as conservation in perpetuity via a binding legal instrument which prohibits future development within the established boundaries.