

ORDINANCE 2011-1288

AN ORDINANCE TO AMEND THE TEXT AND MAPS OF THE CITY OF POLK CITY COMPREHENSIVE PLAN BASED ON THE CITY'S EVALUATION AND APPRAISAL REPORT (EAR); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF POLK CITY, FLORIDA:

WHEREAS, Chapter 163, Part II, *Florida Statutes*, establishes the Community Planning Act ("Act"), which empowers and mandates the City of Polk City, Florida ("City"), to plan for future development and growth and to adopt and amend comprehensive plans, or elements or portions thereof, to guide the future growth and development of the City; and

WHEREAS Section 163.3191, Florida Statutes, requires local governments to periodically adopt an Evaluation and Appraisal Report (EAR) and subsequently update their comprehensive plan based on the recommendations in the EAR.

WHEREAS Pursuant to Section 163.3184, Florida Statutes, the Council of Polk City held meetings and hearings on Ordinance 2011-1288, with due public notice having been provided, to obtain public comment, and considered all written and oral comments received during public hearings, including support documents.

WHEREAS In exercise of its authority the City Council of Polk City has determined it necessary to adopt the EAR-Based Amendments to the Comprehensive Plan which are marked as "**Exhibit A**" and are attached and made a part hereof, to insure that the Plan is in full compliance with the Laws of the State of Florida; to preserve and enhance present advantages; encourage the most appropriate use of land, water and resources consistent with the public interest; and deal effectively with future problems that may result from the use and development of land within Polk City.

NOW, THEREFORE BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF POLK CITY, FLORIDA, as follows:

Section 1. Amendment of Comprehensive Plan.

1. The **City of Polk City Comprehensive Plan** is hereby amended as set forth in Exhibit "A", by:

- (a.) Amending the Future Land Use Element; Future Land Use Map Series; Transportation Element; Transportation Map Series; Housing Element; Infrastructure Element; Conservation Element; Recreation and Open Space Element; Intergovernmental Coordination Element; Capital Improvements Element; and Definitions Section based on the City's Evaluation and Appraisal Report.

Section 2. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 3. All existing ordinances or parts of existing ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. An official, true, and correct copy of this Ordinance and the City's Comprehensive Plan, as adopted and amended from time to time, shall be maintained by the City Clerk. The City Clerk shall make copies available to the public for a reasonable publication charge.

Section 5. The effective date of this plan amendment shall be: The date a final order is issued by the Department of Economic Opportunity finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S., or the date a final order is issued by the Administration Commission finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S.

Section 6. A certified copy of this enacting ordinance and certified copy of the Polk City Comprehensive Plan shall be located in the Office of the City Clerk of Polk City. The City Clerk shall also make copies available to the public for a reasonable publication charge.

INTRODUCED AND PASSED on First Reading the _____ day of _____, 2011.

Joe LaCascia, Mayor

ATTEST:

Approved as to form and correctness:

Patricia R. Jackson, City Clerk

Thomas A. Cloud, City Attorney

PASSED AND DULY ADOPTED ON SECOND READING, with a quorum present and voting by the City Council of the City of Polk City, Florida meeting in Regular Session this day of _____, 2012.

Joe LaCascia, Mayor

ATTEST:

Patricia R. Jackson, City Clerk

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Exhibit A