

**POLK CITY**  
**PLANNING COMMISSION MEETING**

March 11, 2024

Polk City Government Center  
123 Broadway Blvd. SE

6:00 P.M.

**AGENDA**

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<b>CALL TO ORDER</b>	Chairman
<b>PLEDGE OF ALLEGIANCE</b>	Chairman
<b>ROLL CALL</b>	City Manager Patricia Jackson
<b>ESTABLISHMENT OF A QUORUM</b>	
<b>APPROVAL OF MEETING MINUTES</b>	

**New Business**

**1. Public Hearing**

**Conditional Use Permit – Special Events Facility:** The applicant, Gary Hoshing, is requesting a conditional use permit approval for a special events facility situated on approximately 2.09 acres in Polk City, located at 545 Orange Boulevard (Parcel number 252633-296500-045020).

**2. Public Hearing**

**Future Land Use Map Amendment:** The Applicant, Dwayne Prestage, is requesting a Future Land Use Map amendment from Convenience Center-X (CCX) to RLX on approximately 1.44 acres in Polk City, located at 9600 SR 33 (Parcel number 252631-000000-044210).

**3. Public Hearing**

**Zoning Map Amendment:** The Applicant, Dwayne Prestage, is requesting a Zoning Map amendment from Convenience Center-X (CCX) to PUD on approximately 1.44 acres in Polk City, located at 9600 SR 33 (Parcel number 252631-000000-044210).

**4. Review Planning Commission meeting procedures and decorum including Resolution 2019-02 and Resolution 2020-05.**

PLEASE NOTE: PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE CITY COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED DURING THIS MEETING, HE OR SHE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

IN ACCORDANCE WITH THE AMERICAN WITH DISABILITIES ACT, A PERSON WITH DISABILITIES NEEDING ANY SPECIAL ACCOMMODATIONS TO PARTICIPATE IN CITY MEETINGS SHOULD CONTACT THE OFFICE OF THE CITY CLERK, POLK CITY 123 BROADWAY BLVD SE, POLK CITY, FLORIDA 33868 TELEPHONE (863) 984-1375, AT LEAST 48HRS IN ADVANCE.



**POLK CITY PLANNING COMMISSION  
CONDITIONAL USE PERMIT  
STAFF REPORT**

**MARCH 11, 2024**

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**TO:** POLK CITY PLANNING COMMISSION

**FROM:** CENTRAL FLORIDA REGIONAL PLANNING COUNCIL

**SUBJECT: RESOLUTION 2024-01 SPECIAL EXCEPTION:**  
Applicant-initiated (Gary Ho Shing) Conditional Use Permit to allow for a Special Events Facility on approximately 2.5 acres at 545 Orange Boulevard (Parcel ID 252633-296500-045020).

**AGENDA & HEARING DATES:**  
**Planning Commission Meeting: March 11, 2024 at 6:00 PM**  
City Commission Meeting (Second Reading): March 19, 2024 at 7:00 PM

**PAST ACTIONS:**  
On Monday, July 29, 2019, the City Commission of Polk City approved Resolution 2019-03 for a special event facility at 545 Orange Boulevard with conditions. The Resolution included an expiration of permit date of June 22, 2022.

On January 9, 2024, this item was presented to the Planning Commission. The item was continued to allow the applicant to work with staff to clarify outstanding issues.

**Attachments**

- Overview Report and Recommended Conditions of Approval
- Aerial Photo Map
- Future Land Use Map
- Zoning Map
- Site Plan
- Serendipity Space Event Plan
- Application
- Resolution 2019-03
- Resolution 2024-01

## OVERVIEW REPORT

### PROPERTY OVERVIEW:

Property Owner	Gary Ho Shing
Subject Parcels	25-26-33-296500-045020
Acreage	2.09 acres
Existing Future Land Use	Residential Low
Existing Zoning	R-2, Single Family Residential

### REQUEST:

The applicant, Gary Hoshing, is applying to have the Conditional Use Permit for a Special Events Facility renewed on approximately 2.5 acres at 545 Orange Boulevard (Parcel ID 25-26-33-296500-045020). On Monday, July 29, 2019, the City Commission of Polk City approved Resolution 2019-03 for a special event facility at 545 Orange Boulevard with conditions. The Resolution (attached) included an expiration of permit date of June 22, 2022.

This special event facility shall allow private events on the site. A private event means a social gathering or event attended by invited guests who share a common cause, membership, business or task and have a prior established relationship. For purposes of this definition, advertisement for general public attendance or sales of tickets to the general public shall not constitute a private event. These events serve various purposes, such as celebrations, commemorations, or corporate functions.

The event center will be regulated through an Event Management Plan, Site Plan, overflow off-site parking agreement, and conditions of approval.

### SITE ANALYSIS:

#### Description of Property:

The subject property is a single-family residence on approximately 2.09 acres with a barn. As shown on the site plan, the special event use will not occupy the entire parcel.

#### Special Events Facilities:

Special Events Facilities are subject to the requirements of the City of Polk City's Land Development Code provided below.

#### 3.11.01.2. – Special Events Facilities

Such facilities shall be subject to the following requirements:

- (A) No special events facilities shall be located within 30 feet of existing residential development or property designated for residential use on the Future Land Use Map of the Polk City Comprehensive Plan. This distance shall be measured from the boundary of the property on which the proposed special events facilities would be located.

- (B) Minimum lot size shall be one acre.
- (C) Lighting to illuminate buildings, stages, open areas or advertising shall be designed so as to shine only on the subject property and shall be directed away from any public street or residential area.
- (D) Special events facilities shall be subject to applicable performance standards provided in section 3.06.00.
- (E) Additional requirements may be applied based on the proposed use and its location to mitigate off-site impacts.

**FINDINGS OF FACT:**

- The Applicant obtained a conditional use permit for the Special Event Facility on this property via Resolution 2019-03 on July 29, 2019. The Resolution included a permit expiration date of June 22, 2022.
- Applicant requests a conditional use permit to allow for a Special Events Facility on the subject property.
- The subject property would serve as a multipurpose space for special events such as weddings, birthdays, and other events.
- Parking would be on the subject property and overflow parking will be provided off-site.
- Special events facilities are permitted in R-2 zoning with an approved conditional use permit.
- The property is 2.09 acres in size.

**RECOMMENDED CONDITIONS OF APPROVAL:**

The following are conditions of approval for the proposed use.

- 1) This special event facility shall allow private events on the site. A private event means a social gathering or event attended by invited guests who share a common cause, membership, business or task and have a prior established relationship. For purposes of this definition, advertisement for general public attendance or sales of tickets to the general public shall not constitute a private event. These events serve various purposes, such as celebrations, commemorations, or corporate functions.
- 2) There shall be no more than 12 events per calendar year held or conducted on the property. The applicant may request a modification of these conditions to permit an increase in the number of events. City staff will provide a history of events and any information pertaining to complaints/comments received to assist the Planning Commission and City Commission in deciding on an increase in events.
- 3) The applicant shall notify the City of an event at least 15 days prior to the event via the event notification form. The site includes a private residence. The applicant will notify the city of personal events that will generate parking impacts or include amplified outdoor music.

- 4) There shall be a minimum of two (2) hours between events to limit the potential off-site traffic congestion.
- 5) Hours of operation shall be limited to 10:00 a.m. to 10:30 p.m. Hours of operation include the event, setup, and take down. Event setup and take down may occur the day before or after the event.
- 6) Outdoor music may be played between 10:00 a.m. and 10:00 p.m.
- 7) There shall be no permanent alcohol or retail sales as part of this conditional use permit. Events may include on-site alcohol consumption for event participants (open bar or cash bar) via a licensed and insured bartending company. A maximum of two licensed and insured food trucks may be utilized onsite for catering services for the private event.
- 8) Events held onsite must be consistent with the event management plan included in Exhibit "D". Should this plan need to be changed or modified for any reason, Polk City staff shall review and approve any changes or modifications in writing prior to any changes or modifications being commenced or enacted.
- 9) As shown on the attached site plan, all special events will be set back a minimum of 30 feet from the north and south property lines.
- 10) As shown on the attached site plan, the applicant shall install and maintain a buffer along the property line of 545 Orange Blvd and 525 Orange Blvd. This buffer shall include 92 feet of 6-foot-tall opaque fence and 138 feet of landscaping consisting of trees that are a minimum of 6-feet tall.
- 11) Parking within the public right-of-way is prohibited.
- 12) The applicant shall provide adequate parking to meet the present and future demands of the use and overflow parking designated and maintained for peak season events so as to prevent parking from encroaching upon public thoroughfares. The applicant shall provide a signed and notarized parking agreement to provide accommodation of overflow parking. Prior to events with planned overflow parking, the applicant shall conform the agreement is still in good standing.
- 13) Lighting to illuminate buildings, stages, open areas, or advertising shall be designed so as to shine only on the subject property and shall be directed away from any public street or residential area.
- 14) This special events facility shall be subject to applicable performance standards provided in section 3.06.00 of the Polk City Land Development Code.
- 15) This conditional use shall expire on the date included in the expiration date section of the Resolution.

**EXPIRATION DATE:**

This conditional use permit shall expire three years from the effective date of Resolution 2024-01. Should the use change to a use permitted in the zoning district that is not the use approved by the conditional use permit, and remain so for 180 days or more, than this conditional use permit shall expire, and a new application will be required to reestablish any Conditional Use Approval use.

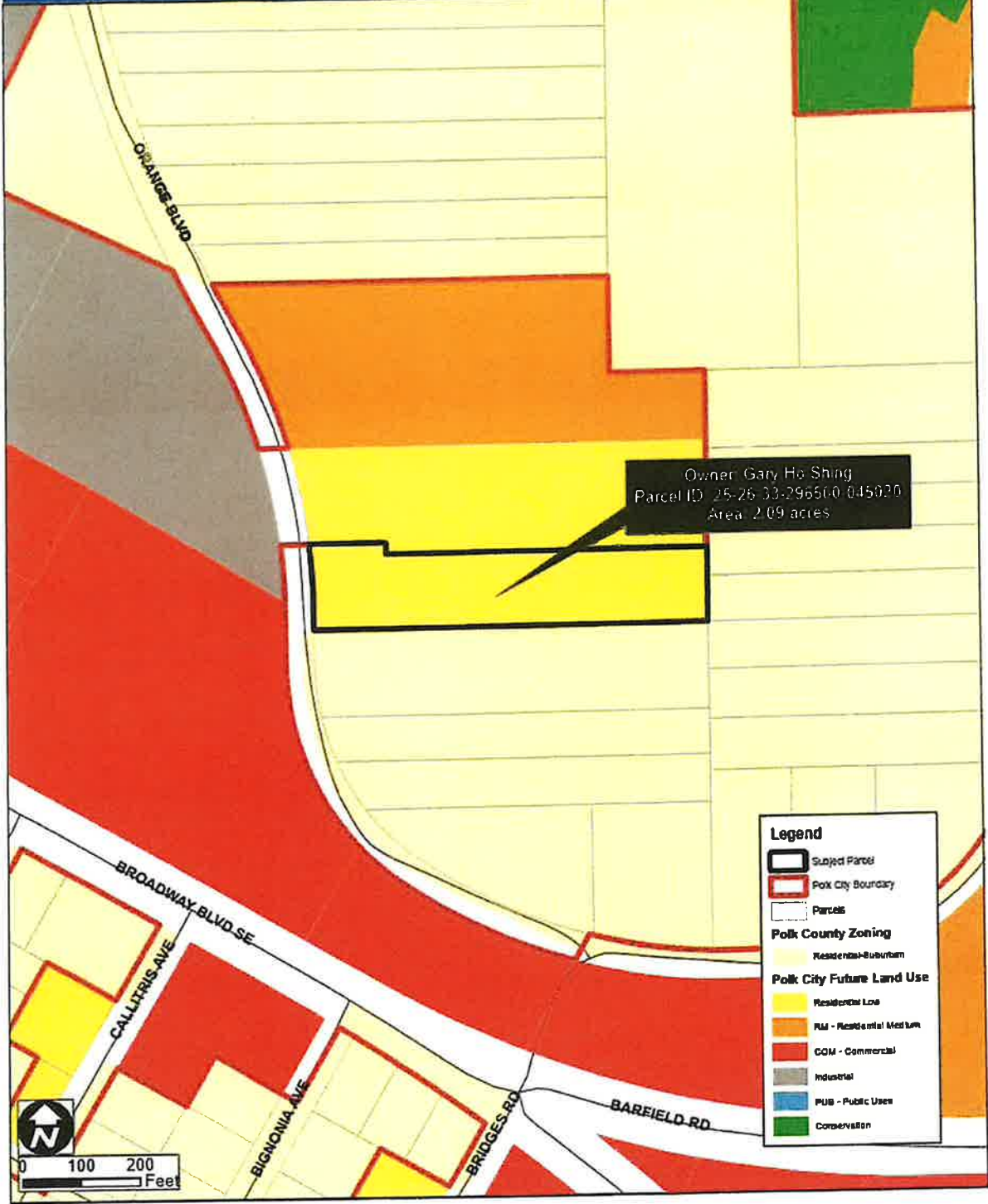
**PLANNING COMMISSION MOTION OPTIONS:**

1. I move **recommendation of approval** of the conditional use to the City Commission for the Special Event Center at 545 Orange Boulevard.
2. I move **recommendation of approval with changes** of the conditional use to the City Commission for the Special Event Center at 545 Orange Boulevard.
3. I move continuation to a future date and time certain.

POLK CITY  
AERIAL MAP  
GARY HO SHING

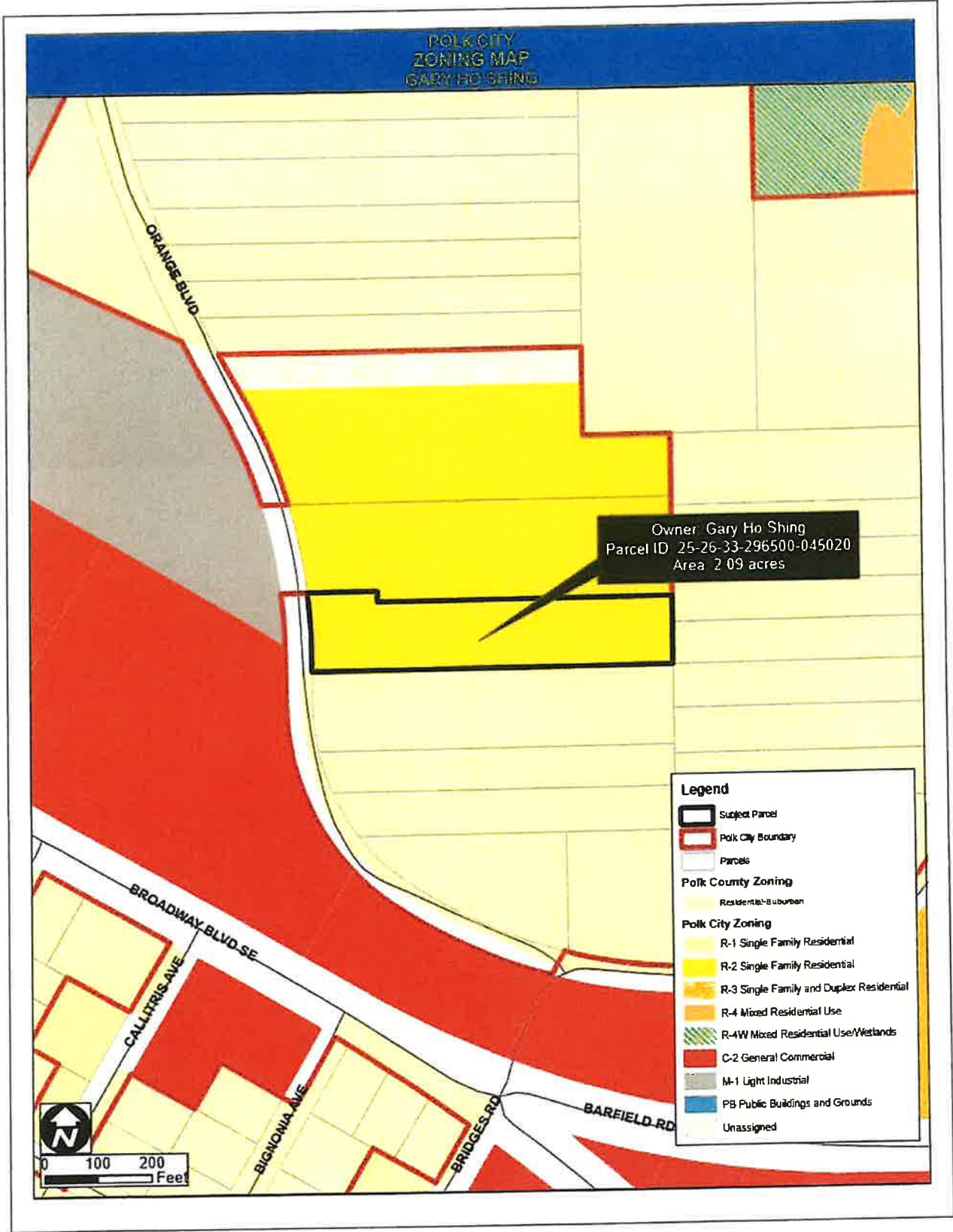


POLK CITY  
FUTURE LAND USE MAP  
GARY HO SHING

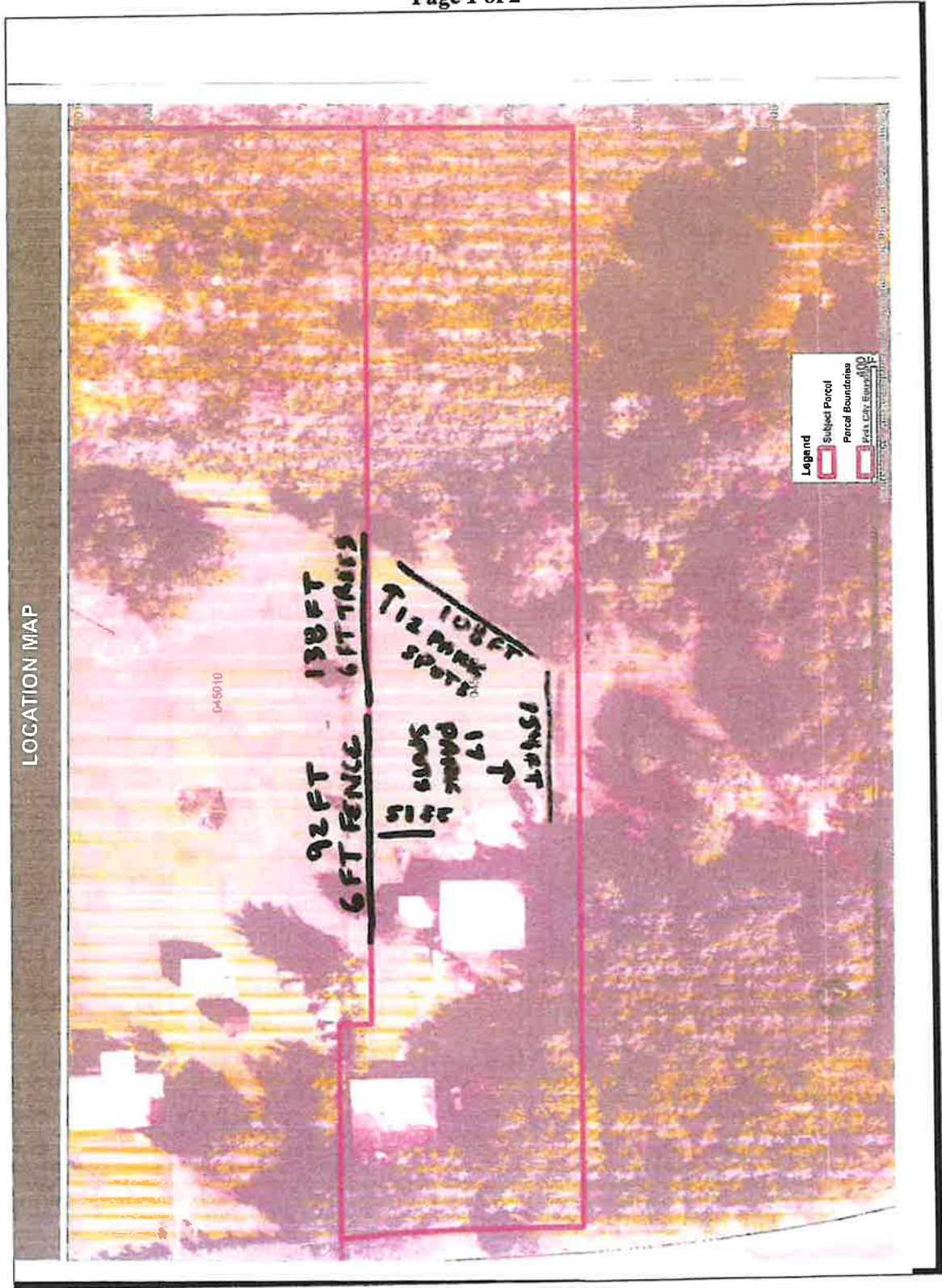


Owner: Gary Ho Shing  
Parcel ID: 25-26-33-296500-045020  
Area: 2.09 acres

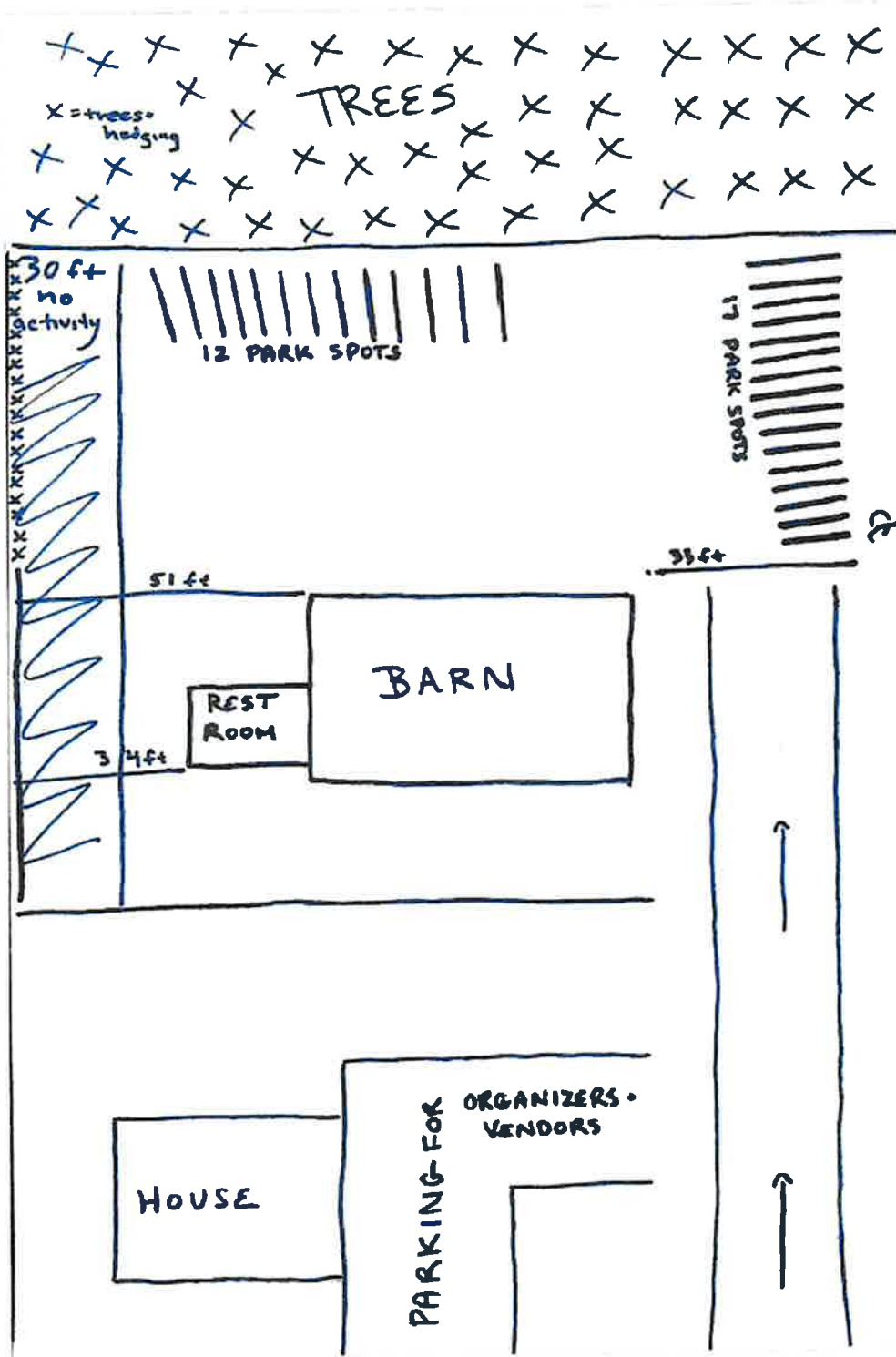




SITE PLAN  
Page 1 of 2



SITE PLAN  
Page 2 of 2



**SERENDIPITY SPACE EVENT MANAGEMENT PLAN**  
**Page 1 of 3**

**THE SERENDIPITY SPACE EVENT MANAGEMENT PLAN**

**CONTACT: GARY HO SHING 407 375 2733**

[Gclefproductions@aol.com](mailto:Gclefproductions@aol.com)

**EMERGENCY DIAL 911**

**POLICE 863 965 5555**

**FIRE DEPT 863 965 6379**

In case of a fire emergency, all guests will be ushered out of the venue in an orderly fashion and set back at least 200 feet from the facilities. There is a fire extinguisher in the catering portion of the galley. Management and event planners/coordinators are aware of its location and readily accessible in case of a fire emergency.

The Serendipity Space may be open from 10a to 10p Sun through Sat. The venue will only be open when there is an event taking place. All amplified music and events must conclude by 10p on any night of the week. Vendors and customers/clients have until 1030p to clean up after their event.

**PARKING**

The great lawn has a total of 29 parking spots; 2 of which will be designated for handicap spaces.

**Additional parking:**

Event organizers/vendors/staff will park at the main house parking at 545 Orange Blvd. That parking area may hold up to 12 vehicles.

The owners of Stella and Co located at 315 Broadway Blvd SE Polk City, FL 33868 has agreed to allow guests of The Serendipity Space to utilize their parking facility if needed for overflow parking. Notarized agreement between both parties included. A luxury limo van such as a Sprinter will be utilized to bring guests over from the overflow parking area.

## SERENDIPITY SPACE EVENT MANAGEMENT PLAN

Page 2 of 3

### RULES & REGULATIONS:

The following shall be upheld by customers/clients, event planners/coordinators and vendors who are involved in the planning and execution of the special event on the premises of The Serendipity Space.

### USE OF PROPERTY:

Great lawn, Open Pole Barn and Bathroom Building

Amplified music off by 10p and all events conclude by 10p. This is in accordance with the city's noise ordinance.

Max capacity is 100 guests.

Event Planners/Coordinators/Renters are responsible for set up, break down and final cleanup of all areas.

All vehicles associated with the event must be parked within the parking area.

### SMOKING:

Vendors and guests must smoke only in the designated smoking area. All cigarette butts must be disposed of in the cigarette butts planter provided.

### REHEARSALS:

Wedding rehearsals may be scheduled the day prior to the actual wedding. This rehearsal will not be considered a separate event but a part of the wedding event.

### PETS:

Trained dogs and cats are welcome. No other pets other than dogs or cats may be on property. If a pet is present, it is the sole responsibility of that pet's owner to keep that pet safe and under control as well as keeping guests, staff and vendors safe from that pet as well. The Serendipity Space is not responsible for anyone's pet or the behavior of anyone's pet. If an incident were to occur between a pet and a person or object it is the responsibility of that pet's owner to rectify that situation and make that person or object whole as it once was prior to the situation with the pet.

### VENDOR POLICY:

The Serendipity Space is not responsible for outside vendor's services. Please review all vendors' agreements individually. If you have selected a vendor that is not on our preferred vendors list, please have your vendor contact us for our vendor policies and requirements.

**SERENDIPITY SPACE EVENT MANAGEMENT PLAN**  
**Page 3 of 3**

**Alcohol:**

If alcohol is being served and consumed, the customer(s)/client(s) is/are responsible for and must abide by all city, county and state alcoholic beverage control laws and regulations. The Serendipity Space, it's owner or staff is not responsible for a customer/client or their guests in regards to alcohol on the property or after departing from an event at the property.

Customer or client will purchase alcohol from Tucker's of Lakeland. A licensed and insured bartender from Tucker's of Lakeland will bring and serve alcohol. The bartender has the right to not serve an individual if they feel that person has consumed enough alcohol. Last call is 30 minutes prior to the conclusion of an event. Alcohol may not be served to minors. Illegal substances are not allowed at any time on the premises. Drunken violent disturbances are prohibited and subject to immediate removal from the premises and possible termination of event without refund.

OFF-SITE OVERFLOW PARKING AGREEMENT

Page 1 of 1

This Agreement is between the owners Kyle and Stephanie Thompson of The Stella and Co. Salon located at 315 Broadway Blvd SE Polk City, FL 32908 and the owner Gary Ho Shing of The Serendipity Space event venue located at 545 George Blvd Polk City, FL 32908.

Kyle and Stephanie Thompson give Gary Ho Shing permission for event guests to utilize their parking lot at Stella and Co for overflow parking if needed for events held at The Serendipity Space.

Cancellation of this agreement will be in writing and signed by both parties if either party were to cancel this agreement.

Signature and Date [Signature] 2/8/24

Signature and Date [Signature] 2/8/24

State of FLORIDA  
County of Polk

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 8 day of February 2024 by Gary Ho Shing who is personally known to me or produced a DL as identification and by Stephanie Thompson who is personally known to me or produced a DL as identification.



[Signature]  
notary public signature

Roberta Ehlers  
notary public printed name

2023 APPLICATION FOR CONDITIONAL USE PERMIT  
Page 1 of 3



**City of Polk City**

• 123 Broadway Blvd, SE • Polk City, Florida 33868 • (888) 964-3175 • Fax (888) 964-2334

Application for Conditional Use Permit

Applicant

The following information is required for submission of an application for a Conditional Use Permit in the City limits of Polk City, Florida. Please print or type the required information below. Attach three (3) copies of this completed application, site plan, and Polk County Property Appraiser's plat map with parcel identification number.

Name of Property Owner: Garry Ho Shing  
Mailing Address: PO Box 870 Polk City FL Phone: 407 375 2733  
Name of Representative, if applicable: 33868  
Mailing Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
Reason for Request: \_\_\_\_\_

Property Identification

Property Address or General Location: 545 Orange Blvd Polk City FL 33868  
Present Use of the Property: \_\_\_\_\_  
Existing Structures Located on the Site: house, pole barn  
Total Acreage: 2.09 Parcel I.D.#: 252633296500045020  
Legal Description of the Property: Polk City PB 24PG 101A BLK 45 BEG 309.40  
FTS OF NE CORNERS 130.75 FT W 676 FT to point on curve NWLY along  
CURVE 150.83 FTE 127.02 FTS 20 FT E 556.02 FT to POB

Planning and Zoning Information

Current City Zoning Classification: \_\_\_\_\_  
Current Future Land Use Classification: \_\_\_\_\_  
Requested Conditional Use Permit: \_\_\_\_\_

Date Received: \_\_\_\_\_ Received By: \_\_\_\_\_  
Fee Paid: \_\_\_\_\_ File Number: \_\_\_\_\_



**2023 APPLICATION FOR CONDITIONAL USE PERMIT**  
**Page 2 of 3**

*City of Polk City*  
page 2

Conditional Use Application

Conditional Use Information

Conditional Use Requested: \_\_\_\_\_

Applicant must provide a site plan or sketch drawn to scale showing the following information as applicable:

- a) The dimensions of the property;
- b) The existing and proposed location of structures on the property including signage;
- c) Paved surfaces including sidewalks, vehicular accessways, and circulation areas, off-street parking and loading areas, and refuse and service areas;
- d) The number of required and provided off-street parking and loading spaces;
- e) Required yards, other open spaces, and landscape buffer yard areas;
- f) The measurements of existing and proposed adjacent rights-of-way, building setbacks, distances between buildings, widths of accessways and driveways, and sidewalks;
- g) A description of the proposed use of the property including conditions of use, such as hours of operation, numbers of residents, numbers of employees, and other pertinent information;
- h) Existing and proposed density;
- i) Amount of existing and proposed commercial or industrial space; 29 x 39
- j) Location of all public and private streets, existing and proposed utilities, driveways, and utility easements, within and adjacent to the site;
- k) Provisions for stormwater management and detention related to the proposed development;
- l) Where applicable, delineation of all watercourses, wetlands and flood prone areas as delineated by the National Wetlands Inventory and the flood insurance rate maps (FIRM) published by the Federal Emergency Management agency (FEMA);
- m) Where applicable, the identification of significant stands of mature trees and understory vegetation that may provide wildlife habitats or other environmentally unique areas.

2023 APPLICATION FOR CONDITIONAL USE PERMIT  
Page 3 of 3

City of Polk City  
page 3

Conditional Use Application

OWNER'S SIGNATURE PAGE

(I) (We), Gary Ho Shing being duly sworn, depose and say that (I) (we) own one or more of the properties involved in this petition and that (I) (we) authorize the City of Polk City to process this petition for Conditional Use Permit, in accordance with all adopted City rules and regulations, and in conformance with State law.

Further (I) (we) or any agent or lessee of the subject property authorized by (me) (us) to file this petition, deposes and say that the statements and answers contained in the application and any information attached thereto, present the arguments in behalf of this petition to the best of (my) (our) ability; and that the statements and information referred to above are in all respects true and correct to the best of (my) (our) knowledge and belief.

OWNERS

[Signature]  
Signature of Owner  
Gary Ho Shing  
Printed Name of Owner

\_\_\_\_\_  
Signature of Owner  
\_\_\_\_\_  
Printed Name of Owner

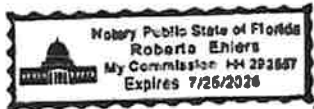
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Signature of Owner  
\_\_\_\_\_  
Printed Name of Owner

\_\_\_\_\_  
Signature of Owner  
\_\_\_\_\_  
Printed Name of Owner

STATE OF FLORIDA  
COUNTY OF POLK

OWNER'S NOTARIZATION

The foregoing instrument was acknowledged before me this 2<sup>nd</sup> day of December, 2023, by Gary Ho Shing who is personally known to me or who has produced a driver's license as identification and who did not take an oath.



[Signature]  
Notary Public  
Notarial Seal and Commission  
Expiration Date

City of Polk City

Conditional Use Application

**RESOLUTION 2019-03**

**Page 1 of 4**

**RESOLUTION 2019-03**

**A RESOLUTION OF THE CITY COMMISSION OF POLK CITY, FLORIDA; APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOR A SPECIAL EVENTS FACILITY ON APPROXIMATELY 2.5 ACRES AT 545 ORANGE BOULEVARD (PARCEL ID 25-26-33-296500-045020); PROVIDING CONDITIONS OF APPROVAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Gary Ho Shing, (hereinafter referred to as the 'Applicant') has requested a conditional use permit to allow a special events facility 545 Orange Boulevard (Parcel ID # 25-26-33-296500-045020); and

**WHEREAS**, the property is owned by Gary Ho Shing; and

**WHEREAS**, the property is located in the R-2 (Single Family) Residential District; and

**WHEREAS**, special events facilities are a permitted use if approved as a conditional use in the R-2 zoning district; and

**WHEREAS**, the Polk City Planning Commission, acting as the designated Local Planning Agency, has reviewed the Conditional Use Permit application, held an advertised public hearing, provided for participation by the public in the process, and rendered its recommendations to the City Commission; and

**WHEREAS**, the City Commission has reviewed the Conditional Use Permit application, held an advertised public hearing, and provided for comments and public participation in the process in accordance with the requirements of state law and the procedures adopted for public participation in the planning process.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF POLK CITY, FLORIDA:**

**Section 1. Findings.** The Commission hereby declares that the foregoing findings are true and correct, incorporated herein by reference, and made a part of this Resolution.

**Section 2. Conditional Use Permit; Conditions of Approval.** The application for a Conditional Use Permit to allow a special events facility at 545 Orange Boulevard (Parcel ID # 25-26-33-296500-045020) is approved subject compliance with the site plan provided as Exhibit A attached to and incorporated in this Resolution and subject to the following conditions of approval:

1) Prior to final City Staff permitting, the applicant must provide a revised site plan acceptable to City Staff that depicts all special event activities are set back a minimum of 30

**RESOLUTION 2019-03**

**Page 2 of 4**

feet from both the north and south property lines. A minimum of an opaque fence or opaque landscaping shall be installed on the property prior to and as a condition of any use of this permit.

2) Prior to final City Staff permitting, the applicant shall provide a signed and notarized parking agreement with the adjacent property owner to north indicating accommodation of overflow parking on the neighboring property.

3) Parking within the public right-of-way shall be and is hereby prohibited.

4) Lighting to illuminate buildings, stages, open areas or advertising shall be designed and installed by the applicant so as to shine only on the subject property, and shall be directed away from any public street or residential area.

5) This special events facility shall be subject to applicable performance standards provided in section 3.06.00 of the Polk City Land Development Code.

6) Hours of operation shall be limited to 10:00 a.m. to 10:00 p.m.

7) Outdoor music may be played only between 10:00 a.m. and 10:00 p.m.

8) Events attracting more than 100 people are prohibited without special event approval by the City. There shall be a minimum of two (2) hours between events to limit the potential off-site traffic congestion.

9) There shall be no permanent alcohol or retail sales as a part of this conditional use permit.

10) Prior to final City Staff permitting, the applicant shall prepare an event management plan consistent with major event management techniques for the Polk City staff to review, approve, and keep on file. Should this plan need to be changed or modified for any reason, Polk City staff shall review and approve any changes or modifications in writing prior to any changes or modifications being commenced or enacted.

11) There shall be no more than 12 events per year held or conducted upon the property.

**Section 3. Expiration of Permit.** This conditional use permit shall expire on June 17, 2022. Should the use change to a use permitted in the zoning district that is not the use approved by this conditional use permit, and remain so for 180 days or more, then this conditional use permit shall expire and a new application will be required to reestablish any Conditional Use Approval use.

**Section 4. Effective Date.** This Resolution shall become effective immediately upon its passage.

**RESOLUTION 2019-03**

**Page 3 of 4**

**INTRODUCED, PASSED AND DULY ADOPTED**, by the City Commission of Polk City, Florida, meeting in Regular Session on this 29<sup>th</sup> day of July, 2019.



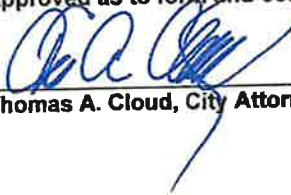
**Joe LaCascia, Mayor**

**ATTEST:**



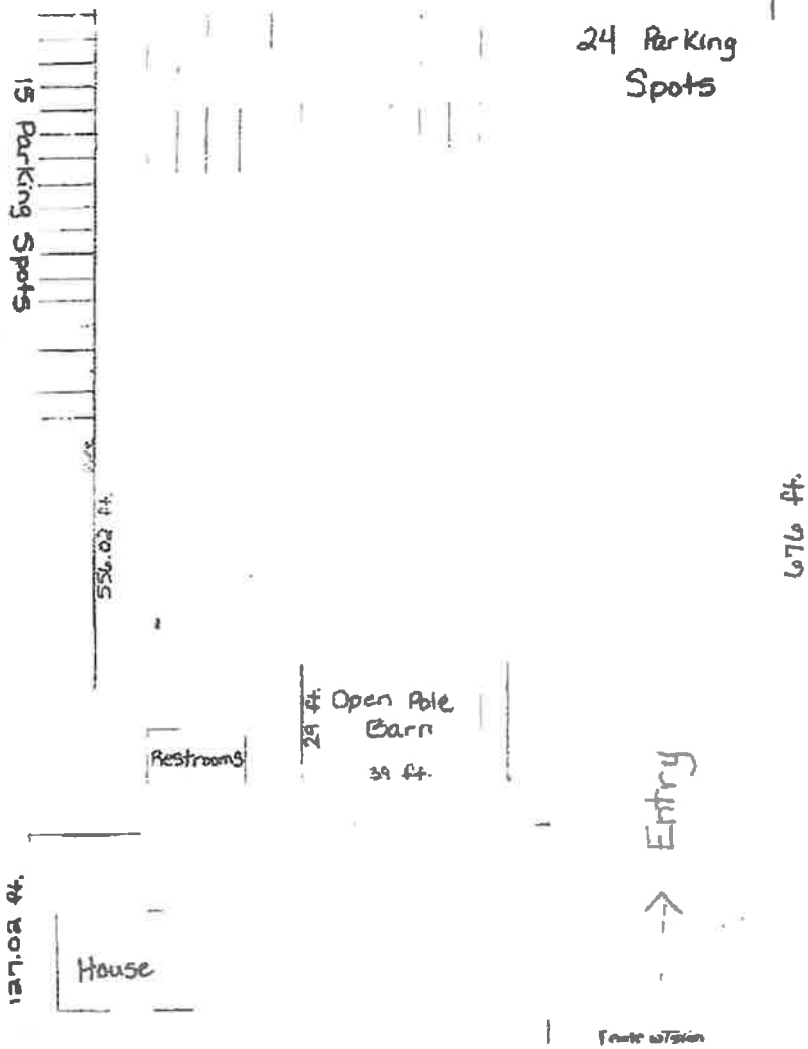
**Patricia R. Jackson, City Manager/Clerk**

**Approved as to form and correctness**



**Thomas A. Cloud, City Attorney**

POLK CITY RESOLUTION 2019-03  
EXHIBIT "A"  
SITE PLAN



**RESOLUTION 2024-01**

**A RESOLUTION OF THE CITY COMMISSION OF POLK CITY, FLORIDA; APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOR A SPECIAL EVENTS FACILITY ON APPROXIMATELY 2.5 ACRES AT 545 ORANGE BOULEVARD (PARCEL ID 252633-296500-045020); PROVIDING CONDITIONS OF APPROVAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, On Monday, July 29, 2019, the City Commission of Polk City approved Resolution 2019-03 for a special event facility at 545 Orange Boulevard with conditions. The Resolution included an expiration of permit date of June 22, 2022; and

**WHEREAS**, Gary Ho Shing, (hereinafter referred to as the 'Applicant') has requested a renewal of a conditional use permit to allow a special events facility 545 Orange Boulevard (Parcel ID # 252633-296500-045020); and

**WHEREAS**, the property is owned by Gary Ho Shing; and

**WHEREAS**, the property is located in the R-2 (Single Family) Residential District; and

**WHEREAS**, special events facilities are a permitted use if approved as a conditional use in the R-2 zoning district; and

**WHEREAS**, the Polk City Planning Commission, acting as the designated Local Planning Agency, has reviewed the Conditional Use Permit application, held an advertised public hearing, provided for participation by the public in the process, and rendered its recommendations to the City Commission; and

**WHEREAS**, the City Commission has reviewed the Conditional Use Permit application, held an advertised public hearing, and provided for comments and public participation in the process in accordance with the requirements of state law and the procedures adopted for public participation in the planning process.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF POLK CITY, FLORIDA:**

**Section 1. Findings.** The Commission hereby declares that the foregoing findings are true and correct, incorporated herein by reference, and made a part of this Resolution.

**Section 2. Conditional Use Permit; Conditions of Approval.** The application for a Conditional Use Permit to allow a special events facility at 545 Orange Boulevard (Parcel ID # 252633-296500-045020) as shown on the location map provided as Exhibit "A" is approved subject to compliance with the site plan provided as Exhibit "B" attached to and incorporated in this Resolution, the conditions of approval provided in Exhibit "C" attached to and incorporated in this Resolution, and the Event Management Plan provided in Exhibit "D" attached to and incorporated in this Resolution, and the overflow parking agreement provided in Exhibit "E" attached to and incorporated in this Resolution.

**Section 3. Expiration of Permit.** This conditional use permit shall expire three years from the effective date of this Resolution. Should the use change to a use permitted in the zoning district that is not

the use approved by the conditional use permit, and remain so for 180 days or more, than this conditional use permit shall expire, and a new application will be required to reestablish any Conditional Use Approval use.

**Section 4. Effective Date.** This Resolution shall become effective immediately upon its passage.

**INTRODUCED, PASSED AND DULY ADOPTED**, by the City Commission of Polk City, Florida, meeting in Regular Session on this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
**Joe LaCascia, Mayor**

**ATTEST:**

**Approved as to form and correctness**

\_\_\_\_\_  
**Patricia R. Jackson, City Manager**

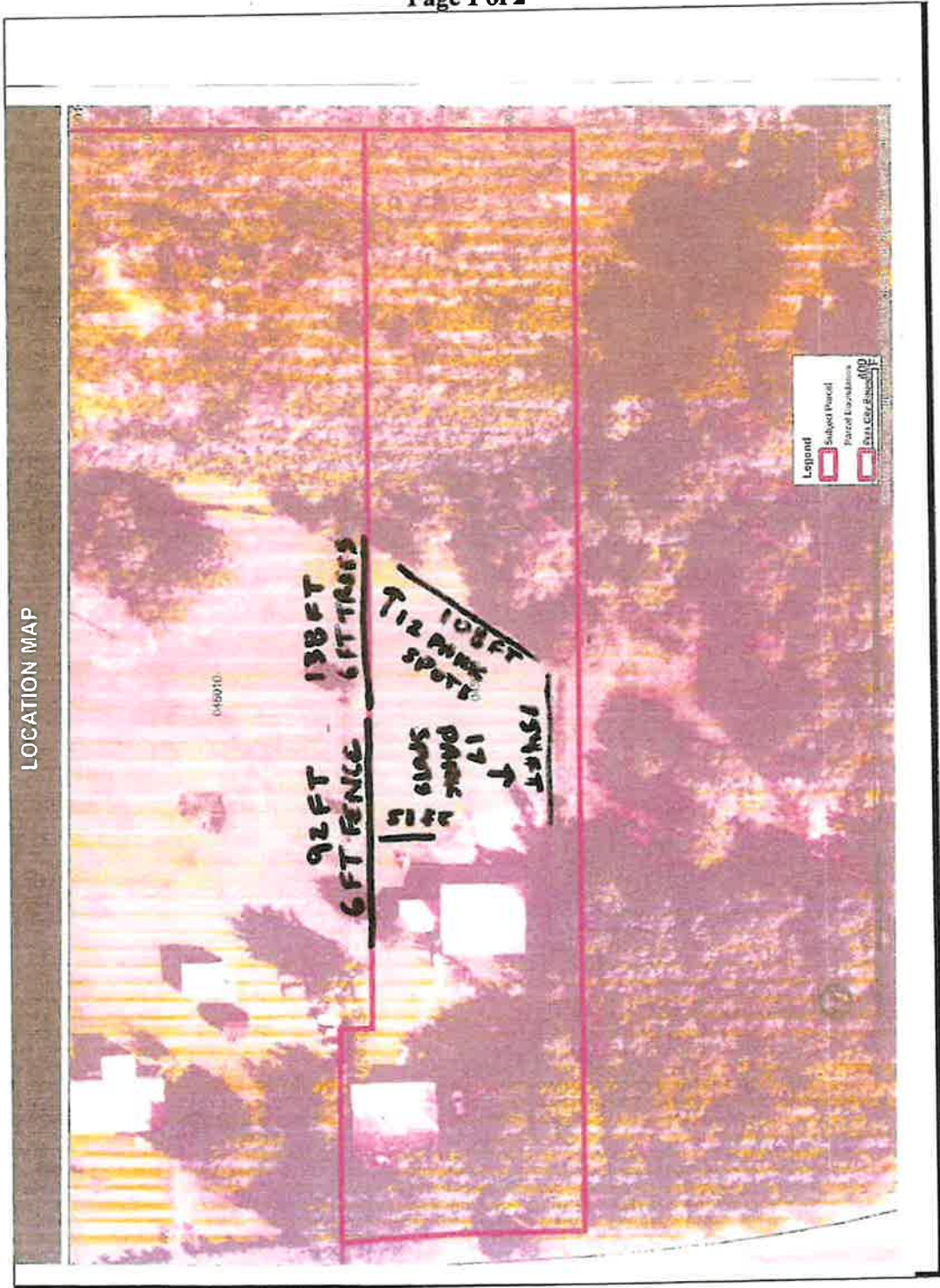
\_\_\_\_\_  
**Thomas A. Cloud, City Attorney**



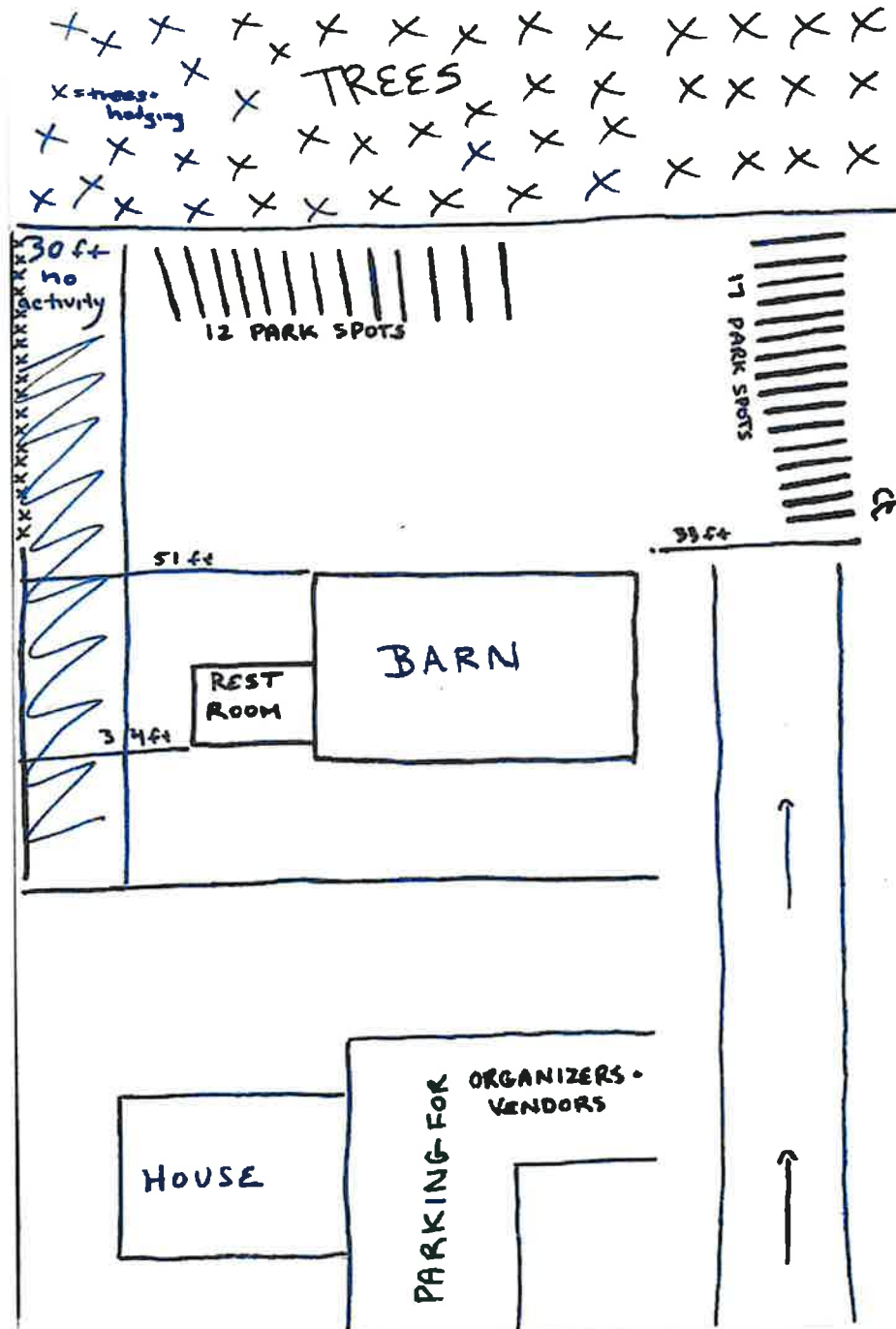
**POLK CITY RESOLUTION 2024-01**  
**EXHIBIT "A"**  
**LOCATION MAP**  
**Page 1 of 1**



**POLK CITY RESOLUTION 2024-01**  
**EXHIBIT "B"**  
**SITE PLAN**  
**Page 1 of 2**



POLK CITY RESOLUTION 2024-01  
EXHIBIT "B"  
SITE PLAN  
Page 2 of 2



**POLK CITY RESOLUTION 2024-01**  
**EXHIBIT "C"**  
**CONDITIONS OF APPROVAL**  
**Page 1 of 2**

The following are conditions of approval for the proposed use.

- 1) This special event facility shall allow private events on the site. A private event means a social gathering or event attended by invited guests who share a common cause, membership, business or task and have a prior established relationship. For purposes of this definition, advertisement for general public attendance or sales of tickets to the general public shall not constitute a private event. These events serve various purposes, such as celebrations, commemorations, or corporate functions.
- 2) There shall be no more than 12 events per calendar year held or conducted on the property. The applicant may request a modification of these conditions to permit an increase in the number of events. City staff will provide a history of events and any information pertaining to complaints/comments received to assist the Planning Commission and City Commission in deciding on an increase in events.
- 3) The applicant shall notify the City of an event at least 15 days prior to the event via the event notification form. The site includes a private residence. The applicant will notify the city of personal events that will generate parking impacts or include amplified outdoor music.
- 4) There shall be a minimum of two (2) hours between events to limit the potential off-site traffic congestion.
- 5) Hours of operation shall be limited to 10:00 a.m. to 10:30 p.m. Hours of operation include the event, setup, and take down. Event setup and take down may occur the day before or after the event.
- 6) Outdoor music may be played between 10:00 a.m. and 10:00 p.m.
- 7) There shall be no permanent alcohol or retail sales as part of this conditional use permit. Events may include on-site alcohol consumption for event participants (open bar or cash bar) via a licensed and insured bartending company. A maximum of two licensed and insured food trucks may be utilized onsite for catering services for the private event.
- 8) Events held onsite must be consistent with the event management plan included in Exhibit "D". Should this plan need to be changed or modified for any reason, Polk City staff shall review and approve any changes or modifications in writing prior to any changes or modifications being commenced or enacted.
- 9) As shown on the attached site plan, all special events will be set back a minimum of 30 feet from the north and south property lines.
- 10) As shown on the attached site plan, the applicant shall install and maintain a buffer along the property line of 545 Orange Blvd and 525 Orange Blvd. This buffer shall include 92 feet of 6-foot-tall opaque fence and 138 feet of landscaping consisting of trees that are a minimum of 6-feet tall.

**POLK CITY RESOLUTION 2024-01**  
**EXHIBIT "C"**  
**CONDITIONS OF APPROVAL**  
**Page 2 of 2**

- 11) **Parking within the public right-of-way is prohibited.**
- 12) **The applicant shall provide adequate parking to meet the present and future demands of the use and overflow parking designated and maintained for peak season events so as to prevent parking from encroaching upon public thoroughfares. Prior to final City Staff permitting, the applicant shall provide a signed and notarized parking agreement to provide accommodation of overflow parking.**
- 13) **Lighting to illuminate buildings, stages, open areas, or advertising shall be designed so as to shine only on the subject property and shall be directed away from any public street or residential area.**
- 14) **This special events facility shall be subject to applicable performance standards provided in section 3.06.00 of the Polk City Land Development Code.**
- 15) **This conditional use shall expire on the date included in the expiration date section of the Resolution.**

**POLK CITY RESOLUTION 2024-01**  
**EXHIBIT "D"**  
**SERENDIPITY SPACE EVENT CENTER EVENT MANAGEMENT PLAN**  
**Page 1 of 3**

**THE SERENDIPITY SPACE EVENT MANAGEMENT PLAN**

**CONTACT: GARY HO SHING 407 375 2733**

[Gclefproductions@aol.com](mailto:Gclefproductions@aol.com)

**EMERGENCY DIAL 911**

**POLICE 863 965 5555**

**FIRE DEPT 863 965 6379**

In case of a fire emergency, all guests will be ushered out of the venue in an orderly fashion and set back at least 200 feet from the facilities. There is a fire extinguisher in the catering portion of the galley. Management and event planners/coordinators are aware of its location and readily accessible in case of a fire emergency.

The Serendipity Space may be open from 10a to 10p Sun through Sat. The venue will only be open when there is an event taking place. All amplified music and events must conclude by 10p on any night of the week. Vendors and customers/dients have until 1030p to clean up after their event.

**PARKING**

The great lawn has a total of 29 parking spots; 2 of which will be designated for handicap spaces.

**Additional parking:**

Event organizers/vendors/staff will park at the main house parking at 545 Orange Blvd. That parking area may hold up to 12 vehicles.

The owners of Stella and Co located at 315 Broadway Blvd SE Polk City, FL 33868 has agreed to allow guests of The Serendipity Space to utilize their parking facility if needed for overflow parking. Notarized agreement between both parties included. A luxury limo van such as a Sprinter will be utilized to bring guests over from the overflow parking area.

**POLK CITY RESOLUTION 2024-01**  
**EXHIBIT "D"**  
**SERENDIPITY SPACE EVENT CENTER EVENT MANAGEMENT PLAN**  
**Page 2 of 3**

**RULES & REGULATIONS:**

The following shall be upheld by customers/clients, event planners/coordinators and vendors who are involved in the planning and execution of the special event on the premises of The Serendipity Space.

**USE OF PROPERTY:**

Great lawn, Open Pole Barn and Bathroom Building

Amplified music off by 10p and all events conclude by 10p. This is in accordance with the city's noise ordinance.

Max capacity is 100 guests.

Event Planners/Coordinators/Renters are responsible for set up, break down and final cleanup of all areas.

All vehicles associated with the event must be parked within the parking area.

**SMOKING:**

Vendors and guests must smoke only in the designated smoking area. All cigarette butts must be disposed of in the cigarette butts planter provided.

**REHEARSALS:**

Wedding rehearsals may be scheduled the day prior to the actual wedding. This rehearsal will not be considered a separate event but a part of the wedding event.

**PETS:**

Trained dogs and cats are welcome. No other pets other than dogs or cats may be on property. If a pet is present, it is the sole responsibility of that pet's owner to keep that pet safe and under control as well as keeping guests, staff and vendors safe from that pet as well. The Serendipity Space is not responsible for anyone's pet or the behavior of anyone's pet. If an incident were to occur between a pet and a person or object it is the responsibility of that pet's owner to rectify that situation and make that person or object whole as it once was prior to the situation with the pet.

**VENDOR POLICY:**

The Serendipity Space is not responsible for outside vendor's services. Please review all vendors' agreements individually. If you have selected a vendor that is not on our preferred vendors list, please have your vendor contact us for our vendor policies and requirements.

**POLK CITY RESOLUTION 2024-01**  
**EXHIBIT "D"**  
**SERENDIPITY SPACE EVENT CENTER EVENT MANAGEMENT PLAN**  
**Page 3 of 3**

**Alcohol:**

If alcohol is being served and consumed, the customer(s)/client(s) is/are responsible for and must abide by all city, county and state alcoholic beverage control laws and regulations. The Serendipity Space, it's owner or staff is not responsible for a customer/client or their guests in regards to alcohol on the property or after departing from an event at the property.

Customer or client will purchase alcohol from Tucker's of Lakeland. A licensed and insured bartender from Tucker's of Lakeland will bring and serve alcohol. The bartender has the right to not serve an individual if they feel that person has consumed enough alcohol. Last call is 30 minutes prior to the conclusion of an event. Alcohol may not be served to minors. Illegal substances are not allowed at any time on the premises. Drunken violent disturbances are prohibited and subject to immediate removal from the premises and possible termination of event without refund.



**POLK CITY RESOLUTION 2024-01**  
**EXHIBIT "D"**  
**OFF-SITE OVERFLOW PARKING AGREEMENT**  
**Page 1 of 1**

This document is between the owners Kyle and Stephanie Thompson of The Stella and Co Salon located at 115 Broadway Blvd St. Polk City, FL 33602 and the owner Gary Ho Shing of The Serendipity Space event venue located at 545 Orange Blvd Polk City, FL 33608.

Kyle and Stephanie Thompson give Gary Ho Shing permission for event guests to utilize their parking lot at Stella and Co for overflow parking if needed for events held at The Serendipity Space.

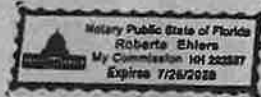
Cancellation of this agreement will be in writing and signed by both parties if either party wishes to cancel this agreement.

Signature and Date: [Signature] 2/8/24

Signature and Date: [Signature] 2/19/24

State of FLORIDA  
County of Polk

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 8 day of February 2024 by Gary Ho Shing who is personally known to me or produced a Id as identification and by Stephanie Thompson who is personally known to me or produced a Id as identification.



[Signature]  
notary public signature

Roberta Ehlers  
notary public printed name

**RESOLUTION 2024-01**

**A RESOLUTION OF THE CITY COMMISSION OF POLK CITY, FLORIDA; APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOR A SPECIAL EVENTS FACILITY ON APPROXIMATELY 2.5 ACRES AT 545 ORANGE BOULEVARD (PARCEL ID 252633-296500-045020); PROVIDING CONDITIONS OF APPROVAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, On Monday, July 29, 2019, the City Commission of Polk City approved Resolution 2019-03 for a special event facility at 545 Orange Boulevard with conditions. The Resolution included an expiration of permit date of June 22, 2022; and

**WHEREAS**, Gary Ho Shing, (hereinafter referred to as the 'Applicant') has requested a renewal of a conditional use permit to allow a special events facility 545 Orange Boulevard (Parcel ID # 252633-296500-045020); and

**WHEREAS**, the property is owned by Gary Ho Shing; and

**WHEREAS**, the property is located in the R-2 (Single Family) Residential District; and

**WHEREAS**, special events facilities are a permitted use if approved as a conditional use in the R-2 zoning district; and

**WHEREAS**, the Polk City Planning Commission, acting as the designated Local Planning Agency, has reviewed the Conditional Use Permit application, held an advertised public hearing, provided for participation by the public in the process, and rendered its recommendations to the City Commission; and

**WHEREAS**, the City Commission has reviewed the Conditional Use Permit application, held an advertised public hearing, and provided for comments and public participation in the process in accordance with the requirements of state law and the procedures adopted for public participation in the planning process.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF POLK CITY, FLORIDA:**

**Section 1. Findings.** The Commission hereby declares that the foregoing findings are true and correct, incorporated herein by reference, and made a part of this Resolution.

**Section 2. Conditional Use Permit; Conditions of Approval.** The application for a Conditional Use Permit to allow a special events facility at 545 Orange Boulevard (Parcel ID # 252633-296500-045020) as shown on the location map provided as Exhibit "A" is approved subject to compliance with the site plan provided as Exhibit "B" attached to and incorporated in this Resolution, the conditions of approval provided in Exhibit "C" attached to and incorporated in this Resolution, and the Event Management Plan provided in Exhibit "D" attached to and incorporated in this Resolution, and the overflow parking agreement provided in Exhibit "E" attached to and incorporated in this Resolution.

**Section 3. Expiration of Permit.** This conditional use permit shall expire three years from the effective date of this Resolution. Should the use change to a use permitted in the zoning district that is not

the use approved by the conditional use permit, and remain so for 180 days or more, than this conditional use permit shall expire, and a new application will be required to reestablish any Conditional Use Approval use.

**Section 4. Effective Date.** This Resolution shall become effective immediately upon its passage.

**INTRODUCED, PASSED AND DULY ADOPTED**, by the City Commission of Polk City, Florida, meeting in Regular Session on this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
**Joe LaCascia, Mayor**

**ATTEST:**

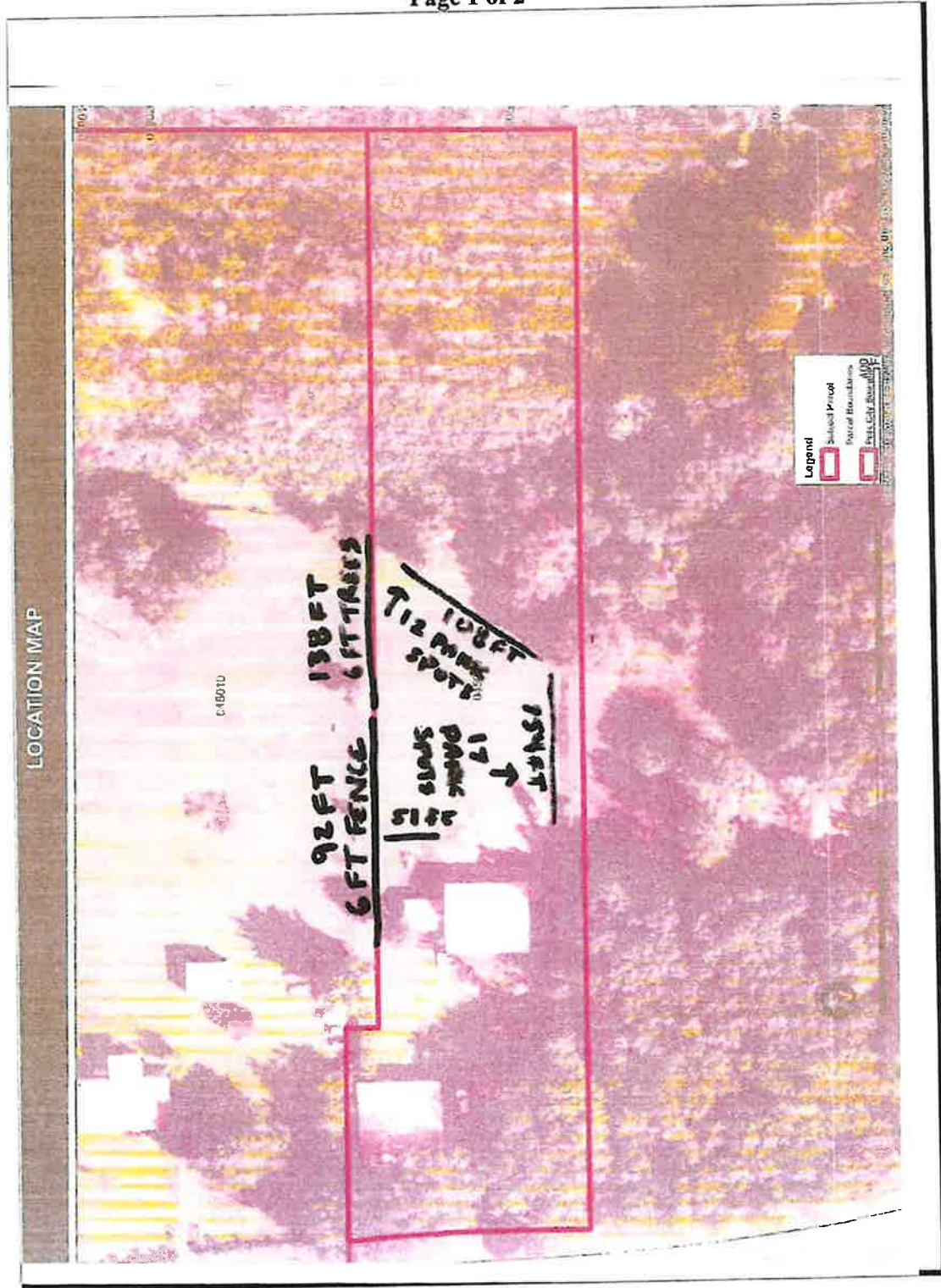
**Approved as to form and correctness**

\_\_\_\_\_  
**Patricia R. Jackson, City Manager**

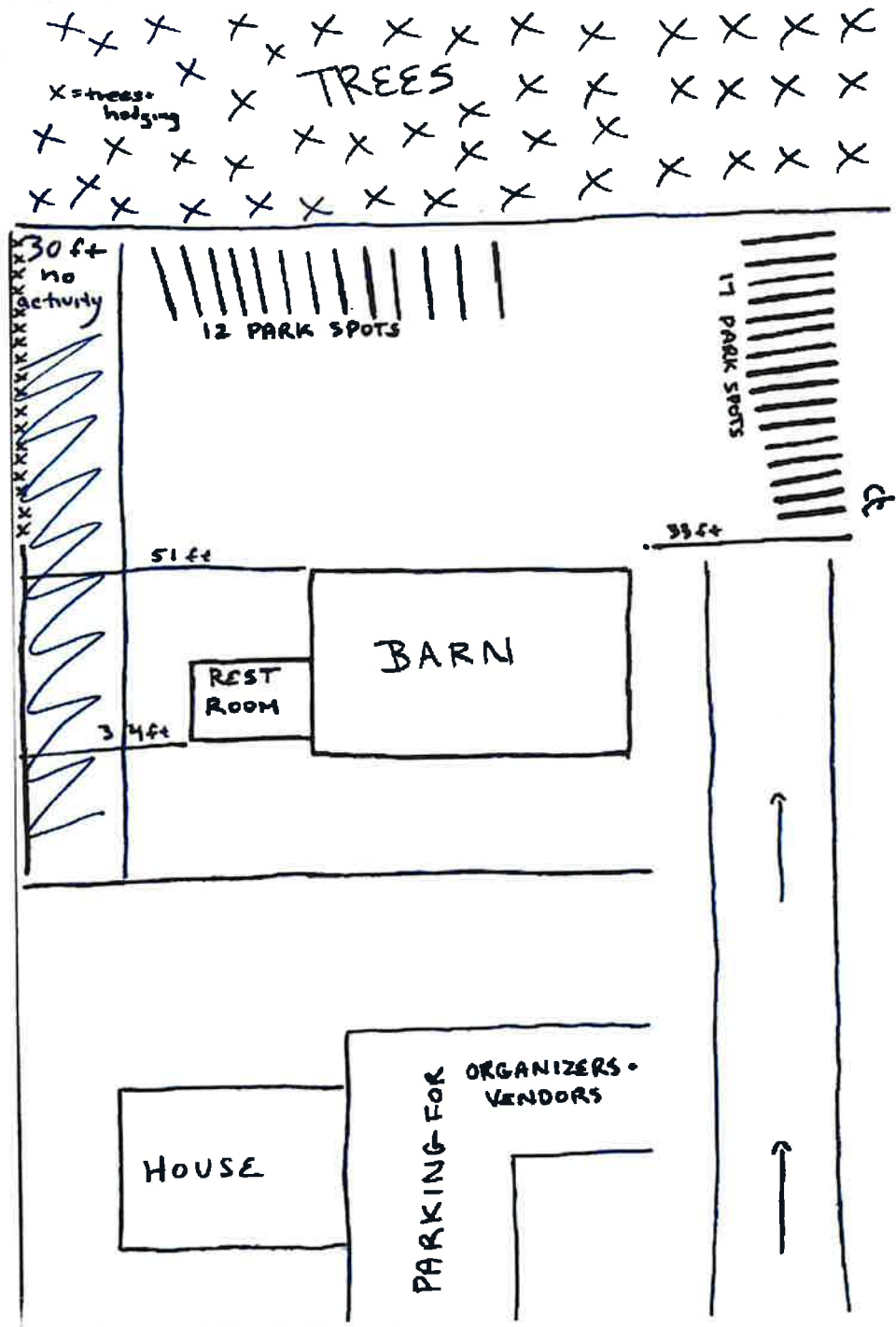
\_\_\_\_\_  
**Thomas A. Cloud, City Attorney**



**POLK CITY RESOLUTION 2024-01**  
**EXHIBIT "B"**  
**SITE PLAN**  
Page 1 of 2



**POLK CITY RESOLUTION 2024-01**  
**EXHIBIT "B"**  
**SITE PLAN**  
Page 2 of 2



**POLK CITY RESOLUTION 2024-01**  
**EXHIBIT "C"**  
**CONDITIONS OF APPROVAL**  
**Page 1 of 2**

The following are conditions of approval for the proposed use.

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**POLK CITY RESOLUTION 2024-01**  
**EXHIBIT "C"**  
**CONDITIONS OF APPROVAL**  
**Page 2 of 2**

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**POLK CITY RESOLUTION 2024-01**  
**EXHIBIT "D"**  
**SERENDIPITY SPACE EVENT CENTER EVENT MANAGEMENT PLAN**  
**Page 1 of 3**

**THE SERENDIPITY SPACE EVENT MANAGEMENT PLAN**

**CONTACT: GARY HO SHING 407 375 2733**

[Gclefproductions@aol.com](mailto:Gclefproductions@aol.com)

**EMERGENCY DIAL 911**

**POLICE 863 965 5555**

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**POLK CITY RESOLUTION 2024-01**  
**EXHIBIT "D"**  
**SERENDIPITY SPACE EVENT CENTER EVENT MANAGEMENT PLAN**  
**Page 2 of 3**

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Great lawn, Open Pole Barn and Bathroom Building

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**POLK CITY RESOLUTION 2024-01**  
**EXHIBIT "D"**  
**SERENDIPITY SPACE EVENT CENTER EVENT MANAGEMENT PLAN**  
**Page 3 of 3**

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**POLK CITY RESOLUTION 2024-01**  
**EXHIBIT "D"**  
**OFF-SITE OVERFLOW PARKING AGREEMENT**  
**Page 1 of 1**

This document is between the owners Kyle and Stephanie Thompson of The Stella and Co Salon located at 215 Broadway Blvd Polk City, FL 32908 and the owner Gary Ho Shing of The Serendipity Spa located at 545 Orange Blvd Polk City, FL 32908.

Kyle and Stephanie Thompson gave Gary Ho Shing permission for event guests to utilize their parking lot at Stella and Co for overflow parking if needed for events held at The Serendipity Spa.

Cancellation of this agreement will be in writing and signed by both parties if either party were to cancel this agreement.

Signature and Date

 2/8/24

Signature and Date

 2/8/24

State of FLORIDA  
County of Polk

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 8 day of February 2024 by Gary Ho Shing who is personally known to me or produced a DL as identification and by Stephanie Thompson who is personally known to me or produced a DL as identification.



  
notary public signature

Roberta Ehlers  
notary public printed name



**POLK CITY  
FUTURE LAND USE MAP AMENDMENT & REZONING  
OVERVIEW REPORT**

March 11, 2024

---

**TO:** POLK CITY PLANNING COMMISSION

**FROM:** CENTRAL FLORIDA REGIONAL PLANNING COUNCIL

**SUBJECT:** **Ordinance 2024-01: Future Land Use Map Amendment in the Green Swamp Area of Critical State Concern:** An applicant-initiated Future Land Use Map Amendment in the Green Swamp Area of Critical State Concern "X" to change the Future Land Use from Convenience Center-X (CCX) to Residential Low-X (RLX) on approximately 1.44 acres in Polk City, located at 9600 SR 33 (Parcel number 252631-000000-044210).

**Ordinance 2024-02: Rezoning in the Green Swamp Area of Critical State Concern:** An applicant-initiated rezoning in the Green Swamp Area of Critical State Concern "X" to change the zoning from Convenience Center-X (CCX) to Planned Unit Development (PUD) to permit the development of one single-family home on approximately 1.44 acres in Polk City, located at 9600 SR 33 (Parcel number 252631-000000-044210).

**AGENDA AND HEARING DATES:**

January 8, 6:00 PM:	Planning Commission (Public Hearing)
<b>March 11, 2024, 6:00 PM:</b>	<b>Planning Commission (Public Hearing)</b>
March 19, 2024, 7:00 PM:	Transmittal Hearing
	Transmit to Florida Commerce for <del>30</del> 60-Day State review Period
May/June 2024, 7:00 PM:	Second Reading – Adoption Hearing

**ATTACHMENTS:**

- Aerial Photo Map
- Existing Future Land Use Map
- Proposed Future Land Use Map
- Existing Zoning Map
- Proposed Zoning Map
- Applications

## APPLICATION HISTORY:

At their January 8, 2024 meeting, the Planning and Zoning Board voted to recommend approval of the Future Land Use Map amendment from CCX to RSX and approval of the Zoning Map amendment from CCX to RSX to the City Commission. Prior to first reading, it was determined that the request needed to be processed under the Residential Low Future Land Use and Planned Unit Development limiting the site to one single-family dwelling unit. The change required the application to be returned to the Planning Commission for consideration.

## PLANNING COMMISSION MOTION OPTIONS:

### *Future Land Use Map Amendment Motion Options:*

1. Recommend sending the proposed Future Land Use Map amendment from CCX to RLX to the City Commission with a **recommendation of approval**.
2. Recommend sending the proposed Future Land Use Map amendment from CCX to RLX to the City Commission with a **recommendation of approval with changes**.
3. Recommend sending the proposed Future Land Use Map amendment from CCX to RLX to the City Commission with a **recommendation of denial**.
4. **Continue** to a date and time certain.

### *Rezoning Motion Options:*

1. Recommend sending the proposed Zoning Map amendment from CCX to PUD with conditions to the City Commission with a **recommendation of approval**.
  2. Recommend sending the proposed Zoning Map amendment from CCX to PUD with conditions to the City Commission with a **recommendation of approval with changes**.
  2. Recommend sending the proposed Zoning Map amendment from CCX to PUD with conditions to the City Commission with a **recommendation of denial**.
  3. **Continue** to a date and time certain.
-

**OVERVIEW:**

<b>Applicant/Owner</b>	D P Erectors
<b>Agent</b>	Dwayne Prestage
<b>Parcel ID</b>	252631-000000-044210
<b>Subject Area</b>	+/- 1.44 acres
<b>Existing Future Land Use</b>	Convenient Center-X (CCX) (Green Swamp)
<b>Proposed Future Land Use</b>	Residential Low-X (RLX) (Green Swamp)
<b>Existing Zoning</b>	Convenient Center-X (CCX) (Green Swamp)
<b>Proposed Zoning</b>	Planned Unit Development (Green Swamp)

The applicant is requesting a Future Land Use Map Amendment and rezoning to change the Future Land Use and zoning of a +/- 1.44 acre parcel in the Green Swamp Area of Critical State Concern "X" from the Future Land Use of Convenient Center-X (CCX) and the zoning of Convenient Center-X (CCX) to a Future Land Use of Residential Low-X (RLX) and a zoning of Planned Unit Development (PUD) limited to the development of one single family home. The subject parcel is located at 9600 SR 33. See attached Location Map.

**BACKGROUND & REASON FOR REQUEST:**

The applicant is requesting these amendments as they would like to utilize the site to build one residential structure.

**STANDARDS FOR EVALUATING FUTURE LAND USE AND ZONING CHANGES:**

The Polk City Planning Commission will provide recommendations, and the City Commission will make a final motion to accept, reject, modify, return, or continue to seek additional information on all proposed Future Land Use and zoning changes. The review shall be considered and evaluated against the following standards:

- *Consistency with the Comprehensive Plan and Land Development Code.*
- *Land Use Compatibility.*
- *Public Facilities and Services Analysis.*

**CONSISTENCY WITH THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE:**

The Future Land Use Map amendment is **consistent** with the Polk City Comprehensive Plan. The change in Future Land Use for the property will permit the property owner to develop the land while meeting all State and local requirements related to the Green Swamp Critical State Concern.

The Zoning amendment is **consistent** with the proposed Future Land Use.

The request is to change the Future Land Use from Convenience Center (CCX) to Residential Low (RLX) and to change the zoning from Convenience Center (CCX)

to Planned Unit Development (PUD). Descriptions for the existing and proposed Future Land Use and zoning designations are provided as follows:

**Existing – Future Land Use**

**Polk City Comprehensive Plan, Future Land Use Element, Policy 4.4.B – Convenience Center:** Convenience Centers are intended to accommodate the convenience-shopping needs of residents living within the immediate surrounding area. The CCX district permits non-residential uses such as offices, convenience stores, gas stations, dry cleaners and community facilities. The maximum floor area ratio shall not exceed 0.25. Convenience Centers shall be located at the intersections of arterial and/or collector roads. There shall be a one (1) mile traveling distance within the Polk City SPA on public roads between the center of a Convenience Center and the center of any other Convenience Center, or other higher level Activity Center or Linear Commercial Corridor providing for the same convenience shopping needs. This required separation may be reduced if: a) The higher-level Activity Center or Linear Commercial Corridor within the required distance separation is over 80% developed; or, b) the proposed Convenience Center market-area radius, minimum population support is over 5,000 people.

Useable Area	1 to 5 acres
Gross Leasable Area	3,000 to 20,000 square feet
Minimum Population Support	2,500 to 5,000 people
Market-Area radius	1 mile
Typical Leading Tenant	Convenience Store
Other Typical Tenants	Laundry, Dry cleaning, Barber, Restaurant. Gas Station, Office

Development within a Convenience Center shall conform to the following criteria:

- i. Convenience Centers shall have frontage on, or direct access to, an arterial or collector roadway, or a frontage road or service drive that directly serves an arterial or collector roadway.
- ii. Different uses within a Convenience Center shall incorporate the use of frontage roads or shared ingress/egress facilities wherever practical.
- iii. Adequate parking shall be provided to meet the demands of the uses, and interior traffic circulation patterns shall facilitate the safe movement of vehicular, bicycle, and pedestrian traffic.



- iv. Buffering shall be provided where the effects of lighting, noise, odors, and other such factors would adversely affect adjacent land uses. Parking lots, loading areas, dumpsters, utilities and air conditioning units, signage, etc., are examples of facilities that may require special buffering provisions.
- v. Residential uses shall not be permitted in Convenience Centers.
- vi. Offices uses shall not exceed 40 percent of the total area within the convenience center. Commercial uses may constitute 100 percent of the convenience center.

**Proposed – Future Land Use**

**Polk City Comprehensive Plan, Future Land Use Element, Policy 4.4.E – Convenience Center:**

- e. Residential-Low (RLX). The Residential Low provides areas for the low density residential needs of residents in urban areas. Residential Low areas shall be developed at densities up to, and including, three four dwelling units per acre in the Polk City Special Protection Area of the Green Swamp ACSC (4 DU/AC). Development within designated RLX shall be limited to: a) residential development containing single-family dwelling units, duplex units, family care homes, and small-scale multi-family units; b) agricultural support uses; c) community facilities; and, d) elementary, middle, and high schools.

**Existing – Zoning**

**Polk City Land Development Code, Section 3.12.02.08(2) – CCX Convenience Centers:** Convenience Centers X are intended to accommodate the convenience-shopping needs of residents living within the immediate surrounding area.

**Table 3.19 – Convenience Centers Usable Area**

Useable Area	1 to 5 acres
Gross Leasable Area (GLA)	3,000 to 20,000 square feet
Minimum Population Support	2,500 to 5,000 people
Market-Area radius	1 mile
Typical Leading Tenant	Convenience Store
Other Typical Tenants	Laundry, Dry cleaning, Barber, Restaurant, Gas Station, Office

Convenience Centers shall be located at the intersections of arterial and/or collector roads. There shall be the following traveling distance, on public roads, between the center of a Convenience Center and the center of any other Convenience Center, or other higher-level Activity Center, Linear

Commercial Corridor, or Commercial Enclave providing for the same convenience shopping needs: a. One (1) mile within the Polk City Special Protection Area. This required separation may be reduced if:

The higher-level Activity Center, Linear Commercial Corridor or Commercial Enclave within the required distance separation is over 80% developed; or,

The proposed Convenience Center market-area radius, minimum population support is over 5,000 people.

Development within a Convenience Center shall conform to the following criteria:

- a) Convenience Centers shall have frontage on, or direct access to, an arterial or collector roadway, or a frontage road or service drive that directly serves an arterial or collector roadway.
- b) Different uses within a Convenience Center shall incorporate the use of frontage roads or shared ingress/egress facilities wherever practical.
- c) Adequate parking shall be provided to meet the demands of the uses, and interior traffic circulation patterns shall facilitate the safe movement of vehicular, bicycle, and pedestrian traffic.
- d) Buffering shall be provided where the effects of lighting, noise, odors, and other such factors would adversely affect adjacent land uses. Parking lots, loading areas, dumpsters, utilities and air conditioning units, signage, etc., are examples of facilities that may require special buffering provisions.
- e) Residential uses shall not be permitted in Convenience Centers.
- f) Offices uses shall not exceed 40 percent of the total area within the convenience center. Commercial uses may constitute 100 percent of the convenience center.
- g) The maximum floor area ratio shall not exceed 0.25 unless developed as a Planned Unit Development.
- h) Planned Unit Developments within the Convenience Center may be permitted a maximum floor area ratio up to 0.50. Intensity increases shall only be awarded to innovative, efficient, and compatible Planned Unit Development proposals that are consistent with the general district characteristics. Such Planned Unit Developments shall also be designed to be compact and require less land area than other alternatives.

**Proposed –Zoning**

**Polk City Land Development Code, Section 3.12.03 – Planned Unit Development (PUD) in the Green Swamp ACSC:**

**3.12.03 Planned Unit Development (PUD) in the Green Swamp ACSC**

- A. Planned Unit Development. All Planned Unit Development within the Green Swamp ACSC shall meet the following standards:
1. Use of innovative design techniques and additional open space.
  2. Conservation of natural resources.
  3. Utilization of land economically and efficiently.
  4. Efficient use of existing and programmed public services and facilities.
  5. Creation of attractive and functional development that is compatible with surrounding uses and utilizes wetlands and flood plain areas as the required open space.
- B. PUDs located in the Green Swamp ACSC shall be consistent with Section 2.04.02.16 Planned Unit Development District.

**2.04.02.16 Planned Unit Development District.**

**(B) Purpose**

1. The planned unit development district is intended to provide a method for consideration and approval of unique zoning districts for individual Planned Unit Developments (PUD), which are not provided for or allowed in the zoning districts otherwise established by this chapter.

**LAND USE COMPATIBILITY**

The parcels to the south, east, and part of the north are in unincorporated Polk County. These parcels include Agriculture/Rural Residential and Residential Suburban Future Land Use. The parcels include single family homes and mobile homes. The parcel to the west and partially to the north are located in Polk City. The parcel to the east has Residential Suburban-X Future Land Use and Zoning and includes a mobile home. The northern parcel in the City has a Commercial Convenience-X (CCX) Future Land Use and is vacant. The subject parcel is surrounded by a single-family homes including mobile homes. The adjacent

parcels consist of single-family homes, Vacant Land and Commercial. The *Land Use Matrix* below outlines the existing and proposed Future Land Use and zoning of the subject parcel, the existing Future Land Use and zoning of adjacent properties, and the existing land use of the subject parcels and adjacent properties. Proposed Future Land Use and Zoning Maps are also provided for reference.

### Land Use Matrix

Northwest	North	Northeast
<b>Future Land Use:</b> Agriculture/Rural Residential (County)  <b>Zoning:</b> Agriculture/Rural Residential (County)  <b>Existing Land Use:</b> Single Family	<b>Future Land Use:</b> Agriculture/Rural Residential (County) and CCX  <b>Zoning:</b> Agriculture/Rural Residential (County) and CCX  <b>Existing Land Use:</b> MH (County) and vacant (City)	<b>Future Land Use:</b> ROW and Residential Suburban (County)  <b>Zoning:</b> ROW and Residential Suburban (County)  <b>Existing Land Use:</b> Single Family – Mobile Home
West	Subject Parcels	East
<b>Future Land Use:</b> Residential Suburban-X (RSX)  <b>Zoning:</b> Residential Suburban-X (RSX)  <b>Existing Land Use:</b> Single Family – Mobile Home	<b>Future Land Use:</b> <u>Existing:</u> CCX <u>Proposed:</u> RLX  <b>Zoning:</b> <u>Existing:</u> CCX <u>Proposed:</u> PUD  <b>Existing Land Use:</b> Vacant	<b>Future Land Use:</b> ROW and Residential Suburban (County)  <b>Zoning:</b> ROW and Residential Suburban (County)  <b>Existing Land Use:</b> Single Family
Southwest	South	Southeast
<b>Future Land Use:</b> Agriculture/Rural Residential (County)  <b>Zoning:</b> Agriculture/Rural Residential (County)  <b>Existing Land Use:</b> Multiple Single-Family Homes	<b>Future Land Use:</b> Agriculture/Rural Residential (County)  <b>Zoning:</b> Agriculture/Rural Residential (County)  <b>Existing Land Use:</b> Multiple Single-Family Homes	<b>Future Land Use:</b> ROW and Residential Suburban (County)  <b>Zoning:</b> ROW and Residential Suburban (County)  <b>Existing Land Use:</b> Single Family – Mobile Home

Tables 1 and 2 include an analysis of the potential impacts on density and intensity for the proposed Future Land Use and Zoning amendments.

**Table 1:  
Analysis of Potential Impacts from Proposed Future Land Use Change**

	<b>Existing FLU: CCX (1.44 acres)</b>	<b>Proposed FLU: RLX (1.44 acres)</b>
Density/Intensity	0 DU/Acre (FAR 0.25)	4 DU/acre
Density Potential	0 Dus (15,681 sf)	5 Dus (0 sf)
Difference	Decrease of 15,681 sf non-residential and increase of 5 DUs	

**Table 2:  
Analysis of Potential Impacts from Proposed Zoning Change**

	<b>Existing Zoning: CCX (1.44 acres)</b>	<b>Proposed Zoning: PUD (1.44 acres)</b>
Density	0 DU/Acre (FAR 0.25)	Limited to 1 DU
Density Potential	0 Dus (15,681 sf)	Limited to 1 DU
Difference	Decrease of 15,681 sf non-residential and increase of 1 DU	

Development of the site with one single-family structure is consistent with the surrounding property and serves as in-fill development.

**PUBLIC FACILITIES AND SERVICES ANALYSIS:**

Potable Water and Wastewater

The City has capacity in both systems to serve development of this property. Water and Sewer are located in the SR 33 right-of-way.

Traffic/Transportation

The site is accessed via State Road 33. This is a state-maintained right-of-way. The Florida Department of Transportation will have to issue the driveway permit for the property.

Environmental Impacts

The site is located in the Green Swamp Area of Critical State Concern.

School Impacts

One single-family residential unit is a de minimis impact to the school system.

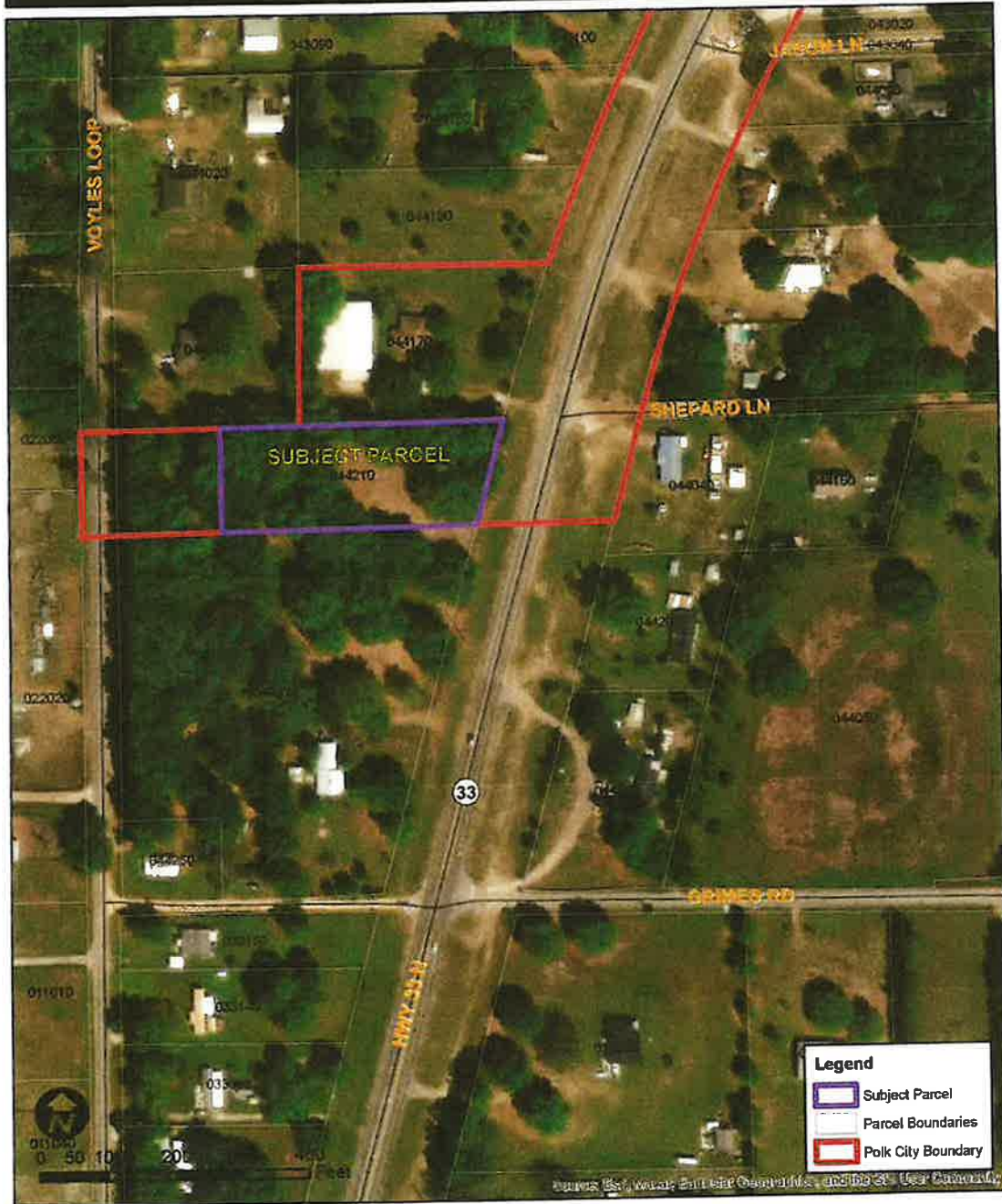
**PROPOSED CONDITIONS OF APPROVAL**

1. The property shall consist of one single family dwelling unit that meets the following requirements.

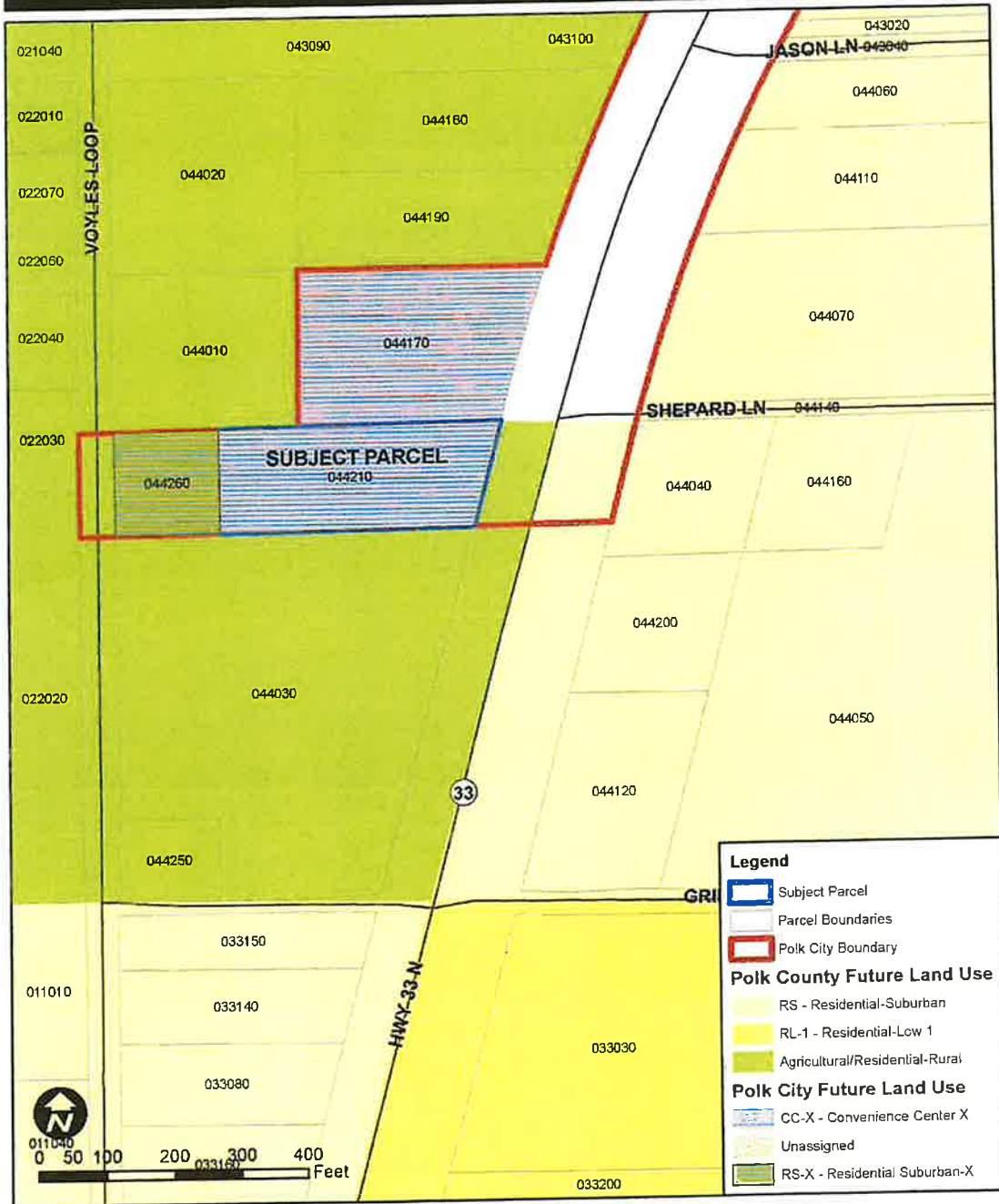
<b>Setbacks</b>			<b>Max Impervious Surface Ratio</b>	<b>Max Building Height</b>
<b>Front</b>	<b>Rear</b>	<b>Side</b>		
50'	15'	20'	0.60	50'
Front, exterior side, and exterior rear setbacks for principal and accessory structures shall be determined by the distance from the road right-of-way (R/W) or road centerline (C/L), whichever results in the greatest distance from the property line. Setbacks from private roads shall be calculated in the same manner or from the edge of pavement, whichever is greater. All linear dimensions are given in feet.				

2. Accessory structures may be installed consistent with Section 2.05.00 of the Land Development Code.
3. Consistent with the Requirements in Table 3.12AA(13): Building Height Adjustment. When a building exceeds 35 feet in height, the minimum distance from an adjacent detached building shall be increased by one-half foot for each one foot of building height or fraction thereof over 25 feet.
4. A Master Development Plan is not necessary for this site as the site will be developed with one single-family home pursuant to the requirements above. The applicant may move to construction/building permits upon the effective dates of the Future Land Use and Zoning Ordinances.

# LOCATION MAP

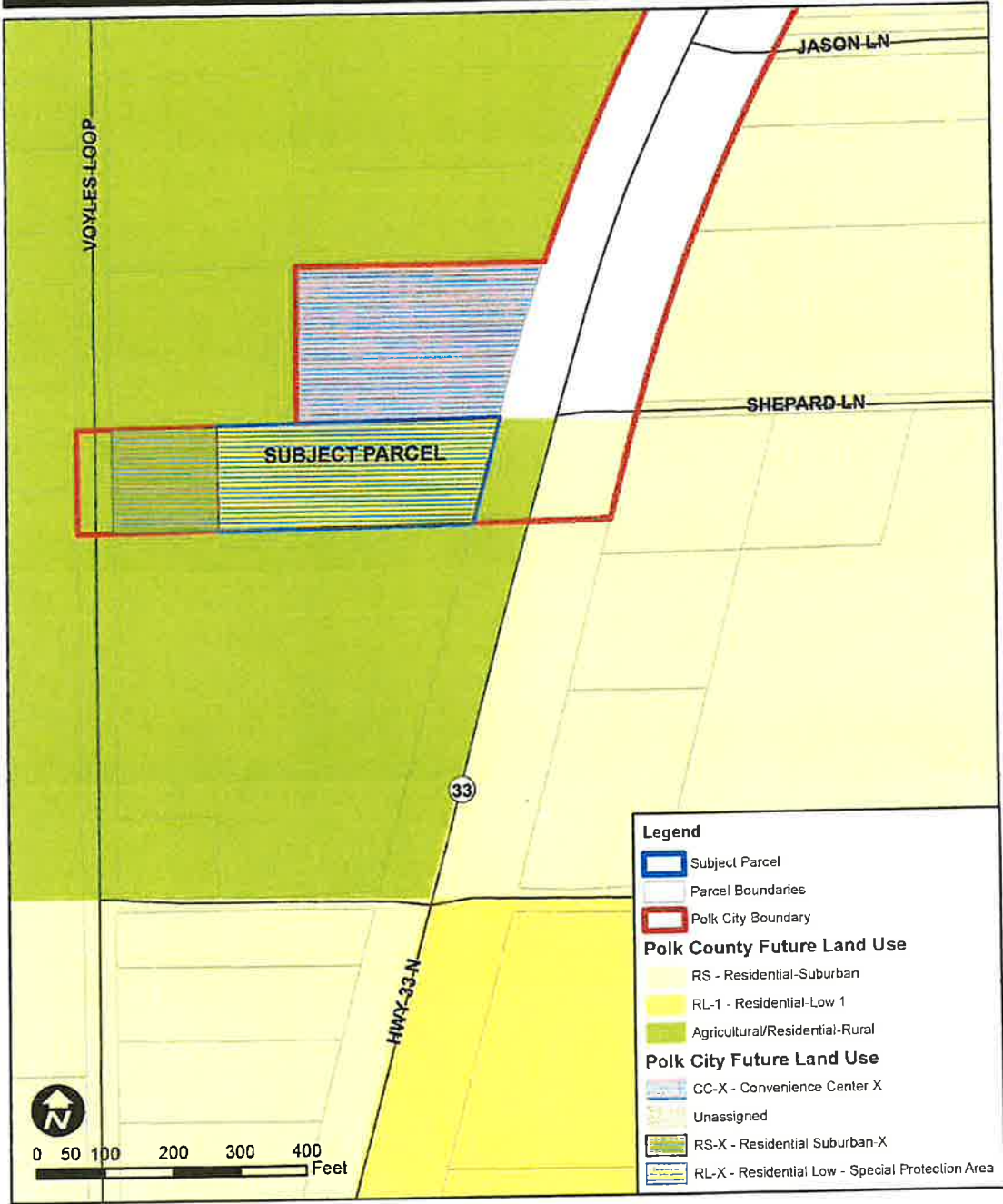


# FUTURE LAND USE MAP - EXISTING

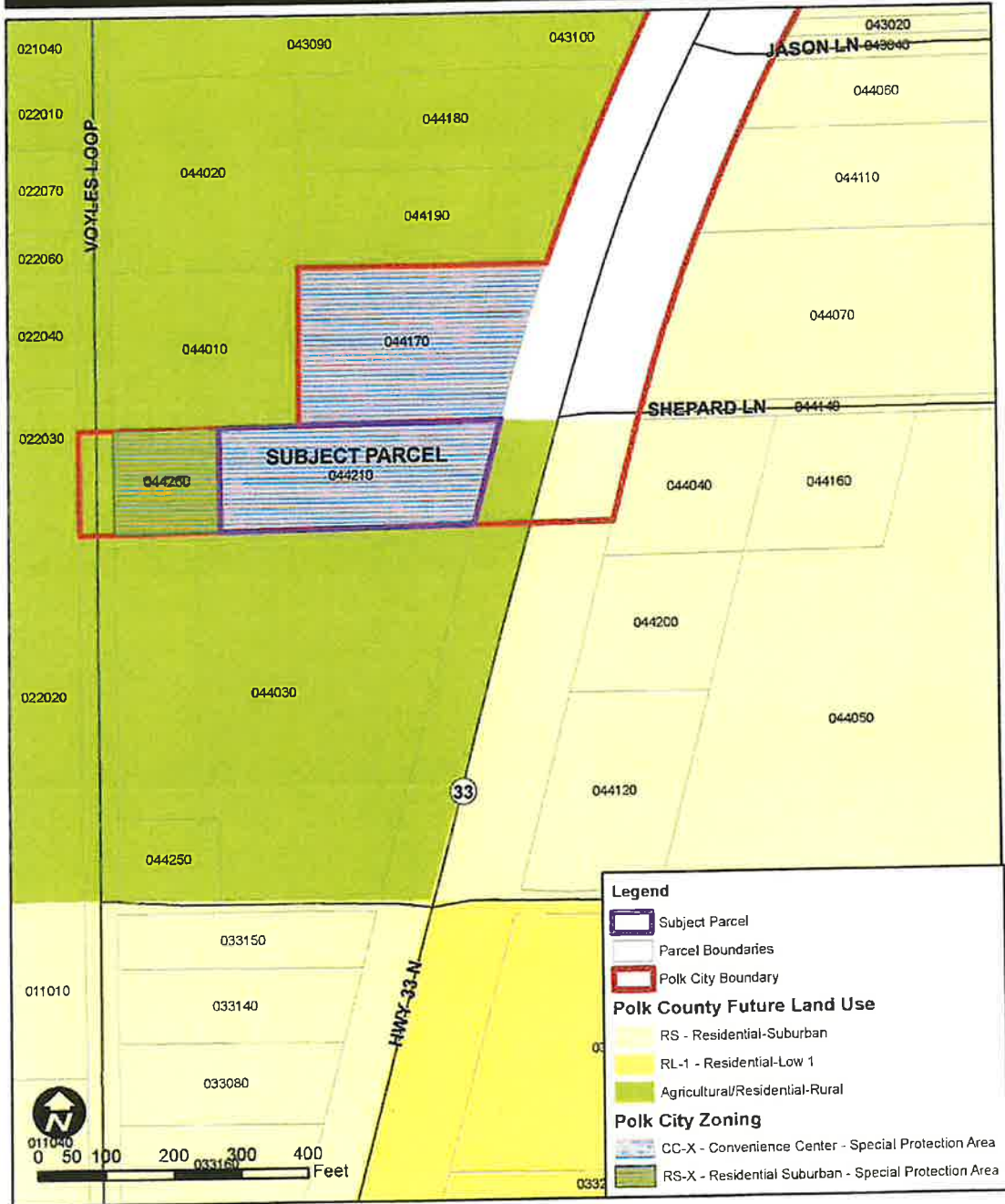




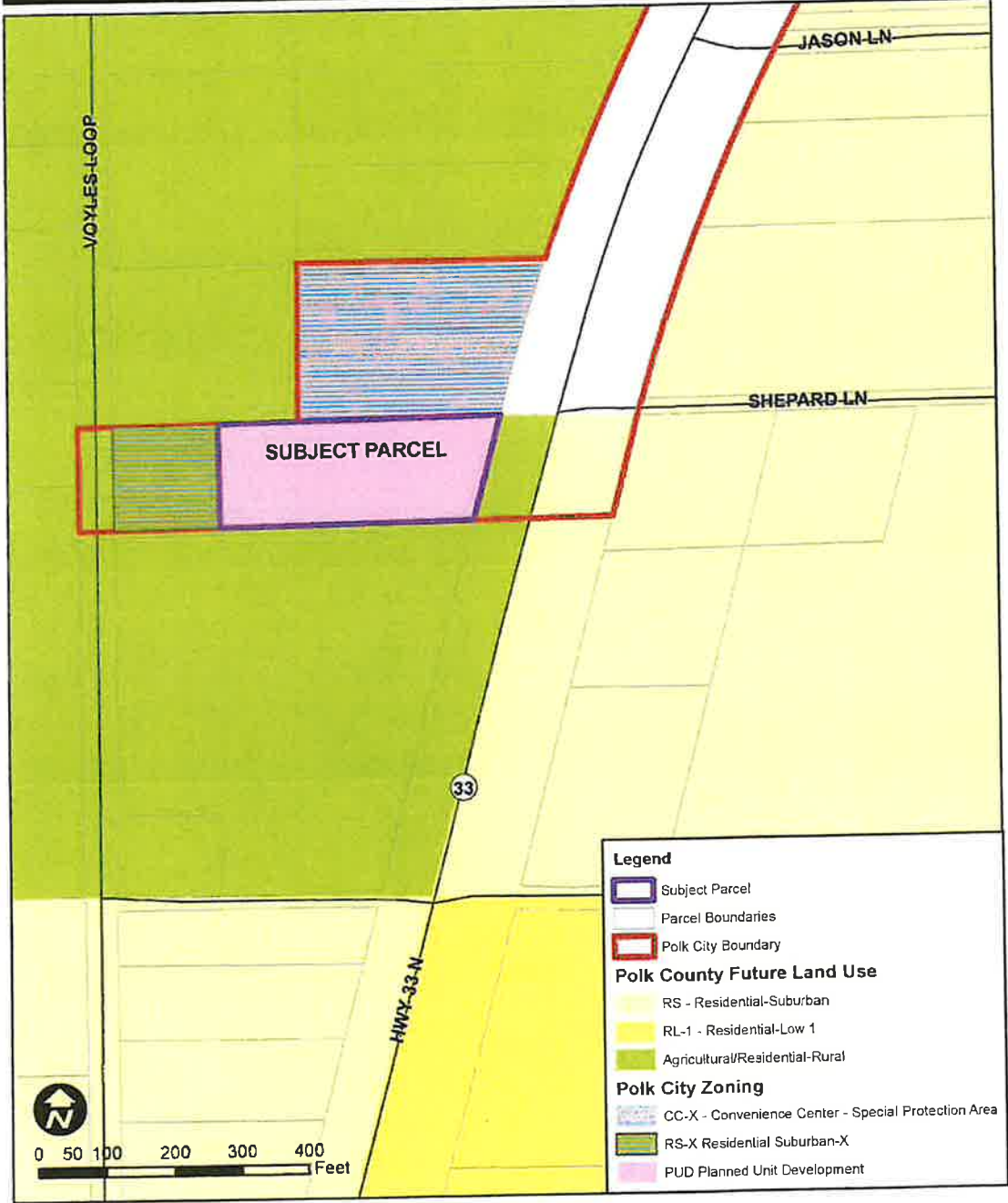
# FUTURE LAND USE MAP - PROPOSED



# ZONING MAP - EXISTING



# ZONING MAP - PROPOSED





Proposed Amendment: # \_\_\_\_\_  
Receipt: # \_\_\_\_\_ Fee: \$ \_\_\_\_\_  
Small Scale? (≤ 10 acres) YES ( ) NO ( )

**CITY OF POLK CITY  
APPLICATION FOR FUTURE LAND USE MAP AND/OR ZONING AMENDMENT**

City of Polk City  
Planning Services  
PO Box 1139  
Polk City, Florida 33868  
Phone: 863-984-1375

FOR OFFICE USE ONLY	
DATE RECEIVED	_____
RECEIVED BY	_____
P & Z HEARING	_____
(LS) TRANSMITTAL HEARING	_____
(SS) FIRST READING	_____
ADOPTION HEARING	_____

APPLICANT NAME: Dwayne Prestage PHONE: 863-206-3420

ADDRESS: 339 Tavares Rd Polk City, Fl. 33868

(Enclose Letter of Authorization from owner(s))

AGENT NAME: \_\_\_\_\_ PHONE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

OWNER NAME: D PERECTORS, LLC PHONE: 863-206-3420

(Enclose Proof of Ownership: i.e. photocopy of Deed, Tax Receipt)

ADDRESS: 9600 N. Hwy 33 Polk City, Fl. 33868

REQUEST DCA REVIEW: ( ) YES ( ) NO ( ) N/A # of acres: \_\_\_\_\_ Legal description attached ( )

**SUMMARY AND LOCATION OF PROPOSED AMENDMENT:**

9600 N Hwy 33, Polk City, Fl. 33868

**JUSTIFICATION OF PROPOSED AMENDMENT:**

EXISTING FUTURE LAND USE: CC CURRENT ZONING: Commercial

PROPOSED FUTURE LAND USE: Resident PROPOSED ZONING: Residential

DESCRIPTION OF EXISTING LAND USES ON THE SUBJECT PROPERTY:

Vacant

DESCRIPTION OF EXISTING LAND USES SURROUNDING THE SUBJECT PROPERTY:

Residential

PROPOSED USE OF THE SUBJECT PROPERTY (DEVELOPMENT DESCRIPTION, SCHEDULE, AND PHASES):

Build a house or setup doublewide mobile home.

MAXIMUM ALLOWABLE DENSITY UNDER EXISTING FUTURE LAND USE MAP DESIGNATION:

MAXIMUM ALLOWABLE DENSITY UNDER PROPOSED FUTURE LAND USE MAP DESIGNATION:

The above application for an amendment to the City of Polk City's Comprehensive Plan is submitted for the City's review by the legal owner(s) of the property subject to the request, whose name(s) and signature(s) follows:

(Please type or print names)

Name: Dwayne Prestage  
Signature: *Dwayne Prestage*  
Date: 12/11/2023

If Other Owners:

Name: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Dated: \_\_\_\_\_



# City of Polk City

• 123 Broadway Blvd, SE • Polk City, Florida 33868 • (863) 964-31375 • Fax (863) 964-2334

## Application for Zoning or for Rezoning of Property

### Applicant

The following information is required for submission of an application for assignment of a Zoning District in the City or the Rezoning of property in the City limits of Polk City, Florida. Please print or type the required information below. Attach three copies of the current survey of subject property certified to the City of Polk City along with an aerial photograph and location map.

Name of Property Owner: D P ERECTORS  
Mailing Address: 339 Tavares Rd. Polk City, Fl. 33868 Phone: 863-206-3420  
Name of Representative, if applicable: Dwayne Prestage  
Mailing Address: 339 Tavares Rd. Polk City, Fl 33868 Phone: 863-206-3420  
Reason for Request: to put a mobile home or build a house on the property

### Property Identification

Property Address or General Location: 9600 Highway 33 North Polk City, Fl 33868  
Present Use of the Property: Vacant Lot  
Existing Structures Located on the Site: None  
Total Acreage: 1.44 Number of Residents on Site: None  
Parcel I.D.#: 252631000000044210  
Section: 31 Township: 26 South Range: 25 East  
Legal Description of the Property: S 156 FT OF N 684.66 FT OF SW1/4 OF SW1/4 W OF SR 33 & LESS MAINT R/W FOR VOYLES LOOP RD & LESS COM AT SW COR OF SEC RUN N00-12-30E ALG W LINE OF SW1/4 OF SW1/4 S17-23 FT N89-20-45E 21.43 FT TO E COUNTY MAINTAINED R/W LINE OF VOYLES LOOP RD FOR POB N00-25-37W ALG E R/W LINE 25.90 FT N00-32-04W ALG E R/W LINE 99.97 FT N00-38-56W ALG E R/W LINE 30.13 FT N89-20-45E 155.00 FT S00-32-40E 155.00 FT S89-20-49W 155.00 FT TO POB

### Planning and Zoning Information

Current City Zoning Classification: CC-X- Convenience Center  
Current Future Land Use Classification: CC-X  
Requested City Zoning Classification: R-1 Single Family Residential

Note: Unless specific zoning designations are requested, the City will assign designations, which most closely conform with the actual use of the property or with designations of surrounding properties. An application fee will be assessed only on requests for land use and zoning changes which result in an increase in land use or zoning intensity over that allowed under the County designations.

Date Received: 11/3/23 Received By: KUD  
Fee Paid: yes File Number: \_\_\_\_\_

OWNER'S SIGNATURE PAGE

(I) (We D P ERECTORS) being duly sworn, depose and say that (I) (we) own one or more of the properties involved in this petition and that (I) (we) authorize the City of Polk City to process this petition for Zoning or Re-zoning, in accordance with all adopted City rules and regulations, and in conformance with State law.

Further (I) (we) or any agent or lessee of the subject property authorized by (me) (us) to file this petition, deposes and say that the statements and answers contained in the application and any information attached thereto, present the arguments in behalf of this petition to the best of (my) (our) ability; and that the statements and information referred to above are in all respects true and correct to the best of (my) (our) knowledge and belief.

OWNERS

<u>Dwayne Prestage</u> 11/2/2023	_____
Signature of Owner	Signature of Owner
<u>Dwayne Prestage</u>	_____
Printed Name of Owner	Printed Name of Owner
_____	_____
Signature of Owner	Signature of Owner
_____	_____
Printed Name of Owner	Printed Name of Owner

STATE OF FLORIDA  
COUNTY OF POLK

**OWNER'S NOTARIZATION**

The foregoing instrument was acknowledged before me this 2 day of November, 2023, by Prestage Dwayne, who is personally known to me or who has produced a driver's license as identification and who did not take an oath.



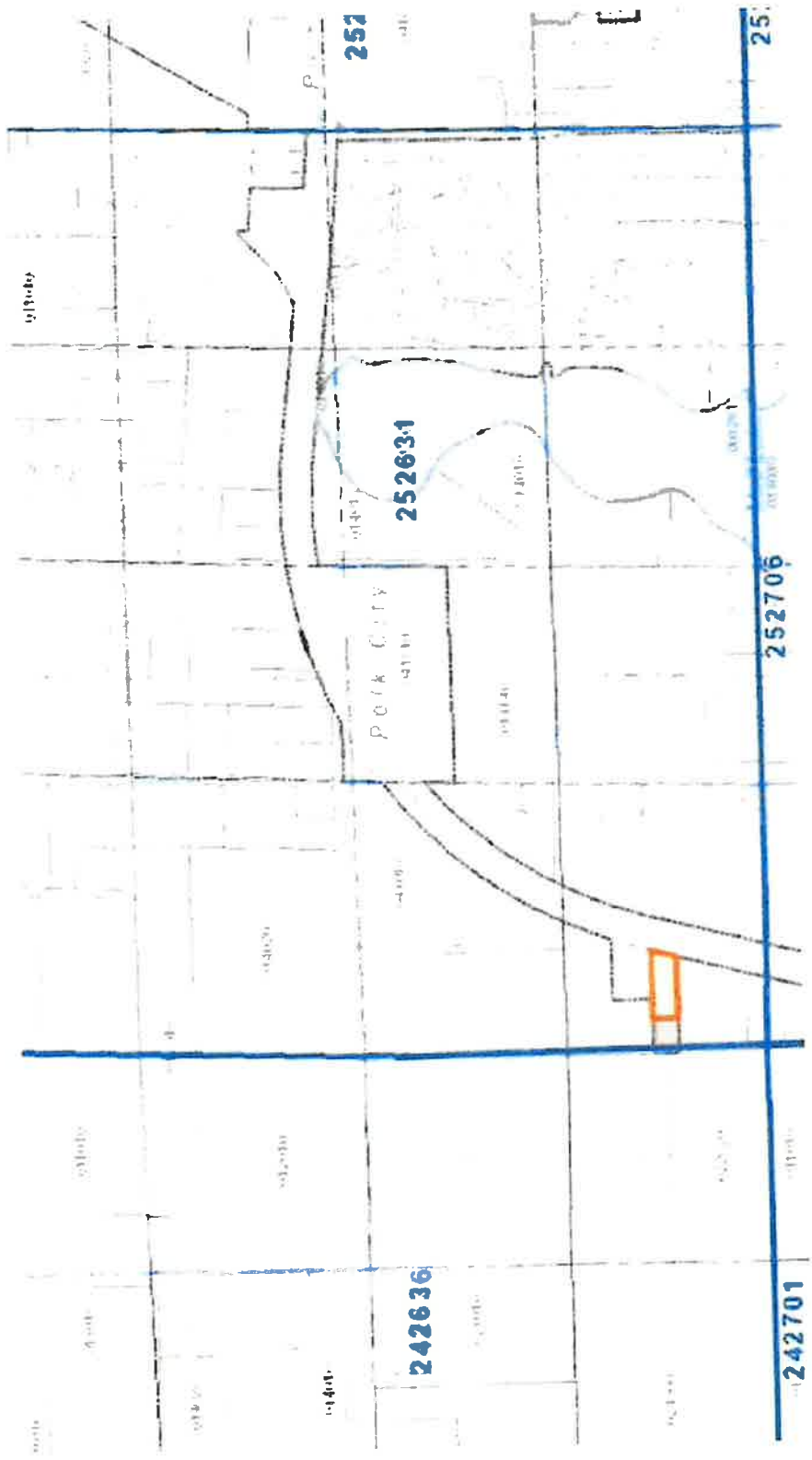
WANDA COLON  
Notary Public  
State of Florida  
Commission HH334406  
Expires 11/21/2026

Wanda Colon  
Notary Public  
Notarial Seal and Commission  
Expiration Date









**ORDINANCE NO. 2024-01**

**AN ORDINANCE OF POLK CITY, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE DESIGNATION OF APPROXIMATELY 1.44 ACRES FROM CONVENIENCE CENTER-X (CC-X) TO RESIDENTIAL LOW-X (RLX) IN THE GREEN SWAMP AREA OF CRITICAL STATE CONCERN; AND TRANSMITTING SAID AMENDMENT TO THE FLORIDA DEPARTMENT OF COMMERCE FOR FINDING OF COMPLIANCE; PROVIDING FOR A BUSINESS IMPACT ESTIMATE, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.**

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF POLK CITY, FLORIDA:**

**SECTION 1. FINDINGS AND INTENT.** In adopting this Ordinance, the City Commission of Polk City, Florida hereby makes the following legislative findings and intent:

(1) Chapter 163, Part II, *Florida Statutes*, establishes the Community Planning Act ("Act"), which empowers and mandates 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.

(2) Pursuant to the Act, the City has adopted a comprehensive plan ("Comprehensive Plan").

(3) The Act authorizes a local government desiring to revise its comprehensive plan to prepare and adopt comprehensive plan amendments.

(4) The City has prepared an amendment to the Future Land Use Map of the Comprehensive Plan to change the Future Land Use classification of approximately 1.44 acres of land lying in Polk County, Florida, and described as Parcel Number 252631-000000-044210 within the City from Convenience Center-X (CCX) to Residential Low-X (RLX) in the Green Swamp Area of Critical State Concern.

(5) Pursuant to Section 163.3187, *Florida Statutes*, the City Commission held a meeting and hearing on this Map Amendment, 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.

(6) In the exercise of its authority the City Commission has determined it necessary to adopt the proposed amendment to the Future Land Use Map contained herein and as shown as Exhibit "A" to 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 the City; and to ensure that the Comprehensive Plan is in full compliance with State law.

(7) Although exempt under the statute, the City has nevertheless in its sole discretion performed a business impact estimate pursuant to § 166.041(4)(c), Florida Statutes, and determined that adoption of this ordinance:

- (1) serves a public purpose by serving the public health, safety, morals, and welfare of the City,
- (2) has no direct negative economic impact on private, for-profit businesses in the city,
- (3) will not result in direct compliance costs by businesses,
- (4) does not impose any new charge or fee on businesses for which businesses will be financially responsible,
- (5) does not create any additional municipal regulatory cost which is not recovered appropriately and lawfully by the City.

(8) The City Commission finds that the proposed amendment to the Future Land Use Map contained herein furthers the purposes of, and is consistent with, the City's Comprehensive Plan, and is consistent with and compliant with State law, including, but not limited to, Chapter 163, Part II, *Florida Statutes*.

**SECTION 2. PLAN AMENDMENT.** The Future Land Use Map of the City's Comprehensive Plan is hereby amended to include the map amendment set forth in Exhibit "A," attached hereto and incorporated herein by reference, which applies the "Residential Low -X" Future Land Use designation to approximately 1.44 acres of land shown on such Exhibit.

**SECTION 3. BUSINESS IMPACT ESTIMATE.** Pursuant to Section 166.041(4), Florida Statutes, Polk City is required to prepare a business impact estimate for certain proposed ordinances. This proposed ordinance amends the land use designation in accordance with the owner's proposed use. Such an amendment to the City's Plan (1) serves a public purpose by serving the public health, safety, morals, and welfare of the City, (2) has no direct negative economic impact on private, for-profit businesses in the city, (3) will not result in direct compliance costs by businesses, (4) does not impose any new charge or fee on businesses for which businesses will be financially responsible, and (5) does not create any additional municipal regulatory cost which is not recovered appropriately and lawfully by the City. Thus, it is estimated that neither residents nor any business will incur additional costs. The City does not seek to impose any additional user or regulatory fees or charges, nor are any direct compliance costs expected. The Business Impact Estimate form for this ordinance is on file with the City Clerk.

**SECTION 4. SEVERABILITY.** 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 5. CONFLICTS.** Existing ordinances or parts of existing ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 6. CODIFICATION OF ORDINANCE IN PLAN.** 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 7. TRANSMITTAL TO STATE.** Within ten (10) days of final passage and adoption of this Ordinance, Polk City shall forward a copy hereof, and all supporting data and analysis, to Florida Commerce and any other agencies or local governments that provided timely comments to the City, as required by Section 163.3184(3)(c)d, Florida Statutes.

**SECTION 8. EFFECTIVE DATE.** This effective date of the plan amendment adopted by this Ordinance shall be thirty-one (31) days after Florida Commerce notifies Polk City that the plan amendment package is complete, or, if the plan amendment is timely challenged, the date on which the Florida Commerce or the Administration Commission, whichever is applicable, enters a final order finding the amendment to be compliance in accordance with Section 163.3184(3)(c)4, *Florida Statutes*.

INTRODUCED AND PASSED ON FIRST READING this \_\_ day of March, 2024.

**POLK CITY, FLORIDA**

\_\_\_\_\_  
Joseph LaCascia, Mayor

ATTEST:

APPROVED AS TO FORM & LEGALITY:

\_\_\_\_\_  
Patricia R. Jackson, City Clerk

\_\_\_\_\_  
Thomas A. Cloud, City Attorney

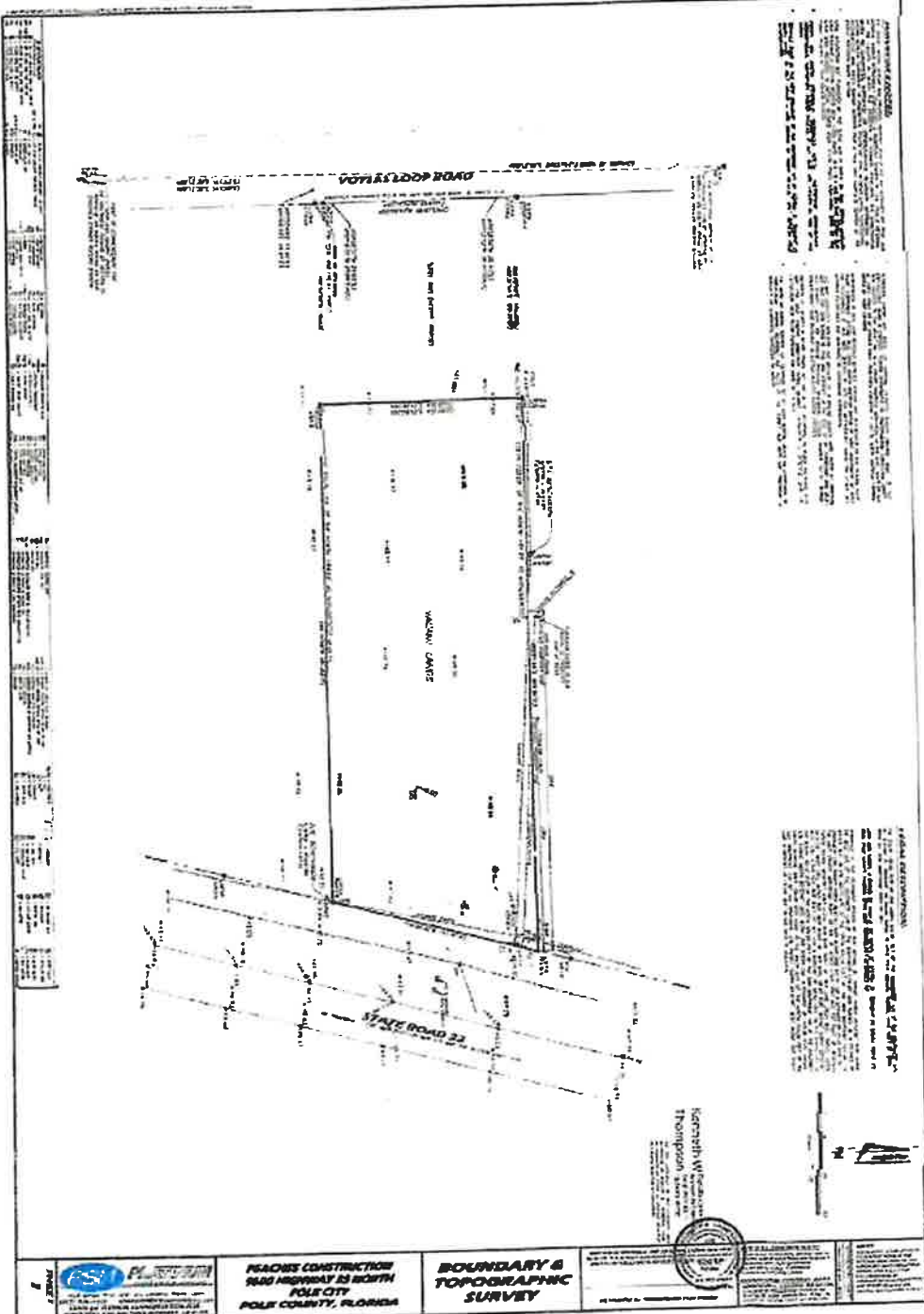
**PASSED AND DULY ADOPTED ON SECOND READING**, with a quorum present and voting by the City Commission of Polk City, Florida meeting in Regular Session this day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Joseph LaCascia, Mayor

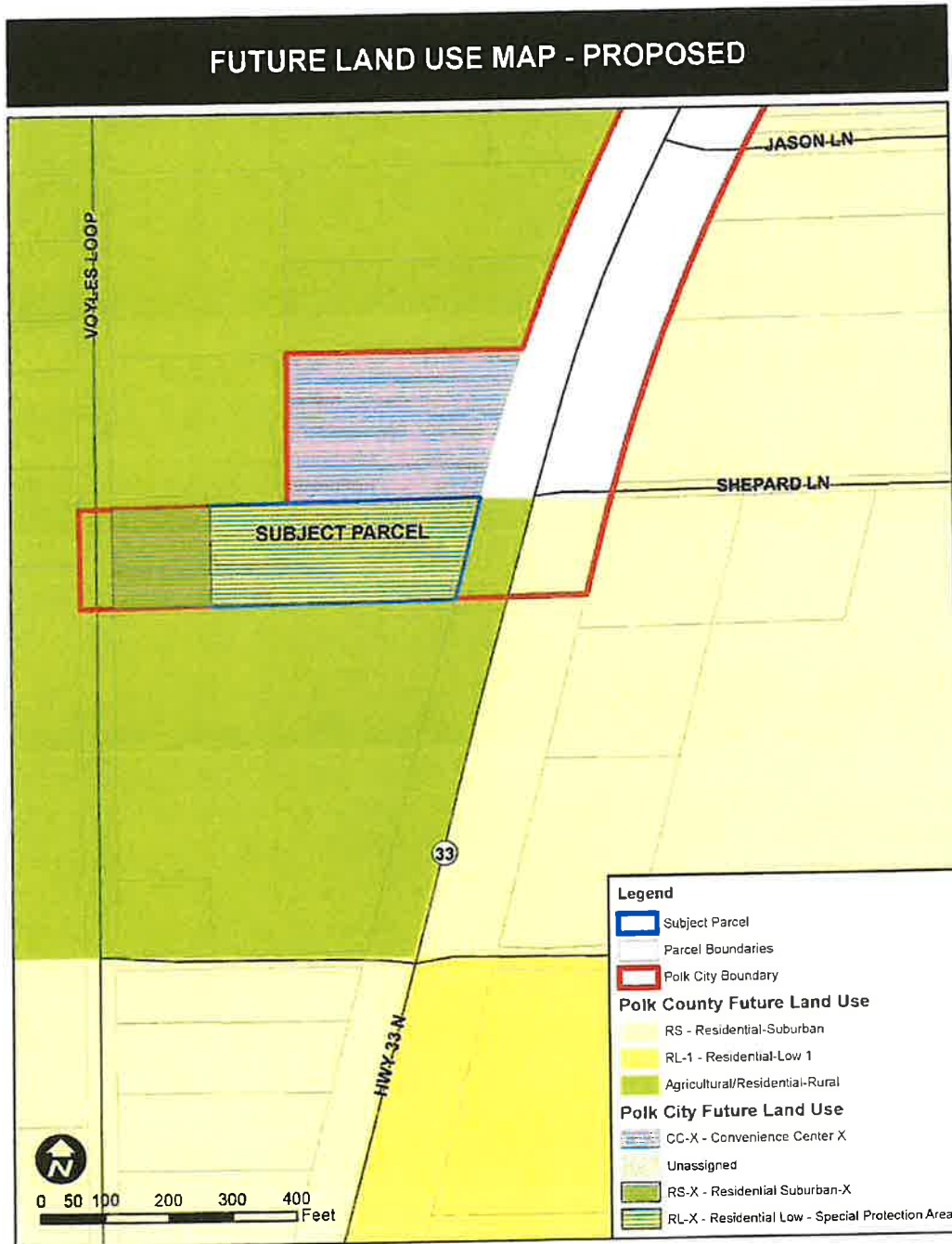
ATTEST:

\_\_\_\_\_  
Patricia R. Jackson, City Clerk

**ORDINANCE NO. 2024-01**  
**Composite Exhibit "A"**  
**Legal Description and Excerpt from the Future Land Use Map**  
**Page 1 of 2**



**ORDINANCE NO. 2024-01**  
**Composite Exhibit "A"**  
**Legal Description and Excerpt from the Future Land Use Map**  
**Page 2 of 2**



**ORDINANCE NO. 2024-02**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF POLK CITY, FLORIDA TO CHANGE THE ZONING FOR APPROXIMATELY 1.44 ACRES LOCATED AT 9600 STATE ROAD 33 (PARCEL NUMBER 252631-000000-044210) FROM CONVENIENCE CENTER-X (CCX) TO PLANNED UNIT DEVELOPMENT (PUD) IN THE GREEN SWAMP AREA OF CRITICAL STATE CONCERN; PROVIDING FOR A BUSINESS IMPACT ESTIMATE, SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE.**

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF POLK CITY, FLORIDA:**

**SECTION 1. FINDINGS AND INTENT.** In adopting this Ordinance, the City Commission of Polk City, Florida hereby makes the following legislative findings and intent:

(1) The City Commission of Polk City held meetings and hearings regarding the parcels show on Exhibit "A", with due public notice having been provided, to obtain public comment, and considered all written and oral comments received during public hearings, including supporting documents.

(2) The City has followed all statutory and Code requirements for noticing and advertising this rezoning Ordinance and public hearings associated with the rezoning.

(3) Although exempt under the statute, the City has nevertheless in its sole discretion performed a business impact estimate pursuant to § 166.041(4)(c), and determined that adoption of this ordinance:

- (a) serves a public purpose by serving the public health, safety, morals, and welfare of the City,
- (b) has no direct negative economic impact on private, for-profit businesses in the city,
- (c) will not result in direct compliance costs by businesses,
- (d) does not impose any new charge or fee on businesses for which businesses will be financially responsible,
- (e) does not create any additional municipal regulatory cost which is not recovered appropriately and lawfully by the City.

(4) The City Commission has received public input on the rezoning and a recommendation from staff.

(5) The City Commission of the City of Polk City finds that the applicants have met the criteria for rezoning under the City's land development regulations and that rezoning will not adversely affect the public interest.



(6) In exercise of its authority, the City Commission has determined it necessary to amend the Official Zoning Map to change the City zoning classification assigned to this property.

**SECTION 2. ZONING AMENDMENT:** The official zoning map of Polk City is amended so as to assign the City Zoning Classification of Planned Unit Development (PUD) on approximately 1.44 acres of land located at 9600 State Road 33 (Parcel Number 252631-000000-044210) in the Green Swamp Area of Critical State Concern to permit the development of one single-family home, as shown on Exhibit "A" attached hereto.

**SECTION 3. PLANNED UNIT DEVELOPMENT.** The property described in Exhibit "A" is hereby zoned Planned Unit Development (PUD) Zoning District and the provisions of the Land Development Code and special conditions attached hereto as Exhibit "B" shall govern further public review and development of the property within this District.

**SECTION 4. BUSINESS IMPACT ESTIMATE.** Pursuant to Section 166.041(4), Florida Statutes, the City of Polk City is required to prepare a business impact estimate for certain proposed ordinances. This proposed ordinance rezones property in accordance with the owner's proposed use. Such an amendment to the City's Plan (1) serves a public purpose by serving the public health, safety, morals, and welfare of the City, (2) has no direct negative economic impact on private, for-profit businesses in the city, (3) will not result in direct compliance costs by businesses, (4) does not impose any new charge or fee on businesses for which businesses will be financially responsible, and (5) does not create any additional municipal regulatory cost which is not recovered appropriately and lawfully by the City. Thus, it is estimated that neither residents nor any business will incur additional costs. The City does not seek to impose any additional user or regulatory fees or charges, nor are any direct compliance costs expected. The Business Impact Estimate form for this ordinance is on file with the City Clerk.

**SECTION 5. SEVERABILITY:** 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 6. CONFLICTS.** All ordinances in conflict herewith are hereby repealed to the extent necessary to give this Ordinance full force and effect, provided however, that nothing herein shall be interpreted so as to repeal any existing ordinance or resolution relating to means of securing compliance with the City's Land Development Code (LDC), unless such repeal is explicitly set forth herein.

**SECTION 7. CODIFICATION.** This Ordinance shall be codified in the Code of Ordinances of Polk City, Florida. A certified copy of this enacting ordinance 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.

**SECTION 8. EFFECTIVE DATE:** This ordinance shall not take effect unless and until Ordinance 2024-01 adopting the companion future land use map amendment to this rezoning becomes final and non-appealable.

**INTRODUCED AND PASSED on FIRST READING,** this \_\_\_ day of \_\_\_\_\_, 2024.

**POLK CITY, FLORIDA**

\_\_\_\_\_  
Joe LaCascia, Mayor

**ATTEST:**

**APPROVED AS TO FORM AND  
CORRECTNESS:**

\_\_\_\_\_  
Patricia Jackson, City Manager/Clerk

\_\_\_\_\_  
Thomas A. Cloud, City Attorney

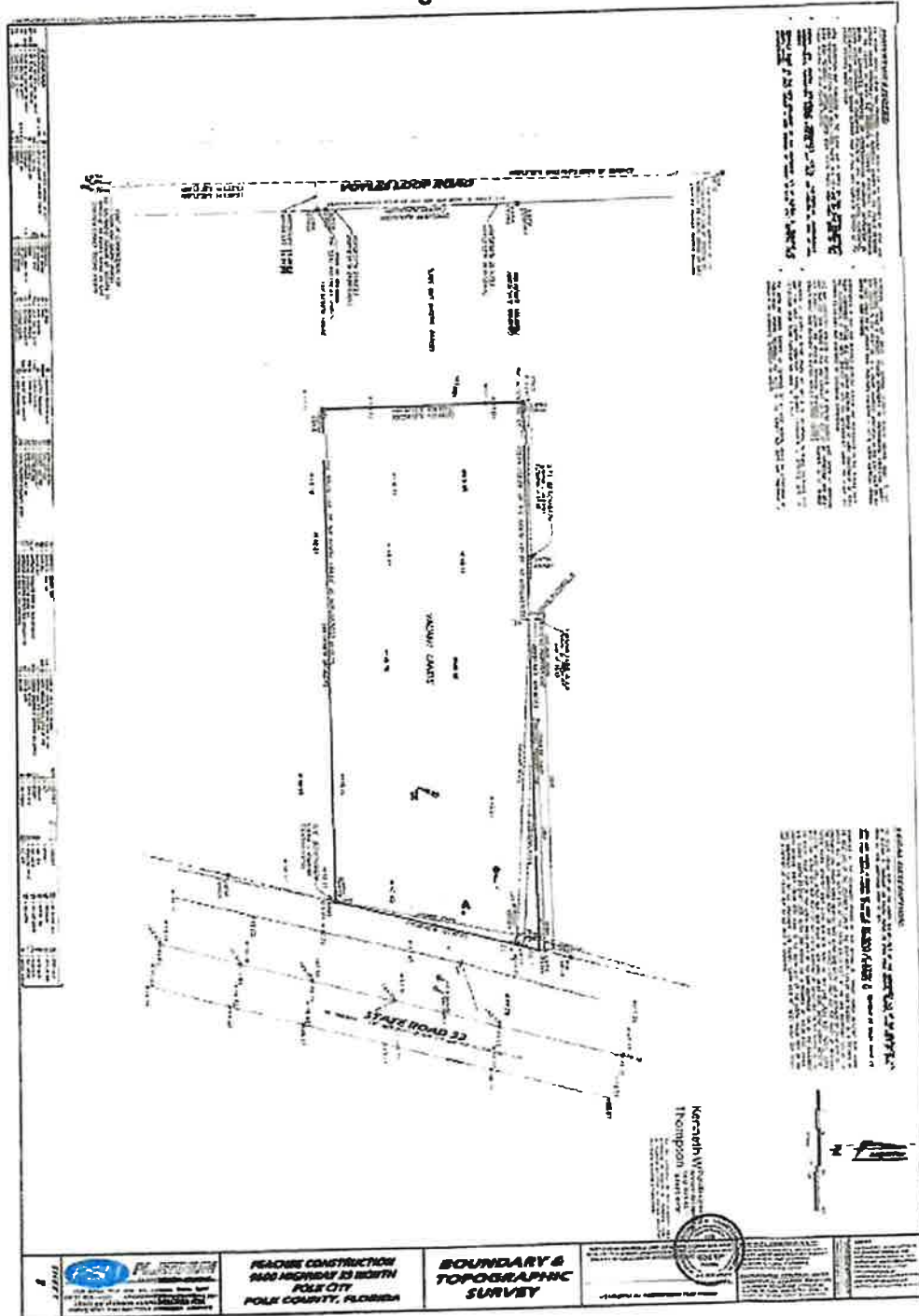
**PASSED AND DULY ADOPTED ON SECOND READING,** with a quorum present and voting by the City Commission of Polk City, Florida meeting in Regular Session this \_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Joe LaCascia, Mayor

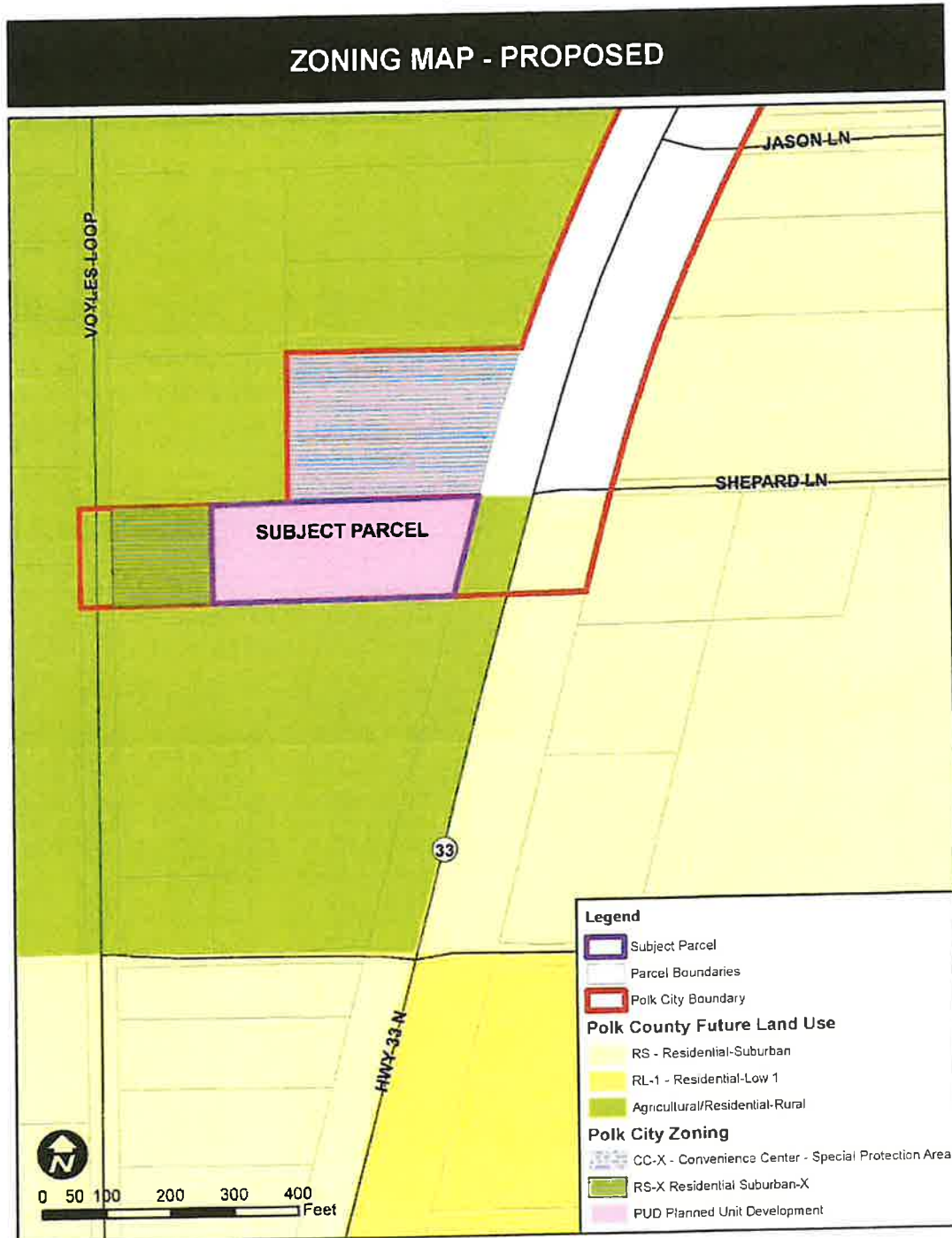
**ATTEST:**

\_\_\_\_\_  
Patricia Jackson, City Manager/City Clerk

**ORDINANCE NO. 2024-02**  
**Composite Exhibit "A"**  
**Legal Description and Excerpt from the Official Zoning Map**  
**Page 1 of 2**



ORDINANCE NO. 2024-02  
Composite Exhibit "A"  
Legal Description and Excerpt from the Official Zoning Map  
Page 2 of 2



**ORDINANCE NO. 2024-02**  
**Exhibit "b"**  
**Conditions of Approval**  
**Page 1 of 1**

**PROPOSED CONDITIONS OF APPROVAL**

1. The property shall consist of one single family dwelling unit that meets the following requirements.

<b>Setbacks</b>			<b>Max Impervious Surface Ratio</b>	<b>Max Building Height</b>
<b>Front</b>	<b>Rear</b>	<b>Side</b>		
50'	15'	20'	0.60	50'
<p>Front, exterior side, and exterior rear setbacks for principal and accessory structures shall be determined by the distance from the road right-of-way (R/W) or road centerline (C/L), whichever results in the greatest distance from the property line. Setbacks from private roads shall be calculated in the same manner or from the edge of pavement, whichever is greater. All linear dimensions are given in feet.</p>				

2. Accessory structures may be installed consistent with Section 2.05.00 of the Land Development Code.
3. Consistent with the Requirements in Table 3.12AA(13): Building Height Adjustment. When a building exceeds 35 feet in height, the minimum distance from an adjacent detached building shall be increased by one-half foot for each one foot of building height or fraction thereof over 25 feet.
4. A Master Development Plan is not necessary for this site as the site will be developed with one single-family home pursuant to the requirements above. The applicant may move to construction/building permits upon the effective dates of the Future Land Use and Zoning Ordinances.

**ORDINANCE NO. 2024-01**

**AN ORDINANCE OF POLK CITY, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE DESIGNATION OF APPROXIMATELY 1.44 ACRES FROM CONVENIENCE CENTER-X (CC-X) TO RESIDENTIAL LOW-X (RLX) IN THE GREEN SWAMP AREA OF CRITICAL STATE CONCERN; AND TRANSMITTING SAID AMENDMENT TO THE FLORIDA DEPARTMENT OF COMMERCE FOR FINDING OF COMPLIANCE; PROVIDING FOR A BUSINESS IMPACT ESTIMATE, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.**

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF POLK CITY, FLORIDA:**

**SECTION 1. FINDINGS AND INTENT.** In adopting this Ordinance, the City Commission of Polk City, Florida hereby makes the following legislative findings and intent:

(1) Chapter 163, Part II, *Florida Statutes*, establishes the Community Planning Act ("Act"), which empowers and mandates 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.

(2) Pursuant to the Act, the City has adopted a comprehensive plan ("Comprehensive Plan").

(3) The Act authorizes a local government desiring to revise its comprehensive plan to prepare and adopt comprehensive plan amendments.

(4) The City has prepared an amendment to the Future Land Use Map of the Comprehensive Plan to change the Future Land Use classification of approximately 1.44 acres of land lying in Polk County, Florida, and described as Parcel Number 252631-000000-044210 within the City from Convenience Center-X (CCX) to Residential Low-X (RLX) in the Green Swamp Area of Critical State Concern.

(5) Pursuant to Section 163.3187, *Florida Statutes*, the City Commission held a meeting and hearing on this Map Amendment, 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.

(6) In the exercise of its authority the City Commission has determined it necessary to adopt the proposed amendment to the Future Land Use Map contained herein and as shown as Exhibit "A" to 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 the City; and to ensure that the Comprehensive Plan is in full compliance with State law.

(7) Although exempt under the statute, the City has nevertheless in its sole discretion performed a business impact estimate pursuant to § 166.041(4)(c), Florida Statutes, and determined that adoption of this ordinance:

- (1) serves a public purpose by serving the public health, safety, morals, and welfare of the City,
- (2) has no direct negative economic impact on private, for-profit businesses in the city,
- (3) will not result in direct compliance costs by businesses,
- (4) does not impose any new charge or fee on businesses for which businesses will be financially responsible,
- (5) does not create any additional municipal regulatory cost which is not recovered appropriately and lawfully by the City.

(8) The City Commission finds that the proposed amendment to the Future Land Use Map contained herein furthers the purposes of, and is consistent with, the City's Comprehensive Plan, and is consistent with and compliant with State law, including, but not limited to, Chapter 163, Part II, *Florida Statutes*.

**SECTION 2. PLAN AMENDMENT.** The Future Land Use Map of the City's Comprehensive Plan is hereby amended to include the map amendment set forth in Exhibit "A," attached hereto and incorporated herein by reference, which applies the "Residential Low -X" Future Land Use designation to approximately 1.44 acres of land shown on such Exhibit.

**SECTION 3. BUSINESS IMPACT ESTIMATE.** Pursuant to Section 166.041(4), Florida Statutes, Polk City is required to prepare a business impact estimate for certain proposed ordinances. This proposed ordinance amends the land use designation in accordance with the owner's proposed use. Such an amendment to the City's Plan (1) serves a public purpose by serving the public health, safety, morals, and welfare of the City, (2) has no direct negative economic impact on private, for-profit businesses in the city, (3) will not result in direct compliance costs by businesses, (4) does not impose any new charge or fee on businesses for which businesses will be financially responsible, and (5) does not create any additional municipal regulatory cost which is not recovered appropriately and lawfully by the City. Thus, it is estimated that neither residents nor any business will incur additional costs. The City does not seek to impose any additional user or regulatory fees or charges, nor are any direct compliance costs expected. The Business Impact Estimate form for this ordinance is on file with the City Clerk.

**SECTION 4. SEVERABILITY.** 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 5. CONFLICTS.** Existing ordinances or parts of existing ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 6. CODIFICATION OF ORDINANCE IN PLAN.** 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 7. TRANSMITTAL TO STATE.** Within ten (10) days of final passage and adoption of this Ordinance, Polk City shall forward a copy hereof, and all supporting data and analysis, to Florida Commerce and any other agencies or local governments that provided timely comments to the City, as required by Section 163.3184(3)(c)d, Florida Statutes.

**SECTION 8. EFFECTIVE DATE.** This effective date of the plan amendment adopted by this Ordinance shall be thirty-one (31) days after Florida Commerce notifies Polk City that the plan amendment package is complete, or, if the plan amendment is timely challenged, the date on which the Florida Commerce or the Administration Commission, whichever is applicable, enters a final order finding the amendment to be compliance in accordance with Section 163.3184(3)(c)4, Florida Statutes.

INTRODUCED AND PASSED ON FIRST READING this \_\_ day of March, 2024.

**POLK CITY, FLORIDA**

\_\_\_\_\_  
Joseph LaCascia, Mayor

ATTEST:

APPROVED AS TO FORM & LEGALITY:

\_\_\_\_\_  
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 Commission of Polk City, Florida meeting in Regular Session this day of \_\_\_\_\_, 2024.

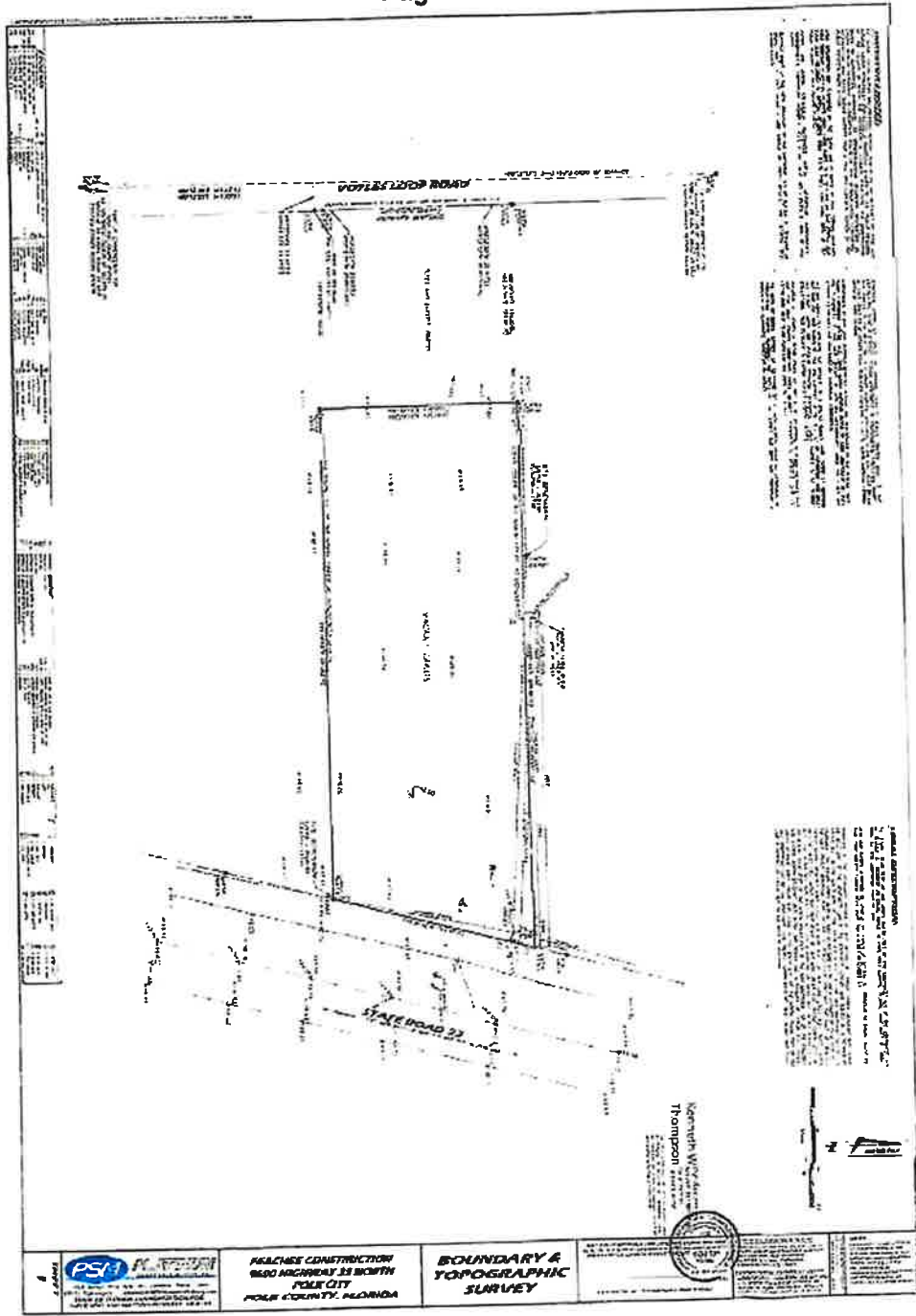
\_\_\_\_\_  
Joseph LaCascia, Mayor

ATTEST:

\_\_\_\_\_  
Patricia R. Jackson, City Clerk



**ORDINANCE NO. 2024-01**  
**Composite Exhibit "A"**  
**Legal Description and Excerpt from the Future Land Use Map**  
**Page 1 of 2**



**PSI**  
**PLANNING & SURVEYING, INC.**  
 1100 N. W. 11th Street, Suite 100  
 Ft. Lauderdale, FL 33304  
 Phone: (954) 561-1100  
 Fax: (954) 561-1101  
 www.psi-surveying.com

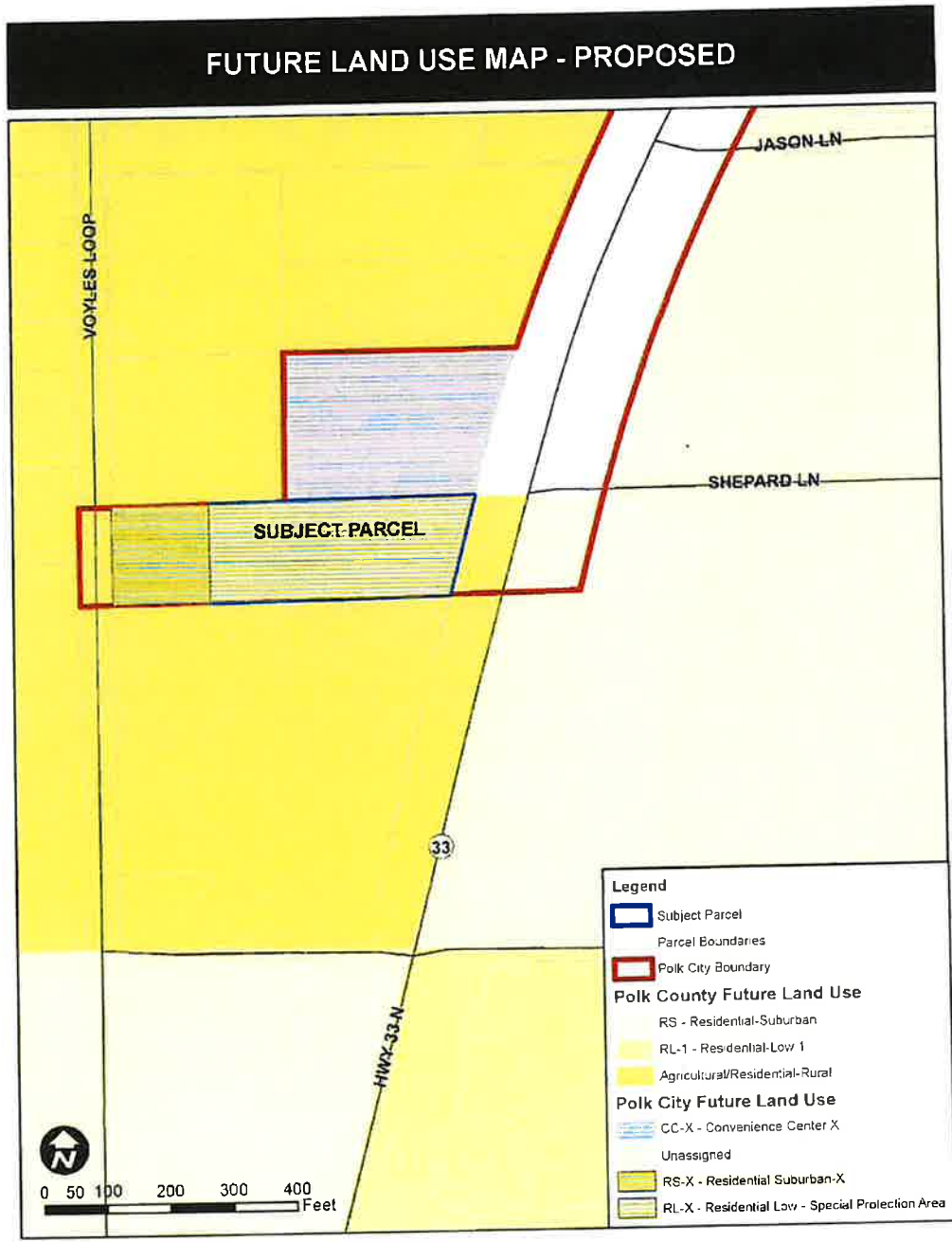
**PLANNING & SURVEYING, INC.**  
**1100 N. W. 11th Street, Suite 100**  
**FT. LAUDERDALE, FL 33304**

**BOUNDARY & TOPOGRAPHIC SURVEY**

Surveyed by  
 Thompson & Associates



**ORDINANCE NO. 2024-01**  
**Composite Exhibit "A"**  
**Legal Description and Excerpt from the Future Land Use Map**  
**Page 2 of 2**





## **Business Impact Estimate**

*This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on Polk City's website by the time notice of the proposed ordinance is published.*

Proposed ordinance's title/reference:

**ORDINANCE 2024-01: AN ORDINANCE OF POLK CITY, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE DESIGNATION OF APPROXIMATELY 1.44 ACRES FROM CONVENIENCE CENTER-X (CC-X) TO RESIDENTIAL LOW-X (RLX) IN THE GREEN SWAMP AREA OF CRITICAL STATE CONCERN; AND TRANSMITTING SAID AMENDMENT TO THE FLORIDA DEPARTMENT OF COMMERCE FOR FINDING OF COMPLIANCE; PROVIDING FOR A BUSINESS IMPACT ESTIMATE, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.**

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means Polk City is of the view that a business impact estimate is not required by state law<sup>1</sup> for the proposed ordinance. If no boxes are checked, the Business Impact Estimate Requirements Section will be completed. Polk City may, in its own discretion, determine to perform a Business Impact Estimate for ordinances exempted per Florida Statutes. This Business Impact Estimate may be revised following its initial posting.

### **REASON EXEMPTED FROM BUSINESS IMPACT ESTIMATE REQUIREMENTS**

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
  - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;

- b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
- c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
- d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

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<sup>1</sup> See Section 166.041(4)(c), Florida Statutes.

## **BUSINESS IMPACT ESTIMATE REQUIREMENTS**

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, Polk City hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):  
**The ordinance will change the Future Land Use from Convenience Center-X (CC-X) to Residential Low-X. Although exempt under the statute, the City has nevertheless in its sole discretion performed a business impact estimate pursuant to § 166.041(4)(c), Florida Statutes, and determined that adoption of this ordinance:**
  - (1) serves a public purpose by serving the public health, safety, morals, and welfare of the City,**
  - (2) has no direct negative economic impact on private, for-profit businesses in the city,**
  - (3) will not result in direct compliance costs by businesses,**
  - (4) does not impose any new charge or fee on businesses for which businesses will be financially responsible,**
  - (5) does not create any additional municipal regulatory cost which is not recovered appropriately and lawfully by the City.**

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in Polk City, if any:
- (a) An estimate of direct compliance costs that businesses may reasonably incur;
  - (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
  - (c) An estimate of Polk City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

4. Additional information the governing body deems useful (if any):  
*[You may wish to include in this section the methodology or data used to prepare the Business Impact Estimate. For example: Polk City's staff solicited comments from businesses in Polk City as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail or direct email, posting on Polk City's website, public workshop, etc. You may also wish to include efforts made to reduce the potential fiscal impact on businesses. You may also wish to state here that the proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals as well as businesses) and, therefore, the proposed ordinance does not affect only businesses].*

**ORDINANCE NO. 2024-02**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF POLK CITY, FLORIDA TO CHANGE THE ZONING FOR APPROXIMATELY 1.44 ACRES LOCATED AT 9600 STATE ROAD 33 (PARCEL NUMBER 252631-000000-044210) FROM CONVENIENCE CENTER-X (CCX) TO PLANNED UNIT DEVELOPMENT (PUD) IN THE GREEN SWAMP AREA OF CRITICAL STATE CONCERN; PROVIDING FOR A BUSINESS IMPACT ESTIMATE, SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE.**

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF POLK CITY, FLORIDA:**

**SECTION 1. FINDINGS AND INTENT.** In adopting this Ordinance, the City Commission of Polk City, Florida hereby makes the following legislative findings and intent:

- (1) The City Commission of Polk City held meetings and hearings regarding the parcels show on Exhibit "A", with due public notice having been provided, to obtain public comment, and considered all written and oral comments received during public hearings, including supporting documents.
- (2) The City has followed all statutory and Code requirements for noticing and advertising this rezoning Ordinance and public hearings associated with the rezoning.
- (3) Although exempt under the statute, the City has nevertheless in its sole discretion performed a business impact estimate pursuant to § 166.041(4)(c), and determined that adoption of this ordinance:
  - (a) serves a public purpose by serving the public health, safety, morals, and welfare of the City,
  - (b) has no direct negative economic impact on private, for-profit businesses in the city,
  - (c) will not result in direct compliance costs by businesses,
  - (d) does not impose any new charge or fee on businesses for which businesses will be financially responsible,
  - (e) does not create any additional municipal regulatory cost which is not recovered appropriately and lawfully by the City.
- (4) The City Commission has received public input on the rezoning and a recommendation from staff.
- (5) The City Commission of the City of Polk City finds that the applicants have met the criteria for rezoning under the City's land development regulations and that rezoning will not adversely affect the public interest.

(6) In exercise of its authority, the City Commission has determined it necessary to amend the Official Zoning Map to change the City zoning classification assigned to this property.

**SECTION 2. ZONING AMENDMENT:** The official zoning map of Polk City is amended so as to assign the City Zoning Classification of Planned Unit Development (PUD) on approximately 1.44 acres of land located at 9600 State Road 33 (Parcel Number 252631-000000-044210) in the Green Swamp Area of Critical State Concern to permit the development of one single-family home, as shown on Exhibit "A" attached hereto.

**SECTION 3. PLANNED UNIT DEVELOPMENT.** The property described in Exhibit "A" is hereby zoned Planned Unit Development (PUD) Zoning District and the provisions of the Land Development Code and special conditions attached hereto as Exhibit "B" shall govern further public review and development of the property within this District.

**SECTION 4. BUSINESS IMPACT ESTIMATE.** Pursuant to Section 166.041(4), Florida Statutes, the City of Polk City is required to prepare a business impact estimate for certain proposed ordinances. This proposed ordinance rezones property in accordance with the owner's proposed use. Such an amendment to the City's Plan (1) serves a public purpose by serving the public health, safety, morals, and welfare of the City, (2) has no direct negative economic impact on private, for-profit businesses in the city, (3) will not result in direct compliance costs by businesses, (4) does not impose any new charge or fee on businesses for which businesses will be financially responsible, and (5) does not create any additional municipal regulatory cost which is not recovered appropriately and lawfully by the City. Thus, it is estimated that neither residents nor any business will incur additional costs. The City does not seek to impose any additional user or regulatory fees or charges, nor are any direct compliance costs expected. The Business Impact Estimate form for this ordinance is on file with the City Clerk.

**SECTION 5. SEVERABILITY:** 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 6. CONFLICTS.** All ordinances in conflict herewith are hereby repealed to the extent necessary to give this Ordinance full force and effect, provided however, that nothing herein shall be interpreted so as to repeal any existing ordinance or resolution relating to means of securing compliance with the City's Land Development Code (LDC), unless such repeal is explicitly set forth herein.

**SECTION 7. CODIFICATION.** This Ordinance shall be codified in the Code of Ordinances of Polk City, Florida. A certified copy of this enacting ordinance 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.

**SECTION 8. EFFECTIVE DATE:** This ordinance shall not take effect unless and until Ordinance 2024-01 adopting the companion future land use map amendment to this rezoning becomes final and non-appealable.

**INTRODUCED AND PASSED on FIRST READING,** this \_\_\_ day of \_\_\_\_\_, 2024.

**POLK CITY, FLORIDA**

\_\_\_\_\_  
Joe LaCascia, Mayor

**ATTEST:**

**APPROVED AS TO FORM AND  
CORRECTNESS:**

\_\_\_\_\_  
Patricia Jackson, City Manager/Clerk

\_\_\_\_\_  
Thomas A. Cloud, City Attorney

**PASSED AND DULY ADOPTED ON SECOND READING,** with a quorum present and voting by the City Commission of Polk City, Florida meeting in Regular Session this \_\_\_ day of \_\_\_\_\_, 2024.

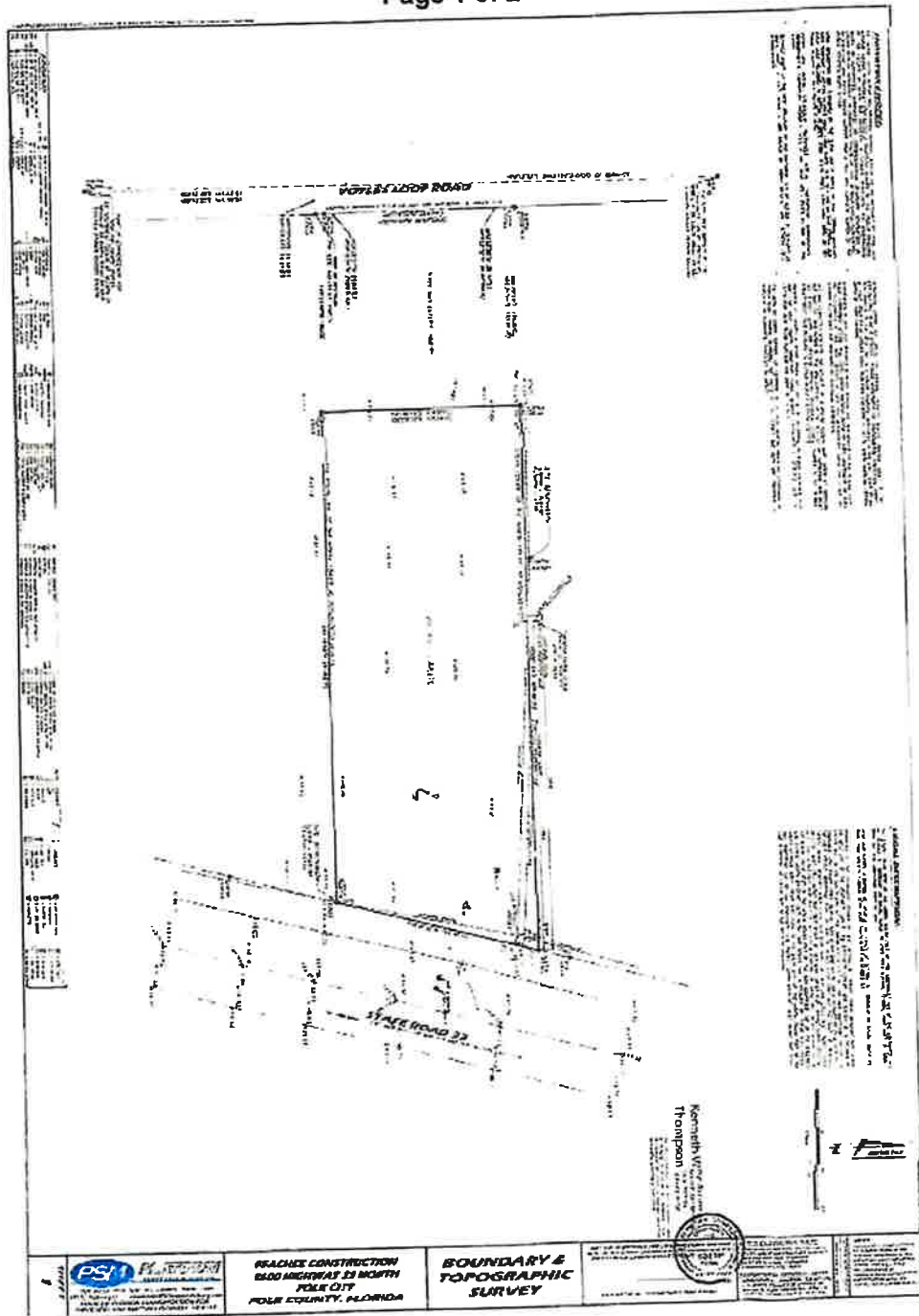
\_\_\_\_\_  
Joe LaCascia, Mayor

**ATTEST:**

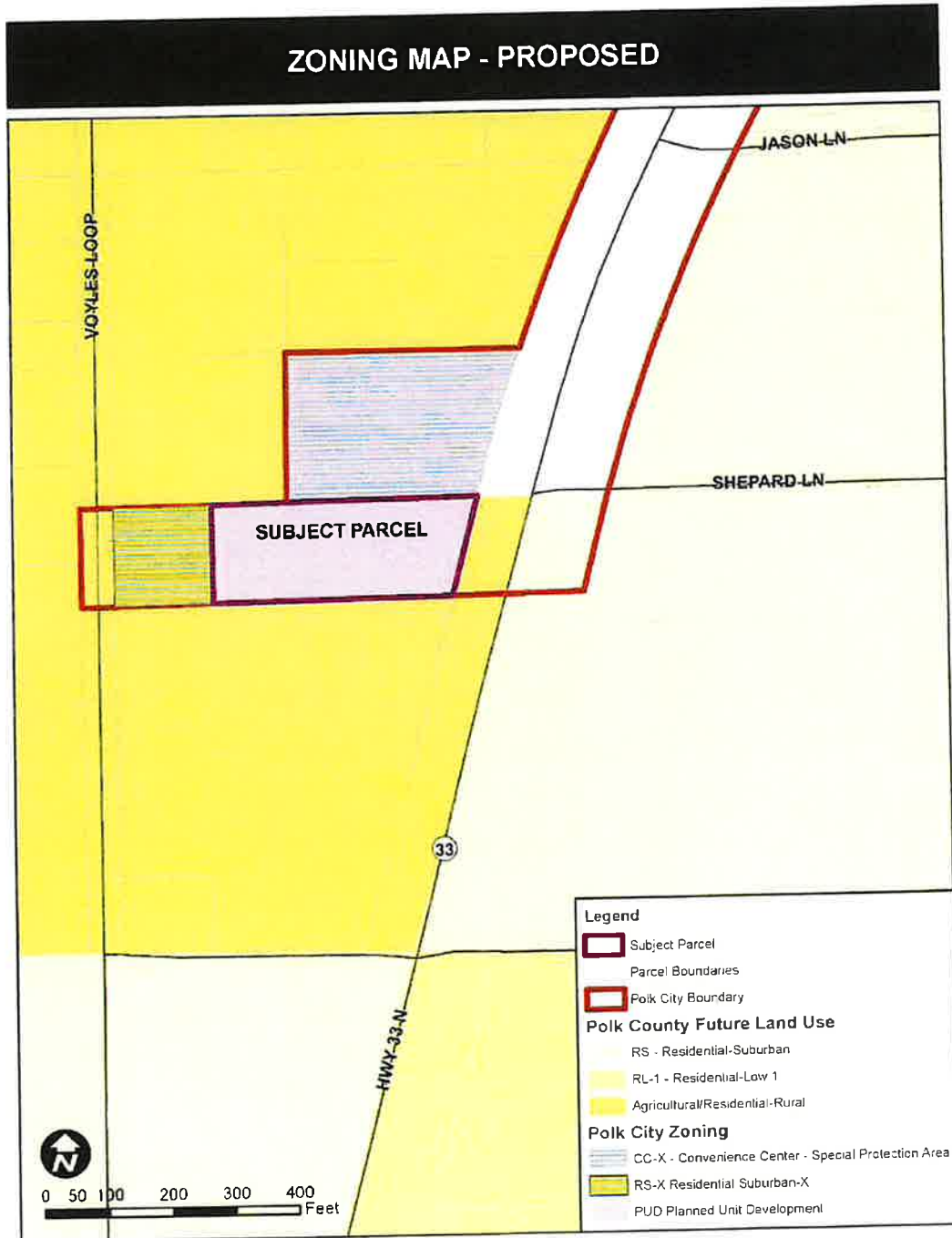
\_\_\_\_\_  
Patricia Jackson, City Manager/City Clerk



**ORDINANCE NO. 2024-02**  
**Composite Exhibit "A"**  
**Legal Description and Excerpt from the Official Zoning Map**  
**Page 1 of 2**



ORDINANCE NO. 2024-02  
Composite Exhibit "A"  
Legal Description and Excerpt from the Official Zoning Map  
Page 2 of 2



**ORDINANCE NO. 2024-02**  
**Exhibit "b"**  
**Conditions of Approval**  
**Page 1 of 1**

**PROPOSED CONDITIONS OF APPROVAL**

1. The property shall consist of one single family dwelling unit that meets the following requirements.

<b>Setbacks</b>			<b>Max Impervious Surface Ratio</b>	<b>Max Building Height</b>
<b>Front</b>	<b>Rear</b>	<b>Side</b>		
50'	15'	20'	0.60	50'
<p>Front, exterior side, and exterior rear setbacks for principal and accessory structures shall be determined by the distance from the road right-of-way (R/W) or road centerline (C/L), whichever results in the greatest distance from the property line. Setbacks from private roads shall be calculated in the same manner or from the edge of pavement, whichever is greater. All linear dimensions are given in feet.</p>				

2. Accessory structures may be installed consistent with Section 2.05.00 of the Land Development Code.
3. Consistent with the Requirements in Table 3.12AA(13): Building Height Adjustment. When a building exceeds 35 feet in height, the minimum distance from an adjacent detached building shall be increased by one-half foot for each one foot of building height or fraction thereof over 25 feet.
4. A Master Development Plan is not necessary for this site as the site will be developed with one single-family home pursuant to the requirements above. The applicant may move to construction/building permits upon the effective dates of the Future Land Use and Zoning Ordinances.



## **Business Impact Estimate**

*This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on Polk City's website by the time notice of the proposed ordinance is published.*

Proposed ordinance's title/reference:

**ORDINANCE 2024-02: AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF POLK CITY, FLORIDA TO CHANGE THE ZONING FOR APPROXIMATELY 1.44 ACRES LOCATED AT 9600 STATE ROAD 33 (PARCEL NUMBER 252631-000000-044210) FROM CONVENIENCE CENTER-X (CCX) TO PLANNED UNIT DEVELOPMENT (PUD) IN THE GREEN SWAMP AREA OF CRITICAL STATE CONCERN; PROVIDING FOR A BUSINESS IMPACT ESTIMATE, SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE.**

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means Polk City is of the view that a business impact estimate is not required by state law<sup>1</sup> for the proposed ordinance. If no boxes are checked, the Business Impact Estimate Requirements Section will be completed. Polk City may, in its own discretion, determine to perform a Business Impact Estimate for ordinances exempted per Florida Statutes. This Business Impact Estimate may be revised following its initial posting.

### **REASON EXEMPTED FROM BUSINESS IMPACT ESTIMATE REQUIREMENTS**

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
  - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;

- b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
- c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
- d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

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<sup>1</sup> See Section 166.041(4)(c), Florida Statutes.

## **BUSINESS IMPACT ESTIMATE REQUIREMENTS**

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, Polk City hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):  
**The ordinance will change the Zoning from Convenience Center-X (CC-X) to Planned Uni Development (PUD) to allow the construction of one single family home. Although exempt under the statute, the City has nevertheless in its sole discretion performed a business impact estimate pursuant to § 166.041(4)(c), Florida Statutes, and determined that adoption of this ordinance:**

- (1) serves a public purpose by serving the public health, safety, morals, and welfare of the City,**
- (2) has no direct negative economic impact on private, for-profit businesses in the city,**
- (3) will not result in direct compliance costs by businesses,**
- (4) does not impose any new charge or fee on businesses for which businesses will be financially responsible,**
- (5) does not create any additional municipal regulatory cost which is not recovered appropriately and lawfully by the City.**

**Thus, it is estimated that neither residents nor any business will incur additional costs. The City does not seek to impose any additional user or regulatory fees or charges, nor are any direct compliance costs expected.**

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in Polk City, if any:
- (a) An estimate of direct compliance costs that businesses may reasonably incur;
  - (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
  - (c) An estimate of Polk City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

4. Additional information the governing body deems useful (if any):  
*[You may wish to include in this section the methodology or data used to prepare the Business Impact Estimate. For example: Polk City's staff solicited comments from businesses in Polk City as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail or direct email, posting on Polk City's website, public workshop, etc. You may also wish to include efforts made to reduce the potential fiscal impact on businesses. You may also wish to state here that the proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals as well as businesses) and, therefore, the proposed ordinance does not affect only businesses].*

**RESOLUTION 2019-02**

**A RESOLUTION OF POLK CITY, FLORIDA; AMENDING RULES AND POLICIES GOVERNING PUBLIC COMMENT; AMENDING SAID RULES AND POLICIES IN COMPLIANCE WITH SECTION 286.0114, FLORIDA STATUTES; EXEMPTING WORKSHOP MEETINGS FROM A REQUIREMENT TO PERMIT PUBLIC COMMENT; PROVIDING FINDINGS; PROVIDING DEFINITIONS; PROVIDING RULES FOR THE CONDUCT OF MEETINGS; PROVIDING RULES FOR PUBLIC PARTICIPATION AND CONDUCT; REQUIRING THE OBSERVANCE OF DECORUM; PROVIDING FOR WAIVERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF POLK CITY, FLORIDA:**

**SECTION 1. FINDINGS; DECLARATION OF PUBLIC POLICY.** It is the intent of these rules that the deliberations and actions of the Commission be conducted and taken openly in order that the citizens may be fully informed, it being the finding of the Commission that the citizens must be fully informed if they are to be intelligently advised as to the conduct of public business by the Commission. Towards that end, the City Commission makes the following findings and declares the following legislative intent:

- (1) The City has traditionally permitted public participation in its public meetings.
- (2) Many Florida local governments allow public participation but have adopted rules to govern its conduct.
- (3) Public participation in government business is the bedrock of American local government and should be protected, permitted, and not discouraged consistent with principles of common and statutory law.
- (4) In 2013, the Florida Legislature adopted Section 286.0114, Florida Statutes, that requires municipal boards and commissions to provide members of the public a reasonable opportunity to be heard before official action is taken.
- (5) At the same time, some forms of comment that slander, defame, libel, disparage, or smear individuals through ad hominem attacks are neither germane to public business and are inappropriate to the decorum of public meetings involving the public business of a city.
- (6) The City is permitted to set reasonable ground rules for public participation within its city Commission meetings and within any other meetings of any board or commission of the City or its agencies or authorities.

(7) The City Commission previously adopted Resolution No. 2013-05 setting forth rules and policies governing public comment.

(8) The City is permitted to set reasonable ground rules for public participation within its city commission meetings and within any other meetings of any board or commission of the City or its agencies or authorities.

(9) The City takes no official action during its workshop meetings.

(10) The City finds that, so long as opportunity is provided during its regular meetings for agenda items such that the public can be heard before official action is taken, then the City has complied with both the letter and the spirit of section 286.0114, Florida Statutes.

**SECTION 2. DEFINITIONS.** For the purpose of these rules, the following definitions shall prevail:

(1) A "meeting" is a gathering of a quorum of the membership of the Commission, or any board or commission or the City or its agencies or authorities for the purpose of receiving information relating to public business, or for discussion of public business, or for official action upon a proposition related to public business.

(2) A "regular meeting" is a meeting held pursuant to a schedule of such meetings as approved by a board or commission to enact ordinances and resolutions, conduct public hearings, or otherwise discuss or act upon matters of public interest.

(3) A "special meeting" is any meeting other than a regular meeting or workshop meeting held by a board or commission. A "special meeting" is held for the purpose of addressing matters requiring the immediate attention of a board or commission or for the purpose of addressing matters which the board or commission has determined are best addressed at a special meeting. When a special meeting is called, the Mayor or presiding officer of the board or commission shall specifically state the purpose of the meeting and the board or commission shall address only those matters for which the meeting was called.

(4) A "board or commission" shall refer to the City Commission of the Polk City, the Zoning Board of Appeals, the Planning Commission, and any other board or commission created in the future by the City Commission .

(5) "City Commissioner" shall refer to the Mayor and members of the City Commission of the Polk City.

(6) The "presiding officer" shall mean, in the case of the City Commission, the Mayor, and in all other cases shall be the chairman of a particular city board or commission.



(7) A "workshop meeting" is a meeting held by the City Commission on the first Monday of each month during which the Commission meets pursuant to the Sunshine Laws for the sole purpose of receiving staff comments and discussing amongst themselves matters that may, at some future indeterminate time, come before the Board.

### **SECTION 3. MEETINGS.**

(1) Location. All meetings of the City Commission shall be held in City Hall, unless the Commission indicates another location, and shall be open to the public as required by law. All meetings of any other city board or commission shall be held in a suitable location within the city limits of the Polk City, and shall be open to the public as required by law. The only exception to the requirement that meetings be open to the public shall be any executive session scheduled for those purposes expressly recognized by law.

(2) Regular Meetings. The City Commission and the city's other boards and commissions shall hold regular monthly meetings as designated by the City Commission or the city's other boards and Commissions.

(3) Public Notice. The City shall give public notice of the schedule of meetings and shall state the dates, times and places for such meetings. Public notice of any special meeting or of any reconvened meeting shall be given before such meeting. Public notice shall be given by posting a copy of the notice at City Hall. The City shall supply copies of the notices of its meetings to any local newspaper of general circulation, or any local radio or television station that has filed an annual request with the City Clerk for such notice.

### **SECTION 4. CONDUCT OF MEETINGS.**

(1) The presiding officer shall preserve order and decorum at all meetings.

(2) When considering matters noticed for a public hearing of the City Commission, the applicable ordinances shall first be read by its title only. The presiding officer shall declare the public hearing open and receive comments from the public.

(3) During any board or commission meeting, board members and commissioners shall maintain order and decorum.

(4) City staff and citizens must be recognized by the presiding officer before speaking or asking questions. The purpose of this requirement is so that there is order and so that the recording equipment will properly record all comments made by individuals wishing to comment on a specific subject.

(5) All comments must be made from the podium which is located at the front of the City Commission Chambers or by other reasonable accommodations in any other

location in which a board or commission meeting is held, and shall address the subject of the agenda item. Individuals that appear before any city board or commission are required to state their legal name and their actual address for the public record. The purpose of this requirement is so that they are properly reflected in any board or commission minutes and are available for future reference.

(6) Members of the public shall be given a reasonable opportunity to be heard on a proposition before a board or commission. The opportunity to be heard need not occur at the same meeting at which the board or commission takes official action on the proposition if the opportunity occurs at a meeting that is during the decision making process and is within reasonable proximity in time before the meeting at which the board or commission takes the official action. Members of the public shall be limited to three (3) minutes per person on all items that are not of a quasi-judicial nature.

(7) At the discretion of the presiding officer, public comments to be offered for an item during which the board or commission is acting in a quasi-judicial capacity will be limited to five (5) minutes per person so that all may be heard on the matter and the presiding officer, or his designee, shall in such instances monitor the timing and give the speaker a thirty (30) second notice prior to the expiration of the time allotted. The presiding officer may, at his discretion, or at the direction of a majority of the board or commission, extend the time allowed for an individual to speak or to allow a speaker a single opportunity to rebut comments made by another speaker. Any such rebuttal shall be limited to three (3) minutes. After receiving public comments as provided herein, the public hearing shall be closed and all further discussion on the matter shall be limited to members of the Commission. One participant's allotted time for addressing the board or commission may not be donated to another participant. The public hearing may be reopened only upon the grant of a waiver under Section 7 hereof.

(8) Those persons wanting to express his or her opinion on an agenda item noticed for public hearing without addressing the board or commission may do so on the appropriate color-coded participation card which the clerk shall make available, and when completed and returned to the clerk shall be made part of the public record of the proceedings. Individuals may express on the card that they are "FOR", "AGAINST", or "UNDECIDED" regarding the agenda item they reference on the card.

(9) As a board or commission considers consent agenda items, emergency items, items involving official acts that involve no more than a ministerial act, approval of minutes, ceremonial proclamations and other similar items, the presiding officer may, at his discretion, or at the direction of a majority of the board or commission, accept comments from those in attendance.

(10) When considering the first or second reading of an ordinance, the City Commission shall accept comments from those members of the public who have indicated their desire to address the Commission concerning such ordinance by signing

up at the commencement of the meeting on participation cards provided by the City Clerk.

(11) Notwithstanding anything to the contrary set forth in this Resolution, nothing in these rules shall be construed as requiring the City Commission to permit public comment during workshop meetings."

**SECTION 5. PUBLIC PARTICIPATION AND COMMENT.** Polk City has a long standing policy which encourages its citizens to contact the City Manager's office to redress issues which involve the City. In cases where a city board or commission's involvement is required, these matters are typically taken before that city board or commission as an agenda item. The City Commission continues to believe that this procedure offers citizens the best avenue to resolve issues and encourages this procedure to be followed where practical. In order to comply with Section 286.0114, Florida Statutes, the City Commission hereby establishes a Public Comment Policy applicable to all city boards and commissions to allow members of the public an additional opportunity to address city boards and commissions. In addition to public hearings, a special time is hereby set aside at all city board and commission meetings (except workshop meetings) for the purpose of receiving comments and suggestions from members of the public. All comments made during any Public Comment period shall be subject to the following procedures:

(1) The City Commission allocates 30 minutes at the beginning of each city board or commission meeting (except workshop meetings) for citizens who wish to appear before that city board or commission to make a request of that board or commission, voice a complaint or concern, express an opinion, or for some other type of recognition. The presiding officer will divide the time equally between all who have signed up to speak; but in no case may a citizen speak longer than five (5) minutes. A Public Comment period not to exceed thirty minutes will be held during any board or commission meeting. The presiding officer may permit additional time to a given speaker on a case by case basis.

(2) Persons who wish to make a statement during the Public Comment period will register on a sign-up sheet available 30 minutes before the start of the meeting. No one will be allowed to have his or her name placed on the list by telephone request to city staff.

(3) Each person who signed up to speak will have up to 5 minutes to make his or her statement. Speakers will be acknowledged by the presiding officer in the order in which their names appear on the sign-up sheet. Speakers shall address that city board or commission from the podium, and not approach that city board or commission or staff. Speakers will begin their statement by first stating their legal name and actual address.

(4) Statements are to be directed to the city board or commission as a whole, and not to individuals. Public comment is not intended to require a city board or

commission to provide any answer to the speaker. Discussions between speakers and members of the audience will not be allowed.

(5) Speakers will be courteous in their language and presentation.

(6) Only one speaker will be acknowledged at a time. In the event a group of persons supporting or opposing the same position desires to be heard, in the interest of time, a spokesperson shall be designated to express the group's concerns. Likewise, in the event the number of persons wishing to attend the hearing exceeds the capacity of the meeting place, one or more delegates shall be selected to speak on behalf of each group. If the time periods expires before all persons who have signed up get to speak, those names will be carried over to the next Public Comment period, or if the presiding officer consents, these comments can be hearing at that meeting.

(7) Any action on items brought up during the Public Comment period will be at the discretion of that city board or commission. No city board or commission will likely take any action on subject matter for which it has not had the opportunity to fully investigate and gather complete information.

(8) These same rules shall apply to all city boards and commissions but shall not apply to workshop meetings.

**SECTION 6. DECORUM.** The presiding officer shall preserve strict order and decorum at all meetings.

(1) In conducting the public's business, city boards and commissions are committed to the principles of civility, honor, and dignity. Individuals appearing before city boards and commission are requested to observe the same principles when making comments on items and issues presented to a given city board or commission for its consideration.

(2) Staff members and citizens are required to use proper language when addressing a city board or commission or the audience. Staff members and citizens shall not use profanity or cursing, aggressive or threatening behavior when addressing the city board or commission or other participants. All comments are directed to the presiding officer and not to individual members of the city board or commission or to the audience. No personal verbal attacks toward any individual will be allowed during the conduct of a city board or commission meeting. The presiding officer may have individual(s) removed from the podium and/or meeting chambers if such conduct persists after a warning has been issued.

(3) All members of a city board or commission shall accord the utmost courtesy to each other, the City employees and the public members appearing before the board or commission and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments and statements as to motives and personalities. During city board or commission meetings, cell phones are to be

turned off or silenced. Use of cell phones by board or commission members and City staff for talking, texting, emailing or otherwise will not be allowed during meetings while at the dais, except for emergency communications, research, or during breaks.

(4) In addition to the prohibitions in (3), above, Section 871.01, Florida Statutes, declares that any person who willfully interrupts or disturbs any assembly of people meeting for any lawful purpose shall be guilty of a misdemeanor of the second degree, and may be arrested by police officers present. This may be done in the absence of the conduct being noted, or of the offender being called to order, by the presiding officer.

(5) In the case that any person is declared out of order by the presiding officer and ordered expelled, and does not immediately leave the meeting chambers, the following steps shall be taken:

(i) The presiding officer shall declare a recess.

(ii) The person shall be approached by a police officer and advised that he has been ordered expelled.

(iii) In case the person does not remove himself from the area he may be placed under arrest for violation of Section 871.01, Florida Statutes, should the person continue to willfully interrupt or disturb the meeting.

(iv) In the event any person who is ordered expelled leaves the meeting chambers voluntarily and then returns to the same meeting, he is subject to arrest for violation of Section 871.01, Florida Statutes, should the person continue to willfully interrupt or disturb the meeting.

The City Manager shall, during all City Commission meetings, have a uniformed certified law enforcement officer present.

**SECTION 7. WAIVER OF RULES.** The city board or commission may, at any time, waive all or a portion of these rules of procedure during the course of a meeting. Provided, however, that any such waiver shall only be done upon a motion and majority approval of the waiver by members of the board or commission present and voting. Such waivers shall only be granted to insure the protection of the right of members of the public to be given a reasonable opportunity to be heard before a city board or commission takes official action on a proposition.


**SECTION 8. SEVERABILITY.** If any provision or portion of this Resolution is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Resolution shall remain in full force and effect.

**SECTION 9. REPEAL OF INCONSISTENT RESOLUTIONS.** All resolutions and portions of resolutions in conflict herewith, including but not limited to Resolution No. 98-25 and Resolution No. 2013-05, are hereby repealed.

**SECTION 10. EFFECTIVE DATE.** This Resolution shall take effect immediately upon its passage.

RESOLVED, PASSED, AND CERTIFIED AS TO PASSAGE THIS 22<sup>nd</sup> DAY OF JANUARY, 2019.


CITY COMMISSION OF THE POLK CITY

  
\_\_\_\_\_  
Joe LaCascia, Mayor

ATTEST:

  
\_\_\_\_\_  
Patricia R. Jackson, City Clerk

APPROVED AS TO FORM & LEGALITY

  
\_\_\_\_\_  
Thomas A. Cloud, Esquire, City Attorney

**RESOLUTION 2020-05**

**A RESOLUTION OF POLK CITY, FLORIDA; AMENDING RULES AND POLICIES GOVERNING PUBLIC COMMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF POLK CITY, FLORIDA:**

**SECTION 1. AMENDMENT TO SECTION 5, RESOLUTION NO. 2019-02.**

Subsections 5(1) and 5(3), Resolution No. 2019-02, are hereby amended to read as follows:

**"SECTION 5. PUBLIC PARTICIPATION AND COMMENT.** Polk City has a long standing policy which encourages its citizens to contact the City Manager's office to redress issues which involve the City. In cases where a city board or commission's involvement is required, these matters are typically taken before that city board or commission as an agenda item. The City Commission continues to believe that this procedure offers citizens the best avenue to resolve issues and encourages this procedure to be followed where practical. In order to comply with Section 286.0114, Florida Statutes, the City Commission hereby establishes a Public Comment Policy applicable to all city boards and commissions to allow members of the public an additional opportunity to address city boards and commissions. In addition to public hearings, a special time is hereby set aside at all city board and commission meetings (except workshop meetings) for the purpose of receiving comments and suggestions from members of the public. All comments made during any Public Comment period shall be subject to the following procedures:

(1) The City Commission allocates 30 minutes at the beginning of each city board or commission meeting (except workshop meetings) for citizens who wish to appear before that city board or commission to make a request of that board or commission, voice a complaint or concern, express an opinion, or for some other type of recognition. The presiding officer will divide the time equally between all who have signed up to speak; but in no case may a citizen speak longer than three five (35) minutes. A Public Comment period not to exceed thirty minutes will be held during any board or commission meeting. The presiding officer may permit additional time to a given speaker on a case by case basis.

(3) Each person who signed up to speak will have up to 3 5 minutes to make his or her statement. Speakers will be acknowledged by the presiding officer in the order in which their names appear on the sign-up sheet. Speakers shall address that city board or commission from the podium, and not approach that city board or commission or staff. Speakers will begin their statement by first stating their legal name and actual address


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

**SECTION 3. REPEAL OF INCONSISTENT RESOLUTIONS.** All resolutions and portions of resolutions in conflict herewith, including but not limited to Resolution No. 98-25, Resolution No. 2013-05, are hereby repealed.

**SECTION 4. EFFECTIVE DATE.** This Resolution shall take effect immediately upon its passage.

RESOLVED, PASSED, AND CERTIFIED AS TO PASSAGE THIS 20<sup>th</sup> DAY OF July 2020.

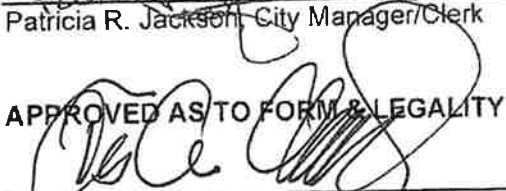
CITY COMMISSION OF POLK CITY,  
FLORIDA

  
\_\_\_\_\_  
Joe LaCascia, Mayor

ATTEST:

  
\_\_\_\_\_  
Patricia R. Jackson, City Manager/Clerk

APPROVED AS TO FORM & LEGALITY

  
\_\_\_\_\_  
Thomas A. Cloud, Esquire, City Attorney