

ORDINANCE NO. 2013-1302

AN ORDINANCE OF THE CITY OF POLK CITY, FLORIDA, PROVIDING FOR THE AMENDMENT OF THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY OF POLK CITY, FLORIDA, SPECIFICALLY, CHANGING THE FUTURE LAND USE DESIGNATION FOR A PORTION (APPROXIMATELY 2.21 ACRES) OF THE PROPERTY LOCATED AT THE NORTHWEST INTERSECTION OF COMMONWEALTH AVENUE NORTH (SR 33) AND CITRUS GROVE BOULEVARD NORTH (PARCEL NUMBER 25-26-33-296500-102020) FROM “RESIDENTIAL MEDIUM” TO “COMMERCIAL”; AND TRANSMITTING SAID AMENDMENT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY FOR NOTIFICATION PURPOSES ONLY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, pursuant to the Act, the City has adopted a comprehensive plan (“Comprehensive Plan”); and

WHEREAS, the Act authorizes a local government desiring to revise its comprehensive plan to prepare and adopt comprehensive plan amendments; and

WHEREAS, the City has prepared an amendment to the Future Land Use Map of the Comprehensive Plan to designate certain property within the City with a Future Land Use classification of “Commercial;” and

WHEREAS, pursuant to Section 163.3187, Florida Statutes, the City Council 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; and

WHEREAS, in exercise of its authority the City Council 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; and

WHEREAS, the City Council 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*.

NOW, THEREFORE BE IT ORDAINED that the City Council of the City of Polk City, Florida, as follows:

Section 1. 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 “Commercial” Future Land Use designation to the property as designated on such Exhibit.

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

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 All existing ordinances or parts of existing ordinances in conflict herewith are hereby repealed to the extent of such conflict.

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

Section 5. A copy shall be provided to the Florida Department of Economic Opportunity (hereinafter the “DEO”), as required by Section 163.3187, Florida Statutes.

Section 6. This small scale amendment shall not become effective until thirty-one (31) days after adoption. If challenged within thirty (30) days after adoption, the amendment shall not become effective until the State Land Planning Agency or the Administration Commission, respectively, issues a final order determining the adopted amendment is in compliance.

INTRODUCED AND PASSED on First Reading the _____ day of _____, 2013.

Joe LaCascia, Mayor

ATTEST:

Approved as to form and correctness:

Patricia R. Jackson, City Manager

Thomas A. Cloud, City Attorney

PASSED AND DULY ADOPTED ON SECOND READING, with a quorum present and voting by the City Council of the City of Polk City, Florida meeting in Regular Session this _____ day of _____, 2013.

Joe LaCascia, Mayor

ATTEST:

Patricia R. Jackson, City Manager

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EXHIBIT "A"

