

**ORDINANCE NO. 2017-07**

**AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE POLK CITY COMPREHENSIVE PLAN TO ADD POLICY 4.6 TO PROVIDE POLICIES TO ADDRESS THE TRANSFER OF DEVELOPMENT RIGHTS FROM THE POLK CITY EXEMPTION AREA TO THE POLK CITY SPECIAL PROTECTION AREA; TRANSMITTING SAID AMENDMENT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY FOR NOTIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Sections 163.3161 through 163.3215, Florida Statutes, the Community Planning Act, empowers and mandates the City of Polk City, Florida 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**, in City Commission recognizes that there are environmentally sensitive areas within the Polk City Green Swamp Exemption Area where development entitlements would be better transferred to other areas of the City including the Polk City Special Protection Area of the Green Swamp Area of Critical State Concern;

**WHEREAS**, the City Commission of the City of Polk City has determined that it would be in the best interest of the public health, safety and general welfare of the residents to provide policies addressing the transfer of development rights from the Polk City Green Swamp Exemption Area to the Polk City Special Protection Area of the Green Swamp Area of Critical State Concern; and

**WHEREAS**, has the City Commission has determined it necessary to adopt amendments to the City's Comprehensive Plan, which are attached hereto as **Exhibit "A"** and by this reference made a part hereof, to ensure that the Comprehensive Plan is in full compliance with the laws of the State of Florida; and

**WHEREAS**, in exercise of its authority the City Commission has determined that for the basis of adopting the said amendments in Exhibit "A," the City shall adopt a Map as part of the Future Land Use Map Series to address locations for the transfer of development rights incorporated herein as **Exhibit "B"**, and by this reference made a part hereof; and

**WHEREAS**, pursuant to Section 163.3184, Florida Statutes, the City Commission held public hearings on Ordinance 2017-07, 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.

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF POLK CITY, FLORIDA:**

**Section 1.** The provisions set forth in the recitals to this Ordinance (whereas clauses) are hereby adopted by the City Commission as the legislative findings and intent pertaining to this Ordinance.

**Section 2.** The City of Polk City hereby amends the Future Land Use Element of its Comprehensive Plan. Said amendments are set forth in **Exhibit "A"** attached hereto and by this reference made a part hereof.

**Section 3.** The City of Polk City hereby amends the Future Land Use Map Series to add the Transfer of Development Rights Map as set forth in **Exhibit "B"** attached hereto and by this reference made a part hereof.

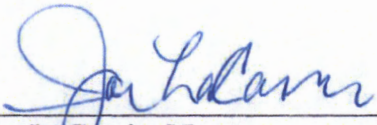
**Section 4.** This Ordinance shall be codified in the Code of Ordinances of the City of Polk City, Florida. A certified copy of this enacting ordinance shall be located in the Office of the City Clerk of Polk City. The City Clerk shall also make copies available to the public for a reasonable publication charge.

**Section 5.** If any provision of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such provision and such holding shall not affect the validity of any other provision, and to that end the provisions of this Ordinance are hereby declared severable.

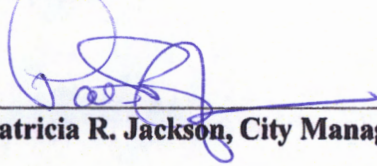
**Section 6.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 7.** The effective date of these amendments, if the amendments are not timely challenged, shall be 31 days after the State Land Planning Agency notifies the local government that the plan amendment package is complete. If timely challenged, the amendments shall become effective on the date the State Land Planning Agency or the Administration Commission enters a final order determining the adopted amendments to be in compliance. No development orders, development permits, or land uses dependent on these amendments may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Council, the amendments may nevertheless be made effective by adoption of a resolution affirming the effective status, a copy of which resolution shall be sent to the State Land Planning Agency.

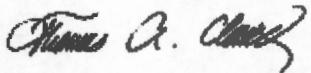
**INTRODUCED, PASSED on FIRST READING, this 20<sup>th</sup> day of November, 2017.**

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

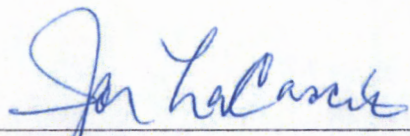
**ATTEST:**

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

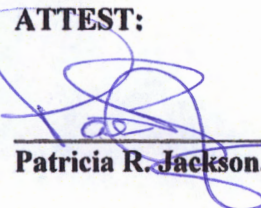
**Approved as to form and correctness**

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

**PASSED AND DULY ADOPTED ON SECOND READING, with a quorum present and voting by the City Commission of the City of Polk City, Florida meeting in Regular Session this 16th day of April, 2018.**

  
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**Joe LaCascia, Mayor**

**ATTEST:**

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

**ORDINANCE 2017-07**  
**EXHIBIT "A"**

**PROPOSED AMENDMENTS**

**CITY OF POLK CITY COMPREHENSIVE PLAN**  
**GOALS, OBJECTIVES, AND POLICIES**

**TO PROVIDE POLICIES SPECIFIC TO THE**  
**TRANSFER OF DEVELOPMENT RIGHTS**

- The following amendments to the Polk City Comprehensive Plan are proposed to provide policies regarding Transfer of Development Rights from the Polk City Exemption Area to the Polk City Special Protection Area.
  - Text shown in gray shading as underlined is text to be added and text shown as ~~strikeout~~ is text to be removed.
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**Policy 4.6.1.: Transfer of Development Rights from the Polk City Exemption Area to the Polk City Special Protection Area**

- A. Transferring of residential density from the Polk City Exemption Area to the Polk City Special Protection Area (SPA) may be allowed when the environmental sensitivity and significance is greater in the Exemption Area than in the Polk City SPA.
- i. Sending and receiving areas are shown on the Future Land Use Map Series.
  - ii. Receiving areas may not exceed a gross density of nine (9) dwelling units per acre including base density and transferred units. Clustering of single family unit product shall be required and the gross density of single family dwelling units shall not exceed five (5) dwelling units per acre. The gross density of multifamily dwelling units shall not exceed nine (9) dwelling units per acre.
  - iii. Mitigation for any environmental impacts must be demonstrated prior to approval of the transfer of development rights.
  - iv. The receiving properties must be a minimum of 10 acres.
  - v. A recorded legal instrument, including number of units transferred to the receiving property must be filed demonstrating the transfer of development rights.

- vi. The undeveloped portion of such tracts that is the sending parcel, and is used to transfer development density to the receiving parcel, pursuant to the transfer provisions and requirements of the transfer of development rights ordinance, must be reserved in either an agriculture, open space or conservation easement. The use of the agriculture, recreation and open space, or conservation easement for other purposes shall require an equivalent transfer of density from another parcel.
  
- B. The procedures to transfer of development rights shall be set forth in City's Land Development Code.



# ORDINANCE 2017-07 EXHIBIT "B"

Proposed new map to the Future Land Use Map Series

