

ORDINANCE NO. 2018-04

AN ORDINANCE OF POLK CITY, FLORIDA; PROVIDING FINDINGS AND INTENT; AMENDING THE FUTURE LAND USE MAP OF THE POLK CITY COMPREHENSIVE PLAN; CHANGING THE FUTURE LAND USE DESIGNATION OF APPROXIMATELY 0.28 ACRES LOCATED AT 111 CLEARWATER COURT, (PARCEL NUMBER 25-26-32-000000-041320) FROM "POLK COUNTY RESIDENTIAL LOW" TO "POLK CITY RESIDENTIAL MEDIUM"; TRANSMITTING SAID AMENDMENT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY FOR NOTIFICATION PURPOSES ONLY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR 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 and amending the City's Future Land Use Map, the City Commission of Polk City, Florida, hereby makes the following findings:

(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 designate certain property within the City with a Future Land Use classification of "Residential Medium."

(5) Pursuant to § 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 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,

12361913 v1
5/17/18 1



**INSTR # 2018135550
BK 10528 Pgs 1088-1092 PG(s)5
RECORDED 06/26/2018 7:43:16 AM
STACY M. BUTTERFIELD.**

**CLERK OF COURT POLK COUNTY
RECORDING FEES \$44.00
RECORDED BY TINACONL**

RECORDER'S MEMO:
Legality of Writing, Typing or Printing: [mark]
Necessary in This Document When Received.

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) 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. AMENDMENT TO FUTURE LAND USE MAP. 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 Medium" Future Land Use designation to the property as designated on such Exhibit.

SECTION 3. 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 4. REPEAL OF INCONSISTENT ORDINANCES. All existing ordinances or parts of existing ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. COPY TO BE FILED WITH CITY CLERK. 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.

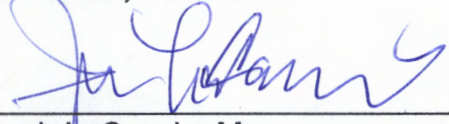
SECTION 6. AUTHORIZATION TO TRANSMIT AMENDMENT. A copy shall be provided to the Florida Department of Economic Opportunity (hereinafter the "DEO"), as required by Section 163.3187, Florida Statutes.

SECTION 7. EFFECTIVE DATE. 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.

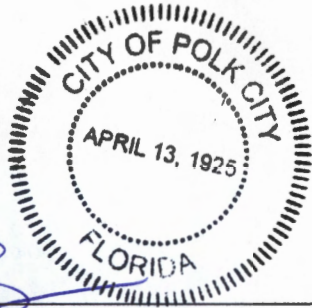
PASSED ON FIRST READING this 21st day of May, 2018.

PASSED ON SECOND READING this 18th day of June, 2018.

POLK CITY, FLORIDA



Joseph LaCascia, Mayor

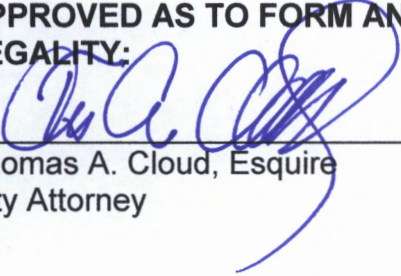


ATTEST:



Patricia Jackson, City Clerk

**APPROVED AS TO FORM AND
LEGALITY:**

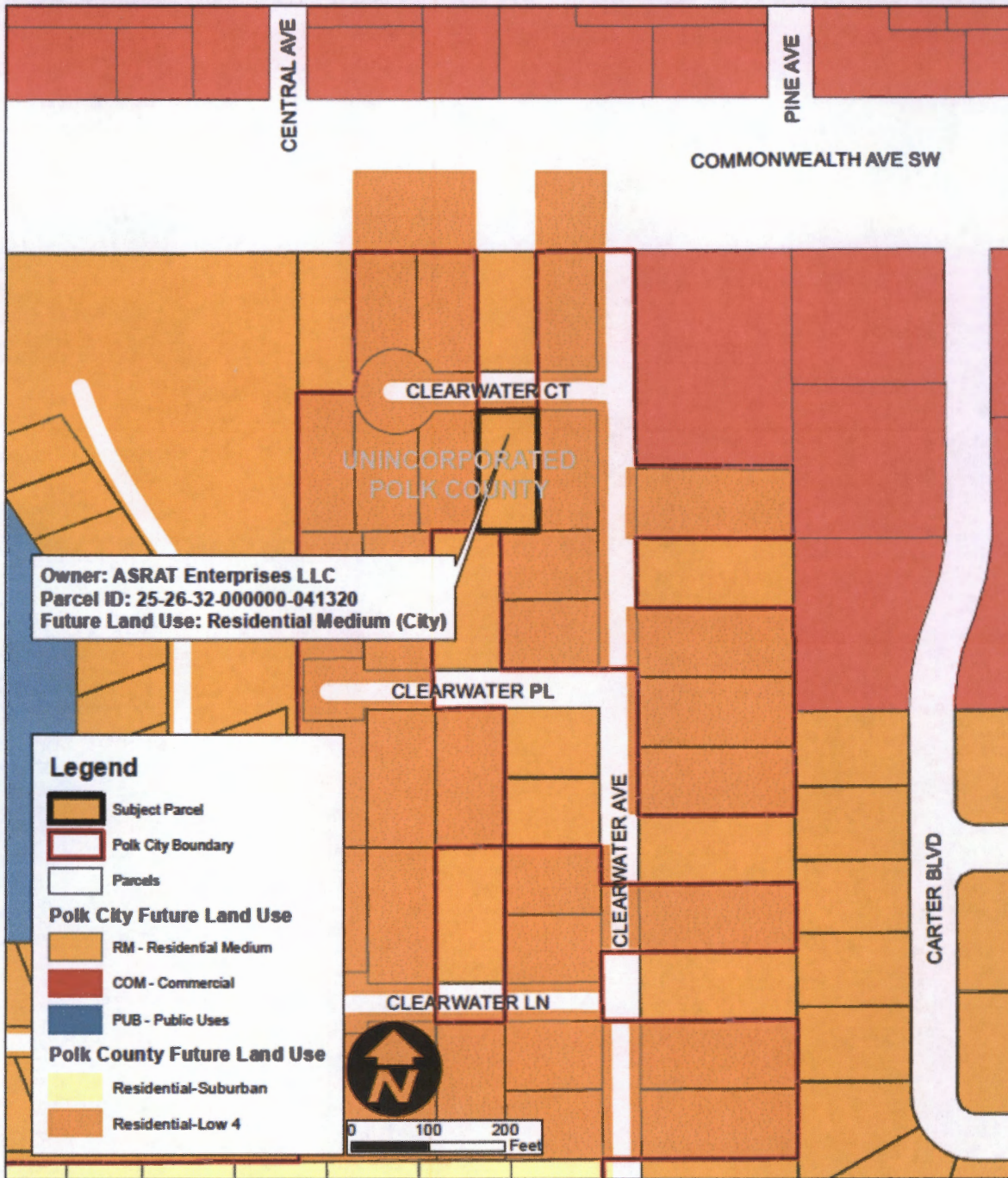


Thomas A. Cloud, Esquire
City Attorney

ORDINANCE NO. 2018-04

EXHIBIT "A"

**CITY OF POLK CITY
PROPOSED FUTURE LAND USE MAP
Ordinance 2018 - 04**



12361913 v1
5/17/18 5

RECORDER'S MEMO:
Legibility of Writing, Typing or Printing Unsatisfactory in This Document When Received.