

ORDINANCE 2018-11

AN ORDINANCE OF POLK CITY, FLORIDA, AMENDING THE POLK CITY COMPREHENSIVE PLAN, REVISING THE FUTURE LAND USE ELEMENT TO AMEND POLICY 4.4.e. ADDRESSING THE RESIDENTIAL LOW-X FUTURE LAND USE DESIGNATION IN THE POLK CITY SPECIAL PROTECTION AREA OF THE GREEN SWAMP AREA OF CRITICAL STATE CONCERN TO ALLOW FOR FOUR (4) DWELLING UNITS PER ACRE; AND AMENDING POLICY 9.8.2.d. TO ALLOW FOR FOUR (4) DWELLING UNITS PER ACRE IN THE POLK CITY SPECIAL PROTECTION AREA OF THE GREEN SWAMP AREA OF CRITICAL STATE CONCERN; AND TRANSMITTING SAID AMENDMENT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY FOR FINDING OF COMPLIANCE; 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, (the "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 a text amendment to the Future Land Use Element of the Comprehensive Plan to amend Policy 4.4.e. addressing the Residential Low-X Future Land Use designation to allow for four (4) dwelling units per acre which is one (1) dwelling unit per acre greater than the currently allowed three (3) dwelling units per acre.

(5) The City has prepared a text amendment to the Future Land Use Element of the Comprehensive Plan to amend Policy 9.8.2.d. to allow four (4) dwelling units per acre in the Polk City Special Protection Area of the Green Swamp Area of Critical State Concern.

(6) In exercise of its authority the Commission has determined it necessary to adopt this amendment to the Plan, which is attached hereto as **Exhibit "A"** and by this reference made a part hereof, to ensure that the Plan is in full compliance with the laws of the State of Florida.

(7) Pursuant to Section 163.3184, Florida Statutes, the City Commission held a meeting and hearing on Ordinance 2018-11, 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.

(8) In the exercise of its authority, the City Commission has determined that it is necessary to adopt the proposed text amendment to the Future Land Use Element contained herein to encourage the most appropriate use of land, water, and resources in the Polk City Special Protection Area of the Green Swamp Area of Critical State Concern consistent with the public interest; to 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.

(9) The City Commission finds that the proposed text amendment to the Future Land Use Element contained herein is in the best interests of the health, safety, and welfare of the general public and the City's residents, 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. FUTURE LAND USE AMENDMENT. The Future Land Use Element of the City's Comprehensive Plan is hereby amended to include the text amendment set forth in Exhibit "A," which is attached hereto and incorporated herein by reference, and which amends Policy 4.4(e) to amend the "Residential Low-X" Future Land Use designation.

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

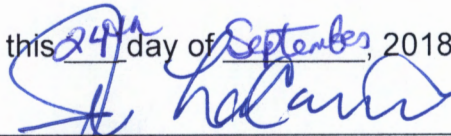
SECTION 5. CODIFICATION. An official, true, and correct copy of this Ordinance and the City's Comprehensive Plan, as adopted and amended from time to time, shall be maintained by the City Clerk. The City Clerk shall make copies available to the public for a reasonable publication charge.

SECTION 6. TRANSMITTAL. Within ten (10) days of final passage and adoption of this Ordinance, the City shall forward a copy hereof, and all supporting data and analysis, to the Florida Department of Economic Opportunity and any other agency

or local government that provided timely comments to the City, as required by Section 163.3184)(3)(c)2, Florida Statutes.

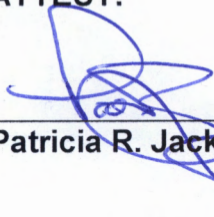
SECTION 7. EFFECTIVE DATE. The effective date of this Plan amendment, if the amendment is not timely challenged, shall be 45 days after the State Land Planning Agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the State Land Planning Agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

INTRODUCED, PASSED on FIRST READING, this 24th day of September, 2018.



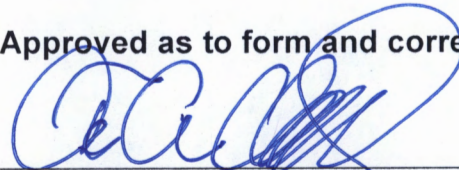
Joe LaCascia, Mayor

ATTEST:



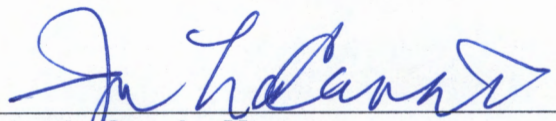
Patricia R. Jackson, City Manager

Approved as to form and correctness



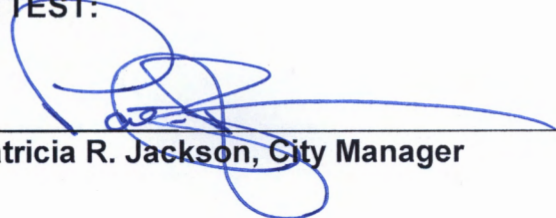
Thomas A. Cloud, City Attorney

PASSED AND DULY ADOPTED ON SECOND READING, with a quorum present and voting by the City Commission of Polk City, Florida meeting in Regular Session this 22nd day of January, 2019.



Joe LaCascia, Mayor

ATTEST:



Patricia R. Jackson, City Manager

**POLK CITY
EXHIBIT "A"**

**AMENDED
FUTURE LAND USE ELEMENT**

The proposed amendments to the Comprehensive Plan are provided below. Text that is underlined is text to be added and text that is shown as ~~strikeout~~ is to be removed.

Policy 4.4: Polk City Special Protection Area Future Land Use Categories and Descriptions

The following Future Land Use Categories are located within the Polk City Special Protection Area. Policy ~~34~~.1.b. provides a description of the Polk City Special Protection Area.

- 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 (~~3~~ 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.

Policy 9.8.2: DEVELOPMENT CRITERIA — Development within the PC-SPA shall conform to the following:

- c. Golf courses shall be considered recreational and commercial in nature and shall be permitted in the following land uses:
 - 1. Leisure/Recreation X
 - 2. Recreation and Open Space X
 - 3. Residential-Low X

4. Residential-Suburban X

- d. Residential densities shall be modified as follows: densities within the PC-SPA shall not exceed a gross density per parcel of 3 4 dwelling units per acre (3 4 DU/AC).
- e. Development shall comply with the following Open Space (OS) and Impervious Surface Ratio (ISR) standards:
 - 1. All residential development shall provide a minimum open space set-aside of no less than 30% of total land area unless the lots are within a master planned residential community that maintains an overall ISR of 50% and 30% set-aside for open space.
 - 2. Single family lots shall not exceed an impervious surface ratio of 50% unless the lots are within a master planned residential community that maintains an overall ISR of 50% and 30% set-aside for open space.
 - 3. Commercial development shall not exceed an impervious surface ratio of 60%.
 - 4. Development within the BPC shall not exceed an impervious surface ratio of 70%.