

**ORDINANCE 2019-06**

**AN ORDINANCE OF POLK CITY, FLORIDA, AMENDING THE POLK CITY COMPREHENSIVE PLAN; REVISING THE FUTURE LAND USE ELEMENT TO ADD THE FUTURE LAND USE DESIGNATION OF MIXED USE; TRANSMITTING SAID AMENDMENT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY FOR A FINDING OF COMPLIANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION; 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 Element, 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 Policies 4.2 and 4.3, which would create the "Mixed Use" Future Land Use designation.

(5) 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 insure that the Plan is in full compliance with the laws of the State of Florida.

(6) Pursuant to Section 163.3184, Florida Statutes, the City Commission held a meeting and hearing on Ordinance 2019-06, 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.

(7) 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



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.

(8) 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 MAP 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 Policies 4.2 and 4.3 to create the "Mixed Use" 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 will make copies available to the public for a reasonable publication charge.

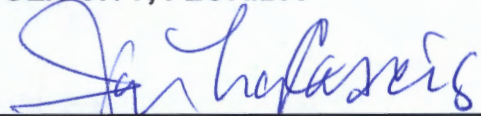
**SECTION 6. TRANSMITTAL.** Within ten (10) days of final passage and adoption of this Ordinance, the City shall forward a copy hereof, and all supporting data and analysis, to the Florida Department of Economic Opportunity and any other agency or local government that provided timely comments to the 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 Council, 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 AND PASSED on First Reading this 19<sup>th</sup> day of August, 2019.

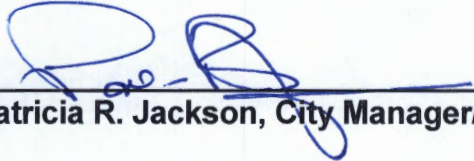
POLK CITY, FLORIDA



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Joe LaCascia, Mayor

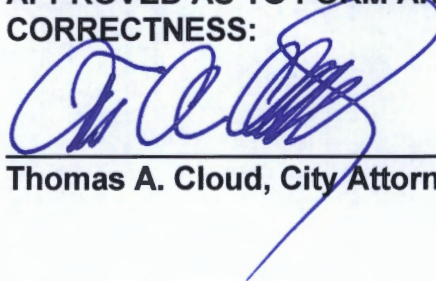


ATTEST:



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

APPROVED AS TO FORM AND  
CORRECTNESS:

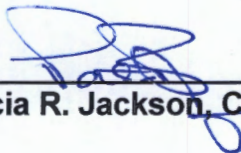


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Thomas A. Cloud, City Attorney

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 21<sup>st</sup> day of October, 2019.



ATTEST:



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Patricia R. Jackson, City Manager/Clerk



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Joe LaCascia, Mayor

**EXHIBIT "A"**  
**POLK CITY ORDINANCE 2019-06**

**AMENDED FUTURE LAND USE ELEMENT**

**Proposed Text Amendments to the 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. Text that is **highlighted** has been added to address comments from the Florida Department of Economic Opportunity.

**Policy 4.2:** The following land use categories are hereby established for the purpose of managing future development and redevelopment activities. The Future Land use categories are identified by location in the Polk City Exemption Area, Polk City Special Protection Area and Polk County Rural Special Protection Area:

**a. Polk City Exemption Area Future Land Use Categories**  
Policy 4.3 of the Future Land Use Element provides density and intensity standards for the following Future Land Use categories.

- i. Residential Very Low Density
- ii. Residential Low Density
- iii. Residential Medium Density
- iv. Mixed Use
- v. Commercial
- vi. Industrial
- vii. Public Use
- viii. Recreation
- ix. Conservation
- x. Conservation/ Passive Recreation



**Policy 4.3:**

Polk City Exemption Area Future Land Use Categories and Description. The following Future Land Use Categories are located within the Polk City Exemption Area. Policy 4.1.a. provides a description of the Polk City Exemption Area.

- a. The primary function of the Residential Very Low Density classification is to accommodate very low density residential development consisting of single family dwellings. This category permits one single family dwelling unit on each lot, along with structures accessory to residential use. Maximum density is 1 dwelling unit per 5 acres for single family uses; agricultural uses are permissible in this category, with or without a dwelling unit included; single family homes with horses are allowed, one home per lot and a minimum density of 1 dwelling unit per 5 acres. This category allows for the establishment of 1 manufactured (mobile) home per 5 acres for undeveloped and previously unplatted areas having severe soil suitability for septic tanks and buildings without basements, until central sewer and water services become available. This category permits schools and other public uses appropriate to agricultural areas and single family neighborhoods.
- b. The primary function of the Residential Low Density classification is to accommodate low density residential development consisting of single family dwellings. This category permits one single family dwelling unit on each lot, along with structures accessory to residential use. Maximum density is four dwelling units per acre. This category permits schools and other public uses appropriate to residential neighborhoods.
- c. The primary function of the Residential Medium Density classification is to accommodate multi-family residential development. Permitted uses include duplexes, apartments, condominiums, manufactured (mobile) home parks or subdivisions, RV parks, and single family homes. Intensity is one single family home per lot; or one duplex per lot; or two buildings of five units each per lot. Maximum density is 10.0 residential dwelling units per acre. This category permits schools and other public uses appropriate to residential neighborhoods.

Ordinance 1239-A: The 63.29 +/- acres located in Sections 28 and 33, Township 26 South, Range 25 East; generally located on Smith Road in the eastern quadrant of the City, shall be



designated "Residential Medium" on the Future Land Use Map; shall be developed with central potable water and sewer and shall be limited to a residential density not to exceed 861 dwelling units (achieved by a density of 6.68 dwelling units per acre on the 63.29 acres, and a density transfer of 6.68 dwelling units per acre from the 65.58 acres of Conservation directly adjacent to the RM); and shall be subject to other applicable land development regulations within the City. (Ordinance 1239-A, December 9, 2008, adoption)

- d. Mixed Use:** The primary function of the Mixed Use classification is to apply to developments in which a mix of residential and non-residential uses (commercial, office, light industrial, institutional, and civic uses) are planned. The maximum density allowed is 10 dwelling units per acre. The maximum floor area ratio allowed is 1.0. Such development shall be served by central water and wastewater services. A balanced mix of residential and non-residential uses including residences, shops, work places, parks, and other urban uses shall allow for internal capture of daily trips as well as interconnectivity for vehicle and pedestrian access.
- de.** The primary function of the Commercial classification is to accommodate the shopping needs of residents living in and near Polk City. The Commercial classification permits neighborhood service commercial uses; and accommodates traditional retail commercial needs of the market area both along the highway and in the downtown core of the market area. This category permits schools and other public uses appropriate to commercial areas. Floor area ratio for commercial structures shall not exceed 0.35.
- ef.** The primary function of the Industrial classification is to accommodate the industrial needs of the market area, both light industry and heavy industry. This category permits vocational and technical schools and other public uses appropriate to industrial areas. Floor area ratio for industrial structures shall not exceed 0.35.
- fg.** The primary function of the Public Uses classification is to provide for areas for existing or future government-owned or leased buildings or grounds including schools, libraries, medical facilities, parks and open space areas; and private buildings or grounds such as hospitals, camps, clubs, private schools, museums and similar land uses. Floor area ratio for

public and private use structures under this classification shall not exceed 0.35. For schools, one residential unit per school is permitted to accommodate an on-site security guard/caretaker. For parks, one residential unit per 40 acres is permitted to accommodate an on-site security guard/park ranger.

- gh. The primary function of the Recreation classification is to provide for areas for existing or future public parks, recreation uses and open space areas. Permitted uses include public open space, recreation areas and parks; and private parks and recreation uses, such as golf courses. All recreation uses within Polk City shall be included in this category. One dwelling unit per park is allowed for caretakers and park rangers, with the density not to exceed one dwelling unit per 20 acres. Maximum lot coverage by buildings plus all impervious surface area shall not exceed 5% of the total parcel.
- hi. The primary function of the Conservation classification is to protect natural resources, improve lake, river and groundwater quality. The Conservation designation includes land within the 100-year floodplain of any lake or river; wetlands; soils-limited areas; wellhead protection areas; and ancient scrub lands. No development is allowed in conservation areas. One dwelling unit per park is allowed for caretakers and park rangers, with the density not to exceed one dwelling unit per 20 acres. Maximum lot coverage by buildings and all impervious surface shall not exceed 1% of the total land area of the parcel. No other uses are allowed in this classification.
- ij. The primary function of the Conservation/Passive Recreation classification is to protect natural resources while allowing passive recreation. Commercial uses such as equipment rental shops and snack huts are permissible to serve the users of the recreation area. Passive recreation land uses, such as boat docks, beaches and hiking trails are permissible. One dwelling unit per park is allowed for caretakers and park rangers, with the density not to exceed one dwelling unit per 20 acres. Maximum lot coverage by buildings and all impervious surface shall not exceed 1% of the total land area of the parcel.
- jk. Public schools are allowed in all land use classifications except Folk City's Future Land Use classifications of Conservation and Conservation/Passive Recreation. This



provision applies to lands contiguous to existing schools, as well as development of vacant land for new schools. Further, Polk City hereby encourages the co-location of public facilities such as parks, libraries, and community centers, with schools, when planning and reviewing a proposed site for new or expanded facilities, and shall adopt criteria for collocation in the Unified Land Development Code.