

ORDINANCE 2024-01

AN ORDINANCE OF POLK CITY, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE DESIGNATION OF APPROXIMATELY 1.44 ACRES FROM CONVENIENCE CENTER-X (CC-X) TO RESIDENTIAL SUBURBAN-X (RSX) IN THE GREEN SWAMP AREA OF CRITICAL STATE CONCERN; AND TRANSMITTING SAID AMENDMENT TO THE FLORIDA DEPARTMENT OF COMMERCE FOR FINDING OF COMPLIANCE; PROVIDING FOR A BUSINESS IMPACT ESTIMATE, SEVERABILITY, CONFLICTS AND 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, the City Commission of Polk City, Florida hereby makes the following legislative findings and intent:

(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 change the Future Land Use classification of approximately 1.44 acres of land lying in Polk County, Florida, and described as Parcel Number 252631-000000-044210 within the City from Convenience Center-X (CCX) to Residential Suburban-X (RSX) in the Green Swamp Area of Critical State Concern.

(5) Pursuant to Section 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 the 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, 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) Although exempt under the statute, the City has nevertheless in its sole discretion performed a business impact estimate pursuant to § 166.041(4)(c), Florida Statutes, and determined that adoption of this ordinance:

- (1) serves a public purpose by serving the public health, safety, morals, and welfare of the City,
- (2) has no direct negative economic impact on private, for-profit businesses in the city,
- (3) will not result in direct compliance costs by businesses,
- (4) does not impose any new charge or fee on businesses for which businesses will be financially responsible,
- (5) does not create any additional municipal regulatory cost which is not recovered appropriately and lawfully by the City.

(8) 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. PLAN AMENDMENT. 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 Suburban -X" Future Land Use designation to approximately 1.44 acres of land shown on such Exhibit.

SECTION 3. BUSINESS IMPACT ESTIMATE. Pursuant to Section 166.041(4), Florida Statutes, Polk City is required to prepare a business impact estimate for certain proposed ordinances. This proposed ordinance amends the land use designation in accordance with the owner's proposed use. Such an amendment to the City's Plan (1) serves a public purpose by serving the public health, safety, morals, and welfare of the City, (2) has no direct negative economic impact on private, for-profit businesses in the city, (3) will not result in direct compliance costs by businesses, (4) does not impose any new charge or fee on businesses for which businesses will be financially responsible, and (5) does not create any additional municipal regulatory cost which is not recovered appropriately and lawfully by the City. Thus, it is estimated that neither residents nor any business will incur additional costs. The City does not seek to impose any additional user or regulatory fees or charges, nor are any direct compliance costs expected. The Business Impact Estimate form for this ordinance is on file with the City Clerk.

SECTION 4. 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 5. CONFLICTS. Existing ordinances or parts of existing ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6. CODIFICATION OF ORDINANCE IN PLAN. 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 7. TRANSMITTAL TO STATE. Within ten (10) days of final passage and adoption of this Ordinance, Polk City shall forward a copy hereof, and all supporting data and analysis, to the Florida Department of Economic Opportunity and any other agencies or local governments that provided timely comments to the City, as required by Section 163.3184(3)(c)d, Florida Statutes.

SECTION 8. EFFECTIVE DATE. This effective date of the plan amendment adopted by this Ordinance shall be thirty-one (31) days after the Florida Department of Economic Opportunity notifies Polk City that the plan amendment package is complete, or, if the plan amendment is timely challenged, the date on which the Florida Department of Economic Opportunity or the Administration Commission, whichever is applicable, enters a final order finding the amendment to be compliance in accordance with Section 163.3184(3)(c)4, Florida Statutes.


INTRODUCED AND PASSED ON FIRST READING this 26th day of March, 2024.

POLK CITY, FLORIDA



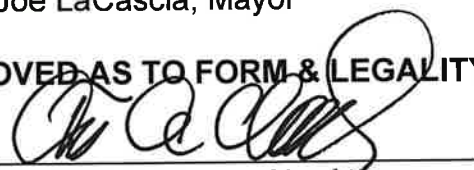
Joe LaCascia, Mayor

ATTEST:



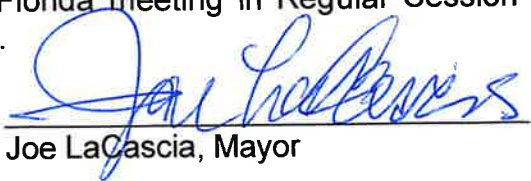
Patricia R. Jackson, City Manager/Clerk

APPROVED AS TO FORM & LEGALITY:



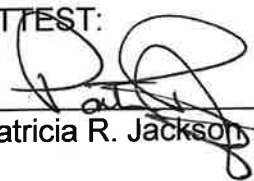
Thomas A. Cloud, City Attorney

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 day of 18th June, 2024.



Joe LaCascia, Mayor

ATTEST:



Patricia R. Jackson, City Manager/Clerk

**ORDINANCE NO. 2024-01
EXHIBIT "A"**

