

ORDINANCE 2024-02

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF POLK CITY, FLORIDA TO CHANGE THE ZONING FOR APPROXIMATELY 1.44 ACRES LOCATED AT 9600 STATE ROAD 33 (PARCEL NUMBER 252631-000000-044210) FROM CONVENIENCE CENTER-X (CCX) TO RESIDENTIAL SUBURBAN-X (RSX) IN THE GREEN SWAMP AREA OF CRITICAL STATE CONCERN; PROVIDING FOR A BUSINESS IMPACT ESTIMATE, SEVERABILITY, CONFLICTS, CODIFICATION 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) The City Commission of Polk City held meetings and hearings regarding the parcels show on Exhibit "A", with due public notice having been provided, to obtain public comment, and considered all written and oral comments received during public hearings, including supporting documents.

(2) The City has followed all statutory and Code requirements for noticing and advertising this rezoning Ordinance and public hearings associated with the rezoning.

(3) Although exempt under the statute, the City has nevertheless in its sole discretion performed a business impact estimate pursuant to § 166.041(4)(c), 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.

(4) The City Commission has received public input on the rezoning and a recommendation from staff.

(5) The City Commission of Polk City finds that the applicants have met the criteria for rezoning under the City's land development regulations and that rezoning will not adversely affect the public interest.

(6) In exercise of its authority, the City Commission has determined it necessary to amend the Official Zoning Map to change the City zoning classification assigned to this property.

SECTION 2. ZONING AMENDMENT: The official zoning map of Polk City is amended so as to assign the City Zoning Classification of RSX (Residential Suburban-X) on approximately 1.44 acres of land located at 9600 State Road 33 (Parcel Number 252631-000000-044210) in the Green Swamp Area of Critical State Concern, as shown on Exhibit "A" attached hereto.

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 rezones property in accordance with the owner's proposed use related to a voluntarily annexation of land into Polk City. 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. All ordinances in conflict herewith are hereby repealed to the extent necessary to give this Ordinance full force and effect, provided however, that nothing herein shall be interpreted so as to repeal any existing ordinance or resolution relating to means of securing compliance with the City's Land Development Code (LDC), unless such repeal is explicitly set forth herein.

SECTION 6. CODIFICATION. This Ordinance shall be codified in the Code of Ordinances 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 7. EFFECTIVE DATE: This ordinance shall not take effect unless and until Ordinance 2024-1 adopting the companion future land use map amendment to this rezoning becomes final and non-appealable.

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

POLK CITY, FLORIDA



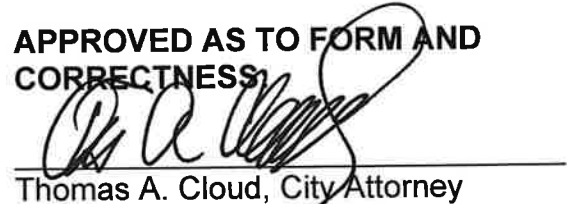
Joe LaCascia, Mayor

ATTEST:



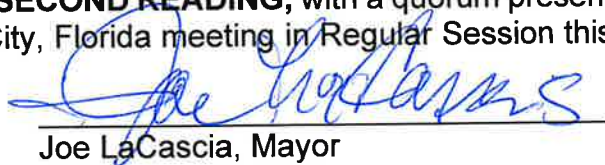
Patricia Jackson, City Manager/Clerk

**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 18th day of June, 2024.



Joe LaCascia, Mayor

ATTEST:



Patricia Jackson, City Manager/Clerk

ORDINANCE NO. 2024-02
EXHIBIT "A"

ZONING MAP - PROPOSED

