

ORDINANCE 2024-04

AN ORDINANCE OF THE CITY COMMISSION OF POLK CITY, FLORIDA; AMENDING ARTICLE 2 – REGULATIONS FOR SPECIFIC DISTRICTS, SECTION 2.04.01, “ZONING DISTRICT SUMMARY TABLES” OF THE UNIFORM LAND DEVELOPMENT CODE; CHANGING MINIMUM DEVELOPMENT STANDARDS IN TABLE 5 FOR THE R-2 SINGLE FAMILY ZONING DISTRICT & REDUCING THE MINIMUM REQUIRED LOT SIZE WITHIN THE POLK CITY EXEMPTION AREA OF THE GREEN SWAMP AREA OF CRITICAL STATE CONCERN; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR A BUSINESS IMPACT ESTIMATE, SEVERABILITY, CODIFICATION AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF POLK CITY, FLORIDA:

SECTION 1. COMMISSION FINDINGS AND INTENT. In adopting this Ordinance and modifying the Polk City Code and the therein-incorporated Unified Land Development Code, the City Commission of Polk City, Florida, hereby makes the following findings:

(1) Section 163.3167(c), Florida Statutes, empowers the City to adopt land development regulations to guide the growth and development of the City.

(2) The Act authorizes a local government desiring to revise its Unified Land Development code to prepare and adopt amendments.

(3) The City has prepared a text amendment to the Polk City Land Development Code to amend the development standards in Table 5 for the R-2 zoning district in the Polk City Green Swamp Exemption Area. The proposed amendments reduce the minimum lot size from 10,000 square feet to 9,000 square feet. These amendments are proposed to lessen nonconformities of existing lots within the R-2 zoning district. The amendments will reduce the number of non-conforming lots due to lot size from 17 percent to 4 percent.

(4) 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:

- (a) serves a public purpose by serving the public health, safety, morals, and welfare of the City,
- (b) has no direct negative economic impact on private, for-profit businesses in the city,
- (c) will not result in direct compliance costs by businesses,
- (d) does not impose any new charge or fee on businesses for which businesses will be financially responsible,

(e) does not create any additional municipal regulatory cost which is not recovered appropriately and lawfully by the City.

(5) Pursuant to Section 163.3187, Florida Statutes, the City Commission held a meeting and hearing on this Unified Land Development Code change, 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) The meetings were advertised and held with due public notice, to obtain public comment; and having considered written and oral comments received during public hearings, find the changes necessary and appropriate to the needs of the City.

SECTION 2. AMENDMENT TO ARTICLE 2 REGULATIONS FOR SPECIFIC DISTRICTS. Article 2, Section 2.04.01 Zoning District Summary Table is hereby amended to read as follows:

Text that is underlined is text to be added and text that is shown as ~~strikeout~~ is to be removed.

2.04.00 Establishment of Districts

2.04.01 Zoning District Summary Tables

Table 1 - Table of Development StandardsError! Bookmark not defined.

Zone	Max. Density (units/ac)	Min. Lot Size (sq.ft.)	Min. Lot Width (feet)	Min. s.f. of dwelling unit	Setbacks (feet)			Max. Lot Covg. (%)	Max. Bldg. Height (feet)
					Front	Rear	Sides		
AG-1	1/10 acres	10 acres	250 width 400 depth		40	50	30	5%	45 (3 stories)
AG-2	1/1 acre	1 acre	150		30	20	15	30%	40
R-1	2.5	15,000	100	1,200	30	20	15	45%	40
R-2	3.67	10,000 9,000	75	1,000	30	20	10	45 %	40
R-3	4.65 8.7	7,500 SF 8,000 Duplex	75 80	950 750/unit	30 30	20 20	10 10	45%	40
R-4:									
SF	5.8	6,000	60	950	30	20	10	45%	50**
Mobile Home		<u>6,000</u>	<u>50</u>	<u>750</u>	<u>30</u>	<u>20</u>	<u>10</u>	45%	<u>40</u>
Duplex	8.7	8,000	80	750/unit	30	20	10		
MF 3+	10	13,000	100	450/unit	30	20	20		
R-5:									
SF	10	6,500	65	950	20	10	7.5	55%	40
MF 3+ units	10	13,000	100	450/unit	30	20	20	45%	50**
MH:									
MH Park	10	4,000 single wide	40	14 x 60	20	20	7.5	45%	40
MH Park	10	5,500 dbl wide	55	28 x 60					
RV Park	10	3,000 for MH	30	N/A					
RV Camp	10	2,500 pull-thru RV	25	N/A					
RV Camp	10	3,000 Park Model RV	30	500 sf					

SECTION 3. BUSINESS IMPACT ESTIMATE. Pursuant to Section 166.041(4), Florida Statutes, the City is required to prepare a business impact estimate for certain proposed ordinances. This proposed ordinance amends the City's Unified Land Development Code as to certain performance criteria. Such an minor amendment to the City's Unified Land Development Code (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 as it will be applied to all similarly situated applicants, (3) will not result in direct compliance costs by businesses, (4) does not impose any new charge or fee or 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. CODIFICATION OF ORDINANCE. This Ordinance shall be codified in the Code of Ordinances of Polk City, Florida, and incorporated into the Unified Land Development Code which is a part thereof. 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 5. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 6. CONFLICTING ORDINANCES AND RESOLUTIONS. All existing ordinances and resolutions of Polk City in conflict with this ordinance are repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 7. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage.

April **INTRODUCED AND ^{Tabled} PASSED** on **FIRST READING**, this 16th day of April, 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 21st day of May, 2024.


Joe LaCascia, Mayor

ATTEST:


Patricia Jackson, City-Manager/City Clerk