

ORDINANCE NO. 24 - _____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING THE ADOPTION OF AMENDMENT **LDCPAL-2024-11**; AN AMENDMENT TO THE POLK COUNTY COMPREHENSIVE PLAN; ORDINANCE 92-36, AS AMENDED TO CHANGE THE FUTURE LAND USE DESIGNATION ON 542.62± ACRES FROM AGRICULTURAL/RESIDENTIAL RURAL (A/RR) TO PHOSPHATE MINING (PM). THE SUBJECT SITE IS LOCATED ON THE NORTH AND SOUTH SIDES OF NICHOLS ROAD (CR 676), WEST OF ANDERSON ROAD, EAST OF POLK / HILLSBOROUGH COUNTY LINE, AND SOUTH OF THE CITY OF MULBERRY, IN SECTIONS 08, 17, 18, TOWNSHIP 30, RANGE 23; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section I(g) of the Constitution of the State of Florida and the Community Planning Act, Chapter 163, Part II, Florida Statutes (FS), as amended, (the Act) Polk County is authorized and required to adopt a Comprehensive Plan (Plan); and

WHEREAS, Section 163.3184, FS, and Comprehensive Plan Section 4.305.B, provides for the approval of Large-Scale Comprehensive Plan Amendments; and

WHEREAS, Application LDCPAL-2024-11 is an applicant-initiated application to change the future land designation of 420± acres of parent tracts of 542.62± acres from Agricultural/Residential Rural (A/RR) to the Phosphate Mining (PM) in the Rural Development Area (RDA) (the “Amendment”); and

WHEREAS, pursuant to Section 163.3174, FS, the Local Planning Authority (Planning Commission) conducted a public hearing, with due public notice having been provided, on the Amendment on September 4, 2024; and

WHEREAS, pursuant to Section 163.3184, FS, the Board of County Commissioners on November 5, 2024 held an initial public hearing and authorized transmittal of the Amendment to Florida Commerce for written comment, and

WHEREAS, DEO, by letter dated **2024** transmitted objections, recommendations, and comments on the Amendment; and

WHEREAS, pursuant to Section 163.3184, FS, the Board of County Commissioners conducted an adoption public hearing, with due public notice having been provided, on the Amendment on January 27, 2025; and

WHEREAS, the Board of County Commissioners reviewed and considered all comments received during said public hearings, and provided for necessary revisions, if any; and

WHEREAS, the Board of County Commissioners has considered the data and analysis contained within the staff report; and

WHEREAS, the Amendment is consistent with Chapter 163, FS, and the Polk County Comprehensive Plan.

NOW THEREFORE, BE IT ORDAINED by the Polk County Board of County Commissioners:

SECTION 1: LEGISLATIVE FINDINGS OF FACT

The findings of fact set forth in the recitals to this Ordinance are true and correct and hereby adopted.

SECTION 2: COMPREHENSIVE PLAN AMENDMENT

The Future Land Use Map of Ordinance No. 92-36, as amended, (the “Polk County Comprehensive Plan”) is hereby amended to reflect a change in the Future Land Use designation on 420± acres of parent tracts of 542.62± acres to Phosphate Mining (PM) in the Rural Development Area (RDA) on the parcels listed below and graphically depicted on the parcel map in Attachment “A”. The amendment will reflect the entirety of each of the following parcels as Phosphate Mining (PM).

Parcels included:

233008-000000-022010

Described as:

THAT PART OF S1/4 DESC AS COMM AT SW COR OF SEC RUN E 99.77 FT TO WLY R/W LINE OF SCL RR FOR POB RUN N 17 DEG 59 MIN 47 SEC E ALONG SAID WLY RR R/W LINE 1177.59 FT TO A LINE 1120 FT NLY FROM & PARALLEL WITH S BDRY OF SEC RUN E ALONG SAID PARALLEL LINE 3461.98 FT RUN S & PARALLEL WITH E BDRY OF SEC 200 FT RUN E & PARALLEL WITH S BDRY OF SEC 1070 FT TO A LINE 280 FT WLY FROM & PARALLEL WITH E BDRY OF SEC RUN S 920 FT TO S BDRY OF SEC RUN W 4903.13 FT ALONG S BDRY OF SEC TO POB LESS S R #676 R/W

233017-000000-011020

Described as:

BEG AT NW COR OF SEC RUN E 5002.90 FT TO LINE WHICH IS 280 FT WLY FROM E BDRY OF SEC RUN S 2400 FT W 2000 FT S 240 FT W 3013.14 FT TO W BDRY OF SEC RUN N 2640 FT TO POB LESS R/W FOR SR #676 & LESS RAILROAD R/W

232712-000000-034100

233018-000000-011040

BEG NE COR OF SEC RUN S89-57-20W 3705 FT S00-13-09W 2833.68 FT TO NLY RR R/W N61-24-40E 3321.13 FT TO CURVE NELY ALONG CURVE 1260.01 FT TO E BNDRY OF SEC N00-13-09E 309.50 FT TO POB LESS RD R/W

SECTION 3: SEVERABILITY

If any provision of this Ordinance is held to be illegal, invalid, or unconstitutional by a court of competent jurisdiction the other provisions shall remain in full force and effect.

SECTION 4: EFFECTIVE DATE

This ordinance shall be effective 31 days after the Department of Economic Opportunity notifies the County that the plan amendment package is complete. If timely challenged, this amendment becomes 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.

SECTION 5: FILING WITH THE DEPARTMENT OF STATE:

The Clerk and Auditor to the Board of County Commissioners of Polk County, Florida, shall file a certified copy of this ordinance with the Department of State, through the Secretary of State, upon adoption by the Board of County Commissioners of Polk County, Florida.

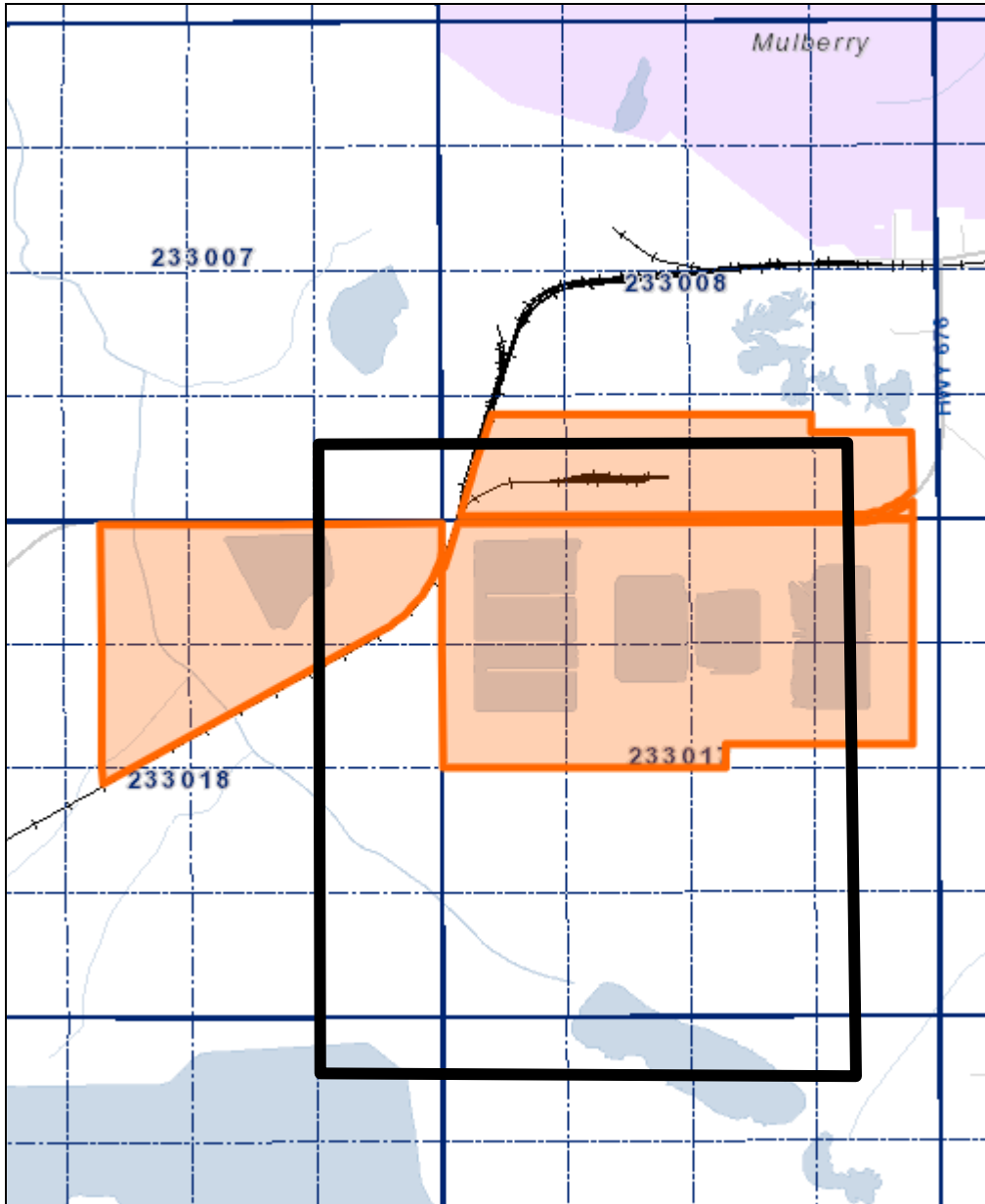
ADOPTED, in open session of the Polk County Board of County Commissioners with a quorum present and voting this 27th day of January 2025.

LDCPAL-2024-11

Land Use: A/RR to PM (240 ± acres)

Location: North and south sides of Nichols Road (CR 676), west of Anderson Road, east of Polk / Hillsborough County Line, and south of the City of Mulberry.

Sections-08, 17, 18 Township-30 Range-23



Parcel Detail
Note: Not to Scale