

ORDINANCE NO. 25 - \_\_\_\_

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING THE ADOPTION OF LDCPAL 2024-14; AN AMENDMENT TO THE POLK COUNTY COMPREHENSIVE PLAN; ORDINANCE 92-36, TO CHANGE THE FUTURE LAND USE MAP DESIGNATION ON 160 ACRES FROM AGRICULTURAL/RESIDENTIAL-RURAL (A/RR) TO RESIDENTIAL-LOW (RL) AND FROM RURAL DEVELOPMENT AREA (RDA) TO UTILITY ENCLAVE AREA (UEA). THE SUBJECT SITE IS LOCATED SOUTH OF CHINOOK ROAD, NORTH OF HALIBUT ROAD, EAST OF CASPIAN ROAD, AND EAST OF THE CITY OF HAINES CITY, IN SECTION 34, TOWNSHIP 27, RANGE 28; PROVIDING FOR SEVERABILITY; 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**, LDCPAL 2024-14 is an applicant-initiated amendment to change 160 Acres from Agricultural/Residential-Rural (A/RR) to Residential-Low (RL) and from Rural Development Area (RDA) To Utility Enclave Area (UEA) (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 March 5, 2025; and

**WHEREAS**, pursuant to Section 163.3184, FS, the Board of County Commissioners on May 6, 2025, held an initial public hearing and authorized transmittal of the Amendment to the Department of Commerce for written comment, and

**WHEREAS, FLORIDA COMMERCE**, by letter dated June 12, 2025, 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 July 1, 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 with 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 TEXT 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 District for parcels 28-27-34-000000-032010, 28-27-34-000000-041010, and 28-27-34-000000-044010, and as legally described below and graphically depicted as referenced in Attachment “A” of this ordinance, from 160 Acres from Agricultural/Residential-Rural (A/RR) to Residential-Low (RL) And From Rural Development Area (RDA) to Utility Enclave Area (UEA), legally described as:

PARCEL IDENTIFICATION NO. 28-27-34-000000-044010

SW 1/4 OF SW 1/4 OF SECTION 34, TOWNSHIP 27 SOUTH, RANGE 28 EAST, POLK COUNTY, FLORIDA

PARCEL IDENTIFICATION NO. 28-27-34-000000-032010

SE 1/4 OF NW 1/4 OF SECTION 34, TOWNSHIP 27 SOUTH, RANGE 28 EAST, POLK COUNTY, FLORIDA

PARCEL IDENTIFICATION NO. 28-27-34-000000-041010

E 1/2 OF SW 1/4 OF SECTION 34, TOWNSHIP 27 SOUTH, RANGE 28 EAST, POLK COUNTY, FLORIDA

## **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**

The effective date of this plan amendment, if the amendment is not timely challenged, shall be the date the Florida Department of Commerce posts a notice of intent determining that this amendment is in compliance. If timely challenged, or if the state land planning agency issues a notice of intent determining that this amendment is not in compliance, 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.

**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 1<sup>st</sup> day of July 2025.

## ATTACHMENT “A”

### LDCPAL 2024-12

**Development Area:** Rural Development Area (RDA) to Utility Enclave Area (UEA)  
**Location:** South of Chinook Road, North of Halibut Road, East of Caspian Road, and east of the City of Haines City.  
**Section 34, Township 27, Range 28**

