

## ORDINANCE NO. 23 - \_\_\_\_\_

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING THE ADOPTION OF AMENDMENT **LDCPAS-2023-13**; AN AMENDMENT TO THE POLK COUNTY COMPREHENSIVE PLAN; ORDINANCE 92-36, AS AMENDED TO CHANGE THE FUTURE LAND USE DESIGNATION ON A 18.52 +/- ACRE SITE FROM PHOSPHATE MINING (PM) TO AGRICULTURAL/RURAL RESIDENTIAL (A/RR) IN THE RURAL DEVELOPMENT AREA (RDA). THE SUBJECT SITE IS LOCATED NORTH OF US HIGHWAY 98, WEST OF POOL BRANCH ROAD, SOUTH OF COUNTY ROAD 640, AND EAST OF STATE ROAD 35 (US 17-98), IN SECTION 25, TOWNSHIP 31, RANGE 25; 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 163.3187, FS, and Comprehensive Plan Section 4.305.B, provides for the approval of Small-Scale Comprehensive Plan Amendments; 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 proposed Plan revisions on October 4, 2023; and

**WHEREAS**, pursuant to Section 163.3187(2), FS, the Board of County Commissioners conducted an adoption public hearing, with due public notice having been provided, on the proposed Plan revisions on November 21, 2023; and

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

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

**SECTION 1: 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 a 18.52 +/- acre site from Phosphate Mining (PM) to Agricultural/Rural Residential (A/RR) in the Rural Development Area (RDA) on the parcel listed below and graphically depicted on the parcel map in Attachment “A”.

Parcel 253125-000000-032130

N 206.47 FT OF E1/2 OF NE1/4 OF SW1/4 LESS E 150 FT THEREOF & E 150 FT OF N 750 FT OF E1/2 OF NE1/4 OF SW1/4 LESS RD R/W

Parcel 253125-000000-032060

E1/2 OF NE1/4 OF SW1/4 LESS E 150 FT N 750 FT THEREOF & LESS N 206.47 FT LESS E 150 FT & LESS RD R/W

**SECTION 2: 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 3: EFFECTIVE DATE**

This ordinance shall be effective on December 22, 2023 (31 days after adoption), unless the amendment is challenged. If challenged, the effective date of this ordinance shall be the date a Final Order is issued by the Department of Economic Opportunity or Administration Commission finding the amendment in compliance in accordance with Section 163.3184 (1)(b), Florida Statutes. No development orders, development permits, or land uses dependent upon this amendment, as described on the attached map of proposed land uses, may be issued or commence before it has become effective.

**SECTION 4: 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 21<sup>st</sup> day of November 2023.

**LDCPAS 2023-13**  
**Development Area:** Rural Development Area  
**Location:** North of US Highway 98, west of Pool Branch Road, east of State Road 35  
**Section-25 Township-31 Range-25**



**PARCEL DETAIL**

*Note: Not to Scale*