

ORDINANCE NO. 2023 - _____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING THE ADOPTION OF **LDCPAS-2023-18**, AN AMENDMENT TO THE POLK COUNTY COMPREHENSIVE PLAN, ORDINANCE 92-36, AS AMENDED, TO CHANGE THE FUTURE LAND USE MAP DESIGNATION ON 14.58+/- ACRES FROM RESIDENTIAL MEDIUM (RM), COMMUNITY ACTIVITY CENTER (CAC), AND PRESERVATION (PRESV) TO RESIDENTIAL HIGH (RH), LOCATED SOUTH OF SHEPHERD ROAD, NORTH OF IMPERIAL LAKES BOULEVARD, NORTH OF VILLAGE COURT, WEST OF IMPERIAL PARKWAY, EAST OF SUNDANCE BOULEVARD, WEST OF STATE ROAD 37, NORTH OF THE CITY OF MULBERRY, SOUTH OF THE CITY OF LAKELAND IN SECTION 27, TOWNSHIP 29, RANGE 23; 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 Local Government Comprehensive Plan and Land Development Regulation 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 parcel 232927-000000-011020 which is graphically depicted for reference in Attachment “A” of this ordinance, from Community Activity Center (CAC), Residential Medium (RM), and Preservation (PRESV) to Residential High (RH) and described as:

THAT PART OF THE THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 27, TOWNSHIP 29 SOUTH, RANGE 23 EAST, POLK COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 27; THENCE S-89°59'04"-W, ALONG THE NORTH BOUNDARY OF SAID SECTION 27, A DISTANCE OF 664.12 FEET; THENCE S-00°18'07"-W, 85.02 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF SHEPHERD ROAD; THENCE N-89°59'04"-E, ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 20.59 FEET; THENCE N-89°46'28"-E, ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 62.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N89°46'28"-E, ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 581.49 FEET TO THE EAST BOUNDARY OF SAID SECTION 27; THENCE S-00°19'31"-W, ALONG SAID EAST BOUNDARY OF SECTION 27, A DISTANCE OF 882.31 FEET; THENCE DEPARTING SAID EAST BOUNDARY OF SECTION 27, N-89°38'12"-W, 27.44 FEET; THENCE N-10°17'05"-W, 97.22 FEET; THENCE N-13°13'28"-W, 45.72 FEET; THENCE N-20°25'42"-W, 70.79 FEET; THENCE N-19°36'05"-W, 62.44 FEET; THENCE N-32°03'33"-W, 41.24 FEET; THENCE N-45°21'15"-W, 52.74 FEET; THENCE N-60°47'21"-W, 34.43 FEET; THENCE N-71°03'12"-W, 40.44 FEET; THENCE N-81°01'20"-W, 37.32 FEET; THENCE N-87°45'54"-W, 161.18 FEET; THENCE N-20°29'47"-W, 84.35 FEET; THENCE N-30°11'41"-E, 44.62 FEET; THENCE N-14°47'11"-E, 71.17 FEET; THENCE N-09°31'05"-W, 94.70 FEET; THENCE N-64°33'38"-W, 43.42 FEET; THENCE N-04°31'32"-W, 132.93 FEET; THENCE N-41°08'06"-W, 75.27 FEET; THENCE S-83°09'33"-W, 29.33 FEET; THENCE N-46°12'30"-W, 23.58 FEET TO THE AFOREMENTIONED SOUTH RIGHT-OF-WAY OF SHEPHERD ROAD AND THE POINT OF BEGINNING.

LESS THE NORTH 300.00 FEET OF THE EAST 300.00 FEET THEREOF.

and

THAT PART OF THE THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 27, TOWNSHIP 29 SOUTH, RANGE 23 EAST, POLK COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 27; THENCE S-89°59'04"-W, ALONG THE NORTH BOUNDARY OF SAID SECTION 27, A DISTANCE OF 664.12 FEET; THENCE S-00°18'07"-W, 85.02 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF SHEPHERD ROAD AND THE POINT OF BEGINNING; THENCE N-89°59'04"-E, ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 20.59 FEET; THENCE N-89°46'28"-E, ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 62.00 FEET; THENCE S-46°12'30"-E, 23.58 FEET; THENCE N-83°09'33"-E, 29.33 FEET; THENCE S-41°08'06"-E, 75.27 FEET; THENCE S-04°31'32"-E, 132.93 FEET; THENCE S-64°33'38"-E, 43.42 FEET; THENCE S-09°31'05"-E, 94.70 FEET; THENCE S-14°47'11"-W, 71.17 FEET; THENCE S-30°11'41"-W, 44.62 FEET; THENCE S-20°29'47"-E, 84.35 FEET; THENCE S-87°45'54"-E, 161.18 FEET; THENCE S-81°01'20"-E, 37.32 FEET; THENCE S-71°03'12"-E, 40.44 FEET; THENCE S-60°47'21"-E, 34.43 FEET; THENCE S-45°21'15"-E, 52.74 FEET; THENCE S-32°03'33"-E, 41.24 FEET; THENCE S-19°36'05"-E, 62.44 FEET; THENCE S-20°25'42"-E, 70.79 FEET; THENCE S-13°13'28"-E, 45.72 FEET; THENCE S-10°17'05"-E, 97.22 FEET; THENCE S-89°38'12"-E, 27.44 FEET TO THE EAST BOUNDARY OF THE AFORESAID SECTION 27; THENCE S-00°19'31"-W, ALONG SAID EAST BOUNDARY, A DISTANCE OF 150.00 FEET TO A POINT ON A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 1200.92 FEET, SAID CURVE BEING THE NORTH RIGHT-OF-WAY OF IMPERIAL LAKES BOULEVARD AS RECORDED IN OFFICIAL RECORDS BOOK 1653, PAGE 1120 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, AND SAID RIGHT-OF-WAY, THROUGH A CENTRAL ANGLE/DELTA OF 04°03'47" (CHORD=85.14 FEET, CHORD BEARING=S-47°04'19"-W), FOR A DISTANCE OF 85.16 FEET TO THE NORTH BOUNDARY OF IMPERIAL PLACE CONDOMINIUM AS RECORDED IN CONDOMINIUM BOOK 7, PAGE 29, OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE S-89°44'38"-W, ALONG THE NORTH BOUNDARY OF SAID IMPERIAL PLACE CONDOMINIUM, A DISTANCE OF 601.95 FEET TO THE WEST BOUNDARY OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 27; THENCE N-00°19'09"-E, ALONG SAID WEST BOUNDARY, A DISTANCE OF 1090.46 FEET TO THE AFOREMENTIONED SOUTH RIGHT-OF-WAY OF SHEPHERD ROAD AND THE POINT OF BEGINNING.

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 Florida Department of Commerce or Administration Commission finding the amendment in compliance in accordance with Section 163.3184, 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:

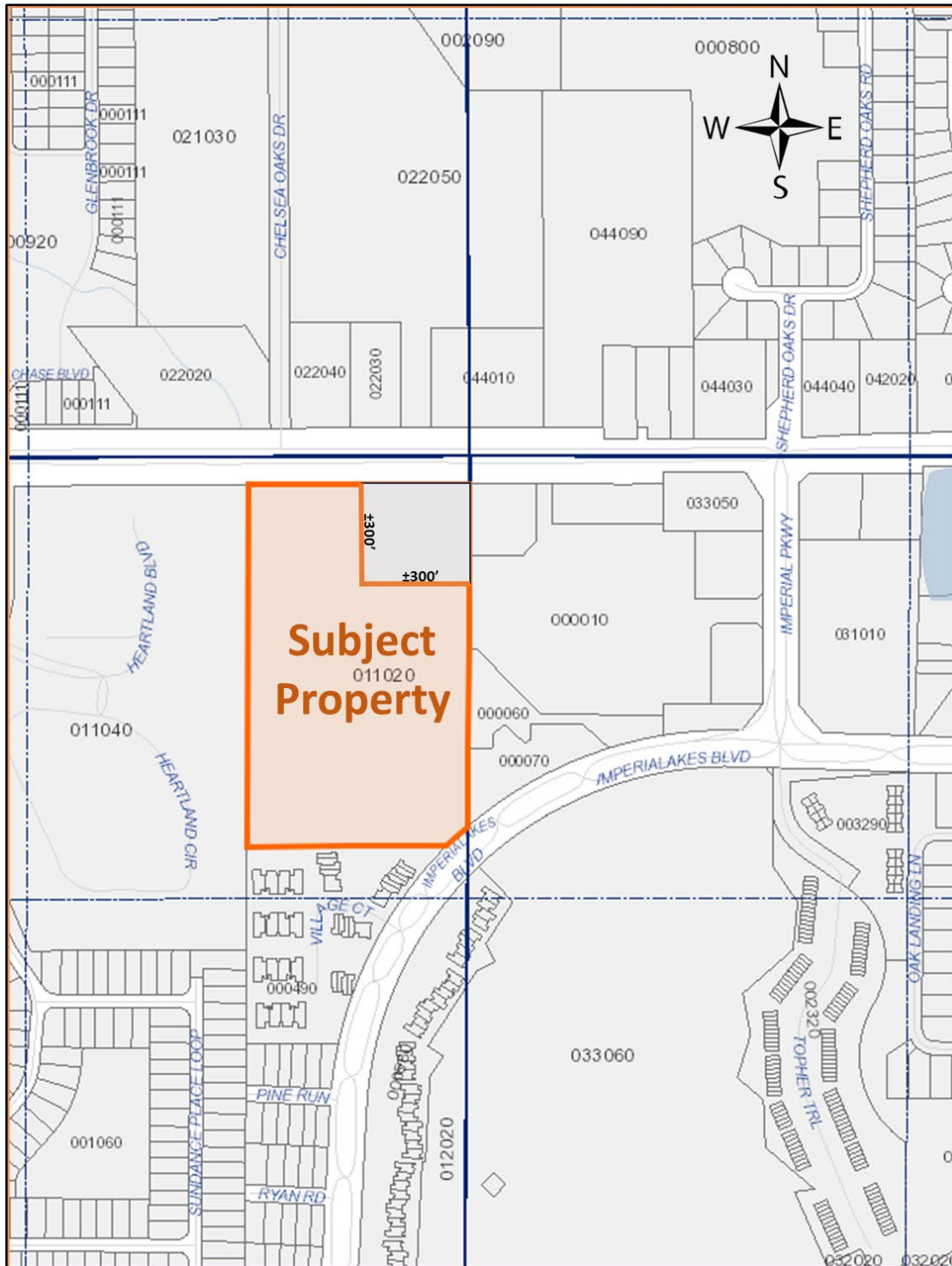
The Clerk and Auditor to the Board of County Commissioners of Polk County, Florida, shall file a certified copy of this ordinance with the Department of State, through the Secretary of State, upon adoption by the Board of County Commissioners of Polk County, Florida.

ADOPTED, in open session of the Polk County Board of County Commissioners with a quorum present and voting this 21st day of November 2023.

ATTACHMENT "A"

LDCPAS-2023-18

Future Land Use: From RM, CAC, and PRESVE to RH on 14.58+/- Acres
Location: In Poinciana South of Shepherd Road, north of ImperiaLakes Boulevard, north of Village Court, West of Imperial Parkway, east of Sundance Boulevard, west of State Road 37, north of the City of Mulberry, south of the City of Lakeland in **Section 16, Township 29, Range 24.**



PARCEL DETAIL

Note: Not to Scale