

ORDINANCE NO. 24 - \_\_\_\_\_

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING THE ADOPTION OF AMENDMENT **LDCPAS 2023-34**; AN AMENDMENT TO THE POLK COUNTY COMPREHENSIVE PLAN; ORDINANCE 92-36, TO MODIFY SECTION 2.135.L PARCEL SPECIFIC FUTURE LAND USE MAP AMENDMENTS WITH CONDITIONS. THIS CASE IS RELATED TO LDCT-2024-1. THE SUBJECT SITE IS LOCATED SOUTH SIDE OF COUNTY ROAD 630, 1.6 MILES SOUTHWEST OF THE SR 60 AND CR 630 INTERSECTION, 7.75 MILES EAST OF THE CITY OF FROSTPROOF IN SECTION 16, TOWNSHIP 31, RANGE 30; 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**, LDCPAS 2023-34 is an applicant-initiated amendment to change 20.86 acres from Agricultural/Residential-Rural (A/RR) to Leisure/Recreation (L/R), plus modify Section 2.135.L a Parcel Specific Future Land Use Map Amendment with Conditions in the Leisure/Recreation (L/R) Future Land Use in the Rural Development Area (RDA) (the “Amendment”); and

**WHEREAS**, the Subject Site (as defined in Attachment “A”) is located within close proximity to the Avon Park Air Force Range (“APAFR”), which is a U.S. military installation that is an important state facility; and

**WHEREAS**, pursuant to section 163.3175, Florida Statutes, the Florida legislature has acknowledged the potential for negative impacts to occur when incompatible development occurs close to military installations like the Avon Park Air Force Range; and

**WHEREAS**, pursuant to the 2010 APAFR Joint Land Use Study (“JLUS”), the Subject Site is located within the APAFR Military Compatibility Zone Overlay 1, which is also identified as the Military Influence Planning Area-1, (“MIPA-I”) in the JLUS; and

**WHEREAS**, the JLUS recommends that residential and transient lodging are not compatible land uses within the MIPA-I; 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 April 3, 2024; 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 February 21, 2023; 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 of portions of parcels 263132-000000-031030 and as legally described below and graphically depicted as referenced in Attachment “A” of this ordinance, from Agricultural/Residential-Rural (A/RR) to Leisure/Recreation (L/R) in the Rural Development Area (RDA), legally described as:

BEGIN AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF SECTION 16, TOWNSHIP 31 SOUTH, RANGE 30 EAST, POLK COUNTY, FLORIDA; THENCE RUN NORTH 00°13'26" EAST ALONG THE WEST LINE OF SAID NORTHWEST 1/4 A DISTANCE OF 140.80 FEET TO A POINT OF THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD 630; THENCE RUN NORTH 65°30'43" EAST ALONG SAID SOUTH RIGHT-OF-WAY A DISTANCE OF 1455.73 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 16, TOWNSHIP 31 SOUTH, RANGE 30 EAST, POLK COUNTY, FLORIDA; THENCE RUN SOUTH 00°07'26" EAST ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 16 A DISTANCE OF 762.75 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 16, TOWNSHIP 31 SOUTH, RANGE 30 EAST; THENCE RUN SOUTH 00°05'21" EAST ALONG THE EAST LINE OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 31 SOUTH, RANGE 30 EAST, POLK COUNTY, FLORIDA A DISTANCE OF 331.28 FEET; THENCE DEPARTING SAID EAST LINE, RUN NORTH 89°13'18" WEST A DISTANCE OF 329.17 FEET; THENCE RUN NORTH 00°32'15" WEST A DISTANCE OF 331.45 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 16; THENCE RUN NORTH 89°11'54" WEST ALONG SAID SOUTH LINE A DISTANCE OF 354.84 FEET; THENCE DEPARTING SAID SOUTH LINE, RUN SOUTH 00°48'13" WEST A DISTANCE OF 331.53 FEET; THENCE RUN NORTH 89°13'18" WEST A DISTANCE OF 437.00 FEET; THENCE RUN NORTH 00°48'13" EAST A DISTANCE OF 331.70 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 16, TOWNSHIP 31 SOUTH, RANGE 30 EAST; THENCE RUN NORTH 89°11'54" WEST A DISTANCE OF 203.51 FEET TO THE POINT OF BEGINNING.

AND

THE NORTH 1094 FEET OF THE WEST 50.00 FEET OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 AND THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 LYING SOUTH AND EAST OF HIGHWAY 630 IN SECTION 16, TOWNSHIP 31 SOUTH, RANGE 30 EAST, POLK COUNTY, FLORIDA.

And referencing this amendment in Appendix 2.135 and modifying Section 2.135-L as shown in Attachment "B" of this Ordinance.

### **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 on July 5, 2024 (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 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 4<sup>th</sup> day of June 2024.

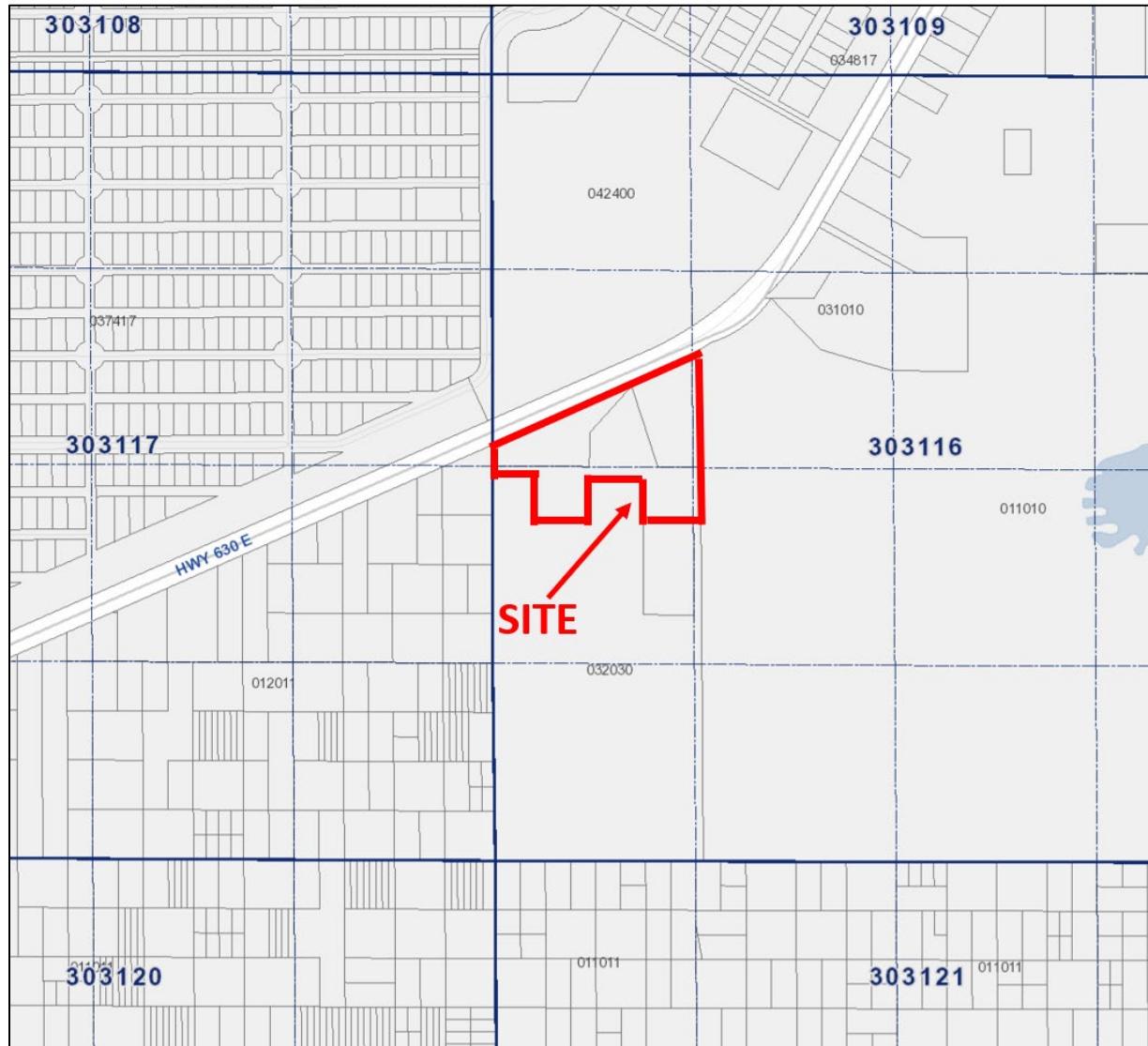
**ATTACHMENT "A"**

**LDCPAS 2023-34**

**Development Area:** Rural Development Area (RDA)

**Location:** South Side of County Road 630, 1.6 Miles Southwest of The SR 60 and CR 630 Intersection, 7.75 Miles East of The City of Frostproof in Section 16, Township 31, Range 30;

**Section 16, Township 31, Range 30**



## **ATTACHMENT “B”**

### **APPENDIX 2.135 PARCEL SPECIFIC FUTURE LAND USE MAP AMENDMENTS WITH CONDITIONS**

SECTION 2.135-R - Development Guidelines for Parcel numbers 303116-000000-032030; 303116-000000-032040; and, 303116-000000-032050.

OBJECTIVE 2.135-R: Through the adoption of LDCPAS 2023-34, this section of the plan enables this specific property to be developed with Leisure/Recreation (L/R) land uses in a limited fashion as established in the Polk County Land Development Code with conditions adopted into the Land Development Code through LDCT-2024-1.

POLICY 2.135-R1: DESIGNATION AND MAPPING - Land use for this parcel shall be designated and mapped on the Future Land Use Map Series as Leisure/Recreation-(L/R).

POLICY 2.135-R2: LOCATION CRITERIA – This section applies to the property legally described as:

BEGIN AT THE SOUTHWEST CORNER OF THE NORTHWEST ¼ OF SECTION 16, TOWNSHIP 31 SOUTH, RANGE 30 EAST, POLK COUNTY, FLORIDA; THENCE RUN NORTH 00°13'26" EAST ALONG THE WEST LINE OF SAID NORTHWEST 1/4 A DISTANCE OF 140.80 FEET TO A POINT OF THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD 630; THENCE RUN NORTH 65°30'43" EAST ALONG SAID SOUTH RIGHT-OF-WAY A DISTANCE OF 1455.73 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 16, TOWNSHIP 31 SOUTH, RANGE 30 EAST, POLK COUNTY, FLORIDA; THENCE RUN SOUTH 00°07'26" EAST ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 16 A DISTANCE OF 762.75 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 16, TOWNSHIP 31 SOUTH, RANGE 30 EAST; THENCE RUN SOUTH 00°05'21" EAST ALONG THE EAST LINE OF

THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 31 SOUTH, RANGE 30 EAST, POLK COUNTY, FLORIDA A DISTANCE OF 331.28 FEET; THENCE DEPARTING SAID EAST LINE, RUN NORTH 89°13'18" WEST A DISTANCE OF 329.17 FEET; THENCE RUN NORTH 00°32'15" WEST A DISTANCE OF 331.45 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 16; THENCE RUN NORTH 89°11'54" WEST ALONG SAID SOUTH LINE A DISTANCE OF 354.84 FEET; THENCE DEPARTING SAID SOUTH LINE, RUN SOUTH 00°48'13" WEST A DISTANCE OF 331.53 FEET; THENCE RUN NORTH 89°13'18" WEST A DISTANCE OF 437.00 FEET; THENCE RUN NORTH 00°48'13" EAST A DISTANCE OF 331.70 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 16, TOWNSHIP 31 SOUTH, RANGE 30 EAST; THENCE RUN NORTH 89°11'54" WEST A DISTANCE OF 203.51 FEET TO THE POINT OF BEGINNING.

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POLICY 2.135-R3: DEVELOPMENT CRITERIA - Development within this L/R area shall conform to the criteria established in Section 2.115 of this Comprehensive Plan consistent with the development standards adopted for this parcel in the Polk County Land Development Code.