

**ORDINANCE NO. 23 - \_\_\_\_**

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING THE ADOPTION OF AMENDMENT **LDCPAS-2022-42**; AN AMENDMENT TO THE POLK COUNTY COMPREHENSIVE PLAN; ORDINANCE 92-36, AS AMENDED, TO CHANGE THE FUTURE LAND USE MAP DESIGNATION ON 4.08+/- ACRES AGRICULTURAL RESIDENTIAL RURAL-X (A/RR-X) TO LINEAR COMMERCIAL CORRIDOR-X (LCC-X) WITHIN THE GATEWAY SELECTED AREA PLAN, LOCATED WEST OF US HIGHWAY 27, NORTH OF ALTURAS BABSON PARK CUTOFF ROAD/ COUNTY ROAD 640, EAST OF CREWS ROAD, SOUTH OF HIGHWAY 60 WEST, SOUTH OF CITY OF LAKE WALES IN SECTION 23, TOWNSHIP 30, RANGE 27; 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 March 23, 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 March 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 4.08 +/- acres from Agricultural/Residential Rural (A/RR-X) to Linear Commercial Corridor (LCC-X) in the Rural Development Area (RDA) on the parcel listed below and graphically depicted on the parcel map in Attachment “A”.

To include the area of both parcels that lines up with the LCC-X to the north where the back 300 feet of both properties remain A/RR-X.

## **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 April 21, 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 March 2023.

## ATTACHMENT "A"

### LDCPAS 2022-42

**Development Area:** Rural Development Area

**Location:** Located west of US Highway 27, north of Alturas Babson Park Cutoff Road, east of Crews Road, south of Highway 60 West

**Section-23 Township-30 Range-27**

### PARCEL DETAIL

*Note: Not to Scale*

