

ORDINANCE No. 23 - __

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING THE ADOPTION OF AMENDMENT **LDCPAL 2022-15**; AN AMENDMENT TO THE POLK COUNTY COMPREHENSIVE PLAN; ORDINANCE 92-36, AS AMENDED TO CHANGE THE FUTURE LAND USE DESIGNATION ON 0.94 ACRES OF RLX INTO OCX IN THE TRANSIT SUPPORTIVE DEVELOPMENT AREA (TSDA) IN THE RIDGE SPECIAL PROTECTION AREA (SPA) OF THE GREEN SWAMP AREA OF CRITICAL STATE CONCERN (ACSC) AND THE TRANSIT CORRIDORS AND CENTERS OVERLAY (TCCO). THE SUBJECT SITE IS LOCATED ON THE WEST SIDE OF US HIGHWAY 27, NORTH OF OGELTHORPE DRIVE, EAST OF WILLIAMSON DRIVE, SOUTH OF TUSCAN RIDGE DRIVE, NORTH OF THE CITY OF HAINES CITY IN SECTION 36, TOWNSHIP 25, RANGE 26; 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, Application LDCPAL 2022-15 is an applicant-initiated application to change the future land use designation of 0.94 +/- acres from Residential Low-X (RLX) in the Transit Supportive Development Area (TSDA) to Office Center-X (OCX) in the Transit Supportive Development Area (TSDA) (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, Amendment on January 4, 2023; and

WHEREAS, pursuant to Section 163.3184, FS, the Board of County Commissioners on June 7, 2023, held an initial public hearing and authorized transmittal of the Amendment to the Department of Economic Opportunity (DEO) for written comment, and

WHEREAS, DEO, by letter dated _____, 2023 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 August 1, 2023; and

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

WHEREAS, the Board of County Commissioners has considered the data and analysis contained within 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 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 0.94 acre site from Residential Low-X (RLX) to Office Center-X (OCX) in the Transit Supportive Development Area (TSDA) in the North US 27 Selected Area Plan (SAP) in the Green Swamp Area of Critical State Concern (ACSC) on the parcel listed below and graphically depicted on the parcel map in Attachment “A”.

Parcel included:

262536-000000-022010

Begin at the intersection of the West right of way line of Federal Highway 27 and the South line of Section 36, Township 25 South, Range 26 East, Polk County, Florida, run thence Northwesterly along said right of way, 317 feet to the Point of Beginning; thence continue Northwesterly 145 feet; thence West 240 feet; thence South 175 feet; thence East 150 feet; thence North 35 feet; thence East 110 feet, more or less to the Point of Beginning.

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 Department of Economic Opportunity 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. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity.

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 December 5, 2023.

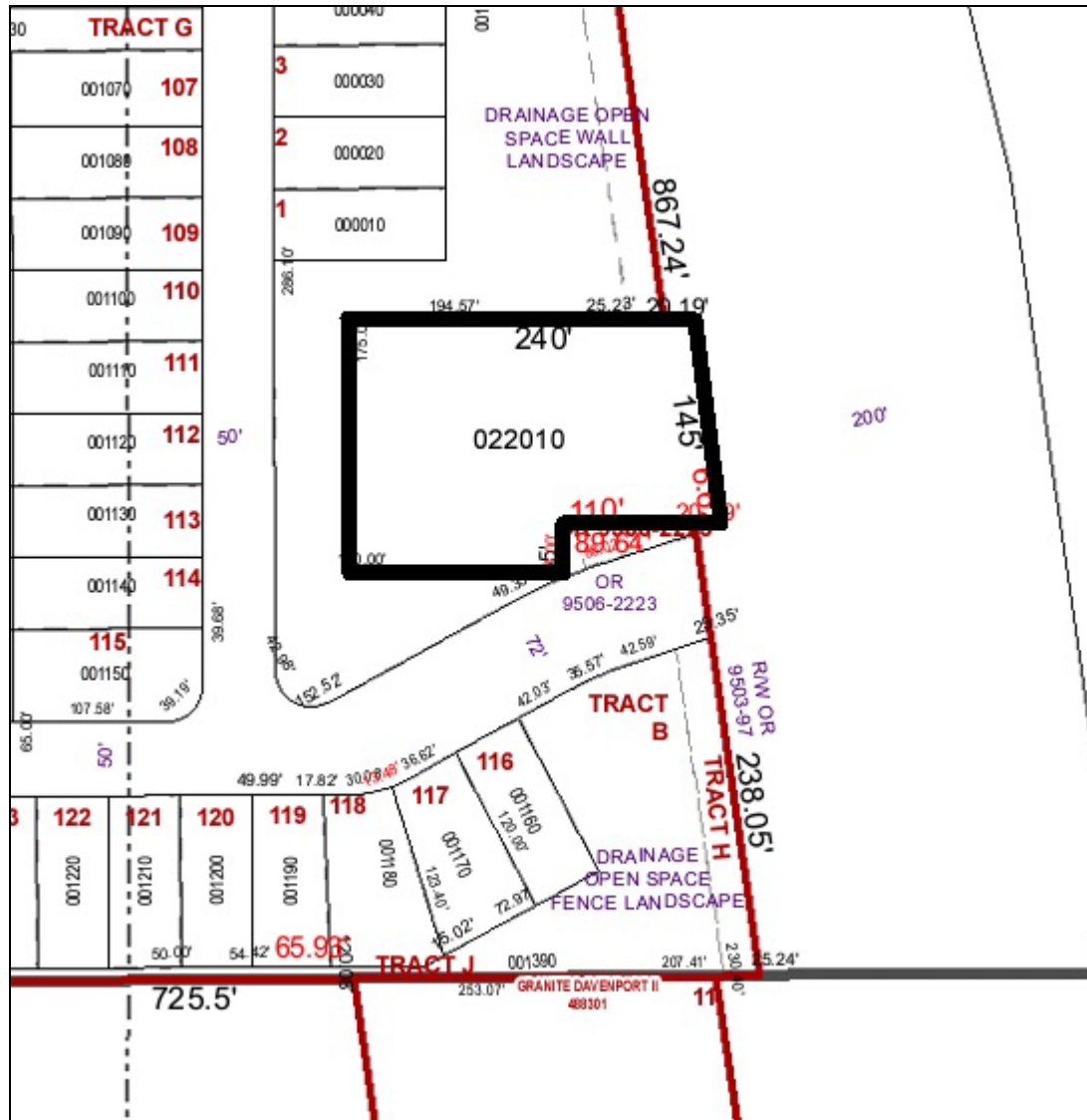
ATTACHMENT "A"

LDCPAL 2022-21

Land Use: RLX to OCX (0.94 ± acres)

Location: The site is located on the north of Oglethorpe Drive, east of Williamson Drive and south of Tuscan Ridge Drive .

Section-36 Township-25 Range-36



Parcel Detail

Note: Not to Scale