

**ORDINANCE NO. 26-\_\_\_\_\_**

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING LAND DEVELOPMENT CODE AMENDMENT LDCT-2026-17, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE; AMENDING CHAPTER 9, SECTION 902, TO SPECIFY RESOLUTIONS TO CODE VIOLATIONS; TO SECTION 905 TO REMOVE THE MANDATORY DRC ATTENDANCE REQUIREMENT FOR LEVEL 2 APPLICATIONS; SECTIONS 907 AND 912 TO CLARIFY THE PRE-APPLICATION REQUIREMENT FOR COMPREHENSIVE PLAN AMENDMENTS; SECTION 919 TO PROVIDE STANDARDS FOR PRE-APPLICATION MEETINGS; SECTION 920 TO PROVIDE INSTRUCTIONS FOR PRE-DESIGN MEETINGS; SECTION 922 TO REMOVE TIME RESTRICTIONS ON WITHDRAWING A DE NOVO APPLICATION; SECTION 972 TO UPDATE DEVELOPMENT REVIEW COMMITTEE MEMBERSHIP; 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 Land Development Regulations consistent with the Polk County Comprehensive Plan; and

**WHEREAS**, the Board of County Commissioners adopted said Land Development Regulations on March 1, 2000, titled the Polk County Land Development Code; and

**WHEREAS**, Chapter 9, Section 903 of the Land Development Code requires Land Development Code Amendments to be a Level 4 Review; and

**WHEREAS**, Chapter 9, Section 907 sets forth the purpose and review process for Level 4 Reviews; and

**WHEREAS**, pursuant to Section 125.67 of the Florida Statutes, every ordinance shall embrace but one subject and matter properly connected therewith; and

**WHEREAS**, pursuant to Section 163.3164 of the Florida Statutes, the Polk County Planning Commission conducted a public hearing, with due public notice having been provided, on the proposed Land Development Code Amendment on September 2, 2026; and

**WHEREAS**, the proposed text amendment to the Polk County Land Development Code shall amend the review and approval procedures for Land Development applications; and

**WHEREAS**, the Board of County Commissioners held two public hearings on October 6, 2026, and October 20, 2026, wherein the Board reviewed and considered the Planning Commission's recommendation, the staff report, and all comments received during said public hearings, and provided for necessary revisions; and

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

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| <p><i>NOTE:</i> The <u>underlined text</u> indicates proposed additions to the current language. The <del>strikeout</del> indicates text to be removed from the current ordinance.</p> |
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**SECTION 1: FINDINGS** The Board hereby finds and determines that:

- a) The findings set forth in the recitals to this Ordinance are true and correct and hereby adopted.
- b) The Planning Commission, acting in its capacity as the Local Planning Agency for the County, held a public hearing on September 2, 2026, to consider the LDC text amendments contained within Application LDCT-2026-17 and found them to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC Text Amendment contained within Application LDCT-2026-17.
- c) The adoption of LDCT-2026-17 is consistent with the Comprehensive Plan and LDC.

**SECTION 2:** Chapter 9, Section 902, Development Approval, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

**Section 902 - Development Approval**

Any development or use of land not exempted in Section 902 C. shall obtain approval through one or more of the development review procedures outlined in this Chapter according to the type of use or development.

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**F. Cease and Desist Illegal Activity**

Prior to seeking any level of development approval (including variances, waivers, special exceptions, or modifications to prior approvals), the owner, applicant, or occupant must cease and desist all activity on the subject property that is not legally in compliance with this Code or any other condition imposed through prior development approval. This includes but is not limited to construction, excavation, parking ~~or~~ of vehicles, storage of materials, or the operation of a business that is not legally meeting the requirements or exempted from this Code.

**G. The Resolution of Land Development Code Violations**

Code violations are not resolved through plan approval (s). Code violations are only resolved through complete correction of all Code infractions. This shall include construction, inspection, and approvals of all required improvements to reach Code compliance and meet County standards. Fines shall remain in effect until Code compliance is achieved.

**SECTION 3:** Chapter 9, Section 905, Level 2 Review, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

**Section 905 Level 2 Review**

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**D. *Review Process for Level 2 Review*** (Rev. 11/27/02 - Ord. 02-84)

- 1. Within 30 days after receiving an application for approval of a development permit or development order, the County shall review the application for completeness pursuant to application requirements found in Section 704.B for non-residential and multi-family uses,

or Section 804.A for subdivisions. The County shall notify in writing that all required information is submitted or specify with particularity any areas that are deficient.

2. If the application is incomplete, the applicant has 30 days to address the deficiencies by submitting the required additional information or the application shall be withdrawn.
3. Within 120 days after the County has deemed the application complete, the County must approve, approve with conditions, or deny the application for a development permit or development order. An approval, approval with conditions, or denial of the application for a development permit or development order must include written findings supporting the County's decision. If denied, a new application is required, and all fees must be paid. Re-submittals shall follow the procedures as set forth for an original submittal.
4. The applicant may agree to a reasonable request for an extension of time, particularly in the event of a force majeure or other extraordinary circumstances.
5. The timeframes contained in the Subsections D.1-3 above do not apply in an Area of Critical State Concern.
6. The proposal shall be placed on the agenda of the next meeting of the DRC that allows ten working days for review. A copy of the complete application and supporting documentation shall be delivered to ~~each member of the~~ DRC members who shall conduct a sufficiency review of the proposal.
7. DRC staff will present comments that recognize deficiencies in the site plans and supporting documentation. For a development to be approved, all comments and concerns of the committee members must be addressed.
8. ~~If the applicant or his designee fails to attend the DRC meeting, the item shall be put on the next scheduled meeting for no more than two consecutive meetings. After failure to attend a second meeting, the applicant will be required to re-submit a new application and all fees must be paid.~~
8. The applicant shall resubmit revised plans as necessary until final approval. DRC staff shall have ten working days to review each subsequent re-submittal. If approved and released by all DRC staff, the applicant shall submit a revised final set of plans for final recognition of approval by the County Engineer. The DRC clerk will then issue a Final Development Approval Letter to the applicant.
9. If DRC representatives impose conditions, these conditions shall be addressed, and the applicant shall resubmit revised plans addressing the conditions within 180 days or must thereafter initiate a new application and pay all fees. The applicant may request a suspension of the application and resume the review with no major deviation to the application within one year with no additional fee.

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**SECTION 4:** Chapter 9, Section 907, Level 4 Review, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

## **Section 907    Level 4 Review**

### **A.     *Purpose***

The Level 4 Review is designed to evaluate cases that require legislative decisions such as Comprehensive Plan Text and Map Amendments; Land Development Code Text Amendments; and Land Use District Modifications (Sub-District Changes) pursuant to Section 912.

The review is also designed to evaluate whether ~~the~~ certain Conditional Uses or Planned Developments development requiring quasi-judicial decisions meets minimum development standards as stated within this Code, other County development regulations, and to provide for compatibility review. The Planning Commission shall recommend and the BoCC may approve, approve with conditions, or deny the application. The BoCC shall determine whether the proposed development complies with the standards of this Code and the Comprehensive Plan regarding the following issues:

1.     The compatibility of non-residential uses near or adjacent to residential land uses or vacant land designated as residential;
2.     The compatibility of proposed residential uses in proximity to existing residential densities of a significantly different density;
3.     Where there are specific characteristics of the proposal which may result in potential adverse off-site impacts. Site characteristics such as a dumpster, driveway, drive-through window, or buffer will be reviewed to determine compatibility and possible mitigation of impacts not deemed compatible;
4.     The effects of noise, vibration, air pollution, glare and odor may adversely impact the use of adjacent properties shall be reviewed and, where appropriate, conditions for mitigation imposed;
5.     Whether the requested development meets minimum development standards as stated in this Code, and other County development regulations; and to provide for compatibility; and
6.     The development plan and impacts are outlined in an Impact Assessment Statement which mitigates any impacts of the project and is prepared pursuant to Section 910.

### **B.     *Performed By (Revised 02/05/19 – Ord. No. 19-008)***

A Level 4 Review is performed by the Development Review Committee, the Planning Commission, and the Board of County Commissioners.

### **C.     *Results***

A successful Level 4 Review will result in a recommendation of approval, or approval with conditions from the Planning Commission and approval or approval with conditions by the Board of County Commissioners.

**D. *Review Process For Level 4 Review*** (Rev. 02/05/19 - Ord. No. 19-008; 5/20/09 - Ord. 09-023; 3/8/06 - Ord. 06-12)

1. ~~A pre-application meeting is optional but recommended.~~ Applicants for Comprehensive Plan amendments shall be required to complete a pre-application review prior to submitting a Level 4 Review application. Pre-application meetings for other Level 4 Review applications are optional but recommended.

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**SECTION 5:** Chapter 9, Section 912, Code Amendments, Land Use District Modifications and Comprehensive Plan Amendments, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

**A. State Law**

The procedures in this Section shall be followed in amending this Code and the Comprehensive Plan. This part supplements the mandatory requirements of Florida law, which must be adhered to in all respects.

**B. Application**

Any property owner, BoCC, or agency may apply to the Department to amend the text of this Code, the text of the Comprehensive Plan or the Future Land Use Map Series (FLUMS) in compliance with procedures prescribed by the Department. Applicants for Comprehensive Plan amendments shall be required to complete a pre-application review prior to submitting a Level 4 Review application.

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**SECTION 6:** Chapter 9, Section 919, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

**Section 919 - ~~Reserved (Revised 02/5/19 - Ord. 19-008)~~ Pre-Application Meetings**

**A. Purpose**

A pre-application meeting is intended primarily as an early-stage consultation between the County and a project developer, property owner (s), and/or other interested parties. This is intended to be a process-oriented review focusing on feedback on potential development projects. These meetings may also serve as a Level 1 Review for an Administrative Decision, pursuant to Section 918, when intended to resolve a Code Enforcement case, to issue a building permit, or other appropriate land development issues that do not require a Level 2, 3, 4, or 5 Review.

A complete pre-application meeting is required for all Comprehensive Plan Amendments, pursuant to Sections 907 and 912.

**B. Performed By**

The Development Review Committee.

**C. Process**

1. The applicant shall file a completed electronic application, narrative, and plans for a pre-application meeting with the Land Development Division.
2. A copy of the application and documentation shall be electronically delivered to the relevant staff members of the Development Review Committee.
3. The staff shall review the proposal and submit comments within 10 working days from the date of receipt of an application.
4. The proposal shall be placed on the agenda of the next meeting of the DRC that allows ten working days for review. The meeting date can be re-scheduled at the request of the applicant.

**D. Results**

1. A successful Level 1 Review will result in an issuance of authorization to proceed with a development application, which may include the requirement to apply for other permits or applications, such as a building permit or other Level of Review.
2. No site plans or development orders shall be approved through a pre-application meeting.
3. The completion of the pre-application process allows for the application of Level 4 Comprehensive Plan amendments, pursuant to Sections 907 and 912.

**SECTION 7:** Chapter 9, Section 920, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

**Section 920 - ~~Reserved (Revised 02/5/19 – Ord. 19-008)~~ Pre-Design Meetings**

**A. Purpose**

A pre-design meeting is a preliminary review and discussion of site plans prior to the submittal of a Level 2 Review between the engineer of record, the County Engineer or designee, and other relevant County staff. This review is for the site-related portions of a project which typically include drainage/stormwater design, access and parking, utilities, environmental issues, and landscaping design.

**B. Performed By**

The meeting shall be requested and attended by the design civil engineer representing the applicant and/or property owner. County staff may include engineering, utilities, planning, surveying, and other divisions, as necessary.

**C. Process**

Pre-design meetings and processes are scheduled by the County Engineer or designee. At a minimum, the following documents shall be submitted for review:

- a. Name of project and parcel address with parcel number
- b. Preliminary engineered or scaled site plans
- c. Type of project and brief description
- d. Traffic estimates (if available)
- e. Any roadway testing results for adjacent roadways (if available)
- f. Coordination information with applicable state and local agencies

#### **D. Results**

Pre-design meetings are not required prior to the submittal of a Level 2 Review application, but they are encouraged. No final DRC decisions or development orders are issued during or as a result of a pre-design meeting.

**SECTION 8:** Chapter 9, Section 922, De Novo Hearing, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

**Section 922 - De Novo Hearing (Revised 02/05/19 - Ord. No. 19-008; 3/18/09 - Ord. 09-007; 11/09/05 - Ord 05-066)**

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#### **3. *Timing***

Once an application for a De Novo hearing has been submitted, the Land Development Division shall present possible hearing dates to the applicant and appellant (if not the applicant) and shall submit a "Set Hearing" request for a date on which both the applicant and appellant (if not the applicant) are available; if the applicant and appellant cannot agree on a date, then the Land Development Director shall choose the date.

- a. For De Novo requests submitted by the appellant (if not the applicant), the hearing shall be held within 60 days of the Planning Commission hearing, or the Planning Commission decision shall stand unless the time frame is extended by continuance(s) granted pursuant to subsection c., below.
- b. For De Novo requests submitted by the applicant, the hearing shall be held within 90 days of the Planning Commission hearing, or the Planning Commission decision shall stand unless the time frame is extended by continuance(s) granted pursuant to subsection c., below.
- c. The Land Development Director may grant one continuance/extension for up to 30 calendar days. Any requests by the applicant or appellant to continue/extend ~~or withdraw~~ the De Novo hearing shall be requested in writing to the Land Development Director at least 20 calendar days prior to the hearing so that all affected parties can be notified. If the applicant and appellant cannot agree on a date, then the Land Development Director shall choose the date. Any subsequent requests by the applicant or appellant ~~to withdraw~~ or continue the De Novo hearing must be approved by the BoCC and shall be requested in writing at least 20 calendar days prior to the hearing. The BoCC may deny the request to continue or limit the duration of the continuance. If additional advertising is required,

advertising fees are the responsibility of the party seeking the continuance. A tie vote without a subsequent motion (e.g. a motion for a continuance) passed by the Board is deemed a denial of the application without prejudice.

- d. An application for a De Novo hearing may be withdrawn by the party who filed such application at any time prior to the De Novo hearing. If all De Novo applications for a particular case are withdrawn prior to the applicable hearing date, then the Land Development Director shall have the hearing removed from the BoCC agenda, if set, and a De Novo appeal on the case will not be heard.
- e. The term "appellant" is defined as any party that files a De Novo appeal application, and the term "applicant" strictly applies to the party who submitted the original Land Development application.

**SECTION 9:** Chapter 9, Section 972, Development Review Committee, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

#### **Section 972    Development Review Committee**

##### **A.     *Creation and Appointment of Chair (Revised 5/20/09 – Ord. 09-023)***

There is hereby created a Development Review Committee (DRC) to be chaired by an individual appointed by the Land Development Director.

##### **B.     *Membership (Revised 5/20/09 – Ord. 09-023)***

1.     The membership of the Committee shall be composed of the chairman and a representative of each of the following entities, which are responsible for :
  - a. Land Development Division;
  - b. County Engineer or designee ~~Section~~;
  - c. ~~Fire Services Division~~; Fire Marshal's Office
  - d. ~~Public Works Department~~ Polk County Utilities;
  - e. Polk County Attorneys Office;
  - f. ~~Leisure Services Division~~; and E-911
  - g. Roads & Drainage
  - h. Polk County School Board
  - i. Transportation Planning Organization (TPO)
2.     Should any of the entities listed in Section 972 B.1 no longer exist, through a restructuring of County staff, the membership positions shall be filled by those entities

which most closely represents the interests listed in Section 972 B.1, without the need to immediately take special action to amend this Code. Such amending of this Code should occur at a time when the ordinance is going to be amended for other reasons. No action of the DRC shall be invalidated due to this Section not being amended in a timely manner.

3. A request for information, as required, may be made to representatives of the following agencies:

~~a. Transportation Planning Organization (TPO)~~

a. Polk County Sheriff's Office

~~e. Polk County School District~~

b. Natural Resources and Drainage

c. Building Division

d. Codes Enforcement

~~g. All applicable utility providers (e.g., gas, electric, cable television, telephone, sewer, water, garbage);~~

~~h. The three water management districts having jurisdiction within Polk County;~~

~~i. The Polk County Health Department, and other County Departments and Divisions; and~~

~~j. The Department of Community Affairs Department of Economic Opportunity or other state or federal agencies with jurisdiction.~~

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6. The entities listed in Section 972 B.1 & 3 ~~shall~~ should attend DRC meetings when issues related to their organization are on the agenda.

- ~~7. The entities listed in Section 972 B.3 should attend DRC meetings when issues related to their organization are on the agenda.~~

- ~~8. The applicant shall attend DRC meetings pursuant to Section 905.D.8.~~

## **SECTION 10: 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 11: EFFECTIVE DATE**

This ordinance shall become effective upon filing with the Department of State.

ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY,  
FLORIDA this 20<sup>th</sup> day of October 2026.