

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

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING LAND DEVELOPMENT CODE AMENDMENT **LDCT-2024-11**, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE; AMENDING MULTIPLE SECTIONS OF CHAPTER 9, TO CONFORM PROCEDURES AND TIME FRAMES FOR REVIEWING DEVELOPMENT APPLICATIONS WITH STATE REQUIREMENTS; CLARIFYING TERMINOLOGY REGARDING EXTENDING THE TIME FRAME FOR SETTING DE NOVO HEARINGS; CLARIFYING THAT A TIE VOTE DURING A PUBLIC HEARING RESULTS IN A DENIAL; PROVIDING ATTENDANCE STANDARDS FOR PLANNING COMMISSION MEMBERS; 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 July 10, 2024; 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 require regular attendance for Planning Commission members; and

**WHEREAS**, the Board of County Commissioners held two public hearings on July 16, 2024 and August 6, 2024 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:

*NOTE: The underlined text indicates proposed additions to the current language. The ~~strikeout~~ indicates text to be removed from the current ordinance.*

**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 July 10, 2024, to consider the LDC text amendments contained within Application **LDCT-2024-11** and found them to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC Text Amendment contained within Application **LDCT-2024-11**.
- c) The adoption of LDCT-2024-11 is consistent with the Comprehensive Plan and LDC.

**SECTION 2:** 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**

A. ***Purpose*** (Revised 5/20/09 – Ord. 09-023)

A technical review of an application and plans for a development which is:

- 1. Expected to have multiple technical issues or changes in the use or site;
- 2. To ensure conditions required by the Comprehensive Plan are compliant;
- 3. To evaluate whether the application meets minimum development standards and conditions as stated in this Code and other County development regulations;
- 4. Necessary to review by the Land Development Director for conditions as required by the Comprehensive Plan and in Chapter 3 of this Code.

B. ***Performed By***

A Level 2 Review is performed by the Development Review Committee (DRC).

C. ***Results***

A successful Level 2 Review will result in approval of subdivision construction plans, permitted use site plans or conditional use site plans.

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 circumstance.
5. The timeframes contained in the Subsections D.3 above do not apply in an Area of Critical State Concern.
4. 6. The proposal shall be placed on the agenda of the next meeting of the ~~Development Review Committee~~ 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 ~~Development Review Committee~~. ~~The Development Review Committee members~~ DRC who shall conduct a preliminary sufficiency review of the proposal.
2. 7. ~~At the meeting, Development Review Committee DRC staff will present comments (written or verbal) that recognize deficiencies in the site plans and supporting documentation, and determine whether the plan should be approved, approved with conditions, or denied, based on whether the plan conforms to this Code.~~ For a development to be approved, all comments and concerns of the committee members must be addressed.
3. 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.
4. ~~Within five working days of the meeting the Director shall issue a written statement of approval, approval with conditions, or denial based on the failure of the proposed development to comply with the standards of this Code, and any conditions required by the Planning Commission or the BoCC.~~
5. 9. The applicant shall submit 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 representatives 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.
6. 10. 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.
7. ~~If denied, a new application is required and all fees must be paid~~
8. ~~Re submittals shall follow the procedures as set forth for an original submittal.~~

E. **Reserved**

~~***Expedited Procedures for Affordable Housing Subdivisions*** (Rev. 01/30/03 – Ord. 03-14)~~

~~In order to expedite the issuance of building permits for affordable housing developments as defined herein, the application shall be identified with yellow paper and placed ahead of the other incoming applications for plan review and permit processing. Initial plan review shall be completed within ten working days.~~

F. ***Review process for Minor Revision to Plans*** (Revised 3/17/10 – Ord. 10-011)

Where a minor revision to approved Level 2 construction plans is proposed, plans may be submitted for review by the County Engineer and Current Planning for approval or to determine whether a full DRC review is required. Revisions that are considered minor to approved Level 2 plans are listed in Section 704.C.

G. ***Minor Level 2 Review/Minor Commercial Site*** (Revised 8/21/18 – Ord. 18-058; 3/17/10 – Ord. 10-011)

A minor Level 2 Review/Minor Commercial Site is for any form of non-residential land development where all of the following are met:

1. The parcel or parcels of land within the developed area do not contain flood hazard areas;
2. The land development activity will not intrude or otherwise impact wetlands;
3. There are no soils removed or added to the site,
4. The proposed use is permitted by right within the Future Land Use Map district (e.g. listed as “P” in Section 205 or corresponding Selected Area Plan use table),
5. Does not occur within any public or private easement that precludes such development or activity that may result from the development,
6. Is not located within an Area of Critical State Concern;
7. The total impervious surface area of the development does not exceed 4,000 square feet or 25 percent of the parcel or parcels whichever is less.

A Minor Level 2 Review may be submitted through a shortened review by select Development Review Committee members including, but not limited to, the County Engineer, Current Planning, Transportation Engineering, Fire Marshal, and Polk County Utilities for approval or to determine whether further DRC members should be included in the review. Should comments be provided requiring a resubmittal, the process as outlined in ~~Section 905.D.6~~ 905.D.9 shall apply.

H. **Purpose & Exemption**

In accordance with Section 704, non-residential uses listed as a “C2” in Section 205 or in corresponding Selected Area Plan use tables where infrastructure and site improvements are

neither required nor regulated by the Land Development Code shall be exempt from the Level 2 Review process. Verification that a land development activity has met this standard shall be determined through a Level 1 Review.

**SECTION 3:** Chapter 9, Section 906, Level 3 Review, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

**Section 906 Level 3 Review**

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D. ***Review Process for Level 3 Review (Rev.2/5/19 – Ord. 19-008; 5/20/09 – Ord. 09-023; 3/8/06 - Ord. 06-12)***

1. A pre-application meeting is optional; but recommended.
2. Applications for development review shall be available from the Land Development Division. A complete application shall be signed by all owners, or their agent, of the property subject to the proposal, and notarized. Signatures by other parties will be accepted only with notarized proof of authorization by the owners. In a case of corporate ownership, the application shall be signed by an officer of the corporation. All applications shall comply with the following submittal requirements and additional submittal requirements that may be required by other Sections of this Code or by resolution adopted by the Polk County Board of County Commissioners.
  - a. Applications shall include documents and drawings showing:
    - i. Name of owner or contact, address, and phone number;
    - ii. Description of intended use and Land Use District;
    - iii. Preliminary Development Plan;
    - iv. Location and linear dimensions and size of parcel;
    - v. Legal description of property involved;
    - vi. Access;
    - vii. Boundary survey or scaled drawing as required by this Code; ~~and, ,~~
    - viii. ~~Tax parcel sheets and aerial photos.~~
  - b. There may be additional submittal requirements in other Sections of this Code. All plans submitted for review by the County and other review agencies shall be identical. Any revisions made at the request of one or more review agencies shall be resubmitted with the request number of copies.
  - c. All preliminary plans shall include the following information:

- i. Location of the subject property in relation to surrounding and adjacent roadways and proposed access to the property street network;
- ii. General description of the project, illustrating the location of all proposed uses. Residential projects shall include the total number of units proposed and density. Non-residential projects shall include the floor area ratio (FAR) and impervious surface ratio (ISR);
- iii. Location and type of developments, land uses, and driveways or roads within 150 feet of the proposed project;
- iv. A drawing of the site (~~at a scale of one inch equals 60 feet at a reasonable scale~~) showing major geographical features including creeks, ditches, water bodies, other prominent topographic features (USGS, or tax maps may be used);
- ~~v. Location of major tree stands and other large trees (this may be outlined on aerial maps, and need not be a tree survey);~~
- v. Location, size and number of stories of proposed building and above ground transmission structures;
- vi. General parking lot layout with approximate number of spaces, basic traffic flow and proposed circulation patterns;
- vii. A statement indicating whether access will be required to a state, city, county or private road;
- viii. Generalized location of intended buffers;
- ix. Proposed ~~foot print~~ footprint of non-residential building indicating building setbacks and access points;
- x. Typical and minimum lot size on residential projects;
- xi. A map identifying the location and elevation of any flood zones, wetlands and other Development Limitation or Resource Protection Areas;
- xii. A general description of how drainage will be handled, ~~including a soils statement (Natural Resources Conservation Service acceptable)~~ and the general area of the site to be used for stormwater management facilities;
- ~~xiv. Any special occupancies to be included on the site, which may include but are not limited to, underground storage tanks, a fireworks manufacturing site, a paint and body shop; or any other occupancy that includes a fire safety concern;~~

- xiv. ~~Existing~~ Available water and ~~waste-water~~ wastewater services; ~~(this may simply be a statement such as: "There are no water or wastewater service facilities on or near the site");~~
  - xv. The gross floor area per floor of the building proposed;
  - xvi. The proposed use as listed in the appropriate use tables in Chapters ~~2, 3, and 4~~ 2, 4, and 5; and,
  - ~~xviii. Current Property Appraiser parcel maps and aerials for the site.~~
3. 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 detailed above in Subsection D.2.a. The County shall issue a letter indicating that all required information is submitted or specifying with particularity any areas that are deficient.
  4. 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.
  5. Within 180 days after the County has deemed the application complete, the Planning Commission 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 Planning Commission'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.
  6. Both parties may agree to a reasonable request for an extension of time, particularly in the event of a force majeure or other extraordinary circumstance.
  7. The timeframes contained in the Subsections D.5 above do not apply in an Area of Critical State Concern.
  8. ~~The Land Development Director~~ Land Development staff shall send a copy of the complete application to each member of the Development Review Committee (DRC); and shall place the request on the agenda of the next Committee meeting allowing for a minimum 15 working days ~~for~~ to review for sufficiency, as determined by Subsection D.2.c., and for compliance with all applicable Comprehensive Plan and Land Development policies.
  9. The County shall provide notice of the request according to the requirements of Section 960.
  10. Each committee member shall submit written comments as to the probable effect of the proposed development on the public facilities and services and the compliance or lack thereof with this Code and the Comprehensive Plan.

11. ~~Within ten working days after the committee meets to consider the plan and comments, the Land Development Director~~ Once preliminary plans and the application are deemed sufficient for hearing, Land Development staff shall prepare a written report setting forth DRC findings and conclusions supporting its recommendation to the Planning Commission. If required to mitigate the impacts of a proposed conditional use, DRC members shall provide for Planning Commission consideration written conditions that have a rational nexus and are roughly proportional to the impacts of the proposed conditional use.

The written report shall:

- a. Recommend approval or approval with conditions of the application as consistent with this Code; or
  - b. Recommend denial of the application based upon its failure to comply with the requirements of this Code.
12. The Planning Commission shall make findings regarding the factors outlined in Section 959 and render a final decision for approval, approval with conditions, or denial of the development application. The Planning Commission, in the review of development plans, shall consider the following factors:
- a. Whether the proposed development is consistent with all relevant requirements of this Code;
  - b. Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;
  - c. Whether the proposed use is compatible with surrounding uses and the general character of the area, including such factors as density, height, bulk, scale, intensity, traffic, noise, and appearance; and
  - d. How the concurrency requirements will be met, if the development were built.
13. The Planning Commission may consider conditions and safeguards in conformity with the intent and provisions of this Section, including the following:
- a. Limit the manner and extent to which an activity is conducted to minimize environmental effects such as: noise, vibration, air pollution, glare, and odor;
  - b. Limit the height, size, or location of a building or other structure (including signs) to minimize incompatibilities between a proposed development and surrounding uses;
  - c. Designate the size, number, and location of vehicle access points to minimize hazards for vehicular or bicycle/pedestrian traffic and to minimize congestion on public roads;



- d. Prescribe the location of on-site facilities such as parking areas, loading areas, driveways, drive-thru windows, and trash collection areas to minimize adverse impacts on adjacent properties;
  - e. Limit the location and intensity of outdoor lighting, including sign lighting, or require its shielding to protect adjacent or nearby property and public roadways from glare;
  - f. Require berming, screening, or landscaping to lessen visual and sound impacts which may adversely affect adjacent or nearby property; and
  - g. Specify other conditions in conformity with the intent and purpose of this Code and the Comprehensive Plan.
14. When part of a Planned Development or Conditional Use Review (Level 3 Review), the Planning Commission is also authorized to review, hear, and act upon variances and expansions of non-conforming uses as they relate to that proposal.
15. Any applicant or substantially affected property owner who is dissatisfied with a decision of the Planning Commission may request a full hearing before the Board of County Commissioners by filing an application for a De Novo hearing with the Land Development Division pursuant to Section 922.

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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 review is to evaluate whether the requested development 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.
2. Submit an application consistent with the requirements of Section 906D.2. The application requirements, review process, and applicable time frames shall be consistent with Section 906.D.2-11
3. ~~The Land Development Director shall send a copy of the application to each member of the Development Review Committee and shall place the plan on the agenda of the next Committee meeting that allows for 15 working days for review.~~
4. ~~Each Committee member shall submit written comments as to the proposed development's probable effect on public facilities and services and whether the proposal is in compliance with the Comprehensive Plan and this Code. If required to mitigate the impacts of a proposed conditional use, DRC members shall provide written conditions for Planning Commission consideration.~~
5. ~~Within ten working days after the Committee meets to consider the plan and comments, the Director shall prepare a written report and recommendation that the development application be approved, approved with conditions, or denied.~~
6. ~~On the earliest available date that allows the giving of notice required by Section 960, the Land Development Director shall schedule a public hearing on the application before the Planning Commission.~~

- ~~7.~~ 3. The Planning Commission shall review the development application and recommend approval, denial, or approval with conditions in accordance with a Level 3 Review process. (See Section 906.D.12-14)
- ~~8.~~ 4. Within ten working days after the Planning Commission meets to consider the plan and comments, ~~the Land Development Director~~ Land Development staff shall prepare a written report including the Planning Commission recommendation and conditions.
- ~~9.~~ 5. On the earliest available date that allows the giving of notice required by Section 960, ~~the Land Development Director~~ Land Development staff shall schedule a Board of County Commissioners public hearing on the development plan and application.
- ~~10.~~ 6. The Board of County Commissioners, in the review of the development application shall consider the following factors:
- a. Whether the proposed development is consistent with all relevant requirements of this Code;
  - b. Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;
  - c. Whether the proposed use is compatible with surrounding uses and the general character of the area, including such factors as density, height, bulk, scale, intensity, traffic, and noise appearance; and
  - d. Any other matter which the BoCC may deem appropriate and relevant to the specific development proposal.
- ~~11.~~ 7. The BoCC may prescribe appropriate conditions and safeguards in conformity with the intent and provisions of this Section, including the following:
- a. Limit the manner and extent to which an activity is conducted to minimize such environmental effects as noise, vibration, air pollution, glare, and odor;
  - b. Limit the height, size, or location of a building or other structure (including signs) to minimize incompatibilities between a proposed development and surrounding uses;
  - c. Designate the size, number and location of vehicle access points to minimize hazards for vehicular or bicycle/pedestrian traffic and to minimize congestion on public roads;
  - d. Limit the location of on-site uses such as parking areas, loading areas, drive-thru windows, and trash collection areas to minimize adverse impacts on adjacent properties;
  - e. Limit the location and intensity of outdoor lighting, including sign lighting, or require its shielding to protect adjacent or nearby properties and public roadways from glare;

- f. Require berming, screening, or landscaping to lessen visual and sound impacts which may adversely affect adjacent or nearby property; and
- g. Specify other conditions in conformity with the intent and purpose of this Code and the Comprehensive Plan.

~~12.~~ 8. The BoCC shall consider the factors listed in Section ~~907D.10~~ 907.D.6 and ~~907D.11~~ 907.D.7, and render a final decision to approve, approve with conditions, or deny the development application. Within five working days the County shall issue a letter outlining the decision and required conditions. If the Board denies a development application, then pursuant to Section 125.022, F.S., the Board shall adopt a written order stating the legal basis for the denial within 30 days of the hearing. The Board may adopt the staff report as its written order if it desires in lieu of a separate order, including any adopted modifications to the staff report, if the staff report recommended denial by the DRC. 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.

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**SECTION 5:** Chapter 9, Section 908, Level 5 Review, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

**Section 908 Level 5 Review**

A. ***Purpose***

The review is to evaluate whether the requested subdivision meets minimum development standards as stated within this Code, other County development regulations, and to provide for compatibility review. The BoCC may approve, approve with conditions, or deny.

B. ***Performed By (Revised 3-17-10 – Ord. 10-010)***

A Level 5 Review is performed by the Development Review Committee (DRC) ~~and/or plat Review Staff,~~ the Land Development Director, and the Board of County Commissioners (BoCC) for review of the plat ~~or plans submitted.~~

C. ***Results***

A successful Level 5 Review will result in approval of a subdivision plat by the Board of County Commissioners.

D. ***Review Process For Level 5 Review (Rev. 08-07-18 – Ord. 18-057; 3-17-10 – Ord. 10-010; 5/20/09 – Ord. 09-023; 01/30/03 - Ord. 03-14)***

1. A Level 5 Review shall follow the same review procedures as a Level 2 Review as outlined in Section 905.D of this Code, except for Subsections D.3, D.6, and D.8. For the plat, the Land Development Director Land Development staff shall send a copy of the application to each member of the Development Review Committee DRC and shall allow 15 working days for review. Within 180 days after the County has deemed the application complete, the Board shall render a final decision to approve or deny the plat.
- ~~2. Within five working days after the Committee meets to consider the plan and comments or the plat is released, the Director shall prepare a written report and recommendation that the development application be approved, denied or approved with conditions.~~
- ~~3. If DRC representatives impose conditions, these conditions shall be addressed, and the applicant shall resubmit the revised plat 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.~~
4. 2. On the earliest available date, the Land Development Director shall schedule the application on the Board of County Commissioners' consent agenda.
- ~~5.~~ 3. The Board of County Commissioners, in the review of the development application, shall consider the following factors:
  - a. Whether the proposed development is consistent with all relevant requirements of this Code;
  - b. Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;
  - c. Whether the proposed use is compatible with surrounding uses and the general character of the area, including such factors as height, bulk, scale, intensity, traffic, noise, and appearance; and
  - d. Any other matter which the BoCC may deem appropriate and relevant to the specific development proposal.
- ~~6.~~ 4. The BoCC shall consider the factors listed in Section 908.D.3 ~~908D.6~~, and render a final decision to approve or deny the development application. Within five working days the County shall issue a letter outlining the decision.

E. ~~*Expedited Procedures for Affordable Housing Subdivisions (Rev. 01/30/03—Ord. 03-14)*~~

~~In order to expedite the issuance of building permits for affordable housing developments as defined herein, the application shall be identified with yellow paper and placed ahead of the other incoming applications for plan review and permit processing. Initial plan review shall be completed within ten working days.~~

**SECTION 6:** 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.

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**SECTION 7:** Chapter 9, Section 960, Public Notice, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

**Section 960 Public Notice** (*Revised 10-19-21-Ord No. 21-053; 02/05/19 – Ord. No. 19-008; 03/07/12 – Ord. 12-009*)

This Section contains notice requirements for public hearings for all applications that are subject to the public notice requirements of this Code and Florida Statutes. Unless otherwise provided by law, regulation, or decision, addresses for a mailed notice required by this Chapter shall be obtained from the records of the Polk County Property Appraiser. The failure of any person to receive notice shall not invalidate an action if a good faith attempt was made to comply with the notice requirements.

**A. Types of Public Notice** (*Revised 02/05/2019 – Ord. No. 19-008*)

The types of public notice Polk County shall provide for public hearings shall be as follows:

**Legal Ad in Newspaper** – Legal ads for public notice shall be in accordance with Florida Statutes. The expense of all newspaper publications shall be borne by the applicant. Except as otherwise denoted with “(N)” in Table 960, a legal ad shall mean a publication on a publicly accessible website designated by the County and in accordance with F.S. Chapter 50. Notwithstanding the foregoing sentence, pursuant to Resolution \_\_\_\_\_, legal ads shall be published on a publicly accessible website in accordance with F.S. Chapter 50 and in the newspaper.

Newspaper advertisements for variance or special exception hearings have no size requirement and may be placed in the classified ad section of a newspaper.

**Notice by Mail** - Notice to affected property owners shall be per Florida Statutes. In addition, notice by mail shall be sent to all persons who own property within 500 feet of the property that is the subject of the proposed action as shown on the current year’s tax rolls of the Polk County Property Appraiser. Should this delineation result in fewer than 12 different landowners, additional adjacent landowners shall be noticed so that a minimum of 12 are notified. Information on the Notice by Mail shall include, a case name and number, a description of the proposed action before the Land Use Hearing Officer, Planning Commission or BoCC, a brief description of the property involved (if applicable), and the time, date, and place of the hearing. The expense of the notice by mail shall be borne by the applicant.

For Development Agreements only, the Notice by Mail shall specify:

1. The day, time, and place of the first public hearing on the proposed Development Agreement and a statement that the day, time, and place of the second public hearing will be announced at the first public hearing;
2. The location of the land subject to the Development Agreement;
3. The development uses proposed on the property, the proposed residential densities, and the proposed building intensities and height;

4. Instructions for obtaining further information regarding the request, including where a copy of the proposed agreement can be obtained.

For variances, special exceptions, and temporary special exceptions, notice by mail shall be sent to all persons who own property within 250 feet of the property that is the subject of the proposed action as shown on the current year's tax rolls of the Polk County Property Appraiser. Information on the Notice by Mail shall include a case name and number, a description of the proposed action before the LUHO, a brief description of the property involved, and the time, date, and place of the hearing.

**Posting Sign** - property under consideration shall have sign(s), provided by the Land Development Division, posted at least 15 days prior to the scheduled hearing date. The sign(s) shall specify that a land use action on the property is under consideration by either the Planning Commission, the LUHO, or the BoCC and shall specify the time, date and place of the public hearing(s). The sign(s) shall be no less than 18 inches by 24 inches in size, produced with a bright noticeable color and placed in sufficient numbers and suitable locations so as to be easily seen by the public. All property frontages on public rights of way shall be posted and shall in no case be posted with less than one sign per 500 feet of road frontage, unless a more effective posting of signs based on the size and location of the property under consideration is determined by the Land Development Director or their designee.

**B. *Summary of Notice Requirements (Revised 02/05/2019 – Ord. No. 19-008)***

All applications for development which require public hearings shall be advertised in accordance with Table 960. This table lists the number of days prior to the public hearing that public notice will be given.

Public notice requirements for Phosphate Mine operating permit renewals, conceptual mine plans, plan amendments, and variances shall be in accordance with the Phosphate Mine ordinance, ORD 88-19.



<b>Table 960 Advance Notice for Public Hearings</b>									
<b>Type of Case</b>	<b>Land Use Hearing Officer</b>			<b>Planning Commission</b>			<b>Board of County Commissioners</b>		
	<b>Posting Sign</b>	<b>Mail Notice*</b>	<b>Legal Ad</b>	<b>Posting Sign</b>	<b>Mail Notice*</b>	<b>Legal Ad</b>	<b>Posting Sign</b>	<b>Mail Notice*</b>	<b>Legal Ad</b>
Brownfield Designations	n/a	n/a	n/a	n/a	n/a	n/a	15	30 / 15	10 (N)
Comprehensive Plan Amendments – Small Scale	n/a	n/a	n/a	15	30 / 15	10	15	30 / 15	10
Comprehensive Plan Amendments – Map (requires 2 public hearings)	n/a	n/a	n/a	15	30 / 15	10	15	30 / 15	10
Comprehensive Plan Amendments – Text (requires 2 public hearings)	n/a	n/a	n/a	n/a	n/a	10 (N)	n/a	n/a	10 (N)
De Novos	n/a	n/a	n/a	n/a	n/a	n/a	15	30 / 15	10
Development Agreements	n/a	n/a	n/a	n/a	- / 15	7 (N)	n/a	- / 15	7 (N)
Development of Regional Impact (DRI)	n/a	n/a	n/a	60	- / 60	60	60	- / 60	60
DRI Substantial Deviations	n/a	n/a	n/a	60	- / 60	60	60	- / 60	60
DRI Notice of Proposed Changes									15
Joint Planning Agreements	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	10
Land Development Code (LDC) Text Amendments (requires 2 public hearings)	n/a	n/a	n/a	n/a	n/a	10 (N)	n/a	n/a	10 (N)
LDC Sub-District Map Changes	n/a	n/a	n/a	15	30 / 15	10	15	30 / 15	10
Level 3 Conditional Uses	n/a	n/a	n/a	15	30 / 15	10	n/a	n/a	n/a
Level 4 Conditional Uses	n/a	n/a	n/a	15	30 / 15	10	15	30 / 15	10
Appeals of Administrative Determinations	15	- / 15	10	n/a	n/a	n/a	n/a	n/a	n/a
Appeals of Non-Conforming Rights Determinations	15	- / 15	10	n/a	n/a	n/a	n/a	n/a	n/a
Appeals to Waivers	15	- / 15	10	n/a	n/a	n/a	n/a	n/a	n/a
Variance	15	30 / 15	10	n/a	n/a	n/a	n/a	n/a	n/a
Special Exceptions	15	30 / 15	10	n/a	n/a	n/a	n/a	n/a	n/a
Temporary Special Exceptions	15	30 / 15	10	n/a	n/a	n/a	n/a	n/a	n/a

\*Mail Notice: Subject Site – Surrounding Properties

\*(N) Requires Newspaper Ad

Public Notice Requirements for Phosphate Mine Operating Permit Renewals, conceptual mine plans, plan amendments, and variances shall be in accordance with the Phosphate Mine Ordinance, ORD 88-19.

### C. *Alternative Methods for Providing Notice*

#### 1. Alternative Notice:

In cases in which a proposed Comprehensive Plan Map Amendment or Conditional Use involves 5 percent or more of the total land area of the county, Polk County may provide for public notice and hearings as follows:

##### a. Notice of Public Hearing:

Polk County shall hold two advertised public hearings on the proposed Comprehensive Plan Map Amendment or Conditional Use. The first public hearing shall be advertised in the newspaper 7 days prior to the day of the first public hearing. The second public hearing shall be advertised 5 days prior to the day of the public hearing. The day, time, and place at which the second public hearing will be held shall be announced at the first public hearing.

b. Advertising Requirements:

The required newspaper advertisements shall be no less than one-quarter page in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published in a newspaper of general paid circulation in the county and of general interest and readership in the community pursuant to Chapter 50, Florida Statutes, not one of limited subject matter. Whenever possible, the advertisement shall appear in a newspaper that is published at least 5 days a week. The advertisement shall also contain a geographic location map which clearly indicates the area covered by the proposed Comprehensive Plan Map Amendment or Conditional Use. The map shall include major street names as a means of identification of the area.

In lieu of publishing the advertisements set out in the above paragraph, Polk County may mail a notice to each person owning real property within the area covered by the Comprehensive Plan Map Amendment or Conditional Use. Such notice shall clearly explain the proposed Comprehensive Plan Map Amendment or Conditional Use and shall notify the person of the time, place, and location of both public hearings on the proposed Comprehensive Plan Map Amendment or Conditional Use.

2. Supplemental Notice Methods:

In order to supplement the methods of notification required by this section, Polk County may use other methods, such as posting notice on the County's website, mass e-mail notices, social media, neighborhood registry mailers, etc., to expand notification of required public meetings in a cost-effective manner. Such notice(s) shall not be in lieu of any required advertising contained herein, but shall be supplemental only.

**SECTION 8:** 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:

a. Land Development Division;

- b. County Engineer Section;
- c. Fire Services Division;
- d. Public Works Department;
- e. Polk County Attorneys Office;
- f. Leisure Services Division; and
- g. E-911/Addressing.

...

- 8. The applicant shall attend DRC meetings pursuant to ~~Section 905D.3~~ Section 905.D.8.

**SECTION 9:** Chapter 9, Section 973, Citizen Boards, and Section 974, Planning Commission, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

**Section 973** ~~Citizen Boards~~ The Planning Commission

- A. ~~*Generally (Revised 02/05/19 – Ord. No. 19-008)*~~ *Establishment (Revised 3/18/09 – Ord. 09-008; 12/04/03 Ord. 03-52)*

~~The County, as prescribed in this Section, shall appoint citizen volunteers to serve on all citizen boards. Notice of vacancies on citizen boards shall be published in a newspaper of general circulation in Polk County to encourage application by citizen volunteers. The Planning Commission shall be governed by these provisions:~~

The Planning Commission is hereby created to review and approve, or deny, certain types of development applications, pursuant to the Use Tables in Chapters 2, 4, and 5 of this Code. The Planning Commission is hereby designated the Local Planning Agency for Polk County pursuant to Florida Statutes Section 163.3174.

- B. *Board Membership and Operation (Rev. 11/09/05 - ord.05-067)*

- 1. ~~Each Board~~ The Planning Commission shall have seven members and, whenever practical, three alternates appointed by the Board of County Commissioners. Members shall serve at the pleasure of the Board of County Commissioners. Any interested person may be appointed to ~~a Board~~ the Planning Commission; however, whenever practical, the Board should include members representing each of the following areas:

- a. An AICP-certified planner;
- b. A licensed professional engineer, surveyor and mapper, architect, or landscape architect;

- c. A natural or environmental specialist;
  - d. A farmer, rancher, or extension agent, or an individual involved in other aspects of agriculture; and
  - e. A business person, who may include a licensed realtor, licensed general contractor, or subcontractor.
2. Each member shall reside in Polk County.
  3. Each member shall be appointed to a three-year term ~~except that, initially, two members shall be appointed for a term of one year, three members shall be appointed for a term of two years, and two members shall be appointed for a term of three years.~~ No person may serve more than two consecutive full-length, three-year terms. In the case of an initial appointment being less than three years, such person may serve three consecutive terms, so long as such length of service is no greater than eight years. Persons disqualified by this term limitation provision may be appointed again after one year elapses following the expiration of the previous final term of service.
  4. When a position becomes vacant before the end of the term, the Board of County Commissioners shall appoint an individual to fill the vacancy for the duration of the vacated term. A member whose term expires may continue to serve until a successor is qualified and appointed.
  5. The ~~members of each Board~~ Planning Commission shall annually elect a chair and vice chair from among the members and may create and fill other offices as ~~that Board deems~~ needed. The vice chair shall perform the role of chair in the absence of the chair.
  6. The Land Development Director shall appoint a County employee to serve as secretary ~~to each Board~~, recorder, and custodian of all ~~Board~~ Planning Commission records.
  7. The Board of County Commissioners shall appropriate funds to permit ~~each Board~~ the Planning Commission to perform its prescribed functions.
  8. Members ~~of citizen boards~~ shall not be compensated but may be paid for travel and other expenses incurred on ~~Board~~ business under procedures prescribed in advance by the Board of County Commissioners.
  9. If any member, with or without cause and without approval of the chairman, fails to attend ~~two~~ three consecutive meetings within a rolling 12 months beginning with the member's initial appointment or reappointment, the member's seat shall be declared vacant, and the member removed. The Land Development Division will ~~relevant Board will declare the member's office vacant and~~ promptly notify the member of his or her removal. The Land Development Division will also notify the Board of County Commissioners, which shall promptly fill the vacancy. after advertising such vacancy. Members dismissed for a lack of attendance shall not be eligible for another appointment on the Planning Commission for one year from their removal date.

10. At a minimum, at least two alternate members shall be required to attend every Planning Commission meeting on a rotating basis as determined by the Land Development Division. Failure to attend three meetings when required to attend, with or without cause, within a rolling 12 months beginning with the member's initial appointment or reappointment, and the member's seat shall be declared vacant and the member removed. The Land Development Division will promptly notify the member of his or her removal. The Land Development Division will also notify the Board of County Commissioners, which shall promptly fill the vacancy. Members dismissed for a lack of attendance shall not be eligible for another appointment on the Planning Commission for one year from their removal date.
- ~~10.~~ 11. The members of citizen boards shall be subject to the requirements of an annual financial disclosure and the Florida Government in the Sunshine Act as provided by law.
- ~~11.~~ 12. The members of Citizen Boards may serve on more than one Board. In addition to the regular membership, the Planning Commission shall include one nonvoting member designated by the Polk County School Board and appointed by the Board of County Commissioners pursuant to Florida Statutes Section 163.3174; and one ex officio, nonvoting member designated by the Commanding Officer of the Avon Park Air Force Range and appointed by the Board of County Commissioners pursuant to Florida Statutes Section 163.3175(5). Each of these nonvoting members may designate an alternative to serve in their place in the circumstance that the nonvoting member cannot attend a Planning Commission meeting. However, these alternates must be approved by the Board of County Commissioners.
- ~~12.~~ 13. All volunteer Citizen Boards members shall receive training prior to appointment in the following areas. Planning Commission members shall receive training in the following areas. This training shall be provided by the Land Development Division on an annual basis and prior to an appointee's first hearing.
  - a. Florida Sunshine Law;
  - b. Florida Ethics;
  - c. Robert's Rules of Order;
  - d. Polk County Comprehensive Plan;
  - e. Polk County Land Development Code; and
  - f. all other relevant ordinances and policies of the Board of County Commissioners

C. **Board Planning Commission Procedures (Rev. 12/17/13 – Ord. 13-067; 12-04-03 Ord. 03-52)**

1. ~~Each board~~ The Planning Commission shall adopt rules of procedure to carry out its purposes. All rules must conform to this Code, other County ordinances, and state law.

2. ~~Each board~~ The Planning Commission shall meet at least once each calendar month, unless canceled by ~~its chair~~ the Land Development Director, ~~and more often at the call of the chair, by written notice signed by at least three members of the Citizen Board or the Board of County Commissioners.~~
3. ~~Each board~~ Land Development staff shall keep minutes of ~~it's~~ the proceedings, indicating the attendance of each member, ~~and the decision on every question.~~
4. Four voting members shall constitute a quorum.
5. Unless otherwise prescribed by this Chapter, each decision ~~of a board~~ must be approved by a majority vote of the members present at a meeting in which a quorum is in attendance and voting. A tie vote without a subsequent motion (e.g. a motion for a continuance) passed by the Planning Commission is deemed a denial of the application without prejudice. ~~A tie vote results in a denial of a development application.~~
6. ~~Each board shall create subcommittees needed to carry out the purposes of the BoCC. The chair of each Citizen Board shall annually appoint the membership of any subcommittees from the members of the Board.~~
- 7 6. Any and all testimony shall be taken under oath.
- 8 7. A member of the County Attorney's staff shall attend meetings ~~of all boards~~ and assist in the conduct of its hearings.

~~D. ***Annual Training (Revised 5/20/09 – Ord. 09-023)***~~

~~The Land Development Division is responsible for this annual training in the following areas:~~

1. ~~Florida Sunshine Law;~~
2. ~~Florida Ethics;~~
3. ~~Robert's Rules of Order;~~
4. ~~Polk County Comprehensive Plan;~~
5. ~~Polk County Land Development Code, and~~
6. ~~all other relevant ordinances and policies of the Board of County of Commissioners~~

D. ***Powers and Duties (Revised 02/05/2019 – Ord. No. 19-008)***

The procedures of the Planning Commission shall be consistent with the following:

1. The Planning Commission shall review and act upon applications for Preliminary Development Plans for Level 3 and 4 Reviews and other provisions required by this Code.

2. The Planning Commission shall have the authority to require a development to meet a higher standard than the minimum required by this Code, if necessary to mitigate any off-site impact.
3. The Planning Commission shall hear and decide all applications for a variance from the requirements of this Code which are part of an application for a Planned Development, or a C-3 and C-4 Conditional Use.
4. Pursuant to the Community Planning Act (Act), the Planning Commission is hereby designated to be the Local Planning Agency and shall perform the duties and functions prescribed in the Act and this Code.

E. ***Administrative Hearings (Moved from Section 974.C)***

1. Written Order for Denials (Revised 2/5/2019 – Ord. 19-008; 3/18/09 – Ord. 09-007)

Should the Planning Commission deny a Level 3 Review development application and an application for De Novo hearing is not filed within seven calendar days of the Planning Commission’s hearing on the development application, then pursuant to Florida Statutes Section 125.022, the Planning Commission shall adopt a written order stating the legal basis for the denial of the development application at the next scheduled Planning Commission meeting. The Planning Commission may adopt the written staff report as its written order if it desires in lieu of a separate order, including any adopted modifications to the staff report, if the staff report recommended denial by the DRC.
2. Record of Proceedings
  - a. All proceedings shall be recorded steno graphically or electronically and may be transcribed at the expense of the party making the request if required for review or if ordered by the Planning Commission.
  - b. The Planning Commission shall, where practicable, include in the hearing record each item of physical or documentary evidence presented and shall mark each item to show the identity of the person who presented it. Each exhibit received into evidence shall be retained in the hearing file until after the applicable appeal period has expired, when it may be returned to the person identified thereon, or otherwise disposed of in accordance with Florida law.
  - c. The findings and order shall be included in the record.

**Section 974 Planning Commission (Reserved)**

A. ***Establishment (Revised 3/18/09 – Ord. 09-008; 12/04/03 Ord. 03-52)***

1. The Planning Commission is hereby created as a Citizen Board to review and approve, or deny, certain types of development applications, pursuant to the use tables in Chapters 2, 4, and 5 of this Code. The Planning Commission is hereby designated the Local Planning Agency for Polk County pursuant to Florida Statutes Section 163.3174.

~~2. In addition to the regular membership as appointed the Board pursuant to Section 973, the Planning Commission shall include one nonvoting member designated by the Polk County School Board and appointed by the Board of County Commissioners pursuant to Florida Statutes Section 163.3174; and one ex officio, nonvoting member designated by the Commanding Officer of the Avon Park Park Air Force Range and appointed by the Board of County Commissioners pursuant to Florida Statutes Section 163.3175(5). Each of these nonvoting members may designate an alternative to serve in their place in the circumstance that the nonvoting member cannot attend a Planning Commission meeting. However, these alternates must be approved by the Board of County Commissioners.~~

**B. ~~Powers and Duties (Revised 02/05/2019 — Ord. No. 19-008)~~**

~~The procedures of the Planning Commission shall be consistent with Section 973C, and the following:~~

- ~~1. The Planning Commission shall review and act upon applications for Preliminary Development Plans for Level 3 and 4 Reviews and other provisions required by this Code.~~
- ~~2. The Planning Commission shall have the authority to require a development to meet a higher standard than the minimum required by this Code, if necessary to mitigate any off-site impact.~~
- ~~3. The Planning Commission shall hear and decide all applications for a variance from the requirements of this Code which are part of an application for a Planned Development, or a C-3 and C-4 Conditional Use.~~
- ~~4. Pursuant to the Community Planning Act (Act), the Planning Commission is hereby designated to be the Local Planning Agency and shall perform the duties and functions prescribed in the Act and this Code.~~

**C. ~~Administrative Hearings~~**

~~1. Written Order for Denials (Revised 2/5/2019 — Ord. 19-008; 3/18/09 — Ord. 09-007)~~

~~Should the Planning Commission deny a Level 3 Review development application and an application for De Novo hearing is not filed within seven calendar days of the Planning Commission's hearing on the development application, then pursuant to Florida Statutes denial of the development application at the next scheduled Planning Commission meeting. The Planning Commission may adopt the written staff report as its written order if it desires in lieu of a separate order, including any adopted modifications to the staff report, if the staff report recommended denial by the DRC.~~

~~2. Record of Proceeding~~

~~a. All proceedings shall be recorded steno-graphically or electronically and may be transcribed at the expense of the party making the request if required for review or if ordered by the Planning Commission.~~

~~b. The Planning Commission shall, where practicable, include in the hearing record each item of physical or documentary evidence presented and shall mark each item to show the identity of the person who presented it. Each exhibit received into evidence shall be retained in the identified thereon, or otherwise disposed of in accordance with Florida law.~~

~~c. The findings and order shall be included in the record.~~



**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 6<sup>th</sup> day of August 2024.