

ORDINANCE NO. 25 - _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS, POLK COUNTY, FLORIDA, LAND DEVELOPMENT CODE AMENDMENT **LDCT-2025-3**, AMENDING ORDINANCE NO. 00-09, AS AMENDED, (ALSO KNOWN AS THE POLK COUNTY LAND DEVELOPMENT CODE); PROVIDING FINDINGS; AMENDING CHAPTER 1, SECTION 105, RELATIONSHIP TO OTHER REGULATIONS, TO INCORPORATE THE “STRESSED DRAINAGE BASIN MAP” INTO THE CODE BY REFERENCE; AMENDING CHAPTER 2, SECTION 227, FILLING AND EXCAVATING, TO REQUIRE STEM WALL FOUNDATIONS UNDER CERTAIN CIRCUMSTANCES; AMENDING CHAPTER 7, SECTION 703, CONCURRENCY, AND SECTION 740, STORM WATER MANAGEMENT, TO ADD STANDARDS FOR STRESSED DRAINAGE BASINS; AMENDING CHAPTER 10, DEFINITIONS, TO ADD A DEFINITION OF STRESSED DRAINAGE BASINS; AMENDING APPENDIX A, SECTION A102.E, SEASONAL HIGH-WATER TABLE, TO REQUIRE CRUSHED CONCRETE IN HIGH GROUND WATER TABLE CONDITIONS; PROVIDING FOR SEVERABILITY; PROVIDING 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 (the “LDC”) consistent with the Polk County Comprehensive Plan; and

WHEREAS the Board of County Commissioners (the “Board”) 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 April 2, 2025; and

WHEREAS Application LDCT-2025-3 is a County-initiated application to amend the text of the LDC to improve current storm water management standards and address stressed drainage basins in light of past high rain periods and storm events; and

WHEREAS, the Board held two public hearings on April 15, 2025 and May 6, 2025 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, if any.

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 findings set forth in the recitals to this Ordinance are true and correct and hereby adopted. In addition, the Board hereby adopts and incorporates herein the staff report and makes the following findings based upon the staff report, testimony, and exhibits presented during the hearing:

- a) The Planning Commission, acting in its capacity as the Local Planning Agency for the County, held a public hearing on April 2, 2025, to consider the LDC text amendment contained within the Application and found it to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC text amendment contained within the Application.
- b) Pursuant to Section 907.D.10 of the LDC, the Board shall, in the review of the Application, consider the following factors:
 - a. Whether the proposed text amendment is consistent with all relevant requirements of the Code;
 - b. Whether the proposed text amendment is consistent with all applicable policies of the Comprehensive Plan; and
 - c. Any other matter which the BoCC may deem appropriate and relevant to the text amendment proposal.
- c) The Application is consistent with all relevant requirements of the Comprehensive Plan.
- d) The Application is consistent with all relevant requirements of the LDC, including without limitation, Section 907.

SECTION 2: Section 105, Relationship to Other Regulations, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended in the following manner:

A. Maps

The following are hereby incorporated by reference and made a part of this Code as though fully set forth herein:

The "Comprehensive Plan Map Series" (Volume 2 of the Polk County Comprehensive Plan), including the "Future Land Use Parcel Level Detail Maps" (Volume 3), which designate the placement of land use categories established within the Future Land Use Element of the Comprehensive Plan and this Code. This map is also referred to as the "District Map."

The "Sub-District Map Series" (to establish Land Use Category Sub-Districts such as "RL-1," "RLB2," "RL-3," "RL-4," "BPC-1," "BPC-2," "INST-1," "INST-2," and "RCC-R").

The Sub-district boundaries indicated on the Districts map are not subject to the amendment requirements of F.S. Ch.163 so long as the Comprehensive Plan Future Land Use Map boundaries are not changed. Amendments to the Sub-District map Series shall adhere to the processes listed in Chapter 9 of the Land Development Code.

The "Sidewalk District Map" identifies areas within the unincorporated portion of the County where sidewalks are required of new development along the frontage of arterial and collector roads abutting the site under development. This map represents areas located within two miles of a public or charter school in the Transit Supportive Development Area (TSDA), Urban Growth Area (UGA), and Suburban Development Area (SDA) depicted on the Development Areas Map of the Future Land Use Map Series of the Polk County Comprehensive Plan. It also includes the Rural Cluster Center (RCC) Future Land Use category as depicted on the "Comprehensive Plan Map Series" (Volume 2 of the Polk County Comprehensive Plan). The policies referencing the Sidewalk District Map are located in Section 707, Sidewalks, in Chapter 7, Development Standards, of the Polk County Land Development Code.

The "Generalized 100-year Storm Event Stressed Drainage Basin Map" identifies areas within the unincorporated portion of the County where the discharge of waterflow is restricted and historical flooding has occurred. These include, but are not limited to, sub-basins within the Alafia River, Hillsborough River, Peace River, Kissimmee River, and St. Johns River basins. Notable areas include, but are not limited to, Itchepackasassa Creek, Blackwater Creek, Peace Creek, Kathleen Drain, Fish Hatchery Drain, Crooked Lake, and lakes created by former mining in the area of the Christina Development. Actual basin designations and their boundaries may be determined by the County Engineer during plan review.

B. More Stringent Regulation Shall Apply

Adherence to the regulations herein does not eliminate compliance with applicable Federal, State or other governmental authority regulations. If a conflict with those and this Code exists, the most stringent shall apply.

SECTION 3: Section 227. Filling and Excavating Land, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended to as follows:

Section 227 Filling and Excavating Land (Added 09-12-07 Ord. 07-55)

Clearing and grubbing of upland property is permitted in the unincorporated areas of Polk County except where prohibited by habitat or tree preservation requirements within this Code, the laws of Florida or by Federal rules and regulations. However, the addition or removal of soils from a property is required to undergo review. The filling and excavating requirements are established in this section.

All property owners and building permit applicants are required to control erosion and retain all sediments on their building site. Erosion and sediment control "Best Management Practices" shall be implemented as necessary to prevent off-site sediment discharges. Best Management Practices (BMPs) include, but are not limited to, silt fencing, entrance/exit controls, stabilization, temporary sediment basins, berms, etc.

A. Exemptions (Revised 4/7/10; Ord. 10-013)

The following land use activities are exempted from ~~review under this sub-section 227.B.3 (adequate drainage system requirement):~~

1. Residential dwellings on lots with a minimum width that is equal to or greater than 80 linear feet;

2. Residential development where the areas in which fill material will be placed no closer than 10 feet from the nearest property line;
3. Residential dwellings that are built on a stem wall foundation;
4. On-site sewage disposal systems installed as permitted by the Florida Department of Health;
5. Mining operations or soil excavation that will extract less than five acre/feet or 8,000 cubic yards of soil from the property when conducted in conjunction with an authorized development order or building permit. This exemption shall not apply to any site within 1,000 feet of another site under the same ownership that has been granted an exemption under this provision;
6. Soil excavation approved as part of site grading operations for development sites (not solely mining operations) with approved Level 2 Review plans, so long as the duration of the soil removal does not exceed six consecutive months. The Land Development Director may extend the duration up to an additional 90 consecutive days. This shall supersede the exemption provided for in subsection 5, above; and
7. Agricultural water management systems regulated by the water management district.
8. Replacement of a dwelling on an existing slab within two years of demolition.

B. Lot Grading

Within developments that have an approved lot grading plan, all filling or excavating of lots shall be consistent with such plan. When no such plan exists the following requirements shall apply:

1. Single-family dwellings, duplexes, triplexes, and mobile homes shall have the lowest floor, including the floor of an attached garage, elevated at least 18 inches above the crown of the road at the high side of the property or ~~12-24 inches above the base flood elevation~~ an elevation that satisfies the requirements in Section 630, whichever is higher. In areas of substantial relief where the lot grade may be below the crown of the road, the finished floor elevation shall be a minimum of 18 inches above the highest existing grade at the proposed building corner, unless shown otherwise in an approved engineering plan.
2. The finished floor of the proposed dwelling shall be consistent with ~~Section 1803.3 of the 2004~~ the Florida Building Code.
3. The permit applicant shall provide an adequate drainage system whereby either surface water runoff from normal rainfall events is retained on-site and does not drain onto adjacent properties, or is directed into a legal, positive outfall following BMP implementation. Choosing from the four lot grading plans provided, Types A, B, C, or D (figures 2.1 through 2.4), will expedite the review and inspection.
4. Stem wall foundations shall be required when the slope from the finished floor elevation is greater than one (1) foot rise for every four (4) feet horizontal distance.

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SECTION 4: Section 730.H, Storm Water Management, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended in the following manner:

H. Storm Water Management Concurrency (Rev. 8/28/02 - Ord. 02-56)

1. The availability of adequate storm water management system capacity shall be determined by review of the phasing schedule and project data provided by the applicant, consistent with this Chapter and the Technical Standards Manual.
2. The adopted Level-of-Service standard shall serve as the minimum criterion for determining whether available drainage capacity exists pursuant to the Infrastructure Element and Table 7.3.
 - a. The following facilities shall meet Level-of-Service IV: existing man-made storm water facilities (i.e., canals, ditches, detention/retention ponds), and existing drainage structures (i.e., culverts and bridges) shall meet Level-of-Service IV.
 - b. Existing roads shall be maintained above the ten-year flood elevation; and the lowest elevation of the pavement edge of new roads shall be constructed and maintained above the 100-year flood elevation.
 - c. New and reconstructed drainage structures (e.g., culverts and bridges) which are related to arterial, ~~urban collector roads~~, and ~~rural major collector roads~~, shall meet Level-of-Service II.
 - d. New and reconstructed drainage structures related to ~~rural collector and~~ local roads shall meet Level-of-Service ~~IV~~III.
 - e. New and reconstructed storm water facilities in open drainage basins (i.e., ditches, canals, detention/retention ponds) shall be designed and constructed to meet Level-of-Service III.
 - f. New and reconstructed storm water facilities in stressed and closed drainage basins shall be designed and constructed to meet Level-of-Service I. Storm water facilities discharging to offsite roadways without existing storm sewers or drainage structures shall meet the Level-of-Service I, wherein it will have the ability to handle the post development peak volume.
 - g. Storm sewers and storm water facilities existing prior to November 18, 1992, shall be maintained to meet Level-of-Service V. New systems shall be required to meet Level-of-Service III for storm sewers, minor cross-drain culverts, and collector road culverts; and Level-of-Service III for arterial road culverts.
 - h. For new development and redevelopment, post-development peak discharge volumes and runoff rates shall not exceed the corresponding pre-development volumes and rates.
 - i. The applicant shall provide proper permitting documentation from the approving permitting agency for off-site areas used to receive or convey storm water discharge.

Table 7.3 Levels-of-Service Standards for Storm water

| Level of Service | Ability to Handle | | Capacity to Handle |
|------------------|---|--|-------------------------------------|
| | Drainage Structures (e.g., Bridges and Culverts) | Storm water Facilities (e.g., Ponds, Ditches, Canals) | Storm Sewer (e.g., inlets, pipe) |
| I | 100 year, 24 hour storm event with 1 foot freeboard at allowed velocity | 100 year 24 hour storm event at top of bank or berm | 100 year storm event |
| II | 50 year, 24 hour storm event with 1 foot freeboard at allowed velocity; 100 year, 24 hour storm event with no freeboard at allowed velocity | 50 year 24 hour storm event at top of bank or berm | 50 year storm event |
| III | 25 year, 24 hour storm event with 1 foot freeboard at allowed velocity; 50 year, 24 hour storm event with no freeboard at allowed velocity | 25 year 24 hour storm event at top of bank or berm | 25 year storm event |
| IV | 10 year, 24 hour-storm event with 1 foot freeboard at allowed velocity; 25 year, 24 hour storm event with no freeboard at allowed velocity | 10 year 24 hour storm event at top of bank or berm | 10 year storm event |
| V | 3 year, 24 hour storm event with 1 foot freeboard at allowed velocity; 10 year, 24 hour storm event with no freeboard at allowed velocity | 3 year 24 hour-storm event at top of bank or berm | 3 year storm event |

SECTION 5: Section 740, Storm Water Management, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended in the following manner:

Section 740 Storm Water Management

A. Storm water Management Plan

Prior to issuance of any development permit, with the exception of minor commercial sites and minor subdivisions, each applicant must submit a Storm Water Management Plan for proposed development as follows:

1. It is the responsibility of the applicant to include in the Storm Water Management Plan sufficient information for the County Engineer to evaluate the environmental characteristics of the affected areas, the potential and predicted impacts of the proposed activity on community waters, and the effectiveness and acceptability of those measures proposed by the applicant for reducing adverse impacts. The Storm Water Management Plan shall contain maps, charts, graphs, tables, photographs, narrative descriptions and explanations and citations to supporting references, as appropriate to communicate the information required by this Section. For projects requiring a storm water or surface water management permit from the Florida Department of Environmental Protection, or any Water Management District, such permit shall constitute full compliance with Section 740. C (1), except the provisions on pre-post-match of runoff volume; (2); (3); (4); (5); (6); (10); (12); (13).
2. The Storm Water Management Plan shall contain:
 - a. A statement of the existing environmental and hydrological conditions of the site. Receiving waters and wetlands shall be described in detail, including the following:
 - i. The direction, flow rate, and volume of storm water runoff, as an

- existing condition and, to the extent practical, pre-development conditions.
- ii. The locations of areas on the site where storm water collects or percolates into the ground.
 - iii. A description of all watercourses, water bodies, and wetlands on or adjacent to the site or into which storm water flows.
 - iv. Groundwater levels, including seasonal fluctuations.
 - b. Proposed alterations of the site shall be described in detail, including a statement of:
 - i. Changes in topography;
 - ii. Areas where vegetation will be cleared or otherwise killed.
 - iii. Areas that will be covered with an impervious surface and description of the surfacing material.
 - iv. The elevation in relation to ~~Mean Sea Level Datum (MSL)~~ North American Vertical Datum, 1988 (NAVD 88) of the proposed lowest floor elevation (including basement and garages), of all proposed buildings or substantial improvements in flood hazard areas. The proposed lowest floor elevation shall include consideration of the septic tank, absorption/drain field, and on-site well where those are required.
 - c. All components of the storm water management system and any measures for the detention, retention, or infiltration of water or for the protection of water quality shall be described in detail, including:
 - i. The channel, direction, flow rate, volume, and quality of storm water that will be conveyed from the site, with a comparison to existing conditions and, to the extent practical, pre-development conditions.
 - ii. Detention and retention areas, including plans for the discharge of contained waters, maintenance plans and predictions of water quality in those areas.
 - iii. Areas of the site to be used or reserved for percolation including a prediction of the impact on groundwater quality.
 - iv. A plan for the control of erosion and sedimentation which describes in detail the type and location of control measures and provisions for their maintenance.
 - v. Any other information which the applicant or the County Engineer believes is reasonably necessary for an evaluation of the development.
 - d. Construction plans and specifications for all components of the storm water management system.
3. The Storm Water Management Plan for a development shall be prepared by a professional engineer registered in the State of Florida.
 4. The placement of fill, during construction of any approved development, in areas of special flood hazard, shall be certified upon its completion by a professional Civil Engineer or Professional Surveyor and Mapper.
 5. The elevation in relation to Mean Sea Level (MSL) datum of the proposed lowest floor elevation (including basement), of all proposed buildings or substantial improvements.

B. Water Management Design Criteria

1. The hydrological requirements mandated by this Section shall be developed in accordance with the latest releases and revisions of the U.S. Department of Agriculture, Natural Resources Conservation Service's Technical Release Number 55 entitled, "Urban Hydrology for Small Watersheds" and SCS National Engineering Handbook, Section 4, "Hydrology." The Rational Method may be used for systems serving projects of less than ten acres total land area.
2. The design of water retention or detention structures and flow attenuation devices shall be subject to the approval of the County Engineer pursuant to the requirements of this Section.
3. Runoff computations shall be based on the most critical situation as provided in Table 7.3 (rainfall duration, Type II distribution and antecedent soil moisture condition) and conform to acceptable engineering practices using rainfall data and other local information applicable to the affected areas.
4. Composite coefficients used in runoff calculations using the Rational Method, shall not exceed the ranges recommended in, Section 4, Florida Department of Transportation (FDOT), Storm Water Management; or Composite Curve Numbers used in runoff calculations using the SCS Runoff Curve Number Method shall be in accordance with the latest edition of Urban Hydrology for Small Watersheds, Natural Resources Conservation Service (NRCS) Technical Release 55, or National Engineering Handbook (NEH-4).
5. The drainage area used in runoff calculations shall be the total contributing watershed area, either pre or post development, including areas beyond proposed site limits.
6. All storm water management systems shall be designed to enhance groundwater recharge while reducing pollution. However, in an area designated as a ground water recharge area, the applicant shall take all possible measures to limit runoff from the proposed site.
7. Sufficient easement, with slopes no steeper than 4:1 (horizontal to vertical), shall be provided around all storm water management systems for proper operation and maintenance. Easements shall be unobstructed and shall include ingress/egress to the storm water management systems.
8. The design high water elevation from runoff associated with the 100-year, 24-hour event shall be calculated through a detention/retention pond to establish the minimum residential finished floor elevation and flood proofing elevation for commercial sites. In no case should the residential finished floor elevations and flood proofing elevations be lower than 2.5' above calculated 100-year elevation or any flood elevation established by FEMA, whichever is higher. All finished floor elevations shall also comply with Section 630 of these standards.
 - a. Off-site contributions shall be included in the design high water elevation calculations.
 - b. Proper conveyance for the 100-year, 24-hour event shall be provided for both on and off-site contributions or demonstrate that the system can convey such flow without causing adverse effects including flow velocities. Design velocities shall be in compliance with Appendix A, Section A102 B.

9. New roads shall be constructed and maintained with the lowest elevation of the pavement edge above the 100-year flood elevation.
10. To prevent adverse effects to offsite properties or within the development, the stormwater design shall provide accommodation for discharge of runoff in excess of the required design storm, such as an emergency overflow or pipes designed for 125% of designed flow volumetric rate and corresponding velocities. If filtration devices are used, the design shall incorporate the ability to pass this flow requirement if filtration device is non-functional.
11. Stormwater design plans shall include a statement on the plans which states "The Site Contractor shall be responsible to remedy any adverse impacts to off-site properties as a direct result of the new development during project construction." If adverse impacts do occur, then the identified temporary resolution shall be submitted to the County within 14 calendar days and construction of the temporary resolution shall commence once the County approval is issued.

C. **Minimum Standards**

The following minimum standards shall apply to all development which occurs within an area of special flood hazard and to any man-made change to improved or unimproved real estate, including, but not limited to, mining, dredging, filling, grading, paving, drilling, (except to obtain soil and mineral samples) or excavation operations within 100 feet of a watercourse. Only the requirements of Sections 740 C (1), and (2), shall apply to agricultural land uses as defined in Chapter 10. Only the requirements of Sections 740 C (1), (2), (3), (4), (7), (8) and (12) shall apply to phosphate mining operations.

1. The hydrograph for the developed or redeveloped site shall not exceed the volume and rate of flow of runoff produced by conditions existing before development or redevelopment for the 25-year, 24-hour storm. In addition, the cumulative impact of the outflow hydro graph on downstream flow shall be considered. Runoff rates and volumes resulting from the project, in excess of existing volumes, shall be accommodated on-site. Project areas located in closed or stressed drainage basins shall be designed wherein the hydro graph for the developed or redeveloped site shall not exceed 80% of the volume and rate of flow of runoff produced by conditions existing before development or redevelopment for the 100-year, 24-hour storm. In addition, the cumulative impact of the outflow hydro graph on downstream flow shall be considered. Runoff rates and volumes resulting from the project, in excess of 80% of the existing rates and volumes, shall be accommodated on-site.
2. Storm water runoff shall be subject to best management practices prior to discharge into natural or artificial drainage systems. "Best Management Practice" shall mean a practice, or combination of practices, that provide for the treatment of storm water runoff such that the amount of pollution generated by the project is reduced to a level compatible with Florida Water Quality Standards found in Chapter 62-3, Florida Administrative Code. This shall apply to all phases of the project, including the construction phase and include design for stormwater management with design considerations for conditions during the site's construction, such that no adverse impacts will result offsite.
3. Site Alteration shall conform to the following:
 - a. Site alteration within wetlands shall be compensated if required by state or federal regulations. As a minimum, the compensation shall be that approved

by the agencies with jurisdiction, such as the U.S. Army Corps of Engineers, the Florida Department of Environmental Protection, the Southwest Florida Water Management District, the South Florida Water Management District, or the St. Johns River Water Management District.

- b. Site alteration of wetlands by phosphate mining operations shall be reviewed by the BoCC at the hearing on the operating permit application for the proposed mining.
 - c. It shall be the responsibility of the applicant to provide the information which will allow satisfactory determination of whether such lands lie within the uplands associations, pine flatwood associations, wetland association or any combination thereof. This determination shall be made by an engineer or the U.S. Natural Resources Conservation Service.
4. Any non-permeable surface greater than 4,000 square feet shall provide for release of surface runoff, collected or uncollected, in a manner approximating the natural surface water flow regime of the area.
 5. Sediment shall be retained on the site of the development. Those areas which are not to be disturbed shall be protected from construction activity by an adequate barrier. No grading, cutting or filling shall be commenced until erosion and sedimentation control devices have been installed between the disturbed area and water bodies, watercourses and wetlands. Wetlands and other water bodies shall not be used as sediment traps during development. Erosion and sedimentation facilities shall receive regular maintenance to ensure that they continue to function properly.
 6. Any altered site shall be re-vegetated, with such re-vegetation to be substantially completed within 180 days following completion of a development. Re-vegetation shall be accomplished with pre-existing species or other suitable species, except that exotic or invasive species shall not be replanted or propagated.
 7. At the completion of construction or phosphate mining activities, man-made lakes or other water impoundments shall be constructed with a maximum slope of 4:1 to a depth of six feet of water. When mineral extraction is completed in new pits, shoreline sloping, re-vegetation and contouring of soils or tailings shall be completed before abandonment. Existing mineral pit lakes shall be exempt from this provision, except that whenever any person carries out any activity defined as development or applies for any authorization to develop any existing mineral pit lake area, these regulations shall apply.
 8. Development shall not detrimentally change the quantity of ground and surface water available for recharge to the Floridian Aquifer. An applicant shall not cause storm water from the site to discharge or run off into an existing sinkhole without prior written approval of the County Engineer.
 9. The development shall not impair the water retention and filtering capacity of wetlands soils or vegetation.
 10. New storm water management facilities channeling runoff directly into watercourses shall be prohibited. Storm water shall be treated in accordance with the provisions of Chapter 62-25, Florida Administrative Code, prior to discharge to water bodies. Runoff shall be routed through swales or other systems designed to increase time of concentration, decrease velocity, increase infiltration, allow

suspended solids to settle and remove pollutants. New storm water management facilities shall also maintain a groundwater level sufficient to protect wetland vegetation through the use of weirs or equivalent structure or systems. Said facilities shall not retain, divert or otherwise block or channel the naturally occurring flows in a strand or slough.

11. Site alteration shall be permitted only when such alteration will not cause siltation of wetlands or reduce the natural retention and filtering capabilities of wetlands.
12. Groundwater withdrawal shall comply with the standards and regulations of the standards and regulations of the Southwest Florida Water Management District, South Florida Water Management District or the St. Johns River Water Management District or their successor agency.
13. The applicant shall provide retention of the runoff from the first one inch of rainfall, or as an option, for projects or project sub-units with drainage areas less than 100 acres, facilities which provide retention of the first one half inch of runoff.

D. Waivers

Waivers to this Section shall be requested pursuant to Section 932.

SECTION 6: Chapter 10, Definitions, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended to add the following definition:

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DRAINAGE BASIN, STRESSED: A drainage basin where the discharge of waterflow is restricted and historical flooding has occurred.

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SECTION 7: Section A102.E Seasonal High-Water Table, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended in the following manner:

Section A102 Drainage Design Requirements

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E. Seasonal High-Water Table

1. Soil borings will be taken and analyzed to a depth of six feet below natural ground or profile grade, whichever is the lower. Sufficient borings will be taken to determine the soil conditions and seasonal high-water elevation evident throughout the proposed development. The depth to the high-water table as shown in the Soil Survey of Polk County, Florida published by the Soil Conservation Service shall be taken into consideration in determining the seasonal high-water elevation.
2. Where the seasonal high ground water table or high-water elevation of ~~any detention/retention area adjacent to or in close proximity to the road~~ is less than one and one-half feet below the proposed roadway base, ~~soil cement or cemented coquina crushed concrete~~ base will be required ~~in sections without highway ditch protection~~. In some areas, underdrains may be required in conjunction with the ~~soil cement or cemented coquina~~ crushed concrete base to protect the roadway from premature deterioration.

3. Underdrains will be placed on the uphill side of the road (or on both sides, where needed) with the crown of the underdrain pipe four feet below natural ground or one-half feet below the base, whichever is the lower. The underdrain systems shall be designed by the engineer using the guideline specified below. Cleanouts, where required, shall be designed in accordance with Figure A5. Alternate underdrain designs shall be reviewed by the County Engineer.

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SECTION 8: 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 9: 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 6th day of May 2025.