

ORDINANCE NO. 23-_____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING LAND DEVELOPMENT CODE AMENDMENT **LDCT-2023-20** AMENDING ORDINANCE NO. 00-09, AS AMENDED (ALSO KNOWN AS THE POLK COUNTY LAND DEVELOPMENT CODE); PROVIDING FINDINGS; AMENDING CHAPTER 3, SECTION 303, CRITERIA FOR CONDITIONAL USES TO CHANGE THE RESPONSIBILITY OF INSPECTING NON-PHOSPHATE MINES FROM CODES ENFORCEMENT TO THE LAND DEVELOPMENT DIVISION; 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 (the “Board”) adopted said Land Development Regulations on March 1, 2000, titled the Polk County Land Development Code (the “LDC”); 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 February 7th, 2024; and

WHEREAS, Application LDCT-2023-20 is an applicant/County-initiated application to amend the text of the LDC to allow for an option to the Board of County Commissioners to deny a Level 3 Review appeal but allow the applicant to return directly to the Board with a revised request within one year;

WHEREAS, the Board held two public hearings on March 5th, 2024 and March 19th, 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, 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 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 February 7th, 2024 to consider the LDC text amendments contained within Application LDCT-2023-20 and found them to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC Text Amendments contained within Application LDCT-2023-20.
- c) The adoption of LDCT-2023-20 is consistent with the Comprehensive Plan and LDC.

SECTION 2: Chapter 3, Section 303 – Criteria for Conditional Uses

Section 303 *Criteria for Conditional Uses (Revised 5/1/18 – Ord. 18-025; 03/21/17 – Ord. 17-013; 8/16/16 – Ord. 16-040; 04-19-16 – Ord. 16-022; 08/15/15 – Ord. 15-53; 03/18/14 – Ord. 14-015; 06/08/04 Ord. 03-95; 01/03/05 – Ord. 04-80)*

3. The Polk County ~~Codes Enforcement~~ Land Development Division shall be responsible for inspecting the mine site annually for consistency with the approved Mine Plan. Inspection of the mined area reclamation is the responsibility of the Department of Environmental Protection as per Chapters 62C-36 and 62C-39, F.A.C. Compliance with Polk County's minimum reclamation standards found in this Section shall be demonstrated through the annual mine reports. This Section shall not limit the authority of the BoCC or any County agency to enforce or monitor compliance with other applicable statutes, ordinances, resolutions, regulations, or permit conditions.

SECTION 3: SEVERABILITY

If any provision of this Ordinance is held to be illegal, invalid, or unconstitutional by a court of competent jurisdiction the other provisions shall remain in full force and effect.

SECTION 4: EFFECTIVE DATE

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

ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY,

FLORIDA this 19 day of March, 2024.