

ORDINANCE NO. 26-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS, POLK COUNTY, FLORIDA, LAND DEVELOPMENT CODE AMENDMENT **LDCT-2025-30**, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE, AMENDING CHAPTER 8, SECTION 806, PLATS; SECTION 810, REPLATS AND MODIFICATIONS; SECTION 903, REVIEW PROCEDURES; AND SECTION 908, LEVEL 5 REVIEW, TO CHANGE THE PROCEDURE OF APPROVING SUBDIVISION PLATS FROM THE BOARD OF COUNTY COMMISSIONERS TO THE LAND DEVELOPMENT DIRECTOR IN ACCORDANCE WITH NEW REQUIREMENTS OF CHAPTER 177-071 OF THE FLORIDA STATUTES; AND AMENDING SECTION 909.B, APPLICABILITY, AND SECTION 909.C, AMOUNT OF SECURITY, TO ADJUST THE MINIMUM CONSTRUCTION COST THRESHOLD AND LOCATION OF FINANCIAL INSTITUTION FOR PERFORMANCE AND MAINTENANCE SECURITIES; 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 Local Government Comprehensive Plan and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes (FS), as amended, (the Act) Polk County is authorized and required to adopt 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 March 4, 2026; and

WHEREAS the proposed text amendment to the Polk County Land Development Code is intended to change the procedure of approving subdivision plats from the Board of County Commissioners to the Land Development Director in accordance with new requirements of chapter 177-071 of the Florida statutes; and

WHEREAS, the Board of County Commissioners reviewed and considered all comments received during said public hearing, 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 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 March 4, 2026, 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 806, Plats, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended in the following manner:

Section 806 Plats

The purpose of the review and approval of the plat by the County is to ensure that all requirements of this Code have been satisfied. The submission of the plat does not imply approval of the construction plans.

A. Procedure (Revised 3/17/10 - Ord. 10-010)

The applicant may submit a plat for approval for the entire subdivision. Approval will be granted when one of the following conditions exist:

1. All private improvements, if any, have been installed and approved, and all public improvements, if any, have been installed and accepted by the County.

2. In the absence of the completion of all improvements referenced in Section 804 C.1, provision of security for such installation is required (see Section 909).

B. Application (Rev. 3/17/10 - Ord. 10-010; 5/20/09 - Ord. 09-023; 12/03/03 Ord. 03-38)

The following items and information shall be submitted to the Growth Management Department plat review:

1. A complete application (on forms provided by the County).
2. All required processing fees.
3. All plats shall be prepared in compliance with these regulations and other applicable laws. An original and the required number of copies of the plat shall be prepared to include the following certifications which shall be printed on the original plat:
 - a. Certificate of surveyor.
 - b. ~~Certificate of approval of the BoCC.~~
 - ~~e.~~b. County Surveyor.
 - ~~d.~~c. Land Development Director. (~~except in the case of a minor subdivision plat approval~~)
 - ~~e.~~d. County Engineer. (except in the case of a minor subdivision plat approval)
 - ~~f.~~e. Certificate of ownership and dedication and, separate mortgagee's joinder in and ratification of subdivision plat.
 - ~~g.~~f. Certificate of approval of the clerk of the circuit court.
4. The following shall be provided prior to plat approval by the ~~BoCC~~ Land Development Director:
 - a. When improvements are constructed, completed and accepted prior to plat recording, the following documents shall be provided:
 - i. Title certification or opinion of title that satisfies the requirements of F.S. ch. 177. The title certification or opinion shall be submitted twice, once with the initial submittal and once with the final submittal. The certification or opinion shall have an effective date within 45 days of the date the plat is signed by the ~~Board of County Commissioners Chairman~~ Land Development Director and receives final approval. The effective date is the most recent date of the public records search used to prepare the title certification or opinion.
 - ii. Engineers certificate.
 - iii. Subdivider's guarantee.
 - iv. Surveyor's certificate of installation of Plat Reference Monuments (PRMs), Plat Control Points (PCPs) and monuments in accordance with Florida Statutes. All PRMs, PCPs and monuments are subject to inspection prior to plat approval; this does not obligate the County to inspect PRMs, PCPs and monuments. The surveyor's certificate shall be signed and sealed by the surveyor of record and shall state that "All PRMs, PCPs and monuments required by Florida Statutes have been installed." The certificate shall be submitted in a timely manner to allow inspection of PRMs, PCPs and monuments prior to plat approval.
 - v. Signed and sealed record drawings for public improvements and work conducted in County rights-of-way and easements existing or dedicated.
 - vi. Such documentation from the Polk County Health Unit as required by law.
 - b. When improvements are to be constructed, completed, and accepted after plat recording, the following shall be provided:

- i. Title certification or opinion of title that satisfies the requirements of F.S. ch. 177. The title certification or opinion shall be submitted twice, once with the initial submittal and once with the final submittal. The certification or opinion shall have an effective date within 45 calendar days of the date the plat is signed by the ~~Board of county Commissioners Chairman~~ Land Development Director and receives final approval. The effective date is the most recent date of the public records search used to prepare the title certification or opinion.
 - ii. Subdivision agreement - A binding agreement shall be made stating if the applicant fails to make the required improvements (or to cause them to be made) according to the schedule for making those improvements, the County shall utilize the security provided in connection with the agreement.
 - iii. Engineer's certificate.
 - iv. Sub-divider's guarantee.
 - v. Certificate of cost estimate (or actual installation cost).
 - vi. Performance Security in compliance with Section 909.
 - vii. Maintenance Security in compliance with Section 909. (after improvements are accepted for maintenance by the County).
- c. For minor subdivisions when no improvements are to be constructed, with exception of sidewalks and/or shared driveways, the following shall be provided.
- i. A title certification or opinion of title that satisfies the requirements of F.S. ch. 177. The title certification or opinion shall be submitted twice, once with the initial submittal and once with the final submittal. The certification or opinion shall have an effective date within 45 calendar days of the date the plat is signed by the ~~Board of County Commissioners Chairman~~ Land Development Director and receives final approval. The effective date is the most recent date of the public records search used to prepare the title certification or opinion.
 - ii. Surveyor's certificate of installation of PRMs and monuments in accordance with Florida Statutes. All PRMs and monuments are subject to inspection prior to plat approval; this does not obligate the County to inspect PRMs and monuments. The surveyor's certificate shall be signed and sealed by the surveyor of record and shall state that all PRMs and monuments required by Florida Statutes have been installed. The certificate shall be submitted in a timely manner to allow inspection of PRMs, PCPs and monuments prior to plat approval.
 - iii. When sidewalks and/or shared driveways are to be constructed, a site plan showing construction details for the driveway or sidewalk shall be provided along with topographic survey data for the area in the vicinity of the sidewalk or driveway construction.
5. Evidence of the provision and assurance for maintenance of common facilities. This includes, but is not limited to all documents and other assurances, including deed restrictions, articles of incorporation and bylaws, prepared in accordance with the laws of the state and satisfactory to the County Attorney, to establish a means of common ownership and management of all common areas, facilities or improvements intended for use by some or all of the occupants of the subdivision, but not proposed to be provided, owned, operated or maintained at general public expense. Minor subdivisions are exempt from this requirement if there are no common areas.

6. Copies of permit approvals from all applicable regulatory agencies.
7. Flood plains, flood ways and flood elevation data, if applicable, shall be provided on the plat.
8. The applicant shall provide an original and a print or photographic copy of the original drawing prior to submission to the ~~Board of County Commissioners~~ Land Development Director. The scale on the original mylar and the copy shall be to an appropriate scale to show all details.
9. A Boundary Survey pursuant to F.S. Ch. 177.
10. In addition to required certifications, plats shall be prepared to include the following:
 - a. All graphic standards must conform to F.S. Ch. 177.
 - b. The size of each sheet shall be 24 inches by 36 inches and shall be drawn with a marginal line or may be printed completely around each sheet and placed so as to leave at least a one half inch margin on each of three sides and a three inch margin on the left side of the plat for binding purposes.
 - c. The following information shall be required on all plats:
 - i. Each plat shall show the section, township and range, as applicable, or, if in a land grant, the plat will so state. If the subdivision is in an area where State Plane Coordinates or Geodetic Control Points have been established, the State Plane Coordinate values shall be annotated on the face of the plat for at least two Permanent Reference Monuments (PRMs) on every development of 40 acres or less and at least one additional PRM for every additional 40 acres. The coordinate datum shall be based on NGRS, current adjustment. Minor subdivisions shall not be required to establish State Plane Coordinators for the plat.
 - ii. When the plat drawing is the result of a computer-generated drawing, a copy of the drawing file in DXF, DGN, DWG format is required.
 - iii. Conservation and preservation areas. Exact locations of all conservation and preservation tracts or easements, including wetlands when density transfers are uplands, mitigated wetlands and upland preserves, shall be identified.
 - iv. Two vertical control points (VCP) shall be required for every development of 40 acres or less. One additional vertical control point shall be established for each additional 40 acres. A VCP shall be a two-inch diameter or greater brass disk set into concrete in a drainage control structure, end wall or other suitable concrete structure. The elevation of the VCPs shall be referenced to either NGVD 29 or NAVD 88 datum and shall be annotated on the face of the plat and stamped into the disk together with the license number of either the Surveyor or the business entity. Minor subdivisions that contain no Special Flood Hazard Area are not required to establish VCPs.
 - v. Where a plat boundary falls within a water body, a meander line shall be established at or near the ordinary high water line and monumented in accordance with Chapter 61G17-6, F.A.C. This line shall not constitute a line of ownership.
 - vi. The minimum text height for all dimensioning shall be 0.08"
 - vii. Lots shall be numbered consecutively beginning with the number one (1) with the exception of phased subdivisions, which shall begin consecutive numbering

from the previous phase.

- viii. All least fractional parts of the subdivided lands having limited fixed boundaries shall be referred to as either lots or tracts.
- ix. Tracts shall be dedicated to the Homeowner's Association, Community Development District (CDD), Polk County, or retained by the subdivider for future development.
- x. Tracts shall be lettered consecutively beginning with the letter "A" with the exception of phased subdivisions, which may begin consecutive lettering from the previous phase.
- xi. New plats located within a Nutrient Restoration Plan Overlay will be required to have a note on the plat stating Enhanced Nitrogen Reducing Septic Systems are required on parcels one acre or less if sewer is not available.

C. Approval

- ~~1. A plat is eligible for BoCC conditional approval prior to final review by the BoCC's Plat Review Staff, which is a technical fact finding committee, approval by the Land Development Division Director, a final approval by the BoCC under the following circumstances:
 - ~~a. The applicant has paid all application and recording fees required by the County; and~~
 - ~~b. the submittal has completed the initial review by the Plat Review Staff pursuant to Section 908.~~~~
- 21. A plat is eligible for recording after the BoCC has conditionally approved the plat in accordance with Section 806.C.1, the BoCC's Plat Review Staff has reviewed said plat, the BoCC has approved the plat, and the plat has received all the appropriate signatures required by F.S. Ch. 177 and this Code. The BoCC's final approval of the plat shall consist of the Chairperson Land Development Director signing the plat, which shall be evidence of the Board's final approval of the plat. No further Board action, other than the Chairperson signing the plat, is required to achieve BoCC final approval of the plat. If the BoCC's final approval has not been received and the Chairperson's signature has not been secured within 14 days of the most recent review by the Plat Review Staff, the plat shall be resubmitted to the Plat Review Staff before it is eligible for final approval.
- ~~3. BoCC conditional approval shall only be valid for a maximum of 18 months after said conditional approval is granted. If the Final Plat has not received final Board approval and been recorded within 18 months after the BoCC's conditional approval, then the BoCC's conditional approval is null and void.~~
- 42. The BoCC Plat Review Staff includes a representative(s) from the County Surveyor's office, and the Land Development Division. The County Attorney's Office shall review all plats and advise the BoCC Land Development Director and its various divisions and departments whether the plat is legally sufficient.
- 3. Approval of the plat and the dedications to the public therein do not constitute the Board of County Commissioners acceptance of infrastructure, liability, or maintenance of the dedications until an official acceptance process by the Board has occurred.

D. Maintenance of Private Improvements

1. Whenever a proposed development provides for the creation of facilities or improvements which are not proposed for dedication to the County, a legal entity shall be created to be responsible for the ownership and maintenance of such facilities and improvements.
 - a. When the proposed development is to be organized as a condominium under the provisions of F.S. Ch. 718, common facilities and property, shall be conveyed to the condominium's association pursuant to that law.
 - b. When no condominium is to be organized, an owners association shall be created and all common facilities and property shall be conveyed to that association.
 - c. No development order shall be issued for a development for which an owners association is required until the documents establishing such association have been reviewed and approved by the County Attorney.
2. An organization established for the purpose of owning and maintaining common facilities not proposed for dedication to the County shall be created by covenants running with the land. Such covenants shall be included with the final plat. Such organization shall not be dissolved, nor shall it dispose of any common facilities or open space by sale or otherwise without first offering to dedicate the same to the County.

E. Minor Subdivision Plat Approval (Rev. 3/17/10 - Ord. 10-010)

- ~~1. A plat is eligible for BoCC conditional approval prior to final review by the County Surveyor and final approval by the BoCC under the following circumstances:
 - a. The applicant has paid all application and recording fees required by the County~~
- ~~2. A plat is eligible for recording after the BoCC has conditionally approved the plat in accordance with Section 806.C.1, the County Surveyor has reviewed the plat, the BoCC has approved the plat and the plat has received all the appropriate signatures required by F.S. Ch. 177 and this Code. The BoCC's final approval of the plat shall consist of the Chairperson Land Development Director signing the plat, which shall be evidence of the Board's final approval of the plat. No further Board action, other than the Chairperson signing the plat, is required to achieve BoCC final approval of the plat. If the BoCC's final approval has not been received and the Chairperson's signature secured within 14 days of the most recent review by the Plat Review Staff, the plat shall be resubmitted to the Plat Review Staff before it is eligible for final approval.~~
- ~~3. BoCC conditional approval shall only be valid for a maximum 18 months after said conditional approval is granted. If the plat has not received final Board approval and been recorded within 18 months after the BoCC's conditional approval, then the BoCC's conditional approval is null and void.~~

SECTION 3: Section 810, Re-plats and Modifications, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended in the following manner:

Section 810 Re-plats and Modifications

A. Vacating and Re-platting

Whenever land comprising all or part of an existing plat of record is proposed as all or part of a new plat, it shall be in accordance with the procedures as set forth in F.S. ch. 177.

B. Revision of Final Plat After Board Land Development Director Approval

No changes, erasures, modifications or revisions shall be made on any final plat after approval has been given, unless the plat is resubmitted to the BoCC Land Development Director for his or her approval. This shall not affect the right to file an affidavit confirming an error on a recorded plat as provided by law. Any change, other than those listed in Section C, shall be considered a major modification or re-plat and shall be processed as a major subdivision pursuant to Section 803 C.

C. Minor Modifications

When it is necessary to change a plat which has been duly recorded, the applicant may proceed with submission of the final plat to the County. The minor subdivision process in Section 803 B. shall apply if one or more of the following modifications are proposed:

1. Lot lines are adjusted, provided that the number of lots does not increase and the individual lot sizes still meet the minimum lot size prescribed in this Code.
2. Minor adjustments in street alignments.
3. Release or dedication of easements.
4. Street name changes.

D. Vacating or Re-Platting Dedicated Easements, Right-of-Way, Parcels or Tracts

Recorded plats which through their approval have either dedicated or implied dedication of easements, right-of-way, parcels or tracts shall have the official authorization of the recipients of such dedication or implied dedication or undergo Board approval to vacate or re-plat such dedicated rights. Notice shall be given to all owners of real property within the plat of the hearings.

SECTION 4: Section 903, Review Procedures, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended to amend Table 9.1, Table 9.2, and subsection 903.E accordingly:

Table 9.1 Summary of Required Review Procedures (Rev. 02/14/07 - Ord. 07-004; Rev. 01/30/03 - Ord. 03-14)			
Development Approval Requested	Submittal Required	Required Steps	Review Procedure
All other "permitted" uses on Use Tables in Chapters 2, 4 and 5	Final Development Plan	DRC	Level 2 (DRC Action)
Conditional Uses			
C-1 Conditional Uses ⁽¹⁾	As requested for permitting	Staff review	Level 1 (Admin. Action)
C-2 Conditional Uses ⁽¹⁾	Final Development Plan	DRC	Level 2 (DRC Action)
C-3 Conditional Uses ⁽¹⁾	Draft Development Plan and Impact Assessment Statement	DRC, and PC	Level 3 (PC Action)

Table 9.1 Summary of Required Review Procedures

(Rev. 02/14/07 - Ord. 07-004; Rev. 01/30/03 - Ord. 03-14)

Development Approval Requested	Submittal Required	Required Steps	Review Procedure
C-4 Conditional Uses ⁽¹⁾	Final Development Plan and Impact Assessment Statement	DRC, PC and BoCC	Level 4 (BoCC Action)
Land Use District Modification	Application and Impact Assessment Statement	PC and BoCC	Level 4 (BoCC Action)
Code Amendments and Comprehensive Plan Amendments ⁽⁴⁾	Application	PC and BoCC	Level 4 (BoCC Action)
Planned Developments			
Planned Development Preliminary Plan Approval	Preliminary Plan	DRC, PC	Level 3 (PC Action)
Build-out	Final Development Plan	DRC	Level 2 (DRC Action)
Minor Modification to Planned Development	Preliminary Plan ²	DRC	Level 2 (DRC Action)
Major Modification to Planned Development	Preliminary Plan ²	DRC, PC	Level 3 (PC Action)
Subdivision Plats			
Construction Plans	Construction Plans	DRC	Level 2 (DRC Action)
Modification to Construction Plans	Construction Plans	DRC	Level 2 (DRC Action)
Signage Plan ⁽⁵⁾	Signage Plan	PC, DRC	Level 3 (PC Action) Level 2 (DRC Action)
Final Plat	Final Plat	DRC and <u>BoCC Land Development Director</u>	Level 5 (Platting Approval)
Minor Plat	Final Plat	DRC and <u>BoCC Land Development Director</u>	Level 5 (Platting Approval)
Plat Modification	Final Plat	DRC and <u>BoCC Land Development Director</u>	Level 5 (Platting Approval)
Replat/Vacating ⁽³⁾	Construction Plans and Final Plat	DRC and <u>BoCC Land Development Director</u>	Level 5 (Platting Approval)

(1) All conditional uses shall comply with the conditions outlined in Chapter 3.
 (2) Final Development Plans may be submitted at the option of the applicant.
 (3) Depending upon size and complexity, staff may require a preliminary plat.
 (4) There shall be a transmittal and an adoption hearing on all Comprehensive Plan text amendments and map amendments over 50 acres and for any amendments within the Green Swamp Area of Critical State Concern
 (5) Complete in conjunction with final Development Approval in Level 2.
 DRC = Development Review Committee
 PC = Planning Commission
 BoCC = Board of County Commissioners

Table 9.2 Review Procedure Steps (Rev. 3/8/06 - Ord. 06-12)

	Level 1	Level 2	Level 3	Level 4	Level 5
Pre-application Conference ⁽⁴⁾⁽³⁾	Optional	Optional	Optional	Optional	Optional
Staff Review ⁽¹⁾	Required	Required	Required	Required	Required
Development Review Committee (DRC)	Not Required	Required	Required	Required	Required
Planning Commission (PC)	Not Required	Not Required	Required	Required	Not Required
Board of County Commissioners (BoCC)	Not Required	Not Required	Required ⁽²⁾⁽²⁾	Required	Not Required ⁽²⁾
⁽¹⁾ When Staff Review occurs as part of a standard permitting or site plan procedure; full DRC not required. ⁽²⁾ BoCC Consent agenda only; No public notice required. ⁽²⁾ BoCC only if appealed ⁽⁴⁾⁽³⁾ Pre-applications are valid for no more than a year from the DRC meeting					

Section 903 Review Procedures

...

E. Level 5- Subdivision Plats (Revised 2/5/2019 - Ord. 19-008)

Land being subdivided according to the definitions and requirements in Chapter 8, shall be reviewed and approved according to the following procedures as summarized in Table 9.1.

DRC shall review the plat to ensure compliance with the Comprehensive Plan, this Code, and the following:

1. Pursuant to the specifications in Sections 805 and 905 (Level 2 Review), construction plans shall be reviewed by the DRC to ensure the public and private infrastructure, utilities and other improvements are compliant with all applicable codes and Appendix A, Technical Standards Manual.
2. A Final Plat shall be submitted pursuant to the specifications in Sections 806 and 908 (Level 5 Review). The review by the DRC and ~~BoCC~~ Land Development Director shall ensure the plat complies with all applicable codes, recording requirements, the approved construction plans, and security requirements.
3. Certain subdivision plats, which due to their complexity or phasing, may be required to undergo a subsequent Level 2 Review, in order to obtain necessary detail, scale and data required for a Final Development Plan.

...

SECTION 5: Section 908, Level 5 Review, of the Polk County Land Development Code, Polk County 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~~ Land Development Director 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 the Land Development Director, ~~and the Board of County Commissioners (BoCC)~~ for review of the plat.

C. Results

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

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. Within 7 business days after receipt of a plat or replat submittal, the administrative authority shall provide written notice to the applicant acknowledging receipt of the plat or replat submittal and identifying any missing documents or information necessary to process the plat or replat submittal for compliance with s. 177.091. The written notice must also provide information regarding the plat or replat approval process, including requirements regarding the completeness of the process and applicable timeframes for reviewing, approving, and otherwise processing the plat or replat submittal.

~~2.~~ Once the plat submittal has been deemed sufficient, 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. Land Development staff shall send a copy of the application to each member of the DRC and shall allow 15 working days for review. Within 180 days after the County has deemed the application complete, the ~~Board~~ Director shall render a final decision to approve or deny the plat.

~~2. On the earliest available date, the Land Development Director shall schedule the application on the Board of County Commissioners' consent agenda.~~

3. The ~~Board of County Commissioners~~ Land Development Director, in the review of the ~~development application~~ plat, shall consider the following factors:

a. Whether the proposed development is consistent with all relevant requirements of this Code; and

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.~~

4. The ~~BoCC~~ Director shall consider the factors listed in Section 908.D.3 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, Development Review Procedures, Section 909, Completion Guarantee and Acceptance of Infrastructure and Improvements, subsection B, Applicability, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended in the following manner:

Section 909 - Completion Guarantee and Acceptance of Infrastructure and Improvements

...

B. Applicability

1. Performance Security - a performance security may be required under the following circumstances:
 - a. Any connection or modification to county-maintained infrastructure regardless of jurisdiction or land ownership,
 - b. Any connection or modification to infrastructure within county property, county rights-of-way, or county owned or maintained easements within incorporated as well as unincorporated Polk County,
 - c. Any construction of new infrastructure improvements or replacement of existing infrastructure within county property, county rights-of-way, or county owned or maintained easements within incorporated as well as unincorporated Polk County; or,
 - d. Prior to the sale of any residential property (plat approval) within the limits of an approved Level 2 Review Plan when all infrastructure items necessary to support the intended use of property and required land sale elements are not completed.
 - e. Performance securities will not be accepted when total construction costs are less than **\$100,000**.
2. Maintenance Security - a maintenance security shall be required after completion and approval of connection or modification to county-maintained infrastructure with a total construction cost above **\$100,000**, regardless of jurisdiction.
3. Required Securities for Plat Approval
The applicant shall provide and maintain sufficient full performance security guaranteeing the completion and approval of private or public onsite or offsite improvements.

...

SECTION 7: Chapter 9, Development Review Procedures, Section 909, Completion Guarantee and Acceptance of Infrastructure and Improvements, subsection C, Amount of Security, of the

Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended in the following manner:

Section 909 - Completion Guarantee and Acceptance of Infrastructure and Improvements

...

C. Amount of Security

1. The amount of a performance security shall be 110 percent of the estimated total construction costs for the improvements identified by the Engineer of Record and approved for their accuracy by the County Engineer or their assigns. The amount of all maintenance securities shall be 10 percent of the total construction costs of infrastructure dedicated to Polk County.
2. Security requirements may be met by the following:
 - a. Cash,
 - b. Cashier's check payable to Polk County,
 - c. Irrevocable Letters of Credit payable to Polk County from a financial institution **with a permanent branch office** located within the state of Florida, or
 - d. Bond from a financial institution **with a permanent branch office** located within the state of Florida.

...

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 _____ day of _____, 2026.