

**ORDINANCE NO. 25-\_\_\_\_\_**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS, POLK COUNTY, FLORIDA, LAND DEVELOPMENT CODE AMENDMENT **LDCT-2025-4**, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE, AMENDING CHAPTER 9, SECTION 960, PUBLIC NOTICE, SUBSECTION 960.A TYPES OF PUBLIC NOTICE, TO CHANGE THE DISTANCE FOR WHICH MAIL NOTICES ARE TO BE SENT TO AREA PROPERTY OWNERS FROM 500 FEET TO 1,000 FEET; 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 April 2, 2025; and

**WHEREAS** the proposed text amendment to the Polk County Land Development Code is intended to expand the area for which mail notices are sent for public hearings from 500 feet to 1,000 feet; 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 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:** Chapter 9, Section 960, Public Notice, subsection 960.A, Types of Public Notice, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended in the following manner:

**Section 960 Public Notice** (Revised 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 24-125,

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~~ 1,000 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.

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### **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 upon filing with the Department of State.

**ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY,**

**FLORIDA** this \_\_\_\_\_ day of \_\_\_\_\_, 2025.