

**POLK COUNTY
DEVELOPMENT REVIEW COMMITTEE
CASE OVERVIEW**

DRC Date:	December 20, 2018	Level of Review:	4
PC Date:	January 9, 2019	Type:	LDC Text Amendment
BoCC Date:	February 5, 2019	Case Numbers:	LDCT-2018-18
	February 19, 2019	Case Name:	Process for Public Road Acceptance
Applicant:	Polk County	Case Planner:	Erik Peterson, AICP

Request:	An LDC text amendment to Chapter 8, Section 806, Plats, to require are public hearing process and criteria for the Board of County Commissioner’s approval for dedication of local roads to the County.
Location:	n/a
Property Owner:	n/a
Parcel Size (Number):	n/a
Development Area:	n/a
Nearest Municipality:	n/a
DRC Recommendation:	Approval
Planning Commission Vote:	pending

Among the changes to Section 806 is:

- Level 4 Review is required if local roads are proposed for dedication to the County.
- When the Board Reviews the request, they will consider:
 - Cost of maintenance relative to the projected the net tax revenue recived
 - Whether the road serves properties outside the development.
- Applicant may not submit for Level 5 Review (plat review) until the Board has taken action at a hearing.

ORDINANCE NO. 19-_____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING LAND DEVELOPMENT CODE AMENDMENT LDCT-2018-18 AMENDING ORDINANCE NO. 00-09, AS AMENDED (ALSO KNOWN AS THE POLK COUNTY LAND DEVELOPMENT CODE), AMENDING CHAPTER 8, SECTION 806, PLATS, TO REQUIRE BOARD OF COUNTY COMMISSIONER'S APPROVAL AND MINIMUM CRITERIA FOR DEDICATION OF LOCAL ROADS TO THE COUNTY; 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 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 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 January 9, 2019; and

WHEREAS, the proposed text amendment to the Polk County Land Development Code is to require are public hearing process for the Board of County Commissioner's approval for dedication of local roads to the county; 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 current ordinance.

SECTION 1:

Chapter 1, Section 806 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 B.1, provision of security for such installation is required.

Board of County Commissioner’s approval shall be required through a Level 4 Review when local roads are proposed for dedication to the County. Applications for Level 5 Review that include the dedication of local roads to the County shall not be processed for review until the Level 4 Review is approved. As part of the Level 4 Review, the Board shall consider the following criteria:

- a. It is demonstrated using generally accepted accounting methods that property tax revenue generated from the developed properties within the proposed subdivision will cover the cost of maintenance at the current ad valorem rate as well as other public service expenditures funded by the County through ad valorem tax revenue.
- b. It can be clearly demonstrated and generally accepted that the proposed local roads offered to the County serve properties outside of the proposed development.

SECTION 2: 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 3: 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 19th day of February, 2019.