

**ORDINANCE NO. 09-\_\_\_\_\_**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS, POLK COUNTY, FLORIDA, LAND DEVELOPMENT CODE AMENDMENT LDC 09T-22, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE, AMENDING SECTION 704 AND SECTION 804 TO PROVIDE FOR TIME EXTENSIONS FOR LEVEL 2 REVIEW APPROVAL THROUGH THE MINOR MODIFICATION PROCESS; AMENDING SECTION 906 AND SECTION 907 TO PROVIDE FOR TIMING OF APPROVAL AND EXTENSIONS OF APPROVAL THROUGH THE MINOR MODIFICATION PROCESS FOR LEVEL 3 REVIEW AND LEVEL 4 REVIEW CONDITIONAL USES, INCLUDING BUT NOT LIMITED TO PLANNED DEVELOPMENTS AND SUBURBAN PLANNED DEVELOPMENTS; ADDITIONALLY THE AMENDMENT WILL EXTEND THE TIMING OF APPROVAL FOR THE FOLLOWING CONDITIONAL USES, PLANNED DEVELOPMENTS, AND SUBURBAN PLANNED DEVELOPMENTS PREVIOUSLY APPROVED: PD 71-10M, PD 73-05M, 73-19M, PD 79-07M, PD 85-05M, PD 98-03M, PD 99-01M, PD 00-13M, PD 02-13M, PD 04-06M, PD 04-16M, PD 05-24M, PD 05-29M, PD 05-34M, PD 06-13M, PD 06-17, PD 06-18, PD 06-30, PD 06-36, PD 07-06, PD 07-07, PD 07-08, PD 07-09, PD 07-14, PD 07-15, PD 07-16, PD 08-01, PD 08-05, PD 08-09, SPD 06-01M, SPD 07-01, SPD 07-02, SPD 07-06, SPD 08-02, CU 05-02M, CU 06-05, CU 06-07, CU 06-09, CU 06-11, CU 06-12, CU 06-13, CU 06-14, CU 06-15, CU 06-18, CU 07-03, CU 07-04, CU 07-09, CU 07-10, CU 07-14, CU 07-17, CU 07-27, CU 07-28M, CU 08-04, CU 08-06, CU 08-14, CU 08-17, CU 08-22, CU 08-26, CU 08-30, AND CU 09-01; PROVIDING FOR RIGHT TO APPEAL; 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 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 May 12, 2009; and

**WHEREAS**, due to the current economic condition within our nation, including the State of Florida, and in particular, Polk County, the vast majority of development projects have been severely delayed; and

**WHEREAS**, due to the current economic condition in Polk County, the Board of County Commissioners finds that it is appropriate, desirable and in the best interest of the citizens of Polk County that development projects which have received approval should be eligible to apply for time extensions through the Development Review Committee for Level 2 Reviews; and

**WHEREAS**, further, due to these conditions, the Board of County Commissioners also finds that it is appropriate, desirable and in the best interest of the citizens of Polk County that unexpired development projects which have received Level 3 and Level 4 Review approval but which have not yet submitted construction plans as of May 11, 2009, a comprehensive list of which is contained in Section 3.G.3.a. and Section 4.F.3.a. of this ordinance, should be granted a time extension herein; and

**WHEREAS**, procedural due process has been afforded in this matter; and

**WHEREAS**, the proposed text amendment to the Polk County Land Development Code shall provide for time extensions for Level 2 Review approval through the minor modification process and provide for timing of approvals and extensions of approval through the minor modification process for Level 3 Review and Level 4 Review Conditional Uses; and

**WHEREAS**, the proposed text amendment to the Polk County Land Development Code shall extend the timing of approval for specific Conditional Uses which have previously been approved, are still valid, and have not submitted Level 2 Review construction plans as of May 11, 2009; and

**WHEREAS**, Polk County acknowledges and will comply with the mandate of Senate Bill 360, which was enacted by the Florida Legislature and signed by the Governor on June 1, 2009; 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:** Chapter 7, Section 704, Commercial, Industrial & Multi-Family Construction Plans, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended in the following manner:

**Section 704 Commercial, Industrial & Multi-Family Construction Plans**

Prior to the start of construction, the applicant shall submit construction plans for the installation of improvements that are to be constructed to serve the development site. The purpose of the review and approval of construction plans is to ensure satisfaction of the design and specification requirements for the improvements that are to be constructed to serve the development site.

**B. *Effect Timing of Approval***

1. Upon approval of the construction plans and applicable permits, the applicant may:
  - a. Obtain necessary permits to construct those improvements described on the approved construction plans; or
  - b. Request BoCC approval to post performance security pursuant to Section 807, for uncompleted offsite improvements.
2. No construction shall commence until the plans have been approved by the County Engineer, other than preliminary ditching and earth moving incidental and necessary to site preparation, and not impacting wetlands, floodplain and drainage features.
  - a. Approval of construction plans shall be valid for expire 36 months after from the original date of original approval. If construction has not commenced within this time frame, and the applicant has not requested an extension as outlined in this section, the applicant shall submit new construction plans for approval pursuant to Section 905, Level 2 Review. Construction may not commence prior to receiving approval of the new construction plans. the plans shall be resubmitted. After construction has commenced, work shall be continuous until complete. If construction should be suspended by the applicant for a period of six months beyond the 36 month date of original approval, plans shall be resubmitted for approval.
  - b. An applicant may apply for one additional time extension. Said time extension shall be for a maximum of one year and shall be

reviewed by the DRC. When reviewing a request for a time extension, the DRC may request changes to the approved construction plans only to reflect policy changes to this Code, since the original construction plans were approved, relative to the health, safety and welfare of the general public. Applications for time extension, as identified in this section, shall be submitted prior to the expiration of the Level 2 Review construction plans. If an application for time extension has been submitted prior to expiration of the Level 2 Review construction plan approval, but has not been acted upon by the DRC prior to the date of expiration, the request for extension shall still be considered by the DRC, and the project shall not expire until the DRC renders a final decision either approving or denying the request. However, in no instance may a time extension be granted for a period to exceed one year from the date of the original Level 2 Review approval, regardless of when the DRC acts upon an application for a time extension.

c. Decisions hereunder by the DRC may be appealed pursuant to Section 918.B and Section 921 of this Code. If the DRC grants a time extension pursuant to this section, thereafter if construction has not commenced within that extended time frame, then the applicant shall submit new construction plans for approval pursuant to Section 905, Level 2 Review. Construction may not commence prior to receiving approval of the new construction plans.

db. Any land alteration which takes place prior to construction plan approval shall be at the applicant's risk and may be required to be restored if it does not conform to the approved plans.

ee. No sale of soils shall be allowed prior to obtaining all permits.

3. After construction has commenced, work shall be continuous until complete. Construction may be suspended no more than four times for the duration of the project, according to the following schedule:

a. one work suspension/stoppage may be for a period not to exceed six months,

b. the three remaining work suspensions/stoppages may be for a period not to exceed one month each time, and

c. the work suspension/stoppages described above may not be combined.

If construction should be suspended exceeding the limits described in this section, the applicant shall submit new construction plans for approval

pursuant to Section 905, Level 2 Review. All work stoppages shall be reported to the engineering inspector responsible for the project.

43. If construction plan approval lapses, the plans become subject to any changes in this Code and other applicable regulations.
5. Additionally, Polk County acknowledges and will comply with the mandate of Senate Bill 360, which was enacted by the Florida Legislature and signed by the Governor in 2009. Therefore, Level 2 Review construction plans approved that are still valid and have not commenced construction that are scheduled to expire between September 1, 2008, and January 1, 2012, shall be extended for a period of two years from the original expiration date of the construction plans. Failure to commence construction prior to the extended expiration date shall result in the approval being null and void.

**SECTION 2:** Chapter 8, Section 804, Construction Plans, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended in the following manner:

**Section 804 Construction Plans**

Prior to submission of the final plat, the applicant shall submit construction plans for the installation of improvements that are to be constructed to serve the subdivision. The purpose of the review and approval of construction plans is to ensure satisfaction of the design and specification requirements for the improvements that are to be constructed to serve the subdivision.

**B. *Effect Timing of Approval (Rev. 9/26/01 - Ord. 01-70)***

1. Upon approval of the construction plans and applicable permits, the applicant may construct those improvements described on the approved construction plans or request BoCC approval to completion guarantee pursuant to Section 807, for uncompleted improvements.
2. No construction shall commence until the plans have been approved by the County Engineer, other than preliminary ditching, and earth moving incidental and necessary to site preparation, and not impacting wetlands, floodplain and drainage features.
  - a. ~~Approval shall expire 36 months after date of original approval. If construction has not commenced within this time, the plans shall be resubmitted. If construction should be suspended by the applicant for a period of six months, plans shall be resubmitted for approval.~~

- ~~b. No sale of soils shall be allowed prior to obtaining all permits.~~
- ~~c. If construction plan approval lapses, the plans become subject to any changes in this Code and other applicable regulations.~~
- ~~3. Any land alteration which takes place prior to construction plan approval shall be at the applicant's risk and may be required to be restored if it does not conform to the approved plans.~~
3. Approval of construction plans shall be valid for 36 months from the original date of approval. If construction has not commenced within this time frame, and the applicant has not requested an extension as outlined in this section, the applicant shall submit new construction plans for approval pursuant to Section 905, Level 2 Review. Construction may not commence prior to receiving approval of the new construction plans.
4. An applicant may apply for one additional time extension. Said time extension shall be for a maximum of one year and shall be reviewed by the DRC. When reviewing a request for a time extension, the DRC may request changes to the approved construction plans only to reflect policy changes to this Code, since the original construction plans were approved, relative to the health, safety and welfare of the general public. Applications for time extension, as identified in this section, shall be submitted prior to the expiration of the Level 2 Review construction plans. If an application for time extension has been submitted prior to expiration of the Level 2 Review construction plan approval, but has not been acted upon by the DRC prior to the date of expiration, the request for extension shall still be considered by the DRC, and the project shall not expire until the DRC renders a final decision either approving or denying the request. However, in no instance may a time extension be granted for a period to exceed one year from the date of the original Level 2 Review approval, regardless of when the DRC acts upon an application for a time extension.
5. Decisions hereunder by the DRC may be appealed pursuant to Section 918.B and Section 921 of the Code. If the DRC grants a time extension pursuant to this section, thereafter if construction has not commenced within that time frame, then the applicant shall submit new construction plans for approval pursuant to Section 905, Level 2 Review. Construction may not commence prior to receiving approval of the new construction plans
6. Any land alteration which takes place prior to construction plan approval shall be at the applicant's risk and may be required to be restored if it does not conform to the approved plans.
7. No sale of soils shall be allowed prior to obtaining all permits.

8. After construction has commenced, work shall be continuous until complete. Construction may be suspended no more than four times for the duration of the project, according to the following schedule:
  - a. one work suspension/stoppage may be for a period not to exceed six months,
  - b. the three remaining work suspensions/stoppages may be for a period not to exceed one month each time, and
  - c. the work suspension/stoppages described above may not be combined.

If construction should be suspended exceeding the limits described in this section, the applicant shall submit new construction plans for approval pursuant to Section 905, Level 2 Review. All work stoppages shall be reported to the engineering inspector responsible for the project.

9. If construction plan approval lapses, the plans become subject to any changes in this Code and other applicable regulations.
10. Additionally, Polk County acknowledges and will comply with the mandate of Senate Bill 360, which was enacted by the Florida Legislature and signed by the Governor in 2009. Therefore, Level 2 Review construction plans approved that are still valid and have not commenced construction that are scheduled to expire between September 1, 2008, and January 1, 2012, shall be extended for a period of two years from the original expiration date of the construction plans. Failure to commence construction prior to the extended expiration date shall result in the approval being null and void.

**SECTION 3:** Chapter 9, Section 906, Level 3 Review, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended to add the following subsection:

**Section 906 Level 3 Review**

**G. Timing of Approval.**

1. All Level 3 Reviews approvals are valid for a period not exceeding three years from the date of approval unless stated otherwise in a condition of approval by the Planning Commission, or in the case of a de novo appeal, the Board of County Commissioners, unless Level 2 Review plans are submitted within that time frame. If Level 2 Review plans are submitted within that time frame then the other provisions of this Code govern the

effectuation of the project. If Level 2 Review plans are not submitted within that time frame then the Level 3 Review approval is null and void.

2. After Level 3 Review approval, an applicant may apply for one additional time extension. Said time extension shall be for a maximum of one year, shall be reviewed by the DRC and shall not constitute a major modification. The DRC shall only review the project for the appropriateness of granting the requested time extension. Applications for time extension as identified in this section shall be submitted prior to the expiration of the Level 3 Review. If an application for time extension has been submitted prior to expiration of the Level 3 Review approval but has not been acted upon by the DRC prior to the date of expiration, the request for extension shall still be considered by the DRC and the project shall not expire until the DRC renders a final decision either approving or denying the request. However, in no instance may a time extension be granted by the DRC for a period to exceed one year from the date of the original Level 3 Review approval, regardless of when the DRC acts upon an application for a time extension. Decisions hereunder by the DRC may be appealed pursuant to Section 918.B and Section 921 of the Code.

3. Time Extensions for Specific Level 3 Projects Previously Approved Prior to May 11, 2009:

a. As of May 11, 2009, the following Conditional Uses have previously been approved, have not expired and have not submitted Level 2 Review plans. These projects are hereby granted a three year time extension to submit Level 2 Review plans as outlined below. Failure to submit Level 2 Review plans by the dates listed below shall result in the approval being null and void:

<u>Case Number</u>	<u>ID Number</u>	<u>Original Expiration Date</u>	<u>New Expiration Date</u>
<u>PD 71-10M</u>	<u>50556</u>	<u>11/13/2010</u>	<u>11/13/2013</u>
<u>PD 73-05M</u>	<u>53328</u>	<u>7/8/2011</u>	<u>7/8/2014</u>
<u>PD 73-19M</u>	<u>49555</u>	<u>2/13/2010</u>	<u>2/13/2013</u>
<u>PD 79-07M</u>	<u>50085</u>	<u>5/8/2010</u>	<u>5/8/2013</u>
<u>PD 85-05M</u>	<u>47768</u>	<u>10/10/2009</u>	<u>10/10/2012</u>
<u>PD 98-03M</u>	<u>21090105*002</u> <u>(CMS)</u>	<u>12/12/2011</u>	<u>12/12/2014</u>
<u>PD 99-01M</u>	<u>51007</u>	<u>9/11/2010</u>	<u>9/11/2013</u>
<u>PD 00-13M</u>	<u>53454</u>	<u>8/12/2011</u>	<u>8/12/2014</u>
<u>PD 02-13M</u>	<u>53528</u>	Retail & Restaurant - 7/17/2012 Office & Single family - 7/17/2014 Multi-family - 7/17/2017	Retail & Restaurant - 7/17/2015 Office & Single family - 7/17/2017 Multi-family - 7/17/2020
<u>PD 04-06M</u>	<u>52142</u>	<u>1/8/2011</u>	<u>1/8/2014</u>

<u>Case Number</u>	<u>ID Number</u>	<u>Original Expiration Date</u>	<u>New Expiration Date</u>
<u>PD 04-16M</u>	<u>50833</u>	<u>8/14/2010</u>	<u>8/14/2013</u>
<u>PD 05-24M</u>	<u>53535</u>	<u>10/14/2011</u>	<u>10/14/2014</u>
<u>PD 05-29M</u>	<u>52942</u>	<u>5/13/2011</u>	<u>5/13/2014</u>
<u>PD 05-34M</u>	<u>53525</u>	<u>10/11/2009</u>	<u>10/11/2012</u>
<u>PD 06-13M</u>	<u>53783</u>	<u>4/11/2012</u>	<u>4/11/2015</u>
<u>PD 06-17</u>	<u>47939</u>	<u>11/14/2009</u>	<u>11/14/2012</u>
<u>PD 06-18</u>	<u>47980</u>	<u>9/12/2009</u>	<u>9/12/2012</u>
<u>PD 06-30</u>	<u>48544</u>	<u>8/8/2009</u>	<u>8/8/2012</u>
<u>PD 06-36</u>	<u>48729</u>	<u>9/12/2009</u>	<u>9/12/2012</u>
<u>PD 07-06</u>	<u>49719</u>	<u>2/13/2010</u>	<u>2/13/2013</u>
<u>PD 07-07</u>	<u>49916</u>	<u>5/8/2010</u>	<u>5/8/2013</u>
<u>PD 07-08</u>	<u>49931</u>	<u>3/13/2010</u>	<u>3/13/2013</u>
<u>PD 07-09</u>	<u>50274</u>	<u>5/8/2010</u>	<u>5/8/2013</u>
<u>PD 07-14</u>	<u>51715</u>	<u>11/13/2010</u>	<u>11/13/2013</u>
<u>PD 07-15</u>	<u>51727</u>	<u>12/11/2012</u>	<u>12/11/2015</u>
<u>PD 07-16</u>	<u>51737</u>	<u>3/19/2011</u>	<u>3/19/2014</u>
<u>PD 08-01</u>	<u>52763</u>	<u>4/8/2011</u>	<u>4/8/2014</u>
<u>PD 08-05</u>	<u>53326</u>	<u>7/8/2011</u>	<u>7/8/2014</u>
<u>PD 08-09</u>	<u>53719</u>	<u>12/10/2012</u>	<u>12/10/2015</u>
<u>SPD 07-01</u>	<u>49910</u>	<u>10/10/2010</u>	<u>10/10/2013</u>
<u>SPD 07-02</u>	<u>50059</u>	<u>10/10/2010</u>	<u>10/10/2013</u>
<u>SPD 07-06</u>	<u>51465</u>	<u>2/12/2011</u>	<u>2/12/2014</u>
<u>SPD 08-02</u>	<u>53599</u>	<u>11/12/2011</u>	<u>11/12/2014</u>
<u>CU 06-09</u>	<u>48731</u>	<u>9/12/2009</u>	<u>9/12/2012</u>
<u>CU 06-12</u>	<u>48736</u>	<u>9/12/2009</u>	<u>9/12/2012</u>
<u>CU 06-13</u>	<u>49031</u>	<u>11/14/2009</u>	<u>11/14/2012</u>
<u>CU 06-15</u>	<u>49103</u>	<u>11/14/2009</u>	<u>11/14/2012</u>
<u>CU 07-14</u>	<u>50729</u>	<u>5/8/2010</u>	<u>5/8/2013</u>
<u>CU 07-28M</u>	<u>53318</u>	<u>7/8/2011</u>	<u>7/8/2014</u>
<u>CU 08-04</u>	<u>52483</u>	<u>3/11/2011</u>	<u>3/11/2014</u>
<u>CU 08-06</u>	<u>52614</u>	<u>3/11/2011</u>	<u>3/11/2014</u>
<u>CU 08-14</u>	<u>53054</u>	<u>5/13/2011</u>	<u>5/13/2014</u>
<u>CU 08-17</u>	<u>53266</u>	<u>1/7/2012</u>	<u>1/7/2015</u>
<u>CU 08-22</u>	<u>53391</u>	<u>8/12/2011</u>	<u>8/12/2014</u>
<u>CU 08-26</u>	<u>53524</u>	<u>1/14/2012</u>	<u>1/14/2015</u>
<u>CU 08-30</u>	<u>53604</u>	<u>11/12/2011</u>	<u>11/12/2014</u>
<u>CU 09-01</u>	<u>53779</u>	<u>3/10/2012</u>	<u>3/10/2015</u>

- b. Any substantially affected interest may appeal the decision of the Board of County Commissioners to grant the time extensions noted in section 906.G.3.a. above by filing an application with the Land Development Division within seven calendar days of the Board's adoption of section 906.G.3.a of this Code.

- c. For all other previously approved Level 3 Review projects, which are not listed in Section 906.G.3.a. above, which have not submitted construction plans and which expired between September 1, 2008, and June 30, 2009: Polk County acknowledges and will comply with the mandate of Senate Bill 360, which was enacted by the Florida Legislature and signed by the Governor in 2009. Therefore, those specific Level 3 Review projects shall be extended for a time period of two years from the original expiration date.
  
- 4. An applicant may apply for additional time extensions through the major modification process before the Planning Commission for a project which has been granted a time extension or extensions pursuant to section 906.G.2 and/or 906.G.3. An application for a time extension in that circumstance must be submitted prior to the project's Level 3 Review approval expiration. If an application for time extension has been submitted prior to expiration of the Level 3 Review approval but has not been acted upon prior to the date of expiration, the request for extension shall still be considered by the Planning Commission, or in the case of a de novo appeal the Board of County Commissioners, and the project shall not expire until the appropriate body renders a final decision either approving or denying the request.

**SECTION 4:** Chapter 9, Section 907, Level 4 Review, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended to add the following subsection:

**Section 907 Level 4 Review**

**F. Timing of Approval**

- 1. All Level 4 Reviews approvals are valid for a period not exceeding three years from the date of approval unless stated otherwise in a condition of approval by the Board of County Commissioners, unless Level 2 Review plans are submitted within that time frame. If Level 2 Review plans are submitted within that time frame then the other provisions of this Code govern the effectuation of the project. If Level 2 Review plans are not submitted within that time frame then the Level 4 Review approval is null and void.
  
- 2. After Level 4 Review approval, an applicant may apply for one additional time extension. Said time extension shall be for a maximum of one year, shall be reviewed by the DRC and shall not constitute a major modification. The DRC shall only review the project for the appropriateness of granting the requested time extension. Applications for time extension as identified in this section shall be submitted prior to the

expiration of the Level 4 Review. If an application for time extension has been submitted prior to expiration of the Level 4 Review approval but has not been acted upon by the DRC prior to the date of expiration, the request for extension shall still be considered by the DRC and the project shall not expire until the DRC renders a final decision either approving or denying the request. However, in no instance may a time extension be granted by the DRC for a period to exceed one year from the date of the original Level 4 Review approval, regardless of when the DRC acts upon an application for a time extension. Decisions hereunder by the DRC may be appealed pursuant to Section 918.B and Section 921 of the Code.

3. Time Extensions for Specific Level 4 Projects Previously Approved Prior to May 11, 2009:

a. As of May 11, 2009, the following Conditional Uses have previously been approved, have not expired and have not submitted Level 2 Review plans. These projects are hereby granted a three year time extension to submit Level 2 Review plans as outlined below. Failure to submit Level 2 Review plans by the dates listed below shall result in the approval being null and void:

<u>Case Number</u>	<u>ID Number</u>	<u>Original Expiration Date</u>	<u>New Expiration Date</u>
<u>CU 05-02M</u>	<u>49706</u>	<u>4/19/2010</u>	<u>4/19/2013</u>
<u>CU 06-05</u>	<u>48285</u>	<u>8/23/2009</u>	<u>8/23/2012</u>
<u>CU 06-07</u>	<u>48584</u>	<u>8/8/2009</u>	<u>8/8/2012</u>
<u>CU 06-11</u>	<u>48865</u>	<u>11/14/2009</u>	<u>11/14/2012</u>
<u>CU 06-14</u>	<u>49093</u>	<u>11/14/2009</u>	<u>11/14/2012</u>
<u>CU 06-18</u>	<u>49298</u>	<u>12/12/2009</u>	<u>12/12/2012</u>
<u>CU 07-03</u>	<u>49574</u>	<u>2/13/2010</u>	<u>2/13/2013</u>
<u>CU 07-04</u>	<u>49577</u>	<u>9/11/2010</u>	<u>9/11/2013</u>
<u>CU 07-09</u>	<u>50076</u>	<u>6/11/2010</u>	<u>6/11/2013</u>
<u>CU 07-10</u>	<u>50077</u>	<u>6/6/2010</u>	<u>6/6/2013</u>
<u>CU 07-17</u>	<u>51258</u>	<u>1/26/2011</u>	<u>1/26/2013</u>
<u>CU 07-27</u>	<u>51931</u>	<u>10/11/2010</u>	<u>10/11/2013</u>
<u>SPD 06-01M</u>	<u>52680</u>	<u>3/11/2011</u>	<u>3/11/2014</u>

b. Any substantially affected interest may appeal the decision of the Board of County Commissioners to grant the time extensions noted in section 907.F.3.a. above by filing an application with the Land Development Division within seven calendar days of the Board's adoption of section 907.F.3.a of this Code.

c. For all other previously approved Level 4 Review projects, which are not listed in Section 907 F.3.a. above, which have not submitted construction plans and which expired between September 1, 2008, and June 30, 2009: Polk County acknowledges and will comply with the

mandate of Senate Bill 360, which was enacted by the Florida Legislature and signed by the Governor in 2009. Therefore, those specific Level 4 Review projects shall be extended for a time period of two years from the original expiration date.

4. An applicant may apply for additional time extensions through the major modification process before the Board of County Commissioners for a project which has been granted a time extension or extensions pursuant to section 907.F.2 and/or 907.F.3. An application for a time extension in that circumstance must be submitted prior to the project's Level 4 Review approval expiration. If an application for time extension has been submitted prior to expiration of the Level 4 Review approval but has not been acted upon prior to the date of expiration, the request for extension shall still be considered by the Board of County Commissioners, and the project shall not expire until the Board renders a final decision either approving or denying the request.

#### **SECTION 5: 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 6: EFFECTIVE DATE**

This ordinance must be filed with the Department of State and will become effective July 1, 2009.

**ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA** this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

BOARD OF COUNTY COMMISSIONERS OF  
POLK COUNTY, FLORIDA

STATE OF FLORIDA            )  
  )  
COUNTY OF POLK            )

I, Richard M. Weiss, Clerk and Auditor to the Board of County Commissioners of Polk County, Florida, hereby certify that the foregoing is a true and correct copy of Ordinance No. 09-\_\_\_\_\_, an amendment to the Polk County Land Development Code, which was adopted by the Board of County Commissioners of Polk County, Florida on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

WITNESS my hand and official seal on this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

(SEAL)

By: \_\_\_\_\_  
Kathryn Courtney  
Deputy Clerk