

# Planning Commission

## Powers and Duties

- Reviews and acts on applications for preliminary development plans for Level 3 and 4 Reviews and other provisions required by the Land Development Code.
- Has the authority to require a development to meet a higher standard than the minimum required by the Land Development Code, if necessary to mitigate any off-site impacts.
- Hear and decide all applications for a variance from the requirements of the Land Development Code which are part of an application for a Planned Development or a C-3 and C-4 Conditional Use.
- The Planning Commission is designated as Polk County's Local Planning Agency and Land Development Regulation Commission pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act (Section 163.3174, Florida Statutes). As the Local Planning Agency, the Planning Commission makes recommendations to the Board of County Commissioners on amendments to the Polk County Comprehensive Plan and Land Development Regulations.

## General Procedures of the Planning Commission Public Hearing

### Level 3 Reviews (Section 906, Land Development Code)

The Planning Commission decision is the final action on all Level 3 Reviews unless there is an appeal of that decision. A Level 3 Review requires a pre-application meeting prior to the acceptance of an application. Applications are available from the Land Development Division. Once a complete application, along with the appropriate fee, is submitted to the Land Development Division, the application will be scheduled for review by the Development Review Committee (DRC). The DRC makes a recommendation to the Planning Commission. The Planning Commission must determine whether the proposed development complies with the standards of the Land Development Code and the Comprehensive Plan and may approve, approve with conditions, or deny an application for Level 3 Review. Level 3 Reviews include, but are not limited to: Planned Developments (PD), Conditional Uses (CU), and all new development and modifications to existing developments involving land uses listed as C3 conditional uses within the respective future land use districts.

### Level 4 Reviews (Section 907, Land Development Code)

The Planning Commission makes recommendations to the Board of County Commissioners on all applications for a Level 4 Review. A Level 4 Review requires a pre-application meeting prior to the acceptance of an application. Applications are available from the Land Development Division. Once a complete application, along with the appropriate fee, is submitted to the Land Development Division, the application will be scheduled for review by the Development Review Committee (DRC). In addition to a recommendation from the DRC, this level of review requires a public hearing before the Planning Commission with a formal recommendation, and a public hearing before the Board of County Commissioners. Level 4 Reviews include, but are not limited to: amendments to the Future Land Use Map Series, amendments to the text of the Comprehensive Plan or Land Development Code, and land uses listed as C4 conditional uses within the respective future land use district.

### **Appeals from Decisions of the Planning Commission**

The applicant or any land owner whose property, due to proximity to land on which the petition has been heard, is substantially affected; may appeal a decision of the Planning Commission to the Board of County Commissioners. An appeal must be filed with the Land Development Division within seven calendar days of the public hearing that the decision was made. The appeal must be made on forms provided by the Land Development Division and accompanied by the appropriate fee. Appeals will be heard by the Board of County Commissioners at a DeNovo hearing. If any person decides to appeal a decision made by the Planning Commission with respect to any action taken at the hearing, he or she will need a record, and may need to ensure that the record includes a verbatim transcript of the proceedings and any other evidence given at the hearing.

### **Public Notice Requirements**

A public hearing is required for all matters coming before the Planning Commission. Notification of the public hearing must be given in three different forms prior to the hearing. First, a legal advertisement must be published in a local newspaper. Second, a notice of the public hearing must be given to persons who might be affected by a decision of the Planning Commission. This notice is given in the form of a mail notification sent to all property owners whose property lies within 500 feet of the property for which action is being requested. Property owners and addresses are identified from the Polk County Property Appraiser's Office. Third, a pink sign, listing the case number, the date, time and location of the public hearing, is placed on the property which is the subject of any action by the Planning Commission.

**For more information on the Planning Commission, please contact the Land Development Division and request to speak to the Planning Commission Coordinator.**