

ORDINANCE NO. 25-_____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING LAND DEVELOPMENT CODE AMENDMENT LDCT-2025-21, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE; TO ADD DEVELOPMENT CONDITIONS IN APPENDIX E, SECTION E105, PARCEL SPECIFIC LAND USE TO ADD DEVELOPMENT RESTRICTIONS IN THE LAND DEVELOPMENT CODE; 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 Community Planning 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 December 3, 2025; and

WHEREAS, the Board of County Commissioners held two public hearings on January 6, 2026 and January 20, 2026, wherein the Board reviewed and considered the Planning Commission's recommendation, the staff report, and all comments received during said public hearings, and provided for necessary revisions; and

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Polk County, Florida that:

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| <p><i>NOTE:</i> The <u>underlined text</u> indicates proposed additions to the current language. The strikeout indicates text to be removed from the current ordinance.</p> |
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SECTION 1: FINDINGS The Board hereby finds and determines that:

- a) The findings set forth in the recitals to this Ordinance are true and correct and hereby adopted.
- b) The Planning Commission, acting in its capacity as the Local Planning Agency for the County, held a public hearing on December 3, 2025, to consider the LDC text amendments contained within Application LDCT-2025-21 and found them to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC Text Amendment contained within Application LDCT-2025-21.
- c) The adoption of LDCT-2025-21 is consistent with the Comprehensive Plan and LDC.

SECTION 2: Appendix E, Section E105 of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

An ordinance of the Polk County Board of County Commissioners regarding Land Development Code amendment LDCT-2025-21, amending Ordinance No. 00-09, as amended, the Polk County Land Development Code to add development conditions in Appendix E, Section E105, Parcel Specific land use to add development restrictions in the Land Development Code.; providing for severability; and providing for an effective date.

1. Prohibited uses - To place parcel specific limitations on the type of development that can occur on the Subject Property by prohibiting the future development of the following:
 - Group Home- Large (7-14 residents),
 - Group Home- Small (6 or less residents),
 - Mobile Homes- Individual,
 - Emergency Shelter- Medium (7-14 residents),
 - Emergency Shelter- Small (6 or less residents),
 - Recreation- Passive,
 - Utilities- Class II,
 - Bed and Breakfast,
 - Nursing Home,
 - Recreation- Low Intensity,
 - School- Elementary,
 - School- High, School- Middle,
 - Group Living Facility (15 or more residents),
 - Mobile Home Park, Mobile Home Subdivision,
 - Short-Term Rental Unit, Planned Development,
 - Residentially Based Mixed Development (RBMD),
 - Transitional Area Development,
 - Adult Day Care Center (7 or more clients),
 - Childcare Center,
 - Communication Tower- Monopole,
 - Communication Towers- Guyed and Lattice,
 - Community Center,
 - Cultural Facility,
 - Emergency Shelter- Large (15 or more residents), Golf Course,
 - Government Facility,
 - Helistops,
 - Mining- Non-phosphate,
 - Recreation- High Intensity,
 - Recreation- Vehicle Oriented,

Religious Institution,
School-Leisure/Special Interest, School-University/College, Utilities- Class III.

The intensity of development to be maximized at 16 total dwelling units.

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

The effective date of this plan amendment, if the amendment is not timely challenged, shall be the date the Department of Florida Commerce posts a notice of intent determining that this amendment is in compliance. If timely challenged, or if the state land planning agency issues a notice of intent determining that this amendment is not in compliance, this amendment shall become effective on the date the state land planning agency, or the Administration Commission enters a final order determining this adopted amendment to be in compliance.

SECTION 5: FILING WITH THE DEPARTMENT OF STATE:

The Clerk and Auditor to the Board of County Commissioners of Polk County, Florida, shall file a certified copy of this ordinance with the Department of State, through the Secretary of State, upon adoption by the Board of County Commissioners of Polk County, Florida.

ADOPTED, in open session of the Polk County Board of County Commissioners with a quorum present and voting this 20th day of January, 2026.