

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

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING LAND DEVELOPMENT CODE AMENDMENT LDCT-2025-22, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE, AMENDING THE USE TABLES IN CHAPTER 2, CHAPTER 4, AND CHAPTER 5 TO ADD LARGE GROUP HOMES INTO RESIDENTIAL FUTURE LAND USE DISTRICTS; AMENDING CHAPTER 10, DEFINITIONS, TO DEFINE “RECOVERY RESIDENCES” AND “CERTIFIED RECOVERY RESIDENCES” IN COMPLIANCE WITH FLORIDA STATUTES; 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 (the “Board”) adopted said Land Development Regulations on March 1, 2000, titled the Polk County Land Development Code (the “LDC”); and

**WHEREAS**, Chapter 9, Section 903 of the LDC requires LDC Amendments to be a Level 4 Review; and

**WHEREAS**, Chapter 9, Section 907 of the LDC sets forth the purpose and review process for Level 4 Reviews; and

**WHEREAS**, THE Board has determined it appropriate to adopt regulations that are consist with the Polk County Comprehensive Plan; 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 397.487(15), Florida Statutes, the Board is required, by January 1, 2026, to adopt an ordinance establishing procedures for the review and approval of certified recovery residences within its jurisdiction, which ordinance must include a process for requesting reasonable accommodations from any local land use regulation that serves to prohibit the establishment of a certified recovery residence; and

**WHEREAS**, LDCT-2025-22 is a County-initiated request to amend the LDC to define Recovery Residences and Certified Recovery Residences, as provided in Chapter 397, Florida Statutes, and to amend the definitions of Group Homes and Group Living Facilities to include Certified Recovery Residences; 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 LDC Amendment on November 5, 2025; and

**WHEREAS**, the Board held two public hearings, one on December 2, 2025, and another on December 16, 2025, 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, if any.

**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 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 November 5, 2025, to consider the LDC text amendments contained within Application LDCT-2025-22 and found them to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC Text Amendment contained within Application LDCT-2025-22.
- c) The adoption of LDCT-2025-22 is consistent with the Comprehensive Plan and LDC.

**SECTION 2:** Chapter 2, Table 2.1 of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended to modify the following sections:

**Section 205 - Use Tables for Standard Land Use Districts**

Table 2.1 Use Table for Standard Land Use Districts (For revision history, please see last row of table. Newer ordinances appear at end of section.)																			
	A/ RR	RCC -R	RS	RL- 1	RL- 2	RL- 3	RL- 4	RM	RH	RCC	CC	CE	LCC	NAC	CAC	RAC	OC	TCC	HIC -1
Key to Table: P = Permitted Use; C = Conditional Use/Level of Review																			
Residential Uses																			
Duplex, Two-family Attached		C3	C3	C3	C3	C3	C3	P	P	C3									
Family Farm	C1		C1																
Fly-in Community	C3		C3																
Group Home, Small (6 or less residents)	C1	C1	C1	C1	C1	C1	C1	C1	C1										
Group Home, Large (7-14 residents)	C3	C3	C3	<u>C3</u>	<u>C3</u>	<u>C3</u>	<u>C3</u>	C1	C1										
Group Living Facility (15 or more residents)	C3	C3	C3	C3	C3	C3	C3	C3	C2										

**SECTION 3:** Chapter 4, Table 4.1c of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended to modify the following sections:

**Section 401.01.01 - Use Table for Interstate 4 Selected Area Plan Land Use Districts**

Table 4.1c Use Table for Interstate 4 Selected Area Plan Land Use District (For this table's revision history, see last row in table. Newer ordinances appear after the table.)												
	RL- 1X	RL- 2X	RL- 3X	RL- 4X	RMX	RHX	LCCX	TCCX	CACX	BPC-1X	BPC-2X	IACX
<b>RESIDENTIAL USES</b>												
Duplex, Two-Family Attached			C3	C3	P	P						
Group Home, Small (6 or less residents)	C1	C1	C1	C1	C1	C1						
Group Home, Large (7-14 residents)	<u>C3</u>	<u>C3</u>	<u>C3</u>	<u>C3</u>	C1	C1						
Group Living Facility (15 or more residents)	C3	C3	C3	C3	C3	C2						

**SECTION 4:** Chapter 4, Table 4.3 of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended to modify the following sections:

**Section 401.02 - Ronald Reagan Parkway Plan District**

	RL-1X	RL-4X	RMX	CCX	NACX	TCX	CACX	RACX	OCX
Key to Table: P = Permitted by right; C = Conditional Use/Level of Review; if blank = Not Permitted									
<b>Residential Uses</b>									
Duplex or Two-family Attached	C3	C2	P			C2			
Group Home, Small (6 or less residents)	C1	C1	C1						
Group Home, Large (7—14 residents)	<u>C3</u>	<u>C3</u>	C1						
Group Living Facility (15 or more residents)	C3	C3							

**SECTION 5:** Chapter 4, Table 4.8 of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended to modify the following sections:

**Section 401.03 - North US 27 Selected Area Plan**

Table 4.8 Use Table for U.S. 27 Selected Area Plan Land Use District (For revision history, please see last row of table. Newer ordinances appear after the table.)																	
<i>Green Swamp ACSC Districts Outlined in shaded in grey</i>	TCX	RACX	PIX	OCX	RHX	RMX	RL-1X	RL-2X	RL-3X	RL-4X	INSTX	NACX	TCX	RACX	PIX	NACX	RHX
RESIDENTIAL USES																	
Duplex, Two-Family Attached						C2	C3	C3	C3	C3							
Group Home, Small (6 or less residents)					C1	C1	C1	C1	C1	C1							C1
Group Home, Large (7-14 residents)					C1	C1	<u>C3</u>	<u>C3</u>	<u>C3</u>	<u>C3</u>	C1						C1
Group Living Facility (15 or more residents)			C2		C2	C3	C3	C3	C3	C3	C2				C2		C2

**SECTION 6:** Chapter 4, Table 4.12 of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended to modify the following sections:

**Section 401.04 - US Highway 98 Selected Area Plan**

Table 4.12 Allowable Uses for US Highway 98 SAP(For revision history, please see last row in table. Newer ordinances appear after the table.)										
	A/RX	RSX	RL-1X	RL-2X	RL-3X	RL-4X	RMX	RHX	ECX	CEX
Key to Table: P = Permitted Use; C = Conditional Use/Level of Review										
Residential Uses										
Family Farm	C1	C1	2	C2	C2	C2	C2	C2		
Family Homestead	C1	C1	C1	C1	C1	C1				
Fly-in Community	C3	C3	C3	C3	C3	C3	C3	C3		
Group Home, Small (6 or Less residents)	C1	C1	C1	C1	C1	C1	C1	C1		
Group Home, Large (7-14 Residents)	C3	C3	<u>C3</u>	<u>C3</u>	<u>C3</u>	<u>C3</u>	C1	C1		
Group Living Facility (15 or more residents)	C3	C3	C3	C3	C3	C3	C3	C2	C2	

**SECTION 7:** Chapter 4, Table 4.14 of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended to modify the following sections:

**Section 401.05 - State Road 559 Selected Area Plan**

All Land Use Districts in the SR 559 SAP are in the Green Swamp ACSC	BPCX-1	BPCX-2	RL-1X	RL-2X	RL-3X	RL-4X
<b>RESIDENTIAL USES</b>						
Duplex, Two-Family Attached					C3	P
Group Home, Small (6 or less residents)			C1	C1	C1	C1
Group Home, Large (7-14 residents)			<u>C3</u>	<u>C3</u>	<u>C3</u>	<u>C3</u>
Group Living Facility (15 or more residents)			C3	C3	C3	C3

**SECTION 8:** Chapter 4, Table 4.16 of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended to modify the following sections:

**Section 401.06 - The North Ridge Selected Area Plan**

	Table 4.16 Use Table for Standard Land Use Districts (Higher density/intensity developments appear after the table.)								
	A/RR X	RS X	RL 1X	RL2 X	RL3 X	RL4 X	RM X	RH X	CC X
	Key to Table: P = Permitted Use; C = Conditional Use/Level of Review								
Duplex, Two-family Attached					C2	C2	P	P	
Family Farm	C1	C1							
Fly-in Community	C3	C3							
Group Home, Small (6 or less residents)	C1	C1	C1	C1	C1	C1	C1	C1	
Group Home, Large (7- 14 residents)	C3	C3	<u>C3</u>	<u>C3</u>	<u>C3</u>	<u>C3</u>	C1	C1	
Group Living Facility (15 or more residents)	C3	C3	C3	C3	C3	C3	C3	C2	

**SECTION 9:** Chapter 4, Table 401.08.01 of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended to modify the following sections:

**Section 401.08 - Southeast Polk Selected Area Plan**

	Village Centers and Village Center Cores																					Outside the Village Centers (Scenic Highway overrides)										
	ARR X	RCC-R X	RS X	RL-1 X	RL-2 X	RL-3 X	RL-4 X	RM X	RCC X	CC X	CE X	LCC X	NAC X	OC X	TCC X	BPC-1 X	BPC-2 X	IND X	L/R X	INST1 X	INST2 X	ROS X	ARR X	RCC-R X	RS X	RL-1 X	RL-2 X	RL-3 X	RL-4 X	RM X		
	Key to Table: P = Permitted Use; C = Conditional Use/Level of Review																															
	RESIDENTIAL USES																															
Duplex/Two Family Attached	C2	C2	C2	C2	C2	C2	C2	C2	C2															C3	C3	C3			C3	C3	C2	
Multi-Family (4 units or less)	C2	C2	C2	C2	C2	C2	C2	C2	C2																						C2	
Multi Family (5 units or more per building)		C3		C3	C3	C3	C2	C2	C3				C2	C3						C2	C2			C3		C3	C3	C3	C2	C2		
Family Farm/Family Homestead	C1		C1																				C1		C1							
Fly in Community																							C3		C3							
Group Home, Small (6 or less residents)	C1	C1	C1	C1	C1	C1	C1	C1															C1	C1	C1	C1	C1	C1	C1	C1	C1	
Group Home, Large (7-14 residents)	C3	C3	C3	<u>C3</u>	<u>C3</u>	<u>C3</u>	<u>C3</u>	C1												C1	C1		C3	C3	C3	<u>C3</u>	<u>C3</u>	<u>C3</u>	<u>C3</u>		C1	
Group Living Facility (15 or more residents)	C3	C3	C3	C3	C3	C3	C3	C3												C2	C2		C3	C3	C3	C3	C3	C3	C3	C3	C3	

**SECTION 10:** Chapter 4, Table 4 of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended to modify the following sections:

**Section 403.01 - Wahneta Neighborhood Plan (Wahneta NP)**

	A/ RRX	RSX	RL- 1X	RL- 2X	RL- 3X	RL- 4X	RMX
Key to Table: P = Permitted Use; C = Conditional Use/Level of Review							
Group Home, Small (6 or less residents)	C1	C1	C1	C1	C1	C1	C1
Group Home, Large (7-14 residents)	C3	C3	<u>C3</u>	<u>C3</u>	<u>C3</u>	<u>C3</u>	C1
Group Living Facility (15 or more residents)	C3	C3	C3	C3	C3	C3	C3

**SECTION 11:** Chapter 5, Table 5.2 of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended to modify the following sections:

**Section 502 - Standards for Land Use Districts in the Green Swamp ACSC**

	Polk City Special Protection Area						
	CEX	LCCX 1	L/RX	RL- 1X	RL- 2X	RL- 3X	RSX
Duplex/Two- Family Attached						C3	C3
Family Farm/Family Homestead							C1
Fly-in Community							
Group Home, Small (6 or less residents)				C1	C1	C1	C1
Group Home, Large (7-14 residents)				<u>C3</u>	<u>C3</u>	<u>C3</u>	C3
Group Living Facility (15 or more residents)				C3	C3	C3	C3

**SECTION 12:** Chapter 10 of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended to modify the following sections:

**GROUP HOME, SMALL (Rev. 12/01/09 - Ord. 09-073):** A full time, family type living arrangement, in a private residential home where room, board, and personal care is provided on a 24 hour basis for no more than six (6) unrelated persons along with a maximum of two full-time supervisors or house parents. This category includes, but is not limited to, community residential homes, adult family care homes, foster homes, certified recovery residences, and other similar group living homes. Such homes, when required, shall be licensed by either the Department of Children and Families, Department of Elderly Affairs, Department of Juvenile Justice, Agency for Health Care Administration, Agency for Persons with Disabilities or other applicable state agency, department or division

**GROUP HOME, LARGE (Rev. 12/01/09 - Ord. 09-073):** A full time living arrangement, in a private residential home, where room, board, and personal care is provided on a 24 hour basis for 7 to 14 unrelated persons along with a maximum of two full-time supervisors or houseparents. This category includes, but is not limited to, congregate/assisted living, community residential homes, foster homes, certified recovery residences, and other similar group living homes. Such homes, when required, shall be licensed by either the Department of Children and Families, Department of Elderly Affairs, Department of Juvenile Justice, Agency for Health Care Administration, Agency for Persons with Disabilities or other applicable state agency, department or division.

**GROUP LIVING FACILITY (Rev. 12/01/09 - Ord. 09-073):** Any building or buildings, section or distinct part of a building, private home, boarding home, home for the aged, recovery residences, or other residential facility, which undertakes through its ownership or management to provide housing, meals, and one or more personal services on a 24 hour basis for 15 or more unrelated persons. This category includes, but is not limited to, congregate/assisted living facilities, and other similar group living facilities. Such facilities, when required, shall be licensed by either the Department of Children and Families, Department of Elderly Affairs, Department of Juvenile Justice, Agency for Health Care Administration, Agency for Persons with Disabilities or other applicable state agency, department or division.

**RECOVERY RESIDENCES:** A residential dwelling unit, the community housing component of a licensed day or night treatment facility with community housing, or other form of group housing, which is offered or advertised through any means, including oral, written, electronic, or printed means, by any person or entity as a residence that provides a peer-supported, alcohol-free, and drug-free living environment, or as may otherwise be defined by Section 397.311(39), Florida Statutes, or any replacement statute.

**RECOVERY RESIDENCE, CERTIFIED:** A recovery residence that holds a valid certificate of compliance and is actively managed by a certified recovery residence administrator, or as may otherwise be defined by Section 397.311(5), Florida Statutes, or any replacement statute.

### **SECTION 13: 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 14: 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.