

ORDINANCE NO. 26-_____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING LAND DEVELOPMENT CODE AMENDMENT LDCT-2025-27, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE, CHAPTER 2 SECTION 205, USE TABLE, TO REMOVE DRIVE-THRU FINANCIAL INSTITUTIONS; CHAPTER 2, SECTION 206, ACCESSORY USES, TO ADD DRIVE-THRU FACILITIES; CHAPTER 3, SECTION 303, CRITERIA FOR CONDITIONAL USES, TO MODIFY STANDARDS PERTAINING TO DRIVE-THRU USES; CHAPTER 4, SPECIAL DISTRICTS, USE TABLES, TO MODIFY STANDARDS PERTAINING TO DRIVE-THRU USES AND REMOVE DRIVE-THRU FINANCIAL INSTITUTIONS; CHAPTER 5, GREEN SWAMP AREA OF CRITICAL STATE CONCERN, TO REMOVE DRIVE-THRU FINANCIAL INSTITUTIONS. CHAPTER 7, SECTION 708, PARKING SPACE REQUIREMENTS, TO MODIFY STANDARDS PERTAINING TO DRIVE-THRU USES; CHAPTER 10, DEFINITIONS, TO MODIFY GLOSSARY AS NEEDED; 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 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 February 4, 2026; and

WHEREAS, the proposed text amendment to the Polk County Land Development Code shall modify drive-thru facilities; and

WHEREAS, the Board of County Commissioners held two public hearings on March 3, 2026, and March 17, 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:

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 February 4, 2026, to consider the LDC text amendments contained within Application LDCT-2025-27 and found them to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC Text Amendment contained within Application LDCT-2025-27.
- c) The adoption of LDCT-2025-27 is consistent with the Comprehensive Plan and LDC.

SECTION 2: Chapter 2, Table 2.1, Use Tables for Standard Land Use Districts, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

Section 205 - Use Tables for Standard Land Use Districts

...

Table 2.1 Use Table for Standard Land Use Districts

| | RCC | CC | CE | LCC | NAC | CAC | RAC | OC | TCC | HIC | BPC-1 | BPC-2 | IND |
|--------------------------------------|-----|----|----|-----|-----|-----|-----|----|-----|-----|-------|-------|-----|
| Financial Institution, Drive Through | e2 | e2 | e2 | e2 | e2 | e2 | e2 | e3 | e2 | e2 | e2 | e2 | e2 |

...

SECTION 3: Chapter 2, Section 206, Accessory Uses, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

Section 206 – Accessory Uses

Accessory uses are permitted in conjunction with the primary use in all land use districts. Accessory uses are those land uses that are incidental and subordinate to the primary use of the property (see table 2.1 for a list of primary land uses allowed per district). Specific requirements pertaining to the determination of what is incidental and subordinate for certain types of accessory uses are listed in the section and sections to follow in this chapter. All accessory uses contained herein, and any other not included shall comply with Section 209.

...

T. Drive-Thru Facilities

In addition to the applicable district regulations, these requirements apply to all new developments with a drive-thru facility, the addition of drive-thru facilities to existing developments, and the relocation of a drive-thru facility:

- 1. Stacking lanes shall comply with the following standards:
 - a. Stacking lanes shall be a minimum of 12 feet in width.

- b. At least one bypass lane, a minimum of ten feet in width, shall be provided at a drive-thru facility.
 - c. The minimum distance for stacking lanes as measured from the curb cut to the service window shall be 150 feet for a single stacking lane, or 80 feet per lane when there is more than one stacking lane.
 - d. Stacking lanes shall be designed so that they do not interfere with parking, pedestrian movements, on-site vehicle circulation, or off-site traffic flow.
 - e. All stacking lanes shall be clearly identified using striping, landscaping, signs, or other means.
2. The minimum distance from a drive-thru facility to any residentially designated property shall be 50 feet measured at the narrowest point between the property line of the residential property and either the stacking lane, service window, or speaker box, whichever is closer. All speaker boxes shall be oriented away from adjoining residential property.
 3. Drive-thru facilities located adjacent to residentially designated properties shall be required to provide a landscaped buffer equal to a Type "C" buffer (see Section 720) between all service windows/stacking lanes, and adjacent residential areas.

SECTION 4: Chapter 3, Section 303, Conditional Uses, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

...

Drive-thru Facilities

~~In addition to the applicable district regulations these requirements apply to all new development, the addition of drive thru facilities to existing developments, and the relocation of a drive thru facility:~~

1. ~~Stacking lanes shall comply with the following standards:~~
 - a. ~~Stacking lanes shall be a minimum of 12 feet in width.~~
 - b. ~~At least one bypass lane, a minimum of ten feet in width, shall be provided at a drive thru facility.~~
 - c. ~~The minimum distance for stacking lanes as measured from the curb cut to the service window shall be 150 feet for a single stacking lane, or 80 feet per lane when there is more than one stacking lane.~~
 - d. ~~Stacking lanes shall be designed so that they do not interfere with parking, pedestrian movements, on-site vehicle circulation, or off-site traffic flow.~~
 - e. ~~All stacking lanes shall be clearly identified through the use of striping, landscaping, signs, or other means.~~

~~2. The minimum distance from a drive-thru facility to any residentially designated property shall be 50 feet measured at the narrowest point between the property line of the residential property and either the stacking lane, service window, or speaker box, whichever is closer. All speaker boxes shall be oriented away from adjoining residential property.~~

~~3. Drive-thru facilities located adjacent to residentially designated properties shall be required to provide a landscaped buffer equal to a Type C buffer (see Section 720) between all service windows/stacking lanes, and adjacent residential areas.~~

...

Restaurant, Drive-thru/Drive-in (Revised 06/08/04 Ord. 03-94)

In addition to all applicable regulations the following standards shall apply:

1. All facilities shall be at a minimum of 15 feet from any side lot line, and a minimum of ten feet from the rear lot line.

2. All drive-thru restaurants shall meet compatibility standards in Section 220. The minimum distance from a drive-thru restaurant facility to any residentially designated property shall be 50 feet measured at the narrowest point between the property line of the residential property and either the stacking lane, service window, or speaker box, whichever is closer.

3. All speaker boxes shall be oriented away from adjoining residential property.

4. Restaurant facilities located adjacent to residentially designated properties shall required to provide a landscaped buffer equal to a Type C buffer (see Section 720) between all service windows/stacking lanes, and adjacent residential areas.

~~5. All facilities shall have at a minimum 50 feet of road frontage and be located at a minimum on an Urban collector or Rural Major collector road or better unless contained within a planned development with access to an Urban collector or Rural Major collector road or better.~~

5. All facilities shall have at a minimum 50 feet of road frontage and be located on a collector road or better unless it is contained within a master planned development with access to a collector road or better.

6. All on-site garbage collection facilities shall be screened from any adjacent property.

7. Stacking lanes shall comply with the following standards:

a. Stacking lanes shall be a minimum of 12 feet in width.

b. At least one bypass lane, a minimum of ten feet in width, shall be provided at a drive-thru facility. This bypass lane may be incorporated within the setbacks described in Subsection 1 above.

c. The minimum distance for stacking lanes as measured from the curb cut to the service window shall be 150 feet for a single stacking lane, or 80 feet per lane when there is more than one stacking lane.

d. Stacking lanes shall be designed so that they do not interfere with parking, pedestrian movements, on-site vehicle circulation, or off-site traffic flow.

e. All stacking lanes shall be clearly identified using striping, landscaping, signs, or other means.

...

SECTION 5: Chapter 4, Special Districts, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

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

| | LCCX | TCCX | CACX | BPC-1X | BPC-2X | IACX | INST X | MUX | ROSX | PRESV |
|-----------------------------------|------|------|------|--------|--------|------|--------|-----|------|-------|
| Financial Institution | C2 | P | P | C2 | C2 | C2 | | C2 | | |
| Financial Institution, Drive thru | C2 | P | P | C2 | C2 | C2 | | C2 | | |

...

Section 401.02 – Ronald Reagan Parkway Plan District

...

Table 4.3 Use Table for Standard Land Use Districts for the Ronald Reagan Selected Area Plan

| | CCX | NACX | TCX | CACX | RACX | OCX | ECX | MUX | BPC-1X | BPC-2X | INDX | INST-1X |
|--------------------------------------|-----|------|-----|------|------|-----|-----|-----|--------|--------|------|---------|
| Financial Institution | P | P | C2 | P | P | C2 | C2 | C2 | C2 | C2 | C2 | C3 |
| Financial Institution, Drive Through | C2 | P | | P | P | C3 | | C2 | C2 | C2 | C2 | |

...

Section 401.03 - North US 27 Selected Area Plan

...

Section 401.03.01 Use Table for U.S. 27 Selected Area Plan

| <i>Green Swamp ACSC Districts Outlined in shaded in grey</i> | TCX | RACX | PIX | OCX | NACX | TCX | RACX | PIX | NACX |
|--|-----|------|-----|-----|------|-----|------|-----|------|
| Financial Institution | P | P | P | P | P | P | P | P | P |
| Financial Institution, Drive thru | P | P | P | C3 | P | P | P | P | P |

...

Section 401.04 - US 98 Selected Area Plan

...

Table 4.12 Allowable Uses for US Highway 98 SAP

| | ECX | CEX | LCCX | NACX | OCX | TCX | BPC-1X | BPC-2X | INDX |
|--------------------------------------|-----|-----|------|------|-----|-----|--------|--------|------|
| Financial Institution | P | C2 | P | P | C2 | C2 | C2 | C2 | C2 |
| Financial Institution, Drive-Through | C2 | C2 | C2 | C2 | C3 | C3 | C2 | C2 | C2 |

...

E. Conditional Use Requirements

...

7. ~~Financial Institutions drive-thru~~—In addition to all applicable regulations, the following standards shall apply:
 - a. ~~The minimum distance from the drive thru facility to any residentially designated property shall be 50 feet measured at the narrowest point between the property line of the residential property and either the stacking lanes, service equipment, or speaker box, whichever is closer;~~
 - b. ~~All speaker boxes shall be oriented away from adjoining residential property;~~
 - c. ~~All drive thru facilities, including windows and stacking lanes, adjacent to property with a residential use shall be screened with a Type C Buffer; and,~~
 - d. ~~The primary frontage and access shall be on a collector road or better unless contained within a master planned development with access to a collector road or better.~~

...

Section 401.05 State Road 559 Selected Area Plan

...

Table 4.14 Use Table for State Road 559 Selected Area Plan Land Use District

| 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 | NACX | LRX | TCCX | PRESVX | INSTX |
|--|--------|--------|-------|-------|-------|-------|------|-----|------|--------|-------|
| Financial Institution | C2 | C2 | | | | | P | C2 | P | | |
| Financial Institution, Drive-thru | C2 | C2 | | | | | P | | P | | |

...

Section 401.06 The North Ridge Selected Area Plan

...

Table 4.16 Use Table for Standard Land Use Districts

| | CCX | CEX | LCCX | NACX | CACX | RACX | TCC X | BPC-1X | BPC-2X | INDX | PIX | ECX |
|--------------------------------------|-----|-----|------|------|------|------|----------|--------|--------|------|-----|-----|
| Financial Institution | C2 | C3 | C2 | P | P | P | P | C2 | C2 | C2 | C2 | P |
| Financial Institution, Drive Through | C2 | C3 | C2 | P | P | P | P | C2 | C2 | C2 | C2 | P |

...

E. Modified Special Use Requirements

...

3. Conditional Uses - In addition to Chapter 3, the following conditions shall apply within the North Ridge SAP:

...

~~h. Financial Institutions drive thru - In addition to all applicable regulations, the following standards shall apply:~~

~~i. The minimum distance from the drive thru facility to any residentially designated property shall be 50 feet measured at the narrowest point between the property line of the residential property and either the stacking lanes, service equipment, or speaker box, whichever is closer;~~

~~ii. All speaker boxes shall be oriented away from adjoining residential property;~~

~~iii. All drive thru facilities, including windows and stacking lanes adjacent to property with a residential use shall be screened with a Type C Buffer; and~~

~~iv. The primary frontage and access shall be on a collector road or better unless contained within a master planned development with access to a collector road or better.~~

~~i. h. Gas Station establishments shall conform to Section 303 (Gasoline Sales) of the LDC in addition to the following conditional use development criteria:~~

...

Section 401.07 The Brewster Selected Area Plan

...

401.07 Table 1 - Use Table for Brewster Selected Area Plan Land Use Districts

| LAND USE | A/RRX | TCCX | PMX | L/RX | ROSX | PRESVX |
|--------------------------------------|-------|------|-----|------|------|--------|
| Financial Institution | | P | | | | |
| Financial Institution, Drive Through | | C2 | | | | |

...

Section 401.08 Southeast Polk Selected Area Plan

...

Table 401.08.01 Use Table for SE Polk SAP

| | Village Center and Village Center Cores | | | | | | | | | Outside the Village Centers | | | | | |
|-----------------------------------|---|------|------|-------|-------|------|-------|---------|---------|-----------------------------|------|------|-------|---------|---------|
| | RCC X | CC X | CE X | LCC X | NAC X | OC X | TCC X | BPC-1 X | BPC-2 X | RCC X | CC X | CE X | TCC X | BPC-1 X | BPC-2 X |
| Financial Institution | C2 | C2 | C2 | C2 | C2 | C2 | C2 | C2 | C2 | C2 | C2 | C2 | C2 | C2 | C2 |
| Financial Institution, Drive Thru | | | | | | | | | | | | | | | |

...

K. Conditional Uses:

...

~~21. Financial Institutions Drive-thru: The following standards shall apply:~~

- ~~a. All drive-thru facilities, including windows and stacking lanes adjacent to property with a residential use shall be screened with a Type C Buffer; and~~
- ~~b. The primary frontage and access shall be on a collector or arterial road unless contained within a master planned development with access to a collector or arterial road.~~

~~22.~~ 21. Funeral Homes & Related Facilities: When adjacent to residential, a crematorium shall be setback at least 100 feet from the property line; additionally, an opaque fence at least six feet in height shall be installed as part of the landscape buffer along the boundary with the residential use or designation.

...

Section 402 - Development of Regional Impact and Pre-Development of Regional Impact, and Utility Enclave Areas

...

F. Grenelefe Utility Enclave Area (UEA)

...

Table 4.25 Use Table

| Table 4.25 Use Table (Revised 11/21/17 - Ord. 17-066) | | | | | | | |
|---|---------------|-----|-----|-----|------|-----|--------|
| | NACX | RLX | RMX | RHX | TCCX | DRI | PRESVX |
| Financial Institution | C2 | | | | | | |
| Financial Institution, Drive Thru | C2 | | | | | | |

...

Section 403.01 Wahneta Neighborhood Plan

...

Table 4: Wahneta Neighborhood Plan - Use Table (Allowable Uses and Districts)

| | CCX | CEX | LCCX | NACX | OCX | BPC-1X | BPC-2X | INDX |
|---|---------------|---------------|---------------|--------------|--------------|---------------|---------------|---------------|
| Financial Institution | C2 | C2 | C2 | P | P | C2 | C2 | C2 |
| Financial Institution, Drive Through | C2 | C2 | C2 | P | P | C2 | C2 | C2 |

...

SECTION 6: Chapter 5, Green Swamp Area of Critical State Concern, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

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

...

Table 5.2 Use Table for the Green Swamp ACSC

| | Polk City Special Protection Area | | | | | | Rural Special Protection Area | | | | |
|--|-----------------------------------|-------------------|---------------|---------------|---------------|---------------|-------------------------------|-------|------|---------------|-----|
| | CEX | LCCX ₁ | BPC-1X | BPC-2X | CCX | OCX | L/RX | A/RRX | CORE | CEX | RSX |
| Financial Institution | C2 | <u>C2</u> | C2 | C2 | P | C2 | | | | C2 | |
| Financial Institution, Drive Thru | C2 | C2 | C2 | C2 | C2 | C3 | | | | C2 | |

...

SECTION 7: Chapter 7, Section 708, Parking Space Requirements, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

Section 708 - Parking Space Requirements

...

Table 7.10 Minimum Off-Street Parking Requirements (For revision history, see last row in table. Newer ordinances appear at the end of the table)

| Land Use | Minimum Off-Street Spaces |
|----------------------------------|---------------------------|
| Financial Institution | 1 space per 300 sq ft GFA |
| Financial Institution/Drive Thru | 1 space per 300 sq ft GFA |

...

SECTION 8: Chapter 10, Definitions, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

...

DRIVE-THRU BYPASS LANE: An alternative path allowing vehicles to exit the main drive-thru queue, either to leave the premises, reach another part of the lot, or get around a slow order, improving traffic flow and enabling quick exits for emergencies, distinct from the primary lane.

DRIVE-THRU FACILITY: A commercial, service, or retail establishment designed to allow customers to receive products or services while remaining in their vehicles. These facilities typically feature a designated, separated stacking lane for waiting cars, a bypass lane, a service window, or automated machinery.

...

~~FINANCIAL INSTITUTION, DRIVE-THRU:~~ Institutions engaged in banking operations as defined in FINANCIAL INSTITUTION, but with the additional incorporation of an automobile drive up (or through) banking window (or windows), drive through teller or lanes, or a drive up automobile accessible Automatic Teller Machine (ATM), or any combination thereof. A Financial Institution drive through may or may not incorporate extended or weekend hours, but typically generates considerable additional impacts on surrounding land uses due to the increased amount of automotive traffic using the facility.

...

SECTION 9: 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 10: 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 17th day of March 2026.