

ORDINANCE NO. 25-_____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING LAND DEVELOPMENT CODE AMENDMENT LDCT-2025-18, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE, TO AMEND APPENDIX E PARCEL SPECIFIC COMPREHENSIVE PLAN AMENDMENTS WITH CONDITIONS TO ADD STANDARDS FOR DEVELOPMENT ON PROPERTY SUBJECT TO LDCPAS-2025-26 AND LOCATED NORTH OF THOMPSON NURSERY ROAD, SOUTH OF STATE ROAD 540, WEST OF US HIGHWAY 27, AND EAST OF COUNTY ROAD 540A, SURROUNDED BY WINTER HAVEN CITY LIMITS, IN SECTION 17, TOWNSHIP 29, AND RANGE 24; 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 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 November 5, 2025; and

WHEREAS, the proposed text amendment to the Polk County Land Development Code shall prohibit site specific uses from Leisure/Recreation (L/R); and

WHEREAS, the Board of County Commissioners, reviewed and considered all comments received during said public hearings held on December 2, 2025 and December 16, 2025, and provided for necessary revisions; and

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

<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 November 5, 2025, to consider the LDC text amendments contained within Application LDCT-2025-18 and found them to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC Text Amendment contained within Application LDCT-2025-18.
- c) The adoption of LDCT-2025-18 is consistent with the Comprehensive Plan and LDC.

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

Table E1 will be amended in the following manner:

Table E1 Parcel Specific Comprehensive Plan Amendments (CPA) with Conditions

<u>Subsection</u>	<u>CPA Case Number</u>	<u>CPA Approval</u>	<u>Parcel Numbers</u>
<u>Y.</u>	<u>LDCPAS-2025-26</u> <u>Natural Encounters</u>	<u>December 16, 2025</u>	<u>272917-000000-013030,</u> <u>272917-000000-013090,</u> <u>272917-000000-013010,</u> <u>272917-000000-013080</u>

Y. Parcel Specific Comprehensive Plan Amendments with Conditions for LDCPAS-2025-26.

1. Applicability

The provisions and requirements of this Subsection apply to the subject site, the boundaries which are shown on the Future Land Use Map Series and Land Use District maps, more particularly those depicted in the panel showing Range 27, Township 29, and Section 17. The entire site legally described as:

Parcels #272917-000000-013030, 272917-000000-013090, 272917-000000-013010, 272917-000000-013080

BEGIN AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 17, TOWNSHIP 29 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA AND RUN THENCE ALONG THE NORTH LINE THEREOF, N88°52'02"E A DISTANCE OF 1329.80 FEET TO THE NORTHEAST CORNER OF SAID NORTHWEST 1 /4 OF THE NORTHEAST 1 /4; RUN THENCE ALONG THE EAST LINE OF SAID NORTHWEST 1 /4 OF THE NORTHEAST 1/4, S00°26'35"E A DISTANCE OF 1331.65 FEET TO THE SOUTHEAST CORNER OF SAID NORTHWEST 1 /4 OF THE NORTHEAST 1 /4; RUN THENCE ALONG THE SOUTH LINE OF SAID NORTHWEST 1 /4 OF THE NORTHEAST 1 /4, S89°06'13"W A DISTANCE OF 450.01 FEET TO THE SOUTHEAST CORNER OF THAT PARCEL DESCRIBED BY WARRANTY DEED IN OFFICIAL RECORD BOOK 4432, PAGE 2060,

PUBLIC RECORDS OF POLK COUNTY, FLORIDA; RUN THENCE ALONG THE BOUNDARY OF SAID PARCEL THE FOLLOWING THREE COURSES: (1) N00°26'35"W A DISTANCE OF 377.01 FEET; (2) THENCE S89°06'13"W A DISTANCE OF 251.69 FEET; (3) S00°31 '50"E A DISTANCE OF 377.01 FEET TO THE SOUTH LINE OF SAID NORTHWEST 1 /4 OF THE NORTHEAST 1/4; RUN THENCE ALONG SAID SOUTH LINE OF THE NORTHWEST 1/4 OF THE NORTHEAST 1 / 4, S89°06' 13"W A DISTANCE 226.58 FEET TO THE SOUTHEAST CORNER OF THAT PARCEL DESCRIBED BY QUIT CLAIM DEED IN OFFICIAL RECORD BOOK 3993,PAGE 2014 PUBLIC RECORDS OF POLK COUNTY, FLORIDA. RUN THENCE ALONG THE EAST BOUNDARY THEREOF, N00°31 '50"W A DISTANCE OF 272.01 FEET; THENCE S89°06'13"W A DISTANCE OF 19.00 FEET; THENCE N00°31 '50"W A DISTANCE OF 105.00 FEET; THENCE S89°06'13"W A DISTANCE OF 103.00 FEET; TO THE BOUNDARY OF SAID PARCEL DESCRIBED BY QUIT CLAIM DEED; RUN THENCE ALONG SAID BOUNDARY THE FOLLOWING TWO COURES: (1) N00°31 '50"W A DISTANCE OF 251.51 FEET; (2) S89°06'13"W A DISTANCE OF 278.01 FEET TO THE WEST LINE OF SAID NORTHWEST 1/4 OF THE NORTHEAST 1/4; RUN THENCE ALONG SAID WEST LINE OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4, N00°31'50"W A DISTANCE OF 697.64 FEET TO THE POINT OF BEGINNING.

2. Prohibitive Uses:

The following uses are prohibited on this subject parcel:

Multifamily

Hotels and Motels

Medical Marijuana Dispensaries

Helistops

Nightclubs and Dance Halls

Recreation and Amusement Intensive

Outdoor Concert Venues,

Vehicle Oriented Recreation

Recreation Vehicle Parks

This agreement fulfills the objectives of the applicant and the County.

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 16th day of December 2025.