

**POLK COUNTY
DEVELOPMENT REVIEW COMMITTEE
STAFF REPORT**

DRC Date: March 5, 2025	Level of Review: 4
PC Date: May 6, 2026	Type: LDC Text Amendment
BoCC Date: June 6, 2026	Case Numbers: LDCT-2026-3
June 16, 2026	Case Name: Firearms Range Access
Applicant: Tom Wodrich AICP	Case Planner: Erik Peterson, AICP
TDW Land Planning	

Request:	An LDC text amendment to Chapter 3, Conditional Uses, Section 303, Criteria for Conditional Uses for High Intensity Recreation to allow access via easement for firearms ranges; providing for severability; providing an effective date.
Location:	n/a
Property Owner:	n/a
Parcel Size (Number):	n/a
Development Area:	n/a
Nearest Municipality:	n/a
DRC Recommendation:	Approval
Planning Commission Vote:	Pending Hearing

The changes to Chapter 3, Section 303, High Intensity Recreation are:

- Provide firearms ranges with the option of accessing the range via easement if:
 - ✓ The easement has a minimum width of 20 feet;
 - ✓ The easement does not exceed 0.50 miles (2,640 feet) in length from the nearest paved road;
 - ✓ The construction of the easement provides sufficient ingress and egress for fire trucks, ambulances, and police vehicles;
 - ✓ The firearms range serves no more than 50 daily attendees; and,
 - ✓ The easement is supported by the joinder and maintenance agreement with, and consent of, all fee simple owners under easements to the use of the easement by the subject parcel(s). If joinders are provided for the easement, it shall be accompanied by an ownership and encumbrance report based on the legal description of the easement.

Summary:

High Intensity Recreation includes facilities that host events with greater than 250 people in attendance, discharge firearms, or have lighting for nighttime activities. Heavily attended events and facilities with nighttime lighting have a use volume that warrant the minimum 50 feet of paved public road frontage required in Section 303 of the Land Development Code (LDC). However, low-volume firearms ranges may be better placed in locations farther from paved roadways. This seclusion enables them to be placed in more remote sites with greater noise reduction capabilities.

Polk County maintains over 3,000 miles of public roadways. Most are paved, but not all of them. While the state and cities also maintain a significant amount of paved public roadways, the combined amount of paved public roads in the County does not provide enough frontage to all 2,010 square miles of the County. This amendment request will increase the potential uses of properties without public road frontage.

Data and Analysis Summary

Staff have reviewed the Florida Statutes, Florida Administrative Code, Polk County Comprehensive Plan, the LDC, and the Code of Ordinances and found no violations of policy or inconsistencies with the request. Staff have reviewed a number of adjacent and similar jurisdictions for regulations regarding high intensity recreational uses and firearms ranges. In the survey, most jurisdictions used the conditional use process to address access requirements rather than one policy applying to all recreational uses. Staff researched past regulatory history and performed a benefit cost analysis of the amendment request.

This amendment applies to High Intensity Recreation in the Green Swamp Area of Critical State Concern. Florida Commerce requires a 45-day review on all policy changes affecting development in the Green Swamp Area of Critical State Concern regardless of whether it has a direct relationship to the primary purpose of the Critical Area, which is aquifer recharge and protection.

Findings of Fact

1. *The request is a Land Development Code text amendment to Section 303, Criteria for Conditional Uses for High Intensity Recreation to allow access via easement for firearms ranges.*
2. *This amendment applies to multiple residential and non-residential Future Land Use Map designations including those in the Green Swamp Area of Critical State Concern.*
3. *POLICY 2.125-E1: COMMUNITY FACILITIES' PERMITTED USES of the Comprehensive Plan states "Community Facilities shall be allowed in all land use classifications, unless specifically prohibited elsewhere in this Comprehensive Plan, as a conditional use subject to the location and development controls established in Policy 2.125-E2 and as further regulated by the Land Development Code." Among the types of community facilities listed in the policy are Type E facilities which are "all types of recreation activities and associated infrastructure."*
4. *POLICY 2.125-E2: COMMUNITY FACILITIES' DEVELOPMENT CONTROLS of the Comprehensive Plan states that "Type E facilities may be permitted in all Future Land Use designations in accordance with the policies of this plan and the Land Development Code in accordance with Section 163.3201(1), F.S."*
5. *POLICY 2.117-A1: CHARACTERISTICS states that "Recreation and Open Space (ROS) areas are primarily sites and facilities which are accessible to the general public, and which are oriented toward providing recreation services for the resident and the short and long-term visitor to Polk County. A recreational activity included within recreation and open space areas may be motorized, **allow for the discharge of firearms**, accommodate nighttime use, and produce large crowds at events. Retail sales are limited to concessions at events or to enhance the quality of the recreation experience onsite unless combined with commercially designated lands.*
6. *POLICY 2.128-C2 of the Comprehensive Plan states that "All tracts of land to be developed for non-residential or residential purposes shall have legal access to a paved public road. Non-residential development shall have direct frontage on a paved public road except as otherwise provided herein. Non-residential and multi-family residential developments may gain access to a paved public road through a county approved, private internal service road. Residential development may gain access to a paved public road via a public or private road meeting County standards or via a legally established easement as prescribed in the Land Development Code."*
7. *POLICY 2.128-C3 of the Comprehensive Plan states that "All tracts of land to be developed for non-residential and residential purposes shall have sufficient ingress and egress for fire trucks, ambulances, police cars and other emergency vehicles."*
8. *LDC Section 303 states "All High Intensity Recreation Facilities shall comply with all applicable standards and all of the following conditions:*

In addition to the applicable district regulations in Table 2.2, the following standards shall apply:

1. *All outdoor lighting shall be directional and shall not directly radiate onto adjacent properties.*
2. *All structures and associated activities located in or adjacent to residential districts shall be limited to operation from 7:00 a.m. to 10:00 p.m.*
3. *All access points shall have at a minimum 50 feet of road frontage on a paved public road.*
4. *Buildings or structures used for or in connection with any such use shall be located at a minimum of fifty feet from adjoining property which is in a residential district.*

5. *Off street parking or loading spaces shall be located at a minimum of fifty feet from adjoining property which is in a residential district.*
 6. *Any proposal for a recreational facility in a location that will render a legal use nonconforming shall require a Level 3 Review.*
 7. *Food and retail sales shall be limited to concessions during events. Continual food or retail sales or services provided at High Intensity Recreation Facilities shall require a Level 4 Review. During the Review the Board shall determine that the activity meets the following criteria: a. The activity is clearly subordinate and incidental to the primary recreational use; and, b. The activity is directly related to the performance of the recreational activity.*
 8. *Alcohol sales shall be limited to One, Two or Three Day Permits (ODP or SODP), no more than three (3) times per year per location (at the time of adoption, this license was referenced to Section 561.422 F.S).*
 9. *RV Camping shall be limited to 10% of the facility and restricted to stays of 30 days or less.*
 10. *The required number of parking spaces shall be determined by DRC during Level 2 Review using the following information provided by the applicant:*
 - a. *Average daily attendance,*
 - b. *Maximum peak event attendance; and,*
 - c. *Off-site parking alternatives.*
9. *Chapter 10 of the LDC defines a High Intensity Recreational Facility as “All types of sports venues such as ball fields, courts, and tournament grounds with attendance that may exceed 250 for any event, allow for the discharge of firearms, or with lighting for night-time use by the public. Limited concessions may be permitted, but no permanent alcohol sales. This does not include an Event Facility or Outdoor Concert Venue use.”*

Development Review Committee Recommendation:

The Land Development Division, based on the information provided with the proposed text amendment application, finds that the proposed text change request is **CONSISTENT** with the Polk County Land Development Code and the Polk County Comprehensive Plan. Staff recommend **APPROVAL** of LDCT-2025-10.

Analysis

Introduction

High Intensity Recreational uses require paved or public road frontage for two primary reasons, public safety and periodic heavy traffic volumes. This is because it is for recreational facilities that serve crowds above 250 people or have lighting for nighttime competitions. While the discharge of firearms has the perception of needing direct public safety access, in practice the demand is low. The analysis to follow demonstrates that relaxing the access requirements for small firearms ranges enhances public welfare while minimizing potential public risk.

Recommended Changes

The current Criteria for Conditional Uses in Section 303 under High Intensity Recreation requires all access points to “have a minimum 50 feet of frontage on a paved public road.” This amendment exempts firearms ranges from this requirement if:

- ✓ The easement has a minimum width of 20 feet;
- ✓ The **easement does not exceed 0.50 miles** (2,640 feet) in length from the nearest paved road;
- ✓ The construction of the **easement provides sufficient ingress and egress for fire trucks, ambulances, and police vehicles;**

- ✓ The firearms range serves **no more than 50 daily attendees**; and,
- ✓ The easement is supported by the joinder and maintenance agreement with, and consent of, all fee simple owners under easements to the use of the easement by the subject parcel(s). If joinders are provided for the easement, it shall be accompanied by an ownership and encumbrance report based on the legal description of the easement.

The standards that maintain the most assurance that minimize potential risks to the public are the length of the easement, the limits to those served by it, and the assurance that the access is sufficient for public safety services.

Benefit-cost Analysis of the Amendment

Staff find that the benefits of approving this amendment far outweigh the potential harm to the public or businesses. While some potential risk is increased, more risks and adverse impacts are decreased. Under no circumstances will this amendment directly increase the cost of development.

Who does it help?

Firearms ranges can have loud and sporadic noises that disturb the comfort of surrounding inhabitants and enjoyment of public spaces. The best locations are those far away from land that is commonly used by people. Requiring public road frontage forces these uses to locate closer to places of public interaction. This amendment provides the ability to find more remote locations for small firearms ranges to avoid disturbing residences or businesses. There is also risk avoidance in range design when they can be located farther from public roadways. The farther the firearms range is located from a public road, the less likely that ricochet fire and gunshot noises can cause potential harm to passing motorists.

Who does it hurt?

The concern for allowing High Intensity Recreational uses to be accessed solely via an easement is primarily public safety. Firearms usage has higher potential for needing fast emergency response than typical recreational activities if an accident occurs. However, the risk of such an occurrence is low, especially in smaller groups. This amendment requires public safety staff approval of an unpaved access, and it limits the easement length. It also limits the number of daily attendees to further minimize potential risks.

What is the cost?

This amendment reduces the cost of providing a small firearms range. It lessens the barriers to clubs, entrepreneurs, and proprietors by increasing the amount of potential firearms range sites. Properties without direct roadway frontage are typically less expensive on a per acre basis than those with direct roadway frontage. Also, there are more lands in rural areas that are without paved road frontage that are better for locating firearms ranges than in urban areas.

Regulatory History

Firearms ranges are not specifically referenced under the land use regulations prior to the adoption of the LDC in 2000. Most firearms ranges were considered under the definition of a Club which was “*buildings or facilities owned or operated by a person, corporation, partnership, or other legal entity for social, educational, or recreational purpose - - but not primarily for profit or to render service*”

which is customarily carried on as a business.” These were listed under conditional uses in the Rural Conservation districts (RC, RC-2, RC-5) in the zoning ordinance which required Zoning Advisory Board (ZAB) review and Board of County Commissioners approval. Through the conditional use review process, access requirements could be conditions of approval.

Limits of the Proposed Ordinance

This amendment applies to all Future Land Use Map designations in the unincorporated area of Polk County that allow High Intensity Recreation as a conditional use at all levels of review (C1 through C4). In Agricultural Residential Rural (A/RR), Phosphate Mining (PM), and all the residential districts, High Intensity Recreation is a Level 3 Review (Planning Commission approval). It is a Level 1 administrative review in Tourism Commercial Center (TCC), Leisure/Recreation, Institutional (INST-1 & INST-2), and Recreation/Open Space (ROS). It is the same for these districts in the Green Swamp Area of Critical State Concern. Therefore, this amendment will require state review.

Florida Commerce requires a 45-day review on all policy changes affecting development in the Green Swamp Area of Critical State Concern regardless of whether it has a direct relationship to the primary purpose of the Critical Area, which is aquifer recharge and protection. Therefore, this request will be reviewed by the Florida Commerce Community Planning Department Areas of Critical State Concern Program. Staff believe that this amendment will have no impact on the Critical Area since it allows High Intensity Recreation and access is not a factor in aquifer protection.

Comparisons to other Jurisdictions

Staff survey counties along the I-4 corridor for regulatory comparisons because they are most closely similar to Polk. Some of the abutting counties are also reviewed along with the two largest cities within the County (Lakeland and Winter Haven). Alachua and Duval counties are included in the survey because of similar demographic and urban-rural mixtures to Polk County. This method of selection creates a survey of 14 total local jurisdictions. Through this survey, staff found that direct road frontage for recreation facilities does not coincide. Direct public road frontage is not a necessity based on the type of use rather the volume of attendants and the construction of the access was typically the standard. In most jurisdictions, firearms ranges were conditional uses requiring approval of a public body. Most often the elected officials. In these situations, access requirements come through the nature of the request. Also, when it comes to firearms ranges, it was more important to locate them either in very rural districts or heavy commercial and industrial. The following table displays the results of the survey.

Table 1

Jurisdiction <i>(Code citation)</i>	How are firearms ranges addressed?	What uses are permitted with access solely via easement.	Are there other requirements firearms ranges
Alachua County <i>Sections 404.64, 407.76</i>	Outdoor recreation	Up to nine single-family residential lots in rural areas.	<ul style="list-style-type: none"> • 5-acre minimum size • Commercial uses shall be limited to payment for rental of equipment and for use of facilities, and retail sales of goods related to the activity on site.
Brevard County <i>Sections 62-1831.4, 62-102</i>	Included under civic, philanthropic or fraternal organizations, including art galleries. Permitted in Tourist Commercial and Institutional districts	a lot or parcel, which was created prior to January 1, 2011	Gun clubs (trap and skeet): 30 acres per shooting area, having a 900-foot radius from the center of the shooting area measured in the shape of a half circle.

Table 1

Jurisdiction <i>(Code citation)</i>	How are firearms ranges addressed?	What uses are permitted with access solely via easement.	Are there other requirements firearms ranges
Duval County <i>Section 656.331, 656.334, 656.407, 656.408</i>	Special Exception in Agriculture districts, Permitted in Recreation and Open Space districts (public)	Only in agriculture districts or as a secondary access in the same district.	Sale and service of alcoholic beverages for on-premises or off-premises consumption in conjunction with a permitted or permissible use by exception.
Hardee County <i>Sec. 2.04.01, 14.02.31, 5.12.02.11</i>	Commercial Outdoor Recreation Public Outdoor Recreation	35-foot minimum easement width and the Fire Marshal Inspector shall have the authority to require fire department access be provided to all new development,	No outdoor commercial recreation facility shall be located within 300 feet of any existing residences.
Highlands County <i>Section 12.05.200, 12.05.283, 12.05. 252</i>	Only in AU Agricultural, A-1 Airport, and I-2 Industrial districts with special exception	Non-residential	No
Hillsborough County <i>Section 6.03.01, 6.11.41</i>	Outdoor Firing Range Only in Agricultural and Manufacturing districts.	a minimum easement width of 50 feet for a roadway access or, for driveways, the minimum width of a two-way driveway is required.	20-acre minimum 15-foot berm 1,000 feet from residential zoning
Lake County <i>Appendix E</i>	Not addressed	Minor Lot Splits and Family Density Exception	No
Manatee County <i>Section 531.41</i>	Shooting Range Rural Recreation Special use permit in Agricultural districts only.	Anything platted.	Minimum 70 acres earthen berm or masonry fence (minimum six (6) feet high)
Orange County <i>Sections 38-77</i>	Not addressed	All development.	No
Osceola County <i>Chapter 3, Article 3.4.4</i>	Gun Range (Outdoor) Only in agriculture outside urban service boundary and Industrial IN and IG districts	All development.	No.
Seminole County <i>Sec. 30.9.8</i>	Gun Club	All development.	The Board of County Commissioners shall not place any restriction or condition on a gun club
Volusia County <i>Section 72-2</i>	Outdoor entertainment and recreational uses and structures	Commercial, industrial and multifamily	No.
City of Lakeland <i>Article 2, Sec. 2.6 Article 4, Sec. 4.11</i>	Outdoor Gun Ranges Conditional uses in Commercial C-2, C-4, C-5 and all Industrial Districts	All non-single family residential development.	No.
City of Winter Haven <i>Sec. 21-531, 21-191</i>	Outdoor Commercial Recreation Commercial C-3 and C-4, I-1	All land subdivisions must have 20 feet of public road frontage	No.

The data gathered in the survey supports the assertion that access for lower volume uses can be provided via easement rather than mandating an arbitrary condition of ownership over purpose. There were also a few jurisdictions that steered away from any regulations of firearms practices.

Consistency with the Comprehensive Plan

The request is consistent with the Comprehensive Plan's requirements for roadway access. POLICY 2.128-C2 of the Comprehensive Plan states that "*Non-residential development shall have direct frontage on a paved public road except as otherwise provided herein. Non-residential and multi-family residential developments may gain access to a paved public road through a county approved, private internal service road.*" This request allows firearms ranges serving 50 or fewer daily attendees to utilize "*a county approved, private internal service road*" as primary access. POLICY 2.128-C3 of the Comprehensive Plan states that "*All tracts of land to be developed for non-residential and residential purposes shall have sufficient ingress and egress for fire trucks, ambulances, police cars and other emergency vehicles.*" This amendment requires the construction of an access easement that provides sufficient ingress and egress for fire trucks, ambulances, and police vehicles. The request is also consistent with policies addressing the locations for recreational facilities in POLICIES 2.125-E1 and E2 along with POLICY 2.117-A1.

Consistency with the Florida Statutes

The Florida Statutes 790.15(4) states that it is a first-degree misdemeanor to discharge a firearm in areas where the residential density or zoning district allows one or more units per acre. This is why it is essential to locate firearms ranges in more remote areas away from population. In rural areas, there are often fewer properties with direct frontage on a paved road.

Comments from Other Agencies: Input into the review of this ordinance was provided by Polk Fire Marshal's Office.

Draft Ordinance: under separate attachment