

ORDINANCE NO. 26-_____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING LAND DEVELOPMENT CODE AMENDMENT **LDCT-2026-12**, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE; MODIFYING CHAPTER 4, SECTION 402.C, TO ADD CONDITIONS FOR WHEN DUPLEX STRUCTURES CAN USE SEPTIC TANKS; TO ADD A USE TABLE; ADD A REFERENCE TO THE ZONING ORDINANCE; DELETE A REFERENCE TO THERE BEING NO LAND USE MAP FOR INDIAN LAKE ESTATES (PRE-DRI #2) ; 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 June 3, 2026; and

WHEREAS, the proposed text amendment to the Polk County Land Development Code shall clarify standards as they pertain to Section 220, Chapter 2 Compatibility Standards, to add Agricultural Residential Rural (A/RR) to the list of Future Land Use designations where 50-foot compatibility zones apply; and add a new Subsection H. to add screening and buffering standards for structures with four (4) or more loading/unloading areas and docking bays; and

WHEREAS, the Board of County Commissioners held two public hearings on June 16, 2026 and August 16, 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 June 3, 2026, to consider the LDC text amendments contained within Application LDCT-2026-12 and found them to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC Text Amendment contained within Application LDCT-2026-12.
- c) The adoption of LDCT-2026-12 is consistent with the Comprehensive Plan and LDC.

SECTION 2: Chapter 4, Section 402.C, Development of Regional Impact and Pre-Development of Regional Impact, and Utility Enclave Areas, Indian Lake Estates (Pre-DRI #2) of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

C. Indian Lake Estates (PRE-DRI #2)

The following shall apply to Indian Lakes Estates:

- 1. Description** - The Indian Lake Estates development comprises more than 5,000 acres and of the zoning designation of Pre-Existing Planned Unit Development (P.E. PUD) under the repealed zoning ordinances. ~~There is no approved land use map for Indian Lake Estates.~~ Indian Lake Estates is not a vested development from the DRI statute like Poinciana. This development is a platted subdivision, recorded in the official public records of Polk County, Florida as follows:

| UNIT # | PLAT BOOK #/PAGE # | LOTS |
|--------|--------------------|------|
| 1 | PB 39, PG 1 | 864 |
| 2 | PB 39, PG 14 | 864 |
| 3 | PB 39, PG 18 | 432 |
| 4 | PB 39, PG 30 | 432 |
| 5 | PB 39, PG 31 | 864 |
| 6 | PB 40, PG 41 | 847 |
| 7 | PB 39, PG 46 | 420 |
| 8 | PB 39, PG 47 | 137 |
| 9 | PB 40, PG 42 | 864 |
| 10 | PB 40, PG 14 | 305 |
| 11 | PB 40, PG 15 | 426 |

| | | |
|----|--------------|--------------------|
| 12 | PB 40, PG 19 | (Recreation Area) |
| 13 | PB 40, PG 20 | 544 |
| 14 | PB 40, PG 21 | 844 |
| 15 | PB 40, PG 48 | 24 |
| 16 | PB 40, PG 14 | 78 |
| 17 | PB 40, PG 50 | (Commercial) |
| | | TOTAL LOTS = 7,942 |

2. **Block uses** - Except for certain lots in Units 10 and 11, the permitted use of all lots within this development is single-family residential **in residential districts**. The following lots in Unit 10 are designated as commercial:

- Block 318 Lots 1, 5, 6
- Block 319 Lots 1-19
- Block 320 Lots 9-11
- Block 321 Lots 26-28
- Block 325 Lots 23-28
- Block 327 Lots 14, 15, 17

The following lots in Unit 11 are permitted for single-family or duplex residential structures:

- Block 346 Lots 9-16
- Block 347 All
- Block 348 All

3. **Duplexes** – Duplex units may be permitted on septic tanks without the requirement to connect to public sewer only in the RL-4 under the following conditions:

- a. Each duplex unit, in Residential Low-4, shall be limited to one (1) on-site sewage treatment and disposal system (OSTDS) to serve the duplex structure located on a single parcel as the parcel existed on August 16, 2026. Separate septic systems for individual dwelling units shall not be permitted. The system shall be designed, permitted and installed in accordance with all applicable requirements of the Florida Department of Health and/or Department of Environmental Protection (DEP).
- b. The required capacity of the on-site sewage treatment and disposal system shall be based on estimated wastewater flows calculated at a minimum rate of 100 gallons per day per bedroom. The total design flow for the duplex shall be the cumulative total of all bedrooms within both dwelling units. Final system sizing, design, and permitting shall be subject to review and approval by the Florida Department of Health and/or Department of Environmental Protection (DEP) and must meet or exceed all applicable state standards.

4. **Standard use table for Indian Lakes Estates**

| | | | | | | | | |
|--|------------|--------------|------------|-------------|-------------|------------|----------------|-------------|
| Table ILE Use table for Standard Land Use Districts | | | | | | | | |
| | RSX | RL-4X | RMX | NACX | CACX | OCX | INST-1X | ROSX |

Key to Table: P = Permitted Use; C = Conditional Use/Level of Review

| Residential Uses | | | | | | | | |
|--|----|----|----|----|----|----|----|----|
| Duplex, Two-family Attached | C3 | C1 | P | | | | | |
| Family Farm | C1 | | | | | | | |
| Fly-in Community | C3 | | | | | | | |
| Group Home, Small (6 or less residents) | C1 | C1 | C1 | | | | | |
| Group Home, Large (7-14 residents) | C3 | C3 | C1 | | | | C1 | |
| Group Living Facility (15 or more residents) | C3 | C3 | C3 | | | | C2 | |
| Farm Worker Dormitory, Apartment Style | C2 | | | | | | | |
| Farm Worker Dormitory, Barrack Style | C3 | | | | | | | |
| | | | | | | | | |
| Mobile Home Park | C3 | C3 | C3 | | | | | |
| Mobile Home Subdivision | C3 | C3 | C3 | | | | | |
| Mobile Homes, Individual | C1 | C1 | C1 | | | | | |
| Multi-family | | C3 | C2 | C3 | C3 | C3 | C3 | |
| Recreational camping | | | | | | | | C2 |
| Residential Infill Development | C2 | C2 | | | | | | |
| Rural Residential Development (RRD) | C3 | | | | | | | |
| Short-Term Rental Unit | | C3 | C3 | | | | | |
| Single-family Detached Home & Subdivision | P | P | P | | | | | |
| Suburban Planned Development | C3 | | | | | | | |
| Mixed Uses | | | | | | | | |
| Planned Development | C3 | C3 | C3 | C3 | C3 | C3 | C3 | C3 |
| Residentially Based Mixed Development (RBMD) | C3 | C3 | C3 | | | | | |
| Rural Mixed Development (RMD) | C3 | | | | | | | |
| Transitional Area Development | C3 | C3 | C3 | C3 | C3 | | | |
| All Other Uses | | | | | | | | |
| Adult Day Care Center (7 or more clients) | C3 | C3 | C3 | | | | C2 | |
| Adult Use | | | | | C1 | | | |
| Agricultural Support, Off-Site | C3 | | | | | C3 | | |
| Airport | | | | | | | | |
| Airstrip, Private | | | | | | | | |
| Alcohol Package Sales | | | | C1 | C1 | | | |
| Animal Farm, Intensive | C1 | | | | | | | |

| | | | | | | | | |
|---|----|----|----|----|----|----|----|----|
| Bars, Lounges, and Taverns | | | | C3 | C1 | | | |
| Bed and Breakfast | C3 | C3 | C2 | | | | | |
| Breeding, Boarding, and Rehabilitation Facility, Wild or Exotic | | | | | | | | |
| Car Wash, Full Service | | | | | P | | | |
| Car Wash, Incidental | | | | C2 | P | | | |
| Car Wash, Self Service | | | | | P | | | |
| Cardboard & Shredded Paper Collection | | | | | | | | |
| Cemetery | C3 | | | C3 | C2 | | C2 | |
| Childcare Center | C3 | C3 | C3 | P | P | C3 | P | |
| Clinics & Medical Offices | | | | C2 | P | P | C2 | |
| Commercial Vehicle Parking | | | | | C2 | | | |
| Communication Towers, Guyed and Lattice | C3 | C3 | C3 | | C3 | | C2 | C3 |
| Communication Tower, Monopole | C3 | C3 | C3 | | C2 | | C2 | C3 |
| Community Center | C3 | C3 | C3 | C2 | C2 | C2 | C2 | C2 |
| Construction Aggregate Processing | | | | | | | | |
| Construction Aggregate Storage | | | | | | | | |
| Convenience Stores, Isolated | C2 | | | | | | | |
| Correctional Facility | | | | | | | | |
| Crematorium | | | | | | | | |
| Cultural Facility | C3 | C3 | C3 | C2 | C2 | C2 | C2 | C2 |
| Emergency Shelter, Small (6 or less residents) | C1 | C1 | C1 | | | | | |
| Emergency Shelter, Medium (7-14 residents) | C3 | | C1 | | | | C1 | |
| Emergency Shelter, Large (15 or more residents) | C3 | C3 | C3 | | | | C2 | |
| Event Facility | C3 | | | | | | | |
| Fish Camp | | | | | | | | |
| Farming General | P | P | P | P | P | P | P | P |
| Financial Institution | | | | P | P | C2 | | |
| Financial Institution, Drive Through | | | | C2 | C2 | C3 | | |
| Flea Market/Enclosed | | | | | C1 | | | |
| Flea Market/Open | | | | | C4 | | | |
| Funeral Home & Related Facilities | | | | | C2 | | | |
| Gas Station | | | | P | P | | C3 | |
| Golf Course | C1 | C1 | C3 | | | | C1 | C1 |

| | | | | | | | | |
|--|----|----|----|----|----|----|----|----|
| Government Facility | C3 | C3 | C3 | P | P | C3 | P | C3 |
| Gypsum Stack | | | | | | | | |
| Hazardous Waste Transfer, Storage | | | | | | | | |
| Hazardous Waste Treatment Facilities | | | | | | | | |
| Heavy Machinery Equipment Sales and Services | | | | | | | | |
| Heliports | | | | | C2 | | C2 | |
| Helistops | C3 | C3 | C3 | C3 | C3 | C3 | C2 | C2 |
| Hospitals | | | | | P | C3 | C3 | |
| Hotels and Motels | | | | | P | | | |
| Kennels, Boarding and Breeding | C3 | | | | C1 | | | |
| Lime Stabilization Facility | C3 | | | | | | C3 | |
| Livestock Sale, Auction | C1 | | | | | | | |
| Lodges and Retreats | C3 | | | | | | P | P |
| Manufacturing, Explosives/Volatile Material | | | | | | | | |
| Manufacturing, General | | | | | | | | |
| Manufacturing, Light | | | | | | | | |
| Marinas and Related Facilities | | | | C1 | C1 | | | |
| Medical Marijuana Dispensaries | | | | C2 | C2 | C3 | | |
| Mining, Non-phosphate | C3 | C3 | C3 | C3 | C3 | C3 | C3 | C3 |
| Mining, Phosphate | | | | | | | | |
| Motor Freight Terminal | | | | | | | | |
| Nightclubs and Dance Halls | | | | | C3 | | | |
| Nurseries, Retail | | | | P | P | | | |
| Nurseries and Greenhouses | C1 | | | P | P | | | |
| Nursing Home | | | C2 | | C2 | | C2 | |
| Office | | | | C2 | P | P | C2 | |
| Office Park | | | | | | C2 | C2 | |
| Outdoor Concert Venue | C3 | | | | | | | C3 |
| Personal Service | | | | C2 | P | C2 | | |
| Power Plants Non-Certified, Low | | | | | | | | |
| Power Plants, Non-Certified, High | | | | | | | | |
| Power Generation, Certified | | | | | | | | |
| Printing & Publishing | | | | | | C2 | | |
| Railroad Yard | | | | | | | | |

| | | | | | | | | |
|---|----|----|----|----|----|----|----|----|
| Recreation, Passive | C1 | C1 | C1 | C1 | C1 | C1 | C1 | C1 |
| Recreation, High Intensity | C3 | C3 | C3 | | | | C1 | C1 |
| Recreation, Low-Intensity | C2 | C2 | C2 | | | | C1 | C1 |
| Recreation & Amusement General | | | | C2 | C2 | | | |
| Recreation & Amusement Intensive | | | | | | | | |
| Recreation, Vehicle Oriented | C3 | C3 | C3 | | | | C2 | C2 |
| Recreational Vehicle Park | | | | | | | | |
| Recreational Vehicle Storage | | | | | | | | |
| Religious Institution | C3 | C3 | C3 | C2 | C2 | C2 | C2 | C2 |
| Research & Development | | | | | | C3 | C2 | |
| Residential Treatment Facility | | | | | C4 | | C4 | |
| Restaurant, Drive-thru/Drive-in | | | | C2 | C2 | | | |
| Restaurant, Sit-down/Take-out | | | | P | P | | | |
| Retail, 10,000 - 34,999 sq. ft. | | | | P | P | C3 | | |
| Retail, 35,000 - 64,999 sq. ft. | | | | P | P | | | |
| Retail, More than 65,000 sq. ft. | | | | C3 | P | | | |
| Retail, Home Sales Offsite | | | | | | | | |
| Retail, Less than 10,000 sq. ft. | | | | P | P | C3 | | |
| Retail, Outdoor Sales/Display | | | | | C3 | | | |
| Riding Academies | C1 | | | | | | | C1 |
| Salvage Yard | | | | | | | | |
| School, Elementary | C2 | C2 | C2 | | | | P | |
| School, Middle | C3 | C2 | C2 | | | | P | |
| School, High | C3 | C3 | C2 | | | | C3 | |
| School, Leisure/Special Interest | C3 | C3 | C3 | C2 | P | C3 | P | P |
| School, Technical/Vocational/Trade & Training | | | | C3 | C2 | C2 | C3 | |
| School, University/College | | C3 | C3 | C3 | C3 | | C3 | |
| Seaplane Base | C3 | | | | | | C3 | |
| Self-storage Facility | | | | C2 | C2 | | | |
| Solid Waste Management Facility | | | | | | | | |
| Studio, Production | | | | | | P | P | |

| | | | | | | | | |
|--|----|----|----|----|----|----|----|----|
| Solar Electric-Power Generation Facility | C3 | | | | | | C2 | |
| Transit, Commercial | | | | | | | | |
| Transit, Facility | | | | P | P | | P | |
| Transitional Area Development | C4 | C4 | C4 | C4 | C4 | C4 | | |
| Truck Stop | | | | | | | | |
| Utilities, Class I | P | P | P | P | P | P | P | P |
| Utilities, Class II | C1 | C1 | C1 | P | P | C1 | P | P |
| Utilities, Class III | C3 | C3 | C3 | C3 | C3 | C3 | | C3 |
| Vehicle Recovery Service/Agency | | | | | | | | |
| Vehicle Repair, Auto Body | | | | | | | | |
| Vehicle Service, Mechanical | | | | P | P | | | |
| Vehicle Sales, Leasing | | | | | C2 | | | |
| Veterinary Service | C2 | | | P | P | C2 | | |
| Warehousing/Distribution | | | | | | | | |
| Water Ski Schools | C4 | | | C3 | C3 | | C3 | C3 |

SECTION 4: 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 5: 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 4th day of February 2025.