

Draft

Ordinance No. 24 - _____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING THE ADOPTION OF AMENDMENT **LDCPAL 2024-15**; AN AMENDMENT TO THE POLK COUNTY COMPREHENSIVE PLAN; ORDINANCE 92-36, AS AMENDED TO CHANGE POLICIES 2.130-B3.3 AND 2.130B3.4 REGARDING DUPLEXES IN OFFICE CENTER-X (OCX) AND SEWER CONNECTION IN SECTION 2.130-B INDIAN LAKES ESTATES OF THE COMPREHENSIVE PLAN; 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 Comprehensive Plan (Plan); and

WHEREAS, Section 163.3184, FS, and Comprehensive Plan Section 4.305.B, provides for the approval of Large-Scale Comprehensive Plan Amendments; and

WHEREAS, Application LDCPAL 2023-15 is a County-initiated application to amend Policies 2.130-B3.3 and 2.130B3.4 regarding duplexes in Office Center-X (OCX) and sewer connection in Section 2.130-B Indian Lakes Estates of the Comprehensive Plan; (the “Amendment”); and

WHEREAS, pursuant to Section 163.3174, FS, the Local Planning Authority (Planning Commission) conducted a public hearing, with due public notice having been provided, Amendment on January 8, 2025; and

WHEREAS, pursuant to Section 163.3184, FS, the Board of County Commissioners on February 4, 2025, held an initial public hearing and authorized transmittal of the Amendment to the Department of Economic Opportunity (DEO) for written comment, and

WHEREAS, Florida Commerce, by letter dated March 13, 2025 transmitted objections, recommendations, and comments on the Amendment; and

WHEREAS, pursuant to Section 163.3184, FS, the Board of County Commissioners conducted an adoption public hearing, with due public notice having been provided, on the Amendment on April 1, 2025; and

WHEREAS, the Board of County Commissioners, reviewed and considered all comments received during said public hearing, and provided for necessary revisions; if any; and

WHEREAS, the Board of County Commissioners has considered the data and analysis contained within the staff report; and

WHEREAS, the Amendment is consistent with Chapter 163, FS, and the Polk County Comprehensive Plan.

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

SECTION 1: LEGISLATIVE FINDINGS OF FACT

The findings of fact set forth in the recitals to this Ordinance are true and correct and hereby adopted.

SECTION 2: COMPREHENSIVE PLAN AMENDMENT

The text of the Comprehensive Plan Ordinance No. 92-36, as amended, (the “Polk County Comprehensive Plan”) is hereby amended to reflect changes depicted Attachment “A”.

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 1st day of April 2025.

NOTE: The underlined text indicates proposed additions to the current language. The ~~strikeout~~ indicates text to be removed from the current ordinance.

SECTION 2.130-B INDIAN LAKE ESTATES (PRE-DRI #2).

GOAL 2.130-B1: Remain a secure and sustainable suburban resort-oriented community.

OBJECTIVE 2.130-B1: Polk County shall review level of service for roadways, traffic, utilities, educational facilities, public safety, and recreation after 500 new dwelling units are constructed or in five years from the date this amendment becomes effective, which ever comes first and, amend the plan for Indian Lake Estates as needed.

POLICY 2.130-B1.1: No lot subdivided from an existing lots of record or new lot created will be eligible to obtain a building permit.

POLICY 2.130-B1.2: Multi-Family (larger than quadruplex); Group Living Facilities, Family Care Home, Group Home and Congregate; Retail, more than 50,000 square feet; Manufacturing; and Junkyards are prohibited in all ILE land use districts.

POLICY 2.130-B1.3: Commercial Vehicle parking is prohibited within all ILE residential areas. RV and boat parking within all ILE residential areas shall be required to follow County's parking buffer and setback regulations to be outlined in the LDC.

GOAL 2.130-B2: Preserve the natural beauty, wildlife and solitude of ILE and the surrounding area.

POLICY 2.130-B2: No roadway, Greenway, Parkway, canal, lake or other right-of-way shall be closed or vacated within ILE.

GOAL 2.130-B3: Encourage sustainable growth by promoting a mixture of residential and non-residential uses outside the gate; and allowing only single-family residential and amenities with services inside the gate.

OBJECTIVE 2.130-B3: Pursuant to the Polk County Comprehensive Plan Policy 2.110-E1, an area with a population of approximately 20,000 persons (figured at 8,000± lots by 2.5 persons per household) is recommended to have between 20 and 60 acres of Usable Area and 150,000 to 500,000 square feet of Gross Leasable Area (GLA) for commercial and office space. This assumes there are other convenient commercial activity centers within close proximity. Currently there are no other commercial activity centers within close proximity and therefore a greater, approximately 95± acres of commercial and office may be needed in ILE.

POLICY 2.130-B3.1: All land uses for ILE will be modifications in the Polk County Land Development Code (LDC) and Comprehensive Plan (COMP) and contain extra-criteria (X).

POLICY 2.130-B3.2: Uses inside the ILE gate shall consist of single-family conventionally built homes in Residential-Suburban "X" (RSX) district or Recreation and Open Space (RO SX) districts containing community amenities and services.

POLICY 2.130-B3.3: Uses outside the gate will consist of a mixture of low to medium density residential, community services, small scale service retail and professional commercial, and be further defined in the Land Development Code. Examples of these non-residential uses include, but are not limited to; bakery, restaurant, florist, jeweler, arts & crafts/gift shop, motel and/or hotel, grocery store, pharmacy, hardware store, appliance/furniture, electric sales, strip mall, auto and boat service (with sales and leasing), beauty shop/barber, dry cleaner/laundry, electrician, plumber, home improvement (lawn, paint, roof, gutter), child and adult care facility, medical facility (doctor and dentist), attorney office, accountant/financial advisor office, insurance office, and real estate office. Land Use Designations are to include:

Residential Low "X" (RLX): Single family and duplex homes upon review.

Residential Medium "X" (RMX): Single family, duplex and quadruplex homes upon review.

Office Center "X" (OCX): The purpose of the OCX district is to provide areas for small offices. The OC district permits professional offices and some retail uses. Duplexes units are permitted on Block 325 lots 31 through 43 and Block 324 Lots 1 through 10 per the review requirements listed in the Land Development Code.

Lots 31—43 in Block 325 and Lots 1—10 in Block 324 along Deland Avenue and Lots 17—28 in Block 334 and Lots 28—46 in Block 335 along St. Petersburg Drive require a Conditional Use Level 3 (C3) review.

Neighborhood Activity Center "X" (NACX): The purpose of the NACX district is to provide for the daily shopping needs of residents within neighborhoods surrounding the center. The NACX district includes non-residential uses such as offices, grocery stores, drug stores banks and community facilities.

Community Activity Center "X" (CACX): The purpose of the CACX district is to provide for shopping needs of residents living within the surrounding community. The CACX district permits special residential development, non-residential uses such as offices, department stores supermarkets, restaurants and community facilities.

Institutional "X" (INSTX): The purpose of the INSTX district is to provide for the use and development of lands for private and public service structures with minimal external impacts such as government facilities, cultural facilities, and Class I and Class II utilities.

Recreation and Open Space "X" (ROSX): The purpose of the ROSX district is to provide for the use and development of lands and areas which are accessible to the public, and which are oriented towards providing recreational activities and services for residents and visitors.

POLICY 2.130-B3.4: Uses outside the gate will have limited intensity if adequate infrastructure and services are not provided. The following densities and intensities shall apply related to utility provision:

a. If sewer is not available, the maximum density permitted is no more than four (4) units to the acre;

b. With regard to utilities, the following table lists the maximum intensities and densities allowed given the availability centralized water and sewer service:

FLU	Without Central Water or Sewer		With Central Water, but not Sewer		With Central Water & Sewer*	
	Maximum Density	Maximum FAR	Maximum Density	Maximum FAR	Maximum Density	Maximum FAR
RLX	1 du/ac	0.05	2 du/ac	0.1	5 du/ac	0.25
RMX	1 du/ac	0.05	4 du/ac	0.15	10 du/ac	0.25
OCX	1 du/ac	0.1	2 du/ac	0.2	5 du/ac	0.30
NACX*	1 du/ac	0.1	4 du/ac	0.2	10 du/ac	0.25
CACX*	1 du/ac	0.15	4 du/ac	0.2	10 du/ac	0.35
INSTX	n/a	0.1	n/a	0.2	n/a	0.25

* Residential only permitted in NACX and CACX in connection with retail as a mixed use or live-work unit.

POLICY 2.130-B3.5: Uses desired in all areas of ILE include single-family residential, preserve, open space, recreation area, park, and walking area (greenway). Therefore, additional Recreation and Open Space "X" (ROSX) is to be designated to all parks, Greenways, Parkways, lakes and canals in addition to areas shown on map.

POLICY 2.130-B3.6: Undesired uses in any and all areas of ILE include, but are not limited to; industrial/production, high impact commercial, big box, any new use producing heavy truck traffic, half-way house/"drop-in" center,

junkyard, large scale apartment complex. There were additional uses that were not desired that do not appear on this list because the use can not be legally regulated. These uses include, but are not limited to, bar/tavern, pool hall, and adult entertainment/business.

POLICY 2.130-B3.7: Uses that have debated desire amongst the community include, but are not limited to; gas station, light manufacturing/assemblage, clinic, additional churches, religious retreat, school, size of housing; RV, mobile and/or manufactured home areas; RV, truck and boat parking on residential lots. Since these uses have been identified as a mixed desire, they will be conditional uses and require a Level 3 (C3) review.

Table 1.1: Future Land Use Map (FLUM) Acreage

FLU	*Approximate Acreage (of recorded lots)	**Number of Recorded Lots	***Percent (%)
Residential Suburban (RSX)	3,700	7,500	74
Residential Low (RLX)	200	391	4
Residential Medium (RMX)	40	83	<1
Office Center (OCX)	30 (permitted) 10 (conditional)	87	<1
Neighborhood Activity Center (NACX)	40	71	<1
Community Activity Center (CACX)	15	24	<1
Institutional (INSTX)	15	12	<1
Recreation and Open Space (ROSX)/Right-of-Way	1,000	N/A	20
Total	5,000	8,168	100
* The acreage is an approximate rounded amount and is not an accurate measurement. In order for an accurate measurement an engineer survey is needed.			
** Numbers are a rough count and subject to change.			
*** Percentages have been rounded to nearest positive percent.			

POLICY 2.130-B3.8: Indian Lake Estates (ILE) is a platted subdivision of residential and non-residential lots recorded in the official records of Polk County, Florida, consisting of 8,000± lots (approx. 5,000 acres). ILE is not a vested development from the DRI statute. In addition to assigned land uses, ILE is governed by a set of restrictive covenants. Land use is in addition to, and does not supersede ILE covenants. However, covenants do not supersede County Ordinances. The more restrictive apply, but the County does not enforce covenants.

UNIT #	PLAT BOOK #/ PAGE #	*LOTS	FLU
1	PB 39, PG 1	864	RSX
2	PB 39, PG 14	864	RSX
3	PB 39, PG 18	432	RSX
4	PB 39, PG 30	432	RSX
5	PB 39, PG 31	864	RSX
6	PB 40, PG 41	868	RSX
7	PB 39, PG 46	418	RSX
8	PB 39, PG 47	137	RSX
9	PB 40, PG 42	864	RSX
10	PB 40, PG 14	308	See Below

11	PB 40, PG 15	429	See Below
12	PB 40, PG 19	N/A	ROSX
13	PB 40, PG 20	544	RSX (See ROSX Below)
14	PB 40, PG 21	844	RSX (See ROSX Below)
15	PB 40, PG 48	24	RSX
16	PB 40, PG 14	79	RSX
17	PB 40, PG 50	26	See Below
Woodlands	PB 87, PG 34	171 (Stormwater management area exempt and designated ROSX)	RSX
		TOTAL LOTS = 8,168	
<p>* Numbers are a rough count and subject to change. Also, there are additional non-buildable parcels that have been created as parks, Greenways, Parkways, lakes and canals. Therefore, additional Recreation and Open Space "X" (ROSX) is to be designated to all parks, Greenways, Parkways, lakes and canals in addition to areas shown on map and listed in table.</p>			

Except for certain lots in Units 10, 11, 12, 13, 14 and 17, the permitted use of all lots within this development is single-family residential. The following lots in Units 10 and 11 are designated as RLX:

Block 322	Lots 1—4 (All)
Block 323	Lots 1—6, 11—13
Block 324	Lots 15—22
Block 325	Lots 1—20
Block 326	Lots 25—44
Block 327	Lots 1—10, 22—30
Block 328	Lots 1—10 (All)
Block 329	Lots 1—10 (All)
Block 330	Lots 6—10
Block 331	Lots 1—5
Block 332	Lots 6—10
Block 334	Lots 5—16
Block 335	Lots 1—19
Block 336	Lots 1—29 (All)
Block 337	Lots 1—41 (All)
Block 338	Lots 1—34 (All)
Block 339	Lots 1—30 (All)
Block 340	Lots 1—12, Parcel 034013 (All)
Block 341	Lots 1—34 (All)
Block 342	Lots 1—9 (All)
Block 343	Lots 1—14 (All)
Block 344	Lots 1—15 (All)
Block 345	Lots 40—69

The following lots in Units 10 and 11 are designated as RMX:

Block 317	Lots 1—26 (All)
Block 318	Lot 1, Parcel 031801
Block 333	Lots 1—15 (All)

Block 346	Lots 9—16
Block 347	Lots 1—16 (All)
Block 348	Lots 1—16 (All)

The following lots in Units 10 and 11 are designated as OCX:

Block 320	Lots 3—8
Block 321	Lots 21—25, 29—38
Block 323	Lots 7—10
Block 324	Lots 1—10, 13—14
Block 325	Lots 21, 22, 31—43
Block 326	Lots 23, 24
Block 327	Lots 20, 21
Block 334	Lots 17—28
Block 335	Lots 28—46

The following lots in Units 10 and 17 are designated as NACX:

Block 318	Lots 2—6
Block 319	Lots 1—14
Block 320	Lots 1, 2, 9, 10, 12—28, Parcels 032038 and 000380
Block 321	Lots 26—28
Block 324	Lots 11, 12
Block 325	Lots 23—30
Block 327	Lots 11—19
Block 334	Lots 1—4, 29—32
Block 335	Lots 20—27

The following lots in Units 10 and 17 are designated as CACX:

Block 319	Lots 15—19
Block 320	Lots 29—37, Parcel 000380

The following lots in Units 10 and 11 are designated as INSTX:

Block 321	Parcel 032140
Block 325	Parcel 032544
Block 330	Lots 1—5
Block 331	Lots 6—10

The following lots in Units 10, 13 and 14 are designated as ROSX:

Block 319	Parcels 031920 and 031921
Block 359	Parcel 035917
Block 383	Parcel 038317

Additionally, ROSX is to be designated to all parks, Greenways, Parkways, lakes and canals.

GOAL 2.130-B4: For Indian Lake Estate to continue to develop at the same quality as it has in the past.

OBJECTIVE 2.130-B4: To recognize the Indian Lake Estates Restatement of Residential and Commercial Building Standards in the Polk County Land Development Code.

POLICY 2.130-B4.1: Polk County shall recognize the Indian Lake Estates Restatement of Residential and Commercial Building Standards when developing Land Development Code regulations for ILE.