

ORDINANCE NO. 25-_____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING LAND DEVELOPMENT CODE AMENDMENT **LDCT-2024-24**, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE; AMENDING CHAPTER 4, SECTION 402.C, TO ADD A USE TABLE FOR INDIAN LAKE ESTATES (PRE-DRI #2); ADDING LANGUAGE REGARDING SEWER CONNECTIONS AND DUPLEXES IN OFFICE CENTER (OCX) AND ADDING CONDITIONS; 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 January 8, 2025; and

WHEREAS, the proposed text amendment to the Polk County Land Development Code shall add a use table for Pre-DRI #2, dubbed Indian Lake Estates; and

WHEREAS, the Board of County Commissioners, reviewed and considered all comments received during said public hearings held on February 4, 2025 and April 1, 2025, 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 January 8, 2025, to consider the LDC text amendments contained within Application LDCT-2024-24 and found them to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC Text Amendment contained within Application LDCT-2024-24.
- c) The adoption of LDCT-2024-24 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:

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

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

1. 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). 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 |

Except for certain lots in Units 10 and 11, the permitted use of all lots within this development is single-family residential. 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 |

Duplex 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. A duplex may be permitted on a vacant lot in OCX if adjacent to an existing duplex, with a Level 1 Review.

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 |

2. The permitted and conditional uses for the standard land use districts within the Indian Lake Estates Pre-DRI are prescribed in the following tables. Additional review levels may be required as specified in Section 903.

| | <u>RSX</u> | <u>RL-1X</u> | <u>RL-2X</u> | <u>RL-3X</u> | <u>RL-4X</u> | <u>RMX</u> | <u>NACX</u> | <u>CACX</u> | <u>OCX</u> | <u>INST-1X</u> | <u>ROSX</u> |
|--|-------------------------|--------------|--------------|--------------|--------------|------------|-------------|-------------|------------|----------------|-------------|
| | Residential Uses | | | | | | | | | | |
| Duplex, Two-family attached | <u>C3</u> | <u>C3</u> | | | <u>C3</u> | <u>C2</u> | | | <u>C3</u> | | |
| Mobile Home Park | <u>C3</u> | <u>C3</u> | <u>C3</u> | <u>C3</u> | <u>C3</u> | <u>C3</u> | | | | | |
| Mobile Homes, Individual | <u>C1</u> | <u>C1</u> | <u>C1</u> | <u>C1</u> | <u>C1</u> | <u>C1</u> | | | | | |
| Mobile Home Subdivision | | <u>C3</u> | <u>C3</u> | <u>C3</u> | <u>C3</u> | <u>C3</u> | | | | | |
| Multi-family | | <u>C3</u> | <u>C3</u> | <u>C3</u> | <u>C3</u> | <u>C2</u> | <u>C3</u> | <u>C3</u> | <u>C3</u> | <u>C3</u> | |
| Rural Residential Development | <u>C3</u> | | | | | | | | | | |
| Single-family Detached Home & Subdivision | <u>C2</u> | <u>C2</u> | <u>C2</u> | <u>C2</u> | <u>C2</u> | <u>C2</u> | | | | | |
| Planned Development | <u>C3</u> | <u>C3</u> | <u>C3</u> | <u>C3</u> | <u>C3</u> | <u>C3</u> | <u>C3</u> | <u>C3</u> | <u>C3</u> | <u>C3</u> | <u>C3</u> |
| Residentially Based Mixed Development (RBMD) | <u>C3</u> | <u>C3</u> | <u>C3</u> | <u>C3</u> | <u>C3</u> | <u>C2</u> | | | | | |
| Rural Mixed Development (RMD) | <u>C3</u> | | | | | | | | | | |
| Transitional Area Development | | <u>C3</u> | <u>C3</u> | <u>C3</u> | <u>C3</u> | <u>C3</u> | <u>C3</u> | <u>C3</u> | <u>C3</u> | <u>C3</u> | <u>C3</u> |
| | All Other Uses | | | | | | | | | | |
| Adult Day Care Center | <u>C3</u> | <u>C3</u> | <u>C3</u> | <u>C2</u> | <u>C2</u> | <u>C3</u> | | | | <u>C2</u> | |
| Adult Use | | | | | | | | <u>C1</u> | | | |
| Agricultural Support, Off-site | <u>C3</u> | <u>C3</u> | | | | | | | <u>C3</u> | | |
| Alcohol Package Sales | | | | | | | <u>C1</u> | <u>C1</u> | | | |
| Bars, Lounges, and Taverns | | | | | | | <u>C3</u> | <u>C1</u> | | | |
| Bed and Breakfast | <u>C3</u> | <u>C3</u> | <u>C3</u> | <u>C3</u> | <u>C3</u> | <u>C3</u> | | | | | |
| Car Wash, Full Service | | | | | | | | <u>C2</u> | | | |
| Car Wash, Incidental | | | | | | | <u>C2</u> | <u>C2</u> | | | |
| Car Wash, Self Service | | | | | | | | <u>C2</u> | | | |
| Childcare Center | <u>C3</u> | <u>C3</u> | <u>C3</u> | <u>C3</u> | <u>C3</u> | <u>C3</u> | <u>C2</u> | <u>C2</u> | <u>C3</u> | <u>C2</u> | |
| Clinics and Medical Offices | | | | | | | <u>C2</u> | <u>C2</u> | | <u>C2</u> | |

| | RSX | RL-1X | RL-2X | RL-3X | RL-4X | RMX | NACX | CACX | OCX | INST-1X | ROSY |
|---|-----|-------|-------|-------|-------|-----|------|------|-----|---------|------|
| <u>Communication Towers.</u> | | | | | | | | | | | |
| <u>Monopole</u> | C3 | C3 | C3 | C3 | C3 | C3 | | C2 | | C2 | C3 |
| <u>Community Center</u> | C3 | C3 | C3 | C3 | C3 | C3 | C2 | C2 | C2 | C2 | C2 |
| <u>Cultural Facility</u> | C3 | C3 | C3 | C3 | C3 | C3 | C2 | C2 | C2 | C2 | C2 |
| <u>Emergency Shelter, Small (6 or less residents)</u> | C1 | C1 | C1 | C1 | C1 | C1 | | | | | |
| <u>Emergency Shelter, Medium (7-14 residents)</u> | C3 | | | | | C1 | | | | C1 | |
| <u>Emergency Shelter, Large (15 or more residents)</u> | C3 | C3 | C3 | C3 | C3 | C3 | | | | C2 | |
| <u>Event Facility</u> | C3 | | | | | | | | | | |
| <u>Family Farm and Homestead</u> | C1 | | | | | | | | | | |
| <u>Financial Institution</u> | | | | | | | C2 | C2 | C2 | | |
| <u>Financial Institution, Drive Through</u> | | | | | | | C2 | C2 | C3 | | |
| <u>Flea Market, Enclosed</u> | | | | | | | | C1 | | | |
| <u>Flea Market, Open</u> | | | | | | | | C4 | | | |
| <u>Funeral Home</u> | | | | | | | | C2 | | | |
| <u>Gas Station</u> | | | | | | | C2 | C2 | | C3 | |
| <u>Golf Course</u> | C1 | C1 | C1 | C1 | C1 | C3 | | | | C1 | C1 |
| <u>Government Facility</u> | C3 | C3 | C3 | C3 | C3 | C3 | C2 | C2 | C3 | C2 | C3 |
| <u>Hotels and Motels</u> | | | | | | | | C2 | | | |
| <u>Kennels, Boarding, and Breeding</u> | C3 | | | | | | | C1 | | | |
| <u>Lodges and Retreats, Private</u> | C3 | | | | | | | | | C2 | C2 |
| <u>Marinas and Related Facilities</u> | | | | | | | C1 | C1 | | | |
| <u>Medical Marijuana Facilities</u> | | | | | | | C2 | C2 | C3 | | |
| <u>Nightclubs and Dance Halls</u> | | | | | | | | C3 | | | |
| <u>Nurseries, Retail</u> | | | | | | | C2 | C2 | | | |
| <u>Nurseries and Greenhouses</u> | C1 | C1 | | | | | C2 | C2 | | | |
| <u>Nursing Home</u> | | | | | | | | C2 | | C2 | |
| <u>Office</u> | | | | | | | C2 | C2 | C2 | C2 | |
| <u>Office Park</u> | | | | | | | | | C2 | C2 | |

| | RSX | RL-1X | RL-2X | RL-3X | RL-4X | RMX | NACX | CACX | OCX | INST-1X | ROSX |
|--------------------------------------|-----|-------|-------|-------|-------|-----|------|------|-----|---------|------|
| Personal Service | | | | | | | C2 | C2 | C2 | | |
| Printing and Publishing | | | | | | | | | C2 | | |
| Recreation, Passive | C1 | C1 | C1 | C1 | C1 | C1 | C1 | C1 | C1 | C1 | C1 |
| Recreation, High Intensity | C3 | C3 | C3 | C3 | C3 | C3 | | | | C1 | C1 |
| Recreation, Low Intensity | C2 | C2 | C2 | C2 | C2 | C2 | | | | C1 | C1 |
| Recreation & Amusement, General | | | | | | | C2 | C2 | | | |
| Recreation, Vehicle Oriented | C3 | C3 | C3 | C3 | C3 | C3 | | | | C2 | C2 |
| Recreational Camping | | | | | | | | | | | C2 |
| Religious Institutions | C3 | C3 | C3 | C3 | C3 | C3 | C2 | C2 | C2 | C2 | C2 |
| Research and Development | | | | | | | | | C3 | C2 | |
| Restaurant, Drive through/Drive-In | | | | | | | C2 | C2 | | | |
| Restaurant, Sit-down/Take-out | | | | | | | C2 | C2 | | | |
| Retail, Less than 10,000 square feet | | | | | | | C2 | C2 | C3 | | |
| Retail, 10,000-34,999 square feet | | | | | | | C2 | C2 | C3 | | |
| Retail, 35,000-64,999 square feet | | | | | | | C2 | C2 | | | |
| Retail, more than 65,000 square feet | | | | | | | C3 | C2 | | | |
| Retail, Outdoor Sales/Display | | | | | | | | C3 | | | |
| Riding Academies | C1 | C3 | | | | | | | | | |
| School, Elementary | C2 | C2 | C2 | C2 | C2 | C2 | | | | C2 | |
| School, Middle | C3 | C2 | C2 | C2 | C2 | C2 | | | | C2 | |
| School, High | C3 | C3 | C3 | C3 | C3 | C2 | | | | C3 | |
| School, Leisure/Special Interest | C3 | C3 | C3 | C3 | C3 | C3 | C2 | C2 | C3 | C2 | C2 |
| School, Technical/Vocational/Trade | | | | | | | C3 | C2 | C2 | C3 | |
| School, University/College | | | | | C3 | C3 | C3 | C3 | | C3 | |
| Self-storage Facility | | | | | | | C2 | C2 | | | |
| Studio, Production | | | | | | | | | C2 | C2 | |

| | | | | | | | | | | | |
|-----------------------------|----|----|----|----|----|----|----|----|----|----|----|
| Utilities, Class 1 | C2 |
| Utilities, Class 2 | C2 |
| Utilities, Class 3 | C3 |
| Vehicle Service, Mechanical | | | | | | | C2 | C2 | | | |
| Vehicle, Sales and Leasing | | | | | | | | C2 | | | |
| Veterinary Services | C2 | | | | | | C2 | C2 | C2 | | |
| Water Ski Schools | C4 | | | | | | C3 | C3 | | C3 | C3 |

3. Water and Wastewater Connections

Connection to public water is listed in the Comprehensive Plan for ILE.

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.