

**ORDINANCE NO. 26-\_\_\_\_\_**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS, POLK COUNTY, FLORIDA, LAND DEVELOPMENT CODE AMENDMENT LDCT-2026-3, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE, AMENDING 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.

**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 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 May 6, 2026; and

**WHEREAS** the proposed text amendment to the Polk County Land Development Code is intended to firearms ranges on properties with access only via easement in a limited manner; and

**WHEREAS**, the Board of County Commissioners reviewed and considered all comments received during said public hearing, 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 findings set forth in the recitals to this Ordinance are true and correct and hereby adopted. In addition, the Board hereby adopts and incorporates herein the staff report and makes the following findings based upon the staff report, testimony, and exhibits presented during the hearing:

- a) The Planning Commission, acting in its capacity as the Local Planning Agency for the County, held a public hearing on May 6, 2026, to consider the LDC text amendment contained within the Application and found it to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC text amendment contained within the Application.
- b) Pursuant to Section 907.D.10 of the LDC, the Board shall, in the review of the Application, consider the following factors:
  - a. Whether the proposed text amendment is consistent with all relevant requirements of the Code;
  - b. Whether the proposed text amendment is consistent with all applicable policies of the Comprehensive Plan; and
  - c. Any other matter which the BoCC may deem appropriate and relevant to the text amendment proposal.
- c) The Application is consistent with all relevant requirements of the Comprehensive Plan.
- d) The Application is consistent with all relevant requirements of the LDC, including without limitation, Section 907.

**SECTION 2:** Chapter 3, Conditional Uses, Section 303, Criteria for Conditional Uses, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended to change the following sub-sections:

### **Section 303 - Criteria for Conditional Uses**

The following land uses are conditional uses and are arranged in alphabetical order for presentation purposes.

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#### **Recreation, High Intensity** *(Revised 10/2/12 - Ord. 12-030; 5/20/09 - Ord. 09-023; 11/27/02 - Ord. 02-83)*

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~~ high intensity recreation facilities shall have at a minimum 50 feet of road frontage on a paved public road. For firearms ranges without frontage on a

paved road meeting County standards, access shall be allowed via an easement provided the following conditions are met:

- a. The easement has a minimum width of 20 feet;
  - b. The easement does not exceed 0.50 miles (2,640 feet) in length from the nearest paved road;
  - c. The construction of the easement provides sufficient ingress and egress for fire trucks, ambulances, and police vehicles;
  - d. The firearms range serves no more than 50 daily attendees; and,
  - e. 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.
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.

### **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**

This ordinance shall become effective upon filing with the Department of State.

**ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY,**

**FLORIDA** this \_\_\_\_\_ day of \_\_\_\_\_, 2026.