ORDINANCE NO. 25-____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING LAND DEVELOPMENT CODE AMENDMENT LDCT-2025-22, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE, AMENDING THE USE TABLES IN CHAPTER 2, CHAPTER 4, AND CHAPTER 5 TO ADD LARGE GROUP HOMES INTO RESIDENTIAL FUTURE LAND USE DISTRICTS; AMENDING CHAPTER 10, DEFINITIONS, TO DEFINE "RECOVERY RESIDENCES" AND "CERTIFIED RECOVERY RESIDENCES" IN COMPLIANCE WITH FLORIDA STATUES; 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 (the "Board") adopted said Land Development Regulations on March 1, 2000, titled the Polk County Land Development Code (the "LDC"); and

WHEREAS, Chapter 9, Section 903 of the LDC requires LDC Amendments to be a Level 4 Review; and

WHEREAS, Chapter 9, Section 907 of the LDC sets forth the purpose and review process for Level 4 Reviews; and

WHEREAS, THE Board has determined it appropriate to adopt regulations that are consist with the Polk County Comprehensive Plan; 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 397.487(15), Florida Statutes, the Board is required, by January 1, 2026, to adopt an ordinance establishing procedures for the review and approval of certified recovery residences within its jurisdiction, which ordinance must include a process for requesting reasonable accommodations from any local land use regulation that serves to prohibit the establishment of a certified recovery residence; and

WHEREAS, LDCT-2025-22 is a County-initiated request to amend the LDC to define Recovery Residences and Certified Recovery Residences, as provided in Chapter 397, Florida Statutes, and to amend the definitions of Group Homes and Group Living Facilities to include Certified Recovery Residences; 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 LDC Amendment on November 5, 2025; and

WHEREAS, the Board held two public hearings, one on December 2, 2025, and another on December 16, 2025, 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, if any.

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

NOTE: The <u>underlined text</u> indicates proposed additions to the current language. The <u>strikeout</u> 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 November 5, 2025, to consider the LDC text amendments contained within Application LDCT-2025-22 and found them to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC Text Amendment contained within Application LDCT-2025-22.
- c) The adoption of LDCT-2025-22 is consistent with the Comprehensive Plan and LDC.

SECTION 2: Chapter 2, Table 2.1 of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended to modify the following sections:

Section 205 - Use Tables for Standard Land Use Districts

Table 2.1 Use Table for Star	ndard	Land L	Jse Di	stricts	(For r	evisio	n histo	ory, pl	ease s	ee last	row	of tab	le. Nev	wer ord	linance	es appe	ear at	end of	sectio	n.)
	A/ RR	RCC -R	RS	RL-	RL-	RL-	RL-	RM	RH	RCC	сс	CE	LCC	NAC	CAC	RAC	ос	тсс	ніс	BPC -1
Key to Table: P = Permitted	Key to Table: P = Permitted Use; C = Conditional Use/Level of Review																			
												Resi	dentia	l Uses						
Duplex, Two-family Attached		С3	С3	C3	С3	С3	C3	Р	Р	C3										
Family Farm	C1		C1																	
Fly-in Community	С3		С3																	
Group Home, Small (6 or less residents)	C1	C1	C1	C1	C1	C1	C1	C1	C1											
Group Home, Large (7-14 residents)	С3	C3	С3	<u>C3</u>	<u>C3</u>	<u>C3</u>	<u>C3</u>	C1	C1											
Group Living Facility (15 or more residents)	С3	C3	C3	C3	C3	C3	C3	С3	C2											

SECTION 3: Chapter 4, Table 4.1c of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended to modify the following sections:

Section 401.01.01 - Use Table for Interstate 4 Selected Area Plan Land Use Districts

	RL- 1X	RL- 2X	RL- 3X	RL- 4X	RMX	RHX	LCCX	TCCX	CACX	BPC-1X	BPC-2X	IACX
RESIDENTIAL USES												
Duplex, Two-Family Attached			C3	C3	Р	Р						
Group Home, Small (6 or less residents)	C1	C1	C1	C1	C1	C1						
Group Home, Large (7-14 residents)	<u>C3</u>	<u>C3</u>	<u>C3</u>	<u>C3</u>	C1	C1						
Group Living Facility (15 or more residents)	C3	С3	С3	С3	С3	C2						

SECTION 4: Chapter 4, Table 4.3 of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended to modify the following sections:

Section 401.02 - Ronald Reagan Parkway Plan District

	RL-1X	RL-4X	RMX	ссх	NACX	тсх	CACX	RACX	осх
Key to Table: P = Permitted	by right; C	= Condition	onal Use/L	evel of Re	view; if bl	ank = Not	Permitted	I	
							Res	sidential U	ses
Duplex or Two-family Attached	С3	C2	Р			C2			
Group Home, Small (6 or less residents)	C1	C1	C1						
Group Home, Large (7—14 residents)	<u>C3</u>	<u>C3</u>	C1						
Group Living Facility (15 or more residents)	СЗ	C3							

SECTION 5: Chapter 4, Table 4.8 of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended to modify the following sections:

Section 401.03 - North US 27 Selected Area Plan

Table 4.8 Use Table for U.S. 2	7 Select	ed Area	Plan La	nd Use	District	(For rev	ision hi	story, pl	ease se	e last ro	w of tal	ole. New	er ordir	nances	appear a	after the	table.)
Green Swamp ACSC Districts Outlined in shaded in grey	TCX	RACX	PIX	OCX	RHX	RMX	RL-1X	RL-2X	RL-3X	RL-4X	INSTX	NACX	TCX	RACX	PIX	NACX	RHX
									RESID	DENTIAL	USES						
Duplex, Two-Family Attached						C2	С3	С3	C3	С3							
Group Home, Small (6 or less residents)					C1	C1	C1	C1	C1	C1							C1
Group Home, Large (7-14 residents)					C1	C1	<u>C3</u>	<u>C3</u>	<u>C3</u>	<u>C3</u>	C1						C1
Group Living Facility (15 or more residents)			C2		C2	C3	C3	C3	C3	C3	C2				C2		C2

SECTION 6: Chapter 4, Table 4.12 of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended to modify the following sections:

Section 401.04 - US Highway 98 Selected Area Plan

Table 4.12 Allowable Uses fo	or US Highw	ay 98 SAP(F	or revision	history, ple	ase see last	row in table	e. Newer or	dinances ap	pear after t	he table.)
	A/RRX	RSX	RL-1X	RL-2X	RL-3X	RL-4X	RMX	RHX	ECX	CEX
Key to Table: P = Permitted	Use; C = Co	nditional Us	e/Level of R	Review						
									Resid	lential Use
Family Farm	C1	C1	2	C2	C2	C2	C2	C2		
Family Homestead	C1	C1	C1	C1	C1	C1				
Fly-in Community	C3	С3	С3	С3	C3	C3	С3	С3		
Group Home, Small (6 or Less residents)	C1	C1	C1	C1	C1	C1	C1	C1		
Group Home, Large (7-14 Residents)	C3	C3	<u>C3</u>	<u>C3</u>	<u>C3</u>	<u>C3</u>	C1	C1		
Group Living Facility (15 or more residents)	C3	C3	C3	C3	С3	C3	C3	C2	C2	

SECTION 7: Chapter 4, Table 4.14 of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended to modify the following sections:

Section 401.05 - State Road 559 Selected Area Plan

All Land Use Districts in the SR 559 SAP are in the Green Swamp ACSC	BPCX-1	BPCX-2	RL-1X	RL-2X	RL-3X	RL-4X
RESIDENTIAL USES						
Duplex, Two-Family Attached					C3	Р
Group Home, Small (6 or less residents)			C1	C1	C1	C1
Group Home, Large (7-14 residents)			<u>C3</u>	<u>C3</u>	<u>C3</u>	<u>C3</u>
Group Living Facility (15 or more residents)			C3	C3	C3	C3

SECTION 8: Chapter 4, Table 4.16 of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended to modify the following sections:

Section 401.06 - The North Ridge Selected Area Plan

		Table 4.16 Use Table for Standard Land Use Districts (Higher density/intensity developm appear after the table.)												
	A/RR X	& ×	RL 1X	RL2 ×	RL3 X	RL4 ×	RM ×	H ×	S ×					
	Key to Ta	ible: P = Pe	ermitted U	se; C = Cor	nditional U	se/Level o	f Review							
Duplex, Two-family Attached					C2	C2	Р	Р						
Family Farm	C1	C1												
Fly-in Community	C3	С3												
Group Home, Small (6 or less residents)	C1	C1	C1	C1	C1	C1	C1	C1						
Group Home, Large (7- 14 residents)	C3	C3	<u>C3</u>	<u>C3</u>	<u>C3</u>	<u>C3</u>	C1	C1						
Group Living Facility (15 or more residents)	C3	C3	C3	С3	C3	С3	С3	C2						

SECTION 9: Chapter 4, Table 401.08.01 of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended to modify the following sections:

Section 401.08 - Southeast Polk Selected Area Plan

	Villag	e Cente	ers and	Village	Cente	r Cores	;																Outsi	de the	Village	Center	s (Scen	ic High	way ov	verrides)
	A/R ×	RCC-R	& ×	5 ×	RL-2	RL-3	RL-4	RM ×	RCC ×	S ×	ë ×	×	NAC X	ŏ ×	D ×	BPC-1	BPC-2	a ×	š ×	LINST1 ×	iNST2 ×	ROS ×	A/RR ×	RCC-R	S ×	5 ×	RL-2	RL-3	RL-4	RM ×
	Key to	o Table	: P = Pe	rmitte	d Use; (C = Con	ditiona	l Use/L	evel of	Review	1																			
																				RI	ESIDEN	TIAL US	ES							
Duplex/Two Family Attached	C2	C2	C2	C2	C2	C2	C2	C2	C2														C3	С3	СЗ			С3	С3	C2
Multi-Family (4 units or less)	C2	C2	C2	C2	C2	C 2	C2	C2	C2																					C2
Multi Family (5 units or more per building)		C3		СЗ	С3	С3	C2	C2	С3				C2	C3						C2	C2			СЗ		С3	C3	С3	C2	C2
Family Farm/Family Homestead	C1		C1																				C1		C1					
Fly in Community																							С3		C3					
Group Home, Small (6 or less residents)	C1	C1	C1	C1	C1	C1	C1	C1															C1	C1	C1	C1	C1	C1	C1	C1
Group Home, Large (7-14 residents)	С3	С3	С3	<u>C3</u>	<u>C3</u>	<u>C3</u>	<u>C3</u>	C1												C1	C1		C3	С3	С3	<u>C3</u>	<u>C3</u>	<u>C3</u>	<u>C3</u>	C1
Group Living Facility (15 or more residents)	C3	C3	C3	C3	C3	С3	C3	C3												C2	C2		C3	C3	С3	C3	C3	C3	C3	C3

<u>SECTION 10:</u> Chapter 4, Table 4 of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended to modify the following sections:

Section 403.01 - Wahneta Neighborhood Plan (Wahneta NP)

	A/ RRX	RSX	RL- 1X	RL- 2X	RL- 3X	RL- 4X	RMX
Key to Table: P = Permittee	d Use; C = Co	nditional Us	e/Level of R	eview			
Group Home, Small (6 or less residents)	C1	C1	C1	C1	C1	C1	C1
Group Home, Large (7-14 residents)	С3	C3	<u>C3</u>	<u>C3</u>	<u>C3</u>	<u>C3</u>	C1
Group Living Facility (15 or more residents)	C3	C3	C3	C3	C3	C3	C3

SECTION 11: Chapter 5, Table 5.2 of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended to modify the following sections:

Section 502 - Standards for Land Use Districts in the Green Swamp ACSC

	Polk City Special Protection Area									
	CEX	LCCX 1	L/RX	RL- 1X	RL- 2X	RL- 3X	RSX			
Duplex/Two- Family Attached						C3	C3			
Family Farm/Family Homestead							C1			
Fly-in Community										
Group Home, Small (6 or less residents)				C1	C1	C1	C1			
Group Home, Large (7-14 residents)				<u>C3</u>	<u>C3</u>	<u>C3</u>	C3			
Group Living Facility (15 or more residents)				С3	C3	C3	C3			

SECTION 12: Chapter 10 of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended to modify the following sections:

GROUP HOME, SMALL (Rev. 12/01/09 - Ord. 09-073): A full time, family type living arrangement, in a private residential home where room, board, and personal care is provided on a 24 hour basis for no more than six (6) unrelated persons along with a maximum of two full-time supervisors or house parents. This category includes, but is not limited to, community residential homes, adult family care homes, foster homes, certified recovery residences, and other similar group living homes. Such homes, when required, shall be licensed by either the Department of Children and Families, Department of Elderly Affairs, Department of Juvenile Justice, Agency for Health Care Administration, Agency for Persons with Disabilities or other applicable state agency, department or division

GROUP HOME, LARGE (Rev. 12/01/09 - Ord. 09-073): A full time living arrangement, in a private residential home, where room, board, and personal care is provided on a 24 hour basis for 7 to 14 unrelated persons along with a maximum of two full-time supervisors or houseparents. This category includes, but is not limited to, congregate/assisted living, community residential homes, foster homes, certified recovery residences, and other similar group living homes. Such homes, when required, shall be licensed by either the Department of Children and Families, Department of Elderly Affairs, Department of Juvenile Justice, Agency for Health Care Administration, Agency for Persons with Disabilities or other applicable state agency, department or division.

GROUP LIVING FACILITY (Rev. 12/01/09 - Ord. 09-073): Any building or buildings, section or distinct part of a building, private home, boarding home, home for the aged, <u>recovery residences</u>, or other residential facility, which undertakes through its ownership or management to provide housing, meals, and one or more personal services on a 24 hour basis for 15 or more unrelated persons. This category includes, but is not limited to, congregate/assisted living facilities, and other similar group living facilities. Such facilities, when required, shall be licensed by either the Department of Children and Families, Department of Elderly Affairs, Department of Juvenile Justice, Agency for Health Care Administration, Agency for Persons with Disabilities or other applicable state agency, department or division.

RECOVERY RESIDENCES: A residential dwelling unit, the community housing component of a licensed day or night treatment facility with community housing, or other form of group housing, which is offered or advertised through any means, including oral, written, electronic, or printed means, by any person or entity as a residence that provides a peer-supported, alcohol-free, and drug-free living environment, or as may otherwise be defined by Section 397.311(39), Florida Statutes, or any replacement statute.

RECOVERY RESIDENCE, CERTIFIED: A recovery residence that holds a valid certificate of compliance and is actively managed by a certified recovery residence administrator, or as may otherwise be defined by Section 397.311(5), Florida Statutes, or any replacement statute.

SECTION 13: 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 14: EFFECTIVE DATE

This ordinar	ice sh	iall bed	come effec	tive	upon filing '	with the Department o	f Sta	te.	
ENACTED	BY	THE	BOARD	OF	COUNTY	COMMISSIONERS	OF	POLK	COUNTY
FLORIDA t	his		day o	f		, 2025.			