

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.