

ORDINANCE NO. 26-_____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING LAND DEVELOPMENT CODE AMENDMENT LDCT-2025-23, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE; AMENDING CHAPTER 2, SECTION 224, ALCOHOL SALES, TO AMEND SEPERATION DISTANCE MEASUREMENTS FROM PROPERTY/LEASE LINE TO SHORTEST LEGAL PEDESTRIAN ROUTE; TO REDUCE DISTANCE SEPARATIONS FOR 1COP, 2COP, 4COP, AND 3PS LICENSES; AND TO ALLOW LIQUOR PACKAGE SALES ON SUNDAYS AND ADJUST COP SUNDAY HOURS; 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 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 December 3, 2025; and

WHEREAS the proposed text amendment to the Polk County Land Development Code regarding Chapter 2, Section 224, Alcohol Sales, to modify distance requirements, method of measurement, hours of operation; and

WHEREAS, the Board of County Commissioners held two public hearings on January 6, 2026 and January 20, 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 December 3, 2025, to consider the LDC text amendments contained within Application LDCT-2025-23 and found them to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC Text Amendment contained within Application LDCT-2025-23.
- c) The adoption of LDCT-2025-23 is consistent with the Comprehensive Plan and LDC.

SECTION 2: Chapter 2, Section 224, Alcohol Sales, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended in the following manner:

Section 224 Alcohol Sales (Revised 08/13/18; Ord. 18-49; 04/17/18; Ord. 18-023; 12/20/11; Ord. 11-042; 3/25/03 - Ord. 3-26; 7/25/01 - Ord. 01-57)

All alcohol sales shall conform to the following:

1. No Certificate of Approval shall be issued, and no place of business shall be established, in the territory lying without the limits of incorporated municipalities in Polk County, Florida, for the sale of malt beverages having an alcoholic content of more than 1 percent by weight, or wine regardless of alcoholic content, for consumption on the premises, which place of business within ~~1,000 feet~~ 500 feet of any established religious institution or public and private kindergarten thru 12th grade school located outside of a Commercial Future Land Use Map District.
2. No Certificate of Approval shall be issued, and no place of business shall be established, in the territory lying without the limits of incorporated municipalities in Polk County, Florida for the sale of alcoholic beverages having an alcoholic content of greater than 1 percent by weight (except malt beverages and wine) which place of business is within ~~2,500 feet~~ 750 feet (package sales) and 1,000 feet (consumption on the premises) of an established religious institution or public and private kindergarten thru 12th grade school located outside of a Commercial Future Land Use Map District.
3. [No longer needed with revised Table 2.4]
4. [No longer needed with revised Table 2.4]
5. The table to follow illustrates the required distance between the business property for which the type of license is applied and religious institutions or kindergarten thru 12th grade schools (public or private) located outside of a Commercial Future Land Use Map District. The distance separation shall be measured ~~so that no point on the property/lease line of the business applying for the Certificate of Approval shall be located closer than the applicable minimum distance from any point on the property/lease line of the church or school~~ by following the shortest legal route of pedestrian travel along or across public roads, alleys, streets, sidewalks, or public thoroughfares from the centerline of the principal entrance of such establishment to the centerline of the principal entrance of the nearest religious

institution or the nearest point of a school ground in use as part of the school facility,
located outside of a Commercial Future Land Use Map District.

6. Whenever a vendor of alcoholic beverages has procured a license permitting the sale of alcoholic beverages in a Commercial Future Land Use Map District and, thereafter, a religious institutions or public and private kindergarten thru 12th grade schools is established within a separation distance required herein, the establishment of such religious institutions or kindergarten thru 12th grade schools (public and private) shall not be a cause for the discontinuance or classification as a nonconforming use of the business as a vendor of alcoholic beverages. In the event a vendor ceases to operate at such a location, a new vendor with an equal or lesser series license for the sale of alcoholic beverages may be established within five years of the date when the previous vendor ceased to operate at that location.

NOTE: Commercial Future Land Use Map Districts include the following: CC, NAC, CAC, RAC, HIC, LCC, CE, TCX and TCC.

Table 2.4 (Revised 8/7/18; Ord. 18-50; 8/7/18; Ord. 18-049; 7/25/01 - Ord. 01-57)				
License* (DBPR License Code*)	Description***	Distance****	Hours of Operation	
Standard Retail Licenses				
1APS & 2APS	Beer and Wine package sales	No distance requirement	Monday thru Sunday 7:00 A.M to 2:00 A.M. next day	
3PS	Liquor, beer and wine package sales	2,500 750 feet	Monday thru Saturday 7:00 A.M to 2:00 A.M. next day	No Sunday Sales <u>Sunday 12:00 PM until 12:00 AM Monday next*</u>
1COP	Beer package sales and consumption on premises	1,000 500 feet	Monday thru Saturday 7:00 A.M to 2:00 A.M. next day	Sunday 12:00 PM 11:00 AM until 12:00 AM Monday next*
2COP	Beer and Wine consumption on premises	1,000 500 feet		
4COP	Liquor, Wine and Beer consumption on premises	2,500 1,000 feet		

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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 20th day of January 2026.