

ORDINANCE NO. 25-_____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING LAND DEVELOPMENT CODE AMENDMENT LDCT-2025-18, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE, TO AMEND APPENDIX E PARCEL SPECIFIC COMPREHENSIVE PLAN AMENDMENTS WITH CONDITIONS TO ADD STANDARDS FOR DEVELOPMENT ON PROPERTY SUBJECT TO LDCPAS-2025-26 AND LOCATED NORTH OF THOMPSON NURSERY ROAD, SOUTH OF STATE ROAD 540, WEST OF US HIGHWAY 27, AND EAST OF ELOISE LOOP, SURROUNDED BY WINTER HAVEN CITY LIMITS, IN SECTION 17, TOWNSHIP 29, AND RANGE 24; 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 November 5, 2025; and

WHEREAS, the proposed text amendment to the Polk County Land Development Code shall prohibit site specific uses from Leisure/Recreation (L/R); and

WHEREAS, the Board of County Commissioners, reviewed and considered all comments received during said public hearings held on December 2, 2025 and December 16, 2025, and provided for necessary revisions; and

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

<i>NOTE:</i> The <u>underlined text</u> indicates proposed additions to the current language. The strikeout indicates text to be removed from the current ordinance.
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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-2025-18 and found them to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC Text Amendment contained within Application LDCT-2025-18.
- c) The adoption of LDCT-2025-18 is consistent with the Comprehensive Plan and LDC.

SECTION 2: Appendix E, Section E105 of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

To place parcel specific limitations on the type of development that can occur on the Subject Property by prohibiting the future development of Helistops, Hotels and Motels, Recreation and Amusement Intensive, Multifamily, Medical Marijuana Dispensaries, Nightclubs and Dance Halls, Outdoor Concert Venues, Vehicle Oriented Recreation, and Recreation Vehicle Parks on the subject site. Table E1 will be amended to include Subsection V, which will include LDCPAS-2025-26 and the specific parcels associated with this site.

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 16th day of December 2025.

