

ORDINANCE NO. 25-_____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING LAND DEVELOPMENT CODE AMENDMENT LDCT-2025-8, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE; AMENDING CHAPTER 2, SECTION 211, POOLS AND SCREEN ENCLOSURES, TO REFER TO FLORIDA BUILDING CODE AND FLORIDA STATUTES FOR CONSISTENCY WITH ABOVE GROUND POOL SAFETY MEASURES; 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 October 1, 2025; and

WHEREAS, the proposed text amendment to the Polk County Land Development Code regarding Pools and Screen Enclosures shall refer to Florida Building Code and Florida Statutes for consistency with above ground pools safety measures; and

WHEREAS, the Board of County Commissioners held two public hearings on November 4, 2025 and December 2, 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; 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 October 1, 2025, to consider the LDC text amendments contained within Application LDCT-2025-8 and found them to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC Text Amendment contained within Application LDCT-2025-8.
- c) The adoption of LDCT-2025-8 is consistent with the Comprehensive Plan and LDC.

SECTION 2: Chapter 2, Section 211, Pools and Screen Enclosures, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

Section 211 Pools and Screen Enclosures

A. Temporary Safety Barrier (Revised 8/28/02 - Ord. 02-56)

A temporary safety barrier shall be placed around any pool under construction in such a manner as to keep children from entering the pool area. The temporary safety barrier shall be installed prior to the beginning of excavation and shall remain until replaced by the permanent barrier required by the Code and the Florida Building Code. Failure to install or maintain the temporary safety barrier shall be a violation of this ordinance which may, at the discretion of the Building Official, result in a Stop Work Order or such other enforcement as provided by this Code.

B. Swimming Pool Enclosures (Revised 2/5/19 Ord. 19-008; 12/1/10 - Ord. 10-082)

A swimming pool, spa or hot tub and its enclosure may only be constructed or installed in the side or rear yard.

C. Safety Barrier

Any swimming pool more than 24 inches in depth, as measured between the lowest portion of the floor of the pool and the maximum possible water level, shall be entirely enclosed by a safety barrier of not less than four feet in height. Safety barriers shall include a screened-in enclosure, fence, wall, or other equivalent barrier approved by the Building Division and erected either around the swimming pool or around the property on which the swimming pool is constructed. Exterior access to any swimming pool must be through self-closing and self-latching gates that automatically close and fasten.

~~The structure of an aboveground swimming pool may be used as its barrier or the barrier for such a pool may be mounted on top of its structure; however, such structure or separately mounted barrier must meet all barrier requirements of this Section. In addition, any ladder or steps that are the means of access to an aboveground pool must be capable of being secured, locked, or removed to prevent access or must be surrounded by a barrier that meets the requirements of this Section.~~

D. Compliance with the Florida Building Code (Revised 11/27/02 - Ord. 02-84; 8/28/02 - Ord. 02-56)

All new swimming pools, spas, and hot tubs shall comply with the Florida Building Code and Florida Statutes.

(Ord. No. 22-017, § 1, 3-1-2022)

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 2nd day of December 2025.