

ORDINANCE NO. 26-_____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING LAND DEVELOPMENT CODE AMENDMENT LDCT-2025-24, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE; AMENDING CHAPTER 3, SECTION 303, SOLAR ELECTRIC-POWER GENERATION FACILITY, TO MODIFY LANDSCAPING REQUIREMENTS; AMENDING CHAPTER 7, SECTION 720, LANDSCAPING AND BUFFERING TO INCLUDE A UTILITY BUFFER; 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 December 3, 2025; and

WHEREAS, the proposed text amendment to the Polk County Land Development Code regarding Chapter 3, Section 303, Solar Electric-power Generation Facility, to modify landscaping requirements; amending Chapter 7, Section 720, Landscaping and Buffering, to include a Utility Buffer; 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-2025-24 and found them to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC Text Amendment contained within Application LDCT-2025-24.
- c) The adoption of LDCT-2025-24 is consistent with the Comprehensive Plan and LDC.

SECTION 2: Chapter 3, Section 303, Solar Electric-Power Generation Facility, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

Section 303 Solar Electric-Power Generation Facility

The location, construction, and operation of solar electric-power generating facilities shall comply with the following standards:

1. Siting/location criteria:

- a. Solar Electric-Power Generation Facilities shall be allowed in the A/RR, A/RRX, RS, RCC-R, HIC, BPC-1, BPC-2, IND, INST-1, INST-2 and PM land use districts subject to conditional use approval.
 - b. The minimum property size for a Solar Electric-Power Generation Facility shall be 10 acres.
 - c. All solar panels and associated equipment shall be setback a minimum of 50 feet from all property lines and shall comply with all applicable right-of-way setbacks.
 - d. The height of any solar panels and solar arrays shall not exceed the height limitation for the applicable land use district; otherwise, a variance may be applied for in accordance with Section 930 of this Code.
 - e. Visual impacts of the solar panels, solar arrays and any solar energy system shall be minimized in accordance with the following:
 - i. A ~~Type A-landscape~~ Utility Buffer shall be required along the frontage of all public rights-of-way. If this buffer is determined to affect the functionality of the solar arrays and system, the applicant may apply for a waiver to this requirement in accordance with Section 932 of this Code.
 - ii. Clearing of natural vegetation for the installation of a Solar Electric-Power Generation Facility shall be limited to that which is necessary for the construction, operation, and maintenance of the Facility and as otherwise prescribed by applicable state and federal laws, rules, and regulations.
2. Within the BPC-1, BPC-2, and INST-1 districts, a Solar Electric-Power Generation Facility shall require a Level 3 Review if any of the follow criteria are met:

- a. The proposed facility will be located within one-quarter mile (1,320 feet) from a single-family residence or subdivision consisting of single-family lots;
 - b. The solar panels or any associated equipment is proposed to be closer than 50 feet to the property line.
3. Solar Electric-Power Generation Facilities shall comply with the Florida Electrical Power Plant Siting Act when determined to be a Certified Electric-Power Generation Facility pursuant to Florida Statutes. Polk County shall, at its sole discretion, remain a party to the Electrical Power Plant Siting Act certification process. Solar Electric-Power Generation Facilities that qualify as a Certified Facility shall require a Level 4 Review.
4. Prior to approval, the applicant shall demonstrate that the Facility complies with all other applicable state and federal laws, rules and regulations pertaining to electric-power generation facilities specific to solar power.
5. Additional primary uses associated with Solar Power Generation Facilities such as solar-related material and equipment storage, including, without limitation, solar panels, inverters, and battery storage systems (outdoor or enclosed) for onsite and offsite use, administrative offices, and training facilities may be permitted in the INST-1 and INST-2 districts through Level 3 Review.

SECTION 3: Chapter 7, Section 720, Landscaping and Buffering, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

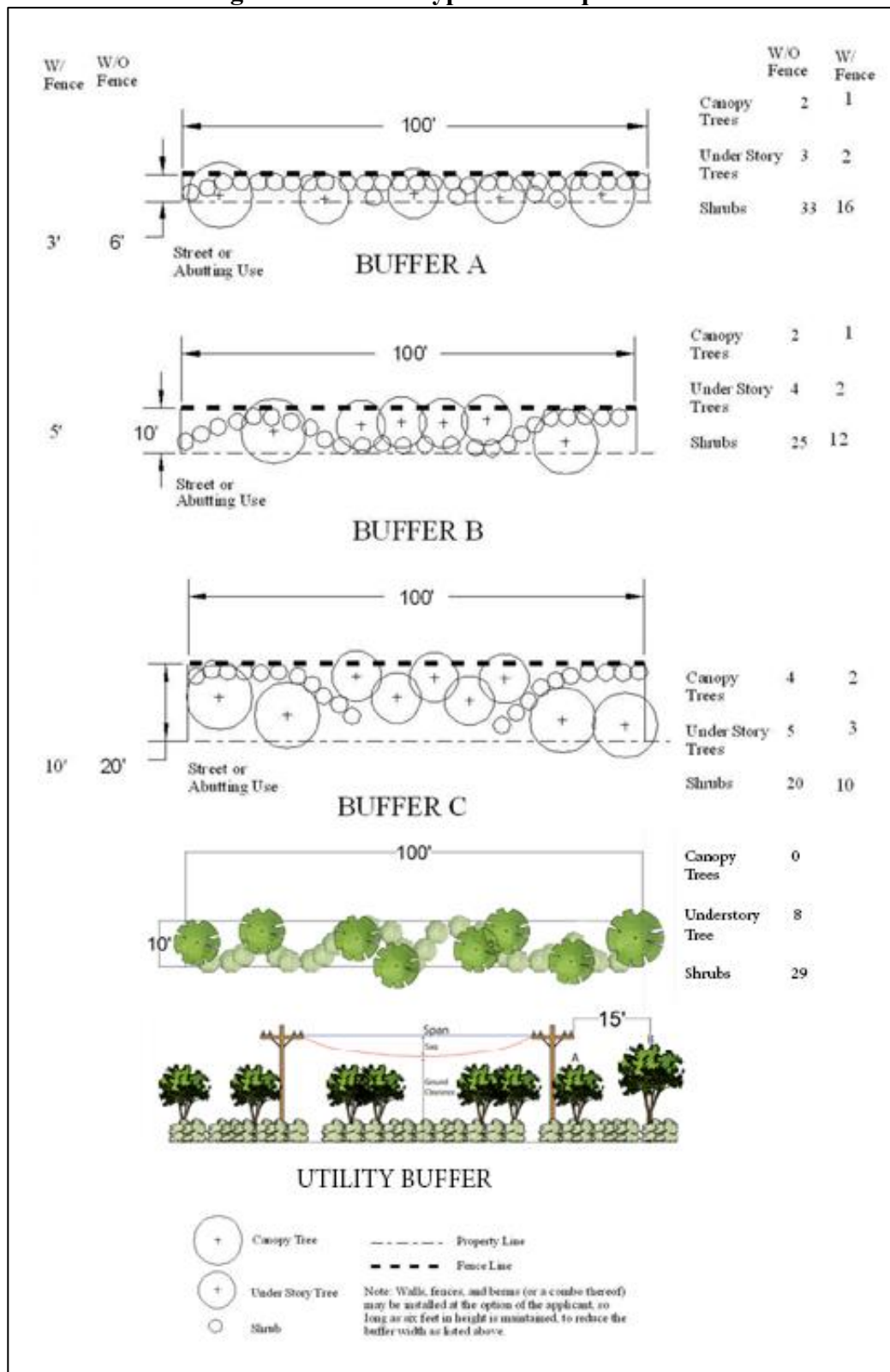
H. Buffering

Landscape buffers are required between certain abutting land uses to mitigate or minimize potential nuisances such as noise, light, glare, dirt and litter, signs, parking or storage areas.

1. The Buffer Matrix, Table 7.12 outlines the requirements for buffers which is based on the intensity of the proposed development or use, and the uses which are developed or intended on all adjacent properties. The letters A, B, C on Table 7.12 refer to specific types of buffers which are illustrated in Figure 7.3. "N" means no buffer is required by this Code. Where an abutting property is vacant, the land use designation of the abutting property shall determine the type of buffer required on that side of the property.
2. Buffers shall be located on the outer perimeter of a lot or parcel extending to the limits of the developed area of the site. They may not occupy any portion of an existing, dedicated, or reserved public or private street or right-of-way, unless a landscape maintenance agreement is approved by the Board of County Commissioners for public right-of-way and maintenance entity is identified on a plat for private streets or rights-of-way.
3. In those instances where a fence or wall is used the requirements of Section 210 shall apply in addition to the following:
 - a. Fences shall be a minimum six feet high, 100 percent opaque wood or PVC.
 - b. Walls shall be brick or masonry, a minimum of six feet in height and designed for proper drainage flow.
 - c. Where fences or walls are used, the landscaping shall be planted along the exterior of the fence or wall as provided in Figure 7.3.
4. Buffers for public or private elementary, middle, and high schools shall include shrubs and canopy trees. The plant selection and landscape design shall be developed in accordance with the Florida Safe Schools Design Guidelines to promote natural surveillance from roads and

surrounding property and to prevent crime through proper environmental design. Alternative landscape buffer designs, developed in accordance with the Florida Safe Schools Design Guidelines, will not be subject to waiver requirements.

Figure 7.3 Buffer Types and Requirements



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 20th day of January 2026.