

ORDINANCE NO. 25 - ____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING LAND DEVELOPMENT CODE AMENDMENT **LDCT-2025-19**, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE, TO AMEND APPENDIX E, SECTION E105, PARCEL SPECIFIC COMPREHENSIVE PLAN AMENDMENTS WITH CONDITIONS LIMITING ALLOWABLE USES WITHIN THE NAC, PROVIDING FOR DEVELOPMENT BLOCK AND PROHIBITED USES AND INCREASED BUFFERING REQUIREMENTS ON PROPERTY SUBJECT TO LDCPAS-2025-25. THE SUBJECT PROPERTY IS LOCATED EAST OF THE POLK PARKWAY (SR 570), NORTH SIDE OF BRADDOCK ROAD, WEST SIDE OF BERKLEY ROAD (SR 655), SOUTH OF GAPWAY ROAD AND ADJACENT TO THE CITY OF AUBURNDALE TO THE EAST, WITH AUBURNDALE IN CLOSE PROXIMITY TO THE NORTH, WEST AND SOUTH IN SECTION 28, TOWNSHIP 27, RANGE 25; 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 November 5, 2025; and

WHEREAS, the Board held two public hearings on December 2, 2025 and December 16, 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, if any

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

SECTION 1: The Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, shall be amended in the following manner:

**Section E105 Parcel Specific Comprehensive Plan Amendments (CPA)
with Conditions**

**Table E1 Parcel Specific Comprehensive Plan Amendments (CPA) with Conditions
(Insert Row)**

Subsection	CPA Case Number	CPA Approval	Parcel Number(s)
<u>V</u>	<u>CPA LDCPAS-2025-17</u> <u>Braddock & Berkley NAC</u>	<u>December 16, 2025</u>	252728-000000-043020, 252728-000000-043180, 252728-000000-043190, 252728-000000-043200, 252728-000000-043210, 252728-000000-043230, 252728-000000-043230, 252728-000000-043240

APPENDIX E SECTION E105 V - LDCPAS-2025-17 Parcel Numbers: 252728-000000-043020, -252728-000000-043180, 252728-000000-043190, 252728-000000-043200, 252728-000000-043210, 252728-000000-043230, 252728-000000-043230, 252728-000000-043240

1. Applicability

The provisions and requirements of this Subsection apply to the subject site, the boundaries of which are shown on the Future Land Use Map Series and Land Use District maps, more particularly those depicted in the panel showing Range 25, Township 27, Section 28. The entire site is legally described as:

DESCRIPTION:

Tract 1 (252728-000000-043020)

The north 125.00 feet of the East 360 feet of the SE ¼ of the NW ¼ of the SW ¼ of Section 28, Township 27 South, Range 25 East, Polk County, Florida. Less road right-of-way for S.R. 655 Containing 0.93 acres.

and

Tract 2 (252728-000000-043180)

The South 125.00 feet of the North 250.00 feet of the East 360.00 feet of the SE 1/4 of the NW 1/4 of the SW 1/4 of Section 28, Township 27 South, Range 25 East, Polk County, Florida. Less road right-of-way for S.R. 655. Containing 0.93 acres.

and

Tract 3: (252728-000000-043190)

The South 125.00 feet of the North 375.00 feet of the East 360.00 feet of the SE 1/4 of the NW 1/4 of the SW 1/4 of Section 28, Township 27, South Range 25 East, Polk County, Florida. Less road right-of-way for S.R. 655. Containing 0.93 acres.

and

Tract 4: (252728-000000-043200)

The East 200.00 feet of the SE 1/4 of the NW 1/4 of the SW 1/4 of Section 28, Township 27 South, Range 25 East, Polk County, Florida. Less the North 375.00 feet thereof, Less road right-of-way for S.R. 655 and Braddock Road. Containing 0.96 acres.

and

Tract 5: (252728-000000-043210)

The West 160.00 feet of the East 360.00 feet of the SE 1/4 of the NW 1/4 of the SW 1/4 of Section 28, Township 27 South, Range 25 East, Polk County, Florida. Less the North 375.00 feet thereof, less road right-of-way for Braddock Road. Containing 0.94 acres.

and

Tract 6: (252728-000000-043220)

The SE 1/4 of the NW 1/4 of the SW 1/4 of Section 28, Township 27 South, Range 25 East, Polk County, Florida. Less the North 400.00 feet thereof and less the East 460.00 feet thereof, less road right-of-way for Braddock Road. Containing 1.1 acres.

and

Tract 7: (252728-000000-043230)

The South 200.00 feet of the North 400.00 feet of the SE 1/4 of the NW 1/4 of the SW 1/4 of Section 28, Township 27 South, Range 25 East, Polk County, Florida. Less the East 410.00 feet thereof.

and

The West 50.00 feet of the East 460.00 feet of the SE 1/4 of the NW 1/4 of the SW 1/4 of Section 28, Township 27 South, Range 25 East, Polk County, Florida. Less the North 400.00 feet thereof and less road right-of-way for Braddock Road. Containing 1.4 acres.

and

Tract 8: (252728-000000-043240)

The North 200.00 feet of the SE 1/4 of the NW 1/4 of the SW 1/4 of Section 28, Township 27 South, Range 25 East, Polk County, Florida. Less the East 360.00 feet thereof:

and

The West 50.00 feet of the East 410.00 feet of the SE 1/4 of the NW 1/4 of the SW 1/4 of Section 28, Township 27 South, Range 25 East, Polk County, Florida. Less the North 200.00 feet thereof and less road right-of-way for Braddock Road. Containing 1.87 acres.

Less and except

A parcel of land lying in the Northwest one-quarter (N.W. 1/4) of the Southwest one-quarter (S.W. 1/4) of Section 28, Township 27 South, Range 25 East, less the road right of way for Braddock Road as recorded in Official Records Book 958, at Page 415, and Official Records Book 7565, at Page 109, of the Public Records of Polk County, Florida, being more particularly described as follows:

COMMENCE at a 4 inch by 4 inch concrete monument (broken) with a 1/2 inch iron rod bent marking the Southwest corner of the Southwest one-quarter (S.W. 1/4) of Section 28; thence North 00°12'09" West, along the West line of said Southwest one-quarter (S.W. 1/4), a distance of 1,311.41 feet to the Southwest corner of the Northwest one-quarter (N.W. 1/4) of the Southwest one-quarter (S.W. 1/4) of Section 28; thence North 89°59'56" East, along the South line of said Northwest one-quarter (N.W. 1/4) of the Southwest one-quarter (S.W. 1/4) of Section 28, a distance of 665.49 feet to a railroad spike marking the Southeast corner of the Southwest one-quarter (S.E. 1/4) of the Northwest one-quarter (N.W. 1/4) of the Southwest one-quarter (S.W. 1/4) of Section 28; thence North 00°01'11" West, along the West line of said Southeast one-quarter (S.E. 1/4) of the Northwest one-quarter (N.W. 1/4) of the Southwest one-quarter (S.W. 1/4) of Section 28, a distance of 25.00 feet to the POINT OF BEGINNING, being on the existing Northerly right of way line of Braddock Road (also known as Spring Road) per Official Record Book 872, Page 339 of the Public Records of Polk County, Florida; thence North 00°01'11" West, continuing along said West line, a distance of 68.56 feet; thence departing said East line, run South 89°54'17" East, a distance of 593.84 feet; thence North 44°38'36" East, a distance of 52.50 feet to the existing West right of way line of State Road No. 655 (Berkley Road) as recorded in said Official Records Book 7565, at Page 109; thence South 05°01'43" East, along said existing West right of way line, a distance of 79.93 feet; thence South 42°35'00" West, along said existing West right of way line, a distance of 34.36 feet to its intersection with the existing North right of way line of said Braddock Road; thence South 89°59'56" West, along said existing North right of way line, a distance of 614.46 feet to the POINT OF BEGINNING. Containing 1.005 acres, more or less.

Containing 7.95 acres, more or less.

2. Allowable Uses and Intensity of Development

a. The development of Block A shall be allowed per Table 2.1 of the Land Development Code for Neighborhood Activity Center, except the following uses are prohibited:

- I. Alcohol Package Sales
- II. Cemetery
- III. Helistops
- IV. Marina and Related Facilities
- V. Medical Marijuana Dispensaries
- VI. Mining, Non-phosphate
- VII. Nurseries and Greenhouses
- VIII. Utility, Class III
- IX. Vehicle Service, Mechanical
- X. Water Ski Schools

b. The development of Block B shall be allowed per Table 2.1 of the Land Development Code for Neighborhood Activity Center, except the following uses are prohibited:

- I. Gas Station
- II. Alcohol Package Sales
- III. Car Wash, Incidental
- IV. Cemetery
- V. Helistops
- VI. Marina and Related Facilities
- VII. Medical Marijuana Dispensaries
- VIII. Mining, Non-phosphate
- IX. Nurseries and Greenhouses
- X. Recreation, & Amusement, General
- XI. Retail, 35,000-64,000 sq. ft.
- XII. Retail, more than 65,000 sq. ft.
- XIII. School, Technical/Vocational/Trade & Training
- XIV. Utility, Class III
- XV. Vehicle Service, Mechanical
- XVI. Water Ski Schools

c. The development of Block C shall be allowed per Table 2.1 of the Land Development Code, except the following uses are prohibited:

- XI. Gas Station
- XII. Alcohol Package Sales
- XIII. Car Wash, Incidental
- XIV. Cemetery

- XV. Helistops
- XVI. Marina and Related Facilities
- XVII. Medical Marijuana Dispensaries
- XVIII. Mining, Non-phosphate
- XIX. Nurseries and Greenhouses
- XX. Recreation, & Amusement, General
- XXI. Restaurant, Drive-thru/Drive-in
- XXII. Retail, 35,000-64,000 sq. ft.
- XXIII. Retail, more than 65,000 sq. ft.
- XXIV. School, Technical/Vocational/Trade & Training
- XXV. Utility, Class III
- XXVI. Vehicle Service, Mechanical
- XXVII. Water Ski Schools

- d. Outdoor Storage shall be prohibited in all blocks with the exception approved Self-storage facilities and subject to the Land Development Code Section 303 self-storage facilities.
- e. The boundaries of Blocks A, B, and C shall generally match the boundaries as depicted in the Activity Center Plan.

3. Enhanced Developer Standards

- a. All allowable uses shall comply with the following additional site development standards on all Level 2, 3, or 4 reviews prior to site alteration or development:
 - i. Excluding property frontage on rights-of-way, all proposed development or redevelopment of the subject site shall be conditioned upon Landscape Buffers, as defined in Section 720 of this code, with the following modifications:
 - a. any vegetative buffer shall achieve 80% opacity with shrubs capable of growing 36 inches in height within 12 months of planting; and
 - b. the Landscape Buffers may be constructed in phases as the site develops in either Block A or Block B or Block C, as delineated on the Activity Center Plan, and as follows:
 - 1). Upon commencement of development in Block A, the 10' Type "A" Landscape Buffer shall be constructed along the entire northern boundary of Block A, the 10' Type "A" Landscape Buffer along the frontage of right-of-way of Berkley Road and Braddock Road, and the 6' Type "A" with Fence Landscape Buffer shall be constructed, if not constructed as a result of development by Block C, along the boundary between Block A and Block C.
 - 2). Upon commencement of development in Block B, the 10' Type "B," including a fence that shall be a minimum six feet high, 100

percent opaque wood or PVC, Landscape Buffer shall be constructed along the entire northern boundary of Block B, the 10' Type "A" buffer along the frontage of right-of-way of Berkley Road, and the 6' Type "A," including a fence that shall be a minimum six feet high, 100 percent opaque wood or PVC, Landscape Buffer shall be constructed, if not constructed as a result of development by Block C, along the boundary between Block B and Block C.

3). Upon commencement of development in Block C, the 10' Type "B," including a fence that shall be a minimum six feet high, 100 percent opaque wood or PVC, Landscape Buffer shall be constructed along the entire western boundary and northern boundary of Block C, the 10' Type "A" buffer along the frontage of right-of-way of Braddock Road, and the 6' Type "A," including a fence that shall be a minimum six feet high, 100 percent opaque wood or PVC, Landscape Buffer shall be constructed, if not constructed as a result of development by Block C, along the boundary between Block B and Block C.

ii. Except when special requirements in this section are more stringent, all uses shown as allowed in the NAC Land Use designation as "P" in table 2. 1 of Chapter 2 of this LDC shall, at a minimum, comply with the Criteria for Conditional Uses for uses contained in Section 303 of this Code. All uses will be subject to the Level of Review established as per Table 2. 1 of this LDC.

iii. The first Level 2 review submitted for any Block shall include a master infrastructure plan, including stormwater plans, utility easements, and cross-access easements, for the entire site.

iv. A cross-access easement between and among the subject Blocks, generally consistent with the Activity Center Plan, will be recorded prior to site plan (Level 2) approval for the respective development areas. This shall include facilitating future expansion of the Activity Center Plan to adjacent parcels. The easements are displayed in the general location and maybe adjusted without an amendment to this section of the Activity Center Plan as long as cross-access maintained in a safe manner.

v. The edge of the retention ponds shall be landscaped with similar planting materials of a Type "A" Buffer along any side not adjacent to another buffer.

vi. Unless as otherwise provided herein for lighting, No structure or parking shall be located within the landscape buffer.

vii. All truck parking, vehicle repair bay/area, outdoor storage, transit facilities, and loading and unloading areas shall be at least fifty (50) feet from all

property lines abutting residential uses, excluding property lines abutting right-of-way.

viii. All principal structures and those accessory structures related to truck parking or loading and unloading activities shall be at least fifty (50) feet from all side and rear property lines, excluding property lines abutting rights-of-way.

ix. Accessory structures, not related to truck parking or loading and unloading activities shall be at least twenty (20) feet from all side and rear property lines.

x. The maximum height of any on-site light sources shall be forty (40) feet if placed at least thirty (30) feet from a residential property line, and twenty four (24) feet if within thirty (30) feet of an existing residential property line. The height limitation shall not apply to boundaries abutting rights-of-way. Illumination shall be shielded and directional and any spill onto adjacent properties shall not exceed 0.5 foot candles and consistent with Dark Sky Friendly lighting.

xi. The minimum setback of the light source from the residential property line shall be a horizontal distance of twenty (20) feet, except when the light source is adjoining a right-of-way. If the on-site light source adjoins a right-of-way, the lighting can be placed within the landscape buffer as required by Section 720 of this code.

xii. For structures exceeding thirty-five (35) feet in height, setbacks from parcels designated or developed as residential shall be increased by one-half of one foot for each one foot of height over thirty-five (35) feet.

xiii. External operations such as receiving deliveries, docking, loading or unloading of trucks, shall be limited to the hours between 6 a.m. and 8 p.m. for non-residential development within two-hundred (200) feet of an existing residence.

xiv. Signs relating only to identification of the premises and occupants and to goods sold or services rendered on the premises shall be limited as to the type, number, and area, as follows:

1) All signage for the property shall be monument signs. This limitation shall not preclude building signs, window signs, or directional signs which shall be permitted in accordance with Section 760 of Land Development Code.

2) When more than one place of business or activity exists in combination on a site, not more than one monument sign may be permitted when such sign is mounted on a permanent support in any required front yard in this district if such sign and its support do not constitute substantial impediments to visibility in relation to traffic flow on the site or on the adjacent street. Such

monument sign, when identifying more than one place of business or activity or a combined grouping of places of business or activities, shall not exceed eighty (80) square feet in surface area per side or one-hundred-sixty (160) square feet in total combined surface area. No such sign support(s) shall be erected within ten (10) feet of any property line, excluding rights-of-way.

3) In addition, one sign, which does not exceed ten (10) square feet of surface area, for each ten (10) lineal feet of building frontage, the location of which is identified on the Occupational License. Such sign shall be mounted on the main building and shall not extend more than three (3) feet above the roof or beyond the sides of the building.

2. Revised Use Table

The following Prohibited Use Tables (Tables E4 - E7) shall replace Table 2.1 and specifies the types of uses explicitly prohibited within this site. If a use is not listed in this table, and listed in Table 2.1, it is allowable as allowed in Table 2.1. All conditions outlined in Section 303 of this Code shall apply to each use listed below:

TABLE E4, NAC PROHIBITED LAND USES FOR
LDCPAL-2024-13 AND LDCD-2024-7

BLOCK A

Prohibited
Alcohol Package Sales, Cemetery, Helistops, Marina and Related Facilities, Medical Marijuana Dispensaries, Mining, Non-phosphate, Nurseries and Greenhouses, Utility, Class III, Vehicle Service, Mechanical, Water Ski Schools

TABLE E4, NAC PROHIBITED LAND USES FOR
LDCPAL-2024-13 AND LDCD-2024-7

BLOCK B

Prohibited
Alcohol Package Sales, Car Wash, Incidental, Alcohol Package Sales, Car Wash, Incidental, Marina and Related Facilities, Medical Marijuana Dispensaries, Nurseries and Greenhouses, Recreation & Amusement General, Retail, 35,000-64,000 sq. ft., Cemetery, Helistops, Mining, Non-phosphate, Retail, More than 65,000 sq. ft., School, Technical/Vocational/ Trade & Training, Water Ski Schools

TABLE E4, NAC PROHIBITED LAND USES FOR
LDCPAL-2024-13 AND LDCD-2024-7
BLOCK C

Prohibited
Alcohol Package Sales, Car Wash, Incidental, Gas Station, Marina and Related Facilities, Medical Marijuana Dispensaries, Nurseries and Greenhouses, Recreation & Amusement General, Retail, 35,000-64,000 sq. ft., Utilities Class III, Vehicle Service, Mechanical, Cemetery, Helistops, Mining, Non-phosphate, Retail, More than 65,000 sq. ft., School, Technical/Vocational/ Trade & Training, Water Ski Schools,

SECTION 2: SEVERABILITY

If any provisions 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 3: EFFECTIVE DATE

This ordinance shall be effective upon filing with the Department of State.

ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY,
FLORIDA THIS 16th DAY OF DECEMBER 2025.

