

ORDINANCE NO. 26-_____

AN ORDINANCE OF POLK COUNTY, FLORIDA ADOPTING **LDCD-2026-2**, AN AMENDMENT TO THE POLK COUNTY LAND DEVELOPMENT CODE SUB-DISTRICT MAP (ORDINANCE 01-69), AS AMENDED, MODIFYING THE DESIGNATION ON ONE (1+/-) ACRE FROM BUSINESS PARK CENTER-1 (BPC-1) TO BUSINESS PARK CENTER-2 (BPC-2), LOCATED AT 1453 42ND STREET NW, SOUTH OF AVENUE Q NW, WEST OF 42ND STREET NW, EAST OF RECKER HIGHWAY (SR 655), SOUTH OF AUBURNDALE, WEST OF WINTER HAVEN IN SECTION 14, TOWNSHIP 28, 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 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, the Board of County Commissioners adopted a Land Development Code Sub-district Map on September 26, 2001; and

WHEREAS, Chapter 9, Section 903 of the Land Development Code provides an approval process for amendment to the Land Development Code Sub-district Map; and

WHEREAS, pursuant to Section 163.3174 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 Sub-district Map Amendment on May 6, 2026; and

WHEREAS, pursuant to Section 125.66 of the Florida Statutes, the Board of County Commissioners conducted an adoption public hearing, with due public notice having been provided, on the proposed Land Development Code Sub-district Map Amendment June 2, 2026; and

WHEREAS, the Board of County Commissioners reviewed and considered all comments received during said public hearing, and provided for necessary revisions; and

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

SECTION 1: FINDINGS The findings set forth in the recitals of this Ordinance are true and correct and hereby adopted. In addition, the Board hereby adopts and incorporates herein the staff report and makes the following findings based upon the staff report, testimony, and exhibits presented during the hearing:

- a) The Planning Commission, acting in its capacity as the Local Planning Agency for the County, held a public hearing on May 6, 2026, to consider the LDC Sub-district map amendment contained within the Application and found it to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC Sub-district Map Amendment contained within the Application.
- b) Pursuant to Section 907D.10 of the LDC, the Board shall, in the review of the Application, consider the following factors:
 - a. Whether the proposed development is consistent with all relevant requirements of the Code;
 - b. Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;
 - c. Whether the proposed use is compatible with surrounding uses and the general character of the area, including such factors as density, height, bulk, scale, intensity, traffic, noise, and appearance; and
 - d. Any other matter which the BoCC may deem appropriate and relevant to the specific development proposal.
- c) The Application is consistent with all relevant requirements of the Comprehensive Plan.

- d) The Application is consistent with all relevant requirements of the LDC, including without limitation, Section 907.
- e) The Application is compatible with surrounding uses and the general character of the area.

SECTION 2: AREA AMENDED.

Polk County Ordinance No. 01-69 as amended (the “Polk County Land Development Code Sub-district Map”), of Polk County Ordinance No. 00-09, as amended (the “Polk County Land Development Code”) is hereby amended to reflect a change in the Sub-district of Parcels, legally described below and graphically depicted in Attachment “A” of this ordinance, from Business Park Center-1 (BPC-1) to Business Park Center-2 (BPC-2) as:

The east 230 feet of the south 373 feet of the southeast 1/4 of Section 14, Township 28, Range 25 including right-of-way to the centerline of the Avenue Q Northwest and 42nd Street Northwest identified in the public records of Polk County as Polk Property Appraiser’s number 252814-000000-022020.

SECTION 3: SEVERABILITY.

If any portion of this Ordinance is for any reason held unconstitutional or otherwise invalid by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4: EFFECTIVE DATE.

This Ordinance shall become effective upon filing of a certified copy of the Ordinance with the Department of State.

SECTION 5: FILING WITH THE DEPARTMENT OF STATE:

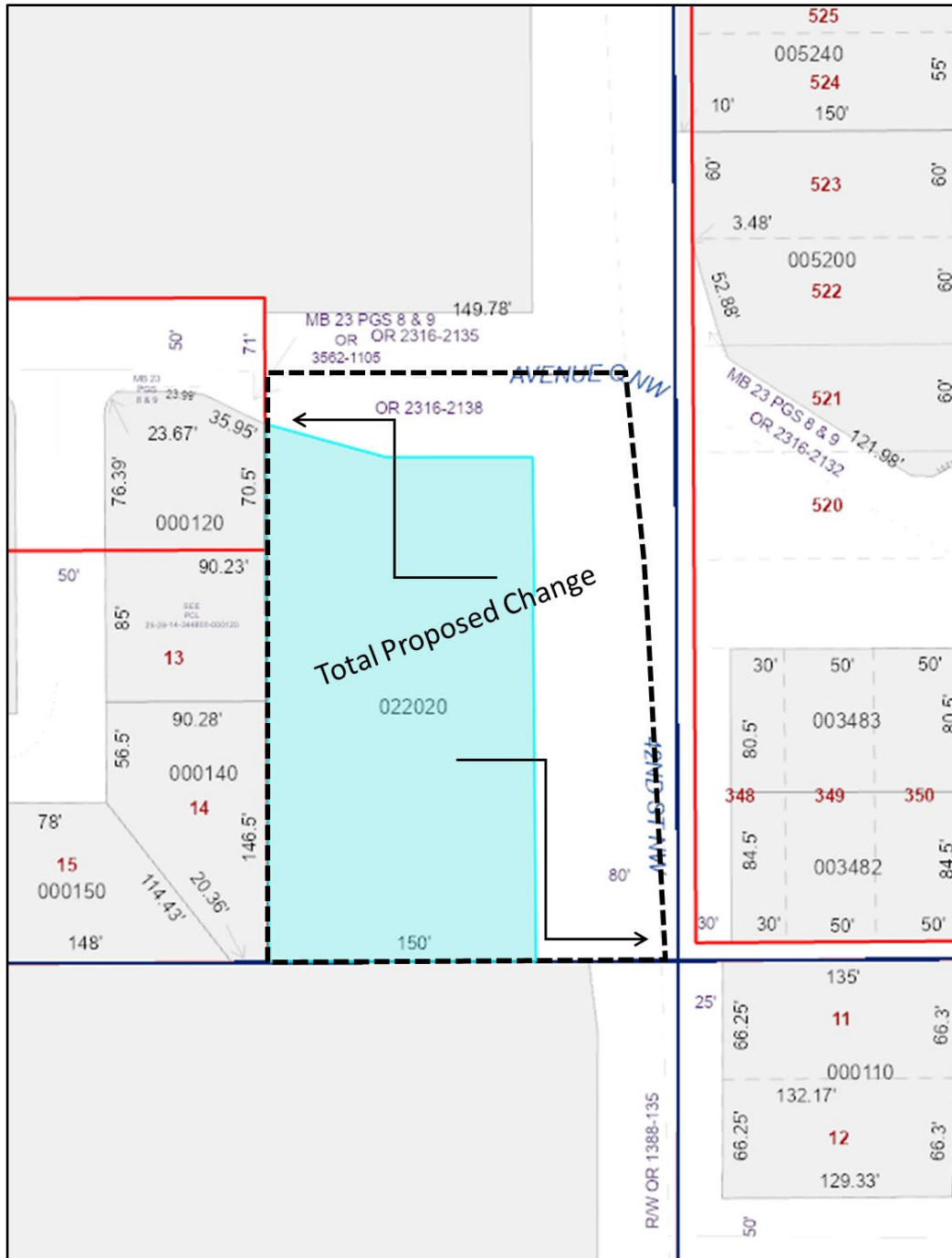
The Clerk and Auditor to the Board of County Commissioners of Polk County, Florida, shall file a certified copy of this ordinance with the Department of State, through the Secretary of State, upon adoption by the Board of County Commissioners of Polk County, Florida.

ADOPTED, in open session of the Polk County Board of County Commissioners with a quorum present and voting this 2nd day of June 2026.

LDCD-2026-2

Land Use: from Business Park Center-1 (BPC-1) to Business Park Center-2 (BPC-2) (1.0+/- acres)

Location: 1453 42nd Street NW, south of Avenue Q NW, west of 42nd Street NW, east of Recker Highway (SR 655), south of Auburndale, west of Winter Haven in Section 14, Township 28, Range 25.



PARCEL DETAIL

Note: Not to Scale