

**ORDINANCE NO. 26-\_\_\_\_\_**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS, POLK COUNTY, FLORIDA, LAND DEVELOPMENT CODE AMENDMENT **LDCT-2026-14**, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE, AMENDING CHAPTER 5, GREEN SWAMP AREA OF CRITICAL STATE CONCERN, SECTION 502, STANDARDS FOR LAND USE DISTRICTS IN THE GREEN SWAMP ACSC, TABLE 5.2, USE TABLE FOR GREEN SWAMP ACSC, REMOVING FOOTNOTE NUMBER 1 TO ALLOW FOR COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENTS TO THE LINEAR COMMERCIAL CORRIDOR-X (LCCX) DISTRICT IN THE POLK CITY SPECIAL PROTECTION AREA OF THE GREEN SWAMP AREA OF CRITICAL STATE CONCERN; PROVIDING FOR SEVERABILITY; PROVIDING 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**, 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 June 3, 2026; and

**WHEREAS** the proposed text amendment to the Polk County Land Development Code is intended to allow for Comprehensive Plan Future Land Use Map amendments to the Linear Commercial Corridor-X district of the Polk City Special Protection Area of the Green Swamp Area of Critical State Concern, provide conditions of approval, and define storage yards; and

**WHEREAS**, the Board of County Commissioners reviewed and considered all comments received during a public hearing on July 21, 2026, 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 findings set forth in the recitals to 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 June 3, 2026. to consider the LDC text amendment contained within the Application and found it to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC text amendment contained within the Application.
- b) Pursuant to Section 907.D.10 of the LDC, the Board shall, in the review of the Application, consider the following factors:
  - a. Whether the proposed text amendment is consistent with all relevant requirements of the Code;
  - b. Whether the proposed text amendment is consistent with all applicable policies of the Comprehensive Plan; and
  - c. Any other matter which the BoCC may deem appropriate and relevant to the text amendment 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.

**SECTION 2:** Chapter 5, Green Swamp Area of Critical State Concern, Section 502, Standards for Land Use Districts in the Green Swamp ACSC, Table 5.2, Use Table for Green Swamp ACSC of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended to delete footnote 1 as follows:

...

~~<sup>+</sup> Comprehensive Plan Amendments to change a parcel's Future Land Use District to Linear Commercial Corridor within the Polk City Special Protection Area are prohibited by Policy 2.132-C3 of the Polk County Comprehensive Plan. Only parcels with the existing LCCX Future Land Use District are allowed within the Polk City Special Protection Area.~~

...

**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 \_\_\_\_\_ day of \_\_\_\_\_, 2026.