

ORDINANCE NO. 25-_____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING LAND DEVELOPMENT CODE AMENDMENT LDCT-2025-20, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE; AMENDING CHAPTER 4, SECTION 401.04, US HIGHWAY 98 SELECTED AREA PLAN (SAP), TO ALLOW FOR COMMERCIAL AND RETAIL USES TO EXCEED 30 PERCENT OF THE EMPLOYMENT CENTER (ECX) DISTRICT WHEN APPROVED THROUGH A CONDITIONAL USE; 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 4, Section 401.04 of the Land Development Code lays out the requirements for the US Highway 98 Selected Area Plan (SAP); 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 November 5, 2025; and

WHEREAS, the Board of County Commissioners held two public hearings on December 2, 2025 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:

<p><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.</p>
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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 November 5, 2025, to consider the LDC text amendments contained within Application LDCT-2025-20 and found them to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC Text Amendment contained within Application LDCT-2025-20.
- c) The adoption of LDCT-2025-20 is consistent with the Comprehensive Plan and LDC.

SECTION 2: Chapter 4, Section 401.04, US Highway 98 Selected Area Plan (SAP), of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

Section 401.04 US Highway 98 Selected Area Plan

D. Modified Land Use Requirements (Revised 2/6/18 - Ord. 18-012; 12/5/17 - Ord. 17-071; 1/22/13 - Ord. 13-002; 12/1/10 - 10-082; 04/23/08 - Ord. 08-011; 10/11/06 - Ord. 06-64)

6. Employment Center (ECX) B In addition to the other requirements of this Code, all development shall be consistent with the following:

- a. On-premises signs shall use the Community Activity Center (CAC) standards of Section 760 (reduced by 15 percent (%) for the SAP) of the L D C;
- b. Structure and use setbacks shall meet the Community Activity Center (CAC) requirements of Table 2.2, Density and Dimensional Regulations for Standard Districts of the LDC;
- c. Residential development shall be limited to a maximum of 25 percent of the total area of an ECX utilizing High Density Residential density (10 to 15 du/ac) and shall comply with all other requirements of Chapter 3, Conditional Uses, for multifamily developments within activity centers (CACX, RACX, and BPC-1X). Residential units above non-residential uses (vertical mixed- use) are encouraged and do not count towards the 25 percent residential cap. The setbacks for High Density Residential shall conform to the setbacks for the RH Future Land Use district as listed in Table 2.2, Density and Dimensional Regulations for Standard Districts of the LDC;
- d. Single-family attached or detached, duplex, and three unit (triplex) residential buildings shall be prohibited in the ECX;
- e. Light industrial uses that include at least 50 percent (%) office space, assemble products, and conduct research and development, but do not manufacture any products shall be permitted without a Level 3 Review;
- f. The maximum FAR shall be 0.70. Higher FARs will be allowed through bonus points per the Land Development Code for a total of 1.5. The ISR shall be limited to 0.70 in all cases;
- g. Retail and personal services are limited to 30 percent of the ECX district. The 30 percent limitation may be exceeded with the approval of a Level 3 Conditional Use. The maximum FAR for retail uses shall be 0.60. Higher FARs, up to 0.75 may be allowed with bonus points and a Planned Development;
- h. Warehouse uses as an accessory use (where at least 50 percent (%) of the square footage is office space) shall be permitted without a Level 3 Review;
- i. The maximum building height shall be 100 feet. This may be increased through a variance or a Planned Development; and,
- j. The building setbacks shall comply with those listed in Table 2.2 for Community Activity Center (CAC). All footnotes to Table 2.2 shall apply.

k. Area of an ECX shall only include property contiguous within that district irrespective of Preservation/Wetland areas and local or collector roads.

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 20th day of January, 2026.