

ORDINANCE NO. 26-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS, POLK COUNTY, FLORIDA, LAND DEVELOPMENT CODE AMENDMENT **LDCT-2026-2**, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE, AMENDING CHAPTER 2, SECTION 204, STANDARD LAND USE DISTRICTS, AND SECTION 205, TABLE 2.1, USE TABLE FOR STANDARD LAND USE DISTRICTS OF THE POLK COUNTY LAND DEVELOPMENT CODE; CHAPTER 4, SECTION 401.02, TABLE 4.3, USE TABLE FOR STANDARD LAND USE DISTRICTS FOR THE RONALD REAGAN SELECTED AREA PLAN; CHAPTER 4, SECTION 401.03, TABLE 4.8, USE TABLE FOR U.S. 27 SELECTED AREA PLAN LAND USE DISTRICTS; CHAPTER 4, SECTION 401.04, TABLE 4.12, ALLOWABLE USES FOR US HIGHWAY 98 SAP; AND CHAPTER 4, SECTION 401.08, TABLE 401.08.01, USE TABLE FOR SOUTHEAST POLK SAP TO ACHIEVE CONSISTENCY WITH THE OFFICE CENTER (OC) AND (OCX) FUTURE LAND USE MAP DESIGNATIONS IN THE COMPREHENSIVE PLAN; AMENDING CHAPTER 3, CONDITIONAL USES, SECTION 303, CRITERIA FOR CONDITIONAL USES FOR OFF-SITE AGRICULTURAL SUPPORT ACTIVITIES, CHILDCARE CENTER, FINANCIAL INSTITUTIONS, GOVERNMENTAL FACILITY, RESEARCH AND DEVELOPMENT, SIT-DOWN/TAKE-OUT RESTAURANT, LEISURE/SPECIAL INTEREST SCHOOL, TECHNICAL/VOCATIONAL/TRADE & TRAINING SCHOOL, AND VETERINARY SERVICE TO ACHIEVE CONSISTENCY WITH THE OFFICE CENTER FUTURE LAND USE MAP DESIGNATION AND DEVELOPMENT CRITERIA IN THE COMPREHENSIVE PLAN; 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 April 1, 2026; and

WHEREAS the proposed text amendment to the Polk County Land Development Code is intended to clarify development parameters of the Office Center (OC) district to implement the policies in the Comprehensive Plan thereby achieving certainty and consistency throughout the code; 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 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 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 April 1, 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 2, Section 204, Standard Land Use Districts of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended to change Section 204.B, Non-residential Districts/Activity Centers and Section 204.C, Other Standard Land Use Districts in the following manner:

B. Non-residential Districts/Activity Centers (Revised 7/25/01 - Ord. 01-57)

1. Rural Cluster Center (RCC): The purpose of the RCC district is to provide locations in the rural area for the placement of retail and service establishments to accommodate the daily shopping needs of rural residents. The RCC district permits commercial and office uses at an intensity and scale necessary to provide the immediate rural population with retail and personal services, agricultural support uses, and community facilities.
2. Convenience Center (CC): The purpose of the CC district is to provide for the convenience shopping needs of residents within an immediate surrounding area. The CC district permits non-residential uses such as offices, convenience stores, gas stations, dry cleaners and community facilities.
3. Neighborhood Activity Center (NAC): The purpose of the NAC district is to provide for the daily shopping needs of residents within neighborhoods surrounding the center. The NAC district non-residential uses such as offices, grocery stores, drug stores banks and community facilities.
4. Community Activity Center (CAC): The purpose of the CAC district is to provide for shopping needs of residents living within a surrounding community. The CAC district permits special residential development, non-residential uses such as offices, department stores, supermarkets, restaurants and community facilities.
5. Regional Activity Center (RAC): The purpose of the RAC district is to provide for the regional shopping needs of residents. The RAC district permits special residential development, regional shopping centers, other regional attractors and community facilities.
- ~~6. Office Center (OC): The purpose of the OC district is to provide areas for small offices. The OC district permits professional offices and some retail uses. All development within the OC requires a Level 3 Review.~~

C. Other Standard Land Use Districts (Revised: 3/18/14 - Ord. 14-015; 7/29/02 - Ord. 02-51)

1. Linear Commercial Corridor (LCC): The purpose of the LCC district is to recognize existing linear concentrations of commercial, office, institutional, and industrial uses along roadways.
2. Business Park Center-1 (BPC-1): The purpose of the BPC-1 district is to provide areas for office and business park development. The BPC-1 district permits office, research and development parks, distribution centers and wholesaling activities. Some retail uses are also permitted to support the businesses and activities within the Business Park Center.
3. Business Park Center-2 (BPC-2): The purpose of the BPC-2 district is to provide areas for light-industrial activities. The BPC-2 district permits light manufacturing, fabrication, assembly, distribution and wholesaling activities, and some retail uses to support the businesses and activities within the Business Park Center.
4. Commercial Enclave (CE): The purpose of the CE district is to recognize existing concentrations of commercial and office uses located outside of Activity Centers

and Linear Commercial Corridors, whose future development or redevelopment is consistent with the Polk County Comprehensive Plan.

5. High-Impact Commercial Center (HIC): The purpose of the HIC district is to provide areas for non-retail businesses and service establishments that may generate substantial truck traffic, noise, odor, and visual impacts to adjacent properties. The HIC district permits a range of non-residential service establishments and general retail uses to support the businesses and activities.
6. Industrial (IND): The purpose of the IND district is to provide areas for general manufacturing, processing, and distribution of goods. General commercial uses necessary to support the industrial area are also permitted.
7. Phosphate Mining (PM): The purpose of the PM district is to provide areas for phosphate mining operations, phosphate mining support facilities, and other uses that are compatible with and related to phosphate mining and its allied uses.
8. Leisure/Recreation (L/R): The purpose of the L/R district is to provide for facilities and areas oriented primarily towards providing recreation-related services for residents and short-term visitors.
9. Institutional-1 (INST-1): the purpose of the INST-1 district is to provide for the use and development of lands for private and public service structures with minimal external impacts such as elementary and middle schools, government facilities, cultural facilities, hospitals, and Class I and Class II utilities.
10. Institutional-2 (INST-2): the purpose of the INST-2 district is to provide for the use and development of lands for private and public service structures which are characterized primarily by outdoor activities such as high schools, government vehicle maintenance facilities, Class III utilities, solid waste management facilities, and prisons.
11. Recreation and Open Space (ROS): The purpose of the ROS district is to provide for the use and development of lands and areas which are accessible to the public, and which are oriented towards providing recreational activities and services for County residents and visitors.
12. Preservation Areas (PRESV): The purpose of the PRESV district is to provide for the preservation of public or privately owned preservation areas, either obtained for long-term protective purposes, containing sensitive and unique vegetative or animal habitats, or publicly accessible property intended for long-term open space purposes.
13. Tourism-Commercial Center (TCC): The purpose of the TCC district is to provide areas for tourism activities, recreation, and tourist-related commercial establishments. The TCC district permits commercial amusement activities, lodging facilities, service stations, restaurants, gift shops and ancillary non-residential uses to the tourism industry.
14. Office Center (OC): The purpose of the OC district is to provide areas for small offices. The OC district has professional and medical offices, clinics, personal services and limited low volume retail and service uses.

SECTION 3: Chapter 2, Section 205, Table 2.1, Use Table for Standard Land Use Districts of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended to change the use table for the Office Center (OC) Future Land Use Map category in the following manner:

Multi-family – not permitted

Agricultural, Off-site – change from C3 to C2 conditional use

Funeral Home and Related Facilities – add C3 conditional use

Government Facility - change from C3 to C2 conditional use

Hospitals – not permitted

Research and Development - change from C3 to C2 conditional use

Restaurant, Sit-down/Take out – add C2 conditional use

Retail 10,000 – 34,999 sq. ft. – not permitted

Retail, Less than 10,000 sq. ft - change from C3 to C2 conditional use

School, Leisure/Special Interest - add C2 conditional use

SECTION 4: Chapter 3, Conditional Uses, Section 303, Criteria for Conditional Uses, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended to change the following sub-sections:

Section 303 - Criteria for Conditional Uses

The following land uses are conditional uses and are arranged in alphabetical order for presentation purposes.

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Agricultural Support Activities, Off-site (Revised 01/30/03 - Ord. 03-14)

1. Within the RS and RCC-R districts, approval of an off-site agricultural support activity shall not impede the orderly development of the surrounding area for residential uses.
2. For all proposed off-site agricultural support facilities, the applicant shall demonstrate a need for the agricultural support facility to be located in the proposed area, and that the proposed agricultural support facility is limited to an intensity and scale necessary to provide support services to agricultural uses within the general support service area.
3. Within OC districts (including OCX), agricultural support activity shall be limited to farm offices.

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Childcare Center

In addition to the applicable district regulations in Table 2.2, the following standards shall apply:

1. Childcare centers with a licensed capacity of more than 25 children shall not have direct access to a local residential street.
2. A drop-off/pick-up area shall be designated to provide a one-way traffic circulation pattern on the site.
3. There shall be a minimum of 45 square feet of usable, safe outdoor play area per child.

Play area shall be calculated at the rate of 45 square feet per child in any group using the play area at one time. A minimum play area shall be provided for one half of the licensed capacity of the childcare center.

4. The outdoor play area shall be fenced to a minimum height of four feet for childcare centers with a licensed capacity of 25 or fewer children. Those centers with a licensed capacity of more than 25 children shall provide a minimum five foot high fence around the outdoor play area.
5. Development and operation of a childcare center shall conform to the standards contained in the Polk County Child Care Center Regulation (Ord. 87-03, as amended), and all applicable state licensing requirements.
6. Within OC districts (including OCX), childcare centers may be no more than 10% of an office building or 10% of the total building square footage of an office park.

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Financial Institutions

In addition to the applicable district regulations in Table 2.2, the following standards shall apply:

1. Drive-thrus are not permitted in Office Center (OC) districts.

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Governmental Facility (Revised 03/19/08 - Ord. 08-005; 06/08/04 Ord. 03-94)

In addition to the applicable district regulations these requirements apply to all new development:

1. At a minimum, a visual buffer equal to a Type B buffer (see Section 720) shall be provided between the facility and adjacent residential properties and public roads.
2. All access points shall have at a minimum 50 feet of road frontage and be located on a local commercial or collector road meeting County standards.
3. All structures in residential districts shall be constructed in character with the adjacent neighborhood.
4. All structures in residential districts shall limit any on-site lighting in character with adjacent neighborhoods.
5. Government facilities shall be limited to government offices in Office Center (OC) (including OCX) districts.

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Research and Development (Revised 5/1/18 - Ord. 18-025; 4/4/02 - Ord. 02-17)

In addition to the applicable district regulations these requirements apply to all new development:

1. ~~Within existing BPC and IND land use districts~~
 - a. ~~All proposed uses and structures shall support the surrounding facilities.~~
 - b. ~~All structures shall not exceed fifteen percent of the existing BPC or IND land use.~~
2. ~~All structures shall connect to water and sewer facilities.~~
3. ~~Research and Development may be permitted within the LCC district as infill when there is an existing Research and Development use on at least two sides of the subject site.~~

~~Additionally, all development within the LCC district shall comply with Section 205 H. of this Code as applicable.~~

1. All activity shall be conducted within enclosed structures in BPC and OC (including BPCX and OCX) districts.

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Restaurant, Sit-down/Take-out (Revised 11/16/10 - Ord. 10-079; 4/4/02 - Ord. 02-17)

In addition to all applicable regulations the following standards shall apply:

1. Within existing BPC and IND land use districts:
 - a. All proposed uses and structures shall support the surrounding facilities.
 - b. All structures shall not exceed fifteen percent of the existing developed BPC or IND land use, and the restaurant is an accessory use that supports an existing BPC or IND use.
2. All structures shall connect to water and sewer facilities.
3. All on-site garbage collection facilities shall be screened from any adjacent property.
4. Within OC districts (including OCX), Restaurant, Sit-down/Take-out uses shall comprise no more than ~~20~~ 10 percent of ~~the overall district~~ an Office Park.

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School, Leisure/Special Interest (Revised 08/05/2014 - Ord. 14-045;12/28/01 - Ord. 01-92)

In addition to the applicable district regulations these requirements shall apply ~~to all new and existing developments proposing to add a leisure/Special Interest School:~~

1. In residential districts, leisure/special interest schools shall be accessory to multi-family developments limited to no illuminated signage and placed in a location subordinate and incidental to the development such as a clubhouse, community room, meeting place or recreational facility.
2. In residential districts, leisure/special interest schools shall be considered home occupations (See Section 206 E., Accessory Uses) if instruction is provided within an occupied residence and for no more than four (4) pupils at a time. Otherwise, a Level 3 Review shall be required.
3. In non-commercial districts hours of operation shall be limited on a case by case basis.
4. There shall be at a minimum 50 feet road frontage, and all access points shall be on a collector road or better if use generates 50 or more Average Annual Daily Trips (AADT). If the Leisure/Special Interest School generates more than 50 AADT based on the Institute of Traffic Engineers (ITE) Rate-Land Use Code, the applicant has the option to provide a detailed study demonstrating that a lower trip generation rate can be achieved. The methodology shall be subject to approval by the Polk Transportation Planning Organization (TPO) and follow the guidelines as set forth in Appendix "C" of this Code.
5. All proposed parking facilities shall be setback at least 25 feet from adjacent residential property.
6. Overflow parking shall be provided if performances are given within the facility; however, design and composition may be based on the frequency of events, location and character of the surrounding area.

7. All activity shall be conducted within enclosed structures in Office Center (OC) districts (including OCX).

School, Technical/Vocational/Trade & Training (Revised 04/13/05 - Ord. 05-01; 12/28/01 - Ord. 01-92)

In addition to the applicable district regulations, the following standards shall apply:

1. The classes shall be located where the applicable activity being taught is permitted. (e.g., a trade school with instruction in machinery repair shall only be allowed where machinery repair is permitted); and
2. Outdoor activity shall provide a minimum Type B Buffer between abutting residential districts.
3. Applicants for schools proposed in A/RR Districts Shall provide adequate and sufficient justification to demonstrate why a specific location is necessary as it pertains to the instruction provided.
4. Facilities incorporating uses that emit excessive noise, light, odor, dust, gas, or vibration shall be adequately buffered and setback from property lines in order to mitigate offsite disturbances or nuisance.
5. All activity shall be conducted within enclosed structures in Office Center (OC) districts (including OCX).

~~**School, Training** (Revised 04/13/05 - Ord. 05-01; 12/28/01 - Ord. 01-92)~~

~~In addition to the applicable district regulations, the following standards shall apply:~~

- ~~1. The classes shall be located where the applicable activity being taught is permitted (e.g., truck driving school shall be allowed in the districts where motor freight terminals are permitted); and~~
- ~~2. Outdoor activity shall provide a minimum Type B buffer between abutting residential districts.~~
- ~~3. Applicants for schools proposed in A/RR Districts Shall provide adequate and sufficient justification to demonstrate why a specific location is necessary as it pertains to the instruction provided.~~
- ~~4. Facilities incorporating uses that emit excessive noise, light, odor, dust, gas, or vibration shall be adequately buffered and setback from property lines in order to mitigate offsite disturbances or nuisance.~~

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Veterinary Service (Rev 8/15/07 - Ord. 07-44; 01/30/03 - Ord. 03-14)

In addition to the applicable district regulations in Table 2.2, the following standards shall apply:

1. All new veterinary service facilities shall be adjoining the right-of-way of an arterial or paved collector road.
2. All new facilities shall be located no closer than 25 feet from any property boundary adjacent to residential districts (RL, RM, RH, RS, RCC-R).
3. In Office Center (OC) districts, veterinary services shall be limited to stand-alone structures that are separated a minimum of 25 feet from the property lines as well as another structure on site.
4. In OC districts, veterinary services shall be limited to animals of less than 200 pounds of

- weight.
5. In OC districts, veterinary services shall require a Level 3 Review if any structure is within 120 feet of a residential structure.
 6. All activity shall be conducted within enclosed structures in Office Center (OC) districts (including OCX).

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SECTION 5: Chapter 4, Section 401.02, Table 4.3, Use Table for Standard Land Use Districts for the **Ronald Reagan Selected Area Plan**, Polk County Ordinance No. 00-09, as amended, is hereby amended to change the use table for the Office Center (OC) Future Land Use Map category in the following manner:

Multi-family – not permitted
 Funeral Home and Related Facilities – change from C3 to C2 conditional use
 Government Facility - change from C3 to C2 conditional use
 Hospitals – not permitted
 Recreation & Amusement Intensive – not permitted
 Restaurant, Sit-down/Take out – add C2 conditional use
 Retail 5,000 – 34,999 sq. ft. – not permitted
 Retail, Less than 5,000 sq. ft - change from C3 to C2 conditional use
 School, Leisure/Special Interest - change from C3 to C2 conditional use

SECTION 6: Chapter 4, Section 401.03, Table 4.8, Use Table for **U.S. 27 Selected Area Plan** Land Use Districts, Polk County Ordinance No. 00-09, as amended, is hereby amended to change the use table for the Office Center (OC) Future Land Use Map category in the following manner:

Multi-family – not permitted
 Childcare Center – change from C3 to C2 conditional use
 Emergency Shelter, Large (15 more residents) – not permitted
 Financial Institution – change from permitted to C1 conditional use
 Government Facility - change from C3 to C2 conditional use
 Research and Development - change from C3 to C2 conditional use
 Retail 5,000 – 34,999 sq. ft. – not permitted

SECTION 7: Chapter 4, Section 401.04, Table 4.12, Allowable Uses for **US Highway 98 SAP**, Polk County Ordinance No. 00-09, as amended, is hereby amended to change the use table for the Office Center (OC) Future Land Use Map category in the following manner:

Agricultural, Off-site – change from C3 to C2 conditional use
 Childcare Center – change from C3 to C2 conditional use
 Funeral Home and Related Facilities – add C3 conditional use
 Government Facility - change from C3 to C2 conditional use
 Printing and Publishing - change from C3 to C2 conditional use
 Research and Development - change from C3 to C2 conditional use
 Retail 5,000 – 34,999 sq. ft. – not permitted
 Retail, Less than 5,000 sq. ft - change from C3 to C2 conditional use
 School, Leisure/Special Interest - change from C3 to C2 conditional use
 School, Technical/Vocational/Trade & Training - add C2 conditional use

SECTION 8: Chapter 4, Section 401.08, Table 401.08.01 Use Table for SE Polk SAP, Polk County Ordinance No. 00-09, as amended, is hereby amended to change the use table for the Office Center (OC) Future Land Use Map category in the following manner:

Multi Family (5 units or more per building) – not permitted
Agricultural, Off-site – change from C3 to C2 conditional use
Funeral Home and Related Facilities – add C3 conditional use
Government Facility - change from C3 to C2 conditional use
Recreation & Amusement, General – not permitted
Research and Development - change from C3 to C2 conditional use
Restaurant, Sit-down/Take out – add C2 conditional use
Retail 5,000 – 34,999 sq. ft. – not permitted
Retail, Less than 5,000 sq. ft - change from C3 to C2 conditional use
School, Leisure/Special Interest - add C2 conditional use

SECTION 9: 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 10: 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.