

ORDINANCE NO. 25-_____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING LAND DEVELOPMENT CODE AMENDMENT LDCT-2024-28, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE, AMENDING CHAPTER 4, SECTION 401.01, I-4/NE PARKWAY PLAN DISTRICTS, TO REMOVE OUTDATED DEVELOPMENT CRITERIA AND REQUIREMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.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 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 March 5, 2025; and

WHEREAS, the proposed text amendment to the Polk County Land Development Code shall amend development criteria in the I-4 Selected Area Plan; and

WHEREAS, the Board of County Commissioners held two public hearings on April 1, 2025 and April 15, 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; 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 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 March 5, 2025, to consider the LDC text amendments contained within Application LDCT-2024-28 and found them to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC Text Amendment contained within Application LDCT-2024-28.
- c) The adoption of LDCT-2024-28 is consistent with the Comprehensive Plan and LDC.

SECTION 2: Chapter 4, Section 401.01, I-4/NE Parkway Plan Districts, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

Section 401.01 I-4/NE Parkway Plan Districts

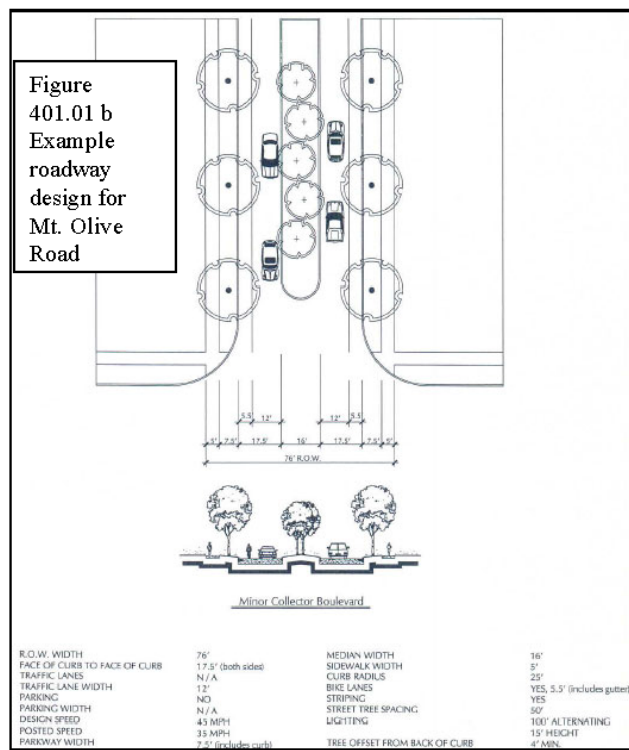
A. Purpose and Intent (Revised 10/06/10 - Ord. 10-070)

The I-4/NE Parkway plan districts implement the I-4/NE Parkway Selected Area Plan (SAP) of the Polk County Comprehensive Plan. Development within the I-4/NE Parkway plan districts shall comply with all land use requirements and development standards contained in the I-4/NE Parkway Selected Area Plan (SAP) in Section 2.131-A of the Polk County Comprehensive Plan as well as conditions in the Polk Commerce Centre Development of Regional Impact Development Order for those areas of this SAP that are within the DRI.

...

9. Multi-modal Collector Roadway System - This roadway system is based on state and regional plans for this area as well as the Polk Commerce Centre Community Redevelopment Area (CRA) Redevelopment Plan, as amended. This system is shown on the SAP FLUM map as dashed lines and ~~also~~ includes 1) all roads that will intersect with the proposed roads and Berkley Road and/or the Polk Parkway, and 2) Berkley Road, CR 559-A, Pace Road, and Braddock Road.
 - a. Prior to Level 2 Review approval or at time of Level 5 Review approval, right-of-way shall be dedicated for the Multi-Modal Collector Road System designated on the FLUM for this SAP by all development, adjacent to the roadways or accessing the roadways, and shall comply with all standards as listed within relevant Sections of the LDC.
 - b. At a minimum, sidewalks shall be required per Chapter 7, and along both sides of the Multi Modal Collector Road system as designated on the SAP FLUM and DRI master development plan (MAP H) consistent with the requirements in Chapter 7. Bike lanes, or appropriate paved shoulders, shall also be required along both sides of the Multi Modal Collector Road system as designated on the SAP FLUM and on the DRI master plan (Map H).

- c. The right-of-way for the roadways listed in this Section shall be a minimum of 80 feet and may be required to be 120 feet as determined during the Level 2 Review process. The purpose of this right-of-way is to ensure a complete street system that includes sidewalks and pavement for bike lanes or the appropriate pavement width for a bike lane on both sides and be consistent with the Cities of Lakeland, Auburndale, and Polk City roadway designs and needs.
- d. At a minimum, sidewalks shall be constructed on at least one side of local roads intersecting these roadways.
- e. Multi use facilities may be used in lieu of bike lanes, or appropriate paved shoulders, and sidewalks in accordance with local and state standards.
- f. Mt. Olive Road Extension, the north/south road on the east side of the Polk Parkway, is required per the Polk Commerce Centre Development of Regional Impact (DRI) Development Order. The figure below is the design of the roadway anticipated by the City of Lakeland to be constructed within the Williams DRI. The design of the Mt. Olive Road Extension shall be based on input from the cities of Lakeland, Polk City, Auburndale, and Lake Alfred and shall meet the requirements of this Section.



- g. Alternatives to the items above may be proposed approved through the Development Review Committee, a PD or in accordance with standards in Section 931 and 932 respectively, of this LDC. The technical standards are not intended to be waived but altered based on property hardships.

...

SECTION 3: Chapter 4, Section 401.01.01, Use Table for Interstate 4 Selected Area Plan Land Use Districts, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

Section 401.01.01 Use Table for Interstate 4 Selected Area Plan Land Use Districts

The permitted and conditional uses for the standard land use districts for this SAP are prescribed in Table 4.1.c. Use Table for Interstate 4 Selected Land Use Districts: **(Revised 10/06/10 - Ord. 10-070)**

...

F. Density and Dimensional Regulations (Revised 10/06/10 - Ord. 10-070)

Density and Dimensional Regulations shall be consistent with Table 2.2 and all other applicable density and dimensional provisions of this Code. Higher densities may be achieved through a Planned Development (PD) pursuant to Section 303. Approved PDs in the I-4 SAP are subject to the performance standards found in Comprehensive Plan Policy 2.131-A10.

~~The dimensional regulations for structures that are to be placed within the land use districts of this SAP are prescribed in Table 4.1.a and b. Variances to the regulations within this table may be requested pursuant to Chapter 9 except for the maximums of the Floor Area Ratios (FAR) and densities as these are set within the Comprehensive Plan for this SAP. Height limitations may be approved over that set forth in Table 4.2.a as listed in the footnotes. This may require additional approval of the Joint Airport Zoning Board.~~

~~Achieving maximum densities and FAR shall be based on meeting the Tiered requirements for the desired intensity. There are three successive Tiers (levels) of development requirements. Participation in a higher Tier requires compliance with all the standards of the preceding Tiers. The higher intensities are granted upon the completion of a Level 2 Review process after the applicant illustrates that all requirements for the proposed Tier have been met. Incentive bonuses expire with the expiration of the Level 2 plans. Alternatives to addressing the specific requirements of the Tiers to achieve the higher densities and intensities may be granted through the approval of a Planned Development per the requirements of the relevant sections of the LDC.~~

~~The requirements and the higher intensities are based on the following:~~

- ~~1. Tier 1 meeting all relevant requirements of this Code and SAP;~~
- ~~2. Tier 2 meeting all relevant requirements of this Code, SAP and the following:~~
 - ~~a. Internal street lighting designed to minimize off site glare consistent with Figure 401.01.01 a below;~~
 - ~~b. Walls consistent with Figure 401.01.01 b below;~~
 - ~~c. Sidewalks on all roadways within and adjacent to the development;~~
 - ~~d. Increasing required open space by five percent (5 %); and~~
 - ~~e. Recessed garages for residential uses.~~
- ~~3. Tier 3 meeting all of Tier 1 and 2 and the following:~~

- a. ~~Construction of the proposed Multi Modal Collector Road System that is adjacent to or through a project;~~
- b. ~~Mixed use building for projects including both residential and non residential;~~
- c. ~~Use of green building practices for 75 percent (75%) of all buildings and 75% of the property such as but limited to the use of solar energy for hot water heaters, use of solar energy for electricity, insulation that meets green building standards, use of 100% LED lighting, Low Impact Design, or items supported by the United State Green Building Coalition and the Florida Green Building Coalition Green Building Designation Standard;~~
- d. ~~No disturbance of any on-site wetlands, which shall be included in an easement that provides for the perpetual protection of the wetlands as well as other on-site natural resources.~~

Figure 401.01.01 a



Figure 401.01.01 b



4. ~~Non residential development Floor Area Ratio (FAR) Range Table~~ The maximum FAR ranges for non residential land use designations are provided in Table 4.1a below. These FARs may be achieved by incorporating the development requirements as listed in 401.01.01, F. Variances to the requirements listed in the Tiers shall require the approval of a Planned Development through a Level 3 Review. The FAR in BPCX and MUX is for non residential uses. The FAR for commercial uses within the BPCX and the MUX shall use those within the IACX. Variances to the requirements listed in the Tiers shall require the approval of a Planned Development through a Level 3 Review.

Table 4.1 a (Revised 10/06/10 – Ord. 10-070)

	Non-Residential Future Land Use Designations			
	TCCX	BPCX	IACX	MUX
Tier 1	0.35	0.75	0.35	0.75
Tier 2	0.36–0.50	0.76–1.00	0.36–0.50	0.76–1.00
Tier 3	0.50–0.75	1.01–1.50	0.50–0.75	1.01–1.50

5. ~~Residential Development~~ The I-4 NE/Parkway Selected Area Plan is planned for compact, efficient growth. In order to determine how to achieve a certain density, refer to Table 4.1b. This table indicates those densities that may be achieved by implementing the Tiers as described above. The lot sizes and unit types shall be consistent with other relevant chapters of this LDC. Residential density increases in the MUX, IACX, and BPCX shall be consistent with the residential Future Land Use district which closely matches the allowable densities in MUX, IACX, and BPCX. Variances to the requirements listed in the Tiers shall require the approval of a Planned Development through a Level 3 Review.

Table 4.1 b

Residential Land Use Districts
(Maximum Density du/ae)

Density (du/ae)	RL-1X	RL-2X	RL-3X	RL-4X	Density (du/ae)	RMX(3)	RHX(3)
#1	Tier 1	Tier 1	Tier 2	Tier 3	> 5–8	Tier 3	Tier 2
> 1–2	Tier 2	Tier 1	Tier 2	Tier 2	> 8–10	Tier 3	Tier 1

						and PD per Chapter 4	
>2-3	Tier 3	Tier 2	Tier 1	Tier 1	>10-12		Tier 3
>3-4	Tier 3 and PD per Chapter 3	Tier 3	Tier 2	Tier 2	>12-15		Tier 3 and PD per Chapter 3
>4-5	Tier 3 and PD per Chapter 3	Tier 3 and PD per Chapter 3	Tier 3	Tier 3			
(Revised 10/06/10 Ord. 10-070)							

...

(Ord. No. 19-069, § 1, 12-3-2019; Ord. No. 19-072, § 1, 12-3-2019; Ord. No. 2024-007, § 2, 2-6-2024)

Table 4.2a Dimensional Regulations for the I-4 NE/Parkway Selected Area Plan															
	SPA I-a	SPA I-b	SPA H	RL-1X	RL-2X	RL-3X	RL-4X	RMX	RHX	MUX	IACX	CACX	BPC-1X	BPC-2X	
DENSITY AND FAR															
RESIDENTIAL GROSS DENSITY DU/ACRE MAXIMUM/MINIMUM	N/A	N/A	N/A	1-du/ae N/A	2-du/ae N/A	3-du/ae N/A	4-du/ae N/A	10 du/ae N/A	15 du/ae NA	0-15 du/ae	10 du/ae 15 du/ae	25 du/ae	5-du/ae 15 du/ae	5-du/ae 15 du/ae	
MIN. RESIDENTIAL LOT AREA ⁽³⁾	See Table 2.2 for the respective Future Land Use designation										See Section 401.01, D, E	N/A	N/a	N/A	N/A
MAX. NON-RESIDENTIAL FAR (see Section 401.01.01 F)	0.50	0.70	0.40	0.25	0.25	0.25	0.25	0.25	0.25	0.75-1.50 and see Section 401.01, E	0.35-0.75 and see Section 401.01, F	0.30	0.75-1.50	0.75-1.50	
MAX. NON-RESIDENTIAL IMPERVIOUS SURFACE RATIO	0.80	0.85	0.75	0.65	0.65	0.70	0.70	0.70	0.70	0.70	0.70	0.70	0.70	0.70	
OPEN SPACE PERCENTAGE OF TOTAL SITE	15%	15%	15%	10%	10%	10%	10%	15%	20%	15%	15%	15%	15%	15%	
MINIMUM SETBACKS FROM ROAD RIGHTS OF WAY/CENTER LINE^{(4),(7),(11)}															
LIMITED ACCESS	100'/NA	100'/NA	100'/NA	100'/NA	100'/NA	100'/NA	100'/NA	100'/NA	100'/NA	100'/NA	100'/NA	100'/NA	100'/NA	100'/NA	
PRINCIPAL ARTERIAL	65'/125'	65'/125'	65'/125'	65'/125'	65'/125'	65'/125'	65'/125'	65'/125'	65'/125'	65'/125'	65'/125'	65'/125'	65'/125'	65'/125'	
MINOR ARTERIAL	50'/90'	50'/90'	50'/90'	50'/90'	50'/90'	50'/90'	50'/90'	50'/90'	50'/90'	50'/90'	50'/90'	50'/90'	50'/90'	50'/90'	
URBAN COLLECTOR	35'/65'	35'/65'	35'/65'	35'/65'	35'/65'	35'/65'	35'/65'	35'/65'	35'/65'	35'/65'	35'/65'	35'/65'	35'/65'	35'/65'	
RURAL MAJOR COLLECTOR	35'/65'	35'/65'	35'/65'	35'/65'	35'/65'	35'/95'	35'/95'	35'/65'	35'/65'	35'/65'	35'/65'	35'/65'	35'/65'	35'/65'	
RURAL MINOR COLLECTOR	35'/65'	35'/65'	35'/65'	35'/65'	35'/65'	35'/65'	35'/65'	35'/65'	35'/65'	35'/65'	35'/65'	35'/65'	35'/65'	35'/65'	
LOCAL, 60' R/W, or greater	25'/55'	25'/55'	20'/50'	15'/45'	15'/45'	15'/45'	15'/45'	15'/45'	15'/45'	15'/45'	30'/60'	30'/60'	30'/60'	30'/60'	
LOCAL, 41-60' R/W	25'/50'	25'/50'	20'/45'	15'/40'	15'/40'	15'/40'	15'/40'	15'/40'	15'/40'	15'/40'	30'/60'	30'/60'	30'/60'	30'/60'	

LOCAL, 40' R/W	25/45	25/45	20/40	15/35	15/35	15/35	15/35	15/35	15/35	15/35	30/55	30/55	30/55	30/55
MINIMUM SETBACKS (Principal Structure/Accessory Structures) (12)														
INTERIOR SIDE (3)(4)(7) (8)(11)(14)	15/10	15/10	10/5	7/5	7/5	7/5	7/5	7/5	7/5	7/5	15/10	15/10	15/15	15/15
INTERIOR REAR (3)(11) (7)(8)(9)(11)	20/40	20/40	15/10	10/10	10/5	10/5	10/5	10/5	10/5	10/5	15/15	15/15	15/15	15/15
MAX. STRUCTURE HEIGHT (ft) (2)(5)(6)(10) (12)(13)	50	50	50	50	50	50	50	50	50	75	N/A	N/A	75'	N/A

Footnotes for Table 4.2a

1. Front, exterior side, and exterior rear setbacks for principal and accessory structures shall be determined by the distance from the road right of way (R/W). Setbacks from private roads shall be calculated in the same manner or from the edge of pavement, whichever is greater. All linear dimensions are given in feet. All setbacks are to be measured perpendicular to the building at its closest point (including, but not limited to, walls, eaves, balconies, car ports, and awnings) to the appropriate point depending on if the setback is a right-of-way setback, side or rear setbacks. See Chapter 10 for definitions.
2. Residential structures exceeding 35 feet in height, setbacks shall be increased by one half of one foot for each one foot of height over 35 feet.
3. All development is subject to Section 610—Setbacks from lakes and surface waters.
4. All development is subject to Section 220—Compatibility.
5. Chimneys, smoke stacks, communication towers, and Religious Institution symbols, including, but not limited to: minarets, prayer towers, steeples, crosses, menorahs, Stars of David, and bell towers are exempt from the structure height limitations.
6. All structures are subject to compliance with the Polk County Airport Zoning Regulations, adopted and administered by the Joint Airport Zoning Board (JAZB).
7. All single family detached, single family attached, duplex, townhome, and residential detached garage entrances for vehicles shall be setback a minimum of 25 feet from the property line, drive aisle, or right of way easement.
8. All structures shall comply with Section 214—Distance between Buildings.
9. Minimum interior side setbacks for non-residential uses which adjoin non-residential districts may utilize a zero setback in accordance with the provisions in Section 755, provided that side adjoins a non-residential district.
10. Recreational lighting, seating, press boxes, and other similar appurtenances are excluded from height restrictions when approved through a Level 3 Conditional Use process.
11. The Building Official may approve a reduction in the required setbacks of up to ten percent (10%) of the requirement through a Level 1 Review process.
12. On structures greater than 50 feet in height the building setbacks shall be increased by one half of one foot for each one foot of height over 50 feet. Setbacks can be reduced as part of a master development plan.
13. Height limitation variances may be approved per the requirements of Chapter 9.
14. Townhouses, Duplexes and single family attached units intended to be subdivided and sold as individual units shall have no setback from the common wall between units.

Revised 10/6/10 – Ord. 10-070

(Ord. No. 2022 083, § 2, 12-20-2022; Ord. No. 2024 025, § 4, 4-16-2024)

Table 4.2b Dimensional Regulations for the I-4 NE/Parkway Selected Area Plan					
	INST 1X and INST 2X	LCCX	TCCX	ROSX	PRESVX
DENSITY AND FAR					
RESIDENTIAL GROSS DENSITY DU/ACRE	N/A	N/A	N/A	N/A	N/A

MAXIMUM/MINIMUM					
MIN. RESIDENTIAL LOT AREA ⁽³⁾	N/A	N/A	N/A	N/A	N/A
MAX. NON RESIDENTIAL FAR (see Section 401.01.01 F)	0.25	0.35	0.35-0.75 and see Section 401.01, E	0.10	0.00005
MAX. NON RESIDENTIAL IMPERVIOUS SURFACE RATIO	0.70	0.70	0.70	0.20	0.0001
OPEN SPACE PERCENTAGE OF TOTAL SITE	15%	15%	15%	N/A	N/A
MINIMUM SETBACKS FROM ROAD RIGHTS OF WAY/CENTER LINE^{(1) (7) (11)}					
LIMITED ACCESS	100/NA	100/NA	100/NA	100/NA	100/NA
PRINCIPAL ARTERIAL	65/125	65/125	65/125	65/125	65/125
MINOR ARTERIAL	50/90	50/90	50/90	50/90	50/90
URBAN COLLECTOR	35/65	35/65	35/65	35/65	35/65
RURAL MAJOR COLLECTOR	35/65	35/65	35/65	35/65	35/65
RURAL MINOR COLLECTOR	35/65	35/65	35/65	35/65	35/65
LOCAL, 60' R/W, or greater	30/60	30/60	30/60	30/60	25/55
LOCAL, 41-60' R/W	30/60	30/60	30/60	30/60	25/50
LOCAL, 40' R/W	30/55	30/55	30/55	30/55	25/45
MINIMUM SETBACKS (Principal Structure/Accessory Structures)⁽¹²⁾					
INTERIOR SIDE ^{(3) (4) (7) (8) (11) (14)}	15/15	15/15	15/15	15/15	15/15
INTERIOR REAR ^{(3) (4) (7) (8) (9) (11)}	15/15	15/15	15/15	15/15	30/10
MAX. STRUCTURE HEIGHT (ft) ^{(2) (5) (6) (10) (12) (13)}	50	35	00	25 ⁽¹⁹⁾	25
Footnotes for Table 4.2b					
1. Front, exterior side, and exterior rear setbacks for principal and accessory structures shall be determined by the distance from the road right of way (R/W). Setbacks from private roads shall be calculated in the same manner or from the edge of pavement, whichever is greater. All linear dimensions are given in feet. All setbacks are to be measured perpendicular to the building at its closest point (including, but not limited to, walls, eaves, balconies, ear ports, and awnings) to the appropriate point depending on if the setback is a right of way setback, side or rear setbacks. See Chapter 10 for definitions.					
2. Residential structures exceeding 35 feet in height, setbacks shall be increased by one half of one foot for each one foot of height over 35 feet.					
3. All development is subject to Section 610—Setbacks from lakes and surface waters.					
4. All development is subject to Section 220—Compatibility.					
5. Chimneys, smoke stacks, communication towers, and Religious Institution symbols, including, but not limited to: minarets, prayer towers, steeples, crosses, menorahs, Stars of David, and bell towers are exempt from the structure height limitations.					
6. All structures are subject to compliance with the Polk County Airport Zoning Regulations, adopted and administered by the Joint Airport Zoning Board (JAZB).					
7. All single family detached, single family attached, duplex, townhome, and residential detached garage entrances for vehicles shall be setback a minimum of 25 feet from the property line, drive aisle, or right of way easement.					
8. All structures shall comply with Section 214—Distance between Buildings					
9. Minimum interior side setbacks for non-residential uses which adjoin non-residential districts may utilize a zero setback in accordance with the provisions in Section 755, provided that side adjoins a non-residential district.					
10. Recreational lighting, seating, press boxes, and other similar appurtenances are excluded from height restrictions when approved through a Level 3 Conditional Use process.					
11. The Building Official may approve a reduction in the required setbacks of up to ten percent (10%) of the requirement through a Level 1 Review process					

~~12. On structures greater than 50 feet in height the building setbacks shall be increased by one half of one foot for each one foot of height over 50 feet. Setbacks can be reduced as part of a master development plan.~~

~~13. Height limitation variances may be approved per the requirements of Chapter 9.~~

~~14. Townhouses, Duplexes and single family attached units intended to be subdivided and sold as individual units shall have no setback from the common wall between units.~~

Revised 10/6/10 – Ord. 10-070

(Ord. No. 2021-038, § 3, 7-6-2021; Ord. No. 2022-083, § 2, 12-20-2022; Ord. No. 2024-025, § 4, 4-16-2024)

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 15^h day of April 2025.