

ORDINANCE NO. 26-_____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING LAND DEVELOPMENT CODE AMENDMENT LDCT-2025-28, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE, CHAPTER 2, SECTION 221, PRINCIPAL USES AND BUILDINGS, TO ADD STANDARDS FOR FLEX SPACE BUILDINGS AND RETAIL PLAZAS; CHAPTER 10, DEFINITIONS, TO ADD DEFINITIONS; 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 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 4, 2026; and

WHEREAS, the proposed text amendment to the Polk County Land Development Code to add standards for flex space structures and retail plazas; and

WHEREAS, the Board of County Commissioners held two public hearings on April 7, 2026, and April 21, 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:

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 4, 2026, to consider the LDC text amendments contained within Application LDCT-2025-28 and found them to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC Text Amendment contained within Application LDCT-2025-28.
- c) The adoption of LDCT-2025-28 is consistent with the Comprehensive Plan and LDC.

SECTION 2: Chapter 2, Section 221, Principal Uses and Buildings, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

Section 221 Principal Uses and Buildings

Use districts represent principal uses which conform to the intent of this Code.

A. Residential Districts/Uses

In a residential land use district one single-family dwelling unit and accessory structures shall be permitted on a single lot meeting the minimum requirements of this Code.

B. Non-residential Districts/Uses

In any Multi-family, Office, Commercial, or Industrial district, a single use, detached building, or a group of uses shall be permitted as a matter of right or may be authorized by a Conditional Use Permit on a single lot meeting the minimum requirements of this Code. A multiple building complex shall be considered as a single principal use.

C. Flex Space Buildings

Flex Space Buildings may be permitted within non-residential Future Land Use districts with a Level 2 Review approval pursuant to Sections 704 and 905. Uses within Flex Space Buildings shall adhere to what is allowable within the underlying Future Land Use District, as demonstrated in Table 2.1 and the Use Tables for the Selected Area Plans, Neighborhood Plans, and Green Swamp Area of Critical State Concern.

- 1. In the following Future Land Use districts, the following standards shall apply:
 - a. Within Convenience Center (CC) and Neighborhood Activity Center (NAC) districts, no more than 40% of the total square-footage of the building may consist of office as a primary use.
 - b. Within Business Park Center (BPC) and Industrial (IND) districts, retail and commercial activities to support onsite activities shall not

exceed one suite or 15% of the total square-footage of the structure, whichever is greater.

- c. Retail sales associated with manufacturing activity on the site of a business located within a Business Park Center or Industrial district is allowed without affecting the 15% of commercial activity permitted above provided the operation is incidental and subordinate to the manufacturing activity conducted on site.
 - d. Within Office Center (OC) districts, retail and/or restaurant uses shall not exceed one suite or ten 10% of the total square-footage of the structure, whichever is greater.
 - e. Within Employment Center (EC) and Professional Institutional (PI) districts, retail uses shall not exceed one suite or 30% percent of the total square-footage of the structure, whichever is greater.
 - f. The percentages listed here shall not count towards those mandated by the Comprehensive Plan for the overall district.
- 2. A minimum Type “A” landscaping buffer shall be provided on all side and rear property lines unless otherwise stricter standards are required by Selected Area Plan (SAP) standards or Compatibility requirements in Section 220.
 - 3. A Parking Assessment, pursuant to standards in Section 708, shall be submitted with all Level 2 Review applications for Flex Space Buildings. This assessment shall analyze the parking requirements for the most intense uses anticipated within the proposed building.
 - 4. Docking facilities and bay doors shall not face public rights-of-way. Those facilities abutting residential properties shall adhere to compatibility standards in Section 220.
 - 5. In accordance with Section 704.A, uses listed as “C2” conditional uses shall not require a Level 2 Review when locating within an existing suite unless external construction is being proposed.

D. Retail Plazas

Retail Plazas may be permitted within commercial Future Land Use districts with a Level 2 Review approval pursuant to Sections 704 and 905. Uses within Retail Plazas shall adhere to what is allowable within the underlying Future Land Use District, as demonstrated in Table 2.1 and the Use Tables for the Selected Area Plans, Neighborhood Plans, and Green Swamp Area of Critical State Concern.

- 1. A minimum Type “A” landscaping buffer shall be provided on all side and rear property lines unless otherwise stricter standards are required by Selected Area Plan (SAP) standards or Compatibility requirements in Section 220.

2. A Parking Assessment, pursuant to Section 708, shall be submitted with all Level 2 Review applications for all Retail Plazas. This assessment shall analyze the parking requirements for the most intense uses anticipated within the proposed facility.
3. In accordance with Section 704.A, uses listed as “C2” conditional uses shall not require a Level 2 Review when locating within an existing suite unless external construction is being proposed.

SECTION 3: Chapter 10, Definitions, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

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FLEX SPACE: A single structure with one or more suites intended for multiple uses and functions that typically consist of flexible, modular layouts that allow businesses to combine manufacturing, showroom, warehouse, retail, and/or administrative functions, either as primary or accessory uses.

...

RETAIL PLAZA: A single structure with multiple suites intended primarily for sales and service to the public. These are designed for customer-facing businesses such as retail, restaurants, and personal services.

...

SECTION 4: 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 5: 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 21st day of April 2026.