

POLK COUNTY DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

DRC Date: May 21, 2026	Level of Review: 4
PC Date: June 6, 2026	Type: LDC Text Amendment
BoCC Date: June 16, 2026	Case Numbers: LDCT-2026-14
July 7, 2026	Case Name: Polk City SPA LCCX
Applicant: Polk County	Case Planner: Robert Bolton, Planner III

Request:	An LDC text amendment to 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.
Location:	n/a
Property Owner:	n/a
Parcel Size (Number):	n/a
Development Area:	n/a
Nearest Municipality:	n/a
DRC Recommendation:	Approval
Planning Commission Vote:	Pending Hearing

The change to Chapter 5, Section 502, Table 5.2 is:

- The following will be removed:
Footnotes for Table 5.2

~~1. 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.~~

Summary:

The proposed amendment is a County initiated request to modify 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, to remove footnote 1 which references *Policy 2.132-C3 of the Polk County Comprehensive Plan* as the limiting source for expansion of Linear Commercial Corridor-X (LCCX) within the Polk City Special Protection Area (SPA).

The Land Development Code Chapter 5, Green Swamp Area of Critical State Concern, Section 502, Standards for Land Use Districts in the Green Swamp ACSC, Table 5.2 lists LCCX as an allowable Land Use district and has established the permitted and conditional uses for the Land Use district. Currently there is one (1) parcel that has an existing LCCX Future Land Use designation.

The footnote is considered to be in conflict with both the Land Development Code and Comprehensive Plan as to the above matters of interpretation. Florida State Statues requires the Land Development Code to implement the Comprehensive Plan per **Florida Statue Florida Statutes 163.3194 Legal status of comprehensive plan** and **163.3202 Land development regulations**.

Data and Analysis Summary

Staff have reviewed the Land Development Code Chapter 5 Green Swamp Area of Critical State Concern (ACSC), including Section 504 -Ridge Special Protection Area (Ridge-SAP), Section 505 – Polk City/Urban Growth Special Protection Area (PC-SPA), and Section 506 – Rural Special Protection Area (Rural-SPA). Table 5.2 Use Table for Green Swamp ACSC is the Use Table for the Green Swamp ACSC, including the three (3) SPA's. Of the three (3) SPA's within the Green Swamp ACSC, the footnote only applies to the Polk City/Urban Growth Special Protection Area (PC-SPA).

The amendment, striking the footnote will allow the Polk City SPA, will allow the Land Development Code to have parity within Future Land Use districts on implementation of the Comprehensive Plan Policy 2.132-C3 which permits the Linear Commercial Corridor (existing) (LCC) district. The interpretation, within other LCC districts with the (existing) reference is the (existing) refers to not making a new LCC district, not expansion of an existing LCC district.

The Land Development Code Section 104 – Conflict with the Comprehensive Plan states “In the event of a conflict between the Polk County Comprehensive Plan and this Code, the Comprehensive Plan shall control.” And the Comprehensive Plan Section 1.107.K.1. in reference to conflicts between the Comprehensive Plan and Land Development Code states in part “and the land development regulations are inconsistent, the provisions of the most recently adopted Comprehensive Plan, or element or portion thereof, shall govern any action taken in regard to an application for a development order.” The footnote for Table 5.2, while adopted by the Board of County Commissioners, is considered to be in conflict with both the Land Development Code and Comprehensive Plan as to the above matters of interpretation.

The footnote in the Land Development Code has the implication that the Land Development Code is directing development standards that the Comprehensive Plan. Allowing the Comprehensive Plan to be subordinate to the Land Development Code is in conflict with **Florida Statue Florida Statutes 163.3194 Legal status of comprehensive plan** and **163.3202 Land development regulations**.

This amendment applies to the Linear Commercial Corridor-X (LCCX) districts in the Green Swamp Area of Critical State Concern. Florida Commerce requires a 45-day review on all policy changes affecting development in the Green Swamp Area of Critical State Concern regardless of whether it has a direct relationship to the primary purpose of the Critical Area, which is aquifer recharge and protection.

Findings of Fact

1. *An LDC text amendment to 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.*
2. *This amendment applies to the Linear Commercial Corridor-X (LCCX) Future Land Use Map designation within the Polk City SPA in the Green Swamp Area of Critical State Concern.*
3. *On August 18, 2010 the Polk County Board of County Commissioners adopted LDC 10T-08 which established the Linear Commercial Corridor-X (LCCX) as a Future Land Use District within the Green Swamp ACSC adding permitted and conditional uses to Table 5.2, and added Footnote 1, which prohibits the expansion of the LCCX only within the Polk City SPA.*
4. *The Land Development Code Table 5.3 provides the Density and Dimensional Regulations for Green Swamp Area of Critical State Concern including the three (3) SPA's.*
5. *Land Development Code SECTION 104 -Conflict With Comprehensive Plan:
In the event of a conflict between the Polk County Comprehensive Plan and this Code, the Comprehensive Plan shall control.*
6. *Comprehensive Plan SECTION 1.107 Rules of Interpretation K. Conflicts With Other Ordinances:
 1. *In accordance with Section 163.3194, FS, the following law applies with regard to conflicts with existing land development regulations:
During the interim period when the provisions of the most recently adopted comprehensive plan, or element or portion thereof, and the land development regulations are inconsistent, the provisions of the most recently adopted comprehensive plan, or element or portion thereof, shall govern any action taken in regard to an application for a development order.*
 2. *Any land-use densities and intensities, level-of-service standards, or any other standards established within this Plan are considered minimum standards and may be further qualified, refined, and/or restricted through the; Adopted used to implement this Plan, so long as they are consistent with this Plan.**
7. *POLICY 2.111-A1: Characteristics, of the Comprehensive Plan for Linear Commercial Corridors states that "Linear Commercial Corridors are characterized by linear concentrations of all types of commercial, office, and institutional uses along a roadway. Some Linear Commercial Corridors may contain existing industrial uses. For parcels with LCC land use designation in the TSDA and/or TCCO, development and redevelopment of areas may also include stand alone residential and mixed use structures."*
8. *POLICY 2.111-A3: Location Criteria, of the Comprehensive Plan for Linear Commercial Corridors states in part that "Expansion of an LCC shall be limited to infill development. Infilling of an existing Linear Commercial Corridor shall be limited to a depth which corresponds to the typical depth of existing development within the general area of the infill development. The extension (along the road) or establishment of new LCC strips shall not be permitted, except to recognized legitimate errors made during the original mapping process."*
9. *POLICY 2.111-A4: Development Criteria, of the Comprehensive Plan for Linear Commercial Corridors states "Development or redevelopment within a Linear Commercial Corridor shall conform to the following criteria:"*

- a. *Permitted uses include all types of commercial, office, and institutional uses typically located along a roadway. New industrial and High-Impact-Commercial-type (HIC) development shall be limited to in-filling existing industrial/HIC areas, and new industrial/HIC development shall not extend or expand these industrial/high-impact areas.*
- b. *New development or redevelopment of non-residential uses within a Linear Commercial Corridor shall be limited to the intensities of uses at the same or less intensity as adjacent existing uses. New development or redevelopment of non-residential uses adjacent to existing uses shall be compatible with each other without allowing a higher intensity of development.*
- c. *Step-down uses shall be encouraged between different intensity uses as in-fill and shall be lower in intensity than the highest existing intensive use. Step-down uses shall be contiguous to an intensive use land use, and shall not be separated from that use by an arterial or collector road, or a natural or man-made barrier which makes the step-down use unnecessary.*
- d. *New development or redevelopment within a Linear Commercial Corridor shall incorporate the use of frontage roads wherever there is adequate public right-of-way or there is property available for the expansion of the right-of-way or the establishment of frontage-road easements to facilitate such roads in accordance with recognized highway safety standards. Whenever the placement of frontage roads is not practical, shared ingress/egress facilities shall be used.*
- e. *Adequate parking shall be provided to meet the demands of the uses, and interior traffic circulation shall facilitate safe bicycle and pedestrian movement.*
- f. *Where the LCC abuts residential areas, uses should be limited to a size, scale, and intensity necessary to provide the residents of the community and surrounding area with retail, personal, and community services. New development or redevelopment of non-residential development adjacent to residential areas shall be compatible with adjacent existing uses without allowing a higher intensity of development.*
- g. *Buffering shall be provided where the effects of lighting, noise, odors, and other such factors would adversely affect adjacent land uses. Parking lots, loading areas, dumpsters, utilities and air conditioning units, signage, etc., are examples of facilities that may require special buffering provisions.*
- h. *The maximum floor area ratio shall not exceed 0.35 for non-residential development.*

Development Review Committee Recommendation:

The Land Development Division, based on the information provided with the proposed text amendment application, finds that the proposed text change request is **CONSISTENT** with the Polk County Land Development Code and the Polk County Comprehensive Plan. Staff recommend **APPROVAL** of LDCT-2026-14.

Planning Commission Recommendation:

At the June 6, 2026, Planning Commission meeting, the Planning Commission voted #:# to recommend **APPROVAL** or **DENIAL** of LDCT-2026-14.

Analysis

Introduction

The amendment, striking the footnote will allow the Polk City SPA, will allow the Land Development Code to have parity within Future Land Use districts on implementation of the Comprehensive Plan Policy 2.132-C3 which permits the Linear Commercial Corridor (existing) (LCC) district. The interpretation, within other LCC districts with the (existing) reference is the (existing) refers to not making a new LCC district, not expansion of an existing LCC district.

The footnote in the Land Development Code has the implication that the Land Development Code is directing development standards that the Comprehensive Plan.

This is in conflict with Florida Statute Florida Statute **163.3194 Legal status of comprehensive plan (1)(a)** *After a comprehensive plan, or element or portion thereof, has been adopted in conformity with this act, all development undertaken by, and all actions taken in regard to development orders by, governmental agencies in regard to land covered by such plan or element shall be consistent with such plan or element as adopted.* As well as **163.3202 Land development regulations.** – (1) *Within 1 year after submission of its comprehensive plan or revised comprehensive plan for review pursuant to s. 163.3191, each county and each municipality shall adopt or amend and enforce land development regulations that are consistent with and implement their adopted comprehensive plan.*

Within the Polk City SPA only one parcel has a Future Land Use designation of Linear Commercial Corridor-X (LCCX). Authorizing the ability for expansion of a Linear Commercial Corridor-X (LCCX) district allows for the linear concentrations of all types of commercial, office, and institutional uses along a roadway as identified in Section 2.111-A1 of the Comprehensive Plan. Without the ability to expand other non-residential land used districts would need to be utilized and those may not meet the locational criteria. For the Polk City SPA, there limited areas for further expansion of the LCCX.

Recommended Changes

The current Land Development Code Chapter 5, Section 502, Table 5.2, via a footnote prohibits the possible expansion of a Linear Commercial Corridor-X only within the Polk City SPA. The amendment will remove the foot note allowing for expiation of the LCCX in line with the SPA's within the Green Swamp ACSC.

The following will be removed:

Footnotes for Table 5.2

- ~~1. 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.~~

The standards for expansion of Linear Commercial Corridor-X will remain.

Benefit-cost Analysis of the Amendment

Staff find that the benefits of approving this amendment far outweigh the potential harm to the public or businesses. While some potential risk is increased, more risks and adverse impacts are decreased. Under no circumstances will this amendment directly increase the cost of development.

Who does it help?

The amendment will help the County, development and the citizens of the area. It helps the County in bringing the Land Development Code Section 502 Standards for Land Use Districts in the Green Swamp ACSC in alignment with the Land Development Code Policy 2.111-A. It helps the development community by providing consistent development standards within the Green Swamp ACSC. It helps the citizens by providing a path for commercial support development along the US 98 corridor which is currently being widened and upgraded by the Florida Department of

Transportation. Uses along US 98 within the Green Swamp and Polk City SPA may also qualify for expansion of the LCCX./

Who does it hurt?

The amendment does not have an adverse effect or harm anyone or the community. The request allows the Linear Commercial Corridor-X to operate and expand in the same way it is allowed to in the other Special Protection Areas of the Green Swamp ACSC. There are few places where it is applicable relative to the large expanse of the Green Swamp ACSC.

What is the cost?

This amendment reduces the cost of development by allowing for the expansion of an existing LCCX district that provides commercial support for the surrounding residential development.

Regulatory History

On August 18, 2010 the Polk County Board of County Commissioners adopted LDC 10T-08 which established the Linear Commercial Corridor-X (LCCX) as a Future Land Use District within the Green Swamp ACSC adding permitted and conditional uses to Table 5.2, and added Footnote 1, which prohibits the expansion of the LCCX only within the Polk City SPA.

The prior amendment appears to have interpreted the use of the (existing) in the Comprehensive Plan, to mean unable to expand, only for the Polk City SPA. The LCCX is an allowable Land Use within the Green Swamp ACSC and has the ability for expiation within other SPA's.

Limits of the Proposed Ordinance

This amendment applies only to the expansion of the Linear Commercial Corridor-X (LCCX) Future Land Use district within the Polk City SPA and the Green Swamp ACSC. All other development standards for the Linear Commercial Corridor-X (LCCX) within the Polk City SPA and the Green Swamp ACSC shall not change. This amendment affects parcels within the Green Swamp Area of Critical State Concern and will require state review.

Florida Commerce requires a 45-day review on all policy changes affecting development in the Green Swamp Area of Critical State Concern regardless of whether it has a direct relationship to the primary purpose of the Critical Area, which is aquifer recharge and protection. Therefore, this request will be reviewed by the Florida Commerce Community Planning Department Areas of Critical State Concern Program. Staff believe that this amendment will have no impact on the Critical Area since the only Linear Commercial Corridor-X (LCCX) is located adjacent to a US Highway 98 a principal arterial road which is currently being widened north of the site to US 301 between Zephyrhills and Dade City in Pasco Caounty.

Comparisons to other Jurisdictions

This section is Not Applicable in that other Jurisdictions do not have a Linear Commercial Corridor-X (LCCX) Future Land Use district within the Green Swamp ACSC.

Consistency with the Comprehensive Plan

The request is consistent with the Comprehensive Plan's requirements for roadway access. SECTION 1.107 Rules of Interpretation K. Conflicts With Other Ordinances, of the Comprehensive Plan which subsection 1, states in part: "*and the land development regulations are inconsistent, the provisions of the most recently adopted comprehensive plan, or element or portion thereof, shall govern any action taken in regard to an application for a development order.*" This amendment allows the Linear Commercial Corridor-X (LCCX) Future Land Use district within the Polk City SPA in the Green Swamp ACSC to preform and operate as other Linear Commercial Corridor-X (LCCX) Future Land Use district within the Green Swamp ACSC.

Consistency with the Florida Statutes

Florida Statue **163.3202 Land development regulations.** – *(1) Within 1 year after submission of its comprehensive plan or revised comprehensive plan for review pursuant to s. 163.3191, each county and each municipality shall adopt or amend and enforce land development regulations that are consistent with and implement their adopted comprehensive plan.* The remaining subsections of this statue refer the how land is to be developed and that it should be in a manner consistent with the comprehensive plan.

Florida Statutes **163.3194 Legal status of comprehensive plan** *(1)(a) After a comprehensive plan, or element or portion thereof, has been adopted in conformity with this act, all development undertaken by, and all actions taken in regard to development orders by, governmental agencies in regard to land covered by such plan or element shall be consistent with such plan or element as adopted.* The remaining subsections of this statue reiterate the subordinate nature of a land development code to the comprehensive plan.

The removal of the footnote in Table 5.2 brings the LDC consistent to the Comprehensive Plan and Florida Statues.

Comments from Other Agencies: No other agencies provided input.

Draft Ordinance: under separate attachment