

LEVEL 4 – NARRATIVE

LDC TEXT AMENDMENT

POLK COUNTY, FL

**Submitted by:
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Request

This is a request to amend Table 401.08.01 of the Polk County (“County”) Land Development Code (“LDC”) to allow *Retail, Home Sales Offsite* as a permissible (“P”) use within an Industrial – X (“IND-X”) land use district of the Southeast Polk Selected Area Plan (“SE Polk SAP”).

Land Development Code (“LDC”)

Pursuant to the County Comprehensive Plan (“Plan”), the purpose of the SE Polk SAP is to “develop a vision and supporting plan that encourages quality future growth that recognizes and protects existing community resources.”¹ The County LDC outlines specific standards to implement the Plan Goals, Objectives, and Policies specific to the SE Polk Area Plan. The LDC establishes four subareas within the SE Polk Area Plan, each with a Village Centers (“Village”) or Village Center Core (“VC-Core”).² These Village and VC-Cores have specific dimensional standards.

Table 2.1 of the LDC outlines permissible uses within standard land use districts. Similarly, Table 401.08.01 outlines the permissible and conditional uses for each land use district within the SE Polk Area Plan. *Retail, Home Sales Offsite* is a use in both of these tables and is a “facility where site built, mobile, manufactured, or modular homes are displayed and sold.”³ Table 401.08.01 allows *Retail, Home Sales Offsite* within the following SE Polk SAP land use districts:

- Rural Cluster Center (“RCC-X”) with a Conditional Use Level 3 (“C3”)
- Commercial Enclave (“CE-X”) with a C3
- Linear Commercial Corridor (“LCC-X”) within a Village or VC-Core with C2

Table 2.1 allows *Retail, Home Sales Offsite* within the following standard land use districts:

- Commercial Enclave (“CE”) with a C3
- Linear Commercial Corridor (“LCC”) with C2
- Regional Activity Center (“RAC”) with C3
- High-Impact Commercial Center (“HIC”)
- Industrial (“IND”)

Retail, Home Sales Offsite is a permissible use within the standard IND land use district and aligns with the intent of the district, which is to “provide areas for general manufacturing, processing, and distribution of goods,” and where “general commercial uses [are] necessary to support the industrial area.”⁴ *Retail, Home Sales Offsite* directly correlates to the distribution of goods and supports manufacturing of such homes in industrial districts. *Retail, Home Sales Offsite* is therefore an appropriate use and complimentary to the IND-X land use of the SE Polk Area Plan. Additionally, the SE Polk SAP guiding principles “will not restrict property owners from seeking

¹ [Plan Sec. 3.121-U SE Polk](#)

² [Sec. 401.08.C. of the LDC](#)

³ [Chapter 10 of the LDC](#)

⁴ [Sec. 204.C.6. of the LDC](#)

Comprehensive Plan map and/or text amendments in response to market conditions that may change over time.”⁵ Market conditions are driving the need to allow this use in the IND-X land use of the SE Polk Area Plan, which is already permissible in the IND land use district.

In the County, a LDC text amendment requires a Level 4 approval. The Development Review Committee (“DRC”), Planning Commission (“PC”), and BOCC, all review Level 4 applications.⁶ The following provides an analysis of the LDC’s BOCC standard for review of a Level 4 development application.⁷

LDC Section 907.D.6.

The Board of County Commissioners, in the review of the development application shall consider the following factors:

- a) Whether the proposed development is consistent with all relevant requirements of this Code;*
- b) Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;*
- c) Whether the proposed use is compatible with surrounding uses and the general character of the area, including such factors as density, height, bulk, scale, intensity, traffic, and noise appearance; and*
- d) Any other matter which the BoCC may deem appropriate and relevant to the specific development proposal.*

Discussion: As analyzed in detail below, the request is consistent will all applicable Plan Objectives and Policies, including Obj. 2.113 –A and Policies 2.113-A1, 2.113-A2, 2.131-UB2, 2.131-UE3, 2.131-UE4 and is also consistent with the standard IND land use.

Comprehensive Plan

The below analysis of the County Plan Objectives and Policies are supportive of the Request, demonstrating a continuation of compatibility and consistency.⁸

SECTION 2.113 – INDUSTRIAL AND BUSINESS PARK CENTER

OBJECTIVE 2.113 -A: *The Polk County Plan shall provide for the development of industrial lands within the County through:*

- a) the establishment of an "Industrial" land use classification,*
- b) the designation of Industrial lands on the Future Land Use Map Series, and*
- c) through the establishment of development criteria applicable to the development and location of Industrial lands within the County.*

⁵ [Vision – Guiding Principles - Section 2.131-U of the Plan](#)

⁶ [Sec. 907.B. of the LDC](#)

⁷ [Sec. 907.D.6. of the LDC](#)

⁸ Sec. 4.400 of the Plan defines consistency as “compatible with and furthering the goals, objectives and policies of the Comprehensive Plan Elements and this agreement.”

Discussion: *Retail, Home Sales Offsite* is an appropriate use within the IND-X land use district of the SE Polk SAP. *Retail, Home Sales Offsite* directly correlates to the distribution of goods and therefore, supports manufacturing of such homes in industrial districts. The SE Polk SAP Plan Map shows a primary concentration of IND-X land use districts adjacent/near the intersection of US Highway 98 and US Highway 27. The roadways are appropriate to accommodate industrial uses, including the use of *Retail, Home Sales Offsite*.

POLICY 2.113-A1: CHARACTERISTICS - *Industrial lands are characterized by facilities for the processing, fabrication, manufacturing, recycling, and distribution of goods, and may contain any use also found within a Business-Park Center. However, land use activities that operate externally to enclosed structures may be permitted within an Industrial Future Land Use designation. Industrial districts are also the appropriate location for land use activities that produce significant amount of noise, odor, vibration, dust, and lighting on and off-site that do not produce a physical product.*

Discussion: *Retail, Home Sales Offsite* is an appropriate use and complimentary to the IND-X land use of the SE Polk Area Plan.

POLICY 2.113-A2: DESIGNATION AND MAPPING - *Industrial areas shall be designated and mapped on the Future Land Use Map Series as "Industrial" (IND); shall include all major existing industrial areas; and shall provide for the projected future industrial development needs of the County.*

Discussion: The SE Polk SAP Plan Map shows a primary concentration of IND-X land use districts adjacent/near the intersection of US Highway 98 and US Highway 27. The roadways are appropriate to accommodate industrial uses, including the use of *Retail, Home Sales Offsite*.

POLICY 2.131-UB2: VISION MAP - *The SE Polk SAP Vision Map as adopted in the Comprehensive Plan Map Series, is a tool that helps depict the general location and types of future growth based on identified issues of concern that were received from comments and feedback gathered from the public, the SE Polk Selected Area Study (SAS) Focus Group, other governmental agencies, and recommendations that came out of the SE Polk Selected Area Study process. The Vision Map is not intended to deter development in particular areas of the SAP, and is conceptual in nature. Instead, it will serve as a visual representation of where opportunities exist to develop at higher densities/intensities and/or receive incentives for the preservation and set-aside of environmental lands or open space.*

Discussion: This Request will not change the SE Polk SAP Plan land use districts. Instead, it will add another use that is compatible with the IND-X land use district. Market conditions are driving the need to allow this use in the IND-X land use of the SE Polk Area Plan, which is already permissible in the IND land use district.

POLICY 2.131-UE3: GENERAL DEVELOPMENT CRITERIA – *Development shall be permitted with this SAP as follows:*

b) **MODIFIED LAND USE CATEGORIES** - *Due to specific characteristics of this SAP, development may be more specifically defined and may vary from those allowed under the general provisions of the land use category within the Future Land Use Element of the Comprehensive Plan:*

12. *Industrial (INDX);*

Discussion: The Request is not proposing to amend the development criteria set forth in Sec. 401.08. of the LDC.

POLICY 2.131-UE4: DEVELOPMENT CRITERIA FOR MODIFIED FUTURE LAND USE DISTRICTS – *Development Land within the Modified Future Land Use districts permitted within the SE Polk SAP shall be developed in accordance with the densities/intensities described in Table 2.131U - 2. Additionally to promoting walkability and the use of transit, and requiring that development adjacent to conservation, preservation and agricultural uses be placed in a manner to reduce impacts to those areas, the following criteria be implemented within each land use district:*

j) **INDUSTRIAL (INDX)** - *In addition to applicable provisions in the Future Land Use Element of the Comprehensive Plan, the following provisions shall apply to INDX districts within this SAP:*

1. *Industrial districts shall be encouraged to develop in locations consistent with those areas designated as Village Centers on the SE Polk SAP Vision Map;*
2. *Location criteria - INDX districts shall have frontage on and direct access to arterial or collector roads within a one-half (1/2) mile of an intersecting arterial or collector road.*
3. *All development within INDX districts shall be required to screen outdoor storage from off-site view;*

Discussion: The SE Polk SAP Plan Map shows a primary concentration of IND-X land use districts adjacent/near the intersection of US Highway 98 and US Highway 27. The roadways are appropriate to accommodate industrial uses, including the use of *Retail, Home Sales Offsite*. *Retail, Home Sales Offsite* directly correlates to the distribution of goods and therefore, supports manufacturing of such homes in industrial districts.

OBJECTIVE 2.402-B: *Polk County shall promote the retention and expansion of existing businesses within the County.*

Discussion: Allowing *Retail, Home Sales Offsite* as a permissible use within the IND-X land use district of SE Polk Area Plan promotes the retention and expansion of existing businesses within the County.

Conclusion

Numerous Plan Objectives and Policies are supportive of the Request, ensuring ongoing compatibility with the IND-X land use district of the SE Polk SAP. Market conditions are driving the need to allow this use in the IND-X land use of the SE Polk Area Plan, which is already permissible in the IND land use district. Allowing *Retail, Home Sales Offsite* is an appropriate use and complimentary to the IND-X land use of the SE Polk Area Plan because the use directly correlates to the distribution of goods and supports manufacturing of such homes in industrial districts. Approval of this request will promote the retention and expansion of existing businesses within the County.