

ORDINANCE NO. 26 - _____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING LAND DEVELOPMENT CODE AMENDMENT LDCT-2025-14, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE; AMENDING CHAPTER 4, SECTION 401.06.E TO INCREASE (1) ALLOWABLE AREA FOR GAS STATIONS FROM 20% TO 30%, WITH ALLOWANCES FOR HIGHER PERCENTAGE WITH A LEVEL 3 CONDITIONAL USE, (2) TO ALLOW ACCESS TO A PRINCIPAL ARTERIAL ROADWAY VIA AN INTERNAL ROAD NETWORK AND, (3) TO MODIFY THE RETAIL CAP FOR PROFESSIONAL INSTITUTIONAL-X (PIX) CAPS AND (4) ADD A LIMITATION FOR RETAIL IN THE PIX OF 30% WITHOUT A LEVEL 3 CONDITIONAL USE. 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 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 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 September 10, 2025; and

WHEREAS, the proposed text amendment to the Polk County Land Development Code shall Amend Chapter 4, Section 401.06.E to (1) increase allowable area for Gas Stations from 20% to 30%, with allowances for higher percentage with a Level 3 Conditional Use, (2) amend signalized intersection of a principal arterial road to with direct access to a principal arterial roadway via an internal road network and, (3) to modify the retail cap for Professional Institutional-X (PIX) and (4) add a limitation for Retail in the PIX of 30% without a Level 3 Conditional Use.; and

WHEREAS, the Board of County Commissioners, reviewed and considered all comments received during said public hearings held on November 4, 2025 and February 17, 2026, 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:

The findings set forth in the recitals to this Ordinance are true and correct and hereby adopted.

The Planning Commission, acting in its capacity as the Local Planning Agency for the County, held a public hearing on September 10, 2025, to consider the LDC text amendments contained within Application LDCT-2025-14 and found them to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC Text Amendment contained within Application LDCT-2025-14.

The adoption of LDCT-2025-14 consistent with the Comprehensive Plan and LDC.

SECTION 2: COMPREHENSIVE PLAN AMENDMENT

Chapter 4, Section 401.06.E North Ridge Selected Area Plan of the Land Development Code, Polk County Ordinance 02-13, as amended, is hereby amended in the following manner:

Section 401.06.E.3.i.

- ii. The following conditions shall apply to gas stations within the PIX:
 - (1) Gas Stations are considered to be retail/commercial uses and shall not exceed the ~~20%~~ 30% limit of such retail/commercial uses allowed throughout the PIX district, ~~PIX district,~~ retail over 30% Level 3 Conditional Use.
 - (2) Must have direct frontage ~~at a signalized intersection~~ of a principal arterial roadway with direct access to a principal arterial roadway via an internal road network.

Section 401.06.E.3.r.

- r. Retail - The following standards shall apply:
 - i. Retail uses are limited to 15 percent of the total developable area ~~PIX~~, BPCX and INDX;
 - ii. Retail use within the PIX district is limited to 30 percent, a higher percentage of the limited 30 percent of retail and commercial uses shall be permitted through a Level 3 Conditional Use.

SECTION 3: 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 4: EFFECTIVE DATE

This ordinance shall be effective 31 days after the Department of Economic Opportunity notifies the County that the plan amendment package is complete. If timely challenged, this amendment becomes effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective.

SECTION 5: FILING WITH THE DEPARTMENT OF STATE:

The Clerk and Auditor to the Board of County Commissioners of Polk County, Florida, shall file a certified copy of this ordinance with the Department of State, through the Secretary of State, upon adoption by the Board of County Commissioners of Polk County, Florida.

ADOPTED, in open session of the Polk County Board of County Commissioners with a quorum present and voting this 17th day of February, 2026.