

ORDINANCE NO. 24-_____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING LAND DEVELOPMENT CODE AMENDMENT LDCT-2024-12, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE; AMENDING CHAPTER 3, SECTION 303, CHAPTER 4, SPECIAL DISTRICTS, AND CHAPTER 5, GREEN SWAMP AREA OF CRITICAL STATE CONCERN, TO CONFORM THE LOCATION CRITERIA AND OTHER RELEVANT STANDARDS FOR SUBURBAN PLANNED DEVELOPMENTS (SPDS) WITH THOSE REQUIRED OF PLANNED DEVELOPMENTS (PDS); 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 August 7, 2024; and

WHEREAS, the proposed text amendment to the Polk County Land Development Code shall conform Suburban Planned Development standards with those for Planned Developments; and

WHEREAS, the Board of County Commissioners held two public hearings on September 3, 2024 and September 17, 2024 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 August 7, 2024, to consider the LDC text amendments contained within Application LDCT-2024-12 and found them to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC Text Amendment contained within Application LDCT-2024-12.
- c) The adoption of LDCT-2024-12 is consistent with the Comprehensive Plan and LDC.

SECTION 2: Chapter 3, Section 303, Conditional Uses, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

Section 303 Criteria for Conditional Uses (*Revised 5/1/18 – Ord. 18-025; 03/21/17 – Ord. 17-013; 8/16/16 – Ord. 16-040; 04/19/16 – Ord. 16-022; 08/15/15 – Ord. 15-53; 03/18/14 – Ord. 14-015; 06/08/04 Ord. 03-95; 01/03/05 - Ord. 04-80) (11/2003 ORD 2020-042)*

The following land uses are conditional uses and are arranged in alphabetical order for presentation purposes.

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Suburban Planned Developments (*Revised 9/26/01 - Ord. 01-70*)

~~The Future Land Use Element of the Polk County Comprehensive Plan establishes the Suburban Planned Development (SPD) District as a mechanism where increased densities and uses are allowed which may otherwise not be permitted in the RS land use district.~~

Suburban Planned Developments (SPDs) are conditional uses in the RS land use district. SPDs may contain single-family detached and duplex units at a gross density of up to, and including, three dwelling units per acre based upon a Locational Eligibility Score as determined by Tables 3.3 and 3.4 under Planned Developments.

- ~~1. The Suburban Planned Development District is at the owner's option and requires:~~
 - ~~a. Use of innovative design techniques and additional open space;~~
 - ~~b. Conservation of natural resources;~~
 - ~~c. Utilization of land economically and efficiently;~~
 - ~~d. Efficient use of existing and programmed public services and facilities; and~~
 - ~~e. Creation of functional development that is compatible with surrounding uses.~~
- ~~2.~~ 1. For purposes of this Code, a Suburban Planned Development an SPD is:
 - a. Land to be planned as a whole;
 - b. ~~Built~~ To be built in a single phase or a programmed series of phases; and,

- c. To include uses and development substantially related to the character and purposes of the land use category; ~~and~~
 - d. ~~Built according to plans, which identify streets, utilities, lots, building locations, access, open space, natural resources, and plans for other uses and improvements of land and buildings; and~~
 - e. ~~To include a program to provide for operation and maintenance of such areas, facilities, and improvements for common use by the occupants of the planned development district; but which will not be provided, operated or maintained at general public expense.~~
2. A proposed SPD project shall not be approved if it is determined to be premature. When evaluating proposed SPD projects, in addition to Locational Criteria in Table 3.3, the following factors shall indicate whether it is premature:
- a. if the condition and adequacy of the collector and arterial road network is deficient;
 - b. the availability of urban services, including but not limited to, police, fire, and EMS;
 - c. if there is considerable displacement of ongoing economically viable agricultural activities; and,
 - d. the degree of existing development surrounding the proposed SPD.
3. All SPDs shall:
- a. be adjoining (touching) the right-of-way of an arterial, paved collector, or paved County-maintained local road meeting or exceeding adopted level-of service standards.
 - b. be connected to public or a franchised water system which meets LOS standards established within this Plan.
 - c. meet Open Space and recreation standards for Planned Developments in Section 303.
3. ~~Suburban Planned Development (SPD) is a "permitted use" allowed within the Residential Suburban (RS) land use classification, subject to:~~
- a. ~~Receiving use approval and development approval, as specified within the County's Land Development Code; and~~
 - b. ~~Meeting the use approval conditions, development criteria, and development conditions of this Section.~~

4. ~~Applications for residential Planned Developments shall be reviewed and approved if compliant with the standards listed:~~
- a. ~~The provisions of this Section;~~
 - b. ~~The provisions of the Comprehensive Plan;~~
 - c. ~~A proposed SPD project shall not be approved if it is determined to be premature. When evaluating proposed SPD projects the following factors shall indicate whether it is premature:~~
 - i. ~~The condition and capacity of the collector and arterial road network are adequate for the project;~~
 - ii. ~~There are adequate urban services, including, but not limited to: police, fire, and EMS, to serve the project;~~
 - iii. ~~The project will not result in considerable displacement of ongoing economically viable agricultural activities; and~~
 - d. ~~The timing of development is consistent with development of the surrounding area. Such timing shall be considered appropriate where the existing development of the surrounding area is:~~
 - i. ~~For SPDs containing 0 to 99.99 acres, forty percent developed (of developable area) within a one-mile area surrounding the subject site as measured from the perimeter of the subject site; or~~
 - ii. ~~For SPDs containing 100 or more acres, a two-mile area surrounding the subject site as measured from the perimeter of the subject site.~~

~~For the purpose of this Section, existing development is the amount of area included within parcels which contain residential lots or parcels at densities of one du/ac or greater; all subdivisions which are at least 50 percent developed; non-residential structures (excluding agricultural-related structures); public facilities; and infrastructure. Developable areas exclude those areas not suitable for development, including resource protection areas where the Comprehensive Plan prohibits or discourages development, such as ancient scrub, wetlands, floodplains, lakes, streams, rivers, and other water bodies.~~
 - e. ~~Open Space and recreation standards shall comply with the standards for Planned Developments in Section 303.~~
 - f. ~~SPDs may contain single family and duplex units at a gross density of up to, and including, three dwelling units per acre.~~
 - g. ~~All SPDs shall:~~

- ~~i. Be adjoining (touching) the right-of-way of an arterial, paved collector, or paved County-maintained local road meeting or exceeding adopted Level of Service standards.~~
 - ~~ii. Restrict access from the development onto County and State roads to appropriate locations in order to address the maintenance of levels of service and public safety issues;~~
 - ~~iii. Be connected to public or a franchised water system which meets LOS standards established within this Plan.~~
- ~~h. Land may not be developed as a SPD in an incremental fashion in order to avoid a stricter requirement of this Code.~~
- ~~i. The total area of any parcel existing as of December 1, 1992, shall be counted when computing the area for a proposed SPD.~~
- ~~j. The total area for proposed SPDs shall not exclude areas required to be dedicated to the public, by other County Ordinances, for road rights-of-way, utility easements, or other similar purposes, since those dedications would be required even if the land was to be platted under the permitted RS base density of one dwelling unit per five acres.~~
- ~~k. In cases where a property owner chooses to develop only a portion of his/her property at the time of initial development, which said portion is less than a SPD threshold, the following would apply:
 - ~~i. The subject parcel would still have to meet the degree of surrounding existing development requirement.~~
 - ~~ii. The property owner could defer providing the open space as required for SPDs of less than 100 acres or over 100 acres. However, at such time in the future, an additional portion of the parent parcel was to be developed as a SPD, thereby causing the total SPD developed area to exceed an open space threshold, that additional area SPD would be required to provide that open space for the original less than 100 acre SPD development, as well as the new additional SPD area.~~~~
- 5. In cases where a parcel over a SPD threshold of less than 100 acres or over 100 acres has been subdivided after December 1, 1993, and its various sub-parcels are now under that SPD threshold, the following would apply:
 - a. Each sub-parcel of the parent parcel would still have to meet the degree of surrounding existing development requirement.
 - b. Each sub-parcel of the parent parcel to be developed as a SPD would have to meet the same open space requirement percentage as required by the entire area of the parent parcel (for example: A ten-acre sub-parcel of an 100-acre parent parcel would be required to provide 20 percent of that ten acres (two

acres) as open space). Such open space provision would not be required where the development of the remaining parent parcel was impossible due to:

- i. ~~Dedication and acceptance of that land to the public for public purposes, or~~
- ii. ~~A legal instrument, acceptable to the County Attorney, being recorded which prohibits future development of the land, until such time as further development of the land is consistent with the County's Comprehensive Plan, and the County rescinds such legal instrument.~~

SECTION 3: Chapter 4, Section 403.01, Wahneta Neighborhood Plan, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

Section 403.01 Wahneta Neighborhood Plan (Wahneta NP)

A. *Purpose and Intent*

The Wahneta NP was created to recognize existing businesses, assist in the redevelopment of the existing residential and commercial areas, and encourage development of vacant properties to assist in the revitalization efforts for the Wahneta area. The districts and performance standards within this Chapter implement the public/private initiatives outlined in the Comprehensive Plan. ~~In order to~~ To enhance the community identified by the residents of Wahneta and surrounding areas, a balance of redevelopment and newly residential and nonresidential uses are needed. The revitalization effort is anticipated to address the infrastructure and social needs of the community and improve the quality of life of the residents, as well as the overall image of the community.

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C. *Allowable Uses and Intensity of Development (Revised 2/3/10 – Ord. 10-007)*

1. ~~Future Land Uses – B~~ The land use categories and uses allowable in this district are shown in Table 4, of the Wahneta NP.
2. ~~Density and Dimensional Regulations – B~~ The allowable densities ~~and density bonus points~~ for the Wahneta NP shall be in accordance ~~to~~ with Table 2.2 and Section 303, Planned Developments, of the Land Development Code, unless modified by the Table 1, Table 2, or other requirements of the Wahneta NP below:

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- e. Residential Suburban (RSX) shall allow for the following uses:
 - i. Residential developments for sites five acres or less, for vested lots prior to December 19, 2003, with a density of up to two dwelling units per acre (2 du/ac), including duplexes or single-family attached units, are permitted with a Level 2 Review, and do not require a Suburban Planned Development (SPD) approval under the following conditions:

- (1) Subdivision review and platting in accordance with the provisions of Chapter 8, of the Land Development Code, shall apply if three or more lots are created from the original parcel, tract, or lot.
 - (2) Development shall comply with the requirements of a an SPD in Section 303, and the requirements of Section 403.1 C.; of the Wahnetta NP; but only require a Level 2 Review.
 - (3) ~~Three bonus points are required for up to one dwelling unit per acre and six bonus points are required for 1.1 to two dwelling units per acre. Bonus points for the development shall be consistent with Table 5, of the Wahnetta NP, not the SPD bonus points in Section 303.~~
 - (4) ~~(3)~~ The minimum lot size permitted is 10,890 square feet. ~~one-quarter acre.~~
- ii. Development of residential units for sites greater than five acres shall comply with all other requirements of Section 303, Suburban Planned Development (SPD), of the Land Development Code, ~~except the following criteria shall apply, in addition to Bonus Points as required in the Wahnetta NP:~~
- (1) ~~Forty percent (40%) developed* (of developable area**) within one-half mile radius for parcels containing from 0.00 to 20.00 acres;~~
 - (2) ~~Forty percent (40%) developed* (of developable area**) within three-quarters mile radius for parcels containing from 20.01 to 60.00 acres;~~
 - (3) ~~Forty percent (40%) developed* (of developable area**) within one mile radius for parcels containing from 60.01 to 99.99 acres;~~
 - (4) ~~Sixty percent (60%) developed* (of developable area**) within one mile radius for parcels containing from 100.00 or more acres.~~
- iii. Residential land divisions meeting the family homestead requirements and vested lots do not require a ~~Suburban Planned Development (SPD)~~ an SPD or Level 2 Review, but all other requirements of the Land Development Code shall be met.
- iv. Farm Worker Housing, Triplexes, Quads, and Multi-family units - Sanitary sewer is permitted to be extended into the RSX to meet farm working and affordable housing needs of the community.

SECTION 4: Chapter 5, Section 505, Polk City/Urban Growth Special Protection Area (PC-SPA), of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

Section 505 Polk City/Urban Growth Special Protection Area (PC-SPA)

A. Connection to Public Facilities

All development within the Polk City SPA meeting the definition of availability as provided in Section 702 shall be connected to central water and sewer.

B. Use of On-Site Sewerage Treatment and Disposal Systems (OSTDS) (Septic Tanks)

The use of septic tanks shall only be permitted within the SDA. If septic tanks are used, the maximum net density shall be one dwelling unit per 40,000 square feet.

C. Residential Densities

Residential development shall comply with the densities provided in Table 5.3.

D. Bonus Densities

Residential development shall not exceed a gross density of one dwelling unit per five acres in the RS land use districts, unless developed in compliance with Section 502. Densities may be increased up to three units per acre subject to the locational criteria bonus points in Table in Tables 3.3 and 3.4. and following the density schedule in Table 5.6.

Table 5.6 — Density Bonus Awards for Polk City SPA

Points	Density Permitted du/ae	Points	Density Permitted du/ae
5	0.4	13	2
7	1	14	2.2
8	1.2	15	2.4
9	1.4	16	2.5
10	1.5	17	2.7
11	1.6	18	2.8
12	1.8	20	3

E. Open Space

Residential development shall provide an open space set aside of at least 30 percent of the total land area of the development or as provided in Section 750, whichever results in the greater amount. The open space shall be located in a large common area or areas and in buffers and shall not be located within individual platted lots.

F. *Impervious Surface Ratio (ISR) Standards*

Development shall comply with the following Impervious Surface Ratio (ISR) standards:

1. Detached single-family lots shall not exceed an impervious surface ratio of 50 percent.
2. Non-residential development shall not exceed an impervious surface ratio of 60 percent.
3. Development within the BPCX districts shall not exceed an impervious surface ratio of 70 percent.

SECTION 5: 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 6: 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 17th day of September 2024.