

ORDINANCE NO. 24-_____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING LAND DEVELOPMENT CODE AMENDMENT **LDCT-2023-19**, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE; AMENDING CHAPTER 2, TABLE 2.1, TO ADD “DUPLEX, TWO-FAMILY ATTACHED” AS “C3” CONDITIONAL USES IN RESIDENTIAL LOW-1 (RL-1) & RESIDENTIAL LOW-2 (RL-2) LAND USE DISTRICTS; AMENDING TABLE 2.1 TO REDUCE “MOBILE HOME SUBDIVISIONS” AND “MOBILE HOME PARKS” TO “C3” CONDITIONAL USES; AMENDING SECTION 206.B TO REQUIRE A LEVEL 1 REVIEW FOR ACCESSORY SECURITY RESIDENCES; AMENDING SECTION 207.J TO PARTIALLY REMOVE TEMPORARY MOBILE HOMES FOR MEDICAL HARDSHIP FROM REVIEW BY THE LAND USE HEARING OFFICER; AMENDING SECTION 209, TO ALLOW ACCESSORY STRUCTURES LARGER THAN THE PRIMARY ON RESIDENTIAL PROPERTIES EXCEEDING TWO ACRES; AMENDING CHAPTER 3, SECTION 303, DUPLEX, TO PROVIDE CLARITY TO EXISTING CONDITIONAL USE CRITERIA FOR DUPLEX, INDIVIDUAL MOBILE HOMES, MULTI-FAMILY, AND RESIDENTIAL INFILL DEVELOPMENTS; AMENDING CHAPTER 4, SECTION 401.02, TABLE 4.3, TO REDUCE INDIVIDUAL MOBILE HOMES TO A “C1” CONDITIONAL USE IN THE RONALD REAGAN SELECTED AREA PLAN; AMENDING CHAPTER 10, 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 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 February 7, 2024; and

WHEREAS, the proposed text amendment to the Polk County Land Development Code shall decrease the level of review of particular uses and clarify current policy; and

WHEREAS, the Board of County Commissioners held two public hearings on March

5, 2024 and March 19, 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 February 7, 2024, to consider the LDC text amendments contained within Application LDCT-2023-19 and found them to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC Text Amendment contained within Application LDCT-2023-19.
- c) The adoption of LDCT-2023-19 is consistent with the Comprehensive Plan and LDC.

SECTION 2: Chapter 2, Section 205, Table 2.1 Use Table for Standard Land Use Districts, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

Table 2.1 Use Table for Standard Land Use Districts

	A/RR	RCC-R	RS	RL-1	RL-2	RL-3	RL-4	RM	RH
Duplex, Two-family Attached		C3	C3	<u>C3</u>	<u>C3</u>	C3	C3	P	P
Family Farm	C1		C1						
Fly-in Community	C3		C3						
Group Home, Small (6 or less residents)	C1	C1	C1	C1	C1	C1	C1	C1	C1
Group Home, Large (7-14 residents)	C3	C3	C3					C1	C1
Group Living Facility (15 or more residents)	C3	C3	C3	C3	C3	C3	C3	C3	C2
Farm Worker Dormitory, Apartment Style	C2	C2	C2						
Farm Worker Dormitory, Barrack Style	C3	C3	C3						
Mobile Home Park	C3	C3	C4 C3	C4 C3	C4 C3	C4 C3	C4 C3	C3	C3
Mobile Home Subdivision	C3	C3	C4 C3	C4 C3	C4 C3	C4 C3	C4 C3	C3	C3
Mobile Homes, Individual	C1	C1	C1	C1	C1	C1	C1	C1	C1
Multi-family		C3		C3	C3	C3	C3	P	P
Residential Infill Development			C2	C2	C2	C2	C2		
Rural Residential Development (RRD)	C3		C3						
Short-Term Rental Unit				C3	C3	C3	C3	C3	C3
Single-family Detached Home & Subdivision	P	P	P	P	P	P	P	P	C2
Suburban Planned Development			C3						

SECTION 3: Chapter 2, Footnotes for Table 2.2, 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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- 2. Higher densities may be achieved through a Planned Development. For a duplex structure on an individual lot, increases in density may be granted through a Level 3 Conditional Use approval. See Section 303.
- 3. Lot areas are given on a per unit basis for single-family detached and duplex units. Smaller lot areas may be achieved through a Planned Development. For individual duplex units, see Section 303.

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SECTION 4: Chapter 2, Section 206.B, Accessory Uses, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

B. ~~*Security Residences*~~ *Secondary Residential Structures for Non-residential Uses*

~~Security residences~~ Secondary Residential Structures may be permitted as an attached or detached accessory use in all non-residential districts for purposes of security, maintenance, monitoring, and protection of the principal non-residential use subject to the applicable district regulations and the following requirements:

1. Not more than one single-family dwelling unit or mobile home may be permitted ~~as a security residence~~ on the same lot or parcel as a non-residential use.
2. A ~~security residence~~ Secondary Residential Structure may be permitted as an accessory use pursuant to a ~~Level 2 Review~~ Level 1 Review.
3. A dwelling unit intended for the onsite habitation of clergy may be approved pursuant to the previous two conditions.

SECTION 5: Chapter 2, Section 207.J, Temporary Mobile Homes for Medical Hardships, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

J. *Temporary Mobile Homes for Medical Hardships*

Mobile homes may be permitted as a temporary special exception in all residential districts, on the same lot or parcel as an existing principal residence, in cases of medical hardship in which the infirm resident requires continuous supervision. The mobile home may be the residence of the infirm person, or the residence of the person providing the supervision. Temporary mobile homes for medical hardships are subject to ~~the applicable district regulations~~ and the following requirements:

1. ~~The mobile home may not be approved on a lot or parcel less than 12,500 square feet or 50 feet in width.~~ For lots or parcels meeting or exceeding one acre, a mobile home for this purpose may be approved through a Level 1 Review, pursuant to the standards below. For lots or parcels below one acre, an application for a temporary mobile home for a medical hardship may only be approved by the Land Use Hearing Officer pursuant to procedures in Chapter 9.
2. The mobile home shall not be located in the front yard of the existing principal residence.
3. The mobile home shall meet all setbacks and building separation requirements pertaining to the principal residence.
4. The mobile home may be approved only in cases of medical hardship where a resident requires continuous care and supervision as substantiated by a letter submitted by an attending physician.
5. Approvals shall be valid for one year, or for a shorter period as specified by the Land Use Hearing Officer. Approvals may be renewed by the Land Development Director, following notice provided by the Land Development Director within 30 days before expiration, when the medical hardship warranting the original approval remains and

is verified. If for any reason the resident requiring medical supervision ceases to reside on the property, the mobile home must be removed from the property within 60 days.

6. Approval is not transferable to another person, and it shall not remain in effect in the event of a change of ownership of any land, structure, use, or other item covered by the approval.
7. ~~An application for a temporary mobile home for a medical hardship may only be heard before the Land Use Hearing Officer pursuant to procedures in Chapter 9.~~

SECTION 6: Chapter 2, Section 209, Accessory Structures, 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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F. *Attached/Connected Accessory Structures*

Roofed accessory structures physically attached or connected to the principal structure shall be considered a part of the principal structure and shall be subject to the same standards as the principal structure unless exempted or superseded elsewhere in this Code.

G. *Size*

Accessory structures are customarily associated with, subordinate in size, and incidental in use to the principal structure located on the same site. However, an accessory structure may be permitted to be larger in square footage or in height than the principal structure on-site pursuant to ~~on one~~ one of the following:

- ~~1. Accessory structures may be permitted up to 150% of the principal structure square footage or height with a minimum lot size of five acres in the A/RR district (no variance required);~~
1. Accessory structures may be permitted up to 150% of the height of the principal structure and up to 2,000 sq. ft. or 150% of the principal structure square footage, whichever is greater, with a minimum lot size of two acres (no variance required);
2. With approval of a variance from the Land Use Hearing Officer pursuant to Sections 930 and 931; or,
3. Accessory structures utilized in conjunction with bona fide agricultural uses.

H. *Variance*

The Land Use Hearing Officer shall have the authority to grant variances from subsection G of this Section.

SECTION 7: Chapter 3, Section 303, Criteria for Conditional Uses, 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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Duplex (Revised 04-04-02 - Ord. 02-17)

Applications for duplexes in the RCC-R, RCC, RS, and RL ~~RL-3, and RL-4~~ residential districts shall undergo a Level 3 Review, ~~refer~~ pursuant to Section 906. In addition to all applicable regulations, the following conditions shall apply:

1. All ~~duplexes~~ duplex subdivisions shall comply with Chapter 8 requirements.
2. ~~All duplexes~~ Proposed duplexes within a subdivision and multiple duplex structures on a single lot shall comply with the following development standards:
 - a. All streets shall be publicly or privately maintained. Roads shall be designed and constructed in accordance with the standards for private roads in Chapters 7 and 8, and Appendix A (Technical Standards Manual).
 - b. ~~The maximum density shall not exceed the applicable district standard in Table 2.2.~~ Densities above the applicable district standard may be increased through a Planned Development to the maximum provided by the Comprehensive Plan.
3. A duplex on an individual lot may be approved pursuant to the standards of Residential Infill Development.
4. An application to increase the density for a single duplex structure on an individual legal lot ineligible for infill shall be granted through a Conditional Use approval. Measurements for density shall include the lot area and include one-half of the right-of-way area for perimeter local streets and one-fourth of the right-of-way area for perimeter local street intersections.

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Mobile Homes, Individual (Revised 7/29/02 - Ord. 02-52; 4/4/02 - Ord. 02-17; 12/08/03 Ord. 03-69)

Mobile homes shall be permitted in all of the following locations:

1. Within any registered mobile home park that has been approved by Polk County;
2. Within any platted residential subdivision that has been approved by Polk County as a mobile home subdivision;
3. Within any platted residential subdivision, or single platted phase within a multiple phased development, in which 50 percent or more of the developed lots contain mobile homes;
4. On any un-platted legal residential lot or parcel in the A/RR district;
5. On any un-platted legal residential lot or parcel that is five acres or larger in the RS district;

6. On any un-platted legal residential lot or parcel that is abutting vacant properties to all side and rear property lines;
7. On any un-platted legal residential lot or parcel where at least one property abutting the subject property's side lot line has a mobile home;
8. On lots of record, including those within platted subdivisions, where at least one property abutting the subject property's side lot line has a mobile home. Within subdivisions, the abutting property must be within the plat; or,
9. On any legal residential lot or parcel where it is determined by the Planning Commission to be compatible with the established character of the surrounding area.

Multi-Family Development (Revised 04/19/16 – Ord. 16-022; 01/24/12 – Ord. 12-003; 03/19/08 – Ord. 08-004; 10/23/02 - Ord. 02-69; 01/03/05 - Ord. 04-80)

In addition to all applicable regulations the following standards shall apply:

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4. Multi-family development within ~~activity centers~~ Activity Centers, INST₂, and BPC-1 shall:
 - a. Provide a minimum of two sidewalk/bicycle connections between the residential and non-residential uses within an activity center shall be required,

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Residential Infill Development (Revised 03/25/03 - Ord. 03-23)

A. General Applicability

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2. Tracts considered for residential infill development shall be limited to no greater than 80 ~~gross net~~ acres, less waterbodies and wetlands. Developments shall not be phased and/or incrementally expanded with the intent to circumvent the acreage limit.

B. General Development Standards for Residential Infill Developments.

1. Roadways and Sidewalks
 - a. Roadways within the Residential Infill Subdivision shall be constructed to follow the existing roadway network found in the surrounding pattern of development. New roadways shall be required to connect to Astub outs@ that were originally constructed to connect new development with existing developments.
 - b. Sidewalks shall be installed along one side of collector and/or arterial roadways when existing sidewalk infrastructure is located within 100 feet of the site. This sidewalk required may be waived where there is insufficient right-of-way along the roadway.

2. Lot Size and Density

- a. Density for a Residential Infill Development shall not exceed the maximum densities allowance for a Planned Development established in the Comprehensive Plan.
- b. Minimum lot sizes may be determined by the average lot size of surrounding parcels or at least 6,000 square feet, ~~which ever~~ whichever is greater. The average lot size shall be calculated by the following:
 - i. The largest developable lot size and smallest developable lot size within 250 feet of the subject site shall be added together and subsequently divided by two. The subject site shall not be considered in the equation; OR
 - ii. The applicant shall designate two differing sides of the site to calculate the average lot size. The largest developable lot size and the smallest ~~development~~ developable lot size that are adjacent to the site on either two sides shall be added together and subsequently divided by two. Parcels that are separated from the site by greater than 80 feet of right-of-way shall not be considered to be adjacent; OR
 - iii. The applicant shall provide the lot size of the largest parcel that is adjacent to the site.

3. Dimensional Standards

- a. Required building setbacks and height limits for a Residential Infill Development may be either determined by the dimensional requirements established for the land use district in which the site is located or determined by the average setback and height of existing structures on adjacent sites.

4. Building Type

- a. Building types within a Residential Infill Development may include such types that exist on any abutting property.
- b. Individual mobile homes shall not be included in this standard.

C. General Development Standards for Residential Infill of Individual Lots

Individual lots and parcels are eligible for residential infill provided the following:

- 1. Lot sizes may be established in accordance with subsection B.2 above or through a determination to be a legal lot of record.
- 2. For purposes of this section, density requirements are assumed to be established through previous zoning or land development approvals.

3. Infill for residential building types may include those that exist on any abutting property's interior side lot line. Individual mobile homes shall not be included in this standard.
4. Setbacks shall be determined by Section 208.E.
5. The minimum service standards in Table 3.4a shall not apply.
6. Individual lot infill shall be approved through a Level 1 Review.

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SECTION 8: Chapter 4, Section 401.02, Table 4.3 Use Table for Standard Land Use Districts for the Ronald Reagan Selected Area Plan, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

	RL-1X	RL-4X	RMX	CCX	NACX	TCX	CACX	RACX	OCX	ECX
Duplex or Two-family Attached	C3	C2	P			C2				
Group Home, Small (6 or less residents)	C1	C1	C1							
Group Home, Large (7-14 residents)			C1							
Group living Facility (15 or more residents)	C3	C3								
Mobile Home Park			C3							
Mobile Homes, Individual-& Subdivision	C1	C4 C1								
Mobile Home Subdivision	C1	C3								
Multi-family	C3	C2	P	C2	C2	C2	C2	C2	C2	C2
Short-Term Rental Unit	C3	C2	C2				C2			
Single-family Detached Home & Subdivision	P	P	C2							

SECTION 9: Chapter 10, Definitions, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

CHAPTER TEN DEFINITIONS

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DEGRADATION: Any adverse or negative modification (from the perspective of the subject species) of the hydrological, biological or climatic characteristics supporting the species, or of plants and animals co-occurring with and significantly affecting the ecology of the species.

DENSITY CREDITS: A value equal to the maximum number or residential dwelling (family) units which may be constructed on a given amount of land under the existing land use classification of that land, usually expressed in dwelling units per acre.

DENSITY, GROSS: Gross density is determined by dividing the total number of dwelling units on the site by the total area of the residential site, exclusive of natural waterbodies and limited transfer of density out of wetlands.

~~**DENSITY, SIGNIFICANTLY DIFFERENT:** A density which is 50 percent or greater than the surrounding density.~~

DEP: Abbreviation for the Florida Department of Environmental Protection.

DEPARTMENT (Revised 5/20/09 – Ord. 09-023): The Department of Growth Management is a department of Polk County government. Divisions under the Department of Growth Management include Long Range Planning, Building and Codes, and Land Development.

DETENTION (or TO DETAIN): The collection and temporary storage of storm water in such a manner as to provide for treatment through physical, chemical, or biological processes with subsequent gradual release of the storm water.

DETENTION STORAGE: The physical location where storm runoff is collected, treated, and held for a period of time, and released. (See: DETENTION)

DEVELOPABLE AREA: For purposes of density, that portion of a parcel exclusive of water bodies and wetlands.

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SECTION 10: 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 11: 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 19th day of March 2024.