

POLK COUNTY DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

DRC Date:	January 25, 2024	Level of Review:	Level 4 Review
PC Date:	March 6, 2024	Type:	LDC Text Amendment
BoCC Date:	April 2, 2024	Case Numbers:	LDCT-2024-2
	April 16, 2024	Case Name:	Townhome Amendment
Applicant:	Polk County	Case Planner:	Ian Nance

Request:	An ordinance amending the Polk Land Development Code (LDC) to include the following changes: to amend Chapter 2 to clarify garage setbacks for townhouses; amending Chapter 3, Section 303, to clarify the approval process for multi-family townhome developments; and amending Chapter 4, Selected Area Plans, to specify development standards for townhomes.
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

Among the changes to Chapter 2:

- Clarifying in the Table 2.2 Footnotes to require 25-foot setbacks for internal garages in townhomes.

Among the changes to Chapter 3:

- Clarifying townhomes as multi-family uses.
- Removing lot size requirements for individual townhome units.
- Requiring Conditional Use approval to allow townhome structures to exceed a certain number of units within Residential Low land use districts.

Among the changes to Chapter 4:

- Amending dimensional standards tables in the SAPs to require 25-foot setbacks for internal garages in townhomes.
- Requiring Conditional Use approval to allow townhome structures to exceed a certain number of units within residential land use districts in the North Ridge SAP.

Summary:

The purpose of this ordinance is to correct conflicts within the LDC as they occur with the approval townhome developments. In Land Development terms, townhomes are considered multi-family uses. These may be platted into individual lots owned fee-simple or remain un-platted and rented. When platted, a Planned Development is triggered because of lot size requirements, which few townhome lots will ever meet. Whether a townhome is platted or not has little effect on what staff evaluates in terms of compatibility and the demand that is placed on infrastructure.

The primary change here is to LDC Section 303, Conditional Use Criteria, that is amended to simply state that multi-family development includes townhomes (platted and un-platted), and lot size standards are not applicable provided the overall density for the district is maintained. Where already required, multi-family townhomes in Residential Low districts will remain “C3” conditional uses needing Planning Commission approval, subject to the criteria in Section 303, but in Residential Medium and Residential High districts where they are otherwise “C2” uses, platting will not trigger public hearings.

Other changes include clarifying garage setbacks (25 feet) for townhome units to align them with other residential uses. This amendment will also amend the level of approval for architectural changes within a development, such as limiting the number of dwelling units per building, from requiring a Planned Development to a Conditional Use approval. Even with these changes, the Planning Commission will retain their ability to decide on such matters, the difference being that the multi-family criteria in Section 303 will be followed rather than that of a PD.

Relevant Sections, Policies, and/or Regulations to Consider:

Comprehensive Plan Policy 2.203-A2 Housing Element
Comprehensive Plan Section 2.102 Growth Management
LDC Section 205 Use Table for Standard Land Use Districts
LDC Section 303: Criteria for Conditional Uses
LDC Chapter 4: Special Districts

Findings of Fact

- *This is a request to amend the Polk Land Development Code (LDC) to include the following changes: Chapter 2 to clarify garage setbacks for townhouses; amending Chapter 3, Section 303, to clarify the approval process for multi-family developments; and amending Chapter 4, Selected Area Plans, to specify development standards for townhomes.*
- *POLICY 2.102-A1 of the Comprehensive Plan states, “Polk County shall promote contiguous and compact growth patterns through the development process to minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, and prevent development patterns where tracts of land are by-passed in favor of development more distant from services and existing communities.”*
- *Comprehensive Plan Section 2.120-C Residential Low states, “The Residential-Low classification is characterized by single-family dwelling units, duplex units, and small-scale multi-family units. Residential development may contain a variety of housing types as defined by the Land Development Code within the TSDA. Outside the TSDA, RL may contain single-family dwelling units, duplex units, small-scale multi-family units, and family-care homes, and shall be permitted, with County approval, at a density of up to, and including, 5 DU/AC. Additionally, community facilities may be allowed in accordance with policies of this Plan.”*
- *According to LDC Chapter 10, “Multi-Family” is defined as a “building or portion thereof designed for occupancy by three or more families living independently in which they may or may not share common entrances and other spaces. Each unit is an independent housekeeping unit (room or suite of rooms used exclusively for permanent or seasonal residential occupancy as a home or residence of one (1) individual, family, or household, and not including hotel rooms. Individual units may be owned as single-family attached dwellings (duplex), **townhouses**, condominiums, or offered for rent (apartment).”*
- *The Florida Building Code defines a “Townhouse” as “A single-family dwelling unit not exceeding three stories in height constructed in a group of two or more attached units with property lines separating such units in which each unit extends from foundation to roof and with a yard or public way on not less than two sides.”*
- *According to LDC Chapter 10, a “Townhouse” is defined as “A single-family dwelling unit not exceeding three stories in height which is constructed in a series or group of attached units with property lines separating such units. Each townhouse shall be considered a separate building and shall be separated from adjoining townhouses by the use of separate exterior walls meeting the requirements for zero clearance from property lines as required by the type of construction and fire protection requirements; or shall be separated by a party wall; or may be separated by a single wall meeting the following requirements:*
 - 1. Such wall shall provide not less than 2 hours of fire resistance. Plumbing, piping, ducts, or electrical or other building services shall not be installed within or through*

the 2-hour wall unless such material and methods of penetration have been tested in accordance with the Standard Building Code.

2. Such wall shall extended from the foundation to the underside of the roof sheathing, and the underside of the roof shall have at least 1 hour of fire resistance for a width not less than 4 feet on each side of the wall.

3. Each dwelling unit sharing such wall shall be designed and constructed to maintain its structural integrity independent of the unit on the opposite side of the wall.

4. Platted lots for townhouses shall extend a minimum of 2 feet beyond all exterior walls of the unit.”

- *This request has been reviewed for consistency with SECTION 2.102 GROWTH MANAGEMENT and POLICY 2.203-A2 HOUSING ELEMENT of the Comprehensive Plan.*
- *This application has been reviewed for consistency with LDC Section 907.*

Based on the information provided by the applicant, recent site visits, and the analysis conducted within this staff report, the Development Review Committee (DRC) finds that the proposed request **IS COMPATIBLE** with the surrounding land uses and general character of the area and **IS CONSISTENT** with the Polk County Comprehensive Plan and Land Development Code, and therefore, the DRC recommends **APPROVAL of LDCT-2024-2**.

Analysis:

The purpose of this amendment is to clarify LDC policy for reviewing townhome developments. By LDC definition and overall function, townhome developments are considered multi-family projects; however, townhome units are often platted and sold fee-simple making them subject to lot size requirements and Planned Development approvals.

Few townhome units are large enough to meet the LDC’s smallest lot sizes requirements (5,000 sq. ft. in Residential High). So, if a townhome development is approved administratively as un-platted and then the developer decides to plat, a Planned Development and public hearing is required after the fact to formally reduce lot sizes. For Land Development purposes, there is fundamentally no difference between a platted and un-platted development in terms of compatibility or impact on services that would merit this increase in level of review.

Furthermore, confusions exist between the applicability of LDC terminology and that within the Florida Building Code. Both documents describe townhouses as single-family dwelling units within the overall multi-family structure. The LDC cares more about how the group of structures behave and what standards should apply than an individual unit. When reviewing a project, however, there have been too many places for fingers to point within the LDC, where it refers to single-family attached units, especially, over multi-family uses, and which standards are applicable.

Staff contemplated a comprehensive change to how townhomes were reviewed, potentially creating a new category of use with conditional standards and correlating Building Code terminology with that within the LDC. This would require establishing minimum lot widths, setbacks, open space, and recreation standards, etc. There was potential, also, to create additional standards for utility metering and garbage collection that falls outside the purview of Land Development.

Ultimately, it was decided that current multi-family standards were more than suitable, and lot widths simply were not a critical factor for assessing a townhome development so long as access and parking standards were met, along with other pertinent provisions of the LDC. For simplicity's sake, the major change here is to LDC Section 303, Conditional Use Criteria, that is amended to state that multi-family development includes townhomes (platted and un-platted), and lot size standards are not applicable provided the overall density for the district is maintained.

Even with this amendment, the level of review for townhomes will not change. Where already required, multi-family uses in Residential Low districts will remain "C3" conditional uses requiring Planning Commission approval, subject to the criteria in Section 303, but in Residential Medium and Residential High districts where they are otherwise "C2" uses, platting will not trigger public hearings. Therefore, public input, where previously warranted, will remain intact.

Other changes within this amendment include clarifying garage setbacks (25 feet) for townhome units to make this consistent with other residential uses. LDCT-2022-23 already required two spots per unit, and tandem parking is not allowed. This amendment will also amend the level of approval for architectural changes within a development, such as limiting the number of dwelling units per building, from requiring a Planned Development to a Conditional Use approval. Even with these changes, the Planning Commission will retain their ability to decide on such matters, the difference being that the multi-family criteria in Section 303 will be followed rather than that of a PD.

In the end, what this amendment accomplishes is an ability to point to one section of the LDC that did not previously exist to provide customers with a clear direction on how townhome developments will be evaluated under the multi-family category.

Limits of the Proposed Ordinance

This amendment will affect multi-family townhome developments County-wide, including the Selected Area Plans. This includes areas within the Green Swamp Area of Critical State Concern, where multi-family uses are only allowable in RL-3X land use districts as "C3" uses in the Polk City Special Protection Area. No text changes to Chapter 5 are included in this amendment.

Consistency with the Comprehensive Plan & Land Development Code

The request is consistent with the Comprehensive Plan and the Land Development Code. No use is being proposed within a land use designation for which it was not intended. Essentially, this amendment is intended to provide direction and clarity to existing policy.

Comments from Other Agencies: None

Draft Ordinance: Under separate attachment