

**ORDINANCE NO. 23-\_\_\_\_\_**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS, POLK COUNTY, FLORIDA, LAND DEVELOPMENT CODE AMENDMENT **LDCT-2022-18**, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE, PERTAINING TO A NEW MIXED USE-X (MUX) FUTURE LAND USE DESIGNATION FOR THE CHAMPIONSGATE DEVELOPMENT OF REGIONAL IMPACT (DRI), AMENDING THE RONALD REAGAN SELECTED AREA PLAN (SAP) IN CHAPTER 4 TO ADD THE NEW MUX, DEVELOPMENT STANDARDS, AND REFERENCE THE CHAMPIONSGATE

**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 December 7, 2022; and

**WHEREAS**, the proposed text amendment to the Polk County Land Development Code shall revise the Ronald Reagan Selected Area Plan (SAP) in Chapter 4 pertaining to a new Mixed Use-X (MUX) Future Land Use Designation for the ChampionsGate Development of Regional Impact (DRI), and

**WHEREAS**, the Board of County Commissioners held two public hearings on January 3, 2023 and March 21, 2023, and reviewed and considered all comments received during said public hearing, 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 current ordinance.*

## **SECTION 1**

**Chapter 4, Special Districts, Section 401**, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended in the following manner:

### **CHAPTER 4 SPECIAL DISTRICTS**

#### **Section 401 Selected Area Plan Districts, Established**

- B. *Applicability (Revised 09/02/09 – Ord. 09-056; 05/21/08 – Ord. 08-16; 7/25/07 – Ord. 07-039; 10/11/06 - Ord.06-64; 3/6/02 - Ord. 02-13; 11/1/01 - Ord. 01-44; 8/17/21-Ord 21-046)*

Selected Area Plan (SAP) districts established below are based upon the Selected Area Plan (SAP) policies and provisions in the Comprehensive Plan. Each SAP is divided into said districts, the boundaries and designations of which are shown on a series of maps entitled “Future Land Use Map Series (FLUMS).” The suffix “X” in the land use district abbreviation denotes a standard district modified as a SAP district. The specific uses which are permitted or conditional are shown on the Use Tables 4.1, 4.3, 4.8, 4.11, for each individual SAP district. The district description and intent is the same as those for the Standard Land Use districts in Section 203, except as modified by the Comprehensive Plan or this Chapter.

2. Ronald Reagan Parkway CR-54/Loughman Selected Area Plan Districts:

RCC-RX	Rural Cluster Center - RX
RL-1X	Residential Low - 1X
RL-2X	Residential Low - 2X
RL-3X	Residential Low - 3X
RL-4X	Residential Low - 4X
RMX	Residential Medium - X
<del>VX</del>	<del>Village - X</del>
TCX	Town Center - X
<del>ESDA</del>	<del>Environmentally Sensitive Development Area - X</del>
<del>LRHAX</del>	<del>Loughman Redevelopment Historic Area - X</del>
NACX	Neighborhood Activity Center - X
RACX	Regional Activity Center - X
BPC-1X	Business Park Center - 1X
BPX-2X	Business Park Center - 2X
TCCX	Tourism Commercial Center - X
INDX	Industrial - X
ROSX	Recreation and Open Space - X
PRESVX	Preservation – X
<del>ECX</del>	<del>Employment Center - X</del>
<del>MUX</del>	<del>Mixed Use - X</del>

## **SECTION 2**

**Chapter 4, Special Districts, Section 401.02 Ronald Reagan Parkway Plan District**, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended in the following manner:

### **CHAPTER 4 SPECIAL DISTRICTS**

#### **Section 401 Selected Area Plan Districts, Section 401.02 Ronald Reagan Parkway Plan District**

##### **C. Use Table**

Ronald Reagan Selected Area Plan (SAP) establishes modified future land use districts that include urban uses and urban design aspects that more specifically target the positive market forces attracting development to the area. These vary from those allowed under the general provisions for each specific land use category in with the Comprehensive Plan because of the differences in development styles and urban perspective that this area of the County embodies. Where plan language is in conflict between the standards and characteristics of this Selected Area Plan and other areas of the Comprehensive Plan the provisions of this Selected Area Plan shall apply. The land use categories and uses allowable in this district are shown in Table 4.3. Land use categories and uses not shown are prohibited. Land uses shown with a C1, C2, C3 or C4, shall comply with applicable review processes that correspond with their number.

### **Section 3**

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

**Table 4.3 Use Table for Standard Land Use Districts for the Ronald Reagan Selected Area Plan**

	RL-1X	RL-4X	RMX	CCX	NACX	TCX	CACX	RACX	OCX	ECX	<u>MUX</u>	BPC-1X	BPC-2X	INDX	INST1X	INST2X	ROSX	PRESVX
	<b>Key to Table: P = Permitted by right; C = Conditional Use/Level of Review; if blank = Not Permitted</b>																	
	<b>Residential Uses</b>																	
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												C1	C1		
Group living Facility (15 or more residents)	C3	C3													C2			
Mobile Home Park			C3															
Mobile Homes, Individual & Subdivision	C1	C4																
Multi-family	C3	C2	P	C2	C2	C2	C2	C2	C2	C2	<u>C2</u>	C3			C3	C3		
Short-Term Rental Unit	C3	C2	C2				C2				<u>C3</u>							
Single-family Detached Home & Subdivision	P	P	C2															
	<b>Mixed Uses</b>																	
Planned Development	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	<u>C3</u>	C3	C3	C3	C3	C3	C3	C3
Residentially Based Mixed Development (RBMD)	C3	C3	C3															
Transitional Area Development	C3	C3	C3															
	<b>All Other Uses</b>																	
Adult Day Care Center (7 or more clients)	C3	C3	C3								<u>C2</u>				C2	C2		
Adult Use							C1	C1										
Alcohol Package Sales				C1	C1	C1	C1	C1	C3	C1	<u>C1</u>	C1	C1	C1				
Bars, Lounges, and Taverns				3	C2	C2	C1	C1	C3	C1	<u>C1</u>	C2	C2	C2				
Bed and Breakfast	C3	C3	P			C2				C2	<u>C2</u>							
Car Wash, Full Service							P	P			<u>C2</u>							
Car Wash, Incidental				C2	C2		P	P			<u>C2</u>							
Car Wash, Self Service							P	P			<u>C2</u>							
Cemetery															C2	C2	P	
Childcare Center	C3	C3	C2		P	P	P	P	C2	C2	<u>C2</u>	C2	C2		P	P		
Clinics & Medical Offices				C2	C2	C2	P	P	P	C2	<u>C2</u>				C2	C2		
Commercial Vehicle Parking							C2	C2				C2	P	P				
Communication Towers, Guyed and Lattice	C3	C3	C3				C3	C3		C3	<u>C3</u>	C3	C2	C2	C2	C2	C3	C3
Communication Tower, Monopole	C3	C3	C3				C2	C2		C2	<u>C2</u>	C2	C2	C2	C2	C2	C3	C3
Community Center	C3	C3	C3	C2	C2	C2	C2	C2	C2	C2	<u>C2</u>	C2	C2	C2	C2	C2	C2	
Construction Aggregate Processing														C3				

**Table 4.3 Use Table for Standard Land Use Districts for the Ronald Reagan Selected Area Plan**

	RL-1X	RL-4X	RMX	CCX	NACX	TCX	CACX	RACX	OCX	ECX	<u>MUX</u>	BPC-1X	BPC-2X	INDX	INST1X	INST2X	ROSX	PRESVX
Construction Aggregate Storage														C3				
Crematorium														P				
Cultural Facility	C3	C3	C3	C2	C2	P	C2	C2	C2		<u>C2</u>	C2	C2	C2	C2	C2	C2	
Emergency Shelter, Small (6 or less residents)	C1	C1	C1															
Emergency Shelter, Medium (7-14 residents)			C1												C1	C1		
Emergency Shelter, Large (15 or more residents)	C3	C3	C3												C2	C2		
Financial Institution				P	P	C2	P	P	C2	C2	<u>C2</u>	C2	C2	C2	C3			
Financial Institution, Drive Through				C2	P		P	P	C3		<u>C2</u>	C2	C2	C2				
Flea Market								C3										
Funeral Home & Related Facilities									C2							C2		
Gas Station				P	P	C2	P	P		C2	<u>C2</u>	C2	C2	C2	C3			
Golf Course	C1	C1	C3			C1				C1	<u>C1</u>	C1	C1	C1	C1	C1	C1	
Government Facility	C3	C3	C2					C3	P		<u>C2</u>	P	P	P	P	P	C3	
Heavy Machinery Equipment Sales and Services								C3				C2	C2	P		C2		
Heliports							C2	C2		C2		C2	C2	C2	C2	C2		
Helistops	C3	C3	C3	C3	C3		C3	C2	C2	C2	<u>C3</u>	C2	C2	C2	C2	C2	C2	
Hospitals									C3		<u>C3</u>				C3	C2		
Hotels and Motels					C3	C3	P	P		C2	<u>C2</u>	C2	C2	C2				
Kennels, Boarding and Breeding					C2		C1	P			<u>C2</u>	C3	C2	P				
Lime Stabilization Facility												C3	C3	C3	C3	C3		
Lodges and Retreats	C3	C3									<u>C2</u>				P	P	P	
Manufacturing, Explosives/ Volatile Material														P				
Manufacturing, General														P				
Manufacturing, Light												C2	P	P				
Medical Marijuana Dispensaries				C2	C2	C2	C2	C2	C3	C2	<u>C2</u>	C2	C2	C2				
Mining, Non-phosphate	C4	C4	C4	C4	C4	C4	C4	C4	C4	C4	<u>C4</u>	C4	C4	C4	C4	C4	C4	C4
Motor Freight Terminal													P	P				
Nightclubs and Dance Halls						C3	C3	C1		C2	<u>C2</u>							
Nurseries, Retail					P		P	P			<u>C2</u>	C2	C2	C2				
Nurseries and Greenhouses	P											P	P	P				
Nursing Home			C2				C2	C2			<u>C2</u>				C2	C2		
Office				C2	C2		P	P	P	P	<u>C2</u>	P	P	P	C2	C2		
Office Park									P	P	<u>C2</u>	P	P	P	C2	C2		

**Table 4.3 Use Table for Standard Land Use Districts for the Ronald Reagan Selected Area Plan**

	RL-1X	RL-4X	RMX	CCX	NACX	TCX	CACX	RACX	OCX	ECX	<u>MUX</u>	BPC-1X	BPC-2X	INDX	INST1X	INST2X	ROSX	PRESVX
Personal Service				C2	C2	C2	P	P	C2	C2	<u>C2</u>	P	P	P				
Recreation, High Intensity	C3	C3	C3							C2	<u>C2</u>				C1	C1	C1	
Recreation, Low Intensity	C2	C2	C2							C2	<u>C2</u>				C2	C2	C2	
Recreation, Passive	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	<u>C1</u>	C1	C1	C1	C1	C1	C1	C1
Recreation, Vehicle Oriented	C3	C3	C3							C3	<u>C3</u>				C2	C2	C2	
Recreation & Amusement Intensive				C3	P	C3	C2	C2	C3	C2	<u>C2</u>							
Recreation & Amusement General				C2	C2	C2	C2	C2		C2	<u>C2</u>							
Recreational Vehicle Storage								C2				C2	C2	C2				
Recreational Camping																	C2	
Religious Institution	C3	C3	C3	C2	C2	C3	C2	C2	C2		<u>C2</u>	C2	C2	C2	C2	C2	C2	
Research & Development								P	P	P	<u>C2</u>	P	P	P	C2	C2		
Restaurant, Drive-thru/Drive-in				C2	C2		C2	C2			<u>C2</u>	C2	C2	C2				
Restaurant, Sit-down/Take-out				C2	P	P	P	P			<u>C2</u>	C2	C2	C2				
Retail, Less than 5000 sq. ft.			C2	P	P	P	P	P	C3	P	<u>C2</u>	C2	C2	C2				
Retail, 5,000 – 34,999 sq. ft.				C3	P	P	P	P	C3	P	<u>C2</u>	C2	C2	C2				
Retail, 35,000 - 64,999 sq. ft.					C3	C3	P	P		C2	<u>C2</u>	C2	C2	C2				
Retail, More than 65,000 sq. ft.					C3		P	P			<u>C2</u>	C3	C3	C3				
Retail, Outdoor Sales/Display							C3	C3			<u>C3</u>		P	P				
Riding Academies	C3	C3															C3	
Salvage Yard														C4				
School, Elementary	C2	C2	C2								<u>C2</u>				P	C2		
School, Middle	C2	C2	C2								<u>C2</u>				P	C2		
School, High	C3	C3	C2								<u>C3</u>				C3	P		
School, Leisure/Special Interest	C3	C3	C3	C3	C2		P	P	C3	C2	<u>C2</u>	C2	C2	C3	P	P	P	
School, Technical/Vocational/Trade & Training				C3	C3		C2	C2	C2	P	<u>C2</u>	C2	C2	P	C3	P		
School, University/College		C3	C3		C3		C3	C3		P	<u>C2</u>	C2	C2	C3	C3	P		
Self-storage Facility							C4	C3		C2	<u>C2</u>	C2	C2	C2				
Solar Electric-Power Generation Facility												C2	C2	C2	C2	C2		
Studio, Production								P	P	P	<u>C2</u>	P	P	P	P	P		
Truck Stop								P				C2	C2	C2				
Utilities, Class I	P	P	P	P	P	P	P	P	P	P	<u>C2</u>	P	P	P	P	P	P	P
Utilities, Class II	C1	C1	C1	P	P	P	P	P	C1	P	<u>C2</u>	P	P	P	P	P	P	
Utilities, Class III	C3	C3	C3	C3	C3	C3	C3	C3	C3	C3	<u>C3</u>	C3	C3	C2	C3	C3	C3	
Vehicle Recovery Service/Agency													C2	C2				
Vehicle Repair, Auto Body													P	P				
Vehicle Service, Mechanical					P		P	P				C3	P	P				

**Table 4.3 Use Table for Standard Land Use Districts for the Ronald Reagan Selected Area Plan**

	RL-1X	RL-4X	RMX	CCX	NACX	TCX	CACX	RACX	OCX	ECX	<u>MUX</u>	BPC-1X	BPC-2X	INDX	INST1X	INST2X	ROSX	PRESVX
Vehicle Sales, Leasing							C2	P			<u>C2</u>	C2	C2					
Veterinary Service				C1	P		P	P	P		<u>C2</u>		C2	C2				
Warehousing/Distribution												P	P	P		C3		
Wholesale, Enclosed												P	P	P				
	<b>Revised 4/17/18 – Ord. 18-021; 7/11/17 – Ord 17-036; Ord. 17-038 - 08/08/2017 (4/19/16); Ord. 16-022; 6/23/15 – Ord. 15-038; 1/6/15 – Ord. 15-001, 8/5/14 – Ord 14-045; 10/2/12 – Ord. 12-030; 12/6/11 – Ord. 11-033; 12/06/11 – Ord. 11-032; 6/28/11 – Ord. 11-008; 3/17/10 – Ord. 10-012; 2/3/10 – Ord. 10-007; 12/01/09 – Ord. 09-073; 09/16/09 – Ord 09-060; 09/02/09 – Ord. 09-055; 07/22/09 – Ord. 09-047; 11/12/08 – Ord. 08-056; 11/09/05 - Ord. - 65; 01/03/05 - Ord 04-80; 03/25/03 - Ord. 03-23; 01/30/03 - Ord. 03-14; 10/23/02 - Ord. 02-71; 4/23/02 - Ord. 02-20; 12/28/01- Ord. 01-92; 11/1/01 - Ord. 01-44; 7/25/01 - Ord. 01-57, 12-3-19, ORD 19-72; 12-3-19, ORD 19-069) (11-3-2020, ORD 2020-048) (7-6-2021-ORD 21-038)</b>																	



#### **Section 4**

**Chapter 4, Special Districts, Section 401.02 Ronald Reagan Parkway Plan District, Table 4.4, Density and Dimensional Regulations for the Ronald Reagan Selected Area Plan** of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended in the following manner:

**Table 4.4 Density and Dimensional Regulations for the Ronald Reagan Selected Area Plan**

	RL-1X	RL-4X	RMX	CCX	TCX	NACX	CACX	RACX	OCX	ECX	MUX	BPC-1X	BPC-2X	INDX	INST1X	INST2X	ROX	PRESVX
RESIDENTIAL GROSS DENSITY <sup>(1)(2)(3)</sup>	1 du/ac	3 du/ac	6 du/ac	5 du/ac	15 du/ac	5 du/ac	15 du/ac	15 du/ac	5 du/ac	10 du/ac	15 du/ac	N/A	N/A	N/A	N/A	N/A	N/A	N/A
MINIMUM MAXIMUM	1 du/ac	5 du/ac	15 du/ac	10 du/ac	25 du/ac	10 du/ac	25 du/ac	25 du/ac	10 du/ac	15 du/ac	35 du/ac							
AVERAGE RESIDENTIAL LOT AREA	40,000 sf	5,000 sf	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
MAX. NON-RESIDENTIAL IMPERVIOUS SURFACE RATIO <sup>(ISR)(4)(15)</sup>	0.50	0.70	0.80	0.80	0.90	0.80	0.80	0.80	0.80	0.80	0.80	0.80	0.80	0.75	0.70	0.70	0.20	0.0001
MAX. NON-RESIDENTIAL FLOOR AREA RATIO <sup>(FAR)(5)(2)</sup>	0.25	0.25	0.30	0.25	0.5	0.25	0.40	0.40	0.30	0.75	0.75	0.75	0.75	0.75	0.25	0.25	0.10	0.00005
<b>MINIMUM SETBACKS FROM ROAD RIGHTS-OF-WAY</b> <sup>(6) (9) (12)</sup>																		
LIMITED ACCESS	100'	50'	50'	50'	50'	50'	50'	50'	50'	50'	50'	50'	50'	50'	50'	50'	50'	100'
PRINCIPAL ARTERIAL	65'	20'	20'	20'	20'	20'	20'	20'	20'	20'	20'	20'	20'	20'	20'	20'	20'	65'
MINOR ARTERIAL	50'	20'	20'	20'	20'	20'	20'	20'	20'	20'	20'	20'	20'	20'	20'	20'	20'	50'
URBAN COLLECTOR	35'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	35'
LOCAL ROAD	15'	15'	15'	15'	15'	15'	15'	15'	15'	15'	15'	15'	15'	15'	15'	15'	15'	15'
<b>MINIMUM SETBACKS (Principal Structure / Accessory Structures)</b>																		
INTERIOR SIDE <sup>(9)(10)(15)(12)</sup>	10' / 5'	5' / 0	5' / 0	5' / 0	5' / 0	5' / 0	5' / 0	5' / 0	5' / 0	5' / 0	5' / 0	5' / 0	5' / 0	5' / 0	5' / 0	5' / 0	5' / 0	15' / 15
INTERIOR REAR <sup>(9)(10)(13)</sup>	15' / 10'	5' / 0	5' / 0	5' / 0	5' / 0	5' / 0	5' / 0	5' / 0	5' / 0	5' / 0	5' / 0	5' / 0	5' / 0	5' / 0	5' / 0	5' / 0	5' / 0	30' / 10
MAX. STRUCTURE HEIGHT (ft) <sup>(7)(10)(11)</sup>	50'	50'	50'	50'	50'	50'	75'	75'	50'	75'	75' to 100'	75'	100'	N/A <sup>18</sup>	50'	130'	25' <sup>(19)</sup>	25'

See footnotes following table.

**Footnotes for Table 4.4**

1. Residential density is the average number of dwelling units per acre of land. Gross density is calculated by dividing the total number of dwelling units on a site by the gross site area, exclusive of existing water bodies and limited transfer of density out of wetlands per Section 620 (*Note: The term "water bodies" does not include man-made wet-retention/detention areas, man made lakes, or man made ponds*). The area for computing gross density shall include all public and institutional land areas (e.g. internal streets, sewer plants, schools, and parks) located within a site, as well as 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.
2. Higher densities and Floor Area Ratio (FAR) may be achieved through a Planned Development. See Sections 303 and 401.02.E.7
3. Residential is only permitted in NACX, CCX, and OCX when accessory to commercial or office development.
4. The impervious surface ratio (ISR) is the relationship between the total amount of impervious surface which is present on a site and the total site area. Impervious surfaces are those which do not absorb water. They include buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete or asphalt. The ISR is calculated by dividing the total area of all impervious surfaces on a site by the gross site area, excluding existing water bodies (*Note: The term "water bodies" does not include man-made wet-retention/detention areas, man-made lakes, or man-made ponds*).
5. The floor area ratio (FAR) is the relationship between the total floor area on a site and the total site area. The FAR is calculated by adding together all floor areas of all floors and dividing this total by the gross site area, exclusive of existing water bodies (*Note: The term "water bodies" does not include man-made wet-retention/detention areas, man-made lakes, or man-made ponds*).
6. Front, exterior side, and exterior rear setbacks for principal and accessory structures shall be determined by the distance from the road right-of-way (R/W). Setbacks from private roads shall be calculated in the same manner or from the edge of pavement, whichever is greater. All linear dimensions are given in feet.

7. Residential structures exceeding 35 feet in height, setbacks shall be increased by one-half of one foot for each one foot of height over 35 feet. The 100' height may only be obtained according to Section e. Performance Standards, 9. ChampionsGate MUX.
8. All development is subject to Section 610 - Setbacks from lakes and surface waters.
9. All development is subject to Section 220 - Compatibility.
10. Chimneys, smoke stacks, communication towers, and Religious Institution symbols, including but not limited to: minarets, prayer towers, steeples, crosses, menorahs, Stars of David, and bell towers are exempt from the structure height limitations.
11. All structures are subject to compliance with the Polk County Airport Zoning Regulations, adopted and administered by the Joint Airport Zoning Board (JAZB).
12. All residential garage entrances for vehicles shall be setback a minimum of 20 feet from the property line or right-of-way easement.
13. All structures shall comply with Section 214 - Distance between Buildings.
15. Impervious surface ratio (ISR) does not apply to single family residential development. GS indicates lower ISR standard for properties in the Green Swamp Area of Critical State Concern.
16. Minimum interior side setbacks for non-residential uses which adjoin non-residential districts may utilize a zero setback in accordance with the provisions in Section 755, provided that side adjoins a non-residential district.
17. Recreational lighting, seating, press boxes, and other similar appurtenances are excluded from height restrictions when approved through a Level 3 Conditional Use process.
18. The Building Official may approve a reduction in the required setbacks of up to ten percent (10%) of the requirement through a Level 1 Review process.

## **Section 5**

**Chapter 4, Special Districts, Section 401.02 Ronald Reagan Parkway Plan District, E. Performance Standards, 5. Landscaping and Reforestation and adding a new subsection 9. ChampionsGate MUX** of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended in the following manner:

### **E. *Performance Standards***

The performance standards for development in the Ronald Reagan Parkway SAP are embodied in seven primary categories; Vehicle Transportation, Pedestrian Accessibility, Recreation, Wetlands, Landscaping, Signs, and Specific Use Standards.

5. Landscaping and Reforestation - It is essential when creating an urban environment to replenish and protect the natural landscape. The benefits are: reduction of ambient temperatures, creation a more drought tolerant environment, mitigation of the hardscape of urban areas, restoration of wildlife habitat, reduction of noise pollution, and the reduction of light pollution. The Ronald Reagan Parkway SAP requires the following minimum standards for Canopy Tree Planting, Roadway Landscape and Parking Lot Areas in all development:
  - a. Canopy trees shall be planted in all development and consist of mixture of deciduous and non-deciduous trees. The minimum number of canopy trees, exclusive of buffers, to be planted or preserved as follows:
    - i. Residential Low (RLX) -- 1 tree shall be planted or preserved for every 5,000 square feet of developable residential land area or fraction thereof, up to a maximum of 8 trees.
    - ii. Residential Medium (RMX) and Residential High (RHX) -- 8 trees per gross developable acre shall be planted or preserved.
    - iii. Activity Centers (RACX, CACX, NACX, CCX, OCX, and ECX), ~~and~~ Institutional (INSTX) and MUX -- 6 trees per gross developable acre shall be planted or preserved.
    - iv. Industrial (INDX), Business Park Center (BPCX) -- 4 trees per gross developable acre shall be planted or preserved.

9. ChampionsGate MUX – The MUX district is to address flexible residential unit needs of the ChampionsGate development to create a urban resort environment as well as to expand the same style of development from Osceola County. The portion of MUX between ChampionsGate Boulevard and the Portofino development may achieve a building height of 100 feet while the portion of the MUX between Westside Boulevard and Portofino shall be limited to a height of only 75 feet.

#### **SECTION 6: 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 7: 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 \_\_\_\_\_ day of \_\_\_\_\_, 2023.

