

ORDINANCE NO. 24-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS, POLK COUNTY, FLORIDA, LAND DEVELOPMENT CODE AMENDMENT **LDCT-2023-7**, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE, AMENDING CHAPTER 2, TABLE 2.1 USE TABLE FOR STANDARD LAND USE DISTRICTS TO ENABLE ADMINISTRATIVE APPROVAL OF MULTIFAMILY USES IN, RESIDENTIAL MEDIUM (RM) AND RESIDENTIAL HIGH (RH) DISTRICTS; AMENDING CHAPTER 3, SECTION 303, PLANNED DEVELOPMENT, BY REPLACING THE CURRENT REQUIREMENTS WITH NEW REQUIREMENTS; AMENDING CHAPTER 4, SPECIAL DISTRICTS, TO ENABLE ADMINISTRATIVE APPROVAL OF MULTIFAMILY USES IN RESIDENTIAL MEDIUM-X (RMX) AND RESIDENTIAL HIGH-X (RHX) DISTRICTS TO SELECTED AREA PLAN (SAP) USE TABLES IN TABLE 4.1C OF THE I-4 NORTHEAST PARKWAY SAP, TABLE 4.3 OF THE RONALD REAGAN PARKWAY SAP, TABLE 4.8 OF THE NORTH U.S. HIGHWAY 27 SAP, AND TABLE 4.16 OF THE NORTH RIDGE SAP; AMENDING CHAPTER 7, SECTION 750, TO CLARIFY OPEN SPACE REQUIREMENTS; AMENDING CHAPTER 9, SECTION 903.G, PLANNED DEVELOPMENTS, AND TABLE 9.1, REMOVING THE IMPACT ASSESSMENT STATEMENT REQUIREMENT AND INCLUDING THE OPEN SPACE AND AMENITY PLANS IN THE PLANNED DEVELOPMENT APPLICATION REQUIREMENTS; AMENDING CHAPTER 10 TO ADD DEFINITIONS FOR EMERGENCY MEDICAL CARE AND GENERAL MERCANTILE; PROVIDING FOR SEVERABILITY; PROVIDING 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 January 3, 2024; and

WHEREAS the proposed text amendment to the Polk County Land Development Code is intended to revise and replace the current requirements for Planned Development to focus on proximity to public and private investment, internal design, and external design; and

WHEREAS, the Board of County Commissioners held two public hearings on _____ and _____ 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, if any; and

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Polk County, Florida that:

SECTION 1: FINDINGS The findings set forth in the recitals to this Ordinance are true and correct and hereby adopted. In addition, the Board hereby adopts and incorporates herein the staff report and makes the following findings based upon the staff report, testimony, and exhibits presented during the hearing:

- a) The Planning Commission, acting in its capacity as the Local Planning Agency for the County, held a public hearing on January 3, 2024, to consider the LDC text amendment contained within the Application and found it to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC text amendment contained within the Application.
- b) Pursuant to Section 907.D.10 of the LDC, the Board shall, in the review of the Application, consider the following factors:
 - a. Whether the proposed text amendment is consistent with all relevant requirements of the Code;
 - b. Whether the proposed text amendment is consistent with all applicable policies of the Comprehensive Plan; and
 - c. Any other matter which the BoCC may deem appropriate and relevant to the text amendment proposal.
- c) The Application is consistent with all relevant requirements of the Comprehensive Plan.
- d) The Application is consistent with all relevant requirements of the LDC, including without limitation, Section 907.

NOTE: The underlined text indicates proposed additions to the current language. The ~~strikeout~~ indicates text to be removed from the current ordinance.

SECTION 2: Table 2.1, Use Table for Standard Land Use Districts, Table 4.1, Use Table for Interstate 4 Selected Area Plan Land Use District, Table 4.3, Use Table for Standard Land Use Districts for the Ronald Reagan Selected Area Plan, Table 4.8, Use Table for U.S. 27 Selected Area Plan Land Use District, Table 4.16, Use Table for Standard Land Use Districts in the North Ridge SAP, and Table 5.2, Use Table for Green Swamp ACSC of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, are hereby amended as follows:

Section 205 Use Tables for Standard Land Use Districts

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	RCC	CC	CE	LCC	NAC	CAC	RAC	OC	TCC	HIC	BPC-1	BPC-2	IND	PM	L/R	INST1	INST2	ROS	PRESV	
Key to Table: P = Permitted Use; C = Conditional Use/Level of Review																													
...																													
Multi-family		C3		C3	C3	C3	C3	<u>P</u> C2	<u>P</u> C2	C3				C3	C3	C2	C2	C3	C2		C3				C2	C3	C3		
...																													

Section 401.01 I-4 / NE Parkway Plan Districts

Table 4.1c Use Table for Interstate 4 Selected Area Plan Land Use District (For this table's revision history, see last row in table)

	RL-1X	RL-2X	RL-3X	RL-4X	RMX	RHX	LCCX	TCCX	CACX	BPC-1X	BPC-2X	IACX	INSTX	MUX	ROSX	PRESV
...																
Multi-Family	C3	C3	C3	C3	<u>P</u> C2	<u>P</u> C2	C3	C2	C3	C3	C3		C3	C2		
...																

Section 401.02 Ronald Reagan Parkway Plan District

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	BPC-1X	BPC-2X	INDX	INST1X	INST2X	ROSX	PRESVX
Key to Table: P = Permitted by right; C = Conditional Use/Level of Review; if blank = Not Permitted																	
...																	
Multi-family	C3	C2	<u>P</u> C2	C2	C2	C2	C2	C2	C2	C2	C3			C3	C3		
...																	

Section 401.03 North US 27 Selected Area Plan

Table 4.8 Use Table for U.S. 27 Selected Area Plan Land Use District

Green Swamp ACSC Districts Outlined in Heavy Border	TC	RAC	PI	OC	RH	RM	RL-1	RL-2	RL-3	RL-4	INST	NAC	TC	RAC	PI	NAC	RH	RM	RL-1	RL-2	RL-3	RL-4	L/R
	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
RESIDENTIAL USES																							
...																							
Multi-Family	C3	C3	C2	C2	<u>P</u> C2	<u>P</u> C2	C3	C3	C3	C3			C3	C3	C2		<u>P</u> C2	<u>P</u> C2	C3	C3	C3	C3	C3
...																							

Section 401.06 The North Ridge Selected Area Plan

Table 4.16 Use Table for Standard Land Use Districts (Higher density/intensity development may require bonus points or a planned development in the North Ridge SAP (Revised 11/12/08 – Ord. 08-056; 03/25/03 - Ord. 03-23; 05/15/02 - Ord. 02-22; 3/6/02 – Ord 02-13)

	A/RR	RS	RL	RL	RL3	RL	RM	RH	CC	CE	LCC	NAC	CAC	RAC	TCC	BPC	IND	PI	L/R	EC	INST	ROS	PRESV	
	X	X	1X	2X	3X	4X	X	X	X	X	X	X	X	X	X	1X	X	X	X	X	X	X	X	
Key to Table: P = Permitted Use; C = Conditional Use/Level of Review																								
...																								
Multifamily					C3	C2	<u>P</u> <u>C2</u>	<u>P</u> <u>C2</u>			C3		C2	C2	C2	C3	C3		C2	C2	C2	C2		
...																								

SECTION 3: Section 303, Planned Development, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, **is hereby replaced in its entirety** by the following text:

Section 303 Criteria for Conditional Uses

...

Planned Development

Planned Development (PD) is a special approval that allows for project design flexibility and attaching conditions when warranted. PD approval must be consistent with Section 2.125-M of the Comprehensive Plan which requires the economic and efficient utilization of land; efficient use of existing and programmed public services and facilities; and the creation of an attractive development that is compatible with the adjacent and surrounding uses, utilizes functional open space for internal recreation, and conserves natural resources.

A. Applicability and Purpose

The PD process is intended to reach a higher development standard than what is prescribed through the LDC by right. PDs may be required for various reasons, such as increases in density, reduced setbacks, reduced lot sizes, short-term rental, Transitional Area Developments (TADs), and relief from specialized design standards found within the LDC. The approval of PDs is a function of location, internal design, and external design relative to their proposed intensities. The sections to follow provide application requirements for Planned Developments (PD), Suburban Planned Developments (SPD), Residential-Mixed Use Developments (RMD), and Residentially Based Mixed Use Developments (RBMD) in addition to the appropriate sections of this chapter. Non-residential developments that require Planned Development approval shall adhere to the design conditions set forth in Section 303 and Selected Area Plan requirements that apply and be evaluated based on criteria in Section 906.D as Conditional Uses.

Planned Development approval is an optional land development opportunity in all districts but may not be appropriate in all locations within a Future Land Use Map district or Development Area. Properties are eligible to develop in all districts without Planned Development approval under their entitled density and standard development requirements. Applicants seeking PD approval are requesting additional considerations that are not prescribed to all land use districts. All PDs shall adhere to higher development standards and correspond to locational eligibility based on proximity to water and wastewater services along with other infrastructure and environmental conditions according to the requested density. Locational eligibility is listed in subsections B and C. The higher development standards are listed in subsections D internally and E relating to external interaction.

An application for PDs, SPDs, RMDs, and RBMDs shall include a site plan per the requirements of Section 906.D, an Open Space Plan, Amenity Plan, and project narrative addressing how the plans meet C, D, and E requirements to follow.

- B. *Locational Eligibility - Proximity to Potable Water and Wastewater Service*** – Planned Developments shall only be proposed in locations within the TSDA, UGA, and UEA where public water and sanitary sewer are available as defined in Chapter 10 of this code. Planned

Developments in the SDA shall only be proposed where public water is available as defined in Chapter 10 of this code. It is mandatory that Suburban Planned Developments (SPDs) connect to public water.

C. *Timing of Development - Proximity to Public and Private Investment*

The intensity and timeliness of a PD shall be determined by the surrounding infrastructure needed to support the residents within that development. The minimum qualifications for residential density (single-family, duplex, and multi-family) shall be based on achieving a locational score for the Future Land Use Map district and the proximity to existing or programmed infrastructure and services (the “Locational Eligibility Score”). Table 3.3 provides a list of infrastructure and service items and the points each one contributes to the Locational Eligibility Score. Table 3.4 lists the minimum locational points needed to qualify for eligible upland density within the development based on the Future Land Use Map district. The densities in Table 3.4 indicate the maximum allowed that may be approved depending on the quality of design and ability of the applicant to demonstrate compatibility with surrounding uses and all other applicable sections of this Code. The Locational Eligibility Score is not an entitlement but rather a measure of timing only. The maximum density in Table 3.4 is not guaranteed.

Table 3.3 Locational Eligibility Score

Infrastructure Item	RCC-R, RS, RL, & A/RR			RM and non-residential districts			RH and non-residential districts		
	¼ mile	½ mile	¾ mile	¼ mile	½ mile	¾ mile	¼ mile	½ mile	¾ mile
Arterial Road	3	2	1	2	1		2	1	
Collector Road	3	2	1	2	1		1		
Transit Route	3	2	1	2	1		1		
Sidewalk connection to School	2	1		2	1		1		
Sidewalk connection to retail commercial	2	1		2	1		1		
Sidewalk connection to transit stop	2	1		2	1		1		
Sidewalk connection to park	3	2	1	3	2	1	3	2	1
≥6” potable waterline	1			1			1		
≥4” sanitary sewer line	1			1			1		
Public Lift Station	2	1		2	1		1		
Reclaimed waterline	2	1		2	1		1		
Infrastructure Item	1 mile	2 miles	3 miles	1 mile	2 miles	3 miles	1 mile	2 miles	3 miles
Fire Rescue Station	3	2	1	2	1		1		
Emergency Medical Care	3	2	1	3	2	1	3	2	1
Elementary School	2	1		2	1		2	1	
Middle School	3	2	1	3	2	1	3	2	1
High School	3	2	1	3	2	1	3	2	1
College or University	3	2	1	3	2	1	3	2	1
CC district	1			1			1		
CC district > 50% dev.	2			2			2		
General Mercantile	2	1		1			1		

Table 3.3 Locational Eligibility Score

	RCC-R, RS, RL, & A/RR			RM and non-residential districts			RH and non-residential districts		
NAC district	2	1		2	1		2	1	
NAC district > 50% dev.	2	1		2	1		2	1	
Grocery >40,000 sq.ft.	2	1		2	1		2	1	
CAC* district	2	1		2	1		2	1	
CAC* district > 50% dev.	3	2	1	3	2	1	3	2	1
Regional Park	3	2	1	3	2	1	3	2	1
Community Park	2	1		2	1		2	1	
District Park	1			1			1		
City Park	2	1		2	1		1		
Employer (>100 FTE)	3	2	1	3	2	1	3	2	1
Employer (>300 FTE)	3	2	1	3	2	1	3	2	1
Employer (>500 FTE)	3	2	1	3	2	1	3	2	1
Environmental Infrastructure	yes			yes			yes		
Open Drainage Basin	1			1			1		
Positive Outfall	1			1			1		
No adverse wetland disturbance	1			1			1		
Interconnectivity	two	three	four	two	three	four	two	three	four
Access points	1	2	3	1	2	3	1	2	3
Vehicle interconnection to neighboring development	1	2	3	1	2	3	1	2	3
Pedestrian connections	1	2	3	1	2	3	1	2	3

Table 3.3 Guide to Locational Scoring footnotes

- All measurements are nearest point of vehicle travel from property line to property line within margin of error not to exceed 10% of the measurement standard.
- Points are cumulatively added vertically within the table but not horizontally, except for schools.
- Road types are in accordance with the most recent County Road Inventory and measured from the nearest driveway to the closest right-of-way. Only one score from each different road classification counts (ex: max 9 pts if all 3 types are w/in ¼ mile).
- Sidewalk connections are measured from the end of the external sidewalk provided along the frontage of the site to the property line of the school, business, or bus stop post.
- Utilities are measured from right-of-way location to the property line.
- Points are awarded cumulatively for K-12 public, charter, and private schools with 100 students or more.
- Points awarded cumulatively for commercial districts, amount of development, and uses within them.
- *CAC district or higher activity center, such as RAC or TCC
- Points are awarded for one type of each park.
- Points are awarded cumulatively for each total employment sharing one access, such as a shopping plaza. Only 3 points per category for a maximum of 9 total points.
- Wetland disturbance includes all disturbances including for purposes of access. However, wetland enhancement is not considered disturbance.
- Pedestrian connections count for sidewalk connections to abutting development through the right-of-way if the abutting development has internal sidewalks.
- Properties with multiple districts may use the majority district for location evaluation.
- Provisional Locational Score Points: For infrastructure items that are fully funded in the most current 5-year Community Investment Program (CIP) or Polk County Schools 5-year Capital Improvement Plan (CIP). If Level 2 Plans have been submitted by private entities for commercial development and employers, they will be counted.

Table 3.4 Planned Development Eligibility Limit per Location Score

**Transit Supportive Development Area (TSDA) only.,*

***Transit Corridor, Transit Center, or Transit Core only; LCC maximum 10 du/ac.*

****Gross density is gross acreage less wetlands which are credited per Section 620. Also, density is calculated prior to external right-of-way dedication.*

⁴NAC residential density only for mixed use in TSDA and UGA up to 5 du/ac maximum

RL, NAC ⁴		RM, LCC (TSDA Only)		RH, TCX	
Points Achieved	Maximum Density du/ac	Points Achieved	Maximum Density du/ac	Points Achieved	Maximum Density du/ac
6	2	6	7	6	10
8	2.5	8	7.5	8	10.5
10	3	10	8	10	11
13	3.5	13	8.5	13	11.5
16	4	16	9	16	12
19	4.5	19	9.5	19	12.5
22	5	22	10**	22	13
25	5.5*	25	10.5**	25	13.5
28	6*	28	11**	28	14
30	6.5*	30	11.5**	30	14.5
32	7*	32	12**	32	15
34	7.5**	34	12.5**	34	15.5**
36	8**	36	13**	36	16**
40	8.5**	40	13.5**	40	16.5**
42	9**	42	14**	42	17**
44	9.5**	44	14.5**	44	17.5**
46	10**	46	15**	46	18**
48	>10**	48	>15.5**	48	>18.5**

**Transit Supportive Development Area (TSDA) only.,*

***Transit Corridor, Transit Center, or Transit Core only; LCC maximum 10 du/ac.*

****Gross density is gross acreage less wetlands which are credited per Section 620. Also, density is calculated prior to external right-of-way dedication.*

⁴NAC residential density only for mixed use in TSDA and UGA up to 5 du/ac maximum

Table 3.4 cont. Maximum Gross Density by Location

Gross density is gross acreage less wetlands which are credited per Section 620. Also, density is calculated prior to external right-of-way dedication.

RS		RCC-R	
Points Achieved	Maximum Density du/ac	Points Achieved	Maximum Density du/ac
6	0.25	6	0.25
8	0.5	8	0.5
10	0.75	10	0.75
12	1	13	1
14	1.25	16	1.25
16	1.5	19	1.5
18	1.75	22	1.75
20	2	25	2
22	2.25		
24	2.5		
26	2.75		
28	3		

Table 3.4 cont. Maximum Gross Density by Location

Gross density is gross acreage less wetlands which are credited per Section 620. Also, density is calculated prior to external right-of-way dedication.

Residentially Based Mixed Use Development		Rural Mixed-Use Development	
Points Achieved	Maximum Density du/ac	Points Achieved	Maximum Density du/ac
6	1.75	6	0.25
8	2.5	8	0.5
10	3.25	10	0.75
13	4	13	1
16	4.75	16	1.25
19	5.5**	19	1.5
22	6.25**	22	1.75
25	7.5**	25	2
28	8.25**		
30	9**		
32	9.75**		

Table 3.4 cont. Maximum Gross Density by Location

Gross density is gross acreage less wetlands which are credited per Section 620. Also, density is calculated prior to external right-of-way dedication.

Residentially Based Mixed Use Development		Rural Mixed-Use Development	
Points Achieved	Maximum Density du/ac	Points Achieved	Maximum Density du/ac
34	10.5**		
36	11.25**		
40	12**		
42	12.75**		
44	13.5**		
46	14.25**		
48	>15**		

***Transit Corridor, Transit Center, or Transit Core only.*
**** Gross density is gross acreage less wetlands which are credited per Section 620. Also, density is calculated prior to external right-of-way dedication.*

Table 3.4 cont. Maximum Gross Density by Location

Gross density is gross acreage less wetlands which are credited per Section 620. Also, density is calculated prior to external right-of-way dedication.

BPC-1		CAC, RAC	
Points Achieved	Maximum Density du/ac	Points Achieved	Maximum Density du/ac
14	10	6	15
16	10.5	8	15.5
18	11	10	16
20	11.5	12	16.5
22	12	14	17
24	12.5	16	17.5
26	13	18	18
28	13.5	20	18.5
30	14	22	19
32	14.5	24	19.5
34	15	26	20
		28	20.5
		30	21
		32	21.5

Table 3.4 cont. Maximum Gross Density by Location

Gross density is gross acreage less wetlands which are credited per Section 620. Also, density is calculated prior to external right-of-way dedication.

BPC-1		CAC, RAC	
Points Achieved	Maximum Density du/ac	Points Achieved	Maximum Density du/ac
		34	22
		36	22.5
		38	23
		40	23.5
		42	24
		44	24.5
		46	25

D. Internal Design

Evaluation of the internal design of a Planned Development application shall be considered by the Planning Commission in its overall decision. There are minimum standards for Open Space and the amount of land within it that can support recreational activities. This section provides a quantitative analysis of the recreational amenities provided relative to the residential product requested. In accordance with the requirements of 906.D for the Planned Development Site Plan, an Open Space Plan, and an Amenity Plan shall be provided. These shall either be incorporated into one plan or on separate pages as clarity requires.

1. Minimum Open Space and Recreation Area Requirements - Land dedicated within a development to meet Open Space requirements shall be of adequate width and length to support the purpose of the space. Open Space for Planned Developments shall comply with the following:
 - a. Residential Planned Developments with lots less than 80 feet wide shall devote at least 20 percent of the gross developable project area to Open Space. Residential Planned Developments with lots 80 feet wide or greater shall devote at least 10 percent of the gross developable project area to Open Space.
 - b. From the required Open Space acreage, Planned Developments with lot widths for single-family detached units less than 80 feet wide; duplex, triplex, townhome units, platted or unplatted; and all multi-family units shall provide a minimum 500 sq. ft. of park-and-recreation space per unit. In no case shall any individual recreation area be less than 10,000 square feet in area.
 - c. An Open Space Plan shall be submitted as part of the application for a Planned Development approval. The plan shall designate the boundaries, the size, and the proposed use of all Open Space. The plan shall specify

whether the Open Space areas will be dedicated or preserved and by what mechanism. Open Space shall not consist of setbacks, landscaped parking islands, tracts for lift stations, wetlands, stormwater management facilities, rights-of-way, parking lots, or landscaping buffers unless noted below:

1. Landscaping buffers meeting or exceeding 25 feet in width and planted with Type “C” landscaping which provide a transition from neighboring developments may count towards Open Space requirements.
 2. Stormwater facilities may be used to meet Open Space requirements only if all facilities onsite are curvilinear in design and meet the canopy and understory tree planting requirements of a Type “C” Buffer. This landscaping may be clustered and shall be landscaped with species native to the area.
 3. To meet recreation requirements, stormwater facilities shall meet the Open Space standards above and be utilized for active or passive recreation. Pedestrian connectivity to these features is required.
 4. Where Type II–IV Amenities abut residential lots, Type “C” landscape buffering shall be provided to separate the residential property from the park.
 5. Wetland buffers may be counted towards Open Space if a 25-foot setback is maintained throughout the entire buffer.
- d. Open Space and recreation standards for the SAPs and Green Swamp ACSC supersede this section unless they require an inferior amount of Open Space or recreation area.
2. Amenity Plan – All lots under 80 feet wide within a Planned Development shall be no farther than one-quarter of a mile walking distance from at least one recreation amenity. The following are the four Amenity Types that can either be graphically depicted or labeled on the Level 3 Review plan. Specifics shall be depicted on Level 2 Review plans. The plan shall designate the boundaries, the size, and the proposed recreation amenities categorizing each amenity type as follows:

Type I Amenities

Type I amenities include passive recreation amenities requiring minimal equipment or infrastructure, promoting pedestrian interconnectivity within a community, and encouraging physical activity. Type I amenities include American with Disabilities Act (ADA) approved pedestrian trails, multi-use trails, bike paths, and fishing piers, or their functional equivalent.

Type II Amenities

Type II amenities include passive recreation amenities requiring infrastructure or equipment essential for the function and enjoyment of the amenity. Type II amenities include playgrounds, tot lots, dog parks, dog runs, exercise courses, and

picnic pavilions, or their functional equivalent.

Type III Amenities

Type III amenities include active recreation amenities constructed to host competitive sports. Type III amenities include tennis, basketball, volleyball and pickleball courts and soccer, baseball, and softball fields, or their functional equivalent.

Type IV Amenities

Type IV amenities promote social gathering and community interaction within a development, as well as encouraging health and wellness of the residents. Type IV amenities include community centers, clubhouses, community meeting rooms, and community pools, or their functional equivalent.

All recreational facilities shall be provided on an accessible pedestrian route to encourage physical activity and community interaction. An accessible, weather resistant, and permanently mounted bench shall be provided at each separate amenity area.

3. Amenity Standards – For planned developments with lot widths for single-family detached units less than 80 feet wide; duplex, triplex, townhome units, platted or unplatted; and all multi-family units, the types of amenities required in a planned development are based on a point system. One (1) amenity point is required for each dwelling unit in the development. Points can be achieved by providing certain types of amenities as follows:

**Type I Amenities earn 25 points per location,
Type II Amenities earn 75 points per location,
Type III Amenities earn 150 points per location,
Type IV Amenities earn 200 points per location,**

The four different types of amenities can be used in various combinations to achieve the needed points. There must be enough points earned to cover the entire unit count of the development, therefore rounding up to the next increment will be required.

(Example: a 135-unit development requires 135 points of amenities this can be achieved by earning 150 points. Two Type IIs such as a tot lot and a dog park in the amenity plan or just one Type III such a basketball court can achieve the necessary points)

The required park-and-recreation space that is not occupied by an amenity shall remain common area useable for leisure and recreation by the residents and guests of the development. The acreage and type shall be indicated on the Amenity Plan. Modifications shall follow the criteria in Section 906.E and F.

4. Additional Parking Requirements – a minimum of two exterior spaces per unit shall be required of all single family attached and detached, duplex, and townhome developments whether lots are platted or not platted. Additional parking is required for developments with upland densities above three dwelling units per acre or lot widths less than 65 feet in width. This parking can be provided in the development

through evenly distributed clustered parking lots or parallel parking on private roads or drive aisles. Table 3.6 to follow provides the required amount of additional parking.

Table 3.4.A Additional Parking for Single Family Attached or Detached

Density or Lot Width (per lot)	Additional Parking Located within the Development
>3 du/ac or lots less than 65' wide	1 additional space per 15 units
>4 du/ac or lots less than 55' wide	1 additional space per 10 units
>5 du/ac or lots less than 45' wide	1 additional space per 7 units
<i>Extra spaces for lot width are calculated on the number of each type</i>	

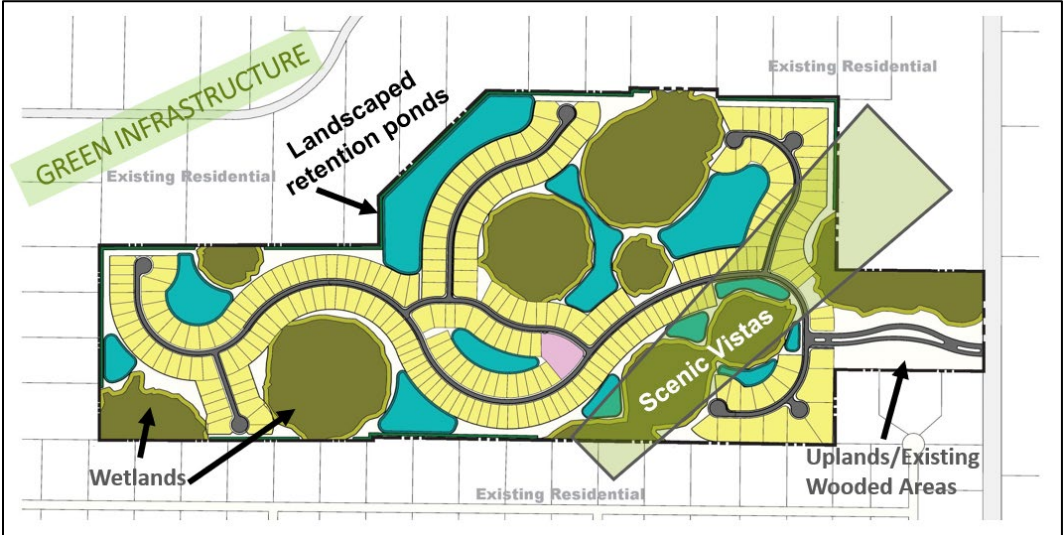
- 5. Yard Setbacks must promote health, safety and welfare, design excellence, and neighborhood compatibility.

E. External Design

The proposed development shall be compatible with and responsive to the character of the surrounding area.

- 1. Transition - PDs shall provide for gradual changes in intensity and density when sharing property boundaries with less intense adjacent development using buffering and screening techniques; increases in peripheral lot sizes and widths; decreases in height; and other compatibility strategies as necessary to adequately protect existing or probable uses of surrounding property.
- 2. Green Infrastructure – PDs shall incorporate a design integrating landscaped stormwater ponds, manmade lakes, enhanced buffering, and conservation efforts to conform with development criteria within the Comprehensive Plan requiring external design to adequately protect existing or probable uses of surrounding properties.

The following graphic displays the use of several design attributes to blend a proposed Planned Development into the adjacent neighborhoods.



3. Access and Travel – the entrances and the most common vehicle routes of a proposed development shall minimize adverse impacts upon nearby development and have an adequate amount of access points to serve the number of units within the development.

F. Review Process

1. Planned Developments shall follow Section 906 and shall be binding for the following items:
 - a. A Preliminary Plan, illustrating the location and layout of all proposed uses. Site data shall include, but is not limited to, gross density, lot sizes, setbacks, height, easements, and other site and performance standards.
 - b. All access points to the site and internal roadways.
 - c. General parking lot layout.
 - d. Location, dimensions, and content of intended buffers.
 - e. An Open Space Plan detailing the required acreage and use of Open Space, as described in Sections 303 and 750.
 - f. An Amenity Plan depicting locations and amenity types either noting category or graphically depicting them.
2. Applications for Planned Development shall be processed pursuant to Section 903F. The complete application forms, applicable attachments, supplemental data or studies, and the required plans shall be submitted with the required number of copies to the Land Development Division.
3. The Preliminary Development Plan submitted by the applicant and other required and applicable materials will be reviewed by the Development Review Committee and forwarded for a public hearing before the Planning Commission pursuant to a Level 3 Review pursuant to Section 906.
4. Modification to plans after approval shall be in accordance with Section 906.E and F.
5. A final development plan (engineered drawings) implementing the plan as approved by the Planning Commission shall be prepared pursuant to the requirements of Section 905 and submitted to the Land Development Division with all applicable forms, supplemental materials and the required number of copies. The final Development Plan will be processed as a Level 2 Review pursuant to Section 905.

NOTE: The underlined text indicates proposed additions to the current language. The ~~strikeout~~ indicates text to be removed from the current ordinance.

SECTION 3: Chapter 7, Section 750, Open Space, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended:

Section 750 Open Space

A. Upland Parcels Applicability

Land dedicated within a development in which Open Space is required shall consist of upland tracts under common ownership for recreation, enhanced compatibility between adjacent uses, and upland habitat preservation. Such land shall be of adequate width and length to support the purpose of the space.

B. Dedicated Open Space

All areas dedicated to Open Space shall be maintained by the applicant or assigns. Development within Open Space shall be limited to 0.25 ISR. Rights-of-way, building setbacks, standard landscaping buffers, landscaped parking islands, tracts for lift stations, and wetlands, and parking lots, are not considered Open Space.

Stormwater management facilities are considered Open Space when featuring a curvilinear design and meeting the canopy and understory tree planting requirements of a Type “C” landscaping buffer.

Major subdivisions, as defined in Chapter 10, with lots less than 80 feet wide, shall devote at least 20 percent of the gross developable project area to Open Space. Major subdivisions with lots 80 feet wide or greater shall devote at least 10 percent of the gross developable project area to Open Space.

C. Open Space Plan

Where Open Space is required, an Open Space plan shall be submitted as part of the application for development approval. The plan shall designate the boundaries, the size, and the proposed use of all Open Space. The plan shall specify whether the open areas will be dedicated or preserved and by what mechanism.

SECTION 4: Chapter 9, Section 903.G, Review Procedures, and Table 9.1 of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended:

G. *Planned Developments*

The procedures and review requirements are summarized in Table 9.1.

1. Planned Development shall require a Level 3 Review which will be processed through the Development Review Committee and the Planning Commission. A Preliminary Plan, Open Space Plan, and ~~Impact Assessment Statement~~ Amenity Plan shall be required.
2. Development, redevelopment or use of land within a Planned Development which has been previously approved, shall require a Level 2 Review. A Final Development Plan pursuant to the specifications in Section 909, shall be reviewed and approved by the Development Review Committee to ensure the proposed use, structures and improvements are in compliance with the approved Planned Development Preliminary Plan and all applicable codes.
3. Minor Modifications to approved Planned Developments shall be processed as a Level 2 Review. The DRC shall review the revised Preliminary Plan to ensure it is consistent with the approved Planned Development. At the applicant's option, a Final Development Plan may be submitted for review of a Minor Modification.
4. Major Modifications to Planned Developments shall be processed as a Level 3 Review. The DRC and Planning Commission shall review the revised plan to ensure it is consistent with the approved Planned Development. At the applicant's option, a Final Development Plan may be submitted for review of a Major Modification.

Table 9.1 Summary of Required Review Procedures			
Development Approval Requested	Submittal Required	Required Steps	Review Procedure
All other “permitted” uses on Use Tables in Chapters 2, 4 and 5	Final Development Plan	DRC	Level 2 (DRC Action)
Conditional Uses			
C-1 Conditional Uses ⁽¹⁾	As requested for permitting	Staff review	Level 1 (Admin. Action)
C-2 Conditional Uses ⁽¹⁾	Final Development Plan	DRC	Level 2 (DRC Action)
C-3 Conditional Uses ⁽¹⁾	Draft Development Plan and Impact Assessment Statement	DRC, and PC	Level 3 (PC Action)
C-4 Conditional Uses ⁽¹⁾	Final Development Plan and Impact Assessment Statement	DRC, PC and BoCC	Level 4 (BoCC Action)
Land Use District Modification	Application and Impact Assessment Statement	PC and BoCC	Level 4 (BoCC Action)
Code Amendments and Comprehensive Plan Amendments ⁽⁴⁾	Application	PC and BoCC	Level 4 (BoCC Action)
Planned Developments			
Planned Development Preliminary Plan Approval	Preliminary Plan and Impact Assessment Statement	DRC, PC	Level 3 (PC Action)
Build-out	Final Development Plan	DRC	Level 2 (DRC Action)
Minor Modification to Planned Development	Preliminary Plan ⁽²⁾	DRC	Level 2 (DRC Action)
Major Modification to Planned Development	Preliminary Plan ⁽²⁾	DRC, PC	Level 2 (DRC Action)

Table 9.1 Summary of Required Review Procedures			
Subdivision Plats			
Construction Plans	Construction Plans	DRC	Level 2 (DRC Action)
Modification to Construction Plans	Construction Plans	DRC	Level 2 (DRC Action)
Signage Plan ⁽⁵⁾	Signage Plan	PC, DRC	Level 3 (PC Action) Level 2 (DRC Action)
Final Plat	Final Plat	DRC and BoCC	Level 5 (Platting Approval)
Minor Plat	Final Plat	DRC and BoCC	Level 5 (Platting Approval)
Plat Modification	Final Plat	DRC and BoCC	Level 5 (Platting Approval)
Replat/Vacating ⁽³⁾	Construction Plans and Final Plat	DRC and BoCC	Level 5 (Platting Approval)
<p>(1) All conditional uses shall comply with the conditions outlined in Chapter 3.</p> <p>(2) Final Development Plans may be submitted at the option of the applicant.</p> <p>(3) Depending upon size and complexity, staff may require a preliminary plat.</p> <p>(4) There shall be a transmittal and an adoption hearing on all text amendments and map amendments over ten acres.</p> <p>(5) Complete in conjunction with final Development Approval in Level 2.</p>			

SECTION 5: Chapter 10, Definitions, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended in by **adding the following definitions:**

Chapter 10 DEFINITIONS

...

EMERGENCY MEDICAL CARE: An establishment providing emergency medical service which is any health care service provided to evaluate and/or treat any medical condition serving a need such that a prudent layperson possessing an average knowledge of medicine and health, believes that immediate unscheduled medical care is required. In addition to hospitals, examples include medical service facilities that do not require appointments in advance of treatment such as walk-in clinics, express care clinics, and free-standing emergency rooms.

...

GENERAL MERCANTILE: A retail establishment greater than 5,000 square feet that sells a variety of products for the general public use in addition to other retail such as grocery and prepared food products.

...

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 _____, 2024.