

ORDINANCE NO. 24-_____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING LAND DEVELOPMENT CODE AMENDMENT **LDCT-2024-2**, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE; AMENDING CHAPTER 2 TO CLARIFY GARAGE SETBACKS FOR TOWNHOUSES; AMENDING CHAPTER 3, TO CLARIFY THE APPROVAL PROCESS FOR MULTI-FAMILY DEVELOPMENTS; AMENDING CHAPTER 4, SELECTED AREA PLANS, TO SPECIFY DEVELOPMENT STANDARDS FOR TOWNHOMES; 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 March 6, 2024; and

WHEREAS, the proposed text amendment to the Polk County Land Development Code shall clarify current policy when reviewing multi-family developments; and

WHEREAS, the Board of County Commissioners held two public hearings on April 2, 2024 and April 16, 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 March 6, 2024, to consider the LDC text amendments contained within Application LDCT-2024-2 and found them to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC Text Amendment contained within Application LDCT-2024-2.
- c) The adoption of LDCT-2024-2 is consistent with the Comprehensive Plan and LDC.

SECTION 2: 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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23. All single-family detached, single-family attached, duplex, townhome, and residential detached garage entrances for vehicles shall be setback a minimum of 25 feet from the property line, drive aisle, or right-of-way easement. ~~Any Level 2 or Level 3 projects applied for prior to February 6, 2023 may continue to apply the setback development standard in Table 2.2 which would have applied to the project before February 6, 2023.~~

24. Townhouses, duplexes, and single-family attached units intended to be subdivided and sold as individual units shall have no setback from the common wall between units.

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

Section 301 Purpose and Intent

Conditional uses have unique characteristics that require the imposition of development criteria in order to ensure that they are not harmful to the health, safety, and welfare of residents, surrounding uses and surrounding properties. These criteria may be applied in relation to use, occupancy, location, construction, design, character, scale, manner of operation, or the necessity for making complex or unusual determinations. The uses are listed in this Section together with the specific criteria that apply to each conditional use. They are listed in alphabetical order according to the use as it appears on the Use Table. These criteria shall be met in addition to all other standards of this Code, unless specifically exempted or the Code states otherwise, and all applicable regulations of other governmental agencies.

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

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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)~~

Multi-family development includes individual dwelling units that may be owned or offered for rent within structures designed for occupancy by three or more families living independently, such as apartments, townhomes (platted and un-platted), and condominiums. Lot size standards are not applicable to multi-family developments provided the overall density for the district is maintained.

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

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5. Multi-family development within residential low-density districts (RCC-R, RL-1, RL-2, RL-3, and RL-4) shall:
 - a. consist of structures comprised of no greater than four dwelling units attached,
 - b. consist of structures with two above ground level floors or less,
 - c. place all non-residential accessory structures in center of the development and separated from property boundaries by residential structures within the development,
 - ~~d. limit parking to either individual driveways or located in the rear yard, where ample screening is provided,~~
 - ~~e. d.~~ position the doorways of at least 50% of the units towards the street,
 - ~~f. e.~~ resemble single-family style development to the greatest extent possible,
 - ~~g. f.~~ limit fencing within the front setback to no greater than four feet in height,
 - ~~h. g.~~ limit signage to no greater than one 20 square foot sign of less than 4 feet in height, and
 - ~~i. h.~~ the items above may be varied by the Planning Commission or the Board through the approval of a Conditional Use ~~or Planned Development~~ within the Transit Supportive Development Area.

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SECTION 4: Chapter 4, Special Districts, 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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Section 401.01 I-4 /NE Parkway Plan Districts

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- G. ***Conditional Uses*** (~~Revised 11/4/14 Ord. 14-066; 10/6/10 Ord. 1070; 2/3/10 Ord. 10-007; 04/09/08 Ord. 08-007~~)— In addition to the requirements listed in Chapter 3, Section 303, the following standards shall apply to the listed conditional uses):

1. Multi-Family – Multi-family development within the BPC-1X and BPC-2X shall be limited to 20 percent of the district rather than as permitted in Chapter 3. ~~All multifamily proposals shall be reviewed as part of a Planned Development.~~

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Footnotes for Table 4.2a

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7. All single-family detached, single-family attached, duplex, townhome, and residential detached garage entrances for vehicles shall be setback a minimum of 25 feet from the property line, drive aisle, or right-of-way easement. ~~Any Level 2 or Level 3 projects applied for prior to February 6, 2023 may continue to apply the 20-foot garage setback development standard which would have applied to the project before February 6, 2023.~~

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Footnotes for Table 4.2b

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7. All single-family detached, single-family attached, duplex, townhome, and residential detached garage entrances for vehicles shall be setback a minimum of 25 feet from the property line, drive aisle, or right-of-way easement.

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Section 401.02 - Ronald Reagan Parkway Plan District (~~Revised 11/09/05 Ord. 65; 06/08/04 Ord. 0394~~)

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Footnotes for Table 4.4

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12. All single-family detached, single-family attached, duplex, townhome, and residential detached garage entrances for vehicles shall be setback a minimum of 25 feet from the property line, drive aisle, or right-of-way easement. ~~Any Level 2 or Level 3 projects applied for prior to February 6, 2023, may continue to apply the 20-foot garage setback development standard which would have applied to the project before February 6, 2023.~~

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Section 401.06 - The North Ridge Selected Area Plan (~~Revised 03/06/02 Ord. 02-13~~)

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Footnotes for Table 4.17

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7. All single-family detached, single-family attached, duplex, townhome, and residential detached garage entrances for

vehicles shall be setback a minimum of 25 feet from the property line, drive aisle, or right-of-way easement. Any Level 2 or Level 3 projects applied for prior to February 6, 2023 may continue to apply the 20-foot garage setback development standard which would have applied to the project before February 6, 2023.

D. ***Modified Land Use Requirements (~~Revised 12/6/16 – Ord. 16-076; 01/24/12 – Ord. 12-003; 05/07/08 – Ord. 08-013; 07/25/07 – Ord. 07-039~~)***

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2. Residential Low - 3 (RL-3X) and Residential Low - 4 (RL-4X). In addition to the other applicable provisions, the following regulations shall apply:

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- b. Multi-family buildings:

- i. Permitted to have up to four units per building in the RL-3X and RL-4X provided the overall density for the district is maintained in accordance with Table 4.16 and 4.18, however, this provision may be ~~waived~~ varied within the TSDA with the approval of a ~~Planned Development~~ Level 3 Conditional Use; and
 - ii. There is no minimum lot size or height limitation for multi-family buildings in the RL-3X and RL-4X.

3. Residential Medium (RMX). In addition to the other applicable provisions, the following regulations shall apply:

- a. Duplexes and single family attached buildings:

- i. The minimum lot size is 3,000 square feet for each unit or may be reduced with a ~~Planned Development~~ Level 3 Conditional Use approval;
 - ii. Duplexes are permitted on public or private roads provided the road is paved and meets County standards or other type frontage as provided for in this SAP or within the Comprehensive Plan; and

- b. Multi-family units:

- i. Permitted to have up to 16 units per building provided the overall density for the district is maintained. A ~~Planned Development~~ Level 3 Conditional Use approval shall be required if more than 16 units per building is developed, provided the overall density for the district is maintained in accordance with Table 4.16 and 4.18; and
 - ii. There is no minimum lot size or height limitation for multi-family building.

4. Residential High (RHX) – In addition to the other applicable provisions, the following

regulations shall apply:

a. Multifamily units:

- i. There is no maximum number of units per building provided the overall density for the district is maintained. A Planned Development Level 3 Conditional Use approval shall be required if more than 32 units per building is developed, provided the overall density for the district is maintained in accordance with Table 4.16 and 4.18; and
- ii. There is no minimum lot size or height limitation for multifamily buildings.

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Table 4.21 North Ridge SAP Density Bonus Awarded (Residential Districts) *(Revised 09/15/15 – Ord. 15-059; 01/24/12 – Ord. 12-003)*

Residential Low - X ^{(1), (4)} (Maximum Density - du/ac) Minimum Lot Size (Square Feet) ⁽²⁾					Residential Medium - X ^{(1), (3), (4), (6)} (Maximum Density - du/ac) Minimum Lot Size (Square Feet) ⁽²⁾	
Density (du/ac)	R-1X	RL-2X	RL-3X (2), (5)	RL-4X ^{(2), (5), (7)}	Density (du/ac)	RMX
#1	P 40,000	B 15,000			6 - 8	B 4,000
> 1 - 2	B 15,000	P 15,000	B 10,000		> 8 - 10	P 4,000
> 2 - 3	PD 10,000	B 10,000	P 10,000	B 6,000	> 10 - 12	B 4,000
>3 - 4		PD 7,500	B 7,500	P 6,000	> 12 - 15	PD < 4,000
> 4 - 5			PD 6,000	B 5,000		
> 5 - 6				B 5,000		
> 6 - 8				PD 4,000		

Notes for Table 4.21:

P = Permitted with a Level 2 Review in the North Ridge SAP.
 B = Density Bonus Points are required and permitted with a Level 2 Review in the North Ridge SAP.
 PD = Planned Development with the necessary Density Bonus Points are required and permitted with a Level 3 Review in the North Ridge SAP.

- 1) If a higher density than is allowed by this table is requested, a district change or comprehensive plan amendment will be required.
- 2) ~~Duplexes and single family attached units within are allowed to have a minimum lot size of 6,000 square feet for~~

~~each unit in RL-3X and 4,000 square feet for each unit in RL-4X with a Planned Development. For a proposed duplex structure on an individual legal lot, the lot size requirement is not applicable provided the overall density for the district is maintained. In RMX, duplexes and single family attached units are allowed to have a minimum lot size of 3,000 square feet and less than 3,000 square feet with a Planned Development.~~

- 3) ~~Duplexes and single family attached units are allowed to have a minimum lot size of 4,000 square feet for each unit and less than 4,000 square feet for each unit with a Planned Development in the RMX. For individual duplex units, see Section 303.~~ In RMX, duplexes and single family attached units are allowed to have a minimum lot size of 3,000 square feet and less than 3,000 square feet with a Planned Development.
- 4) Parcels or lots in the Green Swamp shall meet all requirements of Chapter 5 of the Land Development Code and the Comprehensive Plan.
- 5) Multi-family units in RL-3X and RL-4X will allow up to four (4) units per building. More may be permitted with a ~~Planned Development~~ Level 3 Conditional Use approval, provided the overall density for the district is maintained in accordance with Table 4.16 and 4.18
- 6) ~~Multi-family units in RMX will allow up to eight (8) units per building; there is no minimum lot size for multi-family units.~~ Multi-family units in RMX may allow more than eight (8) units per building with a ~~Planned Development~~ Level 3 Conditional Use approval.
- 7) In the RL-4X, the minimum lot size for each unit may be reduced with a Planned Development.

SECTION 5: SEVERABILITY

If any provision of this Ordinance is held to be illegal, invalid, or unconstitutional by a court of competent jurisdiction the other provisions shall remain in full force and effect.

SECTION 6: EFFECTIVE DATE

This ordinance shall become effective upon filing with the Department of State.

ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY,
FLORIDA this 16th day of April 2024.