

**POLK COUNTY
DEVELOPMENT REVIEW COMMITTEE
STAFF REPORT**

DRC Date: March 3, 2023	Level of Review: 4
PC Date: January 3, 2024	Type: LDC Text Amendment
BoCC Date: January 23, 2024	Case Numbers: LDCT-2023-7
February 6, 2024	Case Name: Planned Development Text Amendment
Applicant: Polk County	Case Planner: Erik Peterson, AICP

Request:	An LDC text amendment to Chapter 3, Section 303, Planned Development (PD), by replacing the current requirements with new requirements; Chapter 2, Table 2.1, Table 2.1 Use Table For Standard Land Use Districts, and 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, Chapter 7, Section 750, Open Space, 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 PD application requirements; amending Chapter 10 to add definitions for Emergency Medical Care and General Mercantile; providing for severability; and providing for an effective date.
DEO Response:	n/a
DRC Recommendation:	Approval
Planning Commission Vote:	Approval 5-1

Among the changes to Section 303, Planned Development are:

- Change in the way a Planned Development (PD) application is evaluated from 20 subjective criteria to four (4) objective standards:
 - Location Eligibility - In urban areas, sufficient water and wastewater services must be located within a mile of the property. In suburban areas, water must be located within a mile.
 - Timing - Proximity to Public and Private Investment, an objective measure between a property and the necessary infrastructure and services to support a requested density.
 - Internal Design, a set of minimum requirements for open space, recreational amenities, vehicle parking.
 - External Design, a guide to quantitatively evaluate how a PD request relates to the immediate and surrounding area.
- Change in the description of what is binding in a PD approval.

Among the changes to the Standard Use Tables and the SAP Use Tables:

- Change multifamily in Residential Medium (RM) and High (RH) districts to be C2 administrative conditional uses rather than permitted without certain development standards.

Among the changes to Open Space in Section 750 are:

- Landscaped parking islands and tracts for lift stations are added to the items that are not considered open space. However, unpaved areas dedicated to recreational vehicle parking can be considered open space.

Among the changes to Chapter 9, Section 903.G, Planned Developments are:

- Removal of the Impact Assessment Statement requirement and inclusion of the Open Space and Amenity plans in the PD application requirements.

Among the changes to Chapter 10, Definitions are:

- Additional definitions for Emergency Medical Care and General Mercantile.

Summary:

The Board of County Commissioners has directed staff to revise the Planned Development (PD) review process to correspond more with the County's growth management objectives. Through a series of meetings with staff the Board determined that the current system of balancing development intensity with infrastructure, internal design, and external impacts in the code is not meeting the vision for what should be termed "Planned Development." This amendment removes the current language in its entirety and replaces it with a three-fold concept for how to evaluate a development proposal:

- 1) It identifies the timing of a proposed development relative to intensity based on the proximity to necessary infrastructure and services available,
- 2) It evaluates the internal design of a project for how well it meets the needs of its future residents, and
- 3) It evaluates the relationship between a project and the community around it in terms of transition to less intense neighboring properties, use of green infrastructure, and location and type of vehicle access.

This new Planned Development approach applies to all Future Land Use Map Development Areas and most land use districts. It does not void a property of its entitled density under standard development requirements or approved uses. Planned Development is optional. It is one type of development option for achieving an array of exceptions to certain development standards, additional density, special approvals, and other considerations that are not prescribed to all land use districts.

This Planned Development amendment is the culmination of process that spanned over two years. It involved several public meetings where staff interacted with the Board to gain direction. During these interactions the Board chose to make some of the changes apply to all residential development. LDC amendments addressing them have been proposed and acted on by the Board. These amendments improved residential development design standards for recreation and open space, internal sidewalks, street lighting, garage setbacks, and tree planting requirements throughout the County. Staff held two advertised public meetings regarding the PD amendment. One meeting introduced the background and conceptual approach to revising the code. The other meeting introduced the draft document. Follow-up meetings were held with stakeholders to gain input on improving the proposed ordinance.

Data and Analysis Summary

Staff conducted an in-depth analysis of the Planned Development approvals from 2015 to 2022 at the Board's request. Staff gathered data on why the PDs were requested and what enhanced design standards were offered to achieve the special approval. The results of the data and analysis persuaded the Board to seek enhancements to the Planned Development review process. These enhancements included increased open space, changes to density bonus points, design of retention ponds, lot widths, lot sizes, sidewalks on both sides of internal roads, locational factors, and an overall balancing of requirements vs incentives.

For nearly two years, County staff developed this proposed amendment to the Planned Development regulations in Section 303 based on Board of County Commissioners directions provided at several work sessions and during agenda review presentations. Staff held two virtual public meetings where stakeholders were invited. Once a draft document was produced and released

to the public, staff met individually with stakeholders to gather additional input regarding implementation of the proposed ordinance.

For effective policy analysis, staff looked at other jurisdictions for how they confront similar issues. Although it has been well known for a while that Polk County's planned development process was very different from other jurisdictions because of our one-map system for land use regulation, there is still the possibility of gathering ideas on how their requests for a special zone were evaluated. Data on 11 Florida counties and the two largest cities in Polk were gathered for locational factors, steps to achieve higher densities, design, and evaluation criteria. Staff found that there were very few objective measures among the comparison jurisdictions. Several of the jurisdictions studied had baseline design criteria regarding the amount of open space, internal sidewalks, recreation amenities, and underground utilities. Many treated planned developments as a variance process for relaxing development standards.

Staff has reviewed Florida Statutes and the Polk County Comprehensive Plan to determine consistency with all state and local regulations. Staff found regulations relating to advertising requirements for the change of use but nothing regarding increased densities or development standards as long as they were consistent with the Comprehensive Plan Future Land Use Map district limits. However, in the Transit Supportive Development Area (TSDA), higher densities are granted by right if the development can meet the development standards and land use type for the district. There are also recent state legislative changes that preempt density and height limitations for affordable housing in non-residential districts.

This change will apply to properties in the Green Swamp Area of Critical State Concern; therefore, it must undergo review by the Florida Department of Commerce, Community Planning Department, and Areas of Critical State Concern Program prior to it becoming effective. Staff will send a courtesy copy of the report and ordinance to the Florida Department of Commerce (Florida Commerce) for preliminary review and unofficial comments.

Findings of Fact

- 1. The request is a Land Development Code text amendment to Chapter 3, Section 303, Planned Development (PD), by replacing the current requirements with new requirements; Chapter 2, Table 2.1, Table 2.1 Use Table For Standard Land Use Districts, and 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, Chapter 7, Section 750, Open Space, 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 PD application requirements; amending Chapter 10 to add definitions for Emergency Medical Care and General Mercantile.*
- 2. POLICY 2.102-A4 of the Comprehensive Plan states that “**development of land shall be timed and staged in conjunction with the cost-effective and efficient provision of supporting community services** which, at a minimum, shall require compliance with the Plan's Level of Service requirements and the County's concurrency management system.”*
- 3. POLICY 2.104-A1 of the Comprehensive Plan states that Transit Supportive Development Areas (TDSAs) are “those areas where the availability of infrastructure and other community facilities and*

services, including, but not limited to **mass transit and other transportation alternatives, utilities, public safety, recreational and educational services, promotes and supports the location of higher density and intensity compact, mixed use development**” which are “supported by existing or planned urban type services that are programmed or expected for the 10-year planning horizon” at a base year of 2010, and are “designated as part of a coordinated land use and transportation strategy that supports the provision of improved and expanded transit services, as identified in the Transportation Planning Organization (TPO) 2060 Transportation Vision Plan and the connecting circulator routes, in order to increase mobility and travel options.”

4. *POLICY 2.105-A1 states that Urban Growth Areas (UGAs) are “supported by existing or planned urban type services that are programmed for the 20-year planning horizon” at a base year of 2010, and are “those areas where the availability of infrastructure and other community facilities and services, including, but not limited to **mass transit and other transportation alternatives, utilities, public safety, recreational and educational services, promotes and supports the location of higher density and intensity compact, mixed use development in close proximity to the development in the adjacent TSDAs.**”*
5. *POLICY 2.106-A1 states that in the Suburban Growth Areas (SDA) “agricultural activities coexist alongside low density developed areas in the fringes of municipalities and other urban centers. These areas have developed predominately residential, in a suburban pattern with County-owned, municipal or County-franchised **potable-water systems, but without centralized sewer facilities and very little, if any, supporting public facilities and non-residential uses.** Other urban services typically found to accompany a suburban area include, but are not limited to multimodal transportation facilities, public safety, recreational and educational services.”*
6. *POLICY 2.107-A1 states that Utility Enclave Areas (UEAs) “shall be those areas within the County which have developed at urban or suburban densities with County-owned, municipal or County-franchised **potable water systems, and centralized public sewer facilities,** or private sewer system in excess of 400,000 GPD. UEAs are **typically lacking the full complement of other urban services** typically found in the Transit Supportive Development, Urban Growth, or Suburban Areas.”*
7. *POLICY 2.108-A1 states that development the Rural Development Areas (RDA) “is characterized by large open areas, agricultural use, with scattered development and rural centers. **Services are limited and mostly found in the rural centers and clustered developments.**”*
8. *The Comprehensive Plan defines Planned Development as a “land use or uses prepared, constructed, and maintained according to a binding plan as a single entity containing one or more structures and accessory uses. Strict adherence to land use district standards may be relaxed for the purpose of **accomplishing a greater objective** such as increased internal vehicle trip capture, resource protection, **further compatibility** with adjacent use, and more **efficient use of public infrastructure.** Multiple land uses contained within Planned Development shall have a functional relationship with each other as well as consistency with the land use district.”*
9. *SECTION 2.125-M of the Comprehensive Plan “establishes the Planned Development as a mechanism for increasing densities and intensities that may be permitted under certain circumstances, or using innovative design techniques, or providing a mixture of land uses. Planned Development may also be used to gain project design flexibility and to attach conditions where warranted.”*
10. *Chapter 10 of the Land Development Code defines Planned Development the same as the Comprehensive Plan as a “land use or uses prepared, constructed, and maintained according to a*

binding plan as a single entity containing one or more structures and accessory uses. Strict adherence to land use district standards may be relaxed for the purpose of accomplishing a greater objective such as increased internal vehicle trip capture, resource protection, further compatibility with adjacent uses, and more efficient use of public infrastructure. Multiple land uses contained within Planned Development shall have a functional relationship with each other as well as consistency with the land use district.”

11. *Chapter 10 of the Land Development Code defines Public Water Availability as “an approved public water supply with:
 1. Sufficient capacity to serve the subject property, and
 2. Has an adequately sized distribution system within one mile of the property.”*
12. *Chapter 10 of the Land Development Code defines Available Sanitary Sewer “as a municipal, County-franchised, or County-owned sanitary sewer system is considered available when:
 1. The system is not under Florida Department of Environmental Protection (DEP) moratorium;
 2. For all single-family residences, and for any establishment that has an estimated sewage flow of 1,000 gallons per day or less, a sanitary sewer shall be considered available if the line abuts the property and gravity flow can be maintained from the building to the sewer line;
 3. For any residential subdivision, and all non-residential uses that have an estimated sewage flow of 1,000 gallons per day or more, a sanitary sewer shall be considered available if a gravity line, force main, manhole, or lift station in an easement or right-of-way is existing under one of the following conditions:
 - a. Is within one half of one mile (2,640 feet) of the property;
 - b. Will serve ten or more Equivalent Residential Units (ECCS) or more and is within 3/4 mile (3,960 feet) of the property;
 - c. Will serve 20 Equivalent Residential Units (ECCS) or more and is within one mile (5,280 feet) of the property; and
 4. A sewer system has adequate hydraulic capacity to accept quantity of sewage to be generated by the proposed establishment.”*
13. *Between January of 2015 and December of 2022, 186 Planned Development approvals were granted. Of those approvals, 59% included requests for setback relief, 53% were for increases in density, 18% were for reduction in lot widths below 50 feet, and eight (8%) percent were for short-term rental.*
14. *According to the Florida Highway Safety & Motor Vehicles Division, there were 551,086 motor vehicles registered in Polk County and 32,329 vessels (boats) in 2022.*
15. *According to the U.S. Census Bureau, Polk County is estimated to have a population of 787,404 residents, 340,760 housing units, and 264,145 households.*
16. *County staff gathered Data on 11 Florida counties and the two largest cities in Polk on planned development requirements seeking information on locational factors, steps to achieve higher densities, design, and evaluation criteria.*

Development Review Committee Recommendation:

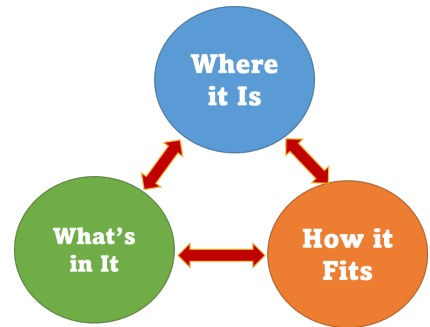
The Land Development Division, based on the information provided with the proposed text amendment application, finds that the proposed text change request is **CONSISTENT** with the Polk County Land Development Code and the Polk County Comprehensive Plan. Staff recommends **APPROVAL of LDCT-2023-7.**

Planning Commission: at an advertised public hearing on January 3, 2024, the Planning Commission voted 5:1 for **APPROVAL** of LDCT-2023-07.

Analysis:

The current Planned Development (PD) regulations have 20 criteria for assessing merits of a PD which the Planning Commission relies on to decide whether the proposal is worthy of approval or not. This amendment turns the focus of the analysis into the three factors that matter the most when reviewing a new residential project in a community:

- 1) *Where it is* – **Location Eligibility, Timing - Proximity to Public Investment**
- 2) *What's in it* – **Internal Design**
- 3) *How it fits* – **External Design**



This section provides an explanation of how each of these elements of the proposed ordinance was drafted. It is followed by *who is helped, who pays the cost, and who was included* in the drafting of the ordinance. A brief history of the amendment, limitations of the ordinance, and comparison with other jurisdictions is provided. The analysis concludes with consistency review of state statutes, the Comprehensive Plan, and Land Development code.

Location Eligibility

During work sessions with the Board, staff was directed to draft regulations that would prohibit a Planned Development from being proposed significant distances away from the primary necessities of more intensive residential development: water and wastewater services. Staff looked to the Code to determine a measure for what is considered a distance too far for the extension or water and wastewater services. Section 702 requires development to connect to water and wastewater if it is considered “available.” Chapter 10 of the Land Development Code establishes that water is considered available if an adequately sized line to serve the development is located within one (1) mile of the property, and wastewater is considered available if a line is located within one (1) mile of the property for developments of 20 units or more. Applications for proposed Planned Developments outside of one (1) mile of the necessary water and wastewater services will not be eligible for consideration.

Timing - Proximity to Public Investment

The timing of infrastructure and community facilities to support development approvals is key to being regarded as “planned.” One of the goals of the Board’s request to revise the PD text was to remove as much of the ambiguity and subjectivity from the decision-making process, especially with regard to whether the timing was right for the intensity, and the existing infrastructure and services were adequate to meet the needs of a proposed development. Early in the process for drafting the revised PD text, staff began identifying an objective way in which to determine whether the infrastructure and services surrounding the location of a proposed development corresponded to their requested density. While the Board directed staff to get away from “bonus point” systems, a scoring mechanism was still necessary to give a mathematical quotient to relate the intensity of development to the infrastructure available to accommodate it. This being proposed is not a bonus

point system rather it is a measure of appropriate timing. As development growth occurs in an area surrounding a property, a higher intensity of development can be accommodated and is more likely to be publicly accepted.

Staff conducted an itemized inventory of the public and private needs that occupants of a residential development require to sustain a sufficient quality of life. It began with the fundamental needs of human habitation: **access, water, and a way to dispose of all forms of waste**. From there, the needs assessment broadened to **safety, sustenance, and livelihood**. Further quality of life needs, such as **recreation and education facilities**, came next followed by environmental needs to round out the array. This inventory is embodied in the newly proposed Tables 3.3 and 3.4 in the draft ordinance. The following provides a summarized breakdown of each item in the table and the value they hold to supporting residential development. Distances are measured along rights-of-way because that is the only means by which they are connected.

Immediate Distance Needs
(Immediate needs are scored in terms of ¼ mile increments)

- *Arterial Road* – Accessibility is higher for development located within ¾ mile or less of an arterial road. Arterials significantly reduce the travel time to commerce, entertainment, and employment for residents. They also enable quicker delivery of public safety, garbage collection, and transit services. When combined with collectors, they provide even swifter travel and marketing opportunities for commercial properties.
- *Collector Road* – Although not as high as arterial roads, accessibility is still significantly beneficial for reducing travel times to goods and services for collector roads. For most residential development, collector road frontage is a must in a suburban setting.
- *Transit Route* – Typically, 50% or more of residents in a community do not have access to a personal motorized vehicle. As more development occurs in proximity to transit, the likelihood that more stops will be added increases. More stops equal greater ridership. Greater ridership increases the number of routes and reduces headways.
- *Sidewalk connection to School* – School busing or vehicle pickup and drop off is greatly reduced with a sidewalk connection that is less than ¾ mile to a school. This is a significant indicator of an urban community when children can walk to school.
- *Sidewalk connection to retail commercial* – Walkability is major indicator of an area that is primed for urban development. When residents can walk to retail services, vehicle trips are greatly reduced. ¼ mile is a comfortable distance for carrying goods back from retail. ¾ of a mile is still close enough for walking to a restaurant.
- *Sidewalk connection to transit stop* - Accessibility is maximized where there is transit available within a comfortable walking distance because vehicle mobility is obtainable to a larger group of people. Having a sidewalk to get to the transit stop is even more beneficial to potential riders.
- *Sidewalk connection to park* – Just as schools and commercial connections increase walkability, so do parks.
- *≥6" potable waterline* – When there is a six-inch line or better, fire hydrants can be installed. Fire hydrants enable higher densities. This is an indication of public investment to enable residential development.
- *≥4" sanitary sewer line* - a four-inch line is the minimum size for wastewater connection. This is a greater indication of public investment in an area.
- *Public Lift Station* – Public lift stations often have excess capacity or are scalable, and most have back-up generators in case of power outages for extended periods of time. This is a significant measure of public investment in the community.
- *Reclaimed waterline* – Potable water is a finite resource. Often the majority of a household water use is for lawn irrigation. Reclaimed water helps extend the capacity of the water system. Higher densities use less water per unit because of less irrigation.

Neighborhood and Community Distance Needs
(Neighborhood and Community needs are scored in terms of one (1) mile increments)

- *Fire Rescue Station* – It is a necessity for higher densities to have fire and EMS response within three miles or less. This ensures adequate response times.
- *Emergency Medical Care* – Not all emergencies warrant a 911 call but still need medical attention. These facilities are a valid indicator of a greater level of urbanization in the surrounding area.
- *Elementary School* – Elementary schools within less than two miles are an indication of areas planned for more residential intensity. Although they may not be walkable, they are a short drive away.
- *Middle School* – There are fewer middle schools in the County because they have the least number of grades but are built to higher student capacities than elementary schools.
- *High School* – The ability to travel farther distances increases because a portion of the student population has access to a motor vehicle, but close proximity is more beneficial. High schools more than others become a central part of the community due to the number of extracurricular events associated with them.
- *College or University* – Development needs to be more intense around colleges and universities because they are more intense, and the student population needs to live closer.
- *CC district* – Areas that are planned for commercial development but not developed needs residential density to increase around them to make them more marketable.
- *CC district >50% developed* – Daily retail needs in close proximity to development results in more local capture of vehicle trips minimizing impact on the roadways.
- *General Mercantile* – Having something to buy in close proximity is even more beneficial to increasing local capture and reducing vehicle usage.
- *NAC district >50% developed* – More daily and weekly needs are available. As the commercial nodes grow, higher densities can be supported because they can provide a wider variety of goods and services thereby appealing to a broader share of the consumer’s needs.
- *NAC district* – If an intersection is planned to be an NAC, it is going to contain a lot of consumer needs in the future and needs more density to make it more marketable.
- *Grocery >40,000 sq.ft.* – The establishment of grocery in an area means a high amount of daily and weekly needs are met. If these are in LCC rather than an activity center, it ensures acknowledgement of urban investment.
- *CAC district or higher > 50% dev.* – These districts are intended to contain “big box” stores and also allow multifamily densities of 15-25 units per acre. If they are developed, the area should be accustomed to higher densities and greater growth.
- *CAC district or higher* – Higher density is encouraged near these districts. If development is proposed between them and lower density, it is likely a stepdown in transition.
- *Regional Park* – It is a goal that every citizen will be located within five miles of a regional park.
- *Community Park* – These parks contain lighted ballfields used by sports leagues.
- *District Park* – These parks contain unlighted ballfields but are still functional for some sports leagues and game practice.
- *City Park* – Recreational opportunities are rarely exclusive to city residents. Development near city limits will utilize city facilities.
- *Employer (>100 FTE)* – Development should locate near employment opportunities. It helps the resident and the business.
- *Employer (>300 FTE)* – Schools will get points for employment as well.
- *Employer (>500 FTE)* – Large employers need more residents in close proximity.

Environmental and Connectivity Needs

- *Open Drainage Basin* – Closed basins have a finite amount of drainage capacity. Even with the increased stormwater retention requirements, it is better to encourage more development in open drainage basins. Points are awarded to those locations where there is way for waters to drain into larger watercourses.
- *Positive Outfall* – There is a public drainage structure for the overflow of the development’s stormwater system to reach during storms in excess of a 25-year 24-hour event.

- *No adverse wetland disturbance* – While there are six activities that may disturb wetlands under the Comprehensive Plan and Code, points are awarded from not disturbing them at all except for wetland enhancements.
- *Access points* – Multiple access points improve safety and efficiency of development design.
- *Vehicle interconnection to neighboring development* – Cross access easements and stub-outs to neighboring developments can provide for better community interaction.
- *Pedestrian Connections* – Walkability between developments can create a better sense of community and minimize potential conflicts with vehicle traffic.

The methodology for scoring was based on a random sample of successful Planned Development approvals and the existing infrastructure and services available at the time of their approvals as found in the staff report analysis. Unsuccessful applications were also reviewed to determine if and what infrastructure was lacking in the area to serve them and how that related to the Board's decision making. In the end the scoring was manipulated to reflect such that almost all of the successful projects met the scoring and the unsuccessful fell short.

Internal Design

Open space, recreation facilities, and crowded streets were concerns voiced by the Board during work sessions and the drafting of the ordinance. The proposed ordinance raises the development requirements for Planned Developments. It requires that open space be meaningful, intentional, and well thought out. It requires conscious consideration for the recreational needs of the future residents. It requires deliberate attention to the vehicle parking needs of the inhabitants in order to avoid crowding the travel ways with parked cars resulting in public safety hazards and deficiencies in the delivery of such important public services such as garbage collection and emergency response. The following summarizes these three main components of internal design.

- *Open Space Plan* – At least 20% of a proposed PD must be open space which does not include setbacks, landscaped parking islands, tracts for lift stations, wetlands, plain geometric stormwater management facilities, rights-of-way, or standard landscaping buffers. Moreover, the open space must be called out in the Level 2 Review submittal to specify whether the open space areas will be dedicated or preserved and by what mechanism.
- *Amenity Plan* – Within the Open Space Plan, 500 square feet per dwelling unit will be required to be dedicated to park-and-recreation space. Additionally, a specified number of recreational amenities will need to be developed in this space based on the total number of units proposed within the development and the type of recreational amenity features provided. More sophisticated recreational amenities garner more credit than lesser ones. This system allows for wide variety ways to reach the required amount based on how the developer plans to market the development.
- *Parking* – Although infrastructure may be provided at an urban level, Polk County will remain a suburban county for the most part. Residents in the unincorporated areas will always need personal vehicles to function in their daily lives despite efforts to enhance transit services. The LDC requires two off-street parking spaces per single-family unit outside of the garage. Most single-family home dwellers will have more than two vehicles per household whether they be standard, recreational, or occupational. The County average is over 2.2 registered vehicles per household. Not to mention, most Polk County residents also have visitors upon occasion. For that reason, a well-planned development provides additional parking for vehicle parking overages. This prevents the 20-foot-wide streets from becoming cluttered with too many extra vehicles. Having too many vehicles parked where there is no real accommodation for them

creates problems for public safety vehicles, deliveries, garbage collection, pedestrians, and the safety of small children. As more narrow lots are proposed, the PD regulations require additional parking per the number of units in the development. This parking can be provided in the development through evenly distributed clustered parking lots or parallel parking on private roads or drive aisles.

External Design

The Polk County Planning Commission has three primary directives for decision making: (1) Consistency with the Comprehensive Plan and Land Development Code; (2) Compatibility with land uses nearby and within the surrounding community (*micro/ macro compatibility*); and, (3) Concurrency with existing and planned infrastructure. The external design requirements for Planned Development are a qualitative analysis for the Planning Commission to address three key components that contribute to how well a proposed development fits within a given location: (1) how it relates to less intense development that may abut the project, (2) how environmental features are utilized to enhance the project, and (3) how ingress and egress of vehicles is addressed.

- *Transition from Higher Intensity to Lesser Intensity* – there are no specific standards for how a more intensive proposed development should address the interface with less intensive neighboring development because no situation is the same. This section provides the applicant an opportunity to design the correct amount of buffering and screening techniques, relative lot sizes and widths, decreases in structure height, and/or other compatibility strategies along the periphery of the proposed development. It becomes the Planning Commission’s responsibility to determine whether the applicant properly addressed the intensity differences.
- *Use of Green Infrastructure* – most properties have environmental features such as wetlands, floodplains, grade changes, and existing vegetation. This requirement addresses how the proposed development interacts with the environmental challenges and utilizes them in a positive way to promote better transition in intensity, externally and internally, as part of the open space plan.
- *Access and Travel Routes* – the greatest impact a new development can have on nearby existing residents is the increase in vehicle travel around them. On average, every single-family residence that is constructed generates or invites 7.81 new vehicle trips per day, according to the Institute of Traffic Engineers. The number and location of access points into a development can significantly change the quality of life for nearby residents along the travel route. This requirement focuses on how the proposed development’s access design integrates into the community.

Who is Helped by this Amendment?

This text amendment offers the Planned Development applicants an opportunity for additional development approvals, greater development intensity, and flexible development standards in exchange for a more sustainable and responsive residential product. The applicants benefit from the objectivity of this amendment because the requirements are directly quantifiable, and the expectations are known. The Planning Commission benefits by the clarity of their decision process knowing that their focus is on intensity compatibility. The residents of the future development benefit from the considerations made to provide them a quality community that meets their social and personal needs. The surrounding community benefits from the efforts required of the project design to consider the short- and long-term impacts to them from of the proposed project.

Who Pays the Cost?

This is a development option, not a requirement. The County is not forcing Planned Development on a property owner. Properties may always be developed in accordance with the entitled residential density and unit type under Code standards. Planned Development offers an opportunity for additional development approvals and flexibility of Code standards in exchange for a better overall residential product. The potential costs are reduced unit counts and increased infrastructure improvements. While some requirements may consume more land and curb the potential number of units available to sell or lease, the physical costs are marginal. These requirements offset the societal costs of more intense development. These requirements also benefit the future residents of a proposed development by creating a more sustainable community that continues to promote greater housing investment value over time.

Who was Included in the Process?

Data gathering has been at the forefront of the policy drafting process. The agenda briefings and discussions with the Board have been open to the public. Staff has presented the concepts in virtual and public meetings. Since the first draft was released to the public, staff has met with stakeholders in the development community to gather input.

History

Since late 2012, the pace of residential development growth has consistently been accelerating in Polk County. There were problems arising by mid-2016 with certain constraints on public school capacity in the northeastern part of the County. There were a number of controversial Planned Development (PD) cases between 2018 and 2020 where local residents called for a slowing of the County's population growth. However, the effects of the rise in housing development were not fully realized until it began compounding during the recovery from the pandemic by the end of 2021. At the May 13, 2022, Board Agenda Review session, Commissioners requested that staff review past PD approvals and analyze the current PD requirements to gauge their effectiveness for managing growth. Staff provided a presentation to the Board on August 12, 2022, that broke down the strengths, opportunities, and weaknesses of the current regulations for residential development standards, recreation requirements, open space requirements, and PDs. Staff was directed to conduct public outreach process and draft a revision to the PD requirements. In the interim the Board directed staff to draft improved residential development design standards to apply countywide. These were presented to the Planning Commission and adopted by Board separately. Such design standard amendments as increased open space, internal sidewalks, garage setbacks, tree planting requirements, and expanded parking options are currently in effect.

Virtual public meetings were conducted followed by individual meetings with various stakeholders. A draft was released to the public and more meetings occurred. Staff was preparing to present the recommended text to the Planning Commission in July of 2023 when a state legislative setback derailed the process. The Florida Legislature adopted Senate Bill 250, and the Governor signed it into law on June 28, 2023. This legislation preempted any ordinance changes in a county or municipality located entirely or partially within 100 miles of where either Hurricane Ian or Hurricane Nicole made landfall that would potentially be a burden to development approvals. In late November, the legislature amended the legislation during a special session to 50 miles instead of 100. This took Polk County out of the jurisdiction of the bill. Subsequently, the Board directed staff to resume the changes to the Planned Development text.

Limits of the Proposed Ordinance

Planned Development is an option, not a requirement, and remains a Level 3 Review which is subject to advertised public hearings before the Planning Commission. All properties have prescribed development rights. This amendment does not void any prescriptive entitlements. This option is available in all residential districts and some non-residential districts in the RDA, SDA, UEA, UGA, and TSDA. It will also apply in the Green Swamp. It will not apply to Rural Residential Developments (RRDs); they have specific criteria in the Comprehensive Plan and in Section 303 of the LDC. It will apply to all the Selected Area Plans; however, separate amendments will be needed in the near future to strike the different SAP Bonus Point systems that also determine internal development standards and density of Planned Development requests. This will create a consistent Planned Development process and requirements throughout the County.

Comparisons to other Jurisdictions:

Staff has completed a survey of counties within the central Florida region. It is difficult to compare Polk County’s Planned Development process to that of other jurisdictions in central Florida. In Polk County, there is not a separate zoning map. Planned Developments are optional conditional uses working within the framework of the Comprehensive Plan Future Land Use Map. In other jurisdictions, a PD or PUD is a self-defined zoning district on the zoning map. That enables each one of them to be evaluated separately and independently. As a conditional use, Polk County’s PD regulations must have a greater level of objectivity and consistency.

Staff reviewed the planned development requirements of the Counties abutting Polk, along the I-4 Corridor, and counties with similar urban, suburban, and rural development relationship dynamics such as Alachua and Duval. The cities of Lakeland and Winter Haven were also reviewed since they are the two largest jurisdictions within Polk. The focus of the review was on the use of locational factors to determine the right location and timing of PDs, steps to garner approval of higher densities, and specific evaluation criteria that the governing body used to determine approval or denial of a request. A brief summary of the results is displayed in Table 1 to follow.

Table 1

Jurisdiction <i>(code citation)</i>	Are there locational factors to consider?	Are there requirements for higher density?	Is there an Evaluation Criteria?
Alachua County <i>Chapter 402 & 403 Sec. 402.80-91, 403.17</i>	No. <i>But a neighborhood workshop is required.</i>	No. <i>Based only on the maximum allowed under the Future Land Use Map category</i>	Yes. <i>Simple: Shall be designed to include proper access, traffic circulation, natural resource protection, stormwater management, Open Space, recreation, and utilities to ensure viability of each and all stages of development.</i>
Brevard County <i>Sec. 62-1441-1478</i>	Yes. <i>One of the 7 criteria. Efficient use of land which may result in smaller street and utility networks and reduce development costs.</i>	No. <i>Minimum recreation and open space based on percent of development, minimum lot sizes, minimum setbacks. Different types of PUDs RPUD and TPUD (tiny homes) (ROS=25% for MF, 10% for SF< ½ acre lots, 0% for ≥ ½ acre lots)</i>	Yes. <i>For both the residential design and the non-residential design. Also, 11 criteria for density</i>
Duval County (Jacksonville) <i>Sec. 656.340-344</i>	No.	No.	Yes. <i>Comp Plan Consistency, Concurrency, Internal Compatibility, and External Compatibility</i>
Highlands County <i>Sec. 12.05.290</i>	No.	No.	Yes.

Table 1

Jurisdiction <i>(code citation)</i>	Are there locational factors to consider?	Are there requirements for higher density?	Is there an Evaluation Criteria?
Hillsborough County <i>Sec. 5.03.00</i>	No. <i>But a lot of traffic study and access management requirements.</i>	No.	No.
Lake County <i>Sec. 4.03.00</i>	Yes. <i>Max 2/ac unless connected to central water. Max 3/acre in Rural Village. Max 5.5 in Mount Plymouth</i>	Yes. <i>But, only in the Wekiva River Protection Area</i>	Yes. <i>But few: Based on: Conservation of natural features and environmental assets and the adequacy of Public Roads, utilities, public services, and facilities required to serve the Development.</i>
Manatee County <i>Sec. 402</i>	No. <i>But, 13 types of PUDs depending on uses.</i>	No.	Yes. <i>Different for each type. Mostly the same: Nature of Surrounding Uses, Access, Site Plan, and Site Conditions.</i>
Orange County <i>Sec. 38-1201 thru 1236</i>	Yes. <i>Not based on infrastructure. Different PD requirements for different districts and areas of the county.</i>	No.	Yes. <i>Only for density in rural areas.</i>
Osceola County <i>Sec. 3.11</i>	No.	Subjective: based on future land use map, existing development in the immediate vicinity and the extent to which the planned development's design minimizes the project's impacts upon other property in its vicinity.	Yes.
Seminole County <i>Sec. 30.441-453</i>	No.	Yes, more open space as a percentage of the site. <i><2/acre = 10%</i> <i>2-4 = 15%</i> <i>4-10 = 25%</i> <i>>10 = 35%</i>	Yes. <i>Brief: "PD would result in greater benefits to the County than development under conventional zoning district regulations. Such greater benefits may include natural resource preservation, urban design, crime prevention, neighborhood/community amenities, or a general level of development quality."</i>
Volusia County <i>Sec. 72.289</i>	No.	No.	No.
City of Lakeland <i>Article 7</i>	No.	No.	Yes. <i>Land Use and Environmental Compatibility, etc. Section 7.2.1.2-7</i>
City of Winter Haven <i>Division 4 Sec. 21.371-376</i>	No.	No.	No.

Staff were surprised by the outcome of the analysis. Few of the jurisdictions reviewed addressed the location of the PD request at all. There were no “bonus point” systems to evaluate allocation of higher densities. While most had some form of evaluation criteria to judge the development application, they were mostly broad. In many cases, it seemed like the real judgement was left up to the will of the governing body at the time of request. They all lacked a basis to establish objectivity in the decision-making process.

In the review for consistent planned development design and buffering requirements within other jurisdictions there were limited results. In many jurisdictions, a planned development is an open-ended process with very little guidance in design. Several were just a means of varying from the zoning district development standards. In many of the jurisdictions studied, design of the development was solely left up to the applicant to devise and the government body to approve or deny with very little indication of what was meant by “planned” in the development request. Some set forth evaluation criteria for the design, others were open ended. Several had some baseline criteria for open space, recreation, sidewalks, and underground utilities. Table 2 provides a summary of this analysis.

Table 2

Jurisdiction <i>(code citation)</i>	Internal Design Requirements	External Design Requirements
Alachua County <i>Chapter 403 Sec. 403.17</i>	Underground utilities.	None.
Brevard County <i>Sec. 62-1446</i>	Minimum common recreation and open space: 25% for Multifamily, 10% for lots less than ½ acre. Underground utilities. Recreational vehicle parking provided for developments with lots less than 6,600 sq.ft.	“On property bordering the ocean, a minimum of 30 percent of the ocean frontage shall be left open as breezeway/visual corridor.” Applies to rivers too.
Duval County (Jacksonville) <i>Sec. 656.340-344</i>	17 criteria for determining internal compatibility.	4 Criteria for External Compatibility
Highlands County <i>Sec. 12.05.290</i>	None.	None.
Hillsborough County <i>Sec. 5.03.00</i>	10% Open Space for Planned Developments Many design requirements for Planned Villages which are similar to our Rural Residential RRD and RMDs	Extensive buffering requirements for Planned Villages which are similar to our Rural Residential RRD and RMDs
Lake County <i>Sec. 4.03.00</i>	Maximum height 40 feet Maximum 2 units/acre unless water is provided 25% Open space of which 60% is recreation	None.
Manatee County <i>Sec. 402</i>	Internal sidewalks Amount of required Open space determined by surrounding area. Minimum Garage setbacks 25’ from sidewalk Minimum side yard setbacks 8’	Perimeter fencing.
Orange County <i>Sec. 38-1201 thru 1236</i>	10% open space for single-family 25% Open Space for Multifamily Underground utilities Public Water connection required 2.5 acres of recreation per 1,000 population 20’ minimum front setbacks 2 tree per lot in single-family, 1 tree per unit in multifamily Maximum accessory structure: 150 sq.ft./ 10’ high	Multifamily setbacks and spacing when abutting single-family
Osceola County <i>Sec. 3.11</i>	“Internal greenways shall be developed within planned developments to provide open space	“Landscaped buffers shall be provided on the borders”

Table 2

Jurisdiction <i>(code citation)</i>	Internal Design Requirements	External Design Requirements
	opportunities throughout the projects.” No parking on streets or roadways	
Seminole County <i>Sec. 30.441-453</i>	Less than 2.0 units per acre: 10% Open Space 2.0—3.99 15% 4.0—9.99 25% 10.0 or greater 35%	Perimeter buffering standards
Volusia County <i>Sec. 72.289</i>	None.	None.
City of Lakeland <i>Article 7</i>	Underground Utilities.	City decides.
City of Winter Haven <i>Division 4 Sec. 21.371-376</i>	None.	None.

Consistency with the Comprehensive Plan

The term *Planned Development* is referenced 58 times in the Future Land Use Element but not many of them are directly pertinent to the changes proposed in this amendment. This proposed amendment is within the framework of Section 2.125-M and the definition in the SECTION 4.400 Glossary.

This amendment applies primarily to residential districts in the TSDA, UGA, SDA, and UEA because those are the Development Areas in the County where urban and suburban infrastructure exists according to POLICIES 2.104-A1, 2.105-A1, 2.106-A1 and 2.107-A1. This has been determined to be the most appropriate because there should be urban levels of development in areas where there have been urban and suburban levels of public investment. In the RDA, this amendment will be limited to RCC-R districts that have public potable water available.

The Comprehensive Plan defines Planned Development as a “*land use or uses prepared, constructed, and maintained according to a binding plan as a single entity containing one or more structures and accessory uses. Strict adherence to land use district standards may be relaxed for the purpose of accomplishing a greater objective such as increased internal vehicle trip capture, resource protection, further compatibility with adjacent use, and more efficient use of public infrastructure. Multiple land uses contained within Planned Development shall have a functional relationship with each other as well as consistency with the land use district.*” This proposed ordinance for Planned Developments embodies this definition with its additional standards for resource protection, further compatibility with adjacent uses, and more efficient use of public infrastructure. The additional requirements for open space promote better resource protection. The external design requirements further compatibility with adjacent uses and the locational eligibility and the relationship of development intensity to public and private infrastructure investment promotes more timely and efficient use of infrastructure.

There are five Selected Area Plans in which Planned Development is a method for increasing density or modifying lot standards. It is intended that Planned Development (PDs) become more consistently applied throughout the County. The next step in the process will be to realign the SAP PD requirements to reach complete consistency.

Consistency with the Florida Statutes

Planned Development is a local term that is defined and applied differently in many jurisdictions. There are no references or statutory preemptions on how local governments regulate and define Planned Development. Chapter 163 F.S. lays out the parameters for a local government's comprehensive plan. Section 163.3202(1) F.S. states that “*each county and each municipality shall adopt or amend and enforce land development regulations that are consistent with and implement their adopted comprehensive plan.*”

This proposed amendment specifically implements the section of the Florida Statutes that speaks to the intentions of the Land Development Code by ensuring “***the compatibility of adjacent uses and provide for open space.***” Section 163.3202(2) F.S. states that “*Local land development regulations shall contain specific and detailed provisions necessary or desirable to implement the adopted comprehensive plan and shall at a minimum:*

- (a) Regulate the subdivision of land.*
- (b) Regulate the use of land and water for those land use categories included in the land use element and **ensure the compatibility of adjacent uses and provide for open space.***
- (c) Provide for protection of potable water wellfields.*
- (d) Regulate areas subject to seasonal and periodic flooding and provide for drainage and stormwater management.*
- (e) Ensure the protection of environmentally sensitive lands designated in the comprehensive plan.*
- (f) Regulate signage.*
- (g) Provide that public facilities and services meet or exceed the standards established in the capital improvements element required by s. 163.3177 and are available when needed for the development, or that development orders and permits are conditioned on the availability of these public facilities and services necessary to serve the proposed development. A local government may not issue a development order or permit that results in a reduction in the level of services for the affected public facilities below the level of services provided in the local government's comprehensive plan.*
- (h) Ensure safe and convenient onsite traffic flow, considering needed vehicle parking.”*

Comments from Other Agencies: None

Draft Ordinance: under separate attachment