

Section 401.07 The Brewster Selected Area Plan (Revised 03/18/14 – Ord. 14-015; 8/23/11 – Ord. 11-018)

A. *Purpose and Intent*

This Selected Area Plan (SAP) was adopted in the Polk County Comprehensive Plan to recognize an area of the County for the development of an environmentally focused recreational development, which includes an activity center base for outdoor recreation and sporting activities. Additionally, the SAP promotes the establishment of open space and preservation areas on reclaimed phosphate mined land. The land use districts and performance standards that follow implement the vision and basic principles outlined in the Plan. The SAP, which is located within the southwest portion of Polk County, will enable the use of lands previously mined or designated as Phosphate Mined (PM) in a manner that is consistent with existing reclamation activity and will promote uses which are consistent with the physical characteristics of the land. The SAP promotes land stewardship initiatives, which focus on environmental stewardship, economic vitality and long-term sustainable uses of reclaimed lands.

B. *Applicability*

1. This section applies to development within the Brewster SAP, the boundaries of which are shown on the FLUM.
2. Development within the SAP shall occur in accordance with other provisions of the Land Development Code except where regulations are modified by this Section. Where there is a conflict the regulations for the SAP shall supersede the other provisions of the Land Development Code.

C. *Allowable Uses, Intensity of Development and Dimensional Regulations*

The land use categories and uses allowable in this district are shown in 401.07 Table 1 Use Table for Land Use Districts. Land use categories and uses not shown are prohibited.

1. All development that is permitted (P) shall require a Level 2 Review.
2. Land uses shown with a C1, C2, C3 or C4 in 401.07 Table 1 shall comply with applicable Criteria for Conditional Uses in Chapter 3 of the Land Development Code.
3. Uses listed as needing Planned Development (PD) approval shall require a Level 3 Review in accordance with this Code.
4. Typical setbacks shall be in accordance with, 401.07 Table 2 of this Code.
5. Impervious Surface Ratios and Floor Area Ratios shall be in accordance with

401.07 Table 2 of this SAP and shall be calculated based on the net usable acreage for the Future Land Use category within the SAP and as described within the Comprehensive Plan. The net usable acreage does not include water bodies, wetlands, or clay settling areas.

6. Phosphate mining activities listed below may be permitted in all of the Future Land Use designations based on the following:
 - a. Continuation of mining operations which were permitted by a Phosphate Mining Operating Permit pursuant to Polk County Ordinance No. 88-19, as amended and are consistent with the Phosphate Mining (PM) land use designation;
 - b. Existing or future mining related activities which support phosphate ore extraction (such as pipelines, transmission lines, access roads) or reclamation activities; or
 - c. Existing or future mining activities authorized by a Development of Regional Impact (DRI).
7. Development within the TCCX and the L/RX shall be served by central potable water and sanitary sewer service in accordance with this Code, with the following provisions:
 - a. Class III Utilities shall address sizing, capacity, and fire protection
 - b. Non-residential, isolated and ancillary uses, which generates a demand for less than 1,000 gallons per day of potable water or wastewater treatment.
8. Development of habitable structures shall be in accordance with acceptable engineering practices and shall include the submission of subsurface soil analysis to determine the appropriate method of construction.
9. Alcoholic Sales (Consumption on site): Other than those establishments provided for in Section 224.5 and 401.07 Table 2 the on-site consumption of alcoholic beverages shall be permitted as an accessory use according to the following requirements:
 - a. Alcoholic beverage sales for consumption on-site for Active Recreation shall be permitted as an accessory use so long as alcohol sales are less than 50 % of the total gross revenue. The consumption, sales, or service of alcoholic beverages shall also meet those requirements in Section 224 for Alcohol Sales.
 - b. Such sale uses shall be permitted subject to a Level 1 Review.

401. 07 Table 1 - Use Table for Brewster Selected Area Plan Land Use Districts (Revised 11/21/17 – Ord. 17-067; 11/21/17 – Ord. 17-066; 7/11/17 – Ord. 17-036

LAND USE	A/RRX	TCCX	PMX	L/RX	ROSX	PRESVX
Residential Uses						
Duplex, Two-family Attached		C2		C2		
Family Farm	C1					
Farm Worker Dormitory, Apartment Style)	C2					
Farm Worker Dormitory, Barrack Style	C3					
Fly-in Community	C3					
Group Home, Small (6 or less residents)	C1					
Group Home, Large (7-14 residents)	C3					
Group living Facility (15 or more residents)	C3					
Mobile Home Park & Subdivision	C3					
Mobile Homes, Individual	C1					
Multi-family		C2		C2		
Rural Residential Development (RRD)	C3					
Short-Term Rental Unit		P		P		
Single-family Detached Home & Subdivision	P			C3		
Mixed Uses						
Planned Development	C3	C3		C3	C3	C3
Residentially Based Mixed Development (RBMD)	C3					
Rural Mixed Development (RMD)	C3					
All Other Uses						
Adult Day Care Center (7 or more clients)	C3					
Agricultural Support, Off-Site	C3					
Airport	C4					
Alcohol Package Sales		C1		C1		
Animal Grazing	P	P	P	P	P	
Animal Farm, Intensive	P					
Bars, Lounges, and Taverns		C1		C1		

LAND USE	A/RRX	TCCX	PMX	L/RX	ROSX	PRESVX
Bed and Breakfast	C3	P		P		
Breeding, Boarding and Rehabilitation Facility, Wild or Exotic	C3		C3		C3	
Car Wash, Full Service		P				
Car Wash, Incidental		P				
Car Wash Self Service		P				
Cemetery	C2	C3				
Childcare Center	C3	P		C2		
Clinics & Medical Offices		P				
Communication Towers, Guyed and Lattice	C2		C3	C3	C3	
Communication Tower, Monopole	C2	C2	C2	C2	C2	
Community Center	C3	C2	C2	C2	C2	
Convenience Stores, Isolated	C2			C2		
Cultural Facility	C3	C2	C2	C2	C2	
Emergency Shelter, Small (6 or less residents)	C1					
Emergency Shelter, Medium (7-14 residents)	C3					
Emergency Shelter, Large (15 or more residents)	C3					
Event Facility	C3					
Farming General	P	P	P	P	P	
Financial Institution		P				
Financial Institution, Drive Through		C2				
Gas Station		C2				
Golf Course	C1	C1	C1	C1	C1	C2
Government Facility	C3	P	C3	C3	C3	
Heliports	C2	C2				
Helistops	C2	C3	C2	C3	C2	
Hotels and Motels		P		C2		
Institutional Campground	C3			P		
Kennels, Boarding and Breeding	P	C1				
Livestock Sale, Auction	P					
Lodges and Retreats, Private	C3	P		P		
Marinas and Related Facility	C3	C1		C1		

LAND USE	A/RRX	TCCX	PMX	L/RX	ROSX	PRESVX
Medical Marijuana Dispensaries		C2		C2		
Mining, Non-Phosphate	C3					
Mine, Phosphate			C4			
Nightclubs and Dance Halls		C1		C2		
Nurseries and Greenhouses	P					
Office		P				
Outdoor Concert Venue	C3	C3		C3	C3	
Personal Service		P		C2		
Recreation, Passive	C1	C1	C1	C1	C1	C1
Recreation, High Intensity	C3	C1	C3	C2	C3	C1
Recreation Low Intensity	P	P	P	P	P	C2
Recreation & Amusement Intensive		C2	C3	C2	C3	
Recreation & Amusement General		C1		C2		
Recreation, Vehicle Oriented	C3	C1	C3	C2	C2	
Recreational Vehicle Park		P		C2		
Religious Institution	C3	C2	C2	C2	C2	
Residential Treatment Facility	C4					
Restaurant, sit down/takeout		P		P		
Retail, 5,000 – 34,999 sq. ft.		P		C2		
Retail, 35,000 – 64,999 sq. ft.		P				
Retail, More than 65,000 sq. ft.		C3				
Retail, Less than 5,000 sq. ft.		P		C2		
Retail, Outdoor Sales/Display		C3				
Riding Academies	C1	C1	C1	C1	C1	
School, Elementary	C3					
Schools, Leisure/Special Interest	C3	P	P	P	P	
Schools, Technical/Vocational/Trade/Training	C3	C2				
Seaplane Base	C3	C3		C3		
Transit, Facility		P				
Utilities, Class I	P	P	P	P	P	P
Utilities, Class II	C1	P	P	P	P	
Utilities, Class III	C3	C3	C3	C3	C3	
Vehicle Service, Mechanical		C2				
Vehicle Sales, Leasing		C2				

LAND USE	A/RRX	TCCX	PMX	L/RX	ROSX	PRESVX
Veterinary Service	P	P		P		
Water Ski Schools	C4	C2	C2	C2	C2	

401.07 Table 2 - Density and Dimensional Regulations ^(1, 2,3)

	A/RRX	TCCX	PMX	L/RX	ROSX	PRESVX
Residential Gross Density ⁴ Maximum/Minimum	1 du/5 AC	N/A	N/A	1 du/5 AC	N/A	N/A
Min. Residential Lot Area	5 AC	N/A	N/A	1 AC	N/A	N/A
Max. Non-Residential Impervious Surface Ratio (Isr) ⁵	0.50	0.10	0.05	0.50	0.05	0.0001
Max Non-Residential Floor Area Ratio (Far) ⁶	0.25	0.03 – 0.05	0.25	0.05 – 0.10	0.01 – 0.02	0.00005
MINIMUM SETBACKS: (ROAD ROW / CENTER LINE)						
Principal Arterial	65/125	65/125	65/125	65/125	65/125	65/125
Minor Arterial	50/90	50/90	50/90	50/90	50/90	50/90
Urban Collector	35/65	35/65	35/65/	35/65	35/65	35/65
Rural Major Collector	35/65	35/65	35/65	35/65	35/65	35/65
Rural Minor Collector	35/65	35/65	35/65	35/65	35/65	35/65
Local, 60' R/W	25/55	30/60	30/60	30/60	30/60	25/55
Local, 41' – 60' R/W	25/50	30/60	30/60	30/60	30/60	25/50
Local, 40' R/W	25/45	30/55	30/55	30/55	30/55	25/45

¹ 7 All development is subject to Section 220 – Compatibility.

² 8 All structures are subject to compliance with the Polk County Airport Zoning Regulations, adopted and administered by the Joint Airport Zoning Board (JAZB).

³ 9 All structures shall comply with Section 214 – Distance between buildings.

⁴ 1 Residential density is the average number of dwelling units per acre of land. Gross density is calculated by dividing the total number of dwelling units on a site by the gross site area, exclusive of water bodies (including man-made lakes but not including man-made wet retention/detention areas), wetland areas and clay settling areas. The area for computing gross density shall include all public and institutional areas (e.g. internal streets, common areas and park land) located within a site, as well as one-half the right-of-way area for perimeter streets, and one-fourth the right-of-way for perimeter local street intersections.

⁵ 2 The impervious surface ratio (ISR) is the relationship between the total amount of impervious surface which is present on a site and the total site area. Impervious surfaces are those which do not absorb water. They include buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete or asphalt. The ISR is calculated by dividing the total area of all impervious surfaces on a site by the gross site area, excluding existing water bodies (Note: the term “water bodies” includes man-made lakes but does not include man-made wet retention/detention areas).

⁶ 3 The floor area ratio (FAR) is the relationship between the total floor area on a site and the total site area. The

	A/RRX	TCCX	PMX	L/RX	ROSX	PRESVX
MINIMUM SETBACKS (PRINCIPAL/ACCESSORY STRUCTURE)						
SETBACK FROM PRESVX DISTRICT BOUNDARY (Ft)	N/A	100/100	100/100	100/100	100/100	N/A
Interior Side ²	15/10	15/15	15/15	15/15	15/15	15/15
Interior Rear ²	20/10	15/15	15/15	15/15	15/15	30/10
Max. Structure Height (Ft) ^{7,8}	50	100	N/A	75	35 ⁹	25

**D. *Development Design Standards and Modified Land Use Requirements*
(Revised 01/12/15-Ord #15-002)**

1. An increase in the Floor Area Ratio (FAR) from the minimum up to the maximum level as identified in 401.07 Table 2 may be approved through a Level 3 review.
2. Transportation access and internal traffic circulation for the SAP shall be provided in accordance with the following provisions:
 - a. The TCCX activity center shall serve as the central multi-modal location for access and connection to services provided within the SAP by providing vehicular and pedestrian cross access from the TCCX to all areas of the SAP.
 - b. Development within the SAP shall encourage multi-modal components through an internal roadway system that allows for multi-passenger transit access and/or internal paths to accommodate golf carts, bicycles, and pedestrian traffic.
 - c. Access from the TCCX to an Off Highway Vehicle (OHV) recreational use is not required.
 - d. Access from District Line Road shall be limited to emergency access only until such time that a primary access connection is needed. Primary access to District Line Road shall require the road to be paved in accordance with Section 705, Access to County Transportation System, of this Code.

FAR is calculated by adding together all floor areas of all floors and dividing this total by the gross site area, exclusive of existing water bodies (Note: the term “water bodies” includes man-made lakes but does not include man-made wet retention/detention areas), wetland areas and clay settling areas.

⁷ 4 Recreational lighting, chimneys, smoke stakes, communication towers, and Religious Institution symbols are exempt from the structure height limitations.

⁸ Residential structures exceeding 35 feet in height, setbacks shall be increased by one-half of one foot for each one foot of height over 35 feet.

⁹ Structures within the ROSX that exceed 25 feet in height shall be setback an additional one (1) foot for each one (1) foot in height, up to a maximum of 35 feet.

- e. When trips on to County Road 663 (Ft. Green Road) exceed 700 PM Peak Hour trips:
 - i another access shall be provided other than County Road 663 to the resort within the TCCX and
 - ii County Road 663 shall be improved prior to any additional development approvals within this SAP.

- 3. In addition to the storm water management standards in Section 740 of this Code, basins and storm water management systems shall be integrated and designed to blend into open spaces and shall resemble natural areas by having sides that are contoured to resemble natural land/water body features.

- 4. Limited impacts to wetland areas may occur provided any impacts comply with applicable state regulations regarding wetland impacts and mitigation and Section 2.123-C (Wetland Protection Areas) of the Comprehensive Plan.

- 5. Habitable structures shall not be allowed to locate within the 100-year floodplain. Floodplain areas shall be identified through field survey and analysis as development and any reclamation of mined areas occur.

- 6. Agriculture/Residential-Rural (A/RRX) – Residential development within the A/RRX shall be required to develop in accordance with the standards set forth in this Land Development Code.

- 7. Tourism Commercial Center (TCCX) – Development within the TCCX Future Land Use district shall be consistent with the following standards:
 - a. Development shall be designed as a harmonious grouping of uses and buildings that have a unified scale, character and image, including cohesive architecture and linked through internal vehicle traffic and pedestrian circulation. Level 2 plans shall require the submission of conceptual architectural renderings which clearly demonstrate compliance with this requirement. Design features shall include, but not be limited to:
 - i common architectural elements
 - ii common building materials should be used in a manner that achieves a coordinated design on all building facades
 - iii uniform way-finding
 - iv avoid night sky light-pollution through the use of down-lighting and light shields.

 - b. Development shall include a mix of uses which will provide a range of activities and services for a destination resort that will maximize the

potential for internal trip capture. A destination resort can include, but is not limited to the following:

- i short-term or overnight lodging
- ii a signature or anchor amenity such as a golf course
- iii full-service dining and beverage facilities
- iv spa/health/wellness facilities
- v meeting/conference facilities
- vi commercial retail outlet

8. Leisure/Recreation (L/RX) – Development within the L/RX Future Land Use district shall be consistent with the following standards:

- a. Recreational uses shall consist of resource-based and passive recreation including, but not limited to golf courses, horseback riding, water sports and fishing.
- b. Non-lighted, active, low intensity, high intensity and general creation and amusement uses and facilities may be permitted through the approval of a Conditional Use (CU) as identified in 401.07 Table 1.
- c. Permanent single family detached residential dwelling units shall be permitted as part of a Planned Development (PD) in accordance with the requirements for Planned Developments contained in Section 303 of this Code and the following requirements:
 - i Residential lots shall be clustered in a compact, cohesive manner in order to create a more efficient design of land, natural resources and infrastructure.
 - ii Development shall follow Section 753, Cluster Design Option, of this Code or the Conservation Development Program.
 - iii Development shall connect to a central water and sewer system.
 - iv The maximum gross residential density shall not exceed 1 du/5 acres.
 - v The maximum residential lot size shall be one acre (43,560 square feet).
 - vi The minimum street frontage for lots shall be a minimum of eighty feet (80') except along the circumference of a cul-de-sac improved

to county standards where a minimum of thirty-five feet (35') may abut the street.

- vii The minimum lot width at the front setback line for residential structures shall be eighty feet (80').
- viii Residential lots shall be contiguous to each other except in locations intended to provide a contiguous connection of open space areas.
- ix The development shall demonstrate the use of Low Impact Development (LID) design techniques as used in industry standard to manage storm water, maintain or restore a watershed's hydrologic and ecological functions and minimize impacts to Little Payne Creek.
- x Development shall have a minimum of 50% total open space of which at least 25% of the open space is upland. Open space areas shall be linked to provide a contiguous connection to provide for large and integrated open space areas within the subdivision. Contiguous shall be defined as the ability of a pedestrian to legally move from one open space area to another. Open space may still be considered connected if it is separated by a roadway.
- xi Golf course and active recreation uses shall not be permitted within the open space area of the Planned Development.
- xii Individual residential lots shall not encroach upon or contain any of the required minimum designated open space for the subdivision.
- xiii At least half of the lots shall directly abut open space or face open space land across the street.
- xiv All open space land shall be permanently restricted from future development by a conservation easement or other method of protection and preservation acceptable to the County. All methods of protection and preservation of open space areas shall be approved and recorded prior to or concurrent with the recording of the final plat for the subdivision.
- xv Pedestrian access to open space shall be provided.
- xvi A maximum of 50% of the residential units shall be allowed to be used as primary residences. Lots which are intended to be used for primary residences shall be designated on the recorded subdivision plat.

- xvii Development shall demonstrate the availability of retail and medical to meet daily shopping needs, personal services, and medical needs of residents within ten (10) miles of the subdivision. Daily needs may include but are not limited to the following:
 - (a) bakery and dairy products
 - (b) fresh produce
 - (c) canned and dry goods
 - (d) hair and beauty products
 - (e) non-prescription medications
 - (f) medical services for uncomplicated, minor illnesses

- 9. Recreation and Open Space (RO SX) - In addition to the other requirements of this Code, all development shall be consistent with the following:
 - a. Development and uses permitted within the RO SX shall be limited to low impact development and may include the following:
 - i Publicly or privately owned or operated outdoor sporting and recreational activities, including golf courses and associated amenities such as a clubhouse, driving range, gift/pro shop, bar and lounge.
 - ii Publicly or privately owned and managed open spaces.
 - b. Access roads designed for public use shall be paved to minimum County standards and connect to the main entrance road through the TCCX Activity Center.

- 10. Phosphate Mining (PMX) – In addition to the other requirements of this Code, all development shall be consistent with the following:
 - a. Permitted uses and activity shall be directly related to the extraction of phosphate and the reclamation of mined lands as authorized by mine operating permits pursuant to local and state requirements for phosphate mining.
 - b. Allied industries and related uses are not permitted.
 - c. No intensification of existing industrial and mining uses is allowed.

- 11. Preservation (PRESVX) – In addition to the other requirements of this Code, permitted development and uses shall be limited to low impact

development and may include the following:

- a. Limited crossings for internal paths to accommodate golf carts, bicycles, and pedestrian traffic.
- b. Construction of walking trails, timber boardwalks, observation decks, or other similar structures.
- c. One vehicular crossing for automobiles, trucks, etc. and utility lines for water and sewer service shall be located in the vicinity of a pre-existing crossing, which is located in Section 21, Township 32 South, Range 24, East.

E. *Recreation and Open Space System*

Prior to any new development, a Recreation and Open Space System and Management Plan shall be established based on the following provisions:

1. A minimum of 70% of the SAP area shall be maintained or preserved for recreation and open space.
2. Golf courses may account for a maximum of 25% for the required open space.
3. The Management Plan for the Integrated Habitat Network (IHN)/Coordinated Development Area: Lease Numbers 3963, 3995 and 4236 developed and updated by the Florida Department of Environmental Protection (FDEP) Bureau of Mine and Mineral Reclamation (BOMR) shall serve as a guide for reclamation and conservation within the SAP by the following methods:
 - a. Areas identified by conservation agreements on the IHN shall be designated as PRESVX.
 - b. Areas located adjacent to the IHN and any additional areas identified by the owner as wildlife habitat may be preserved under the ROSX land use classification.
 - c. Any application for development within the IHN shall be reviewed by FDEP Bureau of Mine Reclamation and the Florida Fish and Wildlife Conservation Commission (FWC) for consistency with the IHN.
4. An Recreation and Open Space Management Plan displaying the Recreation and Open Space System shall be developed and submitted to the Polk County planning staff. This Plan shall include, at a minimum, the following:
 - a. Area designated for recreation activities.
 - b. Areas designated for open space.

- c. Areas identified by the IHN.
- d. Method for preserving and maintaining the recreation and open space.
- e. In the event that areas which are designated as open space are divided and sold to more than one owner, an agreement for maintenance of the area shall be executed and recorded in the official records of Polk County, Florida.
- f. Any modifications to the Recreation and Open Space System shall be submitted prior to issuing any new Level 2 development approval.