AGENDA

Planning & Zoning Board
City Commission Chambers
September 21, 2021 8:30 a.m.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this proceeding, or those requiring language assistance (free of charge) should contact the City of Lakeland ADA Specialist, Jenny Sykes, no later than 48 hours prior to the proceeding, at **(863) 834-8444**, Email: **Jenny.Sykes@lakelandgov.net**. If hearing impaired, please contact the TDD numbers: Local - **(863) 834-8333** or **1-800-955-8771** (TDD-Telecommunications Device for the Dear) or the Florida Relay Service Number **1-800-955-8770 (VOICE)**, for assistance.

Anyone deciding to appeal a decision by the Board on any matter considered at this or any subsequent meeting will need a record of the proceedings, and for purposes of that appeal, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

PUBLIC HEARING

ITEM 1: Proposed text amendment to the Lakeland Comprehensive Plan: Our Community 2030 to adopt a Property Rights Element. Applicant: City of Lakeland. (CPA21-001)

ITEM 2:

a. Conditional use to allow for the demolition and reconstruction of a secondary school for grades six through eight on property located at 2815 Eden Parkway. Owner: Polk County Public Schools. Applicant: Gadd & Associates, LLC. (CUP21-008)
b. Consideration of final decision.

ITEM 3: Application of PUD zoning to allow for a 148-bed assisted living facility on approximately 10.45 acres generally located south of the Polk Parkway, west of Airport Road and north of Carillon Boulevard. Owner: Louise W. Moore Family Trust. Applicant: Sarah Case, ECON South, LLC. (PUD21-011)

ITEM 4: Change in zoning from RA-4 (Single-Family Residential) to O-1 (Low Impact Office) on property located at 103 W. 7th Street. Owner: Lakeland Community Redevelopment Agency. Applicant: Terrilyn Bostwick, Lakeland Community Redevelopment Agency. (ZON21-006)

ITEM 5:

a. Minor modification of Planned Unit Development (PUD) zoning for the Estates at Carpenters to allow for the construction of a new three-story skilled care building, a chapel, an addition to existing dining facilities, a pond pavilion, and allow driveway access from Corporate Avenue. Owner: Carpenters Home Estates, Inc. Applicant: Hetty Harmon, CivilSurv, Design Group, Inc. (PUD21-012)
b. Consideration of final decision.

GENERAL MEETING

ITEM 6: Review minutes of the August meeting.

ITEM 7: Request for a change in land use on approximately 8.23 acres, from Convenience Center (CC) to Conservation (C), a change in land use on approximately 6.29 acres from Residential Low (RL) to Convenience Center (CC), and a change in zoning on approximately 6.29 acres, from (LD) Limited Development to (C-1) Pedestrian Commercial District, on property located north of the Polk Parkway, east of Airport Road and south of Steeplechase Drive (3002 Airport Road). Owner: Palm Airport Road LLC. Applicant: Hetty Harmon, CivilSurv, Design Group, Inc. (LUS21-002/ZON21-003) **Note: Applicant request an additional one-month continuance to revise the application to address the concerns of Steeplechase residents.**

ITEM 8: Changes to Article 4 (General Site Development Standards) to adopt development standards for Clothing Collection/Donation Bins, allow shipping containers as accessory structures for certain commercial uses, and expand the parking exempt area within downtown Lakeland north, south, and east of Lake Mirror, north of W. Main Street, south of Lake Wire and south of Orange Street. Applicant: City of Lakeland. (LDC21-001)

ITEM 9: Changes to Article 9 (Subdivision Standards) and Article 13 (Nonconformities) to address subdivision review and platting requirements, adopt standards for splitting lots and parcels, and allow for the development of nonconforming lots under certain conditions. Applicant: City of Lakeland. (LDC21-002)

ITEM 10: Changes to Article 2 (Permitted Uses) and Article 5 (Standards for Specific Uses) to adopt development standards allowing for the use of shipping containers as dwelling units in Mobile Home (MH) and Multi-Family (MF) zoning districts and as accessory structures for certain commercial uses, amend standards for home-based business, clarify parking standards for boats, trailers and RVs on residential property, and revise development standards related to personal wireless facilities in Limited Development (LD) zoning districts. Applicant: City of Lakeland. (LDC21-003)

ITEM 11: Changes to Article 5 (Standards for Specific Uses) to revise development standards for new mobile home parks to allow a smaller development site area, smaller lot sizes and greater density as a conditional use, to allow for the use of shipping containers as dwelling units in new and existing mobile home parks as a conditional use, and to allow for the use of “tiny homes” in recreational vehicle parks and spaces designated for recreational vehicles in existing mobile home parks. Applicant: City of Lakeland. (LDC21-004)

ITEM 12: Changes to Article 3 (Urban Form Standards) to amend design standards for attached garages on single-family and two-family uses in response to recent changes to the Florida Statutes. Applicant: City of Lakeland. (LDC21-005)

ITEM 13: Changes to Article 10 (Concurrency Standards) to provide clarification regarding the concurrency determination process and adopt review requirements for major traffic studies. Applicant: City of Lakeland. (LDC21-006)

ITEM 14: Report of City Commission action on Planning and Zoning Board recommendations along with Planning & Housing Manager’s Report

ITEM 15: Audience.

ITEM 16: Adjourn.

Planning & Zoning Board General Application

General Information:				
Project No:	CPA21-001	**Application Date:**	8/10/2021	
Project Name:	COMP PLAN PROPERTY RIGHTS ELEMENT			
Subject Property Address:	228 S MASSACHUSETTS AV			
Parcel ID:	242818201000023021	**Total Acreage:**	0	
Applicant Name:	CITY OF LAKELAND			
Applicant Address:	228 S. MASSACHUSETTS AVENUE	LAKELAND	FL	33801

Request:		
Application Type:	**COMP PLAN TEXT AMEND**	**TEXT AMEND**
Explanation of Request:	Per recent legislation that went into effect on July 1, 2021, the City proposes to add a Property Rights Element to the Comprehensive Plan.	
Justification:	Pursuant to F.S. 163.3177(6), local governments shall adopt a Property Rights Element as part of their comprehensive plan.	

Planning & Zoning Board Recommendation

Date:	October 19, 2021	Reviewer:	Damaris Stull
Project No:	CPA21-001		
Applicant:	City of Lakeland, Community & Economic Development		
P&Z Hearing:	September 21, 2021	P&Z Final Decision:	October 19, 2021
Request:	Proposed Text Amendment to the Lakeland Comprehensive Plan: Our Community: 2030 to adopt a Property Rights Element.		

1.0 Summary

1.1 Proposed Amendment

On August 30, 2021 the City Commission approved the adoption of the 10-year update to the City's comprehensive plan. The proposed text amendment is in response to the recent legislation which requires that local governments adopt a Property Rights Element as part of their comprehensive plan. The proposed changes, included as Attachment "A," will be incorporated as a new element within Chapter 2, Vibrant and Inclusive Community.

1.2 Discussion

Pursuant to F.S. 163.3177(6), the proposed amendment requires the City to consider the rights of property owners when making decisions. These rights include the right of the property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights; the right to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances; the right of the owner to privacy and to exclude others from the property to protect the owner's possessions and property; and the right of a property owner to dispose of his or her property through sale or gift

1.3 Comments from Other Agencies

The proposed text amendment is related to a new statutory mandate and will require State review following approval by the City Commission.

1.4 Attachments

Attachment A: Proposed Property Rights Element

2.0 Recommendation

The Community & Economic Development Department reviewed the proposed text amendment CPA21-001 and it is our opinion that the request is consistent with the Lakeland Comprehensive Plan Our Community: 2030.

It is recommended that the proposed text amendment, as described above and in Attachment "A," be approved and forwarded to the City Commission for a transmittal hearing.

ATTACHMENT “A”

To be incorporated as part of Chapter 2, Vibrant and Inclusive Community, after Neighborhoods and Historic Preservation

PROPERTY RIGHTS ELEMENT

POLICY: Consistent with Section 163.3177(6), Florida Statutes, the City of Lakeland shall consider the following private property rights in local decision making:

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.

2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.

3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.

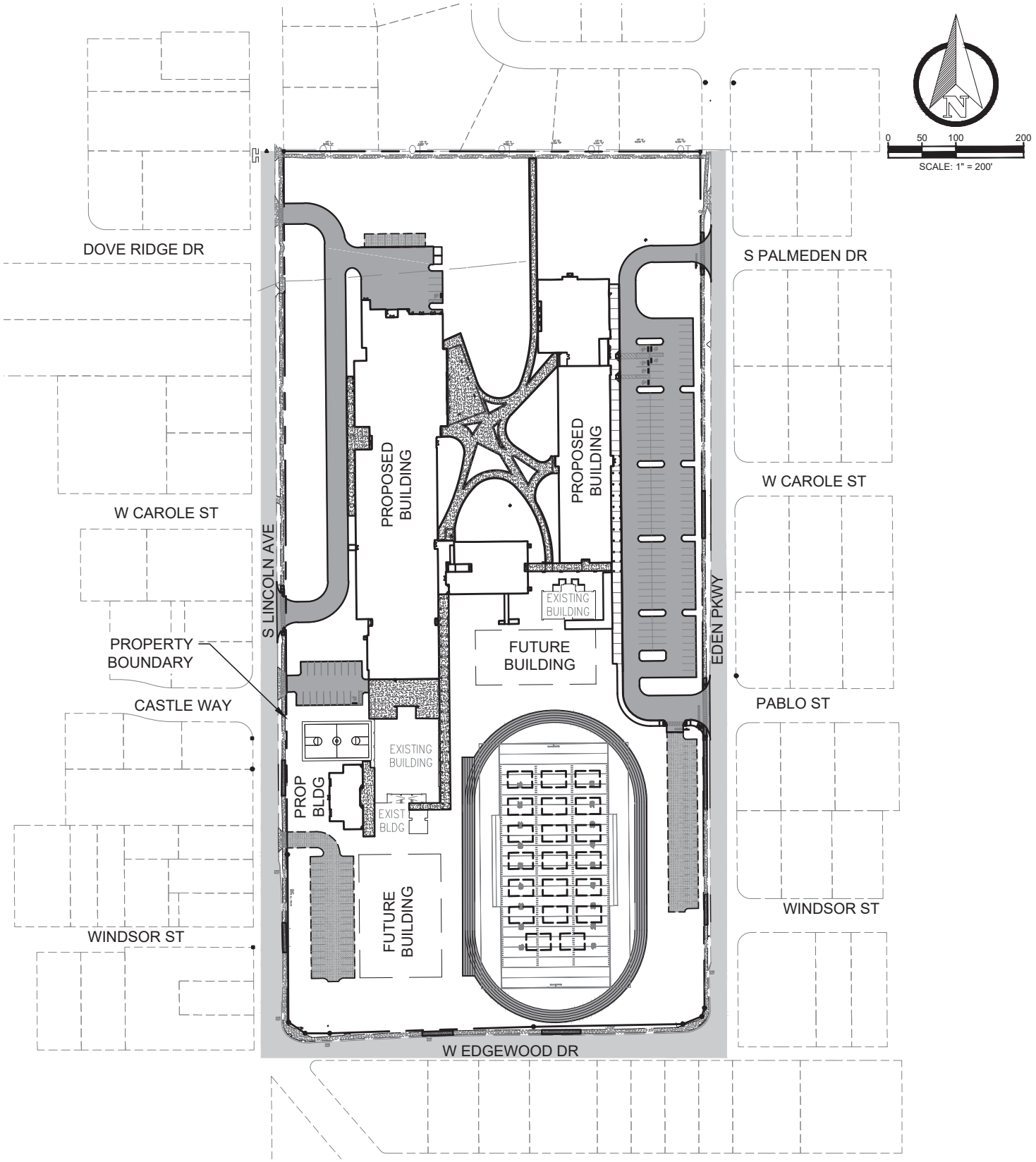
4. The right of a property owner to dispose of his or her property through sale or gift.

Planning & Zoning Board General Application

General Information:				
Project No:	CUP21-008	**Application Date:**	8/2/2021	
Project Name:	SOUTHWEST MIDDLE CAMPUS RENOVATION			
Subject Property Address:	2815 EDEN PY			
Parcel ID:	232825000000024010	**Total Acreage:**	18.24	
Applicant Name:	GADD & ASSOCIATES, LLC.			
Applicant Address:	1925 US HWY 98 S, SUITE 201	LAKELAND	FL	33801
Owner Name:	POLK COUNTY PUBLIC SCHOOLS			
Owner Address:	PO BOX 391	BARTOW	FL	338310391

Request:		
Application Type:	**CONDITIONAL USE**	**NEW**
Proposed		**Current**
Zoning:	Not Applicable	(RA-3) Single Family
Land Use:	Not Applicable	Residential Medium (RM)
Context:	Not Applicable	Urban Neighborhood (UNH)
Explanation of Request:	Provide CU to allow for demolition of majority of existing campus and construction of new.	
Justification:	Existing school campus	

Concurrency:								
Proposed Dwelling Units:		0	**Project Floor Area:**		**0**		Square feet	
Type of Use:	Other				Phase	1	Year	2021
Estimate of Public Service Demand								
Roadways	**Daily Trips:**	0		**PM Peak Hour Trips:**			0	
Potable Water		GPD	**Wastewater**		GPD	**Solid Waste**		PPD



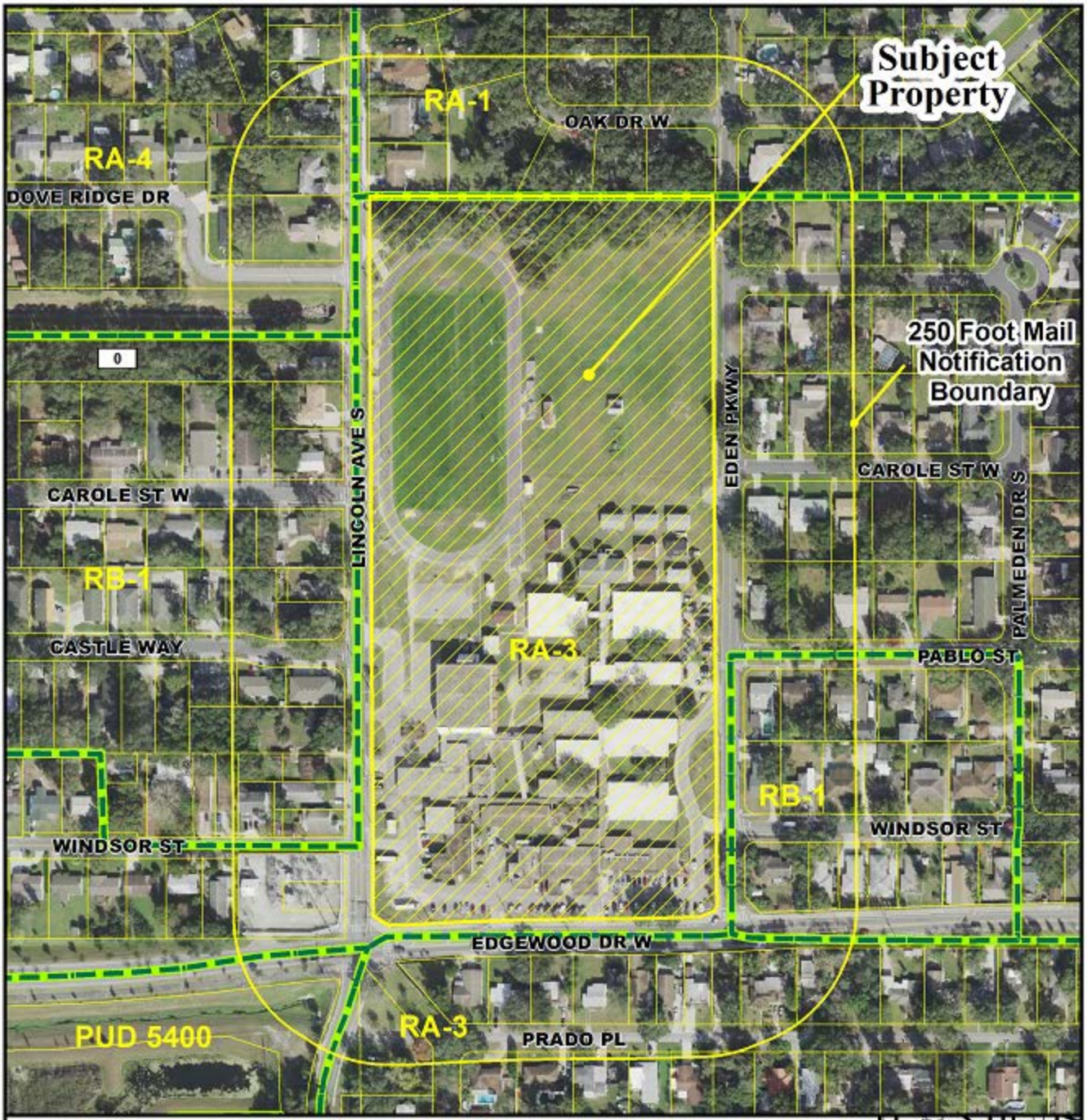
GADD & ASSOCIATES
CIVIL ENGINEERING & CONSULTING
1925 US HWY 98 S, SUITE 201
LAKELAND, FL 33801
PHONE:(863) 940-9979
Certificate of Authorization #30194
www.GaddCivil.com

SOUTHWEST MIDDLE SCHOOL

2815 S EDEN PARKWAY
LAKELAND, FL 33803

Site Plan

X:\PROJECTS\1031.05 – STRAUGHN TROUT ARCHITECTS – Southwest Middle Engineering\DRAWINGS\ENGINEERING\1031.05–BASE.dwg



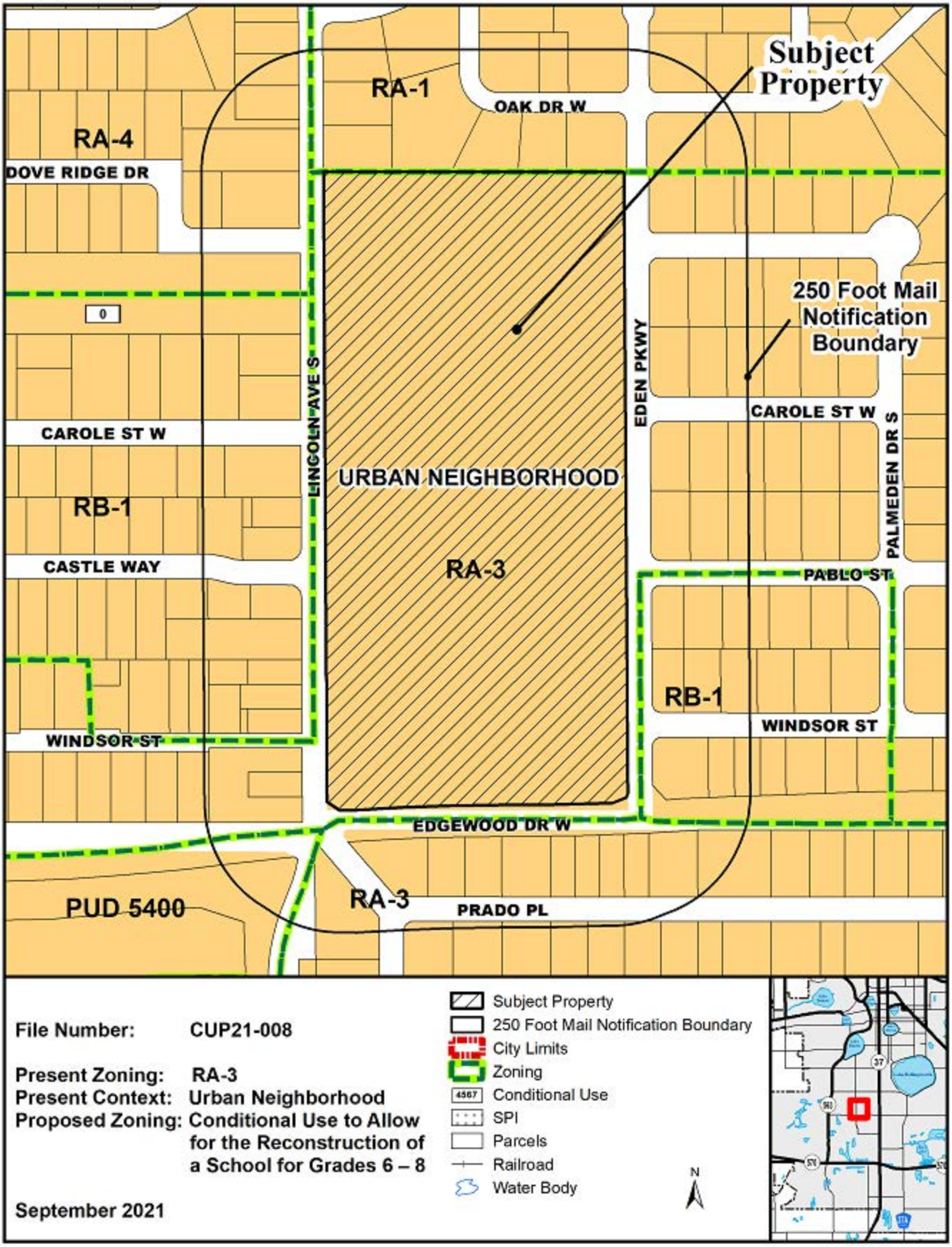
File Number: CUP21-008

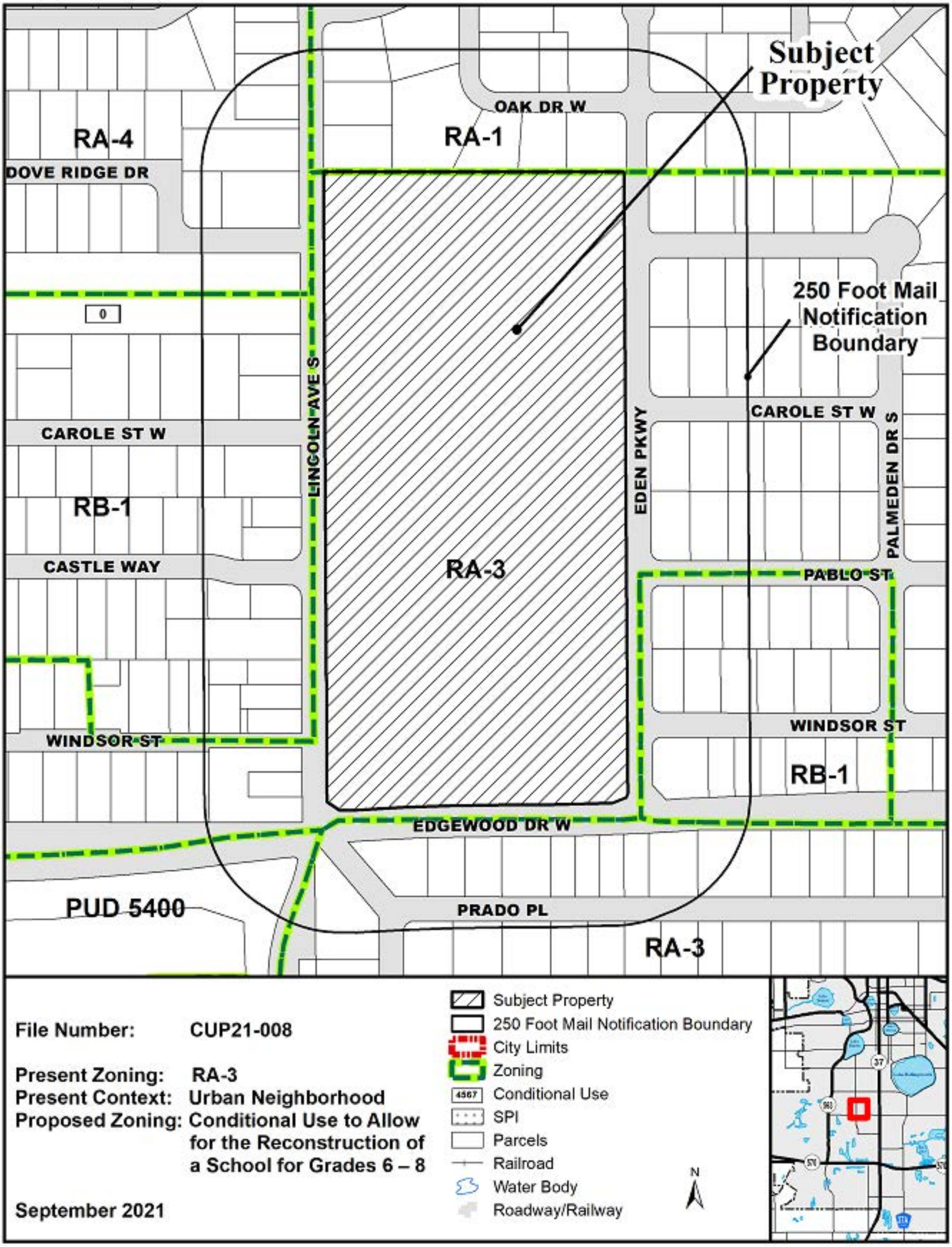
Present Zoning: RA-3
Present Context: Urban Neighborhood
Proposed Zoning: Conditional Use to Allow for the Reconstruction of a School for Grades 6 – 8

September 2021

- Subject Property
- 250 Foot Mail Notification Boundary
- City Limits
- Zoning
- 4567 Conditional Use
- SPI
- Parcels
- Railroad
- Water Body

N


Subject Property
250 Foot Mail Notification Boundary
RA-1
OAK DR W
RA-4
DOVE RIDGE DR
0
LINCOLN AVE S
EDEN PKWY
CAROLE ST W
PALMEDEN DR S
URBAN NEIGHBORHOOD
RA-3
RB-1
CASTLE WAY
PABLO ST
RB-1
WINDSOR ST
WINDSOR ST
EDGEWOOD DR W
PUD 5400
RA-3
PRADO PL
File Number: CUP21-008
Present Zoning: RA-3
Present Context: Urban Neighborhood
Proposed Zoning: Conditional Use to Allow for the Reconstruction of a School for Grades 6 – 8
September 2021
Subject Property
250 Foot Mail Notification Boundary
City Limits
Zoning
4567 Conditional Use
SPI
Parcels
Railroad
Water Body
N


Subject Property
250 Foot Mail Notification Boundary
OAK DR W
RA-4
RA-1
DOVE RIDGE DR
0
LINCOLN AVE S
CAROLE ST W
RB-1
CASTLE WAY
RA-3
EDEN PKWY
PALMEDEN DR S
PABLO ST
WINDSOR ST
RB-1
EDGEWOOD DR W
PUD 5400
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September 2021
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Zoning
4567 Conditional Use
SPI
Parcels
Railroad
Water Body
Roadway/Railway
N

CITY OF Lakeland
COMMUNITY & ECONOMIC DEVELOPMENT

228 S Massachusetts Avenue
Lakeland FL 33801
planning@lakelandgov.net

September 7, 2021

RE: 2815 Eden Parkway - Project No. CUP21-008

Dear Property Owner:

This is to advise you that GADD & Associates, LLC., requests a conditional use to allow for the demolition and reconstruction of a secondary school for grades six through eight on property located at 2815 Eden Parkway. The property is legally described as:

> The West 1/2 of the Southwest 1/4 of the Southeast 1/4 of Section 25, Township 28 South, Range 23 East, Polk County, Florida, LESS road right-of-way and LESS additional right-of-way described in Official Records Book 7732, Page 1402, Public Records of Polk County, Florida. (A complete legal description is available in the Community & Economic Development Department.)

The public hearing to consider this request will be held before the Lakeland Planning and Zoning Board at **8:30 a.m., on Tuesday, September 21, 2021** in the City Commission Room, City Hall, 228 S. Massachusetts Avenue. As an owner of property within 250 feet of this request, as indicated on the attached map, you will be given an opportunity to express your opinion at the public hearing *or* you may submit your views to the Community Development Department, 863-834-6011 or planning@lakelandgov.net, prior to the Tuesday, September 21st meeting.

Anyone deciding to appeal a decision by the Board on any matter considered at this or any subsequent meeting will need a record of the proceedings, and for purposes of that appeal, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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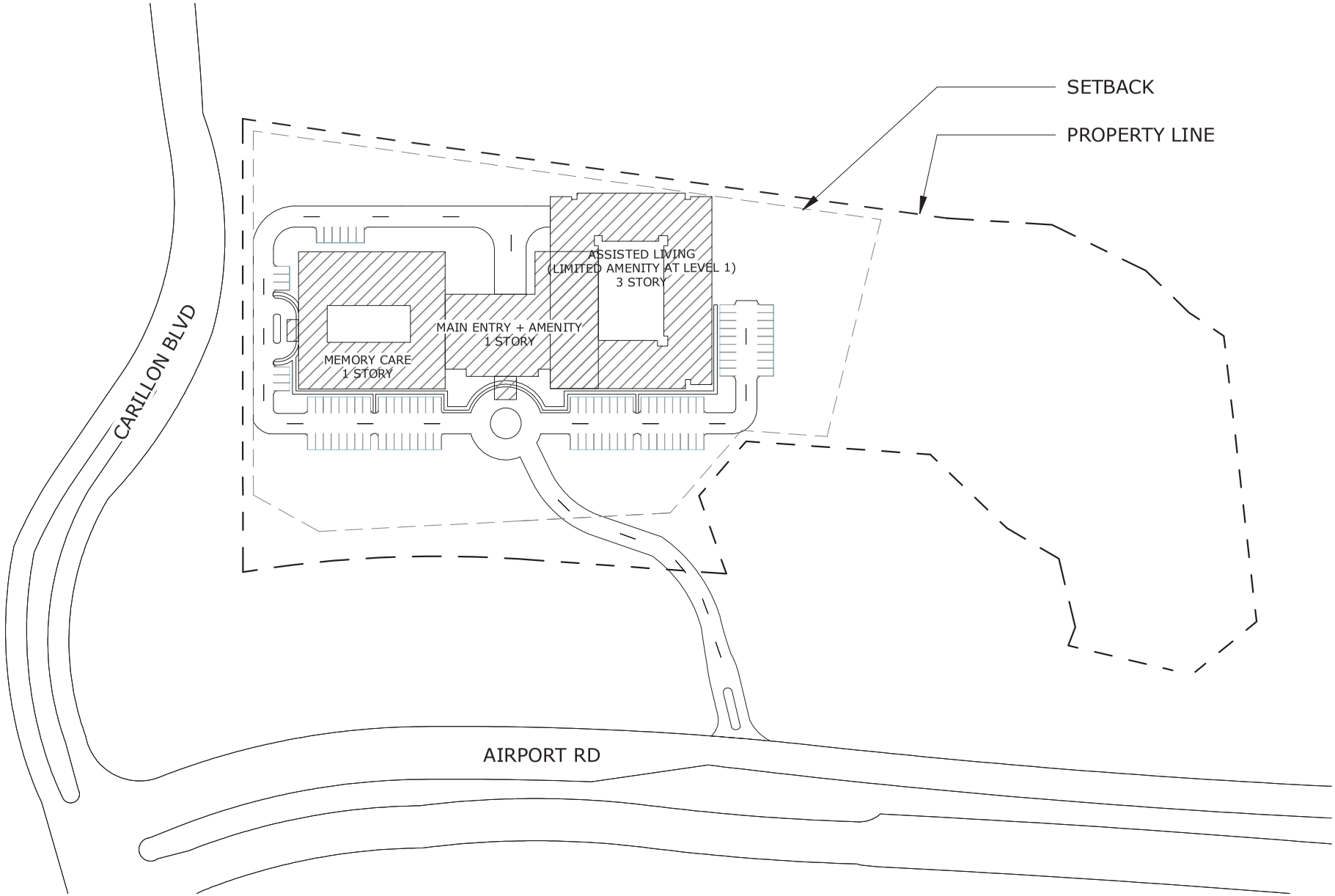
THIS IS A COURTESY LETTER NOT REQUIRED BY LAW

Planning & Zoning Board General Application

General Information:				
Project No:	PUD21-011	**Application Date:**	8/2/2021	
Project Name:	3201 AIRPORT RD_RBS LAKELAND ACLF			
Subject Property Address:	3201 AIRPORT RD			
Parcel ID:	232833000000031010	**Total Acreage:**	10	
Applicant Name:	SARAH CASE			
Applicant Address:	6700 SOUTH FLORIDA AVE. SUITE 4	LAKELAND	FL	33813
Owner Name:	LOUISE W MOORE FAMILY TRUST			
Owner Address:	PO BOX 5552	LAKELAND	FL	338075552

Request:		
Application Type:	**PLANNED UNIT DEVELOPMENT**	**NEW**
Proposed		**Current**
Zoning:	(PUD) Planned Unit Development	(PUD) Planned Unit Development
Land Use:	Not Applicable	Interchange Activity Center (IAC)
Context:	Not Applicable	Suburban Corridor (SCO)
Explanation of Request:	PUD zoning to allow a 148-bed Assisted Living Facility within IAC Land Use.	
Justification:	Site currently has no zoning.	

Concurrency:								
Proposed Dwelling Units:		148	**Project Floor Area:**		**120000**		Square feet	
Type of Use:	Congregate Care				Phase	1	Year	2022
Estimate of Public Service Demand								
Roadways	**Daily Trips:**	0		**PM Peak Hour Trips:**			0	
Potable Water		GPD	**Wastewater**		GPD	**Solid Waste**		PPD



ARCHITECTURAL SITE PLAN

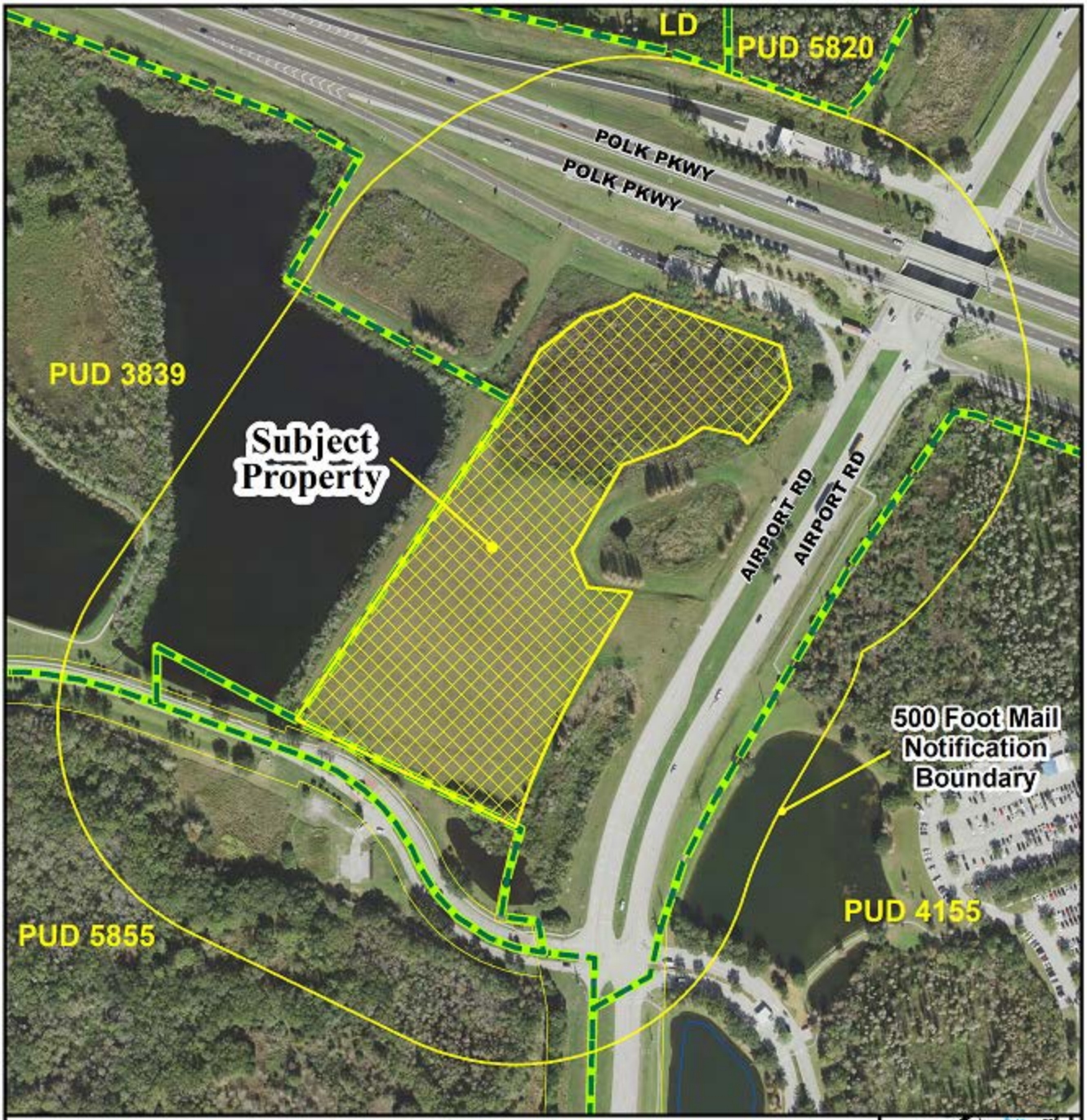
WISEMAN CONSTRUCTION

Test Fit
PROJ. #210066.00

WISEMAN / LAKELAND SENIOR LIVING
2021.08.25

A001

Baker Barrios
The shape of things to come.
AA0002981 + LC26000427



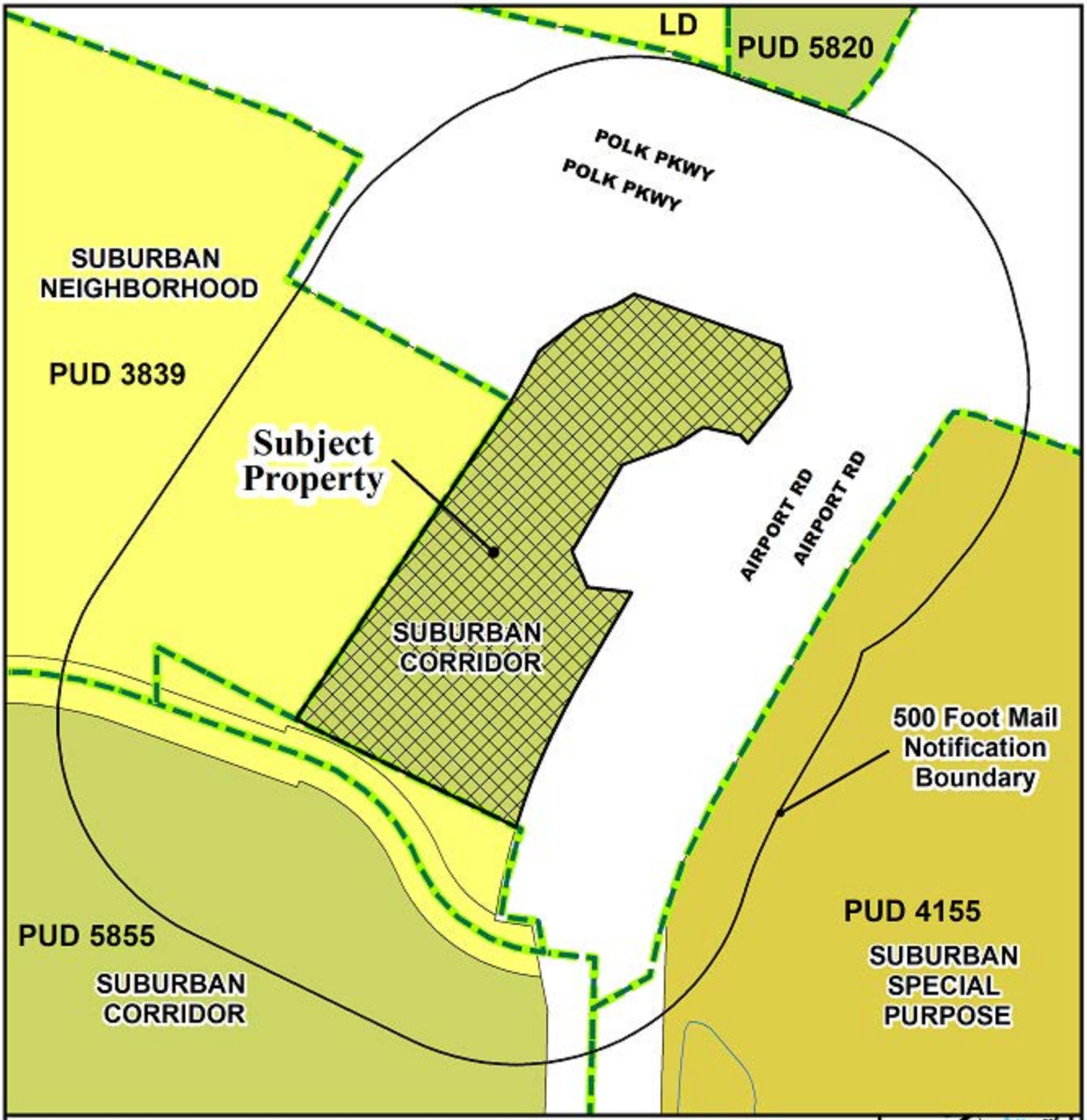
File Number: PUD21-011

Present Zoning: none
Present Context: Suburban Corridor
Proposed Zoning: PUD Zoning to Allow a 148- bed Assisted Living Facility

September 2021

- Subject Property
- 500 Foot Mail Notification Boundary
- City Limits
- Zoning
- Conditional Use
- 4567 SPI
- Railroad
- Parcels
- Water Body

N



File Number: PUD21-011

Present Zoning: none
Present Context: Suburban Corridor
Proposed Zoning: PUD Zoning to Allow a 148- bed Assisted Living Facility

September 2021

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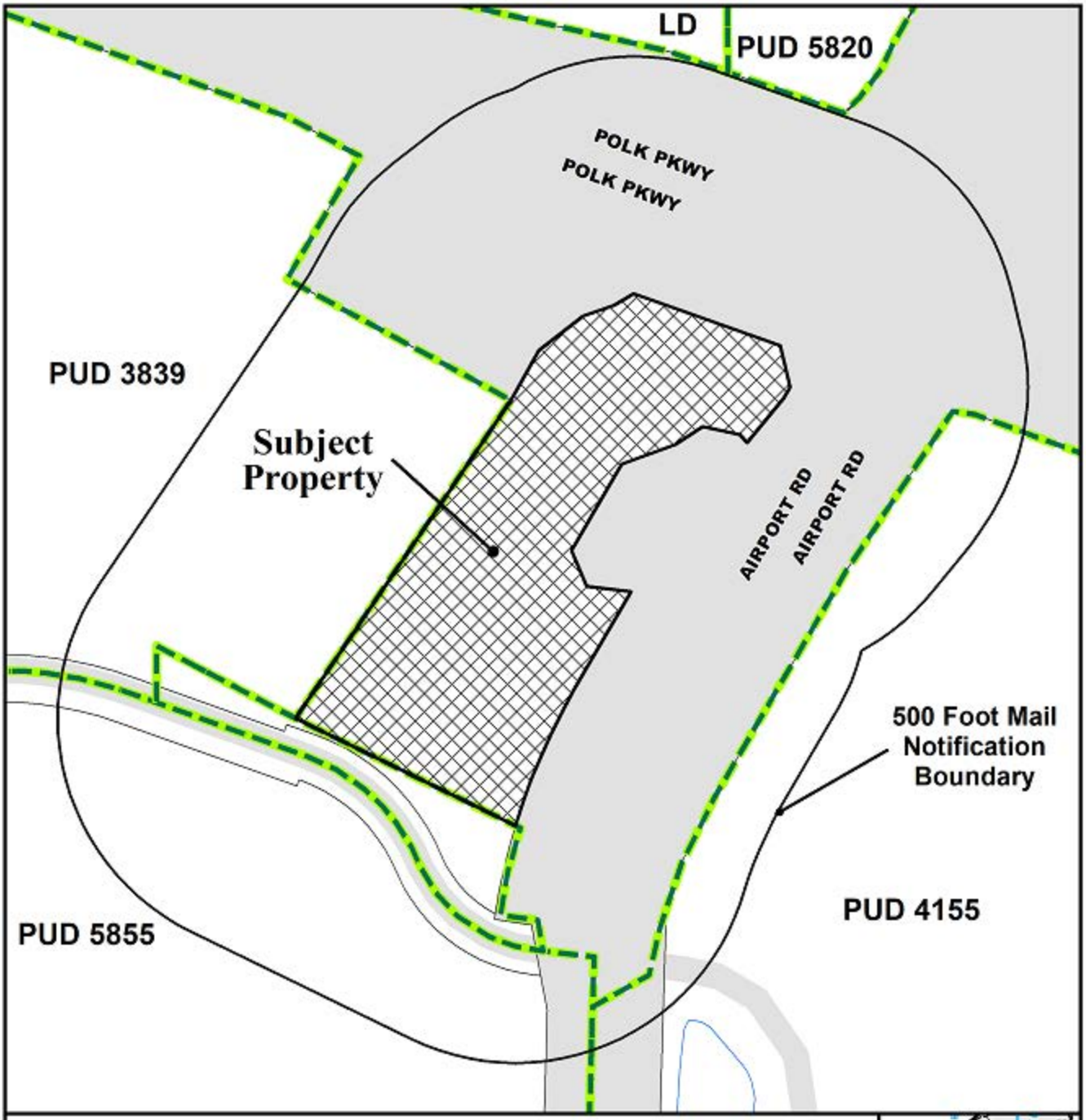

File Number: PUD21-011

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Present Context: Suburban Corridor
Proposed Zoning: PUD Zoning to Allow a 148- bed Assisted Living Facility

September 2021

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- City Limits
- Zoning
- 4567 Conditional Use
- SPI
- Parcels
- Railroad
- Water Body
- Roadway/Railway

N

228 S MASSACHUSETTS AVE
LAKELAND, FLORIDA 33801
PLANNING@LAKELANDGOV.NET

September 7, 2021

RE: 3201 Airport Road - Project No. PUD21-011

Dear Property Owner:

This is to advise you that Sarah Case, ECON South, LLC, requests the application of PUD zoning to allow for a 148-bed assisted living facility on approximately 10.45 acres generally located south of the Polk Parkway, west of Airport Road and north of Carillon Boulevard. The subject property is legally described as:

> UNRE AUCTION TRACT 12 COMM SW COR OF SEC RUN N 1335.42 FT E 1373.11 FT TO C/L AIRPORT RD N 01 DEG 41 MIN 57 SEC E 1572.81 FT N 28 DEG 26 MIN 15 SEC W 85.97 FT TO POB RUN N 64 DEG W 665 FT N 34 DEG 03 MIN 43 SEC E 809.23 FT N 30 DEG 24 MIN 16 SEC E 118.22 FT N 52 DEG 04 MIN 16 SEC E 118.29 FT N 70 DEG 11 MIN 04 SEC E 68.68 FT N 59 DEG 52 MIN 28 SEC E 48.22 FT S 70 DEG 30 MIN 36 SEC E 325.88 FT S 13 DEG 32 MIN 29 SEC E 144.22 FT S 29 DEG 58 MIN 37 SEC W 637.37 FT SWLY ALONG A CURVE 409.12 FT TO POB LESS R/W FOR SR 570 AND AIRPORT ROAD (A complete legal description is available in the Community & Economic Development Department.)

The public hearing to consider this request will be held before the Lakeland Planning and Zoning Board at **8:30 a.m., on Tuesday, September 21, 2021** in the City Commission Room, City Hall, 228 S. Massachusetts Avenue. As an owner of property within 500 feet of this request, as indicated on the attached map, you will be given an opportunity to express your opinion at the public hearing *or* you may submit your views to the Community Development Department, 863-834-6011 or planning@lakelandgov.net, prior to the Tuesday, September 21st meeting.

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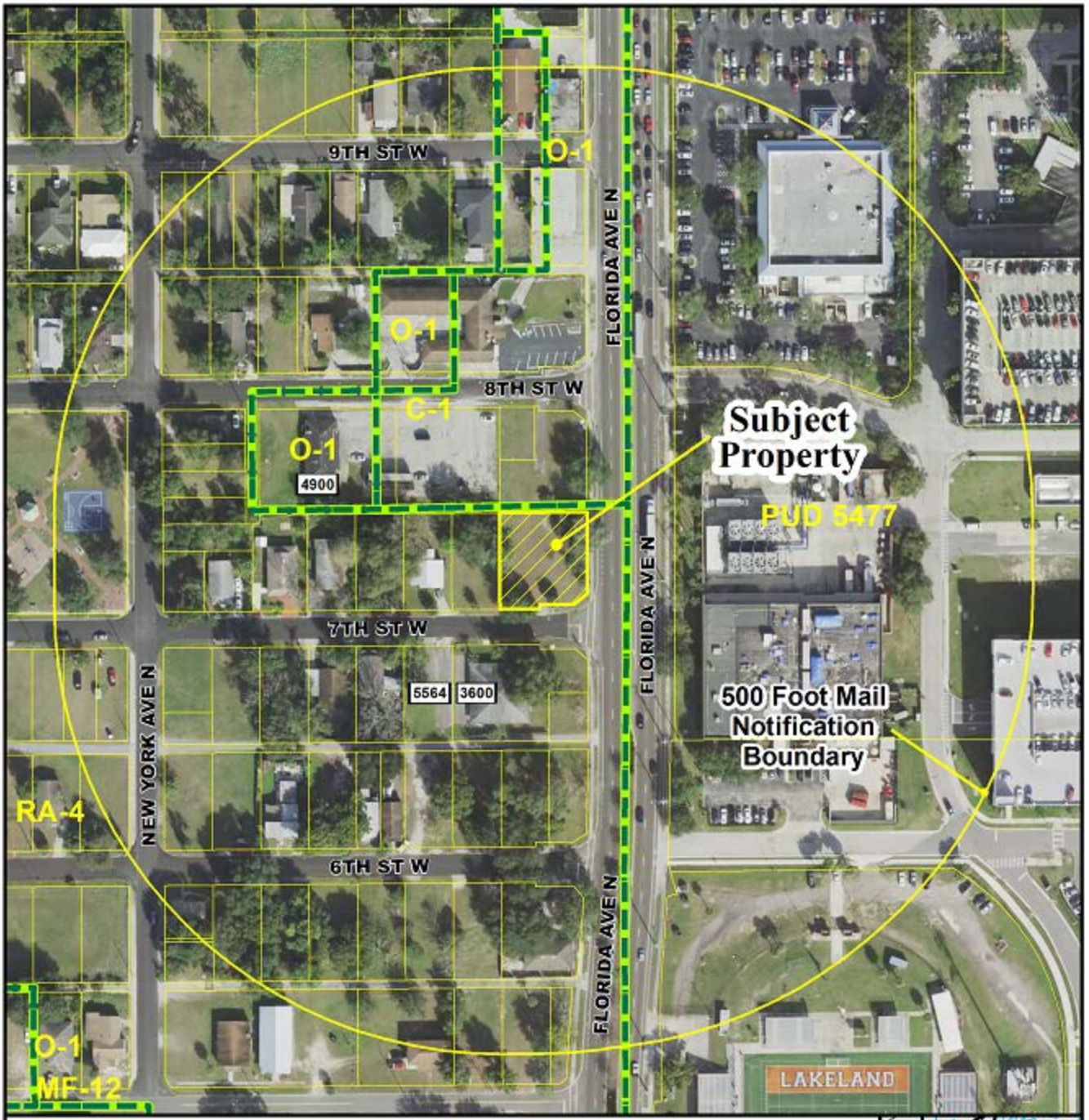
THIS IS A COURTESY LETTER NOT REQUIRED BY LAW

Planning & Zoning Board General Application

General Information:				
Project No:	ZON21-006	**Application Date:**	8/2/2021	
Project Name:	103 W 7TH ST DISPOSITION			
Subject Property Address:	103 W 7TH ST			
Parcel ID:	232812055500007200	**Total Acreage:**	0.24	
Applicant Name:	TERRILYN BOSTWICK, CRA			
Applicant Address:	228 S MASSACHUSETTS AVE	LAKELAND	FL	33801
Owner Name:	LAKELAND COMMUNITY REDEVELOPMENT AGENCY			
Owner Address:	228 S MASSACHUSETTS AVE	LAKELAND	FL	33801

Request:		
Application Type:	**ZONING**	**CITY INITIATED**
Proposed		**Current**
Zoning:	(O-1) Low Impact Office	(RA-4) Single-Family
Land Use:	Not Applicable	Residential Medium (RM)
Context:	Not Applicable	Urban Neighborhood (UNH)
Explanation of Request:	Lakeland CRA is applying for rezoning of 103 W 7TH ST from RA-4 to O-1. The CRA's request will accommodate development of the project proposed by Phoenix Properties, LLC should the City Commission approve the development agreement and subsequent disposition. The CRA desires to attract like development proposals in the event the current disposition process fails to yield a development agreement.	
Justification:	At present the parcel located on N Florida Ave is not viable for residential redevelopment. Medical Office is evolving with commercial development from the north. In addition, the property is located with the CRA's Midtown District which has a growing the Medical District as part of the redevelopment plan. Developing within Low Impact Office Zoning will contribute to adding value and infill development along the N Florida Avenue corridor.	

Concurrency:								
Proposed Dwelling Units:		0	**Project Floor Area:**		**2600**		Square feet	
Type of Use:	Medical-Dental				Phase	1	Year	2022
Estimate of Public Service Demand								
Roadways	**Daily Trips:**	0		**PM Peak Hour Trips:**			0	
Potable Water		GPD	**Wastewater**		GPD	**Solid Waste**		PPD



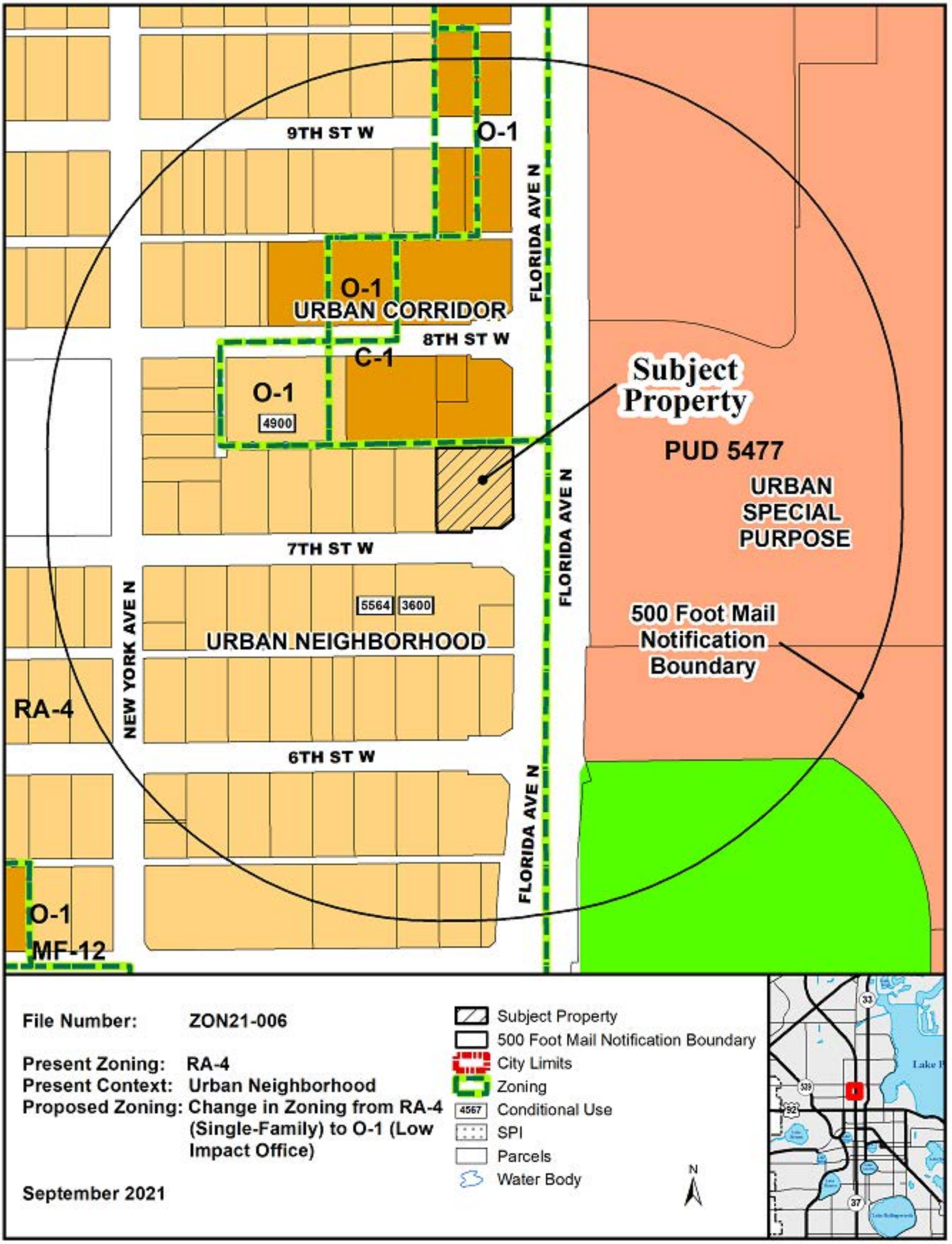
File Number: ZON21-006

Present Zoning: RA-4
Present Context: Urban Neighborhood
Proposed Zoning: Change in Zoning from RA-4 (Single-Family) to O-1 (Low Impact Office)

September 2021

- Subject Property
- 500 Foot Mail Notification Boundary
- City Limits
- Zoning
- 4567 Conditional Use
- SPI
- Parcels
- Water Body

N


9TH ST W
O-1
FLORIDA AVE N
O-1
URBAN CORRIDOR
8TH ST W
C-1
O-1
4900
Subject Property
PUD 5477
URBAN SPECIAL PURPOSE
7TH ST W
NEW YORK AVE N
5564
3600
URBAN NEIGHBORHOOD
500 Foot Mail Notification Boundary
RA-4
6TH ST W
O-1
MF-12
File Number: ZON21-006
Present Zoning: RA-4
Present Context: Urban Neighborhood
Proposed Zoning: Change in Zoning from RA-4 (Single-Family) to O-1 (Low Impact Office)
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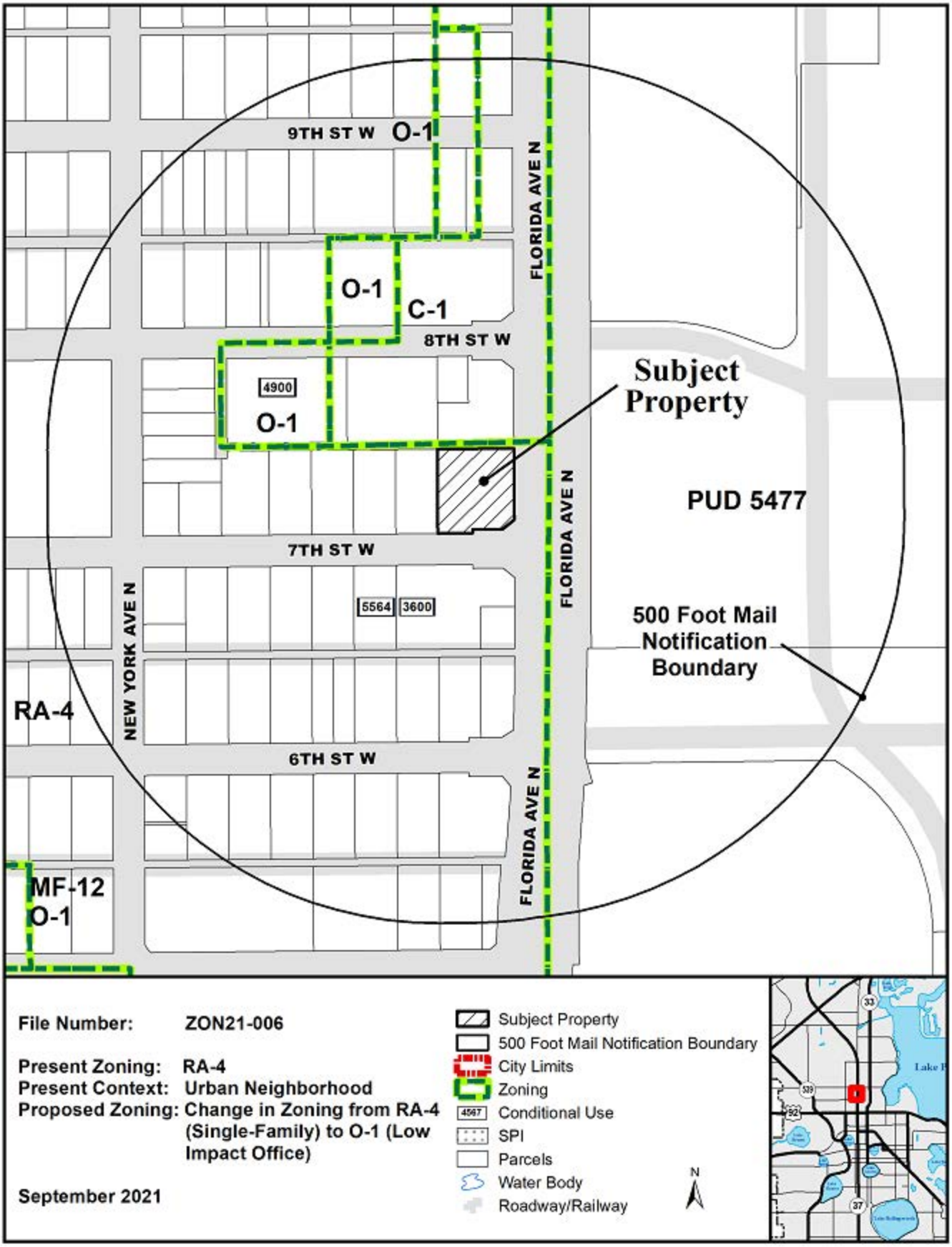

9TH ST W
O-1
O-1
C-1
8TH ST W
4900
O-1
Subject Property
PUD 5477
7TH ST W
5564
3600
500 Foot Mail Notification Boundary
RA-4
6TH ST W
MF-12
O-1
FLORIDA AVE N
FLORIDA AVE N
FLORIDA AVE N
NEW YORK AVE N
File Number: ZON21-006
Present Zoning: RA-4
Present Context: Urban Neighborhood
Proposed Zoning: Change in Zoning from RA-4 (Single-Family) to O-1 (Low Impact Office)
September 2021
Subject Property
500 Foot Mail Notification Boundary
City Limits
Zoning
4567 Conditional Use
SPI
Parcels
Water Body
Roadway/Railway
N

CITY OF Lakeland
COMMUNITY & ECONOMIC DEVELOPMENT

228 S Massachusetts Avenue
Lakeland FL 33801
planning@lakelandgov.net

September 7, 2021

RE: Application of (O-1) Zoning - Project No. ZON21-006

Dear Property Owner:

This letter is to advise you that the Lakeland Community Redevelopment Agency requests a change in zoning from (RA-4) Single-Family Residential to (O-1) Low Impact Office on property located at 103 W. 7th Street. The subject property is legally described as:

> WASHINGTON PARK PB 1 PG 99 BLK 7 LOTS 20 & 21 LESS R/W FOR SR 700 (A complete legal description is available in the Community & Economic Development Department.)

The public hearing to consider this request will be held before the Lakeland Planning and Zoning Board at **8:30 a.m., on Tuesday, September 21, 2021** in the City Commission Room, City Hall, 228 S. Massachusetts Avenue. As an owner of property within 500 feet of this request, as indicated on the attached map, you will be given an opportunity to express your opinion at the public hearing *or* you may submit your views to the Community Development Department, 863-834-6011 or planning@lakelandgov.net, prior to the Tuesday, September 21st meeting.

Anyone deciding to appeal a decision by the Board on any matter considered at this or any subsequent meeting will need a record of the proceedings, and for purposes of that appeal, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this proceeding, or those requiring language assistance (free of charge) should contact the City of Lakeland ADA Specialist, Jenny Sykes, no later than 48 hours prior to the proceeding, at (863) 834-8444, Email: Jenny.Sykes@lakelandgov.net. If hearing impaired, please contact the TDD numbers: Local - (863) 834-8333 or 1-800-955-8771 (TDD-Telecommunications Device for the Dear) or the Florida Relay Service Number 1-800-955-8770 (VOICE), for assistance.

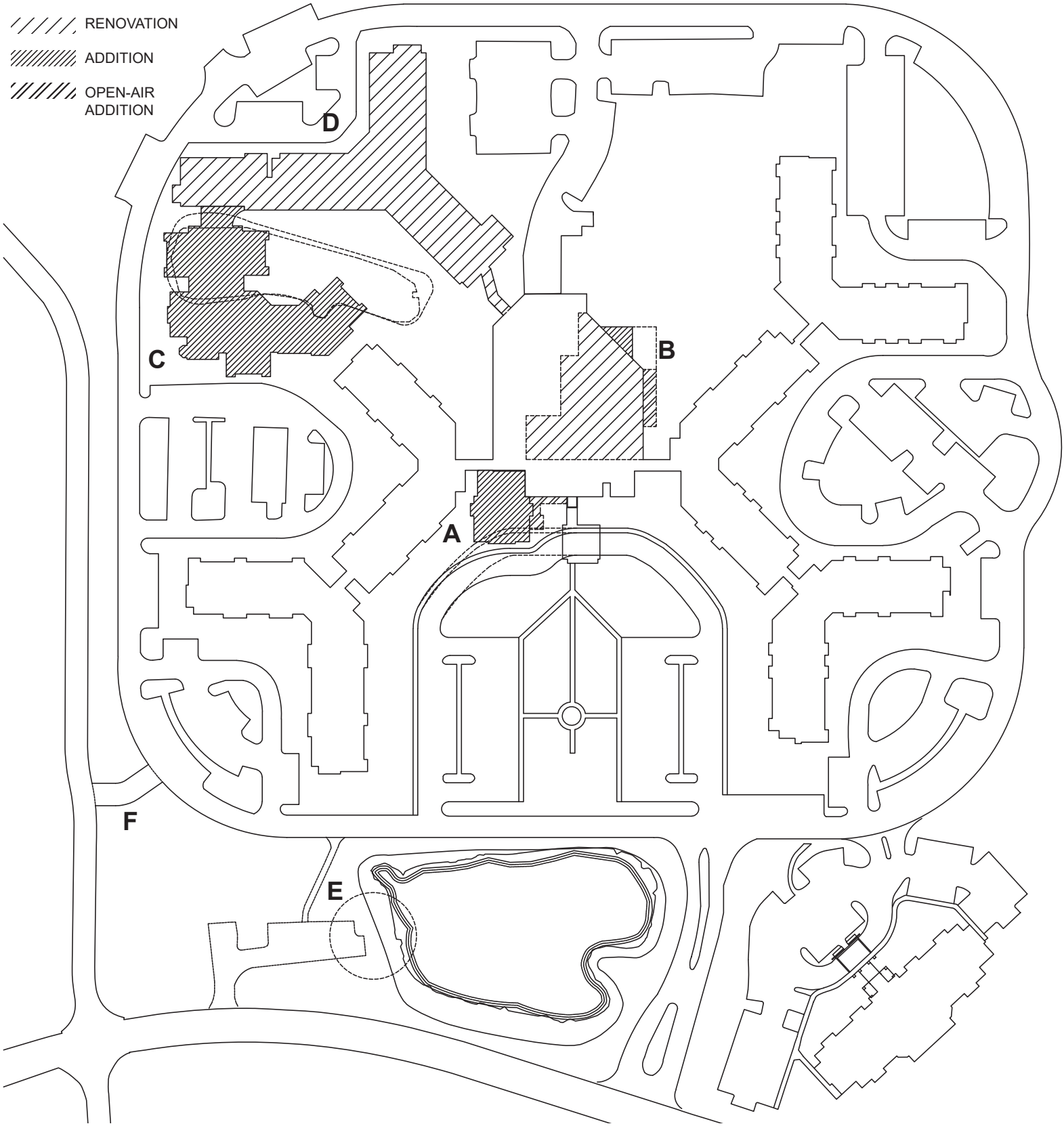
THIS IS A COURTESY LETTER NOT REQUIRED BY LAW

Planning & Zoning Board General Application

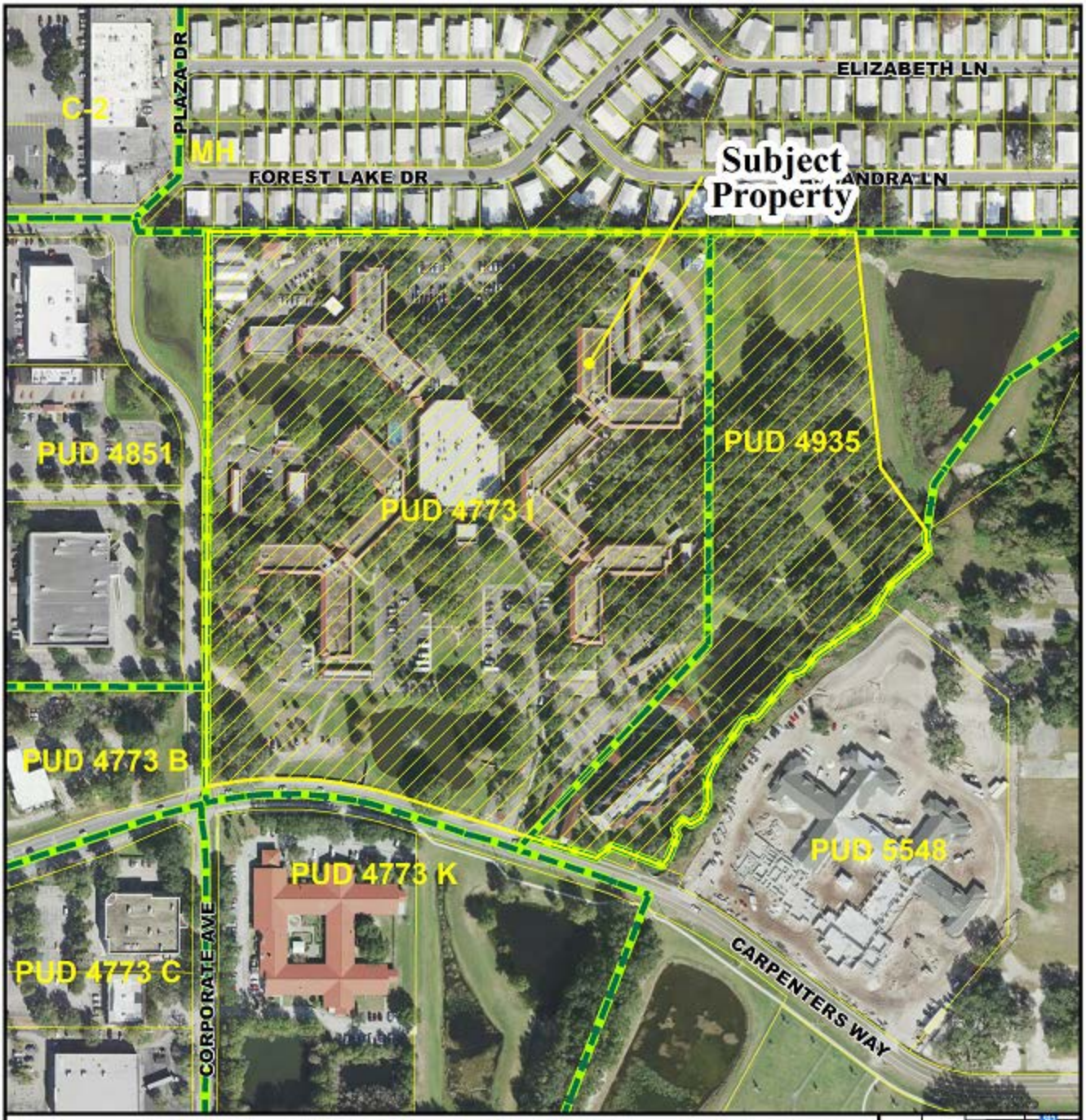
General Information:				
Project No:	PUD21-012	**Application Date:**	8/20/2021	
Project Name:	THE ESTATES AT CARPENTERS			
Subject Property Address:	1001 CARPENTERS WY			
Parcel ID:	232725009000003001	**Total Acreage:**	33.75	
Applicant Name:	HETTY HARMON			
Applicant Address:	2525 DRANE FIELD RD	LAKELAND	FL	33811
Owner Name:	CARPENTERS HOME ESTATES, INC			
Owner Address:	1001 CARPENTERS WAY	LAKELAND	FL	33811

Request:		
Application Type:	**PLANNED UNIT DEVELOPMENT**	**MINOR MODIFICATION**
Proposed		**Current**
Zoning:	(PUD) Planned Unit Development	(PUD) Planned Unit Development 4773 I
Land Use:	Not Applicable	Residential Medium (RM)
Context:	Not Applicable	Suburban Neighborhood (SNH)
Explanation of Request:	Add new skilled care building, bed count will stay the same, dining room addition, ading a chapel, add a pavillion by front pond and another access off of Corporate Dr.	
Justification:	Want to provide for single rooms versus double occupancy, enhacing amentieis on the site.	

Concurrency:								
Proposed Dwelling Units:		0	**Project Floor Area:**		**65000**		Square feet	
Type of Use:	Nursing Home				Phase	3	Year	2022
Estimate of Public Service Demand								
Roadways	**Daily Trips:**	0		**PM Peak Hour Trips:**			0	
Potable Water		GPD	**Wastewater**		GPD	**Solid Waste**		PPD



A	CHAPEL ADDITION: 1-story at 4,500 sf with a 620 sf covered porch
B	DINING RENOVATIONS AND ADDITIONS: 1-story addition at 600 SF, open air terrace at 900 sf, and outdoor patio
C	AL/MCAL ADDITION: 3-story at 65,000 sf (Redistributed beds from existing building. No additional beds.)
D	SKILLED CARE RENOVATION
E	NEW PAVILION: 1-story open air pavilion at 1,500 sf
F	NEW DRIVE ACCESS LOCATION



File Number: PUD21-012

Present Zoning: PUD 4773 I
Present Context: Suburban Neighborhood
Proposed Zoning: Minor Modification of PUD Zoning to Allow Construction of New Buildings and Remodeling of Existing Buildings

Subject Property
City Limits
Zoning
4567 Conditional Use
SPI
Parcels
Railroad
Water Body

N

September 2021

File Number: PUD21-012

Present Zoning: PUD 4773 I
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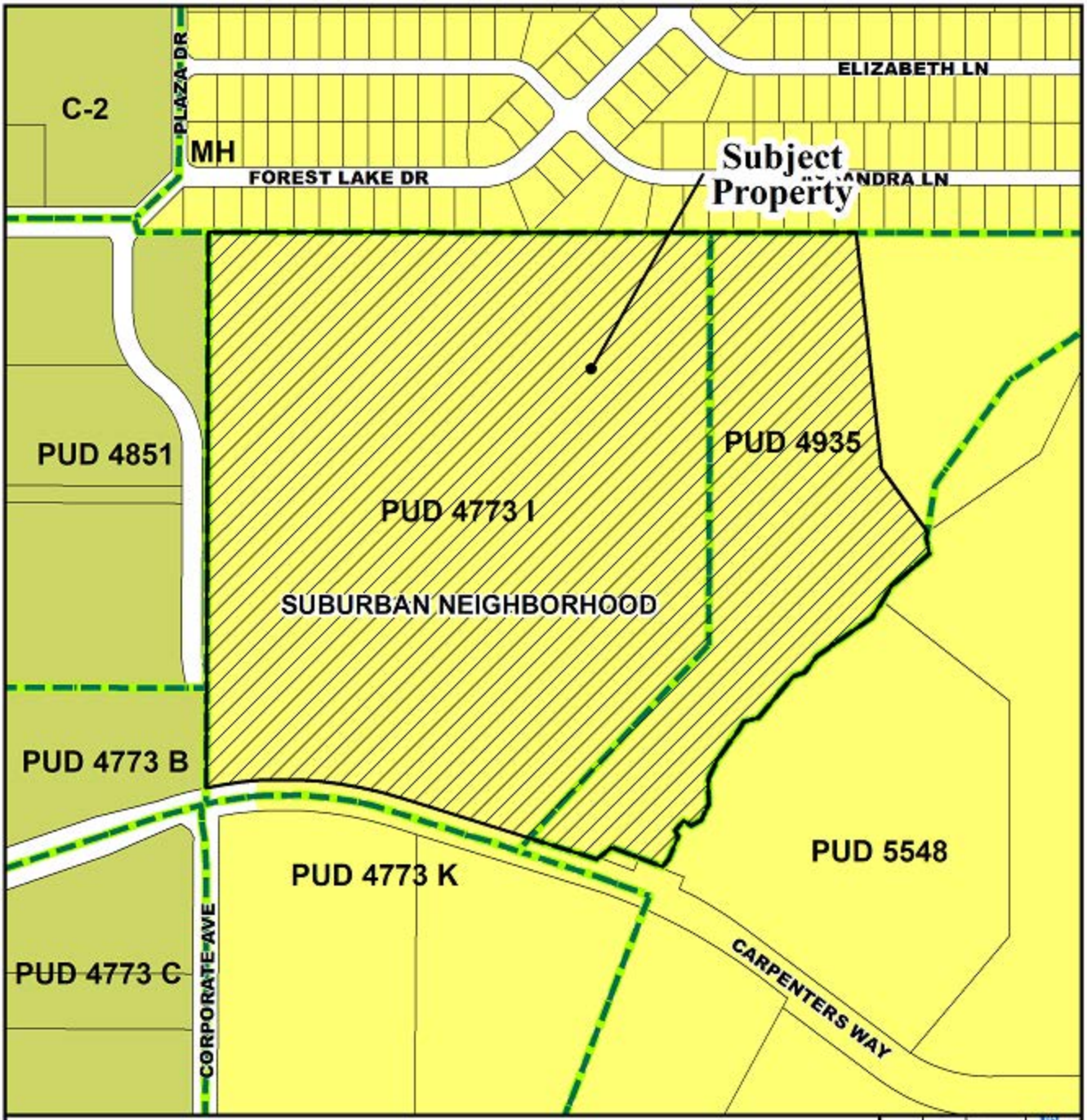
N

September 2021



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Subject Property
City Limits
Zoning
4567 Conditional Use
SPI
Parcels
Railroad
Water Body

N

September 2021

MINUTES

Planning & Zoning Board

City Commission Chambers

Tuesday, August 17, 2021

8:30 a.m.

The City of Lakeland Planning and Zoning Board met in Regular Session. Board Members Silvana Knight, Joseph Lauk, Lyle Philipson, Ronald Roberts, Susan Seitz and Jeri Thom were present. Community & Economic Development staff Teresa Maio, Planning & Housing Manager; Chuck Barmby, Transportation & Development Review Manager; Matthew Lyons, Chief Planner; Phillip Scearce, Principal Planner; Joshua Cheney, Senior Planner, and Christelle Burrola, Planning Assistant, were present. Assistant City Attorney Jerrod Simpson was also present.

PUBLIC HEARING

ITEM 1: Conditional use to construct a 180-foot high ground mounted, personal wireless facility (cell tower) on approximately 24.07 acres located east of Lakeland Highlands Road and north of SR 570 (Polk Parkway). Owner: Mike Burkhead. Applicant: Robert Schmidt, Gulfstream Towers, LLC. (CUP21-005)

Phillip Scearce stated the request is for a cell tower on the Holloway Park property. The tower is monopole style with a potential for five different providers.

Rob Schmidt, Gulf Stream Towers, LLC., stated all the antennas will be inside of the tower. The proposed tower is intended to address a gap in coverage for two wireless services providers.

In response to Ronald Roberts, Mr. Schmidt stated the two wireless services providers are AT&T and Verizon Wireless.

In response to Silvana Knight, Mr. Schmidt stated the carriers dictate where the antennas will need to be located on the tower.

Phillip Scearce stated there have been no calls or emails received regarding the request and presented staff's recommended conditions of approval to the Board.

Silvana Knight made a motion to approve the request per staff recommendation. Ronald Roberts seconded the motion and it passed 6—0.

ITEM 2: Changes to Article 4 (General Site Development Standards) to adopt development standards for Clothing Collection/Donation Bins, allow for the use of shipping containers as principal and accessory structures for certain uses, and expand the parking exempt area within downtown Lakeland north, south, and east of Lake Mirror, north of W. Main Street, south of Lake Wire and south of Orange Street. Applicant: City of Lakeland. (LDC21-001)

Phillip Scearce stated the proposed amendment is meant to address development standards for clothing donation bins and the use of shipping containers as accessory structures. The proposed standards for Clothing Collection/Donation Bins were requested by Code Enforcement as they are currently not regulated in the Land Development Code. Mr. Scearce read through the proposed standards.

Mr. Scearce stated the second part of the amendment addresses the use of shipping containers as accessory structures. The proposed development standards will be included as part of a separate amendment presented later in today's meeting. The last part of this amendment pertains to the expansion of the parking exempt area in downtown. Mr. Scearce presented an exhibit showing the proposed expansion.

In response to Susan Seitz, Mr. Scearce stated both the property owner and the donation bin operator can be cited for noncompliance with the proposed standards.

In response to Silvana Knight, Teresa Maio stated the proposed standards for collection/donation bins do not require a permit.

Ms. Maio stated if a donation bin is not authorized to be placed on the property, it will be the responsibility of the property owner to have the structure removed.

In response to Susan Seitz, Ms. Maio stated it is the property owner's responsibility to keep the property maintained.

In response to Lyle Philipson, Ms. Maio stated the property owners will be notified if a donation bin is noncompliant. Discussion ensued.

Ms. Maio stated staff will come back with a recommendation next month.

ITEM 3: Changes to Article 9 (Subdivision Standards) and Article 13 (Nonconformities) to address subdivision review and platting requirements, adopt standards for splitting lots and parcels, and allow for the development of nonconforming lots under certain conditions. Applicant: City of Lakeland. (LDC21-002)

Joshua Cheney stated the proposed amendment is intended to provide clarity to property owners and developers. Any division of a lot, parcel, or tract of land that includes the construction of new roads, drainage facilities, shall be reviewed by the Subdivision Review Team and may require both construction plan review and plat review. The next subsection states that all requires for lot and parcel splits shall be processed through the Polk County Property Appraiser's Office. The proposed changes are intended to prevent the creation of new nonconformities. Mr. Cheney also stated the splitting and combining of lots and parcels in existing subdivisions shall maintain the lot orientation and block pattern as shown on the recorded subdivision plat. The creation of any new lots or parcels which are oriented contrary to the orientation of lots shown on the recorded plat shall be prohibited. Lastly, the proposed amendment to Article 13 will allow for the development of nonconforming lots and parcels when comprised of one or more lots of legally created prior to July 18, 1950, or if the nonconformity is due to a taking, when within 10% of the minimum dimensional standards.

In response to Joseph Lauk, Matthew Lyons stated the proposed changed would not apply to platted subdivisions which exist only on paper and do not have improved roads or any other infrastructure.

ITEM 4: Changes to Article 2 (Permitted Uses) and Article 5 (Standards for Specific Uses) to adopt development standards allowing for the use of shipping containers as dwelling units in Mobile Home (MH) and Multi-Family (MF) zoning districts and as accessory structures for certain commercial uses, amend standards for home-based business in response to recent legislative changes, clarify parking standards for boats, trailers and RVs on residential property, and revise standards and terminology pertaining to personal wireless facilities in Limited Development (LD) zoning districts. Applicant: City of Lakeland. (LDC21-003)

Matthew Lyons stated the proposed amendment is to allow shipping containers as accessory structures for certain commercial uses and as dwelling units in specific zoning districts. The proposed standards will allow for the use of shipping containers as accessory structures for certain commercial uses on properties that are already improved. As part of the proposed changes, the proposed amendment would also allow for shipping containers to be used as dwelling units in mobile home and multi-family zoning districts subject to a conditional use.

The second part of the amendment addresses the recent preemption of the regulation of home businesses by the Florida Legislature. Regulations can now only address impacts such as parking, visibility from street/adjacent properties, and performance standards such as noise and odors. The third part of the amendment pertains to the parking of boats, trailers and RVs residential property. The

proposed changes to Section 5.17 clarify within which yards such vehicles may be parked and stored. Lastly, staff is proposing changes to 5.18 to correct and clarify language related to personal wireless services (PWS) in LD (Limited Development) zoning districts.

In response to Silvana Knight, Teresa Maio stated a shipping container may be considered as an accessory dwelling unit as long as it is utilized in conformance with the Florida building code.

ITEM 5: Changes to Article 5 (Standards for Specific Uses) to revise development standards for new mobile home parks to allow a smaller development site area, smaller lot sizes and greater density as a conditional use, allow for the use of shipping containers as dwelling units in new and existing mobile home parks as a conditional use, and allow for the use of tiny home RVs in recreational vehicle parks and spaces designated for recreational vehicles in existing mobile home parks. Applicant: City of Lakeland. (LDC21-004)

Matthew Lyons stated the primary purpose of the proposed amendment is to allow for replacement of mobile homes in nonconforming mobile home parks through the conditional use process. The proposed changes address older mobile home parks that are not zoned for mobile home residential uses. The current regulations do not allow units to be replaced once destroyed or removed. Under the proposed changes, units may be replaced with newer manufactured housing no older than 10 years old at the time of permitting. For the conditional use to be approved, additional improvements to landscaping, buffering internal roads and other site features may be required.

The second part of the proposed change is to allow for greater flexibility through the conditional use process when developing innovative new mobile home parks. Under the proposed changes, smaller development sites, smaller lot sizes, and greater density up to 12 dwelling units per acre may be considered as a conditional when proposing new, innovative manufactured housing projects. Lastly, the proposed change will allow for tiny home RVs within recreational vehicle parks and on designated RV spaces within existing mobile home parks.

In response to Lyle Philipson, Mr. Lyons stated the proposed amendment does not impact the property owners' rights.

ITEM 6: Changes to Article 3 (Urban Form Standards) to amend design standards for attached garages on single-family and two-family uses in response to recent legislative changes. Applicant: City of Lakeland. (LDC21-005)

Phillip Scearce stated the proposed amendment is due to recent Florida legislative changes. With the exception of PUDs and Historic Districts, the City can no longer regulate the orientation and location of a garages.

In response to Joseph Lauk, Mr. Scearce stated the new law states the City can still regulate garages within PUDs and Historic Districts.

In response to Mr. Lauk, Mr. Scearce stated there is different criteria within the Historic District standards and standards within PUDs are negotiable.

ITEM 7: Changes to Article 10 (Concurrency Standards) to provide clarification regarding the concurrency determination process and adopt review requirements for major traffic studies. Applicant: City of Lakeland. (LDC21-006)

Chuck Barmby stated the proposed amendment is to formalize the traffic study procedures. This would better define when traffic studies are required and what is required of the major traffic studies. Adjustments would be made based on local knowledge. There are certain tools that are used at the national and state level for how these studies are conducted. The City will not supersede any permitting requirements by the Florida Department of Transportation and Polk County.

GENERAL MEETING

ITEM 8: Review minutes of the July meeting.

Ronald Roberts made a motion for approval of the minutes from the previous meeting. Susan Seitz seconded the motion and it passed 6—0.

ITEM 9: Request for a change in land use on approximately 8.23 acres, from Convenience Center (CC) to Conservation (C), a change in land use on approximately 6.29 acres from Residential Low (RL) to Convenience Center (CC), and a change in zoning on approximately 6.29 acres, from LD (Limited Development) to C-1 (Pedestrian Commercial District), on property located north of the Polk Parkway, east of Airport Road and south of Steeplechase Drive (3002 Airport Road). Owner: Palm Airport Road LLC. Applicant: Hetty Harmon, CivilSurv, Design Group, Inc. (LUS21-002/ZON21-003) **Note: Applicant request a one-month continuance to revise the application to address the concerns of Steeplechase residents.**

Matthew Lyons stated the applicant is requesting a one-month continuance to revise the application as a PUD.

Silvana Knight made a motion for approval of a one-month continuance. Joseph Lauk seconded the motion and it passed 5—0. Susan Seitz recused herself from the vote for this item.

ITEM 10: Major modification of PUD zoning for Parkway Preserve, a previously approved 300-unit multi-family residential development, to allow driveway access on Airport Road on property located south of Carillon Blvd and west of Airport Road (3301 Airport Road).Owner: LMC Lakeland Development Inc. Applicant: Timothy Campbell. (PUD21-007)

Phillip Scearce stated the applicant is requesting modifications to the PUD referring to access and access improvements to the ordinance previously approved by the City Commission in January. The applicant is proposing two access alternatives based on what is approved by the Florida Department of Transportation. Option A would allow for limited access on Airport Road as well as the improvements on Carillon Boulevard approved with the original ordinance. Option B would exclude the need for improvements on Carillon Boulevard. Mr. Scearce stated 75 emails have been received. 54 of the 75 emails still want the developer to make the improvements on Carillon Boulevard. 19 emails were in favor of no access on Carillon Boulevard and two emails were in opposition of any type of development.

Mr. Scearce presented the recommended changes to the previously approved conditions to the Board.

Chuck Barmby stated Option B would increase the east bound delay on Carillon Boulevard from 21.1 seconds to 33.2 seconds. This option would exceed the physical capacity of the interception but still fall within an acceptable level of service standard for the intersection. Option B will not perform as well as what is currently approved with the PUD ordinance but does operate in acceptable level of service and does operate without creating unnecessary congestion on Carillon Boulevard.

Tim Campbell, 500 S. Florida Avenue, stated despite ongoing efforts, there has been no resolution with the Property Owner's association regarding the access. The developer requests that the condition read the association must grant approval for access and other improvements to Carillon Boulevard and an easement amendment for allowing such improvements in a form exceptional to the multi-family residential before September 17, 2021.

In response to Joseph Lauk, Mr. Campbell stated the Florida Department of Transportation has standards for the emergency access. The focus of this change is to allow full functional access.

In response to Silvana Knight, Mr. Campbell stated the 12 second delay pertains to Option B.

Chuck Barmby stated there is a need for certainty from the Property Owner's Association.

Mr. Campbell stated within 30 days the developer will be ready for the easement amendment to be executed if they have come to a resolution with the Property Owner's Association.

Teresa Maio stated the current language reads the "Association must grant approval for access and other improvements". Ms. Maio also stated the City cannot force the Property Owner's Association to enter into the easement amendment.

In response to Joseph Lauk, Chuck Barmby stated Option A approved by the City Commission assumed no fully functional driveway on Airport Road.

Silvana Knight made a motion to approve staff's recommendation with added language to include a deadline for the Property Owner's Association to approve or disapprove the construction.

Jerrod Simpson stated the Board has the option to add a deadline in to the recommendation to provide the developer with time certainty. Discussion ensued.

In response to Jeri Thom, Tim Campbell stated the developer is open to both options.

In response to Silvana Knight, Mr. Campbell stated the Property Owner's Association has the option to improve Carillon Boulevard should they approve the easement adjustment.

Silvana Knight rescinded her motion.

Dennis Nitschke, 3947 Whistlewood Circle, stated he has concerns over safety and security.

Mr. Campbell Stated safety and security concerns were addressed with the original PUD.

In response to Susan Seitz, Jerrod Simpson stated the developer has an easement that states they can access their property through Carillon Boulevard.

In response to Joseph Lauk, Mr. Simpson stated the staff recommendation does not include a timeframe or specification on the construction.

Teresa Maio stated the condition does not exist until the City Commission approves it on September 20th. The deadline date must be after the approval date.

Joseph Lauk made a motion for approval of staff's recommendation with the amendment that Option B reads "a fully-functional right-in/right-out driveway access on Airport Road with southbound right turn lane as required by FDOT, in the event that within 30 days of the effective date PUD that the Carillon Lakes Property Owners Association will not provide easement to allow construction of the turn lane improvements on Carillon Boulevard at the site entrance and Airport Road. It is also expected that the existing northbound left turn lane on SR 572 (Airport Road) must be extended by at least 130 feet to accommodate current and estimated project traffic. The final designs shall be consistent with those shown in Exhibit 2 but shall be approved as part of the development's site plan review and permitting process.". Jeri Thom seconded the motion and it passed 6—0.

ITEM 11: Plat approval for VA Lakeland Subdivision on 20.62 acres located north of Meadowland Park Drive, east of Lakeland Highlands Road. Owner: Holloway Park Foundation, Inc. Applicant: Chastain Skillman, Inc. (SUB21-004)

Joshua Cheney stated a plat for VA Lakeland Subdivision has been submitted by Chastain Skillman, Inc. on behalf of Holloway Park Foundation, Inc. The plat consists of 1 lot on approximately 20.62 acres generally located north of Meadowland Park Drive, east of Lakeland Highlands Road. The plat has been reviewed by all departments and is conforming with the City's subdivision regulations within the Land Development Code. Staff recommended approval of the plat.

Susan Seitz made a motion for approval of staff's recommendation. Ronald Roberts seconded the motion and it passed 6—0.

In response to Teresa Maio, Chuck Barmby stated the VA Lakeland clinic is in the process of obtaining site plan approval.

ITEM 12: Report of City Commission action on Planning and Zoning Board recommendations along with Planning & Housing Manager's Report

Teresa Maio reviewed the recent actions of the City Commission. Ms. Maio also reviewed the new cases for the September hearing.

ITEM 13: Audience.

There were no comments from the audience.

ITEM 14: Adjourn.

There being no further discussion, the meeting was adjourned at 11:36 AM

Respectfully Submitted,

Lyle Philipson

Ronald Roberts

Community & Economic Development
Staff Request for Delay

Date:	October 19, 2021	Reviewer:	Todd Vargo
Project No:	LUS21-002/PUD21-008	Location:	3001 Airport Rd
Owner:	Palm Airport Road, LLC		
Applicant:	Hetty Harmon, CivilSurv Design Group, Inc.		
Current Zoning:	(LD) Limited Development	Future Land Use:	Convenience Center (CC)/Residential Low (RL)
Context District:	Suburban Neighborhood (SNH) and Suburban Corridor (SCO)		
P&Z Hearing:	July 20, 2021	P&Z Final Decision:	October 19, 2021
Request:	Change in land use on approximately 8.23 acres, from Convenience Center (CC) to Conservation (C), a change in land use on approximately 6.29 acres from Residential Low (RL) to Convenience Center (CC), and a change in zoning on approximately 6.29 acres, from (LD) Limited Development to (PUD) Planned Unit Development, on property located north of the Polk Parkway, east of Airport Road and south of Steeplechase Drive.		

The applicant is requesting an additional one-month delay to continue working on revisions to the application. As stated previously, the applicant intends to request (PUD) Planned Unit Development zoning in lieu of C-1 to address the concerns expressed by Steeplechase residents at the July 20, 2021 meeting. The applicant anticipates being ready to move forward with the revised application at the October 19, 2021 meeting.

Community & Economic Development
Staff Recommendation

Date:	September 21, 2021	Reviewer:	Phillip Scearce
Project No:	LDC21-001	Applicant:	City of Lakeland
P&Z Hearing:	August 17, 2021	P&Z Final Decision:	September 21, 2021
Request:	Changes to Article 4 (General Site Development Standards) to adopt development standards for Clothing Collection/Donation Bins, allow shipping containers as accessory structures for certain commercial uses, and expand the parking exempt area within downtown Lakeland north, south, and east of Lake Mirror, north of W. Main Street, south of Lake Wire and south of Orange Street.		

1.0 Background

Periodically, various changes to the Land Development Code (LDC) are proposed in response to changing circumstances or to address unintended consequences of existing standards. The proposed changes to Article 4 (General Site Development Standards) adopt development standards for clothing collection/donation bins, allow for the use of shipping containers as accessory structures for certain commercial uses and expand to the City's parking exempt area within downtown Lakeland.

The recommended changes are included as Attachment "A."

1.1 Attachments

Attachment A: Proposed Changes to Article 4, Sub-Section 4.3.1 Accessory Structures

Attachment B: Proposed Changes to Article 4, Sub-Section 4.3.8 Clothing Collection & Donation Bins

Attachment C: Proposed Changes to Figure 4.11 Parking Exempt Area

2.0 Discussion

Sub-Section 4.3.1 Accessory Structures

The Land Development Code currently limits the use of intermodal shipping containers as accessory structures as provided for in Sub-Section 2.6.5 (Temporary Uses Listed and Defined) and Sub-Section 5.17.3.3, Construction and Storage Trailers Permitted and Regulated. The proposed changes, in conjunction with proposed changes to Article 5 to add development standards (LDC21-003), would allow for the use of shipping containers as accessory structures for certain commercial uses. In recent years, the use of intermodal shipping containers has become attractive as they offer an affordable start-up option for small-scale restaurant and retail uses. The proposed changes will allow for the use of such structures as an accessory use to a permitted principal commercial use is located on the same property.

Sub-Section 4.3.8 Clothing Collection & Donation Bins

In recent years, there has been a proliferation of collection and donation bins on commercial and industrial properties throughout the City. These bins are typically large, metal structures similar in appearance to solid waste collection and recycling bins in which individuals can drop off used clothing, books and other items. Such bins, which are unattended, are often placed in highly visible areas, vandalized, and used for illegal dumping. As such, many become unsightly and present conflicts

within vehicle use areas on which they are typically located. While collection and donation bins provide a convenient way to donate items for reuse or recycling, standards are necessary to ensure that they are properly maintained on commercial and non-residential properties and do not become a blight.

Polk County's Land Development Regulations allow for donation bins in non-residential land use districts subject to location standards and design requirements. Such bins may be operated by both non-profit and for-profit organizations. The proposed changes to Article 4 follow the same general approach as Polk County's regulations but have been modified to better address the City's needs. The adoption of these standards will provide clear requirements to property owners and/or the operators of the bins with regard to the design, location, and maintenance of collection and donation bins; and will allow the City to seek compliance when the standards are not met.

At the August 17, 2021, Planning and Zoning Board meeting there was considerable discussion about the property owner's responsibility to ensure that all items are deposited within the donation bin. The language specifically limiting liability to the owner has been removed. so that either or both the property owner and the bin operator will receive notification when the standards are not being met. In addition, the reference to collecting items every seven days has been removed since this may not be a realistic timeframe for donation bin operators and the primary intent is to ensure that items are not placed outside the bin and that the bins do not become a nuisance to adjacent property owners and the greater community as a whole.

Sub-Section 4.11 Vehicle Use Areas

is the proposed changes to this section expand the parking exempt area within downtown Lakeland as shown in revised Figure 4.11 included as Attachment "C." The proposed changes expand the parking exempt area north, south and east of Lake Mirror, south of Orange Street and south of Lake Wire, along Lake Wire Drive and north of W. Main Street by approximately 83.4 acres for a total of 178.7-acres. Development within this portion of Downtown, will be exempt from the minimum parking ratio requirements. If parking is voluntarily provided, it will need to be in accordance with the design and dimensional standards specified in Section 4.11 of the Land Development Code. Within downtown, there are multiple parking options available such as on-street parking, off-street surface lots, and several parking garages which provide both public and private parking. Downtown also offers a mix of land uses and enhanced transit, bicycle and pedestrian facilities which encourage and support modes of transportation other than driving.

3.0 Recommendation

3.1 Community & Economic Development Staff

The Community & Economic Development Department reviewed this request for compliance with Lakeland Comprehensive Plan: 2010-2020 and it is our opinion that the request is consistent with the Comprehensive Plan.

The Community & Economic Development Department reviewed this request and recommended the proposed changes to the Land Development Code.

Recommendation

It is recommended that the proposed changes to Article 4 of the Land Development Code, as described in Attachment "A" "B," and "C" be approved.

ATTACHMENT “A”

ARTICLE 4 GENERAL SITE DEVELOPMENT STANDARDS

…

4.3 ACCESSORY STRUCTURES

4.3.1 GENERAL

a. Certain accessory structures are permitted in addition to principal structures in accordance with all standards of the context sub-district in which they are located and the procedures and standards of this section.

b. Accessory structures shall be clearly incidental and subordinate to the principal structure and located in a district that allows the principal use.

c. No accessory structure shall be constructed prior to the construction of a principal structure.

d. Accessory structures shall be located on the same lot or parcel as the principal structure.

e. Vehicles and trailers including overseas shipping containers are prohibited as storage buildings except as provided in Sub-Section 2.6.5 (Temporary Uses Listed and Defined) and Sub-Section 5.17.3.3 (Construction and Storage Trailers Permitted and Regulated).

f. Shipping containers may be used for as accessory structures as certain commercial uses, as specified in Sub-Section 5.25.1.3 (Shipping Containers as Accessory Structures for Certain Commercial Uses).

…

ATTACHMENT "B"

4.3.8 CLOTHING COLLECTION & DONATION BINS

4.3.8.1 Definitions

Clothing Collection/Donation Bin: A storage container in which clothing, shoes, blankets, linens or other household and apparel items are collected and donated for resale, reuse or recycling.

4.3.8.2 General Provisions

a. Clothing collection/donation bins shall only be permitted within O-3, C-2, C-4, C-5, and I-1 zoning districts or in conjunction with an approved PUD or CUP in which such zoning districts are permitted.

b. Clothing collection bins shall not exceed the following dimensions:

1. Maximum Height: Seven (7) feet

2. Maximum Width: Six (6) feet

3. Maximum Depth: Six (6) feet

4.3.8.3 Location Standards

a. No more than two (2) clothing/donation bins shall be permitted per premises.

b. Clothing collection/donation bins shall not be located in required front or street side yards, within 5 feet of any parcel boundaries or 10 feet of any overhead utilities.

c. The placement of clothing collection/donation bins shall not interfere with the operation of any access drives, maneuvering aisles or impede access to any required off-street parking spaces or pedestrian facilities.

d. Clothing collection/donation bins shall not be located within any easements or block access to any designated fire lanes and building entrances/exits.

4.3.8.4 Performance Standards

a. Clothing collection/donation bins shall be maintained in good condition at all times with no visible structural damage, corrosion or graffiti.
b. The name, address, website, phone number of the owner/operator of the bins shall be displayed on the front side of the bin.
c. Clothing collection/donation bins shall be designed such that only the owner or operator of the bin can remove and retrieve contents.

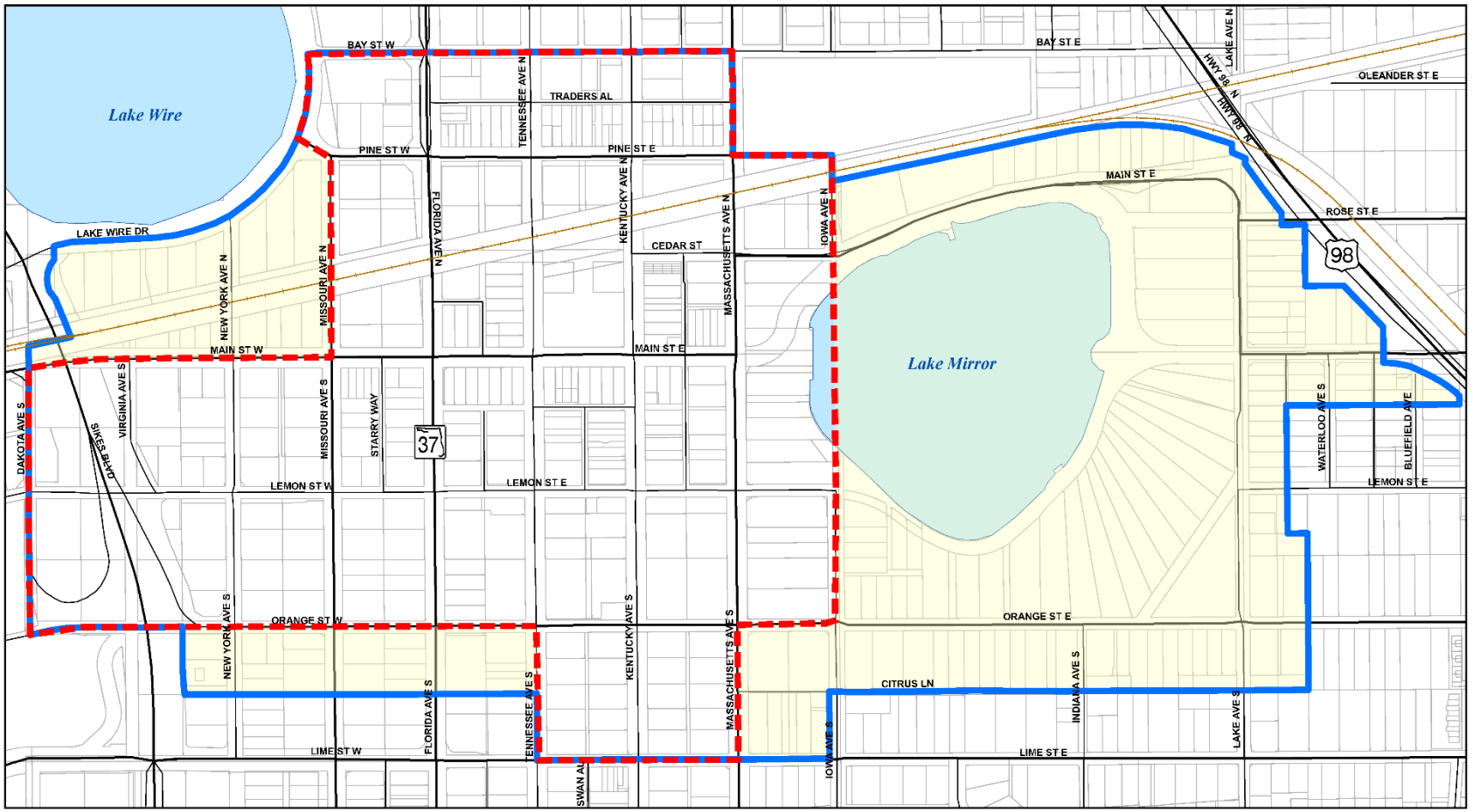
d. Donation items shall be collected by the owner/operator of the bin on a regular basis to ensure that items do not accumulate outside of the bin.

e. Donation items shall not be permitted to be deposited or stored outside of the donation bin.

ATTACHMENT “C”

4.11 VEHICLE USE AREAS

Figure 4.11 Parking Exempt Area



Legend

- Existing Parking Exempt Area 95.3 Ac.
- Proposed Parking Exempt Area 178.7 Ac.
- Area of Change 83.4 Ac.
- Roads
- Parcels
- Water Bodies

Proposed Parking Exempt Area

Community & Economic Development
Staff Recommendation

Date:	September 21, 2021	Reviewer:	Joshua Cheney
Project No:	LDC21-002	Applicant:	City of Lakeland
P&Z Hearing:	August 17, 2021	P&Z Final Decision:	September 21, 2021
Request:	Changes to Article 9 (Subdivision Standards) and Article 13 (Nonconformities) to address subdivision review and platting requirements, adopt standards for splitting lots and parcels, and allow for the development of nonconforming lots under certain conditions.		

1.0 Background

Periodically, various changes to the Land Development Code (LDC) are proposed in response to changing circumstances. The proposed changes to Article 9 (Subdivision Standards) and Article 13 (Nonconformities) addressing subdivision review and platting requirements, the adoption of standards for splitting lots and parcels within existing platted subdivisions, and an allowance for the development of nonconforming lots under certain conditions are included as Attachments “A” and “B.”

1.1 Attachments

Attachment A: Article 9, Section 9.4.1 (Concept Plan Review Process) and Section 9.8.4 (Lots)

Attachment B: Article 13, Section 13.4 (Lot Nonconformities)

2.0 Discussion

The intent of the subdivision standards is to protect the public health, safety, and general welfare through the orderly layout of development sites and streets. The proposed changes to Section 9.4.1 and Section 9.8.4 provide clarification as to when subdivision review is required and to provide standards for the combining and splitting of lots or parcels when subdivision review is not required. The current regulations, which are intended for the platting of new subdivisions, provide little guidance when combining and splitting lots and parcels to either create additional buildable area or a new buildable lot. The proposed standards, are intended to address compatibility issues, protect and maintain the existing lot and block pattern, and prevent lot and parcel splits which would result in conflicts with existing utilities, easements solid waste collection areas and alleys.

The proposed changes to Section 13.4 are intended to allow for the development of nonconforming lots and parcels when the nonconformity is either due to a taking or if the parcel consists of one or more lots of record that were legally created prior to July 18, 1950 and would otherwise be buildable as a legal, nonconforming parcel. The degree of nonconformity will be limited to no more than 10% of the minimum dimensional requirements specified by the zoning. For example, if the minimum lot size is 5,000 sq. ft, a 50’ wide x 100’ deep lot in which five feet was taken to widen a street would be considered a buildable lot under this provision as the resulting 50’ x 95’ lot (4,750 sq. ft.) would be within 10% of the minimum code requirement.

3.0 Recommendation

3.1 Community & Economic Development Staff

The Community & Economic Development Department reviewed this request for compliance with Lakeland Comprehensive Plan: 2010-2020 and it is our opinion that the request is consistent with the Comprehensive Plan.

The Community & Economic Development Department reviewed this request and recommended the proposed changes to the Land Development Code.

Recommendation

It is recommended that the proposed changes to the Article 9 and Article 13 of the Land Development Code, as described in Attachments “A” and “B,” be approved.

ATTACHMENT “A”

ARTICLE 9: SUBDIVISION STANDARDS

9.4 CONCEPT PLAN

9.4.1 CONCEPT REVIEW PROCESS

9.4.1.1 Concept Review Required

Prior to submitting a preliminary plat and construction plans, the prospective applicant or agent shall first submit a concept plan for review by the Subdivision Review Team. The purpose of concept plan review is to provide the prospective applicant with information which will be helpful to prepare a preliminary plat and construction plans.

9.4.1.2 Preparation and Submission of Concept Plan

A prospective applicant or his agent shall prepare a concept plan. The concept plan shall be submitted, along with the required fees, in accordance with the most recent Subdivision Review Procedures.

9.4.1.3 Review of Concept Plan

The concept plan shall be reviewed by the Subdivision Review Team. Each department having responsibility for enforcement of these regulations shall provide comments in accordance with the department's areas of responsibility as to conformance of the concept plan with the regulations. A copy of the Subdivision Review Team comments shall be provided to the applicant to aid in the preparation of a preliminary plat and construction plans.

9.4.1.4 Subdivision Review and Platting Requirements

Any division of a lot, parcel, or tract of land that includes the construction of new roads, drainage facilities, wetland impacts or floodplain mitigation, or reconstruction of any of these facilities, shall be reviewed by the Subdivision Review Team and may require both construction plan review and plat review.

9.8 GENERAL DESIGN STANDARDS FOR LAYOUT OF SUBDIVISION

…

9.8.4 LOTS

9.8.4.1 Arrangement

Insofar as practical, side lot lines shall be unbroken and at right angles to straight street lines, and radial to curved street lines. The creation of new flag lots, whether through the subdivision process or as a simple parcel split, shall be prohibited. New through lots may only be created as part of the platting of a new subdivision, or as part of a replat of an existing subdivision, in which all lots within a given block are through lots with a uniform lot depth.

(Ord. No. 19-011, § 1.1(Att. A), 11-18-19)

9.8.4.2 Minimum Size

Every lot shall abut a street for a distance not less than 40 feet unless the minimum lot width for the context sub-district is less than 40 feet, in which case the minimum street frontage shall be the minimum lot width. No building lot shall be permitted that is smaller in area than is required by these regulations for the context sub-district in which the proposed subdivision is located.

9.8.4.3 Splitting and Combining of Existing Lots and Parcels

a. All requests for lot and parcel splits shall be processed through the Polk County Property Appraiser's Office by submitting a request to combine or split real property.

b. For properties that are currently improved, the owner of the property will be required to submit a survey which shows the setbacks and location of all improvements on the property.

c. Lot and parcel splits which result in the creation of nonconformities in respect to the setbacks for principal and accessory structures, orientation of the required front and rear yards, and the location of required off-street parking shall be prohibited.

c. Lot and parcel splits which would result in the separation of any required off-street parking, driveway aprons or other facilities serving a principal structure on the property shall not be proceed until such facilities have been reconstructed in accordance with the current Land Development Code standards.

d. Any encroaching structures on the newly created lot or parcel shall be removed or relocated unless there is an approved permit for the construction of a new principal structure. For the purposes of this section, encroachments shall be defined as any sidewalks, driveways, aprons, patios and other impervious surfaces, and any sheds, detached garages, accessory dwellings, swimming pools, pool pumps, generators, and other accessory structures and equipment which were accessory to the principal structure on the parent parcel.

e. It shall be the responsibility of the property owner to ensure that any aboveground or belowground utility feeds which may encroach on a newly created vacant lot or parcel are relocated prior to the sale or conveyance of the property.

9.8.4.4 Additional Requirements for Splitting and Combining Lots and Parcels in Existing Subdivisions

a. The splitting and combining of lots and parcels in existing subdivisions shall maintain the lot orientation and block pattern as shown on the recorded subdivision plat. The creation of any new lots or parcels which are oriented contrary to the orientation of lots shown on the recorded plat shall be prohibited.

b. Any new lots and parcels created shall not restrict access to any existing aboveground and belowground utilities, alleys, easements, pedestrian facilities and solid waste collection areas

ATTACHMENT "B"

ARTICLE 13 NONCONFORMITIES

13.4 LOT NONCONFORMITIES

13.4.1 APPLICABILITY

This section shall apply to any nonconformance with requirements or limitations pertaining to lot arrangement, lot area, lot width or minimum street frontage as set forth in Sub-Section 9.8.4 and Tables 3.4-1 through 3.4-13.

(Ord. No. 5455, 07-21-14)

13.4.2 STANDARDS

13.4.2.1 Authority to Continue

Any lawfully existing nonconforming lot may be continued so long as it remains otherwise lawful, subject to the provisions of this section.

13.4.2.2 Nonconforming Lots

Lots and parcels created prior to July 18, 1950 that do not meet the minimum lot area, lot width and/or lot depth requirements of this Code, may be built upon without recourse to a variance, provided that all height, setback and other applicable dimensional requirements are met. Where conformance to the dimensional requirements would cause unnecessary hardship, the Zoning Board of Adjustment and Appeals may issue a variance to permit use of such lots.

13.4.2.3 Division of Lots Restricted

No lot or parcel shall be divided in such a way as to create a nonconforming lot or parcel or to increase the degree of nonconformance already in existence.

13.4.2.4 Development of Nonconforming Lots Permitted

a. Nonconforming lots and parcels resulting from a lawful public taking may be built upon when the existing lot dimensions are within ten percent (10%) of the minimum dimensional requirements specified by the zoning district in which they are located.

b. Nonconforming lots and parcels that do not meet the minimum lot width or lot size requirements for the zoning district in which they are located may be built upon when such parcels consist of one or more lots of record within a platted and improved subdivision that was legally recorded prior to July 18, 1950.

Community & Economic Development
Staff Recommendation

Date:	September 21, 2021	Reviewer:	Todd Vargo
Project No:	LDC21-003	Applicant:	City of Lakeland
P&Z Hearing:	August 17, 2021	P&Z Final Decision:	September 21, 2021
Request:	Changes to Article 2 (Use Standards), and Article 5 (Standards for Specific Uses) to adopt development standards allowing for the use of shipping containers as dwelling units in Mobile Home (MH) and Multi-Family (MF) zoning districts and as accessory structures for certain commercial uses, amend standards for home-based businesses; clarify parking standards for boats, trailers, and RVs on residential property; and to revise development standards related to personal wireless services (PWS) facilities in Limited Development (LD) zoning districts.		

1.0 Background

Periodically, various changes to the Land Development Code (LDC) are proposed in response to changing circumstances or to clarify existing provisions. The proposed changes to Article 2 (Use Standards) and Article 5 (Standards for Specific Uses) allowing for the use of shipping containers as dwelling units and as accessory structures for certain commercial uses; amending standards for home-based businesses; clarifying parking standards for boats, trailers, and RVs on residential property; and revising development standards related to personal wireless (PWS) facilities in LD (Limited Development) zoning districts are included as Attachments “A,” “B,” “C,” “D,” and “E.”

1.1 Attachments

Attachment A: Article 2, Table 2.3-1 (Permitted Principal Uses) and Table 2.3-2 (Permitted Accessory Uses)

Attachment B: Article 5, Section 5.25, Shipping containers as Dwelling Units and Accessory structures for Certain Commercial Uses

Attachment C: Article 5, Section 5.22, Home-Based Businesses

Attachment D: Article 5, Section 5.17, Parking Standards for Boats, Trailers and RVs

Attachment E: Article 5, Section 5.18, PWS facilities in LD zoning districts

2.0 Discussion

The first part of the proposed changes, included as Attachment “A,” addresses the correction of a minor error in Table 2.3-1 (Permitted Principal Uses) and changes to Table 2.3-2 (Permitted Accessory Uses). The error in Table 2.3-1 pertains to a footnote in the header row which has been revised to reference the correct requirement. The changes to Table 2.3-2, Permitted Accessory Uses, eliminate the reference to home offices and remove the restriction which limited home-based businesses to single-family detached dwelling units. These changes are further explained in the discussion for a companion amendment to Article 5.

The second part of this amendment, as shown in Attachment “B,” addresses the use of shipping containers as dwelling units and as accessory structures for certain commercial uses. Shipping

containers, which are intended for the intermodal transport of goods and materials, have become the subject of a trend in recent years in which they are reused and recycled for commercial and residential purposes. The proposed development standards within Article 5, Section 5.25, will allow for the use of shipping containers as dwelling units in Mobile Home Parks and multi-family zoning districts and as accessory structures for certain commercial uses.

Shipping containers are attractive for such uses because they are durable structures which are readily available and can be purchased new or used. As dwelling units, they are suitable for affordable housing units as a standard 8' x 40' shipping container can easily be converted to a small, one-bedroom dwelling. Combined together, two or more containers can be used to create larger two- or three-bedroom dwellings, high-end custom homes or multi-family housing in which multiple containers are designed and reengineered to create attractive rental housing for young adults, students and retirees. The proposed standards allow for the use of shipping containers in Mobile Home (MH) and Multi-Family (MF) residential zoning districts. To ensure that such structures are designed and placed in a manner compatible with the residential context in which they will be located, a Conditional Use Permit (CUP) will be required in order to use shipping containers as dwellings.

For commercial uses, the use of shipping containers will be limited to accessory structures for certain commercial uses when there is another permitted principal use on the property. Allowable uses include small-scale restaurant uses in which food is prepared for on-site or off-premises consumption, small-scale, retail sales of antiques, fresh, packaged and prepared foods, clothing, cosmetics, clothing, gifts, toys, books, jewelry, small electronics, flowers, arts and crafts and other similar goods, and indoor hydroponic production of fruits, vegetables, flowers and herbs. By right, no more than one shipping container will be allowed as an accessory structure. For innovative projects such as food courts or retail incubator spaces, the use of two or more containers may be considered through a CUP. Shipping containers used for residential or commercial uses will have to meet both the Florida Building Code and the Florida Fire Prevention Code.

The third portion of the proposed changes, included as Attachment "C," addresses the recent preemption of the regulation of home-based businesses by the Florida Legislature through the approval of HB103. Under this legislation, local government agencies may not prohibit home-based businesses as long as they have no more than two employees or independent contractors and the parking generated by such business is not greater in volume than a residence where no business is conducted. Regulation of home-based businesses is limited to the parking of vehicles and trailers associated with the business, buffering and screen of any "heavy equipment" (defined as commercial, industrial, or agricultural vehicles, equipment, or machinery) and impacts such as noise, vibrations, heat, smoke, dust, glare, fumes, or noxious odors.

The fourth portion of this amendment, included as Attachment "D," clarifies where boats, trailers, and unoccupied motor homes may be parked on residential properties and where vehicles and trailers associated with home-based businesses may be parked and stored.

The last and final change, included as Attachment "E," consists of minor revisions to Section 5.18, Personal Wireless Service Facilities, to replace references to the RC (Rural Conservation) zoning district which was replaced by the LD (Limited Development) zoning district and to provide a maximum height for ground mounted personal wireless facilities within the LD zoning district in Table 5.16-1.

3.0 Recommendation

3.1 Community & Economic Development Staff

The Community & Economic Development Department reviewed this request for compliance with Lakeland Comprehensive Plan: 2010-2020 and it is our opinion that the request is consistent with the Comprehensive Plan.

The Community & Economic Development Department reviewed this request and recommended the proposed changes to the Land Development Code.

Recommendation

It is recommended that the proposed changes to Article 2 and Article 5 of the Land Development Code, as described in Attachments “A,” “B,” “C,” “D,” and “E” be approved.

ATTACHMENT "A"

Table 2.3-1: Permitted Principal Uses

USES	RESIDENTIAL DISTRICTS									OFFICE DISTRICTS			COMMERCIAL DISTRICTS							INDUSTRIAL DISTRICTS		
	RA-1	RA-2	RA-3	RA-4	RB	MF-12	MF-16	MF-22	MH	O-1	O-2	O-3	C-1	C-2	C-3	C-4	C-5	C-6	C-7[2][4]	I-1	I-2	I-3

Table 2.3-2: Permitted Accessory Uses

USES	RESIDENTIAL DISTRICTS									OFFICE DISTRICTS			COMMERCIAL DISTRICTS							INDUSTRIAL DISTRICTS		
	RA-1	RA-2	RA-3	RA-4	RB	MF-12	MF-16	MF-22	MH	O-1	O-2	O-3	C-1	C-2	C-3	C-4	C-5	C-6	C-7[2][4]	I-1	I-2	I-3
MISCELLANEOUS																						
~~Home Offices accessory to dwelling units~~ [1]	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~							~~P~~	~~P~~			
Home-based Businesses accessory to ~~single-family detached~~ dwelling units [1]	P	P	P	P	P	P	P	P	P	P	P		P	P				P	P			

Footnotes:

[1] In accordance with Section 5.10 ~~(Home Occupations)~~(Home-based Businesses)

ATTACHMENT "B"

ARTICLE 5 – STANDARDS FOR SPECIFIC USES

5.25 SHIPPING CONTAINERS AS DWELLING UNITS AND AS ACCESSORY STRUCTURES FOR CERTAIN COMMERCIAL USES

5.25.1 INTENT AND APPLICABILITY

It is the intent of this section to establish specific development allowing for the use of shipping containers as dwelling units and as accessory structures for certain commercial uses.

5.25.1.1 Definitions

Shipping Container: A large, standardized container designed for intermodal transport of goods and materials that is without wheels and any vehicle chassis.

5.25.1.2 Shipping Containers for Use as Dwelling Units

a. Through the conditional use process, shipping containers may be used as dwelling units on properties located in MF (Multi-Family Residential) zoning districts and in existing or proposed mobile home parks that are zoned as part of a MH (Mobile Home) zoning district.
b. All shipping containers used as dwelling units shall be installed on a permanent foundation and comply with the Florida Building Code and Florida Fire Prevention Code.
c. The use of shipping containers as dwelling units shall be contingent upon certain architectural modifications being made to the exterior of the structures. Such modifications shall include the use of residential windows and doors, awnings, and finishing materials such stucco, fiber cement siding or other materials appropriate for the residential use.
d. For shipping container dwellings proposed for use in mobile home parks, architectural elevations are required to illustrate the types of architectural treatments and finishing materials that will be used. A typical lot layout is also required to illustrate setbacks, off-street parking and any appurtenances that will be used such as carports and decks.
e. For properties zoned for multi-family uses, a detailed site plan showing setbacks, building footprints, parking, and required landscaping and buffering is required. Architectural elevations shall also be provided to show the types of architectural treatments and finishing materials that will be used.
f. All other development standards shall be in accordance with the underlying zoning district in which the property is located.

5.25.1.3 Shipping Containers as Accessory Structures for Certain Commercial Uses

a. All shipping containers used as accessory structures shall be installed on a permanent foundation and comply with the Florida Building Code and Florida Fire Prevention Code.
b. Use as commercial accessory structures shall be limited to the following uses when permitted as a principal use in the underlying zoning district:

    1. Small-scale restaurants in which fresh food products are prepared on-site and sold directly to consumers for either on-premises or off-premises consumption.

2. Small-scale, specialty retail sales of antiques, fresh, packaged and prepared foods, clothing, cosmetics, clothing, gifts, toys, books, jewelry, small electronics, flowers, arts and crafts and other similar goods.

3. Indoor hydroponic production of fruits, vegetables, flowers and herbs.

4. Other uses not specifically listed when the Director of Community & Economic Development determines that the use is compatible with the surrounding uses.

c. No more than one shipping container shall be installed per premises. The installation of two or more shipping containers for innovative commercial projects such as container food courts and other uses may be considered through a conditional use permit.

d. Shipping containers used as an accessory building for restaurant or retail sales uses shall be located in accordance with the setbacks applicable to the principal structure on the lot or parcel on which they are located.

e. Shipping containers used for hydroponic production shall be located in accordance with the setbacks for General Accessory Structures specified by Table 4.3-4.

f. Shipping containers used as accessory structures shall not be located within any required off-street parking spaces, vehicle driveways or drive aisles, fire lanes or pedestrian facilities.

g. Design and Performance Standards

1. All shipping containers used as accessory structures shall be painted and maintained in good condition at all times with no visible structural damage, corrosion or graffiti.
2. Shipping containers used for restaurant and retail uses shall be modified and enhanced through the use of architectural features such as commercial doors and windows, awnings, outdoor lighting, seating, and landscaping planters.
3. Signage shall be limited to building mounted signs with a maximum sign area not to exceed 25 square feet per wall face and 50 square feet total.
4. Any solid waste generated shall be collected and disposed using the solid waste collection bins serving the principal structure on the premises.

2.6.4 ACCESSORY USES LISTED AND DEFINED

Shipping Containers as Accessory Structures for Certain Commercial Uses in accordance with Sub-Section 5.25.1.3

ATTACHMENT “C”

ARTICLE 5 – STANDARDS FOR SPECIFIC USES

5.10 - ~~HOME OCCUPATIONS~~HOME-BASED BUSINESSES

5.10.1 INTENT AND APPLICABILITY

5.10.1.1 Intent

~~Home occupations~~ home-based businesses are business that operate in whole or in part from a It is the intent of this section to provide minimum standards for ~~home occupations~~ home-based businesses in order to ~~promote mixed-use and to~~ ensure compatibility with surrounding land uses and as provided for in Section 559.955, Florida Statutes.

(Ord. No. 5455, 07-21-14)

5.10.1.2 Applicability

Home occupations shall be conducted in accordance with these standards. Community Residential Homes and Family Day Care Homes as defined by Florida Statutes shall be permitted in residential zoning districts in accordance with applicable statutes and are not subject to the requirements of this section.

~~5.10.2 HOME OCCUPATION TYPES~~

~~Home occupations are classified as Home Businesses or Home Offices and are described as follows:~~

~~a. Home Business~~

~~1. Permitted home business uses:~~

~~(a) Personal consultation or service. Examples: Barber, beautician, massage therapist, dietician/nutritionist, custom home builder, architect, financial planner, music teacher.~~

~~(b) Limited production and sale of art objects. Examples: Painter, potter, sculptor, photographer.~~

~~(c) Small item repair/service. Examples: Watch/clock repair, gunsmith, computer repair.~~

~~(d) Clothing services. Examples: Tailor, dressmaker, clothing alterations, sewing.~~

~~(e) Home Office uses as described below.~~

~~2. The Director of Community Development may allow other uses not specifically listed if he finds that the external impacts of such use or uses are not detrimental to the quiet enjoyment of the residential district.~~

~~b. Home Office~~

~~1. Permitted home office uses:~~

~~(a) Production of intellectual property. Examples: Freelance writer, scriptwriter, commercial artist.~~

~~(b) Computer or on-line services. Examples: Web site designer, graphic designer, software developer, online sales.~~

~~(c) Office operations. Examples: Bookkeeping, payroll, purchasing.~~

~~2. The Director of Community Development may allow other uses not specifically listed if he finds that the external impacts of such uses are not detrimental to the quiet enjoyment of the residential district.~~

~~c. Prohibited Home Occupations~~

~~1. The following are examples of occupations that are prohibited as home occupations:~~

~~(a) Adult uses.~~

~~(b) Motor vehicle sales, rental, service or repair.~~

~~(c) Small engine sales, service or repair.~~

~~(d) Appliance sales, service or repair.~~

~~(e) Machining, welding or working of metal.~~

~~(f) Woodworking.~~

~~(g) Sale or preparation of food items.~~

~~(h) Tattooing or body piercing.~~

~~2. The Director of Community Development may prohibit other uses not specifically listed if he finds that the external impacts of such use or uses are detrimental to the quiet enjoyment of the residential district.~~

5.10.~~3~~2 ~~GENERAL~~ STANDARDS FOR ~~ALL HOME OCCUPATIONS~~HOME-BASED BUSINESSES

a. ~~Only the person or persons maintaining the dwelling as their primary place of residence shall operate a home occupation.~~ Employees of the business who work at the residential dwelling must also reside in the residential dwelling, except that up to a total of two employees or independent contractors who do not reside at the residential dwelling may work at the business. The business may have additional remote employees that do not work at the residential dwelling.

b. The activities of the home-based business shall be secondary to the property's use as a residential dwelling. A ~~home occupation shall~~ home-based business may operate in a completely enclosed structure or a detached accessory structure. The home-based business may not conduct retail transactions at a structure other than the residential dwelling; however, incidental business uses and activities may be conducted at the residential property.

c. As viewed from the street, the use of the residential property shall be consistent with the uses of the residential areas that surround the property. External modifications made to a residential dwelling to accommodate a home-based business shall conform with the residential character and architectural aesthetics of the neighborhood. There shall be no external advertising, external display of goods, or any other external evidence of any ~~home occupation~~ home-based business, except for signage in accordance with Section 4.9.

d. ~~No substances or materials shall be stored or used except as they would, in such quantity, be normal and acceptable in a residential setting.~~ All business activities shall comply with any relevant local, state, and federal regulations with respect to the use, storage, and disposal of any corrosive, combustible, or other hazardous or flammable materials or liquids.

e. Such occupation shall not result in any continuous, intermittent, pulsating or other noise or vibration that can be detected by a normal person off the premises. The business activities

shall comply with the City's Land Development Code and Code of Ordinances with respect to equipment or processes that create noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors.

f. ~~Home occupations~~ Home-based businesses shall meet all requirements of this Code pertaining to the parking of commercial vehicles as specified in Sub-Section 5.17.3.6. Parking related to the business activities of the home-based business shall comply with the general parking requirements within the Land Development Code and the need for parking generated by the business may not be greater in volume than would normally be expected at a similar residence where no business is conducted. Vehicles and trailers used in connection with the business must be parked in legal parking spaces that are not located within the right-of-way, on or over a sidewalk, or on any unimproved surfaces at the residence. Heavy equipment used in conjunction with the home-based business shall not be visible from the street or any neighboring property. For the purposes of this section, the term "heavy equipment" shall mean commercial, industrial, or agricultural vehicles, equipment, or machinery.

~~5.10.4 SPECIFIC STANDARDS FOR HOME BUSINESSES~~

~~a. Not more than two clients, customers or business associates shall be present on the premises at any one time.~~

~~b. Signage shall be in accordance with Section 4.9.~~

~~c. Over-the-counter sale of merchandise shall be limited to:~~

~~1. Items incidental to a permitted service. Example: Sale of hair care product by barber or beauty shop.~~

~~2. Art objects or small specialty items made on the premises.~~

~~d. Hours of operation shall be not earlier than 8 am and not later than 9 pm.~~

~~5.10.5 SPECIFIC STANDARDS FOR HOME OFFICES~~

~~a. There shall be no customer or business traffic to the premises other than occasional deliveries as would be normal in a residential setting.~~

~~b. There shall be no over-the-counter sale of merchandise.~~

~~c. The home office may involve the office operations of a business having non-office operations that are conducted elsewhere. In such cases, the home office may be the address of the business if otherwise permitted by law.~~

1.6 - DEFINITIONS

...

Home-Based Business: A business that operates, in whole or in part, from an improved residential property and meets the criteria in Section 559.955, Florida Statutes and the minimum standards in Section 5.10 of this code.

ATTACHMENT “D”

ARTICLE 5 – STANDARDS FOR SPECIFIC USES

5.17 - PARKING AND STORAGE OF COMMERCIAL VEHICLES, BOATS, TRAILERS, AND CONSTRUCTION EQUIPMENT

...

5.17.3.6 Parking of Commercial Vehicles and Commercial Trailers Regulated

It shall be unlawful for any person to park any commercial vehicle or commercial trailer on any residentially zoned tract, lot, piece or parcel of land within the city, except:

a. One commercial vehicle per dwelling unit shall be permitted provided each of the following requirements is met:

1. The Gross Vehicle Weight Rating (GVWR) of the commercial vehicle is less than 12,500 pounds.

2. The commercial vehicle is less than 80 inches wide.

3. The commercial vehicle is less than 26 feet in length.

4. The commercial vehicle has only two axles on the road.

5. The commercial vehicle is not equipped with air brakes, refrigeration equipment, hydraulic lifts, cranes, loading ramps, or similar equipment.

b. Sub-Section 5.17.3.6.a notwithstanding, the following commercial vehicles shall be prohibited on all residentially zoned tracts, lots, pieces or parcels of land within the city:

1. Semi-trucks and/or trailers, either as one unit or separately;

2. Wreckers and tow trucks;

3. Box trucks;

4. Dump trucks;

5. Bucket trucks.

c. Any vehicles and trailers used in conjunction with a home-based business shall be parked in legal parking spaces that are not located in the right-of-way, on or over a sidewalk, or on any unimproved surfaces at the residence.

~~c~~ d. Any vehicle owned by a public or private utility provider, when used in the event of emergencies requiring immediate attention, shall be exempt from the requirements of this section.

1.6 - DEFINITIONS

...

Yard, Required: A yard between a lot line and the nearest principal building minimum setback line measured perpendicular to the lot line.

Yard, Side: A yard extending from the front yard to the rear yard between any building and the side lot line measured perpendicular to the side lot line.

Yard, Street Side: A yard extending the full width of a lot between any building and the street side lot line.

5.17 - PARKING AND STORAGE OF COMMERCIAL VEHICLES, BOATS, TRAILERS, AND CONSTRUCTION EQUIPMENT

...

5.17.3.5 Parking and Storage on Residential Property Permitted and Regulated

Parking of boats, unoccupied motor homes, or trailers (excluding semi-trailers), by any owner upon such owner's own residential premises, shall be permitted in any district; provided, however, that no sleeping, eating or living shall be permitted, nor shall any business be conducted in said motor home, boat or trailer while so parked or stored; and further provided, that such motor home, boat or trailer shall not be parked or located ~~between the principal building and~~ within any front or street-side ~~property line~~ yard as defined in Section 1.6 and Figure 1.6-10 of the Land Development Code.

ATTACHMENT “E”

5.18 - PERSONAL WIRELESS SERVICE FACILITIES

…

5.18.5 STANDARDS FOR GROUND-MOUNTED FACILITIES

5.18.5.1 General

a. Ground-mounted PWS facilities shall be permitted by right in the following zoning district classifications: O-2, O-3, C-2, C-3, C-4, C-5, I-1, I-2 and I-3. Ground-mounted PWS facilities may be permitted as conditional uses in the following zoning district classifications: RA-1, RA-2, RA-3, RA-4, RB, MF-12, MF-16, MF-22, MH, ~~RC~~LD, O-1, C-1. The determination as to whether a ground-mounted PWS facility is permitted by right or as a conditional use in the PUD zoning district classification shall be based on the conventional zoning district which most closely approximates the use or uses permitted in the particular PUD district.

...

Table 5.16-1: Maximum Height

Zoning District	**Central City Area**	**All Other Areas**
RA (all), RB (all)	75’	75’
MF (all)	75’	75’
O-1, O-2, C-1, C-2, C-3	75’	85’
C-4	85’	95’
C-5	95’	120’
O-3	85’	120’
I-1	110’	150’
I-2, I-1	150’	200’
~~RC~~LD	~~n/a~~150’	200’

...

5.18.7 STANDARDS FOR PWS FACILITIES AS CONDITIONAL USES

It is the intent of the City Commission to set forth standards for review, approval, approval with conditions, or disapproval of exceptions to the placement or construction of PWS facilities as permitted by right and the regulations which control the placement or construction of such facilities as contained in this article. These standards are instituted to provide an opportunity to place or construct a PWS facility, which under usual circumstances, could be detrimental to other land uses and cannot normally be permitted, but which may be permitted under circumstances particular to the proposed location and subject to conditions which provide protection to adjacent land uses, which protect the attractiveness, health, safety and property values of the community, which avoid the proliferation of visually obtrusive structures, and which promote the development of an advanced wireless communication infrastructure.

a. Exceptions to the standards for the placement or construction of PWS facilities shall be considered as conditional uses. The conditional use procedure may be considered for the following:

   1. Requests for ground-mounted PWS facilities proposed to be located in residential, O-1, C-1, and ~~RC~~LD zoning districts and within 2,000 feet of the lakes specified in Sub-Section 5.18.5.6.

   2. Requests for exceptions to specific standards established in this Article for maximum height; horizontal separation; separation from residential districts, limited-access highways (including frontage roads), arterial streets and highways and collector streets; and alternatives to the monopole type mount.

Community & Economic Development
Staff Recommendation

Date:	September 21, 2021	Reviewer:	Matthew Lyons
Project No:	LDC21-004	Applicant:	City of Lakeland
P&Z Hearing:	August 17, 2021	P&Z Final Decision:	September 21, 2021
Request:	Changes to Article 5 (Standards for Specific Uses) to allow a smaller development site area, smaller lot sizes and greater density for new mobile home parks as a conditional use; to allow for the use of shipping containers as dwelling units in new and existing mobile home parks as a conditional use; and to allow for the use of "tiny homes" in recreational vehicle parks and spaces designated for recreational vehicles in existing mobile home parks.		

1.0 Background

Periodically, various changes to the Land Development Code (LDC) are proposed in response to changing circumstances. The proposed changes to Article 5, Section 5.11 Mobile Home Parks and Subdivisions revise the development standards for new mobile home parks to allow a smaller development site area, smaller lot sizes and greater density as a conditional use; allow for the use shipping containers as dwelling units in new and existing mobile home parks as a conditional use; and allow for the use of tiny homes in recreational vehicle parks and spaces designated for recreational vehicles in existing mobile home parks. The recommended changes are included as Attachment "A."

1.1 Attachments

Attachment A: Proposed Changes to Article 5, Section 5.11 Mobile Home Parks & Subdivisions

2.0 Discussion

The first part of this proposed text amendment pertains to the development standards for new mobile home parks. The current standards, which have been in place since the early 1990s, require a minimum development area of 20 acres in order to establish a new mobile home park. Due to a lack of suitable development tracts within City limits and the difficulty in obtaining zoning for new mobile home parks, no new mobile home parks have been developed since the 1990s. In recent years, the cost of housing has increased dramatically due to rapid population growth which has outpaced the construction of new housing and additional options are needed.

Mobile homes serve as a key affordable housing option for many in Polk County. To encourage the development of new parks, the proposed changes will allow for development sites less than 20 acres through a conditional use permit when adjacent to existing legal conforming, mobile home park uses. Recent technological changes have allowed for the development of new manufacturing housing types which are attractive and built to the same level of quality as conventional site-built housing. To further encourage development of new mobile home parks, the proposed changes will also allow for a consideration of smaller lots and a greater density up to 12 dwelling units per acre when a developer proposes to construct a new park using creative and innovative manufactured housing designs and includes enhanced outdoor amenities such as recreation and civic open space. Shipping containers

modified for use as dwelling units, as allowed under the standards proposed for Section 2.5, may be considered as housing options for both new and existing mobile home parks.

The second part of this text amendment pertains to the replacement of units in nonconforming mobile home parks that are not zoned for mobile home uses.

The mobile home parks impacted by this policy were established many decades ago and mostly consist of older mobile homes which were manufactured prior to 1976 when the Federal Department of Housing and Urban Development (HUD) adopted the first construction and safety standards for manufactured housing. Older mobile homes are not energy inefficient and not built to the same safety standards as modern manufactured housing. The existing policy, in effect, encourages owners of such parks to retain older units indefinitely, regardless of physical condition, since they cannot be replaced once removed.

Under the proposed changes, owners and operators of non-conforming mobile home parks will be allowed to replace units through the conditional use permit process with newer manufactured housing units up to ten years in age at the time of permitting. As conditions of approval to allow for the replacement of units, the owner of the park may be required to make certain improvements including, but not limited to, landscaping, buffering and stabilization of existing driveways and vehicle use areas.

The last part of this amendment allows for the use of Tiny Homes built on a towable chassis as short-term housing in recreational vehicle parks and in mobile home parks with designated RV spaces. This change is intended to provide clarification regarding the use of such vehicles which are not considered dwelling units under the Land Development Code or Florida Building Code. To be legally permitted, such units must be licensed and registered as an RV under Florida law.

3.0 Recommendation

3.1 Community & Economic Development Staff

The Community & Economic Development Department reviewed this request for compliance with the Lakeland Comprehensive Plan: 2010-2020 and it is our opinion that the request is consistent with the Comprehensive Plan.

The Community & Economic Development Department reviewed this request and recommends the proposed changes to the Land Development Code.

Recommendation

It is recommended that the proposed changes to Article 5 of the Land Development Code, as described in Attachment “A,” be approved

ATTACHMENT "A"

ARTICLE 5 STANDARD FOR SPECIFIC USES

5.11 MOBILE HOME PARKS AND SUBDIVISIONS

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5.11.2 USE RESTRICTIONS

…

5.11.2.2 Principal Uses Permitted as Conditional Uses

Churches, synagogues and other houses of worship

Day care centers

Ground-mounted personal wireless service facilities

Recreational vehicle parks, provided that no recreational vehicle occupies a site for more than 180 consecutive days

Shipping containers as dwelling units in accordance with Section 5.25

…

5.11.4 STANDARDS SPECIFIC TO MOBILE HOME PARKS AND MOBILE HOME SUBDIVISIONS

5.11.4.1 Development Regulations

a. Size and Density Regulations

Minimum development area: 20 acres [1]

Maximum number of mobile home dwelling units per gross acre: 7 units [2]

5.11.4.2 Individual Site Regulations

a. Mobile Home Site Area and Width Requirements

Minimum lot area: 4,000 square feet [2]

Minimum lot width: 40 feet [2]

b. Mobile Home Unit Setback Requirements

Minimum front and street side setback from pavement: 15 feet

Minimum interior side setback: 5 feet

Minimum rear setback: 10 feet

` c. Mobile Home Unit Parking Requirements

Minimum number of paved on-site parking spaces per mobile home site: 1 space

[1] When adjacent to existing legally conforming mobile home park land uses, new parks which do not meet the minimum development area of 20 acres may be considered through the conditional use process.

[2] To promote the use of innovative manufactured housing, new mobile parks with a maximum density of 12 units/acre and a minimum lot size of 30' x 100' feet (3,000 sq. ft.) may be considered though the conditional use process. To be considered for approval, such parks shall include creative and innovative manufactured housing designs along with enhanced amenities such as outdoor recreation and civic open space.

5.11.5 STANDARDS SPECIFIC TO LEGAL NONCONFORMING MOBILE HOME PARKS AND MOBILE HOME SUBDIVISIONS

5.11.5.1 Placement and Replacement of Units Permitted

a. Mobile home parks and mobile home subdivisions located within mobile home zoning districts, and which do not meet the development standards specified by Sub-Section 5.11.4, shall be deemed legally non-conforming. Units may be placed or replaced in such parks in accordance with the separation and setback requirements of Sub-Section 5.11.5.3, provided that resulting density does not exceed that originally approved. ~~Any mobile home parks or mobile home subdivisions located other than within a mobile home zoning district shall not be considered legally non-conforming uses. Individual mobile home units in such parks and subdivisions may not be replaced and shall be subject to removal if the actual use or occupancy ceases for a period of 365 consecutive days or longer.~~

b. Mobile home parks and mobile home subdivisions located outside of mobile home zoning districts shall be deemed non-conforming uses. Units in such parks, if destroyed or otherwise removed, shall only be replaced with new manufactured housing through the conditional use process subject to the separation and setback requirements specified in Sub-Section 5.11.5.3.

For the purposes of this section, new manufactured housing shall be any HUD certified home that was manufactured no later than 10 years from the time of permitting. As conditions for approval, the owner of a non-conforming park may be required to make certain improvements to the premises including, but not limited to, landscaping, buffering and stabilization of existing driveways and other vehicle use areas.

Should the actual use or occupancy of all mobile homes and/or manufactured housing units completely cease for a period of 365 consecutive days or longer, the non-conforming status shall be deemed terminated and any mobile homes or manufactured housing units on the premises shall be subject to immediate removal.

5.11.6 STANDARDS SPECIFIC TO RECREATIONAL VEHICLE PARKS

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5.11.6.7 Tiny Homes

As defined in Section 1.6, tiny homes may be located within an approved recreational vehicle park or designated recreational vehicle spaces within an existing mobile home park.

1.6 DEFINITIONS

….

1.6.2 Definitions

Tiny Home: A small single-family dwelling constructed on a permanent towable trailer chassis that intended for long-term living accommodations and licensed and registered as an RV under Florida Law.

Community & Economic Development
Staff Recommendation

Date:	September 21, 2021	Reviewer:	Phillip Scearce
Project No:	LDC21-005	Applicant:	City of Lakeland
P&Z Hearing:	August 17, 2021	P&Z Final Decision:	September 21, 2021
Request:	Changes to Article 3 (Urban Form Standards) to amend design standards for attached garages on single-family and two-family uses in response to recent changes to the Florida Statutes.		

1.0 Background

Periodically, various changes to the Land Development Code (LDC) are proposed in response to changing circumstances. The proposed changes to the Land Development Code (LDC) amend design standards for attached garages on single-family and two-family uses in response to recent changes to the Florida Statutes.

The recommended changes are included as Attachment "A."

1.1 Attachments

Attachment A: Proposed Changes to Sub-Section 3.4.7 Design Standards for Principal Buildings

2.0 Discussion

Recent legislative amendments to Chapter §163, Florida's primary growth management legislation, via House Bill 401 (HB401), prohibit certain "building design elements" from being applied to residential dwellings. These building design elements include "the location and placement of garages." Currently Sub-Section 3.4.7 of the Land Development Code regulates the placement and design of street facing garages within Urban and Suburban context districts. The design criteria was intended to minimize the impact of garage-centric house designs in order to preserve neighborhood character, enhance safety and promote walkability. This was achieved within the Urban Neighborhood (UNH) context districts such that garage doors facing the primary street are placed a minimum of five feet behind the front façade of the principal structure. Within the Suburban Neighborhood (SNH) context district, garage doors facing the primary street are limited to a maximum projection of 15 feet from the front façade and no more than 60% of the overall width of the elevation.

The proposed changes to Sub-Section 3.4.7.1, Attached Garages Integral to Single-Family and Two-Family Dwellings, remove these specific locational requirements for front-facing garages and propose revised language to limit the height of garage doors to a maximum of 8 feet and restrict the width of garages to either a percentage of the façade or a maximum width of 36 feet, whichever is less.

3.0 Recommendation

3.1 Community & Economic Development Staff

The Community & Economic Development Department reviewed this request for compliance with Lakeland Comprehensive Plan: 2010-2020 and it is our opinion that the request is consistent with the Comprehensive Plan.

The Community & Development Department reviewed this request and recommends the proposed changes to the Land Development Code.

Recommendation

It is recommended that the proposed changes to Article 3 of the Land Development Code, as described in Attachment “A,” be approved.

ATTACHMENT “A”

ARTICLE 3 URBAN FORM STANDARDS

…

3.4.7 DESIGN STANDARDS FOR PRINCIPAL BUILDINGS

3.4.7.1 Attached Garages Integral to Single-Family and Two-Family Principal Buildings.

~~a. In the Urban Neighborhood Context (UNH), attached garages with garage door openings that face the primary street shall be placed at least five feet behind the front façade of the principal structure.~~

~~b. In the Suburban Neighborhood Context (SNH), attached garages with garage door openings that face the primary street shall be:~~

~~1. Placed no farther than 15 feet from the front façade of the principal structure. For the purpose of measuring this distance, the principal structure shall include living area and/or the entrance feature; and~~

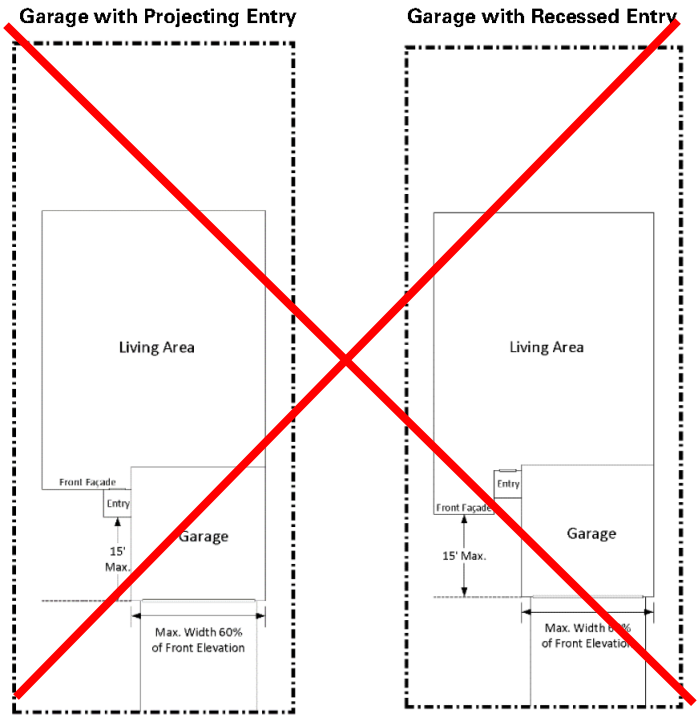
~~2. Limited to no more than 60 percent of the overall width of the front elevation.~~

a. In the Urban Neighborhood Context (UNH), attached garages shall be limited to no more than 50 percent of the overall width of the front elevation of the principal structure or a maximum width of 36 feet, whichever is less.

b. In the Suburban Neighborhood Context (UNH), attached garages shall be limited to no more than 60 percent of the overall width of the front elevation of the principal structure or a maximum width of 36 feet, whichever is less.

c. Maximum Garage Door Height: 8 feet

~~Figure 3.4-15 Suburban Neighborhood Garage Placement~~


Garage with Projecting Entry
Garage with Recessed Entry
Living Area
Front Façade
Entry
15'
Max.
Garage
Max. Width 60%
of Front Elevation
Living Area
Entry
Front Façade
15' Max.
Garage

Community & Economic Development Staff Recommendation

Date:	September 21, 2021	Reviewer:	Chuck Barmby
Project No:	LDC21-006	Applicant:	City of Lakeland
P&Z Hearing:	August 17, 2021	P&Z Final Decision:	September 21, 2021
Request:	Changes to Article 10 (Concurrency Standards) to provide clarification regarding the concurrency determination process and to adopt review requirements for major traffic studies.		

1.0 Background

Periodically, various changes to the Land Development Code (LDC) are proposed in response to changing circumstances. The proposed changes to Article 10, Section 10.3 (Concurrency Standards, Applications) formalize the City's Major Traffic Study procedures consistent with the adopted Comprehensive Plan, Concurrency Management Ordinance and professional standards for such analyses in Florida.

1.1 Attachments

Attachment A: Proposed changes to Section 10.3 (Concurrency Standards, Applications)

2.0 Discussion

Article 10 of the Land Development Code contains Transportation and School Concurrency Management processes and requirements to ensure that sufficient capacity is available to accommodate new development activity within Lakeland. A Proportionate Fair-Share Program is detailed to address transportation deficiencies and multi-modal Transportation Demand Management (TDM) mitigation requirements have also been adopted to implement the Comprehensive Plan's minimum level of service standards. Recommended transportation conditions and concurrency requirements must comply with the Comprehensive Plan and State law.

In order to quantify the impacts of a specific development *action* (land use and zoning change) or development *approval* (final site plan or final residential subdivision plat), staff relies on transportation analyses provided by applicants that are conducted according to professional standards and an approved methodology. These analyses are used to understand the current performance of the network surrounding a development site and to identify any mitigation measures that may be necessary to receive a favorable Non-Binding or Binding Concurrency Determination from staff.

The proposed LDC amendments add Major Traffic Study requirements for development activity generating 750 or more daily trips. These requirements include procedures for collecting existing traffic data, quantifying the estimated trip generation of a development, the distribution and assignment of its trips and the required study area within which roadway segments and major intersections must be analyzed. The proposed study requirements also include considerations for alternative transportation modes as well as time periods that may fall outside of the traditional P.M. Peak Period (peak hour between 4 p.m. and 6 p.m.) upon which the City's transportation concurrency determinations are based. Depending on the specific use, analyses may be required for A.M. Peak (peak hour between 7 a.m. and 9 a.m.) or Midday periods to ensure safe and efficient operations on the surrounding transportation network. Additional City, Polk County and Florida Department of

Transportation permitting requirements may also be imposed on new development activity, depending on the site's proximity to each jurisdiction's rights-of-way.

3.0 Recommendation

3.1 Community & Economic Development Staff

The Community & Economic Development Department reviewed this request for compliance with the Lakeland Comprehensive Plan: 2010 - 2020 and it is our opinion that the request is consistent with the Comprehensive Plan.

The Community & Economic Development Department reviewed this request and recommends the proposed changes to the Land Development Code.

Recommendation

It is recommended that the proposed changes to the Article 10 of the Land Development Code, as described in Attachment "A," be approved.

ATTACHMENT "A"

ARTICLE 10: CONCURRENCY STANDARDS

10.3 APPLICATIONS

10.3.1 GENERAL

a. Each applicant for a development approval, except those determined to be de minimis and are therefore exempted from concurrency, shall apply for a Certificate of Concurrency.

b. An applicant requesting development approval by the city shall provide all information required by the city in order for a binding concurrency evaluation to be made on the proposed project. Such required information shall include all categories specified in the "Concurrency Determination Application" as maintained by the Community Development Department, and detailed information in any required traffic study subject to review and approval by the city. Additional information may be required by the Director of Community Development in order to evaluate issuance of a binding Certificate of Concurrency.

c. No development approvals shall be granted unless the applicant is eligible for a Certificate of Concurrency.

d. This Section describes the Binding and Non-Binding concurrency determination process for Transportation facilities. Binding and Non-Binding Concurrency Determinations for other Public Facilities and Services will be made in advance of development approvals or actions, with approve service demands being shown on the binding Certificate of Concurrency.

e. For Transportation facilities, the City will base its binding concurrency determinations on the generalized P.M. peak hour, peak direction, peak season capacity of each roadway segment within the development impact area as contained in its Concurrency Management Database, using data from the most recent Roadway Network Database published by the Polk Transportation Planning Organization.

10.3.2 NON-BINDING DETERMINATIONS

a. An applicant requesting a development action by the city shall provide all information required by the city in order for a non-binding concurrency determination to be made on the proposed project. Such required information shall include all categories specified in the "Concurrency Determination Application" as maintained by the Community Development Department, and any additional information required by the Director of Community Development in order to make a non-binding concurrency determination. The non-binding concurrency determination shall become a part of the staff recommendation regarding the requested development action.

b. A non-binding concurrency determination may be received prior to a request for development action or approval by submitting a request and any applicable fee to the Community Development Department.

10.3.3 MAJOR TRAFFIC STUDY REVIEW REQUIREMENTS

a. A Major Traffic Study shall be required with all binding and non-binding concurrency applications if a development generates more than 750 daily trips or contains a mix of uses. All Major Traffic Studies shall be conducted in accordance with Highway Capacity Manual and FDOT Manual on Uniform Traffic Studies (MUTS) procedures and as contained in a

methodology statement that is approved by the City. As appropriate, the methodology shall address the required methods for considering multi-modal (pedestrian, bicycle and transit) interaction with adjacent land uses and transportation infrastructure. The trip generation, impacts and proposed mitigation for discrete phases of a development may be evaluated; however, the Major Traffic Study shall analyze the cumulative impacts through buildout. All Major Traffic Studies submitted to the City shall comply with the following requirements:

1. A Development Description shall be included, specifying location, development type, square footage and number of residential units.

2. Development Trip Generation (Daily and P.M. Peak Hour): The development's Daily and P.M. Peak Hour (of Adjacent Street Traffic, 4-6 P.M.) shall be reported in all Major Traffic Studies. Trip generation rates shall be based upon the most recent edition of the Institute of Transportation Engineers' (ITE) Trip Generation Manual or using data that is available for the specific use that is subject of the development action or approval.

3. Required Roadway Study Segments and Intersections: The City requires that the Major Traffic Study analyze the development driveway(s), the directly-accessed roadway segment(s) including adjacent major intersections and other segments and intersections within the defined impact area where the development is determined to be "significant". A development is significant if its traffic is estimated to consume five percent or more of segment's adopted service volumes (peak-hour/peak-direction capacity for a particular roadway level-of-service standard). The City requires that a more detailed arterial segment/intersection analysis be conducted (for example, using SYNCHRO software according to the Highway Capacity Manual procedures) if it is found that the development will have an adverse impact on any of the segments or intersections on which it has a significant impact. A development is determined to be adverse if it causes a roadway segment to operate at an unacceptable level-of-service, based on generalized capacities. A development is considered to adversely impact major intersections located on each significantly impacted roadway segment if it causes the entire intersection to degrade to an unacceptable level-of-service or if two public approaches fall below standard, even though the overall intersection is operating acceptably. For signalized intersections, approved timings shall be obtained from the City, Polk County or FDOT as appropriate. All transportation impact analyses must consider the impacts of "committed" transportation improvements, which are those projects that are funded through construction in the first three years of the City, Polk County and/or Florida Department of Transportation work programs.

4. Turning movement counts will generally be required for each project driveway and major intersection within the development's impact area. The dates and times of these counts shall be included in the approved traffic study methodology, but shall be collected on Tuesdays, Wednesdays or Thursdays of a typical week without holidays, road construction activities or other anomalies that could impact the validity of the collected data. Turning movement and segment counts shall be adjusted to peak-season values using the latest peak-season correction factors published by the Florida Department of Transportation. Counts must also be grown to expected buildout year levels, utilizing an annual growth rate that is acceptable to the City and Polk TPO. Unless otherwise approved by the City, traffic counts must have been collected within one year of the Major Traffic Study submittal.

5. Development Traffic Distribution and Assignment. The distribution and assignment of trips generating 1,000 or more daily trips shall be determined using the Standard Transportation Model as maintained by the Florida Department of Transportation or another acceptable method as approved in the methodology statement, with concurrence by Polk County and Florida Department of Transportation as applicable. For development activity generating less than 1,000 daily trips, trip distribution and assignment may be determined using existing traffic counts or other process determined to be acceptable by the City and included in the approved methodology statement.

6. Approved or Reserved Trips from Nearby Development Activity: In addition to using appropriate growth factors to determine future-year background traffic analyses, the City may require the addition of any approved or reserved trip information from nearby development activity on significantly-impacted roadway segments and intersections. The City shall maintain this data in its Concurrency Management Database.

7. Pass-By Capture and Internal Capture: The Major Traffic Study shall quantify the estimated pass-by and internal capture, as applicable, of the proposed development using data obtained from ITE or other acceptable source as determined by the City.

8. Required Analysis Scenarios: The Major Traffic Study shall evaluate Existing, Future-Year Background (using accepted growth rate and/or approved/reserved trips from nearby development activity) and include a tabular and graphical directional calculation for each significantly-impacted segment and intersection.

9. The City reserves the right to request A.M. Peak Hour (of Adjacent Street Traffic, 7-9 A.M.) and/or Midday data where appropriate, such as for a new school or other institutional use, large employment or retail center, or recreation facility where specific development trip characteristics may result in queuing or other issues that could cause level of service degradation and/or operational hazards.

10. Based on City's multi-modal level of service standards as a designated Transportation Concurrency Exception Area, the Major Traffic Study shall indicate whether or not the development site is located on an existing transit route and if so, the route name and the nearest transit stop location. The analysis shall also determine whether sidewalks are present on one, both or neither sides of the road on which the project is located or if any gaps exist within the development impact area. The Major Traffic Study shall confirm compliance with the City's multi-modal level-of-service standards or identify Transportation Demand Management Mitigation measures that shall be included in the Binding or Non-Binding Concurrency Approval.

b. Development actions or approvals for uses generating between 120 and 749 Daily Trips may be required to provide a Minor Traffic Study depending on existing or expected congestion or operational deficiencies at specific locations within the defined impact area.

c. During the City, County and FDOT driveway permitting processes, additional turn lane or access management improvements may be required as a result of any operational analyses that may be required by each jurisdiction. In support of the City's Vision Zero goal as adopted

in its Comprehensive Plan, additional safety mitigation measures may also be required by the City prior to final development approval.

Report of City Commission Action on Planning and Zoning Board Recommendations

Tuesday, September 21, 2021

Meeting of September 7, 2021

Ordinances (First Reading)

Proposed 21-035; Approving a Conditional Use to Construct a 180-Foot High Ground Mounted, Personal Wireless Services Facility on Approximately 24.07 Acres Located East of Lakeland Highlands Road and North of SR 570.

Proposed 21-036; Amending Ordinance 3839, as Amended; Major Modification of PUD Zoning for Parkway Preserve, to Allow Driveway Access on Airport Road for Property Located South of Carillon Boulevard and West of Airport Road.