

AGENDA

Planning & Zoning Board
Lakeland Electric Building rooms 1A/B
August 20, 2024 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, Kristin Meador, no later than 48 hours prior to the proceeding, at (863) 834-8444, Email: ADASpecialist@lakelandgov.net. **If hearing impaired**, please contact the **TDD numbers**: Local – (863) 834-8333 or 1-800-955- 8771 (TDD-Telecommunications Device for the Deaf) 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:** Change in zoning from RA-1 (Single-Family) to LD (Limited Development), and a conditional use to allow for the placement of accessory buildings and structures on a vacant, non-residential parcel used for natural recreation purposes on approximately 3.44 acres generally located north of Lake Miriam Drive, south of E. Alamo Drive, east of Lake Miriam and west of Highlands Place Circle. Owner: James and Trena Middleton. Applicant: James Middleton. (CUP24-009/ZON24-010)
- ITEM 2:** Change in zoning from RA-4 (Single-Family Residential) to O-1 (Low Impact Office) and a conditional use for a Group Home, Level I to provide communal housing for veterans on property located at 1149 Parkhurst Avenue. Owner: New Life Outreach Ministry Inc. Applicant: Larry Mitchell. (CUP24-010/ZON24-011)
- ITEM 3:**
- a. Annexation, a small-scale map amendment to apply a future land use designation of Business Park (BP), and the application of I-2 (Medium Industrial) zoning, concurrent with a City-initiated application to apply a Suburban Special Purpose (SSP) context sub-district designation, on approximately 10.82 acres located north of Interstate 4, south of N. State Road 33, and east of Epicenter Boulevard. Owner: Nancy J. Knaus Credit Shelter Trust. Applicant: Shelton T. Rice, Peterson & Myers, P.A. (ANX24-002/LUS24-006/ZON24-007/ZON24-013)
 - b. Consideration of final decision.

GENERAL MEETING

- ITEM 4:** Review minutes of the July meeting.
- ITEM 5:** A small-scale land use amendment, to change the future land use designation from Business Park (BP) to Neighborhood Activity Center (NAC), concurrent with a City-initiated context sub-district change from Suburban Special Purpose (SSP) to Suburban Center (SCT) on approximately 7.97 acres (Parcel A1); a change of zoning on approximately 65.50 acres from I-2 (Medium Industrial) to PUD (Planned Unit Development); application of PUD (Planned Unit Development) zoning on approximately 16.9 acres of unzoned property; and a major modification of PUD zoning to incorporate additional acreage and allow for a mix of office, commercial and industrial uses on approximately 127.38 acres generally located north of W. Pipkin Road and east of Airside Center

Drive. Owner: RRL Airpark, LLC. Applicant: John B. Allen, Peterson & Myers, P.A. (LUS24-005/PUD24-005/ZON24-008) **Note: Continued from previous meeting.**

- ITEM 6:**
- a. A small-scale map amendment to change the future land use designation from Conservation (C) to Regional Activity Center (RAC) on approximately 5.71 acres, from Conservation (C) to Residential Medium (RM) on approximately 3.22 acres, from Regional Activity Center (RAC) to Residential Medium (RM) on approximately 0.57 acres, from Residential Medium (RM) to Conservation (C) on approximately 16.30 acres, and from Residential Medium (RM) to Regional Activity Center (RAC) on approximately 10.50 acres.
 - b. A major modification of PUD (Planned Unit Development) zoning, concurrent with a City-initiated application to change the context sub-district designation from Suburban Corridor (SCO) and Suburban Neighborhood (SNH) to Suburban Special Purpose (SSP) on approximately 98.21 acres, to allow for the development of a 400-bed hospital, 200,000 sq. ft. of medical office uses, 204,000 sq. ft. of retail commercial uses and 250 multi-family dwelling units on approximately 218 acres generally located south of S. Parkway Frontage Road and east of Harden Boulevard. Owner: Drummond Company Inc. Applicant: Timothy Campbell, Clark, Campbell, Lancaster, Workman & Airth, P.A (LUS24-009/PUD24-011/ZON24-009)
- ITEM 7:** Major modification of PUD (Planned Unit Development) zoning to amend the boundaries to include the former Mass Market commercial property located at 802 N. Massachusetts Avenue, change the permitted uses from C-2 (Highway Commercial) to C-1 (Pedestrian Commercial), and include parcels located on N. Kentucky Avenue and N. Tennessee Avenue, north and south of Plum Street which are currently zoned O-1 (Low Impact Office) to be dedicated as off-street parking in support of existing commercial and residential uses located at 820/830 N. Massachusetts Avenue, 835 N, Kentucky Avenue and 310 E. Plum Street. Owner/Applicant: Lakeland Community Redevelopment Agency. (PUD24-010) **Note: Applicant requests a one-month continuance.**
- ITEM 8:** Proposed text amendment to the Future Land Use Element of the Lakeland Comprehensive Plan to correct a typographical error pertaining to the percentage of residential uses allowed within RAC, CAC, NAC and IAC future land use districts and the percentage of commercial uses allowed within BP future land use designations. Applicant: City of Lakeland. (CPA24-001)
- ITEM 9:** Proposed text amendment to the Infrastructure Element of the Lakeland Comprehensive Plan to evaluate the feasibility of connecting on-site private septic systems to City sanitary sewer service. Applicant: City of Lakeland. (CPA24-002)
- ITEM 10:** Changes to Article 2 (Use Standards), Sections 2.3 (Permitted Uses) and 2.6 (Master Use List) of the Land Development Code to allow ground floor residential uses within existing non-residential buildings in C-6 and C-7 zoning districts, define restaurant and retail uses such as “ghost kitchens” and “dark stores” and allow within certain zoning districts, revise definitions pertaining to the outdoor storage boats, motor homes, trailers and other equipment, add a new use specific to the outdoor storage of medium-duty and heavy duty trucks, semi-trailers, multi-trailers, construction equipment, tools and vehicles, and amend the zoning districts in which such uses are permitted by right and through a conditional use. Applicant: City of Lakeland. (LDC24-001)
- ITEM 11:** Changes to Article 3 (Urban Form Standards), Section 3.5 (Exceptions to Urban Form Standards) of the Land Development Code to revise the development standards for single-family and two-family residential uses to reduce the maximum lot coverage from 55% to 45% in Urban Neighborhood Context sub-districts, define the minimum front yard setback for infill properties located within established residential neighborhoods, and define the frontage buildout as a percentage of the overall width of the principal structure. Applicant: City of Lakeland. (LDC24-002)

- ITEM 12:** Changes to Article 4 (General Site Development Standards), Section 4.3 (Accessory Structures) of the Land Development Code, to establish a maximum floor areas and total cumulative footprint for accessory structures on single-family or two-family residential lots or parcels, prohibit the installation of secondary electric meters on accessory structures when located on properties zoned for single-family or two-family residential uses, define accessory structures with greater than 1,000 sq. ft. of floor area as principal structures when located on a lot or parcel zoned for office, commercial, industrial, or multi-family residential uses, and provide clarification regarding zoning compliance for certain accessory structures which do not require a building permit. Applicant: City of Lakeland. (LDC24-003)
- ITEM 13:** Changes to Article 4 (General Site Development Standards), Section 4.4 (Fences and Walls) and Article 12 (Administration and Enforcement) of the Land Development Code, to establish permitting requirements for fences, specify the threshold for when repair or replacement of an existing fence will require a permit, specify how much of a nonconforming fence or wall may be repaired or replaced before the fence or wall must be brought into compliance, require fencing materials which have both a finished and unfinished side to orient the finished side outwards when adjacent or directly visible from streets or alleys, address the placement of certain materials on fencing, revise an illustration which addresses the height of fences and walls within the visibility triangle at unsignalized intersections, and allow for the administrative approval of privacy fences up to eight feet in height subject to the written consent of adjacent property owners when located in rear yards and not visible from adjacent streets or alleys. Applicant: City of Lakeland. (LDC24-004)
- ITEM 14:** Changes to Article 4 (General Site Development Standards), Section 4.5 (Landscaping, Trees and Buffering) of the Land Development Code, to apply the tree preservation requirements to unplatted parcels of land which are zoned for single-family or two-family residential uses and greater than one acre in area, adopt a new list of qualified tree, palm, shrub, groundcover and flower plantings, and incorporate certain Florida-Friendly Landscaping requirements for irrigation systems. Applicant: City of Lakeland. (LDC24-005)
- ITEM 15:** Changes to Article 4 (General Site Development Standards), Section 4.7 (Pedestrian, Bicycle and Transit Facilities) of the Land Development Code, to revise the payment in lieu of construction where a sidewalk network does not exist on local streets and where a sidewalk would not be feasible due to site constraints. Applicant: City of Lakeland. (LDC24-006)
- ITEM 16:** Changes to Article 5 (Standards for Specific Uses), Section 5.9 (Electric Vehicle Charging Facilities) and Section 5.24 (Food Trucks) of the Land Development Code, to remove development standards pertaining to electric vehicle charging facilities, remove application requirements for a business tax receipt for food trucks and provide clarification regarding the documentation of property owner authorization and access to permanent restroom facilities. Applicant: City of Lakeland. (LDC24-007)
- ITEM 17:** Changes to Article 6 (Natural Resource Protection Standards), Sections 6.1 (General), 6.2 (Floodplain Management) and 6.3 (Green Swamp Area of Critical State Concern) of the Land Development Code, to adopt changes mandated by the Florida Department of Emergency Management (FDEM) and the Federal Emergency Management Agency (FEMA) pertaining to the National Flood Insurance Program (NFIP). Applicant: City of Lakeland. (LDC24-008)
- ITEM 18:** Changes to Article 10 (Concurrency Standards) of the Land Development Code, to require a signed and sealed analysis prepared by a registered traffic engineer and additional safety analyses that will be required for Major Traffic Studies. Applicant: City of Lakeland. (LDC24-009)

ITEM 19: Changes to Article 11 (Historic Preservation Standards) of the Land Development Code, to clarify terminology and correct scrivener's errors throughout the Article, add definitions for Certificate of Review, Design Review Committee, Historic Preservation Board, and Relocation, reduce the total number of members on the Historic Preservation Board from 13 to 9, clarify membership composition along with a requirement that members must be City residents, clarify the role and purpose of the Design Review Committee, revise the definition of historic district to include aspects of historic integrity, revise terminology pertaining to the nomination of local historic landmarks, add review criteria for the relocation of historic buildings, and add formal procedures for processing appeals of decisions of the Historic Preservation Board and the Design Review Committee. Applicant: City of Lakeland. (LDC24-010)

ITEM 20: Plat approval for the Lake Wire Commercial Development II subdivision on approximately 22.04 acres at the northwest corner of Sikes Boulevard and W. Main Street (1 Sikes Boulevard). Owner: Lake Wire Owner, LLC. Applicant: Jaime Igua, VHB. (SUB24-003)

ITEM 21: Report of City Commission action on Planning and Zoning Board recommendations along with Planning & Transportation Manager's Report.

ITEM 22: Audience.

ITEM 23: Adjourn.



Planning & Zoning Board General Application

General Information:

Project No:	ZON24-010	Application Date:	6/24/2024
Associated Projects:	CUP24-009		
Project Name:	MIDDLETON RESIDENCE		
Subject Property Address:	4749 HIGHLANDS PLACE CIR		
Parcel ID:	242907278151000260	Total Acreage:	3.5
Applicant Name:	JAMES MIDDLETON		
Applicant Address:	4749 HIGHLANDS PLACE CIR	LAKELAND	FL 33813
Owner Name:	MIDDLETON JAMES ROBERT		
Owner Address:	4749 HIGHLANDS PLACE CIR4745 HIGHLANDS PLACE CIR	LAKELAND	FL 33813

Request:

Application Type:	Rezoning	General
Land Use		
Current	Residential Low	(RL)
Proposed	Not Applicable	
Zoning		
Current	Single Family	(RA-1)
Proposed	(LD)	Limited Development
Sub Context District		
Current		
Proposed		
Explanation of Request:	Rezone from RA1 to a limited development parcel. Zone change and conditional use permit (CUP). applying for a zoning change from RA-1 (Single-Family) to LD (Limited Development)	
Justification:	The Middletons own the surrounding parcels and would like to build a shed and greenhouse	

Concurrency:

Proposed Dwelling Units:	0	Project Floor Area:		Square feet
Type of Use:		Phase		Year

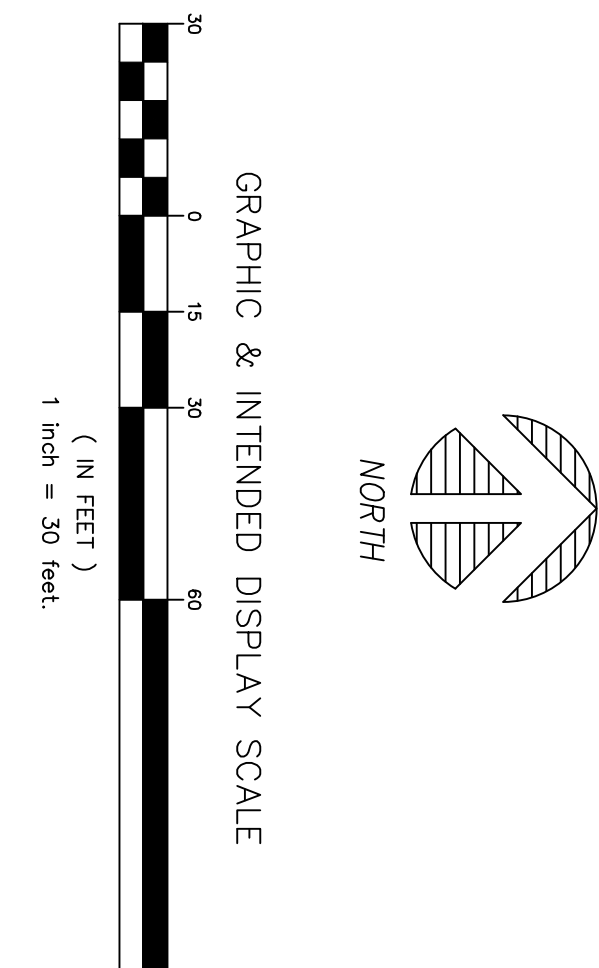
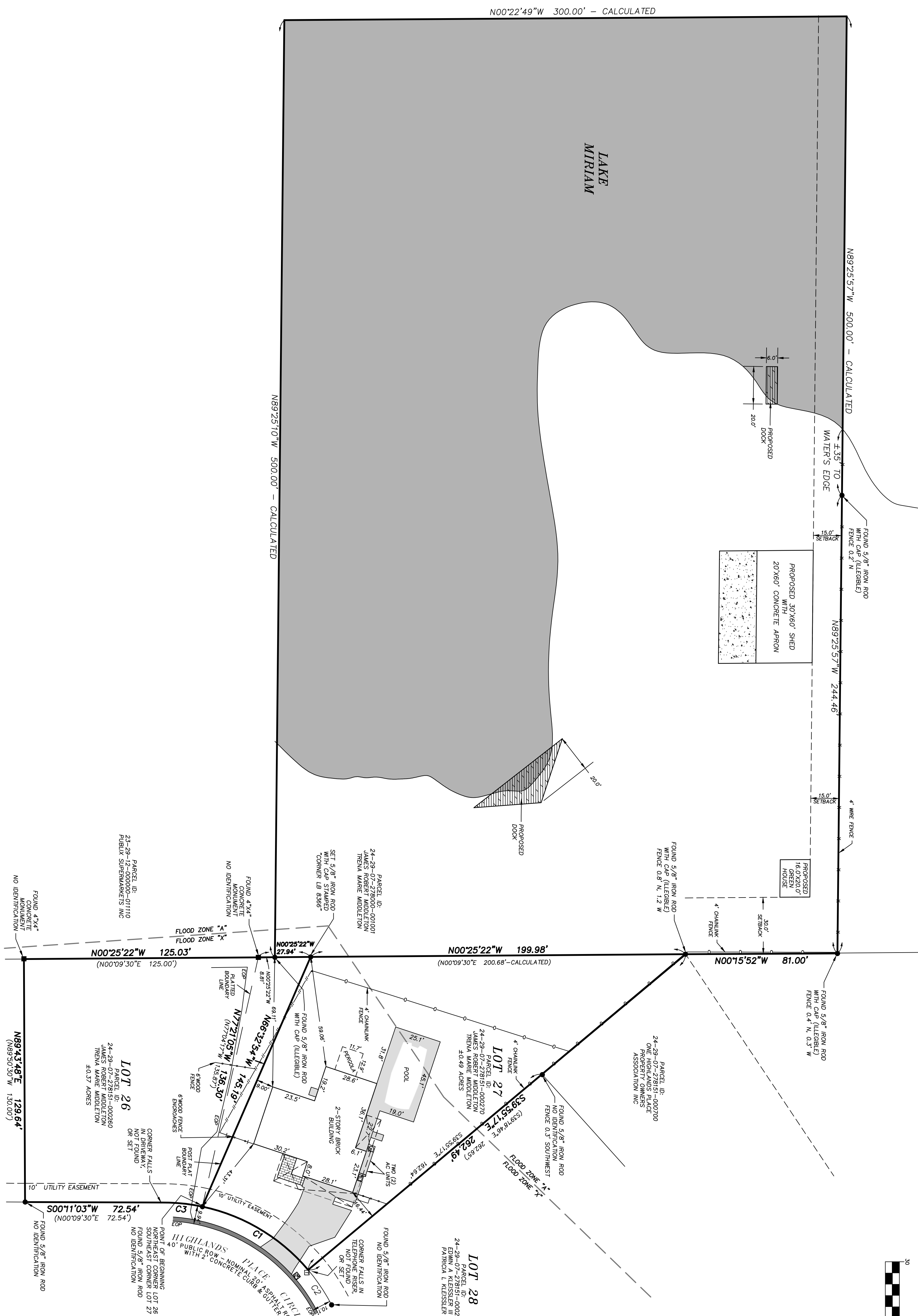
Estimate of Public Service Demand

Roadways	Daily Trips:	#Error		PM Peak Hour Trips:	1	
Potable Water	0	GPD	Wastewater	0	GPD	Solid Waste 0 PPD

Project Narrative:

The purpose of this project is to change zoning from RA1 to a limited development parcel. This parcel will be enjoyed recreationally by the Middleton family who live on the property 4749 Highlands Place Cir and also own 4745 Highlands Place Cir both of which are adjoining this parcel. The Middletons would like to build a dock, greenhouse and shed to house the equipment needed to maintain and improve this parcel. The concept of this project will be a lakeside park-like setting with lots of landscaping, grass, and trees.

Curve #	Length	Radius	Central Angle	Chord Bearing	Chord
C1	64.97'	101.46'	37.995°	S00.310°W	65.78'
C2	22.48'	101.46'	129.113°	S09.971°W	22.43'
C3	22.18'	101.46'	123.140°	S09.242°W	22.14'



- SITE PLAN NOTES:**
1. THIS IS NOT A SURVEY. THIS SITE PLAN is comprised of elements from a survey by X-Terra Surveying and Mapping, LLC dated August 18, 2022, a survey by Russell J. Martin dated May 21, 2011, and client information.
 2. All measurements are in U.S. Survey Feet.
 3. Underground improvements, encroachments, foundations and/or utilities were not located as a part of this survey.
 4. Property is located in Flood Zones "X" and "X" according to flood 12105004800 effective date December 22, 2016.
 5. An abstract of title was not performed by or furnished to X-Terra Surveying and Mapping, LLC. The user of this site plan should verify the accuracy of the information as a result of said abstract; one not warranted by this Site Plan.
 6. When field measurements differ from plot or description courses, the plot or description dimensions are shown in parentheses ().
 7. Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.

LEGEND

	CHAIN LINK FENCE
	EASEMENT BOUNDARY
	SEPTIC DRAIN FIELD
	PFS FENCE
	PFS FENCE
	POOL PUMP
	TELEPHONE RISER
	CONCRETE
	ELECTRIC METER
	MAIL BOX
	POOL PUMP
	TELEPHONE RISER
	CONCRETE

SITE PLAN
 LOCATED IN SECTION 07,
 TOWNSHIP 29 SOUTH, RANGE 24 EAST
 POLK COUNTY, FLORIDA
 PREPARED FOR: JAMES MIDDLETON

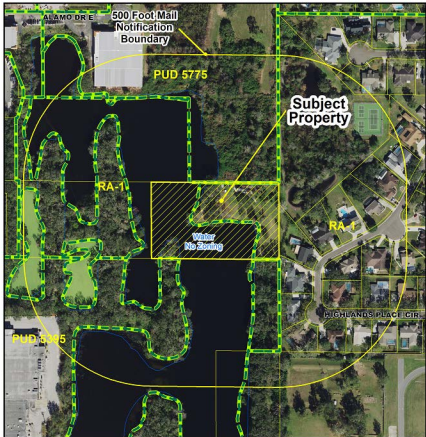
X-TERRA
 Surveying and Mapping
 1255 SCOTTSLAND DRIVE
 LAKELAND, FL 33813
 (863)777-2355
 FLORIDA LICENSED SURVEY BUSINESS No. 8366

HORIZ. SCALE: 1"=30'	FIELD BOOK(S): 000	CHECKED BY: JBH	DRAWING NAME
CONTOUR INTERVAL: N/A	PAGE(S): 000	DRAWN BY: JBH	20240425-MIDDLETON-SITEPLAN.DWG

No.	DATE	APPROVED	REVISION
O.R.	6/5/24	JBH	FIRST ISSUE
1	6/14/24	JBH	REMOVED IMAGERY

NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE RAISED SEAL OR THE ELECTRONIC SIGNATURE AND COMPUTER GENERATED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

PROJECT NO.	20240425
DRAWING NO.	1 OF (1)
PROJECT NO.	LD 24-1013



File Number: CUP24-009 ZON24-010

Present Zoning: RA-1

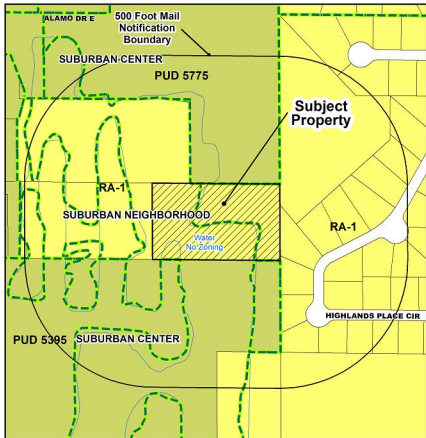
Present Context: Suburban Neighborhood

Proposed Zoning: Change of Zoning from RA-1 to LD and a Conditional Use to Allow for the Placement of Accessory Building and Structures

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



August 2024



File Number: CUP24-009 ZON24-010

Present Zoning: RA-1

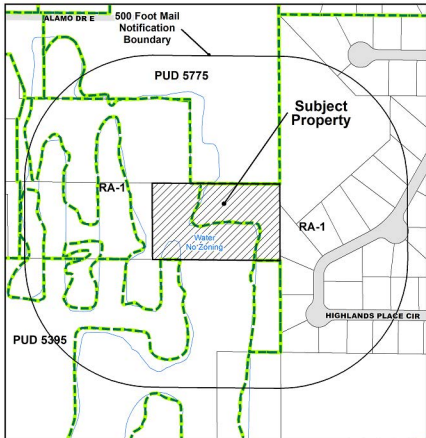
Present Context: Suburban Neighborhood

Proposed Zoning: Change of Zoning from RA-1 to LD and a Conditional Use to Allow for the Placement of Accessory Building and Structures

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



August 2024



File Number: CUP24-009 ZON24-010

Present Zoning: RA-1

Present Context: Suburban Neighborhood

Proposed Zoning: Change of Zoning from RA-1 to LD and a Conditional Use to Allow for the Placement of Accessory Building and Structures

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



August 2024





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

August 2, 2024

RE: 4749 Highlands Place Circle - Project No. CUP24-009/ZON24-010

Dear Property Owner:

This letter is to advise you that James Middleton requests a change in zoning from RA-1 (Single-Family) to LD (Limited Development), and a conditional use to allow for the placement of accessory buildings and structures on a vacant, non-residential parcel used for natural recreation purposes on approximately 3.44 acres generally located north of Lake Miriam Drive, south of E. Alamo Drive, east of Lake Miriam and west of Highlands Place Circle. The subject property is legally described as:

HALLAM & CO SUB CLUB COLONY TRACT PB 1 PG 102-A LOT 10
THAT PART DESC AS E 500 FT OF N 300 FT OF S 659.16 FT OF
NW1/4 OF NW1/4 OF SEC. (A COMPLETE LEGAL DESCRIPTION IS
AVAILABLE IN THE COMMUNITY AND 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, August 20, 2024**, in the Lakeland Electric Building rooms 1A/B, 501 E. Lemon Street. 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, August 20th 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, Kristin Meador, no later than 48 hours prior to the proceeding, at (863) 834-8444, Email: ADASpecialist@lakelandgov.net. If hearing impaired, please contact the TDD numbers: Local – (863) 834-8333 or 1-800-955- 8771 (TDD-Telecommunications Device for the Deaf) 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:	ZON24-011	Application Date:	6/24/2024		
Associated Projects:	CUP24-010				
Project Name:	GROUP HOME FOR VETERANS				
Subject Property Address:	1149 PARKHURST AVE				
Parcel ID:	232812044000004100	Total Acreage:	0.15		
Applicant Name:	LARRY MITCHELL				
Applicant Address:	PO BOX 965	LAKELAND	FL	33802	
Owner Name:	NEW LIFE OUTREACH MINISTRY INC				
Owner Address:	PO BOX 965	LAKELAND	FL	33802	

Request:

Application Type:	Rezoning	General
Land Use		
Current	Residential Medium	(RM)
Proposed	Not Applicable	
Zoning		
Current	Single Family	(RA-4)
Proposed	O-1 (Low Impact Office)	
Sub Context District		
Current	(UNH)	Urban Neighborhood
Proposed		
Explanation of Request:	Recently constructed a new single-family home which will be used as a group home to provide housing for up to six veterans.	
Justification:	The property will be used as housing for veterans in need	

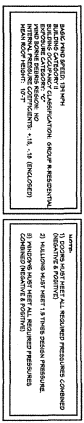
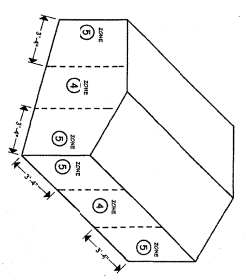
Concurrency:

Proposed Dwelling Units:	0	Project Floor Area:		Square feet
Type of Use:		Phase		Year

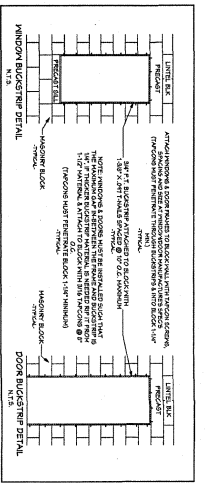
Estimate of Public Service Demand

Roadways	Daily Trips:	#Error		PM Peak Hour Trips:		
Potable Water		GPD	Wastewater	GPD	Solid Waste	PPD

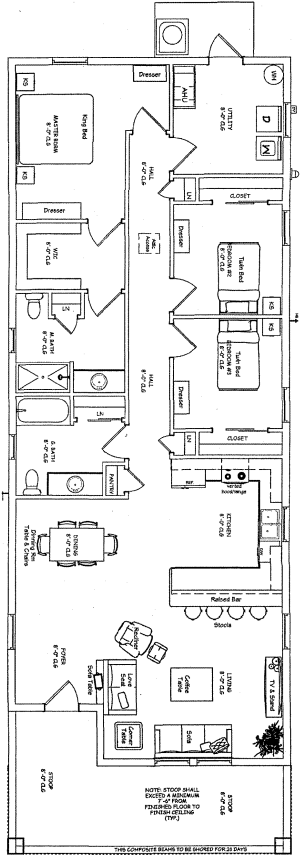
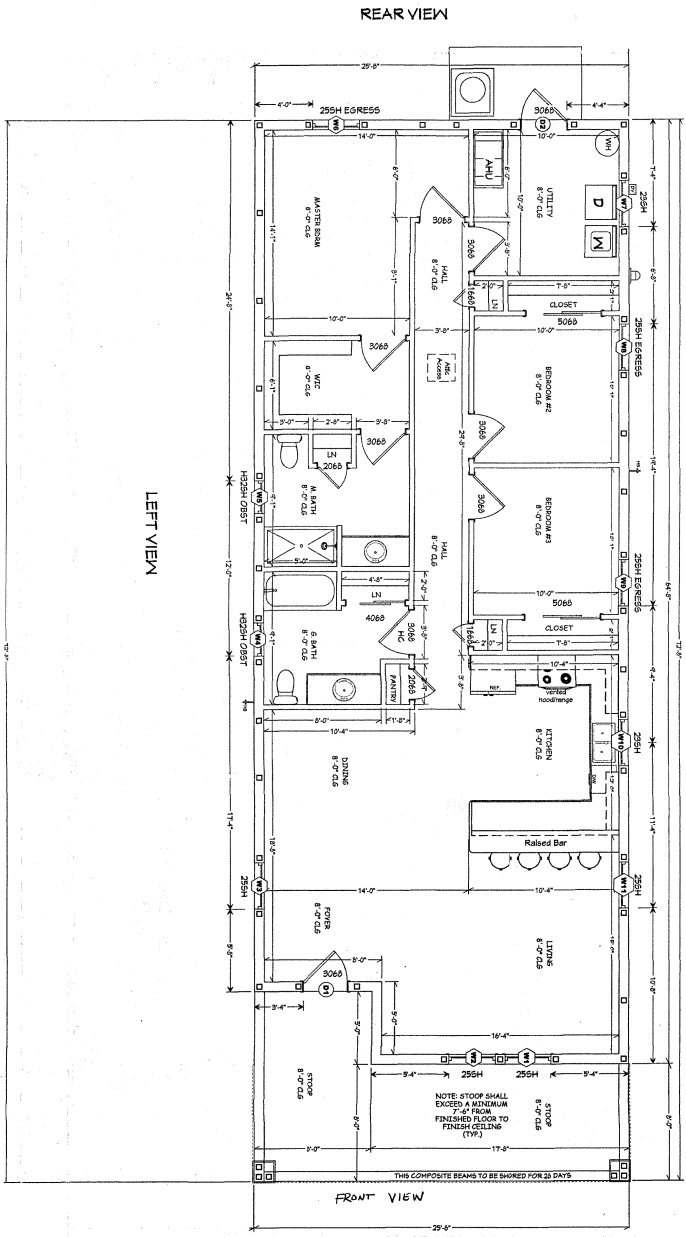
3 BEDROOM - LEFT



MARK	ZONE	SIZE	ZONE 4	ZONE 5	COMMENTS
W1	4	25 SH	35.1	-36.2	OBS TEMP
W2	4	25 SH	35.1	-36.2	
W3	4	25 SH	35.1	-36.2	
W4	4	1/2 32 SH	36.6	-34.4	OBS TEMP
W5	4	1/2 32 SH	36.6	-34.4	
W6	4	25 SH	35.1	-36.2	EGRESS
W7	4	25 SH	35.1	-36.2	
W8	4	25 SH	35.1	-36.2	
W9	4	25 SH	35.1	-36.2	EGRESS
W10	4	25 SH	35.1	-36.2	
W11	4	25 SH	35.1	-36.2	
D1	4	3'-0" x 6'-9" F.H.	32.4	-36.1	EGRESS
D2	4	3'-0" x 6'-9" F.H.	32.4	-36.1	



All products or materials shall be installed as per manufacturer's instructions. The contractor shall verify that all products and materials are installed in accordance with the manufacturer's instructions. The contractor shall verify that all products and materials are installed in accordance with the manufacturer's instructions. The contractor shall verify that all products and materials are installed in accordance with the manufacturer's instructions.



PROPOSED FURNITURE LAYOUT. 3/16 = 1'-0"

FLOOR PLAN. 1/4" = 1'-0"

FRIDGE ENGINEERING SERVICES
ENGINEERING SERVICES



DAN C. FRODGE
PROFESSIONAL ENGINEER
FLORIDA P.E. #04285
1620 LIVING
245 E. FORCH
LAKELAND, FL 33805

DATE: 05-11-23
SHEET: 2 OF 5

PROJECT: 23-26-04-00
DATE: 2023.07.21

DESIGNED BY: Dan C. Frodge
CHECKED BY: Dan C. Frodge

DATE: 2023.07.21

PROJECT: 23-26-04-00

DATE: 2023.07.21

PROJECT: 23-26-04-00

DATE: 2023.07.21

PROJECT: 23-26-04-00

DATE: 2023.07.21

PROJECT: 23-26-04-00

DATE: 2023.07.21

PROJECT: 23-26-04-00

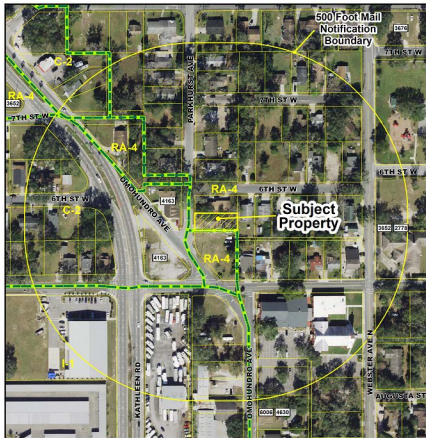
DATE: 2023.07.21

PROJECT: 23-26-04-00

DATE: 2023.07.21

PROJECT: 23-26-04-00

DATE: 2023.07.21











File Number: CUP24-010 ZON24-011

Present Zoning: RA-4

Present Context: Urban Neighborhood

Proposed Zoning: Change of Zoning from RA-4 to O-1 and a Conditional Use to Allow a Group Home, Level I, for Veterans

August 2024

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





File Number: CUP24-010 ZON24-011

Present Zoning: RA-4

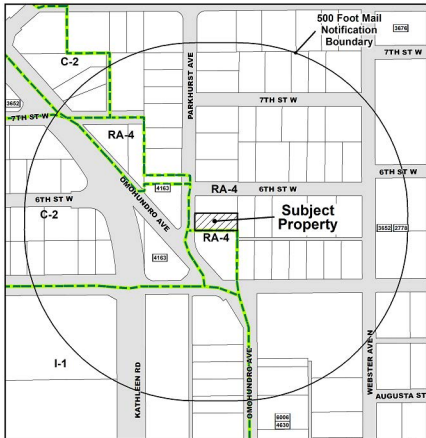
Present Context: Urban Neighborhood

Proposed Zoning: Change of Zoning from RA-4 to O-1 and a Conditional Use to Allow a Group Home, Level I, for Veterans

August 2024

-  Subject Property
-  500 Foot Mail Notification Boundary
-  City Limits
-  Zoning
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File Number: CUP24-010 ZON24-011

Present Zoning: RA-4

Present Context: Urban Neighborhood

Proposed Zoning: Change of Zoning from RA-4 to O-1 and a Conditional Use to Allow a Group Home, Level I, for Veterans

August 2024

-  Subject Property
-  500 Foot Mail Notification Boundary
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228 S Massachusetts Avenue
Lakeland FL 33801
planning@lakelandgov.net

August 2, 2024

RE: 1149 Parkhurst Avenue - Project No. CUP24-010/ZON24-011

Dear Property Owner:

This letter is to advise you that Larry Mitchell, New Life Outreach Ministry, Inc., requests a change in zoning from RA-4 (Single-Family Residential) to O-1 (Low Impact Office) and a conditional use for a Group Home, Level I to provide communal housing for veterans on property located at 1149 Parkhurst Avenue. The subject property is legally described as:

PARKHURST SUB PB 8 PG 10 BLK D LOT 10. (A COMPLETE LEGAL DESCRIPTION IS AVAILABLE IN THE COMMUNITY AND 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, August 20, 2024**, in the Lakeland Electric Building rooms 1A/B, 501 E. Lemon Street. 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, August 20th 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, Kristin Meador, no later than 48 hours prior to the proceeding, at (863) 834-8444, Email: ADASpecialist@lakelandgov.net. If hearing impaired, please contact the TDD numbers: Local – (863) 834-8333 or 1-800-955- 8771 (TDD-Telecommunications Device for the Deaf) or the Florida Relay Service Number 1-800-955-8770 (VOICE), for assistance.

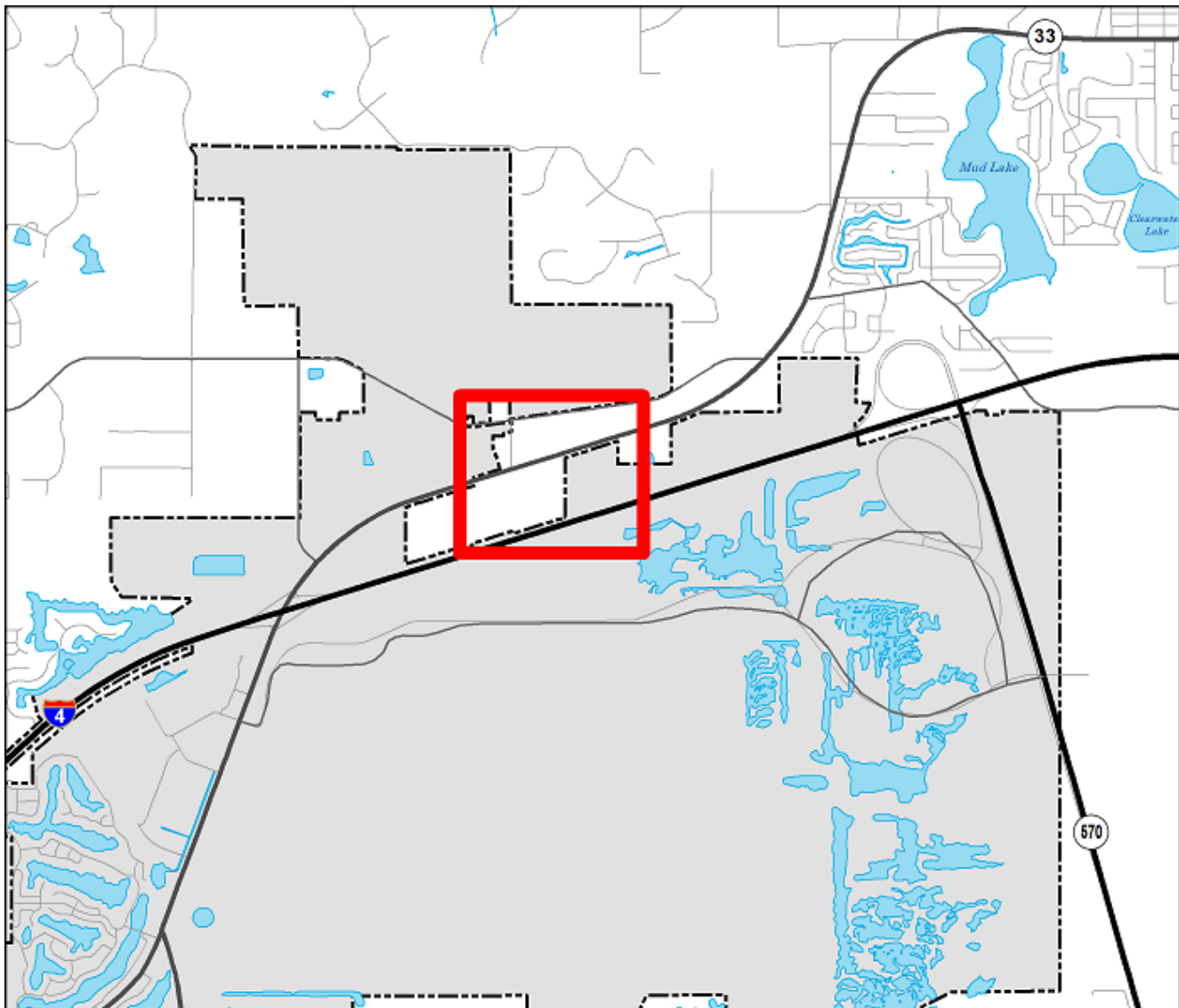
THIS IS A COURTESY LETTER NOT REQUIRED BY LAW

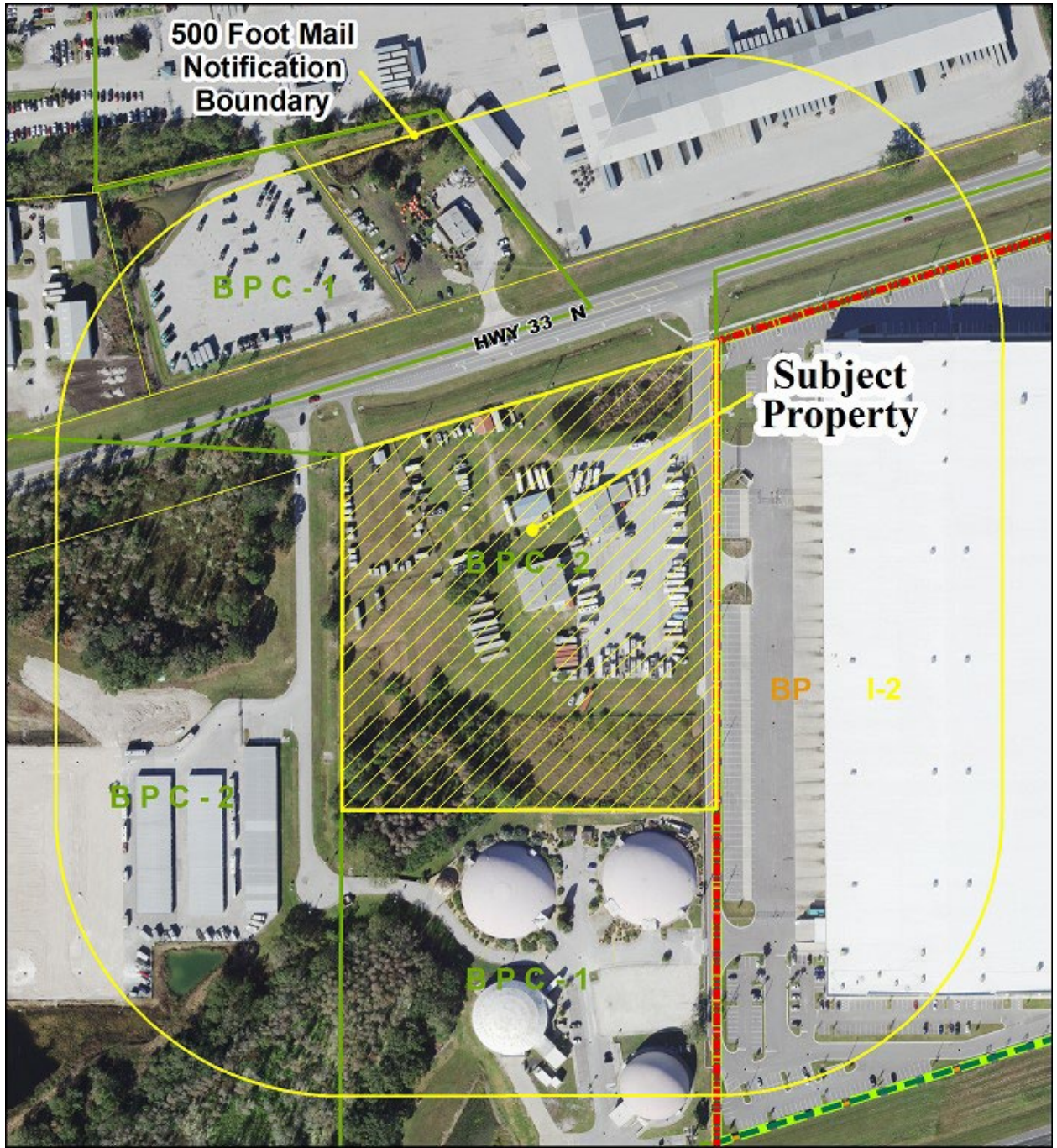


Community & Economic Development Staff Recommendation

Date:	August 20, 2024	Reviewer:	Phillip Scarce
Project No:	ANX24-002 LUS24-006 ZON24-007 ZON24-013	Location:	8345 N. State Road 33
Owners:	ELBRECHT RV SALES LLC		
Applicant:	Shelton T. Rice, Peterson & Myers, P.A.		
Current Zoning:	N/A	Future Land Use:	Polk County BPC-2X
Context District:	Suburban Special Purpose (Proposed)		
P&Z Hearing:	July 16, 2024	P&Z Final Decision:	August 20, 2024
Request:	Annexation, a small-scale map amendment to apply a future land use designation of Business Park (BP), and the application of I-2 (Medium Industrial) zoning, concurrent with a City-initiated application to apply a Suburban Special Purpose (SSP) context sub-district designation, on approximately 10.82 acres located north of Interstate 4, south of N. State Road 33, and east of Epicenter Boulevard.		

1.0 Location Maps





2.0 Background

2.1 Summary

Shelton Rice, Peterson & Myers, P.A., requests annexation, a small-scale land use amendment to apply a future land use designation of Business Park (BP) and the application of I-2 (Medium Industrial) zoning, concurrent with a City-initiated application to apply a Suburban Special Purpose (SSP) context sub-district designation, on approximately 10.82 acres located at 8345 N. State Road RD 33. A map of the subject property is included as Attachment “B.”

2.2 Subject Property

The subject property has a Polk County Future Land Use designation of BPC-2X (Business Park Center) and is located within the Green Swamp Area of Critical State Concern (GSACSC). The bulk of the property consists of uplands suitable for development with the exception of a small wetland area located in the southernmost portion of the property and a stormwater detention pond located adjacent N. State Road 33 which is within the 100-year floodplain (Flood Zone A).

According to the Polk County Property Appraiser, the most recent use of the property was for Recreational Vehicle (RV) sales and service. Current improvements on the subject property include a 2,209 sq. ft. warehouse/storage building constructed in 1963, a 4,000 sq. ft. steel shell building constructed in 1995, a 1050 sq. ft. steel office building constructed in 1995, and a 6,080 sq. ft. steel shell building constructed in 1998. Adjacent land uses consist of warehouse/distribution center uses to the north, south and east. To the west, the subject property abuts a mini-warehouse/self-storage facility.

2.3 Project Background

The purpose of this request is to obtain annexation, land use and zoning approval to allow for future development of the property for I-2 uses. If approved by the City Commission, the applicant intends to develop the property with a 43,222 sq. ft. tractor trailer truck dealership with accessory service and repair facilities. A copy of the proposed nonbinding site plan for the truck dealership is included as Exhibit “A” for informational purposes only.

2.4 Existing Uses of Adjacent Properties

Boundary	Existing Land Use	FLUM	Zoning	Context
North	Industrial	Polk County BPC-1X/BPC-2X	NA	NA
South	Industrial	Polk County BPC-1X	NA	NA
East	Industrial	City BP	I-2	SSP
West	Industrial	Polk County BPC-2X	NA	NA

2.5 Attachments

Attachment A: Legal Description

Attachment B: Base Map of Subject Property

Exhibit A: Non-Binding Site Plan

3.0 Discussion

The requested BP future land use designation and I-2 zoning classification are generally equivalent to the current County BPC-2X entitlements which allow for light manufacturing, fabrication, assembly, distribution and wholesaling activities, and limited retail uses which are supportive of businesses and activities permitted with the district. The subject property, as previously indicated, is located within the Green Swamp Area of Critical State Concern (GSACSC). While the property is currently developed, the application of City land use and zoning requires review by the Florida Department of Commerce (Commerce) similar to a large-scale land use amendment. Any subsequent redevelopment and site plan approval will also require a public hearing by the Planning and Zoning Board and transmittal to Commerce prior to the issuance of any permits. Approval of the site plan will be subject to compliance with the GSACSC standards specified within Article 6, Sub-Section 6.3 of the Land Development Code.

Concurrent with the request for annexation, land use and zoning, the City is proposing to apply a Suburban Special Purpose (SSP) context sub-district designation to the subject property. The SSP context sub-district is intended for single-use, suburban development sites such as industrial parks and business parks or special facilities such as hospitals, universities, power plants, freight yards and airports. The district is characterized by low to moderate density development, no consistent block structure, and low walkability. The SSP context sub-district designation is typically applied to properties which are located on the periphery of developed areas and oriented toward major transportation facilities.

3.1 Transportation and Concurrency

The project is located on State Road 33 north of Tomkow Road, a minor arterial roadway operated by the Florida Department of Transportation (FDOT) and a designated Type I roadway in the City Land Development Code. Type I roadways are of particular significance for freight movement and high-capacity connectivity to Lakeland's urban core. To minimize local traffic and improve corridor efficiency and safety, the LDC requires that access to development sites on Type I roadways be controlled, with cross-access and/or service roads to adjacent properties and improvements to adjacent corridors. Access to the subject property is provided via a shared driveway along the eastern boundary, formalized through an agreement recorded by the Polk County Clerk of Courts in Book 07721/Pages1628-1641.

The Polk Transportation Planning Organization's Roadway Network Database (October 13, 2023) shows that this segment of State Road 33 has an Annual Average Daily Traffic (AADT) volume of 18,500 vehicles, with peak-hour directional capacity of 1,220 vehicles and peak two-hour average volumes of 646 northbound and 672 southbound vehicles, equating to a current LOS "C". The proposed City land use and zoning classifications for the subject property are similar to the existing County future land use; therefore, an increase in trip generation is not expected. Using data published

in the Institute of Transportation Engineers *Trip Generation Manual* (11th Edition) for the closest applicable Land Use Code (840, Automobile Sales (New)), the proposed truck facility is expected to generate approximately 1,200 Daily and 99 to 104 P.M. Peak Hour Trips (of Adjacent Street Traffic, 4-6 P.M.). Binding concurrency determinations will be required at the time of site plan submittal and the site will be subject to FDOT permitting requirements.

Within coming months, FDOT will commence construction on the four-lane widening of State Road 33 from Old Combee Road-Deeson Point Boulevard to north of Tomkow Road, including the reconstruction of the Interstate 4 interchange at Exit 38. Through the Governor's Moving Florida Forward initiative, \$197 million was budgeted for the State Road 33 reconstruction, with a design that includes the construction of multi-use trails on both sides of the road south of Interstate 4, sidewalks on both sides of the road between Interstate 4 and the northern project terminus near Centerstate Logistics Park, roundabouts at the State Road 659 (N. Combee Road), University Boulevard and Interstate 4 ramp terminal intersections and one wildlife crossing each over Interstate 4 and under State Road 33 east of the subject property.

The subject property is not currently served by a transit route operated by the Lakeland Area Mass Transit District (LAMTD) and is not located within LAMTD's boundaries within which a half-mill ad valorem tax is levied for transit services. Prior to site plan approval, the owner shall submit a petition to the LAMTD Board of Directors requesting that the subject property be added to the transit district as required per Section 6.3.7 of the Land Development Code since the subject property is located adjacent to State Road 33 within the GSACSC. A sidewalk will be required along the site's State Road 33 frontage with Americans with Disabilities Act (ADA) compliant pedestrian routes to each principal building entrance.

3.2 Comprehensive Plan Compliance

The Community and Economic Development Department reviewed this request for compliance with the Lakeland Comprehensive Plan: Our Community 2030 and it is our opinion that the request is consistent with the Comprehensive Plan. Since this request is for conventional zoning, there will be no conditions for the approval.

4.0 Recommendation

4.1 Community and Economic Development Staff

The Community and Economic Development Staff reviewed this request and recommends approval of annexation, the application of a Business Park (BP) future land use designation, I-2 (Medium Industrial) zoning, and a Suburban Special Purpose (SSP) context sub-district district designation to the subject property. Letters of notification were mailed to eight property owners within 500 feet of the subject property and no comments were received.

4.2 The Planning & Zoning Board

It is recommended that the request for annexation, a small-scale land use amendment to apply a future land use designation of Business Park (BP) and the application of I-2 (Medium Industrial) zoning, concurrent with a City-initiated application to apply a SSP (Suburban Special Purpose) context sub-district designation, on approximately 10.82 acres as described above and in Attachments "A", "B," and Exhibit "A" be approved.

ATTACHMENT "A"

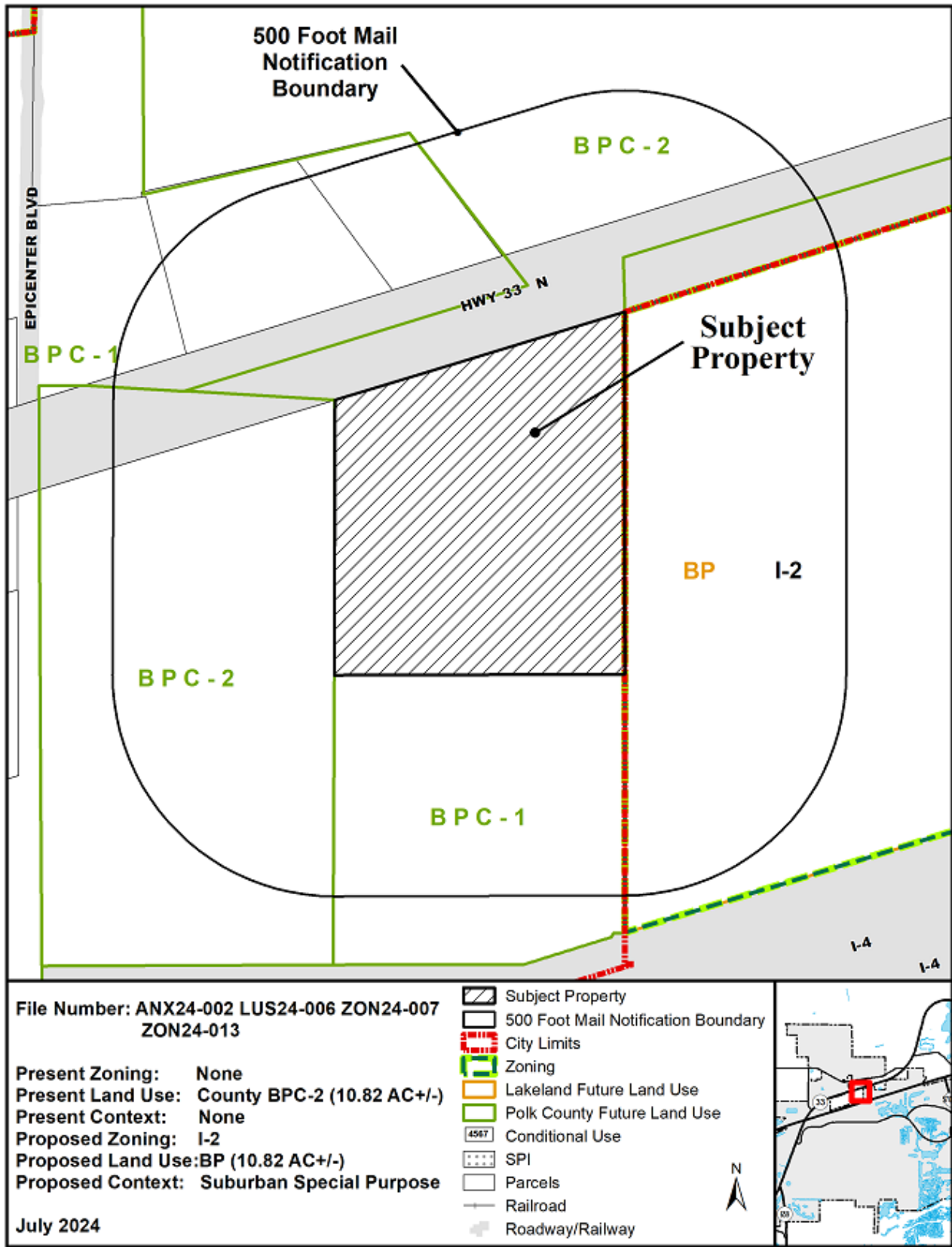
LEGAL DESCRIPTION:

The Northeast 1/4 of the Northwest 1/4 of the Southeast 1/4 of Section 11, Township 27 South, Range 24 East, Polk County Florida, LESS State Road 33 right-of-way,

AND

That portion of property lying South of North State Road 33 and located in the Southeast 1/4 of the Southwest 1/4 of the Northeast 1/4 of Section 11, Township 27 South, Range 24 East, LESS road right-of-way, said lands lying in Polk County, Florida.

ATTACHMENT "B"



File Number: ANX24-002 LUS24-006 ZON24-007
ZON24-013

Present Zoning: None
 Present Land Use: County BPC-2 (10.82 AC+/-)
 Present Context: None
 Proposed Zoning: I-2
 Proposed Land Use: BP (10.82 AC+/-)
 Proposed Context: Suburban Special Purpose

July 2024

- Subject Property
- 500 Foot Mail Notification Boundary
- City Limits
- Zoning
- Lakeland Future Land Use
- Polk County Future Land Use
- Conditional Use
- SPI
- Parcels
- Railroad
- Roadway/Railway



Exhibit "A"

Drawing name: K:\LAK_Civil\06n1 Marketing\Civil\CSM Companies\8345 FL-33 Lakeland\CAD\8345 FL-33 Lakeland.dwg exhibit Jun 10, 2024 1:40pm by: davidkleine

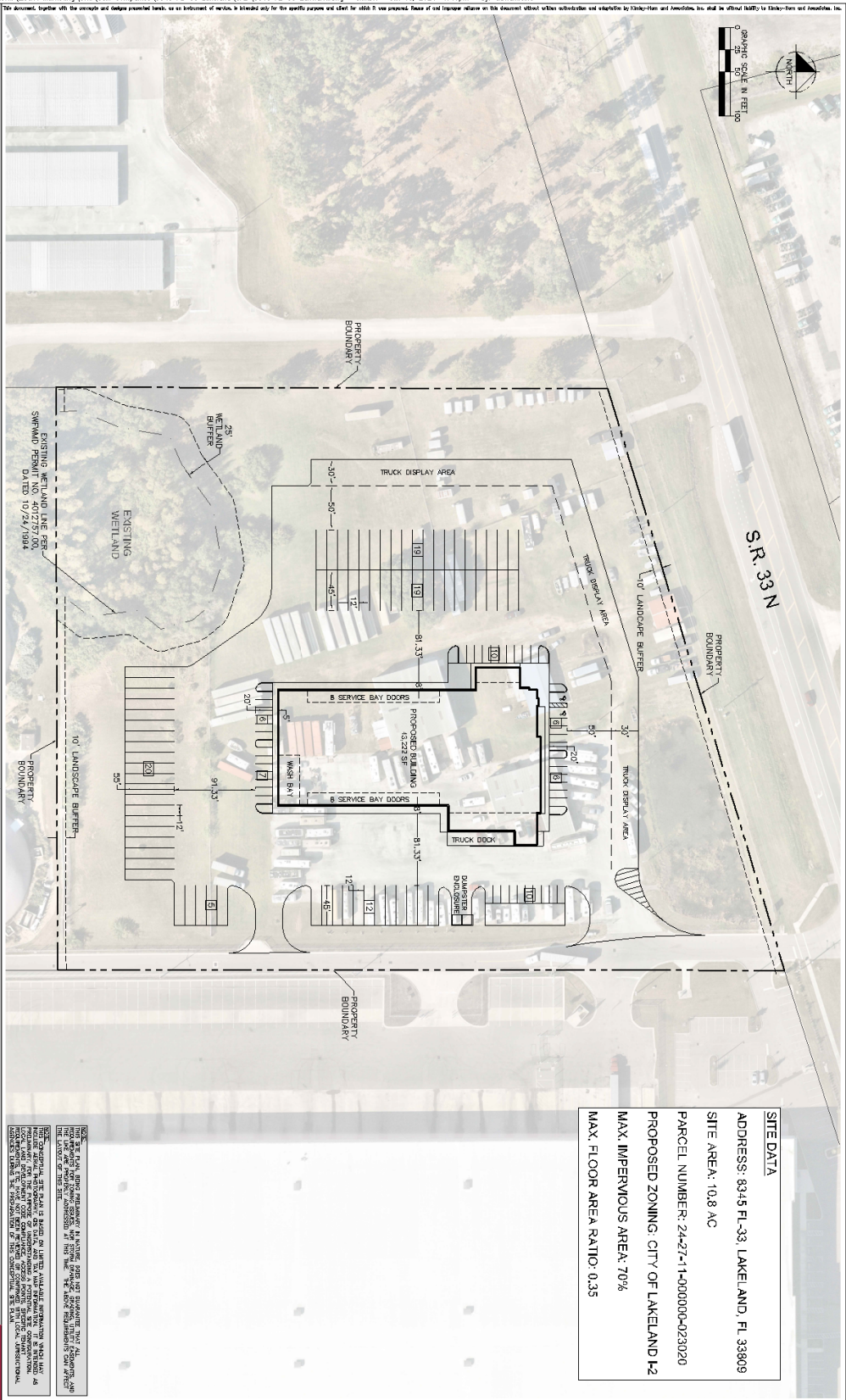
This document, together with the concepts and designs presented herein, are an instrument of service, to be used only for the specific purpose and client for which it was prepared. None of our employees shall be authorized to alter or supplement this document without written authorization and signature by Kimley-Horn and Associates, Inc. and its without (HARP) to Kimley-Horn and Associates, Inc.

Kimley-Horn
 4200A KIMLEY-HORN AND ASSOCIATES, INC.
 108 SOUTH KENTUCKY AVENUE, LAKELAND, FL 33801
 WWW.KIMLEY-HORN.COM REGISTRY NO. 20018

CSM COMPANIES, INC.

8345 SR-33, LAKELAND FL

SHEET NUMBER
CSP-1
 6/10/2024



MINUTES

Planning & Zoning Board

Lakeland Electric Building rooms 1A/B

Tuesday, July 16, 2024

8:30 a.m.

The City of Lakeland Planning and Zoning Board met in Regular Session. Board Members, Terry Dennis, Joseph Lauk, Lyle Philipson, Bessie Reina, Veronica Rountree, Susan Seitz and Jeri Thom were present. Community & Economic Development staff Chuck Barmby, Urban Planning & Transportation Manager; Matthew Lyons, Executive Planner; Phillip Searce, Executive Planner; Audrey McGuire, Senior Planner; Damaris Stull, Senior Planner; Todd Vargo, Senior Planner; and Christelle Burrola, Planning Assistant, were present. Assistant City Attorney Alex Landback was also present.

PUBLIC HEARING

ITEM 1: Minor modification of an existing conditional use to adopt a new site plan allowing for the construction of an accessory dwelling unit (ADU) on property located at 322 S. Indiana Avenue. Owner: Swan Indiana Properties LLC. Applicant: Lena Weisman. (CUP24-008)

Audrey McGuire stated the request is to modify an existing conditional use to allow for the construction of a one-story accessory dwelling unit within the rear yard of the subject property. The subject property has an existing single-family residence, constructed in 1925, and is listed as a contributing resource to the East Lake Morton Historic District. In 2023, a conditional use was approved for a two-story garage apartment. The applicants are now requesting to modify the conditional use to allow a one-story accessory dwelling unit in lieu of the garage apartment. A Certificate of Review was issued by the Historic Preservation Board's Design Review Committee for the one-story ADU.

Ms. McGuire presented the recommended conditions for approval.

In response to Joseph Lauk, Ms. McGuire stated staff did not receive any public comment in regard to the request.

Terry Dennis made a motion for approval of staff's recommendation. Veronica Rountree seconded the motion and it passed 6—0.

ITEM 2: Minor modification of PUD (Planned Unit Development) zoning to allow for the development of up to 166 single-family attached (townhome) dwelling units and 120 multi-family dwelling units, as an alternative development option in lieu of existing entitlements for 450 multi-family dwelling units within Tracts 4, 10 and 11 of the Wedgewood Golf Course Redevelopment, on approximately 28.21 acres generally located north and east of Carpenters Way, south of Heatherpoint Drive, and west of Audubon Oaks Apartments (401 Carpenters Way). Owner: SJD Development LLC. Applicant: Bart Allen, Peterson & Myers P.A. (PUD24-009). **Note: Continued from previous meeting.**

Todd Vargo stated the subject property consists of lands that were part of the former Wedgewood golf course. In 2022, the original PUD was approved for a total of 954 units which consist of 60 single-family dwelling units, 60 single-family attached dwelling units and 834 multi-family dwelling units. Mr. Vargo pointed to the map on the overhead screen and summarized what was approved for each development tract. In December 2023, a minor modification was approved for Tract 2 to give the applicant the option to build 96 attached dwelling units in lieu of the 230 multi-family units that were previously approved. The current request is to have the option for the development of 162 single-family attached dwelling units and 120 multi-family dwelling units in lieu of existing entitlements for 450 multi-family dwelling

units within Tracts 4, 10 and 11. The request overall would lower the total amount of units from 820 to 652.

Bart Allen, 225 E. Lemon Street, summarized the proposed request.

Dennis Grice, 707 Carpenters Way, #21, stated he is concerned about the loss of views of the green space from his backyard.

Holly Bailey, 707 Carpenters Way, #23, stated she is concerned about the proximity of the new townhomes to her home.

Deva Simmons, 707 Carpenters Way, stated she is concerned with the increase in traffic.

Mr. Allen stated the landscaping and buffering requirements will remain the same.

In response to Beverly Copeland, 733 Carpenters Way, Mr. Allen stated they do not have a start date for the development.

Discussion ensued.

Mr. Vargo presented the recommended conditions for approval.

In response to Joseph Lauk, Mr. Allen stated he agrees to staff's recommended conditions.

Susan Seitz made a motion for approval of staff's recommendation. Terry Dennis seconded the motion and it passed 4—2. Jeri Thom and Veronica Rountree voted against the motion.

ITEM 3: A small-scale land use amendment, to change the future land use designation from Residential Medium (RM) to Public Buildings, Grounds and Institutional Uses (PI), and a change in zoning, from RA-4 (Single-Family Residential) to PUD (Planned Unit Development), to allow for the development of a four-story community health clinic/medical-office use on approximately 2.29 acres located west of N. Florida Avenue, south of W. 5th Street, east of N. New York Avenue and north of W. 4th Street (1129 N. Missouri Avenue). Owner: Central Florida Health Care Inc. Applicant: Timothy Campbell, Clark, Campbell, Lancaster, Workman & Airth, P.A. (LUS23-003/PUD24-001)

Phillip Scarce stated in 2022, the applicant initially requested a major modification of the existing conditional use to allow a three-story medical office building. The applicant now requests a small-scale map amendment, to change the future land use designation from RM to PI, and a change of zoning from RA-4 to PUD to allow for the development of a four-story, 33,934 sq. ft. medical office/community health clinic.

Mr. Scarce pointed to photos on the overhead screen of the subject property as well as the proposed site plan.

Mr. Scarce stated staff did receive any opposition to the proposed request.

Terry Dennis recused himself from the vote for this item due to his employer owning the baseball field that is across N. Florida Avenue from the subject property.

Tim Campbell, 500 S. Florida Avenue, made a presentation that provided an overview of the proposed request. Ann Claussen, 2457 Delphi Circle, representing Central Florida Health Care, Inc. (CFHC) was also present and provided a brief summary on the background of CFHC and the services that are provided.

In response to a question from Joseph Lauk regarding the internal traffic circulation pattern, Chuck Barmby stated staff is currently in the process of reviewing the engineered site plan. If it is determined that changes to the traffic circulation need to be made, they can be made administratively.

Mr. Scarce presented the recommended conditions for approval.

In response to Mr. Lauk, Mr. Campbell stated he agrees to staff's recommended conditions.

Jeri Thom made a motion for approval of staff's recommendation. Veronica Rountree seconded the motion and it passed 5—0.

ITEM 4: Annexation, a small-scale land use amendment to apply a future land use designation of Business Park (BP), and the application of I-2 (Medium Industrial) zoning on approximately 10.82 acres located north of Interstate 4, south of N. State Road 33, and east of Epicenter Boulevard. Owner: Nancy J. Knaus Credit Shelter Trust. Applicant: Shelton T. Rice, Peterson & Myers, P.A. (ANX24-002/LUS24-006/ZON24-007)

Phillip Scarce stated the purpose of this request is to obtain annexation, land use and zoning approval to allow for future development of the property for I-2 uses. The subject property has a Polk County Future Land Use designation of BPC-2X (Business Park Center) and is located within the Green Swamp Area of Critical State Concern (GSACSC). The most recent use of the property was for Recreational Vehicle (RV) sales and service.

Mr. Scarce pointed to photos on the overhead screen of the subject property.

Bart Allen, 225 E. Lemon Street, representing the applicant, made a presentation that provided an overview of the proposed request.

Mr. Scarce stated staff did not receive any public comment in regard to the request and will present a written recommendation for the request at the next regular meeting of the Board.

ITEM 5:

- a. A small-scale map amendment to change the future land use designation from Conservation (C) to Regional Activity Center (RAC) on approximately 5.71 acres, from Conservation (C) to Residential Medium (RM) on approximately 3.22 acres, from Regional Activity Center (RAC) to Residential Medium (RM) on approximately 0.57 acres, from Residential Medium (RM) to Conservation (C) on approximately 16.30 acres, and from Residential Medium (RM) to Regional Activity Center (RAC) on approximately 10.50 acres.
- b. A major modification of PUD (Planned Unit Development) zoning, concurrent with a City-initiated application to change the context sub-district designation from Suburban Corridor (SCO) and Suburban Neighborhood (SNH) to Suburban Special Purpose (SSP) on approximately 98.21 acres, to allow for the development of a 400-bed hospital, 200,000 sq. ft. of medical office uses, 204,000 sq. ft. of retail commercial uses and 250 multi-family dwelling units on approximately 218 acres generally located south of S. Parkway Frontage Road and east of Harden Boulevard. Owner: Drummond Company Inc. Applicant: Timothy Campbell, Clark, Campbell, Lancaster, Workman & Airth, P.A (LUS24-009/PUD24-011/ZON24-009)

Damaris Stull stated the subject property currently vacant and is located within the southeast quadrant of the Oakbridge Development Regional Impact (DRI). Ms. Stull pointed to photos on the overhead screen of the subject property, renderings and proposed site plan.

Ms. Stull stated she received an email from an adjacent property homeowner expressing concerns about the wild hogs in the area. The homeowner is concerned that the wild hogs will migrate onto their property once development begins.

Chuck Barmby stated that the subject property is located within the southeast quadrant of the Oakbridge of Development Regional Impact (DRI). The original Oakbridge DRI was approved in 1987 with development of the subject property contingent upon the entitlements and requirements of the adopted Development Order as approved by the City Commission in 2018.

Tim Campbell, 500 S. Florida Avenue, made a presentation that provided an overview of the proposed request.

Greg Shell, 1120 Parkway Frontage Road S, had some questions in regard to the development timeframe. He stated he is concerned about the retention pond being removed as it provides a barrier between his property and the adjacent property.

Michael Gamache, 4515 S. Remington Road, stated he is concerned about the wild hogs encroaching into his property.

Michael Sivilli, 4423 Southridge Trail, stated he has traffic concerns related to the lane reduction on Harden Boulevard.

Kay Wade, 4503 S. Remington Road, stated that she also has concerns about the wild hogs coming into her property and causing property damage. She recommended adding a barrier to the conservation area to keep the wildlife contained.

Mr. Campbell stated he would contact Mr. Shell directly to address any questions he might have in regard to the development. He also stated that he would work with the applicant to follow up on the hog problem.

Mr. Campbell stated a thorough traffic analysis will be completed prior to any development to address traffic concerns.

Discussion ensued.

In response to Joseph Lauk, Chuck Barmby stated the overall development site would be eligible for a master sign plan but it has not yet been discussed.

In response to Mr. Lauk, Mr. Campbell stated the proposed hospital will include a helipad, a free-standing emergency department and a free-standing central energy plant.

ITEM 6: Major modification of PUD (Planned Unit Development) zoning to amend the boundaries to include the former Mass Market commercial property located at 802 N. Massachusetts Avenue, change the permitted uses from C-2 (Highway Commercial) to C-1 (Pedestrian Commercial), and include parcels located on N. Kentucky Avenue and N. Tennessee Avenue, north and south of Plum Street which are currently zoned O-1 (Low Impact Office) to be dedicated as off-street parking in support of existing commercial and residential uses located at 820/830 N. Massachusetts Avenue, 835 N. Kentucky Avenue and 310 E. Plum Street. Owner/Applicant: Lakeland Community Redevelopment Agency. (PUD24-010)

Todd Vargo stated the current PUD zoning was adopted to address properties owned by the CRA within the block located north of E. Parker Street, south of Plum Street, east of N. Kentucky Avenue and west of N. Massachusetts Avenue. Certain properties owned by the CRA in the immediate area, however, were not included as part of the PUD. These properties include a 0.56-acre parcel with C-2 zoning located at 802 N. Massachusetts Avenue, previously the Yard on Mass food truck court, and three parcels located north and south of Plum Street, between N. Kentucky Avenue and N. Tennessee Avenue which are zoned either C-2 or O-1 and used by the CRA to provide off-street parking in support of uses located on N. Massachusetts Avenue. The primary purpose of the request is to bring the former Yard on Mass site and the three parcels located between N. Kentucky Avenue/ and N. Tennessee Avenue into the current PUD. The three parcels located between N. Kentucky and N. Tennessee would remain as parking to support commercial uses on N. Massachusetts Avenue. Mr. Vargo pointed to photos on the overhead screen of the subject property.

Mr. Vargo stated that staff received about 5 calls from residents who wanted to find out more about the proposed PUD, but none had any objections.

Jonathan Rodriguez, Lakeland Community Redevelopment Agency, representing the applicant, provided an overview of the proposed request.

Mr. Vargo stated staff will present a written recommendation for the request at the next regular meeting of the Board.

Chuck Barmby stated the applicant for **Item 20** has requested his item be heard prior to the other items on the agenda.

ITEM 7: Proposed text amendment to the Future Land Use Element of the Lakeland Comprehensive Plan to correct a typographical error pertaining to the percentage of residential uses allowed within RAC, CAC, NAC and IAC future land use districts and the percentage of commercial uses allowed within BP future land use designations. Applicant: City of Lakeland. (CPA24-001)

Audrey McGuire summarized the proposed text amendment for the Future Land Use Element of the Lakeland Comprehensive Plan to correct a typographical error pertaining to the percentage of residential uses allowed within RAC, CAC, NAC and IAC future land use districts and the percentage of commercial uses allowed within BP future land use designations.

In response to Susan Seitz, Matthew Lyons stated staff will present a written recommendation for the request at the next regular meeting of the Board.

ITEM 8: Proposed text amendment to the Infrastructure Element of the Lakeland Comprehensive Plan to evaluate the feasibility of connecting on-site private septic systems to City sanitary sewer service. Applicant: City of Lakeland. (CPA24-002)

Audrey McGuire summarized the proposed text amendment to the Infrastructure Element of the Lakeland Comprehensive Plan to evaluate the feasibility of connecting on-site private septic systems to City sanitary sewer service.

ITEM 9: Changes to Article 2 (Use Standards), Sections 2.3 (Permitted Uses) and 2.6 (Master Use List) of the Land Development Code to allow ground floor residential uses within existing non-residential buildings in C-6 and C-7 zoning districts, define restaurant and retail uses such as “ghost kitchens” and “dark stores” and allow within certain zoning districts, revise definitions pertaining to the outdoor storage boats, motor homes, trailers and other equipment, add a new use specific to the outdoor storage of medium-duty and heavy duty trucks, semi-trailers, multi-trailers, construction equipment, tools and vehicles, and amend the zoning districts in which such uses are permitted by right and through a conditional use. Applicant: City of Lakeland. (LDC24-001)

Philip Scarce summarized the proposed changes to Article 2 (Use Standards), Sections 2.3 (Permitted Uses) and 2.6 (Master Use List) of the Land Development Code.

In response to Josph Lauk, Mr. Scarce stated an analysis was not completed to determine whether the proposed changes would create any nonconforming businesses.

Matthew Lyons stated that typically such businesses would become legal nonconforming but the use could be continued indefinitely provided that the use is not terminated for 365 consecutive days or longer. Discussion ensued.

The Board adjourned for a recess from 12:06 PM to 12:30 PM.

ITEM 10: Changes to Article 3 (Urban Form Standards), Section 3.5 (Exceptions to Urban Form Standards) of the Land Development Code to revise the development standards for single-family and two-family residential uses to reduce the maximum lot coverage from 55% to 45% in Urban Neighborhood Context sub-districts, define the minimum front yard setback for infill properties located within established residential neighborhoods, and define the frontage buildout as a percentage of the overall width of the principal structure. Applicant: City of Lakeland. (LDC24-002)

Damaris Stull summarized the proposed changes to Article 3 (Urban Form Standards), Section 3.5 (Exceptions to Urban Form Standards) of the Land Development Code.

ITEM 11: Changes to Article 4 (General Site Development Standards), Section 4.3 (Accessory Structures) of the Land Development Code, to establish a maximum floor areas and total cumulative footprint for accessory structures on single-family or two-family residential lots or parcels, prohibit the installation of secondary electric meters on accessory structures when located on properties zoned for single-family or two-family residential uses, define accessory structures with greater than 1,000 sq. ft. of floor area as principal structures when located on a lot or parcel zoned for office, commercial, industrial, or multi-family residential uses, and provide clarification regarding zoning compliance for certain accessory structures which do not require a building permit. Applicant: City of Lakeland. (LDC24-003)

Damaris Stull summarized the proposed changes to Article 4 (General Site Development Standards), Section 4.3 (Accessory Structures) of the Land Development Code. Discussion ensued.

ITEM 12: Changes to Article 4 (General Site Development Standards), Section 4.4 (Fences and Walls) and Article 12 (Administration and Enforcement) of the Land Development Code, to establish permitting requirements for fences, specify the threshold for when repair or replacement of an existing fence will require a permit, specify how much of a nonconforming fence or wall may be repaired or replaced before the fence or wall must be brought into compliance, require fencing materials which have both a finished and unfinished side to orient the finished side outwards when adjacent or directly visible from streets or alleys, address the placement of certain materials on fencing, revise an illustration which addresses the height of fences and walls within the visibility triangle at unsignalized intersections, and allow for the administrative approval of privacy fences up to eight feet in height subject to the written consent of adjacent property owners when located in rear yards and not visible from adjacent streets or alleys. Applicant: City of Lakeland. (LDC24-004)

Audrey McGuire summarized the proposed changes to Article 4 (General Site Development Standards), Section 4.4 (Fences and Walls) and Article 12 (Administration and Enforcement) of the Land Development Code. Discussion ensued.

Joseph Lauk stated that he had concerns about requiring a fence permit for repairs beyond 25% in the aftermath of either a hurricane or tropical storm. Mr. Lauk suggested that perhaps the City should considered waiving the permit requirement entirely when fences are damaged due to a natural disaster. Staff responded that they would consider changes and address as part of the staff recommendation next month.

ITEM 13: Changes to Article 4 (General Site Development Standards), Section 4.5 (Landscaping, Trees and Buffering) of the Land Development Code, to apply the tree preservation requirements to unplatted parcels of land which are zoned for single-family or two-family residential uses and greater than one acre in area, adopt a new list of qualified tree, palm, shrub, groundcover and flower plantings, and incorporate certain Florida-Friendly Landscaping requirements for irrigation systems. Applicant: City of Lakeland. (LDC24-005)

Audrey McGuire summarized the proposed changes to Article 4 (General Site Development Standards), Section 4.5 (Landscaping, Trees and Buffering) of the Land Development Code. Britney Thornton, Water Utilities Department, was present in support of the request. Discussion ensued.

ITEM 14: Changes to Article 4 (General Site Development Standards), Section 4.7 (Pedestrian, Bicycle and Transit Facilities) of the Land Development Code, to revise the payment in lieu of construction where a sidewalk network does not exist on local streets and where a sidewalk would not be feasible due to site constraints. Applicant: City of Lakeland. (LDC24-006)

Audrey McGuire summarized the proposed changes to Article 4 (General Site Development Standards), Section 4.7 (Pedestrian, Bicycle and Transit Facilities) of the Land Development Code. Discussion ensued.

ITEM 15: Changes to Article 5 (Standards for Specific Uses), Section 5.9 (Electric Vehicle Charging Facilities) and Section 5.24 (Food Trucks) of the Land Development Code, to remove development standards pertaining to electric vehicle charging facilities, remove application requirements for a business tax receipt for food trucks and provide clarification regarding the documentation of property owner authorization and access to permanent restroom facilities. Applicant: City of Lakeland. (LDC24-007)

Todd Vargo summarized the proposed changes to Article 5 (Standards for Specific Uses), Section 5.9 (Electric Vehicle Charging Facilities) and Section 5.24 (Food Trucks) of the Land Development Code.

ITEM 16: Changes to Article 6 (Natural Resource Protection Standards), Sections 6.1 (General), 6.2 (Floodplain Management) and 6.3 (Green Swamp Area of Critical State Concern) of the Land Development Code, to adopt changes mandated by the Florida Department of Emergency Management (FDEM) and the Federal Emergency Management Agency (FEMA) pertaining to the National Flood Insurance Program (NFIP). Applicant: City of Lakeland. (LDC24-008)

Todd Vargo summarized the proposed changes to Article 6 (Natural Resource Protection Standards), Sections 6.1 (General), 6.2 (Floodplain Management) and 6.3 (Green Swamp Area of Critical State Concern) of the Land Development Code. Code Edwards, Public Works, was present in support of the request.

ITEM 17: Changes to Article 10 (Concurrency Standards) of the Land Development Code, to require a signed and sealed analysis prepared by a registered traffic engineer and additional safety analyses that will be required for Major Traffic Studies. Applicant: City of Lakeland. (LDC24-009)

Chuck Barmby summarized the proposed changes to Article 10 (Concurrency Standards) of the Land Development Code.

ITEM 18: Changes to Article 11 (Historic Preservation Standards) of the Land Development Code, to clarify terminology and correct scrivener's errors throughout the Article, add definitions for Certificate of Review, Design Review Committee, Historic Preservation Board, and Relocation, reduce the total number of members on the Historic Preservation Board from 13 to 9, clarify membership composition along with a requirement that members must be City residents, clarify the role and purpose of the Design Review Committee, revise the definition of historic district to include aspects of historic integrity, revise terminology pertaining to the nomination of local historic landmarks, add review criteria for the relocation of historic buildings, and add formal procedures for processing appeals of decisions of the Historic Preservation Board and the Design Review Committee. Applicant: City of Lakeland. (LDC24-010)

Audrey McGuire summarized the proposed changes to Article 11 (Historic Preservation Standards) of the Land Development Code. Emily Foster, Community and Economic Development was present in support of the request.

GENERAL MEETING

ITEM 19: Review minutes of the June meeting.

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

ITEM 20: A small-scale land use amendment, to change the future land use designation from Business Park (BP) to Neighborhood Activity Center (NAC), concurrent with a City-initiated context sub-district change from Suburban Special Purpose (SSP) to Suburban Center (SCT) on approximately 7.97 acres (Parcel A1); a change of zoning on approximately 65.50 acres from I-2 (Medium Industrial) to PUD (Planned Unit Development); application of PUD (Planned Unit Development) zoning on approximately 16.9 acres of unzoned property; and a major modification of PUD zoning to incorporate additional acreage and allow for a mix of office, commercial and industrial uses on approximately 127.38 acres generally located north of W. Pipkin Road and east of Airside Center Drive. Owner: RRL Airpark, LLC. Applicant: John B. Allen, Peterson & Myers, P.A. (LUS24-005/PUD24-005/ZON24-008)

Audrey McGuire stated the applicant requests a one-month continuance.

Bart Allen, 225 E. Lemon Street, stated that additional time is needed to address some concerns about staff's recommended conditions for approval.

Jeri Thom made a motion for approval of a one-month continuance. Veronica Rountree seconded the motion and it passed 6—0.

ITEM 21: Report of City Commission action on Planning and Zoning Board recommendations along with Planning & Transportation Manager's Report.

Chuck Barmby reviewed the recent actions of the City Commission. Mr. Barmby also reviewed the new cases for the August hearing.

ITEM 22: Audience.

There were no comments from the audience.

ITEM 23: Adjourn.

There being no further discussion, the meeting was adjourned at 2:08 PM.

Respectfully Submitted,

Joseph Lauk, Chair

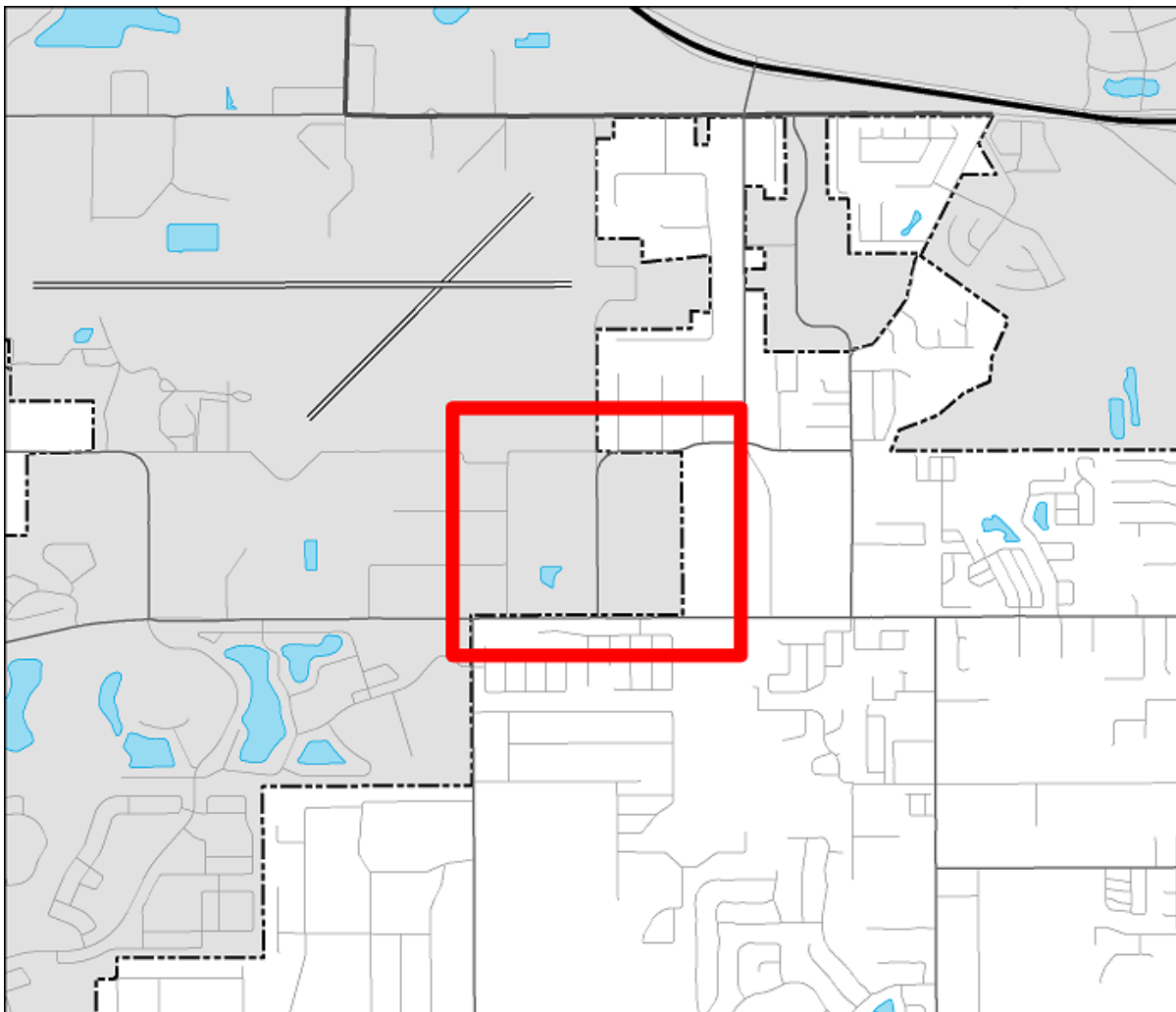
Susan Seitz, Vice-Chair

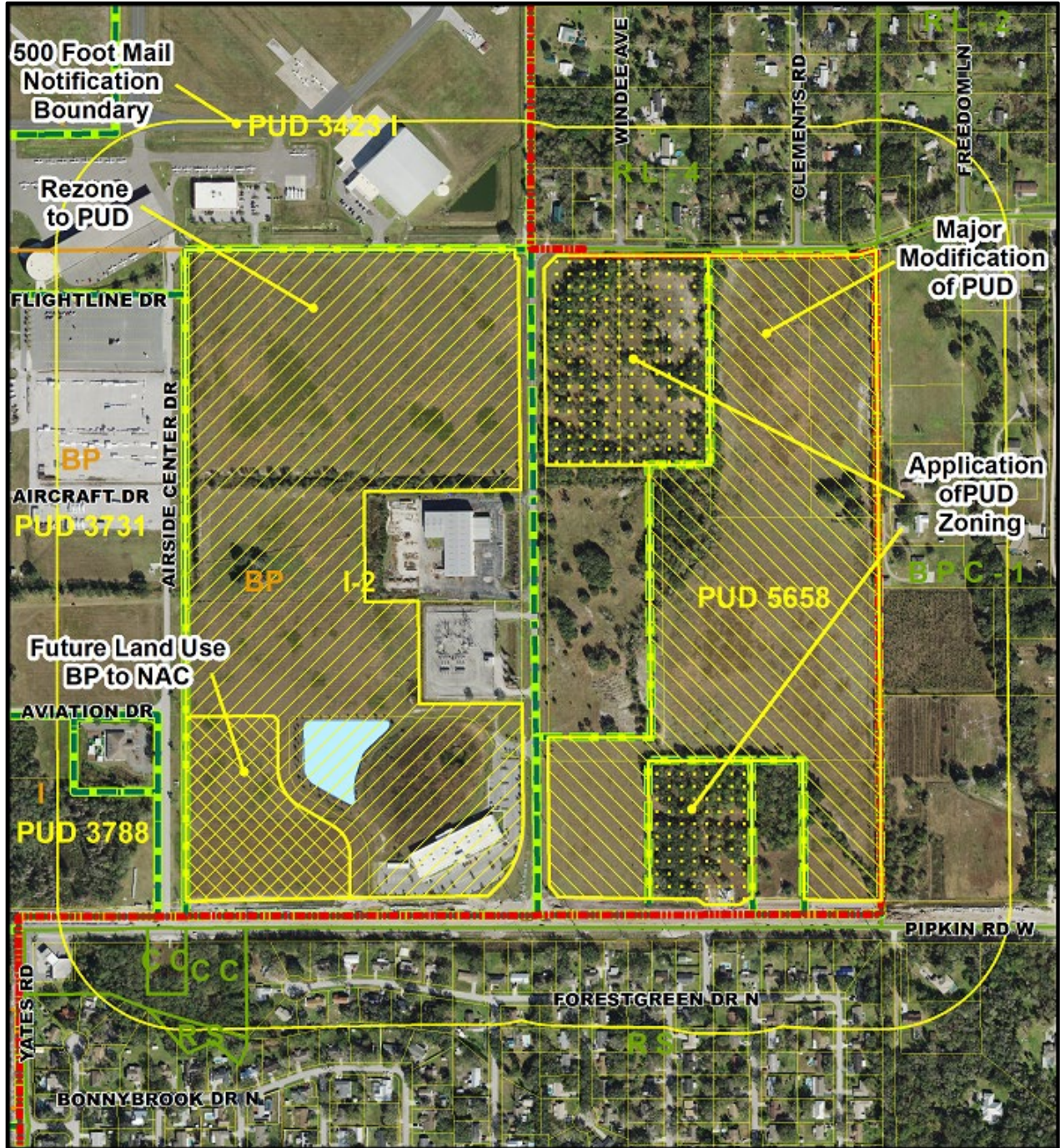


Community & Economic Development Staff Recommendation

Date:	August 20, 2024	Reviewer:	Audrey McGuire
Project No:	LUS24-005 PUD24-005 ZON24-008	Location:	3130 Airside Center Drive
Owner:	RRL Airpark, LLC		
Applicant:	John B. Allen, Peterson & Myers, P.A.		
Current Zoning:	I-2 (Medium Industrial)	Future Land Use:	Business Park (BP)
Context District:	Suburban Special Purpose (SSP)		
P&Z Hearing:	June 18, 2024	P&Z Final Decision:	August 20, 2024
Request:	<p>A small-scale land use amendment to change the future land use designation from Business Park (BP) to Neighborhood Activity Center (NAC), concurrent with a City-initiated context sub-district change from Suburban Special Purpose (SSP) to Suburban Center (SCT) on approximately 7.97 acres (Parcel A1); a change of zoning on approximately 65.50 acres from I-2 (Medium Industrial) to PUD (Planned Unit Development); application of PUD (Planned Unit Development) zoning on approximately 16.9 acres of unzoned property; and a major modification of PUD zoning to incorporate additional acreage and allow for a mix of office, commercial and industrial uses on approximately 127.38 acres generally located north of W. Pipkin Road and east of Airside Center Drive.</p>		

1.0 Location Maps





2.0 Background

2.1 Summary

John B. Allen, Peterson & Myers, P.A., requests a small-scale land use amendment, to change the future land use designation from Business Park (BP) to Neighborhood Activity Center (NAC), concurrent with a City-initiated context sub-district change from Suburban Special Purpose (SSP) to Suburban Center (SCT) on approximately 7.97 acres (Parcel A1); a change of zoning on approximately 65.50 acres from I-2 (Medium Industrial) to PUD (Planned Unit Development); application of PUD (Planned Unit Development) zoning on approximately 16.9 acres of unzoned property; and a major modification of PUD zoning to incorporate additional acreage and allow for a mix of office, commercial and industrial uses on approximately 127.38 acres generally located north of W. Pipkin Road and east of Airside Center Drive. A map of the subject property is included as Attachment "B."

2.2 Subject Property

The subject property is approximately 127.38 acres in area and generally located north of W. Pipkin Road, east of Airside Center Drive and Old Medulla Road, and southeast of Lakeland-Linder International Airport. The subject property is comprised of multiple parcels with a Future Land Use designation of Business Park (BP) and a Suburban Special Purpose (SSP) context sub-district designation, but different or no zoning designations. Adjacent parcels to the east are within unincorporated Polk County and consists of a mixture of single-family and agricultural uses with a County Business Park Center-1 (BPC-1) land use designation. The subject property is bounded by County single-family residential uses to the north across Old Medulla Road, east and south across West Pipkin Road.

Approximately 65.5 acres of the subject property, generally east of Airside Center Drive and west of Old Medulla Road, is zoned I-2 (Medium Industrial) and is largely undeveloped except for a 37,858 square-foot industrial office constructed in 2019 on approximately 11.48 acres located at 3111 W. Pipkin Road.

Three separate parcels, approximately 16.9 acres in area, located on the east side of Old Medulla Road do not currently have City zoning. These parcels were annexed in 2009, assigned a Future Land Use classification of BP in 2010, and as part of the 2013 update to the Land Development Code were assigned a SSP context sub-district designation. These parcels were not assigned zoning at the time due to the lack of a specific development proposal.

The remainder of the subject property is zoned Planned Unit Development (Ordinance 5658, as amended) and has entitlements which would allow for the development of an industrial office park with limited commercial uses. Adjacent parcels to the east are within unincorporated Polk County and consists of a mixture of single-family and agricultural uses with a County Business Park Center-1 (BPC-1) land use designation.

2.3 Project Background

The purpose of this request is to amend and expand the boundaries of the existing PUD to allow for future development as a mixed-use industrial office park and commercial center. A conceptual site development plan which shows proposed access points, and the location of various development parcels is included as Attachment "C."

2.4 Existing Uses of Adjacent Properties

Boundary	Existing Land Use	FLUM	Zoning	Context
North	Lakeland Linder International Airport / Single-Family Residential	I / County RL-4	PUD	SSP
South	Single-Family Residential	County RS	N/A	N/A
East	Single-family Residential	County BPC-1	N/A	N/A
West	Lakeland Linder International Airport / Industrial	BP / I	PUD	SSP

2.5 Attachments

Attachment A: Legal Description

Attachment B: Base Map of Subject Property

Attachment C: Revised Conceptual Site Development Plan

3.0 Discussion

In 2008 the subject property was identified for future development of Business Park uses as part of the 2008 Southwest Lakeland Sector Plan. Currently, the entire subject property has a Future Land Use designation of BP (Business Park). Per the policies of the Lakeland Comprehensive Plan: *Our Community 2030*, the BP land use designation is intended for major employment centers and does not support general retail commercial uses. Retail uses are limited to 15 percent of the BP land use area and should be considered only where supportive of primary businesses and employers in the area.

The current PUD zoning (Ordinance 5658) was approved in 2017 and includes approximately 44.98 acres east of Old Medulla Road and north of West Pipkin Road. This PUD allows for a mix of industrial and office uses with limited commercial uses confined to the northeast corner of Old Medulla Road and West Pipkin Road (a portion of Parcel C). The proposed PUD modification will expand the existing boundaries of the PUD to allow for the expansion of a mixed-industrial commercial office park, incorporating additional land totaling 82.4 acres of land – 16.9 acres of unzoned property east of Old Medulla Road, and 65.5 acres of land proposed to be rezoned from I-2 (Medium Industrial) to PUD west of Old Medulla Road.

The subject property remains largely undeveloped except for an 11.48-acre parcel at the northwest corner of Old Medulla Road and West Pipkin Road (Parcel A3). This parcel was developed under the I-2 (Medium Industrial) zoning regulations in 2019 and, per the Polk County Property Appraiser, contains a 37,858 square-foot industrial office building. The 11.48-acre parcel is included within the 65.5 acres west of Old Medulla Road to be rezoned from I-2 to PUD, and the proposed PUD modification will preserve existing I-2 land use entitlements for this parcel.

To account for a lack of retail and service uses in the area, a 7.97-acre tract at the northeast corner of Airside Center Drive and West Pipkin Road is proposed to be reserved for commercial uses (Parcel A1). This tract is included within the 65.5 acres west of Old Medulla Road to be rezoned from I-2 to PUD and the proposed PUD modification will allow for C-4 (Community Commercial Center) uses. However, as commercial retail uses are not supported by the BP land use classification, a Future Land Use amendment from BP to Neighborhood Activity Center (NAC) is proposed concurrent with a city-

initiated context sub-district change from Suburban Special Purpose (SSP) to Suburban Center (SCT) for the 7.97-acre tract.

The existing PUD limits commercial uses to a 5.24-acre tract (4.74 acres today) at the northeast corner of Old Medulla Road and West Pipkin Road to minimize impacts to adjacent residential uses. Under the proposed PUD modification, this tract and the adjacent 5.02-acre parcel to the east (Parcel C) will be reserved for O-3 (Moderate Impact Office District) uses. While primarily intended for professional office and medical office, O-3 also allows for office-support-type commercial uses such as hotels, high-turnover and low-turnover restaurants, and limited retail and personal services uses. The proposed O-3 uses are intended to support industry and business in the area and will account for approximately 8.18 percent of the remaining BP land use area within the modified PUD consistent with the policies of the Comprehensive Plan.

The remainder of the subject property (Parcels A2, B1, B2 and D) will be reserved for industrial and limited office uses within the PUD. To mitigate compatibility concerns and potential impacts to adjacent residential land uses, the proposed PUD modification includes conditions pertaining to the location of outdoor storage and loading docks, service bays, and loading/unloading areas; landscape buffering; and architectural material and façade variation requirements for industrial and office uses.

3.1 Transportation and Concurrency

Comprehensive Plan and LDC Standards: Background Conditions

The requested land use and zoning actions will significantly expand the PUD beyond the limits of the City Commission's 2017 approval through Ordinance No. 5658. The subject property is located within the Urban Development Area as designated in the Comprehensive Plan, with a Level of Service (LOS) "E" Roadway Standard subject to multi-modal conditions being required for transportation concurrency approval, including transit service with at least 60-minute frequencies, availability of transit shelters, multi-use trail linkages and internal grid network requirements.

It is acknowledged that sufficient retail does not exist in southwestern Lakeland to support the employment centers that have historically characterized the area and the significant amount of residential development that has continued over the past 20 years. The proposed Neighborhood Activity Center is intended to address this retail deficit and provide more proximate shopping and dining opportunities with the Publix at County Line retail center located at the West Pipkin Road/County Line Road intersection, approximately 2.6 miles to the west. The Comprehensive Plan describes the Neighborhood Activity Center (NAC) as intended to accommodate the shopping needs of persons living within the immediate surrounding neighborhoods with uses including grocery store, drug store, few other small retail and office uses in a contiguous building or on outparcels. The Comprehensive Plan further goes on to state that the NAC future land use is intended to promote walkable neighborhoods with access to healthy foods, exceptions may be made to the general characteristics for Convenience Center site size, gross leasable area and/or separation distance where found compatible with surrounding uses and proposing a neighborhood level grocery as the primary use; the site shall be governed by PUD zoning, employ site design that maximizes walkability and compatibility, and exclude uses that are primarily auto-oriented. The introduction of limited auto-oriented uses within Parcel A1 (NAC land use) is being balanced with other employment and smaller-scale retail uses that are permitted in the BP portions of the larger development site and to prevent turning West Pipkin Road into a linear (strip) commercial corridor following Polk County's transportation improvement investment in excess of \$55 million.

Most of the surrounding road network is operated by Polk County, including West Pipkin Road, Old Medulla Road, Waring Road and Yates Road. Airside Center Drive along the western and northern boundary of the subject property is a private roadway owned by Lakeland International Airport. Per the

2023 Roadway Network Database as published by the Polk Transportation Planning Organization on October 13, 2023, West Pipkin Road has an Annual Average Daily Traffic (AADT) volume of 10,400 vehicles, with a two-hour average of 363 eastbound and 378 westbound vehicles. During the P.M. Peak, this segment operates at an acceptable Level of Service (LOS) “C” assuming a four-lane capacity. Old Medulla Road has an AADT of only 600 vehicles, with a two-hour average of 21 eastbound and 22 westbound vehicles during the P.M. Peak, operating at an acceptable LOS “C”. Waring Road between Old Medulla Road and State Road 570 (Polk Parkway) has an AADT of 10,900 vehicles, with a two-hour average of 481 northbound and 500 southbound vehicles during the P.M. Peak.

Binding Concurrency Determinations

For binding concurrency determinations, Concurrency Management Ordinance No. 5293 states that a Certificate of Concurrency shall be issued for a development approval and remain in effect for the same period of time as the development approval with which it is issued. The LDC defines Development Approvals as final subdivision plat approval, final site plan approval and building permit. Transportation concurrency certificates shall be valid for 36 months, with an additional one-year extension available through administrative approval by the Director of Community & Economic Development. For commercial subdivisions, development activity receives concurrency approval at individual site plan approval. For large, multi-phased developments, extended concurrency approvals with on- and off-site mitigation is allowed through Development Agreements such as those executed for Riverstone, Hawthorne Ranch and Lakeside Preserve/Prose Lakeland in compliance with the Florida Local Government Development Agreement Act, Sections 163.3220 – 163.3243, *Florida Statutes*.

Committed Transportation Projects and Mitigation from Nearby Development Activity

To accommodate growth within southwest Lakeland, several key transportation projects have been undertaken by public agencies or required through PUD zoning approvals and/or Development Agreements with the private sector. Polk County is currently reconstructing West Pipkin Road between State Road 37 (S. Florida Avenue) and Medulla Road, including a four-lane widening between Harden Boulevard and Medulla Road and a three-lane reconstruction east of Harden Boulevard. These corridor improvements are expected to be completed in Fall 2024. In Fall 2024, the Florida Department of Transportation is expected to begin construction of a roundabout at the State Road 572 (Drane Field Road)/Waring Road intersection, which will replace the existing traffic signal at this location that operates at an unacceptable level-of-service. The roundabout has been designed to support the four-lane widening of Waring Road between Drane Field and West Pipkin Roads, which is classified as a Cost-Feasible Project in the TPO’s *Momentum 2045* long-range transportation and for which a cross-section and alignment were recommended in the City’s Waring Road Alignment Study completed in 2003. To date, no subsequent project phases for the Waring Road corridor have been programmed in a City, County or FDOT Work Program.

The nearby Riverstone, Hawthorne Ranch, Prose Lakeland Apartments and Lakeside Preserve developments are subject to executed Development Agreements with the City Commission requiring payments for road widening, intersection improvement, transit capital and transit operation mitigation measures to address projected multi-modal level-of-service deficiencies. Riverstone has extended Medulla Road from West Pipkin Road to its shared western boundary with Hawthorne Ranch, whose developer is required to complete the extension to a new north-south collector roadway it is constructing between West Pipkin Road and Ewell Road called “Peachleaf Street”. Riverstone has recently completed installation of a traffic signal at the Medulla Road/West Pipkin Road intersection while Hawthorne Ranch is required to conduct signal warrant analysis at the West Pipkin Road/Peachleaf Street and Ewell Road/Peachleaf Street intersections. Neither Riverstone nor Hawthorne Ranch have been granted City Transportation Impact Fee Credits for their portions of

Medulla Road or Peachleaf Street. To address its impacts on Waring Road, Riverstone's developer and the City Commission executed a Proportionate-Share Agreement (Recorded on July 22, 2020, Book 11307/Pages 838-853) through which it paid and received City Transportation Impact Fee credits totaling \$1,402,465 for its share of the cost to widen Waring Road north of Old Medulla Road as well as improvements to the Drane Field Road/Waring Road intersection.

The subject property is served with fixed-route transit service via the Lakeland Area Mass Transit District's (Citrus Connection) Coral Line, with 90-minute frequencies from the Wal-Mart at Imperial Boulevard transfer point to Lakeside Village, Airside Center/GEICO, Riverstone and County Line Road Publix (Gresham Village). Developments on properties not included within LAMTD's boundaries, within which a half-mill ad valorem tax is granted for transit services within the Lakeland area, are required to submit annexation petitions to the LAMTD Board of Directors for action and if approved, provided to the City Commission for ratification. Development approvals for GEICO's expansion project on Aviation Drive, County Line Publix, Mosaic SOLA apartment community and Prose Lakeland apartment community have included transit shelter installation and depending on location, bus bay installation. As required by Riverstone's Development Agreement with the City of Lakeland, a separate Funding Agreement has been executed with LAMTD (Recorded on July 2, 2021, Book 11787/Pages 1127-1129) through which the developer is providing \$100,000 per year for five years for operating costs of expanded transit service for what has become the Coral Line. As required by the Hawthorne Development Agreement with the City, a separate Funding Agreement was executed with LAMTD (Recorded on August 23, 2022, Book 12390/Pages 1961-1965) through which the developer will pay for the purchase of a bus over a three-year period in exchange for City Transportation Impact Fee Credits.

Adjacent to the subject property, West Pipkin Road is part of a Proposed Pathways Corridor linking southwest Lakeland with the Lake-to-Lake Bikeway and Downtown Lakeland. Sidewalks and bicycle lanes are being incorporated into the on-going West Pipkin Road four-lane widening project west of the Old Highway 37/Harden Boulevard intersection. The Medulla Road Extension and Peachleaf Street projects constructed through Riverstone and Hawthorne Ranch include a ten-foot-wide pathway on one side of the street, a sidewalk on the opposite side of the street and four-foot-wide paved shoulders. A ten-foot-wide pathway segment has also been constructed with nearby development including the GEICO Expansion project on Aviation Drive.

Access Management

Section 4.2.4 of the LDC includes West Pipkin Road as a Type I roadway between Old Highway 37 and County Line Road. Type I roadways are of particular significance for freight movement and high-capacity connectivity to Lakeland's urban core. To minimize local traffic and improve corridor efficiency and safety, the LDC requires that access to development sites on Type I roadways be controlled, with cross-access and/or service roads to adjacent properties and improvements to adjacent corridors. As a recent example, the County Line Publix retail center project that opened in 2021 includes a backage road parallel to County Line Road between West Pipkin Road to Ralston Road called "Gresham Farms Road", which minimizes driveway connections to both significant roadways and distributes traffic around the West Pipkin Road/County Line Road intersection. No City Transportation Impact Fee Credits have been granted for this access road.

The subject PUD project area includes two internal access roads that are currently under construction by the property owner/developer. An east-west road extends Aviation Drive between Airside Center Drive and Old Medulla Road and a north-south road connects the Aviation Drive Extension to West Pipkin Road along the east side of Parcel A1. During the right-of-way acquisition phase for the West Pipkin Road four-lane widening project, the developer and County coordinated the design and installation of a new traffic signal on West Pipkin Road at the north-south spine road. With this new signalized intersection, the West Pipkin Road design includes a full median at Old Medulla Road,

restricting that intersection to right-in/right-out operations. At the property owner's/developer's request, these two internal access roads will be dedicated to the City of Lakeland as public right-of-way upon completion and acceptance by the City.

Lakeland Airpark Traffic Analysis

The original Lakeland Airpark traffic study prepared by Raysor Transportation Consulting, LLC in May 2017 was based on a development program containing 320,000 square feet of light industrial, 150,000 square feet of general office and 25,000 square feet of specialty retail uses. This development program was expected to generate 4,916 Daily, 592 AM Peak Hour (501 Enter/91 Exit) and 598 PM Peak Hour (103 Enter/495 Exit) trips. As the development area has expanded and evolved, subsequent analyses were conducted to evaluate turn lane needs for the development area on West Pipkin and Old Medulla Roads.

For the current expanded land use and zoning requests, an initial traffic study was conducted in 2023 and submitted with a Major Traffic Study Supplement prepared by Michael Raysor, P.E., Raysor Transportation Consulting, dated March 11, 2024. This analysis and supplement evaluated a revised development program of uses proposed by the property owner/developer:

- Code 150 (Warehouse): 942,450 sf
- Code 180 (Special Trade Contractor): 22, 500 sf
- Code 710 (General Office): 21,700 sf
- Code 934 (Fast-Food w/ Drive-Through): 5,000 sf
- Code 937 (Coffee/Donuts w/ Drive-Through): 3,000 sf
- Code 937 (Coffee/Donuts w/ Drive-Through): 3,000 sf
- Code 821 (Commercial, 40-150 ksf): 40,000 sf

City staff views these proposed uses as representing a conservative development program for trip generation purposes only since auto-oriented uses are not generally supported by the NAC definition in the Comprehensive Plan. This assumed development program is estimated to generate a total driveway volume of 10,294 Daily, 1,027 A.M. Peak Hour (593 Enter/434 Exit) and 841 P.M. Peak Hour (367 Enter/474 Exit) trips. With application of pass-by capture rates (estimated traffic that is already on adjacent roadways) for Codes 934, 937 and 821, the estimated *new* external volume of the proposed development is 8,624 Daily, 887 A.M. Peak Hour (523 Enter/364 Exit) and 691 P.M. Peak Hour (292 Enter/399 Exit) trips. The 2023 analysis and 2024 Supplement evaluate a 2026 horizon year with vested trips from Hawthorne, Lakeside Preserve/Prose Lakeland and Mosaic SOLA Apartments (Riverstone was considered substantially built-out) and a two-percent annual growth rate.

Based on the conclusions of this traffic study, the post-development generalized volume-to-capacity ratio on Waring Road (Old Medulla Road to Drane Field Road) during the P.M. Peak Period is expected to be 1.03 and 1.16 in the northbound and southbound directions, respectively. Since the planning-level capacity analysis projects a level-of-service failure, Section 10.3.3 (Major Traffic Study Review Requirements) of the LDC requires that a more detailed arterial segment analysis be conducted. The 2023 analysis prepared by Mr. Raysor includes a more detailed segment analysis for this portion of Waring Road, which concludes that the corridor is operating at LOS "B". At the Waring Road/Old Medulla Road intersection, located approximately 1,000 feet east of the eastern boundary for Parcel B2, the eastbound approach operates at LOS "F" in the background (without subject development traffic) and post-development conditions; however, the approach delay increases from 54.6 seconds to 173.3 seconds. While the traffic study evaluates the performance of a traffic signal and roundabout at this location from a level-of-service standpoint, a formal signal warrant analysis will be necessary prior to first site plan approval with coordination with the property owner and County regarding timing and funding of any signal that is warranted. Additional segment analyses will also be necessary for West Pipkin Road between Harden Boulevard and State Road 37 (S. Florida Avenue)

since the development is “significant” (consuming more than five percent of the directional capacity) in the westbound direction on the sub-segment west of Old Highway 37 (Bonefish Grill) while the eastbound direction was completely closed for construction from January 2022 to March 2024. The purpose of this analysis is to confirm the expected eastbound background and post-development level-of-service and whether the proposed development would have an “adverse” impact that would require mitigation.

City Staff Comparison of Existing and Proposed Land Uses for Parcel A1

City staff has prepared a trip generation comparison between the maximum potential uses in the existing Business Park (BP) and Neighborhood Activity Center (NAC) land uses. For the BP land use, approximately 174,000 square feet of Land Use Code 770 (Business Park) as defined in the Institute of Transportation Engineers’ (ITE) *Trip Generation Manual, 11th Edition* was evaluated, assuming a maximum .5 Floor Area Ratio (FAR) on 7.97 acres (347,173 square feet) as stated in the Comprehensive Plan. Daily trip generation is estimated to range between 2,165 and 2,564 vehicles. The A.M. Peak Hour of Adjacent Street Traffic (7 A.M. to 9 A.M.) trip generation is estimated to range from 230 to 235 vehicles. The P.M. Peak Hour of Adjacent Street Traffic (4 P.M. to 6 P.M.) trip generation is estimated to range from 212 to 237 vehicles.

For NAC, ITE Land Use Code 821 (Shopping Plaza (40-150K) w/o Supermarket) formed the basis of a hypothetical trip generation analysis. The maximum .75 FAR contained in the Comprehensive Plan would allow 260,380 square feet of retail uses; however, NAC description in Comprehensive Plan includes Gross Leasable Area (GLA) range of 10,000 square feet to 150,000 square feet. Based on maximum 150,000 GLA, this retail land use could generate 10,128 Daily trips; 260 A.M. Peak Hour of Adjacent Street Traffic (7 A.M. to 9 A.M.) trips and 779 P.M. Peak Hour of Adjacent Street Traffic (4 P.M. to 6 P.M.) trips. While a potential NAC development program would generate more trips than BP land use, the PUD would limit the total amount of new external trips that would be generated for concurrency purposes, with total driveway trips, including pass-by capture trips, being evaluated at the time of site plan submittal.

3.2 Comprehensive Plan Compliance

The Community and Economic Development Department reviewed this request for compliance with the Lakeland Comprehensive Plan: Our Community 2030 and it is our opinion that the request is consistent with the Comprehensive Plan. Actual construction is subject to final concurrency determinations at the time of subdivision plat and construction plan review.

4.0 Recommendation

4.1 Community and Economic Development Staff

The Community & Economic Development Department reviewed this request and recommends approval of the change in Future Land Use classification from Business Park (BP) to Neighborhood Activity Center (NAC) concurrent with a City initiated application to change to context sub-district from Suburban Special Purpose (SSP) to Suburban Center (SCT) on approximately 7.97 acres; a change in zoning from I-2 (Medium Industrial) to PUD on approximately 65.5 acres; application of PUD zoning on approximately 16.9 acres of unzoned property; and a major modification of Planned Unit Development (PUD) zoning to incorporate an additional 82.4 acres and allow for a mix of office, commercial and industrial uses. Letters of notification were mailed to 101 property owners within 500 feet of the subject property. No calls or emails were received in objection of this request.

4.2 Planning & Zoning Board

It is recommended that the request for a small-scale land use map amendment, to change the future land use designation from Business Park (BP) to Neighborhood Activity Center (NAC), concurrent with a City-initiated application to change the context sub-district from Suburban Special Purpose (SSP) to Suburban Center (SCT) on approximately 7.97 acres; change in zoning from I-2 (Medium Industrial) to Planned Unit Development (PUD) on approximately 65.5 acres; application of PUD zoning on approximately 16.9 acres of unzoned property; and major modification of PUD zoning to incorporate an additional 82.4 acres and allow for a mix of office, commercial and industrial uses as described above and in Attachments “A,” “B” and “C” be approved subject to the following conditions:

Ordinance 5658 as amended:

A. Permitted Uses

1. Parcel Pod “A1”

Uses shall include those permitted by right within the C-4 (Community Center Commercial) zoning district, subject to the following modifications:

- a. Parcel “A1” shall be limited to no more than one (1) “fast-food” restaurant with drive-through facilities and one (1) “fast-casual” restaurant.
- b. Parcel “A1” shall be limited to no more than one (1) minor motor vehicle fuel sales use, as defined by Section 2.6 of the Land Development Code. Major motor vehicle fuel sales shall be prohibited.

~~Banks, credit unions and savings and loan associations~~

~~Convenience stores with motor vehicle fuel sales~~

~~Office uses, government and non-government~~

~~Office support retail uses~~

~~Restaurants, low turnover, sandwich shops and snack bars~~

2. Parcels Pod “A2,” “A3,” “B1,” “B2” and “D”

Uses shall include those permitted by right within the I-2 (Medium Industrial) zoning district, subject to the following modifications:

- a. The following additional uses shall be permitted:

~~Bathroom and kitchen contractor showrooms~~

~~Interior decorator showrooms~~

~~Lighting fixture showrooms~~

~~Mini-warehouses~~

~~Office uses, government and non-government~~

Office Uses, Medical and Non-Medical

Office-Type Research and Development Facilities

Blood Banks and Plasma Collection Facilities

Hospitals and Emergency Rooms

~~Other uses whose operating characteristics are similar to the above and are deemed compatible with surrounding land uses, as determined by the Director of Community Development.~~

3. Pods Parcel "C" and "D"

Uses shall include those permitted by right in the O-3 (Moderate Impact Office) zoning district, subject to the following modification(s):

- a. Restaurants, high turnover and low turnover, may be permitted but limited to only one (1) "pick-up/carry-out" window for mobile and online ordering. This provision shall not be construed to permit drive-through uses and drive-through facility equipment such as, but not limited to, kiosks, call boxes, and menu boards, which shall be prohibited.

~~Bathroom and kitchen contractor showrooms~~

~~Carpet and flooring stores~~

~~General warehousing and storage~~

~~Industrial uses, Level I~~

~~Industrial service uses, Level I, but not automobile towing services~~

~~Interior decorator showrooms~~

~~Mini-warehouses~~

~~Office uses, government and non-government~~

~~Office type research and development facilities~~

~~Retail building materials sales, Level I~~

~~Upholstering, but not furniture stripping~~

~~Wholesale trade uses, Level I~~

~~Other uses whose operating characteristics are similar to the above and are deemed compatible with surrounding land uses, as determined by the Community and Economic Development Director.~~

- B. Site Development Plan: The project shall be developed in substantial accordance with the conceptual site development plan, Attachment "C." With the approval of the Director of Community and Economic Development, minor modifications may be made at the time of site plan review without requiring a modification of this PUD.

C. Development Regulations:

1. Pods Parcel "A1" and "B": In accordance with the C-4 / Suburban Center O-3/Suburban Corridor sub-district standards.
2. Parcels "A2," "A3," "B1," "B2" and "D": In accordance with the I-2 / Suburban Special Purpose sub-district standards.

- ~~23. Pod Parcel "C": In accordance with the O-3/Suburban Corridor I-2/Suburban Special Purpose sub-district standards.~~
3. ~~Pod "D": In accordance with the I-2/Suburban Special Purpose sub-district standards except any building elevations visible from Old Medulla Road shall be subject to the architectural materials and façade variation requirements specified by Sections 3.4.7.3 and 3.4.7.5 of the Land Development Code.~~
- D. Parking, Landscaping and Buffering: In accordance with the Land Development Code and the following:
1. Along the eastern boundary of Parcels "B2" and "D," a minimum 12 ft. wide buffer consisting of an 8-foot high opaque fence, and a double row of trees, each row having three trees for every 100 linear feet, shall be installed when the adjacent property is used as a residence; however, this shall not apply to areas where stormwater ponds are adjacent to the property line. Existing trees that are preserved may be used to meet the minimum number required by this condition.
- E. Outdoor Storage: There shall be no outdoor storage of goods or materials in ~~Pods~~ Parcels "A1," "C" and "B" "D." Outdoor storage shall be permitted in ~~Pods "C" and "D"~~ Parcels "A2," "A3," "B1" and "B2" provided:
1. The height of materials stored outside shall not exceed ten (10) feet;
 2. No outside storage of materials over six (6) feet in height may be located within fifty (50) feet of any property line of a residentially zoned or used lot;
 3. All areas of outside storage shall be kept in a neat, orderly condition, free of weeds, litter and debris, odor and vermin;
 4. No movement or arranging of materials stored outside shall occur between the hours of 10:00 p.m. and 6:00 a.m.;
 5. No outside storage of materials shall occur forward of the front wall of a principal building facing any public street.
- F. Building Service Areas: Loading docks, service bays and loading/unloading areas shall be prohibited along building facades that face a public roadway right-of-way. any property used for residential purposes. Within Parcels "B2" and "D," where adjacent to residential uses, building service areas shall be set back not less than 150 feet from the property boundary line abutting the residential use.
- G. Transportation & Site Access:
1. Binding concurrency determinations shall be made at the time of each final site plan submittal. Concurrency determinations shall be based on the cumulative trip generation of allowed uses on the subject property, with amount of new external trips not exceeding 8,624 Daily, 887 A.M. Peak Hour (523 Enter/364 Exit) and 691 P.M. Peak Hour (292 Enter/399 Exit). As an option to the standard concurrency determination process and duration allowed by the City's Concurrency Management Ordinance, the developer may enter into a multi-modal Development Agreement or Proportionate-Share Agreement to address transportation concurrency failures where the ultimate development program on the subject property has a significant and adverse impact. The Development Agreement will also address other off-site traffic signal or operational mitigation projects that are expected to be needed through development buildout.

2. Prior to the first site plan or preliminary plat submittal, whichever occurs first, the applicant shall submit a petition to annex the entire subject property into the Lakeland Area Mass Transit District Boundaries.
3. ~~In conjunction with nearby landowners and developers, the applicant and future site developers shall participate in any City or County task force that is established to plan and fund public-private transit partnerships in the southwestern Lakeland area to mitigate areawide transportation impacts generated by on-going residential and employment center activity in the vicinity of Lakeland Linder Regional Airport.~~
4. Transportation Demand Management: ~~Depending on the timing and scale of development activity on the subject property~~ Based on cumulative external trip generation for subject property and adjacent roadway level-of-service deficiencies at the time of this development, the following specific measures may be required of ~~specific end-users, including but not limited to~~ per Section 10.4.2 of Land Development Code, including:
 - a. Staggered work hours that prevent shift changes from occurring between 7 a.m. and 9 a.m. and 4 p.m. and 6 p.m.;
 - b. Shower and employee changing facilities for the first 40,000 square feet of office uses within each building with one additional facility being required for each additional 100,000 square feet of office space per building; ~~and/or~~
 - c. Employer purchase of transit passes for employees.; and/or
 - d. Participation in Florida Department of Transportation Commuter Assistance Program.
5. Off-Site Traffic Mitigation
 - a. ~~At the time of final site plan approval for the phase generating a cumulative 113 total PM Peak Hour external trips, the applicant shall signalize the Waring Road/Old Medulla Road intersection, subject to the submittal of a signal warrant and other operational analyses determined to be acceptable by Polk County. In the event that a signal is not determined to be warranted at that time, subsequent site plan submittals shall include updated warrant analyses until the signal is approved by Polk County and installed by the applicant. At the time that the Waring Road/Old Medulla Road intersection is signalized, the eastbound (western) intersection approach may be restriped to achieve a shared through /left turn lane and right turn lane configuration. Polk County will have final approval authority regarding turn lane configuration. Prior to first site plan submittal, the applicant shall complete a signal warrant analysis for the Old Medulla Road/Waring Road intersection. If a traffic signal is warranted or expected to be warranted by buildout, the applicant shall execute a proportionate-share funding agreement with the City and/or County for design and installation of the signal to ensure that it is operational prior to development on subject property being significant on this intersection.~~ Polk County will have final approval authority regarding final improvement package at this intersection as operator of Waring and Old Medulla Roads.
 - b. Prior to the final site plan approval representing a cumulative 50% of project buildout (299 ~~346~~ PM Peak Hour external trips), the applicant shall fund one additional hour of service for ~~Route #58~~ Coral Line between 5 p.m. and 6 p.m. as operated by the Lakeland Area Mass Transit District (LAMTD) or other equivalent service improvement that is approved by LAMTD. This service is intended to ensure that at least 60-minute route frequencies are available in the vicinity of the subject property during the entire PM Peak Period in support of the adopted level-of-service standards for the Urban Development Area.

- c. ~~Prior to final site plan approval for the project phase generating a cumulative 460 total PM Peak Hour external trips, the ultimate State Road 572 (Drane Field Road) / Waring Road intersection improvement package shall be funded in the first three years of a State or local Capital Improvement Program. In the event that this intersection capacity improvement is not committed at that time, the applicant may propose alternative mitigation improvements to allow for a favorable concurrency determination.~~

6. Site Access and Design

- a. Access points to the subject property shall be generally located as depicted in Attachment "C." Subject to final determinations and approval by Polk County at the time of permitting, the following access points will be allowed on West Pipkin and Old Medulla Roads:
- i. ~~West Pipkin Road at Pod "B" Spine Road east of Parcel A1: A~~ signalized full-movement intersection, with eastbound left- and westbound right-turn lanes being required on West Pipkin Road as constructed with four-lane widening project;
 - ii. ~~West Pipkin Road at Pod "A" Parcel C: A right-in/right-out driveway opposite Forestgreen Drive, subject to appropriate geometric modifications at median opening to prevent entering and exiting left-turns at this location at the far east end of Pod "A," with a westbound right turn lane being required on West Pipkin Road to accommodate allowable uses at this location provided that this access point is allowable by Polk County and sufficient right-of-way is available to accommodate any required right turn lane at this location;~~
 - iii. West Pipkin Road at Parcel D: A right-in/right-out driveway in event that parcel is not used for stormwater retention;
 - iii. ~~Old Medulla Road at Pod "A": A right-in/right-out driveway;~~
 - iv. ~~Old Medulla Road immediately north of Pod "A" at Aviation Drive Extension: A full-movement intersection that is coordinated with any access point constructed on the west side of Old Medulla Road aligns with drive aisle running north of Parcel C; and~~
 - v. Old Medulla Road at Parcels B1 and B2: A full-movement access with east- and westbound approaches in alignment;
 - vi. Old Medulla Road at Parcel B2: A full-movement driveway that shall align with Windee Avenue; and
 - vii. ~~Old Medulla Road at Pod "D" Parcel B2 : A full-movement access point with a westbound left turn lane. This access that shall align with Clements Road unless Polk County determines that such alignment is not possible or feasible.~~
- b. The internal road system shall be designed to City public road standards and be approved by the City Public Works Department. These roads shall be designed to structurally support commercial vehicles expected with a typical warehousing and business park development. Internal and external cross-access routes and connections depicted in Attachment "C" shall be formalized through easement agreements that are recorded with the Polk County Clerk of the Circuit Court. Proposed driveway connections to Airside Center Drive shall also be formalized through an agreement with Lakeland International Airport.
- c. ~~A minimum 12-foot wide multi-use trail shall be incorporated into the site design for all development activity fronting West Pipkin Road.~~

- d. Sidewalks shall be constructed along the subject property's Old Medulla Road and Airside Center Drive frontages and along both sides of all internal roads. Americans with Disabilities Act-compliant pedestrian routes shall be constructed between each principal building entrance and each frontage and internal road sidewalk.
- e. Street lighting meeting Lakeland Electric standards shall be installed along the internal roads and Old Medulla and West Pipkin Road project frontages.
- f. ADA-compliant transit stops, consisting of wheelchair deployment and bench pads, shall be constructed at locations ~~along the internal road system and at locations~~ determined to be acceptable by LAMTD or successor transit agency. A maximum of two transit shelters shall be required at locations ~~along the subject property's Old Medulla Road frontages and locations~~ determined to be acceptable by the transit agency and Polk County and subject to Building Permit issuance by the City Building Division. These transit stops may be installed concurrent with adjacent sidewalk construction.
- g. Bike parking shall be provided in close proximity to each principal building entrance in compliance with Land Development Code Section 4.11.6 and Index 900 of the City Engineering Standards Manual.
- h. Avigation Agreement: Prior to first site plan submittal, the developer/property owner shall sign an Avigation Agreement prepared by the City of Lakeland that is recorded with the Polk County Clerk of the Circuit Court.

ATTACHMENT "A"

Legal Description:

WEST PARCEL

A portion of the Northeast 1/4 of Section 9, Township 29 South, Range 23 East, Polk County, Florida, being more particularly described as follows:

COMMENCE at the Northeast corner of said Section 9; thence S.89°53'28"W., 63.00 feet along the Northerly boundary line of the Northeast 1/4 of Section 9 to the Westerly right-of-way line of OLD MEDULLA ROAD and the POINT OF BEGINNING; thence along said Westerly right-of-way line the following three courses: S.00°27'32"E., 35.00 feet; thence N.89°53'28"E., 13.00 feet; thence S.00°27'27"E., 901.14 feet to the Northeast corner of the property described in Official Records Book 9961, Page 1369 of the Public Records of Polk County, Florida; thence S.89°30'27"W., 607.79 feet along the Northerly boundary line of said property described in Official Records Book 9961, Page 1369 to the Northwest corner thereof; thence S.00°28'11"E. 430.27 feet along the Westerly boundary line of property described in Official Records Book 9961, Page 1369 to the Southwest corner thereof; thence N.89°30'23"E., 207.65 feet along the Southerly boundary line of property described in Official Records Book 9961, Page 1369 to the Northwest corner of property described in Official Records Book 2938, Page 679 of the Public Records of Polk County, Florida; thence S.00°26'40"E., 399.68 feet along the Westerly boundary line of said property described in Official Records Book 2938, Page 679 to the Southwest corner thereof; thence N.89°31'48"E., 400.19 feet along the Southerly boundary line of said property described in Official Records Book 2938, Page 679 to the Southeast corner thereof, said point being on the Westerly right-of-way line of OLD MEDULLA ROAD; thence along said Westerly right-of-way line the following course and curve: S.00°28'07"E., 515.62 feet to the beginning of a non-tangent curve concave to the Northwest having a radius of 359.26 feet; thence Southwesterly, 277.17 feet along said curve through a central angle of 44°12'16" (chord bears S.29°59'10"W., 270.35 feet) to the Northerly right-of-way line of PIPKIN ROAD; thence along said Northerly boundary line the following three courses: S.89°47'16"W., 253.21 feet; thence S.88°47'16"W., 213.33 feet; thence S.88°48'12"W., 708.27 feet to the Westerly boundary line of the property described in Official Records Book 10426, Page 2001 of the Public Records of Polk County, Florida; thence N.00°04'00"W., 2533.74 feet along the Westerly boundary line of said property described in Official Records Book 10426, Page 2001 to the Northwest corner thereof, said point also being on the Northerly boundary line of the Northeast 1/4 of said Section 9; thence N.89°53'28"E., 1281.30 feet along the Northerly boundary line of said property described in Official Records Book 10426, Page 2001 and said Northerly boundary line of the Northeast 1/4 of said Section 9 to the POINT OF BEGINNING.

Containing 65.50 Acres, more or less

EAST PARCEL

A portion of the Northwest 1/4 of Section 10, Township 29 South, Range 23 East, Polk County, Florida, being more particularly described as follows:

COMMENCE at the Northwest corner of said Section 10; thence N.89°50'01"E., 1338.89 feet along the Northerly boundary line of the Northwest 1/4 of said Section 10 to the Northeast corner of the West 1/2 of the Northwest 1/4 of said Section 10; thence along the Easterly boundary line of said West 1/2 the following two courses: S.00°24'39"E., 25.00 feet to the Southerly right-of-way line of MEDULLA ROAD and the POINT OF BEGINNING; thence continue S.00°24'39"E., 2512.75 feet to the Northerly right-of-way line of PIPKIN ROAD; thence along said Northerly right-of-way line the following two courses: S.89°54'02"W., 198.02 feet; thence N.86°37'50"W., 102.63 feet to the Westerly boundary line of the property described in Official Records Book 10429, Page 1752 of the Public Records of Polk County, Florida; thence N.00°21'56"W., 539.80 feet along said Westerly boundary line to the Northwest corner of said property described in Official Records Book 10429, Page 1752; thence S.89°54'02"W., 200.44

feet to the Northeast corner of property described in Official Records Book 4055, Page 200, of the Public Records of Polk County, Florida; thence S.00°22'01"E., 535.00 feet along the Easterly boundary line of said property described in Official Records Book 4055, Page 200 to the said Northerly right-of-way line of PIPKIN ROAD; thence along said Northerly right-of-way line the following six courses: S.89°54'02"W., 14.39 feet; thence S.52°47'57"W., 43.10 feet; thence S.89°54'02"W., 138.00 feet; thence N.53°08'07"W., 36.46 feet; thence N.89°10'05"W., 547.10 feet; thence N.37°10'32"W., 38.61 feet to the Easterly right-of-way line of OLD MEDULLA ROAD; thence N.00°27'27"W., 590.61 feet along said Easterly right-of-way line to the Southwest corner of property described in Official Records Book 4386, Page 319 of the Public Records of Polk County, Florida; thence N.89°53'50"E., 400.01 feet along the Southerly boundary line of said property described in Official Records Book 4386, Page 319 to the Southeast corner thereof; thence N.00°27'27"W., 1059.44 feet along the Easterly boundary line of said property described in Official Records Book 4386, Page 319 to the Northeast corner thereof; thence S.89°50'01"W., 400.01 feet along the Northerly boundary line of said property described in Official Records Book 4386, Page 319 to the Northwest corner thereof, said point also being the said Easterly right-of-way line of OLD MEDULLA ROAD; thence along said Easterly right-of-way line the following two courses: N.00°27'27"W., 765.79 feet; thence N.44°45'13"E. 69.51 feet to the said Southerly right-of-way line of MEDULLA ROAD; thence N.89°50'01"E., 1239.54 feet along said Southerly right-of-way line to the POINT OF BEGINNING.

Containing 61.88 Acres, more or less

Future Land Use Change BP to NAC

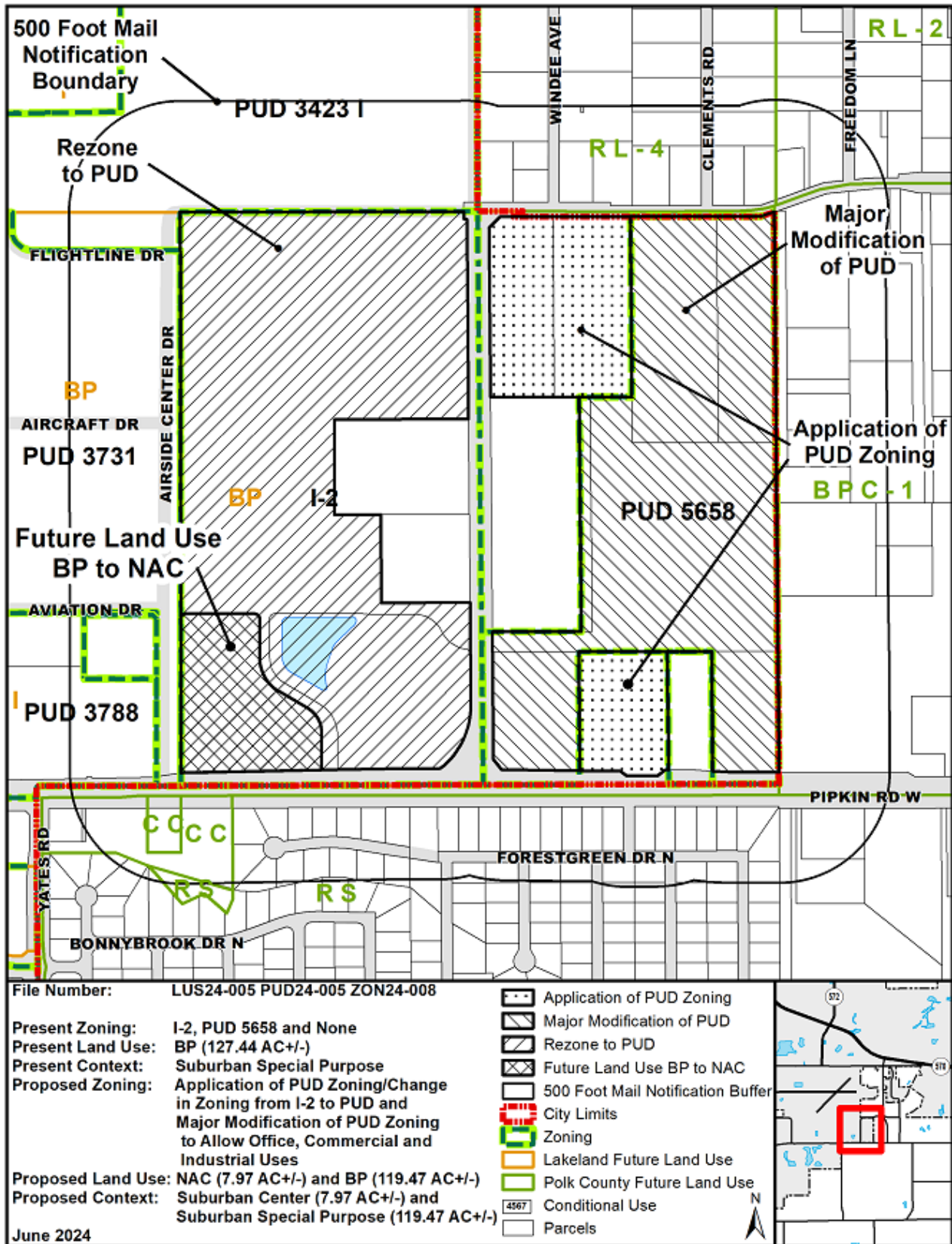
LEGAL DESCRIPTION: (Parcel A1)

A portion of the Northeast 1/4 of Section 9, Township 29 South, Range 23 East, Polk County, Florida, being more particularly described as follows:

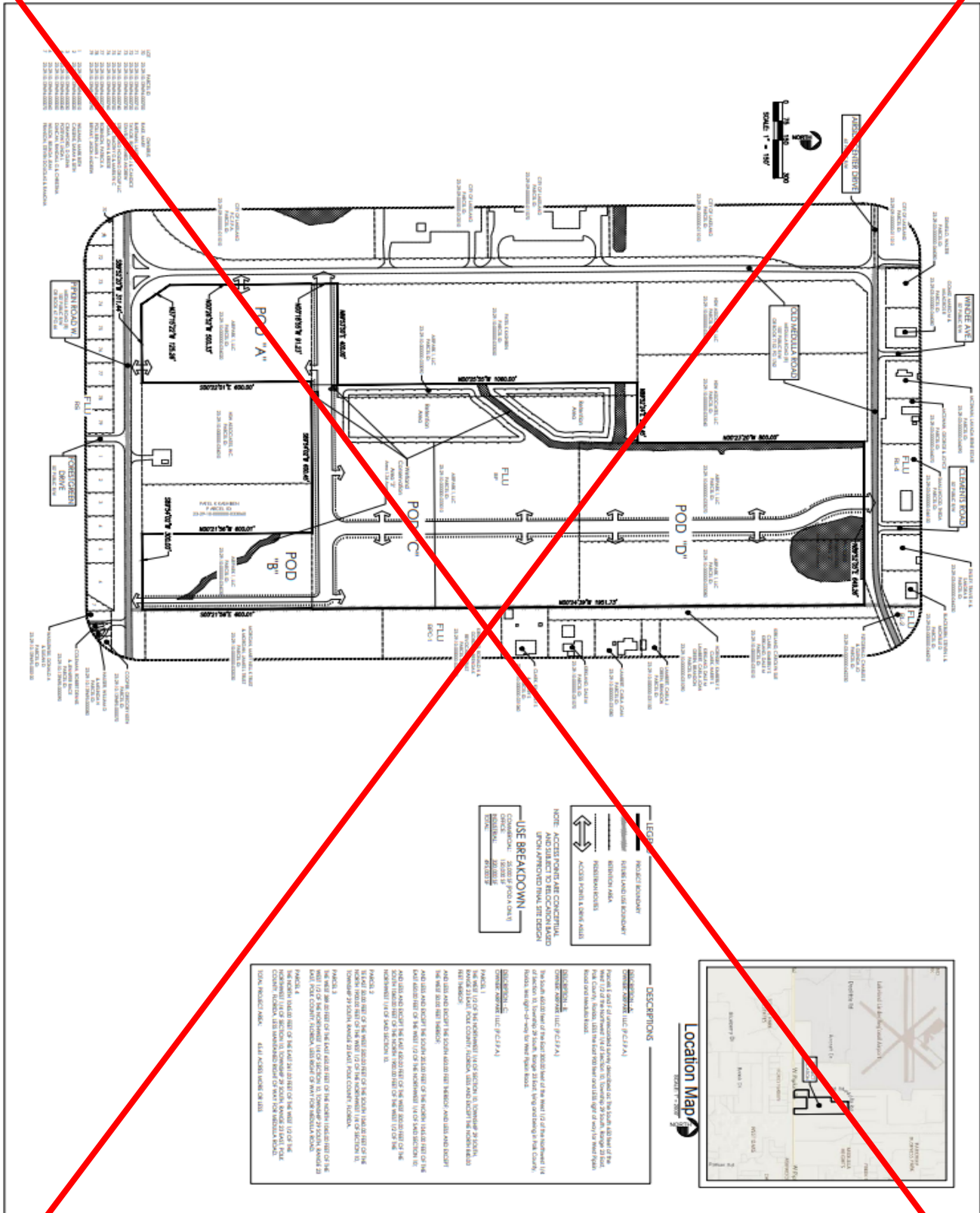
COMMENCE at the Southeast corner of the said Northeast 1/4 of said Section 9; thence S.89°47'16"W., 726.32 feet along the Southerly boundary line of the Northeast 1/4 of said Section 9; thence N.00°04'00"W., 120.51 feet to the Northerly right-of-way line of PIPKIN ROAD and the POINT OF BEGINNING; thence S.88°48'12"W., 636.12 feet along said Northerly right-of-way line to the Westerly boundary line of property described in Official Records Book 10429, Page 2001, of the Public Records of Polk County, Florida; thence N.00°4'00"W., 694.03 feet along said Westerly boundary line to the beginning of a curve concave to the Southeast having a radius of 25.00 feet; thence Northeasterly, 39.27 feet along said curve through a central angle of 90°00'00" (chord bears N.44°56'00"E., 35.36 feet); thence N.89°56'00"E., 307.00 feet to the beginning of a curve concave to the Southwest having a radius of 25.00 feet; thence Southeasterly, 39.27 feet along said curve through a central angle of 90°00'00" (chord bears S.45°4'00"E., 35.36 feet); thence S.00°04'00"E., 175.25 feet to the beginning of a curve concave to the Northeast having a radius of 175.00 feet; thence Southeasterly, 181.34 feet along said curve through a central angle of 59°22'23" (chord bears S.29°45'11"E., 173.34 feet); thence S.59°26'23"E., 152.07 feet to the beginning of a curve concave to the Southwest having a radius of 127.00 feet; thence Southeasterly, 131.60 feet along said curve through a central angle of 59°22'23" (chord bears S.29°45'11"E., 125.79 feet); thence S.00°04'00"E., 168.89 feet to the POINT OF BEGINNING.

Containing 7.97 Acres (347051.20 Square Feet), more or less.

ATTACHMENT "B"

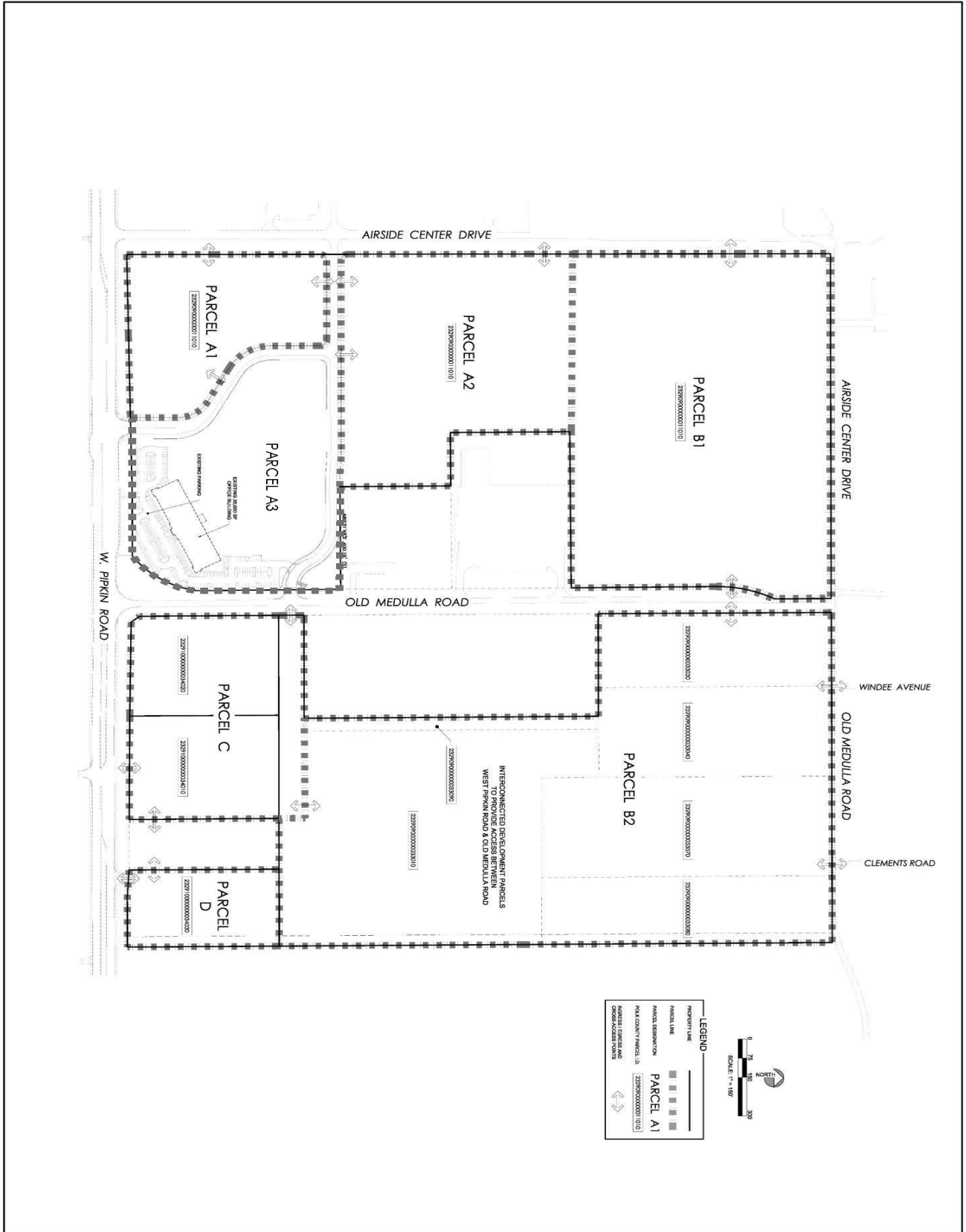


ATTACHMENT "C"



<p>1</p>	<p>LANDMARK Engineering & Surveying Corporation</p> <p>8515 Palm River Road Orlando, FL 32817-7841 www.landmark.com</p> <p>Tampa, Florida 33619 813-664-1182 (toll) C.A. # 20014</p>	<p>AIRPARK 1, LLC 1020 LEIGH STATION ROAD HENRIETTA, NY 14467 PHONE (877) 523-1447 FAX (585) 334-9756</p>	<p>AIRPARK SITE LAKELAND POLK COUNTY, FLORIDA</p> <p>REZONING PLAN</p>	<p>DATE: 2017-02-20 DRAWN BY: JTF CHECKED BY: EEM SCALE: 1"=20'-0"</p>	<p>E. CHERETT METROFF, P.E., 3006 PROFESSIONAL ENGINEER</p>
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ATTACHMENT "C"



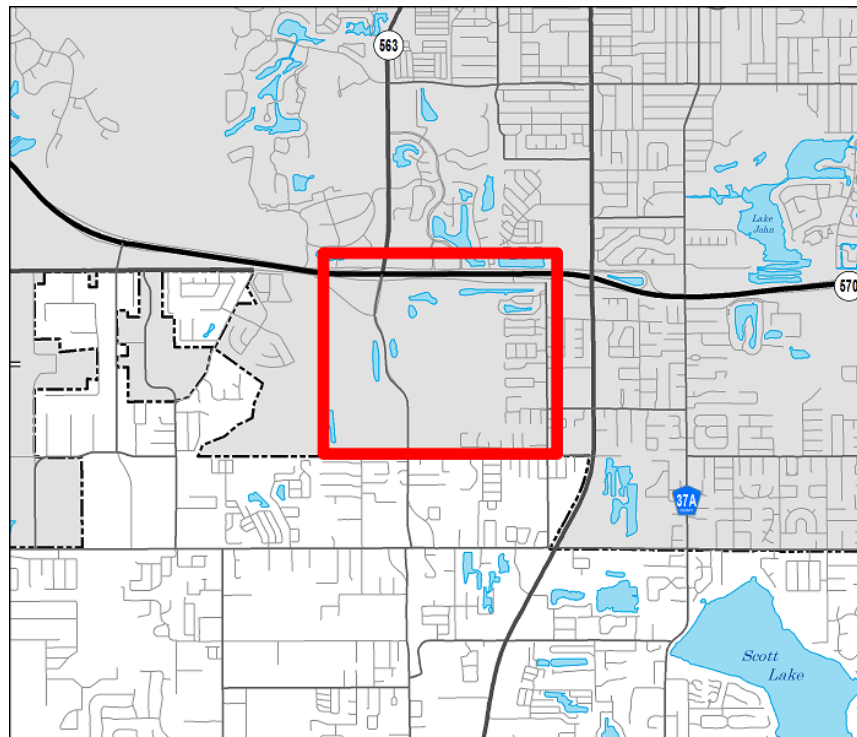
1	<p>8515 Palm River Road (813) 621-7941 www.lssc.com</p> <p>Tampa, Florida 33619 (813) 621-6761 (fax) C.A. # 29014</p>	<p>CENTRAL FLORIDA DEVELOPMENT P.O. BOX 230 HENRIETTA, NY 14467-0230 PHONE (877) 523-1647</p>	<p>AIR PARK SITE CITY OF LAKELAND, FLORIDA</p> <p style="text-align: center;">REZONING PLAN</p>	<p>DATE: 2024-02-28</p> <p>SCALE: 1" = 150'</p>	<p>Elevations based on NORTH AMERICAN VERTICAL DATUM 1988 (NAVD88) Conversion from NAVD88 to NAD83 = +10.86 Feet</p>
1					<p>E. EVERETT MORROW No. 33683 PROFESSIONAL ENGINEER</p>



Community & Economic Development Staff Recommendation

Date:	August 20, 2024	Reviewer:	Damaris Stull
Project No:	LUS24-009 PUD24-011 ZON24-009	Location:	3838 Harden Blvd
Owner:	Drummond Company Inc.		
Applicant:	Timothy F. Campbell, Clark, Campbell, Lancaster, & Munson, P.A.		
Current Zoning:	(PUD) Planned Unit Development 4873	Future Land Use:	Regional Activity Center (RAC)/Residential Medium (RM)/Conservation (C)
Context District:	Suburban Neighborhood (SNH)/ Suburban Corridor (SCO)		
P&Z Hearing:	July 16, 2024	P&Z Final Decision:	August 20, 2024
Request:	<p>a. A small- scale map amendment to change the future land use designations from Conservation (C) to Regional Activity Center (RAC) on approximately 5.71 acres; from Conservation (C) to Residential Medium (RM) on approximately 3.22 acres; from Regional Activity Center (RAC) to Residential Medium (RM) on approximately 0.57 acres; from Residential Medium (RM) to Conservation (C) on approximately 16.30 acres; and from Residential Medium to Regional Activity Center (RAC) on approximately 10.50 acres.</p> <p>b. A major modification of PUD (Planned Unit Development) zoning, concurrent with a City-initiated application to change the context sub-district designation from Suburban Corridor (SCO) and Suburban Neighborhood (SNH) to Suburban Special Purpose (SSP) on approximately 98.21 acres, to allow for the development of a 400-bed hospital, 200,000 sq. ft of medical office uses, 204,000 sq. ft. of retail commercial uses, and 250 multi-family dwelling units on approximately 218 acres generally located south of S. Parkway Frontage Road and east of Harden Boulevard.</p>		

1.0 Location Maps





File Number: LUS24-009 PUD24-011 ZON24-009

Present Zoning: Multiple
 Present Land Use: CON (53.8 AC+/-) RAC (82.8 AC+/-) RM (81.4 AC+/-)
 Present Context: Suburban Corridor and Suburban Neighborhood
 Proposed Zoning: Major Modification of PUD Zoning to Allow a 400-bed Hospital, 200,000 sq. ft. of Medical Office Uses, 204,000 sq. ft. of Retail Commercial Uses and 250 Multi-Family Dwelling Units
 Proposed Land Use: CON (61.37 AC+/-) RAC (98.21 AC+/-) RM (58.42 AC+/-)
 Proposed Context: Suburban Neighborhood and Suburban Special Purpose

- Subject Property - 218 AC+/-
- 500 Foot Mail Notification Boundary
- Zoning
- Lakeland Future Land Use
- Conditional Use
- SPI
- Parcels
- Water Body

- CON TO RAC - 5.71 AC+/-
- CON TO RM - 3.22 AC+/-
- RAC TO RM - .57 AC+/-
- RM TO CON - 16.30 AC+/-
- RM TO RAC - 10.50 AC+/-



2.0 Background

2.1 Summary

Timothy Campbell, Clark, Campbell, Lancaster, & Munson, P.A., on behalf of the Drummond Company, Inc., requests:

- a. A small- scale map amendment to change the future land designations from Conservation (C) to Regional Activity Center (RAC) on approximately 5.71 acres; from Conservation (C) to Residential Medium (RM) on approximately 3.22 acres; from Regional Activity Center (RAC) to Residential Medium (RM) on approximately 0.57 acres; from Residential Medium (RM) to Conservation (C) on approximately 16.30 acres; and from Residential Medium to Regional Activity Center (RAC) on approximately 10.50 acres.
- b. A major modification of PUD (Planned Unit Development) zoning, concurrent with a City-initiated application to change the context sub-district designation from Suburban Corridor (SCO) and Suburban Neighborhood (SNH) to Suburban Special Purpose (SSP) on approximately 98.21 acres, to allow for the development of a 400-bed hospital, 200,000 sq. ft of medical office uses, 204,000 sq. ft. of retail commercial uses, and 250 multi-family dwelling units on approximately 218 acres generally located south of South Parkway Frontage Road and east of Harden Boulevard. A map of the subject property is included as Attachment "B."

2.2 Subject Property

The subject property, approximately 218 acres in area, is located within the southeast quadrant of the Oakbridge Development of Regional Impact (DRI), south of State Road 570 (Polk Parkway) and South Parkway Frontage Road, and east of State Road 563 (Harden Boulevard). To the north and east, the subject property abuts professional office uses and properties zoned for single-family or multi-family residential uses. To the south, the subject property abuts the St. Paul Lutheran Church & School campus and single-family/two-family residential uses located north of W. Alamo Drive.

The subject property consists of multiple parcels with three different land use classifications. The northwest portion adjacent to the Polk Parkway/South Parkway Frontage Road and Harden Boulevard consists of 82.8 acres with a future land use designation of Regional Activity Center (RAC). The eastern portion consists of 81.4 acres with a future land use designation of Residential Medium. The remaining portion of the subject property, located to south, is comprised of 53.8 acres of former phosphate mine land lands which are unsuitable for development and have a future land use designation of Conservation (C).

The subject property is currently zoned Planned Unit Development (PUD) as specified by Ordinances 3440 and Ordinance 4329, as amended by 4873. Ordinance 3440 was adopted as part of zoning conformance in 1993 and addressed a large portion of the City located south of Drane Field Road and east of Lakeland Linder International Airport. While the PUD included the southeast quadrant of the Oakbridge DRI, it did not provide any zoning entitlements for the subject property which was simply assigned a designation of PUD-0 as a placeholder.

In 2002, a 9.69-acre portion of the subject property located at the southeast corner of Harden Boulevard and S. Parkway Frontage Road was rezoned from PUD-0 to PUD-40 through the adoption of Ordinance 4329 which allowed for the development of a 90-room hotel and a sit-down restaurant with a maximum floor area of 9,426 sq. ft. In 2007, through a major modification (Ordinance 4873), the PUD zoning was amended to allow for either a 90-room hotel and 9,426 sq. ft. restaurant, or two hotels with a maximum of 225 rooms and a maximum height of five-stories or 65 feet.

The subject property is located within the Oakbridge Development of Regional Impact (DRI), which was originally approved in 1987. In 2012, a Substantial Deviation to the DRI was initiated and approved through the 2018 Amended and Restated Development Order via Resolution No. 5447, representing the latest significant change to the DRI Master Plan and Development Order. The 2018 Development Order changed 121 acres from Residential Medium (RM) to approximately 67.13 acres of Regional Activity Center (RAC) and 54.03 acres of Conservation (C) land use. A separate request to modify the DRI Master Plan to reflect the new proposed development program has been submitted for consideration by the City Commission.

2.3 Project Background

The purpose of this request is to amend the future land use and zoning to allow for the development of a 400-bed hospital, 200,000 sq. ft. of medical offices uses, 204,000 sq. ft. retail commercial uses, and up to 250 multi-family dwelling units in lieu of the existing entitlements. The first phase of development includes the hospital and associated medical office uses. A revised site development plan which shows the footprint of the proposed hospital along with off-street parking, internal driveways and stormwater retention areas is included as Attachment "C". For future development phases, the applicant is requesting general use allowances for future development of retail commercial and multi-family residential uses. The uses would allow for development by-right in accordance with the Land Development Code, and unlike the first phase would not be subject to a binding site development plan

2.4 Existing Uses of Adjacent Properties

Boundary	Existing Land Use	FLUM	Zoning	Context
North	Polk Parkway (SR 570), Professional Office, Multi-Family Residential	RAC/RM	PUD	SCO
South	Religious/Educational, Single-Family/Two-Family Residential	RM	RA-3/RB-1	SNH
East	Single-Family/Two-Family Residential	RM	PUD/RA-3/LD	SNH
West	Vacant Land, Single-Family Residential	RM	RA-1/LD	SNH

2.5 Attachments

Attachment A: Legal Description

Attachment B: Base Map of Subject Property

Attachment C: Site Development Plan

3.0 Discussion

The first part of the application consists of a small-scale map amendment to adjust the boundaries of the existing future land use designations within the subject property:

- Regional Activity Center (RAC), on approximately 82.8 acres;
- Residential Medium (RM), on approximately 81.4 acres; and
- Conservation (C), on approximately 53.8 acres.

As depicted on Attachment "B," approximately 36.3 acres of the subject property is proposed to be reallocated as follows:

- Conservation (C) to Regional Activity Center (RAC), on approximately 5.71 acres;
- Conservation (C) to Residential Medium (RM), on approximately 3.22 acres;
- Regional Activity Center (RAC) to Residential Medium (RM), on approximately 0.57 acres;
- Residential Medium (RM) to Conservation (C), on approximately 16.30 acres; and
- Residential Medium to Regional Activity Center (RAC), on approximately 10.50 acres.

Together, under the proposed changes, the total acreage for each future land use designation would be as follows:

- Regional Activity Center (RAC), on approximately 98.21 acres;
- Residential Medium (RM), on approximately 58.42 acres; and
- Conservation (C), on approximately 61.37 acres

The Regional Activity Center (RAC) future land use designation is intended to accommodate regional attractors such as shopping malls, large box retail uses, and other commercial and office-type uses within close proximity which complement and take advantage of the regional nature of the center. Examples of RACs include Downtown Lakeland, Lakeside Village (including the adjacent apartments), and Lakeland Square Mall. Lakeland Regional Health Medical Center and Watson Clinic Complex are examples of non-retail RAC uses which function as major centers of employment in proximity to housing and retail opportunities.

The proposed hospital is proposed within the northwest portion of the property designated as RAC. As shown on the site development plan, Attachment "C," Phase I of the proposed development program consists of a 400-bed hospital with a maximum height of 135 feet and maximum floor area of 72,000 sq. ft. The hospital will include a helipad, a free-standing emergency department, and a free-standing central energy plant. To support the hospital, a separate 200,000 sq. ft. medical office building will be developed in a later phase of the project. Under the proposed changes to the PUD, the medical office building will be limited to a maximum height of 60 feet.

In addition to the entitlements for the hospital and medical office uses, the applicant is requesting approval for up to 204,000 sq. ft. of retail commercial uses within the remainder of the RAC. Under the proposed changes to the PUD, staff recommends that the permitted uses be limited to those uses permitted by right in C-4 zoning districts. The C-4 zoning district is intended for moderate size shopping centers under unified ownership or management and allows for a broad range of office and retail uses geared towards a community-wide population. Development of the commercial uses will be in accordance with the C-4/Suburban Center context sub-district standards. While the applicant requested 204,000 sq. ft. of commercial uses, the proposed development program included in the traffic study submitted with the application is based on 192,500 sq. ft. of shopping center-type retail uses. To remain consistent with the traffic study, the recommend conditions of approval limit the retail uses to no more than 192,500 sq. ft.

The RM future land use designation allows for residential development at a maximum density of up to 12 dwelling units per acre (DU/AC). This designation allows for a variety of housing types such as single-family homes, townhouses, and apartments. For the 58.42-acre development tract, the request for 250 multi-family dwelling units translates to a gross density of 4.27 DU/AC which is well below the maximum density allowed under the Comprehensive Plan. Development of the multi-family residential use will be in accordance with the MF-12/Suburban Neighborhood context sub-district standards.

The C future land use designation is generally categorized as lands that due to natural or environmental constraints, can only support low intensity and passive recreational uses. Approximately 69 acres of wetlands and 71 acres of 100-year floodplain are located within the currently designated RAC and C areas of the subject property. The soils on the property have mostly been mined for phosphate and are subject to pre-development soil borings, testing and preparation work. The site also contains several water-filled mining pits, some of which are steeply bermed/sloped, and forested lands and wetlands. The proposed 50+ acre conservation set aside area will assist in protecting and avoiding some of the wetland and floodplain areas that may be subject to special plant and wildlife species. Pre-clearance plant/wildlife surveys and plans will be addressed within the DRI development order conditions of approval.

At the public hearing on July 16, 2024, neighboring residents voiced concerns about wild hogs encroaching into the residential neighborhoods and causing property damage. Some residents suggested adding a barrier to the conservation area to keep wildlife contained. Concerns were also expressed regarding the reduced number lanes on Harden Boulevard, south of the Polk Parkway. A previous proposal to extend State Road 563 to West Pipkin Road was removed from the Florida Department of Transportation's Five-Year Work Program and ultimately, the Polk Transportation Planning Organization's (TPO) long-range transportation plan (LRTP). During the upcoming LRTP update that is scheduled for adoption in December 2025, City staff will request consideration of a new project to add a second northbound lane from West Pipkin Road to Beaker Road.

3.1 Transportation and Concurrency

The subject property is located south and east of the State Road 563 (Harden Boulevard)/South Parkway Frontage Road intersection and State Road 570 (Polk Parkway) interchange within the Urban Development Area as designated in the Comprehensive Plan. It is also located within the "South Village" section of the Oakbridge of Development Regional Impact (DRI), subject to entitlements and requirements of the adopted Development Order approved by the City Commission in 2018 through Resolution No. 5447. Since the original Oakbridge DRI Development Order was approved in 1987 (Resolution No. 3181), the master plan and surrounding transportation network have evolved through multiple amendments in response to changing market conditions and significant State, County and City investments. In the original master plan, State Road 572 (Drane Field Road) would have been widened and extended as part of an arterial "circumferential route" with driveway connections and at-grade signalized intersections. In the late 1990s, State Road 570 (Polk Parkway) was constructed by the Florida Turnpike Enterprise as a limited access regional toll road with one-way frontage roads being constructed to provide access to adjacent properties previously granted to Drane Field Road. The South and North Parkway Frontage Road were subsequently transferred to FDOT District One for operations, maintenance and permitting.

Per the Polk Transportation Planning Organization's 2023 Roadway Network Database as published on October 13, 2023, Harden Boulevard north of the Polk Parkway has an Annual Average Daily Traffic (AADT) volume of 40,000 vehicles, with a two-hour average of 1,454 northbound and 1,397 southbound vehicles during the P.M. Peak, operating at an acceptable Level of Service (LOS) "C". The segment of Harden Boulevard between the Polk Parkway and West Pipkin Road has an AADT of 22,600 vehicles with a two-hour average of 789 southbound and 821 northbound vehicles, operating and an acceptable LOS "D". South Parkway Frontage Road has an AADT of 8,400 vehicles, with a two-hour average of 370 eastbound vehicles during the P.M. Peak, operating at an acceptable LOS

“D”. North Parkway Frontage Road has an AADT of 13,400 vehicles, with a two-hour average of 591 eastbound and 615 westbound vehicles during the P.M. Peak, operating at an acceptable LOS “D”.

DRI Mitigation Conditions

Substantial entitlements have already been granted to the Oakbridge DRI based on its compliance with the Development Order conditions as amended. The property owner and DRI applicant, the Drummond Company has:

- Dedicated right-of-way for State Road 570 (Polk Parkway) and State Road 563 (Harden Boulevard);
- Participated in the cost of several improvements through the creation of the Harden-Parkway Community Redevelopment Area (CRA),:
 - Added a second southbound lane on the County’s portion of Harden Boulevard south of Beaker Boulevard;
 - Realigned the West Pipkin Road/Harden Boulevard/Old Highway 37 intersection;
 - Improved the Cleveland Heights Boulevard/Lake Miriam Drive, Cleveland Heights Boulevard/Highland Drive and Alamo Drive/State Road 37 (S. Florida Avenue) intersections; and
 - Funded multi-modal mitigation projects on the impacted roadway network, including sidewalk installation along portions of Harden Boulevard and State Road 37 (S. Florida Avenue) as well as transit capital and service enhancements relating to the Lakeside Village retail center that opened in 2005.

Subsequent to the latest Development Order approval in 2018, the Drummond Company has provided a \$111,139 proportionate-share payment to mitigate the DRI’s additional impacts on Harden Boulevard in the vicinity of Lakeside Village and is continuing to prepare right-of-way dedications for the South Wabash Avenue Extension and a future Beacon Road/trail/utility extension corridor along the DRI’s northwestern boundary. For South Village, the Development Order requires the installation of a Super Transit Shelter and a Transit Shelter, evaluation/implementation of transportation assistance programs to serve “transportation disadvantaged” residents and employees and coordination with the Lakeland Area Mass Transit District (LAMTD, operating as the Citrus Connection) to facilitate inclusion of South Village into transit system routes.

Allowed DRI Access Points and Internal Circulation

Section 6(5)(d)(6)c of the Oakbridge Development Order states that the applicant shall develop internal roadway access, including sidewalks and bicycle paths, between the land uses in South Village to promote internal travel between those uses, including the trip “internal capture rates” that were projected in the traffic analyses for the overall DRI update. The Development Order restricts access to the subject property from the adjacent public road system as follows:

- One right-in/right-out driveway on South Parkway Frontage Road on the east side of the Lockheed-Martin parking lot (Access Point No. 18), which is being relocated to the adjacent tract currently under development for the Pointe Grand apartment community. Cross-access will be provided between Lockheed-Martin and Pointe Grand via a separate recorded cross-access easement agreement.

- One right-in/right-out connection on South Parkway Frontage Road between Lockheed-Martin and AutoOwners insurance (Access Point No. 19), accommodating the main internal spine road for South Village connecting the proposed uses with Harden Boulevard.
- One right-in only access point to the proposed hospital site to the west of AutoOwners insurance (Access Point No. 20).
- One right-in/right-out connection to Harden Boulevard south of South Parkway Frontage Road (Access Point No. 28) with a requirement that the right-out movement be eliminated upon completion of the main Harden Boulevard access point opposite Beaker Road (future Wabash Extension) subject to approval by the City and FDOT. *This access point would not be accommodated, based on the proposed layout for the hospital site as depicted in Attachment "C".*
- One full-movement access on Harden Boulevard opposite Beaker Road as part of the main internal road system connecting to South Parkway Frontage Road (Access Point No. 27).
- Two additional full-movement access points on Harden Boulevard south of the Beaker Road/Main South Village intersection (Access Point Nos. 26 and 21).

Existing and Planned Transportation Network

Design is nearly complete and right-of-way acquisition is underway by the City for the South Wabash Extension from Ariana Street to Harden Boulevard at the current "Beaker Road" intersection. This two-lane collector roadway is identified as a Cost-Feasible Highway project in the Polk TPO's *Momentum 2045* long-range transportation plan; however, construction funding is not currently programmed within the next five years in the City Capital Improvement Plan or FDOT Five-Year Work Program. When combined with the extension north of 10th Street completed in 2022, the Wabash Avenue corridor will provide a new approximately six-mile-long north-south route through Lakeland, parallel to Harden Boulevard, Sikes Boulevard and Kathleen Road. The approved roadway cross-section for the South Wabash Extension includes a two-lane divided roadway with a raised median and a 12-foot-wide shared-use pathway along the east side of the road. The shared-use pathway is a Proposed Pathway Corridor in the Comprehensive Plan as part of a larger citywide bicycle/pedestrian network. Since the South Wabash Avenue Extension will intersect with Harden Boulevard opposite from the proposed main access point into the subject property, the City and developer are coordinating permitting analyses that will be required by FDOT and Polk County, which operates Harden Boulevard from just south of the Beaker Road intersection.

The subject property is directly served with fixed-route transit service via the Citrus Connection's Coral Line, with 90-minute frequencies from the Wal-Mart at Imperial Boulevard transfer point to Lakeside Village, Airside Center/GEICO, Riverstone and County Line Road Publix (Gresham Village). The area around the development is also supported by the Red Line, with 60-minute frequencies from the downtown terminal to the Lakeland Linder International Airport and Lakeside Village. Given the new development within South Village, Citrus Connection staff has indicated its ability to re-align this route to also serve the subject property directly, with the on-site Super Transit Shelter being located along the west side of the main internal spine road (south of AutoOwners Insurance) in close proximity to the proposed hospital/medical office use.

Trip Generation Comparison, Approved and Proposed Development Program

Section 4(25)(c) of the Development Order states that the developer may change the allocation of land uses by land use map amendment and/or a zoning action without requiring that a Notice of Proposed Change (NOPC) be filed as long as the number of trips are as proposed in the DRI Master Plan and

associated traffic analysis and where the land use change is of less intensity/density than approved in the 2018 Amended and Restated Development Order. While the Development Order and revisions to the State's DRI statutes have eliminated the need for the filing of an NOPC, a separate DRI Amendment is being filed to accommodate the proposed development program for consideration by the City Commission concurrent with this land use and zoning action if recommended for approval by the Planning & Zoning Board.

The South Village Entitlement Re-Allocation analysis prepared by George Huddleston, P.E., Catalyst Design Group, dated July 12, 2024, compares the approved and proposed development programs containing the following uses:

Approved Development Program, 2018 Development Order:

- Code 820 (Shopping Center, >150,000 sf): 550,000 sq. ft.
- Code 710 (General Office Building): 25,000 sq. ft.
- Code 310 (Hotel): 140 rooms
- Code 221 (Multi-Family Housing, Mid-Rise): 180 du
- Code 215 (Single-Family Attached Housing): 100 du
- Code 210 (Single-Family Detached Housing): 120 du

Proposed Development Program

- Code 610 (Hospital): 720,000 sq. ft.
- Code 720 (Medical/Dental Office): 200,000 sq. ft.
- Code 820 (Shopping Center (>150k)): 192,500 sq. ft.
- Code 221 (Multi-Family Housing, Mid-Rise): 250 du

The existing approved development program is expected to generate 24,514 Daily, 778 A.M. Peak and 2,244 P.M. Peak Trips. The proposed development program is estimated to generate 24,511 Daily, 1,300 A.M. Peak and 2,183 P.M. Peak Trips. Based on the applicant analysis, the proposed development program is expected to result in a very slight reduction in Daily Trips (-3). During the P.M. Peak, inbound trips are expected to be reduced by 261 trips with outbound volume increasing by 200 trips. The A.M. Peak (primarily inbound trips) is expected to increase by 522 trips. With the increased outbound trips during the P.M. Peak and substantial increase during the A.M. Peak, the City staff and developer have initiated coordination with FDOT and Polk County regarding traffic study requirements for the permitting phase as well as ability to coordinate the required development analyses with the City's operational analyses of the South Wabash Avenue Extension's impacts to Harden Boulevard.

3.2 Comprehensive Plan Compliance

The Community and Economic Development Department reviewed this request for compliance with the Lakeland Comprehensive Plan: Our Community 2030 and it is our opinion that the request is consistent with the Comprehensive Plan.

4.0 Recommendation

4.1 Community and Economic Development Staff

The Community and Economic Development Department reviewed this request and recommends that the request for a small-scale map amendment, to reallocate the future land use designations as described above, a modification to the PUD, and context sub-district changes be approved. Letters of notification were mailed to 277 property owners within 500 feet of the subject property. No emails or comments were received.

4.2 The Planning & Zoning Board

It is recommended that the request for a small-scale map amendment and major modification to the PUD, as described above and in Attachments "A", "B", "C", and "D" be approved with the following conditions:

A. ~~Land Use Intensity: PUD-40~~

A. Maximum Intensity of Use

1. Hospital: 400-beds and a maximum floor area of 720,000 sq. ft.

2. Medical Office Uses: 200,000 sq. ft.

3. Retail/Commercial Uses: 192,500 sq. ft.

4. Multi-Family Residential Uses: 250 dwelling units

B. Permitted Uses:

Option A: ~~1. A hotel with a maximum of 90 guest rooms.~~

~~2. A sit-down restaurant with a maximum floor area of 9,426 square feet.~~

Option B: ~~Two hotels with a total maximum of 225 guest rooms, not to exceed five stories each.~~

1. Tract A (RAC FLU Designation):

a. Hospital and Medical Office Uses

Hospital

Free standing emergency room

Office uses, medical

Helicopter pad

Rehabilitation facilities

Structured parking

Central energy plant

b. Retail Commercial Uses

Those uses permitted by right in C-4 zoning districts

2. Tract B (Residential Medium FLU Designation);

a. Multi-Family Residential Uses

3. Tract C (Conservation FLU Designation)

a. Those uses permitted by right in LD zoning districts (Table 2.3-3 of the Land Development Code)

~~C. Development Regulations: Development regulations shall be in accordance with the O-3 (large lot office) zoning district requirements, except for the following minimum building setbacks and height regulation:~~

~~1. From Harden Boulevard: 50 feet~~

~~2. From Parkway Frontage Road: 50 feet~~

~~3. From all other property boundaries: 25 feet~~

~~4. Maximum height for the hotel: 65 feet~~

C. Development Standards:

1. Tract A

a. Hospital and Medical Office Uses: In accordance with the O-3/Suburban Special Purpose (SSP) context sub-district except as follows:

i. Maximum Building Height for Hospital: 135 feet

ii. Maximum Building Height for Medical Office Uses: 60 feet

b. Retail/Commercial Uses: In accordance with the C-4/Suburban Center (SCT) context sub-district.

2. Tract B: In accordance with MF-12/Suburban Neighborhood (SNH) context sub-district standards.

3. Tract C: In accordance with Table 3.4-9 of the Land Development Code.

D. Site Development Plan: The site shall be developed in accordance with the proposed site development plan included in Attachment "C." With the approval of the Director of Community and Economic Development, minor changes may be made at the time of site plan review without requiring a modification to the PUD zoning.

~~E. Parking, landscaping and buffering shall be in accordance with the City of Lakeland Land Development Regulations.~~

E. Parking, Landscaping and Buffering: In accordance with the Land Development Code.

F. Transportation Conditions:

1. ~~In order for these new hotel and/or restaurant uses to be granted “transportation concurrency”, all required off-site transportation mitigation measures must continue to be programmed in a local or State five-year work program as shown in the 2007 Amended and Restated Development Order for the Oakbridge DRI. All transportation conditions for the DRI must also continue to be implemented consistent with this updated DRI Development Order. Binding transportation concurrency determinations shall be contingent upon continued compliance with the Development Order as adopted by Resolution No. 5447, as amended.~~

2. Site Access:

~~a. Direct site access shall be limited to one right-in only driveway from South Parkway Frontage Road, shown as Access Point #20 in the 2007 Amended and Restated Development Order for the Oakbridge DRI. The access drive shall be designed and constructed in accordance with FDOT standards and specifications.~~

~~b. Project access must also be provided via Access Point #19 (shared with right-in/right-out driveway serving existing and proposed office uses within DRI’s Southeast Quadrant) and Access Point #21 (full movement driveway on Harden Boulevard that must be constructed prior to the issuance of the first residential Certificate of Occupancy in the DRI’s Southeast Quadrant, and be designed and constructed in accordance with Polk County standards and specifications).~~

~~c. At minimum, driveway and site configuration must comply with City Access Management and Site Circulation Regulations (contained in Article 26 of the Land Development Regulations) and City Engineering Standards Manual.~~

a. Site access to State Road 563 (Harden Boulevard) and South Parkway Frontage Road shall be limited to those shown in Attachment “C”. Final driveway connections to internal road network shall be determined during the site plan review process.

b. Geometric and operational modifications on Harden Boulevard and South Parkway Frontage Road shall comply with all Florida Department of Transportation and Polk County permitting requirements.

c. The developer shall coordinate its traffic analysis with any City analysis conducted for the permitting of the South Wabash Avenue Extension connection to Harden Boulevard at Beaker Road (Access Point No. 27 as depicted in the Oakbridge Master Plan). A cost-share agreement shall be executed for signalization or other intersection control measures required by FDOT at the Beaker Road/Access Point No. 27 intersection on Harden Boulevard.

- d. Uses may be re-allocated on the subject property in compliance with the approved Oakbridge Development Order or based on a trip equivalency matrix supplied by the applicant and approved by the City, FDOT and Polk County.
3. Sidewalk connections shall be provided between the site and adjacent office and residential uses planned for the DRI's Southeast Quadrant. On-Site Multi-Modal Traffic Circulation:
- a. Prior to first Certificate of Occupancy issuance for the hospital/medical office use, one Super Transit Shelter shall be installed on the subject property, on the west side of the internal spine road that connects South Parkway Frontage Road with Harden Boulevard. At minimum, this facility shall include a bus pullout area to accommodate at least two buses with bicycle racks, trash receptacles and underground utility infrastructure to support a separately metered automatic ticketing kiosk in the future.
- b. Prior to first Certificate of Occupancy issuance for the retail or residential uses, one Transit Shelter shall be installed at a location approved by the Lakeland Area Mass Transit District (LAMTD) as identified during site or construction plan review.
- c. The Lakeland Area Mass Transit District (LAMTD) shall approve the design of both transit facilities. The developer will be required to execute an easement agreement with LAMTD for access and maintenance of the on-site transit facilities, which shall be recorded with the Polk County Clerk of the Circuit Court.
- d. Prior to first site or construction plan submittal, the developer shall provide an exhibit for review and approval by the City that illustrates bicycle path and sidewalk alignments on the internal street network. A bicycle path that is at least ten-feet-wide shall be constructed along the north side of the main internal street from Harden Boulevard, extending the bicycle (shared-use) path that will be constructed with the South Wabash Avenue Extension into the subject property.
- e. Americans with Disabilities Act- (ADA-) compliant pedestrian routes shall connect the bicycle and pedestrian facilities along the internal streets with each principal building entrance.
- f. Sidewalks shall be constructed along the Harden Boulevard frontage concurrent with construction activity on adjacent parcels/tracts. Prior to completion of Access Point No. 27, the frontage sidewalk shall be constructed between that connection and South Parkway Frontage Road.
- g. Bicycle parking shall be provided for each principal use in compliance with Section 4.11.6 of the City Land Development Code and Index 900 of the City Engineering Standards Manual.

ATTACHMENT "A"

LEGAL DESCRIPTION:

NEW PARCEL (OPEN SPACE)

A parcel of land being a portion of Section 1, Township 29 South, Range 23 East, Polk County, Florida, being described as follows:

COMMENCE at the Northwest corner of said Section 1; thence South 89°57'36" East, along the North line of said Section 1, a distance of 100.95 feet; thence South 00°38'39" East, 270.00 feet; thence South 89°57'36" East, and parallel with said North line, 1067.93 feet to the Northerly extension of the East line of a parcel described in Official Records Book 5937, Page 363, of the Public Records of Polk County, Florida; thence South 00°38'39" East, along said Northerly extension, 27.92 feet to the Northeast corner of said parcel; thence continue South 00°38'39" East, along the East line of said parcel, 300.55 feet; thence South 89°51'55" West, along said East line, 110.00 feet; thence South 00°38'39" East, along said East line, 520.00 to the Southeast corner of said parcel described in Official Records Book 5937, Page 363; thence continue South 00°38'39" East, along the Southerly extension of said parcel, 210.99 feet to the North line of the South 1/2 of the Northwest 1/4 of said Section 1; thence North 89°50'47" East, along said North line, 1595.90 feet to the East line of the Northwest 1/4 of said Section 1; thence South 00°29'54" East, along said East line, 1324.29 feet to the Southeast corner of the Northwest 1/4 of said Section 1; thence South 00°28'02" East, along said East line, 333.79 feet to the North line of a parcel described in Official Records Book 3020, Page 1622, Public Records of Polk County, Florida; thence South 89°39'06" West, along said North line, 150.00 feet to the West line of the East 150.00 feet of said Southwest 1/4 of Section 1; thence South 00°28'02" East, along said West line, 60.27 feet to the POINT OF BEGINNING; thence continue South 00°28'02" East, along said East line, 810.93 feet to the South line of said parcel described in Official Records Book 3020, Page 1622; thence North 89°39'06" East, along said South line, 150.00 feet to said East line of the Southwest 1/4 of Section 1; thence South 00°28'02" East, along said East line, 496.95 feet to the North line of the South 100.00 feet of the North 470.00 feet of the Southeast 1/4 of the Southwest 1/4 of said Section 1; thence South 89°42'56" West, along said North line, 435.60 feet to the West line of the East 435.60 feet of said Southeast 1/4 of the Southwest 1/4 of Section 1; thence South 00°28'02" East, along said West line, 100.00 feet to the South line of said North 470.00 feet of the Southeast 1/4 of the Southwest 1/4 of Section 1; thence South 89°42'56" West, along said South line, 890.99 feet to the West line of said Southeast 1/4 of the Southwest 1/4 of Section 1; thence North 00°20'18" West, along said West line, 470.00 feet to the Southeast corner of Northwest 1/4 of the Southwest 1/4 of said Section 1; thence South 89°42'56" West, along the South line of said Northwest 1/4 of the Southwest 1/4, a distance of 297.71 feet to a point on the Easterly right-of-way line of Harden Boulevard as described in Official Records Book 8048, Page 1946, of the Public Records of Polk County, Florida; thence along said Easterly right-of-way line the following fifth-teen (15) courses: (1) thence North 00°17'04" West, 165.62 feet; (2) thence North 87°26'21" West, 132.97 feet; (3) thence North 81°04'40" West, 462.06 feet; (4) thence North 55°11'46" West, 170.06 feet; (5) thence North 36°12'06" East, 2.25 feet; (6) thence North 56°36'51" West, 81.94 feet to the Point of Curvature of a curve to the left having a radius of 150.00 feet, a central angle of 16°32'23", a chord bearing of North 64°53'02" West and a chord distance of 43.15 feet; (7) thence along the arc of said curve, 43.30 feet; (8) thence North 73°09'14" West, 42.77 feet to the Point of Curvature of a curve to the right having a radius of 50.00 feet, a central angle of 47°02'56", a chord bearing

of North 49°37'46" West and a chord distance of 39.91 feet; (9) thence along the arc of said curve, 41.06 feet; (10) thence North 26°06'18" West, 89.77 feet to the Point of Curvature of a curve to the right having a radius of 20.00 feet, a central angle of 24°49'53", a chord bearing of North 13°41'22" West and a chord distance of 8.60 feet; (11) thence along the arc of said curve, 8.67 feet; (12) thence North 01°16'25" West, 143.37 feet to the Point of Curvature of a curve to the right having a radius of 50.00 feet, a central angle of 34°24'17", a chord bearing of North 15°55'43" East and a chord distance of 29.57 feet; (13) thence along the arc of said curve, 30.02 feet; (14) thence North 33°07'52" East, 100.86 feet to the Point of Curvature of a curve to the left having a radius of 300.00 feet, a central angle of 30°26'11", a chord bearing of North 17°54'47" East and a chord distance of 157.50 feet; (15) thence along the arc of said curve, 159.36 feet to the Northeast corner of Parcel 810 as described in said Official Records Book 8048, Page 1946; thence North 89°50'47" East, departing said Easterly right-of-way, 2305.90 feet to the POINT OF BEGINNING.

Said parcel containing 59.84 acres, more or less.

NEW PARCEL (REGIONAL ACTIVITY CENTER)

A parcel of land being a portion of Sections 1 and 2, Township 29 South, Range 23 East, Polk County, Florida, being described as follows:

COMMENCE at the Northwest corner of said Section 1; thence South 89°57'36" East, along the North line of said Section 1, a distance of 100.95 feet; thence South 00°38'39" East, 270.00 feet; thence South 89°57'36" East, and parallel with said North line, 1067.93 feet to the Northerly extension of the East line of a parcel described in Official Records Book 5937, Page 363, Public Record of Polk County, Florida; thence South 00°38'39" East, along said Northerly extension, 27.92 feet to the Northeast corner of said parcel; thence continue South 00°38'39" East, along the East line of said parcel, 300.55 feet; thence South 89°51'55" West, along said East line, 110.00 feet; thence South 00°38'39" East, along said East line, 520.00 feet to the Southeast corner of said parcel and the POINT OF BEGINNING; thence continue South 00°38'39" East, along the Southerly extension of said East line of parcel, 210.99 feet to the North line of the South 1/2 of the Northwest 1/4 of said Section 1; thence North 89°50'47" East, along said North line, 110.00 feet; thence South 00°29'54" East, 1718.87 feet; thence South 89°50'47" West, 970.22 feet to the Northeast corner of Parcel 810 as described in Official Records Book 8048, Page 1946 of the Public Records of Polk County, Florida, also being on the Easterly right-of-way line of Harden Boulevard as described in said Official Records Book 8048, Page 1946; thence along said Easterly right-of-way line the following twenty (20) courses: (1) thence North 87°18'19" West, 100.00 feet to a point on a non-tangent curve to the right having a radius of 200.00 feet, a central angle of 30°26'10", a chord bearing of South 17°54'47" West, and a chord distance of 105.00 feet; (2) thence along the arc of said curve, 106.24 feet; (3) thence South 33°07'52" West, 41.13 feet; (4) thence North 20°14'39" East, 77.18 feet; (5) thence North 21°16'31" West, 26.38 feet; (6) thence North 69°07'26" West, 11.70 feet; (7) thence South 73°30'36" West, 14.48 feet; (8) thence North 80°23'27" West, 5.73 feet; (9) thence North 36°25'17" West, 50.90 feet; (10) thence South 57°47'27" West, 19.57 feet; (11) thence South 88°44'29" West, 86.15 feet; (12) thence South 75°47'57" West, 23.31 feet; (13) thence South 66°37'35" West, 24.34 feet; (14) thence South 57°45'14" West, 41.63 feet to a point on a non-tangent curve to the right having a radius of 721.00 feet, a central angle of 06°17'31", a chord bearing of North 40°28'35" West, and a chord distance of 79.14 feet; (15) thence along the arc of said curve, 79.18 feet; (16) thence South 51°04'49" West, 134.04 feet to a point on a non-tangent curve to the right having a radius of 855.00 feet, a central angle of 05°50'57", a chord

bearing of North 34°39'17" West, and a chord distance of 87.25 feet; (17) thence along the arc of said curve, 87.29 feet; (18) thence South 58°16'11" West, 38.00 feet to a point on a non-tangent curve to the right having a radius of 893.00 feet, a central angle of 27°33'27", a chord bearing of North 17°57'05" West, and a chord distance of 425.38 feet; (19) thence along the arc of said curve, 429.50 feet; (20) thence North 06°13'31" West, 322.62 feet to the Easterly right-of-way line of Harden Boulevard as described in Official Records Book 6285, Page 1021, Public Records of Polk County, Florida; thence along said Easterly right-of-way line the following three (3) courses: (1) thence North 86°02'45" East, 0.32 feet; (2) thence North 03°57'15" West, 226.17 feet to the Point of Curvature of a curve to the left having a radius of 574.15 feet, a central angle of 21°22'21", a chord bearing of North 14°38'26" West and a chord distance of 212.93 feet; (3) thence along the arc of said curve, 214.17 feet to the Easterly right-of-way line of Harden Boulevard as described in Official Records Book 2599, Page 817, Public Records of Polk County, Florida; thence along said Easterly right-of-way line the following five (5) courses: (1) thence North 63°01'03" East, 15.40 feet; (2) thence North 02°55'31" West, 122.65 feet; (3) thence North 14°27'15" West, 138.28 feet; (4) thence North 61°16'44" West, 124.22 feet; (5) thence North 08°39'57" West, 10.62 feet to said Easterly right-of-way line of Harden Boulevard as described in Official Records Book 6285, Page 1021; thence along said Easterly right-of-way line the following three (3) course: (1) thence North 10°41'52" East, 375.27 feet; (2) thence North 79°18'08" West, 74.01 feet; (3) thence North 10°41'52" East, 844.31 feet to the South right-of-way line of South Frontage Road as described in Official Records Book 3511, Page 1280, Public Records of Polk County, Florida; thence along said South right-of-way line the following three (3) courses: (1) thence North 83°07'52" East, 49.10 feet to a point on a non-tangent curve to the left having a radius of 3854.61 feet, a central angle of 06°33'55", a chord bearing of North 86°40'33" East, and a chord distance of 441.44 feet; (2) thence along the arc of said curve, 441.68 feet to the Point of Curvature of a curve to the right having a radius of 3784.83 feet, a central angle of 02°34'29", a chord bearing of North 84°40'49" East and a chord distance of 170.07 feet; (3) thence along the arc of said curve, 170.08 feet to the Northwest corner of a parcel described in Official Records Book 10388, Page 1950, Public Records of Polk County, Florida; thence South 00°38'39" East, along the West line of said parcel; 473.70 feet to the Southwest corner of said parcel; thence North 89°21'21" East, along the South line of said parcel, 498.93 feet to the Southeast corner of said parcel; thence North 00°38'39" West, along the East line of said parcel, 244.10 feet; thence North 89°21'21" East, along said East line; 25.00 feet; thence North 00°38'39" West, along said East line, 208.52 feet to the Point of Curvature of a curve to the left having a radius of 25.00 feet, a central angle of 89°23'50", a chord bearing of North 45°20'34" West, and a chord distance of 35.17 feet; thence along the arc of said curve and said East line of parcel, 39.01 feet to the intersection with said South right-of-way line of South Frontage Road; thence North 89°57'31" East, along said South line, 89.75 feet; thence North 00°02'24" West, along said South line, 10.00 feet; thence North 89°57'31" East, along said South line, 24.89 feet to the West line of said parcel as described in Official Records Book 5937, Page 363; thence along said West line the following five (5) courses: (1) thence South 00°38'39" East, 319.82 feet; (2) thence South 89°21'21" West, 20.00 feet; (3) thence South 00°38'39" East, 50.00 feet; (4) thence North 89°21'21" East, 20.00 feet; (5) thence South 00°38'39" East, 358.07 feet to the South line of said parcel described in Official Records Book 5937, Page 363; thence along the South line the following three (3) courses; (1) thence North 89°33'05" East, 252.82 feet; (2) thence South 00°38'39" East, 100.00 feet; (3) thence North 89°33'05" East, 146.00 feet to the Point of Beginning. Said parcel containing 98.49 acres, more or less.

AND

A parcel of land being a portion of Section 1, Township 29 South, Range 23 East, Polk County, Florida, being described as follows:

COMMENCE at the Southeast corner of the Northwest 1/4 of the Southwest 1/4 of said Section 1; thence South 89°42'56" West, along the South line of said Northwest 1/4 of the Southwest 1/4, a distance of 1032.40 feet to the POINT OF BEGINNING; thence continue South 89°42'56" West, along said South line, 233.40 feet to the Easterly right-of-way line of Harden Boulevard as described in Official Records Book 8048, Page 1946, Public Records of Polk County, Florida; thence along said Easterly right-of-way line the following fifteen (15) courses: (1) thence North 00°13'58" West, 217.30 feet to a point on a non-tangent curve to the left having a radius of 764.00 feet, a central angle of 13°26'29", a chord bearing of North 15°56'11" West, and a chord distance of 178.82 feet; (2) thence along the arc of said curve, 179.23 feet; (3) thence North 68°23'51" East, 19.76 feet; (4) thence North 19°59'51" West, 40.06 feet; (5) thence North 27°27'12" West, 18.78 feet; (6) thence North 16°56'07" West, 12.93 feet; (7) thence South 26°06'18" East, 65.29 feet to the Point of Curvature of a curve to the left having a radius of 150.00 feet, a central angle of 47°02'56", a chord bearing of South 49°37'46" East and a chord distance of 119.74 feet; (8) thence along the arc of said curve, 123.17 feet; (9) thence South 73°09'14" East, 42.77 feet to the Point of Curvature of a curve to the right having a radius of 50.00 feet, a central angle of 16°32'23", a chord bearing of South 64°53'02" East and a chord distance of 14.38 feet; (10) thence along the arc of said curve, 14.43 feet; (11) thence South 56°36'51" East, 77.03 feet; (12) thence South 36°12'06" West, 9.28 feet; (13) thence South 05°36'13" East, 92.17 feet; (14) thence South 40°11'17" East, 58.05 feet; (15) thence South 05°36'18" East, 121.98 feet to the POINT OF BEGINNING.

Said parcel containing 1.55 acres, more or less.

NEW PARCEL (MULTI-FAMILY)

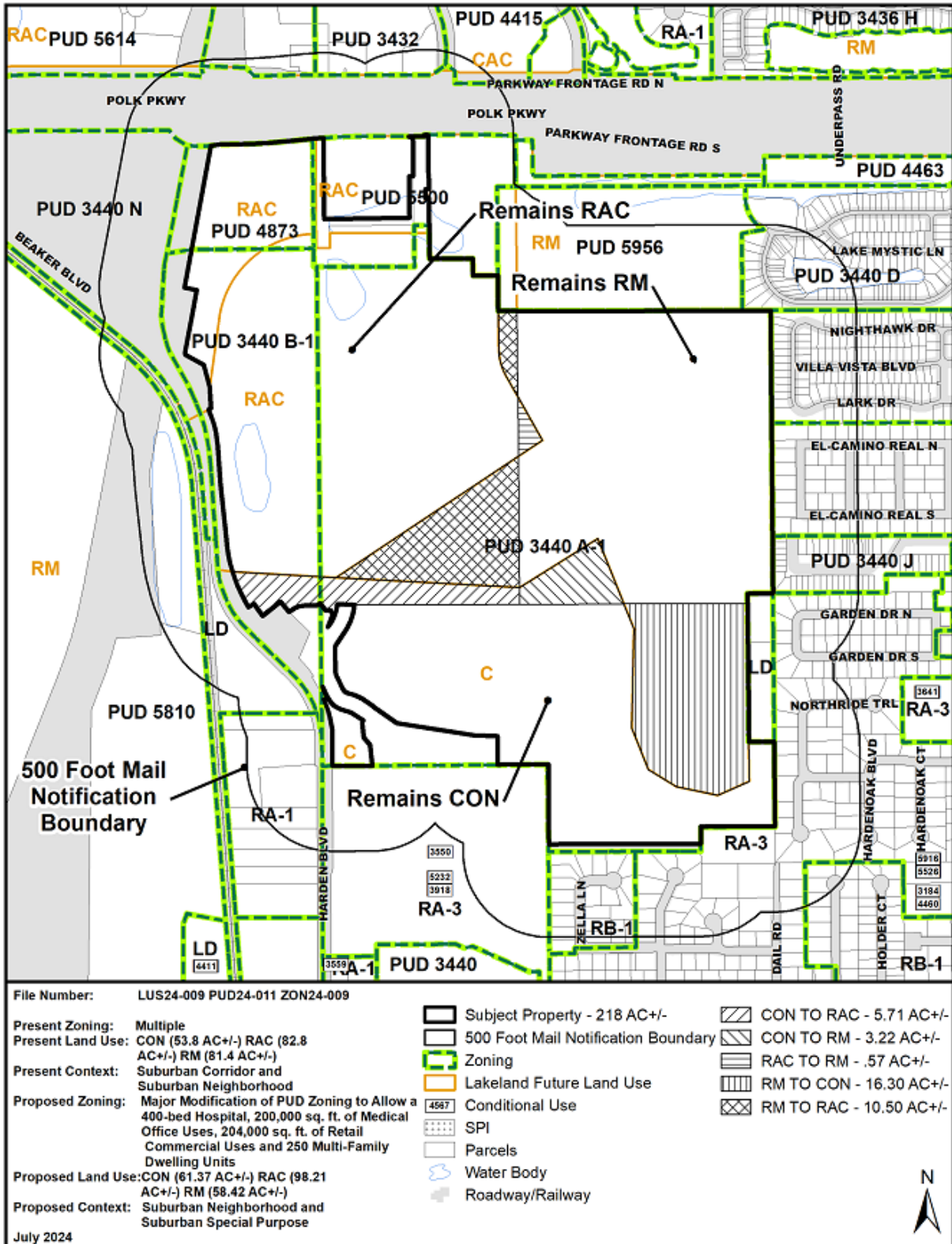
A parcel of land being a portion of Section 1, Township 29 South, Range 23 East, Polk County, Florida, being described as follows:

Commence at the Northwest corner of said Section 1; thence South 89°57'36" East, along the North line of said Section 1, a distance of 100.95 feet; thence South 00°38'39" East, 270.00 feet; thence South 89°57'36" East, and parallel with said North line, 1067.93 feet to the Northerly extension of the East line of a parcel described in Official Records Book 5937, Page 363, Public Record of Polk County, Florida; thence South 00°38'39" East, along said Northerly extension, 27.92 feet to the Northeast corner of said parcel; thence continue South 00°38'39" East, along the East line of said parcel, 300.55 feet; thence South 89°51'55" West, along said East line, 110.00 feet; thence South 00°38'39" East, along said East line, 520.00 feet to the Southeast corner of said parcel described in Official Records Book 5937, Page 363; thence continue South 00°38'39" East, along the Southerly extension of said parcel, 210.99 feet to the North line of the South 1/2 of the Northwest 1/4 of said Section 1; thence North 89°50'47" East, along said North line, 110.00 feet to the POINT OF BEGINNING; thence continue North 89°50'47" East, along said North line, 1485.90 feet to the East line of the Northwest 1/4 of said Section 1; thence South 00°29'54" East, along said East line, 1324.29 feet to the Southeast corner of the Northwest 1/4 of said Section 1; thence South 00°28'02" East, along said East line, 333.79 feet to the North line of a parcel described in Official Records Book 3020, Page 1622, Public Records of Polk County, Florida; thence South 89°39'06" West, along said North line, 150.00 feet to the West line of the East 150.00 feet of said Southwest 1/4 of Section 1; thence South

00°28'02" East, along said West line, 60.27 feet; thence South 89°50'47" West, 1335.69 feet; thence North 00°29'54" West, 1718.87 feet to the POINT OF BEGINNING.

Said parcel containing 58.42 acres, more or less.

ATTACHMENT "B"



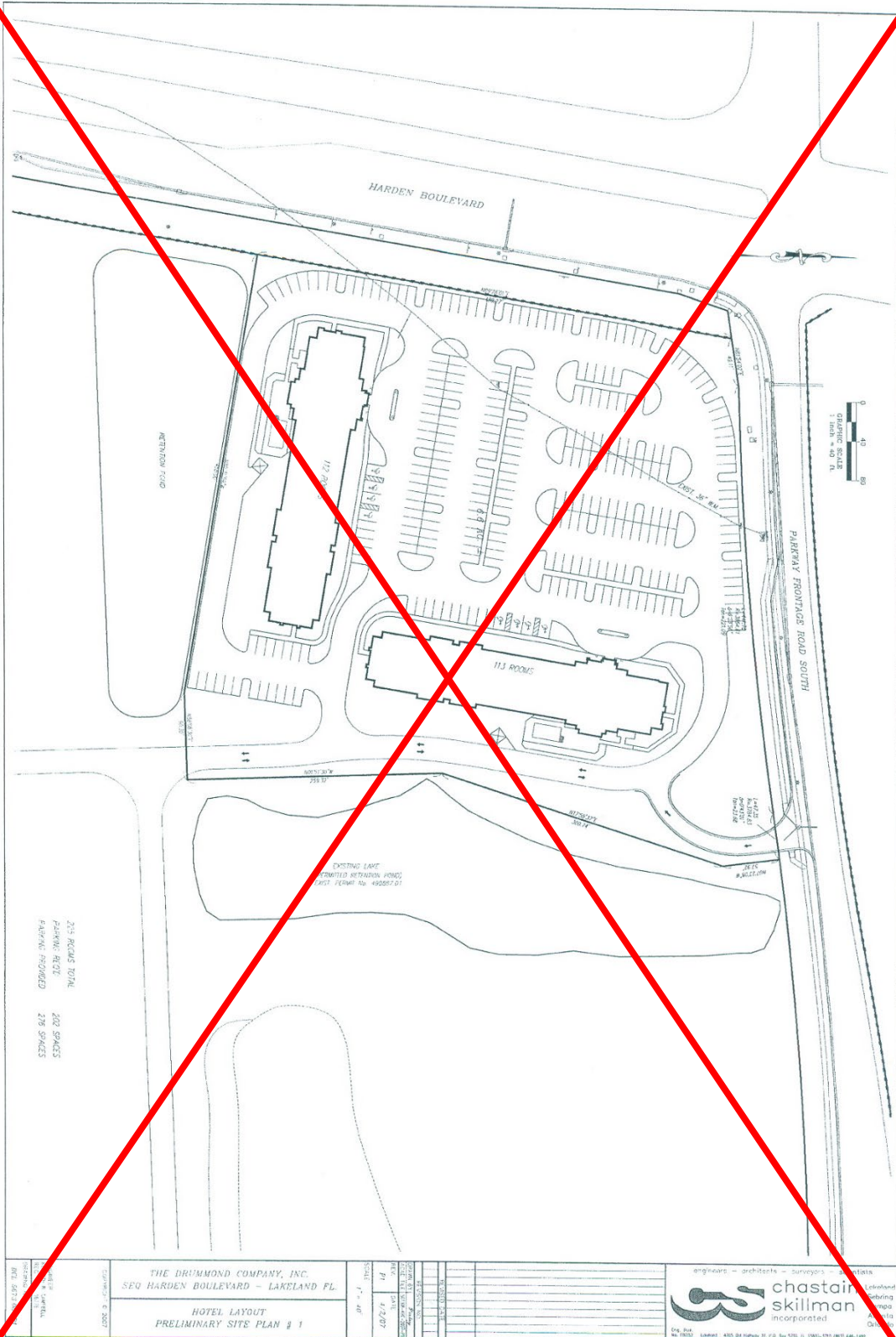
ATTACHMENT "C"

(REVISED)

OPTION A

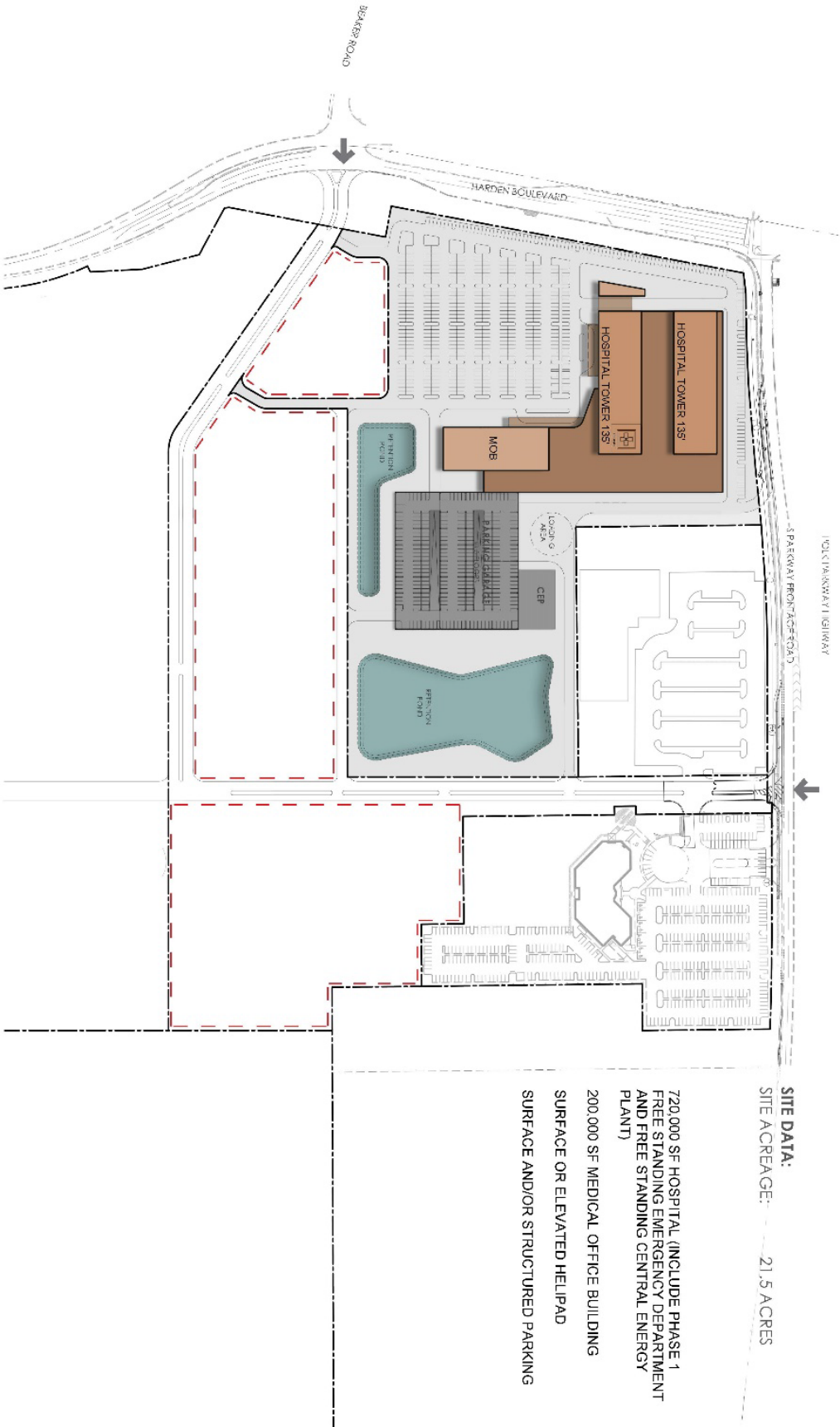


OPTION B



engineers - architects - surveyors - geotechnical
chastain skillman
incorporated
One Sky
1000
Lakeland 33505-24 Lakeland, FL 33505-2400 (800) 570-0815 FAX 800-570-0815

ATTACHMENT "C"





Community & Economic Development Staff Request for Delay

Date:	August 20, 2024	Reviewer:	Todd Vargo
Project No:	PUD24-010	Location:	820 N. Massachusetts Avenue
Owner:	Lakeland Community Redevelopment Agency		
Applicant:	Lakeland Community Redevelopment Agency		
Current Zoning:	PUD (Planned Unit Development) 5558	Future Land Use:	Residential High (RH)
Context District:	Urban Corridor (UCO)		
P&Z Hearing:	July 16, 2024	P&Z Final Decision:	September 17, 2024
Request:	Major modification of PUD (Planned Unit Development) zoning to amend the boundaries to include the former Mass Market commercial property located at 802 N. Massachusetts Avenue, change the permitted uses from C-2 (Highway Commercial) to C-1 (Pedestrian Commercial), and include parcels located on N. Kentucky Avenue and N. Tennessee Avenue, north and south of Plum Street which are currently zoned O-1 (Low Impact Office) to be dedicated as off-street parking in support of existing commercial and residential uses located at 820/830 N. Massachusetts Avenue, 835 N. Kentucky Avenue and 310 E. Plum Street.		

Request for Delay

The applicant requests a one-month delay to amend the application to account for existing nonconforming uses and conforming C-2 uses which will be made nonconforming under the proposed changes to the PUD.



Community & Economic Development Staff Report

Date:	August 20, 2024	Reviewer:	Audrey McGuire
Project No:	CPA24-001	Applicant:	City of Lakeland
P&Z Hearing:	July 16, 2024	P&Z Final Decision:	August 20, 2024
Request:	Proposed text amendment to the Future Land Use Element of the Lakeland Comprehensive Plan to correct a typographical error pertaining to the percentage of residential uses allowed within RAC, CAC, NAC and IAC future land use districts and the percentage of commercial uses allowed within BP future land use designations.		

1.0 Background

1.1 Summary

Periodically, changes to the Comprehensive Plan are proposed in response to changing circumstances or to clarify existing provisions. The proposed changes to the Future Land Use Element of the Lakeland Comprehensive Plan: Our Community 2030 amends Table FLU-4: Future Land Use Summary Table to correct typographical errors pertaining to the percentage of allowed residential uses within the Regional Activity Center (RAC), Community Activity Center (CAC), Neighborhood Activity Center (NAC) and Interchange Activity Center (IAC) future land use categories, and the percentage of commercial uses allowed within the Business Park (BP) future land use category.

2.0 Discussion

2.1 Summary

The Lakeland Comprehensive Plan: Our Community 2030 Future Land Use Element defines and summarizes each land use category in Table FLU-4: Future Land Use Summary Table. A typographical error has been identified within this table whereby the symbol for “greater than or equal to” (\geq) is used instead of the symbol for “less than or equal to” (\leq) where land use designations are intending to limit certain uses.

Activity Center land use categories (RAC, CAC, NAC and IAC) are intended to support commercial shopping and service needs; residential land uses should be kept to a minimum. In each of these categories, the symbol for “greater than or equal to” (\geq) is used in error where the intent of the Activity Center is to limit residential uses and the “less than or equal to” (\leq) symbol should be used. The following changes are proposed to Table FLU-4: Land Use Summary Table (Attachment “A”) to correct the typographical error:

1. Under the Regional Activity Center (RAC) land use category, the Table is being amended to reflect the correct symbol for “less than or equal to” (\leq), limiting residential uses to 30 percent or less of the RAC land area.
2. Under the Community Activity Center (CAC) land use category, the Table is being amended to reflect the correct symbol for “less than or equal to” (\leq), limiting residential uses above 2nd floor residential to 25 percent or less of the CAC land area.

3. Under the Neighborhood Activity Center (CAC) land use category, the Table is being amended to reflect the correct symbol for “less than or equal to” (\leq), limiting medium- and high-density residential uses beyond 2nd floor residential to 20 percent or less of the NAC land area.
4. Under the Interchange Activity Center (IAC) land use category, the Land Use Summary Table is being amended to reflect the correct symbol for “less than or equal to” (\leq), limiting medium- and high-density residential to 35 percent or less of the IAC land use area.

The Business Park (BP) land use category is intended for major employment center and does not support general retail and commercial uses. Limited retail uses may be considered where related to or supportive of primary employers and businesses in the land use area. The Land Use Summary Table is also being amended under the BP land use category to reflect the correct symbol of “less than or equal to” (\leq), limiting commercial uses to 15 percent or less of the BP land area (see Attachment “A”.)

2.2 Attachments

Attachment A: Comprehensive Plan Table FLU-4: Future Land Use Summary Table

3.0 Recommendation

3.1 Community & Economic Development Staff

The Community & Economic Development Department recommends the proposed changes to the City’s Comprehensive Plan to correct typographical errors. It is our opinion that the attached revisions are consistent with the Lakeland Comprehensive Plan: Our Community 2030.

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

Recommendation

It is recommended that the proposed changes to Table FLU-4: Future Land Use Summary Table as described above and in Attachment “A” be approved.

ATTACHMENT "A"

TABLE FLU-4: FUTURE LAND USE SUMMARY TABLE

Regional Activity Center (RAC)		Typically intended to accommodate the regional shopping needs of central Florida	
Uses	Regional shopping mall, large box retail uses, other regional attractors, and other commercial and office uses within close proximity to complement and take advantage of the regional nature of the center.		
Existing RACs: Downtown Lakeland, Lakeside Village in Oakbridge (including adjacent apartments) and Lakeland Square Mall are examples of RACs with potential to become more intense and balanced mixed-use centers over time.			
Lakeland Regional Health Medical Center and Watson Clinic Complex are non-retail RAC uses that function as major centers of employment proximate to housing and retail opportunities.			
Density (Dwelling Units per Acre (du/ac))			
Transit Oriented Corridors (TOC)			
Maximum Outside of TOC	Maximum within TOC¹	Minimum within 1/8 Mile of TOC^{1,2}	Minimum within 1/4 Mile of
22 du/ac	22 du/ac		
Up to 175 du/ac within the Downtown CRA	Up to 175 du/ac within the Downtown CRA	7 du/ac	5 du/ac
Up to 75 du/ac in RAC or IAC outside of the Downtown CRA	Up to 75 du/ac in RAC or IAC outside of the Downtown CRA		
¹ Subject to zoning district or Special Public Interest (SPI) District Requirements			
² Measured perpendicular to centerline of designated TOC			
Intensity (Maximum Floor Area Ratio (FAR))			
Development Area			
Central City	Urban Development Area	Suburban Development	Downtown CRA
3.00 FAR	2.50 FAR	Not Applicable	5.00 FAR
<ul style="list-style-type: none"> • ≥30% <30% of land area may be residential. • Residential uses located above the first floor of non-residential uses shall not count against the 30% limit; however, residential space shall not comprise more than half of the total non-first floor square footage. • No limitation on the percentage of land in retail or office uses. 			
Development Criteria			
Location Criteria:	Central City Transit Supportive Area (TSA) or Urban Development Area and approximately 3 miles from another RAC.		
Typical RAC Size*:	60 acres or more		
Gross Leasable Area:	400,000 to 2,000,000 square feet		

Minimum Population Served:	150,000 or more		
Market Area Radius:	20 miles or more		
Access:	<ul style="list-style-type: none"> • Intersection of two roads, with frontage on or direct access to an internal roadway or a frontage road or service drivee which directly serves an arterial roadway. • If located outside CRAs, prefer proximity to a limited access highway. • Access to one or more existing fixed route mass transit lines. • Must be designed for well-connected, multi-modal internal access and include on-site transit shelter and bike rack. 		
Community Activity Center (CAC) Intended to accommodate the shopping needs of persons living within the community and typically contains a shopping center with a variety of stores.			
Uses	Grocery, drug, one or more junior department stores, group of smaller uses, other commercial and office uses within close proximity.		
Density (Dwelling Units per Acre (du/ac))			
Transit Oriented Corridors (TOC)			
Maximum Outside of TOC	Maximum within TOC ¹	Minimum within 1/8 Mile of TOC ^{1,2}	Minimum within ¼ Mile of
22 du/ac	22 du/ac	7 du/ac	5 du/ac
Up to 175 du/ac within the Downtown CRA	Up to 175 du/ac within the Downtown CRA		
Up to 75 du/ac in RAC or IAC outside of the Downtown CRA	Up to 75 du/ac in RAC or IAC outside of the Downtown CRA		
¹ Subject to zoning district or Special Public Interest (SPI) District Requirements ² Measured perpendicular to centerline of designated TOC			
Intensity (Maximum Floor Area Ratio (FAR))			
Development Area			
Central City	Urban Development Area	Suburban Development	Downtown CRA
1.50 FAR	1.00 FAR	Not Applicable	Not Applicable
<ul style="list-style-type: none"> • <u>≥25%</u> <u>≤25%</u> of land area may be residential beyond 2nd floor residential uses. • Typically, 100% of land area will be retail and office uses with no limit on percentage of either use. 			
Development Criteria			
Location Criteria:	Central City TSA or Urban Development Areas; approximately 2 miles or more from any other retail commercial activity center.		
Typical CAC Size*:	20 to 60 acres		
Gross Leasable Area:	100,000 to 400,000 square feet.		
Minimum Population Served:	20,000 to 80,000 people.		
Market Area Radius:	2 or more miles		

Access:	<ul style="list-style-type: none"> • Intersection of two roads with frontage on or direct access to an arterial or major collector roadway or a frontage road or service drive which directly serves an arterial roadway. • Within transit service district and prefer access to one or more existing fixed route mass transit lines. • Design for well connected, multi-modal internal access and, where feasible, vehicular cross access.
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Neighborhood Activity Center (NAC) Intended to accommodate the shopping needs of persons living within the immediate surrounding neighborhoods

Uses	Grocery Store, drug store, few other small retail and office uses in a contiguous building or on out parcels.
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To promote walkable neighborhoods with access to healthy foods, exceptions may be made to the above general characteristics for Convenience Center site size, GLA and/or separation distance where found compatible with surrounding uses and proposing a neighborhood level grocery as the primary use; the site shall be governed by PUD zoning, employ site design that maximizes walkability and compatibility, and exclude uses that are primarily auto-oriented. Local grocery store sizes may vary but 60,000 square feet shall be the maximum and proposals for these exceptions are encouraged to use less than the maximum whenever feasible.

General characteristics may be reasonably varied where the NAC is designed within a master planned community and is intended to function as a village or town center for a traditional or “new urbanist” type mixed-use development.

Density (Dwelling Units per Acre (du/ac))

Transit Oriented Corridors (TOC)			
Maximum Outside of TOC	Maximum within TOC ¹	Minimum within 1/8 Mile of TOC ^{1,2}	Minimum within 1/4 Mile of TOC ^{1,2}
22 du/ac	22 du/ac	7 du/ac	5 du/ac
Up to 175 du/ac within the Downtown CRA	Up to 175 du/ac within the Downtown CRA		
Up to 75 du/ac in RAC or IAC outside of the Downtown CRA	Up to 75 du/ac in RAC or IAC outside of the Downtown CRA		

¹ Subject to zoning district or Special Public Interest (SPI) District Requirements
² Measured perpendicular to centerline of designated TOC

Intensity (Maximum Floor Area Ratio (FAR))

Development Area			
Central City	Urban Development Area	Suburban Development Area	Downtown CRA
1.00 FAR	0.75 FAR	0.50 FAR	Not Applicable

- ~~≥20%~~ ≤20% of land area may be medium or high density residential beyond 2nd floor residential uses.
- Typically, 100% of land area will be devoted to retail and office uses.
- No limitation on the percentage of land in either of these commercial uses.

Development Criteria

Location Criteria:	Central City TSA, Urban Development, or Suburban Area; approximately 1 ½ miles or more from any other retail commercial activity center.
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Typical NAC Size*:	5 to 20 acres		
Gross Leasable Area:	10,000 to 150,000 square feet		
Minimum Population Served:	5,000 to 20,000 people.		
Market Area Radius:	1 ½ miles		
Access:	<ul style="list-style-type: none"> • Intersection of two roads, with frontage on or direct access to an arterial road, or collector road. • Within transit service district; prefer access to existing fixed route transit line. • Design for safe bicycle and pedestrian internal access and, where feasible, vehicular cross access. 		
Convenience Center (CC)	Intended to accommodate the small-scale convenience shopping, commercial services and/or residents living within the immediate surrounding area.		
Density (Dwelling Units per Acre (du/ac))			
Transit Oriented Corridors (TOC)			
Maximum Outside of TOC	Maximum within TOC ¹	Minimum within 1/8 Mile of TOC ^{1,2}	Minimum within ¼ Mile of
22 du/ac Up to 175 du/ac within the Downtown CRA Up to 75 du/ac in RAC or IAC outside of the Downtown CRA	22 du/ac Up to 175 du/ac within the Downtown CRA Up to 75 du/ac in RAC or IAC outside of the Downtown CRA	7 du/ac	5 du/ac
¹ Subject to zoning district or Special Public Interest (SPI) District Requirements			
² Measured perpendicular to centerline of designated TOC			
Intensity (Maximum Floor Area Ratio (FAR))			
Development Area			
Central City	Urban Development Area	Suburban Development Area	Downtown CRA
0.50 FAR	0.50 FAR	0.25 FAR	Not Applicable
Development Criteria			
Location Criteria:	Central City TSA, Urban Development, Suburban or Rural Area; approximately 1 mile or more from any other retail commercial activity center.		
Typical CC Size*:	1 to 3 acres		
Gross Leasable Area:	3,000 to 10,000 square feet.		
Market Area Radius:	1 mile		
Access:	<ul style="list-style-type: none"> • Intersection of two roads with direct frontage on or access to an arterial or collector road. • Design for safe bicycle and pedestrian access. 		

Interchange Activity Center (IAC) Intended to address unique opportunities associated with land development at limited access highway interchanges.

- A coordinated development area which, due to proximity to and/or direct access to an interstate or limited access expressway, can achieve a high intensity of development activity necessitating the need for coordinated access, signage, and other special development controls.
- Encourages high intensity centers which function well and provide aesthetically attractive gateways to the community.
- Final development approval requires the submission of a coordinated development plan which establishes access and other common development features through creation of a Special Public Interest zoning overlay district (SPI), which overlays the “base” zoning district(s), or a Planned Unit Development (PUD). Once approved, the SPI or PUD will be binding on all subparcels within the activity center.
- The Community and Economic Development Department will involve property owners within the development area in the preparation of the coordinated development plan for the concurrent or subsequent zoning approvals required.
- The SPI or PUD requires approval by the City Planning and Zoning Board and the City Commission, and is separate from and may be concurrent or subsequent to the adoption of the IAC land use.
- Nothing herein is intended to deprive property owners of their legal access points existing prior to the IAC designation. However, development or redevelopment at intensities allowed in an IAC category may be possible only where the coordination of primary access points can be achieved in the form of shared or joint access drives or roads.

Density (Dwelling Units per Acre (du/ac))

Transit Oriented Corridors (TOC)			
Maximum Outside of TOC	Maximum within TOC ¹	Minimum within 1/8 Mile of TOC ^{1,2}	Minimum within 1/4 Mile of TOC ^{1,2}
22 du/ac	22 du/ac		
Up to 175 du/ac within the Downtown CRA	Up to 175 du/ac within the Downtown CRA	7 du/ac	5 du/ac
Up to 75 du/ac in RAC or IAC outside of the Downtown CRA	Up to 75 du/ac in RAC or IAC outside of the Downtown CRA		

¹ Subject to zoning district or Special Public Interest (SPI) District Requirements

² Measured perpendicular to centerline of designated TOC

Intensity (Maximum Floor Area Ratio (FAR))

Development Area			
Central City	Urban Development Area	Suburban Development Area	Downtown CRA
3.00 FAR	2.00 FAR	1.50 FAR	Not Applicable

- An IAC may be oriented toward a single tourist or other retail destination, an office or employment center, a high-density residential center, or some other activity or mix of uses appropriate to an interchange location.
- $\geq 35\%$ $\leq 35\%$ of the total IAC may be used for medium- or high-density residential uses.
- Residential uses located above the first floor of non-residential uses shall not count against the 35% limit.
- As commercial gateways, light industrial or warehouse uses as allowed in the City’s I-1 zoning district shall only be allowed as part of a mixed use development and shall comprise no more than 30 percent of the total acres in the IAC designation as may exist in the four quadrants of the interchange.

Development Criteria			
Location Criteria:	Central City TSA, Urban Development Area and Suburban Area.		
Typical IAC Size*:	30 or more acres		
Typical Square Footage:	250,000 to 1,000,000 square feet.		
Minimum Population Served:	150,000 or more		
Access:	<ul style="list-style-type: none"> • Interchange of a limited access highway, with an arterial or collector road. • Shared access plan is required for IAC uses to limit driveways near interchange. • At or connected to one or more quadrants of a limited access roadway interchange. • The above generalized criteria tend to apply to the entire Interchange Activity Area including all four quadrants of an interchange, rather than individual parcels within or quadrants of the interchange. Therefore, acreage and square footage for some IAC areas may be much smaller initially as new or re-development opportunities act as catalysts for the re-designation or properties to the IAC land use category. 		
Mixed Commercial Corridor (MCC) Used to describe locations of older strip commercial uses.			
Uses	<p>Non-anchor retail and service areas that lack controlled centers sometimes too small or otherwise inappropriate for shopping centers. These commercial corridor areas are typically characterized by businesses that need high visibility and driveway access.</p> <p>Future opportunity to expand an MCC is not guaranteed and will be limited by the predominant surrounding land use types and patterns near a given center and requiring a mix of non-commercial land uses.</p>		
Density (Dwelling Units per Acre (du/ac))			
Transit Oriented Corridors (TOC)			
Maximum Outside of TOC	Maximum within TOC ¹	Minimum within 1/8 Mile of TOC ^{1,2}	Minimum within 1/4 Mile of TOC ^{1,2}
12 du/ac	22 du/ac	7 du/ac	5 du/ac
¹ Subject to zoning district or Special Public Interest (SPI) District Requirements			
² Measured perpendicular to centerline of designated TOC			
Intensity (Maximum Floor Area Ratio (FAR))			
Development Area			
Central City	Urban Development Area	Suburban Development Area	Downtown CRA
0.50 FAR	0.50 FAR	0.30 FAR	Not Applicable
Development Criteria			
Permitted only as an infilling of existing commercial corridors within the Central City TSA and Urban Development Area, with expansion allowed under the strict provisions provided for in the Policies within this Element.			

Business Park Center (BP)	Intended to provide for the placement of establishments to accommodate employment centers.
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Uses	Light-assembly, manufacturing, warehouse distribution, showroom, local and non-local office needs of the Planning Area.
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- Replaces the broad industrial category and reflects the changing types of businesses in the local economy which are neither heavy industrial nor solely retail.
- Not intended for general retail uses or commercial offices but for major employment centers.
- Limited retail uses will be allowed in this category where it is related to or supportive of the primary employers and businesses already located or under development within the Business Park Center land use.
- Retail shall generally be limited to those allowed in the City’s O-3 zoning district plus gas station and convenience store uses.
- Typical retail uses might include office supply, limited restaurant uses and day care center uses.
- Hotel uses shall be an allowed use and not limited to the 15% retail component. Retail and hotel uses shall be subject to a high degree of internal connectivity for vehicular and pedestrian access within the business park.
- For hotel uses and any non-typical retail uses in a BP land use, Planned Unit Development zoning shall be required to address issues including compatibility and transportation.

Density (Dwelling Units per Acre (du/ac))

Transit Oriented Corridors (TOC)			
Maximum Outside of TOC	Maximum within TOC¹	Minimum within 1/8 Mile of TOC^{1,2}	Minimum within 1/4 Mile of TOC^{1,2}
Not Applicable	75 du/ac³	7 du/ac	5 du/ac

¹ Subject to zoning district or Special Public Interest (SPI) District Requirements
² Measured perpendicular to centerline of designated TOC
³ Up to 75 du/ac within Williams DRI west of Florida Polytechnic University

Intensity (Maximum Floor Area Ratio (FAR))

Development Area			
Central City	Urban Development Area	Suburban Development Area	Downtown CRA
0.50 FAR	0.50 FAR	0.50 FAR	Not Applicable

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- ~~≥15%~~ **<15%** of the total land area in a BPG category on the future land use map may be utilized for commercial uses, subject to compatibility with uses within the business park as well as with adjacent land uses.
- Commercial activity that is incidental to goods manufactured on site shall not count toward the 15% of commercial uses allowed.
- Where more than one hotel and/or more than one restaurant is proposed, access shall be provided to a signalized intersection or frontage road with direct access to same; this access requirement may be met through an approved cross-access agreement with an adjoining non-residential or mixed use property.
- No residential uses are permitted in the Business Park category except medium- and high-density uses may be allowed in Transit Oriented Corridors (TOCs) and as applies to lands located west of the Florida Polytechnic University campus.
- Where a mix of residential and non-residential uses are proposed within a BP land use area, such uses may be required to provide landscaping, buffering and site and/or building design treatments that exceed standard City code requirements in order to enhance compatibility with other uses on or adjacent to the site as well as to ensure transit friendly site design.
- Compatibility of uses shall address building mass, bulk, height, building orientation and configuration (including truck docks, truck courts and loading areas) and operational characteristics of existing or proposed uses within the business park.

Development Criteria

Location Criteria:	Central City TSA, Urban Development Area and Suburban Area
Typical BP Size*:	10 acres and up
Typical Square Footage:	500,000 to 2,000,000 square feet for non-local uses; typical for local uses is 20,000 to 100,000 sq. ft.
Employment Area Radius:	20 miles or more
Access:	Intersection of or contiguous to an arterial road, or collector roads for local center, preferably with the capability to accommodate a fixed route mass transit line.

Office Centers (OC) Intended to help meet the demand for primarily office uses, as opposed to the wide range of uses allowed in the Business Park Center land use

Intended to better address concerns of compatibility near residential areas and may be used in part or whole for medium density residential uses to maximize land use options; higher residential densities may also be allowed in accordance with the City's Transit Oriented Corridor (TOC) policies and/or for senior housing projects.

Uses Office uses are historically a high traffic generating use; as such, new office (OC) uses shall be designed to maximize multi-modal access and connectivity, locate proximate to complimentary land uses and, where appropriate, utilize transportation demand management techniques to reduce the impacts upon peak hour traffic flows (a.m. and p.m., as applicable).
General characteristics of the Office Center land use shall include urban infill locations where

Density (Dwelling Units per Acre (du/ac))

Transit-Oriented Corridors (TOC)

Maximum Outside of TOC	Maximum within TOC ¹	Minimum within 1/8 Mile of TOC ^{1,2}	Minimum within 1/4 Mile of TOC ^{1,2}
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22 du/ac	22 du/ac		
Up to 175 du/ac within the Downtown CRA	Up to 175 du/ac within the Downtown CRA	7 du/ac	5 du/ac
Up to 75 du/ac in RAC or IAC outside of the Downtown CRA	Up to 75 du/ac in RAC or IAC outside of the Downtown CRA		

¹ Subject to zoning district or Special Public Interest (SPI) District Requirements

² Measured perpendicular to centerline of designated TOC

Intensity (Maximum Floor Area Ratio (FAR))

Development Area			
Central City	Urban Development Area	Suburban Development Area	Downtown CRA
2.00 FAR	1.50 FAR	0.30 FAR	Not Applicable

- ≤ 22 dwelling units per acre for senior housing • limits may be exceeded per TOC policies
- Above first floor residential uses shall not count against maximum density; up to 10% supportive retail allowed to enhance internal capture of vehicular traffic.

Development Criteria

Location Criteria:	Central City TSA, Urban Development, and Suburban Area
Typical OC Size*:	10 – 20 acres (approximate; site may be larger or smaller where key urban objectives such as transit supportive design are met.
Gross Leasable Area:	3,000 to 40,000 square feet; up to 12 dwelling units and up to 22 dwelling units per acre for senior housing; limits may be exceeded per TOC policies; 250,000 to 1,000,000 square feet where adjacent to one or more quadrants of a limited access roadway interchange and served by fixed route transit service.
	3,000 to 40,000 square feet; 250,000 to 1,000,000 square feet where adjacent to one or more quadrants of a limited access roadway interchange and served by fixed route transit service.
Market Area Radius:	1 mile or more
Access:	Direct frontage on or access to a collector or higher functioning road; design for safe bicycle, pedestrian and transit access.

Industrial (IND)

Generally Characterized As	Uses engaged in the manufacturing, processing, assembly and/or treatment of finished or semi-finished products.
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Also included in the industrial category are distribution and warehousing facilities, airports, and rail yards. General retail, general office, and residential uses will be prohibited in the Industrial Land

Intensity (Maximum Floor Area Ratio (FAR))

Intensity (Maximum Floor Area Ratio (FAR))			
Development Area			
Central City	Urban Development Area	Suburban Development Area	Downtown CRA
0.50 FAR	0.75 FAR	0.50 FAR	Not Applicable
Development Criteria			
Location Criteria:	<ul style="list-style-type: none"> • Central City TSA, the Urban Development Area, the Suburban Area, and the Rural Area • Location of Industrial uses within an overlay is contingent upon the availability of adequate public facilities and services and the ability to meet additional zoning or performance requirements. • Industrial uses often create impacts external to the site such as noise, dust, excessive truck traffic and should be buffered from residential uses whenever possible. • Businesses which do not have significant external impacts can usually be accommodated in the Business Park category and the number of industrial designations will be reduced through the use of the Business Park category for employment operations with less impact. 		
Residential High (RH)			
Generally Characterized As	High-density residential at a density of greater than 12 units per acre contingent upon natural and physical limitations of proposed development sites.		
To promote compact, walkable development, and infill redevelopment through mixed use land uses, office or commercial uses are allowed per the Policies of this Plan.			
Density (Dwelling Units per Acre (du/ac))			
Transit-Oriented Corridors (TOC)			
Maximum Outside of TOC	Maximum within TOC ¹	Minimum within 1/8 Mile of TOC ^{1,2}	Minimum within 1/4 Mile of
75 du/ac Up to 175 du/ac within the Downtown CRA	75 du/ac Up to 175 du/ac within the Downtown CRA	7 du/ac	5 du/ac
¹ Subject to zoning district or Special Public Interest (SPI) District Requirements			
² Measured perpendicular to centerline of designated TOC			
Intensity (Maximum Floor Area Ratio (FAR))			
Development Area			
Central City	Urban Development Area	Suburban Development Area	Downtown CRA
3.00 FAR	2.50 FAR	Not Applicable	5.00 FAR
<ul style="list-style-type: none"> • Minimum density required in Transit Oriented Corridor Overlay 			
Development Criteria			
Utilized within the Central City TSA and the Urban Development Area.			

Residential Medium (RM)

Generally Characterized As Medium density residential at a density of 5.01 to 12 dwelling units per acre, contingent upon natural and physical limitations of proposed development sites.

To promote compact, walkable development, and infill redevelopment through mixed land uses, small scale office or commercial uses are also allowed per the Policies of this Plan.

Density (Dwelling Units per Acre (du/ac))

Transit-Oriented Corridors (TOC)

Maximum Outside of TOC	Maximum within TOC ¹	Minimum within 1/8 Mile of TOC ^{1,2}	Minimum within 1/4 Mile of TOC ^{1,2}
12 du/ac	22 du/ac ² Within 1/8 mile of TOC centerline 16 du/ac ² Within 1/4 mile of TOC centerline	7 du/ac	5 du/ac

¹ Subject to zoning district or Special Public Interest (SPI) District Requirements

² Measured perpendicular to centerline of designated TOC

Intensity (Maximum Floor Area Ratio (FAR))

Development Area

Central City	Urban Development Area	Suburban Development Area	Downtown CRA
1.50 FAR	1.00 FAR	0.50 FAR	Not Applicable

- 5.01 to 12 dwelling units per acre
- Density less than 5 dwelling units per acre is discouraged

Development Criteria

Utilized within the Central City TSA, the Urban Development Area, and the Suburban Area and as a part of commercial activity centers and corridors

Residential Low (RL)

Generally Characterized As Low-density residential at a density of between 0 and 5 dwelling units per acre contingent upon natural and physical limitations, the availability of public services, and compatibility with surrounding land uses as determined during the development application and review

Density (Dwelling Units per Acre (du/ac))

Transit-Oriented Corridors (TOC)

Maximum Outside of TOC	Maximum within TOC ¹	Minimum within 1/8 Mile of TOC ^{1,2}	Minimum within 1/4 Mile of TOC ^{1,2}
5 du/ac	Not Applicable	Not Applicable	Not Applicable

¹ Subject to zoning district or Special Public Interest (SPI) District Requirements

² Measured perpendicular to centerline of designated TOC

Intensity (Maximum Floor Area Ratio (FAR))

Development Area

Central City	Urban Development Area	Suburban Development Area	Downtown CRA
0.50 FAR	0.50 FAR	0.25 FAR	Not Applicable

Development Criteria

Allowed within the Urban Development Area, and the Suburban Area; new RL uses within the Central City TSA will be discouraged.

Residential Very Low (RVL)

Generally Characterized As

Up to 3 dwelling units per acre with central water and wastewater.

Density/Intensity

- 0 to 3 dwelling units per acre

Development Criteria

Allowed in the Suburban and Rural Development Areas within the Green Swamp ACSC.

Agriculture Residential Very Low (ARL)

Generally Characterized As

Single Family residential and/or agricultural uses such as cattle grazing or growing of produce and related activities necessary and accessory to the primary use.

Density/Intensity

- Up to 1 dwelling unit per 10 acres

Development Criteria

Intended primarily for the Green Swamp ACSC.

Recreation (R)

Generally Characterized As

Public and private facilities predominantly used for recreation purposes, but do not include commercial entertainment establishments.

Intensity (Maximum Floor Area Ratio (FAR))

Development Area

Central City	Urban Development Area	Suburban Development Area	Downtown CRA
0.50 FAR	0.50 FAR	0.25 FAR	Not Applicable

Development Criteria

Recreation uses may be located within the Central City TSA, the Urban Development Area, the Suburban Area, and the Rural Area.

Conservation (C)

Generally Characterized As

Lands which, due to natural or environmental constraints, can only support low intensity, passive recreational uses and an allowance of up to one dwelling unit or less per ten acres to avoid an issue of a regulatory taking, except in the Green Swamp ACSC where the limit is one unit per 20 acres on upland areas only.

Density/Intensity

- Maximum of 1 dwelling unit per 10 acres
- Maximum of 1 dwelling unit per 20 acres in the upland areas of the Green Swamp ACSC

Intensity (Maximum Floor Area Ratio (FAR))

Development Area

Central City	Urban Development Area	Suburban Development Area	Downtown CRA
0.10 FAR	0.10 FAR	0.05 FAR	Not Applicable

Development Criteria

Conservation land uses may be located within the Central City TSA, the Urban Development Area, the Suburban Area, and the Rural Area.

Preservation (P)

Generally Characterized As

Publicly owned lands held as open space or passive recreation lands due to the natural features or limitations of the area for more intense uses.

Intensity (Maximum Floor Area Ratio (FAR))

Development Area

Central City	Urban Development Area	Suburban Development Area	Downtown CRA
0.00005 FAR	0.00005 FAR	0.00005 FAR	Not Applicable

Development Criteria

Preservation land uses may be located within the Central City TSA, the Urban Development Area, the Suburban Area, and the Rural Area.

Public Buildings, Grounds, and Institutional Uses (PI)

Generally Characterized As

- Public land uses generally consist of a variety of public and private institutional uses such as schools, government buildings, cemeteries, post offices, and other similar facilities.
- Public school uses are a permitted principal use in all FLUM categories except Conservation (C) and/or Preservation (P). Standards differentiating public and private schools are addressed in the City of Lakeland LDC.

Intensity (Maximum Floor Area Ratio (FAR))

Development Area

Central City	Urban Development Area	Suburban Development Area	Downtown CRA
2.00 FAR	1.50 FAR	0.70 FAR	Not Applicable

Development Criteria

Future Public Buildings, Grounds, and Other Public or Institutional Uses may be located within the Central City TSA, the Urban Development Area, the Suburban Area, and the Rural Area.

*Although Future Land Use area sizes vary, these are typical sizes of land involved in new Future Land Use amendments. This is intended to be informational only.



Community & Economic Development Staff Report

Date:	August 20, 2024	Reviewer:	Audrey McGuire
Project No:	CPA24-002	Applicant:	City of Lakeland
P&Z Hearing:	July 16, 2024	P&Z Final Decision:	August 20, 2024
Request:	Proposed text amendment to the Infrastructure Element of the Lakeland Comprehensive Plan to evaluate the feasibility of connecting on-site private septic systems to City sanitary sewer service.		

1.0 Background

1.1 Summary

Periodically, changes to the Comprehensive Plan are proposed in response to changing conditions. The proposed changes to the Infrastructure Element of the Lakeland Comprehensive Plan: Our Community 2030 are in response to new comprehensive planning requirements in Sec. 163.3177, *Florida Statutes* pertaining to environmental / water quality protection and wastewater services.

2.0 Discussion

2.1 Summary

The Lakeland Comprehensive Plan: Our Community 2030 supports environmental and water quality protection through the provision of high quality and economical wastewater service. New Development and redevelopment within the City limits and outside the City limits within Lakeland’s Utility Service area are required to connect to water and wastewater services where they are available.

Pursuant to House Bill 1379, additional comprehensive planning requirements for wastewater services were enacted by the Legislature in 2023. Sec. 163.3177(6)(c.3), F.S. requires local governments to update their comprehensive plans by July 1, 2024 to consider the feasibility of providing sanitary sewer services to developments of 50 or more residential lots with more than one on-site sewage treatment and disposal (septic) system per acre. This includes identifying the name and location of the wastewater facility that could receive sanitary flows after connection; the capacity of the facility and any associated transmission facilities; the projected wastewater flow at that facility for the next 20 years, including expected future new construction and connection of existing systems. Sec. 163.3177(6)(c.3) reads as follows:

“Within the local government’s jurisdiction, for any development of more than 50 residential lots, whether built or unbuilt, with more than one onsite sewage treatment and disposal system per 1 acre, the element must consider the feasibility of providing sanitary sewer services within a 10-year planning horizon and must identify the name and location of the wastewater facility that could receive sanitary sewer flows after connection; the capacity of the facility and any associated transmission facilities; the projected wastewater flow at that facility for the next 20 years, including expected future new construction and connections of onsite sewage treatment and disposal systems to sanitary sewer; and a timeline for the construction of the sanitary sewer system. An onsite sewage treatment and disposal system is presumed to exist on a parcel if sanitary sewer services are not available at or adjacent to the parcel boundary. Each comprehensive plan must be

updated to include this element by July 1, 2024, and as needed thereafter to account for future applicable developments. This subparagraph does not apply to a local government designated as a rural area of opportunity under s.288.0656.”

In response to the new statutory requirements, staff is proposing a new objective and associated policies under Infrastructure (INF) Goal 2 to plan for the conversion of septic systems to City wastewater service and restrict installation and replacement of on-site wastewater systems (Attachment “A”). These changes include new Policy INF2.4A which specifically addresses Sec. 163.3177(6)(c.3), F.S. by requiring the city to consider the feasibility of converting developments of 50 or more lots with more than one septic system to the City’s wastewater system. Other associated policies will support this objective through the creation of a Septic-to-Sewer Master Plan and program to prioritize and fund septic-to-sewer projects and related improvements in the city; to require connection to City wastewater services where they are available, and to limit the installation of new and replacement septic systems in the City limits.

2.1 Attachments

Attachment A: Proposed Objective INF-2.4 and Related Policies

3.0 Recommendation

3.1 Community & Economic Development Staff

The Community & Economic Development Department recommends the proposed changes to the City’s Comprehensive Plan to plan for the conversion of septic systems to City wastewater service and restrict the installation and replacement of on-site wastewater systems, pursuant to House Bill 1379. It is our opinion that the attached revisions are consistent with the Lakeland Comprehensive Plan: Our Community 2030 and Section 163.3177(6)(c.3), *Florida Statutes*.

The Community & Economic Development Department reviewed this request and recommends the proposed changes to the Lakeland Comprehensive Plan: Our Community 2030:

Recommendation

It is recommended that the proposed changes to the Infrastructure Element of the Comprehensive Plan as described in Attachment “A” be approved as follows:

ATTACHMENT "A"

INFRASTRUCTURE (INF) GOAL 2: The City of Lakeland provide will high quality and economical wastewater service while protecting the environment by preserving water quality.

Objective INF-2.1: The City of Lakeland will annually examine capital improvements priorities as funded in the Five-Year Capital Improvements Program in order to prevent deficiencies in Publicly Owned Treatment Works (POTW) capacities to meet projected demands within established service areas at adopted service levels.

Policy INF-2.1A: Customer charges and impact fees will support the rehabilitation, replacement, maintenance and expansion needs of the wastewater system, consistent with the City's long-range wastewater planning.

Policy INF-2.1B: The orderly maintenance, expansion and extension of the POTW's will be prioritized and scheduled through the Five-Year Capital Improvements Program and will be updated annually.

Policy INF-2.1C: The City will maintain an industrial pretreatment program in accordance with Florida Department of Environmental Protection guidelines. Through this program, Wastewater Discharge Permits will be required of Significant Industrial Users.

Policy INF-2.1D: The remaining phases of wastewater trunk line extensions identified in the 1995 Master Sewer Plan study will be completed as it becomes financially and practically feasible.

Policy INF-2.1E: In conformance with the City's 20-year plan for the wastewater trunk line system, the City will prevent excessive infiltration and inflow of groundwater and stormwater into the wastewater collection system through reoccurring funds in 5-Year Capital Improvement Plan to support ongoing monitoring, repair, replacement and rehabilitation throughout the planning period.

Policy INF-2.1F: Routine inspections of the collection system will be performed by closed circuit television. Deficiencies identified will be prioritized and repaired on a priority basis. Emergency power generators for lift stations and treatment plants shall be tested and maintained on a regular basis also.

Policy INF-2.1G: The City of Lakeland will provide wastewater service at the following levels of service:

- a) Quality
 - i. Compliance with all standards of the US Environmental Protection Agency (EPA) and Florida Department of Environmental Protection (FDEP).
- b) Quantity
 - i. System-wide wastewater collection and treatment will be sufficient to provide a minimum of 128 gallons per capita per day on an average annual basis. Plant expansion shall be planned in accordance with F.A.C. 62-600.405.

Objective INF-2.2: Wastewater Service will only be made available to new development in a manner to promote compact urban area growth, promoting infill development, and discouraging urban sprawl.

Policy INF-2.2A: The City's Wastewater Division will coordinate wastewater service for new development with the City's Community and Economic Development Department to ensure compliance with the Future Land Use and the Infrastructure Elements of the Comprehensive Plan. Wastewater service shall be primarily limited to the designated urban development area for Lakeland.

Policy INF-2.2B: Wastewater service will be offered to new development only when all concurrency mandated facilities can be provided concurrent with the new development.

Policy INF-2.2C: Wastewater service will not be provided within any area designated as a greenbelt in the Conservation Element of this plan. (See MAP CON-4 Greenbelt in the Conservation Element.)

Policy INF-2.2D: To promote compact urban area growth, virtually all wastewater line extensions for new development will be funded by development.

Policy INF-2.2E: All proposed development will be analyzed to determine the availability of adequate wastewater capacity and a development order or permit will not be issued unless sufficient capacity at acceptable service levels exists.

Policy INF-2.4F: The City will continue to equitably allocate the cost of new facilities between existing and new residents with on-site improvements made at the property owner's expense.

Policy INF-2.4G: Wastewater customers served by an existing package plant may be connected to the City's public wastewater system when impact fees are paid for each customer, wastewater line extensions to the City system are constructed by the applicant, and annexation agreement provisions are met.

Objective INF-2.3: Wastewater treatment by-products will be reclaimed or disposed of in an environmentally acceptable manner while maximizing resource recovery.

Policy INF-2.3A: Wastewater effluent water will be reused as power plant cooling water and plant process water. As opportunities become feasible, effluent reuse at the power plant will be increased, and/or will be made available to other users of the effluent.

Policy INF-2.3B: Wastewater effluent from existing plants which is not reused will be disposed of by means of the City's artificial wetlands. The City will monitor the outflow from the effluent wetlands to assess any affect on State surface waters in compliance with all applicable State water quality rules.

Objective INF-2.4: Restrict the installation and replacement of on-site wastewater treatment and disposal systems and plan for the conversion of areas with a high concentration of septic systems to the City's public wastewater system.

Policy INF-2.2A: In accordance with Florida Statutes, the City will consider the feasibility of providing wastewater service within a 10-year planning horizon to developments within the City limits of 50 or more residential lots, whether built or unbuilt, and more than one (1) on-site wastewater treatment and disposal system (septic system) per one (1) acre. As part of this consideration, the City shall identify the wastewater facility that could receive flow, the capacity of the facility and any associated transmission

facilities, the projected wastewater flow at that facility for the next 20 years, and a timeline for construction.

Policy INF-2.4B: By September 30, 2029, the City will prepare and maintain a Citywide Septic-to-Sewer Master Plan and program to connect areas in the City with a high concentration of septic systems to the City's public wastewater system. The Septic-to-Sewer Master Plan shall be adopted as an exhibit to the Lakeland Comprehensive Plan: *Our Community 2030*.

Policy INF-2.4C: The City will prepare, maintain and periodically update maps illustrating areas both within and outside the City limits in the Utility Service Area with a high concentration of septic systems.

Policy INF-2.4D: The City will coordinate with Polk County Planning and Utility Departments on development proposals within and adjacent to the Lakeland Utility Service Area to prevent the use of private septic systems in new development.

Policy INF-2.4E: New and replacement on-site wastewater treatment and disposal systems shall be designed to allow for future connection to the City's public wastewater system, when available.

Policy INF-2.4F: Customers served by an existing septic system will be required to connect to the City's public wastewater system upon replacement of the septic system (septic tank or drain field) where wastewater lines are installed adjacent to or within 200 feet of the nearest property line.

Policy INF-2.4G: The City will coordinate with the Polk County Health Department and/or the Florida Department of Environmental Protection (FDEP) to require non-compliant septic systems within City limits to connect to the City's public wastewater system, where available.

Policy INF-2.4H: The City will ensure wastewater lines and treatment facilities have adequate capacity to accommodate additional flow from priority areas within the City limits with a high concentration of septic systems.

Policy INF-2.4I: The City will Annually fund projects in the Capital Improvement Plan to support septic-to-sewer projects, including wastewater line extensions, wastewater treatment plant upgrades, and lift stations.

Policy INF-2.4J: The City will Annually review work programs of City Departments, Florida Department of Transportation and Polk County to identify opportunities to coordinate design and construction with other funded infrastructure investments, where feasible and desirable, to reduce costs and impacts to the public.

Policy INF-2.4K: Grant opportunities will be identified in the Five-Year Capital Improvements Plan to aid in funding capital projects and off-set customer costs for priority septic-to-sewer projects in the City. Funding requests should focus on projects within a Waterbody ID (WBID) that are verified impaired, with an existing total maximum daily load (TMDL) or basin management action plan (BMAP) and be prepared to be "shovel ready" for implementation.



Community & Economic Development Staff Report

Date:	August 20, 2024	Reviewer:	Phillip Scearce
Project No:	LDC24-001	Applicant:	City of Lakeland
P&Z Hearing:	July 16, 2024	P&Z Final Decision:	August 20, 2024
Request:	Changes to Article 2 (Use Standards), Sections 2.3 (Permitted Uses) and 2.6 (Master Use List) of the Land Development Code to allow ground floor residential uses within existing non-residential buildings in C-6 and C-7 zoning districts, define restaurant and retail uses such as “ghost kitchens” and “dark stores” and allow within certain zoning districts, revise definitions pertaining to the outdoor storage boats, motor homes, trailers and other equipment, add a new use specific to the outdoor storage of medium-duty and heavy duty trucks, semi-trailers, multi-trailers, construction equipment, tools and vehicles, and amend the zoning districts in which such uses are permitted by right and through a conditional use.		

1.0 Background

1.1 Summary

Periodically, various changes to the Land Development Code (LDC) are proposed in response to changes in the marketplace as well as from lessons administering code requirements and standards. The proposed changes to Article 2, Use Standards, include new uses and clarifies and updates existing uses within the downtown and certain industrial zoning districts. Amendments to Table 2.3-1, Permitted Principal Uses, includes the consideration for 1st floor residential uses in the downtown zoning districts (C-6/C-7); addresses new trends in e-commerce and on-line dining applications by allowing dark stores and ghost kitchens within the light- and medium-industrial zoning districts, I-1 and 1-2 districts respectively. In addition, amendments to Section 2.6, Master Use List, updates and clarifies certain outdoor storage uses within industrial zoning districts.

1.2 Attachments

Attachment A: Proposed changes to Table 2.3-1 (Permitted Principal Uses)

Attachment B: Proposed changes to Section 2.6 (Master Use List)

2.0 Discussion

2.1 Summary

The current version of the Land Development Code (LDC) was adopted by the City Commission in December 2013. Since that time, it has been amended periodically to address development standards, update uses, and clarify policies and/or standards. The current regulatory approach attempts to anticipate every possible use within a given zoning district. However, as new uses arise, they may not be covered under an existing use category. Definitions for individual uses, when provided, are often vague or incomplete. As result, the code frequently lacks the flexibility to account for new business models or uses that did not exist at the time of adoption. Therefore, these uses need to be established with an amendment to the Land Development Code.

The first proposed change within Table 2.3-1, Permitted Principal Uses, and Section 2.6 Master Use List is the addition of a new residential use category which will allow for the consideration of first-floor residential uses within C-6 and C-7 zoning districts. The purpose of the change is to allow for the conversion of ground floor commercial space to residential uses on properties within downtown Lakeland which lack sufficient pedestrian and vehicle traffic to support retail commercial activities. The process to establish first-floor residential will be similar to the process of establishing an Accessory Dwelling Unit (ADU) with a compatibility review (public hearing) before the Planning & Zoning Board. The only difference will be an initial review and recommendation by the Lakeland Downtown Development Authority (LDDA), see footnote 15 in Attachment "A." At the July 18, 2024, LDDA board meeting, the Board approved (5 – 0) a motion to consider future 1st floor residential uses within the downtown per the proposed LDC amendment.

The next proposed changes to Table 2.3-1, Permitted Principal Uses, and Section 2.6 Master Use List, address recent trends in e-commerce and on-line shopping related to the fulfillment of online retail sales and food delivery services. Such services have seen a growing demand for many years, but demand has since accelerated following the COVID-19 pandemic. The purpose of the proposed changes is to prevent the establishment of certain retail and restaurant-type uses in commercial areas which have an online presence only and do not operate as traditional retail or restaurant uses serving customers onsite.

The two new uses added to Table 2.3-1 include Dark Stores and Ghost Kitchens. These uses will be added as permitted uses within the I-1 (Light Industrial) and I-2 (Medium-Industrial) zoning districts. In addition, within Article 2, Section 2.6 Master Use, definitions for each use will be as follows.

Dark Stores: An establishment which functions as a distribution or fulfillment center for online retail sales of consumer goods, that provides for the delivery of such goods either directly or indirectly through a third-party delivery service, and does not operate as an accessory use to a principal retail use in which consumer goods are displayed and marketed for sale to the general public. For the purposes of the definition, consumer goods shall include any durable and non-durable goods, including convenience foods, alcoholic and non-alcoholic beverages, and groceries.

Ghost Kitchens: A commercial kitchen which cooks and prepares ready-to-eat food for off-premises consumption using a third-party food delivery service and does not operate as part of a restaurant which provides dine-in, drive through, or carry out service.

The next set of proposed changes pertains to outdoor storage. The first amendment addresses an allowance for "Outdoor storage facilities for families and small businesses" within the general category "Industrial-type Service Establishments, Level I" and the sub-group "Miscellaneous industrial-type business service for the trade, including the following uses in Occupational Safety and Health Administration (OSHA) SIC group 7389." Staff recommends that the allowance for this use be deleted as it is vague in terms of what types of items may be stored and whether items may be stored as both a principal and an accessory use. The use is also not part of OSHA's SIC group 7389 which is intended for business services such as packaging and labeling services, merchandise liquidation services, food and produce weighing services, parcel packing services, and other similar activities.

Two other new use categories being added to Table 2.3-1 and the Master Use List, Section 2.6 pertain to Section 2.6.3.5 Principal Warehousing and Wholesale Trade Uses, Warehousing and Motor Freight Transportation Uses, Level I. This general category of uses which is intended for warehouses, distribution centers and self-storage facilities currently allows for the "Outdoor Storage of Boats, Motor Homes and Trailers and Other Equipment as a Principal Use." Like "Outdoor storage facilities for families and small businesses", the description of the use is vague and does not specify what types of vehicles, trailers, and equipment can be stored.

Currently the use is permitted by right in I-1, I-2 and I-3 zoning districts. Under the proposed changes, the “Outdoor Storage of Boats, Motor Homes and Trailers and Other Equipment as a Principal Use” will be removed from Warehousing and Motor Freight Transportation Uses, Level I and recreated as part of two separate new use categories under Section 2.6.3.4 Principal Industrial and Industrial-Service Uses.

The two new proposed use categories, listed below, specify the types of trailers and vehicles which can be stored and make a clear distinction between light duty trailers intended for use by consumers and small business and heavier trucks, trailers and equipment intended for warehouse/ distribution centers, industrial services, transit services and construction activities.

Outdoor Storage of Boats, Motor Homes & Trailers as a Principal Use: Outdoor storage of boats, motor homes, and trailers as a principal use. For the purposes of this definition, the term trailers shall mean any trailers designed for towing by light-duty trucks and passenger vehicles including, but not limited to, travel trailers, utility trailers, enclosed (cargo) trailers, livestock trailers, dump trailers and boat/car haul trailers with a maximum length not to exceed 48 feet.

Outdoor Storage of Medium-Duty and Heavy-Duty Trucks, Semi-Trailers, Multi-Trailers, and Construction Equipment, Tools and Vehicles as a Principal Use: For the purposes of this definition, the terms medium-duty and heavy-duty trucks, semi-trailers and multi-trailers shall mean any Federal Highway Administration (FHWA) Class 4-13 vehicles.

Under the proposed changes to Table 2-3.1, “Outdoor Storage of Boats, Motor Homes & Trailers as a Principal Use” will be permitted by right in I-2 and I-3 zoning districts and allowed a conditional use only in I-1 zoning districts. “Outdoor Storage of Medium-Duty and Heavy-Duty Trucks, Semi-Trailers, Multi-Trailers, and Construction Equipment, Tools and Vehicles as a Principal Use” will be permitted by right in I-2 and I-3 zoning district, but not within I-1 zoning districts.

Lastly, as part of the recommended changes to Section 2.6 Master Use List., staff corrected a typo and added a definition for “Outdoor Storage of Boats, Motors & Trailers, Retail Service” which mirrors the definition above for the storage of boats, motor homes and light duty trailers but clarifies that the use is only intended as accessory use to a business in which the principal use is either retail sales or service of the vehicles being stored.

Outdoor Storage of Boats, Motor Homes & Trailers, Retail Service: Accessory storage use for a business in which the principal use is retail sales and/or service of boats, motor homes, or trailers. For the purposes of this definition, the term trailers shall mean any trailers designed for towing by light-duty trucks and passenger vehicles including, but not limited to, travel trailers, utility trailers, enclosed (cargo) trailers, livestock trailers, dump trailers and boat/car haul trailers with a maximum length not to exceed 48 feet.

3.0 Recommendation

3.1 Community & Economic Development Staff

The Community & Economic Development Department reviewed this request for compliance with Lakeland Comprehensive Plan: Our Community 2030 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 and Article 5 of the Land Development Code, as described in Attachments "A" and "B," 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	M	H	O-1	O-2	O-3	C-1	C-2	C-3	C-4	C-5	C-6	C-7 ^A	I-1	I-2	I-3	
Residential																								
Convents & Monasteries					P	P	P																	
Dormitories					C	C	C					P												
Fraternities & Sororities					C	C	C					P												
Ground Floor Residential Uses within an Existing Non-Residential Building																					<u>P¹⁵</u>	<u>P¹⁵</u>		
Mobile Home									P															
Multi-Family					P	P	P			P ³									P	P				
Multi-Family Affordable Housing Projects in Non-Residential Zoning Districts														P ¹⁴	P ¹⁴	P ¹⁴	P ¹⁴	P ¹⁴					P ¹⁴	
Multi-Family for the Elderly					P	P	P			P ³									P	P				
Residential Above 1 st Floor										P	P								P	P				

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	M H	O-1	O-2	O-3	C-1	C-2	C-3	C-4	C-5	C-6	C-7 ^A	I-1	I-2	I-3		
Retail Sales Uses																								
Accessory Retail to a Permitted Principal Use within I-2 Zoning Districts																							P ¹⁰	
Antique Shops & Consignment Boutiques												P	P	P	P	P	P	P	P ⁵	P				
Artisan-Oriented Retail												P	P						P	P				
Big Box Retail													C			P	P							
Building Materials Sales, Retail, Level I													P			P	P	C		P				
Building Materials Sales, Retail, Level II																					P	P	P	
Convenience Stores													P	P	P	P				C				
Dark Stores																					P	P		
Department Stores																P	P	P	P	P ⁵				

Rent-To-Own Stores																				P11											P11			
Shopping Centers, Neighborhood																				P12	P	P	P	P	C									
Shopping Centers, Community																						P	P											
Shopping Centers, Regional																							P											
Thrift & Secondhand Stores																																	P	
Tobacco & Vape Shops																					P	P	P	P	C	C5	P							
All Other Retail Sales Uses, Not Specified, Indoors																					P	P	P	P	P	P	P	P5	P					

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 ⁴	I-1	I-2	I-3		
Restaurant Uses																								
Carry Out/Delivery										P	P	P	P	P	P	P	P	P	P	P ⁵	P			
Food Trucks													P		P		C		P	P				
Food Truck Courts													C								C			
<u>Ghost Kitchens</u>																					E	E		
Restaurants, Low Turn-Over											P	P	P	P	P	P	P	P	P ⁵	P				
Restaurants, High Turn-Over											P	C	P	P	P	P	P	P	P	P ⁵	P			
Restaurants, Very High Turn-Over												P	P	P	P	P	P	C		P				

ATTACHMENT "B"

2.6 – MASTER USE LIST

2.6.3 PRINCIPAL USES LISTED AND DEFINED

2.6.3.1 Principal Residential Uses

Convents and Monasteries

Dormitories: Including buildings used as group living quarters as an accessory use for a college, university, boarding school, orphanage, or other similar institutional use.

Farm Employee Housing: Single- or multiple family dwellings or dormitories provided for the exclusive use of farm employees and their families.

Fraternities and Sororities

Ground Floor Residential Uses within an Existing Non-Residential Building in C-6/C-7

Residential, Single-Family Attached: Single-family attached residential uses consist of single-family attached dwellings as defined in Article 2.

Residential, Single-Family Detached: Single-family detached residential uses consist of single-family detached dwellings as defined in Article 2.

Residential, Two-Family: Two-family residential uses consist of two-family dwellings as defined in Article 2.

Residential, Multi-Family: Multi-family residential uses consist of multi-family dwellings as defined in Article 2.

Residential, Multi-Family for the Elderly: Multi-family residential uses which are restricted to occupancy by the elderly. For the purposes of this section, the elderly shall be all persons who are 62 years of age or older plus all persons in a household the head of which is 62 years of age or older plus persons in a household at least half of whose members are 62 years of age or older. Units are considered to be restricted to occupancy by the elderly if they are restricted by any long-term, binding public or private covenant. Covenants shall be considered to be long-term if they will be in effect for a period of at least 15 years from the date of initial building occupancy. Covenants shall be considered to be binding if they are judged by the City Attorney to incorporate all reasonable and feasible language to render them binding.

Residential, Mobile Home

Residential, One or More Dwelling Units Located Above the First Floor of a Building Which Contains Another Permitted Principal Use on the First Floor

Residential, One or More Dwelling Units Located Above the First Floor of a Building Fronting on a Transit Oriented Corridor and Which Contains Another Permitted Principal Use on the First Floor

Rooming Houses, Hostels and Similar Uses, Level I: Level I rooming houses and similar uses are uses which are: 1) owner-occupied, and 2) occupied by not more than eight guests at any one time, and 3) occupied only by guests whose visits are pre-arranged, and 4) occupied only by guests whose visits are for a period of not less than seven days, and 5) contain kitchen facilities. Rooming houses, hostels and similar uses by definition shall not include rescue missions or any similar use in which meals and/or lodgings are provided to the indigent at no cost or at a subsidized cost.

Rooming Houses, Hostels and Similar Uses, Level II: Level II rooming houses and similar uses are rooming houses and similar uses which are not Level I rooming houses and similar uses.

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2.6.3.3 Principal Commercial Uses

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f. Retail Sales Uses: Retail sales primarily oriented towards the general public

Accessory Retail to a Permitted Principal Use in I-2 Zoning Districts: Up to 10% of the floor area may be used for retail sales accessory to a permitted principal use within I-2 zoning district. Such sales must be directly related to a manufacturing activity or service which is the principal use on the premises. Examples include, but are not limited to, a tasting room for a brewery, a showroom, or a clearance center to allow for sales of surplus or returned goods from a warehouse.

Antique Shops & Consignment Boutiques: Retail establishments specializing in the sale of furniture, artwork and decorative objects, generally produced at least 30 years ago or older, and those which sell used items of moderate to high value (typically clothing, accessories or furniture) on behalf of the original owner who receives a percentage of the sales price. This category does not include thrift or secondhand stores.

Artisan-Oriented Retail: Small-scale manufacturing establishments, less than 10,000 sq. ft. in floor area, which primarily produce and offer for retail sale items such as jewelry, furniture, pottery, leathercraft, textiles, painting and sculpture and in which all activities occur indoors within an enclosed building.

Big Box Retail: Retail establishments containing 40,000 square feet of gross floor area or greater which offer a broad range of convenience and consumer goods, and fresh, processed or prepared foods, or specialize in a single consumer product category such as office supplies, home furnishings, electronics, appliances, or sporting goods.

Building Materials Sales, Retail, Level I

Awnings

Cabinets

Doors

Electrical supply

Fencing dealers

Flooring

Hot tubs and whirl pools

Insulation material

Lumber

Plumbing supply

Prefabricated buildings

Roofing materials, but not hot tar or aggregate

Swimming pools

Tile dealers

Wallboard

Window and screen

Building Materials Sales, Retail, Level II:

Building material dealers, including the following uses listed in SIC group 5211:

Brick dealers, retail

Cement dealers, retail

Concrete and cinder block dealers, retail

Lime and plaster dealers, retail

Roofing material dealers including hot tar and aggregate dealers

Sand and gravel dealers, retail

Structural clay products, retail

Convenience Store: A retail store typically 4,000 square feet or less, generally open 24 hours a day or into the late evening, which primarily sells convenience foods and goods such as candy, snacks, drinks, processed and prepared foods, tobacco products and package sales of alcoholic beverages for off-site consumption. The sale of motor vehicle fuel shall be permitted accessory to a convenience store only where motor vehicle fuel sales uses are permitted by right or as a conditional use.

Dark Stores: An establishment which functions as a distribution or fulfillment center for online retail sales of consumer goods, that provides for the delivery of such goods either directly or indirectly through a third-party delivery service, and does not operate as an accessory use to a principal retail use in which consumer goods are displayed and marketed for sale to the general public. For the purposes of the definition, consumer goods shall include any durable and non-durable goods, including convenience foods, alcoholic and non-alcoholic beverages, and groceries.

Department Stores: Retail establishments containing 80,000 square feet of gross floor area or greater which carry several lines of merchandise, such as women's ready-to-wear and accessories, men's and boys' clothing, piece goods, small wares, and home furnishings, all of which are organized into separate departments.

Dollar Stores & Variety Stores: Retail establishments, usually 12,000 square feet in floor area or less, which maintain regular daytime and early evening store hours and offer for sale a combination of convenience foods and consumer goods for off-site consumption with a majority of items available for sale for ten (10) dollars or less.

Drug Stores & Pharmacies: Retail establishments which primarily sell prescription drugs, over the counter medicines and other items intended for health and wellness, but which may also sell small quantities of consumer goods such as convenience foods, personal care products, toys, gifts and sundries.

Firearms Sales and Indoor Gun Ranges: Retail stores which primarily sell firearms and accessories and/or offer indoor facilities which involve the use of firearms such as private gun clubs and shooting ranges. This category does not include general retail sales uses such as stores which specialize in sales of sporting goods or outdoor recreation merchandise and in which any sales of firearms are incidental.

Grocery Stores: Retail establishments generally containing 20,000 square feet of gross floor area or greater which primarily sell a wide variety of foods such as fresh meats, fish and poultry, fresh fruits and vegetables, dairy products, canned, packaged, frozen and prepared foods, that are intended for preparation or consumption at home or off-site.

Liquor Stores: A retail store selling beverages containing more than 14 percent of alcohol by weight for off-premises consumption.

Medical Marijuana Dispensing Facility: As defined in Section [1.6](#), establishments authorized to sell and dispense medical marijuana and related supplies.

Micro-Breweries, Micro-Wineries & Micro-Distilleries: Establishments which produce beer, wine or distilled spirits in relatively small quantities in conjunction with a restaurant,

tasting room or retail sales operation. A micro-brewery is defined as an establishment which is duly-licensed to produce beer and/or cider in quantities not to exceed 15,000 barrels per year (465,000 U.S. gallons). A micro-winery is defined as an establishment which is duly-licensed to produce wine and/or mead in quantities not to exceed 100,000 U.S. gallons per year. A micro-distillery is defined as an establishment which is duly-licensed to produce distilled spirits in quantities not to exceed 15,000 U.S. gallons per year. Where permitted only through a conditional use, the maximum production capacity may be further limited to minimize impacts on adjacent uses.

Neighborhood Convenience Centers: Small scale, neighborhood oriented commercial uses which may be allowed in certain residential and office zoning districts as a conditional use, as specified by Section [5.13](#).

Office Support Retail & Service Uses:

Barber shops, hair salons and day spas

Business equipment and computer stores

Business service centers, including pack and ship stores

Delivery Services

Exercise & martial arts studios

Laundry, cleaning and related garment service pick-up stations primarily serving the public

Office furniture and supply stores

Photocopying, offset printing and similar reproduction services

Sandwich shops and snack bars

Sundry shops

Outdoor Sales, New and Used, as a Principal Use: Establishments in which products and merchandise for sale are displayed outdoors and primarily intended for outdoor use. Examples include retail establishments which specialize in the sale of outdoor goods such as outdoor furnishings, monuments and landscaping materials such as mulch or sod. This use does not include equipment rental and leasing services, which are classified as a Level II Industrial-type Service Use, or establishments which primarily sell building materials such as crushed stone, gravel, or sand and are classified as Building Materials Sales, Retail, Level II.

Pawn Shops: Establishments which provide short-term loans in exchange for personal goods or other items as collateral and resell those same items as a secondary retail service. Where permitted, such uses are subject to special deglomeration measures and may not be located within a quarter mile (1,320 ft.) of another pawn shop.

Plant Nurseries & Greenhouses: Retail establishments specializing in the sale of plants, trees and shrubs in which the majority of inventory sold is grown and cultivated off the premises.

Rent-To-Own Stores: Retail establishments which primarily lease consumer goods such as furniture, electronics and appliances where the customer may take ownership after making a specified number of payments. Where permitted, such uses are subject to special deglomeration measures and may not be located within a quarter mile (1,320 ft.) of another rent-to-own store.

Shopping Centers, Neighborhood: A shopping center usually selling goods necessary to meet daily needs, occupying up to 10 acres and having up to 100,000 square feet of gross leasable area. It generally draws its clientele from a radius of approximately a five-minute drive from the center.

Shopping Centers, Community: A shopping center usually featuring a junior department store, having approximately 150,000 square feet of gross leasable area, and a site area of 10 to 25 acres. It generally draws its clientele from a radius of approximately a 10-minute drive from the center.

Shopping Centers, Regional: A shopping center usually containing a wide range of retail and service establishments, occupying 50 to 100 acres of land, having at least one or more anchor stores, and containing over 400,000 square feet of gross leasable space. It draws its clientele from as much as a 45-minute drive away.

Thrift & Secondhand Stores: Retail stores specializing in the sale of secondhand clothes and other household goods that are heavily discounted or donated for resale, typically for the benefit a charitable organization.

Tobacco & Vape Shops: Retail establishments specializing in the sale of tobacco, cigars, cigarettes and other derivative tobacco products, smoking and vaping accessories.

...

e. Restaurant Uses

Carry Out/Delivery: Restaurants, which through the design of physical facilities, service or packaging procedures, specialize in the sales of ready-to-eat, prepared foods primarily intended for off-site consumption. This category includes restaurants with limited traffic such as snack bars and sandwich shops.

Food Trucks: A mobile food unit, mobile food vendor or any other food service/vending vehicle or cart that has been inspected and licensed as such by the appropriate state agency.

Food Truck Courts: A commercial site intended to host two or more food trucks on a semi-permanent basis as either a principal or accessory use.

Ghost Kitchens: A commercial kitchen which cooks and prepares ready-to-eat food for off-premises consumption using a third-party food delivery service and does not operate as part of a restaurant which provides dine-in, drive through, or carry out service.

Restaurants, Low Turn-Over: Eating establishments with low turnover rates usually of at least one hour or longer. Generally high quality, destination restaurants which do not rely on drive-by traffic with the majority of sales occurring during evening dinner hours.

Restaurants, High Turn-Over: Eating establishments with high turnover rates generally of less than one hour. This type of restaurant is usually moderately priced and frequently belongs to a restaurant chain. Generally, these restaurants serve breakfast, lunch and dinner, and are sometimes open 24 hours per day, with the majority of sales coming from eat-in customers. This category includes "fast casual" type restaurants with or without drive-through facilities.

Restaurants, Very High Turn-Over: Fast-food "quick service" type eating establishments with or without drive-through facilities. This type of restaurant is characterized by a high volume of drive-through or carry out sales; long hours of service, often 24 hours per day, and very high turnover rates for eat-in customers, generally less than 30 minutes.

...

2.6.3.4 Principal Industrial and Industrial-Service Uses

Industrial-type Service Establishments, Level I: Level I industrial-type service establishments are those which generally have a moderate impact on their neighbors. They include the following:

...

Miscellaneous industrial-type business services for the trade, including the following uses listed in SIC group 7389:

Apparel pressing services

Batik work and other hand painting on textiles

Cloth cutting, bolting, or winding

Exhibit construction services

Float construction and decoration

Fire extinguishers, service of

Inspection of commodities

Laminating photographs

Liquidators of merchandise, contract

Outdoor storage facilities for families and small businesses

Packaging and labeling services

Parcel packing services, contract

Produce weighing services

Rug binding

Sampling of commodities

Textile folding and packing services

Weighing foods and other commodities

Welcome wagon services

...

Outdoor Storage of Boats, ~~Motors~~ Motor Homes & Trailers, Retail Service: Accessory storage use for a business in which the principal use is retail sales and/or service of boats, motor homes, or trailers. For the purposes of this definition, the term trailers shall mean any trailers designed for towing by light-duty trucks and passenger vehicles including, but not limited to, travel trailers, utility trailers, enclosed (cargo) trailers, livestock trailers, dump trailers and boat/car haul trailers with a maximum length not to exceed 48 feet.

Outdoor Storage of Boats, Motor Homes & Trailers as a Principal Use: Outdoor storage of boats, motor homes, and trailers as a principal use. For the purposes of this definition, the term trailers shall mean any trailers designed for towing by light-duty trucks and passenger vehicles including, but not limited to, travel trailers, utility trailers, enclosed (cargo) trailers, livestock trailers, dump trailers and boat/car haul trailers with a maximum length not to exceed 48 feet.

Outdoor Storage of Medium-Duty and Heavy-Duty Trucks, Semi-Trailers, Multi-Trailers, and Construction Equipment, Tools and Vehicles as a Principal Use: For the purposes of this definition, the terms medium-duty and heavy-duty trucks, semi-trailers and multi-trailers shall mean any Federal Highway Administration (FHWA) Class 4-13 vehicles.

2.6.3.5 Principal Warehousing and Wholesale Trade Uses

Warehousing and Motor Freight Transportation Uses, Level I: Level I warehouse and motor freight transportation uses are those which generally have a moderate impact on their neighbors. They include the following:

General warehousing and storage as listed in SIC group 4225.

Mini warehousing and storage as listed in SIC group 4225.

~~Outdoor storage of boats, motor homes, trailers and other equipment as a principal use~~

Self-storage warehousing as listed in SIC group 4225.



Community & Economic Development Staff Report

Date:	August 20, 2024	Reviewer:	Damaris Stull
Project No:	LDC24-002	Applicant:	City of Lakeland
P&Z Hearing:	July 16, 2024	P&Z Final Decision:	August 20, 2024
Request:	Changes to Article 3 (Urban Form Standards), Section 3.5 (Exceptions to Urban Form Standards) of the Land Development Code to revise the development standards for single-family and two-family residential uses to reduce the maximum lot coverage from 55% to 45% in Urban Neighborhood Context sub-districts, define the minimum front yard setback for infill properties located within established residential neighborhoods, and define the frontage buildout as a percentage of the overall width of the principal structure.		

1.0 Background

1.1 Summary

Periodically, various changes to the Land Development Code (LDC) are proposed in response to evolving development needs and changing circumstances. The proposed changes to Article 3 (Urban Form Standards) adopt a reduction to the maximum lot coverage within the Urban Neighborhood (UNH) and Suburban Neighborhood (SNH) context sub-districts and define the frontage buildout as a percentage of the overall width of the principal structure.

1.2 Attachments

Attachment A: Proposed changes to Table 3.4-1 (Urban Neighborhood Standards) and Table 3.4-5 (Suburban Neighborhood Standards)

2.0 Discussion

2.1 Summary

Within the Central City, the current Land Development Code allows for a maximum lot coverage of 55% for single-family and two-family residential zoning districts (RA-1, RA-2, RA-3, RA-4). Prior to 2014, the maximum lot coverage for such zoning districts was 35%. The maximum lot coverage species the percentage of a lot or parcel which may be covered with buildings under roof. Examples of such structures include the principal dwelling and accessory structures such as detached garage, carports, sheds, pole barns, and other structures with a solid roof. Structures and other improvements not subject to the maximum lot coverage requirement include swimming pools, patios, driveways, sidewalks pool screen enclosures, and pergolas.

The current standard allows for almost all of the available yard space outside of the required minimum setback area to be built upon. Impacts include increased impervious surface area, reduction in open space, and neighborhood character conflicts as the code allows for the construction of new housing with a much larger footprint than what was historically permitted. Most of the available land for residential development within the Central City consists of infill lots located in older, mature neighborhoods which were developed prior to the establishment of modern stormwater management standards. Reducing the maximum lot coverage from 55% to 45% will balance the demand for new

housing with the need to protect community character, preserve open space and limit environmental impacts to existing infrastructure.

The next proposed change is related to the front yard setback requirements for the single-family and two-family zoning districts when applied to infill construction. Prior to 2014, the Land Development Code specified a minimum front yard setback for single-family and two-family dwellings ranging from 20 feet to 30 feet depending on the zoning district in which they were located. The changes adopted as part of the current Land Development Code reduced this requirement to a uniform minimum front setback of 15 feet for all single-family and two-family zoning districts.

In recent years, the City has experienced a substantial increase in the number of building permits issued on infill lots in older neighborhoods. In some cases, it has resulted in the construction of new housing with front yard setbacks which are dramatically less than the historic development pattern. To address this issue, staff is recommending changes which will require new construction to align with the average front yard setback of existing homes on the same side of the street, within the same conventional zoning district, and within two hundred (200) feet on either side on the lot or parcel to be built upon. This approach will protect the character of existing neighborhoods by ensuring that new construction on infill lots match the front yard setbacks of existing housing.

The last proposed change addresses how the frontage buildout is determined for single-family and two-family uses. The frontage buildout is defined as the minimum percentage of the building width that must fall within the specified minimum and maximum setback range for a given zoning district. This definition was initially modified in 2019 to accommodate commercial buildings, but the requirements for residential homes were not clearly addressed in that update. To rectify this oversight, the current revision specifies that for residential homes, at least 50% of the building structure must be within the designated setback range. Therefore, the frontage buildout shall be defined as the percentage of the overall width of a principal dwelling which must be built to or within front setback range specified. This clarification ensures that residential development adheres to the intended planning principles and maintains consistency across the district.

3.0 Recommendation

3.1 Community & Economic Development Staff

The Community & Economic Development Department reviewed this request for compliance with Lakeland Comprehensive Plan: Our Community 2030 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 and Article 5 of the Land Development Code, as described in Attachments "A" and "B," be approved.

ATTACHMENT "A"

ARTICLE 3.5: EXCEPTIONS TO URBAN FORM STANDARDS

Table 3.4-1 Urban Neighborhood Standards

Urban Neighborhood UNH ¹	Context sub-district: RA-1, RA-2		Context sub-district: RA-3, RA-4, RB		Context sub-district: MF-12, MF-16, MF-22		Context sub-district: O-1, C-1	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Block Requirements								
Block Face		700'		650'		650'		650'
Block Perimeter		2,000'		1,900'		1,900'		1,900'
Building Types	Detached		Detached, Attached by Conditional Use within RA-3 and RA-4 (Special: SFA, ZLL, CT) ⁵		Detached, Attached (Special: SFA, ZLL, CT)		Detached, Attached (Special: SFA, ZLL, CT)	
Lot Requirements								
Lot Width	75'	150'	50'	100'	60'	200'	50'	100'
Lot Area	9,000 sf	22,500 sf	5,000 sf	15,000 sf	8,100 sf	60,000 sf	5,000 sf	15,000 sf
Lot Coverage ²		55% <u>45%</u>		55% <u>45%</u>		80%		60% Detached 90% Attached
Principal Building Requirements								
Street Setback								
Arterial	20'	50'	15'	40'	15'	25'	15'	25'
Collector	15' ²	50'	15' ²	35'	10'	25'	10'	25'
Main Street	0' ²	15'	0' ²	15'	0'	15'	0'	15'
Local Street	15' ²	40'	15' ²	30'	10'	20'	10'	20'
Interior Side Setback (Minimum)	7' Detached		0' SFA or ZLL 5' Detached		0' SFA or ZLL 10' Detached		0' Attached, SFA or ZLL 5' Detached	
Rear Setback	20'		15'		20'		20'	
Frontage Buildout ⁸	50%		50%		60% ³		60% ³	
Building Height		35'		35'		40' ⁶		36' ⁶
Parking Location	Zone 1, 2, 3, 4		Zone 1, 2, 3, 4		Zone 2, 3 ⁴		Zone 2, 3 ⁴	

Entrance Feature	Porch, Stoop	Porch, Stoop	Porch, Stoop, Forecourt	Commercial
Other	Civic Open Space Requirements in accordance with Sub-Section 3.4.6; Design Standards for Principal Buildings in accordance with Sub-Section 3.4.7; Other Standards in accordance with Sub-Section 3.4.8.			

- 1 For sub-district MH, the maximum block face shall be 650' and the maximum block perimeter shall be 1,900'. Urban form standards shall be as set forth in Section 5.1.1. 2 Subject to applicable Floor Area Ratio limits. See Table 1.4-2. Maximum lot coverage may be higher where single-family attached uses are permitted by right or as a conditional use.
- 3 The required frontage buildout may be reduced only as required to accommodate access to a rear parking area for which no other access is available. In which case access shall be limited to a single 20' wide drive.
- 4 Parking permitted in Zone 1 only if parking in other zones is not feasible due to physical site constraints or where necessary to maintain pre-existing cross-access connections.
- 5 The ZLL and CT special building types are subject to establishment procedures for single-family sub-districts in accordance with Sub-Section 3.4.3.2.
- 6 For properties located outside of designated historic districts, maximum height of 55' if the principal use is multi-family residential or residential located above a 1st floor non-residential use where permitted in accordance with Table 2.3-1.
- 7 For infill properties located within established residential neighborhoods, the minimum front yard setback shall be the average front yard setback for existing buildings located on the same side of the street, within the same conventional zoning district, and within two hundred (200) feet on either side on the lot or parcel to be built upon.
- 8 For Single-Family Detached and Two-Family Uses, frontage buildout shall be defined as the percentage of the overall width of a principal dwelling which must be built to or within front setback range specified.

(Ord. No. 5455, 07-21-14; Ord. No. 5522, 07-20-15; Ord. No. 5582, 05-16-16; Ord. No. 5734, 07-16-18; Ord. No. 19-007, § 1.2(Att. A), 11-18-19)

Table 3.4-5 Suburban Neighborhood Standards

Suburban Neighborhood	Context sub-district: RA-1, RA-2		Context sub-district: RA-3, RA-4, RB		Context sub-district: MF-12, MF-16, MF-22		Context sub-district: O-1, C-1	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Block Requirements								
Block Face		700'		700'		700'		700'
Block Perimeter		2,000'		2,000'		2,000'		2,000'
Allowable Building Types	Detached		Detached, Attached by Conditional Use within RA-3 and RA-4 (Special: SFA)		Detached, Attached (Special: SFA)		Detached	
Lot Requirements								
Lot Width	75'		60'		200'		60'	

Lot Area	10,000 sf		7,000 sf		60,000 sf		7,000'	
Lot Coverage ²		35%		35%		50%		35%
Principal Building Requirements								
Street Setback								
Arterial	25'	55'	20'	45'	25'	55'	20'	45'
Collector	20' ⁴	50'	15' ⁴	45'	20'	50'	15'	45'
Main Street	0' ⁴	25'	0' ⁴	25'	0'	25'	0'	25'
Local Street	15' ⁴	50'	15' ⁴	40'	15'	50'	15'	40'
Interior Side Setback	9'		7'		7' ¹ story 9' ¹ 2+ stories		7'	
Rear Setback	25'		20'		30'		20'	
Frontage Buildout ⁵	25%		25%		25%		50% ³	
Building Height		35'		35'		40'		36'
Parking Location	Zone 1, 2, 3, 4		Zone 1, 2, 3, 4		Zone 1, 2, 3, 4		Zone 1, 2, 3, 4	
Entrance Feature	Optional		Optional		Porch, Stoop, Forecourt		Commercial	
Other	Civic Open Space Requirements in accordance with Sub-Section 3.4.6; Design Standards for Principal Buildings in accordance with Sub-Section 3.4.7; Other Standards in accordance with Sub-Section 3.4.8.							

¹ For Context sub-district MH, the maximum block face shall be 700' and the maximum block perimeter shall be 2,000'. Development standards shall be as set forth in Section 5.1.1.

² Subject to applicable Floor Area Ratio limits. See Table 1.4-2. Maximum lot coverage may be higher where single-family attached uses are permitted by right or as a conditional use.

³ The required frontage buildout may be reduced only as required to accommodate access to a rear parking area for which no other access is available. In which case access shall be limited to a single 20' wide drive.

⁴ For infill properties located within established residential neighborhoods, the minimum front yard setback shall be the average front yard setback for existing buildings located on the same side of the street, within the same conventional zoning district, and within two hundred (200) feet on either side on the lot or parcel to be built upon.

⁵ For Single-Family Detached and Two-Family Uses, frontage buildout shall be defined as the percentage of the overall width of a principal dwelling which must be built to or within the front setback range specified.



Community & Economic Development Staff Report

Date:	August 20, 2024	Reviewer:	Damaris Stull
Project No:	LDC24-003	Applicant:	City of Lakeland
P&Z Hearing:	July 16, 2024	P&Z Final Decision:	August 20, 2024
Request:	Changes to Article 4 (General Site Development Standards), Section 4.3 (Accessory Structures) of the Land Development Code, to establish a maximum floor areas and total cumulative footprint for accessory structures on single-family or two-family residential lots or parcels, prohibit the installation of secondary electric meters on accessory structures when located on properties zoned for single-family or two-family residential uses, define accessory structures with greater than 1,000 sq. ft. of floor area as principal structures when located on a lot or parcel zoned for office, commercial, industrial, or multi-family residential uses, and provide clarification regarding zoning compliance for certain accessory structures which do not require a building permit.		

1.0 Background

1.1 Summary

Periodically, various changes to the Land Development Code (LDC) are proposed in response to changing circumstances. The proposed changes to Article 4, Section 4.3 (Accessory Structures), to establish a maximum floor area and total cumulative footprint for accessory structures on single-family or two-family residential lots or parcels; prohibit the installation of secondary electric meters on accessory structure when located on properties zoned for single-family or two-family residential uses; define accessory structures with greater than 1,000 sq. ft. of floor area as principal structures when located on a lot or parcel zoned for office, commercial, industrial, or multi-family residential uses; and provide clarification regarding zoning compliance for certain structures uses, and provide clarification regarding zoning compliance for certain accessory structures which do not require a building permit.

1.2 Attachments

Attachment A: Proposed changes to Section 4.3 (Accessory Structures)

2.0 Discussion

2.1 Summary

Accessory structures, such as garages, storage sheds, and gazebos, are detached, secondary buildings on a property which are customarily incidental and intended to be subordinate to the principal building or use. The proposed changes to the Land Development Code establish a maximum floor area, prohibit separate electric meters, and clarify the requirements for commercial and non-permitted items for accessory structures.

Currently, the Land Development Code only regulates the setbacks and height for accessory structures. While such structures are intended to be subordinate to the principal building(s) on the same lot or parcel, the term subordinate is not defined. Provided that the mean roof height does not exceed 12.5 feet, and the building footprint does not exceed that of the principal building on the same

lot or parcel, the current regulations allow for the construction and placement of very large accessory buildings which can rival the size of a single-family home and detract from the residential neighborhood character while negatively impacting the rear yard views of adjacent properties. To address this issue, staff proposes to establish a maximum floor area and total cumulative footprint for accessory structures on single-family or two-family residential lots or parcels. In addition, staff is recommending changes which will prohibit secondary electric meters on accessory structures located on properties zoned for single-family and two-family uses. This change is being recommended to codify a longstanding internal policy which is intended to address the issue of accessory structures being illegally converted to accessory dwelling units.

1. Lots Less Than One Acre:

- Utility Sheds/Storage Buildings:
 - Maximum floor area: 200 sq. ft.
 - Limit: No more than two per lot or parcel.
- Other Accessory Structures (e.g., carports, pole barns, home offices, game rooms, art & craft studios, pool houses/cabanas):
 - Maximum floor area under roof: 600 sq. ft.

2. Lots One Acre or Greater:

- Utility Sheds/Storage Buildings:
 - Maximum floor area: 400 sq. ft.
 - Limit: No more than two per lot or parcel.
- Other Accessory Structures (e.g., detached garages, carports, pole barns, home offices, game rooms, art & craft studios, pool houses/cabanas):
 - Maximum floor area under roof: 1,200 sq. ft.

Additional Regulations:

- Accessory structures, if powered, may only receive electric service from the main panel on the principal dwelling.
- The total floor area for all accessory structures under roof cannot exceed 10% of the lot or parcel's square footage.

The intent of the proposed changes is to maintain a balance in scale between accessory structures and the main residence. For a typical RA-1 lot which is 10,000 sq. ft. in area, this would mean the total square footage for all accessory buildings on the lot could not exceed 1,000 sq. ft. As an example, this would allow a two-car detached garage and either two 10' x 20' storage buildings or a 400 sq. ft. pool house. For a typical RA-4 lot which is 6,500 sq. ft. in area, the total square footage for all accessory buildings would be 650 sq. ft. This would allow the homeowner to building either a detached two-car garage or a one-car detached garage and two 10' x 20' storage buildings.

For lots one-acre or greater in area, the 10% cap would remain but the maximum footprint for individual buildings would increase. For a one-acre lot, the maximum total floor area for all accessory buildings under roof would be 4,356 sq. ft. As an example, using the proposed 10% rule this would allow a 1,200 sq. ft. four-car detached garage, a 1,200 sq. ft. home office or pool house, two 400 sq. ft. utility buildings, with an additional 1,156 sq. ft. of floor area left to allocate for other accessory buildings.

The next proposed change applies to accessory buildings for office, commercial, industrial, multi-family and other non-residential uses and the threshold in which they become principal structures. Clarification is necessary because while the Land Development Code currently requires accessory structures larger than 400 square feet to undergo commercial site plan review, it does not specify the size at which an accessory building becomes a principal building for the purposes of building setback, height requirements and other development specified by the Land Development Code. Under the proposed changes, accessory structures with floor area greater than 1,000 square feet will be treated as principal structures subject to the architectural materials, ground floor transparency and façade variation requirements specified in Sub-Sections 3.4.7.3, 3.4.7.4 and 3.4.7.5 of the Land Development Code, where applicable. This will ensure that they meet the same design standards and setback requirements as principal buildings to minimize impacts on adjacent uses.

The last proposed change pertains to certain types of accessory structures which are exempt from the Florida Building Code but are still subject to zoning compliance. Examples of such structures include portable carports, patio covers, chickee huts and recreational/play equipment. The intent of the proposed changes is to clarify that while such structures do not require a building permit, they are still subject to compliance with the same building setback and height requirements as permanent accessory structures. By clarifying the zoning regulations, this will ensure compliance with the zoning regulations regardless of any building code exemptions.

3.0 Recommendation

3.1 Community & Economic Development Staff

The Community & Economic Development Department reviewed this request for compliance with Lakeland Comprehensive Plan: Our Community 2030 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 and Article 5 of the Land Development Code, as described in Attachments "A" and "B," 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 as accessory structures for certain commercial uses, as specified in Sub-Section 5.25.1.3 (Shipping Containers as Accessory Structures for Certain Commercial Uses).
- g. For lots or parcels zoned for either single-family or two-family residential uses, the issuance of a separate electrical meter for accessory structures shall be prohibited. If electrical power is to be provided, it shall only be fed from the electrical service/main panel located on the principal dwelling unit on the same lot or parcel to a sub-panel on the accessory structure.
- h. Accessory Structures to Office, Commercial, Industrial and Multi-Family Residential Uses (All Other Accessory Structures): Accessory structures with more than 1,000 sq. ft. of floor area shall be subject to the setback and height requirements for principal buildings in the zoning context sub-district in which they are located. Where applicable, such structures shall be subject to architectural materials, ground floor transparency and façade variation requirements for principal structures specified by Sub-Sections 3.4.7.3, 3.4.7.4 and 3.4.7.5 of the Land Development Code.
- i. Accessory Structures Exempt from Permitting Requirements: Structures exempt from the Florida Building Code, such as portable carports, patio covers, chickee huts and recreational/play equipment, which do not require a building permit shall be subject to the same setback and building height requirements as permanent accessory structures.

(Ord. No. 5455, 07-21-14; Ord. No. 5898, § 2(Att. A), 10-18-21)

Table 4.3-4 General Accessory Structure Standards

A) Min. Front Setback ¹	3' behind the front façade of the principal structure in RA-3/RA-4 sub-district; 5' in all other sub-districts
B) Min. Interior Side Setback ¹	3' in RA-3/RA-4 sub-district; 5' in all other sub-districts
C) Min. Rear Setback ¹	3' in RA-3/RA-4 sub-district; 5' in all other sub-districts
D) Min. Street Side Setback ¹	In accordance with principal building minimum street side setback

E) Max. Height	12½' Except ground-mounted TV and radio antennas, in accordance with Section 4.8.
F) Min. Separation Between Structures	In accordance with applicable building codes
G) Max. Floor Area Under Roof for Accessory Structures to Single-Family and Two-Family Residential Uses	<p><u>Lots or Parcels Less than One (1) Acre in Area:</u></p> <p><u>Utility Sheds/Storage Buildings: 200 sq. ft. and no more than two per lot or parcel²</u></p> <p><u>Detached Garages, Carports, Pole Barns, Home Offices, Game Rooms, Arts & Craft Studios, Pool Houses/Cabanas and All Other Structures Under Roof: 600 sq. ft.²</u></p> <p><u>Lots or Parcels One (1) Acre in Area or Greater:</u></p> <p><u>Utility Sheds/Storage Buildings: 400 sq. ft. and no more than two per lot or parcel²</u></p> <p><u>Detached Garages, Carports, Pole Barns, Home Offices, Game Rooms, Arts & Craft Studios, Pool Houses/Cabanas and All Other Structures Under Roof: 1,200 sq. ft.²</u></p>
H) Cumulative Floor Area for Accessory Structures to Single-Family and Two-Family Residential Uses	Excluding Accessory Dwelling Units (ADUs), the total floor area for all accessory structures under roof shall not exceed 10% of the square footage of the lot or parcel upon which they are located.
<p>¹ 3' interior side and rear setback for accessory equipment such as air conditioners, heaters, pumps, swimming pool filters and emergency generators. This setback may be reduced to 2' when such equipment is placed in the interior side yard of a principal building.</p> <p>² <u>Subject to H) Cumulative Floor Area for Accessory Structures to Single-Family and Two-Family Residential Uses.</u></p> <p>Unroofed gazebos and pergolas not exceeding 36 sf or 8' in height may be located in any required setback area with a minimum setback of 3' from any parcel boundary. Larger or roofed gazebos and pergolas shall be located in accordance with this table.</p>	



Community & Economic Development Staff Report

Date:	August 20, 2024	Reviewer:	Audrey McGuire
Project No:	LDC24-004	Applicant:	City of Lakeland
P&Z Hearing:	July 16, 2024	P&Z Final Decision:	August 20, 2024
Request:	Changes to Article 4 (General Site Development Standards), Section 4.4 (Fences and Walls) and Article 12 (Administration and Enforcement) of the Land Development Code, to establish permitting requirements for fences, specify the threshold for when repair or replacement of an existing fence will require a permit, specify how much of a nonconforming fence or wall may be repaired or replaced before the fence or wall must be brought into compliance, require fencing materials which have both a finished and unfinished side to orient the finished side outwards when adjacent or directly visible from streets or alleys, address the placement of certain materials on fencing, revise an illustration which addresses the height of fences and walls within the visibility triangle at unsignalized intersections, and allow for the administrative approval of privacy fences up to eight feet in height subject to the written consent of adjacent property owners when located in rear yards and not visible from adjacent streets or alleys.		

1.0 Background

1.1 Summary

Periodically, various changes to the Land Development Code (LDC) are proposed in response to changing conditions and to address unintended consequences of existing standards. The proposed changes to Article 4, Section 4.4 (Fences and Walls) will establish permitting requirements for new and existing fences and walls; require fences with a finished and unfinished to be oriented with the finished side outwards where adjacent to any street or improved alley; establish standards for when non-conforming fences and walls must be brought into compliance; and replacing Figure 4.4-1, Residential Fences and walls to correct a discrepancy in the sight visibility triangle requirements.

Proposed changes to Article 12, Sub-Section 12.4.3 (Administrative Adjustments) allow for the administrative approval of residential privacy fences up to eight feet in height, subject to written consent of adjacent property owners, when located in rear yards and not visible from adjacent streets or improved alleys.

1.2 Attachments

Attachment A: Proposed changes to Article 4, Section 4.4 (Fences and Walls)

Attachment B: Proposed Figure 4.4-1 (Residential Fences and Walls)

Attachment C: Proposed Changes to Article 12, Sub-Section 12.4.3 (Administrative Adjustments)

2.0 Discussion

2.1 Summary

Sub-Section 4.4.1 Permits Required

As an informal policy, for many years the City required a Fence Permit for the erection of fences on both residential and non-residential properties inside the city which were reviewed and approved by the Planning Division. Permits for walls are mandated by the Florida Building Code and require the review and approval of the Planning Division and the Building Inspection Division.

While the Land Development Code specifies setbacks, height and location requirements for fences and walls it does not expressly state that a Fence Permit is required for fences. Because the Florida Building Code does not address fencing, a determination was made by the City Attorney's office that a fence permit could not be required if the need for a permit was not specified in the Land Development Code. Codifying the requirement for a fence permit prior to the erection of any fencing will ensure that the design and placement of any new fencing meets the standards for fences specified in the Land Development Code rather than relying on enforcement retroactively.

Under the proposed changes, a fence permit will be required for all new residential and non-residential fences in the city. For existing fences, up to 25 percent may be repaired or replaced within one calendar year without a fence permit provided that any replacement fencing materials used are of the same height, style and materials as the existing fencing.

Following a natural disaster with widespread impacts throughout the city, such as a hurricane or tropical storm, the Director of Community and Economic Development will have the discretion to waive fence permit fees pertaining to repair and replacement of fencing damaged or destroyed during the storm event for a period of up to six months.

Sub-Section 4.4.2 General

Staff is proposing to update the general standards for fences and walls, incorporating new guidelines for the orientation of fences with a "finished" and "unfinished" side, such as wood stockade and board-on-board styles. Within yards adjacent to any street or improved alley, fences will be required to be oriented in such a way that the finished side of the fence faces out toward the street or alley.

The city currently prohibits the use of slats in chain link fences for required view blockage fencing. Staff is proposing to update the design standards for fences by expanding this prohibition to include the attachment of fabric, shade cloth, slats or other materials to chain link or similar open fence types on all perimeter and view blockage fencing. This standard would not apply to fencing interior to a project site or for fencing on athletic fields and courts.

Figures 4.4-1, Residential Fences and Walls

Fences and walls are subject to the visibility triangle requirements of Section 4.12 (Visibility at Intersections) in the Land Development Code. Figure 4.4-1 currently allows residential fences up to 30 inches in height within visibility triangles at non-signalized intersections. This figure is in conflict with the standards contained in Section 4.12 which prohibits the placement, erection or construction of structures and objects (including fences and walls) between the heights of 24 inches and 8 ½ feet above grade within visibility requirements. The visibility triangle requirements have been updated on

the new figure to limit residential fences to 24 inches in height within visibility triangles at non-signalized intersections.

Sub-Section 4.4.5 Existing Fences and Walls

The Land Development Code does not address the replacement of existing non-conforming fences and walls. Staff is proposing standards to require non-conforming fences and walls to be brought into conformance with current standards. Where 50 percent of the linear footage of a fence or wall within one yard is replaced, the entire linear footage of the fence or wall within that one yard will be required to be brought into conformance. Where 50 percent or more of the total linear footage of a fence or wall is replaced within one 12-month period, the entire fence or wall must be brought into conformance with current standards.

Article 12, Section 12.4 (Administrative Staff)

Residential fences and walls are limited to a maximum height of six feet on interior side and rear property lines, with the exception that where a residential lot or parcel abuts a use or district that allows a higher fence height (such as a commercial district) an eight-foot-high fence may be erected on the common property boundary without requiring a variance. The City has received interest from residential property owners seeking to install eight-foot-high fences along rear property lines due to privacy concerns. The proposed changes to Article 12 would allow for the issuance of administrative variances to allow fences, but not walls, up to eight feet in height along rear property lines where not visible from a street or improved alleyway, subject to written consent of abutting property owners.

3.0 Recommendation

3.1 Community & Economic Development Staff

The Community & Economic Development Department reviewed this request for compliance with Lakeland Comprehensive Plan: Our Community 2030 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 4 and Article 12 of the Land Development Code, as described in Attachments "A," "B" and "C" be approved.

ATTACHMENT "A"

ARTICLE 4: GENERAL SITE DEVELOPMENT STANDARDS

4.4 – FENCES AND WALLS

4.4.1 PERMIT REQUIRED

No fence or wall, or any portion of a fence or wall, shall be erected on any lot or parcel within the City without first obtaining a fence permit or building permit, unless otherwise stated herein.

- a. Applications for a fence permit shall include a site plan which depicts the dimensions of the proposed fence or wall, the location of the fence or wall in relation to property lines, and any other information deemed necessary by the Community and Economic Development Department.
- b. Building permit applications for a wall shall include both a site plan and construction drawings signed and sealed by a Professional Architect or Engineer licensed to practice in the State of Florida.
- c. A permit shall not be required for general maintenance and repair of existing fences, provided that no more than 25 percent of the total linear footage of a fence is replaced within a 12-month period and any replacement fencing is of the same height, style and materials as the existing fencing.
- d. At the discretion of the Director of Community & Economic Development, the fees for a permit to repair or replace fencing in excess of 25 percent may be waived when damage is sustained due to a natural disaster which results in widespread damage throughout the City for a time period not to exceed six months from the date of the disaster.

4.4.12 GENERAL

- a. For purposes of this section, fences and walls shall mean freestanding fences and walls that are not structural elements of a building.
- b. Fences and walls, whether required or optional, shall be constructed of the following types of materials.
 1. Chain link or ornamental wire manufactured for fences with uniformly spaced metal or wood posts; or
 2. Ornamental wrought iron, aluminum, or plastics manufactured for fences; or
 3. Treated or finished wood or wood units of uniform size; or
 4. Brick, stone, split block, stucco on concrete block or other finished precast masonry units of uniform size; or
 5. Finished poured concrete.
- c. The Director of Community and Economic Development may approve other fence or wall materials on a particular site if he finds that the proposed materials would provide equal or greater protection, would result in equivalent impacts on the general appearance of near or adjacent property, and do not violate the intent of this code.
- d. Barbed Wire, Razor Wire and Electric Fencing
 1. Residential Zoning Districts: The use of barbed wire, razor wire and electrified fencing shall be prohibited in residential zoning districts or the portion of PUDs zoned for residential uses.

2. Office (O-1, O-2, O-3), Commercial (C-1, C-2, C-3, C-4, C-5, C-6, C-7), and Light Industrial (I-1) Zoning Districts: Electrified fencing may be used for security purposes within all office, commercial and light industrial zoning districts or the portions of any PUDs zoned for office, commercial and/or I-1 uses. Use of such fencing shall be limited to interior side and rear yards. The use of barbed wire fencing in such zoning districts may be considered through the variance process, subject to the same locational standards as electrified fencing, when the applicant can demonstrate a significant security need such that denial of use of the fencing material would result in an unnecessary hardship. In applying the variance criteria, the Zoning Board of Adjustments and Appeals shall consider the visual impact of such fencing when viewed from any adjacent streets or rights-of-way and may require landscaping or other mitigation measures as conditions of approval. The use of razor wire fencing in all office, commercial and light industrial zoning districts, or the portion of any PUDs zoned for office, commercial and/or I-1 uses, shall be prohibited.
 3. Medium (I-2) and Heavy (I-3) Industrial Zoning Districts: Barbed wire, razor wire or electrified fence may be used for security purposes within I-2 and I-3 zoning districts or the portion of any PUDs zoned for medium and/or heavy industrial uses. The use of razor wire fencing, however, shall be limited to interior side and rear yards.
 4. Utility and Essential Service Facilities: Notwithstanding the above provisions, the use of barbed wire or electrified fencing may be used for security purposes for Utility and Essential Service Facilities (All Levels) within any zoning district.
- e. Fences and walls, whether required or optional, may be erected adjacent to or on property lines, subject to the standards herein and subject to regulations relating to visibility triangles.
 - f. Where a lot or parcel abuts a use or district that allows a higher fence or wall, the fence or wall may be erected at the greater height along the common property boundary without requiring a variance. For example, a residential use having a maximum fence height of six feet that abuts a commercial use having a maximum fence height of eight feet may erect an eight-foot fence along the common property boundary.
 - g. In the case of through-lots, the Director of Community and Economic Development shall have the discretion to apply rear yard standards to one of the two frontages upon a determination that a particular yard functions as a rear yard.
 - h. The measurement of maximum fence or wall height shall not include decorative caps on wall columns or fence posts, or decorative arches above gates.
 - i. Fences and walls, whether required or optional, shall be maintained in sound condition.
 - j. No fence or wall shall be erected in such a manner as to interfere with drainage.
 - k. Where adjacent to any street or improved alley, fences with a finished or unfinished side (i.e., wood stockade, board-on-board) shall be installed such that the finished side of the fence faces outward toward the adjacent street or alley.
 - l. The attachment of fabric, shade cloth, slats or other material to any chain link or similar open fence shall be prohibited on all perimeter and view blockage fencing. This standard shall not apply to athletic fields and courts, fencing interior to a project site, or construction sites with an active permit.

4.4.23 REQUIRED BUFFER FENCES AND WALLS

- a. Fences or walls required as part of a required buffer shall have at least 90 percent opacity and are referred to herein as view blockage fences or walls.

- b. Openings shall be permitted in required buffer fences or walls in side and rear yards for the purpose of secondary vehicular access to an alley or secondary street. Each such opening shall not exceed 20 feet in width and there shall be no more than one such opening for each 100 linear feet of side or rear yard dimension. All other fence or wall openings in side and rear yards shall contain a gate constructed of materials permitted herein and shall have at least 90 percent opacity.

4.4.34 OPTIONAL FENCES AND WALLS

- a. Single-Family, Two-Family and Multi-Family Residential Zoning Districts

Standards for the location and height of optional fences and walls in single-family, two-family and multi-family residential zoning districts shall be as set forth in Figure 4.4-1.

- b. Mobile Home and Recreational Vehicle Parks and Non-Residential Zoning Districts

1. Optional fences or walls erected in areas zoned for mobile home and recreational vehicle parks, office/commercial uses or in the I-1 zoning district shall not exceed eight feet in height, except that in required front yards, the portion of such fences or walls that extends above four feet in height shall be made of pickets, wrought iron, chain link or similar open construction having no greater than 50 percent view blockage when viewed from an angle perpendicular to the face of the fence or wall.
2. Optional fences or walls erected in I-2 or I-3 zoning districts shall not exceed eight feet in height.

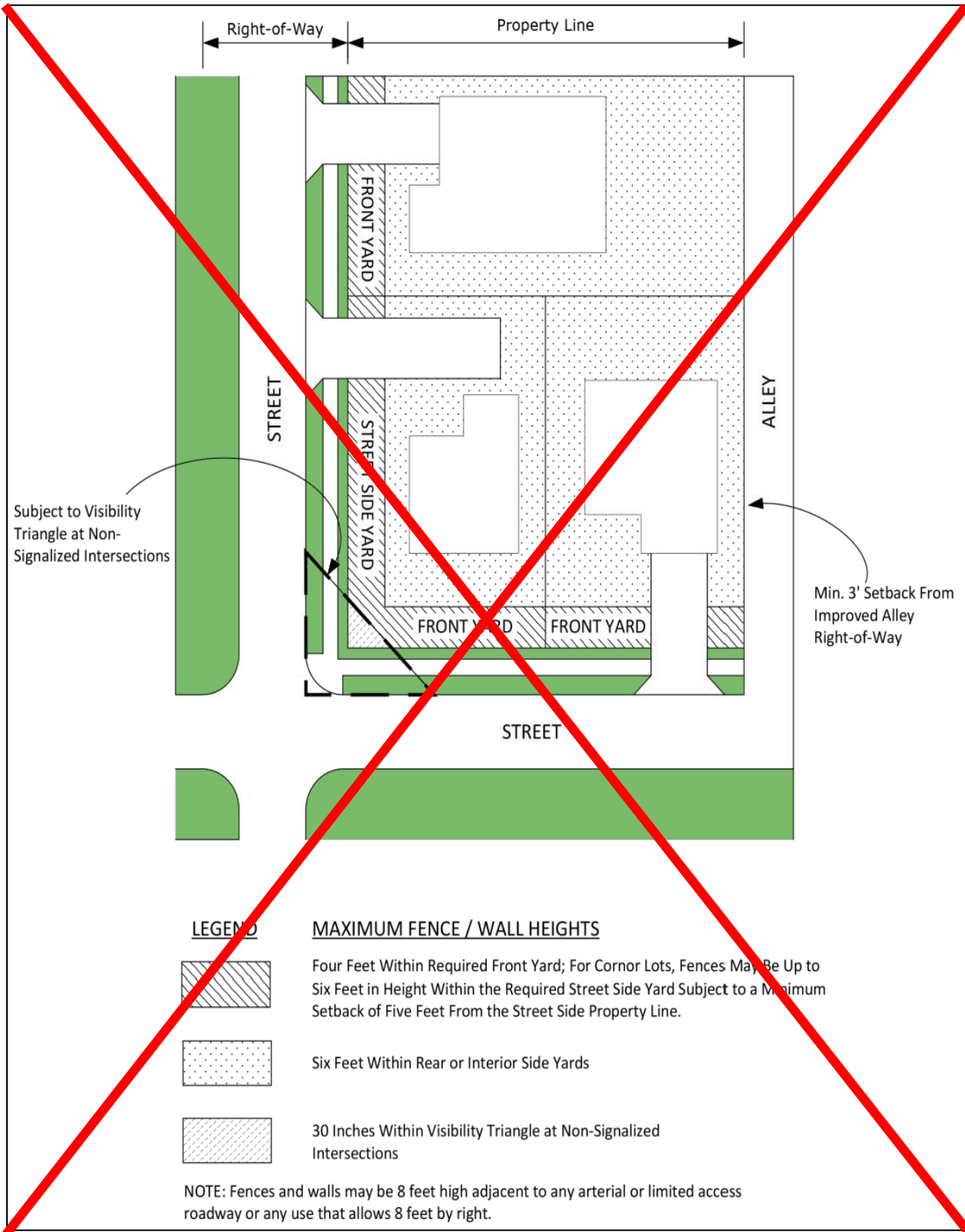
4.4.5 EXISTING FENCES AND WALLS

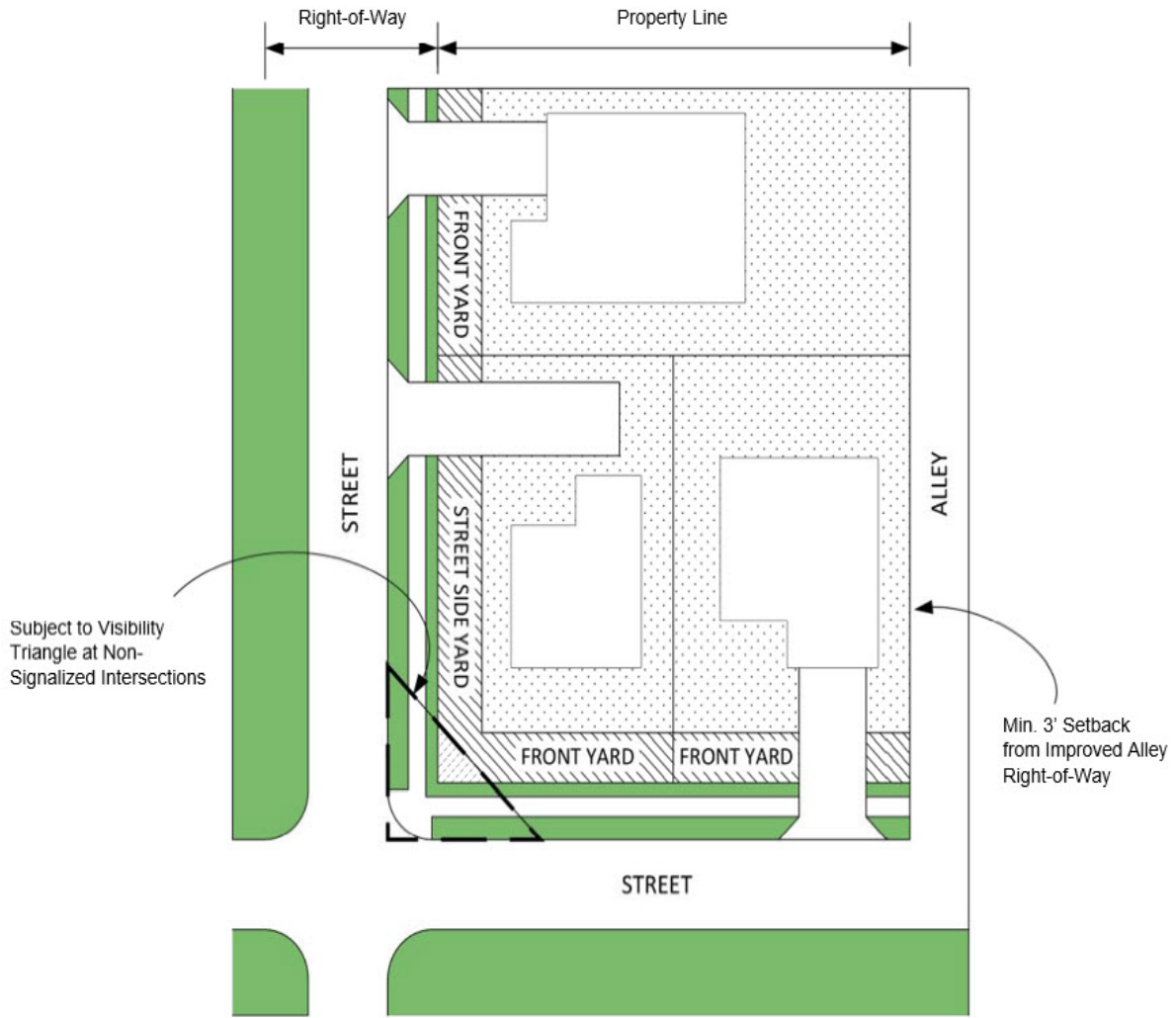
Existing fences and walls erected prior to the effective date of these standards (whether lawfully or otherwise) and which do not conform to the standards of this section shall be subject to the following:

- a. Existing non-conforming fences and walls may be maintained and repaired, provided that maintenance and repair does not increase or intensify the extent or size of the nonconformity or exceed the limits specified in 4.4.5.a and 4.4.5.c. below.
- b. Where 50 percent or more of the linear footage of a non-conforming fence or wall within a single yard (front, street side, interior side, or rear) is to be replaced, the entire linear footage of the fence or wall within that yard shall be required to conform with the requirements of this section.
- c. Where 50 percent or more of the total linear footage of a non-conforming fence or wall is to be replaced within a 12-month period, the entire fence or wall shall be required to conform with the requirements of this section.

ATTACHMENT "B"

Figure 4.4-1 Residential Fences and Walls





LEGEND

MAXIMUM FENCE / WALL HEIGHTS



4 feet within the Required Front Yard; For corner lots, fences may be up to 6 feet in height within the Required Street Side Yard subject to a minimum setback of 5 feet from the Street Side Property Line.



Six feet within Rear or Interior Side Yards.



24 inches within Visibility Triangle at Non-Signalized Intersections.

NOTE: Fences and walls may be 8 feet high adjacent to any arterial or limited access roadway or any use that allows 8 feet by right.

ATTACHMENT "C"

ARTICLE 4: - ADMINISTRATION AND ENFORCEMENT

...

12.4 ADMINISTRATIVE STAFF

12.4.1 DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT

The Director of Community and Economic Development is the administrative head of the city's Community and Economic Development Department.

12.4.2 POWERS AND DUTIES

The Director of Community and Economic Development shall assist the Planning and Zoning Board in carrying out its duties as the local land planning agency and land development regulation commission for the city, as provided in this Code and the duly adopted by-laws of the Board. The Director is the city's Zoning Administrator and has primary responsibility for administering and enforcing this Code.

12.4.3 ADMINISTRATIVE ADJUSTMENTS

12.4.3.1 Intent

- a. It is the intent of this Code to allow the Director of Community and Economic Development, or other administrative staff as specified herein, to make administrative adjustments to the strict application of the standards and requirements of this Code where extenuating circumstances exist to relieve unnecessary hardship; to promote the beneficial development, redevelopment, infill and reuse of property; and to avoid the need for variances where substantial compliance can be achieved. No property owner shall be entitled to such adjustments which are at the discretion of the Director of Community and Economic Development or other administrative staff as specified herein.
- b. It is further the intent of this Code that administrative adjustments:
 - Be granted only as needed to relieve hardship suffered by the applicant due to physical limitations of the site or other circumstances beyond the applicant's control and which hardship shall not be solely an economic hardship, or as necessary to allow the safe and functional operation of the site or to accommodate other code requirements;
 - Be consistent with the intent of this Code and of the applicable zoning district, including any applicable conditional use, PUD or SPI district;
 - Be not adverse to the health, safety or welfare of the abutting property owners or of the community, unless any such impacts have been substantially mitigated; and
 - Be the minimum deviations that will alleviate the unnecessary hardship.

12.4.3.2 Applicability

This section shall apply to the dimensional, quantitative and location standards or requirements of this Code and the dimensional, quantitative and location conditions of any conditional use, Planned Unit Development or SPI district.

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

12.4.3.3 Dimensional and Quantitative Standards

The Director of Community and Economic Development may make minor adjustments to dimensional and quantitative standards including but not limited to area standards, linear standards, separation standards and quantity standards except for the maximum number of living units or dwellings. With the exception of the maximum height of privacy fences located in rear yards, The administrative adjustments shall generally not exceed ten percent of the standard or requirement and shall not be additive such that, for example, a ten percent adjustment on opposite sides yields an effective twenty percent deviation. For residential privacy fences located in rear yards which are not visible from adjacent streets or alleys, an administrative adjustment to allow a maximum fence height of up to eight feet may be approved subject to the written consent of any adjacent property owner(s) which the fencing will abut.

12.4.3.4 Location Standards

The Director of Community and Economic Development may make minor adjustments to location standards including but not limited to the placement of buildings, driveways, parking areas, bike racks, fences and walls and landscaping.

12.4.3.5 Procedures

- a. When, in the opinion of the Director of Community and Economic Development, a proposed administrative adjustment materially affects abutting property owners, written notification shall be mailed to the affected property owner(s) of record at least 30 days prior to the granting of administrative adjustment and shall take any comments or concerns into account. For administrative adjustments pertaining to the height of residential privacy fences located in rear yards, written consent from any adjacent property owner(s) which the fencing will abut shall be sufficient for compliance with this requirement.
- b. The Director of Community and Economic Development shall consult with other city departments affected by the proposed administrative adjustment and may consult other agencies or affected parties to determine whether the administrative adjustment should be granted.
- c. The Director of Community and Economic Development may attach conditions that he deems necessary to protect the health, safety and welfare of the community or the abutting property owner(s), to meet the intent of the modified standard and to minimize adverse impacts on adjacent properties.
- d. The administrative adjustment shall be documented by means of a form or a note on the applicable permit or site plan and shall include the reason for the adjustment, the specific amount of the adjustment and any conditions pertaining thereto.
- e. The Director of Community and Economic Development periodically shall report to the Planning and Zoning Board concerning administrative adjustments that have been granted.



Community & Economic Development Staff Report

The Date:	August 20, 2024	Reviewer:	Audrey McGuire
Project No:	LDC24-005	Applicant:	City of Lakeland
P&Z Hearing:	July 16, 2024	P&Z Final Decision:	August 20, 2024
Request:	Changes to Article 4 (General Site Development Standards), Section 4.5 (Landscaping, Trees and Buffering) of the Land Development Code, to apply the tree preservation requirements to unplatted parcels of land which are zoned for single-family or two-family residential uses and greater than one acre in area, adopt a new list of qualified tree, palm, shrub, groundcover and flower plantings, and incorporate certain Florida-Friendly Landscaping requirements for irrigation systems.		

1.0 Background

1.1 Summary

Periodically, various changes to the Land Development Code (LDC) are proposed in response to changing circumstances or to address unintended consequences of existing standards. Proposed changes to Article 4 (General Site Development Standards) include amendments to the tree preservation requirements exempting certain single-family and two-family residential lots; a correction to Table 4.5-1 (Frontage Buffer Options); repealing and replacing Tables 4.5-6 (Qualified Trees), 4.5-7 (Qualified Palms) and 4.5-8 (Qualified Shrubs, Groundcover and Flower Plantings); and incorporation of Florida-Friendly Landscaping and water efficient design standards for landscape and irrigation systems.

1.2 Attachments

Attachment A: Proposed Changes to Article 4, Section 4.5 (Landscaping, Trees and Buffering)

Attachment B: Proposed Table 4.5-1 (Frontage Buffer Options)

Attachment C: Proposed Table 4.5-6 (Qualified Trees)

Attachment D: Proposed Table 4.5-7 (Qualified Palms)

Attachment E: Proposed Table 4.5-8 (Qualified Shrubs, Groundcover and Flower Plantings)

2.0 Discussion

2.1 Summary

Sub-Section 4.5.3 Definitions

The City encourages use of Florida-Friendly Landscaping principles for landscape and irrigation. The Florida-Friendly Landscaping™ program is a partnership between the University of Florida, Institute of Food and Agricultural Sciences Extension (UF/IFAS Extension) and the Florida Department of Environmental Protection (FDEP) which promotes science-based, sustainable landscape practices to reduce water use and pollutant loading in the state’s waterbodies. The definition of “Florida-Friendly

Landscaping” is proposed to be amended to be more consistent with this program (see Attachment “A”).

Table 4.5-1 Frontage Buffer Options

A discrepancy has been identified between Table 4.5-1 (Frontage Buffer Options) and Figure 4.5-3 (Frontage Buffer Options) regarding the number of required plantings. Staff is proposing to amend Table 4.5-1 to reflect the tree planting requirements shown in Figure 4.5-3 and remove any uncertainty or confusion (see Attachment “B”).

Sub-Section 4.5.10 Tree Preservation

The City’s urban tree canopy provides numerous public benefits, including shade, reduced energy use, and improved air and water quality. The City’s Land Development Code encourages preservation of the urban tree canopy by providing standards to prevent, mitigate and compensate for the loss of trees resulting from development and redevelopment. Currently, lots and parcels zoned for single-family and two-family dwellings, except those within proposed subdivisions, are exempt from the preservation requirements. This exemption allows property owners of large single-family and two-family lots, generally one acre or more in size, to circumvent tree preservation standards by removing trees and then later subdividing the property.

Staff is proposing changes to Sub-Section 4.5.10.1.b, as reflected in Attachment “A,” to exempt only lots zoned for single-family and two-family which are less than one acre in size, comprised of not more than two lots of record, and are not part of a proposed development or subdivision plan.

Sub-Section 4.5.11 Standards for Landscape Design, Installation and Maintenance

The Land Development Code encourages water efficient landscape and irrigation standards. Staff is proposing amendments to further water conservation efforts by requiring Florida-Friendly Landscaping practices, more efficient irrigation design and installation standards, and exemptions for landscaping systems (see Attachment “A”).

Tables 4.5-6 (Qualified Trees), 4.5-7 (Qualified Palms) and 4.5-7 (Qualified Shrubs, Flowers and Groundcovers)

Updates to the existing Tables for qualified tree, palm, shrub, flower and groundcover species necessitate repeal and replacement of Tables 4.5-6 (Qualified Trees), 4.5-7 (Qualified Palms) and 4.5-8 (Qualified Shrubs, Flowers and Groundcovers) as reflected in Attachments “C,” “D” and “E.”

3.0 Recommendation

3.1 Community & Economic Development Staff

The Community & Economic Development Department reviewed this request for compliance with Lakeland Comprehensive Plan: Our Community 2030 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 4 of the Land Development Code, as described in Attachments "A," "B," "C," "D," and "E" be approved.

ATTACHMENT "A"

ARTICLE 4: - GENERAL SITE DEVELOPMENT STANDARDS

...

4.5.3 DEFINITIONS

...

Florida-Friendly Landscaping: ~~Landscapes designed and maintained to maximize water conservation by minimizing irrigation needs. Science-based, low-impact, sustainable, environmentally friendly landscaping practices that conserve water, reduce pollutant loading to Florida waters, and protect Florida's natural resources, in accordance with the University of Florida IFAS Extension and FDEP's "Landscape Irrigation and Florida-Friendly Landscape Design Standards," as amended.~~

...

4.5.10 TREE PRESERVATION

4.5.10.1 Intent and Applicability

a. Intent

1. It is the intent of this section to establish standards to prevent, mitigate or compensate for the loss of the public resource where tree canopy is proposed to be destroyed by development.
2. Except as specifically provided herein, the preservation of existing trees on development sites is to be preferred to the planting of new trees.
3. Efforts to preserve existing trees are encouraged and the Director of Parks and Recreation may recommend that the Director of Community Development modify development standards in order to save specific trees.

b. Applicability

The provisions of this section shall apply to the proposed destruction or relocation of any regulated tree as the result of development activity, with the following exceptions:

1. ~~Lots or parcels zoned for single-family or two-family dwellings less than one acre in size and comprised of not more than two lots of record, which are not part of a proposed development or subdivision plan; (However, this section shall apply to proposed subdivisions for single family or two family dwellings;)~~
2. Any vertical mixed use development where residential or office uses are located above ground floor commercial and a minimum of 60 percent of the building frontage is dedicated to retail or service commercial uses;
3. Bona fide agricultural uses, commercial nurseries and botanical gardens;
4. Bona fide utility maintenance, safety or fire reduction activities; or
5. Emergency or disaster recovery activities.

...

4.5.11 STANDARDS FOR LANDSCAPE DESIGN, INSTALLATION AND MAINTENANCE

4.5.11.1 Required landscaping and irrigation systems shall be designed, installed and maintained in accordance with Florida-Friendly Landscaping practices and the following standards. Approved landscape and irrigation plans shall provide the basis on which compliance is determined.

...

4.5.11.3 Irrigation Systems

The following standards shall apply to the installation of new residential and non-residential irrigation systems, and the retrofit or replacement of existing residential and non-residential irrigation systems.

- a. Unless otherwise provided herein, all required landscaping shall be irrigated by a permanent irrigation system designed for maximum water conservation, which shall provide 100 percent coverage of plant material and shall be fully operational before building occupancy except that no irrigation systems shall be required in those areas where existing trees or areas of natural vegetation are to be preserved, non-required landscape areas, or as indicated on the approved landscape plan. If approved by the Director of Parks and Recreation, newly planted trees may be irrigated by a temporary irrigation system. Newly planted trees shall be irrigated until they are established at which time irrigation may be terminated and any temporary system removed.
- b. Rain shut-off devices shall be required. A rain sensor or equal technology that inhibits or interrupts operations of the irrigation system during periods of sufficient moisture shall be installed and control all irrigation zones. Rain sensor and related hardware shall be installed per manufacturer specifications.
- c. Irrigation systems serving landscape areas having with different irrigation demands shall be zoned accordingly to vegetated groupings (e.g., turfgrass, shrubs, trees) and the watering requirements of the plants. Turfgrass and landscaped beds, such as trees, shrubs and groundcover beds shall not be irrigated in the same zone.
- d. Rotary irrigation heads and spray irrigation heads should be kept in separate zones, and no irrigation zone shall include both rotary and spray irrigation heads.
- e. All sprinkler heads with spray nozzles shall be pressure regulated at the head and/or valve. Adequate pressure per the manufacturer specifications must be achieved throughout an entire zone.
- f. Narrow areas, 4 feet or less, shall not be irrigated unless correctly installed low-volume irrigation or end-strip/side-strip nozzles are used.
- g. Large sod zones shall be irrigated using rotors or similar devices to achieve maximum irrigation efficiency.
- h. Distribution equipment in a given zone shall have matched precipitation rates.
- i. All irrigation installations will include backflow assembly per Florida Building Code. If a chemical injection system is present for any reason, a reduced pressure principal backflow assembly is required.
- j. A minimum separation of 4 inches shall be required between distribution equipment and pavement.
- k. Sprinklers in low-lying areas shall have check valves to prevent head drainage.

l. Irrigation design should include head-to-head spacing and consider soil, slope, and other site characteristics to minimize water waste, such as: overspray, off-site runoff, the watering of impervious surfaces and other non-vegetated areas.

m. Sprinklers shall rise above turfgrass height:

1. Minimum 6-inch pop-up for sprays and 4-inch pop-up for rotors for St. Augustine, Zoysia, and Bahia grasses;

2. Minimum 4-inch pop-up for sprays and rotors for Centipede, Bermuda, and Seashore Paspalum grasses.

n. Irrigation installers shall provide property owners and users with post-construction maintenance and system information, including:

1. Design drawings as detailed in Appendix F of the Plumbing Volume of the Florida Building Code.

2. Recommended maintenance activities and schedules.

3. Operation schedule.

4. Instructions on adjusting the system to irrigate in accordance with the rules of the Southwest Florida Water Management District after landscaping is established.

5. Water shut-off method.

6. Manufacturer's operational guide for the controller.

o. Water Source

1. At the discretion of the Water Utilities Department, the use of non-potable water sources may be required for irrigation. Non-potable water sources include shallow wells, agricultural wells, lakes, ponds, stormwater retention and detention facilities, and reclaimed/reuse water systems. Where non-potable irrigation water systems are planned but not yet operational, at the discretion of the Water Utilities Department the irrigation system may be connected to the potable water system and disconnected when non-potable water becomes available. The use of non-potable irrigation water sources shall not exempt development from the water-efficient landscaping principles of this article.

2. Irrigation systems shall not be connected to both potable and non-potable sources due to the potential of contaminating the City's potable water system. Any water source other than the City's potable water system is an "auxiliary source." Where an auxiliary source is used, there shall be a physical disconnect (air gap) between the two piping systems. An approved backflow prevention assembly shall be installed at the City's water service connection to any premises where there is an auxiliary water supply and the public water system. Backflow prevention assemblies approved by the Water Utilities Department shall be installed on all potable water service connections/meters to the site, including those for domestic, fire service and irrigation water.

p. All irrigation restrictions imposed by the City of Lakeland and/or the Southwest Florida Water Management District shall be adhered to within 60 calendar days after landscape installation and the plant establishment period.

q. All irrigation systems shall be installed and maintained in accordance with manufacturer's specifications.

r. The following are exempt from the Irrigation System standards but should follow applicable Florida-Friendly Landscaping best management practices:

1. Bona fide agricultural activities;
2. Vegetable gardens and fruit and nut trees;
3. Athletic parks;
4. Parks and recreational areas;
5. Golf course play areas;
6. Cemeteries;
7. Nurseries;
8. Botanical gardens;
9. Open space;
10. Temporary establishment irrigation.

ATTACHMENT "B"

TABLE 4.5-1 FRONTAGE BUFFER OPTIONS

Options	Minimum Planter Strip Width	Minimum Landscaping Required
Option 1	5'	Type A hedge with 8 $\frac{1}{10}$ C (Small) trees per 100 lin. ft. or fraction thereof.
Option 2	7.5'	Type A hedge with 4 $\frac{6}{10}$ B (Medium) trees per 100 lin. ft. or fraction thereof.
Option 3 (Limited to 150 lin. ft. per frontage in Central City Area)	4' including wall	3 ft. high masonry streetwall with low shrubs and groundcover on street side.
<p>Notes:</p> <ol style="list-style-type: none"> 1. These are minimum standards. Buffers may incorporate greater width and additional plant materials. 2. Tree species shall be in accordance with Table 4.5-6. Hedge, shrub and groundcover species shall be in accordance with Table 4.5-8. 3. Where located with less than 15 feet offset from overhead powerlines, trees shall be limited to specific C (Small) trees in accordance with Table 4.5-6. 4. Planter strip width is measured to the inside of curbs with no vehicle overhang. Curbing, wheelstops or posts shall be used to control vehicle overhang. 5. Tree spacing may vary but the intent is to space trees evenly across the frontage. The spacing standard indicates the number of trees to be planted, not the precise location of trees. Where street trees exist or are proposed within the adjacent right-of-way, the intent is to alternate the frontage buffer canopy trees between the street trees. 6. All ground area within planters shall be covered by turf grass, low shrubs or groundcover plants. 7. Streetwalls shall have a minimum 75% view blockage and shall match the architectural materials and finish of the principal building. 		

ATTACHMENT "C"

TABLE 4.5-6 QUALIFIED TREES

Botanical Name	Common Name	Street Tree	Mature Height	Mature Spread	Power Line Offset	Water/ Sewer Offset	Deciduous/ Evergreen	Growth Habit	Soil Moisture	Drought Tolerance	Wind Resistance
LARGE "A" TREES											
<i>Carya illinoensis</i>	Pecan	No	60'-100'	40'-60'	30'	8'	Deciduous	Broad Oval	Moist to Well-Drained	High	Low
<i>Carya glabra</i>	Pignut Hickory	No	50'-65'	30'-40'	30'	8'	Deciduous	Oval	Well-Drained	High	Medium
<i>Carya tomentosa</i>	Mockernut Hickory	Yes	50'-75'	35'-50'	30'	8'	Deciduous	Oval	Well-Drained	High	Medium
<i>Celtis laevigata</i>	Sugarberry	No	50'-70'	50'-60'	30'	8'	Deciduous	Rounded Vase	Varied	Low	Medium
<i>Chorisia speciosa</i>	Floss Silk Tree	No	35'-50'	40'-50'	30'	8'	Deciduous	Upright	Well-Drained	High	Medium
<i>Cinnamomum camphora</i>	Camphor	Yes	40'-50'	50'-70'	30'	8'	Evergreen	Spreading	Varied	High	High
<i>Fraxinus pennsylvanica</i>	Green Ash	No	60'-70'	40'-45'	30'	8'	Deciduous	Upright	Varied	Medium	Low
<i>Liquidambar formosana</i>	Formosan Sweetgum	Yes	40'-60'	30'-45'	30'	8'	Deciduous	Pyramidal Rounded	Well-Drained	Medium	Medium
<i>Liquidambar styraciflua</i>	Sweetgum	Yes	60'-75'	30'-50'	30'	8'	Deciduous	Upright	Moist to Well-Drained	High	Medium

TABLE 4.5-6 QUALIFIED TREES

Botanical Name	Common Name	Street Tree	Mature Height	Mature Spread	Power Line Offset	Water/ Sewer Offset	Deciduous/ Evergreen	Growth Habit	Soil Moisture	Drought Tolerance	Wind Resistance
<i>Liriodendron tulipifera</i>	Tulip Tree	Yes	80'-120'	30'-50'	30'	8'	Deciduous	Pyramidal	Moist to Well-Drained	Medium	Medium
<i>Magnolia grandiflora</i>	Southern Magnolia	Yes	60'-80'	30'-40'	30'	8'	Evergreen	Upright Pyramidal	Varied	Medium	High
<i>Nyssa sylvatica</i>	Black Gum	No	65'-75'	25'-35'	30'	8'	Deciduous	Pyramidal Oval	Moist to Wet	High	Medium
<i>Pinus clausa</i>	Sand Pine	No	60'-80'	15'-40'	30'	8'	Evergreen	Pyramidal	Well-Drained	High	Low
<i>Pinus elliotii</i>	Slash Pine	No	60'-100'	30'-60'	30'	8'	Evergreen	Upright Open	Varied	High	Medium
<i>Pinus elliotii densa</i>	South Fla. Slash Pine	Yes	40'-60'	30'-60'	30'	8'	Evergreen	Upright Open	Varied	High	Medium
<i>Pinus glabra</i>	Spruce Pine	No	30'-60'	25'-40'	30'	8'	Evergreen	Upright Open	Varied	Medium	Medium
<i>Pinus palustris</i>	Longleaf Pine	No	60'-80'	30'-40'	30'	8'	Evergreen	Upright Irregular	Varied	High	Medium
<i>Platanus occidentalis</i>	Sycamore	Yes	75'-90'	60'-70'	30'	8'	Deciduous	Pyramidal Rounded	Varied	Medium	Medium
<i>Quercus hemispherica</i>	Laurel Oak	No	65'-100'	40'-60'	30'	8'	Semi-deciduous	Upright	Well-Drained	Medium	Low
<i>Quercus lyrata</i>	Overcup Oak	Yes	60'-80'	30'-50'	30'	8'	Deciduous	Rounded	Varied	Medium	High
<i>Quercus michauxii</i>	Swamp Chestnut	Yes	60'-80'	30'-50'	30'	8'	Deciduous	Narrow Pyramidal	Moist	Low	High

TABLE 4.5-6 QUALIFIED TREES

Botanical Name	Common Name	Street Tree	Mature Height	Mature Spread	Power Line Offset	Water/ Sewer Offset	Deciduous/ Evergreen	Growth Habit	Soil Moisture	Drought Tolerance	Wind Resistance
<i>Quercus nuttallii</i>	Nuttall Oak	Yes	60'-80'	40'-50'	30'	8'	Deciduous	Upright	Varied	Medium	Medium
<i>Quercus shumardii</i>	Shumard Oak	Yes	60'-80'	40'-50'	30'	8'	Deciduous	Upright	Moist	Medium	Medium
<i>Quercus virginiana</i>	Live Oak	Yes	60'-80'	60'-120'	30'	8'	Semi-deciduous	Spreading	Varied	High	High
<i>Tipuana tipu</i>	Pride of Bolivia	Yes	30'-50'	20'-40'	30'	8'	Evergreen	Spreading	Moist	Medium	Medium
<i>Ulmus alata</i>	Winged Elm	Yes	40'-70'	30'-40'	30'	8'	Deciduous	Rounded Vase	Dry to Wet	High	Medium
<i>Ulmus americana</i>	American Elm	Yes	50'-70'	30'-50'	30'	8'	Deciduous	Vase	Dry to Wet	High	Medium
MEDIUM "B" TREES											
<i>Acer barbatum</i>	Florida Sugar Maple	Yes	40'-50'	30'-40'	15'	5'	Deciduous	Rounded	Moist to Medium	Medium	Medium
<i>Acer rubrum</i>	Red Maple	No	40'-60'	25'-30'	15'	5'	Deciduous	Upright	Moist to Wet	Medium	Low
<i>Averrhoa carambola</i>	Star Fruit	No	25'-35'	20'-30'	15'	5'	Evergreen	Rounded	Well-Drained	Poor	Medium
<i>Bauhinia blakeana</i>	Hong Kong Orchid Tree	No	25'-30'	25'-35'	15'	5'	Deciduous	Vase	Well-Drained	High	Low
<i>Betula nigra</i>	River Birch	No	40'-50'	25'-35'	15'	5'	Deciduous	Upright Angular	Moist to Wet	Low	Medium
<i>Brachychiton acerifolius</i>	Bottle Tree	No	35'-50'	20'-30'	15'	5'	Deciduous	Oval Rounded	Well-Drained	High	Medium

TABLE 4.5-6 QUALIFIED TREES

Botanical Name	Common Name	Street Tree	Mature Height	Mature Spread	Power Line Offset	Water/ Sewer Offset	Deciduous/ Evergreen	Growth Habit	Soil Moisture	Drought Tolerance	Wind Resistance
<i>Carpinus caroliniana</i>	Blue Beech	No	20'-40'	20'-40'	15'	5'	Deciduous	Upright Oval	Moist to Wet	Medium	High
<i>Cassia leptophylla</i>	Gold Medallion Tree	No	30'-40'	30'-40'	15'	5'	Deciduous	Rounded	Well-Drained	Medium	Medium
<i>Citrus spp.</i>	Orange, Lemon, Grapefruit	No	15'-30'	10'-20'	15'	5'	Evergreen	Spreading	Well-Drained	Medium	Medium
<i>Cupressus arizonica</i>	Carolina Sapphire	Yes	30'-40'	15'-25'	15'	5'	Evergreen	Columnar	Varied	Medium	Low
<i>Diospyros virginiana</i>	Persimmon	No	40'-60'	20'-35'	15'	5'	Deciduous	Rounded	Moist to Wet	High	High
<i>Elaeocarpus decipiens</i>	Japanese Blueberry	Yes	25'-35'	10'-15'	15'	5'	Evergreen	Upright Narrow	Well-Drained	Medium	Medium
<i>Eriobotrya japonica</i>	Loquat	Yes	20'-30'	30'-35'	15'	5'	Evergreen	Round Vase	Varied	Medium	Medium
<i>Gordonia lasianthus</i>	Loblolly Bay	No	30'-40'	10'-20'	15'	5'	Evergreen	Narrow Conical	Wet	Low	High
<i>Ilex cassine</i>	Dahoon Holly	No	20'-30'	8'-12'	15'	5'	Evergreen	Upright Dense	Moist to Wet	Medium	High
<i>Jacaranda mimosifolia</i>	Jacaranda	No	25'-40'	25'-60'	15'	5'	Deciduous	Vase	Well-Drained	High	Low
<i>Juniperus silicicola</i>	Southern Red Cedar	Yes	30'-40'	20'-30'	15'	5'	Evergreen	Conical Open	Varied	High	Medium

TABLE 4.5-6 QUALIFIED TREES

Botanical Name	Common Name	Street Tree	Mature Height	Mature Spread	Power Line Offset	Water/Sewer Offset	Deciduous/Evergreen	Growth Habit	Soil Moisture	Drought Tolerance	Wind Resistance
<i>Juniperus virginiana</i>	Eastern Red Cedar	Yes	40'-50'	10'-25'	15'	5'	Evergreen	Oval Pyramidal	Varied	High	Medium
<i>Koeleruteria formosana</i>	Gold Rain Tree	Yes	25'-35'	25'-35'	15'	5'	Deciduous	Rounded	Well-Drained	High	Low
<i>Lagerstroemia indica</i> 'Arapaho'	Crape Myrtle	Yes	12'-25'	12'-20'	15'	5'	Deciduous	Vase	Varied	High	High
<i>Lagerstroemia indica</i> 'Bashams Party Pink'	Crape Myrtle	Yes	15'-25'	15'-20'	15'	5'	Deciduous	Rounded	Varied	High	High
<i>Lagerstroemia indica</i> 'Biloxi'	Crape Myrtle	Yes	15'-25'	15'-20'	15'	5'	Deciduous	Open	Varied	High	High
<i>Lagerstroemia indica</i> 'Dynamite'	Crape Myrtle	Yes	15'-25'	15'-20'	15'	5'	Deciduous	Upright	Varied	High	High
<i>Lagerstroemia indica</i> 'Fantasy'	Crape Myrtle	Yes	15'-25'	15'-20'	15'	5'	Deciduous	Vase	Varied	High	High
<i>Lagerstroemia indica</i> 'Glendora White'	Crape Myrtle	Yes	15'-25'	15'-20'	15'	5'	Deciduous	Upright	Varied	High	High
<i>Lagerstroemia indica</i> 'Kiowa'	Crape Myrtle	Yes	15'-25'	15'-20'	15'	5'	Deciduous	Vase	Varied	High	High
<i>Lagerstroemia indica</i> 'Miami'	Crape Myrtle	Yes	15'-25'	15'-20'	15'	5'	Deciduous	Upright	Varied	High	High
<i>Lagerstroemia indica</i> 'Muskogee'	Crape Myrtle	Yes	15'-25'	15'-20'	15'	5'	Deciduous	Rounded	Varied	High	High
<i>Lagerstroemia indica</i> 'Natchez'	Crape Myrtle	Yes	15'-25'	15'-20'	15'	5'	Deciduous	Rounded	Varied	High	High

TABLE 4.5-6 QUALIFIED TREES

Botanical Name	Common Name	Street Tree	Mature Height	Mature Spread	Power Line Offset	Water/ Sewer Offset	Deciduous/ Evergreen	Growth Habit	Soil Moisture	Drought Tolerance	Wind Resistance
<i>Lagerstroemia indica</i> 'Townhouse'	Crape Myrtle	Yes	15'-25'	15'-20'	15'	5'	Deciduous	Vase	Varied	High	High
<i>Lagerstroemia indica</i> 'Tuscarora'	Crape Myrtle	Yes	15'-25'	15'-20'	15'	5'	Deciduous	Upright	Varied	High	High
<i>Lagerstroemia indica</i> 'Tuskegee'	Crape Myrtle	Yes	15'-25'	15'-20'	15'	5'	Deciduous	Vase	Varied	High	High
<i>Lagerstroemia indica</i> 'Michita'	Crape Myrtle	Yes	15'-25'	15'-20'	15'	5'	Deciduous	Upright	Varied	High	High
<i>Morus rubra</i>	Red Mulberry	No	30'-50'	35'-50'	15'	5'	Deciduous	Rounded	Moist to Wet	Medium	Low
<i>Olea europaea</i>	Olive	Yes	25'-50'	25'-35'	15'	5'	Evergreen	Irregular	Varied	High	Medium
<i>Podocarpus macrophyllus</i>	Podocarpus	Yes	30'-50'	15'-25'	15'	5'	Evergreen	Upright	Varied	High	High
<i>Podocarpus nagi</i>	Broadleaf Podocarpus	Yes	30'-50'	15'-25'	15'	5'	Evergreen	Upright	Varied	High	High
<i>Podocarpus gracilior</i>	Weeping Podocarpus	Yes	30'-50'	25'-35'	15'	5'	Evergreen	Weeping	Varied	High	High
<i>Quercus austriaca</i>	Bluff Oak	Yes	40'-60'	30'-40'	15'	5'	Deciduous	Broad Pyramidal	Wet to Medium	Medium	High
<i>Quercus geminata</i>	Sand Live Oak	Yes	30'-50'	45'-60'	15'	5'	Semi-deciduous	Spreading	Well-Drained Sandy	High	High
<i>Quercus incana</i>	Bluejack Oak	No	25'-50'	25'-35'	15'	5'	Deciduous	Rounded	Varied	High	High

TABLE 4.5-6 QUALIFIED TREES

Botanical Name	Common Name	Street Tree	Mature Height	Mature Spread	Power Line Offset	Water/Sewer Offset	Deciduous/Evergreen	Growth Habit	Soil Moisture	Drought Tolerance	Wind Resistance
<i>Quercus marilandica</i>	Blackjack Oak	No	30'-40'	20'-30'	15'	8'	Deciduous	Rounded	Medium to Dry	High	High
<i>Quercus marilandica</i>	Sand Post Oak	No	25'-50'	25'-35'	15'	5'	Deciduous	Oval	Well-Drained	High	High
<i>Quercus stellata</i>	Post Oak	Yes	20'-40'	15'-25'	15'	5'	Deciduous	Irregular	Varied	High	High
<i>Salix babylonica</i>	Weeping Willow	No	45'-70'	45'-70'	15'	5'	Semi-deciduous	Rounded Upright	Moist to Wet	Medium	Low
<i>Salix caroliniana</i>	Coastal Plain Willow	No	30'	20'-25'	15'	5'	Deciduous	Round Spreading	Wet	Medium	Low
<i>Tabebuia cariba</i>	Trumpet Tree	No	15'-25'	10'-15'	15'	5'	Deciduous	Irregular	Varied	High	Low
<i>Tabebuia chrysostricha</i>	Gold Trumpet Tree	Yes	25'-35'	25'-35'	15'	5'	Deciduous	Upright	Varied	Medium	Low
<i>Tabebuia heterophylla</i>	Pink Trumpet Tree	Yes	40'-50'	35'-50'	15'	5'	Deciduous	Oval Round	Varied	Medium	Low
<i>Tabebuia impetiginosa</i>	Purple Trumpet Tree	Yes	20'-30'	15'-25'	15'	5'	Deciduous	Oval Round	Varied	Medium	Low
<i>Tabebuia umbellata</i>	Yellow Trumpet Tree	Yes	10'-20'	25'-35'	15'	5'	Deciduous	Horizontal	Varied	High	Low
<i>Taxodium ascendens</i>	Pond Cypress	No	60'-80'	15'-30'	15'	5'	Deciduous	Upright	Dry to Wet	High	High
<i>Taxodium distichum</i>	Bald Cypress	Yes	60'-80'	15'-30'	15'	5'	Deciduous	Upright	Dry to Wet	High	High

TABLE 4.5-6 QUALIFIED TREES

Botanical Name	Common Name	Street Tree	Mature Height	Mature Spread	Power Line Offset	Water/ Sewer Offset	Deciduous/ Evergreen	Growth Habit	Soil Moisture	Drought Tolerance	Wind Resistance
<i>Tecoma stans</i>	Yellow Elder	No	20'-30'	20'-30'	15'	5'	Evergreen	Oval	Varied	High	Medium
<i>Thuja occidentalis</i>	Arborvitae	No	30'-50'	15'-25'	15'	5'	Evergreen	Upright	Varied	Medium	Medium
<i>Ulmus parvifolia</i> 'Allee'	Allee Elm	Yes	40'-50'	35'-50'	15'	5'	Deciduous	Upright Oval	Well-Drained	High	Low
SMALL "C" TREES											
<i>Acacia farnesiana</i>	Sweet Acacia	No	15'-25'	15'-25'	None	None	Semi-Evergreen	Rounded	Varied	High	High
<i>Caesalpinia pulcherrima</i>	Dwarf Poinciana	No	8'-12'	10'-12'	None	None	Evergreen	Rounded	Well-Drained	High	Low
<i>Callistemon rigidus</i>	Bottlebrush	No	15'-20'	15'-20'	None	None	Evergreen	Upright	Moist to Well-Drained	High	Medium
<i>Callistemon viminalis</i>	Weeping Bottlebrush	No	15'-20'	15'-20'	None	None	Evergreen	Weeping	Moist to Well-Drained	High	Medium
<i>Camellia sansanqua</i>	Sansanqua	No	15'-20'	15'-20'	None	None	Evergreen	Rounded	Well-Drained	Medium	Medium
<i>Cassia bicapsularis</i>	Butterfly Bush	No	8'-12'	8'-10'	None	None	Semi-Evergreen	Rounded	Well-Drained	Medium	Low
<i>Chionanthus retusa</i>	Chinese Fringetree	No	15'-20'	10'-15'	None	None	Deciduous	Rounded	Well-Drained	Medium	Medium
<i>Cordia boissieri</i>	White Geiger Tree	No	15'-20'	10'-15'	None	None	Evergreen	Rounded	Well-Drained	High	High

TABLE 4.5-6 QUALIFIED TREES

Botanical Name	Common Name	Street Tree	Mature Height	Mature Spread	Power Line Offset	Water/ Sewer Offset	Deciduous/ Evergreen	Growth Habit	Soil Moisture	Drought Tolerance	Wind Resistance
<i>Eugenia foetida</i>	Simpson Stopper	Yes	10'-20'	10'-15'	None	None	Evergreen	Rounded	Varied	High	Medium
<i>Ilex cornuta</i> 'Burfordii'	Burford Holly	Yes	15'-25'	15'-25'	None	None	Evergreen	Rounded	Well-Drained to Moist	Medium	High
<i>Ilex vomitoria</i>	Yaupon Holly	Yes	15'-25'	15'-20'	None	None	Evergreen	Rounded Vase	Varied	High	High
<i>Ilex vomitoria pendula</i>	Weeping Yaupon Holly	Yes	15'-30'	8'-12'	None	None	Evergreen	Weeping	Varied	High	High
<i>Lagerstroemia indica</i>	Crape Myrtle	Yes	10'-30'	15'-25'	None	None	Deciduous	Vase	Varied	High	High
<i>Lagerstroemia indica</i> 'Acoma'	Crape Myrtle	Yes	6'-12'	6'-10'	None	None	Deciduous	Pendulous	Varied	High	High
<i>Lagerstroemia indica</i> 'Apalachee'	Crape Myrtle	Yes	12'-20'	10'15'	None	None	Deciduous	Upright	Varied	High	High
<i>Lagerstroemia indica</i> 'Centennial'	Crape Myrtle	Yes	6'-12'	6'-10'	None	None	Deciduous	Rounded	Varied	High	High
<i>Lagerstroemia indica</i> 'Cherokee'	Crape Myrtle	Yes	6'-12'	6'-10'	None	None	Deciduous	Upright	Varied	High	High
<i>Lagerstroemia indica</i> 'Comanche'	Crape Myrtle	Yes	12'-20'	10'-15'	None	None	Deciduous	Upright	Varied	High	High
<i>Lagerstroemia indica</i> 'Hope'	Crape Myrtle	Yes	6'-12'	6'-10'	None	None	Deciduous	Open	Varied	High	High

TABLE 4.5-6 QUALIFIED TREES

Botanical Name	Common Name	Street Tree	Mature Height	Mature Spread	Power Line Offset	Water/ Sewer Offset	Deciduous/ Evergreen	Growth Habit	Soil Moisture	Drought Tolerance	Wind Resistance
<i>Lagerstroemia indica</i> 'Hopi'	Crape Myrtle	Yes	6'-12'	6'-10'	None	None	Deciduous	Open	Varied	High	High
<i>Lagerstroemia indica</i> 'Lipan'	Crape Myrtle	Yes	12'-20'	10'-15'	None	None	Deciduous	Upright	Varied	High	High
<i>Lagerstroemia indica</i> 'Near East'	Crape Myrtle	Yes	12'-20'	10'-15'	None	None	Deciduous	Open	Varied	High	High
<i>Lagerstroemia indica</i> 'Osage'	Crape Myrtle	Yes	12'-20'	10'-15'	None	None	Deciduous	Rounded	Varied	High	High
<i>Lagerstroemia indica</i> 'Osage Blush'	Crape Myrtle	Yes	12'-20'	10'-15'	None	None	Deciduous	Rounded	Varied	High	High
<i>Lagerstroemia indica</i> 'Pecos'	Crape Myrtle	Yes	6'-12'	6'-10'	None	None	Deciduous	Vase	Varied	High	High
<i>Lagerstroemia indica</i> 'Red Rooster'	Crape Myrtle	Yes	6'-12'	6'-10'	None	None	Deciduous	Rounded	Varied	High	High
<i>Lagerstroemia indica</i> 'Sarahs Favorite'	Crape Myrtle	Yes	12'-20'	10'-15'	None	None	Deciduous	Upright	Varied	High	High
<i>Lagerstroemia indica</i> 'Sioux'	Crape Myrtle	Yes	12'-20'	10'-15'	None	None	Deciduous	Upright	Varied	High	High
<i>Lagerstroemia indica</i> 'Tonto'	Crape Myrtle	Yes	6'-12'	6'-10'	None	None	Deciduous	Rounded	Varied	High	High
<i>Lagerstroemia indica</i> 'Yuma'	Crape Myrtle	Yes	12'-20'	10'-15'	None	None	Deciduous	Open	Varied	High	High
<i>Ligustrum japonicum</i>	Waxleaf Privet	Yes	10'-15'	15'-20'	None	None	Evergreen	Oval Round	Varied	High	Medium

TABLE 4.5-6 QUALIFIED TREES

Botanical Name	Common Name	Street Tree	Mature Height	Mature Spread	Power Line Offset	Water/Sewer Offset	Deciduous/Evergreen	Growth Habit	Soil Moisture	Drought Tolerance	Wind Resistance
<i>Parkinsonia aculeata</i>	Jerusalem Thorn	No	15'-20'	20'-25'	None	None	Deciduous	Vase Spreading	Varied	High	High
<i>Prunus angustifolia</i>	Chickasaw Plum	No	12'-20'	15'-20'	None	None	Deciduous	Rounded	Well-Drained	High	Medium
<i>Prunus umbellata</i>	Flatwoods Plum	No	15'-20'	15'-20'	None	None	Deciduous	Rounded	Well-Drained	Medium	High
<i>Viburnum odoratissimum</i> 'Awabuki'	Awabuki Sweet Viburnum	No	15'-20'	15'-20'	None	None	Evergreen	Rounded	Well-Drained	High	High
<i>Vitex agnus-castus</i>	Chastetree	Yes	10'-15'	15'-20'	None	None	Deciduous	Rounded	Varied	High	Medium

Table 4.5-6 Qualified Trees

Large 'A' Trees												
Botanical Name	Common Name	Street Tree	Mature Height	Mature Spread	Power Line Offset	Water/Sewer Offset	Deciduous/Evergreen	Growth Habit	Soil Moisture	Drought Tolerance	Wind Resistance	
<i>Brachychiton acerifolia</i>	Illawara Flame Tree	No	50' - 60'	30' - 40'	30'	8'	Deciduous	Upright & Pyramidal	Well Drained	High	Low	
<i>Brachychiton discolor</i>	Queensland Lacebark	Yes	40' - 65'	30'	30'	8'	Deciduous	Upright & Pyramidal	Well-Drained	High	Medium	
<i>Brachychiton populneus</i>	Kurrajong	Yes	30' - 50'	30'	30'	8'	Deciduous	Upright & Pyramidal	Well-Drained	High	Medium	
<i>Carya glabra</i>	Pignut Hickory	No	50' - 65'	30' - 40'	30'	8'	Deciduous	Oval	Well-Drained	High	Medium	
<i>Carya illinoensis</i>	Pecan	No	60' - 100'	40' - 60'	30'	8'	Deciduous	Broad Oval	Moist/Well-Drained	High	Medium	
<i>Carya tomentosa</i>	Mockernut Hickory	Yes	50' - 75'	35' - 50'	30'	8'	Deciduous	Oval	Well-Drained	High	Medium	
<i>Ceiba speciosa</i>	Floss Silk Tree	No	35' - 50'	40' - 50'	30'	8'	Deciduous	Upright	Well-Drained	High	Medium	
<i>Celtis laevigata</i>	Sugarberry	No	50' - 70'	50' - 60'	30'	8'	Deciduous	Rounded Vase	Varied	Low	Medium	

<i>Cinnamomum camphora</i>	Camphor	Yes	40' - 50'	50' - 70'	30'	8'	Evergreen	Spreading	Varied	Medium	Low
<i>Liquidambar formosana</i>	Formosan Sweetgum	Yes	40' - 60'	30' - 45'	30'	8'	Deciduous	Rounded	Well-Drained	Medium	Medium
	American Sweetgum	Yes	60' - 75'	30' - 50'	30'	8'	Deciduous	Upright & Pyramidal	Varied	Medium	Low
<i>Liriodendron tulipifera</i>	Tulip Poplar	Yes	80' - 120'	30' - 50'	30'	8'	Deciduous	Pyramidal	Moist/Well-Drained	Medium	Medium
<i>Magnolia grandiflora</i>	Southern Magnolia	Yes	60' - 80'	30' - 40'	30'	8'	Evergreen	Upright & Pyramidal	Moist/Well-Drained	Low	High
<i>Pinus clausa</i>	Sand Pine	No	60' - 80'	15' - 40'	30'	8'	Evergreen	Pyramidal	Well-Drained	High	Low
<i>Pinus elliotii</i>	Slash pine	No	60' - 100'	30' - 60'	30'	8'	Evergreen	Upright Open	Varied	High	Medium
<i>Pinus elliotii</i> 'Densa'	'Densa' Slash Pine	No	40' - 60'	30' - 60'	30'	8'	Evergreen	Upright Open	Varied	High	Medium
<i>Pinus glabra</i>	Spruce Pine	No	30' - 60'	25' - 40'	30'	8'	Evergreen	Upright Open	Varied	Medium	Medium
<i>Pinus palustris</i>	Longleaf pine	No	60' - 80'	30' - 40'	30'	8'	Evergreen	Upright Irregular	Varied	High	Medium

<i>Platanus occidentalis</i>	✓	American Sycamore	Yes	75' - 90'	60' - 70'	30'	8'	Deciduous	Pyramidal Rounded	Varied	Medium	Medium
<i>Quercus lyrata</i>	✓	Overcup Oak	Yes	60' - 80'	30' - 50'	30'	8'	Deciduous	Rounded	Varied	Medium	High
<i>Quercus virginiana</i>	✓	Live Oak	Yes	60' - 80'	60' - 120'	30'	8'	Semi-deciduous	Spreading	Varied	High	High
<i>Roseodendron donell-smithii</i>		Primavera	Yes	40' - 80'	30' - 50'	30'	8'	Deciduous	Rounded Vase	Moist/Well-Drained	Medium	Medium
<i>Taxodium mucronatum</i>		Montezuma Cypress	No	50' - 80'	20' - 40'	30'	8'	Deciduous	Upright Conical	Wet to Well-Drained	Low	High
<i>Tipuana tipu</i>		Pride of Bolivia	Yes	30' - 50'	20' - 40'	30'	8'	Evergreen	Spreading	Moist	Medium	Medium
<i>Ulmus alata</i>	✓	Winged Elm	Yes	40' - 70'	30' - 40'	30'	8'	Deciduous	Rounded Vase	Wet to Dry	High	Medium
<i>Ulmus americana</i>	✓	American Elm	Yes	50' - 70'	30' - 50'	30'	8'	Deciduous	Vase	Wet to Dry	High	Medium

Medium 'B' Trees												
Botanical Name V = Native	Common Name	Street Tree	Mature Height	Mature Spread	Power Line Offset	Water/Sewer Offset	Deciduous/Evergreen	Growth Habit	Soil Moisture	Drought Tolerance	Wind Resistance	
<i>Acer floridanum</i>	Florida Sugar Maple	Yes	20' - 60'	25' - 40'	15'	5'	Deciduous	Rounded	Moist/Well-Drained	Medium	Medium	
<i>Acer rubrum</i>	Red Maple	Yes	40' - 60'	25' - 30'	15'	5'	Deciduous	Upright	Wet/Well-Drained	Medium	Low	
<i>Afrocarpus gracilior</i>	African Fern Pine	Yes	30' - 50'	25' - 35'	15'	5'	Evergreen	Rounded Weeping	Varied	High	High	
<i>Averrhoa carambola</i>	Star Fruit	No	25' - 30'	20' - 30'	15'	5'	Evergreen	Rounded	Well-Drained	Poor	Medium	
<i>Bauhinia x blakeana</i>	Hong Kong Orchid Tree	No	25' - 30'	25' - 35'	15'	5'	Evergreen	Spreading	Moist/Well-Drained	Poor	Low	
<i>Brachychiton rupestris</i>	Queensland Bottle Tree	Yes	30'	15'	15'	5'	Deciduous	Upright Bulbous trunk	Moist to Dry	High	Low	
<i>Carpinus caroliniana</i>	Blue Beech	Yes	20' - 40'	20' - 40'	15'	5'	Deciduous	Upright Oval	Moist/Well-Drained	Medium	High	
<i>Citharexylum spinosum</i>	Fiddlewood	No	15' - 35'	10' - 25'	15'	5'	Evergreen	Rounded Vase	Moist/Well-Drained	Medium	Medium	

<i>Cocculus laurifolius</i>	Snail Seed	Yes	20' - 25'	20' - 25'	15'	5'	Evergreen	Spreading	Well-Drained	Medium	Medium
<i>Cupressus arizonica</i>	Arizona Cypress	No	30' - 40'	15' - 25'	15'	5'	Evergreen	Columnar	Well-Drained	Medium	Low
		<input checked="" type="checkbox"/>	American Persimmon	No	40' - 60'	20' - 35'	15'	5'	Deciduous	Rounded	Moist/Well-Drained
<i>Elaeocarpus decipiens</i>	Japanese Blueberry	No	25' - 35'	15' - 25'	15'	5'	Evergreen	Rounded	Well-Drained	Medium	Medium
		<input checked="" type="checkbox"/>	Loquat	Yes	20' - 30'	20' - 30'	15'	5'	Evergreen	Round Vase	Moist/Well-Drained
<i>Erythrina caffra</i>	South African Coral Tree	Yes	25' - 40'	25'	15'	5'	Deciduous	Vase	Moist to Dry	High	Medium
<i>Erythrina lysistemon</i>	Sacred Coral Tree	Yes	30'	10' - 30'	15'	5'	Deciduous	Spreading Vase	Moist to Dry	High	Medium
		<input checked="" type="checkbox"/>	Loblolly Bay	No	30' - 40'	10' - 20'	15'	5'	Evergreen	Narrow Conical	Wet
<i>Handroanthus impetiginosus</i>	Purple Trumpet Tree	Yes	20' - 30'	15' - 25'	15'	5'	Deciduous	Rounded	Varied	Medium	Low
<i>Handroanthus umbellatus</i>	Yellow Trumpet Tree	Yes	20' - 30'	20' - 30'	15'	5'	Semi-Deciduous	Rounded	Varied	High	Low

<i>Hovenia dulcis</i>	Japanese Raisin Tree	Yes	20' - 40'	30' - 40'	15'	5'	Deciduous	Open Oval	Moist/Well-Drained	Medium	High
<i>Ilex cassine</i>	✓ Dahoon Holly	No	20' - 30'	8' - 12'	15'	5'	Evergreen	Upright Dense	Wet/Well-Drained	Medium	High
<i>Jacaranda cuspidifolia</i>	Cuspidateleaf Jacaranda	Yes	25' - 35'	15' - 30'	15'	5'	Deciduous	Rounded Open Habit	Well-Drained	Medium	Medium
<i>Jacaranda mimosifolia</i>	Jacaranda	No	25' - 50'	25' - 60'	15'	5'	Deciduous	Rounded Open Habit	Well-Drained	Medium	Low
<i>Juniperus virginiana</i> var. <i>silicicola</i>	✓										
	Southern Red Cedar	Yes	30' - 40'	20' - 30'	15'	5'	Evergreen	Conical to Rounded (old)	Varied	High	Medium
<i>Lagerstroemia indica</i> 'Asuka Dwarf Hybrid' x <i>L. fauriei</i> (1972)	'Apalachee' Hybrid Crape Myrtle	Yes	15' - 25'	12' - 20'	15'	5'	Deciduous	Upright	Varied	High	High
<i>Lagerstroemia indica</i> x <i>L. fauriei</i> 'Basham's Party Pink' - (Chance Seedling 1963)	'Basham's Party Pink' Hybrid Crape Myrtle	Yes	15' - 30'	12' - 15'	15'	5'	Deciduous	Rounded	Varied	High	High
<i>Lagerstroemia indica</i> 'Dwarf Red' x <i>L. fauriei</i>] x [<i>L. indica</i> 'Low Flame' x <i>L. fauriei</i>] (1972)	'Biloxi' Hybrid Crape Myrtle	Yes	15' - 25'	15' - 25'	15'	5'	Deciduous	Vase	Varied	High	High
<i>Lagerstroemia fauriei</i> 'Fantasy' (late 1950's)	'Fantasy' Japanese Crape Myrtle	Yes	15' - 35'	15' - 35'	15'	5'	Deciduous	Vase	Varied	High	High

<i>Lagerstroemia indica</i> 'Glendora White' (Chance Seedling 1957)	'Glendora White' Common Grape Myrtle	Yes	15' - 25'	15' - 20'	15'	5'	Deciduous	Upright	Varied	High	High
<i>Lagerstroemia fauriei</i> 'Kiowa' (Japan, 1968)	'Kiowa' Japanese Grape Myrtle	Yes	15' - 26'	15' - 24'	15'	5'	Deciduous	Vase	Varied	High	High
<i>Lagerstroemia indica</i> 'Pink Lace' x <i>L. fauriei</i> (1964)	'Muskogee' Hybrid Grape Myrtle	Yes	15' - 25'	15' - 20'	15'	5'	Deciduous	Rounded	Varied	High	High
<i>Lagerstroemia indica</i> 'Pink Lace' x <i>L. fauriei</i> (1969)	'Natchez' Hybrid Grape Myrtle	Yes	15' - 30'	15' - 35'	15'	5'	Deciduous	Rounded Vase	Varied	High	High
<i>Lagerstroemia indica</i> 'Potomac' (1962)	'Potomac' Common Grape Myrtle	Yes	15' - 25'	15' - 20'	15'	5'	Deciduous	Rounded	Varied	High	High
<i>Lagerstroemia</i> Hybrid 5570 EL (US National Arboretum 1992-1993)	'Sarah's Favorite' Hybrid Grape Myrtle	Yes	18' - 30'	20' - 35'	15'	5'	Deciduous	Rounded	Varied	High	High
<i>Lagerstroemia fauriei</i> 'Fantasy' (Chance Seedling 1981)	'Townhouse' Japanese Grape Myrtle	Yes	18' - 30'	15' - 20'	15'	5'	Deciduous	Vase	Varied	High	High
<i>Michelia</i> x <i>alba</i>	White Perfume Tree	Yes	50'	20' - 30'	15'	5'	Evergreen	Pyramidal	Moist to Well-Drained	Low	Medium
<i>Morus rubra</i>	Red Mulberry	No	30' - 50'	35' - 50'	15'	5'	Deciduous	Rounded	Wet/Well-Drained	Medium	Low

<i>Nageia nagi</i>		Asian Barberry or Broadleaf Podocarpus	Yes	30' - 50'	15' - 25'	15'	5'	Evergreen	Upright	Varied	High	High
	<i>Nyssa sylvatica</i>	Black gum	No	65' - 75'	25' - 35'	30'	8'	Deciduous	Pyramidal Oval	Wet to Moist	Low	Medium
<i>Olea europaea</i>		Olive	Yes	25' - 50'	25' - 35'	15'	5'	Evergreen	Irregular	Well-Drained	High	Medium
<i>Persea americana</i> 'Brogdon'		'Brogdon' Avocado	No	20' - 40'	25' - 35'	15'	5'	Evergreen	Rounded Spreading	Well-Drained	Medium	Low
<i>Persea americana</i> 'Fuerte'		'Fuerte' Avocado	No	20' - 40'	25' - 35'	15'	5'	Evergreen	Rounded Spreading	Well-Drained	Medium	Low
<i>Persea americana</i> 'Hall'		'Hall' Avocado	No	20' - 40'	25' - 35'	15'	5'	Evergreen	Rounded Spreading	Well-Drained	Medium	Low
<i>Pithecellobium flexicaule</i>		Texas Ebony	Yes	25' - 30'	20' - 30'	15'	5'	Evergreen	Rounded	Well-Drained to Dry	High	High
<i>Platycladus orientalis</i>		Arborvitae	No	30' - 50'	15' - 20'	15'	5'	Evergreen	Conical Upright	Varied	Medium	Medium
<i>Podocarpus henkelii</i>		Long-leafed Yellow-Wood	Yes	25' - 35'	15' - 25'	15'	5'	Evergreen	Conical Pyramid	Moist/Well-Drained	Low	High
<i>Podocarpus macrophyllus</i>		Yew Plum Pine	Yes	30' - 50'	15' - 25'	15'	5'	Evergreen	Upright	Varied	High	High

<i>Quercus austrina</i>	✓	Bluff Oak	Yes	40' - 60'	30' - 40'	15'	5'	Deciduous	Broad Pyramidal	Moist/Well-Drained	Medium	High
<i>Quercus geminata</i>	✓	Sand Live Oak	Yes	20' - 50	20' - 50'	15'	5'	Evergreen	Irregular Rounded	Well-Drained to Dry	High	High
<i>Quercus incana</i>	✓	Bluejack Oak	No	30' - 55'	25' - 45'	15'	5'	Deciduous	Rounded	Well-Drained to Dry	High	High
<i>Quercus margarettae</i>	✓	Sand Post Oak	Yes	35' - 50'	25' - 40'	15'	5'	Deciduous	Rounded	Well-Drained to Dry	High	High
<i>Quercus marilandica</i>	✓	Blackjack Oak	Yes	30' - 40'	20' - 30'	15'	5'	Deciduous	Rounded	Well-Drained to Dry	High	High
<i>Quercus michauxii</i>	✓	Swamp Chestnut Oak	Yes	60' - 80'	30' - 50'	15'	5'	Deciduous	Narrow Pyramidal	Moist/Well-Drained	Medium	High
<i>Quercus nuttallii</i>		Nuttall Oak	Yes	50'	40'	15'	5'	Deciduous	Upright	Moist/Well-Drained	Medium	Medium
<i>Quercus stellata</i>	✓	Post Oak	Yes	20' - 40'	15' - 25'	15'	5'	Deciduous	Irregular	Varied	High	High
<i>Salix babylonica</i>		Weeping Willow	No	30' - 50'	30' - 50'	15'	5'	Deciduous	Rounded Weeping	Wet/Well-Drained	Low	Low
<i>Salix caroliniana</i>	✓	Coastal Plain Willow	No	30'	20' - 25'	15'	5'	Deciduous	Rounded Spreading	Wet/Well-Drained	Low	Low

<i>Tabebuia</i> <i>caraiiba</i>	Silver Trumpet Tree	Yes	15' - 25'	10' - 15'	15'	5'	Deciduous	Irregular Oval	Varied	High	Low
<i>Taxodium</i> <i>ascendens</i>	Pond Cypress	Yes	60' - 80'	15' - 30'	15'	5'	Deciduous	Conical Upright	Wet/Well-Drained	Medium	High
<i>Taxodium</i> <i>distichum</i>	Bald Cypress	Yes	60' - 80'	15' - 30'	15'	5'	Deciduous	Conical Upright	Wet/Well-Drained	Medium	High

Small 'C' Trees

Botanical Name ✓ = Native	Common Name	Street Tree	Mature Height	Mature Spread	Power Line Offset	Water/Sewer Offset	Deciduous/Evergreen	Growth Habit	Soil Moisture	Drought Tolerance	Wind Resistance
<i>Callistemon</i> <i>citrinus</i>	Lemon Bottlebrush	Yes	15' - 25'	15' - 25'	None	None	Evergreen	Upright	Moist/Well-Drained	Medium	Medium
<i>Callistemon</i> <i>rigidus</i>	Stiff Bottlebrush	Yes	15' - 20'	10' - 15'	None	None	Evergreen	Upright	Moist/Well-Drained	Medium	Medium
<i>Callistemon</i> <i>viridinalis</i>	Weeping Bottlebrush	No	20' - 30'	15' - 25'	None	None	Evergreen	Weeping	Moist/Well-Drained	High	Medium
<i>Camellia</i> <i>sansanqua</i>	Sansanqua Tree	No	15' - 20'	15' - 20'	None	None	Evergreen	Rounded	Well-Drained	Medium	Medium
<i>Chionanthus</i> <i>retusus</i>	Chinese Fringetree	No	10' - 20'	10' - 20'	None	None	Deciduous	Rounded Spreading	Well-Drained	Medium	High

<i>Chionanthus retusus</i> 'Tokyo Tower'	'Tokyo Tower' Fringetree	Yes	10' - 15'	4' - 6'	None	None	Deciduous	Upright Columnar	Well-Drained	Medium	Medium
<i>Cardia boissieri</i>	Texas Olive or White Geiger	Yes	15' - 20'	10' - 15'	None	None	Evergreen	Rounded	Well-Drained	High	High
<i>Eugenia foetida</i>	Simpson Stopper	Yes	10' - 20'	10' - 15'	None	None	Evergreen	Rounded Spreading	Moist/Well-Drained	High	Medium
<i>Ilex cornuta</i> 'Burfordii'	Burford Holly	Yes	15' - 25'	15' - 25'	None	None	Evergreen	Rounded	Moist/Well-Drained	Medium	High
<i>Ilex vomitoria</i>	Yaupon Holly	Yes	15' - 20'	15' - 20'	None	None	Evergreen	Rounded Vase	Varied	Medium	High
<i>Ilex vomitoria pendula</i>	Weeping Yaupon Holly	Yes	15' - 30'	8' - 12'	None	None	Evergreen	Upright Weeping	Varied	Medium	High
<i>Lagerstroemia indica</i>	Common Grape Myrtle	Yes	10' - 30'	15' - 25'	None	None	Deciduous	Vase	Varied	High	High
[<i>Lagerstroemia indica</i> 'Pink Ruffles' x <i>L. indica</i>] x <i>L. fauriei</i> (1969)	'Acoma' Hybrid Grape Myrtle	Yes	6' - 12'	6' - 10'	None	None	Deciduous	Weeping	Varied	High	High
[<i>Lagerstroemia 'Tuscarora'</i> x (<i>L. indica</i> 'Red' x <i>L. indica</i> 'Carolina Beauty')] x [<i>L. limii</i> x <i>L. indica</i> 'Asuka Dwarf Hybrid'] (1989)	'Arapaho' Hybrid Grape Myrtle	Yes	12' - 20'	8' - 10'	None	None	Deciduous	Upright	Varied	High	High

<i>Lagerstroemia indica</i> 'Centennial' (1962)	'Centennial' Common Crape Myrtle	Yes	10' - 20'	10' - 15'	None	None	Deciduous	Rounded	Varied	High	High
<i>Lagerstroemia indica</i> 'Hardy Red' x <i>L. indica</i> 'Low Flame' (1970)	'Cherokee' Common Crape Myrtle	Yes	12' - 15'	6' - 10'	None	None	Deciduous	Vase	Varied	High	High
<i>Lagerstroemia indica</i> 'Dark Red' x [<i>L. indica</i> x <i>L. fauriei</i>] (1969)	'Comanche' Hybrid Crape Myrtle	Yes	12' - 20'	10' - 15'	None	None	Deciduous	Rounded Spreading	Varied	High	High
<i>Lagerstroemia indica</i> 'Whit II' (1987)	Dynamite® Common Crape Myrtle	Yes	15' - 20'	12' - 18'	None	None	Deciduous	Upright	Varied	High	High
<i>Lagerstroemia indica</i> 'Hope' (1963)	'Hope' Common Crape Myrtle	Yes	6' - 12'	6' - 10'	None	None	Deciduous	Open	Varied	High	High
<i>Lagerstroemia indica</i> 'Pink Lace' x <i>L. fauriei</i> x <i>L. indica</i> 'Alba Nana' (1972)	'Hopi' Hybrid Crape Myrtle	Yes	8' - 12'	6' - 10'	None	None	Deciduous	Upright Spreading	Varied	High	High
<i>Lagerstroemia indica</i> 'Dwarf Red' x <i>L. fauriei</i> x [<i>L. indica</i> 'Pink Lace' x <i>L. fauriei</i>] x <i>L. 'Basham's Party Pink'</i>] (1975)	'Lipan' Hybrid Crape Myrtle	Yes	13' - 20'	10' - 15'	None	None	Deciduous	Upright	Varied	High	High
<i>Lagerstroemia indica</i> 'Pink Lace' x <i>L. fauriei</i> x [<i>L. indica</i> 'Firebird' x (<i>L. indica</i> x <i>L. fauriei</i>)] (1972)	'Miami' Hybrid Crape Myrtle	Yes	15' - 20'	12' - 15'	None	None	Deciduous	Upright	Varied	High	High

<i>Lagerstroemia indica</i> 'Near East' (1870)	'Near East' Common Crape Myrtle	Yes	15' - 20'	10' - 12'	None	None	Deciduous	Rounded	Varied	High	High
<i>Lagerstroemia indica</i> 'Dwarf Red' x <i>L. fauriei</i> x [<i>L. indica</i> 'Pink Lace' x <i>L. fauriei</i>] (1972)	'Osage' Hybrid Crape Myrtle	Yes	12' - 20'	10' x 15'	None	None	Deciduous	Rounded	Varied	High	High
<i>Lagerstroemia indica</i> 'Dwarf red' x <i>L. fauriei</i> x [<i>L. indica</i> 'Dark Red' x <i>L. fauriei</i>] (1972)	'Pecos' Hybrid Crape Myrtle	Yes	8' - 12'	6' - 10'	None	None	Deciduous	Vase	Varied	High	High
<i>Lagerstroemia</i> 'PILLAG-III' RED ROOSTER™ (2014)	'Red Rooster®' Hybrid Crape myrtle	Yes	8' - 10'	4' - 5'	None	None	Deciduous	Upright	Varied	High	High
<i>Lagerstroemia indica</i> 'Dwarf Red' x <i>L. fauriei</i> x [<i>L. indica</i> 'Pink Lace' x <i>L. fauriei</i>] (1972)	'Sioux' Hybrid Crape Myrtle	Yes	12' - 20'	10' - 15'	None	None	Deciduous	Upright Spreading	Varied	High	High
<i>Lagerstroemia indica</i> 'Pink Lace' x <i>L. fauriei</i> x <i>L. indica</i> 'Catawba'] x <i>L. indica</i> 'Tuscarora' (1974)	'Tonto' Hybrid Crape Myrtle	Yes	6' - 12'	6' - 10'	None	None	Deciduous	Rounded	Varied	High	High
<i>L. indica</i> 'Dallas Red' x (<i>L. indica</i> x <i>L. fauriei</i>) 'Basham's Party Pink' (1968)	'Tuskegee' Hybrid Crape Myrtle'	Yes	10' - 18'	15' - 20'	None	None	Deciduous	Vase	Varied	High	High

(<i>L. indica</i> 'Pink Lace' x <i>L. fauriei</i>) x [<i>L. amabilis</i> x (<i>L. indica</i> 'Hardy Light Pink' x <i>L. indica</i> 'Red')] (1972)	'Yuma' Hybrid Grape Myrtle	Yes	12' - 20'	12' - 20'	None	None	Deciduous	Rounded	Varied	High	High
[<i>L. indica</i> 'Pink Lace' x <i>L. fauriei</i>] x [<i>L. indica</i> 'Firebird' x (<i>L. indica</i> x <i>L. fauriei</i>)] (1972)	'Wichita' Hybrid Grape Myrtle	Yes	15' - 20'	8' - 11'	None	None	Deciduous	Upright	Varied	High	High
<i>Ligustrum japonicum</i>	Waxleaf Privet	Yes	10' - 15'	15' - 20'	None	None	Evergreen	Rounded Spreading	Moist/Well-Drained	Medium	High
<i>Prunus angustifolia</i>	Chickasaw Plum	No	12' - 20'	15' - 20'	None	None	Deciduous	Rounded Spreading	Moist to Dry	High	Medium
<i>Prunus umbellata</i>	Flatwoods Plum	No	15' - 20'	15' - 20'	None	None	Deciduous	Rounded	Well-Drained	Medium	High
<i>Quercus myrtifolia</i>	Myrtle Oak	Yes	15' - 20'	8' - 10'	None	None	Evergreen	Upright Spreading	Well-Drained to Dry	High	High
<i>Viburnum odorotissimum</i> 'Awabuki'	'Awabuki' Sweet Viburnum	No	15' - 20'	15' - 20'	None	None	Evergreen	Rounded	Well-Drained	Medium	High

ATTACHMENT "D"

TABLE 4.5-7 QUALIFIED PALMS

Botanical Name v	Common Name	Street Tree	Mature Height	Mature Spread	Power Line Offset	Water / Sewer Offset	Deciduous/ Evergreen	Growth Habit	Soil Moisture	Drought Tolerance	Wind Resistance
"D" PALMS											
<i>Bismarkia nobilis</i> 'Silver'	Silver Bismark Palm	No	30'-60'	10'-20'	30'	5'	Evergreen	Upright Palm	Varied	High	High
<i>Phoenix canariensis</i>	Canary Island Date Palm	No	40'-60'	15'-25'	30'	5'	Evergreen	Upright with long fronds	Varied	High	High
<i>Phoenix reclinata</i> 'X'	Senegal Date Palm	No	25'-30'	10'-20'	30'	5'	Evergreen	Upright with long fronds	Varied	High	High
<i>Phoenix rupicola</i>	Cliff Date Palm	No	40'-60'	10'-20'	30'	5'	Evergreen	Upright with long fronds	Varied	High	High
<i>Phoenix sylvestris</i>	Sylvester Palm	No	40'-50'	10'-20'	30'	5'	Evergreen	Upright with long fronds	Varied	High	High
<i>Syagrus romanzoffiana</i>	Queen Palm	No	30'-50'	15'-20'	30'	5'	Evergreen	Upright with long fronds	Varied	High	High
<i>Archontophoenix alexandrae</i>	Alexandra Palm	No	60'-90'	5'-10'	15'	5'	Evergreen	Upright Palm	Varied	High	High
<i>Archontophoenix cunninghamiana</i>	Picabeen Palm	No	30'-40'	10'-15'	15'	5'	Evergreen	Upright Palm	Varied	High	High

TABLE 4.5-7 QUALIFIED PALMS

Botanical Name	✓	Common Name	Street Tree	Mature Height	Mature Spread	Power Line Offset	Water/ Sewer Offset	Deciduous/ Evergreen	Growth Habit	Soil Moisture	Drought Tolerance	Wind Resistance
<i>Butia capitata</i>		Pindo Palm	No	15'-25'	10'-15'	15'	5'	Evergreen	Upright Palm	Varied	High	High
<i>Livistonia chinensis</i>		Chinese Fan Palm	No	30'-50'	5'-10'	15'	5'	Evergreen	Upright Palm	Varied	High	High
<i>Livistonia decipiens</i>		Ribbon Palm	No	30'-50'	5'-10'	15'	5'	Evergreen	Upright Palm	Varied	High	High
<i>Livistonia nitida</i>		Ribbon Palm	No	30'-50'	5'-10'	15'	5'	Evergreen	Upright Palm	Varied	High	High
<i>Sabal causerium</i>		Hat Palm	No	40'-50'	10'-15'	15'	5'	Evergreen	Upright Palm	Varied	High	High
<i>Sabal balfouriana</i>		Hat Palm	No	40'-50'	10'-15'	15'	5'	Evergreen	Upright Palm	Varied	High	High
<i>Sabal palmetto</i>	✓	Cabbage Palm	No	30'-80'	10'-15'	15'	5'	Evergreen	Upright Palm	Varied	High	High
<i>Washingtonia filifera</i>		California Fan Palm	No	40'-50'	10'-15'	15'	5'	Evergreen	Upright Palm	Varied	High	High
<i>Washingtonia robusta</i>		Petticoat Palm	No	40'-60'	10'-15'	15'	5'	Evergreen	Upright Palm	Varied	High	High

Table 4.5-7 Qualified Palms

"D" Palms with Large Crowns											
Botanical Name	Common Name	Street Tree	Mature Height	Mature Spread	Power Line Offset	Water/Sewer Offset	Deciduous/Evergreen	Growth Habit	Soil Moisture	Drought Tolerance	Wind Resistance
<i>Archontophoenix alexandrae</i>	Alexandra Palm or King Palm	No	50' - 100'	15' - 20'	30'	5'	Evergreen	Upright Single Trunk Self-Cleaning	Moist/Well-Drained	Medium	High
<i>Archontophoenix cunninghamiana</i>	Picabeen Palm or Bungalow Palm	No	60' - 80'	15' - 20'	30'	5'	Evergreen	Upright Single Trunk Self-Cleaning	Moist/Well-Drained	Medium	High
<i>Archontophoenix myolensis</i>	Myola Palm	No	45' - 65'	15' - 20'	30'	5'	Evergreen	Upright Single Trunk Self-Cleaning	Moist/Well-Drained	Medium	High
<i>X Butiagrurus nabonnandii</i>	Mule Palm	No	30' - 40'	15' - 20'	30'	5'	Evergreen	Upright Long Fronds Single Trunk	Varied	High	High
<i>Phoenix reclinata</i>	Senegal Date Palm	No	25' - 35'	10' - 20'	30'	5'	Evergreen	Upright Long Fronds Clumping	Varied	High	High
<i>Phoenix rupicola</i>	Cliff Date Palm	No	15' - 20'	15' - 25'	30'	5'	Evergreen	Upright Long Fronds Single Trunk	Varied	High	High

<i>Phoenix sylvestris</i>	Sylvester Palm	No	40' - 50'	15' - 25'	30'	5'	Evergreen	Upright Long Fronds Single Trunk	Varied	High	High
<i>Sabal causerium</i>	Puerto Rican Hat Palm	No	40' - 50'	15' - 20'	30'	5'	Evergreen	Upright Single Trunk	Varied	High	High
<i>Sabal uresana</i>	Sonoran Palmetto	No	30'	15' - 25'	30'	5'	Evergreen	Upright Single Trunk	Varied	High	High
<i>Sabal 'Riverside'</i> (Unknown Parentage)	Riverside Sabal Palm	No	40'	20' - 35'	30'	5'	Evergreen	Upright Single Trunk	Varied	High	High
<i>Syagrus romanzoffiana</i>	Queen Palm	No	30' - 50'	15' - 25'	30'	5'	Evergreen	Upright Long Fronds Single Trunk	Varied	High	High
<i>Syagrus romanzoffiana</i> x <i>S. schizophylla</i>	Coco Queen Palm	No	30' - 40'	15' - 25'	30'	5'	Evergreen	Upright Long Fronds Single Trunk	Varied	High	High
<i>Washingtonia filifera</i>	California Fan Palm	No	40' - 50'	10' - 20'	30'	5'	Evergreen	Upright Single Trunk	Varied	High	High

"D" Palms with Small Crowns

Botanical Name V = Native	Common Name	Street Tree	Mature Height	Mature Spread	Power Line Offset	Water/Sewer Offset	Deciduous/Evergreen	Growth Habit	Soil Moisture	Drought Tolerance	Wind Resistance
<i>Copernicia alba</i>	Carnaday Palm	No	42'	6' - 10'	15'	5'	Evergreen	Upright Single Trunk	Varied	High	High
<i>Copernicia prunifera</i>	Carnauba Wax Palm	No	12' - 30'	10' - 15'	15'	5'	Evergreen	Upright Single Trunk	Varied	High	High
<i>Livistona australis</i>	Australian Fan Palm	No	40' - 82'	10' - 15'	15'	5'	Evergreen	Upright Single Trunk	Varied	High	High
<i>Livistona chinensis</i>	Chinese Fan Palm	No	30' - 50'	5' - 10'	15'	5'	Evergreen	Upright Single Trunk	Varied	High	High
<i>Livistona decora</i>	Ribbon Palm	No	40' - 60'	10' - 15'	15'	5'	Evergreen	Upright Single Trunk	Varied	High	High
<i>Livistona muelleri</i>	Cairns Fan Palm	No	25' - 45'	10' - 15'	15'	5'	Evergreen	Upright Single Trunk	Varied	Medium	High
<i>Livistona nitida</i>	Carnavon Gorge Palm	No	50' - 100'	10' - 15'	15'	5'	Evergreen	Upright Single Trunk	Varied	High	High
<i>Sabal blackburniana</i>	Blackburn's Sabal Palm	No	20'	10' - 15'	15'	5'	Evergreen	Upright Single Trunk	Varied	High	High

ATTACHMENT "E"

TABLE 4.5-8 QUALIFIED SHRUBS, FLOWERS AND GROUNDCOVERS

Botanical Name		Common Name	Light Intensity	Flower Season
v = Native				
GROUNDCOVERS FOR NORMAL TO WET SITES				* Subject to freeze damage
<i>Acrostichum danaeifolium</i>	v	Giant Leather Fern	Low	NA
<i>Ajuga reptans</i>		Ajuga	Partial	Spring
<i>Andropogon virginicus</i>		Broomsedge	Full	Fall
<i>Asparagus aethiopicus</i> 'Myers'		Foxtail Fern	Partial	NA
<i>Asparagus densiflorus</i>		Sprengeri Fern	Partial	NA
<i>Asplenium nidus</i>		Birdsnest Fern	Low/Partial	NA
<i>Bacopa monnieri</i>		Smooth Water-hyssop	Full	
<i>Blechnum serrulatum</i>	v	Swamp Fern	Partial/Full	NA
<i>Chasmanthium latifolium</i>		Broadleaf Woodoats	Full	
<i>Cuphea hyssopifolia</i>		False Heather	Full	Spring/Summer
<i>Cyrtomium falcatum</i>		Holly Fern	Low	NA
<i>Distichlis spicata</i>		Grass Salt	Full	
<i>Eremochloa ophiuroides</i>		Grass Centipede	Full	NA
<i>Evolvulus glomerata</i>		Blue Daze	Full	Summer
<i>Ficus pumila</i>		Creeping Fig	Partial	NA
<i>Juniperus procumbens</i>		Juniper Japanese Garden	Full	NA
<i>Mimosa strigillosa</i>	v	Powderpuff	Full	
<i>Muhlenbergia capillaris</i>	v	Grass, Muhly	Full	Summer
<i>Nephrolepis biserrata</i>	v	Giant Sword Fern	Partial	NA
<i>Nephrolepis exaltata</i>	v	Boston Fern	Partial	NA
<i>Osmunda cinnamomea</i>	v	Cinnamon Fern	Low	NA
<i>Osmunda regalis</i>	v	Royal Fern	Low/Partial	NA

TABLE 4.5-8 QUALIFIED SHRUBS, FLOWERS AND GROUNDCOVERS

Botanical Name	Common Name	Light Intensity	Flower Season
v = Native			
<i>Panicum hemitomon</i>	Maidencane	Full	
<i>Rumohra adiantiformis</i>	Leatherleaf Fern	Partial/Full	NA
<i>Sophastrum secundum</i> v	Grass, Lopsided Indian	Full	
<i>Spartina alterniflora</i> v	Grass, Smooth Cord	Full	
<i>Stachytarpheta Jamaicensis</i> v	Porterweed	Full	Summer
<i>Tetrastigma voinerianum</i> *	Grape Ivy	Low/Partial	NA
<i>Thelypteris kunthii</i>	Southernshield Fern		NA
<i>Trachelospermum asiaticum</i>	Jasmine Asiatic	Partial	NA
<i>Tradescantia pallida</i>	Purple Queen	Low	
<i>Various species</i> * v	Bromeliad	Low	VARIES
GROUND COVERS FOR NORMAL TO DRY SITES			* Subject to freeze damage
<i>Aspidistra elatior</i>	Cast Iron Plant	Full	NA
<i>Cynodon dactylon</i>	Grass, Bermuda	Full	NA
<i>Dianella tasmanica</i>	Flax Lily	Full	
<i>Eragrostis spectabilis</i> v	Grass, Purple Love	Full	
<i>Gelsemium sempervirens</i> v	Carolina Jasmine	Full	Summer
<i>Helianthus debilis</i> v	Beach Sunflower	Full	
<i>Hypericum reductum</i> v	St. John's Wort	Full	
FLOWERS FOR NORMAL TO DRY SITES			* Subject to freeze damage
<i>Lupinus diffusus</i>	Lupine, Sky-blue	Full	
<i>Monarda punctata</i>	Dotted Horsemint	Full	
<i>Neomarica spp</i>	Iris, walking	Full	
<i>Penstemon multiflorus</i>	Beardtongue, White	Full	
<i>Pentas lanceolata</i>	Pentas	Full	Summer/Spring

TABLE 4.5-8 QUALIFIED SHRUBS, FLOWERS AND GROUNDCOVERS

Botanical Name	Common Name	Light Intensity	Flower Season
v = Native			
<i>Phlox divaricata</i>	Phlox, Woodland	Full	Winter
<i>Phlox drummondii</i>	Phlox, Garden	Full	Winter
<i>Pityopsis graminifolia</i>	Silkgrass	Full	
<i>Portulaca grandiflora</i>	Moss Rose or Portulaca	Full	Summer
<i>Ruellia caroliniensis</i>	Wild Petunia	Full	Spring/Summer
<i>Salvia splendens</i>	Sage, Tropical	Full	Winter
<i>Senecio cineraria</i>	Dusty-miller	Full	Winter
<i>Stokesia laevis</i>	Aster, Stokes'	Full	Winter
<i>Tithonia diversifolia</i>	Mexican Sunflower	Full	Winter
<i>Tithonia rotundifolia</i>	Mexican Zinnia	Full	Winter
<i>Verbena bonariensis</i>	Verbena, Purpletop or Roadside	Full	Winter
<i>Yucca spp</i>	Yucca	Full	Summer
SHRUBS FOR NORMAL TO WET SITES			* Subject to freeze damage ^ Recommended for vehicle use areas
<i>Acalypha hispida</i>	Chenille Plant	Full	Summer
<i>Acca sellowia</i>	Pineapple Guava	Full	
<i>Agarista populifolia</i>	Pipestem	Low/Partial	
<i>Brunfelsia grandiflora</i>	Yesterday Today Tomorrow	Partial	Spring
<i>Calycanthus floridus</i>	v Sweet Shrub	Partial/Full	Summer
<i>Clerodendrum quadriloculare</i> 'Brandonii'*	Variegated Shooting Star	Partial/Full	Summer
<i>Clerodendrum quadriloculare</i> *	Shooting Star	Full	Summer
<i>Clethra alnifolia</i>	v Sweet Pepperbush	Full	Spring
<i>Cocculus laurifolius</i>	Snailseed		
<i>Conocarpus erectus</i> *	v Silver Buttonwood	Full	NA

TABLE 4.5-8 QUALIFIED SHRUBS, FLOWERS AND GROUNDCOVERS

Botanical Name		Common Name	Light Intensity	Flower Season
<i>Cyrilla racemiflora</i>	√	Titi	Fall/Low	Summer
<i>Elaeocarpus decipiens</i>		Japanese Blueberry	Full	NA
<i>Galphimia gracilis</i>		Thryallis	Full	Summer
<i>Gardenia augusta</i>		Gardenia, Cape Jasmine	Full	Spring
<i>Hamelia patens</i>	√	Firebush	Full/Partial	Summer
<i>Hibiscus rosa-sinensis</i>		Hibiscus	Full	Spring
<i>Hydrangea macrophylla</i>		Hydrangea	Partial	Summer
<i>Llex crenata</i> [^]		Japanese Holly	Full/Partial	NA
<i>Llex glabra</i>	√	Galberry	Full	NA
<i>Jasminum mesnyi</i>		Jasmine	Full	NA
<i>Jasminum multiflorum</i>		Downy Jasmine	Full	Summer
<i>Juniperus chinensis</i>		Chinese Juniper	Full	NA
<i>Lyonia lucida</i>	√	Lyonia Shiny	Full/Partial	
<i>Myrica cerifera</i>	√	Wax Myrtle	Full/Partial	
<i>Odontonema cuspidata</i>		Firespike	Full	Spring
<i>Osmanthus fragrans</i>		*Sweet Olive	Full	NA
<i>Philodendron spp</i> [*]		Philodendron, 'Xanadu'	Low	Fall/Winter
<i>Plumbago auriculata</i>		Plumbago	Low	NA
<i>Podocarpus macrophyllus</i> [^]		Podocarpus	Full	Spring/Summer
<i>Psychotria nervosa</i>	√	Wild Coffee	Low	
<i>Pyracantha coccinea</i>		Firethorn	Low	
<i>Rapanea punctata</i>	√	Myrsine	Full	Winter
<i>Rhaphiolepis indica</i> [^]		Indian Hawthorne	Full	Winter
<i>Rhododendron austrinum</i>		Azalea, Florida Flame	Low	Spring/Summer
<i>Rhododendron Minus</i> 'Chapmanii'	√	Chapemans Rhododendron	Low	

TABLE 4.5-8 QUALIFIED SHRUBS, FLOWERS AND GROUNDCOVERS

Botanical Name	Common Name	Light Intensity	Flower Season
v = Native			
<i>Rosa hybrid</i>	Rose, 'Knockout'	Full	
<i>Rosa laevigata</i>	Rose, Charokee	Full	
<i>Hibiscus syriacus</i>	Rose of Sharon	Full	
<i>Robus spp</i> 'Brazos'	Blackberry	Full	
<i>Percea palustris</i>	Swamp Bay		
<i>Tecoma capensis</i>	Honeysuckle, Cape	Full	Winter
<i>Tibouchina spp</i>	Glory Bush	Full	NA
<i>Tripsacum dactyloides</i>	Fakanatchee Grass	Full	
<i>Vaccinium cultivars</i>	Blueberry	Full	
<i>Viburnum obovatum</i>	Viburnum, 'Miss Shiller's Delight'	Full	
<i>viburnum obovatum</i> [^]	Viburnum, 'Walters'	Full	
<i>Viburnum odoratissimum</i>	Viburnum, Sweet	Full	
<i>Viburnum odoratissimum</i> 'Awabuki' [^]	Viburnum, Mirror Leaf	Full	
<i>Virburnum suspensum</i> [^]	Viburnum, sandankwa	Full	
<i>Zingiber zerumbet</i> *	Variegated Ginger	Full/Partial	
SHRUBS FOR NORMAL TO DRY SITES		* Subject to freeze damage Recommended for vehicle use areas	
<i>Acalypha wilkesiana</i> *	Copper Plant	Full	NA
<i>Agave americana</i>	Century Plant	Full	Summer
<i>Allamanda cathartica</i> *	Allamanda	Full	Summer
<i>Bougainvillea glabra</i>	Bougainvillea	Full	Spring/Summer
<i>Callicarpa americana</i>	American Beautiberry	Partial/Full	Summer
<i>Callistemon citrinus</i>	Bottle Brush, 'Red Cluster'	Full	Summer
<i>Camellia japonica</i>	Camellia	Partial	Winter/Spring

TABLE 4.5-8 QUALIFIED SHRUBS, FLOWERS AND GROUNDCOVERS

Botanical Name		Common Name	Light Intensity	Flower Season
√ = Native				
<i>Camellia sasanqua</i>	√	Camellia	Full	Fall
<i>Coccoloba uvifera</i> *	√	Sea Grape	Full	Spring
<i>Codiaeum variegatum</i> *		Croton	Partial/Full	NA
<i>Cortaderia Selloana</i>		Pampas Grass	Full	Summer
<i>Crinum asiaticum</i>	√	Crinum Lily	Partial/Full	Summer/Fall
<i>Duranta erecta</i> *		Duranta, 'Cuban Gold'	Full	Summer
<i>Duranta erecta</i> *		Duranta, 'Gold Mound'	Full	Summer
<i>Duranta erecta</i> *		Duranta, 'Sapphire Showers'	Fall	Summer
<i>Elaeagnus pungens</i> [^]		Silverthorn	Fall	NA
<i>Eugenia uniflora</i> *		Surinam Cherry	Fall	Spring
<i>Hydrangea quefcifolia</i>	√	Hydrangea Oakleaf	Partial	Spring
<i>Ilex vomitoria</i> [^]	√	Holly, 'Stoke's Dwarf'	Fall	
<i>Ixora coccinea</i> *		Lxora	Fall	Summer
<i>Jatropha spp</i> *		Jatropha	Fall	Summer
<i>Lantana involucrata</i>	√	Wild Sage	Fall	Winter/Spring
<i>Lycium carolinianum</i>		Christmas Berry		
<i>Lyonia ferruginea</i>	√	Lyonia, Rusty		
<i>Malvaviscus arboreus</i>		Turk's Cap		
<i>Nandina domestica</i>		heavenly Bamboo	Fall/Partial	Summer
<i>Nerium oleander</i>		Oleander	Fall	Spring/Summer
<i>Philodendron selloum</i>		Philodendron	Partial	NA
<i>Plumbago auriculata</i> *		Plumbago	Fall	Winter/Spring
<i>Platycladus orientalis</i>		Arbor-vitae, Oriental	Fall	NA
<i>Podocarpus macrophyllus</i>		Podocarpus	Fall/Partial	NA
<i>Rasmarinus officinalis</i>		Rosemary	Fall	NA

TABLE 4.5-8 QUALIFIED SHRUBS, FLOWERS AND GROUNDCOVERS

Botanical Name		Common Name	Light Intensity	Flower Season
v = Native				
<i>Schefflera arbicola</i> *		Dwarf Schefflera	Partial	NA
<i>Severinia buxifolia</i>		Boxthorn		NA
<i>Sophora tomentosa</i>	v	Yellow Necklace Pod		Summer
<i>Vaccinium darrowii</i>	v	Blueberry Darrow's	Fall	Spring
<i>Yucca aloifolia</i>	v	Spanish Bayonet	Fall	Summer

Table 4.5-8 Qualified Shrubs, Groundcovers & Flowers

Shrubs				
* Subject to Freeze Damage		** Recommended for Vehicle Use Areas		
Botanical Name √ = Native	Common Name	Light Intensity	Flower Season or Season of Interest	Soil Moisture
<i>Acalypha wilkesiana</i> *	Copper Plant or Jacob's Coat	Full Sun to Partial Shade	Year Round Color	Moist/Well-Drained
<i>Acca sellowiana</i>	Feijoa or Pineapple Guava	Full Sun	Spring to Summer	Well-Drained to Dry
<i>Agave americana</i>	Century Plant	Full Sun	NA	Well-Drained to Dry
<i>Allamanda cathartica</i> *	Allamanda	Full Sun	Year Round	Moist/Well-Drained
<i>Alpinia zerumbet</i> 'Variegata'	Variegated Shell Ginger	Partial Shade	Sporadic	Moist/Well-Drained
<i>Atalantia buxifolia</i> (formerly, <i>Severina buxifolia</i>)	Boxthorn	Full Sun to Partial Shade	NA	Moist to Dry
<i>Brunfelsia grandiflora</i>	Yesterday-Today-and-Tomorrow	Partial Shade	Spring to Fall	Well-Drained
<i>Buxus microphylla</i>	Japanese Boxwood	Full Sun	NA	Moist/Well-Drained
<i>Callicarpa americana</i>	√ American Beautyberry	Full Sun to Partial Shade	Spring to Fall	Moist/Well-Drained
<i>Callistemon viminalis</i> 'Little John'	Dwarf Bottlebrush	Full Sun	Year Round	Moist/Well-Drained

<i>Calycanthus floridus</i>	√	Carolina Allspice or Sweetshrub	Partial Shade to Shade	Spring to Summer	Moist/Well-Drained
<i>Camelia japonica</i>		Japanese Camelia	Partial Shade to Shade	Winter to Spring	Moist/Well-Drained
<i>Camelia sansanqua</i>		Sansanqua Camelia	Full Sun to Partial Shade	Fall to Winter	Moist/Well-Drained
<i>Ceratozamia latifolia</i>		Costilla de león or Mexican Horncone	Full Sun to Partial Shade	NA	Moist/Well-Drained to Dry
<i>Ceratozamia plumosa</i>		Norstog's Horncone (Plumose Form)	Full Sun to Partial Shade	NA	Well-Drained to Dry
<i>Clethra alnifolia</i>	√	Summersweet or Coastal Sweet Pepperbush	Full Sun to Patial Shade	Spring to Summer	Wet to Moist
<i>Coccoloba uvifera</i>	√	Sea Grape	Full Sun to Partial Shade	NA	Moist to Dry
<i>Cocculus laurifolius</i>		Snail Seed	Full Sun to Shade	NA	Well-Drained
<i>Codiaeum variegatum</i> *		Croton	Full Sun to Partial Shade	Year Round Color	Moist/Well-Drained
<i>Conocarpus erectus sericeus</i> *	√	Silver Buttonwood	Full Sun	NA	Moist to Dry
<i>Cortaderia selloana</i>		Pampas Grass	Full Sun	Summer to Fall	Moist/Well-Drained
<i>Cyrilla racemiflora</i>	√	Titi	Full Sun to Partial Shade	Spring to Summer	Moist/Well-Drained
<i>Duranta erecta</i> 'Cuban Gold' *		Golden Dewdrop or Pigeon Berry	Full Sun	Year Round Color	Moist/Well-Drained

<i>Duranta erecta</i> 'Gold Mound' *		Golden Dewdrop or Pigeon Berry	Full Sun	Year Round Color	Moist/Well-Drained
<i>Duranta erecta</i> 'Sapphire Showers' *		Golden Dewdrop or Pigeon Berry	Full Sun	Summer	Moist/Well-Drained
<i>Elaeagnus pungens</i> **		Silverthorn	Full Sun to Partial Shade	NA	Moist to Dry
<i>Elaeocarpus decipiens</i>		Japanese Blueberry	Full Sun to Partial Shade	Spring to Summer	Well-Drained
<i>Encephalartos horridus</i>		Ferocious Blue Cycad or Eastern Cape Blue Cycad	Full Sun	NA	Well-Drained to Dry
<i>Galphimia gracilis</i>		Thryalis or Slender Goldshower	Full Sun to Partial Shade	Year Round	Well-Drained
<i>Gardenia jasminoides</i>		Common Gardenia	Full Sun to Partial Shade	Spring to Fall	Moist/Well-Drained
<i>Hamelia patens</i>	√	Firebush	Full Sun to Partial Shade	Year Round	Moist/Well-Drained
<i>Hibiscus rosa-sinensis</i>		Hibiscus	Full Sun to Partial Shade	Year Round	Moist/Well-Drained
<i>Hibiscus syriacus</i>		Rose of Sharon	Full Sun to Partial Shade	Spring to Summer	Moist/Well-Drained
<i>Hydrangea macrophylla</i>		Hydrangea or French Hydrangea	Full Sun to Partial Shade	Summer	Moist/Well-Drained
<i>Hydrangea quercifolia</i>	√	Oak-Leaf Hydrangea	Full Sun to Partial Shade	Spring to Summer	Moist/Well-Drained
<i>Ilex crenata</i>		Japanese Holly	Full Sun to Partial Shade	NA	Moist/Well-Drained

<i>Ilex glabra</i>	√	Galberry or Inkberry	Full Sun to Partial Shade	NA	Wet to Well-Drained
<i>Ilex vomitoria</i> 'Nana' **	√	'Schilling's Dwarf' Holly	Full Sun to Partial Shade	NA	Moist to Dry
<i>Ixora coccinea</i> *		Ixora or Flame of the Woods	Full Sun to Partial Shade	Year Round	Moist/Well-Drained
<i>Ixora taiwanensis</i> *		Dwarf Ixora or Jungle Flame	Full Sun	Year Round	Moist to Well-Drained
<i>Jasminum multiflorum</i>		Star Jasmine or Downy Jasmine	Full sun to Partial Shade	Fall to Spring	Moist/Well-Drained
<i>Jasminum sambac</i>		Arabian Jasmine	Full Sun to Partial Shade	Summer	Well-Drained
<i>Jatropha integerrima</i> *		Spicy Jatropha or Perigrina	Full Sun to Partial Shade	Year Round	Moist/Well-Drained
<i>Juniperus chinensis</i> 'Spartan'		'Spartan' Chinese Juniper	Full Sun	NA	Well-Drained
<i>Juniperus chinensis</i> 'Torulosa'		'Torulosa' Chinese Juniper	Full Sun	NA	Well-Drained
<i>Lantana involucrata</i>	√	Wild Sage or White Lantana	Full Sun	Year Round	Well-Drained to Dry
<i>Lycium carolinianum</i>	√	Christmasberry	Full Sun to Partial Shade	Year Round	Well-Drained
<i>Lyonia ferruginea</i>	√	Rusty Lyonia or Rusty Fetterbush	Full Sun	Spring	Moist/Well-Drained
<i>Lyonia lucida</i>	√	Fetterbush or Shiny Lyonia	Partial Shade	Spring	Moist/Well-Drained

<i>Malva viscus arboreus</i>		Turk's Cap Mallow	Partial Shade	Spring to Fall	Moist/Well-Drained
<i>Myrica cerifera</i>	√	Wax Myrtle	Full Sun to Partial Shade	NA	Wet to Well-Drained
<i>Nerium oleander</i>		Oleander	Full Sun to Partial Shade	Spring to Fall	Well-Drained
<i>Odontonema cuspidatum</i>		Firespike or Cardinal's Guard	Full Sun	Summer to Winter	Wet to Well-Drained
<i>Osmanthus fragrans</i>		Tea Olive	Full Sun to Partial Shade	Spring or Fall	Moist/Well-Drained
<i>Philodendron selloum</i>		Split Leaf Philodendron	Partial Shade	NA	Moist/Well-Drained
<i>Plumbago auriculata</i>		Plumbago or Cape Leadwort	Full Sun to Partial Shade	Summer to Fall	Well-Drained
<i>Podocarpus macrophyllus</i> **		Podocarpus or Japanese Yew	Full Sun to Light Shade	NA	Moist to Dry
<i>Psychotria nervosa</i>	√	Wild Coffee	Partial Sun to Full Shade	Spring to Fall	Moist/Well-Drained
<i>Pyracantha coccinea</i>		Pyracantha or Firethorn	Full Sun to Partial Shade	Spring to Fall	Moist to Dry
<i>Rapanea punctata</i>	√	Myrcine or Colicwood	Full Sun to Shade	NA	Moist/Well-Drained
<i>Rhaphiolepis indica</i> **		Indian Hawthorn	Full Sun	Spring	Moist to Dry
<i>Rhododendron austrinum</i>	√	Florida Flame Azalea	Partial Shade	Spring	Moist/Well-Drained

<i>Rhododendron canescens</i>	√	Florida Pinxter Azalea or Honeysuckle Azalea	Partial Shade	Spring	Moist/Well-Drained
<i>Rhododendron indica</i> 'Formosa'		Formosa Azalea	Partial Shade	Spring	Moist/Well-Drained
<i>Rhododendron minus chapmanii</i>	√	Chapman's Rhododendron or Dwarf Rhododendron	Partial Shade	Spring	Moist/Well-Drained
<i>Rhododendron viscosum</i>	√	Swamp Azalea	Partial Shade	Summer to Fall	Moist/Well-Drained
<i>Rosa x</i>		Hybrid Roses	Full Sun	Year Round	Moist/Well-Drained
<i>Rosmarinus officinalis</i>		Rosemary	Full Sun	Spring to Summer	Well-Drained to Dry
<i>Schefflera arbicola</i> 'Trinette' *		'Trinette' Schefflera	Full Sun to Partial Shade	Year Round Color	Well-Drained
<i>Sophora tomentosa</i>	√	Yellow Necklace Pod	Full Sun	Year Round	Well-Drained to Dry
<i>Thaumatococcus xanadu</i>		Xanadu Philodendron	Full Sun to Shade	NA	Moist/Well-Drained
<i>Tibouchina urvilleana</i>		Princess Flower or Glory Bush	Full Sun to Partial Shade	Year Round	Moist/Well-Drained
<i>Tripsacum dactyloides</i>	√	Fakahatchee Grass or Eastern Gamma Grass	Full Sun to Partial Shade	NA	Moist/Well-Drained
<i>Tripsacum floridanum</i>	√	Dwarf Fakahatchee Grass	Full Sun to Partial Shade	NA	Moist to Dry
<i>Viburnum obovatum</i>	√	Walter's Viburnum	Full Sun to Partial Shade	Spring	Moist/Well-Drained

<i>Viburnum obovatum</i> 'Mrs. Schiller's Delight' **	√	Small Viburnum	Full Sun	Spring	Moist/Well-Drained
<i>Viburnum odorotissimum</i>		Sweet Viburnum	Full Sun to Partial Shade	Spring to Summer	Moist/Well-Drained
<i>Viburnum odorotissimum</i> 'Awabuki'		Mirror Leaf Viburnum or Awabuki Sweet Viburnum	Full Sun to Partial Shade	Spring	Moist/Well-Drained
<i>Yucca aloifolia</i>	√	Spanish Bayonet	Full Sun	Spring to Summer	Well/Drained to Dry
<i>Zamia fischeri</i>		Fischer's Zamia	Partial Shade	NA	Moist/Well-Drained to Dry
<i>Zamia integrifolia</i>	√	Florida Coontie	Full Sun to Shade	NA	Moist to Dry
<i>Zamia vazquezii</i>		Vasquez's Zamia	Partial Shade	NA	Moist/Well-Drained to Dry

Shrubs Permitted for Backflow Prevention Assemblies' Height Restrictions

* Subject to Freeze Damage ** Recommended for Vehicle Use Areas

Botanical Name √ = Native	Common Name	Light Intensity	Flower Season or Season of Interest	Soil Moisture
<i>Allamanda cathartica</i> 'Compacta' *	"Dwarf Jenny" Allamanda Bush	Full Sun to Partial Shade	Spring to Fall	Moist/Well-Drained
<i>Ceratozamia latifolia</i>	Costilla de león or Mexican Horncone	Full Sun to Partial Shade	NA	Moist/Well-Drained to Dry

<i>Ceratozamia plumosa</i>		Norstog's Horncone (Plumose Form)	Full Sun to Partial Shade	NA	Well-Drained to Dry
<i>Codiaeum variegatum</i> 'Mammy' *		'Mammy' Croton	Full Sun to Partial Shade	Year Round Color	Moist/Well-Drained
<i>Codiaeum variegatum</i> 'Zanzibar' *		'Zanzibar' Croton	Full Sun to Partial Shade	Year Round Color	Moist/Well-Drained
<i>Dietes iridioides</i>		African Iris or Butterfly Iris	Full Sun to Partial shade	Year Round	Moist/Well-Drained
<i>Duranta erecta</i> 'Gold Mound' *		Gold Mound	Full Sun to Partial Shade	Year Round Color	Moist/Well-Drained
<i>Galphimia gracilis</i>		Thryalis or Slender Goldshower	Full Sun to Partial Shade	Year Round	Well-Drained
<i>Hamelia patens</i> 'Grelmsiz' LIME SIZZLER PP# 26247 *	v	LIME SIZZLER Firebush	Partial Shade to Shade	Year Round Color	Well-Drained
<i>Ilex glabra</i>	v	Gallberry or Inkberry	Full Sun to Partial Shade	NA	Wet to Well-Drained
<i>Ilex vomitoria</i> 'Nana' **	v	'Schilling's Dwarf' Holly	Full Sun to Partial Shade	NA	Moist to Dry
<i>Ixora taiwanensis</i> *		Dwarf Ixora or Jungle Flame	Full Sun	Year Round	Moist to Well-Drained
<i>Psychotria nervosa</i> *	v	Wild Coffee	Partial Shade	Spring to Fall	Moist/Well-Drained
<i>Rhaphiolepis indica</i> **		Indian Hawthorne	Full Sun to Partial Shade	Spring	Moist/Well-Drained
<i>Rosmarinus officinalis</i>		Rosemary	Full Sun	Spring to Summer	Well-Drained to Dry

<i>Thaumatococcus</i> <i>xanadu</i>		Xanadu Philodendron	Full Sun to Shade	NA	Moist/Well-Drained
<i>Tripsacum</i> <i>floridanum</i>	√	Dwarf Fakahatchee Grass or Florida Gammagrass	Full Sun to Partial Shade	Late Spring	Wet/Well-Drained
<i>Zamia integrifolia</i> **	√	Florida Coontie	Full Sun to Shade	NA	Moist to Dry

Groundcovers					
		* Subject to Freeze Damage		** Recommended for Vehicle Use Areas	
Botanical Name √ = Native		Common Name	Light Intensity	Flower Season or Season of Interest	Soil Moisture
<i>Acrostichum</i> <i>danaeifolium</i>	√	Giant Leather Fern	Full Sun to Partial Sun	NA	Moist/Well-Drained
<i>Agave lophantha</i>		Thorncrest Century Plant	Full Sun	NA	Well-Drained to Dry
<i>Ajuga reptans</i>		Carpet Bugle	Partial Sun to Shade	Spring	Moist/Well-Drained
<i>Asparagus densiflorus</i> 'Myersii'		'Myers' Foxtail Fern	Partial Sun	NA	Moist/Well-Drained
<i>Aspidistra elatior</i>		Cast Iron Plant	Partial Sun to Heavy Shade	NA	Moist/Well-Drained
<i>Asplenium nidus</i>		Bird's Nest Fern	Partial Sun to Shade	NA	Moist/Well-Drained
<i>Bacopa monnieri</i>	√	Herb-of-Grace or Smooth Water Hyssop	Full Sun to Partial Sun	Year Round	Wet to Moist






<i>Chasmanthium latifolium</i>	√	Indian Woodoats	Full Sun to Partial Shade	Late Summer to Early Fall	Moist/Well-Drained
<i>Cuphea hyssopifolia</i>		False Heather	Full Sun	Year Round	Well-Drained
<i>Cynodon dactylon</i>		Common Bermuda Grass	Full Sun	NA	Moist to Dry
<i>Cyrtomium falcatum</i>		Holly Fern	Partial Shade to Full Shade	NA	Well-Drained
<i>Dyschoriste oblongifolia</i>	√	Twin Flower	Full Sun to Partial Shade	Year Round	Moist/Well-Drained
<i>Eragrostis spectabilis</i>	√	Purple Lovegrass	Full Sun	Summer	Well-Drained to Dry
<i>Eremochloa ophiuroides</i>		Centipede Grass	Full Sun	NA	Moist/Well-Drained
<i>Evolvulus glomeratus</i>		Blue Daze	Full Sun	Spring to Fall	Well-Drained
<i>Gelsemium sempervirens</i>	√	Carolina Jessamine	Full Sun	Spring	Well-Drained
<i>Juniperus procumbens</i> 'Nana'		Japanese Garden Juniper	Full Sun	NA	Well-Drained/Dry
<i>Juniperus conferta</i> **		Shore Juniper	Full Sun	NA	Well-Drained to Dry
<i>Juniperus conferta</i> 'Nana' **		Dwarf Shore Juniper	Full Sun	NA	Well-Drained to Dry
<i>Juniperus horizontalis</i> **		Dwarf Japanese Juniper	Full Sun	NA	Well-Drained to Dry

<i>Mimosa strigillosa</i>	√	Sunshine Mimosa or Sensitive Plant	Full Sun	Spring to Fall	Moist/Well-Drained
<i>Muhlenbergia capillaris</i>	√	Pink Muhly Grass	Full Sun	Fall	Moist/Well-Drained
<i>Neoregelia</i> 'Donger' Unknown Parentage		'Donger' Neoregelia, Bromeliad	Full Sun to Partial Shade	Year Round Color	Moist/Well-Drained
<i>Neoregelia</i> 'Fireball' Unknown Parentage (1960)		'Fireball' Neoregelia, Bromeliad	Full Sun to Partial Shade	Year Round Color	Moist/Well-Drained
[(<i>Neoregelia carolinae lineata</i> x <i>N. concentrica</i>) x <i>N. macwilliamsii</i>] (1996)		'Martin' Neoregelia, Bromeliad	Full Sun to Full Shade	Year Round Color	Moist/Well-Drained
<i>Nephrolepis biserrata</i>	√	Giant Sword Fern	Partial Sun to Shade	NA	Moist/Well-Drained
<i>Osmunda cinnamomea</i>	√	Cinnamon Fern	Partial Sun	NA	Moist/Well-Drained
<i>Osmunda regalis</i>	√	Royal Fern	Full Sun to Shade	NA	Moist/Well-Drained
<i>Rumohra adiantiformis</i>		Leatherleaf Fern	Patial Shade to Full Shade	NA	Moist/Well-Drained
<i>Sorghastrum secundum</i>	√	Lopsided Indian Grass	Full Sun	Fall	Moist/Well-Drained
<i>Telmatoblechnum serrulatum</i>	√	Swamp Fern	Full Sun to Full Shade	NA	Moist
<i>Tetrastigma voinierianum</i> *		Giant Grape Ivy or Chestnut Vine	Partial Shade to Full Shade	NA	Moist/Well-Drained
<i>Thelypteris kunthii</i>		Southern Shield Fern or Kunth's Maiden Fern	Partial Shade to Full Shade	NA	Moist/Wet

<i>Trachelospermum asiaticum</i>	Asiatic Jasmine or Minima Jasmine	Full Sun to Partial Shade	Sporadic	Moist/Well-Drained
<i>Tradescantia pallida</i> 'Pupurea'	Purple Queen or Purple Heart	Full Sun to Partial Shade	Year Round Color	Moist/Well-Drained
<i>Tradescantia spathacea</i>	Moses-in-a-Boat or Oyster Plant	Patial Shade	Year Round Color	Moist/Well-Drained

Supplemental Florida Monarch Butterfly Attracting Plants to Accomodate National Wildlife Federation's 'Mayor's Monarch Pledge'

√√ Florida Native Wildflower  Perennial

Botanical Name √ = Native		Common Name	Light Intensity	Annual Growing Season	Soil Moisture
<i>Asclepias incarnata</i> 	√√	Swamp Milkweed or Pink Milkweed	Full Sun to Light Shade	Spring to Fall	Wet to Well-Drained
<i>Asclepias perennis</i> 	√√	Aquatic Milkweed	Full Sun to Partial Shade	Spring to Fall	Wet to Well-Drained
<i>Asclepias tuberosa</i> <i>ssp. Rolfsii</i> 	√√	Rolfs' Milkweed	Full Sun	Spring to Summer	Well-Drained to Dry
<i>Asclepias tuberosa</i> <i>ssp. Tuberosa</i> 	√√	Butterfly Milkweed or Pleurosy Root	Full Sun	Spring to Summer	Well-Drained to Dry
<i>Liatris spicata</i> 	√√	Dense Blazing Star or Gayfeather	Full Sun	Summer to Fall	Moist/Well-Drained



Community & Economic Development Staff Report

Date:	August 20, 2024	Reviewer:	Audrey McGuire
Project No:	LDC24-006	Applicant:	City of Lakeland
P&Z Hearing:	July 16, 2024	P&Z Final Decision:	August 20, 2024
Request:	Changes to Article 4 (General Site Development Standards), Section 4.7 (Pedestrian, Bicycle and Transit Facilities) of the Land Development Code, to revise the payment in lieu of construction where a sidewalk network does not exist on local streets and where a sidewalk would not be feasible due to site constraints.		

1.0 Background

1.1 Summary

Periodically, various changes to the Land Development Code (LDC) are proposed in response to changing circumstances. The proposed changes to Article 4, Section 4.7 (Pedestrian, Bicycle and Transit Facilities) address the minimum design standards for sidewalks located along “Main” streets in downtown and revise the requirements for payment in lieu of construction into the City’s Sidewalk Construction Fund where sidewalks do not exist on local roadways and/or are not feasible.

1.2 Attachments

Attachment A: Proposed changes to Article 4, Section 4.7, Pedestrian, Bicycle and Transit Facilities

2.0 Discussion

2.1 Summary

Article 4 of the Land Development Code establishes minimum design standards for pedestrian, bicycle and transit facilities, to promote safe and efficient mobility and reduce reliance on automobiles. Sidewalks are required to be installed with the development or redevelopment of any residential or non-residential property in the City where they do not currently exist.

Each street type (Arterial, Collector, Main, or Local) has a different set of characteristics and “Main” streets, as described in Table 3.3-1 (Street Type Typical Characteristics), are intended to have wider sidewalks. To expand upon this intent and support City Public Works Department streetscape standards, staff is proposing changes to Sub-Section 4.7.2 (Sidewalks) to require the construction of wider sidewalks between 6 and 12 feet in width along Main Streets in the downtown area.

The Land Development Code currently provides exemptions to the sidewalk requirements in certain circumstances. Where sidewalks are determined infeasible, and for single-family and two-family infill lots on local streets where sidewalks do not exist, in lieu of constructing the sidewalk, developers and property owners may pay a percent of the per linear foot cost of the sidewalk into the City’s Sidewalk Construction Fund. The installation and any remaining costs for the sidewalk is the responsibility of the City.

For single-family and two-family infill lots on local streets where sidewalks do exist, staff is proposing to increase the percentage for payment in lieu of construction from 20 percent to 100 percent of the per linear foot cost to the City for the construction of the sidewalk. Future construction and costs related to design, earthwork and drainage would be the responsibility of the City.

Where sidewalks are determined to be infeasible by the City Engineer, staff is proposing to increase the percentage for payment in lieu of construction from 85 percent of the per linear foot cost to 100 percent of the cost to the City for the installation of the sidewalk, including design, earthwork and drainage costs.

At the July 16, 2024 Planning and Zoning Board hearing, staff was asked to reach out to others in the community for comments on the proposed Amendments. The proposed changes to Section 4.7 were shared with two individuals who represent numerous developers in the Lakeland area. No comments or feedback have been received at the time of this writing.

3.0 Recommendation

3.1 Community & Economic Development Staff

The Community & Economic Development Department reviewed this request for compliance with Lakeland Comprehensive Plan: Our Community 2030 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 4 of the Land Development Code, as described in Attachment "A" be approved.

ATTACHMENT "A"

ARTICLE 4: - GENERAL SITE DEVELOPMENT STANDARDS

...

4.7 – PEDESTRIAN, BICYCLE AND TRANSIT FACILITIES

...

4.7.2 SIDEWALKS

4.7.2.1 Applicability

a. Principal Structure on Lot or Parcel

Prior to the issuance of a Certificate of Occupancy for any residential or non-residential principal structure, the developer or property owner shall construct sidewalks along roadways adjacent to all front and street side lot lines where sidewalks do not presently exist, except for any new single-family or two-family structure on any local street where a sidewalk presently exists directly on the opposite side of the street. Such sidewalks shall not be required for the enlargement, alteration or reconstruction of existing single-family or two-family structures, provided that a building permit for reconstruction is pulled within 12 months of the demolition of the existing single-family or two-family principal structure. In the case of new principal structures in existing multi-building complexes, such sidewalks shall only be required when the aggregate cost of the improvements exceeds 50 percent of the total assessed value of all structures located on the same lot or parcel.

b. Enlargement, Altered or Reconstructed Multi-Family or Non-Residential Principal Structure on Lot or Parcel

Prior to the issuance of a Certificate of Occupancy for any enlarged, altered or reconstructed multi-family or non-residential principal structure on a lot or parcel, the developer or property owner shall construct sidewalks along roadways adjacent to all front and street side lot lines where sidewalks do not presently exist when the aggregate cost of the improvements exceeds 50 percent of the total assessed value of all structures located on the same parcel.

c. Subdivisions (including Mobile Home Subdivisions)

1. **Abutting Streets:** Upon the construction of roadways for any new subdivision or resubdivision, the developer shall construct sidewalks along the subdivision side of each roadway abutting the subdivision where sidewalks along roadways adjacent to all front and street side lot lines where sidewalks do not presently exist when the aggregate cost of the improvements exceed 50 percent of the total assessed value of all structures located on the same parcel.

2. **Internal Streets:** Upon the construction of roadways for any new subdivision or resubdivision, the developer shall construct sidewalks along both sides of arterial and collector roadways internal to the subdivision, and along at least one side of local streets internal to the subdivision. As an alternative, required sidewalks on internal local streets adjacent to building sites may be constructed on a lot by lot basis prior to the issuance of a Certificate of Occupancy for a structure on each respective lot. If this alternative is used, the developer shall construct sidewalks on arterial roadways, collector roadways, and on local streets adjacent to common areas that are not building sites at the time of roadway construction. If the developer elects to have sidewalks on only one side of any internal local street, he shall indicate on the plat

the side of the street on which the sidewalk will be constructed. Such sidewalks shall be continuous on one side of the street within the same block but may cross to the other side on the next block. In the case of through lots, the Director of Community Development shall determine which yards function as rear yards and which functions as front yards and the developer shall construct sidewalks adjacent to any yards that function as rear yards at the time of roadway construction. Sidewalks adjacent to through lot yards that function as front yards may be constructed on a lot by lot basis as above.

d. Multi-family Developments

Prior to the issuance of a Certificate of Occupancy for the first unit in any new multi-family residential development, the developer or property owner shall construct sidewalks along the development side of each roadway abutting the development where sidewalks do not presently exist, except on any local street where a sidewalk presently exists directly on the opposite side of the street, and along at least one side of all internal roadways. Internal sidewalks shall connect all buildings, on-site amenities and any existing or planned external sidewalks along the project frontage.

e. Mobile Home Parks

Prior to the issuance of a Certificate of Occupancy for any new mobile home park, the developer or property owner shall construct sidewalks along the development side of each roadway abutting the development where sidewalks do not presently exist, except on any local street where a sidewalk presently exists directly on the opposite side of the street, and along at least one side of all entrance roadways.

f. Shopping Centers

Prior to the issuance of a Certificate of Occupancy for the first unit in any new shopping center, the developer or property owner shall construct sidewalks along the development side of each roadway abutting the shopping center where sidewalks do not presently exist.

g. Multi-Unit Industrial or Office Park Developments

Prior to the issuance of a Certificate of Occupancy for the first unit in any new multi-unit industrial or office park development, the developer or property owner shall construct sidewalks along the development side of each roadway abutting the development where sidewalks do not presently exist, except on any local street where a sidewalk presently exists directly on the opposite side of the street, and along at least one side of the principal entrance roadway. Sidewalks shall be constructed between the principal customer entrances of each building entrance within an office park campus.

h. On Designated Main Streets within Urban Neighborhood (UNH), Center (UCT), Corridor (UCO) and Special Purpose (USP) Context Districts

For new or reconstructed multi-family or non-residential principal structures, the developer or property owner shall construct six- to twelve-foot wide sidewalks along frontages of designated Main streets as illustrated in Figure 3.3-1 (Street Types), with right-of-way or easements being dedicated to the City for any portions of required sidewalks that would otherwise extend outside of public right-of-way. The final sidewalk width shall be determined by the City Engineer prior to engineered site or construction plan approval.

a. Payment in Lieu of Construction

1. Local Streets, Where Sidewalk Network Does Not Exist on Local Streets: In the case of new single-family and two-family infill development or infill redevelopment on a local street where there is no existing sidewalk ~~to tie into~~ on the same side of the street and no existing sidewalk directly on the opposite side of the street, the developer or property owner shall make a payment into the Sidewalk Construction Fund in lieu of constructing sidewalks along local streets. Such payment shall be equivalent to ~~twenty~~ one-hundred percent of the per linear foot cost to the City for installing the sidewalk based upon the current market price as determined by the City Engineer. In those instances where sidewalk segments exist on both sides of a street, then the City Engineer shall determine the preferred side of the street where sidewalk construction will be required by new development or redevelopment based on such factors as amount of existing sidewalk, physical impediments and right-of-way restrictions that cannot be mitigated. Payment shall be made prior to the issuance of a building permit for the structure. This exception shall not apply in the case of lots in subdivisions where the developer has chosen to construct sidewalks on a lot-by-lot basis in accordance with Sub-Section 4.7.2.1.c.2.
2. Any Street, Regardless of Classification, Where Sidewalk Not Feasible, Regardless of Street Classification: The City Engineer shall be authorized to determine if the construction of sidewalks required by this section is infeasible, impractical, unsafe or otherwise undesirable in a particular case due to topographic conditions, right-of-way restrictions that cannot be mitigated, the presence of existing physical impediments including trees, impending roadway or utility construction, or other circumstances that the City Engineer shall deem appropriate. In such case, the developer or property owner shall make a payment into the City of Lakeland Sidewalk Construction Fund in lieu of constructing the required sidewalks. Such payment shall be equivalent to ~~eight-five~~ one-hundred percent of the ~~per linear foot~~ cost to the city for installing the sidewalk, including design, earthwork and drainage costs, based upon the current market price as determined by the City Engineer. Payment shall be made prior to the issuance of any building permit for the development, or in the case of a subdivision, prior to final plat approval.



Community & Economic Development Staff Report

Date:	August 20, 2024	Reviewer:	Todd Vargo
Project No:	LDC24-007	Applicant:	City of Lakeland
P&Z Hearing:	July 16, 2024	P&Z Final Decision:	August 20, 2024
Request:	Changes to Article 5 (Standards for Specific Uses), Section 5.9 (Electric Vehicle Charging Facilities) and Section 5.24 (Food Trucks) of the Land Development Code, to remove development standards pertaining to electric vehicle charging facilities, remove application requirements for a business tax receipt for food trucks and provide clarification regarding the documentation of property owner authorization and access to permanent restroom facilities.		

1.0 Background

1.1 Summary

Periodically, various amendments to the Land Development Code (LDC) are proposed in response to changing circumstances. The proposed changes to Article 5, Section 5.9 remove the development standards pertaining to Electric Vehicle Charging Stations due to the passage of SB 1084 which preempted the regulation of electric charging stations to the State of Florida. The proposed changes to Article 5, Section 5.24 Food Trucks revise the development standards and permitting requirements for Food Trucks in response to preemption legislation that was signed into law in 2020 and clarify the documentation process regarding property owner authorization and access to permanent restroom facilities. The recommended changes are included as Attachment “A.”

1.2 Attachments

Attachment A: Proposed Changes to Article 5, Section 5.9 Electric Vehicle Charging Stations and Section 5.24 Food Trucks

2.0 Discussion

2.1 Summary

Article 5 of the Land Development Code contains minimum standards for specific uses and facilities that have unique operating characteristics or impacts which when implemented would assure a quality urban form that is compatible with the surrounding context. Adopted in 2014, Section 5.9 establishes minimum standards for electric vehicle charging facilities and Section 5.24 (adopted in 2019) performs a similar function for food trucks operated within City boundaries.

In 2024, the Florida Legislature with the passage of SB1084 preempted the ability of local governments from enacting any ordinances or regulations related to electric vehicle charging stations. The proposed changes to Section 5.9 eliminate the development standards for electric vehicle charging facilities.

In 2020, The Florida legislature approved HB1193 which prohibited local governments from regulating mobile food dispensing vehicles (food trucks) through any licenses, registrations, permits. While the City can regulate where food trucks are allowed, it cannot require a business tax receipt or any other

permits. The proposed changes to Section 5.24 eliminate the need for a business tax receipt. As a secondary change, language pertaining to property owner authorization and access to permanent restroom facilities has been revised to address how such consent is documented in the absence of a business tax receipt.

No changes were made to this proposed text amendment since the public hearing on July 16, 2024.

3.0 Recommendation

3.1 Community & Economic Development Staff

The Community & Economic Development Department reviewed this request for compliance with Lakeland Comprehensive Plan: Our Community 2030 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 5 of the Land Development Code, as described in Attachment "A," be approved

ATTACHMENT "A"

5.9 ~~ELECTRIC VEHICLE CHARGING FACILITIES~~ RESERVED

5.9.1 ~~INTENT AND APPLICABILITY~~

a. ~~Intent~~

~~It is the intent of this section to facilitate and encourage the use of electric vehicles by establishing minimum standards for electric vehicle charging facilities.~~

b. ~~Applicability~~

~~Electric vehicle charging facilities shall be developed and operated in accordance with these standards, except that electric vehicle charging facilities serving only one residential dwelling shall not be subject to the standards of Sub Section 5.9.3.~~

5.9.2 ~~DEFINITIONS~~

~~**Electric vehicle:** Any vehicle that operates, either partially or exclusively, on electrical energy.~~

~~**Electric vehicle charging facility:** A public or private parking space that is served by battery charging equipment for the purpose of charging electric vehicles. Electric vehicle charging facilities are classified according to charging levels as follows:~~

~~Level 1 – Slow charging, from 0 to 120 volts.~~

~~Level 2 – Medium charging, from greater than 120 volts to and including 240 volts.~~

~~Level 3 – Rapid charging, greater than 240 volts.~~

5.9.3 ~~SPECIFIC STANDARDS~~

a. ~~Parking Spaces~~

- ~~1. Off-street electric vehicle charging facility spaces shall be included in the calculation of minimum required off-street parking spaces.~~
- ~~2. Off-street electric vehicle charging facility spaces may be reserved for the parking and charging of electric vehicles only.~~

b. ~~Battery Charging Equipment~~

- ~~1. Battery charging equipment, outlets and connector devices shall be mounted on walls or pedestals located outside of the confines of the designated parking space and shall be designed and located as to not impede pedestrian travel or create trip hazards.~~
- ~~2. Battery charging equipment, outlets and connector devices shall be protected from damage by vehicles by bollards, curbing or other means.~~

e. Signage

~~1. Electric vehicle charging facilities shall be posted with signs identifying applicable operating instructions and safety warnings including the voltage and amperage levels of the charging equipment.~~

~~2. Signs may be posted identifying any applicable restrictions including whether parking in the electric vehicle charging facility space is restricted to electric vehicles, hours of operation, length of time a vehicle may use the charging equipment or other restrictions.~~

~~3. All signs shall meet the requirements of [Section 4.9](#).~~

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

...

5.24 - FOOD TRUCKS^[1]

5.24.1 GENERAL DEVELOPMENT STANDARDS

- a. Where allowed in Table 2.3-1, no more than one (1) food truck shall be in operation on a given property as an accessory use to another permitted principal commercial use. Two or more food trucks may only be considered through a conditional use for a food truck court.
- b. With the exception of special events, such as food truck rallies which are approved through a special event permit, food trucks shall not be located within any public or private right-of-way.
- c. Food trucks, and any accessory outdoor tables or seating, shall be setback a minimum of five (5) feet from any sidewalks, ten (10) feet from any driveways and above ground utilities, fifteen (15) feet from any fire hydrants, and fifty (50) feet from any residentially-zoned property.
- d. Food trucks, and any accessory outdoor tables or seating, shall not block or otherwise impede access to any sidewalks, driveways, ADA accessible parking or fire lanes.
- e. Food trucks shall only be located on an improved, stabilized surface such as concrete, gravel, asphalt or other similar material. If located within an off-street parking area, any parking spaces used will count against the minimum parking ratio required to support the principal use of the property. The amount of parking used shall not result in a reduction of the number of available off-street parking required to support the principal use, as specified by Table 4.11-1.
- f. Solid waste collection receptacles shall be provided for use by food truck customers. All solid waste collected shall be properly disposed of either off-site or on-site within an approved solid waste collection bin (dumpster) through an agreement with the property owner.
- g. Electrical service may be provided by either an on-board generator or through a temporary electric connection, subject to compliance with all codes and any

permitting requirements. Permanent connections for electrical service shall be prohibited.

h. Liquid Waste Disposal

1. There shall be no discharge of liquid waste or grease trap waste into any storm or sanitary sewer system. Liquid waste shall be disposed of through one of the following methods:

(a) A licensed contracted commissary or A licensed designated sanitary sewer disposal site. All commissaries and disposal sites must have approved grease traps, and monitoring manholes per City of Lakeland Standards and Specifications.

(b) Direct connection to sanitary sewer by new or existing services.

If a food truck is located on a property that has a grease trap and monitoring manhole approved by the Water Utilities Department, connection to the sanitary sewer shall require compliance with all water utility requirements and approval by the Water Utilities Department. If at any time the Water Utilities Department has concerns about the connection, immediate disconnection shall occur.

2. Disposal Documentation Log

All food truck operators shall maintain a Disposal Documentation Log. The disposal log shall be kept in the food truck at all times and shall include date, time, address location, and the amount of liquid waste, grease or used cooking oil disposed. At the request of the Water Utilities Department and/or upon inspection, the food truck operator shall provide copies of the disposal log. The Disposal Documentation Log to be used by the food truck operator can be found on the City of Lakeland Water Utilities' website, or by contacting the department.

i. Water Consumption

1. Water shall be provided from one of the following methods:

(a) A licensed contracted commissary or A licensed designated potable water fill site

There shall be no connection to any non-potable water source. All commissaries must have an approved backflow prevention device per City of Lakeland Standards and Specifications.

(b) Direct connection to water by a new or existing domestic service.

If a food truck is located on a property that has a City installed domestic water meter and backflow prevention device approved by the Water Utilities Department, connection to the water service line, downstream of the backflow prevention device, shall be in accordance with all water utility requirements. If at any time the Water Utilities Department has concerns with the connection, or the meter and/or backflow prevention device are bypassed, immediate disconnection shall occur.

2. Potable Water Acquisition Log: The food truck operator shall maintain a Potable Water Acquisition Log. The log shall be kept in the food truck at all times and shall include date, time, address location, and the amount of potable water obtained. At the request of the Water Utilities Department, and/or upon inspection, the food truck operator shall provide copies of the log. The Acquisition Log to be used by the food truck proprietor can be found on the City of Lakeland Water Utilities' website, or by contacting the department.

(Ord. No. 19-003, § 1.2(Att. B), 11-18-19)

5.24.2 REQUIRED DOCUMENTATION

- a. All licensing and permitting of food trucks shall be done through the Department of Business and Professional Regulation in accordance with applicable state statutes.
- ~~a~~b. ~~Prior to the issuance of a business tax receipt,~~ operating within the City of Lakeland, the food truck proprietor shall submit a Food Truck Sanitary Sewer Disposal & Potable Water Source Form to the City of Lakeland Water Utilities Department. This form, which can be found on the City of Lakeland Water Utilities' website or by contacting the department, must be completed and signed by the Water Utilities Department.
- ~~b~~c. In accordance with Section 78-4 (b) of the City of Lakeland Code of Ordinances, ~~The the applicant proprietor~~ shall also ~~submit~~ obtain written consent from the property owner which authorizes the food truck use and guarantees access to permanent bathroom facilities on the site. The Food Truck proprietor shall provide documentation of such consent upon request by City of Lakeland Code Enforcement Division.
- ~~e~~d. The food truck proprietor shall maintain a Disposal Documentation Log. The disposal log shall be kept in the food truck and shall include date, time, address location, and the amount of liquid waste, grease or used cooking oil disposed. ~~Food Truck permittee and/or operator~~ shall provide copies of the disposal log when requested by the Water Utilities Department and/or upon inspection.

(Ord. No. 19-003, § 1.2(Att. B), 11-18-19)

Footnotes:

--- (1) ---

Editor's note— Ord. No. 19-003, § 1.2(Att. B), adopted Nov. 18, 2019, set out provisions intended for use as 5.10. To avoid duplication of section numbering, at the editor's discretion, and with the concurrence of the city, these provisions have been included as § 5.24.



Community & Economic Development Staff Report

Date:	August 20, 2024	Reviewer:	Todd Vargo
Project No:	LDC24-008	Applicant:	City of Lakeland
P&Z Hearing:	July 16, 2024	P&Z Final Decision:	August 20, 2024
Request:	Changes to Article 6 (Natural Resource Protection Standards), Sections 6.1 (General), 6.2 (Floodplain Management) and 6.3 (Green Swamp Area of Critical State Concern) of the Land Development Code, to adopt changes mandated by the Florida Department of Emergency Management (FDEM) and the Federal Emergency Management Agency (FEMA) pertaining to the National Flood Insurance Program (NFIP).		

1.0 Background

1.1 Summary

Periodically, various changes to the Land Development Code (LDC) are proposed in response to changing circumstances. The proposed changes to Article 6 have been mandated by the Federal Emergency Management Agency (FEMA) and the Florida Division of Emergency Management (FDEM) to align the standards and regulations in the City’s Land Development Code with federal standards.

1.2 Attachments

Attachment A: Proposed Changes to Article 6, Natural Resource Standards, Section 6.1 General, Section 6.2 Floodplain Management, and Section 6.3 Green Swamp Area of Critical State Concern

2.0 Discussion

2.1 Summary

The intent of Article 6 of the Land Development Code is to protect, maintain and enhance the health, safety, and general welfare of the community by regulating land development activity with the potential of degrading important natural resources. More specifically, it is the purpose of Article 6 to create a clear compilation of regulatory standards which implement the environmental goals, objectives, and policies of the City’s Comprehensive Plan.

FDEM is requesting that the City make these changes due to new criteria that FEMA has put into the Community Rating System (CRS)/National Flood Insurance (NFIP) programs. Lakeland is currently a Class 7 community within CRS, which gives 15% reduction on flood insurance premiums for citizens. The threshold for Class 8 was revised to require certain language within the floodplain ordinance; these revisions are based off the FEMA/FDEM model ordinance that will meet said Class 8 needs. Without these changes Lakeland will no longer qualify as a Class 7.

No changes were made to this proposed text amendment since the public hearing on July 16, 2024.

3.0 Recommendation

3.1 Community & Economic Development Staff

The Community & Economic Development Department reviewed this request for compliance with the Lakeland Comprehensive Plan: Our Community 2030 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 6 of the Land Development Code, as described in Attachment "A," be approved.

ATTACHMENT "A"

ARTICLE 6: NATURAL RESOURCE PROTECTION STANDARDS

6.1 GENERAL

6.1.1 INTENT

It is the intent of this article to protect, maintain and enhance the health, safety and general welfare of the community by regulating land development activity with the potential of degrading important natural resources. More specifically, it is the purpose of this article to create a clear compilation of regulatory standards which implement the environmental goals, objectives and policies of the Comprehensive Plan.

6.1.2 DEFINITIONS

For the purpose of this article, the following words and terms shall be defined as follows. Where terms are not defined herein and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code. Where terms are not defined in this article or the Florida Building Code, such terms shall have their standard dictionary meaning.

Adverse Impacts: Any direct or indirect effect likely to cause, or actually causing, a decline in the quality, stability, natural function, diversity or aesthetic value of a natural resource.

Alter: To change, rearrange, enlarge, extend or reduce any land or part thereof.

Alteration of a Watercourse: A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Aquifer: An underground formation, group of formations, or part of a formation that is permeable enough to transmit, store or yield a quantity of water providing a beneficial use.

ASCE 24: A standard titled Flood-Resistant Design and Construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 202.] The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

Base Flood Elevation: The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 202.]

Basement: The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 202; see "Basement (for flood loads)".]

Biological Inventory: A biological inventory prepared for a defined area of land based upon standard in-field methodologies to derive habitat types, species populations, biological interactions and other associated ecological factors.

Biotechnical Erosion Control Method: Primarily non-structural method of shoreline stabilization which uses native vegetation to stabilize the shoreline substrate.

Buffer Zone: An area, exclusive of land development activity, used to visibly separate one use from another or to shield or block noise, lights or other nuisances.

Contaminant: An undesirable substance not naturally present or an unusually high concentration of a naturally occurring substance in water, soil, or other environmental medium in addition to regulated substances listed in Table 6.7-1.

Cut and Fill: The practice, associated with development, involving the removal of soil or substrate from one area and relocation of that soil to another location for the purpose of land alteration.

Design Flood: The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 202.]

- (1) Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or
- (2) Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design Flood Elevation: The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet. [Also defined in FBC, B, Section 202.]

Development: Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Discharge: The release of stormwater by any means into the environment excluding transpiration, evaporation, or natural percolation into the groundwater.

Encroachment: The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Existing Building and Existing Structure: Any buildings and structures for which the "start of construction" commenced before September 16, 1981. [Also defined in FBC, B, Section 202.]

~~**Existing Manufactured Home Park or Subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before September 16, 1981.~~

~~**Expansion to an Existing Manufactured Home Park or Subdivision:** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).~~

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Damage-Resistant Materials: Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 202.]

Flood Hazard Area: The greater of the following two areas: [Also defined in FBC, B, Section 202.]

- (1) The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.

- (2) The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood Insurance Rate Map (FIRM): The official map of the community, on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study (FIS): The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 202.]

Floodplain Administrator: The office or position designated and charged with the administration and enforcement of this article (may be referred to as the Floodplain Manager).

Floodplain Development Permit or Approval: An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this article.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floodway Encroachment Analysis: An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

Functionally Dependent Use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Hazardous Materials/Wastes: Substances or materials which, because of their chemical, physical, or biological nature, pose a potential risk to life, health, or property if they are released. A release may occur by spilling, leaking, emitting toxic vapors, or any other process that enables the material to escape its container, enter the environment, and create a potential hazard. Hazardous materials include, but are not limited to: explosive, flammable, combustible, corrosive, oxidizing, toxic, infectious, poisonous, or radioactive materials that when involved in an accident and released in sufficient quantities put some portion of the general public in immediate danger from exposure, contact, inhalation, or ingestion.

Highest Adjacent Grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic Structure: Any structure that is determined eligible for the exception to the flood hazard area requirements of the *Florida Building Code, Existing Building, Chapter 12 Historic Buildings*.

Impervious Surface: Any surface of material that prevents the absorption of water into the underlying soil.

Lake Bottom Construction: The construction, alteration or repair of any shoreline stabilization structure or water access structure.

Land Clearing: The removal of vegetation from any site, parcel or lot, however, land clearing does not include the removal of dead trees or routine mowing, trimming or pruning to maintain vegetation in a healthy, viable condition.

Letter of Map Change (LOMC): An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

(1) Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

(2) Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

(3) Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

(4) Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Light-Duty Truck: As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

- (1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle; or
- (2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- (3) Available with special features enabling off-street or off-highway operation and use.

Lowest Floor: The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 202.]

Manufactured Home: A structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market Value: ~~The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this article, the term refers to the market~~ The value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, is the Actual Cash Value (in-kind replacement cost depreciated for age, wear, tear, and neglect, and quality of construction),

or tax assessment value adjusted to approximate market value by a factor provided by the county Property Appraiser.

Natural Resources: Those resources, functions, and forms, concrete or abstract, which are of natural creation or form and which directly or indirectly contribute to the health, safety, general welfare and wellbeing of the community.

New Construction: For the purposes of administration of this article and the flood-resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after September 16, 1981 and includes any subsequent improvements to such structures.

~~**New Manufactured Home Park or Subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after September 16, 1981.~~

Ordinary High Water Line: The ten-year flood elevation for each respective lake as provided through the Flood Insurance Study or historical city records and is ultimately established by the City Public Works Director.

Park Trailer: A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in section 320.01, F.S.]

Physical Protection Devices: Berms, fences, vegetation, water features, or similar physical barriers established for the purpose of protecting habitat or to minimize disturbance to a protected species.

Potable Public Groundwater: All public groundwater supplies meeting the standards of Class II water within Chapter 17, F.A.C. and the drinking water criteria of Health and Rehabilitative Services of the Polk County Health Department.

Protected Species: Animal species listed as endangered, threatened, or of special concern by the Florida Game and Fresh Water Fish Commission in Rules 39-27.003, 39-27.004, 39-27.005, Florida Administrative Code.

Recreational Vehicle: A vehicle, including a park trailer, which is: [see in section 320.01, F.S.)

- (1) Built on a single chassis;
- (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulated Substance: Any substance listed in Table 6.7-1 that meets or exceeds specified thresholds.

Setback: A minimum distance in which a structure or use can be located in proximity to a physical feature or specific boundary (property line, mean high water line).

Shoreline Stabilization Structure: Any structure or man-made feature whose purpose is to stabilize the shoreline substrate and protect it from erosion. Shoreline stabilization structures include but are not limited to, seawalls, revetments, rip-rap and biotechnical erosion control methods.

Special Flood Hazard Area: An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B Section 202.]

Start of Construction: The date of issuance of permits for new construction and substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 202.]

Stormwater Runoff: The total volume of water accumulated over a surface during any form of precipitation resulting in a flowing quantity of water upon a site. Such waters are resistant to percolation into the groundwater due to the saturation of the soil matrix, impervious surface, or the large volume accumulated at the immediate time of occurrence.

Substantial Damage: Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. The term also includes flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Substantial Improvement: Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 202.]

- (1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
- (2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

Surface Waters: Natural or man-altered lands which are submerged during normal hydroperiods. Surface waters include lakes, ponds, rivers, creeks, canals and ditches. The landward extent of surface waters shall be delineated using methods prescribed in Florida Administrative Code Rule Chapter 17-301.

Undisturbed Land: A parcel, lot, or plot of land which has been absent of land use activities for a period exceeding 20 years.

Water Access Structure: Any man-made structure which has as its purpose the facilitation of human or vehicular access to surface waters, including, but not limited to, docks, floating docks, piers, mooring pilings, boat ramps, boathouses and boat lifts.

Watercourse: A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

Wetlands: All areas within dredge and fill jurisdictions of the Department of Environmental Regulation (pursuant to Section 403, Florida Statutes); the Army Corp of Engineers (pursuant to Section 404, Clean Water Act, Florida Statutes); or the Southwest Florida Water Management District (pursuant to chapter 40D-4, Florida Administrative Code). These may include, but are not limited to, areas; inundated by water periodically through the seasons, characterized by specific vegetation, in the base floodplain or characterized by specific soil types.

(Ord. No. 5560, 01-19-16; Ord. No. 5610, 12-20-16)

6.1.3 RULES OF INTERPRETATION

For the purpose of the administration and enforcement of these regulations, unless specifically stated otherwise within this text, the following standard rules of interpretation shall apply to the text hereof.

6.1.3.1 Calculating Time Periods

In calculating any period of time prescribed for or allowed by this regulation, the day of the act, event or default from which the designated period of time begins to run, shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday. Where "working days" are specified for a computation, intermediate Saturdays, Sundays and legal holidays, shall be excluded in the computation.

6.1.3.2 Conflict with Standing Regulations

Where this regulation conflicts with or overlaps other standing regulations, whichever imposes the more stringent restrictions or limitations, shall prevail.

6.1.3.3 Interpretation by City Officials

Notwithstanding specified rules of language or definitions, city permitting agents and city regulatory inspectors shall interpret all conditions, provisions, and standards herein, in a reasonable manner to achieve the goals and purposes intended by this regulation.

6.2 FLOODPLAIN MANAGEMENT

6.2.1 INTENT

The purpose of this section is to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

- a. Minimize unnecessary disruption of commerce, access and public service during times of flooding;
- b. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
- c. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
- d. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
- e. Minimize damage to public and private facilities and utilities;
- f. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;

- g. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
- h. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

(Ord. No. 5610, 12-20-16)

6.2.2 APPLICABILITY

The provisions of this section shall apply to all development that is wholly within or partially within any flood hazard area as established in Subsection 6.2.2.3 including but not limited to, the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

(Ord. No. 5610, 12-20-16)

6.2.2.2 Coordination with the Florida Building Code

This section is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.

(Ord. No. 5610, 12-20-16)

6.2.2.3 Basis for Establishing Flood Hazard Areas

The Flood Insurance Study for Polk County, Florida and Incorporated Areas dated December 22, 2016, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this section and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Lakeland Planning Division, 228 South Massachusetts Ave., Lakeland, 33801.

(Ord. No. 5610, 12-20-16)

6.2.2.4 Submission of Additional Data to Establish Flood Hazard Areas

To establish flood hazard areas and base flood elevations, pursuant to Subsection 6.2.5, the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

- a. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this section and, as applicable, the requirements of the Florida Building Code.
- b. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.

(Ord. No. 5610, 12-20-16)

6.2.3 Disclaimer of Liability

- a. The degree of flood protection required by this section is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This section does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this section.
- b. This section shall not create liability on the part of the City or by any officer or employee thereof for any flood damage that results from reliance on this section or any administrative decision lawfully made thereunder.

(Ord. No. 5610, 12-20-16)

6.2.3 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

6.2.3.1 Floodplain Administrator

The Director of Public Works is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.

(Ord. No. 5610, 12-20-16)

6.2.3.2 General

The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this section. The Floodplain Administrator shall have the authority to render interpretations of this section consistent with the intent and applicability subsections and may establish procedures in order to clarify the application of its provisions. Such interpretations and procedures shall not have the effect of waiving requirements specifically provided for in this section without the granting of a variance pursuant to Subsection 6.2.7.

(Ord. No. 5610, 12-20-16)

6.2.3.3 Applications and Permits

The Floodplain Administrator, in coordination with other pertinent offices of the City, shall:

- a. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
- b. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this section;
- c. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
- d. Provide available flood elevation and flood hazard information;
- e. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
- f. Review applications to determine whether proposed development will be reasonably safe from flooding;

- g. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this section is demonstrated, or disapprove the same in the event of noncompliance; and
- h. Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this section.

(Ord. No. 5610, 12-20-16)

6.2.3.4 Substantial Improvement and Substantial Damage Determinations

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

- a. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- b. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- c. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; for proposed work to repair damage caused by flooding, the determination requires evaluation of previous permits issued to repair flood-related damage as specified in the definition of "substantial damage"; and
- d. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood-resistant construction requirements of the Florida Building Code and this section is required.

(Ord. No. 5610, 12-20-16)

6.2.3.6 Notices and Orders

The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this section.

(Ord. No. 5610, 12-20-16)

6.2.3.7 Inspections

The Floodplain Administrator shall make inspections of all development for which floodplain development permits or approvals are issued. As part of inspecting buildings, structures and facilities exempt from the Florida Building Code and manufactured homes, the Floodplain Administrator shall obtain from permittees certification of the elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

(Ord. No. 5610, 12-20-16)

6.2.3.8 Other Duties of the Floodplain Administrator

The Floodplain Administrator shall have other duties, including but not limited to:

- a. Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Subsection 6.2.3.4;
- b. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
- c. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available;
- d. Review required design certifications and documentation of elevations specified by this section and the Florida Building Code to determine that such certifications and documentations are complete; and
- e. Notify the Federal Emergency Management Agency when the corporate boundaries of City of Lakeland are modified.

(Ord. No. 5610, 12-20-16)

6.2.3.9 Floodplain Management Records

Regardless of any limitation on the period required for retention of public records, the City shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this section and the flood-resistant construction requirements of the Florida Building Code, including Flood Insurance Rate Maps; Letters of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this section; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood-carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this section and the flood-resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at, 228 South Massachusetts Ave., Lakeland, 33801.

(Ord. No. 5610, 12-20-16)

6.2.4 PERMITS

6.2.4.1 Permits Required

Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this section, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this section and all other applicable codes and regulations has been satisfied.

(Ord. No. 5610, 12-20-16)

6.2.4.2 Floodplain Development Permits or Approvals

Floodplain development permits or approvals shall be issued pursuant to this section for any development activities not subject to the requirements of the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

(Ord. No. 5610, 12-20-16)

6.2.4.3 Buildings, Structures and Facilities Exempt from the Florida Building Code

Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this section:

- a. Railroads and ancillary facilities associated with the railroad.
- b. Nonresidential farm buildings on farms, as provided in section 604.50, F.S.
- c. Temporary buildings or sheds used exclusively for construction purposes.
- d. Mobile or modular structures used as temporary offices.
- e. Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.
- f. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
- g. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
- h. Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
- i. Structures identified in section 553.73(10)(k), F.S., are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on Flood Insurance Rate Maps.

(Ord. No. 5610, 12-20-16)

6.2.4.4 Application for a Permit or Approval

To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:

- a. Identify and describe the development to be covered by the permit or approval.
- b. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
- c. Indicate the use and occupancy for which the proposed development is intended.
- d. Be accompanied by a site plan or construction documents as specified in Subsection 6.2.5.

- e. State the valuation of the proposed work.
- f. Be signed by the applicant or the applicant's authorized agent.
- g. Give such other data and information as required by the Floodplain Administrator.

(Ord. No. 5610, 12-20-16)

6.2.4.5 Validity of Permit or Approval

The issuance of a floodplain development permit or approval pursuant to this section shall not be construed to be a permit for, or approval of, any violation of this Code, the Florida Building Codes, or any other ordinance of the City of Lakeland. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.

(Ord. No. 5610, 12-20-16)

6.2.4.6 Expiration

A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

(Ord. No. 5610, 12-20-16)

6.2.4.7 Suspension or Revocation

The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this section or any other ordinance, regulation or requirement of the City of Lakeland.

(Ord. No. 5610, 12-20-16)

6.2.4.8 Other Permits Required

Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

- a. The Southwest Florida Water Management District; section 373.036, F.S.
- b. Florida Department of Health for on-site sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.
- c. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.
- d. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
- e. Federal permits and approvals.

(Ord. No. 5610, 12-20-16)

6.2.5 SITE PLANS AND CONSTRUCTION DOCUMENTS

6.2.5.1 Information for Development in Flood Hazard Areas

The site plan or construction documents for any development subject to the requirements of this section shall be drawn to scale and shall include, as applicable to the proposed development:

- a. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
- b. Where base flood elevations or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Subsections 6.2.5.2.b. or 6.2.5.2.c.
- c. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Subsection 6.2.5.2.a.
- d. Location of the proposed activity and proposed structures, and locations of existing buildings and structures.
- e. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- f. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
- g. Existing and proposed alignment of any proposed alteration of a watercourse.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this section but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this section.

(Ord. No. 5610, 12-20-16)

6.2.5.2 Information in Flood Hazard Areas Without Base Flood Elevations (Approximate Zone A)

Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:

- a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
- b. Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
- c. Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
 1. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
 2. Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no

evidence indicating flood depths have been or may be greater than two (2) feet.

- d. Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

(Ord. No. 5610, 12-20-16)

6.2.5.3 Additional Analyses and Certifications

As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

- a. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Subsection 6.2.5.4 of this section and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
- b. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
- c. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Subsection 6.2.5.4.

(Ord. No. 5610, 12-20-16)

6.2.5.4 Submission of Additional Data

When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

(Ord. No. 5610, 12-20-16)

6.2.6 RESERVED

6.2.7 VARIANCES AND APPEALS

6.2.7.1 General

In accordance with the procedures, powers and duties specified in Section 12.7, the Zoning Board of Adjustment and Appeals is hereby authorized to hear and decide on requests for appeals and requests for variances from the strict application of this section. The Zoning Board of Adjustment and Appeals has the right to attach such conditions as it deems necessary to further the purposes and objectives of this article and the applicable provisions of the Florida Building Code. In reviewing requests for variances, the Zoning Board of Adjustment and Appeals shall consider all relevant factors, including the comments and recommendations of the floodplain administrator, all applicable provisions of the Florida Building Code, this Code, and the following:

- a. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
- b. The danger to life and property due to flooding or erosion damage;
- c. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
- d. The importance of the services provided by the proposed development to the community;
- e. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
- f. The compatibility of the proposed development with existing and anticipated development;
- g. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
- h. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
- i. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- j. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

(Ord. No. 5610, 12-20-16)

6.2.7.2 Conditions for Issuance of Variances

Variances shall be issued only upon determination that:

- a. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- b. For proposed development in a floodway, no increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Subsection 6.2.5.3.
- c. The variance is the minimum necessary, considering the flood hazard, to afford relief.
- d. If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, that a written notice from the Floodplain Administrator will be sent to the applicant

for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25.00 for \$100.00 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

(Ord. No. 5610, 12-20-16; Ord. No. 5695, 2-19-18)

6.2.8 RESERVED

6.2.9 BUILDINGS AND STRUCTURES

6.2.9.1 Design and Construction of Buildings, Structures and Facilities Exempt from the Florida Building Code

Pursuant to Subsection 6.2.4.3, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood-resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of Subsection 6.2.15.

(Ord. No. 5610, 12-20-16)

6.2.9.2 (Amendments to the Florida Building Code.

a. Definition for the term "Substantial Damage" shall be as provided in Subsection 6.1.2.

b. The minimum elevation for buildings within the scope of the Florida Building Code, Building, shall be as specified in ASCE 24 or the base flood elevation plus two (2) feet, whichever is higher.

c. The minimum elevation for one- and two-family dwellings and townhouses within the scope of the Florida Building Code, Residential, shall be the base flood elevation plus two (2) feet, or at least four (4) feet if a depth number is not specified.

d. The interior portions of enclosures below elevated buildings shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless a partition is required by the fire code. The limitation on partitions does not apply to load bearing walls interior to perimeter wall (crawlpace) foundations.

6.2.10 SUBDIVISIONS

6.2.10.1 Minimum Requirements

Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

- a. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- b. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
- c. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

(Ord. No. 5610, 12-20-16)

6.2.10.2 Subdivision Plats

Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

- a. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
- b. Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Subsection 6.2.5.2.a.; and
- c. Compliance with the site improvement and utilities requirements of Section 6.2.11.

(Ord. No. 5610, 12-20-16)

6.2.11 SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS

6.2.11.1 Minimum Requirements

All proposed new development shall be reviewed to determine that:

- a. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- b. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
- c. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

(Ord. No. 5610, 12-20-16)

6.2.11.2 Sanitary Sewage Facilities

Installation of new septic tank systems is prohibited in the regulatory floodway. All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into floodwaters, and impairment of the facilities and systems.

(Ord. No. 5610, 12-20-16)

6.2.11.3 Water Supply Facilities

All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

(Ord. No. 5610, 12-20-16)

6.2.11.4 Limitations on Sites in Regulatory Floodways

Fill for structural support of buildings and structures is prohibited in the regulatory floodway. No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Subsection 6.2.5.3.a. demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

(Ord. No. 5610, 12-20-16)

6.2.11.5 Limitations on Placement of Fill

Subject to the limitations of this section, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code.

(Ord. No. 5610, 12-20-16)

6.2.12 MANUFACTURED HOMES

6.2.12.1 General

All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this section.

(Ord. No. 5610, 12-20-16)

6.2.12.1.1 Limitations on Installation in Floodways

New installations of manufactured homes shall not be permitted in regulatory floodways except within existing approved manufactured home parks or platted manufactured home park subdivisions.

(Ord. No. 5610, 12-20-16)

6.2.12.2 Foundations

All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that are either:

- a. Consistent with the site and flood limitations and design criteria and the recommended prescriptive designs specified in FEMA P-85, Protecting Manufactured Homes from Floods and Other Hazards. ~~Foundations for manufactured homes subject to Subsection 6.2.12.6 are permitted to be reinforced piers or other foundation elements of at least equivalent strength.~~
- b. Engineered by a licensed design professional for the base flood conditions at the site in accordance with the foundation requirements of ASCE-24, ASCE-7, and this section.

(Ord. No. 5610, 12-20-16)

6.2.12.3 Anchoring

All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

(Ord. No. 5610, 12-20-16)

6.2.12.4 Elevation

All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas shall be elevated such that the bottom of the frame is at or above the elevation required in the Florida Building Code, Residential Section R322.2 (Zone A). Manufactured homes that

are placed, replaced, or substantially improved shall comply with Subsections ~~6.2.12.5 or 6.2.12.6~~, as applicable.

(Ord. No. 5610, 12-20-16)

~~6.2.12.5~~ — General Elevation Requirement

~~Unless subject to the requirements of Subsection 6.2.12.6, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A).~~

(Ord. No. 5610, 12-20-16)

~~6.2.12.6~~ — Elevation Requirement for Certain Existing Manufactured Home Parks and Subdivisions

~~Manufactured homes that are not subject to Subsection 6.2.12.5, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:~~

- ~~a. Bottom of the frame of the manufactured home is at or above the elevation required in the Florida Building Code, Residential Section R322.2 (Zone A); or~~
- ~~b. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 60 inches in height above grade.~~

(Ord. No. 5610, 12-20-16)

~~6.2.12.5~~ ~~6.2.12.7~~ Enclosures

~~Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322.2 for such enclosed areas.~~

~~6.2.12.6~~ ~~6.2.12.8~~ Utility Equipment

~~Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322.~~

(Ord. No. 5610, 12-20-16)

6.2.13 RECREATIONAL VEHICLES AND PARK TRAILERS

6.2.13.1 Temporary Placement

Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

- a. Be on the site for fewer than 180 consecutive days; or
- b. Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

(Ord. No. 5610, 12-20-16)

6.2.13.2 Permanent Placement

Recreational vehicles and park trailers that do not meet the limitations in Subsection 6.2.13.1 for temporary placement shall meet the requirements of Subsection 6.2.12 for manufactured homes.

(Ord. No. 5610, 12-20-16)

6.2.14 TANKS

6.2.14.1 Underground Tanks

Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

(Ord. No. 5610, 12-20-16)

6.2.14.2 Above-ground Tanks, Not Elevated

Above-ground tanks that do not meet the elevation requirements of Subsection 6.2.14.3 shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

(Ord. No. 5610, 12-20-16)

6.2.14.3 Above-ground Tanks, Elevated

Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

6.2.14.4 Tank Inlets and Vents

Tank inlets, fill openings, outlets and vents shall be:

- a. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
- b. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

(Ord. No. 5610, 12-20-16)

6.2.15 OTHER DEVELOPMENT

6.2.15.1 General Requirements for Other Development

All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this section or the Florida Building Code, shall:

- a. Be located and constructed to minimize flood damage;
- b. Meet the limitations of Subsection 6.2.11.4 if located in a regulated floodway;
- c. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
- d. Be constructed of flood damage-resistant materials; and

- e. Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

6.2.15.2 Fences in Regulated Floodways

Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Subsection 6.2.11.4.

(Ord. No. 5610, 12-20-16)

6.2.15.3 Retaining Walls, Sidewalks and Driveways in Regulated Floodways

Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Subsection 6.2.11.4.

6.2.15.4 Roads and Watercourse Crossings in Regulated Floodways

Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Subsection 6.2.11.4. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Subsection 6.2.5.3.c.

6.2.15.5 Hazardous Materials

No hazardous materials or waste shall be stored in flood hazard areas.

(Ord. No. 5610, 12-20-16)

6.3 GREEN SWAMP AREA OF CRITICAL STATE CONCERN

6.3.1 INTENT AND APPLICABILITY

a. Intent

The Green Swamp Area of Critical State Concern (ACSC) as defined under Ch. 380, Sec. 5, Florida Statutes, has been identified as a geographical area with special environmental significance and is protected by guiding principles which outline key issues of state concern. This section is established to address minimum standards for development and redevelopment within the ACSC in the City of Lakeland.

b. Applicability

Applies to all public and private land located within the geographic boundaries of the Green Swamp ACSC within the City of Lakeland.

6.3.2 DENSITY AND INTENSITY OF USE

6.3.2.1 Future Land Use Designations

The following Future Land Use designations may be permitted in the Green Swamp ACSC, as defined in the Future Land Use Element of the Comprehensive Plan.

- a. Agricultural Residential Low (ARL)
- b. Residential Very Low (RVL)
- c. Public Institutional (PI)
- d. Business Park (BP)
- e. Convenience Center (CC)

- f. Recreation (R)
- g. Conservation (C)
- h. Preservation (P)

(Ord. No. 5522, 07-20-15)

6.3.2.2 Density and Infrastructure Requirements

Table 6.3-1: Green Swamp Density and Infrastructure Requirements

FUTURE LAND USE DESIGNATION	Maximum Gross Density	Central Wastewater Required?	Paved Roads Required?	Central Water Required?	Transit District Petition Required?
ARL Agricultural Residential Low	1:10 du/ac ¹ &/or Agriculture	NO	YES, external only	NO	NO
RVL Residential Very Low	1:3 du/ac &/or Agriculture	YES	YES	YES	If subdivision 10 ac. +
PI Public Institutional	N.A.	YES	YES	YES	If near SR 33 or I-4
BP Business Park	N.A.	YES	YES	YES	YES
CC Convenience Center	NONE	YES	YES	YES	If near SR 33 or I-4
R Recreation	NONE	YES	YES	YES	If near SR 33 or I-4
C Conservation	1:10 du/ac uplands only; requires conditional use approval	YES	YES	YES	If near SR 33 or I-4
P Preservation	NONE	N.A.	N.A.	N.A.	N.A.

¹ Allows 40,000 sq. ft. lots if clustering on uplands, but gross density must remain same.

(Ord. No. 5522, 07-20-15)

6.3.2.3 Permitted Zoning Districts

Table 6.3-2: Green Swamp Permitted Zoning Districts

Zoning Districts	Possible Future Land Use Designations						
	ARL	RVL	PI	BP	CC	C	P
LD	X	X	X	X	X	X ¹	X
RA-1		X					
MF-12							
MF-16							
O-1			X	X	X		
O-2			X	X	X		

O-3				X			
C-1				X	X		
C-3					X		
I-1							
I-2				X			
PUD ²	X	X	X	X	X	X	X
¹ Only allowed with conditional use approval. ² Any proposed changes to an approved; binding PUD development plan will require modification to the PUD.							

(Ord. No. 5522, 07-20-15)

6.3.2.4 Prohibited Uses

In addition to those uses that are prohibited by the respective zoning district classification of the property; the following uses shall also be prohibited in the Green Swamp ACSC:

- a. Chemical research operations
- b. Dry cleaning plants
- c. Electric power generation facilities of any type
- d. Golf Courses
- e. Hazardous substances or materials; no substances or materials shall be stored or used except as they would, in such quantity, be permissible for domestic or household purposes
- f. Industrial activities as defined in the Federal EPA's National Pollution Discharge Elimination System (NPDES) for Stormwater Associated with Industrial Activity (Ch. 40, CFR, Part 122), with the exception of general construction activities
- g. Mining
- h. Package wastewater treatment facilities; wastewater treatment residuals and the spreading of sludge from septic tanks
- i. Petroleum pipelines
- j. Petroleum related industries and fuel dealers (not including gas stations)
- k. New schools, private or public
- l. Wholesale chemical operations
- m. Noxious forms of agriculture (specifically, agricultural activity such as crop production, silviculture, cattle grazing/pasture uses and aquaculture uses ARE allowed, but feed lots, poultry farms and similar "noxious" uses shall be prohibited)

6.3.2.5 Use of Conservation Lands

Conservation land uses on privately owned lands may allow passive recreation uses and up to one unit per 10 acres if clustered on upland areas and outside of wetland and 100-year floodplain areas. Level one Utility and Essential Service Facilities as defined in Article 2, and as permitted by the city and applicable federal, state and/or regional agencies, are permitted in Conservation land uses. Any changes to Utility and Essential Service Facilities shall be subject to state review for impacts to the ACSC.

(Ord. No. 5522, 07-20-15)

6.3.3 DEVELOPMENT REGULATIONS

6.3.3.1 Minimum Lot Size Requirements

Minimum lot size requirements shall be in accordance with the underlying zoning district, except for the following:

LD zoning district, when

Water and wastewater are available: 5 acres

Water and wastewater are unavailable: 10 acres

RA-1 zoning district: 14, 520 sq. ft.¹

40,000 sq. ft.²

- ¹ Only permitted with an RVL Future Land Use designation. Central water and wastewater, as well as paved external and internal access roads are required.
- ² Only permitted with an ARL Future Land Use designation. Development must be clustered to meet the open space, wetland and/or floodplain protection requirements. The gross density for the overall development must not exceed the requirements for the applicable Future Land Use designation.

6.3.3.2 Setbacks

The setbacks for principal and accessory structures shall be in accordance with the underlying zoning district classification.

6.3.3.3 Open Space, Lot Coverage and Impervious Surface Ratios

- a. The minimum open space, maximum lot coverage and impervious surface ratio requirements shall be in accordance with the underlying zoning district classification, except for the following:

Table 6.3-3: Green Swamp Residential Developments

Standard	Zoning District		
	RA-1	LD	MF-12/MF-16
Minimum Open Space ¹	Within ARL - 80% Within RVL - 30%	80%	MF-12 - 0.73 MF-16 - 0.70
Maximum Impervious Surface Ratio ²	50%	50%	60%

¹ Open space is defined as any area of land or water set aside, designated or reserved for public or private enjoyment or use. (NOTE: We have typically treated this as everything except buildings and parking areas, whether paved or unpaved.)

² Impervious surface ratio as defined by the Southwest Florida Water Management District (SWFWMD).

Table 6.3-4: Green Swamp Non-Residential Developments

Standard	Zoning District		
	All Commercial	All Office	All Industrial
Maximum Lot Coverage	35%	35%	50%
Maximum Impervious Surface Ratio	Within BP - 70% All Others - 60%	Within BP - 70% All Others - 60%	70%
Impervious surface ratio, as defined by SWFWMD.			

- b. Site plans and subdivision plats shall identify portion of land reserved for open space and shall state "No clearing and no structures of any kind are allowed in the open space area." Stormwater retention, as allowed by regulatory and permitting agencies, would be permitted in open space areas.
- c. At least 10 percent of the above open space requirements for all types of land uses shall be on the uplands portion of the property in order to preserve some portion of original aquifer recharge rates.
- d. No variances or waivers shall be granted for open space provisions in the Green Swamp ACSC within the City of Lakeland.

6.3.4 LANDSCAPING

In addition to the landscape requirements established in Article 4, all development and redevelopment in the Green Swamp ACSC shall employ Xeriscaping techniques to reduce water consumption.

Xeriscaping, as a method of landscaping that conserves water by clustering plants according to similar sunlight and water needs. Where possible, irrigation systems should use stormwater runoff to irrigate landscaped areas and should preserve existing on-site vegetation.

6.3.5 WATER AND WASTEWATER UTILITY REQUIREMENTS

- a. Connection to city wastewater service shall be required where it is available, as defined by Statute. Necessary septic system permits shall be obtained and submitted prior to issuance of a building permit.
- b. New septic systems shall not be permitted for non-residential uses.
- c. The city shall enforce the cases referred to it by the Polk County Health Department for violations of the Health Department's special septic system inspection program in the Green Swamp ACSC. That inspection program provides for notices to be mailed every five years to those who have a septic system indicating it must be cleaned and maintained. Failure to meet the inspection program requirements will result in referral to the local code enforcement board for further action and as referred to in City Resolution 4465.
- d. Wastewater treatment package plants, if allowed, shall have a minimum treatment capacity of at least 100,000 gallons per day.

6.3.6 ROAD REQUIREMENTS

- a. Parking, loading and internal circulation of developments within the Green Swamp ACSC shall be of pervious materials wherever feasible.
- b. Paved external and internal access roads are required for all development.
- c. In Conservation (C) future land use areas within the Green Swamp ACSC, a single primary access road shall be allowed to access upland areas where upland options are not feasible and where not in conflict with city policies and standards including those for natural resource protection, and as approved by the Public Works Department. Identified wetlands shall not be impacted unless such results in a taking of private property. Any impacts to the 100-year floodplain for such an access road shall be made only as a last resort, shall be minimized and compensated to avoid a taking of property and must include all mitigation measures as required by applicable local, regional and state agencies.

6.3.7 TRANSIT DISTRICT REQUIREMENTS

Submission of a voluntary petition for inclusion into the Lakeland Area Mass Transit District (LAMTD) shall be required for the following developments within the Green Swamp ACSC, prior to issuance of site plan approval, subdivision plat approval or building permit:

- a. All development along Interstate 4 or SR 33
- b. Any development or redevelopment in a non-residential or multi-family residential zoning district
- c. Any residential subdivision of 10 acres or more

6.3.8 WETLANDS AND FLOODPLAIN AREAS

6.3.8.1 Development Criteria

- a. No new lots shall be created which are entirely within a wetland or FEMA designated 100-year floodplain area.
- b. No development shall be permitted within an identified wetland or within the 100-year floodplain area except where allowed by the applicable federal, state or regional permitting agencies and as specified below. Development shall cluster in non-wetland and non-floodplain areas. All structures (other than pile supported docks) shall be set back a minimum of 50 feet from the most landward extent of a jurisdictional wetland.
- c. No disturbance of wetlands within the Green Swamp ACSC is allowed unless authorized or exempted from the regulation by the Florida Department of Environmental Protection, the U.S. Army Corps of Engineers, and the applicable water management district. Evidence of the appropriate permit or exemption shall be required prior to the commencement of development.
- d. Where impacts to wetlands cannot be avoided, all permits for an agency with jurisdiction shall be approved prior to the city issuing a final development order. An "intent to issue a final development order" may be issued in writing prior to the issuance of said order if pre-approval is required by an agency with jurisdiction. Consideration of wetland impacts shall include, but not necessarily be limited to, the following circumstances where no reasonable alternative exists:
 - 1. To provide access to the site;
 - 2. To provide necessary internal traffic circulation;
 - 3. To provide necessary utility lines;
 - 4. To provide necessary pre-treated stormwater management;
 - 5. For purposes of public safety;
 - 6. To avoid precluding all beneficial use of the property.
- e. All wetland and 100-year floodplain areas must be identified as environmental set-aside areas on all final site plans or subdivision plats.
- f. Septic systems shall be set back a minimum of 75 feet from designated wetlands and 100 feet from the high water line of water bodies and outside the 100-year floodplain.
- g. ~~A detailed flood insurance study shall be performed for all~~ Where base flood elevations are not included on the FIRM and subdivision proposals and other proposed development have more than 50 lots or have with five acres or more of the 100-year floodplain, base flood elevations shall be determined in accordance with Subsection 6.2.5.2.a. The study shall be performed in accordance with the Flood Insurance Study Guidelines and Specifications for Flood Contractors (FEMA Publication 37).
- h. Subsequent development phases are not exempt from this section if the overall development meets the five acre criterion. If existing subdivisions are proposed for re-platting, the re-platted portion shall be required to comply with this requirement if the re-platted portion meets the five acre criterion.

- i. Subdivisions which contain 10 lots or less shall be exempt from these requirements.
- j. The construction of a single-family residence on a parcel of land containing five or more acres within the 100-year floodplain which is not part of a subdivision or which is part of a subdivision in existence prior to December 1, 1992, is exempt from this requirement.
- k. Wetlands shall be maintained in their natural and unaltered state. However, controlled burns, selective thinning, and ecosystem restoration and maintenance are permissible activities within the wetlands, provided they are performed in accordance with current Silviculture Best Management Practices published by the Division of Forestry. Any isolated wetlands of less than one acre shall be exempt from these requirements.

6.3.8.2 Density Transfers

- a. Development within wetland or 100-year floodplain areas may be allowed to transfer density of up to one dwelling unit per 20 acres to contiguous uplands (non-wetland and non-floodplain) areas on property under the same ownership or control.
- b. Gross density requirements still apply and open space and impervious surface limits shall be maintained.
- c. Lot sizes shall be as governed by the assigned city context classification.
- d. Transfers of density shall be noted on the face of the final plat as a restrictive covenant.

6.3.9 STORMWATER MANAGEMENT FACILITIES

- a. Stormwater management shall be executed in a manner consistent with the level of service policies in the Infrastructure Element of the Comprehensive Plan. Specifically, all development is required to manage runoff from the 25-year frequency, 24-hour duration design storm event on-site so that post-development runoff rates, volumes and pollutant loads do not exceed pre-development conditions.
- b. Stormwater management facilities shall not cause a reduction in the flood storage capacity of the 100-year floodplain.
- c. Stormwater management facilities shall be designed to accommodate access for maintenance equipment, and shall facilitate regular operational maintenance including under-drain replacement, unclogging filters, sediment removal, mowing and vegetation control.
- d. Prior to final plat or site plan approval, the developer shall ensure that a designated responsible entity, approved by the city for the maintenance of the stormwater management system has been established and is listed on the plat or final site plan.
- e. Monitoring and operational requirements for stormwater management facilities shall include the following:
 - 1. Periodic inspections of the system with a written inspection report to the appropriate water management district and a copy sent to Public Works Engineering to ensure that the system is functioning as designed and permitted.
 - 2. Inspection reports will be submitted one year after construction and every year thereafter to the relevant water management district.

3. A registered professional engineer must sign and seal the report certifying the stormwater management system is operational as designed and maintained adequately for that design.
4. Pollution abatement requirements shall be the first one inch (or 2.5 inches times the impervious area) of runoff for the developed site, or as per the regulations of SWFWMD, with this volume being recovered within 72 hours.
5. Projects or portions of projects in Most Effective Recharge Areas must retain three inches of runoff from directly connected impervious areas within the project. Applicants may instead demonstrate that the post-development recharge will be equal to or greater than the pre-development recharge. Most Effective Recharge Areas are those areas with soils classified by the Soil Conservation Service as Type "A" Hydrologic Soil Group. Directly connected impervious areas are those impervious areas which are connected to the surface water management system by a drainage improvement such as a ditch, storm sewer, paved channel, or other man-made conveyance. Stormwater that is retained must be infiltrated into the soil or evaporated such that the storage volume is recovered within 14 days following a storm event.

6.3.10 LISTED SPECIES SURVEYS

- a. To protect fauna and flora species identified as being endangered, threatened, and/or species of special concern by the U.S. Fish and Wildlife Service (USFWS) and/or the Florida Fish and Wildlife Conservation Commission, (FWC), the developer shall perform and pay for listed species survey for the following types of development:
 1. Any residential development consisting of 100 acres or more, or
 2. Any residential development of more than 10 lots, or
 3. Any non-residential development in excess of five acres.

If it is determined that listed species are located on the site, the developer shall prepare a habitat management plan using guidelines and protocols of the FWC and/or USFWS. It shall be the responsibility of the owner and/or developer to notify the city, the FWC and/or the USFWS of proposed development which will affect protected habitat and subsequently prepare and submit the above referenced habitat management plan. Prior to final plat or site plan approval, the city must receive a letter from FWC stating that the proposed Management Plan meets the standards placed on Management Plans by the FWC.

- b. Protected habitat, for the purpose of the Management Plan, shall be defined as habitat for endangered, threatened, and/or species of special concern, and in most cases, the specific boundaries of these areas may not be determined until site-specific field inspections are conducted to verify those boundaries. It shall be the responsibility of the owner and/or developer to submit documentation to all relevant review agencies including exhibits, studies, etc., for the purpose of establishing that properties should not be classified as protected habitat for such species.
- c. Those properties identified as containing protected habitat shall comply with the following requirements:
 1. Development shall be required to locate on the non-protected habitat portions of a development site. Transfer of residential densities shall be permitted from protected habitat areas to contiguous non-protected habitat areas within the same subdivision, subject to the following:

2. Residential densities shall be transferred from protected habitat areas to non-protected habitat areas at the underlying density and shall be clustered to the greatest extent possible to protect habitat.
3. Any transfer of density to facilitate clustering shall not result in lot sizes, or areas per dwelling unit less than that required by this Code (the minimum lot/area size shall be exclusive of the wetland area); for lots utilizing septic tanks, the area shall not be less than 40,000 square feet.
4. Portions of lots may be platted into habitat areas and shall not be construed as having disturbed the habitat area for a density-transfer provision so long as that portion of the lot does not include any fill, construction, improvements, or other development, and a restriction is placed upon the plat to prohibit such future actions within habitat areas.
5. All such transfers of density shall be to contiguous property under the same ownership or control and shall only be permitted within a subdivision platted and developed in accordance with this Code. Such transfers shall be noted on the face of the final plat as a restrictive covenant.
6. Commercial and industrial development shall locate on the non-protected habitat portion of a development site.

6.3.11 PERMITTING REQUIREMENTS AND EFFECTIVE DATES

- a. In accordance with Chapter 9J-1, F.A.C., the Community Development Department shall render development orders to the State Land Planning Agency (LPA) for development approvals that shall include, but not be limited to:
 1. zoning
 2. rezoning
 3. conditional use
 4. variance
 5. plat approval
 6. major development review
 7. community impact assessment
 8. building permit
 9. fill permit
 10. excavation permit
 11. land clearing or landscaping permit
 12. any change or amendment to a previously issued development order
 13. any action that increases the impervious surface
 14. any other action having the effect of permitting development
- b. It shall be the responsibility of the developer to provide all necessary exhibits, applications, or documents to the City of Lakeland to be included in the development order for rendition to the LPA.
- c. City permits will include a reminder note that a development order in the Green Swamp Area of Critical State Concern shall not take effect or be acted upon by the developer until 45 calendar days after rendition to the LPA, unless a later date is specified in the order. If no comments are received from the LPA by the 45th day, the development order may be acted upon.

6.3.11.1 Additional Review Requirements

- a. In the Green Swamp ACSC, Planning and Zoning Board review and approval shall be required for all site plans and subdivision plan/plat approvals.

- b. Prior to commencement of development, all state and federal permits must be obtained.
- c. All development approvals within the Green Swamp ACSC are subject to review and approval by the LPA, up to 45 days after such approvals have been officially rendered to the LPA by the City. The LPA has authority to appeal any development approvals in the ACSC.

6.3.11.2 Application Narrative Requirement

All development, as defined in Section 380.04, FS, with the exception of a single-family dwelling unit and accessory uses, shall submit to the city a project narrative describing the proposed development. This narrative shall also address how their development supports the following State objectives in the Green Swamp Area of Critical State Concern:

- a. Minimize the adverse impacts of development on resources of the Floridan Aquifer, wetlands, and flood-detention areas.
- b. Protect or improve the normal quantity, quality and flow of ground water and surface water which are necessary for the protection of resources of state and regional concern.
- c. Protect or improve the water available for aquifer recharge.
- d. Protect or improve the functions of the Green Swamp Potentiometric High of the Floridan Aquifer.
- e. Protect or improve the normal supply of ground and surface water.
- f. Prevent further salt-water intrusion into the Floridan Aquifer.
- g. Protect or improve existing ground and surface water quality.
- h. Protect or improve the water retention capabilities of wetlands.
- i. Protect or improve the biological-filtering capabilities of wetlands.
- j. Protect or improve the natural flow regime of drainage basins.
- k. Protect or improve the design capacity of flood detention areas and the water management objectives of these areas through the maintenance of hydrologic characteristics of drainage basins.



Community & Economic Development Staff Report

Date:	August 20, 2024	Reviewer:	Phillip Searce
Project No:	LDC24-009	Applicant:	City of Lakeland
P&Z Hearing:	July 16, 2024	P&Z Final Decision:	August 20, 2024
Request:	Changes to Article 10 (Concurrency Standards) of the Land Development Code, to require a signed and sealed analysis prepared by a professional traffic engineer and additional safety analyses that will be required for Major Traffic Studies.		

1.0 Background

1.1 Summary

Periodically, various changes to the Land Development Code (LDC) are proposed in response to changing circumstances. With changes in national standards regarding who should conduct Major Traffic Studies, the proposed Land Development Code changes will require that all such studies within the City of Lakeland be conducted by a registered engineer in the State of Florida. In furtherance of the City's Vision Zero Comprehensive Plan goal, the proposed amendments also expand requirements for safety and operational analyses for Major Traffic Studies beyond traditional concurrency and level of service evaluations.

1.2 Attachments

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

2.0 Discussion

2.1 Summary

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 amendment requires that Major Traffic Studies be conducted by a registered Professional Engineer in that State of Florida. The studies must include crash, turn lane queuing, intersection control evaluation, intersection sight distance and other analyses to ensure that a development approval considers traffic safety in addition to traditional traffic concurrency and mobility

determinations against established level-of-service standards. The proposed amendments also require the use of empirical data for certain uses such as high- or very high-turnover restaurants with call ahead pick-up or drive-through windows.

3.0 Recommendation

3.1 Community & Economic Development Staff

The Community & Economic Development Department reviewed this request for compliance with Lakeland Comprehensive Plan: Our Community 2030 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 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 approved 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.
- f. Identification of recommended transportation concurrency mitigation requirements, including Proportionate Fair-Share Program funding responsibilities, shall be contained in a separate technical memorandum from the Major Traffic Study, which shall be an objective engineering report of existing and projected capacity, operational and safety performance of the surrounding multi-modal transportation network.

(Ord. No. 5903, § 2(Att. A), 10-18-21)

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 by a Professional Engineer within the State of Florida in accordance with the Manual of Uniform Traffic Control Devices (MUTCD), 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. The Major Traffic Study shall include documentation, if already completed, or document the proposed methodology, consistent with guidance in the ITE Trip Generation Handbook, if an alternative trip generation rate is to be calculated based on observations of other sites. For high- or very-high-turnover restaurants with call ahead pick-up or drive-through windows, the study shall include empirical trip data from three similar locations.
 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~~ will require 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. Safety Analyses: In support of the City's Vision Zero goal as adopted in its Comprehensive Plan, the Major Traffic Study shall include:
 - (a) A summary of the most recent three full years of crash data, noting any unusual crash patterns or frequencies any existing safety issues observed, such as queues extending onto high-speed roadways, sidewalk gaps, sight distance obstructions, etc.
 - (b) The posted speed limit and 85th percentile speed shall be provided for roadways at intersecting site driveways (existing and proposed). If empirical 85th percentile speed data is unavailable, then it shall be assumed as being ten miles per hour over the posted speed limit.
 - (c) Intersection Sight Distance (ISD) analysis based on the 85th percentile speed for roadways shall be conducted for existing driveways, proposed driveways, and any intersection with proposed geometric improvements or traffic control devices resulting from the development activity. ISD analyses for sites served by buses and trucks shall use trucks as the design vehicle to

account for slower acceleration. Additional site-specific analyses may be required if the ISD requirements cannot be clearly attained.

- (d) Turn lane analyses for existing and proposed driveways determined using methods of NCHRP 745 for left-turn lanes and NCHRP 279 for right-turn lanes. A table shall be provided summarizing the existing available queue storage length with 95th percentile queue length for existing and build conditions.
- (e) If signalization is proposed as a mitigation measure, a signal warrant analysis and Stage 1 Intersection Control Evaluation (ICE) shall be provided for location(s) proposed for signalization.
- (f) Street lighting evaluation for existing or proposed crosswalks, on- site and across adjacent roadways, that would be used for pedestrians, bicyclists and/or transit patrons accessing the development site.
- (g) Additional analysis requirements as included in the Engineering Standards Manual.

~~1011.~~ 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 or safety analysis 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.~~

(Ord. No. 5903, § 2(Att. A), 10-18-21)



Community & Economic Development Staff Report

Date:	August 20, 2024	Reviewer:	Audrey McGuire
Project No:	LDC24-010	Applicant:	City of Lakeland
P&Z Hearing:	July 16, 2024	P&Z Final Decision:	August 20, 2024
Request:	Changes to Article 11 (Historic Preservation Standards) of the Land Development Code, to clarify terminology and correct scrivener’s errors throughout the Article, add definitions for Certificate of Review, Design Review Committee, Historic Preservation Board, and Relocation, reduce the total number of members on the Historic Preservation Board from 13 to 9, clarify membership composition along with a requirement that members must be City residents, clarify the role and purpose of the Design Review Committee, revise the definition of historic district to include aspects of historic integrity, revise terminology pertaining to the nomination of local historic landmarks, add review criteria for the relocation of historic buildings, and add formal procedures for processing appeals of decisions of the Historic Preservation Board and the Design Review Committee.		

1.0 Background

1.1 Summary

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 11 (Historic Preservation Standards) amends this article to clarify terminology and correct scrivener’s errors throughout the Article. Additionally, changes and additions are proposed to Sections 11.2, 11.3.1, 11.3.3, 11.4, 11.6.3, and 11.7 of the Article to provide or add clear terminology and organizational clarity, consistent with historic preservation policies, standards, and design guidelines.

1.2 Attachments

Attachment A: Proposed Changes to Article 11 Historic Preservation Standards

2.0 Discussion

2.1 Summary

The intent of Article 11 (Historic Preservation Standards) is to establish the framework for a comprehensive historic preservation program in the City of Lakeland. Prior to the adoption of the current LDC in 2013, the City’s Historic Preservation Board (HPB) and historic preservation policy were adopted in 1980 under Ordinance Nos. 2175 (February 4, 1980) and 2203 (July 7, 1980), respectively, and codified in Chapter 8 of the Lakeland City Code. These ordinances were combined and amended by Ordinance No. 3841 in 1997. Subsequent amendments were made to Ordinance No. 3841 between 2000 and 2012 through separate ordinances (Ordinance No. 4142 (April 3, 2000), Ordinance No. 4898 (September 4, 2007), Ordinance No. 5081 (February 2, 2009), and Ordinance No. 5347 (November 19, 2012)). When the LDC was created in 2013, the City’s historic preservation program and policy were incorporated into the LDC under Article 11, and Chapter 8 of the Lakeland City Code was removed.

The proposed changes correct scrivener's errors and typos throughout the Article, many of which have existed since the original historic preservation ordinance was adopted in 1980. In addition, specific changes and additions are proposed to several sections within the Article. These changes and additions are explained in more detail below:

1. Section 11.2 (Definitions): adds or refines the definitions for Affirmative Maintenance, Certificate of Review, Design Review Committee, Demolition by Neglect, Historic Preservation Board, and Relocation to provide clear terminology for the public and consistency with existing historic preservation policies and design guidelines.
2. Section 11.3.1 (Historic Preservation Board Organization):
 - a. Reduces the number of HPB members from a minimum of 9 to a maximum of 13 to a total of 9. The maximum number of board members was changed in 2000 from 11 to 13 through an ordinance amendment, but the reason for this change is unknown. A maximum of 13 members is impractical. Consistent with the average number of members of Historic Preservation Boards across the state, a total of 9 members is adequate to represent all seven historic districts and have two at-large seats.
 - b. Clarifies membership composition with respect to professions related to history and historic preservation when available.
 - c. Adds that members must be City residents, since the HPB has city-wide jurisdiction.
 - d. Streamlines this Section for ease of use and adds references to the By-Laws of the Historic Preservation Board for consistency.
3. Section 11.3.3 (Design Review Committee): Clarifies the role and purpose of the Design Review Committee.
4. Section 11.4 (Historic Districts): Adds aspects of historic integrity to the general definition and identification of a Historic District for consistency with the National Register of Historic Places nomination criteria.
5. Section 11.5 (Local Historic Landmarks): Corrects typos and clarifies nomination terminology, consistent with the National Register of Historic Places.
6. Section 11.6.3 (Review Criteria): Adds criteria for reviewing the relocation of historic buildings, consistent with the design guidelines and HPB policy. Relocation was not previously included within the scope of this Article but can be a consideration for preserving historic buildings.
7. Section 11.7 (Enforcement and Appeals): Removes vagueness from this section and adds a formal procedure to process appeals of the decisions of the Historic Preservation Board and its Design Review Committee.

After receiving feedback on these changes from the Historic Preservation Board on July 25, 2024, definitions for Affirmative Maintenance and Demolition by Neglect were added, along with minor formatting changes and a wording change to Section 11.3.2(e).

3.0 Recommendation

3.1 Community & Economic Development Staff

The Community & Economic Development Department reviewed this request for compliance with Lakeland Comprehensive Plan: Our Community 2030 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 11 of the Land Development Code, as described in Attachment "A" be approved.

ATTACHMENT "A"

SECTION 1. AMENDMENTS.

ARTICLE 11: HISTORIC PRESERVATION STANDARDS

11.1 INTENT AND APPLICABILITY

a. Intent

It is the intent of this article to establish the framework for a comprehensive historic preservation program in the City of Lakeland, to protect and preserve unique historic and cultural resources by identifying and designating historic districts and local historic landmarks, to prevent the destruction of historic ~~landmarks~~ resources, to enhance public awareness of the city's historic and cultural resources, to discourage the demolition of sound historic structures, and to provide special consideration to projects that involve the use of older structures.

b. Applicability

This article shall apply citywide to designated historic districts, local historic landmarks and to historic resources as defined herein.

11.2 DEFINITIONS

Affirmative Maintenance: Continuing the ordinary maintenance and repair of a building, or the land on which it sits, to prevent decay or deterioration, and taking such other actions as are necessary to avoid the deterioration of a building. This includes: the maintenance and repair of paint, glazing of windows and doors, mortar, roofing material and exterior waterproofing system; the removal of debris or excess plant material; and the maintenance and repair of exterior elements attached to the building or site, such as awnings, shutters, railings, gutters, fences, and other such elements that add to the architectural character of the building.

Alteration: Any change affecting the ~~outward~~ exterior appearance of a building, structure, or site because of construction, repair, maintenance or otherwise to a building, structure, or site.

Applicant: The ~~record~~ owner of record of a site and/or building located thereon or his or her agent, the lessee thereof, or a person holding a bona fide contract to purchase same who makes application for a Certificate of Review.

Building: Any building or other structure built for shelter or enclosure of persons, animals, or chattels, including fences, signs, paving and boundary walls, and any part of any such building or structure when subdivided by division walls or party walls extending to or above the roof and with or without openings is such separate walls. The term "building" shall be construed as if followed by the words "or any part thereof."

Certificate of Review: Document certifying that certain alterations or improvements to a designated local landmark or property within a historic district have received approval by the Historic Preservation Board or its staff.

Construction: The erection of an on-site improvement to a building, structure, or site ~~located within the Historic District~~, whether the site is presently improved or unimproved, or hereafter becomes unimproved by "demolition" or as a result of destruction of an improvement located thereon by fire, windstorm or other casualty, or otherwise.

Demolition: ~~The complete or constructive removal of a building on any site including the moving intact of any part or whole of a building.~~ The act or process of destroying, either in whole or in part, a building or structure.

Demolition by Neglect: Describes a situation in which a property owner fails to perform affirmative maintenance on a historic building, allowing the building to deteriorate to the point demolition is inevitable or restoration becomes unreasonable.

Design Review Committee: A standing subcommittee of the Historic Preservation Board established by Sub-Section 11.3.3 of this article, which may also be referred to herein as the "Committee" or "DRC."

Exterior: All outside surfaces of a building.

Façade: Any one of the external faces or elevations of a building. The primary façade is the front of a building, that which is readily visible to the public and is often seen within the context of other buildings facing a street or other public right-of-way.

Historic Preservation Board: A board of citizens appointed by City Commission established by Sub-Section 11.3 of this article, which may also be referred to herein as the "Board" or "HPB."

Ordinary Repairs or Maintenance: Work done to prevent deterioration of a building or to correct any deterioration or decay of a building or any part thereof by restoring the building as nearly as practicable to its condition prior to such deterioration or decay.
Repairs or maintenance which changes the outward appearance of a building constitute an alteration.

Owner of Record: The owner in fee simple of real property as indicated in the official records of Polk County, Florida, regardless of any liens, mortgages, or other interest in the property.

Reconstruction: The rebuilding or extraordinary repair of a building or structure which has been damaged, has fallen into disrepair, or for any other reason is substantially rebuilt.

Relocation: The act of moving a historic building from its original site to a new site.

Responsible Party: The owner or an individual acting as the owner's agent who accepts responsibility for meeting city requirements for the property designated in a certificate of review application.

Site: A parcel of ground whether improved or unimproved, under single or multiple ownership by any public or private corporation, association, trust or individual, or any combination thereof.

Structure: An improvement to a site which is placed or constructed by man regardless of size, material(s), purpose, or design.

11.3 HISTORIC PRESERVATION BOARD

There is hereby established a Historic Preservation Board of the City of Lakeland (HPB) which shall have citywide jurisdiction and shall serve as the primary agency responsible for furthering historic preservation within the city.

11.3.1 ORGANIZATION

a. Composition. The HPB shall be composed of ~~no less than nine (9) members and no more than thirteen members.~~ Whenever possible, the membership shall be composed of architects,

archaeologists, historians, lawyers, real estate professionals, contractors, engineers, developers, urban planners, local historical society representatives, or other residents of the city who, by virtue of their profession, community involvement, or personal interest, have demonstrated knowledge of or concern for historic preservation. At least five (5) members shall reside, work, or own property within a historic district. of at least one of the following: an architect, a landscape architect or designer, a contractor or builder, a representative of a local historical society, a civil or structural engineer, a realtor or developer, and an individual owning or leasing property or operating a business within each historic district in the city, and at least two members from the general public.

b. Appointment and term. The City Commission shall make appointments to the HPB and may remove members for just cause. Members of the HPB shall be residents of the City of Lakeland. Appointments shall be made for ~~three-year~~ terms of three (3) years, ~~except that the initial appointments shall be made as follows: three members for one year each, two members for two years, and four members for three years.~~ No member shall serve more than two (2) consecutive terms on the HPB. Appointments to fill a vacancy shall be for the unexpired term of office, which term shall not count toward the two (2) consecutive term limit. Upon the expiration of a term, a former member is not eligible to be re-appointed to the HPB unless a minimum of three (3) years has transpired.

c. Compensation. Members shall serve without compensation.

d. Officers. The HPB shall annually elect a chairperson and vice-chairperson as provided for in the by-laws of the HPB.

e. Meetings. All meetings of the HPB shall be public meetings. The method of setting public meetings shall be as provided for in the by-laws of the HPB.

f. Staff. The City Attorney or his or her designee and Director of Community & Economic Development or his or her designee shall serve as advisory staff to the HPB.

11.3.2 POWERS AND DUTIES

The HPB shall be responsible for identifying and maintaining Lakeland's historic resources for the benefit of Lakeland residents, both now and in the future, through the development and administration of a comprehensive historic preservation program. The HPB shall have the power and authority to:

- a. Identify to the City Commission areas deserving of being included within a historic district and the designation of such districts;
- b. Appoint design review committees ~~to review construction and alterations within each historic district~~ members;
- c. Identify and recommend designation of local historic landmarks;
- d. Develop and maintain a local register of historic places;
- e. Identify city policies that ~~which~~ impact upon ~~upon~~ historic preservation;
- f. Coordinate local activities with state and national preservation efforts, and review relevant legislation;
- g. Further public awareness of Lakeland's past and of preservation in general;
- h. Inform the public of the HPB's activities and of preservation needs in the community;

- i. Adopt rules and procedures.

11.3.3 DESIGN REVIEW COMMITTEE

There shall be ~~is hereby established~~ a Design Review Committee (DRC), ~~which shall be a standing sub-committee of the HPB for the purpose of conducting design review for Certificate of Review applications. for each historic district~~ Membership of the DRC will consist consisting of a minimum of five (5) and a maximum of seven (7) members of the HPB. Any member of the ~~Historic Preservation Board~~ HPB may be appointed as an alternate to serve on the ~~Design Review Committee~~ DRC in the absence of ~~committee~~ DRC members. At least one member of the DRC shall own property, operate a business, or maintain an office within the boundaries ~~of the District~~ historic districts. The DRC shall select a Chairman and Vice-Chairman in accordance with the by-laws of the HPB. A majority of the DRC membership shall be required to approve or disapprove an application for a Certificate of Review.

11.4 HISTORIC DISTRICTS

- a. A historic district is a geographically definable contiguous or noncontiguous area possessing a significant concentration, linkage or continuity of sites, buildings, structures, or objects united by past events, physical development or plan, design, setting, materials, workmanship, sense of cohesiveness or related historical, cultural, or aesthetic associations. ~~or aesthetically by plan or physical development~~
- b. No historic district shall be established within the City of Lakeland except as provided in this section.
- c. The HPB may identify an area as being suitable for designation as a historic district. It shall then have the area surveyed and studied for the purpose of determining the age and significance of each building, site, or structure within the area. The results of that survey and study shall be reported to the HPB which may, following a public hearing, recommend to the City Commission the establishment of a district and the boundary thereof. Following receipt of that recommendation, a district may be established by adoption by the City Commission of an ordinance to that effect.

11.5 LOCAL HISTORIC LANDMARKS

- a. A local historic landmark is an unimproved parcel of ~~group~~ ground or a parcel of ~~group~~ ground with improvement of particular historic or cultural significance which:
 - 1. Reflects the broad cultural, political, economic or social history of the city, state, or national; or
 - 2. Is identified with ~~historic personages or important events~~ that are historically significant to in the city, state, or nation; or
 - 3. Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship; or
 - 4. Is representative of the notable work of a master builder or designer whose individual ability has been recognized or who influenced his or her era.
- b. No historic landmark within the City of Lakeland shall be designated except as provided in the section.

- c. The HPB shall seek and accept nominations of buildings, sites, and structures for designation as Local Historic Landmarks. It may initiate such designation itself. The HPB shall be responsible for reviewing a proposed landmark to determine its local, state, or national significance. A building, site, or structure approved by the ~~Court~~ HPB for landmark designation shall be recommended to the City Commission for such designation upon adoption of a resolution to that effect by the Commission.

11.6 CERTIFICATES OF REVIEW

11.6.1 GENERAL

- a. No locally designated landmark or building, structure, or site of any kind within a historic district shall be erected, altered, constructed, restored, ~~moved~~relocated, or demolished ~~within the district~~ until an application for a Certificate of Review ~~of exterior architectural features~~ has been approved by the DRC. For the purposes of this article, ~~“exterior architectural features”~~ design review by the DRC shall include, but not be limited to, the architectural style, scale, size and proportion, general design and arrangement, or exterior of a building, including the kind of texture of a building material, color and type of protective covering, and the type and style of roofs, windows, doors, and signs.
- b. Nothing in this article shall be construed to prevent ordinary maintenance or repairs which do not involve a change of design or material, or alter the ~~outward~~ exterior appearance of a building.
- c. The DRC may make such recommendation for the changes or modifications to building plans and specifications as deemed necessary to enable the applicant to satisfy the criteria for issuance of a certificate as set forth in Sub-Section 11.6.3. The DRC shall state its reason(s) for not approving the issuance of a Certificate of Review.

11.6.2 PROCEDURE

- a. The HPB shall adopt rules prescribing the procedures for making and reviewing applications for a Certificate of Review and the form and content thereof.
- b. Reviews shall be based on ~~The Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.~~ the Secretary of the Interior’s Standards for the Treatment of Historic Properties, along with any published guidelines accompanying these Standards, and any design guidelines adopted by the HPB for locally designated historic properties.
- c. Historical resources not located in ~~the~~ a historic district or designated as a local landmark but ~~located~~ listed or eligible for listing by the National Park Service on the National Register of Historic ~~Properties~~ Places will also be subject to the Certificate of Review procedure.
- d. The DRC shall promptly hold a hearing upon each application and shall provide adequate notice thereof to the applicant; the city’s building inspection office, and the public.
- e. The DRC shall state the reason(s) for not approving the issuance of a Certificate of Review and shall require any change in the building plans or specifications as deemed necessary and appropriate to cause the proposed construction to satisfy the criteria set forth in Sub-Section 11.6.3.
- f. The Certificate of Review shall describe the project for which it was issued and the type of work to be done. The DRC may require certain terms or conditions as a prerequisite for the approval of a Certificate of Review, which shall be clearly stated thereon.

- g. The HPB shall prepare a list of routine alterations which may receive administrative approval of a Certificate of Review from the HPB staff without a public meeting, provided that the alteration complies with the guidelines of the HPB. Such routine alterations shall include, but not be limited to, minor work by replacement of damaged or deteriorated materials in like kind.

11.6.3 REVIEW CRITERIA

The following criteria shall be the basis on which the DRC approves or disapproves an application for a Certificate of Review depending on the nature of the exterior alteration:

(a) New Construction

New construction shall be visually compatible with the buildings and environment with which it is visually related, including, but not limited to:

1. The height, the floor-to-area ratio, the proportion between width and height of the exterior, the proportions and relationships between doors and windows, the relationship of solids to voids created by openings in the exterior, the materials used in the exterior, the texture inherent in the exterior, the colors, pattern, and trim used in the exterior, and the design of the roof.
2. The relationship of building masses and spaces between them.
3. The site and landscape plan shall be sensitive to the individual building, its occupants and needs, and shall be visually compatible with the buildings and environment with which it is visually related.
4. A new street exterior shall relate to adjacent buildings.
5. Architectural features shall be incorporated whenever possible to relate the new with the old and to preserve and enhance the characteristics of the District.

(b) Alterations to Existing Building, Structure, or Site

1. The criteria set forth in Sub-Section a., above, shall be considered insofar as applicable to the historic characteristics of the building, structures, and sites visually related to it.
2. Alterations shall not affect the architectural quality or historic character of the building, structure, or site, but shall, to the extent possible, maintain or restore the historic design and condition.
3. Exterior signs or interior signs plainly visible from the exterior shall be compatible with the buildings and environment with which they are visually related.

(c) Relocation shall be reviewed with regards to:

1. The historic character and aesthetic interest the building or structure contributes to its present setting.
2. Whether the proposed relocation area is compatible with the historical and architectural character of the building or structure.

3. Whether there are definite plans for the property to be vacated and what the effect of those plans on the character of the surrounding area will be.
4. Whether the building or structure can be moved without significant damage to its physical integrity.

(d) Demolition is generally discouraged and shall be reviewed with regards to:

1. The architectural significance of the building or structure. Architectural significance shall be determined by the DRC at the time of the demolition request and shall be based upon documentation of the property's architectural integrity and historical or cultural significance. Designation of the building or structure as "non-contributing" by the most recent historic district survey does not preclude the DRC from making a determination of architectural significance.
2. The contribution of the building or structure to the history or origins of the historic district.
3. The future utilization of the site, including any replacement buildings or structures.

(e) Reconstruction

1. The reconstruction of a building or structure damaged by fire, storm or other act of God shall be reviewed by the DRC according to the criteria in Sub-Section b, above. Totally or substantially new construction, regardless of reason, shall be reviewed according to the criteria set forth in Sub-Section a., above.

(f) Redevelopment Areas within Historic Districts

1. The DRC shall operate to further the implementation of redevelopment plans where such plans have been formally adopted within established local or national historic districts. These redevelopment areas are listed and described below:

(a) Garden District

Adopted by Ordinance 4549, June 21, 2004 this area encompasses the East Lake Morton Historic District and includes peripheral areas not part of the original historic district. This includes property located south of East Main St., north of East Walnut St., east of South Iowa Ave., and west of Bartow Road. The redevelopment plan is intended to make the area more attractive for redevelopment, create high value residential development while preserving significant historic structures and create an overall character that contributes to the maintenance of this central city historic neighborhood.

(b) Dixieland CRA Commercial Corridor

1. Adopted by Ordinance 4592, November 15, 2004 this area encompasses portions of the Dixieland Historic District. This includes property located along the South Florida Avenue commercial corridor south of East Walnut Street and north of Lenox Street. The DRC will operate to further the implementation of the adopted redevelopment plans as well as protect historic resources and serve as an advisory board to the City Commission on matters of redevelopment.
2. The DRC shall in its capacity work to amend or otherwise elaborate redevelopment activities including proposals for public improvements such as parks, alleys, streetscape, traffic calming, and other civic amenities and facilities.

3. The DRC shall act in its normal capacity to provide design review for all activity taking place in said redevelopment areas through the issuance of Certificates of Review and shall also consider and provide guidance on redevelopment proposal that involve larger areas and multiple sites as well as public improvements that impact public rights of way, blocks and the entire district.

4. Certificates of Review

(a) New Construction

- i. The DRC shall utilize the same procedures set forth in Sub-Section 11.6.2 and criteria set forth in Sub-Section 11.6.3 for all historic districts to ensure compatibility with the existing fabric of the historic district. The DRC shall utilize established guidelines and also adopted redevelopment plans.

(b) Alterations to Existing Buildings, Structure or Site

- i. The DRC shall utilize the same criteria set forth in Sub-Section 11.6.3 for all historic districts to ensure compatibility with the existing fabric of the historic district. The DRC shall utilize established guidelines and also adopted redevelopment plans.

(c) Relocation within redevelopment areas shall be reviewed with regards to:

- i. The historic character and aesthetic interest the building or structure contributes to its present setting.
- ii. Whether the proposed relocation area is compatible with the historical and architectural character of the building or structure.
- iii. Whether the building or structure can be moved without significant damage to its physical integrity.
- iv. The future proposed utilization of the site in relation to specific or proposed plans. When specific plans are not available for the site, the proposed plans may include formally established redevelopment plans or those plans submitted by the applicant that comply and are compatible with the district and meet the intent of the adopted redevelopment plan. The relocation review process will take into consideration a ranking of properties in redevelopment areas based on architectural significance and integrity as identified by the HPB.

(d) Demolition within redevelopment areas is generally discouraged and shall be reviewed with regards to:

- i. The architectural significance of the building or structure. Architectural significance shall be determined by the DRC at the time of the demolition request and shall be based upon documentation of the property's architectural integrity and historical or cultural significance. Designation of the building or structure as "non-contributing" by the most recent historic district survey does not preclude the DRC from making a determination of architectural significance.
- ii. The contribution of the building, structure or site to the history or origins of the historic district.
- iii. The future proposed utilization of the site in relation to specific or proposed plans. When specific plans are not available for the site, the proposed plans may include

formally established redevelopment plans or those plans submitted by the applicant that comply and are compatible with the district and meet the intent of the adopted redevelopment plan. The demolition review process will take into consideration a ranking of properties in redevelopment areas based on architectural significance and integrity as identified by the HPB.

11.6.4 COMPLIANCE

- a. The Building Official shall not issue a building permit for any exterior alteration or demolition of a local historic landmark or building, structure, or site within a historic district unless a Certificate of Review has been approved and issued by the DRC. A permit for demolition may only be issued upon the issuance of a building permit for the replacement building or structure. Exceptions to this may be granted by the Building Official if deemed necessary to ensure public safety or by the Design Review Committee for other good cause shown.
- b. Any exterior alteration to a building, structure, or site shall be accomplished in strict compliance with the Certificate of Review. ~~The Building Official shall, as part of his official duties~~ Staff of the HPB shall inspect the building to determine compliance with the Certificate of Review. Failure to comply with the Certificate of Review shall be treated in the same manner as any other building code or building permit violation, including revocation of the permit and municipal ordinance violation punishable as provided in the City Code.

11.7 ENFORCEMENT AND APPEALS

- a. If the DRC denies an application for a Certificate of Review, the applicant may appeal the decision to the Historic Preservation Board upon one or more of the following grounds:
 1. The DRC failed to properly follow adopted procedure or due process requirements;
 2. The DRC failed to properly apply adopted standards or regulations;
 3. Administrative staff failed to follow professional practice in performing technical analysis;
 4. No competent, substantial evidence was presented to the DRC to support its decision; or
 5. New evidence has been discovered that, through the exercise of proper diligence, could not have been discovered prior to the public hearing before the DRC.
- b. The applicant shall file the appeal in writing with the City Attorney within fourteen (14) calendar days of the DRC's action, stating the specific reason(s) for the appeal as described above. Failure to timely file an appeal pursuant to the criteria set forth herein shall constitute a waiver of the right to appeal.
- c. The City Attorney shall place an appeal meeting the criteria set forth herein on a Historic Preservation Board agenda occurring within thirty (30) calendar days of receipt of the applicant's written appeal and shall cause public notice of the hearing on the appeal to be given. An appeal may be continued or scheduled beyond thirty (30) calendar days for good cause.
- d. Upon consideration of the appeal, the Historic Preservation Board shall first determine whether one or more of the above grounds for an appeal exist. If the Historic Preservation Board does not find that at least one of the above grounds exists, the Historic Preservation Board shall deny the appeal and affirm the decision of the DRC. If the Historic Preservation Board finds that one or more of the above grounds exist, the Historic Preservation Board shall then, at the same meeting, conduct a full public hearing on the merits of the case. The hearing may be continued by the Historic Preservation Board to a later date for good cause. At the hearing, the Historic Preservation Board may consider both new testimony and evidence, as well as the record created before the DRC. Following the hearing, the Historic Preservation Board may:
 1. Affirm the decision of the DRC;
 2. Remand the case to the DRC for reconsideration; or
 3. Reverse, in whole or in part, or modify the decision of the DRC and direct staff to prepare a Certificate of Review or other appropriate instrument granting relief in accordance with the HPB's direction.

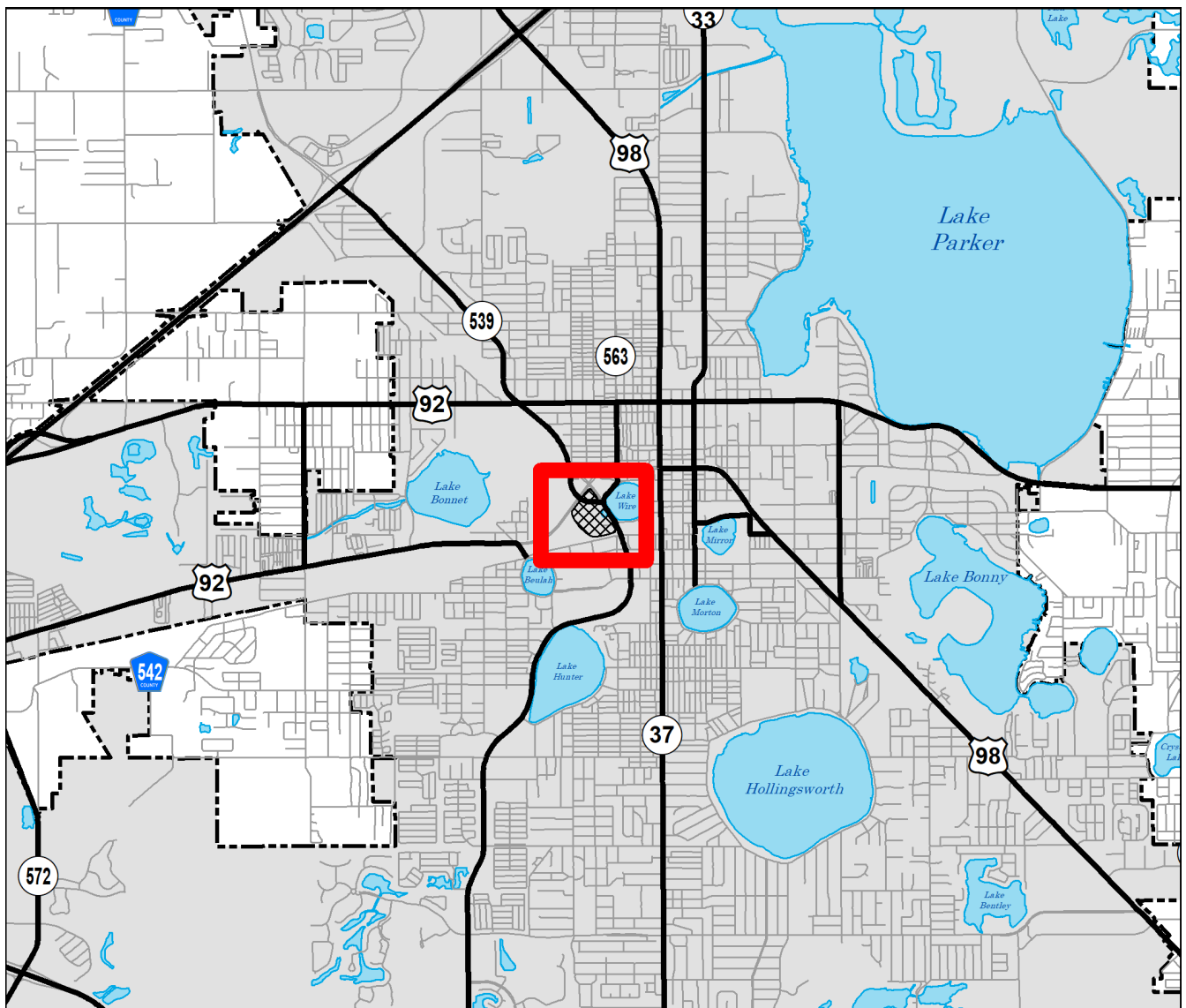
- e. The Applicant may not take an appeal from an adverse decision of the HPB to the City Commission. ~~Such an appeal must be taken within 14 days of the DRC's decision. The HPB shall by rule establish procedures for processing appeals.~~
- f. Any subsequent appeal must be filed with the Circuit Court within 30 days of the rendition of the order by the Historic Preservation Board. ~~Any other possible remedies are in a court of law or equity.~~

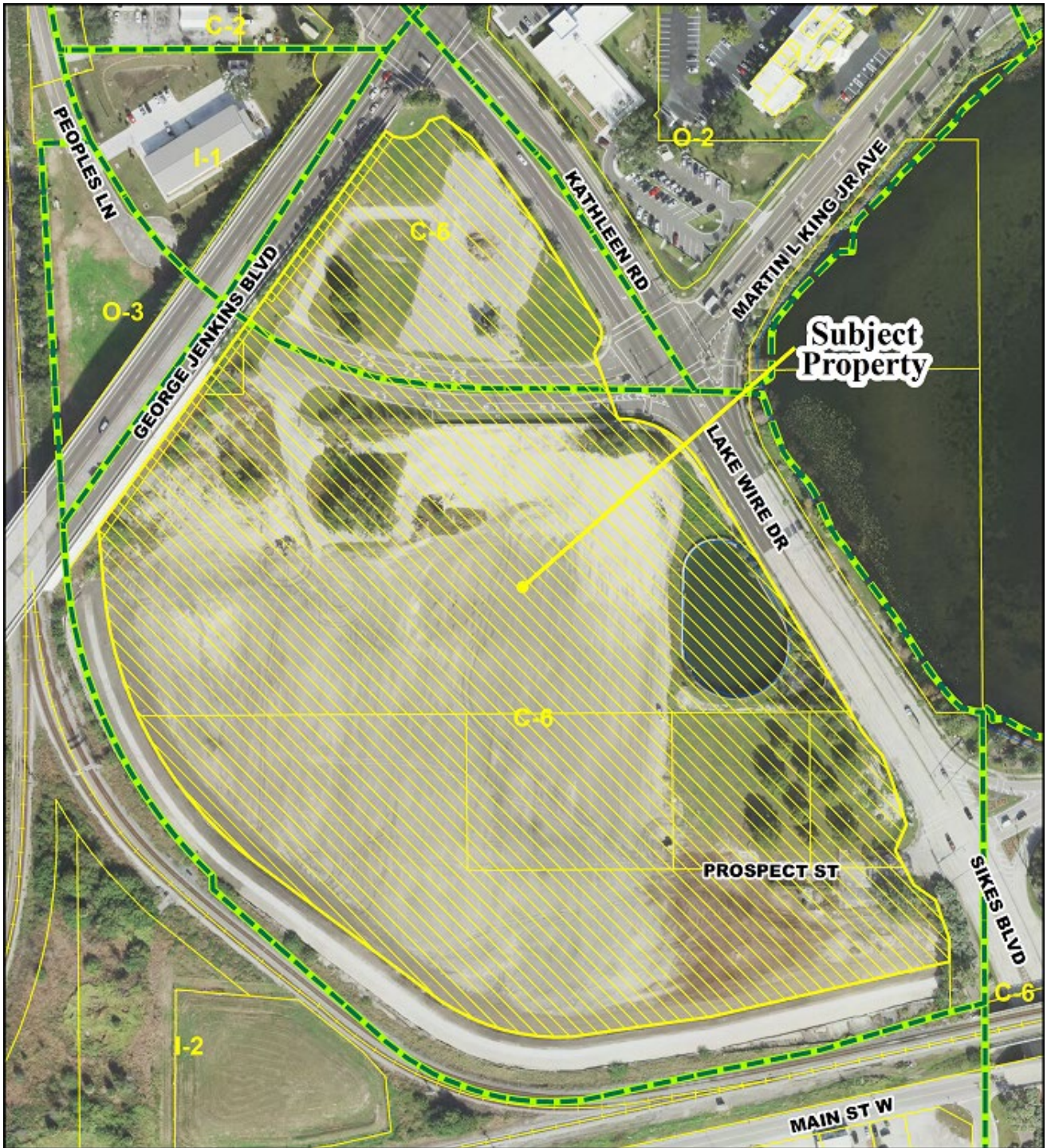


Community & Economic Development Staff Recommendation

Date:	August 20, 2024	Reviewer:	Audrey McGuire
Project No:	SUB24-003	Location:	1 Sikes Boulevard
Owner:	Lake Wire Owner, LLC		
Applicant:	Jaime Igua, VHB		
Current Zoning:	C-6 (Downtown Commercial)	Future Land Use:	Regional Activity Center (RAC)
Context District:	Urban Center (UCT)		
P&Z Hearing:	August 20, 2024	P&Z Final Decision:	August 20, 2024
Request:	Plat approval for the Lake Wire Commercial Development II subdivision on approximately 22.04 acres at the northwest corner of Sikes Boulevard and W. Main Street (1 Sikes Boulevard).		

1.0 Location Maps





2.0 Background

2.1 Summary

Jaime Igua, VHP, on behalf of Lake Wire Owner, LLC, has submitted a plat for the Lake Wire Commercial Development II (Lake Wire Apartments) subdivision on approximately 22.04 acres located at the northwest corner of Sikes Boulevard and W. Main Street (1 Sikes Boulevard.) Plats are reviewed by the City's Subdivision Review Team for compliance with Article 9 (Subdivision Standards) of the Land Development Code.

Attachments

Plat Sheets for Lake Wire Commercial Development II

3.0 Recommendation

3.1 Community & Economic Development Staff

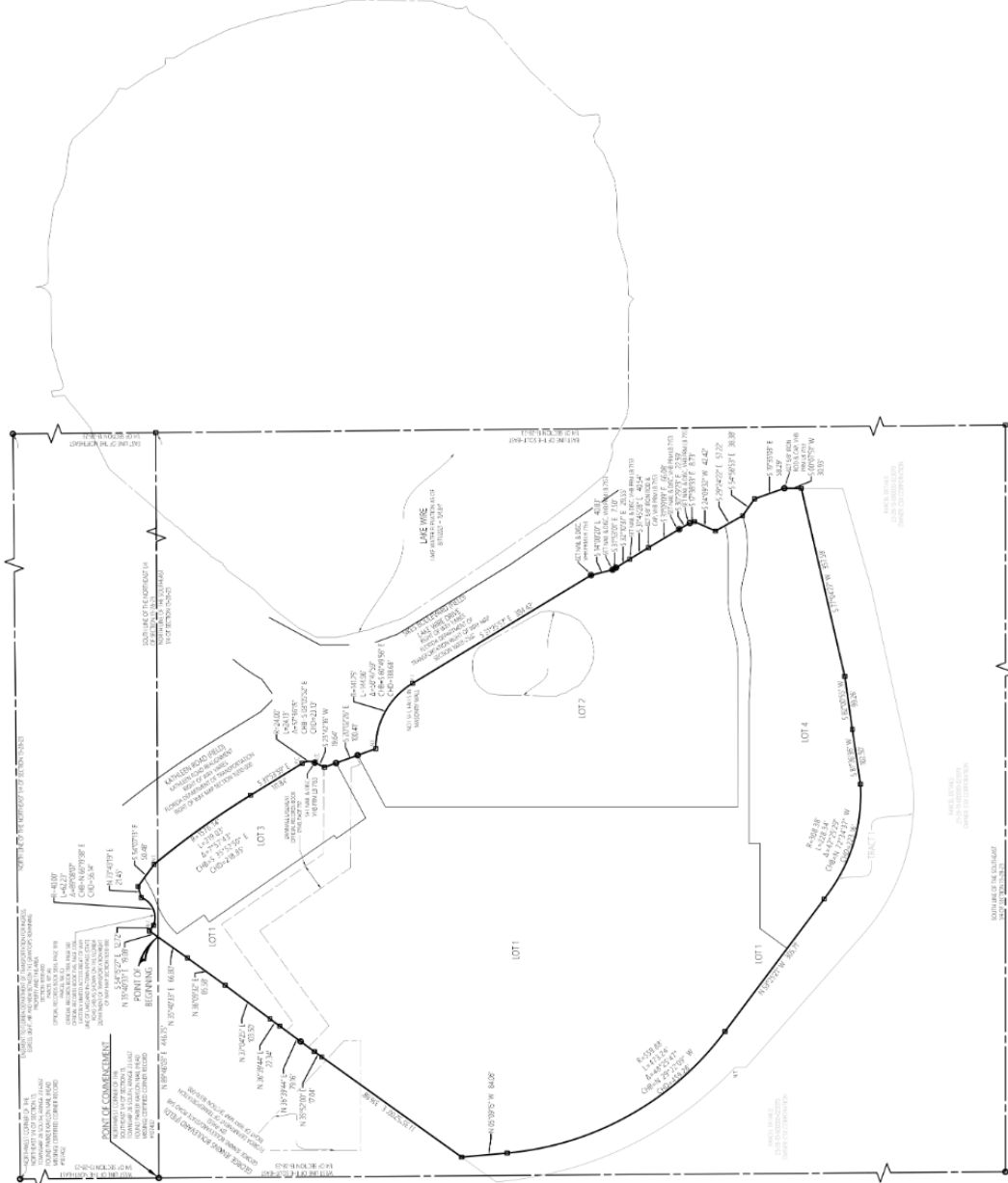
It is recommended that the Planning and Zoning Board approve the plat as conforming to Article 9 (Subdivision Standards) of the Land Development Code.

LAKE WIRE COMMERCIAL DEVELOPMENT II

SHEET 5 OF 5 PLAT BOOK

PAGE

A REPLAT OF LAKE WIRE COMMERCIAL DEVELOPMENT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 194, PAGE 12 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA AND A PORTION OF SECTION 13, TOWNSHIP 28 SOUTH, RANGE 23 EAST, CITY OF LAKELAND, POLK COUNTY, FLORIDA



NUMBER	BEARING	DISTANCE
1	S 89° 00' 00" W	10.00
2	S 89° 00' 00" W	10.00
3	S 89° 00' 00" W	10.00
4	S 89° 00' 00" W	10.00
5	S 89° 00' 00" W	10.00
6	S 89° 00' 00" W	10.00
7	S 89° 00' 00" W	10.00
8	S 89° 00' 00" W	10.00
9	S 89° 00' 00" W	10.00
10	S 89° 00' 00" W	10.00
11	S 89° 00' 00" W	10.00
12	S 89° 00' 00" W	10.00
13	S 89° 00' 00" W	10.00
14	S 89° 00' 00" W	10.00

NUMBER	BEARING	DISTANCE	CODE/ABBREVIATION	COORDINATES
1	S 89° 00' 00" W	10.00	C	...
2	S 89° 00' 00" W	10.00	C	...
3	S 89° 00' 00" W	10.00	C	...
4	S 89° 00' 00" W	10.00	C	...
5	S 89° 00' 00" W	10.00	C	...
6	S 89° 00' 00" W	10.00	C	...
7	S 89° 00' 00" W	10.00	C	...
8	S 89° 00' 00" W	10.00	C	...
9	S 89° 00' 00" W	10.00	C	...
10	S 89° 00' 00" W	10.00	C	...
11	S 89° 00' 00" W	10.00	C	...
12	S 89° 00' 00" W	10.00	C	...
13	S 89° 00' 00" W	10.00	C	...
14	S 89° 00' 00" W	10.00	C	...

LEGEND & ABBREVIATIONS

- CBR - CONVEYANCE BEARING
- CD - CONVEYANCE DOCUMENT
- CH - CONVEYANCE HEDGECOCK
- CHN - CONVEYANCE HEDGECOCK NOTATION
- CL - CONVEYANCE LINE
- CLC - CONVEYANCE LINE CORNER
- CLD - CONVEYANCE LINE DISTANCE
- CLF - CONVEYANCE LINE FOOTING
- CLG - CONVEYANCE LINE GROUND
- CLH - CONVEYANCE LINE HEDGECOCK
- CLI - CONVEYANCE LINE INTERSECTION
- CLJ - CONVEYANCE LINE JUNCTION
- CLK - CONVEYANCE LINE KNOT
- CLL - CONVEYANCE LINE LATERAL
- CLM - CONVEYANCE LINE MOUNTAIN
- CLN - CONVEYANCE LINE NORTH
- CLP - CONVEYANCE LINE POINT
- CLQ - CONVEYANCE LINE QUARTER
- CLR - CONVEYANCE LINE RIGHT
- CLS - CONVEYANCE LINE SECTION
- CLT - CONVEYANCE LINE TOWNSHIP
- CLU - CONVEYANCE LINE UPPER
- CLV - CONVEYANCE LINE VERTICAL
- CLW - CONVEYANCE LINE WEST
- CLX - CONVEYANCE LINE WESTERLY
- CLY - CONVEYANCE LINE YARD
- CLZ - CONVEYANCE LINE ZONING

THIS PLAT WAS PREPARED BY THE ENGINEER AND THE ENGINEER HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND THAT THE INFORMATION ON THIS PLAT IS TRUE AND CORRECT TO THE BEST OF HIS KNOWLEDGE AND BELIEF. THE ENGINEER'S LIABILITY IS LIMITED TO THE PREPARATION OF THIS PLAT AND DOES NOT EXTEND TO THE CONSTRUCTION OF THE PROJECT OR TO THE OPERATION OF THE PROJECT. THE ENGINEER'S LIABILITY IS LIMITED TO THE PREPARATION OF THIS PLAT AND DOES NOT EXTEND TO THE CONSTRUCTION OF THE PROJECT OR TO THE OPERATION OF THE PROJECT.

225 E. Robinson Street
 Suite 300
 Orlando, FL 32801
 407.839.4005
 Certificate of Authorization
 Licensee Business LB 7153





Report of City Commission Action on Planning and Zoning Board Recommendations

Tuesday, August 20, 2024

Meeting of August 5, 2024

Ordinances (First Reading)

Proposed 24-027; Small Scale Amendment #LUS23-003 to the Future Land Use Map to Change Future Land Use from Residential Medium (RM) to Public Buildings, Grounds and Institutional Uses (PI) on Approximately 2.29 Acres Located West of N. Florida Avenue, South of W. 5th Street, East of N. New York Avenue and North of W. 4th Street. (LUS23-003)

Proposed 24-028; Change in Zoning from RA-4 (Single-Family Residential) to PUD (Planned Unit Development) to Allow for the Development of a Four-Story Community Health Clinic/Medical-Office Use on Approximately 2.29 Acres Located West of N. Florida Avenue, South of W. 5th Street, East of N. New York Avenue and North of W. 4th Street. (PUD24-001)

Meeting of July 15, 2024

Ordinances (Second Reading)

Proposed 24-023; Approving a Conditional Use to Allow a Special Event Venue/Banquet Hall on Property Located at 112 E. Pine Street. (CUP24-006) **Approved 6—0, Ordinance 6042**

Proposed 24-024; Amending Ordinance 5259, as amended, Major Modification of a Conditional Use to Allow for the Placement of Two Temporary 960 Sq. Ft. Modular Classroom Buildings and an Increase in the Maximum School Enrollment from 225 to 500 Students for Parkway Baptist Church Located at 4210 Lakeland Highlands Road. (CUP23-025) **Approved 5—1, Ordinance 6043**