

**ORDINANCE NO. 6057**

**PROPOSED ORDINANCE NO. 24-041**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA RELATING TO ZONING; PROVIDING FOR TEXT AMENDMENT LDC24-009 TO ARTICLE 10 (CONCURRENCY STANDARDS) OF THE LAND DEVELOPMENT CODE TO REQUIRE A SIGNED AND SEALED ANALYSIS PERPARED BY A REGISTERED TRAFFIC ENGINEER AND ADDITIONAL SAFETY ANALYSES THAT WILL BE REQUIRED FOR MAJOR TRAFFIC STUDIES; MAKING FINDINGS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, by Ordinance 5425, adopted on December 16, 2013, the City Commission of the City of Lakeland, Florida adopted the Land Development Code for the City of Lakeland; and

**WHEREAS**, the Planning and Zoning Board held a public hearing on July 16, 2024, to consider Text Amendment LDC24-009 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; and

**WHEREAS**, the Planning and Zoning Board, at the conclusion of its regular meeting on August 20, 2024, approved and recommended to the City Commission that Text Amendment LDC24-009 to the Land Development Code be adopted; and

**WHEREAS**, the City Commission, after conducting a duly-advertised public hearing at which all interested persons were afforded the opportunity to be

heard, finds that it is in furtherance of the public health, safety and welfare of the citizens of the City of Lakeland to adopt Text Amendment LDC24-009 as described above;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION  
OF THE CITY OF LAKE LAND, FLORIDA:**

**SECTION 1.** The foregoing findings are true and correct and are incorporated herein by reference and made a part hereof.

**SECTION 2.** Text Amendment LDC24-009 to the Land Development Code, as set forth in Attachment "A," attached hereto and made a part hereof, is hereby adopted and made a part of the City's Land Development Code.

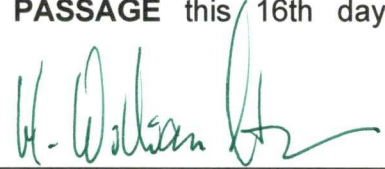
**SECTION 3.** The City Commission does hereby expressly find that the provisions of this Ordinance are in conformity with the Comprehensive Plan of the City of Lakeland adopted by Ordinance 5885, and that all procedures for the enactment of this Ordinance have been complied with.

**SECTION 4.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.


**SECTION 5.** If any word, sentence, clause, phrase or provision of this Ordinance, for any reason, is held to be unconstitutional, void or invalid, the validity of the remainder of this Ordinance shall not be affected thereby.

**SECTION 6.** This Ordinance shall take effect immediately upon its passage.

PASSED AND CERTIFIED AS TO PASSAGE this 16th day of  
September, A.D. 2024.

  
\_\_\_\_\_  
H. WILLIAM MUTZ, MAYOR

ATTEST:   
 KELLY S. KOOS, CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS:   
\_\_\_\_\_  
PALMER C. DAVIS  
CITY ATTORNEY

## 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 85<sup>th</sup> percentile speed shall be provided for roadways at intersecting site driveways (existing and proposed). If empirical 85<sup>th</sup> 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 85<sup>th</sup> 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 95<sup>th</sup> 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.

4011. 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)