

MEMORANDUM

DATE: October 19, 2021

TO: Honorable Mayor and City Commissioners

VIA: James Slaton, City Manager

FROM: Mark J. Bennett, Development Services Director
Autumn Cochella, Development Services Manager

Public Hearing Required - Notice Requirements Have Been Met

SYNOPSIS: ORDINANCE 2021-25 1st reading and Public Hearing-*Proposes amendments to the following sections of the Land Development Regulations (LDRs) (Chapter 23, Lake Wales Code of Ordinances):*

- *Table 23-421 Permitted and Special Exception Uses in Standard Zoning Districts*
- *Section 23-802 Definitions*

RECOMMENDATION

At a regular meeting on September 28, 2021, the Planning and Zoning Board made a recommendation of approval to City Commission for the proposed changes to the Land Development Regulations.

BACKGROUND

Areas of the Land Development Regulations (LDRs) (Chapter 23, Lake Wales Code of Ordinances) have been identified as needing amendments.

1.) Permitted Use Chart

- a)** Currently under the Land Development Regulations, the City only lists the following residential dwelling types:

- Single-Family
- Two-family (duplex)
- Multi-Family
- Dwelling unit for caretaker employed on premises
- Accessory dwelling unit
- Mixed-use residential and non-residential

Current code does not regulate the placement of mobile, manufactured, or modular homes in any zoning districts within the city. Historically, these dwelling types have

been approved as single-family homes, so long as they meet the dimensional and area standards found in the Land Development Code, and so long as they meet the Florida Building Code requirements for a dwelling. Staff has received consistent feedback from the community, as well as Planning and Zoning Board members, regarding the compatibility issues with allowing mobile home-type dwellings to be placed in any residential zoning district.

Part one of addressing these concerns entails defining or re-defining these dwelling types within the definitions section of the code, and then adding it to the Permitted Use Chart as a residential dwelling type *not currently permitted in any existing zoning districts*. The purpose of creating the category within the chart, but not permitting these dwelling types in any zoning districts, is to impose a short moratorium on new mobile home sets within the city until standards are in place.

Part two will be to develop standards and regulations for manufactured homes, and to denote within the Permitted Use Chart the zoning districts in which manufactured homes may be approved as single-family homes. Once Staff has developed these regulations, the Planning and Zoning Board will review the language for a separate recommendation to City Commission.

b) Lots of record

Code Definition: A lot which is duly recorded in the office of the clerk of the circuit court or a parcel described by metes and bounds, the description of which has been so recorded on or before the effective date of these zoning regulations or of prior zoning and subdivision regulations governing the creation of lots.

Staff proposes to add Note 12 to the Permitted Use Chart, which will allow lots of record within the CRA III to be subdivided to its originally-platted dimensions, considered buildable single-family lots, so to encourage new single-family development on infill lots and the creation of more affordable housing opportunities.

Because minimum lot widths in current code are in excess of what was originally platted, code prohibits the re-subdivision of lots which would create non-conforming, unbuildable lots under today's dimensional and area standards.

Staff proposes the following language:

Within CRA3, Lots of Record shall be allowed to have one single-family residence, based on the R-1D zoning district standards. Approval of this use shall be granted

by an Administrative Waiver, approved by the City Manager, using the criteria contained in Section 23-422.

2.) Definitions

Section 23-802 Definitions, currently defines Manufactured Home as: *a building, transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes part trailers, travel trailers, and similar transportable structures placed on a site for one hundred eighty (180) consecutive days or longer and intended to be improved property.*

Under the definitions code section for Mobile Home: *See manufactured home.*

Modular homes are not defined.

Proposed Definitions

Manufactured Home: *(aka mobile home) shall mean a structure, transportable in one (1) or more sections, which, in the traveling mode, is twelve (12) body feet or more in width, and which is built on a metal frame and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. If fabricated after June 15, 1976, each section bears a U.S. Department of Housing and Urban Development label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards (§ 320.01, F.S. 1992 supplement)*

Modular Home: *shall not mean a manufactured home (aka mobile home) but refers to a unit partially constructed off-site (such as trusses and wall sections) and assembled at the site as a standard home or building unit, meeting all the Southern Building Standard Code requirements. Modular homes are indistinguishable from site-built homes.*

CODE REFERENCES AND REVIEW CRITERIA

- Table 23-421 Permitted Uses and Special Exception Uses in Standard Zoning Districts
- Section 23-802 Definitions
- Section 23-422 Dimensional and Area Standards

FISCAL IMPACT

The lot of record provision would allow for new residential development on infill lots within the CRA III, resulting in an increase in property values.

ATTACHMENTS

CRA III Area Map