

## MEMORANDUM

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**DATE:** July 19, 2022

**TO:** Honorable Mayor and City Commissioners

**VIA:** James Slaton, City Manager

**FROM:** Autumn Cochella, Assistant Director of Development Services  
Mark J. Bennett, Development Services Director

**Public Hearing Required - Notice Requirements Have Been Met**

**RE:** Ordinance 2022-30 LDR Updates Chapter 23 Land Development Regulations – 1st Reading and **public hearing**

**SYNOPSIS:** *Staff proposes amendments to the following sections of the Land Development Regulations (LDRs) (Chapter 23, Lake Wales Code of Ordinances):*

- a. Section 23-421 Permitted Uses*
- b. Section 23-302 Definitions*

### **RECOMMENDATION**

At a regular meeting on April 26, 2022, the Planning and Zoning Board made a recommendation of approval to City Commission for the proposed changes to the Land Development Regulations. On June 7, 2022, at a regular meeting, City Commission denied the recommendation with changes to Section 23-306 Off-Street and Vehicular Access. Ordinance 2022-30 without Section 23-306 is being brought back to City Commission for first reading. Staff recommends approval, following a public hearing.

### **Sec. 23-421 Permitted Uses**

*Background and justification:* new amendments to the Permitted Use Chart are proposed in order to strengthen the intent of recent code changes affecting the placement of manufactured and modular homes within the city. The intent of the code is to allow manufactured homes through the PDP approval process only, to prohibit them on infill or individual lots, and to distinguish between housing types.

TABLE 23-421

PERMITTED USES AND SPECIAL EXCEPTION USES IN STANDARD ZONING DISTRICTS

P - Permitted Use S - Special Exception Use PDP - Planned Development Project MDP - Master Development Plan																				
	R-1A	R-1B	R-1C	R-1D	R-2	R-3	P F U	PDM	C-1/ C-1A	C-2	C-2R	C-3	C-4	C-5 <sup>1</sup>	L CI	B IP	I - 12	C - N	R	
RESIDENTIAL																				
Dwelling: Single-family	P	P	P	P	P	P	PMDP				P			P						
Dwelling: Two-family					P	P	PMDP				P			P						
Dwelling: Multi-family (up to 12 units on one parcel)						P	PMDP		P	P	P	P		P						
Dwelling: Multi-family (more than 12 units/parcel)						PDP	PDP PMDP		PD P	PD P	PD P	PDP		PD P						
Dwelling unit for caretaker employed on premises							S MDP		S	S	S	S		S	S	S	S	S	S	S

Dwelling, accessory to single-family house*	S	S	S	S	S	S				S	S	S	S	S					
Mixed-use - residential and nonresidential	PD P	PD P	PD P	PD P	PD P	PD P		S MDP	P	P	S	PDP 2	PD P						
<u>Manufactured and Modular Homes (individual lots)</u>																			
<u>Manufactured Home and Modular Home Parks Community</u>	PD P	PD P	PD P	PD P	PD P	PDP													
<u>Modular Home Subdivisions</u>	PD P	PD P	PD P	PD P	PD P	PDP													
<u>Manufactured Home Subdivisions</u>																			

**Section 23-802 Definitions**

*Background and justification:* The proposed definition changes should add clarity to the City’s intent behind distinguishing between dwelling unit construction types.

Definitions are also included to support the Electronic Vehicle parking changes.

*Dwelling unit.* Quarters, including sleeping, kitchen, and bathroom facilities, for one (1) household. (See also household.)

*Accessory dwelling unit* means an apartment or guest house incidental to the principal structure on a lot.

*Caretaker dwelling unit* means an apartment or house incidental to the principal structure and use on a lot and used primarily by a person or persons responsible for the upkeep of the property.

*Multi-family dwelling* means a building providing quarters for three (3) or more households.

*Single-family dwelling* means a building providing quarters for one (1) household. For the purpose of this Chapter, a manufactured home, modular home, or shipping container shall not be considered a single-family dwelling.

*Two-family dwelling* means a building providing separate quarters for two (2) households.

Modular Home shall not mean a manufactured 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. For the purposes of this Chapter, a modular home shall not be considered a single-family dwelling. ~~Modular homes are indistinguishable from site-built homes.~~

*Modular home park or subdivision* means a parcel (or contiguous parcels) of land divided into two (2) or more modular home lots for rent or sale.

*Electric vehicle* means any vehicle that operates, either partially or exclusively, on electrical energy.

*Electric vehicle charging facility* means a public or private parking space that is served by battery charging equipment for the purpose of charging electric vehicles.

*Community Buildings* means a place, structure, area, and/or other facility used for and providing religious, fraternal, social, and recreational programs. They are not operated for profit, and neither alcoholic beverages nor meals are normally dispensed or consumed. Also known as amenity centers, these facilities are typically located in manufactured & modular parks and subdivisions.

*Community Centers* means a building to be used as a place for place of meeting, recreation, or social activity. Community Centers are typically owned or operated by a government agency.

*Shipping container* means a container with strength suitable to withstand reuse as an article for the intermodal shipment and storage of goods.

## **CODE REFERENCES AND REVIEW CRITERIA**

*Section 23-421 Permitted Uses*

*Section 23-302 Definitions*

**FISCAL IMPACT**

None

**ATTACHMENTS**

None