

## MEMORANDUM

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**DATE:** February 15, 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 2022-06 LDR Updates Chapter 23 Land Development Regulations – 1<sup>st</sup> 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):*

- *Sec. 23-303 Streets*
- *Sec. 23-307 Landscaping*
- *Table 23-421 Permitted Uses*
- *Table 23-422B Dimensional and Area Standards*
- *Sec. 23-443 Residential PDPs*
- *Sec. 23-767 Exemptions*

### **RECOMMENDATION**

At a regular meeting on January 25, 2022, the Planning and Zoning Board made a recommendation of approval to City Commission for the proposed changes to the Land Development Regulations. Staff recommends approval at first reading, following a public hearing.

### **BACKGROUND**

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

#### **Sec. 23-303 Streets**

*Background and justification:*

Traffic Impact Studies are required for all new development. The intent of this appendix to the code, according to the language prepared by the City's consulting transportation planning firm, is: *to define the requirements, procedures and methodology for the*

preparation and submission of a traffic impact study (TIS) in the City of Lake Wales and to provide equitable, consistent and systematic means of determining the future impact of proposed developments while maintaining the adopted service levels on all roadways. (See attached ordinance).

## **Sec. 23-307 Landscaping**

### *Background and justification:*

During the review of recent Site Development Plans for residential projects, there has been a question of interpretation regarding street trees. Specifically, some developers are stating that they will have one of the required trees (per Sec. 307.2.a.3.) to serve as the required street tree. However, the staff's intent is that the required street tree be **in addition to** the tree density standards. To clarify this requirement, the proposed standards are suggested.

### *Sec. 307.2 Landscaping standards.*

#### *a . Tree density.*

##### *2. Non-residential density requirement.*

A minimum of ~~two (2)~~ three (3) trees shall be required for each one-quarter (¼) acre or ten thousand eight hundred ninety (10,890) square feet of land or fraction thereof in the non-residential development.

##### *3. Residential density requirements.*

Lots less than 10,000 s/f: ~~two~~, three two-inch caliper shade trees, minimum of eight feet at planting. At least one of the shade trees shall be a street tree. Corner lots shall have a minimum of one additional tree to ensure that each frontage has at least one street tree.

Lots 10,000 s/f or greater: ~~three~~, four two-inch caliper shade trees, minimum of eight feet at planting. At least one of the shade trees shall be a street tree. Corner lots shall have a minimum of one additional tree to ensure that each frontage has at least one street tree.

NOTE: Street Trees are required to have root barriers. Root barriers shall be approved by the Administrative Official prior to planting.

### Definitions:

Root Barrier – Typically used for Street Trees, Root Barriers are structures and/or materials that redirect tree roots down and away from hardscapes, preventing costly root damage while preserving the health and functionality of trees.

Street Tree – A tree that is currently located or proposed for planting along streets or highways. Such tree can be located on private property or on publicly held land. Street trees are typically planted in a linear fashion and provide spatial enclosure as well as other technical and aesthetic benefits (Wildwood Mo.)

## **Table 23-421 Permitted Uses**

Background and justification:

- 1.) In order to reduce automobile dependency for short trips, a change to the Permitted Use Chart to allow all new residential developments to provide support non-residential uses within a portion of the development (mixed-use) through the PDP process is proposed. A note is added to ensure that such non-residential uses may be those only consistent with the C-4 Neighborhood Commercial zoning district.
- 2.) In order to open up the city's industrial zones to heavy manufacturing, it is proposed to change *Manufacturing – Heavy*, from S (special exception use permit), to P (permitted), in the I-1 zoning district.
- 3.) Within the LCI Limited-Commercial zoning district, a district designed to promote a mix of commercial and industrial uses, Staff proposes to allow small grocery or convenience stores, with or without gasoline sales, by right.
- 4.) Allow manufactured home communities through the PDP process only, in residential districts. This provision does not allow individual infill or subdivided lots to place a manufactured home.

Note added:

Non-residential uses are permitted as a subordinate part of a residential Planned Development Project and are limited to those uses permitted in the C-4 Neighborhood Commercial zoning district.

**TABLE 23-422B**

**DIMENSIONAL AND AREA STANDARDS—NONRESIDENTIAL DISTRICTS\***

*Background and justification:*

Table 23-422 guides land development by requiring standard dimensional and area standards, including building height and setbacks, maximum lot coverage, and maximum building coverage. Currently, front building setbacks are determined by one of three factors: what is standard to the zoning district, what is in keeping with the surrounding area (infill development), or the right-of-way width of the roadway on which it fronts.

Current note below the setback table: *The minimum front setback shall be as designated or one-half (½) the width of the required right-of-way for the street on which the lot fronts, whichever is larger. For infill lots, the administrative official may grant a waiver allowing a reduction of the front yard setback requirement, provided the reduction is compatible with building setbacks in the immediate vicinity.*

Proposed: ~~The minimum front setback shall be as designated or one-half (1/2) the width of the required right-of-way for the street on which the lot fronts, whichever is larger. For development fronting on an arterial highway, the minimum front setback shall be 50 feet. For infill lots, the administrative official may grant a waiver allowing a reduction of the front yard setback requirement, provided the reduction is compatible with building setbacks in the immediate vicinity.~~

This change primarily affects development on County and State roads where the right-of-way widths are wider, and change periodically. Currently, US Highway 27 has a (newly increased, without the City's knowledge) right-of-way width of 200 feet; therefore, new development along this corridor would now be subject to a 100-foot front setback. This new setback requirement may potentially create unbuildable vacant commercial lots along our commercial corridors. It also encourages site design where buildings are setback so far, that a sea of asphalt parking is the prominent site feature, rather than street-oriented architecture and landscaping.

### **Sec. 23-443 Residential PDPs**

#### *Background and justification:*

Staff recommends removal of a code provision which gives developers open space credit for private residential yards, in order to achieve the required 20% minimum site-wide open space. Credit for open space should only be considered in common and public areas of the development.

*Sec. 23-443.1 Minimum design standards—Residential PDPs.* The preliminary plan for a residential PDP shall demonstrate that the site design complies with the minimum design standards of this section.

- a. *Density.* The number of units per acre shall not exceed the maximum as allowed for the classification of the property under the Future Land Use Element of the Comprehensive Plan. Acreage for density calculations shall not include areas of open water or lands within the "Conservation" classification of the Future Land Use Map.
- b. *Open space.* Excluding roadways and parking areas open space shall make up a minimum of twenty (20) percent of the site area. ~~If open space is provided as private yards for individual units, such yards shall make up only fifty (50) percent of the open space required. The remaining fifty (50) percent shall be common open space in the form of recreation area, pedestrian or bicycle paths, or landscaped common areas. The recreation area required under section 23-310 may be~~

included to meet the open space requirement except that recreation buildings and parking areas shall not be included.

### **Sec. 23-767 Exemptions**

#### *Background and justification:*

Current code provides for the exemption from the payment of impact fees for the redevelopment of sites which have been vacant less than three years. Staff proposes to increase the window of opportunity to five years, which mirror's the County's code provision.

The following shall be exempted from payment of impact fees:

- a. Alterations, expansions or replacement of an existing dwelling unit which do not increase the number of families for which such dwelling unit is arranged, designed or intended to accommodate for the purpose of providing living quarters.
- b. The alteration or expansion of an accessory building or structure which will not create additional dwelling units or will not increase the usable square footage space associated with the principal building on the land.
- c. The replacement of a dwelling unit or building with a new dwelling unit or building of the same size and use and which will not increase the square footage associated therewith; provided that the replacement of a dwelling unit or building which has been destroyed or otherwise rendered uninhabitable must be replaced within ~~three (3)~~ five (5) years of the date it was destroyed or rendered uninhabitable in order to be exempted from the payment of impact fees.

### **CODE REFERENCES AND REVIEW CRITERIA**

- *Sec. 23-303 Streets*
- *Sec. 23-307 Landscaping*
- *Table 23-421 Permitted Uses*
- *Table 23-422B Dimensional and Area Standards*
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### **FISCAL IMPACT**

None

### **ATTACHMENTS**

Ordinance 2022-06