

ORDINANCE 2020-27

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS ADDING A REVISED ARTICLE IV. DISTRICT REGULATIONS/DIVISION 1. ZONING DISTRICTS/SECTION 23-401.B TO CREATE THE PLANNED DEVELOPMENT MIXED-USE ZONING DESIGNATION; ADDING SECTION 23-450 MASTER DEVELOPMENT PLAN REGULATIONS; ADDING SECTION 23-228 MASTER DEVELOPMENT REVIEW PROCESS; ADDING A REVISED SECTION 23-222.4.A.3. FOR MASTER DEVELOPMENT PLANS; AMENDING TABLE 23-421 PERMITTED USE CHART TO INCLUDE MDP MASTER DEVELOPMENT PLAN IN THE PDMU PLANNED DEVELOPMENT MIXED USE ZONING DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED, by the City Commission of the City of Lake Wales,

SECTION 1:

[revise Article IV. District Regulations/Division 1. Zoning Districts/Section 23-401.b to create the Planned Development Mixed-Use zoning designation]

PDMU Planned Development Mixed-use district. This district is intended to implement Policy 2.18 of the Comprehensive Plan, in order to facilitate large-scale, mixed-use master planned development on large tracts of land. Properties zoned PDMU shall seek approval of a Master Development Plan, in accordance with Division 5, Section 23-450 of these Land Use and Development Regulations.

Article IV. District Regulations

Division 5. Master Development Plan Regulations

Section 23-450. Master Development Plan (MDP)

Sec. 23-450.1 Purpose and Intent.

The Master Development Plan process is designed to promote a form of development that is intended to encourage high quality master planned community development on large tracts of land, in order to promote a jobs/housing balance and a development pattern that can reduce reliance on the personal automobile by allowing a greater variety of land uses closer to work and home; protect and enhance environmental assets and provide for an orderly transition of land uses through a planning process that incorporates a build out vision with proper timing and location of adequate public facilities. This process is intended to facilitate the implementation of planned development zoning and Policy 2.18 of the Comprehensive Plan.

Unified Development

An applicant who intends to file an MDP application shall present evidence of the unified control of the development area, and shall agree, if they proceed with the proposed development, to do so in accordance with the following:

- The adopted MDP and all applicable conditions that are contained in a Development Order that accompanies the MDP
- Provide agreements, contracts, deed restrictions, covenants or sureties acceptable to the City for completion of the undertaking in accordance with the adopted MDP, as well as for the continuing operation and maintenance of such areas, functions and facilities that are not to be provided, operated or maintained at the expense of the general public.
- Bind their development successors in title to any commitments made in the above stated conditions.

Sec. 23-450.2 Relationship to Comprehensive Plan.

The MDP is intended to implement Policy 2.18 of the Comprehensive Plan, regarding Mixed-use development, by establishing a process for the development of major centers of suburban/urban activity, in areas with a high level of public facility availability, promoting a horizontal or vertical mix of residential and nonresidential uses, achieving internal trip capture and the development of a high quality environment for living, working or visiting. Density and/or intensity shall not exceed the maximums established in the Comprehensive Plan.

Sec. 23-450.3 Applicability. An MDP may be approved in the Planned Development Mixed-use zoning district.

The MDP process is intended to accomplish the following:

1. Establish complimentary groupings of residential, commercial, office, industrial, or other uses
2. Promote large-scale master planned development at appropriate locations, in accordance with the goals, objectives, and policies of the Comprehensive Plan and in accordance with the requirements herein
3. Development shall be designed with carefully located buildings, parking and service areas, open space and use mixtures that are scaled and balanced to reduce general traffic congestion, by providing interdependent uses and uses that are compatible with adjacent and surrounding land uses.
4. Application of appropriate review criteria shall be based on the specific facts of the proposal. The ranges of density and intensity shall be approved according to the guidelines set forth in the Comprehensive Plan. In no event shall uses permitted with a MDP exceed the maximum density or intensity in the Comprehensive Plan.

Sec. 23-450.4 MDP Approval Process.

1. *Application Requirements.*

An MDP shall depict internal relationships between or among uses and activities proposed and their supporting systems and facilities, and relation to surrounding uses, activities, systems, and facilities. An MDP shall include all data necessary for determining whether the proposed development meets the specific requirements, limitations and the intent, concerning the Planned Development Mixed-use district.

2. *Design Requirements for MDPs*

In addition to other requirements stated in this section, the following standards shall be met, and compliance must be demonstrated with MDP approval.

- A. Relation to public utilities, facilities and services.** MDPs shall be located in relation to transportation systems, sanitary sewers, emergency services, schools, public safety, water lines, storm and surface drainage systems and other utilities systems, including reclaimed water when the City makes it commercially available, and installations to ensure that services can reasonably be expected to be available at the time of request for concurrency reservation.
- B. Relation to major transportation facilities.** MDPs, where appropriate because of the size or intensity of proposed development, shall be so located with respect to expressways, arterial and collector streets or mass transit facilities, and shall be designed to provide access to and from such districts without creating excessive traffic along minor streets in residential neighborhoods outside the project boundary.
- C. Compatibility to adjacent properties.** MDPs shall be located and designed to minimize the negative effects of external impacts resulting from factors such as traffic, noise or lights. Project control shall be accomplished through such techniques as buffering, architectural design, site design, height transitions, and density or intensity transitions.
- D. Transitions.** MDPs shall be responsive to the character of the area. When located in an area where land use types and/or intensities or densities vary, MDPs shall be designed to provide for appropriate transitions in intensity and/or density.
- E. Design quality.** All MDPs shall be designed to address all of the criteria as set forth in this Section and shall generally be superior in design to conventional development site plans (like providing a hierarchy of the roadway network, unique public parks, wayfinding or other such upgrades), and consistent with all other factors in this Section.
- F. Relationship to adjacent property.** Projects approved with MDPs shall include screening, buffering, transitional uses or other design

features, as necessary to adequately protect existing or anticipated uses of surrounding property; and shall provide functional and logical linkages to activity centers and circulation facilities on such adjacent property.

- G. Access.** Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic.

Vehicular access to streets or portions of streets from off-street parking and service areas shall be combined, limited, located, designed and controlled to channel traffic from and to such areas conveniently, safely, and in a manner which minimizes traffic friction, and excessive interruptions.

- H. Streets, drives, parking & service areas.** Streets, drives, parking and service areas shall provide safe and convenient access to all buildings and general facilities. Commercial and office uses shall be grouped in relation to parking areas so that after visitors arrive by automobile, establishments can be visited with a minimum of internal automotive movements. Facilities and access routes for deliveries, servicing and maintenance shall be located and arranged to minimize interaction with pedestrian traffic. Loading zones where customers pick up goods shall be located and arranged to minimize interaction with pedestrian movement, fire lanes, and other vehicular travel ways.

For all rights-of-way and private streets in planned developments, the following minimum design considerations shall be adequately addressed:

1. Safe vehicular travel;
2. The manner in which pedestrians, including the physically handicapped, can traverse in the planned development;
3. Structural stability of ALL construction materials;
4. Utility distribution, power, sewer, cable, potable water and fire protection routing, location, and sizing;
5. Horizontal and vertical sight distances;
6. Traffic safety requirements;
7. Emergency vehicle maneuverability and access;
8. Logical future extension of inter-neighborhood ties.

- I. Pedestrian systems.** MDPs shall provide internal or external walkways to facilitate pedestrian circulation.

The future site plans shall provide for safe, efficient, convenient and harmonious groupings of structures, uses, facilities and open spaces

in a manner facilitating pedestrian movement between major origins and destinations, within and adjacent to the district, with a minimum of conflicts with vehicular traffic.

Access for pedestrians and cyclists entering or leaving the district shall be by safe and convenient routes. Where there are crossings of pedestrian ways and vehicular routes at edges of Planned Developments, such crossings shall be safely located, marked and controlled, and where such ways are exposed to substantial vehicular traffic at edges of districts, safeguards shall be required to prevent crossings, except at designated points. Bicycle or pedestrian paths, if provided, shall be so related to the vehicular system that street crossings are combined.

- J. Natural and historic features, conservation and preservation areas.** MDPs shall be designed to preserve the natural features of the land, such as existing trees and natural topography, and archaeological and historic resources, as much as practicable.
- K. Density/intensity.** Density and/or intensity may be clustered into development pods but shall not exceed maximums established in the Comprehensive Plan over the entire MDP. Densities/intensities shall be established after consideration of the Comprehensive Plan criteria and limits, neighborhood compatibility, transitions, and site design.
- L. Height.** Height shall be determined after review of the nature of surrounding land uses to ensure that proposed development will not create any external impacts that would adversely affect surrounding development, existing or proposed.
- M. Fences and screening.** Fences or vegetative screening along the project edge shall be provided to buffer adjacent parcels from views, lighting, noise or other off-site influence. When adjacent development is of either similar use or intensity, such screening may be reduced at the discretion of the Department Director.
- N. Yards and setbacks.** Yard and setback requirements shall be established with each MDP to promote general health, safety, welfare, design excellence and neighborhood compatibility. Notwithstanding other required wetland and jurisdictional buffer requirements, all setbacks within a subphase shall maintain consistency with the approved MDP throughout the development. All proposed setbacks shall be shown on the MDP in either graphic or tabular form.
- O. Trash and utility plant screens.** All central refuse, trash and garbage collection containers shall be screened from sight or located in such a

manner so as not to be visible from any public area within or adjacent to the Planned Development district.

P. Signs. Signs shall be in accordance with section 23-526 and 23-545. Alternatively, the development may establish a special sign district to create a strong sense of place and community while allowing each business/development to communicate with the public in a consistent, community-building, coordinated manner. However, a sign plan shall not have increased square footage or heights, unless a variance is obtained through Sec. 23-244.2

Q. Landscaping. At a minimum, landscaping shall comply with the design guidelines for residential, mixed-use village, or commercial, industrial and professional uses, as described in Sec. 23-450.5 through 450.7.

R. Environmental factors

1. Water Conservation. Creative site development concepts shall be used in order to promote water conservation. Water requirements may be reduced by providing for:

- a. The preservation of existing plant communities;
- b. The reestablishment of native plant communities;
- c. Limited amount of lawn grass areas;
- d. The use of site-specific plant materials;
- e. The use of shade trees to reduce transpiration rates of lower story plant materials;
- f. Site development that retains stormwater runoff on site; utilize non-standard retention in some areas to provide interest and education (i.e. implementation of Low Impact Design (LID) Standards, such as bioswales, pervious parking, or rooftop gardens; environmental education opportunities along trails, or trail enhancements with native vegetation);
- g. The use of pervious paving materials;
- h. Site development that addresses the carrying capacity of the land in its present form; and
- i. Other environmentally sensitive site development concepts.

2. Minimum Open Space Requirements. Minimum open space requirements shall be established based upon a site-specific evaluation of the project and surrounding land uses. In no event shall open space be less than 20%.

3. Preservation of Existing Plant Communities.

- a. Existing native plant communities on sites proposed for development should be preserved and incorporated into the required open space wherever possible. Existing native plant communities that are specified to remain shall be preserved in

their entirety, with all desirable trees, understory, and ground covers left intact and undisturbed.

- b. Existing trees 24" Diameter Breast Height (DBH) at time of measurement, shall be preserved, to the extent possible.

Factors to consider for preservation include existing form, spread, height, as well as health and condition of the tree.

Site design and long-term viability of the tree shall also be considered. If appropriate root zone protection and drainage can be provided, a tree should be preserved. Otherwise, trees that are anticipated to be significantly impacted by development may be removed.

S. Rights-of-Way and Utility Standards. All improvements shall adhere to City requirements for all public and private rights-of-way construction.

T. Stormwater Management. Stormwater management facilities shall adhere to City requirements.

U. Consistency with Comprehensive Plan. No MDP shall be approved if it is inconsistent with the Comprehensive Plan.

V. Other Factors. Other factors shall be applied which:

1. Address views from limited access highways and major connectors;
2. Generally, require greater open space than permitted in standard districts;
3. Provide screening for exterior storage;
4. Encourage parking and loading areas away from arterial roadways;
5. Provide quality construction material and superior design;
6. Maximize use of buffers and berms; and
7. Otherwise encourage the establishment of high-quality projects at these critical locations.

3. *Additional information.* Additional information may be requested by the Administrative Official at the time of the pre-application meeting, when necessary to review a MDP. Such information, if requested by the Administrative Official, shall be provided at time of application submittal.

4. *Site Plans.* Demonstration of compliance with specific design standards shall be required at time of preliminary site plan as described in section 23-222.4.a.3. Exterior boundaries of an MDP shall be of a character and so located, designed, and buffered to establish a transition of intensity and uses across district boundaries.

MDPs shall provide landscaped and pervious areas. In no event shall the landscaped and pervious area be less than 20% of the land area of the district.

5. *Proposed Uses.* Each use listed in the application must be a permitted or accessory use in the Planned Development Mixed-use district and shall be listed using the terminology used in this Code. To promote compatibility, the range of permitted uses may either be limited, or certain uses may not be permitted by the City Commission at the time of MDP approval.

Sec. 23-450.5 Residential Design guidelines

Unless specific design criteria are established by the applicant, with the submittal of the MDP, the following design standards may be incorporated in the project design. Guidelines in this section are intended to assist the applicant in designing the project and the City in assessing the quality of the proposed development.

- a. Relationship to surrounding area. The development is not isolated from the surrounding community but is an integral part of the community. Methods for achieving:
Roadways and pedestrian/bike paths connect to the surrounding roadways, neighborhoods, commercial areas, and parks.
Streets extend or expand the existing street pattern. Collector streets do not terminate within the development.
Pedestrian connections to surrounding streets are provided through landscaped buffers and perimeter walls.
- b. Overall design. The layout of the development is suited to the configuration and characteristics of the land and integrates natural features into the overall design. Methods of achieving:
Natural features of the land, including wetlands, ponds, hills, and vegetation, are preserved and become the basis for the layout of the development.
Parks and open areas incorporate natural features for the enjoyment of all residents and become focal points for the development and for neighborhoods.
Roadways provide views of natural features and open space.
Changes in elevation are used as a design feature to provide interest.
Commercial areas are located for convenient and safe access from outside and inside the development by vehicles and pedestrians.
- c. Neighborhoods. The development establishes identifiable neighborhoods engendering a feeling of belonging. Methods of achieving:
Dwellings are clustered rather than located in linear patterns on long streets.

Each neighborhood may have its own common open space designed as a focal point and visible from most units. Central greens are encouraged. Housing styles/types and streetscapes are chosen and designed to distinguish neighborhoods.

Front porches, small front yards, and walkways connecting to the street provide opportunities for social interaction.

- d. Streetscapes. Streetscapes are designed to provide interest and variety; views of the street are attractive from the dwelling units and from the point of view of the pedestrian walking along the street. Methods of achieving: Collector roads may have landscaped medians or adjacent, landscaped pedestrian/bike corridors. Driveways intersecting collector roads are minimized.

Visual interest is provided along the street through distinctive landscaping and street lighting, and varied street and sidewalk patterns.

Location and orientation of houses or buildings on sites provides variety and distinctiveness to the street.

Building facades and entrance features are varied.

Mini-parks, neighborhood parks, and open space areas are located and landscaped to provide rest stops for pedestrians and to visually punctuate the streetscape.

Spine roads and long sections of local streets meander and are attractively landscaped.

Long blocks are broken up with landscaped islands.

Plantings are chosen to distinguish the street or neighborhood from others.

Streets are oriented to provide views of open areas and vistas from hillsides.

Intersections have landscaping and design features to add interest and shield houses on corner lots.

Clutter along the street is minimized in dense neighborhoods by grouping mailboxes and trash collection stations, keeping signage to a minimum, and providing visitor parking areas.

- e. Street system. A well-planned street system establishes coherence to the development, provides safe and efficient circulation for vehicles and pedestrians, and defines neighborhoods. Methods of achieving:

A hierarchy of streets is established, providing a coherent circulation system. Loop roads and branches from a spine road provide access to neighborhoods.

Streets within neighborhoods are designed to provide unity and definition to the neighborhood.

Streets are designed to allow for expansion of the development into nearby areas via collector roads.

- f. Pedestrian circulation. A comprehensive system of sidewalks and bike paths throughout the development connects dwelling units to recreation areas, parking areas, public transportation stops, common buildings, and adjacent neighborhoods, and provides a safe and attractive walking environment for recreational and practical use.
The pedestrian/bike circulation system is planned as an integral part of the overall design of the development, providing connections between dwelling units and all facilities in the development.
- g. Focal points and gathering places. Attractive and distinctive focal points and places for residents to gather, meet, and enjoy the outdoors are provided in the development. Methods of achieving:
In addition to neighborhood and mini-parks, recreation areas are provided to serve the entire community; these are located for easy access by all residents and incorporate and enhance natural features (whether existing or created), such as water bodies and groves of trees.
Landscaped areas double as recreation areas.
Recreation areas are designed to encourage gathering and interaction of residents. Paths intersect, and benches or picnic areas are provided at intersections; gazebos, plazas, community buildings, playgrounds, picnic areas, seating near play courts, or similar facilities are provided.
Green areas are used to connect and integrate residential and mixed-use or commercial/professional areas.
Small parks provide focal points and gathering places within each neighborhood or for a group of neighborhoods.
- h. Landscaping. Landscaping in the development provides visual interest, screening where needed, incorporates existing mature trees and other valuable vegetation, enhances natural features such as wetlands, and minimizes water use. Methods of achieving:
An overall landscaping concept is prepared for the development with attention to streetscape, plantings in recreation and common areas, attractive landscaping around buildings and in yards, retention of existing trees, and appropriateness of plant selections to the environment.
Streets, lot lines, and building envelopes are located to preserve existing trees, particularly in parks, front yards and in landscaped islands and street edges.
Native plant types and low water use species are encouraged.
Rear yards are buffered from roadways by landscaped buffers.
All dumpsters and other mechanical facilities are screened attractively.
- i. Parking and access. Sufficient provision is made for resident and visitor parking and access for services, such as deliveries and garbage pick-up,

without street congestion or interference with sidewalks. Parking facilities do not dominate the streetscape. Methods for achieving:

To the extent practical, parking areas are set back from the road and are screened with landscaping, fences, or berms.

There is adequate street width where street parking is permitted.

Alleys may be used to provide service access and additional parking.

Driveways to dwellings are of adequate length to provide parking without vehicles encroaching on sidewalk.

Additional parking is provided for visitors and for recreation areas.

- j. **Lighting.** Lighting is adequate for safety and enhances the streetscape, residential sites, parking areas, signs, and recreation facilities without being excessive or creating glare. Methods for achieving:

Light fixtures are directed downward to the areas targeted for illumination and do not create glare.

Decorative lighting is provided in recreation areas and along streets and pedestrian paths.

Shorter light poles with closer spacing is preferred to create safe pedestrian and traffic areas.

Bus stops, trash receptacles, mailboxes, and other facilities are well lit and accessed by pedestrian paths.

Sec. 23-450.6 Design guidelines for Mixed-Use Villages.

- a. ***Overall concept.*** A mixed-use village incorporates the characteristics of a traditional downtown with residential, commercial, business, and social centers. Its primary focus is serving residents in the surrounding residential area though it may have businesses that attract patrons from the larger community. Methods for achieving:

Mixed-use buildings containing businesses and residences, as well as residential buildings, are included in the mixed-use village. Residential densities should decrease with distance from the center, providing a transition to low density residential areas.

Buildings are arranged in a compact configuration with a pedestrian orientation.

Public spaces, such as plazas and central greens are encouraged to provide focal points, informal gathering places, and opportunities for special events.

- b. ***Access and circulation.*** Access to the mixed-use village is safe and convenient for pedestrians, bicycles, and vehicles from nearby residential areas as well as exterior roadways; the mixed-use village should incorporate design elements that prioritize the pedestrian, rather than the vehicle.

Access to the mixed-use village from surrounding residential areas is safe and convenient for pedestrians, bicycles, and vehicles.

Bike racks are provided close to businesses and parks.

The mixed-use streets generally have low speed limits and a comprehensive system of sidewalks and crosswalks.

Peripheral parking areas are provided; street parking is permitted.

- c. *Open space.* Open space in the mixed-use village provides recreation for its residents and visitors and provides areas for special events. Methods for achieving:

Parks and open space provide connections between residential areas and the mixed-use village.

Plazas, greens, neighborhood parks, and mini parks are centrally located within the mixed-use village.

Benches, gazebos, landscaping, decorative lighting and other facilities are encouraged to promote social interaction and enjoyment of open space in the mixed-use village.

Outdoor eating areas are encouraged.

- d. *Streetscape.* The mixed-use village streetscape is similar to the traditional downtown. Methods for achieving:

Buildings are located close to streets and have direct access to the sidewalk.

Streets have sidewalks with decorative lighting, street trees, and street furniture.

Large scale buildings should not dominate the streetscape.

Sec. 23-450.7 Commercial, industrial, and professional Design guidelines.

- a. *Relationship to surrounding area.* The development should not be isolated from the surrounding community but should be an integral part of the community. The site plan for the development is complementary to site features of surrounding development and does not create incompatible juxtapositions. Methods for achieving:

Pedestrian and bike paths should connect the development with surrounding residential and non-residential land uses and with pedestrian and bike paths along roadways in the vicinity of the project.

Cross access easements, roadway connections, and location of entrances should facilitate vehicular access to the development from residential and non-residential land uses in the area surrounding the project.

Open space in the development is connected to open space and parks in adjacent development.

The backs of buildings, loading docks, outdoor storage areas, and dumpsters are located away from surrounding residential and other sensitive uses and are screened with attractive landscaping and/or fencing from adjacent uses and roadways.

Distance and solid fencing reduce noise from such uses as dumpsters and loading docks.

The scale, architectural style, and location of buildings is chosen to be compatible with surrounding development and to provide transitions from large or massive buildings to surrounding land uses, particularly single-family development.

- b. Natural features of land. The layout of the development should be suited to the configuration and characteristics of the land and integrate natural features into the overall design. Methods of achieving:

Natural features of the land, including wetlands, ponds, hills, and vegetation, are preserved and become the basis for the layout of the development.

Open areas incorporate natural features become focal points for the development.

Site layout encourages views of natural features and open space from project entrances and public spaces such as restaurants and outdoor plazas.

Changes in site elevation may be used as a design feature to provide interest.

- c. Unified concept. The project creates an attractive and pleasant grouping of buildings with a unique identity and sense of place for employees and clients; buildings are not lined up parallel to the roadway with a large parking lot in front. Methods for achieving:

Buildings have architectural harmony and are located in functional and attractive groupings.

A design concept for the development, including out-parcels, promotes functional and architectural coherence. The concept addresses the relationships of buildings in terms of appearance and access by vehicles and pedestrians, includes plazas for outdoor gatherings, incorporates open space and natural features into the design, and provides attractive landscaping throughout.

Outparcels are situated to complement the overall design and do not visually dominate the project frontage.

Parking areas are designed for both convenience and attractiveness. Large areas of asphalt should be avoided, where possible, through sectioning off small parking areas, using landscaped separation strips, and through creative site layout.

Signage and landscaping are planned to unify buildings and uses and to promote design coherence to the whole project.

Where appropriate, the development has a unifying feature or features, such as a central plaza, giving a sense of overall design and providing places for outdoor events and social interaction.

- d. Circulation. The development should be easily accessible to vehicles, bicycles, and pedestrians. Methods for achieving:

The site design should integrate parking among the buildings or wrap parking around two (2) or more sides of buildings rather than consolidating all parking spaces in a large parking area that is segregated from the building(s).

Multiple pedestrian access points to a group of buildings and adjacent parking areas avoids vehicular congestion at the front of a building and competition for parking near one (1) entrance.

Bicycle lanes or paths are provided from adjacent bike paths and local streets; bike racks are provided close to buildings.

Walkways separate from vehicular ways are provided for pedestrians.

- e. Landscaping and lighting. An attractive and pedestrian-scale atmosphere is created through abundant landscaping and pleasant, unobtrusive lighting. Methods for achieving:

Landscaped areas create green corridors through and around parking areas, breaking up large areas of parking.

Lighting poles are decorative and directed downward to light parking areas and pedestrian paths.

Landscaped areas are combined with pedestrian paths.

Tree locations and species are chosen to provide shade in parking areas and plazas.

Outdoor eating areas may be located in areas specifically designed for them, such as plazas between buildings or open areas a safe distant from high vehicular traffic.

23-450.8 - Demonstration of Compliance. Demonstration of compliance with design guidelines shall be required at time of Preliminary Site Plan, as described in sections 23-222.4.a.3, and Site Development Permit approval, as described in 23-217.

23-450.9 - Modification of an approved MDP. Requests for modifications to MDPs shall include a drawing indicating the property, a location drawing indicating the relationship of the portion to be revised with respect to the entire project; and such other information concerning the lot, adjoining lots, or other matters, to clearly represent the entire proposed change and any associated impacts upon the project

and adjacent properties; in order to determine whether the provisions of the district and this Code are being observed.

1. Approval Authority:

A. Administrative Approval. The following changes to approved MDPs may be approved by the Administrative Official:

1. Any change in the required parking areas resulting in an increase of less than ten (10) percent in the number of spaces approved for a particular use or phase;
2. Structural alterations not significantly affecting the basic size and form of the building(s) as shown on the approved plan. Changes in form will only be considered substantial if they occur within fifty (50) feet of the project boundary or within fifty (50) feet of any part of any of the structures which have been constructed or sold to any owner or owners different from the applicant requesting the change;
3. Any reduction in the amount of open space of less than five (5%) percent or any non-substantial change in the location or characteristics of open space;
4. Non-substantial changes in location or type of pedestrian or vehicular accesses or circulation, which will still adhere to the City of Lake Wales Development Standards;
5. Any increase in density or intensity for a portion of the project that is more than five hundred (500) feet from the project boundaries or more than two hundred (200) feet from any part of the project that has been constructed or sold to an owner or owners different from the applicant requesting the change (this does not authorize an increase in overall density or intensity);
6. An increase in structure height less than eight (8) feet, or within fifteen (15) percent of the approved height, whichever is less, provided there is no increase in number of stories;
7. Any increase in the number of pedestrian access points;
8. Any changes in the phasing schedule which do not impact timing, amount, or completion of improvements; or the satisfaction of specific conditions;
9. Any change in required yard setbacks of less than ten (10) percent, except any yard change which would encroach upon or affect any utility or drainage easement;
10. Any increase in gross floor area of less than or equal to five (5) percent of the gross floor area for the project;
11. The addition of any of the following uses, if Special Exception is not required: nursing care homes, permitted home occupations, bed and breakfast facilities, utility uses, and waterfront structure (residential); provided that any applicable use criteria shall be met.

12. A change from multi-family to single family, if it does not increase external impacts such as, but not limited to transportation, schools, parks or utilities; and is consistent in lot size, coverage and yards with other single-family portions of the development. If the MDP does not specify dimensional requirements for single family units, the minimum requirements of the R-1D district shall be met.

B. City Commission Approval. All other changes shall require a recommendation by the Planning Board and approval by the City Commission at a noticed public hearing, except for those noted below as requiring a new application.

C. Changes Requiring a New Application. The following types of changes shall be considered substantial modifications requiring the submittal of a new application for MDP approval:

1. An increase in intensity of use of more than five (5) percent of the usable floor area, or an increase of more than three (3) percent of the number of dwelling units, or an increase of more than five (5) percent of the amount of outside land area devoted to sales, displays or demonstrations. In no case shall the intensity or density be increased over the maximum permitted by the Planned Mixed-Use zoning district or the Comprehensive Plan.
2. Any change in use from the approved use, except as noted in subsection, A, above.
3. Any increase in traffic generation by more than ten (10) percent.
4. Any increase in the area allocated to any land use type by more than ten (10) percent.
5. Any change in structure height greater than fifteen (15) feet.
6. Any combination of changes which cumulatively are deemed by the Administrative Official to be of such significance that a new application is required.
7. Any change of a similar nature to the foregoing.

[REVISE SECTION 23-222.4 Preliminary site plan review and approval to add new Section 23-222.4. a.3.]

Sec. 23-222.4. a.3. For Master Development Plans (MDPs), preliminary site plans shall be prepared for individual phases or subphases of development.

- A. The administrative official shall determine, after consultation with the development review committee, if the project complies with the approved MDP and Development Order, as well as Master Development Plan requirements set forth in sections 23-450 and 23-228.
- B. If the preliminary site plan is found to be in compliance with the Master Development Plan, the administrative official shall approve the plan. Approval may include conditions of approval, if adjustments are necessary for compliance.
- C. If the preliminary site plan is not found to be in compliance with this chapter, the administrative official may, after consultation with the applicant, request a revised plan, or deny the plan with specific reference to the deficiencies.
- D. The site plan shall be reviewed to confirm compliance with provisions of Article VII, Div. 1. The site plan may be approved if concurrency provisions of Article VII, Div. 1 are met.

[NEW SECTION 23-228 Master Development (MDP) Review Process.]

Sec. 23-228.1. Applicability. Master Development Plan process is designed to promote a form of development that is intended to encourage high quality master planned community development on large tracts of land, in order to promote a jobs/housing balance and a development pattern that may reduce reliance on the personal automobile by allowing a greater variety of land uses closer to work and home; protect and enhance environmental assets and provide for an orderly transition of land uses through a planning process that incorporates a build out vision with proper timing and location of adequate public facilities. This process is intended to facilitate the implementation of planned development zoning and Policy 2.18 of the Comprehensive Plan.

Sec. 23-228.2 Application requirements for submittal of Master Development Plan Projects. Applications shall include information as required in this section. An incomplete application will not be accepted and will be returned to the applicant without review.

- a. *Pre-Application conference and conceptual plan review.* It is required that the applicant schedule a pre-application conference with the administrative official to discuss the proposed development no less than two (2) weeks prior to submitting formal application for the preliminary site plan. The purpose of this conference is to review the feasibility of the proposed development.
- b. Master Development Plan application.
 1. The application for Master Development Plan approval shall include a completed application form, a site plan meeting the requirements of section 23-450, and the application fee pursuant to section 23-242. The

application form, number of copies of plans, and deadlines for submission shall be set forth in the procedures manual maintained by the administrative official.

2. An incomplete application will not be accepted and will be returned to the applicant without review.

Sec. 23-228.3 Master Development Plan review and approval.

- a. Development review committee. Upon acceptance of the application as complete, the administrative official shall schedule the application for review by the development review committee at its next regular meeting. All master development plans shall be reviewed by the development review committee to determine that the plan meets the requirements of this chapter.
 1. After completion of review by the development review committee and based upon the findings of the development review committee, the administrative official shall make a written recommendation to the planning board for approval, approval with conditions, or denial of the master development plan.
 2. *Planning Board Review.* Upon issuance of written comments by the DRC, the MDP shall be scheduled for a public hearing before the planning board where they may request modifications to the plan to improve the site plan in regard to the intent of the land development regulations.
 3. *City Commission Review.* The Board shall conduct a public hearing on the review of the MDP, the planning board recommendation, and staff report per the requirements of this Chapter.
- b. *Review Criteria.* Based upon their review of the information presented by the applicant, the recommendations of the development review committee, the administrative official and the planning board, and comments received from the public, the city commission shall either approve, approve subject to stated conditions, approval with modifications or deny the application for MDP plan. In its decision, the City Commission shall consider whether the proposed plan is consistent with the Comprehensive Plan and this Code. In making such determination, the approving authority shall consider the approval criteria for the Planned Development Mixed-use zoning district.
- c. *Concurrency.* MDPs are intended for large tracts of land that anticipate a long-term build-out vision. As such, concurrency reservation for sanitary sewer, potable water, solid waste, roads, public schools, recreation and open space and drainage may not be deemed appropriate. Development Orders may be conditioned to require that public facility improvements or capacity will be in place concurrent or at the time the facility or service is needed by proposed development.

An impact assessment for concurrency will be required for individual phases or subphases of development, at the time of a site development permit application.

As an alternative, the applicant may enter into a development agreement with the City to secure the completion of improvements or performance of other developer obligations in consideration for any procedural or substantive right or entitlement, as may be authorized and required by this Code, the Comprehensive Plan and applicable law, in accordance with F.S. §§ 163.3220 – 163.3243.

- d. *Effect of MDP Approval.* Upon approval of a MDP, the applicant may proceed with the submittal of Preliminary Site Plans, as described in section 23-222.4.a.3, followed by Site Development Permits, as described in section 23-217, for individual phases or subphases of development. In the case of residential subdivisions, a Preliminary Plat/Site Plan shall be filed and approved prior to the Site Development Permit. Upon approval of a Site Development Permit, a Final Plat shall be submitted for City Commission review and approval.
- e. *Expiration of MDPs.* MDPs shall not expire, unless and except it is mutually agreed that such approval should be rescinded.
- f. *Monitoring.* Preliminary Site Plans and Site and Development Plans must include a tracking chart to show cumulative development of the MDP.

**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	PF	PDMU	C-1/ C-1A	C-2	C-2R	C-3	C-4	C-5 ¹	LCI	BP	I-1	I-2	CNR
RESIDENTIAL																			
Dwelling: Single-family	P	P	P	P	P	P	P	MDP			P			P					
Dwelling: Two-family					P	P	P	MDP			P			P					
Dwelling: Multi-family (up to 12 units on one parcel)						P	P	MDP	P	P	P	P		P					
Dwelling: Multi-family (more than 12 units/parcel)							PDP	PDP	MDP	PDP	PDP	PDP	PDP		PDP				
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	MDP	P	S	S	S	S	S													
Mixed-use - residential and nonresidential								S	MDP	P	P	S	PDP2	PDP														
AMUSEMENT ESTABLISHMENTS																												
Amusement establishment—Indoor									MDP	S	S	S	P	S	S											S		
Amusement establishment—Outdoor									MDP		S		S		S											S		
Indoor shooting ranges									MDP					P						P	P	P	P					
Movie theater— Indoor									MDP	P	P	P	P					P							P			
AUTOMOTIVE USES*																												
Auto and truck rental									MDP	S	P	S	P		S	P									P			
Auto and truck repair									MDP	S	S	S	S		S	S								S	S			
Auto, truck, or motor cycle dealer									MDP	S	S	S	P		S	P	P							P				
Auto parking establishments (principal use)							S			P	P	S	P		S	P	P	P	P									
Auto service station									MDP	S	S	S	P		S										S			
Car wash									MDP		S	S	S		S	S	S							S				
Recreational vehicle, mobile home, or boat dealers									MDP		S	S	P		S	P	S	P	P									
EDUCATIONAL AND CULTURAL																												
Club ⁷							S		MDP	P	P	S	P		S	S	P											
Cultural facilities	S	S	S	S	S	S	S	S	MDP	P	P	P	P		P	P	P	P							P			P
Day care center ^{3*}							S	P	MDP	P	P	P	P		P	P												
Religious establishment	P	P	P	P	P	P	P	P	MDP	P	P	P	P		P											P		
Schools, athletic or music								S	MDP	S	P	S	P		S	S	P								S			
Schools, post secondary	S	S	S	S	S	S	S	S	MDP	S	S	S	S		S									S				S
Schools, primary-secondary	P	P	P	P	P	P	P	P	MDP	P	P	P	P		P													
Schools, training (other than athletic or music)								S	MDP	P	P	P	P		P	S	P											

FARMING/OTHER AGRICULTURAL																		
Farming, crop ⁴ or nursery without retail sales	P	P	P	P	P	P	P	MDP	P	P	P	P	P	P	P	P	P	P
Nursery, plant with retail sales								MDP		P	S	P		S	S	S	P	P
FOOD AND BEVERAGE BUSINESSES (See section 23-342 and chapter 5 for regulations on alcoholic beverages.)																		
Bar, wine and beer ⁷								MDP	P - C1-A only									
Catering facility								MDP	S	P	S	P		S	P	S	P	P
Food processing								MDP							P	S	P	P
Restaurants, eat-ins ^{5, 7}							S	MDP	P	P	S	P	P	P		P	P	
Restaurants, drive-up								MDP		S		P		S				
Restaurant, outdoor cafe ⁷							S	MDP	P	P	S	P	P	P				
Restaurant, take-out ⁵								MDP	P	P	S	P	P	P		S	S	P
HEALTH CARE																		
Health service							P	MDP	S	P	S	P		P	P		P	
Hospitals							P	MDP		S		P			P	S		
Medical Marijuana Dispensaries and Treatment Centers *							P	MDP				P						
Medical office (one practitioner)							P	MDP	P	P	P	P	P	P	P			
Nursing care homes*	S	S	S	S	S	S	P	MDP	S	S	S	P		S			S	
Veterinarian or small animal hospital							S	MDP		P	S	P		P	P		P	
Animal hospital								MDP		S		P			P		S	
LODGINGS																		
Bed and breakfast (accessory to single-family)*	S	S	S	S	S	S	S	MDP	S		S			S				
Boarding house						S	S	MDP	S		S			S				
Dormitory						S	S	MDP	S	S	S	S		S				
Hotel								MDP	P	P	S	P		P		P	S	
Motel								MDP		S	S	P		S	S	P	S	
INDUSTRIAL USES																		

Assembly and fabrication								MDP											P	P	P	P
Laundry and dry cleaning plants								MDP											P	S	P	P
Manufacturing—Light								MDP											P	P	P	P
Manufacturing—Heavy																					S	S
Warehouse								MDP											P	P	P	P
PROFESSIONAL AND COMMERCIAL USES**																						
Artisan Production, small scale								MDP	S	S			P	S	S			P	P			
Artisan Production, large scale								MDP					P					P	P			
Bank									P	MDP	P	P	P	P	P	P			P	P		
Bank with drive-up window									S	MDP	S	P	P	P	P	P			P	P		
Construction support—Light										MDP	P	P	P	P			P	P	P	P		
Construction support—Heavy													S		S				S	S	S	S
Funeral home									P	MDP	P	P	P	P			P	S			P	
Kennel										MDP				S					S		S	S
Laboratory, research									S	MDP		P	S	P				P	P	P	P	
Landscaping service										MDP			S		S				P	S	P	P
Laundromat*									S		MDP	S	P	S	P	S	S					P
Mini-storage									S	S			P	S	P	S	S	P	P	P	P	
Office, professional (except medical)									P	MDP	P	P	P	P	P	P		P	P	P	P	
Personal service									S	S	MDP	P	P	P	P	P	P	S				P
STORES (See section 23-342 and chapter 5 for regulations on alcoholic beverages.)																						
Convenience store (incl. groceries, drugs, or liquor)										MDP	P	S	S	P	P	P						
Convenience store with gasoline service										MDP	S	S	S	P	S	S					S	
Outdoor display or sales (as principal or accessory use) ⁶										MDP	S	S	S	S	S	S	S	S	S	S	S	

Store, retail — up to 1,500 sq. ft./store									MDP	P	P	P	P	P	P	S			P		
Store, retail - up to 12,500 sq. ft./store									MDP	P	P	P	P	P	P				P		
Store, retail - from 12,500 to 100,000 sq. ft./store									MDP	S	P	S	P		P						
Store, retail - from 100,000 to 300,000 sq. ft./store									MDP	S			P		S						
PUBLIC AND GOVERNMENT																					
Aircraft establishment																			P	P	
Airports, heliports and related aviation facilities																		S	S	S	
Public facilities and offices**	P	P	P	P	P	P	P	P	MDP	P	P	P	P	P	P	P	P	P	P	P	P
Public transportation terminals									MDP	S	S	S	P	S	S		S	P	P		
<p>* See special conditions for this use in article III, division 2 Conditional Use Regulations.</p> <p>For conditions for a dwelling unit accessory to a single-family dwelling, see Table 23-521, Accessory Uses - Residential Properties.</p>																					
<p>** Public facilities and offices are permitted uses in all districts with the approval by the city commission and a courtesy review and recommendation from the planning board.</p>																					
<p>1 A development in a C-5 zoning district requires approval as a Planned Development Project. (See section 23-224.)</p>																					
<p>2 Mixed-use and multi-family development may be approved through the PDP process only if consistent with the policies of the Comprehensive Plan for the Future Land Use classification of the property. Standards in section 23-445 apply to all mixed-use planned developments and those in section 23-443 apply to all residential planned developments.</p>																					
<p>3 A "day care home," a day care facility with 4 or fewer clients (See definition in article VIII) is a permitted use accessory to a single-family house pursuant to section 23-521.</p>																					
<p>4 A farm stand is permitted as accessory to an agricultural use.</p>																					
<p>5 A restaurant may be permitted as accessory to a nonresidential use pursuant to section 23-541.</p>																					
<p>6 For exceptions, see section 23-343 "Auctions, sales, and events, temporary" and section 23-355 "Yard sales."</p>																					
<p>7 See also section 23-353, Conditional use regulations for "outdoor seating areas" and section 23-342 for Conditional use regulations on alcoholic beverages.</p>																					
<p>8 C-2 zoning districts in the RAC land use category only.</p>																					
<p>9 Planned Development Mixed Use development may be approved through the MDP process only if consistent with Policy 2.18 of the Comprehensive Plan and Section 23-450.</p>																					

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NOTES:

- Conversion of a dwelling unit to a non-residential use requires a special exception use permit, regardless of whether the new use is a permitted (P) or special exception use (S).
- Outdoor storage in BP, I-1, and I-2 is allowed with site plan approval.
- Outdoor display and sales at an otherwise permitted business or enterprise are subject to conditions in Sec. 23-343.
- Planned Development Projects may be approved in any district per the procedure set forth in section 23-224 and per the regulations set forth in section 23-443.
- The addition of an accessory use to a property where the principal use is a special exception use requires is considered an expansion of the special exception use requiring a new special exception use permit prior to construction or commencement of the use. (See also section 23-501, accessory uses and structures).
- Outdoor seating for any establishment must meet conditional use regulations in section 23-353.

SECTION 2:

Severability: If any clause, section or provision of this ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said ordinance shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated.

SECTION 3:

Effective date: This ordinance shall become effective immediately upon its passage by the city commission.

CERTIFIED AS TO PASSAGE this _____ day of _____ 2020.

By: _____
Mayor/Commissioner
City of Lake Wales, Polk County, FL

ATTEST: _____
City Clerk