

**ORDINANCE NO. \_\_\_\_\_**

**PROPOSED ORDINANCE NO. 20-002**

**AN ORDINANCE RELATING TO ZONING; MAKING FINDINGS; APPROVING A CONDITIONAL USE TO ALLOW FOR THE CONSTRUCTION OF A GARAGE APARTMENT ON PROPERTY LOCATED AT 829 PENNSYLVANIA AVENUE; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, an application has been filed by Alton Masters, for a conditional use to allow the construction of a garage apartment on property located at 829 Pennsylvania Avenue, as more particularly described on Attachment "A" and graphically depicted on Attachments "B," "C," and "D," attached hereto; and

**WHEREAS**, on December 17, 2019, the Planning and Zoning Board held a public hearing on the request of the applicant to have such conditional use granted; and

**WHEREAS**, the Planning and Zoning Board approved the application on December 17, 2019, and recommended to the City Commission that the conditional use be granted;

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

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

**SECTION 2.** A garage apartment on property more particularly described on Attachment “A” and graphically depicted on Attachments “B,” “C” and “D,” attached hereto, is hereby approved, subject to the following conditions:

General Conditions:

1. Development Standards: In accordance with the RA-4 zoning classification and the South Lake Morton SPI, Ordinance 3050, as amended.
2. Maximum Living Area: The maximum living area, including the interior enclosed stairwell, shall be 707 square-feet.
3. Site Development Plan: The project shall be developed in substantial accordance with the site development plan, Attachment “C.”
4. Architectural Elevations: The project shall be developed in substantial accordance with the architectural elevations, Attachment “D”.
5. Parking: A minimum of three (3) off-street parking places will be required to accommodate the existing single-family detached dwelling and the accessory dwelling unit.

**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 5188.

**SECTION 4.** 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 5.** This Ordinance shall take effect immediately upon its passage.

**PASSED AND CERTIFIED AS TO PASSAGE** this 21st day of January, A.D.  
2020.

ATTEST: \_\_\_\_\_  
KELLY S. KOOS, CITY CLERK

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

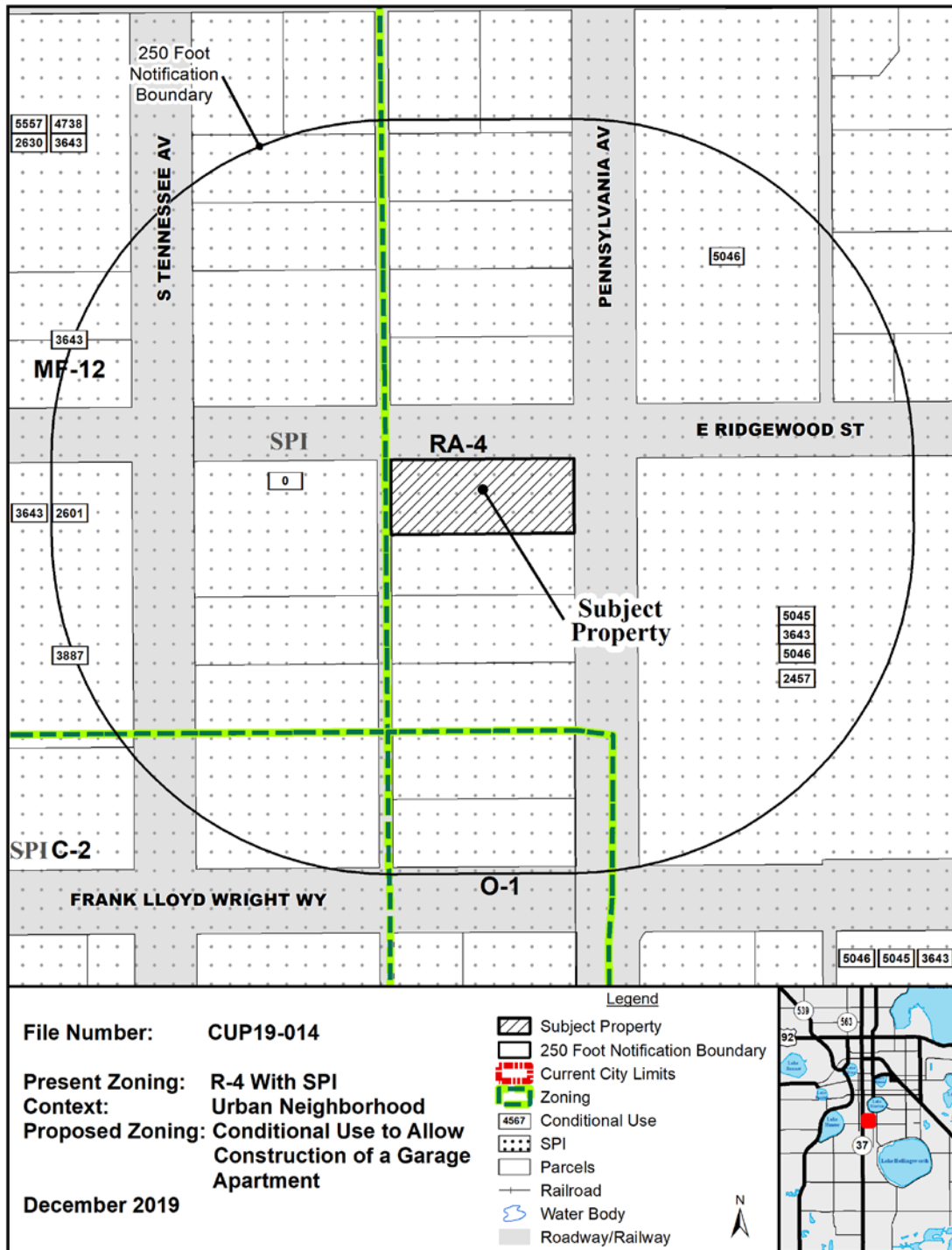
APPROVED AS TO FORM AND CORRECTNESS: \_\_\_\_\_  
PALMER C. DAVIS  
INTERIM CITY ATTORNEY

ATTACHMENT "A"

**Legal Description:**

SCOTTS LAKELAND HEIGHTS DB 75 PG 15 BLK 4 LOTS 11 N 5 FT & ALL 12

# ATTACHMENT "B"



## PENNSYLVANIA AVENUE



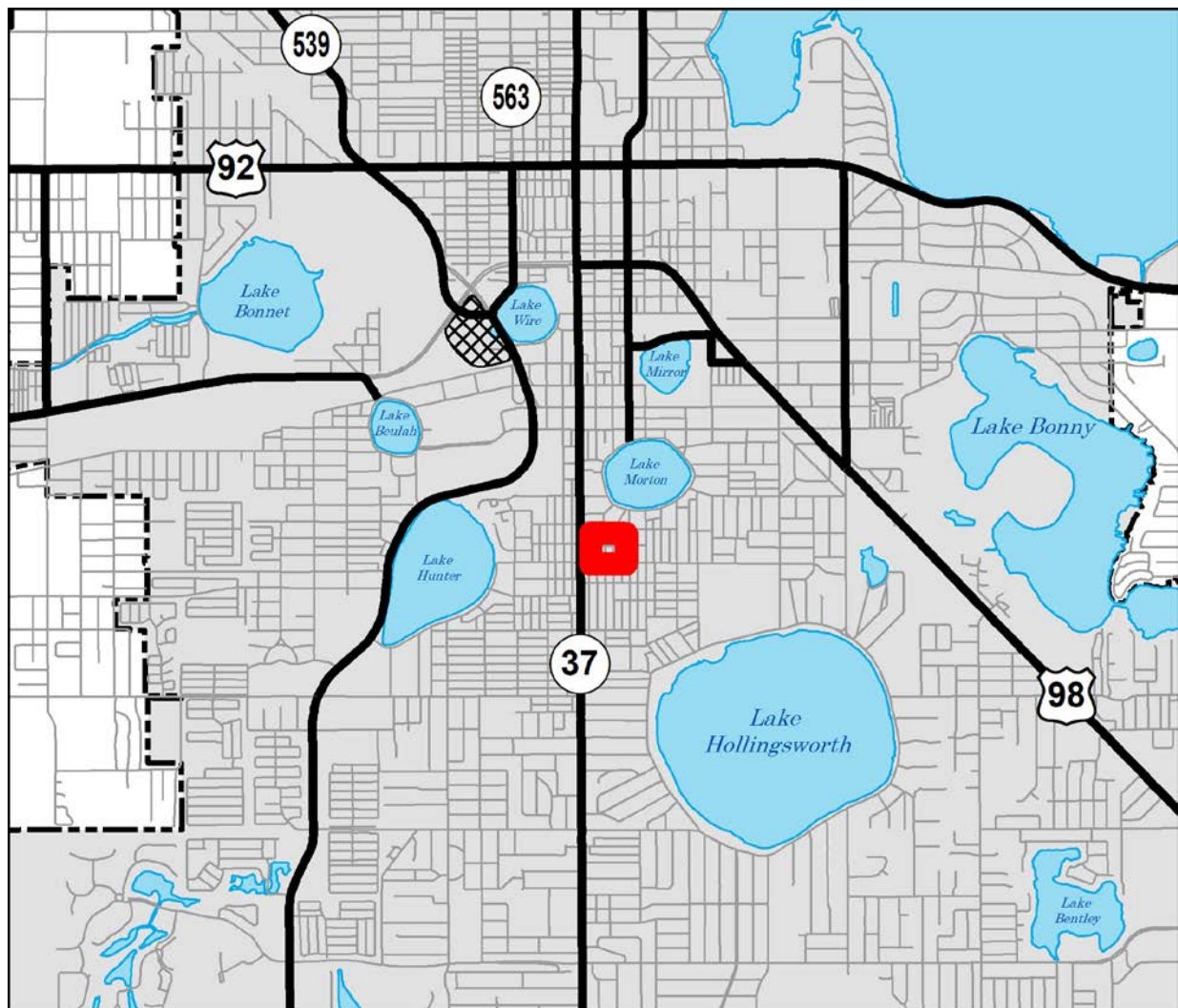
ATTACHMENT "D"

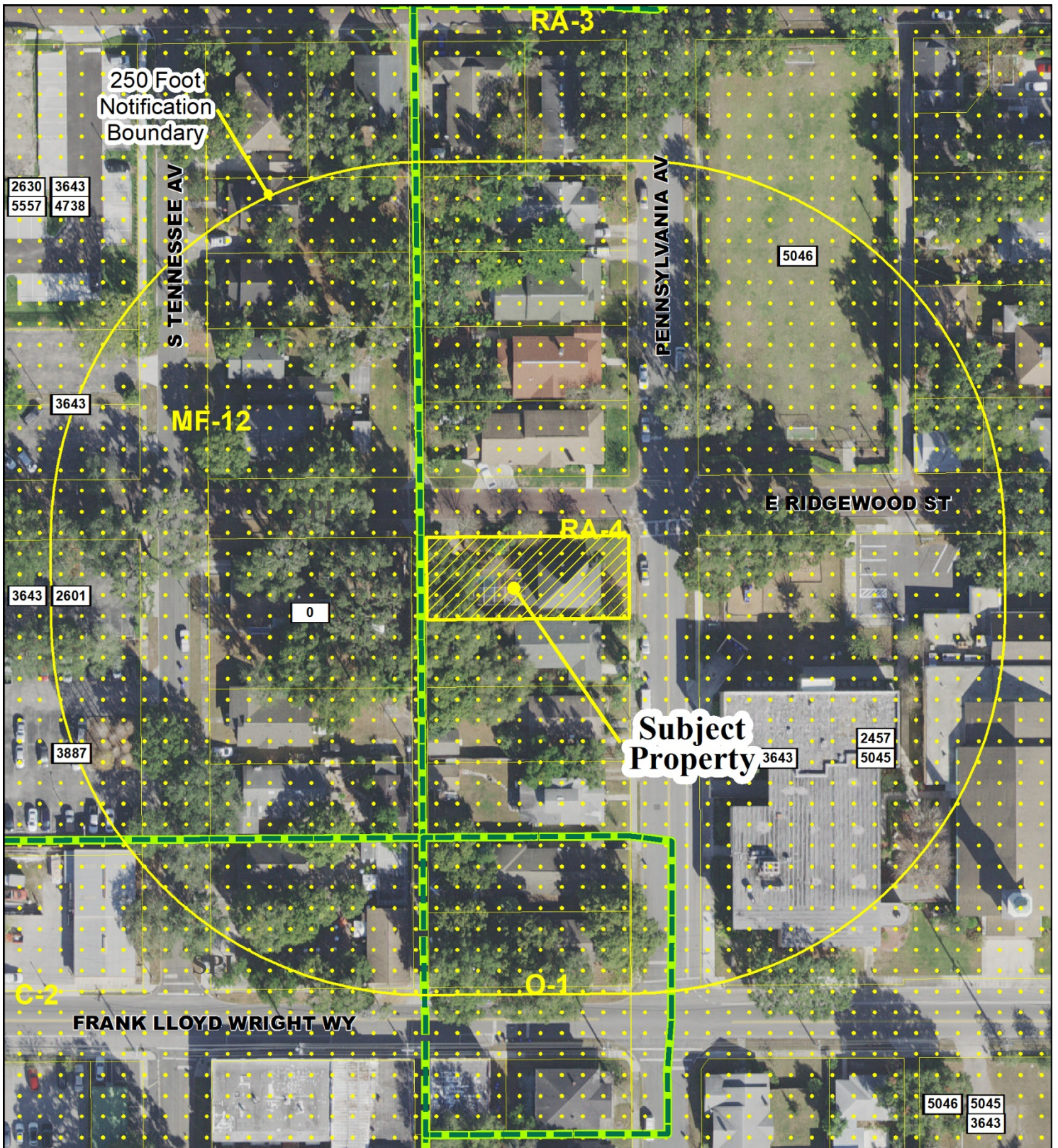


# Planning & Zoning Board Recommendation

Date:	January 6, 2020	Reviewer:	Phillip Searce
Project No:	CUP19-014	Location:	829 Pennsylvania Avenue
Owner:	Alton Masters		
Applicant:	Alton Masters		
Current Zoning:	RA-4 (Single-Family)	Future Land Use:	Residential Medium (RM)
Context District:	Urban Neighborhood (UNH)		
P&Z Hearing:	December 17, 2019	P&Z Final Decision:	December 17, 2019
Request:	A conditional use to allow for the construction of a garage apartment on property located at 829 Pennsylvania Avenue.		

## 1.0 Location Maps





## 2.0 Background

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### 2.1 Summary

Alton Masters requests a conditional use to allow a garage apartment on property located at 829 Pennsylvania Avenue. A map of the subject property is included as Attachment “B.”

### 2.2 Subject Property

The subject property, located within the South Lake Morton Historic District, consists of a 54' x 135' corner parcel with an existing two-story, single-family detached home with 1,872 square feet of living area. The home, which was built in 1902 according to the Polk County Property Appraiser, is listed a contributing building in the historic district. The subject property is zoned RA-4 (Single-Family District) with a Future Land Use designation of RM (Residential Medium) and is located within the UNH (Urban Neighborhood) context sub-district.

### 2.3 Project Background

In early 2019, the applicant received approval from the City of Lakeland’s Historic Design Review Committee to construct a new two-story garage apartment with the rear yard of the subject property. The applicant requests approval to build a new 707 square-foot garage apartment (accessory dwelling unit) which will match the architectural style of the principal dwelling unit. A site plan, which shows the location of the proposed garage apartment, is included as Attachment “C.” An architectural rendering, which shows the design of the proposed garage apartment, is included for information purposes only as Attachment “D.”

### 2.4 Existing Uses of Adjacent Properties

Boundary	Existing Land Use	FLUM	Zoning	Context
North	Single-Family Residential	RM	RA-4	UNH
South	Single-Family Residential	RM	RA-4	UNH
East	Institutional (St. Joseph’s Academy)	RM	RA-4 / w CUP	UNH
West	Single-Family Residential	RM	RA-4	UNH

### 2.5 Attachments

Attachment A: Legal Description

Attachment B: Base Map of Subject Property

Attachment C: Site Development Plan

Attachment D: Architectural Elevation

## 3.0 Discussion

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In 2009, the City adopted standards within the Land Development Code which allow for the development of accessory dwelling units (ADUs) in urban contexts where a legal, conforming single-family detached dwelling unit is the principal structure on, or under construction on, the same lot or parcel. Prior to 2009, ADUs were only allowed within certain designated neighborhoods, such as South Lake Morton, East Lake Morton and Parker Street, through a Special Public Interest (SPI) zoning overlay. As such, property owners within South Lake Morton have the option of choosing from two different sets of regulations if they would like to build an ADU.

The key distinction between the two sets of standards is that the standard code provisions require the property owner to reside on the property, in either the principal dwelling or ADU, as their legal residence and prohibit separate electrical meter service, while the SPI does not have these restrictions. Since the applicant will not be living on the premises full-time, he did not qualify for the standard code provisions and can only build an ADU in accordance with the standards provided by the SPI.

The applicant proposes to construct a two-story garage apartment with 707 sq. ft. of living area. The proposed building footprint is 20' wide x 35' 4" deep and consist of a one-car garage with a second-floor accessory apartment accessed by an interior stairwell. This request was reviewed and approved by the Historic Preservation Board's Design Review Committee at their regular meeting on January 24, 2019.

### 3.1 Comprehensive Plan Compliance

The Community and Economic Development Department and the Planning and Zoning Board reviewed this request for compliance with Lakeland Comprehensive Plan: 2010-2020 and it is our opinion that the request is consistent with the Comprehensive Plan.

## 4.0 Recommendation

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### 4.1 Community and Economic Development Staff

The Community and Economic Development Department reviewed this request and recommended approval of the conditional use permit. Letters of notification were mailed to 24 property owners within 250 feet of the subject property. There were no objections to the request.

### 4.2 The Planning & Zoning Board

This recommendation was approved by a 5 – 0 vote of the Board.

It is recommended that the request for a conditional use, as described above and in Attachments "A," "B," "C," and "D" be approved, subject to the following conditions:

1. Development Standards: In accordance with the RA-4 zoning classification and the South Lake Morton SPI, Ordinance 3050, as amended.
2. Maximum Living Area: The maximum living area, including the interior enclosed stairwell, shall be 707 square-feet.

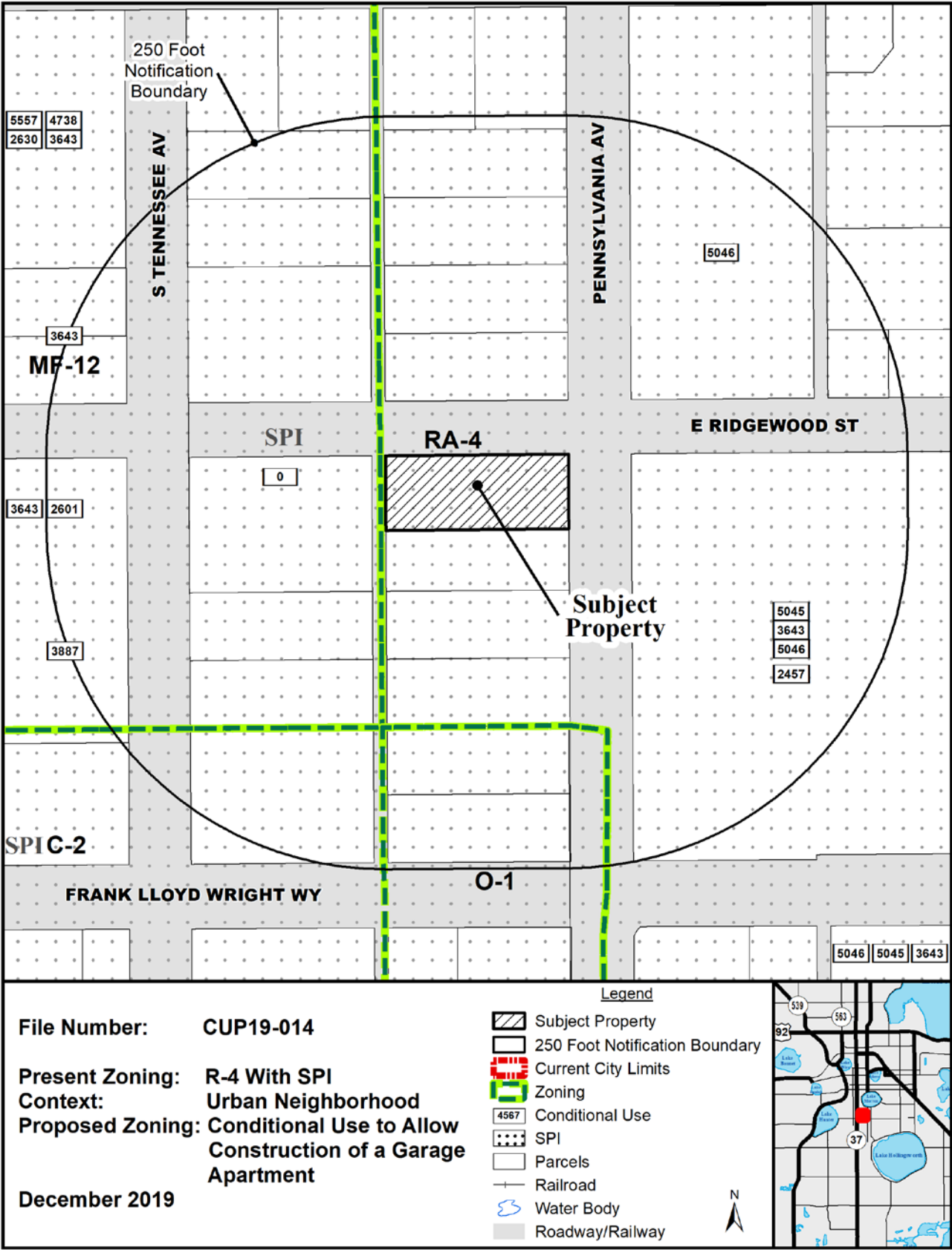
3. Site Development Plan: The project shall be developed in substantial accordance with the site development plan, Attachment "C."
4. Architectural Elevations: The project shall be developed in substantial accordance with the architectural elevations, Attachment "D".
5. Parking: A minimum of three (3) off-street parking places will be required to accommodate the existing single-family detached dwelling and the accessory dwelling unit.

ATTACHMENT "A"

**Legal Description:**

SCOTTS LAKELAND HEIGHTS DB 75 PG 15 BLK 4 LOTS 11 N 5 FT & ALL 12

ATTACHMENT "B"



## PENNSYLVANIA AVENUE



SCALE: 1/8" = 1'-0"



ATTACHMENT D

