

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

**PROPOSED ORDINANCE NO. 18-064**

**AN ORDINANCE RELATING TO ZONING; AMENDING ORDINANCE 4634, AS AMENDED, TO MODIFY BUILDING HEIGHT LIMITS WITHIN THE GARDEN DISTRICT SPECIAL PUBLIC INTEREST DISTRICT; ADOPTING FINDINGS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission wishes to increase the maximum building heights allowed within certain areas of the Garden District Special Public Interest District (the “Garden District SPI”) in order to encourage greater density and infill development within such areas and to expand the housing options available to Lakeland’s residents; and

**WHEREAS**, the City Commission, having held a duly-advertised public hearing at which interested parties were given the opportunity to be heard, finds that it is in the best interests of the City of Lakeland to increase building heights within the Garden District SPI as provided herein;

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

**SECTION 1.** The foregoing findings are true and correct and are hereby adopted and made a part hereof.

**SECTION 2.** Exhibit “A” of Ordinance 4634, as amended, is hereby deleted and replaced with revised Exhibit “A” attached hereto.

**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**SECTION 4.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 5.** 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 6.** This ordinance shall take effect immediately upon its passage.

**PASSED AND CERTIFIED AS TO PASSAGE** this 17th day of December, A.D. 2018.

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

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

APPROVED AS TO FORM AND CORRECTNESS: \_\_\_\_\_  
TIMOTHY J. McCAUSLAND  
CITY ATTORNEY

## EXHIBIT "A"

### GARDEN DISTRICT SPI

#### I. LEGAL DESCRIPTION

Garden District Boundary Description:

A parcel of land lying within Sections 18 & 19, Township 28 S, Range 24 E, Polk County, Florida being described as follows:

Beginning at the intersection of the centerline of Lake Morton Dr and S Iowa Ave, run N along centerline of S Iowa Ave to an intersection with centerline of E Orange St; thence run E along said centerline of E Orange St to an intersection with centerline of S Lake Ave; thence run N along said centerline of S Lake Ave to an intersection with centerline of E Main St; thence run E along said centerline of E Main St to an intersection with westerly right-of -way line of US 98 N; thence run SELY along said westerly right-of -way line of US 98 N to an intersection with centerline of E Lime St; thence run W along said centerline of E Lime St to an intersection with centerline of N Ingraham Ave; thence run S along said centerline of N Ingraham Ave to an intersection with centerline of E Walnut St; thence run W along said centerline of E Walnut St to an intersection with centerline of Lake Morton Dr; thence run NWLY and WLY along said centerline of Lake Morton Dr to POB.

And

Mortons Add as rec in DB Q PG 79 Blk K Lots 16,17 and 18 less RD R.W and Sloan D H SUB as rec in PB 3 PG 55 Lots 5 thru 8 less Rd R/W.

#### II. INTENT

The intent of the Garden District SPI is:

- To provide an incentive and mechanism for quality infill development and redevelopment.
- To reduce regulatory impediments.
- To preserve the historic fabric and ensure architectural compatibility of new construction.

#### III. EFFECT OF SPI

To the extent indicated herein, this SPI shall have the effect of modifying the requirements and regulations of the underlying zoning district classifications within the Garden District.

#### IV. SUB-DISTRICTS

The Garden District shall be divided into six geographic sub-districts as illustrated in Attachment "A."

#### V. USE RESTRICTIONS

The land uses permitted in each respective sub-district shall be as listed in Attachment “B,” except that in the case of PUDs, the permitted uses shall be those specified in the respective PUD. Accessory uses shall be those permitted by right and as conditional uses in the underlying zoning district classification of the property. All other land uses are prohibited. Unless otherwise defined herein, the listed land uses shall be defined in accordance with Article 2 of the Land Development Code.

## **VI. DEVELOPMENT REGULATIONS**

Development standards and building types for new principal buildings shall be in accordance with the underlying zoning district and context sub-district standards, as specified by Tables 3.41, 3.42 and 3.43 of the Land Development Code, except as follows: that the minimum side yard setback for detached principal buildings in all zoning districts shall be five (5) feet.

1. The minimum side yard setback for detached principal structures in all zoning districts shall be five (5) feet.
2. Multi-family development in Sub-Districts 1, 2, & 3, and in Sub-District 4, along E. Orange Street and to the north, as illustrated in Attachment “C-1,” shall have a maximum building height of four (4) stories, not to exceed a total height of sixty (60) feet. For purposes of applying this height bonus, multi-family development includes both single-use multi-family development and vertical mixed-use in which the first floor of a structure contains a non-residential permitted principal use and the remaining floors contain residential multi-family uses. As illustrated in Attachment “C-2,” ground floor parking located beneath a building shall not count as a story provided that the vehicle use area is screened with an architectural treatment consistent with the primary building facade and an entrance feature is provided as specified by Section 3.4.5 of the Land Development Code.

## **VII. OFF-STREET PARKING REQUIREMENTS**

1. Off-street parking shall be located in accordance with the parking locations specified by Figure 3.4-4 and Tables 3.41, 3.42. and 3.43 of the Land Development Code.
2. Parking requirements shall be in accordance with the Land Development Code. However, the developer may submit an alternative parking plan to the Zoning Administrator who shall be authorized to reduce the total number of required off-street parking spaces up to 20 percent. In making this determination, the Zoning Administrator shall consider: (1) Shared uses that have different peak demand periods (weekday versus weekend, daytime versus evening, periodic or special event etc.); (2) Non-residential uses that are likely to generate a higher proportion of walk-up traffic; (3) The adequacy of nearby public parking; (4) Studies of similar uses that demonstrate a lower parking demand.

## **VIII. ACCESSORY DWELLING UNITS AND ACCESSORY BUILDINGS**

1. Where the principal use of a parcel is a single-family detached dwelling, one detached accessory dwelling unit (ADU) shall be permitted in accordance with the standards specified by Section 4.3.2 of the Land Development Code. Such uses shall be permitted by-right subject only to design review by the Historic Preservation Board
2. Accessory buildings other than accessory dwelling units shall be permitted in accordance with the development standards specified by Section 4.3 of the Land Development Code.

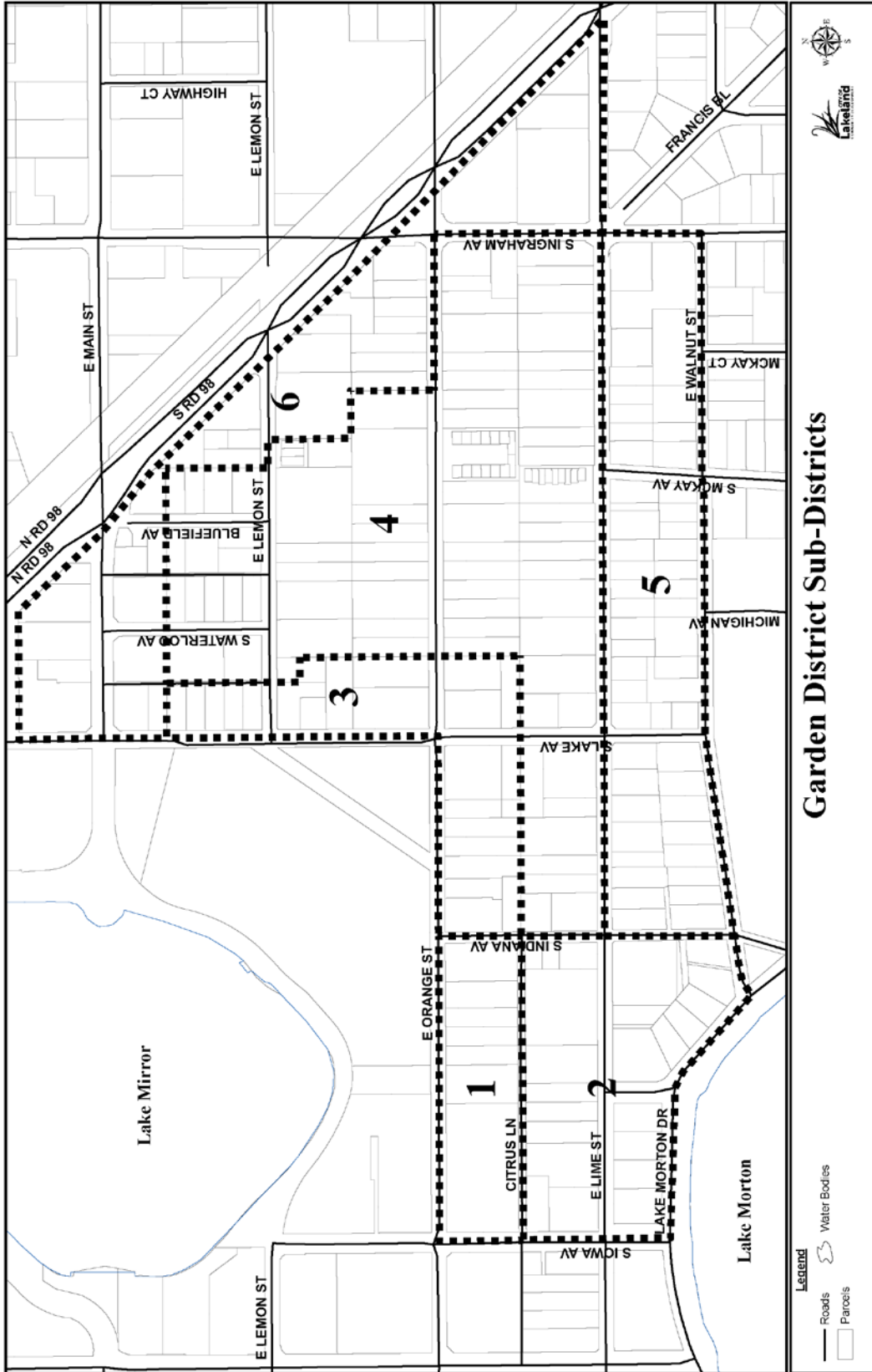
## **IX. HOME OCCUPATIONS**

In accordance with Table 2.3-2 and Section 5.10 of the Land Development Code, home occupations may be conducted as an accessory use to residential dwelling units. Those home occupation types classified as home businesses shall be limited to parcels where the principal use of a property is a single-family detached dwelling unit.

## **X. DESIGN REVIEW**

All new construction and requests for demolition shall be reviewed by staff of the Historic Preservation Board. Staff approval must be received prior to the issuance of any building permits or demolition permits. In making its determination, the staff shall, in addition to the review criteria within Sub-Section 11.6.3 of the Land Development Code, consider location of the site within the historic district, its proximity to identified redevelopment parcels, the historic significance of structures on or adjacent to the site, and the concentration of these structures.

ATTACHMENT "A"



Garden District Sub-Districts

ATTACHMENT "B"

**PERMITTED USES**

## **SUB-DISTRICT 1**

### **Principal Uses Permitted By Right:**

#### Residential

Bed and breakfast

Multiple-family residential buildings

Residential, one or more dwelling units located above the first floor of a structure which contains another permitted principal use on the first floor

Residential, horizontal mixed use, in which no more than 50% of the floor area of a one-story structure is used for another permitted principal use, with one or more dwelling units located to the rear.

#### Non-Residential

Barber shops, beauty shops and day spas

Family day care homes

Home offices

Office uses, government and non-government (~~First floor in Live/Work only~~)

Office-type research and development facilities (~~First floor in Live/Work only~~)

Public non-commercial principal uses

Travel agencies

Utility and essential service facilities, Level I

### **Principal Uses Permitted As Conditional Uses:**

Communication studios

Day care centers

Group homes, Levels I and II

Nursing homes

Parking lots as principal uses on the parcel where located, when operated as accessory to a use or uses located on another parcel

Utility and essential service facilities, Level II



## **SUB-DISTRICT 2**

### **Principal Uses Permitted By Right:**

#### Residential

Bed and breakfast

Multiple-family residential buildings

Residential, one or more dwelling units located above the first floor of a structure which contains another permitted principal use on the first floor

Residential, horizontal mixed use, in which no more than 50% of the floor area of a one-story structure is used for another permitted principal use, with one or more dwelling units located to the rear.

#### Non-Residential

Barber shops, beauty shops and day spas

Family day care homes

Home offices

Office uses, government and non-government

Office-type research and development facilities

Public non-commercial principal uses

Travel agencies

Utility and essential service facilities, Level I

Vocational training for activities permitted in this district

### **Principal Uses Permitted As Conditional Uses:**

Banks, credit unions and savings and loan associations with no drive-through facilities

Churches, synagogues and other houses of worship

Colleges, junior colleges, universities and seminaries

Communication studios

Day care centers

Group homes, Levels I and II

Nursing homes

Parking lots as principal uses on the parcel where located, when operated as accessory to a use or uses located on another parcel

Utility and essential service facilities, Level II

## **SUB-DISTRICT 3**

### **Principal Uses Permitted By Right:**

#### Residential

Bed and breakfast

Multiple-family residential buildings

Residential, one or more dwelling units located above the first floor of a structure which contains another permitted principal use on the first floor

Residential, horizontal mixed use, in which no more than 50% of the floor area of a one-story structure is used for another permitted principal use, with one or more dwelling units located to the rear.

#### Non-Residential

Apparel and accessory stores

Art and drafting supply stores

Art merchandising studios

Barber shops

Beauty shops

Bicycle shops

Book and stationary stores

Camera and photographic supply stores

Candle shops

Candy, nut and confectionary stores

Card shops

Cosmetic stores

Craft shops

Day spas

Dry cleaning pick-up stations serving the public

Exercise studios

Fabric stores

Family day care homes

Flower shops

Gift shops

Home offices

Household goods and accessory stores

Interior decorator showrooms

Jewelry sales and repair stores

Leather and luggage stores

Makerspace; up to 30% of the floor area of a structure may be used for light manufacturing and fabrication purposes incidental to a principal retail use

Music and dance studios

Music and records stores

Musical instrument stores

Office uses, government and non-government

Office-type research and development facilities

Optician retail stores

Pet grooming establishments, but not kennels

Photographic studios serving primarily the public  
Picture framing establishments  
Public non-commercial principal uses  
Restaurants, carry out, sandwich shops and snack bars, serving the general public  
Restaurants, low turn-over, serving the general public  
Retail bakeries  
Shoe and leather good repairs  
Small electronic equipment, TV, radio, computer repair  
Souvenir shops  
Specialty food stores  
Tailor and dressmaking shops  
Tax return preparation services  
Travel agencies  
Utility and essential service facilities, Level I  
Vocational training for activities permitted in this district  
Watch, clock and jewelry repair

**Principal Uses Permitted As Conditional Uses:**

Churches, synagogues and other houses of worship  
Colleges, junior colleges, universities and seminaries  
Communication studios  
Day care centers  
Group homes, Levels I and II  
Makerspace; light manufacturing and fabrication incidental to a principal retail use greater than 30% of the floor area of a structure  
Nursing homes  
Parking lots as principal uses on the parcel where located, when operated as accessory to a use or uses located on another parcel  
Utility and essential service facilities, Level II

## **SUB-DISTRICT 4**

### **Principal Uses Permitted By Right:**

#### Residential

Bed and breakfast

Single-family detached residential buildings

Two-family buildings

Single-family attached residential buildings

Multiple-family residential buildings

Residential, horizontal mixed use, in which no more than 50% of the floor area of a one-story structure is used for another permitted principal use, with one or more dwelling units located to the rear.

#### Non-Residential

Family day care homes

Home businesses accessory to single-family detached dwelling units

Home offices

Public non-commercial principal uses

Utility and essential service facilities, Level I

Office uses, government and non-government, as a conversion of an existing single-family detached structure (North of E. Lemon Street only)

### **Principal Uses Permitted As Conditional Uses:**

Churches, synagogues and other houses of worship

Colleges, junior colleges, universities and seminaries

Communication studios

Day care centers

Group homes, Levels I and II

Nursing homes

Parking lots as principal uses on the parcel where located, when operated as accessory to a use or uses located on another parcel

Utility and essential service facilities, Level II

## **SUB-DISTRICT 5**

### **Principal Uses Permitted By Right:**

#### Residential

Bed and breakfast  
Single-family detached residential buildings  
Two-family buildings  
Single-family attached residential buildings  
Multiple-family residential buildings

#### Non-Residential

Family day care homes  
Home businesses accessory to single-family detached dwelling units  
Home offices  
Public non-commercial principal uses  
Utility and essential service facilities, Level I

### **Principal Uses Permitted As Conditional Uses:**

Churches, synagogues and other houses of worship  
Colleges, junior colleges, universities and seminaries  
Communication studios  
Day care centers  
Group homes, Levels I and II  
Nursing homes  
Parking lots as principal uses on the parcel where located, when operated as accessory to a use or uses located on another parcel  
Utility and essential service facilities, Level II

## **SUB-DISTRICT 6**

### **Principal Uses Permitted By Right:**

#### Residential

Bed and breakfast

Multiple-family residential buildings

Residential, one or more dwelling units located above the first floor of a structure which contains another permitted principal use on the first floor

#### Non-Residential

Banks, credit unions and savings and loan associations

Catering establishments

Communication studios

Convenience sales and personal service

Convenience stores including those with motor vehicle fuel sales (on Bartow Road/U.S. 98 South only)

Day care centers

Department stores

Family day care homes

Food stores

Funeral homes and crematoriums

Home offices

Hotels and motels

Indoor commercial recreation

Laundry and cleaning establishments, Levels I and II

Motor vehicle and boat sale and rental (on Bartow Road/U.S. 98 South Only)

Office support retail

Office-type research and development facilities

Office uses, government and non-government

Office uses, non-government

Public non-commercial principal uses

Restaurants, carry out, sandwich shops and snack bars, serving the general public

Restaurants, low and high turnover, serving the general public

Single-destination commercial uses except pawn shops, payday loan and check cashing establishments and retail building materials sales

Specialty comparison commercial uses

Travel agencies

Utility and essential service facilities, Level I

Veterinary clinics and hospitals, with all facilities in a completely enclosed building

Vocational training for activities permitted in this district

### **Principal Uses Permitted As Conditional Uses:**

Churches, synagogues and other houses of worship

Colleges, junior colleges, universities and seminaries

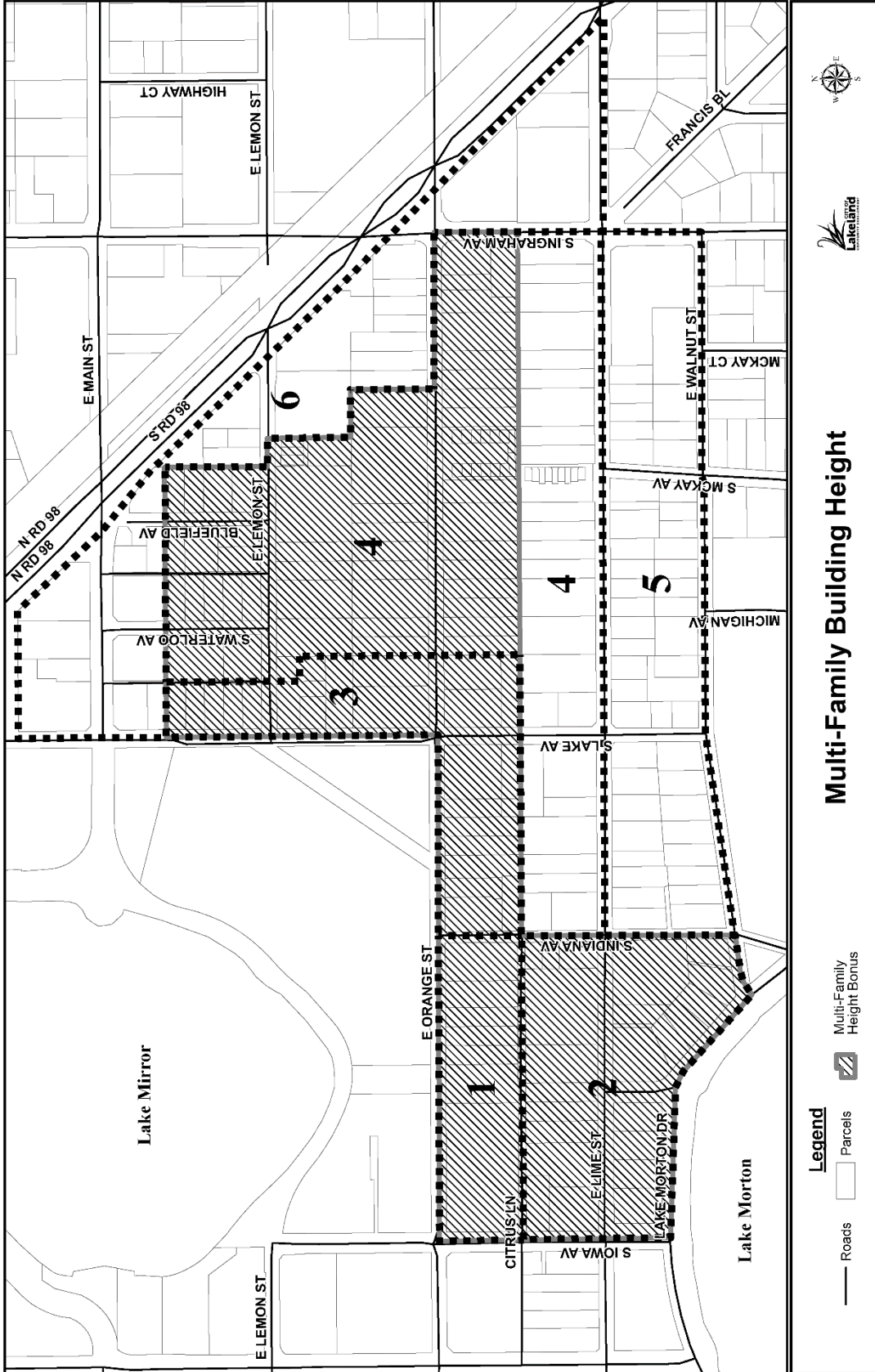
Group homes, Levels I and II

Nursing homes

Parking lots as principal uses on the parcel where located, when operated as accessory to a use or uses located on another parcel

Utility and essential service facilities, Level II

ATTACHMENT "C-1"



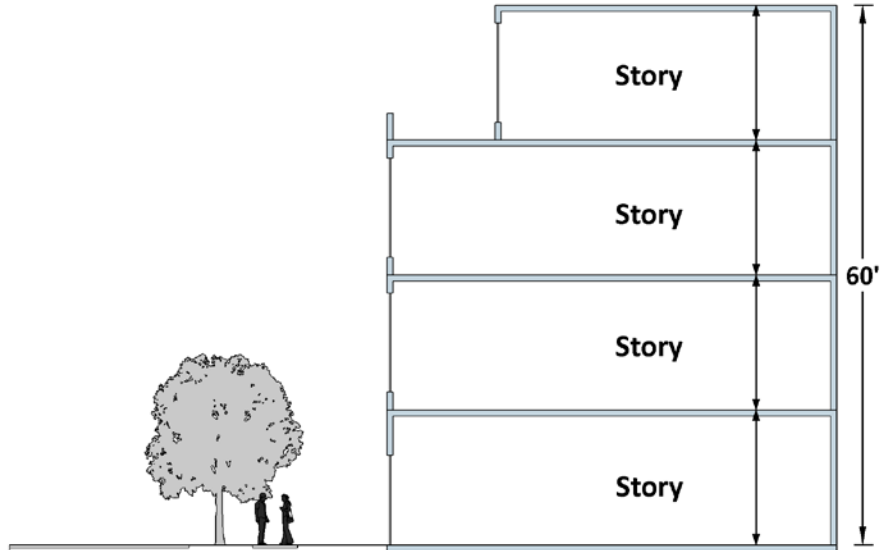
Multi-Family Building Height

- Roads
- - - Parcels
-  Multi-Family Height Bonus

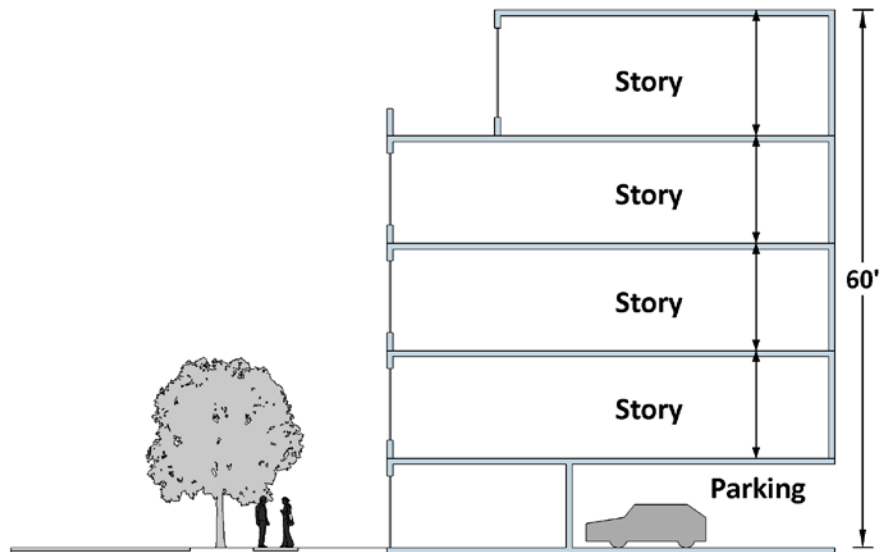


ATTACHMENT "C-2"

### Maximum Building Height



**Four Stories/60 Feet**



**Four Stories/60 Feet with Ground Floor Parking**