

ORDINANCE NO. _____

PROPOSED ORDINANCE NO. 18-024

AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE; PROVIDING FOR CHANGES TO THE LAND DEVELOPMENT CODE (LDC); ARTICLE 3 (FORM STANDARDS) TO INCREASE THE MAXIMUM BUILDING HEIGHT FOR MULTI-FAMILY RESIDENTIAL USES IN MF-12, MF-16, MF-22, O-1 AND C-2 ZONING DISTRICTS WITH AN URBAN CONTEXT DESIGNATION; AND TO INCREASE THE MAXIMUM BUILDING HEIGHT FOR ALL USES IN C-6 AND C-7 ZONING DISTRICTS WITH AN URBAN CONTEXT DESIGNATION; MAKING FINDINGS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

WHEREAS, by Ordinance 5425, adopted on December 16, 2013, the City Commission of the City of Lakeland, Florida adopted the Land Development Code for the City of Lakeland; and

WHEREAS, it has been determined that amendments are necessary to update the regulations contained within the Land Development Code; and

WHEREAS, the City Commission, upon recommendation by the Planning and Zoning Board, wishes to adopt the amendments to the Land Development Code set forth herein;

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

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

SECTION 2. The amendments to the Land Development Code set forth in Attachment "A," attached hereto and made a part hereof, are hereby adopted.

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, and that all procedures for the enactment of this ordinance have been complied with.

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 All ordinances or parts of ordinances in conflict herewith are hereby repealed.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 18th day of June, A.D. 2018.

H. WILLIAM MUTZ, MAYOR

ATTEST: _____
KELLY S. KOOS, CITY CLERK

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

ATTACHMENT "A"

Table 3.4-1 Urban Neighborhood Standards

Urban Neighborhood UNH ¹	Context sub-district: RA-1, RA-2		Context sub-district: RA-3, RA-4, RB		Context sub-district: MF-12, MF-16, MF-22		Context sub-district: O-1, C-1	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Block Requirements								
Block Face		700'		650'		650'		650'
Block Perimeter		2,000'		1,900'		1,900'		1,900'
Building Types	Detached		Detached, Attached by Conditional Use within RA-3 and RA-4 (Special: SFA, ZLL, CT) ⁵		Detached, Attached (Special: SFA, ZLL, CT)		Detached, Attached (Special: SFA, ZLL, CT)	
Lot Requirements								
Lot Width	75'	150'	50'	100'	60'	200'	50'	100'
Lot Area	9,000 sf	22,500 sf	5,000 sf	15,000 sf	8,100 sf	60,000 sf	5,000 sf	15,000 sf
Lot Coverage ²		55%		55%		80%		60% Detached 90% Attached
Principal Building Requirements								
Street Setback								
Arterial	20'	35'	15'	25'	15'	25'	15'	25'
Collector	15'	35'	15'	25'	10'	25'	10'	25'
Main Street	0'	15'	0'	15'	0'	15'	0'	15'
Local Street	15'	30'	15'	20'	10'	20'	10'	20'
Interior Side Setback (Minimum)	7' Detached		0' SFA or ZLL 5' Detached		0' SFA or ZLL 10' Detached		0' Attached, SFA or ZLL 5' Detached	
Rear Setback	20'		15'		20'		20'	
Frontage Buildout	50%		50%		60% ³		60% ³	
Building Height		35'		35'		40'55'		36' ⁶
Parking Location	Zone 1, 2, 3, 4		Zone 1, 2, 3, 4		Zone 2, 3 ⁴		Zone 2, 3 ⁴	
Entrance Feature	Porch, Stoop		Porch, Stoop		Porch, Stoop, Forecourt		Commercial	
Other	Civic Open Space Requirements in accordance with Sub-Section 3.4.6 ; Design Standards for Principal Buildings in accordance with Sub-Section 3.4.7 ; Other Standards in accordance with Sub-Section 3.4.8							

¹For sub-district MH, the maximum block face shall be 650' and the maximum block perimeter shall be 1,900'. Urban form standards shall be as set forth in [Section 5.11](#).
²Subject to applicable Floor Area Ratio limits. See [Table 1.4-2](#). Maximum lot coverage may be higher where single-family attached uses are permitted by right or as a conditional use.
³The required frontage buildout may be reduced only as required to accommodate access to a rear parking area for which no other access is available. In which case access shall be limited to a single 20' wide drive.
⁴Parking permitted in Zone 1 only if parking in other zones is not feasible due to physical site constraints or where necessary to maintain pre-existing cross-access connections.
⁵The ZLL and CT special building types are subject to establishment procedures for single-family sub-districts in accordance with Sub-Section 3.4.3.2.
⁶Maximum height of 55' if the principal use is multi-family residential developed in accordance with MF-22 standards or residential located above a 1st floor non-residential use.
(Ord. No. 5455, 07-21-14; Ord. No. 5522, 07-20-15; Ord. No. 5582, 05-16-16)

Table 3.4-2 Urban Corridor Standards

Urban Corridor UCO	Context sub-district: O-1, O-2, C-1, C-2, C-5		Context sub-district: O-3, C-3		Context sub-district: C-4		Context sub-district: I-1	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Block Requirements								
Block Face		650'		650'		650'		650'
Block Perimeter		1,900'		1,900'		2,600'		1,900'
Building Types	Detached, Attached (Special: SMU)							
Lot Requirements								
Lot Width	50'	200'	O-3: 100' C-3: 200'	300'	300'	650'	60'	
Lot Area	7,500 sf	30,000 sf	O-3: 40,000 sf C-3: 60,000 sf	90,000 sf	90,000 sf	422,500 sf	10,000 sf	
Lot Coverage ¹		60% Detached 90% Attached	60%	60%		60%		60%
Principal Building Requirements								
Street Setback								
Arterial	10'	30'	10'	75'	10'	75'	10'	30'
Collector	0'	20'	0'	55'	0'	55'	0'	20'
Main Street	0'	10'	0'	0'	0'	25'	0'	10'
Local Street	5'	20'	5'	5'	5'	20'	5'	20'
Interior Side Setback (Minimum)	0' Attached or SMU 5' Detached 30' from residential district		0' Attached 10' Detached 30' from residential district		0' Attached 10' Detached 30' from residential district		0' Attached 10' Detached 30' from residential district	
Rear Setback (Minimum)	15'		20'		25'		25'	
Frontage Buildout	20' from residential district		30' from residential district		40' from residential district		40' from residential district	
Building Height	50% ²	36' ⁴	50%	O-3: 60' C-3: 44'	50%	44'	50%	36'
Parking Location	Attached or SMU: Zone 1 ³ , 2, 3 Detached: Zone 1 ³ , 2, 3, 4		Attached: Zone 1, 2, 3 Detached: Zone 1, 2, 3, 4		Attached: Zone 1, 2, 3 Detached: Zone 1, 2, 3, 4		Attached: Zone 1 ³ , 2, 3 Detached: Zone 1 ³ , 2, 3, 4	
Entrance Feature	Commercial		Commercial		Commercial		None required	
Other	Civic Open Space Requirements in accordance with Sub-Section 3.4.6 ; Design Standards for Principal Buildings in accordance with Sub-Section 3.4.7 ; Other Standards in accordance with Sub-Section 3.4.8							

¹Subject to applicable Floor Area Ratio limits. See [Table 1.4-2](#).

²The required frontage build out may be reduced only as required to accommodate access to a rear parking area for which no other access is available. In which case, access shall be limited to a single 20' wide drive.

³Parking permitted in Zone 1 only if parking in other zones is not feasible due to physical site constraints or where necessary to maintain pre-existing cross-access connections.

⁴Maximum height of 55' in areas zoned O-1 or 70' in C-2 if the principal use is multi-family residential developed in accordance with MF-22 standards or residential located above a 1st floor non-residential use.

Table 3.4-3 Urban Center Standards

Urban Center UCT	Context sub-district: C-6, All other districts not specified		Context sub-district: C-7	
	Minimum	Maximum	Minimum	Maximum
Block Requirements				
Block Face		450'		450'
Block Perimeter		1,800'		1,800'
Building Types	Attached, Attached Special: SMU			
Lot Requirements				
Lot Width	25'	200'	25'	200'
Lot Area	2,500 sf	30,000 sf	2,500 sf	30,000 sf
Lot Coverage ¹	55% outside Parking Exempt Area 75% inside Parking Exempt Area	100%	75%	100%
Principal Building Requirements				
Street Setback				
Arterial	0'	20'	0'	20'
Collector	0'	20'	0'	20'
Main Street	0'	10'	0'	10'
Local Street	0'	10'	0'	10'
Interior Side Setback (Minimum)	0' Attached, subject to Building Code 5' Detached			
Rear Setback (Minimum)	0', subject to Building Code			
Frontage Buildout				
Building Height	60% ²	90' <u>120'</u>	70%	40' <u>70'</u>
Parking Location	Zone 2, 3			
Entrance Feature	Commercial			
Other	Civic Open Space Requirements in accordance with Sub-Section 3.4.6 ; Design Standards for Principal Buildings in accordance with Sub-Section 3.4.7 ; Other Standards in accordance with Sub-Section 3.4.8			

¹Subject to applicable Floor Area Ratio limits. See [Table 1.4-2](#).

²Outside of the Parking Exempt Area, the required frontage buildout may be reduced only as required to accommodate access to a rear parking area for which no other access is available. In which case, access shall be limited to a single 20' wide drive.

Table 3.4-4 Urban Special Purpose Standards

Urban Special Purpose USP	Context sub-district: O-1, O-2, C-1, C-2, All other districts not specified		Context sub-district: O-3		Context sub-district: I-1, I-2		Context sub-district: I-3	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Block Requirements								
Block Face		650'		1,320'		1,320'		1,320'
Block Perimeter		1,900'		5,280'		5,280'		5,280'
Building Types		Detached, Attached (Special: SMU)		Detached		Detached		Detached
Lot Requirements								
Lot Width	50'	200'	100'	60'			200'	
Lot Area	7,500 sf	30,000 sf	40,000 sf	10,000 sf			50,000 sf	
Lot Coverage ¹		60% Detached 90% Attached		60%				60%
Principal Building Requirements								
Street Setback								
Arterial	10'		20'				20'	
Collector	0'		10'				20'	
Main Street	na		na				na	na
Local Street	5'		10'				20'	
Interior Side Setback (Minimum)	0' Attached or SMU 5' Detached 30' from residential district		10' 30' from residential district				20' 75' from residential district	
Rear Setback (Minimum)	15'		20'				30'	
Frontage Buildout	None	None	None	None			None	None
Building Height	36' ^{2,4}		60'				50' plus additional 1' for each additional 2' of setback, to a max of 70'	
Parking Location	Zone 2, 3, 4 ²		Zone 1, 2, 3, 4				Zone 1, 2, 3, 4	
Entrance Feature	Commercial		Commercial				None required	
Other	Civic Open Space Requirements in accordance with Sub-Section 3.4.6 ; Architectural Design Requirements in accordance with Sub-Section 3.4.7 ; Other Standards in accordance with Sub-Section 3.4.8							

¹Subject to applicable Floor Area Ratio limits. See [Table 1.4-2](#).

²Parking permitted in Zone 1 only if parking in other zones is not feasible or where necessary to maintain pre-existing cross-access connections.

³Maximum height of 55' in areas zoned O-1 or 70' in C-2 if the principal use is multi-family residential developed in accordance with MF-22 standards or residential located above a 1st floor non-residential use.

⁴Maximum height of 120' if located within C-6 zoning district.

MEMORANDUM

DATE: JUNE 4, 2018

TO: MAYOR & CITY COMMISSION

FROM: STEPHANIE FRANKLIN, CHAIR
PLANNING & ZONING BOARD

SUBJECT: CHANGES TO ARTICLE 3 (FORM STANDARDS) TO INCREASE THE MAXIMUM BUILDING HEIGHT FOR MULTI-FAMILY RESIDENTIAL USES IN MF-12, MF-16, MF-22, O-1 AND C-2 ZONING DISTRICTS WITH AN URBAN CONTEXT DESIGNATION; AND TO INCREASE THE MAXIMUM BUILDING HEIGHT FOR ALL USES IN C-6 AND C-7 ZONING DISTRICTS WITH AN URBAN CONTEXT DESIGNATION

CASE NUMBER: LDC18-001

APPLICANT: CITY OF LAKELAND

P&Z HEARING: APRIL 17, 2018

P&Z FINAL DECISION: MAY 15, 2018

The proposed changes to Article 3 (Form Standards) address maximum building heights for multi-family uses within the MF-12, MF-16, MF-22, O-1 and C-2 zoning districts with an urban context designation and all uses within the C-6 and C-7 zoning district with an urban context designation. The recommended changes are included as Attachment "A."

In 2017, the City Commission directed staff to propose changes to the Land Development Code which would allow for greater density within downtown and the surrounding urban residential neighborhoods through an increase in the maximum building height in areas zoned for multi-family uses and areas zoned for commercial or mixed-use development in the downtown core. The intent of the changes is to reduce regulatory barriers which limit urban density. For some, the current regulations are perceived as a disincentive to investment and redevelopment and the proposed changes are considered necessary for innovative multi-family construction, such as podium buildings in which parking is located on the lower levels with residential units above. The proposed changes only apply to those areas with an urban context district designation.

For multi-family residential uses, the changes requested by the City Commission would increase the maximum height in the MF-12, MF-16, and MF-22 zoning districts from 40 feet to 70 feet. Within O-1 (Low Impact Office) and C-2 (Highway Commercial) zoning districts, the maximum building height for single-use or mixed-use multi-family residential

would increase from 36 feet to 70 feet. In downtown, the maximum building height for the C-6 (Downtown Commercial) zoning district would increase from 90 feet to 120 feet in areas with an UCT (Urban Center) context sub-district designation and from 36 feet to 120 feet within the USP (Urban Special Purpose) context sub-district. Those portions of downtown zoned C-7 (Munn Park Historic District) would see the maximum building height increase from 40 feet to 70 feet.

Regulations which limit building height are just one of many factors which affect density. Other regulatory factors, such as the maximum density or intensity specified by the Future Lane Use Element of the City's Comprehensive Plan, and the minimum parking and setback requirements specified by the Land Development Code, limit density to the same extent or greater than building heights. Other factors which have an impact on density, such as market demographics, land values and construction costs, are largely non-regulatory in nature, but often play a greater role in determining what can actually be financed and built.

The changes proposed by the City Commission would potentially have a broad impact on future development throughout the entire Central City area. Older residential neighborhoods, located just outside of downtown, would most likely see the greatest impact from an increase in building height. In those areas, properties zoned MF-22, O-1 or C-2 currently allow multi-family residential development at densities ranging from 22 to 75 dwelling units per acre. Properties zoned MF-12 or MF-16, however, are less likely to see an impact as the underlying land use already limits the density to a maximum of 12 dwelling units per acre, except for properties located within a quarter mile of a Transit Oriented Corridor (TOC). For such properties located within a TOC, a maximum density ranging from 16 to 22 dwelling units could be achieved if rezoned as part of a Planned Unit Development (PUD). In these areas, the changes proposed by the prior City Commission could allow multi-family development up to 70 feet in height.

In March and April of this year, staff held a series of informational meetings in the two residential neighborhoods most likely to be impacted by the proposed changes: South/East Lake Morton and Dixieland. The intent of the meetings was to make property owners and residents aware of the proposed changes and to solicit feedback prior to the first public hearing before the Planning & Zoning Board.

Both neighborhoods, which are designated locally and nationally as historic districts, comprise part of the original residential core of Lakeland dating from the early 1900s. The existing development pattern consists of a mixture of pre-war and post-war single-family homes, duplexes and small apartment buildings. A typical residential structure is one story in height, and rarely greater than two-stories, even in those areas zoned for multi-family uses which currently allow buildings up to 40 feet height (three to four stories). An increase from 40 to 70 feet would potentially allow six or seven story buildings adjacent to historic single-family homes which is a dramatic departure from the historical development pattern.

From the input received at the neighborhood meetings and the testimony presented at the public hearing, existing residents and property owners are overwhelmingly opposed to a

blanket increase in height outside of the downtown core. Concerns range from loss of historic character and the impact of six or seven story buildings on existing residential properties. Some felt there was not enough discussion with the community and questioned the impetus for the proposal. General concerns about additional rental units and traffic were also mentioned, though these issues were not the focus of the staff presentation.

Historic Lakeland Inc., a non-profit organization dedicated to promoting the protection of Lakeland's historic resources, is opposed to an allowance for such a significant height increase by right due to potential for poorly conceived projects that overwhelm the smaller scale character that currently defines the historic neighborhoods. The Board of Historic Lakeland questioned the premise that building height limitations are the real reason why private capital is unwilling to invest in the older neighborhoods around downtown. A simple increase in height will likely lead to unintended consequences similar to past zoning actions in existing neighborhoods which allowed for poorly conceived multi-family projects to be built in the 1960s and 1970s. If a developer comes forward with a thoughtful, well designed project that warrants additional height, there is always the variance process to allow such projects to move forward.

The Historic Preservation Board was advised of the proposed changes at their regular meeting on April 26th. The consensus of the Board was that the proposed height increase for multi-family uses outside of downtown was inappropriate and that allowing 70 feet by right would adversely impact the character of the historic districts. It was the opinion of the Board that if a height increase is warranted, it should be sought through either a variance or the conditional use process. The Board was not opposed to the proposed height increase, from 40 feet to 70 feet, in the Munn Park Historic District.

Due to the input received at the neighborhood meetings and the public hearing, staff is recommending that the proposed increase for multi-family uses outside of downtown in areas zoned MF-12, MF-16, MF-22, O-1 and be limited to 55 feet rather than 70 feet. This change will allow for a modest increase in height (four or five story construction) without completely overwhelming the character of existing neighborhoods while respecting the viewsheds of parkway lakes, such as Lake Morton and Lake Hunter, that are historically significant and environmentally sensitive.

For areas zoned C-2, a height limit of 70 feet for mixed-use residential infill is appropriate. The C-2 zoning classification is uniformly commercial and limited to heavily traveled corridors, such as South Florida Avenue, which can support more intense development. Similarly, changes proposed for downtown which would increase the maximum building height to 120 feet in C-6 zoning districts and 70 feet in C-7 are appropriate and noncontroversial. Staff is recommending that those changes be approved as originally proposed.

The Community Development Department and the 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.

The Community Development Department reviewed this request and recommended the proposed changes to the LDC.

This recommendation was approved by a 4 – 2 vote of the Board.

Recommendation

It is recommended that the proposed changes to the LDC, as described in Attachment “A,” be approved.