LAND DEVELOPMENT CODE

August 2018 UPDATE
ACKNOWLEDGEMENTS*

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Gow Fields, Mayor
Justin Troller
Phillip Walker
Keith Merritt
Edie Yates
Don Selvage
Howard Wiggs

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Celeste Deardorff, Manager of Long Range Planning
Charles Barmby, Transportation Planner
Jason Willey, Economic Development Coordinator
Teresa Maio, Principal Planner
Lorenzo Thomas, Senior Planner
Matthew Lyons, Senior Planner
Richard Perez, Senior Planner
Lynne Simpkins, Senior Planner
Troy Salisbury, Senior Planner
D’Ariel Reed, Office Associate II
Carol Roberts, Receptionist
Connie Rossman, GIS Supervisor
Kenneth Pertuis, GIS Technician
Traci Vanhoy, Administrative Assistant
Brooke Torres, Planning Administrative Specialist

Consultants: AECOM; Samuel G. Sheets & Associates
Illustrations: Furr and Wegman Architects

*PERSONNEL AT TIME OF ORIGINAL ADOPTION DECEMBER 16, 2013

City of Lakeland Land Development Code
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<tr>
<td>5425</td>
<td>12/16/13</td>
<td>Adopting New Land Development Code for City of Lakeland</td>
</tr>
<tr>
<td>5455</td>
<td>07/21/14</td>
<td>Amendments to the Land Development Code to Correct Scrivener’s Errors; Clarify Standards; and Revise Urban Form Standards</td>
</tr>
<tr>
<td>5462</td>
<td>09/15/14</td>
<td>Adopting changes to Article 12 (Administration and Enforcement) of the City of Lakeland Land Development Code to establish procedures and timeframes for appealing decisions made by the Planning and Zoning Board</td>
</tr>
<tr>
<td>5522</td>
<td>07/20/15</td>
<td>Correct inconsistencies between the current code and the former Land Development Regulations; provide clarification of previously adopted standards; and provide consistency with recent changes to the Comprehensive Plan.</td>
</tr>
<tr>
<td>5532</td>
<td>09/21/15</td>
<td>Changes to Section 2.5 (Temporary Uses) and Section 5.19 (Produce Stands - Temporary) of the Land Development Code to include temporary produce markets; to extend the length of the permit; and to expand the hours of operation.</td>
</tr>
<tr>
<td>5559</td>
<td>01/19/16</td>
<td>Change to Figure 1.4-1 (Transit Oriented Corridors) of the Land Development Code to reflect changes to the Comprehensive Plan by removing Interstate-4 and State Road 33 north of Old Combee Road from the existing Transit Oriented Corridor designation.</td>
</tr>
<tr>
<td>5560</td>
<td>01/19/16</td>
<td>Proposed changes to Article 6 (Natural Resources Protection Standards) related to Wellhead and Aquifer Protection to provide a definition for “regulated substance”; replace Table 6.7-1 with a simplified list of regulated substances; clarify permit procedures; and specify non-compliance provisions.</td>
</tr>
<tr>
<td>5578</td>
<td>05/16/16</td>
<td>Changes to Article 4 (General Site Development Standards) to adopt requirements related to the use of tents for temporary uses and as temporary accessory structures for permitted principal uses.</td>
</tr>
<tr>
<td>5579</td>
<td>05/16/16</td>
<td>Changes to Article 6 (Lake and Natural Habitat Protection) to requirements related to the permitting of docks on parkway lakeshores.</td>
</tr>
<tr>
<td>5580</td>
<td>05/16/16</td>
<td>Changes to Article 3 (Urban Form Standards) to modify principal building requirements related to entrance features and garages allowing a minimum height of four inches for stoops and for attached garages to extend 15 feet beyond the front façade of the principal building within the Suburban Neighborhood Context.</td>
</tr>
<tr>
<td>5581</td>
<td>05/16/16</td>
<td>Changes to Article 5 (Standards for Specific Uses) to modify permit procedures for the parking and use of specially-equipped medical vehicles and trailers in association with medical offices.</td>
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<tr>
<td>5582</td>
<td>05/16/16</td>
<td>Changes to Article 3 (Urban Form Standards) to require a conditional use for the Cottage (CT) and Zero Lot Line (ZLL) special building types.</td>
</tr>
<tr>
<td>5610</td>
<td>12/20/16</td>
<td>Changes to Article 6 (Natural Resource Protection Standards) to revise Floodplain Management standards adopting procedures and criteria for development in flood hazard areas; to adopt revised flood hazard maps; and to designate a floodplain administrator.</td>
</tr>
<tr>
<td>5611</td>
<td>12/20/16</td>
<td>Changes to Article 4 (General Site Development Standards) to adopt new Historic or Landmark sign standards.</td>
</tr>
<tr>
<td>5612</td>
<td>12/20/16</td>
<td>Changes to Article 4 (General Site Development Standards) related to the placement of accessory equipment such as air conditioners, swimming pool pumps, filters and heaters and emergency generators.</td>
</tr>
<tr>
<td>5645</td>
<td>07/17/17</td>
<td>Changes to Article 1 (Introduction and Use of this Code) and Article 2 (Use Standards) to allow Medical Marijuana Dispensing Facilities within the City of Lakeland subject to certain conditions.</td>
</tr>
<tr>
<td>5694</td>
<td>02/19/18</td>
<td>Changes to Article 4 (General Site Development Standards) to revise setback requirements for residential fences in street side yards and provide clarification regarding applicability and visibility requirements.</td>
</tr>
<tr>
<td>5695</td>
<td>02/19/18</td>
<td>Changes to Article 6 (Natural Resource Protection Standards) to adopt new Floodplain Management standards.</td>
</tr>
<tr>
<td>5714</td>
<td>06/18/18</td>
<td>Changes to Article 4 (General Site Development Standards) to provide clarification regarding the threshold for compliance with development standards for nonconforming properties.</td>
</tr>
<tr>
<td>5715</td>
<td>06/18/18</td>
<td>Changes to Article 5 (Standards for Specific Uses) to clarify standards specific to the placement and replacement of mobile home units within legal nonconforming mobile home parks and mobile home subdivisions.</td>
</tr>
<tr>
<td>5716</td>
<td>06/18/18</td>
<td>Changes to Article 5 (Standards for Specific Uses) to clarify applicability and location requirements for neighborhood convenience centers.</td>
</tr>
<tr>
<td>5717</td>
<td>06/18/18</td>
<td>Changes to Article 2 (Use Standards) to allow certain personal service uses by right as a principal use in the O-1, O-2, O-3, and C-1 zoning districts; to allow colleges and universities within the C-2 zoning district; and to allow community gardens by right within all zoning districts, except I-3 where community gardens are prohibited.</td>
</tr>
<tr>
<td>5719</td>
<td>06/18/18</td>
<td>Changes to Article 3 (Form Standards) to amend Table 3.4-11 of the Land Development Code specifying development standards for the Single Family Attached (SFA) building type.</td>
</tr>
<tr>
<td>5720</td>
<td>06/18/18</td>
<td>Changes to Article 9 (Subdivision Standards) to revise minimum right-of-way widths for arterial and collector streets consistent with current best practices.</td>
</tr>
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<tr>
<td>5721</td>
<td>6/18/18</td>
<td>Changes to Article 4 (General Site Development Standards) to reduce the minimum parking requirements for multi-family uses; adopt standards allowing for on-street parking within adjacent rights-of-way; and provide clarification regarding design standards for bicycle parking facilities</td>
</tr>
<tr>
<td>5722</td>
<td>6/18/18</td>
<td>Changes to Article 4 (General Site Development Standards) to adopt standards for above-ground tanks as accessory structures for the storage of combustible liquids</td>
</tr>
<tr>
<td>5724</td>
<td>6/18/18</td>
<td>Changes to Article 4 (General Site Development Standards) to revise color and location standards for Electronic Message Center (EMC) signs and to reinstate previously adopted requirements for Comprehensive Sign Plans</td>
</tr>
<tr>
<td>5725</td>
<td>7/2/18</td>
<td>Changes to Article 3 (Form Standards) to increase the maximum building height for multi-family uses within O-1 and C-2 zoning districts within certain urban context designations and for all uses in C-6 and C-7 zoning districts within all urban context designations</td>
</tr>
<tr>
<td>5734</td>
<td>7/16/18</td>
<td>Changes to Article 3 (Form standards) to increase the maximum height for multi-family uses within MF-12, MF-16 and MF-22 zoning districts with an urban context designation</td>
</tr>
<tr>
<td>5735</td>
<td>8/6/18</td>
<td>Amending Ordinance 4592 to increase maximum building heights in certain areas of the Dixieland Special Public Interest District</td>
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<tr>
<td>Figure 4.12-1</td>
<td>Visibility Triangles (Radius 45’ or less)</td>
<td>4.153</td>
</tr>
</tbody>
</table>
ARTICLE 1: INTRODUCTION AND USE OF THIS CODE

1.1 INTENT AND APPLICABILITY

1.1.1 TITLE

This Code shall be entitled "The City of Lakeland Land Development Code" and may also be referred to herein as the "Land Development Code" or the "Code".

1.1.2 APPLICABILITY

No building, structure, or land located within the city shall hereafter be used or occupied, and no building, structure, or part thereof shall hereafter be erected, constructed, reconstructed, located, moved or structurally altered except in conformity with the regulations herein specified for the zoning district and context sub-district in which it is located, and in conformity with all other applicable provisions of this Code.

1.1.3 POWERS

a. This Code is intended to implement powers of the city to plan, zone, regulate development, control density and administer planning, zoning and development activities pursuant to Article VIII of the Constitution of the State of Florida, Florida Statutes, various Special Acts and the City Charter.

b. This Code is intended to implement powers conferred by or available to the city through Section 163.3161, et seq., Florida Statutes, entitled the "Community Planning Act" and any amendments thereto.

(Ord. No. 5455, § 2, 07-21-14)

1.1.4 OTHER REGULATIONS AND ORDINANCES

1.1.4.1 Engineering Standards Manual

When real property is developed or redeveloped, the infrastructure facilities contained within said property or serving said property shall be constructed in accordance with the requirements set forth in the City of Lakeland Engineering Standards Manual, prepared pursuant to Ordinance No. 3175, as amended.

1.1.4.2 Conflicting Regulations and Ordinances

Whenever any provision of this Code imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Code shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Code, then the provisions of such law or ordinance shall govern.
1.1.5 RELATIONSHIP TO THE COMPREHENSIVE PLAN

The regulations and requirements herein set forth have been established in accordance with a Comprehensive Plan with reasonable consideration given to, among other things, the prevailing land uses, growth characteristics and the character of the respective districts and their peculiar suitability for particular uses and to encourage the most appropriate use of land throughout the city. Specifically, this Code provides regulations to implement applicable goals, objectives and policies of the city's adopted Comprehensive Plan and amending ordinances.

1.1.6 INTENT OF THE LAND DEVELOPMENT CODE

The provisions of this Code are intended to be the minimum requirements to promote the public health, safety, comfort, good order, appearance, morals and general welfare of the city; to conserve the taxable value of land and buildings and to protect the character and maintain the stability of residential, business and industrial areas within the city in order to promote the orderly and beneficial development of such areas. Among other purposes, this Code is intended to:

a. To provide a wholesome, serviceable, and attractive community;

b. To increase the safety and security of home life;

c. To preserve and create a more favorable environment in which to rear children;

d. To stabilize and enhance civic values;

e. To stabilize and enhance property values;

f. To provide more reasonable and serviceable means and methods of protecting and safeguarding the economic and social structure upon which the good of all depends;

g. To provide for appropriate density and intensity of land uses;

h. To provide for a diverse mix of land uses;

i. To provide for a compact, walkable, energy-efficient, transit-supportive urban form;

j. To increase traffic safety and ease transportation problems;

k. To provide for a desirable land-use pattern;

l. To provide more adequately for light, air, and privacy;

m. To provide more adequately for housing;
Article 1: Introduction and Use of this Code

n. To provide more adequately for job opportunity;

o. To provide more adequately for the safety and convenience of access to property;

p. To provide more adequately for parks, parkways, recreation, schools, public buildings and facilities, water, sewerage, sanitation, and other public requirements;

q. To provide for a desirable tax assessment base;

r. To lessen congestion, disorder, and danger which often are associated with unplanned and unregulated urban development;

s. To divide the city into districts restricting and regulating therein the construction, reconstruction, alteration and use of buildings, structures and land for residence, business, industrial and other specified uses;

t. To regulate the size of buildings and ensure desirable amounts of open space surrounding buildings;

u. To develop meaningful and productive relationships between the private sector and city government;

v. To aid in development and redevelopment of the city; and

w. To define the powers and duties of the administrative officers, Boards and Commissions provided herein.

To further the objective of the city's adopted Comprehensive Plan and the intent and purpose of this Code, the city is divided into districts of such number, shape, characteristics, area, common unity of purpose, adaptability, or use as will accomplish the objectives of the plan and this Code.

1.1.7 VIOLATIONS, FINES

Any person who shall violate any of the provisions of the Code herein adopted, or fail to comply therewith, or with any of the requirements thereof, or shall build or alter any building in violation of any detailed statement or plan, submitted and approved herein, or shall use his, her or its property in violation of the provisions of said Code, shall be guilty of a violation of this ordinance and upon conviction thereof shall be penalized by a fine of not more than $500.00 or imprisonment of not more than 60 days, or by both such fine and imprisonment. Each day such a violation is permitted to exist shall constitute a separate offense. Violations of this Code may also be enforced by the Code Enforcement Board.
1.1.8 PUBLICATION

a. The Land Development Code shall be published in book form which shall contain a certificate of the City Clerk of the City of Lakeland that said book is an exact copy of the Code, as amended.

b. Three copies of the Land Development Code shall be filed in the office of the City Clerk, and be available to all persons desiring to examine same.

1.1.9 ENACTMENT

This Code shall take effect on March 3, 2014, as provided by law.

ADVERTISED: November 25 and December 11, 2013

READ FIRST TIME: December 2, 2013

READ SECOND TIME: December 16, 2013

DATE OF ADOPTION: December 16, 2013

APPROVED:

/s/ Gow B. Fields
Mayor

ATTEST:

/s/ Kelly S. Koos
City Clerk
(Ord. No. 5455, § 2, 07-21-14)

1.2 STRUCTURE AND USE OF THIS CODE

1.2.1 ORGANIZATION

a. This Code is organized into articles, sections and sub-sections according to the following format:

<table>
<thead>
<tr>
<th>ARTICLE X</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>X.1</td>
<td>SECTION</td>
</tr>
<tr>
<td>X.1.1</td>
<td>SUB-SECTION</td>
</tr>
<tr>
<td>X.1.1.1</td>
<td>Sub-Section Catchline</td>
</tr>
</tbody>
</table>
b. Unless the context clearly indicates a different meaning, references to “Code” shall mean this Land Development Code in its entirety, references to “article” shall mean the current or referenced article in its entirety, references to “section” shall mean the current or referenced section in its entirety and references to “sub-section” shall mean the current or referenced sub-section in its entirety.

1.2.2 OVERVIEW

a. This Code uses zoning districts to govern the use of property and context sub-districts to govern the physical layout and form of development in accordance with the boundaries thereof in the Official Zoning Map.

b. This Code is organized into articles which are summarized as follows.

Article 1: Introduction and Use of This Code

This article establishes the legal basis for the Code and explains the intent and the relationship to the goals, objectives and policies of the Comprehensive Plan. It defines certain terms that have special meaning as used in the Code. It also establishes the Official Zoning Map which sets out the geographic boundaries of the various zoning districts, context sub-districts and SPI Districts.

(Ord. No. 5455, § 2, 07-21-14)

Article 2: Use Standards

This article enumerates the various zoning districts and outlines the land uses that are permitted by right or by conditional use in each district. The uses are described in greater detail in the Master Use List. The article also contains standards for conditional uses, temporary uses and accessory uses.

Article 3: Urban Form Standards

This article sets out the development standards governing urban form. It establishes context districts, context sub-districts and a street classification system. It establishes development standards for each context sub-district and additional development standards for certain principal building types.

Article 4: General Site Development Standards

This article sets out general standards for the development of property in all districts. These standards are in addition to the standards governing basic urban form outlined in Article 3.

Article 5: Standards for Specific Uses

This article establishes use and/or development standards for certain land uses that have unique characteristics.
Article 6: Natural Resource Protection Standards

This article establishes regulations for the protection of significant natural resources including lakes, wetlands, floodplains and aquifers. It also establishes special regulations for the Green Swamp Area of Critical State Concern.

Article 7: Planned Unit Development Standards

This article establishes standards and procedures for the creation of Planned Unit Developments (PUDs) which are unique zoning districts having use and/or development regulations that are tailored to the particular site.

Article 8: Special Public Interest (SPI) District Standards

This article establishes standards and procedures for the creation of Special Public Interest (SPI) Districts which are modifications to the standard use and/or development regulations that apply within a specified geographic area. Only the city can create or amend an SPI District.

Article 9: Subdivision Standards

This article establishes standards and procedures for the subdivision of land including standards and procedures for the construction of improvements such as roads and utility systems.

Article 10: Concurrency Standards

This article establishes standards and procedures for assuring that the minimum level of service standards established by the Comprehensive Plan are maintained.

Article 11: Historic Preservation Standards

This article establishes standards and procedures for the creation of historic districts and standards for design review of development within such districts to assure compatibility with the historic character.

Article 12: Administration and Enforcement

This article sets out the powers and responsibilities of the Planning and Zoning Board, the Zoning Board of Adjustments and Appeals and the city’s administrative staff. It establishes procedures for the rezoning of property, for the review and approval of conditional uses and for amending the Code. It provides for the enforcement of the provisions of this Code.
Article 13: Nonconformities

This article establishes rules for the continuance, expansion and modification of existing uses, lots and structures that do not conform to the provisions of this Code.
Commentary: Navigating the Code

The following steps will help you navigate this Code. The order in which the steps are taken will depend on your particular circumstances.

1. Determine the **zoning district** classification of the property and understand the **uses that are permitted** within that district.

   Refer to the Official Zoning Map to determine the zoning district classification of the property. (Example: RA-4.) Refer to Table 2.3-1 to determine what principal uses are permitted in that district.*

2. Determine the **context sub-district** classification of the property and understand the **development standards** pertaining to that sub-district.

   Refer to the Official Zoning Map to determine the context sub-district of the property. (Example: UNH) Each context is divided into sub-districts according to the underlying zoning district. Refer to Article 3 (Urban Form Standards) for the development standards pertaining to that context sub-district.*

(Ord. No. 5455, § 2, 07-21-14)

3. Understand the **general site development standards**.

   Refer to Article 4 (General Site Development Standards) to find the rules pertaining to specific elements of site design such as access management, landscaping, signs etc.

4. Understand the **natural resource protection standards**.

   Refer to Article 6 (Natural Resource Protection Standards) to find the rules pertaining to natural resources such as lakes, wetlands and floodplains. If the property is located in the Green Swamp Area of Critical State Concern, refer to Section 6.3.

5. Understand the **engineering standards and other permitting requirements** contained in other documents.

   City standards for the engineering of development sites are contained in the Engineering Standards Manual. Other regulations and administrative procedures might also apply, such as those necessary to obtain water, sewer and electric service and those of outside agencies such as those of the Southwest Florida Water Management District (wetlands, stormwater management), the Florida Department of Transportation (state-controlled roads) and Polk County (county-controlled roads).

* The rules pertaining to use and urban form might be different if the property is zoned PUD, is located in an SPI district, located in a historic district or is one of the specific uses covered in Article 5. (Ord. No. 5455, § 2, 07-21-14)
1.3 CONSTRUCTION OF LANGUAGE

1.3.1 CONSTRUCTION OF LANGUAGE

The following rules of construction apply to the text of this Code:

a. The particular shall control the general.

b. In the case of any differences of meaning or implication between the text of this Code and any caption or illustration, the text shall control.

c. The word "shall" is always mandatory and never discretionary. The word "may" is permissive.

d. Words used in the present tense shall include the future. Words used in the singular number shall include the plural, and the plural, the singular, unless the context clearly indicates the contrary.

e. The word "building" or "structure" includes any part thereof.

f. The phrase "used for" includes "arranged for," "designed for," "maintained for," or "occupied for."

g. The word "person" includes an individual, corporation, partnership, incorporated association, or any other similar entity.

h. The word “he” or “his” shall include “her” or “hers.”

i. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events, connected by the conjunction "and," "or," or "either or," such conjunction shall be interpreted as follows:

1. "And" indicates that all the connected items, conditions, provisions or events shall apply.

2. "Or" indicates that the connected items, conditions provisions, or events may apply singularly or in any combination.

3. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.

j. Terms not herein defined shall have the meaning customarily assigned to them.
1.4 GENERAL DEVELOPMENT REGULATIONS

1.4.1 REGULATIONS GOVERNING DEVELOPMENT IN GENERAL

1.4.1.1 Density and Intensity of Use- General

a. Limits established by Comprehensive Plan

The Comprehensive Plan establishes certain limits on the density and intensity of use within each future land use designation on the Future Land Use Map. These are summarized in b. and c. below. Except where otherwise specifically provided in this Code, the density and intensity of development shall not exceed those limits.

b. Residential Density Limits

The Comprehensive Plan establishes a maximum residential density within each future land use designation and a minimum residential density within certain Transit-Oriented Corridors (TOCs) as set forth in Table 1.4-1. The roads on which the corridors are centered are illustrated in Figure 1.4-1. New residential development or redevelopment shall not exceed these limits, except that non-complying lots existing as of the effective date of this Code may be built upon without the need for a variance, provided that the lots otherwise comply with the development regulations. These densities are not entitlements and all property is subject to the application of zoning and context classifications in accordance with the requirements and procedures of this Code.

Table 1.4-1: Residential Density Limits (dwelling units per gross acre)

<table>
<thead>
<tr>
<th>Future Land Use Designation</th>
<th>Max. Outside of TOC</th>
<th>Max. Within TOC</th>
<th>Min. Within 1/8 Mile of TOC</th>
<th>Min. Within 1/4 Mile of TOC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Low</td>
<td>5</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Residential Medium</td>
<td>12</td>
<td>22 ²,³</td>
<td>16 ²,⁴</td>
<td>7</td>
</tr>
<tr>
<td>Residential High</td>
<td>75 ⁵</td>
<td>75 ⁵</td>
<td>7</td>
<td>5</td>
</tr>
<tr>
<td>Mixed Commercial Corridor</td>
<td>12</td>
<td>22</td>
<td>7</td>
<td>5</td>
</tr>
<tr>
<td>Activity Centers</td>
<td>22 ⁵,⁶ or per PUD</td>
<td>22 ⁵,⁶ or per PUD</td>
<td>7</td>
<td>5</td>
</tr>
<tr>
<td>Business Park</td>
<td>N/A</td>
<td>75 ⁷</td>
<td>7</td>
<td>5</td>
</tr>
</tbody>
</table>

¹ Subject to zoning district or SPI District requirements
² Measured perpendicular to centerline of designated TOC
³ Within 1/8 mile of TOC centerline
⁴ Within 1/4 mile of TOC centerline
⁵ Up to 75 du/ac within Williams DRI west of FPU
⁶ Up to 175 du/ac within the Downtown CRA
⁷ Up to 75 du/ac in RAC or IAC outside the Downtown CRA

(Ord. No. 5455, 07-21-14; Ord. No 5522, 07-20-15)
Figure 1.4-1 Transit Oriented Corridors
c. Non-Residential and Mixed Use Intensity Limits

The Comprehensive Plan establishes a maximum floor area ratio for non-residential and mixed uses within each future land use designation and within described development districts as set forth in Table 1.4-2. These floor area ratios are not entitlements and all property is subject to the application of zoning and context classifications in accordance with the requirements and procedures of this Code.

<table>
<thead>
<tr>
<th>Future Land Use Designation</th>
<th>Central City</th>
<th>Urban Development Area</th>
<th>Suburban Development Area</th>
<th>Downtown CRA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regional Activity Center</td>
<td>3.00</td>
<td>2.50</td>
<td>N/A</td>
<td>5.00</td>
</tr>
<tr>
<td>Interchange Activity Center</td>
<td>3.00</td>
<td>2.00</td>
<td>1.50</td>
<td>N/A</td>
</tr>
<tr>
<td>Community Activity Center</td>
<td>1.50</td>
<td>1.00</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Neighborhood Activity Center</td>
<td>1.00</td>
<td>0.75</td>
<td>0.50</td>
<td>N/A</td>
</tr>
<tr>
<td>Business Park</td>
<td>0.50</td>
<td>0.50</td>
<td>0.50</td>
<td>N/A</td>
</tr>
<tr>
<td>Industrial</td>
<td>0.50</td>
<td>0.75</td>
<td>0.50</td>
<td>N/A</td>
</tr>
<tr>
<td>Office Center</td>
<td>2.00</td>
<td>1.50</td>
<td>0.30</td>
<td>N/A</td>
</tr>
<tr>
<td>Transit Oriented Corridor</td>
<td>1.50</td>
<td>1.00</td>
<td>0.75</td>
<td>N/A</td>
</tr>
<tr>
<td>Mixed Commercial Corridor</td>
<td>0.50</td>
<td>0.50</td>
<td>0.30</td>
<td>N/A</td>
</tr>
<tr>
<td>Convenience Center</td>
<td>0.50</td>
<td>0.50</td>
<td>0.25</td>
<td>N/A</td>
</tr>
<tr>
<td>Public Bldg./Grounds/Institutional</td>
<td>2.00</td>
<td>1.50</td>
<td>0.70</td>
<td>N/A</td>
</tr>
<tr>
<td>Residential Low</td>
<td>0.50</td>
<td>0.50</td>
<td>0.25</td>
<td>N/A</td>
</tr>
<tr>
<td>Residential Medium</td>
<td>1.50</td>
<td>1.00</td>
<td>0.50</td>
<td>N/A</td>
</tr>
<tr>
<td>Residential High</td>
<td>2.00</td>
<td>1.50</td>
<td>N/A</td>
<td>2.50</td>
</tr>
<tr>
<td>Recreation</td>
<td>0.50</td>
<td>0.50</td>
<td>0.25</td>
<td>N/A</td>
</tr>
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</tr>
</tbody>
</table>

1.4.1.2 LOTS, YARDS, STRUCTURES- GENERAL

a. Reduction of Lot Area Restricted

No lot shall be reduced in area so as to be smaller than prescribed in the regulations for the district in which said lot is located. Whenever such a reduction in lot area occurs, any building located on such lot shall not thereafter be used until such building is altered, reconstructed, or relocated so as to comply with the applicable area and yard requirements.
b. Joint Use of Yards Restricted

No required yard about any building for the purpose of complying with the provisions of these regulations shall be considered as a yard for any other buildings; and no yard of a building on one lot shall be considered as a yard for a building on any other lot.

c. Erection of Accessory Structures Prior to Principal Structures Prohibited

In all districts, no accessory building or structure may be erected prior to the erection of the principal building or structure. Accessory buildings and structures may be erected concurrent with or after the erection of principal buildings and structures.

1.4.1.3 DESIGN REVIEW REQUIRED IN CERTAIN AREAS

a. Historic Districts

Within designated historic districts, new construction and alterations to existing buildings, structures or sites (including but not limited to windows, doors, roofing, siding, columns, exterior additions, fences, walls and signs) shall require a Certificate of Review prior to issuance of a building permit or other required city approvals. Depending on the type and extent of the project, approval of a Certificate of Review is the responsibility of the Design Review Committee of the Historic Preservation Board or the administrative staff. Demolition of structures in historic districts requires the approval of the Design Review Committee.

b. C-6 Zoning District

Prior to issuance of a building permit for new construction, additions and exterior demolition or alterations, proposed site plans, including parking and landscape/streetscape improvements, building elevations and first floor building plans, shall be submitted to the Board of Directors of the Downtown Development Authority for review and approval. Building elevations shall illustrate building materials, textures and color, as well as entrances, storefronts and other features.

c. C-7 Zoning District

Prior to issuance of a building permit for new construction, additions and exterior demolition or alterations, proposed site plans, including parking and landscape/streetscape improvements, building elevations and first floor building plans, shall be submitted to the City of Lakeland Historic Preservation Board for review and approval. Building elevations shall illustrate building materials, textures and color, as well as entrances, storefronts and other features.
d. SPI Districts

Design Review might be required for development activity in certain SPI Districts. The reviewing body and criteria for review shall be as specified in the ordinance enacting the particular SPI District.

(Ord. No. 5455, § 2, 07-21-14)

1.4.2 POLK COUNTY AIRPORT ZONING REGULATIONS

To ensure that land uses, activities and structures are compatible with the operations of Lakeland Linder Regional Airport, development shall conform to the standards set forth in the Polk County Airport Zoning Regulations, established by the Polk County Joint Airport Board pursuant to Chapter 333, Florida Statutes. The regulations establish certain limits and requirements pertaining to structure height, noise-sensitive land uses, land uses within overflight zones, educational facilities, and land uses or activities that may induce a bird strike hazard or visual or electronic interference with aircraft.

1.5 OFFICIAL ZONING MAP

1.5.1 ESTABLISHMENT AND AUTHORITY

a. The city is divided into zoning districts and context sub-districts, the boundaries and designations of which are shown in a series of maps, covering in combination the entire land and water area of the city, and identified as the Official Zoning Map of the City of Lakeland. The Official Zoning Map, together with all lawfully adopted explanatory material shown therein, is hereby adopted by reference and declared to be part of this Code.

b. The Official Zoning Map and amendments thereto located in the office of the Community Development Department shall be the final authority as to the current zoning and context status of all lands and waters in the city, and shall be the final authority as to regulations set forth therein as applying to such districts.

c. Where SPI Districts created in accordance with this Code have the effect of superseding previously existing districts or sub-districts or portions of districts, the SPI District boundaries and designations shall be shown directly on the basic map sheets. Where SPI Districts have the effect of modifying requirements, regulations, or procedures applying in existing districts, but do not supersede such districts, the boundaries of such SPI Districts may either be indicated by SPI designation to the basic map sheet or by SPI District map supplements.

(Ord. No. 5455, § 2, 07-21-14)

d. Where the scale generally applicable to the basic map sheets or supplemental maps is inadequate for presentation of details in particular areas, such areas may be cross-referenced on the basic map sheets or supplemental maps to separate inset maps drawn at appropriate scale. Other supplements, in the form of maps, indexes, guides, illustrations, records, reports, interpretive material and standards may be
officially adopted, directly or by reference, to facilitate administration and public understanding of the Official Zoning Map, or of regulations adopted for the zoning districts or context sub-districts or other divisions established thereby.

1.15.2 RULES FOR ZONING DISTRICT AND CONTEXT DISTRICT BOUNDARIES

a. Except as otherwise specifically provided, a district or sub-district symbol or name shown within district boundaries in the Official Zoning Map indicates that regulations pertaining to the district or sub-district extend throughout the entire area within the boundary line.

b. Where the zoning district or sub-district of a parcel is not shown on the map, the following rules shall apply:

1. Where a district or sub-district designation is not indicated for an area in the Official Zoning Map, the area shall be construed to be zoned as for the most restrictive adjoining district or sub-district.

2. Upon discovery of such omissions, the Director of Community Development shall initiate the proposed corrective amendment.

c. Where uncertainty exists as to location of district or sub-district boundaries or other areas delineated for regulatory purposes in the Official Zoning Map, the rules set forth in d. through j., below, shall apply.

d. Where district or sub-district boundaries are indicated as approximately following the center line of streets, highways, or alleys or their extensions, street lines, highway right-of-way lines, railroad right-of-way lines, or alley lines or their extensions, such center lines or their extensions, street lines, right-of-way lines, alley lines or their extensions shall be construed to be said boundaries.

e. Where district or sub-district boundaries are indicated as approximately following lot lines or their extensions, such lot lines or their extensions shall be construed to be said boundaries.

f. Where district or sub-district boundaries obviously do not coincide with any of the aforesaid lines, and are so indicated that they are approximately parallel to the center lines or street lines of streets or alleys or projections thereof, or the center lines of right-of-way lines of highways or railroads or projections thereof, or the lot lines or projections thereof, such district or sub-district boundaries shall be construed as being parallel thereto and at such a distance therefrom as indicated on the Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Zoning Map.

g. Boundaries indicated as approximately following mean high water lines or center lines of streams, canals, lakes, bays, or other bodies of water shall be construed as following such mean high water lines or center lines. In the case of a change in mean
high water line, the boundary shall be construed as moving with the change, except
where such would change the zoning status of a lot or parcel, in which case the
boundary shall be interpreted in such manner as to avoid such change.

h. Boundaries indicated as approximately following the corporate limits of the City of
Lakeland shall be construed as following said city limits.

i. Where distances are not specifically indicated on any map in the Official Zoning Map,
they shall be determined by reference to the scale of the map.

j. In other circumstances not covered above, or where existing natural or man-made
features are at variance with those shown in the Official Zoning Map, or where the
map is illegible or unclear, or where interpretations based on the above rules appear
to produce contradictions or conflicts with the intent of the Land Development Code,
or upon request from the Director of Community Development or from any affected
property owners, or on its own initiative upon determination that inconsistencies or
uncertainties exist, the Zoning Board of Adjustment and Appeals shall make a finding
and interpretation concerning the boundaries involved in accord with the intent and
purpose of this Land Development Code. In cases where such finding and
interpretation involves only correction to the Official Zoning Map or any official
supplement, and does not change the zoning of any lot, the Zoning Board of
Adjustment and Appeals may direct corrections without proposing an amendment to
the map involved. In cases where the zoning of any lot would be changed by such
correction, the Zoning Board of Adjustment and Appeals shall initiate a proposed
corrective amendment and transmit its recommendations thereon to be considered
by the Planning and Zoning Board in accord with Article 12 (Administration and
Enforcement).

1.5.3 AUTHENTICATION AND LOCATION

a. Each basic map sheet and each overlay or supplemental element thereto contained in
the Official Zoning Map shall be authenticated by the signature of the mayor; attested
by the signature of the City Clerk, and bear the seal of the city, under the following
words:

"This is to certify that this is (page number, title, or other specific identification) of the
Official Zoning Map referred to and adopted by reference by Land Development Code
No. 5425 of the City of Lakeland, Florida, adopted December 16, 2013."

(Ord. No. 5455, § 2, 07-21-14)

b. The Official Zoning Map shall be located in the office of the Community Development
Department.

1.5.4 AMENDMENT OF OFFICIAL ZONING MAP

a. The Official Zoning Map is subject to amendment as set out in Article 12
(Administration and Enforcement). Any proposed amendment shall be identified by
reference to the map sheet and/or supplement involved, in addition to legal
description or other property identification or such other information as is required to
make specific the application of the amendment.

b. Amendments shall be authenticated by entries on map sheets, supplements, or
schedule sheets affected, and a record of the nature and date thereof maintained.
Such entries shall indicate the date the change became effective, the number of the
amending ordinance, and an indication of the nature of the change sufficient to
facilitate specific identification.

c. No changes of any nature shall be made in the Official Zoning Map, or any information
shown thereon, except in conformity with the requirements and procedures set forth
in this Code. Any unauthorized changes of whatever kind by any person or persons
shall be considered a violation of this Code and punishable as provided by this Code;
provided, this provision shall not be held to foreclose action under other applicable
criminal statutes of the State of Florida against any person or persons alleged to have
made unauthorized changes in this Code.

1.5.5 RETENTION AND REPLACEMENT OF ZONING MAPS

a. At least one copy of all zoning maps, or remaining portions thereof, which have had
the force and effect of official zoning maps for the city prior to the effective date of
adoption or amendment of this Code shall be retained by the office of the Community
Development Department and preserved as a public record and as a guide to the
zoning status of lands and waters prior to such dates.

b. At any time the Official Zoning Map, or any portion thereof becomes damaged, lost,
destroyed, or difficult to interpret by reason of the nature or number of changes, the
City Commission may by resolution adopt a new Official Zoning Map, or any portion
thereof, which shall supersede that previously in effect. The superseding document
or documents may correct errors or omissions in prior versions, but no such
correction shall have the effect of amending the district designation of any property,
except where such replacement is accompanied by action in the form of an
amendment making such changes.

c. Where replacement does not involve amendment, replacing elements shall
individually bear a record of authority for such replacement indicating the number
and date of the resolution, the date of the replacement, and specific identification of
the material replaced, attested by the City Clerk.

d. Where replacement is accompanied by amendment, in addition to the entry indicated
above, an entry shall be made as required generally for amendments in Sub-Section
1.5.4.b.

(Ord. No. 5455, § 2, 07-21-14)
1.6 DEFINITIONS

1.6.1 INTENT

It is the intent of this section to provide definitions for certain words and terms that have special meanings as used in this Code. Other words and terms having special meanings specific to other articles or sections are defined elsewhere in this Code and are not included in this section. Unless the context clearly indicates a different meaning, those words and terms shall be as defined as indicated in the particular article or section. Words and terms not specifically defined in this Code shall have their standard dictionary meaning.

1.6.2 DEFINITIONS

Unless the context clearly indicates a different meaning, for the purposes of this Code, the following words and terms shall be defined as follows:

**Abut**: To physically touch or border upon; or to share a common property line.

**Access**: A way or means of approach to provide physical entrance to a property.

**Accessory Dwelling Unit**: A dwelling unit detached from a principal dwelling located on the same lot and incidental and subordinate to the principal dwelling.

**Accessory Structure (or Accessory Building)**: A structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use. For the purpose of this definition, the term detached shall mean a building or structure that is structurally independent and does not share a common wall with the principal structure.

*(Ord. No 5522, 07-20-15)*

**Accessory Use**: A use of land or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

**Addition**: A structure added to the original structure at some time after the completion of the original.

**Adjacent Land or Lot**: A lot or parcel of land which shares all or part of a common lot line with another lot or parcel of land.

**Alley**: A permanent service way providing a secondary means of public access to abutting property and not intended for general traffic circulation.

**Applicant**: Any person applying for or who has been granted a specified permit.

**Architectural Relief**: Variation in architectural details along the face of a wall intended to avoid blank walls. Architectural relief includes changes in materials or textures;
changes in volume or wall plane; and the use of awnings, canopies, porticos, pilasters or similar architectural elements.

**Awning:** A roof-like cover that projects from the wall of a building and may be used to shield a doorway or window from the elements. An awning that is permanent in nature is subject to restrictions on overhang or encroachment into required yards. For purposes of sign regulation, this term is further defined in Section 4.9 (Signs).

*(Ord. No. 5455, 07-21-14)*

**Basement:** Any building story having a floor below grade with one-half or more of its floor-to-ceiling height above the average level of the finished grade.

**Block:** A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways or any other barrier to the continuity to development.

**Board of Adjustment:** The Zoning Board of Adjustment and Appeals as set forth in Article 12 (Administration and Enforcement).

*(Ord. No. 5455, 07-21-14)*

**Building:** Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual(s), animal, process, equipment, goods or materials.

**Building Area:** The total of areas of all buildings on a lot or parcel taken on a horizontal plane at the main grade level, exclusive of uncovered off-street parking areas.

**Building Code:** The structural, mechanical, electrical, and plumbing standards enforced by the Building Official.

**Building Height:** The vertical distance from finished grade to the highest finished roof surface in the case of flat, shed or mansard roofs or the mean height between eaves and ridge in the case of gable, hip or gambrel roofs.

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**Figure 1.6-1 Building Height**

![Diagram of Building Height](image)

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City of Lakeland Land Development Code
Building Official: The Manager of the Building Division of the Community Development Department, or his duly appointed and authorized agent.

Building Permit: Written approval from the city allowing construction activities to occur following review and approval.

Canopy: See Awning.

Cellar: A space with less than one-half of its floor-to-ceiling height above the average finished grade of the adjoining ground.

Certificate of Occupancy: The certificate issued by the Building Official which permits the use of a building in accordance with the approved plans and specifications and which certifies compliance with the provisions of law for the use and occupancy of the building.

Change of Use: Any use which differs substantially from the previous use of a building or land, or a discontinuance of an existing use and the substitution thereof of a different kind of class. Change of use is not intended to include a change of tenants or proprietors, unless accompanied by a change to a use of a different kind or class.

City: The City of Lakeland

City Manager: The City Manager of the City of Lakeland, or his duly appointed and authorized agent.

Civic Open Space: Open space permanently available for social gatherings, civic activity or recreation.

Common Area: Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development. Common areas may include private parks, recreational paths, or areas, special feature entrance areas, private lakes, retention areas, stormwater management areas, or any other such area within the subdivision or other development set aside for the collective use or benefit of the owners of land within the subdivision or other development.

Common Facilities and Improvements: Amenities, parts of buildings, central services and utilities, and any other elements of a development which are owned in common by the individual owners having an interest in the development and designated in the master deed as common elements. Common facilities and improvements may consist of roadways; street lights; utilities; swales, retention areas and other stormwater management facilities; sidewalks; recreational paths; and traffic control devices.

Common Ownership: Any form of ownership of two or more contiguous lots by one or more individuals.
**Article 1: Introduction and Use of this Code**

**Commercial Use:** Any use listed under the general category Commercial in Table 2.3-1 or Table 2.3-2.

**Compatible:** In harmony with the surrounding land uses, context, building forms and environment.

**Comprehensive Plan:** The most recent comprehensive long-range plan adopted by the Lakeland City Commission under the authority of and in compliance with Florida Statutes. The Comprehensive Plan includes the Future Land Use Map.

**Conditional Use:** A use permitted in a zoning district only upon demonstrating that such use will comply with all the conditions and standards for the location or operation of such use as specified in this Code and authorized by the City Commission.

**Condominium:** That form of ownership of real property which is comprised of units that may be owned by one or more persons and in which there is appurtenant to each unit an undivided share in common elements.

**Construction Plans:** Construction plans for subdivision plats include such drawings and specifications as are necessary for construction according to sound engineering practice, the City of Lakeland Engineering Standards Manual and this Code.

**Context (Context District, Context Sub-District):** Land areas specifically delineated on the Official Zoning Map within which regulations and requirements uniformly govern urban form. The context describes the desired general character of the built environment of an area as distinguished by block size; by lot and parcel size; by the predominant types of land uses; by the types of streets; by the types of open spaces; and by the size, scale and disposition of buildings and structures.

**Contiguous:** Next to, abutting, or touching and having a boundary, or portion thereof, which is coterminous. (See Abut, Adjacent Land or Lot.)

**Covenant:** See Deed Restriction.

**Cul-de-sac:** The turnaround at the end of a dead-end street.

**Dedication:** Gift or donation of an interest in property by the owner to another party.

**Deed Restriction:** A restriction on the use of land usually set forth in the deed.

**Density:** The number of dwelling units per gross acre of land.

**Developer:** The legal or beneficial owner(s) of land included in a proposed development including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land.
Development: The division of a parcel of land into two or more parcels. The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure. Any mining, excavation, landfill or land disturbance and any use or extension of the use of land.

Development Review Team: An internal review team composed of the directors of each city department having responsibility for enforcement of this Code, or their designees.

Director of Community Development: The Director of the Community Development Department, as defined by Section 6, Chapter 30919, Special Laws of Florida, or his duly appointed and authorized agent.

Director of Lakeland Electric: The General Manager of the Lakeland Electric Utility Department, or his duly appointed and authorized agent.

Director of Parks and Recreation: The Director of Parks and Recreation, or his duly appointed and authorized agent.

Director of Public Works: The Director of the Department of Public Works, or his duly appointed and authorized agent.

Director of Water Utilities: The Director of the Water Utilities Department, or his duly appointed and authorized agent.

District: A part, zone or geographic area within the City of Lakeland municipality within which uniform regulations apply.

Dwelling: A building or portion thereof which is used exclusively for human habitation.

Dwelling, Multiple-Family: A building containing three or more dwelling units.

Dwelling, Single-Family: A building containing one dwelling unit.

Dwelling, Single-Family Attached: A building containing a one-family dwelling on its own lot or parcel attached by common vertical walls to one or more other one-family dwellings located on other lots or parcels. Each single-family attached dwelling unit has one or more at-grade entrances and at least 40 percent of its living area at grade.
Article 1: Introduction and Use of this Code

Figure 1.6-2 Single-Family Attached

**Dwelling, Single-Family Detached:** A dwelling which is designed for and occupied by not more than one family and surrounded by open space or yards and which is not attached to any other dwelling by any means.

Figure 1.6-3 Single-Family Detached

*(Ord. No 5522, 07-20-15)*
Dwelling, Two-Family: A building containing two dwelling units on the same lot or parcel, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

Dwelling Unit: A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation. For purposes of this definition, sanitation provisions shall mean a toilet and a shower or bathtub. Cooking provisions shall mean a range or a 220 volt or gas hookup that would permit the installation of a range.

Easement: A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

Elevation: A. A vertical distance above or below a fixed reference level; or B. A two dimensional drawing of the front, rear, or side of a building.

Engineer: Any person currently licensed in the State of Florida to practice Civil Engineering.

Engineer of Record: The engineer certifying all site plans for the development in question.

Engineering Standards Manual: A manual adopted by the City of Lakeland establishing minimum standards for the development of infrastructure within the city and unincorporated areas served by city-owned utilities. Such infrastructure includes but is not limited to streets, drainage, stormwater management facilities, wastewater, refuse collection, potable water systems and electric utilities.
**Erosion:** The detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice and gravity.

**Excavation:** Removal of soil, rock, minerals, mineral substances or organic substances beneath the ground surface, whether exposed or submerged.

**Existing Use:** The present use of a lot or structure.

**Exterior Wall:** Any wall which defines the exterior boundaries of a building or structure.

**Family:**
A. One or more persons related by blood, marriage, adoption or foster care relationship occupying a dwelling unit and living as a single, nonprofit housekeeping unit; or
B. A collective number of persons occupying a dwelling unit, not related by blood, marriage, adoption or foster care relationship, and living together as a single nonprofit housekeeping unit, provided however, that the maximum number of unrelated persons shall not exceed five.

**Fence:** An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

**Fenestration:** The design, number and placement of exterior openings of a building including windows, doors or transoms but not including garage door openings of attached garages.

**First Floor:** The first floor of a building other than a cellar or basement.

**Floor:** The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

**Floor Area, Gross:** The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces or loading space for motor vehicles.

**Floor Area Ratio:** The gross floor area of all buildings on a lot divided by the gross land area.
**Frontage**: The horizontal distance measured along the front lot line between the side lot lines.

**Future Land Use Map**: A map adopted as part of the Comprehensive Plan which graphically depicts the extent of each future land use category described in the Comprehensive Plan.

**Garage**: A building or enclosed space providing for the storage of motor vehicles. A garage attached to or part of the main structure is to be considered part of the main building. A detached garage is considered an accessory building.

**Grade, Existing (Elevation)**: The vertical location of the ground surface prior to excavating or filling.

**Grade, Finished**: A reference plane representing the average of final ground level adjoining the building at all exterior walls.

**Hazardous Substances**: Any substance or material which, by reason of its toxic, caustic, corrosive, abrasive, or otherwise injurious properties, has been determined to be detrimental or deleterious to the health of any person handling or using or otherwise coming into contact with such material or substance.

**Historic District**: A district or zone designated by the city, state or federal government within which the buildings, structures, appurtenances and places are of basic and vital importance because of their association with history, or because of their unique
architectural style and scale, including color, proportion, form and architectural detail, or because of their being a part of or related to a square, park, or area the design or general arrangement of which should be preserved and/or developed according to a fixed plan based on cultural, historical or architectural motives or purposes.

**Historic Preservation:** The act of protection, rehabilitation, and restoration of districts, sites, buildings, structures and artifacts significant in American history, architecture, archaeology, or culture.

**Improvement:** Any man-made, immovable item which becomes part of, placed upon, or is affixed to, real estate.

**Industrial Use:** Any use listed under the general category Industrial in Table 2.3-1 or Table 2.3-2.

**Intensity:** The potential impact of a non-residential use generally expressed as density in the case of residential uses and floor area ratio in the case of commercial, office and industrial uses.

**Land Use (Use):** The manner in which land is occupied or utilized or intended to be occupied or utilized.

**Living Area:** The measurement of living area shall be the sum of the area of the first story measured to the exterior face of exterior wall; plus, similarly measured, the area of any upper story that is connected to the first floor by a fixed stairway and which may be made usable for human habitation; but excluding the floor area of basements not used for dwelling purposes, garages, accessory buildings, attics, breezeways and unenclosed porches.

**Loading Space:** An off-street space or berth used for the loading or unloading of commercial vehicles.

**Lot:** A designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a whole.
Lot Area: The area of a horizontal plane measured at grade and bounded by the front, side and rear lot lines.

Lot, Corner: A lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees.

Lot Coverage: That portion of the lot that is covered by buildings and certain building-like structures specified in this Code. Does not include pools, pool cages, uncovered patios, walkways and surface parking areas.
Lot Depth: The average distance, measured from the front lot line to the rear lot line, measured in the general direction of the side lot lines.

Lot Frontage: The length of the front lot line measured at the street right-of-way line.

Lot, Interior: A lot other than a corner lot or through lot.

Lot Line, Interior Side: Any lot line other than a front, rear or street side lot line.

Lot Line: A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

Lot Line, Front:
A. For interior lots, the lot line abutting the street right-of-way.
B. For corner lots zoned single-family or two-family, that portion of the lot line abutting the street right-of-way upon which the lot has the least frontage where the width or lesser dimension of the lot is less than 90 percent of the depth or greater dimension. Where the width is equal to or greater than 90 percent of the depth, the lot line abutting the street right-of-way on which the principal building has or will have its street address, or as determined by the Director of Community Development.
C. For all other corner lots, that portion of the lot line abutting the street with the highest classification as designated on the Comprehensive Plan major street plan. Where the abutting streets have an equal classification, the lot line abutting the street right-of-way on which the principal building has or will have its street address, or as determined by the Director of Community Development.
D. For through lots, the lot line abutting the street right-of-way on which the principal building has or will have its street address, or as determined by the Director of Community Development.

Lot Line, Rear: The lot line opposite and most distant from the front lot line. For triangular or other irregular lots with side lot lines which converge at the rear, the effective rear lot shall be a line, at least ten feet long, which lies completely within the lot and connects the two side lot lines. If the front lot line is straight, the line shall be oriented parallel to the front lot line. If the front lot line is curved, the line shall be oriented perpendicular to a line which bisects the angle created by the convergence of the two rear lot lines.

(Ord. No 5522, 07-20-15)
**Lot Line, Street Side:** Any lot line abutting a street which is not the front lot line.

**Lot of Record:** A lot which exists as shown or described on a plat or deed in the records of the Clerk of the Circuit Court, Polk County, Florida.

**Lot, Through:** A lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.

**Lot Width:** If the minimum front setback line is straight, the lot width shall be the horizontal distance between the side lot lines measured along the minimum front setback line. If the minimum front setback line is not straight, then the lot width shall be measured along the shortest line which:
- Connects the side lot lines;
- Touches the minimum front setback line at least at one point; and
- Lies completely within the front yard except at the point or points where it touches the minimum front setback line.
Low-THC Cannabis: A plant of the genus Cannabis, the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol and more than 10 percent of cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture or preparation of such plant or its seeds or resin that is dispensed from a Medical Marijuana Treatment Center.  
(Ord. No 5645, 07-17-17)

Medical Marijuana: All parts of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its seeds or resin, including Low-THC Cannabis, which are dispensed from a Medical Marijuana Treatment Center for medical use by a qualified patient pursuant to constitutional amendment or other provisions of state law.  
(Ord. No 5645, 07-17-17)

Medical Marijuana Dispensing Facility: A facility operated by a Medical Marijuana Treatment Center as defined herein and engaged in the sale and dispensing of Medical Marijuana and related supplies to qualified patients or their caregivers pursuant to constitutional amendment or other provisions of state law.  
(Ord. No 5645, 07-17-17)

Medical Marijuana Treatment Center: An entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses or administers marijuana, products containing marijuana, related supplies or educational materials to qualified patients or their caregivers pursuant to constitutional amendment or other provisions of state law and is registered by the State Department of Health.  
(Ord. No 5645, 07-17-17)

Mobile Home: A structure, transportable in one or more sections, which is at least eight body feet or more in width and which is built on an integral chassis and designed to be used as a dwelling when connected to the required utilities and includes the plumbing,
heating, air-conditioning, and electrical systems contained therein. This definition shall include Park Models.

**Motor Home:** Any self-propelled vehicle fitted and equipped for temporary living purposes, including facilities for sleeping or the preparation of food.

**Motor Vehicle:** A self-propelled device used for transportation of people or goods over land surfaces and licensed as a motor vehicle.

**Newsrack:** Any self-service or coin-operated box, container, storage unit or other dispenser installed, used or maintained for the display or distribution and sale of newspapers, periodicals, advertising circulars or other publications.

**Nonconforming:** A lot, structure, or use which was lawful prior to the adoption of a Land Development Code or an amendment thereto, which renders such lot, structure or use nonconforming because it does not conform to all the standards and regulations of the adopted or amended Code.

**Off-Street Parking Space:** A temporary storage area for a motor vehicle that is directly accessible to an access aisle, and which is not located on a dedicated street right-of-way.

**Open Space:** Any parcel or area of land or water set aside, dedicated, designated or reserved for public or private enjoyment or use.

**Overhang:**
A. The part of a roof or wall which extends beyond the facade of a lower wall; or
B. The portion of a vehicle extending beyond the wheel stops or curb.

**Owner:** Any person, agent, firm or corporation having a legal or equitable interest in a property.

**Parcel:** A lot or tract of land.

**Parking Area:** Any public or private land area designed and used for the parking of motor vehicles including parking lots, garages, private driveways and legally designated areas of public streets.

**Parking Lot:** An off-street, ground level area, usually surfaced and improved, for the parking of motor vehicles.

**Parking Space:** A space for the parking of a motor vehicle within a parking area.

**Patio:** A level, landscaped and/or surfaced area directly adjacent to a principal building at or within three feet of the finished grade and not covered by a permanent roof.

**Pavement:**
A. A hard surface that will bear traffic; or
B. That part of a public or private right-of-way having an improved surface.

**Permit (Development Permit):** Formal permission to erect, construct, reconstruct, alter, raze, move, remove, or otherwise develop or use land within the corporate limits of the City of Lakeland. This includes any building permit, zoning permit, subdivision approval, rezoning, concurrency certificate, conditional use, variance, or any other official action of local government having the effect of permitting the development of land.

**Permitted Use:** Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

**Person:** A natural person, his heirs, executors, administrator, or assigns, or a firm, corporation, company or partnership and its successors or assigns, or the agent of any of the aforesaid.

**Planning and Zoning Board:** The Planning and Zoning Board of the City of Lakeland as established by Article 12 of this Code and as defined in Chapter 30919, Special Laws of Florida, 1955.

**Premises:** A lot, parcel, tract or plot of land together with the buildings and structures thereon.

**Primary Street:** Any street abutting a front lot line.

**Principal Building:** A building in which is conducted the principal use of the lot on which it is located.

**Principal Use:** The primary or predominant use of any lot.

**Prohibited Use:** A use that is not permitted in a zoning district.

**Recreational Vehicle:** A vehicular-type portable unit without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.

**Reservation:**
A. A provision in a deed or other real estate conveyance which preserves a right for the existing owner even if other property rights are transferred; or
B. A method of holding land for future public use by designating public areas on a plat, map or site plan as a condition of approval.

**Residence:** A home, abode or place where an individual is actually living at a specific point in time.

**Residential Use:** Any use listed under the general category Residential in Table 2.3-1 or Table 2.3-2.
**Restriction:** A limitation on property use which may be created in a plat, deed, covenant, mortgage or other recorded instrument, through certain zoning or subdivision regulations, or as a condition of approval of an application for development.

**Resubdivide:** The further division of lots or the relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or the alteration of any streets or the establishment of any new streets within any such subdivision, but not including conveyances made so as to combine existing lots by deed or other instrument.

**Retention pond:** Any area used for the purpose of collecting stormwater runoff.

**Rezone:** To change the zoning classification of particular lots or parcels of land.

**Right-of-Way:** A strip of land acquired by reservation, dedication, government maintenance, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary and storm sewer and other similar uses.

**Right-of-Way Lines:** The lines that form the boundaries of a right-of-way.

**Right-of-Way Subdivision:** A subdivision solely for the purpose of establishing public right-of-way for a road or other improvement and not for the creation of lots, parcels or tracts for development.

**Roof:** The outside top covering of a building.

**Sanitary Sewer:** Pipes that carry only domestic or commercial sewage and into which storm, surface and ground waters are not intentionally admitted.

**Scale:**
A. The relationship between distances on a map and actual ground distances; or
B. The proportioned relationship of the size of parts to one another.

**Setback:** The distance between a lot line and a building or structure measured perpendicular to the lot line.

**Setback Line (Yard Line):** A line drawn parallel to a lot line at a distance there from equal to the minimum front, side or rear setback in the case of a front, side or rear yard, respectively.
Figure 1.6-10 Yards and Building Setbacks

(Ord. No 5522, 07-20-15)
Shopping Center: A group of commercial establishments planned, constructed and managed as a total entity related in its location, size and type of shops to the trade area that the center serves. Customer and employee parking is provided on-site, with provision for goods delivery separated from customer access.

Sign: Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, even or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

Site (Building Site, Development Site): The entire lot or parcel of land, or combination of contiguous lots or parcels of land, on which development occurs.

Storm Sewer: A conduit that collects and transports stormwater runoff.

Stop Work Order: A written order issued by a duly authorized official which orders all construction, site alteration or other development activities to cease and desist immediately.

Story: That portion of a building included between the upper surface of a floor and upper surface of the floor or roof next above.

Street: Any vehicular way, other than an alley, which:
- Is an existing state, county or municipal roadway;
- Is shown upon a plat approved pursuant to law;
- Is approved by other official action; or
- Is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a planning board and the grant to such board of the power to review plats; and includes the land between the street lines, whether improved or unimproved.
- For purposes of this Code, streets are further defined in Section 3.3. Unless the context indicates otherwise, the term street shall also include road, roadway, lane, avenue, boulevard or highway and vice versa.

Street Grade, Established: The elevation of the centerline of the streets as officially established by the City Engineer.

Street Line: The lines that form the boundaries of a right-of-way.

Structural Alteration: Any change in either the supporting members of a building or a structure, such as bearing walls, columns, beams and girders, or in the dimensions or configurations of the roof or exterior walls of a building.
**Structure:** That which is built or constructed on, above, or below the surface of land or water.

**Subdivider:** Any person having an interest in land that is the subject of an application for subdivision.

**Subdivision:**
A. Land, improved or unimproved, divided into three or more lots, parcels, tracts, or other portions, for the purpose of transfer of ownership whether immediately or in the future;
B. Land divided in any manner, if the establishment of a new street or alley is involved (See also Right-of-Way Subdivision); and
C. Land which is resubdivided. Resubdivide shall mean the further division of a parcel created by a previous subdivision into three or more contiguous lots or parcels.

**Survey:** The process of precisely ascertaining the area, dimensions and location of a piece of land.

**Temporary Use:** A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

**Tenant:** An occupant of land or premises who occupies, uses, and enjoys real property for a fixed time, usually through a lease arrangement with the property owner and with the owner's consent.

**Traffic Control Devices:** All street name signs, traffic control signs, pavement markings and traffic signals installed either within the right-of-way or on private property.

**Transit Oriented Corridors (TOC):** Corridors centered on certain streets identified in the Comprehensive Plan and illustrated in Figure 1.4-1 within which higher development densities are allowed and roadway level-of-service standards are less stringent due to the presence of an extensive bicycle and pedestrian network, public transit service with frequencies generally 30-minutes or less and transit facilities.

**Urban Form:** The physical layout and design of the city. The essential elements of urban form include blocks, lots and parcels, streets and other transportation corridors, buildings and structures, open spaces and landscaping.

**Use:** The purpose or activity for which land or buildings are designed, arranged, or intended, or for which land or buildings are occupied or maintained.

**Variance:** Permission granted by the Zoning Board of Adjustments and Appeals to depart from the literal requirements of this Code.

**Vehicle Use Area:** Any surface area, whether pervious or impervious, used for the off-street parking, storage or display of vehicles; the off-street movement of vehicles such as driveways and drive aisles; the off-street loading and unloading of goods, materials or
Article 1: Introduction and Use of this Code

passengers; service areas and the like. Driveways serving single family or two family
dwellings and parking garages of any type shall not be considered vehicle use areas.

**Wall:**
A. The vertical exterior surface of a building;
B. Vertical interior surfaces which divide a building's space into rooms; or
C. A masonry fence.

**Water Supply System:** The system for the collection, treatment, storage and distribution
of potable water from the source of supply to the consumer.

**Yard:** An open space that lies between the principal or accessory building or buildings and
the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward
except as may be specifically provided in this Code.

**Yard, Front:** A yard extending the full width of a lot between any building and the front lot
line.

**Yard, Rear:** A yard extending across the full width of a lot between any building and the
rear lot line, measured perpendicular to the rear lot line.

**Yard, Required:** A yard between a lot line and the nearest principal building minimum
setback line measured perpendicular to the lot line.

**Yard, Side:** A yard extending from the front yard to the rear yard between any building
and the side lot line measured perpendicular to the side lot line.

**Zoning District:** Land areas in the city specifically delineated on the Official Zoning Map
within which regulations and requirements uniformly govern the use of land and
buildings.
ARTICLE 2: USE STANDARDS

2.1 INTENT AND APPLICABILITY

2.1.1 INTENT

It is the intent of this article to govern the use of property in order to implement the goals, objectives and policies of the Comprehensive Plan; to provide for appropriate densities and intensities of use; to encourage a diverse mix of uses that creates a compact, walkable, energy-efficient, transit-supportive urban form; and to prevent or mitigate the negative impacts of incompatible uses.

2.1.2 APPLICABILITY

Except as otherwise provided herein, no building, structure, or land located within the city shall hereafter be used or occupied, except in conformity with the zoning district classification of the property as depicted on the Official Zoning Map. Certain principal and accessory uses having unique operating characteristics or impacts are further defined and regulated in Article 5 (Standards for Specific Uses). Use limitations within the Green Swamp Area of Critical State Concern are set forth in Section 6.3 (Ord. No. 5455, § 2, 07-21-14)

2.2 ESTABLISHMENT OF ZONING DISTRICTS

2.2.1 ZONING DISTRICTS ENUMERATED

The City of Lakeland is divided into the following zoning districts for the purpose of regulating the use of property:

<table>
<thead>
<tr>
<th>SYMBOL</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>RA-1</td>
<td>Single-Family District</td>
</tr>
<tr>
<td>RA-2</td>
<td>Single-Family District</td>
</tr>
<tr>
<td>RA-3</td>
<td>Single-Family District</td>
</tr>
<tr>
<td>RA-4</td>
<td>Single-Family District</td>
</tr>
<tr>
<td>RB</td>
<td>Two-Family District</td>
</tr>
<tr>
<td>MF-12</td>
<td>Multi-Family District</td>
</tr>
<tr>
<td>MF-16</td>
<td>Multi-Family District</td>
</tr>
<tr>
<td>MF-22</td>
<td>Multi-Family District</td>
</tr>
<tr>
<td>MH</td>
<td>Mobile Home District</td>
</tr>
<tr>
<td>O-1</td>
<td>Low Impact Office District</td>
</tr>
<tr>
<td>O-2</td>
<td>Limited Impact Office District</td>
</tr>
</tbody>
</table>
2.2.2 GROUPS OF RELATED ZONING DISTRICTS

2.2.2.1 Residential Districts

Where the phrases "all residential districts," "residential districts," "zoned residentially," "residentially zoned," or phraseology of similar intent are used in this code, the phrases shall be construed to include the following districts:

<table>
<thead>
<tr>
<th>SYMBOL</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>RA-1</td>
<td>Single-Family District</td>
</tr>
<tr>
<td>RA-2</td>
<td>Single-Family District</td>
</tr>
<tr>
<td>RA-3</td>
<td>Single-Family District</td>
</tr>
<tr>
<td>RA-4</td>
<td>Single-Family District</td>
</tr>
<tr>
<td>RB</td>
<td>Two-Family District</td>
</tr>
<tr>
<td>MF-12</td>
<td>Multi-Family District</td>
</tr>
<tr>
<td>MF-16</td>
<td>Multi-Family District</td>
</tr>
<tr>
<td>MF-22</td>
<td>Multi-Family District</td>
</tr>
<tr>
<td>MH</td>
<td>Mobile Home District</td>
</tr>
</tbody>
</table>
2.2.2.2 Commercial Districts

Where the phrases "commercial districts," "zoned commercial or commercially," "commercially zoned," or phraseology of similar intent are used in this code, the phrases shall be construed to include the following districts:

<table>
<thead>
<tr>
<th>SYMBOL</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>O-1</td>
<td>Low Impact Office District</td>
</tr>
<tr>
<td>O-2</td>
<td>Limited Impact Office District</td>
</tr>
<tr>
<td>O-3</td>
<td>Moderate Impact Office District</td>
</tr>
<tr>
<td>C-1</td>
<td>Pedestrian Commercial District</td>
</tr>
<tr>
<td>C-2</td>
<td>Highway Commercial District</td>
</tr>
<tr>
<td>C-3</td>
<td>Neighborhood Center Commercial District</td>
</tr>
<tr>
<td>C-4</td>
<td>Community Center Commercial District</td>
</tr>
<tr>
<td>C-5</td>
<td>Regional Center Commercial District</td>
</tr>
<tr>
<td>C-6</td>
<td>Downtown Commercial District</td>
</tr>
<tr>
<td>C-7</td>
<td>Munn Park Historic District</td>
</tr>
</tbody>
</table>

2.2.2.3 Industrial Districts

Where the phrases "industrial districts," "industrially zoned," "zoned industrial," "industrial zoning," or phraseology of similar intent are used in this code, the phrases shall be construed to include the following districts:

<table>
<thead>
<tr>
<th>SYMBOL</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>I-1</td>
<td>Light Industrial - Limited Commercial District</td>
</tr>
<tr>
<td>I-2</td>
<td>Medium Industrial District</td>
</tr>
<tr>
<td>I-3</td>
<td>Heavy Industrial District</td>
</tr>
</tbody>
</table>

2.2.2.4 Other Districts

Districts not included in the listings of residential, commercial or industrial districts above, shall not be construed to fall within any of the three classifications unless regulations for such unclassified districts specifically apply requirements as for classified districts.

2.2.3 INTENT OF ZONING DISTRICTS

2.2.3.1 Single-Family Districts (RA)

a. It is the intent of the single-family districts to provide for single-family detached residential development at a variety of densities and lot sizes that are consistent with
the existing and desirable future pattern of development in the city. Provision is made for a variety of residential densities in order to accommodate different residential preferences.

b. The use restrictions protect single-family detached residential development from the encroachment of incompatible land uses. At the same time, provision is made for a limited number of appropriate non-residential uses which may be established for the convenience of residents while still preserving the overall residential character of the districts.

2.2.3.2 Two-Family District (RB)

a. It is the intent of the two-family district to provide for two-family residential development at intermediate densities which are consistent with the existing and desirable future pattern of development in the city.

b. The use restrictions protect two-family residential development from the encroachment of incompatible land uses. At the same time, provision is made for a limited number of appropriate non-residential uses which may be established for the convenience of residents while still preserving the overall residential character of the districts.

2.2.3.3 Multi-Family Districts (MF)

a. General

1. It is the intent of the multi-family districts to provide for single-family attached and multi-family residential development at a variety of densities which are consistent with the existing and desirable future pattern of development in the city. Provision is made for a variety of residential densities in order to accommodate different residential preferences.

2. The use restrictions protect multi-family residential development from the encroachment of incompatible land uses. At the same time, provision is made for a limited number of appropriate non-residential uses which may be established for the convenience of residents while still preserving the overall residential character of the districts.

2.2.3.4 Mobile Home District (MH)

a. It is the intent of the mobile home district to provide separate areas for mobile home development. Separate areas are provided because mobile homes are constructed to different design standards than conventional dwelling units and the mixture of the two has a destabilizing effect on both housing types. Separate areas for mobile home development are also needed to allow for the provision of adequate emergency shelter for mobile home residents in accordance with adopted policy of the Central Florida Regional Planning Council.
b. Uses permitted by right include mobile home parks and mobile home subdivisions. Mobile home parks are developments in which individual mobile home pads are rented, leased or held in condominium ownership by occupants. Mobile home subdivisions are developments in which mobile home lots are individually owned as in conventional single-family subdivisions.

c. Recreational vehicle parks are permitted as conditional uses. It is the intent of this code that a significant number of recreational vehicle spaces not be included in mobile home parks. Recreational vehicle facilities are prohibited in mobile home subdivisions.

2.2.3.5 Office Districts

a. General

1. It is the intent of the office districts to provide for office developments at a variety of sizes and intensities that are consistent with the existing and desirable future pattern of development in the city.

2. The use restrictions provide primarily for office development. At the same time, provision is made for a limited number of appropriate retail uses which support major office complexes.

b. Low Impact Office District (O-1)

The intent of the O-1 District is to permit those office uses which meet the needs of local resident and business populations and which have a low impact and are the most compatible with adjacent residential development. Because most of the permitted uses typically generate low traffic volumes per unit of floor area, this district is appropriate for locations along thoroughfares where conflicts between site access and traffic-carrying functions should be kept to a minimum.

c. Limited Impact Office District (O-2)

The intent of the O-2 District is to permit those office uses which meet the needs of local resident and business populations and which have a limited impact but are still compatible with adjacent residential development. Because most of the permitted uses typically generate low traffic volumes per unit of floor area, this district is appropriate for locations along thoroughfares where conflicts between site access and traffic-carrying functions should be kept to a minimum.

d. Moderate Impact Office District (O-3)

The intent of the O-3 District is to permit those office uses which meet regional needs for office headquarters and other large-scale office space. The uses permitted generate relatively low traffic volumes per unit of floor area; however, they are
developed at a scale which makes them substantial traffic generators. This district is most appropriate for sites which: 1) are located along thoroughfares which have rights-of-way sufficiently wide to permit separate turning and acceleration/deceleration lanes; and 2) are separated from single-family residential development by natural features or other less intensive land uses.

2.2.3.6 Commercial Districts

a. General

1. It is the intent of the commercial districts to provide for office and retail developments at a variety of sizes and intensities that are consistent with the existing and desirable future pattern of development in the city. It is the intent of this land development code that most new commercial developments occur either in the Downtown or Munn Park Commercial Districts or in shopping centers of various sizes.

2. The use restrictions provide primarily for office and retail development. However, permitted uses do not include heavy commercial developments which have environmental characteristics that make them more appropriate for industrial areas.

b. Pedestrian Commercial District (C-1)

The intent of the C-1 District is to provide for office uses and a limited range of retail uses primarily oriented toward the pedestrian. Permitted uses do not include some sales and service uses which have characteristics that make them more appropriate for more intense areas.

c. Highway Commercial District (C-2)

The intent of the C-2 District is to provide for a broad range of office and retail uses primarily oriented toward the motoring public and development on relatively small individual lots with exposure to high traffic volumes. The C-2 Highway Commercial District is intended for locations along arterial and collector streets. The district is not intended for shopping centers or large retail establishments other than as outparcels.
d. **Neighborhood Center Commercial District (C-3)**

The intent of the C-3 District is to provide primarily for convenience commercial uses which serve the everyday shopping needs of the surrounding population and which are appropriate for small shopping centers that are under unified ownership or management. The uses are relatively high traffic generators and thus have significant impact on surrounding uses and on the traffic-carrying capacity of access thoroughfares. Certain complementary office, financial and retail uses are permitted in order to provide flexibility in the use of property zoned in this district. The C-3 District is intended for sites which are located at the intersection of two collector streets or at the intersection of a collector street and an arterial street. Mapping of the C-3 District in any one location is intended to extend over an area of no more than two acres.

e. **Community Center Commercial District (C-4)**

The intent of the C-4 District is to provide for a broad range of office and retail uses serving a community-wide population and which are appropriate for moderate size shopping centers that are under unified ownership or management. This district is most appropriate for sites which are located along thoroughfares which have rights-of-way sufficiently wide to permit separate turning and acceleration/deceleration lanes. The C-4 District is intended for sites which are located at the intersection of a collector street and an arterial street, or at the intersection of two arterial streets.

f. **Regional Center Commercial District (C-5)**

The intent of the C-5 District is to provide for a broad range of office and retail uses serving a region-wide population and which are appropriate for large shopping centers that are under unified ownership or management. This district is most appropriate for sites which are separated from single-family residential development by natural features or other less intensive land uses. The C-5 District is intended for sites which are located at the intersection of two arterial streets.

g. **Downtown Commercial District (C-6)**

The intent of the C-6 District is to provide for a broad range of office, retail and residential uses appropriate for a central city business district, pursuant to and compatible with adopted plans for Downtown Lakeland. Such plans guide the development of a traditional downtown environment and emphasize the pedestrian over the automobile within the core of the downtown. The C-6 District is primarily intended for mapping in the Lakeland Downtown Development Authority District. Development within the C-6 district is subject to design review.
h. Munn Park Historic District (C-7)

The intent of the C-7 District is to permit use and development of properties in ways which are: 1) consistent with the economic role that the Munn Park area can play in the continuing revitalization of Lakeland's downtown, and 2) consistent with the overall historic preservation program of the city. Use regulations permit a broad range of office, commercial and residential activities, but are somewhat more restrictive than the use regulations applicable to the C-6 Downtown Commercial District. In particular, vehicle-intensive uses are prohibited or restricted. Banks, very high turnover restaurants, parking garages and parking lots are subject to special use review, primarily to control vehicular impacts on pedestrian circulation. Motor vehicle sales and service uses are not permitted. The C-7 District is primarily intended for mapping in the Munn Park Historic District. Development within the C-7 district is subject to design review.

2.2.3.7 Industrial Districts

a. General

1. It is the intent of the industrial districts to provide for industrial developments at a variety of sizes and intensities that are consistent with the existing and desirable future pattern of development in the city.

2. The use restrictions provide primarily for heavy commercial and industrial development.

b. Light Industrial - Limited Commercial District (I-1)

The intent of the I-1 District is to permit the establishment of business park uses and a limited range of industrial uses along with retail and service commercial uses that support business park and industrial employment centers, subject to limitations established in the Comprehensive Plan. The industrial uses permitted include those which usually have the most limited external impacts. Such uses do not create an appreciable nuisance or hazard. They are generally compatible with non-industrial uses, but they are more tolerable adjacent to non-industrial uses than are more intensive industrial uses.

c. Medium Industrial District (I-2)

The intent of the I-2 District is to permit the establishment of a broad range of business park, industrial and wholesale uses. Any retail shall be limited and subordinate to the principal use. The uses permitted include those which usually have relatively moderate external impacts. Such uses do not create an appreciable nuisance or hazard. The I-2 District also provides for some industrial uses which typically have more external impacts, subject to conditional use review.
d. Heavy Industrial District (I-3)

The intent of the I-3 District is to permit the establishment of industrial and wholesale uses which often have significant external impacts because of their appearance and/or their potential for generating noise, vibration, odor, glare, fire, explosion, or air or water quality threats. Uses permitted in the I-3 District can create an appreciable nuisance or hazard. In addition to these uses, the I-3 district also permits the same light industrial uses and non-industrial uses permitted in the I-2 District.

2.2.3.8 Limited Development District (LD)

a. It is the intent of the limited development district to limit development in accordance with the future land use designation of the area. The LD district provides for rural, agricultural, conservation and recreation land uses where appropriate and where consistent with the existing and desirable future pattern of development. The LD district is intended for mapping in areas designated on the Future Land Use Map of the Comprehensive Plan as follows.

b. In areas designated P (Preservation), the LD district may be utilized to prohibit most development. Such areas may have significant wetlands, floodplains, wildlife habitat, poor soils or other natural characteristics that make them inherently unsuitable for development.

c. In areas designated C (Conservation), the LD district may be utilized to limit most types of development. Such areas may have natural or environmental constraints that can only support low intensity uses.

d. In areas designated R (Recreation), the LD district may be utilized to limit development to passive and active recreation facilities and uses that are compatible therewith. Such areas may be identified for use as parks, open space and lakeshore parkways.

e. In all other Future Land Use designations, the LD district may be utilized to conserve rural, agricultural and undeveloped land where development at suburban or urban intensities is not desirable or it may be utilized as a holding zone where development at suburban or urban intensities is not presently feasible due to an inability to provide urban services or for other reasons. If and when more intense development is both desirable and feasible in such areas, rezoning shall be required.

f. The LD District is intended for land which is mapped Preservation Area or Rural Conservation by Polk County prior to annexation by the city.
2.2.4 RELATIONSHIP OF ZONING DISTRICTS TO FUTURE LAND USE MAP DESIGNATIONS

a. In accordance with the intent of the Comprehensive Plan, zoning districts may be applied to the Official Zoning Map only within specific Future Land Use Map designations in accordance with Table 2.2-1. Indication that a zoning district may be applied within a particular future land use designation does not signify an entitlement to that zoning. The application of zoning is limited by the goals and policies of the Comprehensive Plan and subject to the technical and procedural requirements set forth in Article 12 (Administration and Enforcement).

(Ord. No. 5455, § 2, 07-21-14)

b. Zoning districts applicable within Special Public Interest (SPI) Districts or Planned Unit Development (PUD) zoning districts shall be in accordance with this section unless otherwise specified in the ordinance establishing the SPI District or PUD.

(Ord. No. 5455, § 2, 07-21-14)
Table 2.2-1: Zoning Districts Applicable within Future Land Use Map Designations

<table>
<thead>
<tr>
<th>Future Land Use Map Designations</th>
<th>RL</th>
<th>RM</th>
<th>RH</th>
<th>CC</th>
<th>OC</th>
<th>MCC</th>
<th>NAC</th>
<th>CAC</th>
<th>RAC</th>
<th>BP</th>
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X: Zoning District may be applied  
BLANK: Zoning District shall not be applied

1 Subject to certain limits and locational criteria set forth in the Comprehensive Plan.

2 Residential shall not front commercial corridor (roadway).

(Ord. No. 5522, 07-20-15)
2.3 PERMITTED USES

2.3.1 PERMITTED USES BY ZONING DISTRICT

a. The use of property within each respective zoning district is limited to the specific uses or classes of uses permitted herein by right or as conditional uses. Principal uses shall be permitted in accordance with Table 2.3-1 (Permitted Principal Uses) and accessory uses shall be permitted in accordance with Table 2.3-2 (Permitted Accessory Uses), subject to additional limitations and regulations contained herein. Uses permitted in the LD (Limited Development) District shall be permitted in accordance with Table 2.3-3 (Permitted and Accessory Uses in LD). The specific uses or classes of uses are as listed and defined in the Master Use List. Certain principal and accessory uses are further defined and regulated in Article 5 (Standards for Specific Uses). Use limitations within the Green Swamp Area of Critical State Concern are set forth in Section 6.3.

(Ord. No. 5455, § 2, 07-21-14)

Commentary: Look Again

Tables 2.3-1, 2.3-2 and 2.3-3 are the primary tools for determining which uses are permitted in the various zoning districts. However, there are exceptions. Refer to Article 5 (Standards for Specific Uses) for use regulations that apply to certain unique uses. Refer to Section 2.4 (Conditional Uses) for regulations specific to conditional uses. Refer to Section 6.3 (Green Swamp Area of Critical State Concern) if the property is located in the Green Swamp Area of Critical State Concern.

(Ord. No. 5455, § 2, 07-21-14)

b. The use of property located within Planned Unit Development zoning districts shall be in accordance with this section unless otherwise specified in the ordinance establishing the PUD.

c. The use of property located within SPI Districts shall be in accordance with this section unless otherwise specified in the ordinance establishing the SPI District. To the extent specified in the ordinance, the use regulations may supersede or modify the use regulations of the underlying zoning district.

(Ord. No. 5455, § 2, 07-21-14)

d. Determinations regarding the proper classification of uses not specifically listed herein shall be made by the Director of Community Development based on the classification or category which is most similar in terms of its land use impacts.
KEY TO THE USE TABLES

**Table 2.3-1** PERMITTED PRINCIPAL USES

**Table 2.3-2** PERMITTED ACCESSORY USES

**Table 2.3-3** LIMITED DEVELOPMENT DISTRICT (LD)

P = Use is permitted By Right
C = Use is permitted by Conditional Use
Blank = Use is Not Permitted

Some of the uses listed in the tables are general use categories that include more than one specific use in the Master Use List. Where a P or C indicates a general category, all of the specific uses under that category in the Master Use List are permitted. Where a P or C indicates a specific use, only that specific use is permitted. Example: In C-2, all Convenience Sales and Personal Service Uses are permitted. However, in C-1 only certain Convenience Sales and Personal Service Uses are permitted and they are called out separately.

Refer to Article 5 for regulations governing certain uses having unique operating characteristics or impacts.

Refer to Section 6.3 for use limitations in the Green Swamp Area of Critical State Concern.
Table 2.3-1: Permitted Principal Uses

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<tr>
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City of Lakeland Land Development Code
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¹² For Additional information, please refer to the City of Lakeland Land Development Code.
Table 2.3-1 (Cont.): Permitted Principal Uses

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City of Lakeland Land Development Code  Page 2.16
### Table 2.3-1 (Cont.): Permitted Principal Uses

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<td>Research and Development Facilities of an Industrial Nature</td>
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<td>Airports, Landing Fields and Heliports</td>
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<td>Public &amp; Quasi-Public Non-Commercial Principal Uses</td>
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<td>Level II</td>
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<td>Public &amp; Quasi-Public Non-Commercial Principal Uses for Munn Park and Downtown Districts</td>
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<td>Churches, Synagogues and Other Houses of Worship</td>
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City of Lakeland Land Development Code
### Table 2.3-1 (Cont.): Permitted Principal Uses

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<tr>
<th>USES</th>
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<td>RA-1</td>
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<tr>
<td>Outdoor storage for use by residents</td>
<td>P</td>
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<tr>
<td>Parking Lots as Principal Uses, not operated accessory to a use on another parcel</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Parking Lots as Principal Uses, operated accessory to a use on another parcel</td>
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<td>C</td>
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<tr>
<td>Agricultural Production, Crops, Level I</td>
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<td>C</td>
<td>C</td>
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</tbody>
</table>

**Footnotes:**

1. By right: single-family detached residential buildings on lots which were platted and of public record on or before March 1, 1993, in accordance with single-family district development regulations. By conditional use: subdivisions for single-family detached residential, platted and placed on public record after March 1, 1993, designed for development in accordance with single-family district development standards.

2. For all properties zoned C-7 on Kentucky and Tennessee Avenues and those segments of Lemon, Main and Pine Streets between Florida Avenue and Massachusetts Avenue, the retail and/or service uses shall occupy at least 60 percent of the building street frontage at the street level.

3. By right up to 40,000 square feet of gross floor area either alone or in combination with other uses on entire site. By conditional use over 40,000 square feet of gross floor area.

4. But not including coin-operated laundry and dry cleaning establishments and tattoo parlors.

5. But not including payday loan and check cashing establishments, greenhouses and monument sales establishments.

6. But not including pawn shops and payday loan and check cashing establishments.

7. All facilities in completely enclosed buildings.

8. Denotes uses which qualify as retail or service for purposes of complying with core ground floor use requirements specified in footnote no. 2.

9. Minimum lot area of 20,000 square feet; 40,000 square feet if total seating capacity over 150.

10. In accordance with RA-3/RA-4 standards for applicable context sub-district.

11. In accordance with MF-22 standards for applicable context sub-district.

12. Shall not be located within 500 feet of the real property that comprises a public or private elementary school, middle school or secondary school unless the location is approved by the Planning & Zoning Board following a public hearing and upon a determination by the Board that the location promotes the health, safety and the general welfare of the community.

*(Ord. No. 5455, 07-21-14; Ord. No. 5522, 07-20-15, Ord No 5645, 07-17-17, Ord No 5717, 06-18-18)*
## Table 2.3-2: Permitted Accessory Uses

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<td>Dormitories</td>
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<tr>
<td>Fraternities and Sororities</td>
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<tr>
<td>Dwelling Unit for Caretaker within</td>
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<tr>
<td>when conducted as an Accessory</td>
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<tr>
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<tr>
<td>conditional use when conducted</td>
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<tr>
<td>as an Accessory to such a principal use</td>
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**Footnotes:**

1: In accordance with Section 5.10 (Home Occupations)  
2: In accordance with Section 4.3 (Accessory Dwelling Units)  
3: In accordance with Section 5.18 (Personal Wireless Service Facilities)  
4: In accordance with Section 5.9 (Electric Vehicle Charging Facilities)

*(Ord. No. 5455, 07-21-14)*
### Table 2.3-3: LD Future Land Use Designations

<table>
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<th>USES</th>
<th>PRESERVATION (P)</th>
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<td>Home Businesses Accessory to single-family detached dwelling units in accordance with Section 5.10</td>
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<td>Private concession uses operated on land owned by the City of Lakeland in furtherance of public policy with the contractual approval of the city Commission</td>
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<td>Solar Energy Systems</td>
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<td>Building and Structures accessory to non-residential principal uses permitted as conditional uses as listed in Section 4.3</td>
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<td>Communication Towers</td>
<td>C</td>
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</tr>
<tr>
<td>Day Care Center accessory to churches, synagogues and other houses of worship</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Foster Care Services accessory to single-family dwelling units</td>
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<td>C</td>
<td>C</td>
<td>C</td>
</tr>
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<td>Group homes, Level I</td>
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*(Ord. No. 5522, 07-20-15)*
2.3.2 PROHIBITED USES

Any use not listed as permitted as a principal use in Table 2.3-1 or Table 2.3-3 or as an accessory use in Table 2.3-2 or Table 2.3-3 shall be prohibited unless it is determined by the Director of Community Development to be essentially the same as a use permitted within the same district.

(Ord. No. 5721, 06-18-18)

2.4 CONDITIONAL USES

2.4.1 INTENT

It is the intent of this section to set forth standards for conditional uses. These standards are intended to provide an opportunity to use property for activities which, under usual circumstances, could be incompatible with or detrimental to adjacent existing or permitted land uses and cannot normally be permitted within the same district, but which can be permitted under circumstances particular to the proposed location and subject to conditions which provide protection to adjacent land uses and the public welfare.

2.4.2 INTERPRETATION OF CONDITIONAL USE STANDARDS

Uses set forth in this Code as conditional uses shall be deemed to be adverse to the public interest and welfare except in specific instances when the City Commission finds that all land development code standards for approval of such uses will be met. In those instances when the City Commission finds that all land development code standards for approval of a particular conditional use at a specific location have been met, and the public welfare is adequately protected, then the City Commission shall approve the use. The application procedures for conditional uses are set forth in Section 12.5.

(Ord. No. 5455, 07-21-14)

2.4.3 GENERAL CONDITIONAL USE STANDARDS

Prior to approving any conditional use, the City Commission shall find, based on competent and substantial evidence, that the use exactly as proposed at the location where proposed, will be in conformity with the Comprehensive Plan and compatible with existing uses and uses most likely to occur in the immediate area, and will provide for the adequate protection of the public welfare. The proposed use shall not result in premature development nor shall it substantially reduce the public benefit that would result from use of the same site by a use permitted by right.
2.4.4 SPECIFIC STANDARDS FOR ALL CONDITIONAL USES

a. Prior to approving any conditional use, the City Commission shall find, based on competent and substantial evidence, that the proposed use will not reduce the level of service or result in a significantly greater amount of through traffic on local streets than would result from development of a use permitted by right or otherwise be detrimental to the public welfare. The proposed use will be appropriately located with respect to the thoroughfare system and in relation to water lines, sanitary sewers, storm sewers, surface drainage systems and other utility systems that it will result in neither extension nor enlargement nor any other alteration of such systems in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development of a use permitted by right.

b. The proposed use will not place a demand on municipal police or fire protection services beyond the capacity of those services, except that the proposed use may place a demand on municipal police or fire protection services that does not exceed the demand likely to result from a development permitted by right.

2.4.5 STANDARDS FOR NON-RESIDENTIAL CONDITIONAL USES IN RESIDENTIAL DISTRICTS

a. Prior to approving any non-residential conditional use in any residential district and prior to approving any more intensive residential conditional use in a less intensive residential district, the City Commission shall find, based on competent and substantial evidence, that the size and location of the conditional use, along with the nature and intensity of the operations involved, will be compatible with the predominantly residential character of the district and not hazardous or inconvenient to surrounding residents or injurious to the long range development of the district for the residential purposes.

b. The location of the conditional use will not result in a small existing or planned residential area being isolated from other residential areas by being completely or largely surrounded by arterial streets and non-residential land uses.

c. The design of buildings for non-residential conditional uses in residential districts shall be compatible with that of residential structures in the same general area or neighborhood. Such a finding shall be based on a consideration of the building mass, height, materials, window arrangement, yards, landscaping and any other pertinent considerations.

d. The maximum height of broadcast and transmission towers in residential districts shall be one foot in height for each one foot in setback from any lot line. Broadcast and transmission towers are not personal wireless service facilities which are regulated in accordance with Section 5.18. (Ord. No. 5455, § 2, 07-21-14)
2.4.6 CONDITIONS AND SAFEGUARDS

Prior to granting approval for a use subject to special conditions, the City Commission may impose any additional conditions or limitations upon the establishment, location, construction, landscaping, maintenance or operation of the use authorized by the approval as in its judgment may be reasonably necessary to prevent the use from being detrimental to other permitted land uses adjacent to or in the surrounding area of the conditional use, and for the protection of the public interest and welfare. Conditions and requirements stated as part of the approval of a conditional use shall be a continuing obligation of holders of approval. The Director of Community Development may make investigations of developments authorized as conditional uses to determine compliance with the approved conditions.

2.4.7 CHANGES TO CONDITIONAL USE

a. A conditional use shall be approved for the benefit of the person or entity for whom application was made. The character of the conditional use shall not be changed without a new conditional use and the benefit of the conditional use shall not be transferred to another person or entity without the approval of the Director of Community Development. The Director of Community Development may, at his discretion, request a resolution of the City Commission on any request to change or transfer a conditional use.

b. Proposed changes to an approved conditional use, including changes to conditions, site development plans or any other provision incorporated as part of the ordinance enacting a conditional use for a particular parcel or parcels, shall be reviewed by the Director of Community Development to determine whether the change is a major or minor modification from previously approved plans or conditions. Any modification of an approved conditional use which involves a change to a more intensive use shall be considered a major modification. Other modifications may be declared major modifications if the Director of Community Development determines they deviate substantially from the approved conditional use. Requests for major modifications shall follow the same procedure set forth herein for conditional use approval. Any proposed change to a conditional use which does not constitute a major modification shall be considered a minor modification. At the discretion of the Director of Community Development, minor modifications may be referred to the Planning and Zoning Board with a recommendation or, if the Director of Community Development deems the proposed change to be de minimus, he may make the minor modification administratively.

c. Action by the Planning & Zoning Board or Director of Community Development in such cases shall be final. Requests for minor modifications shall be made in writing and shall indicate the effect of the proposed changes, the reasons why the changes are necessary, and, if applicable, shall include a revised site development plan.
2.4.8 REPEAL OR MODIFICATION OF CONDITIONAL USE IF CONSTRUCTION NOT COMMENCED

Failure to commence construction within five years of the effective date of the adoption of a conditional use shall be grounds for the city, at its discretion, to repeal the conditional use, modify the conditional use or retain the conditional use in its current form.

2.5 TEMPORARY USES

2.5.1 GENERAL

In all zoning districts, the temporary uses listed below shall be permitted subject to approval by the Director of the Community Development Department on a case by case basis. Prior to approving any temporary use, the Director shall find, based on competent and substantial evidence, that the use exactly as proposed at the location where proposed and in accordance with such conditions he may impose, will be in conformity with the Comprehensive Plan and compatible with existing uses and uses most likely to occur in the immediate area, and will provide for the adequate protection of the public welfare.

Borrow Pits, Borrow Piles and Similar Excavations

Construction Offices, Storage Buildings, Trailers, Watchman's Quarters and Security Fences. Construction or storage trailers when located in residential front yards for more than 72 hours.

Mobile Homes, Recreation Vehicles: When used as temporary housing for victims of hurricanes or other disasters until damaged dwellings are repaired or other permanent housing is obtained.

Outdoor Storage of Materials and Equipment: Pursuant to construction of structures for which a permit has been issued, provided such storage is on the lot where the permitted structure is to be located.

Temporary Amusement Park, Carnival or Circus as defined and in accordance with the specific procedures and standards of Section 5.5.

Temporary Produce Stands as defined and in accordance with the specific procedures and standards of Section 5.19.

Temporary Real Estate Sales Offices: For uses permitted in the district where the temporary sales office is located.
2.5.2 EXCEPTION FOR PUBLIC PROPERTIES

a. The use of motor homes or trailers as defined herein shall be permitted on the grounds of the Lakeland Civic Center, Lakeland Linder Regional Airport and Tiger Town on a temporary basis with the written permission of the City Manager, or his duly appointed and authorized agent, and in accordance with the terms and conditions of such permission, for persons participating in entertainment or events at those locations.

b. The provisions of this Code shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

2.6 MASTER USE LIST

2.6.1 INTENT

It is the intent of this article to provide a master list of all uses addressed by this land development code and definitions for the uses that require such definitions. Some uses are further defined in Article 5 (Regulation of Specific Uses) and elsewhere in this code.

2.6.2 SIGNIFICANCE OF STANDARD INDUSTRIAL CLASSIFICATION NUMBERS

Some industrial, warehouse, wholesale and transportation uses in the Master Use List are described or defined by reference to a U.S. Government Standard Industrial Classification (SIC) code number or numbers. (The Standard Industrial Classification system is available on several U.S. Government agency web sites.) When the use is identified by the phrase "as listed in SIC group" followed by a number, the identification has no regulatory significance; it is provided for information only. When the use is identified by the phrase "including all uses listed in SIC group" followed by a number, the identification has regulatory significance; it means the use identified includes all the uses listed in the specified SIC group and that all those uses are permitted wherever the named use is permitted. When the use is identified by the phrase "including the following uses listed in SIC group" followed by a number and a list of uses, the identification has regulatory significance in that the list of uses that follow the SIC group number are included in the previously named use and that all those uses are permitted wherever the named use is permitted. However, no other uses, from the indicated SIC, group are permitted.

Temporary Use of Non-Residential Structures for Emergency Housing: Temporary use of non-residential structures such as churches, schools, civic centers and assembly halls to house evacuees or disaster recovery crews in the aftermath of a hurricane or other disaster.
2.6.3 PRINCIPAL USES LISTED AND DEFINED

2.6.3.1 Principal Residential Uses

Residential, Single-Family Attached: Single-family attached residential uses consist of single-family attached dwellings as defined in Article 2.

Residential, Single-Family Detached: Single-family detached residential uses consist of single-family detached dwellings as defined in Article 2.

Residential, Two-Family: Two-family residential uses consist of two-family dwellings as defined in Article 2.

Residential, Multi-Family: Multi-family residential uses consist of multi-family dwellings as defined in Article 2.

Residential, Multiple Family for the Elderly: Multi-family residential uses which are restricted to occupancy by the elderly. For the purposes of this section, the elderly shall be all persons who are 62 years of age or older plus all persons in a household the head of which is 62 years of age or older plus persons in a household at least half of whose members are 62 years of age or older. Units are considered to be restricted to occupancy by the elderly if they are restricted by any long term, binding public or private covenant. Covenants shall be considered to be long term if they will be in effect for a period of at least 15 years from the date of initial building occupancy. Covenants shall be considered to be binding if they are judged by the City Attorney to incorporate all reasonable and feasible language to render them binding.

Residential, Mobile Home

Residential, One or More Dwelling Units Located Above the First Floor of a Building Which Contains Another Permitted Principal Use on the First Floor

Residential, One or More Dwelling Units Located Above the First Floor of a Building Fronting on a Transit Oriented Corridor and Which Contains Another Permitted Principal Use on the First Floor

Child Care Facility: A facility for the care, protection, and supervision of a child, for a period of less than 24 hours a day on a regular basis, which supplements parental care, enrichment, and health supervision for the child, in accordance with his/her individual needs, and for which a payment, fee, or grant is made for care. (See Day Care Center/Child.)

Convents and Monasteries

Dormitories: Including buildings used as group living quarters as an accessory use for a college, university, boarding school, orphanage, or other similar institutional use.
**Family Day Care Home**: An occupied residence in which child care is regularly provided for children and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit. A family day care home shall be allowed to provide care for any one of the groups of children defined in Florida Statutes Chapter 402.302 (5).

**Farm Employee Housing**: Single or multiple family dwellings or dormitories provided for the exclusive use of farm employees and their families.

**Fraternities and Sororities**

**Group Homes, Level I**: Level I Group Homes are group homes which do not house more than eight clients at any one time. A group home is a facility which provides a living environment for unrelated residents who operate as the functional equivalent of a family, including such supervision and care as may be necessary to meet the physical, emotional and social needs of the residents. Adult congregate living facilities, assisted living facilities, foster care facilities, community residential homes are included in this definition. The following residential social service facilities are NOT group homes pursuant to this definition: halfway houses, delinquent detention centers; residential rehabilitation intermediate care facilities for the mentally retarded and residential treatment facilities. Also excluded from this definition of group homes are rooming houses, hostels and similar uses; residential clubs; fraternities and sororities; monasteries and convents; hotels; nursing homes and emergency shelters.

**Group Homes, Level II**: Level II Group Homes are group homes which house between eight and 20 clients at any one time.

**Group Homes, Level III**: Level III Group Homes are group homes which house more than 20 clients at any one time.

**Institutional Residential, Level I**: Level I institutional residential facilities do not house more than eight clients at any one time. Institutional residential facilities include the following state-licensed facilities:
- Delinquent detention centers
- Emergency shelters
- Halfway houses
- Intermediate care facilities and
- Residential rehabilitation facilities for the mentally retarded
- Residential treatment facilities

**Institutional Residential, Level II**: Level II institutional residential facilities house between eight and 20 clients at any one time and include all Level I institutional residential facilities.

**Institutional Residential, Level III**: Level III institutional residential facilities house more than 20 clients at any one time and include all Level I and II institutional residential facilities.
**Nursing Homes:** Including extended or intermediate care facilities licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves, except persons suffering from mental ailments and persons so ill as to require regular hospitalization.

**Rooming Houses, Hostels and Similar Uses, Level I:** Level I rooming houses and similar uses are uses which are: 1) owner-occupied, and 2) occupied by not more than eight guests at any one time, and 3) occupied only by guests whose visits are pre-arranged, and 4) occupied only by guests whose visits are for a period of not less than seven days, and 5) contain kitchen facilities. Rooming houses, hostels and similar uses by definition shall not include rescue missions or any similar use in which meals and/or lodgings are provided to the indigent at no cost or at a subsidized cost.

**Rooming Houses, Hostels and Similar Uses, Level II:** Level II rooming houses and similar uses are rooming houses and similar uses which are not Level I rooming houses and similar uses.

**Transient Lodging or Social Services Facility:** A facility owned and operated by a private organization or by a public agency which offers counseling services or meals or temporary shelter to primarily transient or indigent persons. Such facilities may also provide counseling and temporary custodial care to nonviolent prerelease inmates from federal or state correctional institutions and may provide supervision for persons convicted of misdemeanors in local courts. Such facilities are not designed to provide medical or psychiatric care and treatment.

2.6.3.2 Principal Office Uses

**Office Uses, Government:** Including U.S. Postal Service facilities and administrative offices of city, county, state and federal agencies.

**Office Uses, Non-Government:** Business administrative offices, including establishments primarily engaged in management and general administrative functions such as executive, personnel, finance, and sales activities performed centrally for other establishments of the same company.

Commercial art, graphics and photography services
Computer and data processing services
Consumer credit reporting agencies, mercantile reporting agencies and adjustment and collection agencies
Correspondence schools
Detective agencies and protective service offices
Direct mail advertising services
Employment agencies primarily engaged in helping potential employees find employers and potential employers find employees
Financial institutions
Financial planners
Medical and health care offices, including medical laboratories
Holding and other investment offices
Insurance agent, broker and service offices, including auto insurance claims centers
Legal offices
Management consulting and public relations services
Medical photography and art services
Membership organization offices
Miscellaneous office-type business services including the following:
  - Appraisers
  - Automobile recovery services
  - Bail bonding services
  - Business brokers
  - Charge account services
  - Contractors disbursement control services
  - Credit card collection services
  - Drafting services, except temporary help
  - Fire protection services, other than forestry or public
  - Fund raising services
  - Hotel reservation services
  - Interior design and decorator consulting services, but not painters or paperhangers
  - Inventory computing services
  - Mail box and postal address services
  - Map drafting services
  - Messenger services, except telegraph and radio
  - Microfilm recording and developing service
  - Notary publics
  - Parcel packaging services
  - Personal investigation services
  - Photogrammetric mapping services
  - Photographic library services
  - Press clipping services
  - Process serving services
  - Radio broadcasting music checkers
  - Radio transcription services
  - Recording studios
  - Repossession services
  - Speakers bureaus
  - Styling of fashions, apparel, furniture, textiles, and similar products
  - Telegraph service, florist
  - Telephone message services
  - Telephone solicitation services
  - Yacht broker offices
Motion picture production and distribution service offices
News syndicate offices
Office-type personnel services including the following:
  - Babysitting bureau not providing babysitting on the premises
  - Birth certificate agencies
  - Dating service
Debt counseling or adjustment service to individuals
Escort service
Genealogical investigation service
Radio, television and publishers advertising representative offices
Radio and television broadcasting studios and facilities
Real estate office
Social service counseling offices including the following:
  Adoption services
  Child guidance agencies
  Counseling centers
  Family and marriage counseling services
  Family location services
  Referral services for personal and social problems
Personnel supply firms primarily engaged in providing temporary or continuing help that does not report to the office from which the help is provided on a daily or other frequent basis. Such uses may include:
  Employee leasing services
  Fashion show model supply services
  Help supply services
  Labor pools
  Manpower pools
  Modeling services
  Office help supply services
  Temporary help services
Social service organization offices
Sports and entertainment service offices
Stenographic services
Theatrical production and related service offices

**Office-Type Research and Development Facilities**: Research and development activities not involving processes or activities of an industrial nature. Such uses shall include establishments performing research and development on a contract basis as well as facilities of manufacturing or other activities performing proprietary research and development.

**Travel Agencies**

2.6.3.3 Principal Commercial Uses

**Adult (Regulated) Uses**: Regulated Use shall mean adult arcade, adult book store, adult dancing establishment, adult entertainment, adult theater or massage establishment. For purposes of this code these terms are further defined in Section 5.3 'Adult (Regulated) Uses).

**Banks, Credit Unions and Savings and Loan Associations**

**Bars, Lounges and Related Entertainment Uses**

Ballrooms
Banquet halls  
Bars  
Cabarets and cabaret theaters  
Dance halls  
Dinner theaters  
Discotheques  
Night clubs, including restaurants, dining rooms or other similar establishments where floor shows or other form of lawful entertainment is provided for guests after eleven o'clock, P.M.

**Building Materials Sales, Retail, Level I**  
- Awnings  
- Cabinets  
- Doors  
- Electrical supply  
- Fencing dealers  
- Flooring  
- Hot tubs and whirl pools  
- Insulation material  
- Lumber  
- Plumbing supply  
- Prefabricated buildings  
- Roofing materials, but not hot tar or aggregate  
- Swimming pools  
- Tile dealers  
- Wallboard  
- Window and screen

**Building Materials Sales, Retail, Level II**  
Building material dealers, including the following uses listed in SIC group 5211:  
- Brick dealers, retail  
- Cement dealers, retail  
- Concrete and cinder block dealers, retail  
- Lime and plaster dealers, retail  
- Roofing material dealers including hot tar and aggregate dealers  
- Sand and gravel dealers, retail  
- Structural clay products, retail

**Convenience Sales and Personal Service Uses**  
Convenience sales uses:  
- Card shops  
- Cosmetics stores  
- Drug stores and pharmacies  
- Dry goods and notions stores  
- Fabric stores  
- Flowers shops  
- Hardware stores
Key shops
Lawn and garden supply stores
Newspaper and magazine stores
Paint, glass and wallpaper stores
Special service and product food stores including:
   Candy, nut and confectionery stores
   Dairy stores
   Delicatessens, and produce markets
   Meat and fish markets
   Retail bakeries
   Specialty food stores
   Sundry shops
   Ticket agencies
   Tobacco shops
   Variety stores
Personal service uses:
   Barber shops
   Beauty shops
   Clothing rental
   Coin-operated laundry and dry cleaning establishments
   Day spas
   Exercise studios
   Facial and scalp treatment service
   Gunsmith shops
   Laundry, cleaning and related garment service pick-up stations serving primarily the public
   Locksmith establishments
   Martial arts studios
   Motor vehicle title and tag service
   Music and dance studios
   Musical instrument tuning and repair
   Pet grooming establishments, but not kennels
   Photographic studios serving primarily the public
   Picture framing establishments
   Taxidermists
Repair establishments for the public as follows:
   Camera repair
   Hearing aid repair
   Optical goods repair
   Shoe and leather goods repair
   Small electronic equipment, television, radio and computer repair
   Small household appliance repair
   Watch, clock and jewelry repair
Tailor and dressmaker shops
Tax return preparation services
Video tape and equipment rental establishments
Convenience Store: A retail store usually 4,000 square feet or less which primarily sells convenience goods. The sale of motor vehicle fuel shall be permitted accessory to a convenience store only where motor vehicle fuel sales uses are permitted by right or as a conditional use.

Day Care Center/Adult: Any building or premises used for the care, protection and supervision of more than five adults, 18 years of age or older, for a period of less than 18 hours per day. Such care shall not include the provision of overnight sleeping accommodations.

Day Care Center/Child: Any child care center or child care arrangement which provides child care for more than five children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit. The following are not included:

A. Public schools and nonpublic schools and their integral programs, except as provided in Florida Statute 402.3025;
B. Summer camps having children in full-time residence;
C. Summer day camps; and
D. Bible schools normally conducted during vacation periods.
(See Child Care Facility)

Department Stores: Retail establishments containing 80,000 square feet of gross floor area or greater which carry several lines of merchandise, such as women’s ready-to-wear and accessories, men’s and boys’ clothing, piece goods, small wares, and home furnishings, all of which are organized into separate departments.

Food Stores

Funeral Homes and Crematoriums

Game Arcades

Hotel: Facilities containing six or more guest rooms offering transient lodging accommodations to the general public intended or designed to be used or rented for temporary occupancy, with no provision for cooking in any room and providing additional services such as restaurants, meeting rooms, and recreation facilities and other accessory service facilities such as newsstands for its occupants and the public.

Indoor Commercial Recreation Uses
Auditoriums and meeting halls
Billiards, pool halls
Bowling alleys
Game arcades
Gymnasiums
Skating rinks, indoor
Swimming pools, indoor
Tennis, hard ball and racquetball facilities, indoor
Theaters, indoor

**Indoor Gun Clubs and Shooting Galleries**

**Kennels**: A place designed to confine household animals where any number of such animals are kept for the purpose of sale, rental, boarding, breeding or other commercial venture. A kennel shall not include pet shops or animal shelters.

**Laundry and Cleaning Establishments, Level I**: Including those providing service directly to the public, but not those providing service for pick-up stations located off the premises.

**Laundry and Cleaning Establishments, Level II**: Including those providing service directly to the public and those providing service to the public through pick-up stations located off the premises, but not including facilities that serve primarily institutional customers or facilities that serve other laundry and cleaning establishments serving the public.

**Liquor Stores**: A retail store selling beverages containing more than 14 percent of alcohol by weight for off-premise consumption.

**Marine Uses**
- Boat and yacht clubs, membership
- Boat excursions and sightseeing docks
- Marinas including facilities for storing, servicing, fueling, berthing and securing of pleasure boats.

**Medical Marijuana Dispensing Facility**
*(Ord. No 5645, 07-17-17)*

**Mobile Home Sales, Rental and Service Agencies**: Mobile home sales, rental and service agencies by definition shall NOT include the occupancy of mobile homes for permanent or transient residential purposes.

**Motels**: Including establishments providing transient accommodations containing six or more rooms with at least 25 percent of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

**Motor Vehicle and Boat Sales and Rental Uses**
- Automobile and light truck rental agency storage and maintenance yards
- Automobile and light truck sales and service agencies, including the use of any building, land area or other premises for the display and sale of new or used automobiles, panel trucks or vans, or recreation vehicles and including any warranty repair work and other repair service conducted as an accessory use.

- Boat and boat accessory sales establishments, but not marinas
- Boat storage establishments, indoor, but not marinas
Large recreation vehicle sales and service establishments
Lawn mower and other small engine sales and service establishments
Motorcycle sales and service establishments
Trailer sales and rental establishments
Used car lots, including any area of land, and structures thereon, that is used or designated to be used for the buying and selling at retail and the open storage and display incidental thereto of used or second hand motor vehicles.

**Motor Vehicle Fuel Sales Uses:** Automobile filling stations, including buildings, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries and similar accessories.

**Motor Vehicle Service Uses**
Automobile cleaning, polishing and detailing
Automobile service stations, including buildings, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries and similar accessories.
Automobile washing establishments, attended
Automobile washing establishments, self-service
Electric vehicle charging facilities
Electric vehicle battery exchange facilities

**Motor Vehicle Parts and Accessory Stores**
Including the installation of parts and accessories.
  - Battery sales and installation
  - Brake lining sales and installation
  - Glass replacement
  - Muffler and exhaust system sales and installation
  - Tire sales and wheel alignment

**Motor Vehicle Repair, Retail:** Including buildings, premises and land in which or upon which a business, service or industry involving the maintenance, servicing or repair of motor vehicles is conducted or rendered.
  - Carburetor and fuel system repairs
  - Engine repair
  - Motor vehicle body repair and paint shops
  - Transmission repair

**Office Support Retail Uses**
Blueprinting
Business machine sales
Delivery services
Drug stores and pharmacies
Newspaper and magazine shops
Office furniture and supply store
Photocopying, offset printing and similar reproduction services
Phototypesetting
Professional equipment and supply stores
Sandwich shops and snack bars
Sundry shops

**Outdoor Commercial Recreation**
Amphitheaters
Amusement parks, including outdoor facilities, which may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, and buildings for shows and entertainment.
Drive-in theaters
Go-cart and other recreation vehicle tracks
Golf driving ranges
Miniature golf establishments
Sports and recreation camps
Sports parks including batting cages, trampolines and similar sports facilities
Stadiums and sports arenas
Swimming pools, including water-filled enclosures, permanently constructed or portable, have a depth of more than 18 inches below the level of the surrounding land, or an above-surface pool, having a depth of more than 30 inches, designed, used and maintained for swimming and bathing.
Tennis, handball and racquetball courts
Water slides

**Outdoor Gun Ranges**

**Outdoor Retail Sales of New and Used Merchandise**

**Outdoor Storage of Boats, Motor Homes and Trailers, Retail Service**

**Recycling Collection Centers:** A retail business used solely for the purpose of collecting and temporarily storing recyclable materials having no objectionable odors, dust, or visibility from off the site.

**Restaurants, Carry Out:** Restaurants serving the general public, including establishments which by design of physical facilities or by service or packaging procedures permits or encourages the purchase of prepared ready-to-eat foods intended primarily to be consumed off the premises, and where the consumption of food in motor vehicles on the premises is not permitted or not encouraged.

**Restaurants, Low Turn-Over Restaurants Serving the General Public:** Eating establishments of high quality and with turnover rates usually of at least one hour or longer. Generally, quality restaurants do not serve breakfast; some do not serve lunch; all serve dinner.
Restaurants, High Turn-Over Restaurants Serving the General Public: Eating establishments with turnover rates generally of less than one hour. This type of restaurant is usually moderately priced and frequently belongs to a restaurant chain. Generally, these restaurants serve breakfast, lunch and dinner, and are sometimes open 24 hours per day.

Restaurants, Very High Turn-Over Restaurants Serving the General Public: Fast food eating establishments with or without drive-through windows. This type of restaurant is characterized by a large carry out clientele; long hours of service and high turnover rates for eat-in customers.

Restaurants, Sandwich Shops, Snack Bars Serving the General Public

Restaurants Serving a Limited Clientele

Shopping Centers, Neighborhood: A shopping center usually selling goods necessary to meet daily needs, occupying up to 10 acres and having up to 100,000 square feet of gross leasable area. It generally draws its clientele from a radius of approximately a five-minute drive from the center.

Shopping Centers, Community: A shopping center usually featuring a junior department store, having approximately 150,000 square feet of gross leasable area, and a site area of 10 to 25 acres. It generally draws its clientele from a radius of approximately a 10-minute drive from the center.

Shopping Centers, Regional: A shopping center usually containing a wide range of retail and service establishments, occupying 50 to 100 acres of land, having at least one or more anchor stores, and containing over 400,000 square feet of gross leasable space. It draws its clientele from as much as a 45-minute drive away.

Single-Destination Commercial Uses
Cosmetic stores
Custom upholstering, cloth and canvas products fabrication, including the fabrication of slipcovers, awnings and similar products
Food storage lockers
Furniture and domestic equipment rental establishments
Furniture reupholstering and repair, but not furniture stripping
Greenhouses
Locker rental establishments
Locksmith establishments
Medical supply stores
Monument sales establishments
Nurseries, retail, for the sale of plant materials grown off the premises
Orthopedic and artificial limb stores
Pawn shops
Payday Loans and check Cashing Establishments
Pet food stores
Professional equipment and supplies sale
Repair shops providing repair primarily for household goods and dealing directly with the public
Small recreation vehicle sales and rental
Taxidermists
Tent stores
Trade schools not involving industrial, motor vehicles or other heavy equipment
Trophy shops
(Ord. No. 5455, 07-21-14)

Specialty Comparison Commercial Uses
Antique stores
Apparel and accessory stores
Art and drafting supply stores
Art merchandising studios
Auction rooms
Bathroom and kitchen contractor showrooms
Bicycle shops
Book and stationery stores
Business machine sales
Camera and photographic supply stores
Candle shops
Carpet and other flooring stores
Coin and philatelic stores
Craft shops
Electrical and electronic product stores
Fine rug dealers
Frame stores and custom frame stores
Furniture stores
Gem stones
Gift shops
Hearing aid stores
Hobby, toy and game stores
Household appliance stores
Household goods and accessory stores
Interior decorator showrooms
Jewelry stores
Leather and luggage stores
Lighting fixture show rooms
Mail order and catalogue stores
Mirror and glass stores
Music and record stores
Musical instrument sales
Novelty shops
Office supply, furniture and equipment stores
Optician retail sales
Orthopedic and artificial limb stores
Pet stores  
Radio and television stores  
Security equipment stores, but not the installation of equipment on motor vehicles  
Souvenir shops  
Sporting goods  

**Veterinary Clinics and Hospitals with All Facilities in a Completely Enclosed Building**

2.6.3.4 Principal Industrial and Industrial-Service Uses  

**Industrial-type Service Establishments, Level I:** Level I industrial-type service establishments are those which generally have a moderate impact on their neighbors. They include the following:  
Armature rewinding, including all uses listed in SIC group 7694.  
Automatic merchandising machine operators and services, including all uses listed in SIC group 5962.  
Automobile towing services as listed in SIC group 7549  
Carpet and upholstery cleaning, including the following uses listed in SIC group 7217:  
- Carpet cleaning on customers' premises  
- Furniture cleaning on customers' premises  
- Upholstery cleaning on customers' premises  
Catering establishments as listed in SIC group 5812.  
Cleaning and maintenance services, including all uses listed in SIC group 7349.  
Coin operated service machine operators, including scales, shoe shine machines and lockers as listed in SIC group 7299.  
Commercial testing laboratories, including all uses listed in SIC group 8734.  
Decoration services for special events  
Direct selling establishments, including all uses listed in SIC group 5963.  
Distribution of advertising materials, including circulars, coupons, handbills, samples and shopping news publications as listed in SIC group 7319.  
Distribution of telephone and other directories as listed in SIC group 7389.  
Drive away automobile service as listed in SIC group 7389.  
Freezer and locker meat provisioners as listed in SIC group 5421.  
Ice dealers, retail, as listed in SIC group 5999.  
Locker rental, off premises, as listed in SIC group 7299.  
Mail order houses, including all uses listed in SIC group 5961.  
Machine shops  
Miscellaneous advertising services, including the following uses listed in SIC group 7319:  
- Bus card advertising  
- Display advertising services, except outdoor  
- Poster advertising services  
- Transit advertising services  
Miscellaneous industrial-type business services for the trade, including the following uses listed in SIC group 7389:  
- Apparel pressing services,  
- Batik work and other hand painting on textiles  
- Cloth cutting, bolting, or winding
Exhibit construction services
Float construction and decoration
Fire extinguishers, service of
Inspection of commodities
Laminating photographs
Liquidators of merchandise, contract
Outdoor storage facilities for families and small businesses
Packaging and labeling services
Parcel packing services, contract
Produce weighing services
Rug binding
Sampling of commodities
Textile folding and packing services
Weighing foods and other commodities
Welcome wagon services
Outdoor advertising services, including all uses listed in SIC group 7312.
Radio and television repair, including all uses listed in SIC group 7622.
Refrigeration and air conditioning service and repair, including all uses listed in SIC group 7623.

Repair shops and related services to the trade, including the following uses listed in SIC groups 7629 and 7699:
- Aircraft flight instrument repair, electrical and other
- Antique repair and restoration, except furniture
- Appliance repair
- Awning repair
- Business machine repair
- Caliper, gauge, and other machinists precision instrument repair
- Coppersmithing repair work (other than construction)
- Electric and electronic equipment repair, including all uses listed in SIC group 762 and 7622
- Furnace cleaning and repair
- Gas appliance repair service
- Instrument repair, mechanical and electrical
- Leather goods repair
- Machinery cleaning
- Mattress renovating and repair shops
- Office equipment repair
- Optical goods repair
- Organ and piano repair and tuning
- Photographic equipment repair
- Reneedling work
- Repair of photographic equipment
- Rug repair shops, not combined with cleaning
- Scale repair service
- Sharpening and repairing knives, saws, and tools
- Stove repair shops
- Taxidermists
Telephone repair
Tinsmithing, repair work only; other than construction
Washing machine repair
Shops (but not work or storage yards) for lawn and garden service contractors, including the following uses listed in SIC group 078:
- Garden planting and maintenance contractors
- Lawn care contractors
- Lawn mowing services
- Sprigging service contractors
Shops (but not work or storage yards) of building construction contractors, including all uses listed in SIC major group 15.
Shops (but not work or storage yards) of gas system conversion contractors as listed in SIC group 7399.
Shops (but not work or storage yards) of special trade contractors, including all uses listed in SIC major group 17.
Swimming pool cleaning and maintenance service contractors as listed in SIC group 7399.
Water softener services as listed in SIC group 7399.
Window cleaning services as listed in SIC group 7341.
Window trimming services as listed in SIC group 7399.

**Industrial-type Service Establishments, Level II:** Level II industrial-type service establishments are those which generally have a significant impact on their neighbors. They include the following:
- Engine repair as listed in SIC group 7699.
- Equipment rental and leasing services, including all uses listed in SIC group 7359.
- Farm machinery repair as listed in SIC group 7699.
- Furniture stripping and re-finishing
- Labeling of bottles, cans, and other containers for the trade
- Laundry cleaning and garment services, including the following uses listed in SIC group 721:
  - Carpet and upholstery cleaning and dyeing establishments
  - Cleaning and dyeing plants providing service to the public through pick-up stations located off the premises
  - Cleaning room apparel supply
  - Diaper service
  - Industrial launderers
  - Industrial uniform supply
  - Laundered mat and rug supply
  - Linen supply services serving the public or businesses with deliveries
  - Power laundries providing service to the public through pick-up stations located off the premises
  - Press shops providing service to the public through pick-up stations located off the premises
  - Safety glove supply
  - Towel supply
  - Treated mats, rugs, mops, dust tool covers and cloth supply
  - Work clothing supply
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Miscellaneous industrial type business services, including the following uses listed in SIC group 7399:
- Metal slitting and shearing
- Salvaging of damaged merchandise
- Rebabbitting as listed in SIC group 7699.
- Service station equipment repair
- Sign painting and lettering shops as listed in SIC group 7399, but not including sign manufacturing as listed in SIC group 3993.
- Shops, and work and storage yards for boiler and tank cleaning and repair contractors, as listed in SIC group 7699.
- Shops, and work and storage yards for building construction contractors, including all uses listed in SIC major group 15.
- Shops, and work and storage yards for construction contractors other than building construction contractors, including all uses listed in SIC major group 16.
- Shops, and work storage yards for gas system conversion contractors, as listed in SIC group 7399.
- Shops, and work and storage yards for lawn and garden service contractors, including the following uses listed in SIC group 0782:
  - Garden planting and maintenance contractors
  - Lawn care contractors
  - Lawn fertilizing services
  - Lawn mowing services
  - Lawn spraying services
  - Sprigging service contractors
- Shops, and work and storage yards for oil and gas producers and contractors serving oil and gas producers, including all uses classified in SIC major group 13.
- Shops, and work and storage yards of special trade contractors, including all uses listed in SIC major group 17.
- Tire retreading and repair shops including all uses listed in SIC group 7534.
- Truck (heavy) and tractor repair as listed in SIC group 7699.
- Welding repair services, including all uses listed in SIC group 7692.

**Industrial-type Service Establishments, Level III:** Level III industrial-type service establishments are those which generally have a very significant impact on their neighbors. They include the following:
- Brick cleaning as listed in SIC group 7699.
- Cesspool cleaning service as listed in SIC group 7699.
- Fuel dealers, including all uses listed in SIC group 598.
- Gas system conversion contractors' shops, work and storage yards as listed in SIC group 7399.
- Refuse system operation, including the following uses listed in SIC group 4953:
  - Acid waste collection and disposal
  - Ash collection and disposal
  - Garbage collection and disposal
  - Hazardous waste material disposal sites
  - Incineration operations
  - Radioactive waste disposal
Refuse system operation
Rubbish collection and disposal
Sanitary landfill operation
Sludge disposal sites
Street refuse systems
Septic tank cleaning service as listed in SIC group 7699.
Sewer cleaning and rodding as listed in SIC group 7699.
Solvents recovery service as listed in SIC group 7399.

**Industrial Uses, Level I:** Level I industrial uses are those manufacturing, processing, assembly and related uses which generally have a moderate impact on their neighbors. They include the following:

- Apparel and other finished products manufacturing from fabric and similar material which does not involve dyeing and/or coating with pyroxylin plastic or similar material, including all such uses listed in SIC major group 23.
- Communication equipment manufacturing, including all uses listed in major SIC group 366.
- Computers and related equipment manufacturing, including all uses listed in SIC group 357.
- Costume jewelry, costume novelties, buttons, and miscellaneous notions manufacturing, including all uses listed in major SIC group 396.
- Electric lighting and wiring equipment manufacturing, including all uses listed in SIC group 364.
- Electronic components and accessories manufacturing, including all uses listed in SIC group 367.
- Games, toys, and children vehicle manufacturing, except dolls and bicycles, including all uses listed in SIC group 3944.
- Glass products from purchased glass manufacturing, including all uses listed in SIC group 323.
- Ice manufacturing, but not dry ice manufacturing, including all uses listed in SIC group 2097.
- Jeweler’s findings and materials and lapidary work manufacturing, including all uses listed in SIC group 3915.
- Jewelry and precious metal products manufacturing, including all uses listed in SIC group 3911.
  - Leather and related products manufacturing including all uses listed in SIC group 313, 314, 315, 316, 317 and 319
  - Leather luggage and related products manufacturing, including all uses listed in SIC group 316.
- Measuring, analyzing and controlling instrument manufacturing; photographic, medical and optical goods manufacturing; and watch and clock manufacturing, including all uses listed in SIC group 38.
- Miscellaneous manufacturing, including all uses listed in SIC group 3999, except dressing of furs.
- Motion picture and television filming studios, including all uses listed in SIC groups 7813 and 7814.
- Music instruments manufacturing, including all uses listed in SIC group 3931.
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Paper bag and related manufacturing which does not include coating with pyroxylin plastic or similar material, including all such uses listed in SIC groups 2673 and 2674.

Paper envelope, stationery, tablets and related products manufacturing which does not include coating with pyroxylin plastic or similar material, including all such uses listed in SIC groups 2677 and 2678.

Paper sanitary and related products manufacturing, including all uses listed in SIC group 2676.

Paperboard container and box manufacturing which does not include coating with pyroxylin plastic or similar material, including all such uses listed in SIC group 265.

Paints and allied products manufacturing, including all uses listed in SIC group 285, provided all are water-base.

Printing and related manufacturing, including bookbinding, typesetting, platemaking and related uses as listed in SIC group 27.

Radio and television receiving equipment manufacturing, including all uses listed in SIC group 365.

Signs and advertising displays manufacturing, including all uses listed in SIC group 3993.

**Industrial Uses, Level II:** Level II industrial uses are those manufacturing, processing, assembly and related uses which generally have a significant impact on their neighbors. They include the following:

Aircraft and aircraft parts manufacturing, including all uses listed in SIC group 372.

Apparel and other fabric and similar-material finished products manufacturing, including dyeing, finishing and coating of textile products.

Bakery products manufacturing, including all uses listed in SIC group 205.

Beverage manufacturing, including all uses listed in SIC group 208.

Boat building and repairing, including all uses listed in SIC group 373.

Burial casket manufacturing, including all uses listed in SIC group 3995.

Canned, frozen, preserved and prepared food specialties manufacturing, including all uses listed in SIC groups 203, 2091, 2092, 2095, 2096, 2098 and 2099.

Confectionery and sugar products manufacturing, including uses listed in SIC groups 2061, 2062, 2063, 2064, 2066, 2067 and 2068.

Construction, mining and materials handling machinery and equipment manufacturing, including all uses listed in SIC group 353.

Cutlery, hand tools, and general hardware manufacturing, including all uses listed in SIC group 342.

Dairy product manufacturing, including all uses listed in SIC group 202.

Electrical industrial apparatus manufacturing, including all uses listed in SIC group 362.

Electrical transmission and distribution equipment manufacturing, including all uses listed in SIC group 361.

Engine and turbine manufacturing, including all uses listed in SIC group 351.

Fabricated structural metal products manufacturing, including all uses listed in SIC group 344.

Farm and garden machinery and equipment manufacturing, including all uses listed in SIC group 352.

Furniture and fixture manufacturing, including all uses listed in SIC major group 25.
General industrial machinery and equipment manufacturing, including all uses listed in SIC group 356.
Grain mill products manufacturing, including all uses listed in SIC group 204, but not including the slaughtering of animals for animal food as listed in SIC group 2048.
Heating equipment, except electric and warm air, and metal plumbing fixtures manufacturing, including all uses listed in SIC group 343.
Household appliance manufacturing, including all uses listed in SIC group 363.
Metal cans and shipping containers manufacturing, including all uses listed in SIC group 341.
Metalworking machinery and equipment manufacturing, including all uses listed in SIC group 354.
Miscellaneous electrical machinery, equipment and supplies manufacturing, including all uses listed in SIC group 369.
Miscellaneous fabricated metal products manufacturing, including all uses listed in SIC group 349.
Miscellaneous machinery, except electrical, manufacturing, including all uses listed in SIC group 359.
Miscellaneous transportation equipment manufacturing, including all uses listed in SIC group 3799.
Motor vehicle parts and accessory manufacturing, including all uses listed in SIC group 3714.
Motorcycle, bicycle and parts manufacturing, including all uses listed in SIC group 375.
Ordnance and accessories manufacturing, including small arms and all uses listed in SIC group 348, but excluding all ammunition manufacturing and all such uses listed in SIC groups 3482 and 3483.
Paper coating and laminating and related products manufacturing which does not include coating with pyroxylin plastic or similar material, including all such uses listed in SIC groups 2671 and 2672.
Paper die-cutting and related products manufacturing, including all uses listed in SIC group 2675.
Pottery, vitreous earth, porcelain and related products manufacturing, including all uses listed in SIC group 326.
Refrigeration and service industry machinery manufacturing, including all uses listed in SIC group 358.
Sausages and other prepared meat products manufacturing, including all uses listed in SIC group 2013.
Screw machine products; and bolt, nut, screw, rivet and washer manufacturing, including all uses listed in SIC group 345.
Silverware, plated ware, and stainless steel ware manufacturing, including all uses listed in SIC group 3914.
Special industry machinery and equipment, except metal working machinery and equipment, manufacturing, including all uses listed in SIC group 355.
Sporting and athletic miscellaneous goods manufacturing, including all uses listed in SIC group 3949.
Textile mill products manufacturing which does not involve dyeing and which does not involve coating with pyroxylin plastic or similar material, including all uses listed in SIC major group 22.
Travel trailer and camper manufacturing, including all uses listed in SIC group 3792.
Vegetable fat and oil mills, including all uses listed in SIC groups 2074, 2075, 2076 and 2099, except not including any animal and marine fat and oil manufacturing.
Wood buildings and mobile homes manufacturing, including all uses listed in SIC group 245.
Wood containers manufacturing, including all uses listed in SIC group 244.
Wood kitchen cabinets manufacturing, including all uses listed in SIC group 2434.
Wood milling, including all uses listed in SIC group 2431, but not uses listed in 242.
Wood products miscellaneous manufacturing, including all uses listed in SIC group 2499.
Wood structural members manufacturing, including all uses listed in SIC group 2439.
Wood veneer and plywood manufacturing, including all uses listed in SIC groups 2435 and 2436.

Industrial Uses, Level III: Level III industrial uses are those manufacturing, processing, assembly and related uses which generally have a very significant impact on their neighbors. They include the following:
Ammunition manufacturing, including all such uses listed in SIC groups 3482 and 3483.
Animal rendering for fats and oil, including all uses listed in SIC group 2077.
Animal slaughtering, meat packing and meat processing, including all uses listed in SIC groups 2011, 2013 and 2015.
Animal slaughtering for animal food manufacturing as listed in SIC group 2048.
Apparel and other finished products manufacturing from fabric and similar material which involves dyeing and/or coating with pyroxylin or similar material, including all such uses listed in SIC group 23.
Brick, structural clay tile and other structural clay products manufacturing, including all uses listed in SIC groups 3251 and 3259.
Cement, hydraulic, manufacturing, including all uses listed in SIC group 324.
Ceramic wall and floor tile manufacturing, including all uses listed in SIC group 3253.
Chemical and allied products manufacturing, including all uses listed in SIC group 28.
Clay refractories, including all uses listed in SIC group 3255.
Concrete, gypsum and plaster products manufacturing, including all uses listed in SIC group 327.
Glass and glass products manufacturing, including all uses listed in SIC groups 321 and 322.
Leather tanning and finishing, including all such uses listed in SIC group 311.
Metal coating, engraving and allied services, including all uses listed in SIC group 347.
Nonmetallic mineral and earth grinding and treating, including all such uses listed in SIC groups 3295 and 3297.
Nonmetallic mineral products manufacturing, including all uses listed in SIC groups 3296 and 3299.
Paper and other pulp mills, including all such uses listed in SIC groups 261, 262 and 263.
Petroleum-based asphalt felt and coating manufacturing, including all uses listed in SIC group 2952.
Petroleum-based asphalt paving mixture and brick manufacturing, including all uses listed in SIC group 2951.
Petroleum-based linoleum, and other hard surface floor coverings manufacturing, as listed in SIC group 3996.
Petroleum-based lubricating oil and grease blending, compounding, re-refining and related manufacturing, including all uses listed in SIC group 2992.
Petroleum refining and other petroleum related manufacturing, including all uses listed in SIC groups 2911 and 2999.
Primary metal industries such as blast furnaces; iron foundries; steel foundries; steel works; primary and secondary smelting and refining of nonferrous metals; and rolling, drawing, extruding and finishing mills, including all uses listed in SIC groups 331, 332, 333, 334, 335, 336 and 339.
Railroad equipment manufacturing, including all uses listed in SIC group 374.
Rubber and miscellaneous plastic products manufacturing, including all uses listed in SIC group 30.
Stone cutting and related stone products manufacturing, including all uses listed in SIC group 328.
Textile mill products manufacturing which involves dyeing and/or coating with pyroxylin plastic or similar material, including all such uses listed in SIC group 22.
Wood preserving, including all uses listed in SIC group 2491.
Wood reconstituted products manufacturing, including all uses listed in SIC group 2493.
Wood sawmilling and planing, including all uses listed in SIC group 242.

Pest Control Services and Exterminators
(Ord. No. 5455, 07-21-14)

Research and Development Facilities of an Industrial Nature: Research and development activities involving processes or activities of an industrial nature. Such uses shall include establishments performing research and development on a contract basis as listed in SIC group 7391 as well as facilities of manufacturing or other activities performing proprietary research and development.

Scrap, Waste and Reclaimed Materials Trade, Level I
Limited to the following uses and provided that the handling or processing of such materials occurs within an enclosed building:
Building materials, second hand, retail, as listed in SIC group 5931.
Motor vehicle parts, used, as listed in SIC group 5015. This group includes establishments primarily engaged in dismantling motor vehicles for the purpose of selling parts at retail.
Scrap and waste material wholesale trade, including the following uses listed in SIC group 5093:
Iron and steel scrap, wholesale
Metal waste and scrap, wholesale
Nonferrous metal scrap, wholesale
Plastic scrap, wholesale
Rubber scrap, wholesale
Scrap, Waste and Reclaimed Materials Trade, Level II
Building materials, second hand, retail, as listed in SIC group 5931. 
Junk yard including any area of land, and structures thereon, that is used or designed to be used for the buying and selling at retail and/or wholesale and storage, reconditioning of old, used or secondhand materials, or items of any kind, which among others include cloth, rubber, paper, rubbish, bottles, iron, brass, copper, steel and other metals, furniture and used inoperable motor vehicles or parts thereof, or other articles exclusive of or in conjunction with any other use.
Motor vehicle parts, used, as listed in SIC group 5015. This group includes establishments primarily engaged in dismantling motor vehicles for the purpose of selling parts at retail.
Scrap and waste material wholesale trade, including the following uses listed in SIC group 5093:
- Automobile and other motor vehicle wrecking for scrap, wholesale
- Iron and steel scrap, wholesale
- Junk and scrap, general line, wholesale
- Metal waste and scrap, wholesale
- Nonferrous metal scrap, wholesale
- Oil waste, wholesale
- Plastic scrap, wholesale
- Rubber scrap, wholesale
- Scavengering, wholesale
- Scrap and waste material, wholesale

2.6.3.5 Principal Warehouse, Wholesale Trade and Transportation Uses

Airports, Landing Fields and Heliports, Public and Private: Including All Uses Listed in SIC Group 45.

Railroad Marshaling Yards: Railroad marshaling yards for establishments listed in SIC group 40.

Transit Storage and Maintenance Facilities for Passenger Transportation Operations
Storage and maintenance facilities for local, suburban and intercity passenger transportation operators, including the following uses listed in SIC groups 411, 412, 413, 414, 415 and 417:
- Airport transportation services
- Ambulance service
- Automobile rental, with drivers
- Bus charter services
- Bus lines
- Limousine rental, with drivers
- Passenger railroads
- School buses
- Sightseeing buses
- Taxi companies

Transit Terminal Facilities for Passenger Transportation Operations: Terminal facilities for local, suburban and intercity passenger transportation operators, including the following uses listed in SIC groups 411, 412, 413, 414, 415 and 417:
- Airport transportation services
- Ambulance service
- Automobile rental, with drivers
- Limousine rental, with drivers
- Passenger railroads
- School buses
Bus charter services  Sightseeing buses
Bus lines  Taxicab companies

**Warehousing and Motor Freight Transportation Uses, Level I:** Level I warehouse and motor freight transportation uses are those which generally have a moderate impact on their neighbors. They include the following:
- General warehousing and storage as listed in SIC group 4225.
- Mini warehousing and storage as listed in SIC group 4225.
- Outdoor storage of boats, motor homes, trailers and other equipment as a principal use
- Self-storage warehousing as listed in SIC group 4225.

**Warehousing and Motor Freight Transportation Uses, Level II:** Level II warehouse and motor freight transportation uses are those which generally have a significant impact on their neighbors. They include the following:
- Farm product warehousing and storage, including all uses listed in SIC group 4221.
- Motor freight transportation local and long distances, including all uses listed in SIC group 421.
- Refrigerated warehousing, including all uses listed in SIC group 4222.

**Warehousing and Motor Freight Transportation Uses, Level III:** Level III warehouse and motor freight transportation uses are those which generally have a very significant impact on their neighbors. They include the following:
- Warehousing, including the following uses listed in SIC group 4226:
  - Chemical bulk stations and terminals
  - Petroleum bulk stations and terminals

**Wholesale Trade Uses, Level I:** Level I wholesale trade-type establishments are those which generally have a moderate impact on their neighbors. They include the following:
- Apparel, piece goods and notions wholesale trade, including all uses listed in SIC group 513.
- Drugs, drug proprietary and druggists' sundries wholesale trade, including all uses listed in SIC group 512.
- Durable goods not elsewhere classified wholesale trade, including all uses listed in SIC group 5099.
- Electrical goods wholesale trade, including all uses listed in SIC group 506.
- Farm-product raw materials not elsewhere classified wholesale trade, including the following uses listed in SIC group 5159:
  - Animal hair
  - Bristles
  - Broom corns
  - Feathers
  - Moss
  - Pelts
  - Silk, raw
  - Fibers, vegetable
  - Furs, raw
  - Hides
  - Mohair
  - Skins, raw
  - Wool, raw
  - Wool tops and knolls
- Furniture and home furnishings wholesale trade, including all uses listed in SIC group 502.
Hardware, and plumbing and heating equipment and supplies wholesale trade, including all uses listed in SIC group 507.
Jewelry, watches, diamonds and other precious stones wholesale trade, including all uses listed in SIC group 5094.
Nondurable goods, miscellaneous, wholesale trade, including all uses listed in SIC group 5199 except the following:
   Rubber, crude
   Sawdust
Paint related supplies wholesale trade, including the following uses listed in SIC group 5198:
   Paint brushes
   Rollers
   Sprayers
   Wallaper
Paper and paper products wholesale trade, including all uses listed in SIC group 511.
Plastic materials, other than resins, in basic forms and shapes, including all such uses listed in SIC group 5162.
Professional and commercial equipment and supplies wholesale trade, including all uses listed in SIC group 504.
Service establishment equipment and supplies wholesale trade, including all uses listed in SIC group 5087.
Sporting, recreational, toy and hobby goods wholesale trade, including all uses listed in SIC group 509.
Tobacco and tobacco products wholesale trade, including all uses listed in SIC group 5194.

Wholesale Trade Uses, Level II: Level II wholesale trade-type establishments are those which generally have a significant impact on their neighbors. They include the following:
Beer, wine and distilled alcoholic beverages wholesale trade, including all uses listed in SIC group 518.
Brick, stone and other non-wood construction materials wholesale trade, including the following uses listed in SIC groups 5032, 5033 and 5039:
   Architectural metalwork, wholesale
   Awnings, wholesale
   Blocks, building, wholesale
   Brick, wholesale
   Building stone, wholesale
   Ceramic construction materials, wholesale
   Clay construction materials, wholesale
   Concrete building products, wholesale
   Felts, tarred, wholesale
   Fence and accessories, wire, wholesale
   Fiberglass building materials, wholesale
   Flue linings, wholesale
   Glass, flat, wholesale
   Grain storage bins, wholesale
   Granite building stone, wholesale
   Insulation, mineral wool and thermal, wholesale
   Limestone, wholesale
Marble building stone, wholesale
Metal buildings, wholesale
Mobile homes, wholesale
Plaster, wholesale
Plate glass, wholesale
Prefabricated buildings, wholesale
Roofing, asphalt and sheet metal, wholesale
Septic tanks, wholesale
Sewer pipe, clay, wholesale
Shingles, asbestos cement or asphalt, wholesale
Siding, sheet metal, wholesale
Stone, building, wholesale
Structural assemblies, prefabricated, wholesale
Tile, clay and other ceramics, wholesale
Window glass, wholesale

Construction and mining machinery and equipment wholesale, including all uses listed in SIC group 5082.

Farm and garden machinery and equipment wholesale trade, including all uses listed in SIC group 5083.

Farm-product raw materials not elsewhere classified wholesale trade, including the following uses classified in SIC group 5159:
- Cotton
- Peanuts
- Hops
- Pecan
- Oil kernels
- Sugar, raw
- Oil nuts
- Tobacco
- Oil seeds

Grain wholesale trade, including all uses listed in SIC group 5153.

Groceries and related products wholesale trade, including all uses listed in SIC group 514.

Industrial machinery and equipment wholesale trade, including all uses listed in SIC group 5084.

Industrial supplies wholesale trade, including all uses listed in SIC group 5085.

Lumber, plywood and millwork wholesale trade, including all uses listed in SIC group 5031.

Metals wholesale service centers, including warehouse facilities for all uses listed in SIC group 5051.

Motor vehicles and automotive parts and supplies wholesale trade, including all uses listed in SIC group 501.

Paints, varnishes and supplies wholesale trade, including the following uses listed in SIC group 5198:
- Calcimines
- Paints
- Colors and pigments
- Shellac
- Enamels
- Varnishes
- Lacquers

Scrap and waste materials wholesale trade, including only the following uses listed in SIC group 5093:
- Bag reclaiming, wholesale
Bottle, waste, wholesale
Boxes, waste, wholesale
Fur cutting and scraps, wholesale
Rags, wholesale
Textile waste, wholesale
Waste paper, wholesale
Wiping rags, including washing and reconditioning, wholesale
Transportation equipment and supplies wholesale trade, including all uses listed in SIC group 5088.

**Wholesale Trade Uses, Level III:** Level III wholesale trade-type establishments are those which generally have a very significant impact on their neighbors. They include the following:

- Brick, stone and related construction materials wholesale trade, including the following uses listed in SIC group 5032:
  - Aggregate, wholesale
  - Asphalt mixtures, wholesale
  - Cement, wholesale
  - Cinders, wholesale
  - Construction mixtures, wholesale
  - Gravel, wholesale
  - Lime, wholesale
- Chemicals and allied products wholesale trade, including all uses listed in SIC group 5169.
- Coal and other minerals and ore wholesale trade, including all uses listed in SIC group 5052.
- Petroleum and petroleum products wholesalers other than bulk stations, including all uses listed in SIC group 5172.
- Petroleum bulk stations and terminals, wholesale trade, including all uses listed in SIC group 5171.
- Plastic and synthetic resins, wholesale trade, as listed in SIC group 5162.
- Rubber, crude, as listed in SIC group 5199.
- Sawdust, wholesale, as listed in SIC group 5199.

**Public and Quasi-Public Non-Commercial Principal Uses, General**

**Public and Quasi-Public Non-Commercial Principal Uses, Level I**
Uses having low impact operated by governmental agencies or by private concerns for the general public or for specific clients. They include the following:

- Botanical gardens
- Cemeteries
- Nature Preserves
- Parks
- Wildlife Refuges

**Public and Quasi-Public Non-Commercial Principal Uses, Level II**
Uses having moderate impact operated by governmental agencies or by private concerns for the general public or for specific clients. They include the following:

- Animal shelters
- Aquariums
- Aviaries
- Clinics
- Community buildings
- Entertainment and assembly facilities, indoor, including theaters, auditoriums and meeting halls
- Entertainment and assembly facilities, outdoor, including amphitheaters
- Golf courses and executive golf courses
- Hospitals, including institutions providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.
- Libraries
- Museums
- Recreation facilities, indoor, such as gymnasiums, swimming pools, racquet-ball courts and tennis courts
- Recreation facilities, outdoor, such as swimming pools and tennis courts
- Schools, including elementary, intermediate and secondary schools offering courses in general education and vocational training for activities permitted in these districts.
- Stadiums and sports arenas, indoor or outdoor
- Zoos

(Ord. No. 5522, 07-20-15)

2.6.3.7 Public and Quasi-Public Non-Commercial Principal Uses, for Munn Park and Downtown Districts

Public and Quasi-Public Non-Commercial Principal Uses for Munn Park and Downtown District, Level I
Uses having low impact operated by government agencies or by private concerns for the general public or for specific clients. They include the following:

- Botanical gardens
- Parks

Public and Quasi-Public Non-Commercial Principal Uses for Munn Park and Downtown Districts, Level II
Uses having moderate impact operated by governmental agencies or by private concerns for the general public or for specific clients. They include the following:

- Aquariums
- Aviaries
- Clinics
Community buildings
Entertainment and assembly facilities, indoor, including theaters, auditoriums and meeting halls
Entertainment and assembly facilities, outdoor, including amphitheaters
Libraries
Museums
Recreation facilities, indoor, such as gymnasiums, swimming pools, racquet-ball courts and tennis courts
Recreation facilities, outdoor, such as swimming pools and tennis courts
Schools, including elementary, intermediate and secondary schools offering courses in general education and vocational training for activities permitted in these districts.
Stadiums and sports arenas, indoor or outdoor

(Ord. No. 5522, 07-20-15)

2.6.3.8 Churches, Synagogues and Other Houses of Worship

2.6.3.9 Colleges, Junior Colleges, Universities and Seminaries

2.6.3.10 Principal Communication Uses

Broadcast and Transmission Towers: Radio transmission and reception structures, television transmission and reception structures and microwave transmission and reception structures which are not Personal Wireless Service Facilities.

Communication Studios: Radio, television and microwave broadcasting studios.

Ground-Mounted Personal Wireless Service Facilities

2.6.3.11 Parking as a Principal Use

Parking Garages as Principal Uses

Parking Lots as Principal Uses on a Parcel, When Not Operated as an Accessory to a Use or Uses Located on Another Parcel

Parking Lots as Principal Uses on a Parcel, When Operated as an Accessory to a Use or Uses Located on Another Parcel

2.6.3.12 Utility and Essential Service Facilities

Utility and Essential Service Facilities, Level I
Electrical substations
Cable television and wireless cable television headend and transmission facility
Gas regulator stations
Major transmission lines
Telephone exchange and transmission equipment buildings
Water pumping stations
Wastewater pumping station

**Utility and Essential Service Facilities, Level II:** On-site “package” sewage treatment plants as part of a mobile home park or other residential complex.

- Processing of water for domestic, commercial and industrial use as listed in SIC group 494.

**Utility and Essential Service Facilities, Level III:** Facilities for the collection and disposal of refuse, including the following uses listed in SIC group 4953:

- Acid waste collection and disposal, operated by public agencies
- Ash collection and disposal, operated by public agencies
- Dumps, operated by public agencies
- Garbage collection, destroying and processing, operated by public agencies
- Hazardous waste material disposal sites, operated by public agencies
- Incinerators, operated by public agencies
- Radioactive waste disposal, operated by public agencies
- Refuse systems, operated by public agencies
- Sanitary landfills, operated by public agencies
- Sludge disposal, operated by public agencies
- Street refuse systems, operated by public agencies

Processing of wastes collected through a sewage system as listed in SIC group 4952.

Production facilities for electrical service, including all uses listed in SIC groups 491 and 493.

Production facilities for natural and liquefied petroleum gas, including all uses listed in SIC groups 492 and 493.

2.6.3.13 Vocational Training for Activities Permitted in the District Where Located

2.6.3.14 Agricultural, Forestry and Mining Uses

**Agricultural Production, Crops, Level I:** Limited to the following uses and provided that the cultivation, harvesting and packaging of such crops occurs within an enclosed building:

Growing of food crops grown under cover as listed in SIC group 018, except greenhouses. *(Ord. No. 5522, 07-20-15)*

**Agricultural Production, Crops, Level II:** General farming operations as listed in SIC group 019.

Growing of cash grains including wheat, rice, corn, soybeans and others as listed in SIC group 0111.
Growing of fruits and tree nuts, including berry crops, grapes, tree nuts, citrus fruits, deciduous tree fruits and other fruit and tree nuts as listed in SIC group 017.
Growing of horticultural specialties, including ornamental floriculture and nursery products, food crops grown under cover, and other horticultural specialties as listed in SIC group 018.
Growing of other field crops including cotton, tobacco, sugar, potatoes and others as listed in SIC group 0131.
Growing of vegetables and melons as listed in SIC group 016.  
(Ord. No. 5522, 07-20-15)

**Agricultural Production, Livestock, Level I:** Animal specialty farms, large animals, including the following uses listed in SIC group 0279:
- Alligator farms
- Dog farms
- Kennels, breeding and raising own stock

Animal specialty farms, small animals, including the following uses listed in SIC group 0279:
- Apiaries
- Aviaries
- Bee farms
- Cat farms
- Catfish farms
- Earth worm hatcheries
- Fish farms
- Frog farms
- Goldfish farms
- Honey production
- Laboratory animal
- Minnow farms
- Silkworm farms
- Trout farms
- Worm farms

Fish hatcheries as listed in SIC group 092.

Fur-bearing animal and rabbit farms as listed in SIC group 0271.

Horse and other equine farms as listed in SIC group 0272.

Poultry and egg farms as listed in SIC group 025.

**Agricultural Production, Livestock, Level II**

- Beef cattle feedlots as listed in SIC group 2011.
- Beef cattle raising as listed in SIC group 0212.
- Dairy farms as listed in SIC group 024.
- Sheep and goat farms and feedlots as listed in SIC group 0214.

**Agricultural Services**

- Animal services, except veterinary services, as listed in SIC group 075.
- Crop harvesting services as listed in SIC group 0722.
- Crop planting, cultivating and protection services as listed in SIC group 0721.
- Crop preparation services as listed in SIC groups 0723 and 0724.
- Farm labor contractor and crew services as listed in SIC group 0761.
- Farm management services as listed in SIC group 0762.
- Hunting and trapping, and game propagation as listed in SIC group 097.
- Landscape and horticultural services as listed in SIC group 078.
- Soil preparation services as listed in SIC group 071.

**Mining:** Including the extraction of minerals; quarrying; well operation; milling, such as crushing, screening, washing and flotation; and other preparation customarily done at the mine site or as part of a mining activity.
- Anthracite mining, including uses listed in SIC major group 11.
- Bituminous coal and lignite mining, including all uses listed in SIC major group 12.
- Metal mining, including uses listed in SIC major group 10.
- Nonmetallic minerals mining, except fuels, including uses listed in SIC major group 14.
2.6.4 ACCESSORY USES LISTED AND DEFINED

Accessory Dwelling Unit in accordance with Section 4.3 (Accessory Dwelling Units)

Any Use Typically Incidental to a Principal Use Permitted by Right When Conducted as an Accessory to Such Principal Use

Any Use Typically Incidental to a Principal Use Permitted as a Conditional Use When Conducted as an Accessory to Such a Principal Use

Day Care Center Accessory to Churches, Synagogues and Other Houses of Worship

Dwelling Unit Wholly Within a Principal Building for Watchman/Caretaker in Warehouse or Industrial Facility

Electric Vehicle Charging Facilities in accordance with Section 5.9 (Electric Vehicle Charging Facilities)

Foster Care Services Accessory to Single-Family Dwelling Units: Foster care facilities are private single-family detached homes at which foster care services are rendered as an accessory to the principal single-family residential use of the home. Foster care services are services pertaining to the provision of a family living environment for either children or adult foster residents. Services may include such supervision and care as may be necessary to meet the physical, emotional and social needs of foster residents. However, foster care services do not include the provision of treatment or any other service not included in the services provided in Level I group homes. Foster care services are typically provided on an intermittent or temporary basis. In contrast, the services provided at group home facilities are provided at a home for a period of time, then they may cease to be provided, then they may be provided again for a period of time. Foster care services are provided in homes which are owned or rented by an individual or family for which the provision of the foster services may be the main source of income or may be a supplement to other income, but which exist independently of the provision of foster care services.

Golf Courses and other recreational facilities

Home Businesses Accessory Single-Family Detached Dwelling Units in accordance with Section 5.10 (Home Occupations)

Home Offices Accessory Dwelling Units in accordance with Section 5.10 (Home Occupations)

Newsstands Primarily for the Convenience of the Occupants of the Building, When Located Wholly Within Such Building and With Exterior Signs or Displays
Private Concession Uses Operated on Land Owned by the City of Lakeland in Furtherance of Public Policy With the Contractual Approval of the City Commission

Structure-Mounted Personal Wireless Service Facilities in accordance with Section 5.18 (Personal Wireless Service Facilities) (Ord. No. 5455, 07-21-14)

Utility Pole-Mounted Personal Wireless Service Facilities in accordance with Section 5.18 (Personal Wireless Service Facilities) (Ord. No. 5455, 07-21-14)

2.6.5 TEMPORARY USES LISTED AND DEFINED

Borrow Pits, Borrow Piles and Similar Excavations

Construction Offices, Storage Buildings, Trailers, Watchman's Quarters and Security Fences. Construction or storage trailers when located in residential front yards for more than 72 hours.

Mobile Homes, Recreation Vehicles: When used as temporary housing for victims of hurricanes or other natural disasters until damaged dwellings are repaired or other permanent housing is obtained.

Outdoor Storage of Materials and Equipment: Pursuant to construction of structures for which a permit has been issued, provided such storage is on the lot where the permitted structure is to be located.

Temporary Amusement Park, Carnival or Circus, subject to the specific standards of approval set forth in Section 5.5.

Temporary Real Estate Sales Offices: For uses permitted in the district where the temporary sales office is located.

Temporary Use of Non-Residential Structures for Emergency Housing: Temporary use of non-residential structures such as churches, schools, civic centers and assembly halls to house evacuees or disaster recovery crews in the aftermath of a hurricane or other natural disaster.
ARTICLE 3: URBAN FORM STANDARDS

3.1 INTENT AND APPLICABILITY

3.1.1 INTENT

It is the intent of this article to establish minimum urban form standards in order to implement the goals, objectives and policies of the Comprehensive Plan; to create a compact, walkable, energy-efficient, transit-supportive urban form; to encourage a diverse mix of land uses and to ensure a high quality public realm. The elements of urban form include streets, blocks, lots and parcels, buildings and structures and open spaces.

3.1.2 APPLICABILITY

a. Except as otherwise provided herein, no building, structure, or land located within the city shall hereafter be used or occupied except in conformity with the urban form standards of this article for the context sub-district classification of the property as depicted on the Official Zoning Map.

b. Applicability of Certain Urban Form Standards

Certain urban form standards set forth in this article are intended for development of undeveloped sites and for substantial alteration or redevelopment of developed sites. They are not intended for minor or incidental expansions or changes to existing development. Therefore, the following urban form standards shall apply only under the circumstances indicated. In the case of a multi-building complex containing more than one principal building, these urban form standards shall apply only to the new, enlarged or renovated principal building.

1. Maximum Block Face, Maximum Block Perimeter
   (a) Upon the creation of any new block.
   (b) Upon the redevelopment of any existing block in such a way that allows the introduction of new public or private roads to create conforming blocks, as determined by the Director of Community Development.

2. Maximum Lot Width and Maximum Lot Area

   Upon the creation of any new lot or parcel.

3. Maximum Building Setbacks, Frontage Buildout

   Upon the construction of a principal building.

4. Parking Location
(a) Upon the construction of a principal building, except where the Director of Community Development shall determine a conforming parking location is not feasible due to physical site constraints or to maintain existing cross access connections.

(b) Upon the redevelopment of any existing development in such a way that allows the minimum amount of code-required off street parking to be provided in a conforming location or locations, as determined by the Director of Community Development.

5. Entrance Feature

(a) Upon the construction of any principal building.
(b) Upon enlargement by 50 percent or more of the existing gross floor area of any existing principal building or of the total of all principal buildings in the case of a site legally containing more than one principal building.
(c) Upon renovation valuing 75 percent or more of the current assessed value of any existing principal building or of the total of all principal buildings in the case of a site legally containing more than one principal building.

6. Civic Open Space

(a) Upon the platting of any residential subdivision requiring the provision of civic open space in accordance with Sub-Section 3.4.6.  
(Ord. No. 5455, § 2, 07-21-14)
(b) Upon the construction of any principal building or project requiring the provision of civic open space in accordance with Sub-Section 3.4.6.  
(Ord. No. 5455, § 2, 07-21-14)
(c) Upon enlargement by 50 percent or more of the existing gross floor area of any existing building, complex of buildings or project triggering the civic open space requirements.
(d) Upon renovation valuing 75 percent or more of the current assessed value of any existing building, complex of buildings or project triggering the civic open space requirements.

c. Applicability With Respect to PUDs and SPI Districts

To the extent that any adopted Planned Unit Development (PUD) or Special Public Interest (SPI) District provides specific development standards or regulations, those development standards or regulations shall prevail. To the extent that any adopted Planned Unit Development or SPI District does not provide such development standards or regulations, the urban form standards set forth in this article shall apply in accordance with the context sub-district that most closely approximates the intent of the PUD or SPI District as the Director of Community Development shall determine.  
(Ord. No. 5455, § 2, 07-21-14)
3.2 ESTABLISHMENT OF CONTEXT DISTRICTS

3.2.1 GENERAL

Context Districts and their associated standards describe the general form of the desired built environment and are referred to herein as context districts or contexts. Contexts may be assigned to perpetuate the existing character or pattern of development of an area or to encourage change to a more desirable character or pattern of development. A primary distinction is made between areas that are urban in character and those that are suburban in character. Urban contexts generally exhibit a more fine-grained built environment with higher densities, a more well-connected street pattern, smaller blocks, smaller parcels and shorter setbacks relative to suburban contexts. The urban and suburban areas are classified into Neighborhoods, Centers, Corridors and Special Purpose contexts. There is also one Preservation, Conservation, Recreation context. The contexts are further classified into context sub-districts according to the underlying zoning districts to account for development patterns that were established when the zoning districts governed physical development under previous codes.

3.2.1.1 Context Districts Enumerated

The City of Lakeland is divided into the following context districts and context sub-districts for the purpose of regulating urban form. The context sub-districts coincide with specific underlying zoning districts as indicated by sets of parentheses. For example, SNH (RA-3, RA-4) is a discrete context sub-district to which specific development regulations apply.

<table>
<thead>
<tr>
<th>TITLE</th>
<th>SYMBOL</th>
<th>SUB-DISTRICTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban Neighborhood</td>
<td>UNH</td>
<td>(RA-1, RA-2) (RA-3, RA-4, RB)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(MF-12, MF-16, MF-22) (O-1, C-1)</td>
</tr>
<tr>
<td>Urban Center</td>
<td>UCT</td>
<td>(MF-22, C-2, C-6, O-2, O-3) (C-7)</td>
</tr>
<tr>
<td>Urban Corridor</td>
<td>UCO</td>
<td>(O 1, O-2, C-1, C-2, C-5) (O-3, C-3) (C-4) (I-1)</td>
</tr>
<tr>
<td>Urban Special Purpose</td>
<td>USP</td>
<td>(O-1, O-2, C-1, C-2) (O-3) (I-1, I-2) (I-3)</td>
</tr>
<tr>
<td>Suburban Neighborhood</td>
<td>SNH</td>
<td>(RA-1, RA-2) (RA-3, RA-4, RB)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(MF-12, MF-16, MF-22) (O-1, C-1)</td>
</tr>
<tr>
<td>Suburban Center</td>
<td>SCT</td>
<td>(O-1, C-2) (C-5)</td>
</tr>
<tr>
<td>Suburban Corridor</td>
<td>SCO</td>
<td>(O 1, O-2, C-1, C-2) (O-3, C-3) (C-4)</td>
</tr>
<tr>
<td>Suburban Special Purpose</td>
<td>SSP</td>
<td>(I-1, I-2) (I-3)</td>
</tr>
<tr>
<td>Preservation, Conservation, Recreation</td>
<td>PCR</td>
<td>(All)</td>
</tr>
</tbody>
</table>

3.2.2 INTENT OF CONTEXT DISTRICTS

3.2.2.1 Urban Neighborhood (UNH) District

The UNH district is intended to describe urban residential areas where people live and which incorporate facilities within walking distance for gathering, going to school, worshiping, shopping for daily needs and recreating. The district is characterized by moderate to high density development, a relatively small block structure, a highly
3.2.2.2 Urban Center (UCT) District

The UCT district is intended to describe relatively compact urban areas having land uses that attract a substantial number of people for purposes such as shopping, employment, health care, education, government services, entertainment and civic participation. The district is characterized by moderate to high density development, a mixed and multi-use environment typically consisting of retail, office, civic, and residential uses, a relatively small block structure, a highly walkable environment and high connectivity. It is typically served by urban, high capacity, slow-speed roadways.

3.2.2.3 Urban Corridor (UCO) District

The UCO district is intended to describe linear areas along urban, high capacity, high-speed roadways and having typically retail or office uses with or without above-ground-floor residential uses. The district is characterized by low to moderate density with higher density within Transit Oriented Corridors, a relatively small block structure, a relatively shallow parcel depth, a limited to moderately walkable environment and high connectivity.

3.2.2.4 Urban Special Purpose (USP) District

The USP district is intended to describe generally single-use urban areas that accommodate uses such as business and industrial parks or special facilities such as hospitals and universities and may have supporting retail or service commercial uses. The district is characterized by moderate to high density development, no consistent block structure and a moderate to highly walkable environment.

3.2.2.5 Suburban Neighborhood (SNH) District

The SNH district is intended to describe suburban residential areas composed almost entirely residential uses and characterized by low to moderate density development, a relatively large block structure, a low to moderately walkable environment that requires primarily vehicular mobility and has limited connectivity. The SNH district may transition over time to a more urban form that is more walkable with smaller blocks, greater connectivity, higher density and that incorporates facilities within walking distance for gathering, going to school, worshiping, shopping for daily needs and recreating, particularly within Transit Oriented Corridors.

3.2.2.6 Suburban Center (SCT) District

The SCT district is intended to describe relatively compact suburban areas having land uses that attract a substantial number of people for purposes such as shopping, employment, health care, education, government services, entertainment and civic participation. The district is characterized by low to moderate density development a
Article 3: Urban Form Standards

multi-use environment typically consisting of retail and office uses, a relatively large block structure, a low to moderately walkable environment and limited connectivity. It is typically adjacent to suburban, high capacity, high-speed roadways. The SCTR district may transition over time to a more urban form that is more walkable with smaller blocks, more mixed use and greater connectivity, particularly within Transit Oriented Corridors.

3.2.2.7 Suburban Corridor (SCO) District

The SCO district is intended to describe linear areas along major suburban roadways having typically retail or office uses. The district is characterized by low to moderate density development, a relatively large block structure, a low to moderately walkable environment and limited connectivity. The SCOR district may transition over time to a more urban form that is more walkable with smaller blocks, greater connectivity, more mixed use and higher density, particularly within Transit Oriented Corridors.

3.2.2.8 Suburban Special Purpose (SSP) District

The SSP district is intended to describe generally single-use suburban areas that accommodate uses such as business and industrial parks or special facilities such as hospitals, universities, power plants, freight yards and airports. The district is characterized by low to moderate density development, no consistent block structure, and a typically low walkable environment. It is typically located on periphery of developed areas and oriented toward major transportation facilities.

3.2.2.9 Preservation, Conservation, Recreation (PCR) District

The PCR district is intended to describe areas designated as Preservation, Conservation or Recreation on the Future Land Use Map. These include major wetlands and other areas having environmental constraints where little or no development should occur, and lakeshores and parks where development is limited to park and recreation facilities. Such areas have no consistent block structure, have generally large parcel size or are contained within large parcels and often have meandering boundaries. This district can be mapped in urban and suburban areas.

3.2.3 PROCESS FOR CREATING AND AMENDING CONTEXT DISTRICTS

Only the Community Development Department, the Planning and Zoning Board or the City Commission may initiate proposals for the creation or amendment of context districts. Changes to context districts shall be by the same procedure as for Code amendments generally.

3.3 STREET TYPES

3.3.1 GENERAL

Streets are classified in accordance with roadway typologies adopted as part of the Transportation Element of the Comprehensive Plan. Each type has a different function
and provides the framework for a different urban form. Consequently, some urban form standards vary depending on the street type. Development that is required to construct new streets in accordance with the block structure standards of Section 3.4, or otherwise, shall do so in accordance with these standards, except where a variation is specifically authorized as part of a PUD, SPI District or as approved by the Planning and Zoning Board pursuant to Sub-Section 9.7.1.6. All streets and roads shall be constructed in accordance with the City of Lakeland Engineering Standards Manual and Article 9 (Subdivision Standards).

(Ord. No. 5455, 07-21-14)

3.3.1.1 Classification of Street Types

a. Public and private streets are classified according to the following types. The titles are intended for the regulatory purposes of this Code only and are not synonymous with words or terms used elsewhere to describe the functional classification, maintenance classification or other classification of streets or roadways. Existing and planned street types are illustrated in Figure 3.3-1.

<table>
<thead>
<tr>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arterial</td>
</tr>
<tr>
<td>Collector</td>
</tr>
<tr>
<td>Main Street</td>
</tr>
<tr>
<td>Local Street</td>
</tr>
</tbody>
</table>
Figure 3.3-1 Street Types
b. Limited Access Roads

The city also contains high speed limited-access freeways and expressways. These roads are shown on Figure 3.3-1 but do not provide direct access to property or bicycle or pedestrian facilities and are not included among the enumerated street types.

c. Alleys

The city also contains alleys which are an important means of secondary access to property, especially in urban contexts. Alleys do not provide the primary means of access to property and are therefore not included among the enumerated street types. Alleys may be constructed where appropriate but may not be used to create a required block structure.

3.3.2 INTENT OF STREET TYPES

The intent of each street type is described in Table 3.3-1 according to its essential characteristics. Each type is described as an ideal type and the specific characteristics are desired or typical and are not necessarily present in all cases. Some design variation may occur within the general classification of each street type. Other street types not listed may be approved by the city if the Director of Community Development determines that the alternative street type is appropriate in a particular instance.

<table>
<thead>
<tr>
<th>Street Type</th>
<th>Purpose</th>
<th>Access</th>
<th>Design Speed</th>
<th>Features</th>
<th>Transit Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arterial</td>
<td>Movement of through traffic and freight. Connects urban centers.</td>
<td>Controlled. Low access to property.</td>
<td>35 – 55 mph</td>
<td>4-6 lanes, bike lanes, sidewalks, medians</td>
<td>Enhanced bus service.</td>
</tr>
<tr>
<td>Collector</td>
<td>Connections to neighborhoods.</td>
<td>Moderate access to property.</td>
<td>30 – 45 mph</td>
<td>2-4 lanes, bike lanes, sidewalks. On-street parking (urban).</td>
<td>Regular fixed-route bus.</td>
</tr>
<tr>
<td>Main Street</td>
<td>Service within downtown and highly walkable centers.</td>
<td>High access to property. High pedestrian access.</td>
<td>Approx 30 mph</td>
<td>2 lanes, on-street parking, wide sidewalks</td>
<td>Regular fixed-route bus. Circulator.</td>
</tr>
<tr>
<td>Local Street</td>
<td>Service within neighborhoods.</td>
<td>High access to property.</td>
<td>20 – 30 mph</td>
<td>2 lanes, on-street parking, sidewalks</td>
<td>Varies.</td>
</tr>
</tbody>
</table>
3.3.3 STREET TYPES LIMITED BY CONTEXT

Except where streets of any type are approved in accordance with the adopted roadway improvement plans of the State of Florida, Polk County or the City of Lakeland, new streets within each context shall be limited by type in accordance with Table 3.3-2.

Table 3.3-2: Allowable Street Types by Context

<table>
<thead>
<tr>
<th>Context</th>
<th>Arterial</th>
<th>Collector</th>
<th>Main Street</th>
<th>Local Street</th>
</tr>
</thead>
<tbody>
<tr>
<td>UCT</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>UCO</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>UNH</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>USP</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>SCT</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>SCO</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>SNH</td>
<td></td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>SSP</td>
<td></td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>PCR</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

3.3.4 PROCESS FOR CLASSIFICATION OF STREET TYPES

Only the Community Development Department, the Planning and Zoning Board or the City Commission may initiate proposals for the classification or reclassification of street types. Changes to street types shall be by the same procedure as for Code amendments generally.

3.4 CONTEXT STANDARDS

3.4.1 GENERAL

Tables 3.4-1 through 3.4-13 set forth the minimum standards specific to each context and context sub-district. Sub-Sections 3.4.2 through 3.4.5 describe each standard referenced in the tables, explain how it is measured and provide additional details or criteria regarding how it is applied.

(Ord. No. 5455, 07-21-14)

3.4.2 BLOCK REQUIREMENTS

3.4.2.1 General

a. Block Requirements describe minimum standards for the creation of blocks. It is the intent of the Block Requirements to create blocks of walkable scale that form an interconnected network of streets, maximize connectivity, minimize travel distances and provide a framework for the subdivision of land and the placement of buildings.
In general, the vacation of existing rights-of-way to create larger blocks is discouraged.

b. When a development lot or parcel exceeds the maximum block face or maximum block perimeter set forth in Tables 3.4-1 through 3.4-13, the development shall provide public or private streets to form blocks meeting those criteria unless the Director of Community Development makes a determination that the required block structure in a particular instance is contrary to the desired development pattern or that physical site constraints or lack of adjoining streets make the creation of the required block structure impractical.

Figure 3.4-1 Block Face and Block Perimeter

3.4.2.2 Block Formation

a. Block faces shall be measured from the outer parcel boundaries of lots or parcels comprising the block or along the margins of continuous physical features such as lakes, railroads and canals that may form the face of a block. Block perimeter shall be the sum of all block faces that enclose the block.

b. Block faces shall be more or less rectilinear unless the continuation of existing streets or physical site constraints provides no practical alternative as determined by the Director of Community Development or unless block alternatives are specifically provided in an approved PUD, SPI District or subdivision plat.

(Ord. No. 5455, § 2, 07-21-14)
c. Blocks composed primarily of lakes, wetlands, parks, or Civic Open Space shall have no maximum length, width or perimeter requirements.

d. Where they do not exist, collector or arterial streets shall be constructed a minimum of every one quarter mile (1,320 ft.) in urban contexts and every one half mile (2,640 ft.) in suburban contexts, unless the Director of Community Development makes a determination that such streets are contrary to the desired development pattern of the area or where an adopted street plan calls for a different street pattern.

e. Where block structure is required interior to unified development parcels, such as within shopping centers and school campuses, streets may be private with no publicly dedicated right-of-way, but the typical cross sections shall otherwise meet the requirements of this section and the Engineering Standards Manual.

d. Alleys may be constructed interior to blocks but shall not be used to form the perimeter of blocks.

e. Blocks shall provide for the continuation of and connection to existing streets except where the Director of Community Development makes a determination that such extension is contrary to the desired development pattern or where an adopted street plan calls for a different street pattern.

f. Street stubouts shall be provided to adjacent undeveloped land except where otherwise indicated in an adopted street plan.

g. Cul-de-sacs or other street terminations shall be prohibited except where physical barriers such as limited access highways, railroads, canals or wetlands prevent connectivity or where street connections cannot be made to existing development, as determined by the Director of Community Development.

Figure 3.4-2 Block Formation
connectivity or where street connections cannot be made to existing development, as determined by the Director of Community Development.

3.4.3 BUILDING TYPES

3.4.3.1 General

a. **Building Types** describe the types of principal buildings allowed. For purposes of this section, a detached building is a freestanding building, regardless of the number of units it contains, that is not attached to a building located on another lot. An attached building is a building, regardless of the number of units it contains, that is attached to another building located on another lot.

b. Mobile Homes, Personal Wireless Service Facilities and Utility and Essential Service Facilities are not included and are regulated elsewhere.

*(Ord. No. 5582, 05-16-16)*

3.4.3.2 Special Building Types

a. The following special building types are allowed as indicated in the context tables and where the principal use is permitted by right or as a conditional use by the underlying zoning designation, except for within single-family zoning sub-districts as outlined in Sub-Section 3.4.3.2.b. below. Lot and principal building requirements for each special building type are specified in Tables 3.4-10 through 3.4-13.

*(Ord. No. 5582, 05-16-16)*

<table>
<thead>
<tr>
<th>TITLE</th>
<th>SYMBOL</th>
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<tbody>
<tr>
<td>Cottage</td>
<td>CT</td>
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<tr>
<td>Single Family Attached</td>
<td>SFA</td>
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<tr>
<td>Zero Lot Line</td>
<td>ZLL</td>
</tr>
<tr>
<td>Small Mixed Use</td>
<td>SMU</td>
</tr>
</tbody>
</table>

b. Within single-family zoning sub-districts, the Cottage (CT) and Zero Lot Line (ZLL) special building types shall only be established subject to the following procedures and in accordance with the lot and principal building requirements specified in Tables 3.4-10 and 3.4-13.

1. For proposed special building type lots not in designated historic districts, the applicant shall submit to the Planning and Zoning Board a site development plan showing the lot configuration, building placement and
Article 3: Urban Form Standards

orientation, vehicle access and other appropriate site features, and elevations or other architectural drawings showing the proposed exterior treatment. The Board shall make determinations regarding 4. (a) through (e) below.

2. For proposed special building type lots in designated historic districts, the applicant shall submit to the Planning and Zoning Board a site development plan showing the site layout with respect to the lot configuration, building placement and orientation, vehicle access and other appropriate site features. The Planning and Zoning Board shall make determinations regarding 4.(a) through (d) below. If approved by the Planning and Zoning Board, the applicant shall then apply to the Historic Preservation Board for a Certificate of Review/Appropriateness. The Historic Preservation Board shall make a determination regarding the design of the buildings as specified in 4.(e) below.

3. The Planning and Zoning Board shall notify the owners of record of properties within 250 feet of the subject property and shall conduct a public hearing on the matter at a regular meeting.

4. In making its determination, the Board (or Boards) shall find that:

   (a) The proposed lot configuration is compatible with the block and lot configuration of the district and not hazardous or inconvenient to surrounding residents or injurious to the long range development of the district for residential purposes.

   (b) The special building type does not result in excessive noise, traffic, or parking congestion.

   (c) There is adequate open space provided for both the special building type and the adjacent properties.

   (d) The special building type does not significantly impact the privacy, light, air, or parking of adjacent properties.

   (e) The design of the buildings shall be compatible with that of the residential structures in the same general area or neighborhood. Such a finding shall be based on a consideration of the building mass, height, materials, window arrangement, yards,
landscaping and any other pertinent considerations. If located in a historic district, the Historic Preservation Board shall make this determination with specific reference to the design guidelines for the historic district in which the special building type is to be located.

5. The Planning and Zoning Board may impose any conditions or limitations upon the establishment, location, construction, maintenance or operation of the special building type which in its judgment may reasonably be necessary to prevent the use from being detrimental to other permitted land uses and for the protection of the public interest and welfare. Conditions and requirements stated as part of the approval shall be a continuing obligation of the property owners.

("Ord. No. 5582, 05-16-16")

3.4.4 LOT REQUIREMENTS

a. **Lot Width**: Describes minimum and maximum lot widths in feet. (See definition in [Section 1.6](#section1.6))

b. **Lot Area**: Describes minimum and maximum lot areas in square feet.

c. **Lot Coverage**: Describes minimum and maximum collective square footage of all building footprints as a percentage of total lot area. This does not apply to paved areas and is not a measure of impervious surface coverage.
3.4.5 PRINCIPAL BUILDING REQUIREMENTS

a. **Street Setback**: Describes minimum and maximum principal building setbacks in feet from the front lot line and from the street side lot line, depending on the street type classification.

1. Street setbacks vary depending on the classification of the street. See **Figure 3.3-1**. The primary street shall be the street or streets abutting the front lot line as defined in **Section 1.6**.

2. On through lots or other atypical lot configurations, the Director of Community Development shall determine which streets function as primary streets and which function as secondary streets and which yards function as front yards and which function as rear yards and shall apply the appropriate standards based on that determination.

3. For purposes of this section, limited access highways abutting lots shall not be considered primary or secondary streets. Abutting streets do not necessarily provide access to lots.

4. For private streets within unified development projects, the setback shall be measured from the nearest edge of the street cross section.
b. **Interior Side Setback**: Describes minimum and maximum principal building setbacks in feet from the interior side lot line.

c. **Rear Setback**: Describes minimum and maximum principal building setbacks in feet from the rear lot line.

d. **Frontage Buildout**: Describes the minimum and maximum percentage of total building width that must fall at or within the minimum and maximum front setbacks.

e. **Building Height**: Describes the minimum and maximum building height in feet measured as the vertical distance from finished grade to the highest finished roof surface in the case of flat or mansard roofs, or to the mean height between eaves and ridge in the case of gable, hip or gambrel roofs.

f. **Parking Location**: Describes areas where off-street parking spaces may be located with respect to the principal building. This standard does not include enclosed garages and does not regulate the location of driveways. The parking zones are the land areas between the principal building and the:

  Zone 1: Right-of-way of the primary street, spanning the entire width of the lot.
  Zone 2: Common interior lot line.
  Zone 3: Rear lot line, spanning the entire width of the lot.
  Zone 4: Right-of-way of any secondary street.

**Figure 3.4-4 Parking Location**
g. **Entrance Feature:** Describes the required entrance feature. Where more than one type of entrance feature is listed, any of the listed entrance feature types may be used. Figures 3.4-5 through 3.4-8 set forth the standards for each entrance feature type. The drawings are intended to illustrate typical applications and are not intended to require any particular design or style of architecture. In each case, many different designs are possible.

*(Ord. No. 5455, 07-21-14)*

1. Entrance features shall include an operable entrance and the associated design elements as set forth herein. Entrances shall provide a clear, obvious, publicly-accessible connection between the primary street (front lot line) and the principal use(s) within the building(s).

2. For single family and two family buildings, the entrance feature shall be located on the primary street or on a corner at the primary street.

3. For multi-family buildings, the entrance feature shall be located on the primary street, on a corner at the primary street or on any part of a forecourt that is open to the primary street.

4. For commercial and mixed use buildings, the entrance feature shall be located on the primary street, on a corner at the primary street, or on a side of the building perpendicular to the primary street provided that the entrance feature is within 30 feet of the primary street and there is a direct pedestrian connection between the entrance feature and the primary street.

5. Entrance Feature Types

   (a) Stoop

   A stoop is an elevated, roofed landing at the building entrance with steps or stairs leading to grade. A walkway extends from the bottom of the steps or stairs to the sidewalk or street. A stoop may be screened but not enclosed by walls or windows on the primary street side.

*(Ord. No. 5455, 07-21-14)*
Figure 3.4-5 Stoop

<table>
<thead>
<tr>
<th></th>
<th>Min</th>
</tr>
</thead>
<tbody>
<tr>
<td>A Width</td>
<td>5’ or 20% of building width at front façade, whichever is less.</td>
</tr>
<tr>
<td>B Depth</td>
<td>5’</td>
</tr>
<tr>
<td>C Clear height</td>
<td>7’ - 6”</td>
</tr>
<tr>
<td>D Height above grade</td>
<td>7” Urban 4” Suburban</td>
</tr>
</tbody>
</table>

(b) Porch

A porch is an elevated, roofed, open area at the building entrance with steps or stairs leading to grade. A walkway extends from the bottom of the steps or stairs to the sidewalk or street. A porch may be screened but not enclosed by walls or windows on the primary street side.
(c) Forecourt

A forecourt is an uncovered courtyard formed where a portion of the building façade is recessed or where multiple buildings form a recessed courtyard. A paved walkway extends from the building entrance(s) to the sidewalk or street. A hedge, fence or streetwall may be used to define the private space of the courtyard. The courtyard may be elevated behind a retaining wall with steps leading to sidewalk grade.
(d) Commercial (Shopfront)

A commercial (shopfront) entrance feature is a building entrance at sidewalk grade. If the entrance is not immediately at the sidewalk, a paved walkway extends between the entrance and the sidewalk. The entrance may be overhung by an awning, canopy, gallery or arcade which may extend over the public sidewalk, subject to permitting. The entrance may be recessed into the building. The entrance may be at the corner of the building at an angle to the primary street or on the side of the building, provided that it is within 30 feet of the primary façade and there is a direct pedestrian connection to the primary street.
Figure 3.4-8 Commercial (Shopfront)

<table>
<thead>
<tr>
<th>Optional Overhang</th>
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<tbody>
<tr>
<td>A Setback from curb</td>
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<tr>
<td>B Depth</td>
<td>4’ awning or canopy</td>
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<tr>
<td></td>
<td>10’ gallery or arcade</td>
</tr>
<tr>
<td>C Clear height</td>
<td>8’</td>
</tr>
</tbody>
</table>

(Ord. No. 5455, 07-21-14)

3.4.6 CIVIC OPEN SPACE REQUIREMENTS

3.4.6.1 General

Civic Open Space Requirements describe minimum standards for the creation of civic open space. It is the intent of the Civic Open Space Requirements to provide opportunities for civic activity and recreation, spatially define the urban form, provide aesthetic relief, provide wildlife habitat, reduce stormwater runoff and add value to development.

a. Civic open space shall be privately maintained unless dedicated to and accepted by the city as a public park or recreation facility, in which case it may be eligible for impact fee credits in accordance with city impact fee ordinances. Required civic open space in public housing developments shall be maintained by the public housing authority.

b. Civic open space shall be indicated on the site plan or plat as applicable.

c. Each area of land designated as civic open space shall meet the minimum criteria for a civic open space type in accordance with Sub-Section 3.4.6.2. Such land areas may also be incorporated into larger parks or recreation facilities in accordance with minimum criteria contained in the City of Lakeland Parks, Recreation and Trails Master Plan. More than one type may be provided.

(Ord. No. 5455, 07-21-14)
d. Civic open space that is not dedicated to and accepted by the city for maintenance may be made available to the general public or restricted by covenant to residents of the development or subdivision.

e. Civic open space shall not include rights-of-way, except where the right-of-way incorporates a multi-use path system meeting the minimum standards for Urban Trails outlined in the City of Lakeland Parks, Recreation and Trails Master Plan.

f. Civic open space shall not include stormwater management areas unless such areas have been specifically designed and made available for public use.

g. In calculating the required amount of civic open space for any residential subdivision or multi-family development, credit shall be given on an acre-for-acre basis for existing publicly-maintained parks or recreation facilities located within a quarter mile (1,320 feet) of the development. The quarter mile distance shall be measured by the shortest route of pedestrian travel from any pedestrian access to the subdivision or multi-family development to the nearest pedestrian access to the public park or recreation facility.

3.4.6.2 Quantity of Civic Open Space Required

a. Subdivisions containing twenty five or more single family or two family lots or parcels:
   1. 25-50 dwelling units: 200 square feet per dwelling unit
   2. Over 50 dwelling units: 100 square feet for each additional dwelling unit over 50

b. Multi-family development projects containing twenty five or more dwelling units:
   1. 25-50 dwelling units: 150 square feet minimum per dwelling unit
   2. Over 50 dwelling units: 75 square feet minimum for each additional dwelling unit over 50

c. Except in Industrial zoning districts and except for Utility and Essential Service Facilities, non-residential buildings or building complexes containing more than 50,000 square feet shall provide a minimum of 20 square feet of civic open space per 1,000 square feet of gross floor area.
3.4.6.3 Civic Open Space Types

a. Green

1. Description and General Criteria: An open, generally free-form area available for civic activities and passive recreation. Its landscape shall consist of lawns, trees and other vegetation naturally disposed.
2. Contexts where allowed: UCT, UNH, SCT, SNH
3. Minimum Size: 1/4 acre

Figure 3.4-9 Green

b. Square

1. Description and General Criteria: An open, generally rectilinear area available for civic activities and passive recreation and bound by streets or front-facing lots. Its landscape shall consist of lawns, trees and other vegetation formally disposed and may contain hardscaped areas.
2. Contexts where allowed: UCT, UNH, SCT, SNH
3. Minimum Size: 1/2 acre
c. Plaza

1. Description and General Criteria: An open area available for public gathering and civic activities and spatially defined by streets and/or buildings. Plazas may be roofed provided that they are open on at least two sides. Plazas are primarily hardscape but may contain landscaping. In commercial applications, plazas may include space devoted to outdoor dining.

2. Contexts where allowed: UCT, UCO, UNH, SCT, SCO, USP, SSP

3. Minimum Size: 1,000 square feet
d. Mini-Park (aka Tot Lot)

1. Description and General Criteria: A compact, open area designed for the recreation of children. It may contain playground equipment and may be fenced for security. It shall be located to facilitate access by children by foot and bicycle.
2. Contexts where allowed: UCT, UNH, SCT, SNH
3. Minimum Size: 1,500 square feet

![Figure 3.4-12 Mini-Park](image)

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e. Greenway

1. Description and General Criteria: A linear, open area designed to accommodate a pedestrian or bicycle trail or to accommodate uses such as fishing, picnicking or nature observation along the margins of a waterbody. It may incorporate trees and other vegetation naturally disposed to serve as wildlife habitat or as a wildlife corridor.
2. Contexts where allowed: All

![Figure 3.4-13 Greenway](image)
f. Recreation Center

1. Description and General Criteria: A special purpose area designed to accommodate facilities for active and passive recreation. Examples of such facilities include but are not limited to clubhouses, swimming pools, tennis courts, basketball courts and playgrounds.

2. Contexts where allowed: UNH, SNH, subject to zoning restrictions

3. Minimum Size: 1/2 acre

Figure 3.4-14 Recreation Center

3.4.7 DESIGN STANDARDS FOR PRINCIPAL BUILDINGS

3.4.7.1 Attached Garages Integral to Single Family and Two Family Principal Buildings

a. In the Urban Neighborhood Context (UNH), attached garages with garage door openings that face the primary street shall be placed at least five feet behind the front façade of the principal structure.

b. In the Suburban Neighborhood Context (SNH), attached garages with garage door openings that face the primary street shall be:

1. placed no farther than 15 feet from the front façade of the principal structure. For the purpose of measuring this distance, the principal structure shall include living area and/or the entrance feature; and

2. limited to no more than 60 percent of the overall width of the front elevation. (Ord. No. 5580, 05-16-16)
3.4.7.2 Screening of Mechanical Equipment

Except for Single Family and Two Family buildings, all mechanical equipment at ground level shall be located behind the front façade of the principal structure. Mechanical equipment at ground level that is visible from an adjacent street shall be screened from view by a wall or fence using materials compatible with the architecture of the principal structure. Alternatively, a Type A hedge as defined by Sub-Section 4.5.3 may be used in lieu of a screening wall. Roof-mounted mechanical equipment that is visible from an adjacent street shall be screened from view by elements that are an integral part of the building design.

(Ord. No. 5455, 07-21-14)
3.4.7.3 Materials

Except for Single Family and Two Family buildings, all street facing building facades shall be architecturally finished with materials such as stucco, brick, stone, finished or decorative cast concrete, decorative concrete masonry, wood or simulated wood (including aluminum or vinyl). Except within the MH, I-2 and I-3 zoning districts, corrugated or structural metal walls, metal sheeting or metal siding shall cover no more than 30 percent of any street facing facade and no more than 50 percent of the total surface area of the building.

3.4.7.4 Ground Floor Transparency of Buildings in Commercial, Office and I-1 Industrial Zoning Districts

The first fifteen feet of building height of ground floor (first story) building façades facing the primary street shall contain between 40 and 70 percent openings (glass windows, transoms and doors). Ground floor (first story) building facades facing the secondary street shall have between 25 and 50 percent openings. All glass shall have a visible transmittance rating of no less than 10 percent.

3.4.7.5 Façade Variation of Buildings in Commercial, Office and I-1 Industrial Zoning Districts

Building facades facing streets and customer parking areas with more than 50 spaces shall include fenestration, architectural relief, or both so that no portion of a façade shall have a blank area greater than 24 feet in width measured horizontally along the face of the building.

3.4.7.6 Service and Loading Areas

Within Commercial, Office and I-1 Industrial zoning districts, service and loading dock areas that are visible from an adjacent street or customer parking area with more than 50 spaces, shall be screened by a view blockage wall or fence compatible with the architecture of the principal structure.

3.4.7.7 Drive-Through Facilities

Drive-through customer service facilities such as those for fast food restaurants, dry cleaners and banks shall be located at the rear or interior side of the building.

3.4.8 OTHER STANDARDS

a. Multiple Principal Buildings on Same Lot or Parcel

Provided that the principal buildings fronting on public or private streets do not exceed the setback maximum and otherwise meet the requirements of this article, additional principal buildings located on the same lot or parcel shall not be subject
to maximum setback, frontage buildout, parking location or entrance feature requirements. All buildings shall be subject to Article 4 (General Site Development Standards).

Figure 3.4-16 Multiple Buildings on a Lot

b. Bulk Plane Limit

1. Where a building used for non-residential or multi-family uses is adjacent to the rear yard of a lot or parcel zoned RA (Single Family) or RB (Two-Family), no portion of such building shall extend beyond a bulk plane beginning at 36 feet above grade at the minimum setback line and extending upward one foot for every additional one foot into the site from the minimum setback line.

(Ord. No. 5455, 07-21-14)

2. Where a building used for non-residential or multi-family uses is adjacent to the side yard of a lot or parcel zoned RA (Single Family) or RB (Two-Family), no portion of such building shall extend beyond a bulk plane beginning at 26 feet above grade at the minimum setback line and extending upward one foot for every additional one foot into the site from the minimum setback line.

(Ord. No. 5455, 07-21-14)

c. Minimum Living Area

Residential dwelling units shall have the minimum gross living areas specified below. In no case shall any individual unit be less than 300 sq. ft.

Single-Family, Attached and Detached .................................................... 660 sq. ft.
Multiple-Family ......................................................................................... 300 sq. ft.
Two-Family ................................................................................................ 660 sq. ft.

(Ord. No. 5522, 07-20-15)
3.5 EXCEPTIONS TO URBAN FORM STANDARDS

3.5.1 PERMITTED PROJECTIONS INTO REQUIRED SETBACKS

Awnings, cornices, eaves, lintels, planter boxes, roof overhangs, bay windows that do not extend to ground level, gutters, belt courses, and other ornamental features that are completely supported by a building may project no more than three feet into any required minimum setback.

3.5.2 HEIGHT EXCEPTIONS

Church steeples and bell towers shall be exempt from the maximum building height requirements. Tanks, decorative features, elevator-lift housing, air conditioning units, television or radio antennas, or other mechanical or functional features may exceed the maximum building height requirement up to a maximum of twenty feet without requiring a variance.
### Table 3.4-1 Urban Neighborhood Standards

<table>
<thead>
<tr>
<th>Urban Neighborhood UNH</th>
<th>Context sub-district: RA-1, RA-2</th>
<th>Context sub-district: RA-3, RA-4, RB</th>
<th>Context sub-district: MF-12, MF-16, MF-22</th>
<th>Context sub-district: O-1, C-1</th>
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<tbody>
<tr>
<td><strong>Block Requirements</strong></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Block Face</td>
<td>Minimum: 700’</td>
<td>Maximum: 650’</td>
<td>Minimum: 650’</td>
<td>Maximum: 650’</td>
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<tr>
<td>Block Perimeter</td>
<td>Minimum: 2,000’</td>
<td>Maximum: 1,900’</td>
<td>Minimum: 1,900’</td>
<td>Maximum: 1,900’</td>
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<td><strong>Building Types</strong></td>
<td>Detached</td>
<td>Detached, Attached by Conditional Use within RA-3 and RA-4 (Special: SFA, ZLL, CT)</td>
<td>Detached, Attached (Special: SFA, ZLL, CT)</td>
<td>Detached, Attached (Special: SFA, ZLL, CT)</td>
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<td><strong>Lot Requirements</strong></td>
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<tr>
<td>Lot Width</td>
<td>Minimum: 75’</td>
<td>Maximum: 150’</td>
<td>Minimum: 50’</td>
<td>Maximum: 100’</td>
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<td>Lot Area</td>
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<td>Maximum: 22,500 sf</td>
<td>Minimum: 5,000 sf</td>
<td>Maximum: 15,000 sf</td>
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<td>Lot Coverage(^2)</td>
<td>Minimum: 55%</td>
<td>Maximum: 55%</td>
<td>Minimum: 80%</td>
<td>Maximum: 60% Detached</td>
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<td><strong>Principal Building Requirements</strong></td>
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<td>Collector</td>
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<td>Entrance Feature</td>
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<td>Porch, Stoop, Forecourt</td>
<td>Commercial</td>
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</table>

\(^1\)For 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.

\(^2\)Subject 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.

\(^3\)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.

\(^4\)Parking 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.

\(^5\)The 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.

\(^6\)For properties located outside of designated historic districts, maximum height of 55’ if the principal use is multi-family residential or residential located above a 1st floor non-residential use where permitted in accordance with Table 2.3-1.

(Ord. No. 5455, 07-21-14; Ord. No. 5522, 07-20-15; Ord. No. 5582, 05-16-16; Ord. No. 5734, 07-16-18)
### Table 3.4-2 Urban Corridor Standards

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<th>Urban Corridor UCO</th>
<th>Context sub-district: O-1, O-2, C-1, C-2, C-5</th>
<th>Context sub-district: O-3, C-3</th>
<th>Context sub-district: C-4</th>
<th>Context sub-district: I-1</th>
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<tr>
<td><strong>Block Requirements</strong></td>
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<td>Block Face</td>
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<td>Block Perimeter</td>
<td>1,900'</td>
<td></td>
<td>1,900'</td>
<td></td>
</tr>
<tr>
<td><strong>Building Types</strong></td>
<td>Detached, Attached (Special: SMU)</td>
<td></td>
<td>Detached</td>
<td></td>
</tr>
<tr>
<td><strong>Lot Requirements</strong></td>
<td>Minimum</td>
<td>Maximum</td>
<td>Minimum</td>
<td>Maximum</td>
</tr>
<tr>
<td>Lot Width</td>
<td>50'</td>
<td></td>
<td>200'</td>
<td></td>
</tr>
<tr>
<td>Lot Area</td>
<td>7,500 sf</td>
<td></td>
<td>30,000 sf</td>
<td></td>
</tr>
<tr>
<td>Lot Coverage¹</td>
<td>60% Detached 90% Attached</td>
<td></td>
<td>60%</td>
<td></td>
</tr>
<tr>
<td><strong>Principal Building Requirements</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Street Setback</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arterial</td>
<td>10'</td>
<td></td>
<td>30'</td>
<td></td>
</tr>
<tr>
<td>Collector</td>
<td>0’</td>
<td></td>
<td>20’</td>
<td></td>
</tr>
<tr>
<td>Main Street</td>
<td>0’</td>
<td></td>
<td>10’</td>
<td></td>
</tr>
<tr>
<td>Local Street</td>
<td>5’</td>
<td></td>
<td>20’</td>
<td></td>
</tr>
<tr>
<td><strong>Interior Side Setback (Minimum)</strong></td>
<td>0’ Attached or SMU 5’ Detached 30’ from residential district</td>
<td></td>
<td>0’ Attached 10’ Detached 30’ from residential district</td>
<td></td>
</tr>
<tr>
<td><strong>Rear Setback (Minimum)</strong></td>
<td>15’</td>
<td></td>
<td>20’ from residential district</td>
<td></td>
</tr>
<tr>
<td>Frontage Buildout</td>
<td>50%²</td>
<td></td>
<td>50%</td>
<td></td>
</tr>
<tr>
<td><strong>Building Height</strong></td>
<td>36’⁴</td>
<td></td>
<td>O-3: 60’ C-3: 44’</td>
<td></td>
</tr>
<tr>
<td><strong>Parking Location</strong></td>
<td>Attached or SMU: Zone 1³, 2, 3</td>
<td></td>
<td>Attached: Zone 1, 2, 3</td>
<td></td>
</tr>
<tr>
<td>Entrance Feature</td>
<td>Commercial</td>
<td></td>
<td>Commercial</td>
<td></td>
</tr>
<tr>
<td><strong>Other</strong></td>
<td>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</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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.

(Ord. No. 5455, 07-21-14; Ord. No. 5522, 07-20-15; Ord. No. 5725, 07-02-18)
### Table 3.4-3 Urban Center Standards

<table>
<thead>
<tr>
<th>Urban Center UCT</th>
<th>Context sub-district: C-6, All other districts not specified</th>
<th>Context sub-district: C-7</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Block Requirements</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Block Face</td>
<td>Minimum</td>
<td>Maximum</td>
</tr>
<tr>
<td></td>
<td></td>
<td>450'</td>
</tr>
<tr>
<td>Block Perimeter</td>
<td>Minimum</td>
<td>Maximum</td>
</tr>
<tr>
<td></td>
<td>1,800'</td>
<td></td>
</tr>
<tr>
<td><strong>Building Types</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Detached, Attached Special: SMU</td>
<td></td>
<td>Attached Special: SMU</td>
</tr>
<tr>
<td><strong>Lot Requirements</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot Width</td>
<td>Minimum</td>
<td>Maximum</td>
</tr>
<tr>
<td></td>
<td>25'</td>
<td>200'</td>
</tr>
<tr>
<td>Lot Area</td>
<td>Minimum</td>
<td>Maximum</td>
</tr>
<tr>
<td>2,500 sf</td>
<td>30,000 sf</td>
<td>2,500 sf</td>
</tr>
<tr>
<td>Lot Coverage&lt;sup&gt;1&lt;/sup&gt;</td>
<td>Minimum</td>
<td>Maximum</td>
</tr>
<tr>
<td></td>
<td>55% outside Parking Exempt Area</td>
<td>100%</td>
</tr>
<tr>
<td><strong>Principal Building Requirements</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Street Setback</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arterial</td>
<td>Minimum</td>
<td>Maximum</td>
</tr>
<tr>
<td></td>
<td>0'</td>
<td>20'</td>
</tr>
<tr>
<td>Collector</td>
<td>Minimum</td>
<td>Maximum</td>
</tr>
<tr>
<td></td>
<td>0'</td>
<td>20'</td>
</tr>
<tr>
<td>Main Street</td>
<td>Minimum</td>
<td>Maximum</td>
</tr>
<tr>
<td></td>
<td>0'</td>
<td>10'</td>
</tr>
<tr>
<td>Local Street</td>
<td>Minimum</td>
<td>Maximum</td>
</tr>
<tr>
<td></td>
<td>0'</td>
<td>10'</td>
</tr>
<tr>
<td>Interior Side Setback (Minimum)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>0' Attached, subject to Building Code</td>
<td>0' Attached, subject to Building Code</td>
</tr>
<tr>
<td></td>
<td>5'Detached</td>
<td></td>
</tr>
<tr>
<td>Rear Setback (Minimum)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>0', subject to Building Code</td>
<td>0', subject to Building Code</td>
</tr>
<tr>
<td>Frontage Buildout</td>
<td>Minimum</td>
<td>Maximum</td>
</tr>
<tr>
<td></td>
<td>60%&lt;sup&gt;2&lt;/sup&gt;</td>
<td>70%</td>
</tr>
<tr>
<td>Building Height</td>
<td>Minimum</td>
<td>Maximum</td>
</tr>
<tr>
<td></td>
<td>120'</td>
<td></td>
</tr>
<tr>
<td>Parking Location</td>
<td>Minimum</td>
<td>Maximum</td>
</tr>
<tr>
<td></td>
<td>Zone 2, 3</td>
<td></td>
</tr>
<tr>
<td>Entrance Feature</td>
<td>Minimum</td>
<td>Maximum</td>
</tr>
<tr>
<td></td>
<td>Commercial</td>
<td></td>
</tr>
<tr>
<td><strong>Other</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>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</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<sup>1</sup>Subject to applicable Floor Area Ratio limits. See Table 1.4-2.

<sup>2</sup>Outside 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.

*(Ord. No. 5455, 07-21-14; Ord. No. 5725, 07-02-18)*
### Table 3.4-4  Urban Special Purpose Standards

<table>
<thead>
<tr>
<th>Urban Special Purpose</th>
<th>Context sub-district: O-1, O-2, C-1, C-2, All other districts not specified</th>
<th>Context sub-district: O-3</th>
<th>Context sub-district: I-1, I-2</th>
<th>Context sub-district: I-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Block Requirements</td>
<td>Minimum: 650'  Maximum: 1,320'</td>
<td>Minimum: 1,320'</td>
<td>Minimum: 1,320'</td>
<td>Minimum: 1,320'</td>
</tr>
<tr>
<td>Block Face</td>
<td>1,900'</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Block Perimeter</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building Types</td>
<td>Detached, Attached (Special: SMU)</td>
<td>Detached</td>
<td>Detached</td>
<td>Detached</td>
</tr>
<tr>
<td>Lot Requirements</td>
<td>Minimum: 50'  Maximum: 200'</td>
<td>Minimum: 100'</td>
<td>Minimum: 60'</td>
<td>Minimum: 200'</td>
</tr>
<tr>
<td>Lot Width</td>
<td>30,000 sf</td>
<td>40,000 sf</td>
<td>10,000 sf</td>
<td>50,000 sf</td>
</tr>
<tr>
<td>Lot Area</td>
<td>7,500 sf 60% Detached 90% Attached</td>
<td>30,000 sf 60%</td>
<td>10,000 sf 60%</td>
<td>50,000 sf 60%</td>
</tr>
<tr>
<td>Lot Coverage¹</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Principal Building Requirements:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Street Setback</td>
<td>Arterial: 10'  Collector: 0'  Main Street: na  Local Street: 5'</td>
<td>Arterial: 20'  Collector: 10'  Main Street: na  Local Street: 10'</td>
<td>Arterial: 20'  Collector: 10'  Main Street: na  Local Street: 10'</td>
<td>Arterial: 20'  Collector: 10'  Main Street: na  Local Street: 10'</td>
</tr>
<tr>
<td>Interior Side Setback (Minimum)</td>
<td>0' Attached or SMU  5' Detached  30' from residential district</td>
<td>10' from residential district  10' from residential district</td>
<td>10' from residential district  20' from residential district</td>
<td>20' from residential district</td>
</tr>
<tr>
<td>Rear Setback (Minimum)</td>
<td>15' 30' from residential district</td>
<td>20' 30' from residential district</td>
<td>20' 50' from residential district</td>
<td>30' 100' from residential district</td>
</tr>
<tr>
<td>Frontage Buildout</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Building Height</td>
<td>36'¹,²,³</td>
<td>60'</td>
<td>50' plus additional 1' for each additional 2' of setback, to a max of 70'</td>
<td>50' plus additional 1' for each additional 2' of setback, to a max of 70'</td>
</tr>
<tr>
<td>Parking Location</td>
<td>Zone 2, 3, 4²</td>
<td>Zone 1,2, 3, 4</td>
<td>Zone 1,2, 3, 4</td>
<td>Zone 1,2, 3, 4</td>
</tr>
<tr>
<td>Entrance Feature</td>
<td>Commercial</td>
<td>Commercial</td>
<td>Commercial</td>
<td>Commercial</td>
</tr>
<tr>
<td>Other</td>
<td>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</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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.

(Ord. No. 5455, 07-21-14)
### Table 3.4-5  Suburban Neighborhood Standards

<table>
<thead>
<tr>
<th>Suburban Neighborhood SNH:</th>
<th>Context sub-district: RA-1, RA-2</th>
<th>Context sub-district: RA-3, RA-4, RB</th>
<th>Context sub-district: MF-12, MF-16, MF-22</th>
<th>Context sub-district: O-1, C-1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Block Requirements</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Block Perimeter</td>
<td>Minimum: 2,000’  Maximum: 2,000’</td>
<td>Minimum: 2,000’  Maximum: 2,000’</td>
<td>Minimum: 2,000’  Maximum: 2,000’</td>
<td>Minimum: 2,000’  Maximum: 2,000’</td>
</tr>
<tr>
<td>Allowable Building Types</td>
<td>Detached</td>
<td>Detached, Attached by Conditional Use within RA-3 and RA-4 (Special: SFA)</td>
<td>Detached, Attached (Special: SFA)</td>
<td>Detached</td>
</tr>
<tr>
<td>Lot Requirements</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot Area</td>
<td>Minimum: 10,000 sf  Maximum: 7,000 sf</td>
<td>Minimum: 7,000 sf  Maximum: 60,000 sf</td>
<td>Minimum: 7,000’  Maximum: 7,000’</td>
<td>Minimum: 7,000’  Maximum: 7,000’</td>
</tr>
<tr>
<td>Lot Coverage(^2)</td>
<td>Minimum: 35%  Maximum: 35%</td>
<td>Minimum: 35%  Maximum: 35%</td>
<td>Minimum: 35%  Maximum: 50%</td>
<td>Minimum: 35%  Maximum: 35%</td>
</tr>
<tr>
<td>Principal Building Requirements</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Street Setback</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Main Street</td>
<td>Minimum: 0’  Maximum: 25’</td>
<td>Minimum: 0’  Maximum: 25’</td>
<td>Minimum: 0’  Maximum: 25’</td>
<td>Minimum: 0’  Maximum: 25’</td>
</tr>
<tr>
<td>Frontage Buildout</td>
<td>Minimum: 25%  Maximum: 25%</td>
<td>Minimum: 25%  Maximum: 25%</td>
<td>Minimum: 25%  Maximum: 40%</td>
<td>Minimum: 50%  Maximum: 36%</td>
</tr>
<tr>
<td>Parking Location</td>
<td>Zone 1, 2, 3, 4</td>
<td>Zone 1, 2, 3, 4</td>
<td>Zone 1, 2, 3, 4</td>
<td>Zone 1, 2, 3, 4</td>
</tr>
<tr>
<td>Entrance Feature</td>
<td>Porch, Stoop</td>
<td>Porch, Stoop</td>
<td>Porch, Stoop, Forecourt</td>
<td>Commercial</td>
</tr>
<tr>
<td>Other</td>
<td>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</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

\(^1\)For Context sub-district MH, the maximum block face shall be 700’ and the maximum block perimeter shall be 2,000’. Development standards shall be as set forth in Section 5.11.

\(^2\)Subject 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.

\(^3\)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.

(Ord. No. 5455, 07-21-14; Ord. No. 5582, 05-16-16)
### Table 3.4-6 Suburban Corridor Standards

<table>
<thead>
<tr>
<th>Suburban Corridor SCO</th>
<th>Context sub-district: O-1, O-2, C-1, C-2, All other districts not specified</th>
<th>Context sub-district: O-3, C-3</th>
<th>Context sub-district: C-4</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Block Requirements</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Block Face</td>
<td>Minimum 700’</td>
<td>Maximum 700’</td>
<td>Minimum 700’</td>
</tr>
<tr>
<td>Block Perimeter</td>
<td>Minimum 2,000’</td>
<td>Maximum 2,000’</td>
<td>Minimum 2,000’</td>
</tr>
<tr>
<td><strong>Building Types</strong></td>
<td>Detached, Attached</td>
<td>Detached</td>
<td>Detached</td>
</tr>
<tr>
<td><strong>Lot Requirements</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot Width</td>
<td>Minimum 60’</td>
<td>Maximum O-3: 100’</td>
<td>O-3: 200’</td>
</tr>
<tr>
<td>Lot Area</td>
<td>Minimum 10,000 sf</td>
<td>Maximum O-3: 40,000 sf</td>
<td>C-3: 60,000 sf</td>
</tr>
<tr>
<td>Lot Coverage¹</td>
<td>50% Detached</td>
<td>90% Attached</td>
<td>50%</td>
</tr>
<tr>
<td><strong>Principal Building Requirements</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Street Setback</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arterial</td>
<td>Minimum 25’</td>
<td>Maximum 75’</td>
<td>Minimum 25’</td>
</tr>
<tr>
<td>Collector</td>
<td>Minimum 15’</td>
<td>Maximum 75’</td>
<td>Minimum 15’</td>
</tr>
<tr>
<td>Main Street</td>
<td>Minimum 0’</td>
<td>Maximum 25’</td>
<td>Minimum 0’</td>
</tr>
<tr>
<td>Local Street</td>
<td>Minimum 10’</td>
<td>Maximum 15’</td>
<td>Minimum 15’</td>
</tr>
<tr>
<td>Interior Side Setback (Minimum)</td>
<td>0’ Attached</td>
<td>5’ Detached</td>
<td>15’</td>
</tr>
<tr>
<td>Rear Setback (Minimum)</td>
<td>20’</td>
<td>30’ from residential district</td>
<td>25’</td>
</tr>
<tr>
<td>Frontage Buildout</td>
<td>30%</td>
<td>30%</td>
<td>30%</td>
</tr>
<tr>
<td>Building Height</td>
<td>Minimum 36’</td>
<td>Maximum O-3: 60’</td>
<td>C-3: 44’</td>
</tr>
<tr>
<td>Parking Location</td>
<td>Zone 1 (except Main Street), 2, 3, 4</td>
<td>Zone 1 (except Main Street), 2, 3, 4</td>
<td>Zone 1 (except Main Street), 2, 3, 4</td>
</tr>
<tr>
<td>Entrance Feature</td>
<td>Commercial</td>
<td>Commercial</td>
<td>Commercial</td>
</tr>
<tr>
<td>Other</td>
<td>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</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

¹Subject to applicable Floor Area Ratio limits. See Table 1.4-2.
### Table 3.4-7 Suburban Center Standards

<table>
<thead>
<tr>
<th>Suburban Center</th>
<th>Context sub-district: O-1, C-2, All other districts not specified</th>
<th>Context sub-district: C-5</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Block Requirements</strong></td>
<td>Minimum</td>
<td>Maximum</td>
</tr>
<tr>
<td>Block Face</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Block Perimeter</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Building Types</strong></td>
<td>Detached, Attached</td>
<td></td>
</tr>
<tr>
<td><strong>Lot Requirements</strong></td>
<td>Minimum</td>
<td>Maximum</td>
</tr>
<tr>
<td>Lot Width</td>
<td>60’</td>
<td>200’</td>
</tr>
<tr>
<td>Lot Area</td>
<td>10,000 sf</td>
<td>30,000 sf</td>
</tr>
<tr>
<td>Lot Coverage¹</td>
<td></td>
<td>50%</td>
</tr>
<tr>
<td><strong>Principal Building Requirements</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Street Setback</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arterial</td>
<td>25’</td>
<td>75’</td>
</tr>
<tr>
<td>Collector</td>
<td>15’</td>
<td>75’</td>
</tr>
<tr>
<td>Main Street</td>
<td>0’</td>
<td>25’</td>
</tr>
<tr>
<td>Local Street</td>
<td>10’</td>
<td>55’</td>
</tr>
<tr>
<td>Interior Side Setback (Minimum)</td>
<td>0’ Attached</td>
<td></td>
</tr>
<tr>
<td>Rear Setback (Minimum)</td>
<td>0’</td>
<td></td>
</tr>
<tr>
<td>Frontage Buildout</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building Height</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking Location</td>
<td>Zone 1 (except Main Street), 2, 3, 4</td>
<td></td>
</tr>
<tr>
<td>Entrance Feature</td>
<td>Commercial</td>
<td></td>
</tr>
<tr>
<td><strong>Other</strong></td>
<td>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</td>
<td></td>
</tr>
</tbody>
</table>

¹Subject to applicable Floor Area Ratio limits. See Table 1.4-2.

*(Ord. No. 5455, 07-21-14)*
Table 3.4-8  Suburban Special Purpose Standards

<table>
<thead>
<tr>
<th>Suburban Special Purpose</th>
<th>Context sub-district: I-2, All other districts not specified</th>
<th>Context sub-district I-3</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Minimum</td>
<td>Maximum</td>
</tr>
<tr>
<td>Block Requirements</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Block Face</td>
<td>2,640’</td>
<td></td>
</tr>
<tr>
<td>Block Perimeter</td>
<td>10,560’</td>
<td></td>
</tr>
<tr>
<td>Building Types</td>
<td>Detached</td>
<td>Detached</td>
</tr>
<tr>
<td>Lot Requirements</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot Width</td>
<td>100’</td>
<td></td>
</tr>
<tr>
<td>Lot Area</td>
<td>43,560 sf</td>
<td></td>
</tr>
<tr>
<td>Lot Coverage¹</td>
<td>50%</td>
<td></td>
</tr>
<tr>
<td>Principal Building Requirements</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Street Setback</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arterial</td>
<td>50’</td>
<td></td>
</tr>
<tr>
<td>Collector</td>
<td>50’</td>
<td></td>
</tr>
<tr>
<td>Main Street</td>
<td>na</td>
<td></td>
</tr>
<tr>
<td>Local Street</td>
<td>50’</td>
<td></td>
</tr>
<tr>
<td>Interior Side Setback</td>
<td>20’</td>
<td></td>
</tr>
<tr>
<td>(Minimum)</td>
<td>50’ from residential district</td>
<td></td>
</tr>
<tr>
<td>Rear Setback</td>
<td>30’</td>
<td></td>
</tr>
<tr>
<td>(Minimum)</td>
<td>65’ from residential district</td>
<td></td>
</tr>
<tr>
<td>Frontage Buildout</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>Building Height</td>
<td>50’</td>
<td></td>
</tr>
<tr>
<td></td>
<td>plus additional 1’ for each additional 2’ of setback, to a max of 90’</td>
<td>plus additional 1’ for each additional 2’ of setback, to a max of 90’</td>
</tr>
<tr>
<td>Parking Location</td>
<td>Zone 1, 2, 3, 4</td>
<td></td>
</tr>
<tr>
<td>Entrance Feature</td>
<td>None required</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>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</td>
<td></td>
</tr>
</tbody>
</table>

¹Subject to applicable Floor Area Ratio limits. See Table 1.4-2.

(Ord. No. 5455, 07-21-14)
### Table 3.4-9  Preservation, Conservation, Recreation Development Standards

<table>
<thead>
<tr>
<th>Preservation, Conservation, Recreation</th>
<th>Context sub-district:  All zoning districts</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PCR</strong></td>
<td>Minimum</td>
</tr>
<tr>
<td><strong>Block Requirements</strong></td>
<td></td>
</tr>
<tr>
<td>Block Face</td>
<td></td>
</tr>
<tr>
<td>Block Perimeter</td>
<td></td>
</tr>
<tr>
<td><strong>Building Types</strong></td>
<td>Detached</td>
</tr>
<tr>
<td><strong>Lot Requirements</strong></td>
<td></td>
</tr>
<tr>
<td>Lot Width</td>
<td>None</td>
</tr>
<tr>
<td>Lot Area</td>
<td>None</td>
</tr>
<tr>
<td>Lot Coverage(^1)</td>
<td>None</td>
</tr>
<tr>
<td><strong>Principal Building Requirements(^2)</strong></td>
<td></td>
</tr>
<tr>
<td>Street Setback</td>
<td></td>
</tr>
<tr>
<td>Arterial</td>
<td>20'</td>
</tr>
<tr>
<td>Collector</td>
<td>20'</td>
</tr>
<tr>
<td>Main Street</td>
<td>10'</td>
</tr>
<tr>
<td>Local Street</td>
<td>20'</td>
</tr>
<tr>
<td>Interior Side Setback</td>
<td>10'</td>
</tr>
<tr>
<td>Rear Setback</td>
<td>20'</td>
</tr>
<tr>
<td>Frontage Buildout</td>
<td>None</td>
</tr>
<tr>
<td>Building Height</td>
<td></td>
</tr>
<tr>
<td>Parking Location</td>
<td>Zone 1, 2, 3, 4</td>
</tr>
<tr>
<td>Entrance Feature</td>
<td>None required</td>
</tr>
<tr>
<td><strong>Other</strong></td>
<td></td>
</tr>
</tbody>
</table>

\(^1\) Subject to applicable Floor Area Ratio limits. See Table 1.4-2.

\(^2\) Structures legally in existence as of the effective date of this article shall be considered conforming.
Table 3.4-10 Special Building Type Standards

**Cottage (CT)**

Description: A detached single family dwelling unit on a relatively small lot. The Cottage building type requires three or more contiguous Cottage lots. Within single-family zoning sub-districts, the Cottage (CT) special Building type may only be established subject to the procedures in Sub-Section 3.4.3.2 and in accordance with the lot and principal building requirements specified below.

<table>
<thead>
<tr>
<th>Lot Requirements</th>
<th>Minimum</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>A) Lot Width</td>
<td>30’</td>
<td>60’</td>
</tr>
<tr>
<td>B) Lot Area</td>
<td>1,800 sf</td>
<td>7,200 sf</td>
</tr>
<tr>
<td>C) Lot Coverage</td>
<td></td>
<td>55%</td>
</tr>
</tbody>
</table>

**Principal Building Requirements**

<table>
<thead>
<tr>
<th>Principal Building Requirements</th>
<th>Minimum</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>D) Street Setback</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arterial</td>
<td>10’</td>
<td>30’</td>
</tr>
<tr>
<td>Collector</td>
<td>0’</td>
<td>20’</td>
</tr>
<tr>
<td>Main Street</td>
<td>0’</td>
<td>10’</td>
</tr>
<tr>
<td>Local Street</td>
<td>5’</td>
<td>15’</td>
</tr>
<tr>
<td>E) Interior Side Setback</td>
<td>5’</td>
<td></td>
</tr>
<tr>
<td>F) Rear Setback</td>
<td>15’</td>
<td></td>
</tr>
<tr>
<td>G) Frontage Buildout</td>
<td>70%*</td>
<td></td>
</tr>
<tr>
<td>H) Building Height</td>
<td></td>
<td>35’</td>
</tr>
<tr>
<td>Parking Location</td>
<td>Zone 2, 3</td>
<td></td>
</tr>
</tbody>
</table>

*For sites 100’ in width or less, frontage buildout may be reduced to accommodate a single access drive no more than 20’ wide.

(Ord. No. 5455, 07-21-14, Ord. No. 5582, 05-16-16)
Table 3.4-11 Special Building Type Standards

Single Family Attached (SFA)

Description: A single family dwelling unit on its own lot which is attached to another single family dwelling unit or units located on a separate lot or lots. The Single Family Attached building type requires two or more contiguous Single Family Attached lots. This building type is allowed where single-family, attached uses are permitted as a principal use in a zoning district by right or as a conditional use as indicated in Table 2.3-1 (Permitted Principal Uses).

<table>
<thead>
<tr>
<th>Lot Requirements</th>
<th>Minimum</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>A) Lot Width</td>
<td>18’</td>
<td>35’</td>
</tr>
<tr>
<td>23’ end unit</td>
<td>23’</td>
<td>40’</td>
</tr>
<tr>
<td>B) Lot Area</td>
<td>2,160 sf</td>
<td></td>
</tr>
<tr>
<td>C) Lot Coverage</td>
<td>70%</td>
<td></td>
</tr>
</tbody>
</table>

Principal Building Requirements

<table>
<thead>
<tr>
<th>Principal Building Requirements</th>
<th>Minimum</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>D) Street Setback</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arterial</td>
<td>10’</td>
<td>20’</td>
</tr>
<tr>
<td>Collector</td>
<td>13’</td>
<td>20’</td>
</tr>
<tr>
<td>Main Street</td>
<td>5’</td>
<td>10’</td>
</tr>
<tr>
<td>Local Street</td>
<td>5’</td>
<td>10’</td>
</tr>
<tr>
<td>E) Interior Side Setback</td>
<td>0’</td>
<td>5’</td>
</tr>
<tr>
<td></td>
<td>5’</td>
<td>10’</td>
</tr>
</tbody>
</table>

F) Rear Setback: 15’

G) Frontage Buildout: 90%*  

H) Building Height: 2 stories 40’

Parking Location: Zone 3

*For sites 100’ in width or less, frontage buildout may be reduced to accommodate a single access drive no more than 20’ wide.

(Ord. No. 5455, 07-21-14; Ord. No. 5522, 07-20-15,  
Ord. No. 5582, 05-16-16; Ord. No. 5719, 06-18-18)
Table 3.4-12 Special Building Type Standards

Small Mixed Use (SMU)

Description: A building containing one or more non-residential uses and which may contain residential dwelling units above the first floor and which is typically but not necessarily attached to another building located on another lot. The Small Mixed Use building type requires three or more contiguous Small Mixed Use lots.

<table>
<thead>
<tr>
<th>Lot Requirements</th>
<th>Minimum</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>A) Lot Width</td>
<td>15’</td>
<td>60’</td>
</tr>
<tr>
<td>B) Lot Area</td>
<td>1,800 sf</td>
<td>7,200 sf</td>
</tr>
<tr>
<td>C) Lot Coverage</td>
<td></td>
<td>100%</td>
</tr>
</tbody>
</table>

**Principal Building Requirements**

<table>
<thead>
<tr>
<th>D) Street Setback</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Arterial</td>
<td>10’</td>
<td>30’</td>
</tr>
<tr>
<td>Collector</td>
<td>0’</td>
<td>20’</td>
</tr>
<tr>
<td>Main Street</td>
<td>0’</td>
<td>10’</td>
</tr>
<tr>
<td>Local Street</td>
<td>5’</td>
<td>20’</td>
</tr>
</tbody>
</table>

E) Interior Side Setback: 0’

F) Rear Setback: 0’ C-6, C-7

G) Frontage Buildout: 70%*

H) Building Height: 36’

Parking Location: Zone 2, 3

* 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.

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

(Ord. No. 5455, 07-21-14)
### Table 3.4-13 Special Building Type Standards

#### Zero Lot Line (ZLL)

Description: A single family detached dwelling with no side yard on one side. The Zero Lot Line building type requires three or more contiguous Zero Lot Line lots. Within single-family zoning sub-districts, the Zero Lot Line (ZLL) special building type may only be established subject to the procedures in Sub-Section 3.4.3.2 and in accordance with the lot and principal building requirements specified below.

<table>
<thead>
<tr>
<th>Lot Requirements</th>
<th>Minimum</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>A) Lot Width</td>
<td>30’</td>
<td>60’</td>
</tr>
<tr>
<td>B) Lot Area</td>
<td>3,000 sf</td>
<td>7,200 sf</td>
</tr>
<tr>
<td>C) Lot Coverage</td>
<td></td>
<td>70%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Principal Building Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>D) Street Setback</td>
</tr>
<tr>
<td>Arterial</td>
</tr>
<tr>
<td>Collector</td>
</tr>
<tr>
<td>Main Street</td>
</tr>
<tr>
<td>Local Street</td>
</tr>
<tr>
<td>E) Interior Side Setback</td>
</tr>
<tr>
<td>One side yard must be 10’ min.</td>
</tr>
<tr>
<td>Opposite side yard may be 0’ with min. 5’ maintenance</td>
</tr>
<tr>
<td>easement on adjacent lot.</td>
</tr>
<tr>
<td>5’ adjacent to detached structure</td>
</tr>
</tbody>
</table>

| F) Rear Setback                                          | 10’     |         |
| G) Frontage Buildout                                     | 60%*    |         |
| H) Building Height                                       |         | 35’     |

Parking Location Zone 3, 4

*For sites 100’ in width or less, frontage buildout may be reduced to accommodate a single access drive no more than 20’ wide.

*(Ord. No. 5455, 07-21-14, Ord. No. 5582, 05-16-16)*
ARTICLE 4: GENERAL SITE DEVELOPMENT STANDARDS

4.1 INTENT AND APPLICABILITY

4.1.1 INTENT

It is the intent of this article to establish minimum standards for the layout and design of development sites to ensure a quality urban form that is compatible with the context. These standards are intended to supplement the development standards set forth in Article 3.

4.1.2 GENERAL APPLICABILITY

a. Except as otherwise provided in this Code, no building, structure, or land located within the city shall hereafter be developed except in conformity with the standards and requirements of this article. Determinations regarding applicability shall be made by the Director of Community Development.

b. Nonconforming Sites Lawfully Existing as of the Effective Date of this Code

1. Except as otherwise specifically provided herein, existing development that does not conform to the standards and requirements of this article shall conform in full or, where site constraints exist, shall conform to the greatest practical extent upon:

   (a) Expansions of principal buildings which exceed 50 percent of the existing square footage of the building, or buildings in the case of a multi-building complex, or

   (b) Building alterations if the aggregate cost exceeds 50 percent of the assessed value of the structure or structures.

2. Except as otherwise specifically provided herein, where an improvement or alteration is proposed to a portion of an existing nonconforming development site, the standards and requirements of this article shall apply only to that portion of the site.

   Example 1: If only a section of a nonconforming fence is replaced, only that section of the fence must meet the standards and requirements for fences.

   Example 2: If only a portion of a nonconforming parking lot is repaved, only that portion must meet the standards and requirements for vehicle use areas.
3. Except as otherwise specifically provided herein, where an improvement or alteration is proposed to an existing development site that eliminates constraints or impediments that had prevented conformity with one or more of the standards and requirements of this article, the standards and requirements thus enabled shall henceforth conform to the greatest practical extent. (Example: If a new conforming access point eliminates the need for a nonconforming access point, the nonconforming access point shall be removed.)

c. Each section of this article contains further applicability provisions which are specific to that set of standards and requirements.

d. If any provision of this article is found to be in conflict with the development standards set forth in Article 3, the adopted Design Guidelines for a Historic District, the conditions of an Special Public Interest District, the conditions of a Planned Unit Development or the conditions of a Conditional Use, the more restrictive shall prevail. (Ord. No. 5455, 07-21-14; Ord. No. 5714, 06-18-18)

4.2 ACCESS MANAGEMENT

4.2.1 INTENT AND APPLICABILITY

4.2.1.1 Intent

The intent of this section is to provide and manage access to properties while preserving the operating efficiency of the roadway system, to improve the safety of motorists and non-motorists, reduce traffic congestion and delay associated with poor access location and design, to coordinate access management with the Florida Department of Transportation (FDOT) and Polk County, and to support a multi-modal transportation system. This section is also intended to help implement the access management policies of the US Highway 98 South Corridor Access Management Plan.

4.2.1.2 Applicability

This section shall apply to all arterial and collector roadways within the city limits, and to all properties that abut or have access to these roadways.

4.2.2 DEFINITIONS

**Access Classification:** A system for assigning the appropriate degree of access control to roadways, based upon roadway function, traffic characteristics, and community development objectives.

**Access Management:** The process of providing and managing access to land development, while preserving the safety and efficiency of travel on the surrounding roadway system.
**Arterial Roadways**: Routes that provide service that is relatively continuous and of relatively high traffic volume, long average trip length, high operating speed, and high mobility importance. In addition, every United States numbered highway is an arterial road. Arterial roadways are given the highest capacities since they are designed to carry the greatest amount of through-traffic while generally providing a lower amount of access to adjacent land uses.

**Central City Transit Supportive Area (CCTSA)**: Area within which roadway levels-of-service are less stringent due to the presence of a traditional street grid network, extensive bicycle and pedestrian networks and transit services and facilities.

**Collector Roadways**: Routes which provide service which is of moderately average traffic volume, moderately average trip length, and moderately average operating speed. Such a route also collects and distributes traffic between local roads or arterial roads and serves as a linkage between land access and mobility needs.

**Connection**: A driveway, street, turnout, or other means of providing for the right of vehicle access to or from transportation facilities. For the purpose of this section, two one-way connections to a property may constitute a single connection.

**Corner Clearance**: The distance from an intersection of a public or private road to the nearest connection along the public roadway. The distance is measured from the closest edge of pavement of the intersecting road to the closest edge of the pavement of the connection. The projected future edge of pavement of the intersecting road should be used, where available. (See Figure 4.2-1)

**Cross Access**: An easement or service drive providing vehicular access between two or more contiguous sites.

**Directional Median Opening**: An opening in a restrictive median that provides for specific traffic movements and physically restricts other movements.

**Edge of Pavement**: The physical existing edge of a paved road or the future edge. Future edge shall be used for the measurement where the associated capacity improvements are within an adopted five year capital improvements program or within the Polk Long Range Transportation Plan short term, financially feasible work program.

**Full Median Opening**: An opening in a restrictive median designed to allow all turning movements to take place from the public road system and the adjacent connection, and which therefore is intended for signalization.

**Functional Area (of an intersection)**: That area beyond the physical intersection of two roadways that comprises decision and maneuver distance, plus any required vehicle storage length, and is protected through corner clearance standards and connection spacing standards.

**Functional Classification**: A system used to group public roadways into classes according to their purpose in moving vehicles and providing access.
Joint Access (or Shared Access): A driveway connecting two or more contiguous sites to the public street system.

Local Roads: Routes providing service that is of relatively low average traffic volume, short average trip length or minimal through-traffic movements, and high land access for abutting property. Local roads provide the greatest amount of access to adjacent properties and have the lowest vehicle capacities.

Lot Frontage: The linear portion of property that directly abuts a roadway.

Minimum Connection Spacing: The minimum allowable distance between conforming connections, measured from the closest edge of the pavement of the first connection to the closest edge of the pavement of the second connection along the edge of the traveled way.

Minimum Median Opening Spacing: The minimum allowable spacing between openings in a restrictive median to allow for crossing the opposite traffic lanes to access property or for crossing the median to travel in the opposite direction (U-turn). The minimum spacing or distance is measured from centerline to centerline of the openings along the traveled way.

Minimum Signal Spacing: The minimum spacing or distance between adjacent traffic signals on a public roadway measured from centerline to centerline of the signalized intersections along the traveled way.

Multi-Modal Transportation Level of Service: Refers to minimum level of service standards for roadways outlined in the Comprehensive Plan, in the Transportation Element, whereby the standards will vary based upon transit service frequency, bicycle amenities and pedestrian facilities.

M-3 Level of Service District: The geographic area, adopted in the Comprehensive Plan, which provides a multi-modal level of service standard for transportation facilities. The M-3 District is where the local bicycle-accommodated bus system provides service at least every 30 minutes and where there is a substantial sidewalk system present within ¼ mile of those 30 minute routes.

Non-Restrictive Median: A median or painted centerline that does not provide a physical barrier between center traffic turning lanes or traffic lanes traveling in opposite directions. This includes highways with continuous center turn lanes and undivided highways.

Outparcel: A lot identified on a site plan or subdivision plan that is owned by a party other than the primary owner of the parent property, and is intended to be developed separately from the parent property and/or is intended to be developed for a different use (e.g. a non-residential use vs. residential use).
**Peak Hour:** The highest hour of vehicular traffic volume on the adjacent public street network as measured for the city’s level of service standards for transportation. In some instances, the peak hour of the development is evaluated for access management purposes when the project could create an operational or safety problem on the public road network during an off-peak time for adjacent street traffic.

**Reasonable Access:** The minimum number of connections, direct or indirect, necessary to provide safe ingress and egress to the public road system based on the access management classification (if any), the proposed connection(s) and projected roadway traffic volumes, posted speeds, and the type and intensity of the land use.

**Restrictive Median:** The portion of a divided highway physically separating vehicular traffic traveling opposite directions. Restrictive medians include physical barriers that restrict movement of traffic across the median such as a concrete barrier, a raised concrete curb and/or island, and a grass or a swaled median.

**Service Road:** A public or private street or road, auxiliary to a controlled access facility, which has as its purpose the maintenance of local road continuity and provision of access to parcels adjacent to the controlled access facility.

**Stub-Out (Stub Street):** A portion of a street or cross access drive used as an extension to an abutting property that may be developed in the future.

**Throat Length:** The distance parallel to the centerline of a driveway to the first on-site location at which a driver can make a right turn or a left turn. On roadways with curb and gutter, the throat length shall be measured from the face of the curb to the end of the physical barrier. On roadways without a curb and gutter, the throat length shall be measured from the edge of the paved shoulder to the end of the physical barrier.

**Transit Oriented Corridors (TOC):** See definition in Article 1.

### 4.2.3 CONNECTION LOCATION STANDARDS

#### 4.2.3.1 Connection Spacing

a. Roadways classified under the State Access Classification System shall, at a minimum, meet FDOT Access Management Standards for the roadway as prescribed by Florida Statutes and Florida Administrative Code, unless waived by the FDOT. Driveway connections within the US Highway 98 South corridor must meet the FDOT adopted spacing criteria as outlined in the US Highway 98 South Corridor Access Management Plan. Any existing substandard connections within the US Highway 98 South corridor shall be removed at the time of re-development where alternate access to the property exists or is feasible.

b. Roadways operated/maintained by Polk County shall, at a minimum, meet the standards that are outlined in the Polk County Land Development Code, unless waived by the County.
c. Separation between access connections on all collector and arterial roadways under the jurisdiction of the City of Lakeland shall meet the minimum connection requirements set forth in Table 4.2-1.

**Table 4.2-1 Minimum Connection Spacing Standards**

<table>
<thead>
<tr>
<th>Posted Speed Limit</th>
<th>Arterial</th>
<th>Collector</th>
</tr>
</thead>
<tbody>
<tr>
<td>35 mph</td>
<td>245’</td>
<td>125’</td>
</tr>
<tr>
<td>40 to 45 mph</td>
<td>440’</td>
<td>245’</td>
</tr>
<tr>
<td>&gt; 45 mph</td>
<td>660’</td>
<td>440’</td>
</tr>
</tbody>
</table>

d. Connection spacing shall be measured from the closest edge of the pavement of one connection to the next closest edge of the pavement of the next connection. (See Figure 4.2-1)

**Figure 4.2-1 Corner Clearance and Connection Spacing**

e. The minimum lot frontage for all newly created lots on public arterial or collector roadways shall not be less than the applicable minimum connection spacing standards of this section, unless the property is served by an internal road system.

f. Existing individual or assembled lots with less than the required frontage may be permitted individual access where the Director of Public Works determines joint or cross access is infeasible.

g. Adjacent properties under the same ownership shall be considered as a single property for application of connection spacing or for connection permits.

h. Applications for multiple connections for a single development shall conform to the spacing standards of this section. Multiple connections shall be considered by the Director of Public Works for approval based on the following criteria:
1. Separation of standard vehicles from heavy trucks or emergency vehicles;

2. Two one-way connections that in combination serve ingress and egress to the development;

3. Multiple connections enhance the safety of the abutting roadway and improve the on-site traffic circulation.

i. To reduce turning movement conflicts, connections on undivided arterial and collector roadways should be aligned with those connections across the roadway. If such alignment is not possible, connections on opposite sides of the undivided roadway shall be designed to meet the standards shown in Table 4.2-2 to ensure safety in traffic and turning movements.

<table>
<thead>
<tr>
<th>Posted Speed</th>
<th>Minimum Offset</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt; 35 mph</td>
<td>125’</td>
</tr>
<tr>
<td>35 to 40 mph</td>
<td>450’</td>
</tr>
<tr>
<td>&gt; 40 mph</td>
<td>600’</td>
</tr>
</tbody>
</table>

4.2.3.2 Connections at Intersections

a. General

1. New connections shall not be permitted within the functional area of an intersection, as illustrated in Figure 4.2-2, unless:

   (a) No other reasonable access to the property is available, and

   (b) The connection does not create a potential safety or operational problem as determined by the Director of Public Works, and

   (c) A condition is included in the permit that the applicant shall agree to close the access if and when alternative access becomes available that is more consistent with the corner clearance standards for the abutting roadways.
2. Where no other alternatives exist, construction of an access connection may be allowed along the property line farthest from the functional area of the roadway intersection as a non-conforming access. Property access will be restricted to the roadway with the lower functional classification and shall be closed within six months of when any conforming access becomes available.

b. Limited Access Interchange Areas

1. Connections and median openings on arterial and collector roadways located up to 1,320 feet (1/4 mile) from an interchange area or up to the first intersection, whichever distance is less, shall be regulated to protect the safety and operational efficiency of the limited access facility and the interchange area. (See Figure 4.2-3)
2. The minimum distance to the first connection from the terminus of the exit ramp shall be at least 660 feet (1/8 mile). (See Figure 4.2-3)

3. The city may require the use of service roads for direct access to property within the area abutting freeway interchanges. These roads shall be designed to connect to more than one other roadway, wherever feasible, to enhance the overall accessibility of interchange development to the surrounding area.

4. The minimum distance to the first full median opening shall meet FDOT connection spacing standards.

4.2.3.3 Connection to Lower Classification Roadway

a. Where property is served by roads of different functional classifications, the City may require development to provide primary access on the road with the lower functional classification in order to minimize access and traffic congestion on the primary roadway.

(Ord. No. 5455, 07-21-14)

b. Access to through lots shall be required on the street with the lower functional classification. (See Figure 4.2-4) Access onto the higher functional classification roadway may be approved by the Director of Public Works.

Figure 4.2-4 Double Frontage Lot Access

4.2.3.4 Service Roads

a. Service roads and/or shared access roads may be required on roadways operating below acceptable level-of-service standards to help mitigate the adverse impact of access on roadway safety and efficiency for concurrency purposes.
b. Parcels that abut service roads must provide a primary connection to the service road. Secondary driveways to the public road system shall be prohibited. In instances where a connection cannot be made to a service road (for example, the planned service road has not yet been constructed to the subject property), a temporary connection to the public road system may be granted by the proper permitting authority (City, County or State). This temporary connection must be removed within six months from the time that a service road is constructed to or adjacent to the subject property.

c. Service roads shall not access any roadway within the functional area of an existing intersection and shall not create a new access point that violates the connection spacing criteria in this section.

d. All service roads shall be constructed to public street standards.

4.2.3.5 Cross Access and Joint Access

a. If the connection spacing standards of this section cannot be achieved, then joint use connections and/or cross access easements shall be required.

b. Applicants for all non-residential developments may be required to use cross access easements and joint use connections to connect adjacent properties in order to reduce curb cuts, to increase the area for parking and landscaping, and to preserve the capacity and safety of the roadway system.

c. Property owners utilizing joint and/or cross access shall record with the Polk County Clerk of Court:

   1. An easement allowing cross access to and from the adjacent properties;

   2. A joint maintenance agreement defining maintenance responsibility of property owners that share the joint use connection and cross access system.

d. Property owners that provide for joint and cross access may be granted a temporary connection permit, where necessary, to provide reasonable access until such time as the joint use connection and cross access connections are provided with adjacent properties.

e. Within six months after construction of a joint use or cross access connection, property owners utilizing such access shall close and remove any existing temporary connections provided for access in the interim.

f. Development may be required to construct a paved stub-out to the property line in anticipation of a future cross access connection. (See Figure 4.2-5)
Article 4: General Site Development Standards

Figure 4.2-5 Cross Access Stub-Outs

The design of the cross access corridor or joint connection including driveway apron shall conform to the Engineering Standards. The design shall ensure efficient and safe vehicular operation and pedestrian movements for internal traffic circulation and for traffic mobility on the adjacent roadway.

Cross access easements are not intended to be publicly maintained.

Properties that provide for joint use driveways under this section shall be eligible for a reduction in the number of required off-street parking spaces of up to 15 percent, subject to review and approval of the Director of Community Development.

4.2.3.6 Unified Access

In the interest of promoting unified access and circulation systems, development sites under the same ownership or consolidated for the purposes of development and comprised of more than one building site shall be considered unified parcels for purposes of this section. This shall also apply to phased development plans and master developments such as Planned Unit Developments that contain a mix of land uses. Accordingly, the following requirements shall apply:

1. The number of connections permitted shall be the minimum number necessary to provide reasonable access to the overall site and not the maximum available for that frontage.

2. All easements and agreements required under Sub-Section 4.2.3.5 shall be provided.

3. Access to outparcels shall be internalized using the shared circulation system. (See Figure 4.2-6) Internal connections (vehicular and non-vehicular) shall be
made between different land uses within a master or planned development. The shared internal circulation system shall be designed to avoid excessive movement across parking aisles or queuing across surrounding parking and driving aisles and shall encourage pedestrian and bicyclist safety.

**Figure 4.2-6 Internalized Access to Out-Parcels**

![Diagram of internalized access to out-parcels]

b. Where abutting properties are in different ownership and not part of an overall development plan, cooperation among the various owners in development of a unified access and circulation system is encouraged; this includes pedestrian connections. Such coordinated access may qualify for impact fee credits where it in effect creates a reliever road system and provides at least two points of connection to the public road network. Only the building sites under consideration for development approval shall be subject to the requirements of this section. Abutting properties shall not be required to provide unified access and circulation until they are developed or are redeveloped.

c. Access to an outparcel shall be appropriately designed and marked with pavement markings, signage, and similar appropriate guidance to maximize the efficiency of the internal traffic circulation.

d. An adequately demarcated pedestrian pathway shall provide a safe route for pedestrians between the outparcel and the primary development.
e. Outparcels for land uses with connection volumes exceeding 100 peak hour trips may be considered for a single right-in access point. This access shall not be within the functional area of an existing intersection. The Director of Public Works shall determine whether or not the proposed right-in access point is appropriate, based upon the roadway characteristics, relevant traffic data, and the existing and proposed land uses.

4.2.4 CORRIDOR MANAGEMENT FOR “TYPE I” ROADWAYS

4.2.4.1 General

a. The Comprehensive Plan identifies “Type I” roadways that are of particular significance for freight movement and high capacity connectivity to Lakeland’s urban core. Type I roadways include: US 98, County Line Road, SR 548 (George Jenkins Boulevard from Sloan to US 98), SR 563 (Harden Boulevard from Ariana to SR 570/Polk Parkway), State Road 33 (north of Granada Street), West Pipkin Road (west of Old Highway 37 to County Line Road) and SR 546 (Memorial Boulevard between US 92/Wabash Avenue and Interstate 4).

b. To minimize local traffic and improve corridor efficiency and safety, access to development sites on Type I roadways shall be controlled and cross-access and/or service roads to adjacent properties and improvements to adjacent corridors shall be required.

c. Access from development sites to County Line Road shall be restricted to the minimum amount necessary to provide safe ingress/egress. Driveway connections shall be coordinated with Polk County as the permitting agency.

4.2.5 CONNECTION DESIGN STANDARDS

4.2.5.1 General

a. Connections shall not be designed to require vehicles to back out directly onto the abutting roadway except for driveways serving single family detached or two-family dwellings on individual lots.

b. Where the roadway is undivided or where there is no signal control, and when existing or projected connection volumes exceed 75 vehicles in the peak hour or 500 vehicles per day, a 3-lane connection typical section may be required. (See Figure 4.2-7)
Article 4: General Site Development Standards

Figure 4.2-7 Large Volume Connection Diagram

When driveway volumes exceed 500 per day or 75 peak hour
a three-lane cross-section should be considered

Figure 4.2-8 Traffic Separators

Traffic Separator          Channel Island

4.2.5.2 Throat Length

a. The minimum throat length for unsignalized driveway connections to arterial and collector roadways shall, at a minimum, meet the following standards shown in Table 4.2-3 and Figure 4.2-9. However, deviations may be allowed by the Director of Public Works for all constrained development sites on a Transit Oriented Corridor or within the Central City Transit Supportive Area.

c. Where there is no traffic signal, raised traffic separators may be required when connection volumes exceed 200 vehicles in the peak hour or 1,000 vehicles per day. Channelization islands shall conform to appropriate City, County or State design standards and shall be reviewed by the Director of Public Works. (See Figure 4.2-8) Small “pork chop” raised islands are not an appropriate design alternative.
Table 4.2-3 Connection Throat Length – Unsignalized

<table>
<thead>
<tr>
<th>Connection Peak Hour Volume</th>
<th>Throat Length</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 25</td>
<td>25’/30’</td>
</tr>
<tr>
<td>26 to 50</td>
<td>40’/55’</td>
</tr>
<tr>
<td>51 to 99</td>
<td>75’/100’</td>
</tr>
<tr>
<td>100 or more</td>
<td>150’/200’</td>
</tr>
</tbody>
</table>

b. Connection throat lengths for signalized driveways shall meet the minimum standards shown in Table 4.2-4. (See also Figure 4.2-9) Deviations shall be allowed by the Director of Public Works for all sites within the M-3 Level of Service District.

Table 4.2-4 Connection Throat Length – Signalized

<table>
<thead>
<tr>
<th>Number of Exit Lanes (left, through, right)</th>
<th>Throat Length</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>75’</td>
</tr>
<tr>
<td>3</td>
<td>200’</td>
</tr>
<tr>
<td>4</td>
<td>300’</td>
</tr>
</tbody>
</table>

Figure 4.2-9 Throat Length
4.2.5.3 Turn Lanes

a. Exclusive turn lanes for connections required on divided or undivided arterials or collector roadways shall not violate any spacing standards that have been established by City, County or State. Exclusive left turn lanes if the following conditions are met:

1. Posted roadway speed limit 35 mph or more and 40 or more existing and/or projected left turns in the peak hour.

b. Exclusive right turn lanes for connections may be required if any of the following conditions are met:

1. Posted roadway speed limit equal to or greater than 45 mph and 50 or more right turns in the peak hour, or

2. Posted roadway speed limit less than 45 mph and 80 or more right turns in the peak hour.

c. The left turn storage lengths and deceleration lengths are required in accordance with the FDOT Plans Preparation Manual.

d. Queue (storage) and taper plus deceleration lane lengths for right turn lanes shall, at a minimum, meet the standards set forth in Table 4.2-5. (See also Figure 4.2-11)
### Table 4.2-5 Right Turn Lane Taper and Storage

<table>
<thead>
<tr>
<th>Posted Speed</th>
<th>Taper &amp; Decel Length (TL)</th>
<th>Storage Lane Length (SL)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Stop Condition</td>
</tr>
<tr>
<td>35 mph</td>
<td>145’</td>
<td>105’</td>
</tr>
<tr>
<td>40 mph</td>
<td>155’</td>
<td>135’</td>
</tr>
<tr>
<td>45 mph</td>
<td>185’</td>
<td>165’</td>
</tr>
<tr>
<td>50 mph</td>
<td>240’</td>
<td>195’</td>
</tr>
<tr>
<td>55 mph or greater</td>
<td>385’</td>
<td>210’</td>
</tr>
</tbody>
</table>

**Figure 4.2-11 Right Turn Storage and Taper Lanes**

- Continuous right turn lanes shall be prohibited.
- Turn lane warrant requirements may be modified for a development based on factors including but not limited to higher peak period traffic volumes, higher operating speeds, localized roadway congestion, pedestrian volume, crash experience (especially rear-end crashes) and facilities that have a larger number of heavy trucks or similar vehicles. Modifications to requirements shall be supported by traffic operations data and approved by the Director of Public Works.

### 4.2.6 INTERNAL SITE CIRCULATION

- For non-residential developments that are projected to generate 300 or more total peak hour trips and that are located along a roadway that has public transit service, the following internal traffic circulation features shall be included in the development plans. These features are in addition to other site plan requirements in the Land Development Regulations.
1. Internal service roads to serve as internal collectors and which can accommodate transit vehicles shall be defined through the use of pavement markings/striping and if possible via physical delineation techniques such as curbing of landscaped areas in the parking lot. (See Figure 4.2-10)

Figure 4.2-12 Service Road

2. Coordination with the local transit system and Director of Public Works or their designee(s) regarding the feasibility of a transit circulation route that allows for a transit stop within the site and near or along the front of the principal building(s).

(Ord. No. 5455, 07-21-14)

3. Separation of heavy trucks routed to the side or rear of the principal building(s) including use of appropriate directional signage, as necessary.

b. Non-residential developments that are adjacent to a public sidewalk and projected to generate less than 300 peak hour trips shall provide an adequately marked pedestrian pathway between the building entrance and the adjacent sidewalk. For projects located on corner parcels fronting more than one public street with a sidewalk, the number of dedicated pedestrian pathways shall correspond to the number of project driveways onto the public street system, with a maximum of one such connection per frontage. Additional connections may be required for large retail and employment center projects, including those within Developments of Regional Impact or Planned Unit Developments. (See Figure 4.2-13) Marking for the pedestrian pathway may include pavement striping, landscaping, bollards, or similar markings and appropriate directional signage, as needed.
c. Residential developments shall provide internal Americans with Disabilities Act (ADA)-compliant pedestrian connectivity within the development with special emphasis on access to on-site recreational amenities, trails, clubhouses and open spaces.

d. The internal road networks for new or redevelopment plans shall include, at minimum, a mainline internal roadway that maximizes on-site connectivity and shall also include, wherever possible, a system of internal grid or modified grid connections throughout the plan. This provision shall not be interpreted to prevent all use of the cul-de-sac but shall promote internal connections for vehicular traffic to the degree such is reasonable and possible. Where cul-de-sacs or other street terminations are used, sidewalk extensions or other such pathway connections to adjacent streets may be required to maintain or enhance overall network connectivity.

e. Developments with drive-through facilities shall have adequate space to store the projected peak demand of vehicles off the public rights-of-way and off public and private streets. The minimum vehicle queue storage lengths for developments with drive-through facilities that have direct access to arterial or collector roadways shall, at a minimum, meet the standards set forth in Table 4.2-6.
### Table 4.2-6 Drive-Through Queues

<table>
<thead>
<tr>
<th>Development</th>
<th>Queue length</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fast-food</td>
<td>200’</td>
</tr>
<tr>
<td>Bank</td>
<td>150’</td>
</tr>
<tr>
<td>Day care</td>
<td>200’</td>
</tr>
<tr>
<td>Pharmacy</td>
<td>100’</td>
</tr>
</tbody>
</table>

Note: The length of multiple queue lanes, such as at a bank, may be added together to meet the total required queue length.

#### 4.2.7 DEVIATION FROM CONNECTION STANDARDS

a. Meeting the standards of this section may not always be possible. Therefore, the following process is available to evaluate requested deviations from the standards of this section. In all cases, however, safety for the driving public and pedestrians shall be the primary consideration.

b. The Director of Public Works may make a determination to modify or waive the requirements of **Sub-Section 4.2.3.5** (Cross Access and Joint Access) where the characteristics of abutting parcels would make adherence to the standards infeasible. This determination shall be made in consultation with the Director of Community Development.

c. Deviations of up to 10 percent of the connection standards in this section or deviations of up to 100 feet, whichever is less, are considered Minor Deviations. The Director of Public Works may grant such deviations based on roadway characteristics, land use, traffic operations, and safety.

d. Except where otherwise provided for in this section for determination by the Director of Public Works, other requests for deviations are considered Major Deviations and shall be considered by the Zoning Board of Adjustment and Appeals (ZBAA) in accordance with the standards for variances contained in **Article 12**.

e. In addition to the general requirements for a variance contained in **Article 12**, the applicant for a variance (major deviation) from the terms of this section shall provide adequate data and analysis to the Director of Public Works to demonstrate how the proposed alternate access management and/or site circulation plan is equal to or better than the relevant required access management and internal circulation provisions of this section. A staff report and recommendation from the Director of Public Works, prepared in consultation with the Director of Community Development, shall accompany the major deviation request to the ZBAA. Applicants for major deviations from access spacing standards shall submit an access management plan to the Director of Public Works as follows:

1. Encompasses a study area that includes the length of the property frontage on all abutting roadways, plus the distance established by access spacing standards on either side of the property lines, and the corresponding area on
the opposite side of undivided roadways or divided roadways where a median opening is present.

2. Addresses existing and future access for study area properties.

3. Evaluates impacts of the proposed plan versus impacts of adherence to adopted standards.

4. Includes all improvements and recommendations necessary to implement the proposed plan.

4.3  ACCESSORY STRUCTURES

4.3.1  GENERAL

a. Certain accessory structures are permitted in addition to principal structures in accordance with all standards of the context sub-district in which they are located and the procedures and standards of this section.

b. Accessory structures shall be clearly incidental and subordinate to the principal structure and located in a district that allows the principal use.

c. No accessory structure shall be constructed prior to the construction of a principal structure.

d. Accessory structures shall be located on the same lot or parcel as the principal structure.  
(Ord. No. 5455, 07-21-14)

e. Vehicles and trailers including overseas shipping containers are prohibited as storage buildings except as provided in Sub-Section 2.6.5 (Temporary Uses Listed and Defined) and Sub-Section 5.17.3.3 (Construction and Storage Trailers Permitted and Regulated).  
(Ord. No. 5455, 07-21-14)

4.3.2  ACCESSORY DWELLING UNITS

4.3.2.1 General Standards

a. Subject to the following standards and procedures, accessory dwelling units shall be permitted in urban contexts where any legally-conforming single-family detached dwelling unit is the principal structure on, or under construction on, the same lot or parcel. Accessory dwelling units shall also be permitted where specifically allowed as part of a residential Planned Unit Development or Special Public Interest District.  
(Ord. No. 5455, 07-21-14)

b. Only one accessory dwelling unit shall be permitted per lot or parcel and the lot or parcel shall have a minimum area of 5,000 square feet.
c. Accessory dwelling units may be constructed over a garage in accordance with Table 4.3-1.

d. Either the principal dwelling unit or the accessory dwelling unit shall be the legal residence of the property owner.

e. Accessory dwelling units shall have a separate street address from the principal dwelling.

f. Electric service to accessory dwelling units shall be by a feed from the principal dwelling. Accessory dwelling units shall not have a separate electric meter from the principal dwelling.

g. Accessory dwelling units shall not be sold separately from the principal dwelling.

h. Where a lot or parcel is non-conforming by virtue of containing two legally established dwelling units in a single family zoning district, one of the two units may be converted to an accessory dwelling unit, provided that it meets all of the requirements of this section.

4.3.2.2 Design Standards

a. Accessory dwelling units shall be detached from the principal dwelling and shall be located in rear yards or interior side yards in accordance with the following standards.

<table>
<thead>
<tr>
<th>Table 4.3-1 Accessory Dwelling Unit Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>A) Min. Front Setback</td>
</tr>
<tr>
<td>B) Min. Interior Side Setback</td>
</tr>
<tr>
<td>C) Min. Rear Setback</td>
</tr>
<tr>
<td>D) Min. Street Side Setback</td>
</tr>
<tr>
<td>E) Max. Height</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>F) Min. Separation Between Structures</td>
</tr>
<tr>
<td>G) Min. Living Area</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

1Subject to applicable building codes, the side yard setback may be 0’ on one side property line if the adjacent parcel consists of a Sideyard building type with a 10’ minimum separation between structures on the adjacent lot; else minimum setback as specified for context sub-district
b. Vehicle access to the accessory dwelling unit shall be from an alley, from the side street of a corner lot, or from a shared driveway connection to the street.

c. A minimum of one off-street parking space shall be provided for the accessory dwelling unit in addition to off-street spaces required for the principal dwelling. Tandem parking in driveways is permitted.

d. The design and exterior treatment of accessory dwelling units shall be architecturally compatible with the principal dwelling as determined by the Planning and Zoning Board or by the Historic Preservation Board, if located in a designated historic district.

e. The sides of accessory dwelling units facing abutting residential property shall be designed to protect the privacy of neighbors. This may include no windows or privacy windows on the abutting side and may include fencing and/or landscaping to provide screening.

4.3.2.3 Procedure for Establishment

a. For proposed accessory dwelling units not in designated historic districts, the applicant shall submit to the Planning and Zoning Board a site development plan showing site layout with respect to the principal dwelling, vehicle access and other appropriate site features, and elevations or other architectural drawings showing the proposed exterior treatment. The Board shall make determinations regarding d. 1 through 5 below.

b. For proposed accessory dwelling units in designated historic districts, the applicant shall submit to the Planning and Zoning Board a site development plan showing site layout with respect to the principal dwelling, vehicle access and other appropriate site features. The Planning and Zoning Board shall make determinations regarding d. 3, 4 and 5 below. If approved by the Planning and Zoning Board, the applicant shall then apply to the Historic Preservation Board for a Certificate of Review/Appropriateness. The Historic Preservation Board shall make determinations regarding the criteria outlined in d. 1 and 2 below.

c. The Planning and Zoning Board shall notify the owners of record of properties abutting or across the street from the lot or parcel on which the accessory dwelling unit is proposed and shall conduct a public hearing on the matter at a regular meeting.

d. In making its determination, the Board (or Boards) shall find that:

1. The exterior design is architecturally compatible with the principal dwelling with respect to building form, height, materials, colors and landscaping. If located in a historic district, the Historic Preservation Board shall make this determination with specific reference to the design guidelines for the historic district in which the accessory dwelling unit is to be located.
2. The exterior design is in harmony with and maintains the scale of the neighborhood. If located in a historic district, the Historic Preservation Board shall make this determination with specific reference to the design guidelines for the historic district in which the accessory dwelling unit is to be located.

3. The accessory unit does not result in excessive noise, traffic, or parking congestion.

4. There is adequate open space for both the principal and accessory units and, to the extent feasible, significant trees are retained.

5. The accessory unit does not significantly impact the privacy, light, air, or parking of adjacent properties.

e. The Planning and Zoning Board may impose any conditions or limitations upon the establishment, location, construction, maintenance or operation of the accessory dwelling unit which in its judgment may reasonably be necessary to prevent the use from being detrimental to other permitted land uses and for the protection of the public interest and welfare. Conditions and requirements stated as part of the approval shall be a continuing obligation of holders of approval.

Figure 4.3-1 Accessory Dwelling Unit/General Accessory Structure

4.3.3 SCREEN ENCLOSURES

Screen enclosures, including unroofed screen rooms and swimming pool cages, shall be located only in rear yards or interior side yards in accordance with Table 4.3-2. For context sub-districts not listed in the table, screen enclosures shall be permitted in rear yards or interior side yards in accordance with the principal building envelope standards of the context sub-district.
4.3.4 SWIMMING POOLS

Swimming pools including above-ground and in-ground swimming pools, spas and hot tubs shall be located only in rear yards or interior side yards in accordance with Table 4.3-3. In-ground swimming pools, spas and hot tubs may also be located in front yards or street side yards in accordance with the principal building envelope standards. For context sub-districts not listed in the table, above-ground and in-ground swimming pools, spas and hot tubs shall be permitted in rear yards or interior side yards in accordance with the principal building envelope standards of the context sub-district.
Table 4.3-3 Swimming Pool Standards

<table>
<thead>
<tr>
<th></th>
<th>Urban (RA-1, RA-2)</th>
<th>Suburban (RA-3, RA-4, RB-1, RB-2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A) Min. Street Setback</td>
<td>20’</td>
<td>15’</td>
</tr>
<tr>
<td>B) Min. Interior Side Setback</td>
<td>10’</td>
<td>5’</td>
</tr>
<tr>
<td>C) Min. Rear Setback</td>
<td>10’</td>
<td>5’</td>
</tr>
</tbody>
</table>

All setbacks are measured from water’s edge of swimming pool.

4.3.5 GENERAL ACCESSORY STRUCTURES

All other accessory structures not specifically listed in this section shall be classified as general accessory structures and shall be located in accordance with the Table 4.3-4. (See Section 6.4 for regulations governing docks, boat houses and other water access structures.)

4.3.6 TENTS

Tents may be erected as temporary accessory structures subject to the following:
4.3.6.1 General Standards Applicable to All Tents

a. The use of tents shall be consistent with the uses permitted in the underlying zoning district.

b. Tents shall be located in accordance with the minimum setback requirements for principal buildings specified by the applicable context sub-district.

c. Tents shall not block emergency vehicle lanes, handicap parking spaces, driveways or travel aisles within vehicle use areas.

d. In the event of a severe weather forecast, such as a tropical storm or hurricane, tents shall be taken down at least 24 hours in advance.

e. Tents shall not be used for storage purposes.

f. No signage or advertising shall be placed on the tent.

g. Structures intended for use for a period of 180 days or longer shall be considered permanent structures and may only be installed in accordance with an approved building permit and all current fire, building and zoning codes.

4.3.6.2 Tents as Temporary Accessory Structures for Temporary Uses and Short-Term Events of Limited Duration (Transient Merchants and Special Events)

a. Unless otherwise provided for in this Sub-section, tents may be erected as accessory structures for temporary uses as defined by this code and for short-term special events for a period not to exceed 15 consecutive calendar days of total duration.

b. At the end of the 15 day period or upon the conclusion of the event, whichever occurs sooner, all tents must be removed from the site for a minimum of 60 days prior to erecting another tent.

4.3.6.3 Tents as Temporary Accessory Structures for Permitted Principal Uses

a. Tents may be erected as temporary accessory structures for a permitted principal uses as allowed by the underlying zoning district or through a conditional use.

b. Tents may be used as temporary accessory structures for more than 90 total cumulative days within any 12 month time period. This period may be extended at the discretion of the Director of Community Development provided that such an extension does not have negative impacts on the subject or neighboring properties, as determined by the criteria below, and the tent is in compliance with all other standards set forth herein.

c. Criteria for approval of an extension shall include, but not be limited to:
1. Times of activity;

2. Compatibility with adjacent uses; and

3. Any environmental impacts generated by the use such as motor vehicle traffic, noise, glare, vibrations, and any odors, air pollution or emissions.

4.3.6.4 Permit Procedures

a. All tents greater than 120 square feet in area shall require an approved building permit issued by the Building Inspection Division. Once installed, tents may not be relocated unless a new permit is issued.

b. All electrical, mechanical or plumbing work performed shall be done in accordance with an approved permit issued by the Building Inspection Division.

c. Tents greater than 900 square feet in area are subject to the Florida Fire Prevention Code and shall require a separate assembly permit issued by the Lakeland Fire Department.

d. Following installation, tents shall be maintained in good condition, free from excessive wear and tear, for the duration of the permit.

4.3.6.5 Required Documentation for Tent Permits

a. A site plan which shows the tent location and the distance from property lines and structures;

b. Information specifying the means of egress and occupant load.

4.3.7 Above-ground Tanks

Above-ground tanks used for the storage of combustible liquids are permitted as an accessory use within all zoning districts, subject to the requirements specified below. Above-ground storage tanks as a principal use shall only be permitted within I-2 and I-3 zoning districts. In the event that any of these requirements conflict with the Florida Building Code or the Florida Fire Prevention Code, the more restrictive requirement shall apply.

4.3.7.1 Above-ground Tanks Accessory to Residential Uses

a. For single-family and two-family residential uses, above-ground tanks shall be limited to a maximum capacity, whether a single take or in aggregate, of no more than five hundred fifty (550) gallons.

b. For multi-family dwellings, mobile home and recreational vehicle parks, above-ground tanks shall comply with the capacities stipulated in the Florida Building Code and the Florida Fire Prevention Code.
c. Above-ground tanks shall be placed in rear or interior side yards only, with a minimum setback of five (5) feet from any property line.

4.3.7.2 Above-ground Tanks Accessory to Non-Residential Uses

a. Above-ground tanks shall comply with the capacities stipulated in the Florida Building Code and the Florida Fire Prevention Code.

b. Above-ground tanks shall only be located in interior side and rear yards which do not abut a residential zoning district with a minimum setback of ten (10) feet from any property line.

c. When visible from any public or private street, above-ground tanks shall be completely screened from view through the use of a view blockage fence or wall.  
(Ord. No. 5578, 05-16-16; Ord. No. 5722, 06-18-18)

<table>
<thead>
<tr>
<th>Table 4.3-4 General Accessory Structure Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A) Min. Front Setback</strong>&lt;sup&gt;1&lt;/sup&gt;</td>
</tr>
<tr>
<td><strong>B) Min. Interior Side Setback</strong>&lt;sup&gt;1&lt;/sup&gt;</td>
</tr>
<tr>
<td><strong>C) Min. Rear Setback</strong>&lt;sup&gt;1&lt;/sup&gt;</td>
</tr>
<tr>
<td><strong>D) Min. Street Side Setback</strong>&lt;sup&gt;1&lt;/sup&gt;</td>
</tr>
<tr>
<td><strong>E) Max. Height</strong></td>
</tr>
<tr>
<td><strong>F) Min. Separation Between Structures</strong></td>
</tr>
</tbody>
</table>

1 3’ interior side and rear yard setback for accessory equipment such as air conditioners, heaters, pumps, swimming pool filters and emergency generators. This setback may be reduced to 2’ when such equipment is placed in the interior side yard of a principal building.

Unroofed gazebos and pergolas not exceeding 36 sf or 8’ in height may be located in any required setback area with a minimum setback of 3’ from any parcel boundary. Larger or roofed gazebos and pergolas shall be located in accordance with this table.  
(Ord. No. 5455, 07-21-14; Ord. No. 5611, 12-20-16)
4.4 FENCES AND WALLS

4.4.1 GENERAL

a. For purposes of this section, fences and walls shall mean free-standing fences and walls that are not structural elements of a building.

b. Fences and walls, whether required or optional, shall be constructed of the following types of materials.

1. Chain link or ornamental wire manufactured for fences with uniformly spaced metal or wood posts; or
2. Ornamental wrought iron, aluminum, or plastics manufactured for fences; or
3. Treated or finished wood or wood units of uniform size; or
4. Brick, stone, split block, stucco on concrete block or other finished precast masonry units of uniform size; or
5. Finished poured concrete.

c. The Director of Community Development may approve other fence or wall materials on a particular site if he finds that the proposed materials would provide equal or greater protection, would result in equivalent impacts on the general appearance of near or adjacent property, and do not violate the intent of the code.

d. No barbed wire, razor wire or electrified fence shall be allowed in any residential district.

e. Fences and walls, whether required or optional, may be erected adjacent to or on property lines, subject to the standards herein and subject to regulations relating to visibility triangles.

f. Where a lot or parcel abuts a use or district that allows a higher fence or wall, a fence or wall may be erected at the greater height along the common property boundary without requiring a variance. For example, a residential use having a maximum fence height of six feet that abuts a commercial use having a maximum fence height of eight feet may erect an eight foot fence along the common property boundary.

g. In the case of through-lots, the Director of Community Development shall have the discretion to apply rear yard standards to one of the two frontages upon a determination that a particular yard functions as a rear yard.

h. The measurement of maximum fence or wall height shall not include decorative caps on wall columns or fence posts, or decorative arches above gates.

i. Fences and walls, whether required or optional, shall be maintained in sound condition.

j. No fence or wall shall be erected in such a manner as to interfere with drainage.
4.4.2 REQUIRED BUFFER FENCES AND WALLS

a. Fences or walls required as part of a required buffer shall have at least 90 percent opacity and are referred to herein as view blockage fences or walls.

b. Openings shall be permitted in required buffer fences or walls in side and rear yards for the purpose of secondary vehicular access to an alley or secondary street. Each such opening shall not exceed 20 feet in width and there shall be no more than one such opening for each one 100 linear feet of side or rear yard dimension. All other fence or wall openings in side and rear yards shall contain a gate constructed of materials permitted herein and shall have at least 90 opacity.

4.4.3 OPTIONAL FENCES AND WALLS

a. Single-Family, Two-Family and Multi-Family Residential Zoning Districts

Standards for the location and height of optional fences and walls in single-family, two-family and multi-family residential zoning districts shall be as set forth in Figure 4.4-1.

(Ord. No. 5455, 07-21-14; Ord. No. 5694, 02-19-18)
Mobile Home and Recreational Vehicle Parks and Non-Residential Zoning Districts

1. Optional fences or walls erected in areas zoned for mobile home and recreational vehicle parks, office/commercial uses or in the I-1 zoning district shall not exceed eight feet in height, except that in required front yards, the portion of such fences or walls that extends above four feet in height shall be made of pickets, wrought iron, chain link or similar open construction having no greater than 50 percent view blockage when viewed from an angle perpendicular to the face of the fence or wall.

2. Optional fences or walls erected in the I-2 or I-3 zoning districts shall not exceed eight feet in height.

(Ord. No. 5694, 02-19-18)
Article 4: General Site Development Standards

4.5 LANDSCAPING, TREES AND BUFFERING

4.5.1 INTENT AND APPLICABILITY

4.5.1.1 INTENT

It is the intent of this article to protect the public health, safety and welfare and to improve the quality and appearance of the built environment by preserving natural vegetation and trees where possible and by incorporating new landscaping and trees into development; to establish minimum standards for landscaped areas; to establish and maintain street trees within rights-of-way; to establish minimum standards for buffer screens between incompatible land uses; to establish minimum standards for water efficient irrigation systems; to prevent excessive surface water runoff and maintain permeable land areas; to encourage the use of native plants and discourage the use of exotic or nuisance plants in landscape design.

It is further the intent of this article to prevent the destruction of existing tree canopy where possible and to mitigate for the loss of tree canopy when its destruction cannot be avoided. Trees are a valuable public resource. A healthy tree canopy prevents soil erosion; provides windbreaks; beautifies the urban environment; increases the value of land; reduces noise, dust, and glare; controls air pollution through the production of oxygen and the reduction of carbon dioxide; provides wildlife habitat and moderates extreme temperatures.

4.5.1.2 APPLICABILITY

Except as otherwise provided herein, the requirements of this article shall apply as follows:

a. Upon the construction of any principal structure, the entire site shall conform to the requirements of this article, except as follows:

1. In the case of single-family and two-family structures, only the minimum tree density requirements of Sub-Section 4.5.4.2 shall apply.

2. In the case of phased development, the requirements of this article shall apply to phases in accordance with the approved landscape plan.

3. In the case of multiple structure complexes, the requirements of this article shall apply only to that portion of the site containing the new structure unless Sub-Section 4.5.1.2.b or c applies.

b. When any principal non-residential structure or complex of structures is enlarged by 50 percent or more in gross floor area, the entire site shall conform to the requirements of this article.

c. When alterations to any principal non-residential or multi-family structure or complex of structures exceed 50 percent of the assessed value, the entire site shall conform to the requirements of this article.
d. When any vehicle use area is constructed or established or when any existing vehicle use area is enlarged by 50 percent or more in area, the entire vehicle use area shall conform to the requirements of Sub-Section 4.5.7. When any existing vehicle use area is enlarged by less than 50 percent in area, the requirements of Sub-Section 4.5.7 shall apply only to the enlarged area unless Sub-Section 4.5.1.2.b or c. applies.

e. Proposed subdivisions requiring landscaping within rights-of-way and/or common areas in accordance with Article 9 Subdivision Regulations.

f. The requirements of this article shall not apply to those portions of an airport or heliport determined by the Federal Aviation Administration or the Florida Department of Transportation to be required for the ground or aerial maneuvering of aircraft, or land owned or operated by a public aviation authority in connection with the development, operation or maintenance of airports and aviation areas or facilities used for runways, taxiways, aprons, runway protection zones and approaches, air traffic control towers, and aircraft navigational aids.

4.5.2 ADMINISTRATIVE MODIFICATIONS

The Director of Parks and Recreation shall be authorized to modify the requirements of this article pertaining to street trees and to the preservation of regulated trees as provided herein. At the recommendation of the Director of Parks and Recreation, the Director of Community Development may modify other requirements of this article under the following circumstances. Such modifications shall be noted on the applicable permit or site plan. Applicants are not entitled to such modifications which are at the discretion of the Director of Community Development or Director of Parks and Recreation.

4.5.2.1 Modification for Physical Limitations

If the Director of Community Development determines that it is impossible or impractical to meet the requirements of this article due to physical limitations imposed by the location and arrangement of existing buildings, existing site dimensions or other existing physical constraints, he may allow part or all of the required landscaping to be provided elsewhere on the same site, or waive part of such requirements altogether, provided that the requirements are implemented to the fullest extent possible given the physical limitations.
4.5.2.2  Modification for Solar Access

If the Director of Community Development determines that required trees or landscaping will materially impede the functioning of any solar energy system or solar power generating facility, he may allow part or all of the required landscaping to be provided elsewhere on the same site, or modify the landscape requirements, provided that the modification is the minimum necessary to allow the solar energy system or solar power generating facility to operate properly.
4.5.3 DEFINITIONS

Unless the context clearly indicates a different meaning, for the purposes of this Article, the following words and terms shall be defined as follows:

(Ord. No. 5522, 07-20-15)

**Beautification Board:** A board appointed by the City Commission empowered to consider and study beautification in the City of Lakeland.

**Canopy:** The area shaded by the crown spread of a tree.

**Destroy:** The cutting, removing or loss of 30 percent or more of the crown, trunk or root system of a tree or plant as the result of natural causes, accident, willful action or neglect, including but not limited to the failure to irrigate, or any action which results in the loss of aesthetic or physiological viability of the plant or tree or which causes the plant or tree to fall or be in danger of falling.

**Diameter at Breast Height (DBH):** The standard measure of the diameter of a single stemmed tree at four and one-half feet above grade. In the case of multi-stemmed trees, the DBH shall be equal to the sum of the diameters of the individual stems.

**Drip-Line:** An imaginary, vertical line that extends downward from the outermost tips of the tree branches to the ground.

**Florida Friendly Landscaping:** Landscapes designed and maintained to maximize water conservation by minimizing irrigation needs.

**Groundcover:** Low-growing plants that cover the ground.

**Hedge:** A dense row of shrubs intended to provide a visual barrier. Specific types of hedges are defined as follows:

- **Type A Hedge:**
  A hedge with a minimum height of 18 inches and 50 percent view blockage at the time of planting, with the capability of attaining a minimum height of four feet and 90 percent view blockage within two years.

- **Type B Hedge:**
  A hedge with a minimum height of 30 inches and 50 percent view blockage at the time of planting, with the capability of attaining a height of six feet and 90 percent view blockage within three years.

**Natural Vegetation:** A grouping of native or naturalized plants occurring in a natural state, relatively undisturbed by human activity and growing under natural hydrologic and soil conditions requiring little or no maintenance, irrigation or fertilization.
Regulated Trees: Living pine trees that are 12 inches DBH or greater and living trees of all other species listed in Table 4.5-6 (Qualified Trees) that are six inches DBH or greater but not including such trees located within the footprint of any building shown on an approved site plan and not including street trees or trees growing on public property.

Required Landscaping: All landscaping including trees, shrubs and groundcover required by development under this article in accordance with the approved landscape plan at the time of building permit approval in the case of single family or two family development, or at the time of site plan approval in the case of multi-family or non-residential development or the approved subdivision construction plan at the time of final plat approval in the case of a subdivision. Required landscaping shall also include existing trees and natural vegetation designated for preservation on the landscape plan.

Shrub: A woody, perennial plant.

Street Tree: Any tree located or required to be planted within road rights-of-way.

Tree: A perennial woody plant usually having a distinct crown.

Tree Abuse:
A. Damage inflicted upon any part of a tree, including the root system, by machinery, storage of material, soil compaction, excavation, vehicle accidents, chemical application or change to the natural grade;
B. Cutting flat the top of a tree, cutting the leader or leaders, or otherwise cutting a tree in a manner which destroys its natural shape (“hatracking”);
C. Tearing or splitting of limb ends; peeling and stripping of bark or bark; removal of one-third or more of the canopy of the tree; or
D. Nailing or mounting of signs, grade stakes, or any other foreign materials on protected trees or trees on a public right-of-way.

Tree Trust Fund: A city account established for the receipt of funds, as specified herein, to be used for the planting, establishment, and care of new trees on city-owned properties, dedicated open spaces and rights-of-way.

Vehicle Use Area: Any surface area, whether pervious or impervious, used for the off-street parking, storage or display of vehicles; the off-street movement of vehicles such as driveways and drive aisles; the off-street loading and unloading of goods, materials or passengers; service areas and the like. Driveways serving single family or two family dwellings and parking garages of any type shall not be considered vehicle use areas for purposes of this article.
4.5.4 MINIMUM TREE DENSITY

4.5.4.1 Applicability
Development listed in Sub-Section 4.5.1.2 shall have a minimum number of trees on the same lot or parcel in accordance with the following. The tree size classifications are as set forth in Table 4.5-6, subject to allowable substitutions in accordance with Sub-Section 4.5.11.2.

4.5.4.2 Minimum Tree Density Requirements

a. Single-Family and Two-Family (Duplex) Residential: One A (Large) tree for each dwelling unit. In lieu of a landscape plan, the required landscape information may be provided on the site plan.

b. Multi-Family Residential: One A (Large) tree for each dwelling unit.

c. Mobile Home Parks or Mobile Home Subdivisions: One B (Medium) tree for each dwelling unit.

d. Non-Residential Development: One A (Large) tree for each one-eighth acre (5,445 square feet) of land or fraction thereof in the development. Trees that are part of the interior and perimeter landscaping shall count towards this requirement.

4.5.5 FOUNDATION LANDSCAPING

4.5.5.1 Intent
It is the intent of this section to establish minimum standards for the landscaping of certain non-residential and multi-family building facades that otherwise would have little or no landscaping between the building and the street.

4.5.5.2 Applicability
Non-residential and multi-family building facades 35 feet or longer that face streets, including the facades of parking garages, shall provide foundation landscaping in accordance with these standards, with the following exceptions:

a. Where there is a frontage buffer meeting the requirements of Sub-Section 4.5.7.3.a between the façade and the street.

b. Where the façade is immediately adjacent to a sidewalk or public entrance.

c. Where the façade is adjacent to an alley.

d. Where the façade is adjacent to service or loading areas.
Figure 4.5-1 Foundation Landscaping
4.5.5.3 Standards

a. Foundation landscaping shall consist of a minimum of one shrub, accent plant or ornamental bunch (tussock) grass per three linear feet of façade and one C (Small) tree per 30 linear feet of façade. The balance of the planter area shall be planted with turf grass or groundcover plants so that 100 percent ground coverage is achieved within one year of planting. Foundation landscaping shall not be required in front of doors or under canopies and such areas shall not be included in the calculation of foundation plants required.

b. Where foundation plants are planted adjacent to a building façade, the minimum planter width shall be five feet; seven feet if vehicles are allowed to overhang the planter. However, wider planters are permitted and required foundation plants and trees may be planted up to ten feet away from the façade.

c. The required foundation plants may be planted evenly along the façade or they may be planted in groups for aesthetic effect or for safety in accordance with Crime Prevention Through Environmental Design (CPTED) principles.

d. Required C (Small) foundation trees shall apply toward tree density requirements in accordance with Sub-Section 4.5.11.2.

4.5.6 STREET TREES

4.5.6.1 Applicability

a. The Director of Parks and Recreation shall determine the number, species and spacing of street trees to be planted on any particular street segment.

b. The developer of any subdivision shall plant street trees within subdivision rights-of-way in accordance with Sub-Section 9.9.1.7 where the Director of Parks and Recreation has determined that street trees are appropriate.

c. The developer of other development projects listed in Sub-Section 4.5.1.2 shall plant street trees within the right-of-way of streets abutting the project where the Director of Parks and Recreation has determined street trees are appropriate and where such trees do not exist at the time of application for development approval.

d. The Director of Parks and Recreation may modify the requirements of this section where there is insufficient planter strip width, where there are conflicts with utilities, where the road is scheduled to be widened or other mitigating circumstances.
4.5.6.2 Street Tree Standards

a. Species Selection, Spacing and Location

Street trees shall be limited to those species listed as Street Trees in Table 4.5-6. Street trees shall be planted so as to create the appearance of a uniformly tree-lined street. The Director of Parks and Recreation shall determine the particular species and spacing of street trees to be used in a particular case, subject to the following guidelines. Where a pattern of street tree planting pre-exists elsewhere along a street, the pattern with respect to species, spacing and location shall be continued. Otherwise, the desired spacing is one tree per 50 linear feet of roadway for A (Large) trees, one tree per 40 linear feet of roadway for B (Medium) trees and one tree per 30 linear feet of roadway for C (Small) trees, subject to the Visibility Triangle requirements of Section 4.12. The location of street trees with respect to utilities and other infrastructure shall be in accordance with Figures 9.9-3 and 9.9-4, unless the Director of Parks and Recreation authorizes alternative locations.

b. Minimum Planting Standards

1. Minimum street tree specifications:
   Container size: 15 gallons or balled and burlapped
   Height: 8 feet
   Caliper: 1 inch DBH

2. The developer shall irrigate newly planted street trees by means of a permanent in-ground irrigation system or temporary irrigation system approved by the Director of Parks and Recreation for a minimum of one year or until the Director of Parks and Recreation considers the trees established and accepts them for city maintenance.

3. The Director of Parks and Recreation may require the use of tree grates, tree wells, root barriers or other special treatments as he deems necessary to assure the viability of street trees in particular locations.

c. Acceptance for Maintenance

The Director of Parks and Recreation shall determine the terms and conditions upon which the city will accept established street trees for maintenance.
4.5.7 VEHICLE USE AREAS

4.5.7.1 Intent

The intent of this section is to establish minimum standards for the landscaping of vehicle use areas, to maintain or establish a tree canopy over vehicle use areas, to incorporate existing trees and natural vegetation into the landscape design where possible, to use landscape areas for stormwater retention and treatment where possible, and to buffer roadways and protected uses from the negative impacts of vehicle use areas.

4.5.7.2 Applicability

a. Vehicle use areas serving development in accordance with Sub-Section 4.5.1.2 shall be landscaped and buffered in accordance with this section, subject to administrative modifications. The required landscaping of vehicle use areas consists of a frontage buffer where the vehicle use area abuts a street, a side or rear yard buffer where the vehicle use area abuts another use and interior landscaping.

b. Where off-street parking is provided within the Parking Exempt Area (Figure 4.11-1), it shall be landscaped in accordance with this section.

Figure 4.5-2 Landscaping of Vehicle Use Areas
4.5.7.3 Landscape Standards

a. Frontage Buffer

Where a vehicle use area is adjacent to a street, a frontage buffer shall be provided in accordance with Table 4.5-1.

**TABLE 4.5-1 FRONTAGE BUFFER OPTIONS**

<table>
<thead>
<tr>
<th>Options</th>
<th>Minimum Planter Strip Width</th>
<th>Minimum Landscaping Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Option 1</td>
<td>5’</td>
<td>Type A hedge and 8 C (Small) trees per 100 lin. ft. or fraction thereof</td>
</tr>
<tr>
<td>Option 2</td>
<td>7.5’</td>
<td>Type A hedge and 4 B (Medium) trees per 100 lin. ft. or fraction thereof</td>
</tr>
<tr>
<td>Option 3 (Limited to 150 lin. ft. per frontage in Central City Area)</td>
<td>4’ including wall</td>
<td>3 ft. high masonry streetwall with low shrubs and groundcover on street side</td>
</tr>
</tbody>
</table>

Notes:
1. These are minimum standards. Buffers may incorporate greater width and additional plant materials.
2. Tree species shall be in accordance with Table 4.5-6. Hedge, shrub and groundcover species shall be in accordance with Table 4.5-8.
3. Where located with less than 15 feet offset from overhead powerlines, trees shall be limited to specific C (Small) trees in accordance with Table 4.5-6.
4. Planter strip width is measured to the inside of curbs with no vehicle overhang. Curbing, wheelstops or posts shall be used to control vehicle overhang.
5. Tree spacing may vary but the intent is to space trees evenly across the frontage. The spacing standard indicates the number of trees to be planted, not the precise location of trees. Where street trees exist or are proposed within the adjacent right-of-way, the intent is to alternate the frontage buffer canopy trees between the street trees.
6. All ground area within planters shall be covered by turf grass, low shrubs or groundcover plants.
7. Streetwalls shall have a minimum 75% view blockage and shall match the architectural materials and finish of the principal building.
b. Side or Rear Yard Landscaping

1. Where a vehicle use area is adjacent to a protected use, a required buffer shall be provided in accordance with Tables 4.5-2 and 4.5-3.

2. Where a vehicle use area is adjacent to a use that is not a protected use, the side or rear yard landscaping shall consist of a minimum of five feet wide planter strip with one B (Medium) tree per 20 linear feet or one C (Small) tree per 16 linear feet.

3. In either case, where the planter strip is less than 7.5 feet wide, landscape islands shall also be provided a minimum of one every ten parking spaces as illustrated in Figure 4.5-4 (Side or Rear Yard Landscaping Options). One B (Medium) tree shall be planted within each landscape island.

(Ord. No. 5455, 07-21-14)
4. Planter dimensions are measured to the inside of curbs but may include fences or walls.

5. All ground area within planters shall be covered by turf grass, low shrubs or groundcover plants.

Figure 4.5-4 Side or Rear Yard Landscaping Options

ADJACENT PROPERTY

<table>
<thead>
<tr>
<th>PLANTER STRIP 7.5' WIDE OR GREATER</th>
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<tbody>
<tr>
<td></td>
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</tbody>
</table>

**OPTION 1**

ADJACENT PROPERTY

<table>
<thead>
<tr>
<th>PLANTER STRIP LESS THAN 7.5' WIDE</th>
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</tbody>
</table>

**OPTION 2**

NOTE: BOTH OPTIONS SUBJECT TO BUFFER IF ADJACENT TO PROTECTED USE

c. Interior Landscaping

1. Parking spaces interior to vehicle use areas shall be landscaped in accordance with the design options illustrated in Figure 4.5-6 which may be used singly or in combination, except that interior landscaping shall be optional for any vehicle use area containing 20 or fewer total parking spaces. Planter dimensions are measured to the inside of curbs. The design options may be modified to suit angled parking.

2. Where a vehicle use area is adjacent to a building, terminal and intermediate landscape islands, each having the length of one parking space, a minimum of ten feet wide and spaced a minimum of every ten parking spaces, shall be provided.
3. Trees shall be planted within each terminal landscape island, each intermediate landscape island and each interior landscape median in accordance with Figure 4.5-5 and Figure 4.5-6.

4. Tree species shall be selected and planted in accordance with Table 4.5-6.

5. All ground area within planters shall be covered by turf grass, low shrubs or groundcover plants.

6. Interior portions of vehicle use areas specifically designated on the approved site plan for the display of motor vehicles for sale or rent or for the parking, maneuvering or storage of commercial trucks or trailers shall provide interior landscaping in accordance with the following options which may be used singly or in combination. The location and design of such landscaping shall be as determined by the Director of Parks and Recreation at the time of site plan approval.

   (a) Option 1: Provide interior planters and trees in accordance with a. above.
   (b) Option 2: Provide interior planters without trees and locate the trees elsewhere on the site.
   (c) Option 3: In lieu of interior planters, provide an equivalent amount of landscaped open space and trees elsewhere on the site.
   (d) Option 4: In lieu of required trees, pay a fee into the Tree Trust Fund, the amount of which shall be determined by the Director of Parks and Recreation. The fee schedule shall be as established by resolution of the City Commission.
Figure 4.5-6 Interior Landscaping Options
4.5.8 LANDSCAPING OF OTHER ON-SITE FACILITIES

4.5.8.1 Backflow Prevention Assemblies

Backflow prevention assemblies shall be screened from view by a Type A hedge on three sides, leaving the service side open for maintenance and repair accessibility as illustrated in Figure 4.5-7 (Landscaping of Backflow Prevention Assemblies).

Figure 4.5-7 Landscaping of Backflow Prevention Assemblies

4.5.8.2 Transformer and Switchgear Boxes

Trees and shrubs planted around pad-mounted transformer and switchgear boxes shall maintain minimum planting clearances as illustrated in Figure 4.5-8 (Landscaping of Transformer and Switchgear Boxes).
4.5.8.3 Stormwater Management Facilities

a. To the extent practicable, stormwater management facilities shall have non-angular, freeform, curvilinear contouring that mimics natural terrain.

b. Berms and swales above the high water line shall be sodded and planted with trees on the ratio of one B (Medium) tree per 50 linear feet along the top of bank and shrubs covering 25 percent of the top of bank. Trees and shrubs may be grouped to mimic natural growth and need not be evenly spaced.
c. Plant material shall be selected from Tables 4.5-6, 4.5-7 and 4.5-8 and shall be suitable for the individual characteristics of the site including soil, slope, aspect, hydro-period and microclimate. Areas designed to be permanently or seasonally wet may include native aquatic plants.

4.5.9 BUFFERING OF PROTECTED USES

4.5.9.1 When any burdened use listed in Table 4.5-2 is adjacent to a listed protected principal use, the burdened use shall provide a buffer on or near the intervening property boundary in accordance with the minimum standards for that type as set forth in Table 4.5-3. Where more than one buffer type is listed, any of the listed types may be used. The burdened uses listed include all vehicle use areas serving those uses.

4.5.9.2 The buffer types listed in Table 4.5-3 may also be used for other buffer applications as specified elsewhere in this Code.

4.5.9.3 Tree species shall be selected and planted in accordance with Table 4.5-6. Plant species to be used for hedges shall be selected and planted in accordance with Table 4.5-8.

4.5.9.4 The incorporation of existing trees, tree lines, shrubs, hedge rows and other natural vegetation into buffers is encouraged and the Director of Parks and Recreation may recommend that the Director of Community Development modify these requirements if existing vegetation will provide a buffer of equal or greater density and view blockage to the required buffer.

<table>
<thead>
<tr>
<th>BURDENED USE REQUIRING BUFFER</th>
<th>PROTECTED USE</th>
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<th></th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Single Family, Two Family</td>
<td>Multi-Family, Institutional Res.</td>
<td>Church, School, Daycare etc.</td>
<td></td>
</tr>
<tr>
<td>Multi-Family, Institutional Residential</td>
<td>A</td>
<td>None</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>Church, School, Daycare etc.</td>
<td>A</td>
<td>A</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Commercial (retail or service)</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Parking as a principal use</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Drive-through uses</td>
<td>B</td>
<td>B</td>
<td>B</td>
<td></td>
</tr>
<tr>
<td>Bars and related entertainment uses</td>
<td>B</td>
<td>B</td>
<td>B</td>
<td></td>
</tr>
<tr>
<td>Vehicle service uses</td>
<td>B</td>
<td>B</td>
<td>B</td>
<td></td>
</tr>
<tr>
<td>Outdoor display, sales, rental or storage</td>
<td>B</td>
<td>B</td>
<td>B</td>
<td></td>
</tr>
<tr>
<td>Outdoor entertainment, recreation or assembly</td>
<td>B</td>
<td>B</td>
<td>B</td>
<td></td>
</tr>
<tr>
<td>Industrial</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
</tbody>
</table>
Figure 4.5-9 Required Buffers

**TYPE A**
- MIN. 7.5' WIDE
- 100'
- 4 "B" TREES AND 16 SHRUBS PER 100'

**TYPE B**
- MIN. 9.5' WIDE
- 100'
- 4 "B" TREES AND 16 SHRUBS PER 100'

**TYPE C**
- MIN. 12' WIDE
- 100'
- DOUBLE STAGGERED ROWS EACH HAVING 3 "B" TREES PER 100', PLUS 16 SHRUBS PER 100'
### TABLE 4.5-3 REQUIRED BUFFER STANDARDS

<table>
<thead>
<tr>
<th>Type</th>
<th>Minimum Width:</th>
<th>Structure:</th>
<th>Landscaping:</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>7.5' including fence or wall</td>
<td>View blockage fence or masonry wall. Minimum 6' high. Maximum 8' high.</td>
<td>16 shrubs plus 4 B(Medium) trees per 100 linear feet or fraction thereof</td>
</tr>
<tr>
<td>B</td>
<td>9.5' including wall</td>
<td>View blockage masonry wall. Minimum 6' high. Maximum 8' high.</td>
<td>16 shrubs plus 4 B(Medium) trees per 100 linear feet or fraction thereof</td>
</tr>
<tr>
<td>C</td>
<td>12' including fence or wall</td>
<td>View blockage fence (masonry wall required if burdened use is heavy industrial). 8' high.</td>
<td>Staggered double row of trees, each row consisting of 16 shrubs plus 3 B(Medium) trees per 100 linear feet or fraction thereof</td>
</tr>
</tbody>
</table>

**Notes:**
1. These are minimum standards. Buffers may incorporate greater width, additional plant materials and/or denser structures; however, buffer structure height shall not exceed the standard for that type.
2. A Type B hedge may be substituted for the required buffer structure where the following minimum width of intervening open space exists between any structures or vehicle use areas of the burdened use and the property boundary of the protected use: 100' minimum for Type A buffer, 200' minimum for Type B buffer and 500' minimum for Type C buffer. The open space may include dry retention ponds.
3. Tree species shall be in accordance with Table 4.5-6. Shrub species shall be in accordance with Table 4.5-8.
4. Where located with less than 15 feet offset from overhead powerlines, trees shall be limited to specific C (Small) trees in accordance with Table 4.5-6. In which case, each required B (Medium) tree shall be replaced with C (Small) trees in accordance with Sub-Section 4.5.11.2.
5. Buffer widths are measured from and perpendicular to the property boundary and include the required buffer structure.
6. Tree spacing may vary but the intent is to space trees more or less evenly across the property boundary. The spacing standard indicates the number of trees to be planted, not the precise location of trees.
7. All ground area within planters shall be covered by turf grass, low shrubs or groundcover plants.
8. Fences and walls shall have a minimum 90 percent view blockage in accordance with Sub-Section 4.4.2.a.
9. Masonry walls shall be constructed of finished masonry such as brick, stone, split block or stucco on concrete block.
10. Required buffer structures shall be located within 6 inches of the property boundary.
11. Slats in chain link fence shall be prohibited for use as a view blockage fence except to allow a change in use on sites with existing chain link fence, subject to approval of the Director of Community Development.

4.5.9.5 Development located adjacent to limited access highways shall plant A (Large) trees adjacent to the right-of-way on the ratio of one tree for each 50 linear feet of frontage.

4.5.10 TREE PRESERVATION

4.5.10.1 Intent and Applicability

a. Intent

1. It is the intent of this section to establish standards to prevent, mitigate or compensate for the loss of the public resource where tree canopy is proposed to be destroyed by development.
2. Except as specifically provided herein, the preservation of existing trees on development sites is to be preferred to the planting of new trees.

3. Efforts to preserve existing trees are encouraged and the Director of Parks and Recreation may recommend that the Director of Community Development modify development standards in order to save specific trees.

b. Applicability

The provisions of this section shall apply to the proposed destruction or relocation of any regulated tree as the result of development activity, with the following exceptions:

1. Lots or parcels zoned for single-family or two family dwellings. (However, this section shall apply to proposed subdivisions for single-family or two family dwellings);
2. Any vertical mixed use development where residential or office uses are located above ground floor commercial and a minimum of 60 percent of the building frontage is dedicated to retail or service commercial uses;
3. Bona fide agricultural uses, commercial nurseries and botanical gardens;
4. Bona fide utility maintenance, safety or fire reduction activities; or
5. Emergency or disaster recovery activities.

4.5.10.2 Credit for Preservation of Existing Trees

a. Existing trees (except palms) located in proposed vehicle uses areas, proposed perimeter buffers or proposed stormwater retention areas that are preserved in accordance with this section shall be credited toward the number of trees otherwise required by this Code as follows:

<table>
<thead>
<tr>
<th>DBH of Preserved Tree</th>
<th>Number of Required Trees Credited</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 to 7 inches</td>
<td>1 A or 3 B or 6 C</td>
</tr>
<tr>
<td>8 to 12 inches</td>
<td>2 A or 6 B or 12 C</td>
</tr>
<tr>
<td>13 to 19 inches</td>
<td>3 A or 9 B or 18 C</td>
</tr>
<tr>
<td>20 to 25 inches</td>
<td>4 A or 12 B or 24 C</td>
</tr>
<tr>
<td>26 to 29 inches</td>
<td>5 A or 15 B or 30 C</td>
</tr>
<tr>
<td>30 to 35 inches</td>
<td>6 A or 18 B or 36 C</td>
</tr>
<tr>
<td>36 inches or greater</td>
<td>7 A or 21 B or 42 C</td>
</tr>
</tbody>
</table>

To receive credit, the tree or trees to be preserved shall be identified on the landscape plan or site alteration plan as preserved, shall be free from disease and flourishing and shall be protected during construction in accordance with Sub-Section 4.5.10.5. Trees damaged during construction shall not receive credit.
4.5.10.3 Preservation of Regulated Trees

a. Tree Removal Permit Required

1. Except as otherwise provided herein, no regulated tree may be removed, relocated or destroyed without a tree removal permit as provided in this section.

2. For development activity requiring a landscape plan or site alteration plan, the approval of the landscape plan or site alteration plan shall constitute the tree removal permit.

3. Any regulated tree that is proposed to be removed, relocated or destroyed for any other reason shall require a separate tree removal permit using such form and submittals as the Director of Parks and Recreation may require.

b. Identification on Landscape Plan or Site Alteration Plan

1. The location, size and species of all regulated trees shall be indicated on the landscape plan or site alteration plan and shall indicate whether each is proposed to be preserved, relocated or destroyed. As an alternative, regulated trees proposed to be destroyed may be documented on a separate tree survey or existing conditions plan. A table shall be included summarizing the total number of trees by species and the total caliper inches of trees to be preserved, relocated or destroyed. The applicant shall consider the following as a means to preserve regulated trees and incorporate them into the site design:

   (a) The location of proposed buildings;
   (b) The location and design of proposed roads and vehicle use areas;
   (c) The location and design of proposed drainage systems and stormwater retention ponds;
   (d) The use of tree wells, tree guards, root protection devices, hardening of utilities or other methods of protecting trees on developed sites.

2. The landscape plan or site alteration plan shall indicate proposed grade changes which may adversely impact or endanger regulated trees to be preserved. Spot elevations may be required prior to the issuance of a tree removal permit.

c. Review by Director of Parks and Recreation

1. The Director of Parks and Recreation shall review the landscape plan, site alteration plan or tree removal permit, which review shall include a field visit to the site, and shall either approve or deny the plan as to each regulated tree proposed to be preserved, relocated or destroyed.
2. Approval Criteria

The Director of Parks and Recreation shall approve the plan or permit upon a finding that the regulated trees will be preserved, or that adequate measures are in place to assure the viability of regulated trees proposed to be relocated, or that compensation has or will be provided for regulated trees proposed to be destroyed.

d. Compensation Required

When the Director of Parks and Recreation approves a plan authorizing the destruction of regulated trees, such trees shall be subject to compensation in accordance with the following. Trees located within the footprint of any building shown on an approved site plan shall not be subject to compensation. Replacement trees shall be planted in accordance with Sub-Section 4.5.11. Trees planted in fulfillment of other requirements of this article, such as required trees in vehicle use areas or required buffers, shall count toward the number of trees required as compensation for destroyed regulated trees. Compensation shall not be required for regulated trees that the Director of Parks and Recreation determines pose a safety hazard, have been weakened by disease, age, storm, fire or other injury or are near the end of their lifespan and likely to become a hazard; are of negligible public value including exotic, invasive, ornamental or fruit-bearing species; are likely to cause damage to buildings, utilities or other planned infrastructure; or are overcrowded and selective thinning is appropriate.

(Ord. No. 5522, 07-20-15)

1. Option 1: Tree Replacement on Same Lot or Parcel

Each destroyed regulated tree subject to compensation shall be replaced elsewhere on the same lot or parcel as follows:

<table>
<thead>
<tr>
<th>Destroyed Tree DBH</th>
<th>Replacement Trees</th>
</tr>
</thead>
<tbody>
<tr>
<td>6” – 23”</td>
<td>Two new trees of the same class size (A or B)</td>
</tr>
<tr>
<td>24”+</td>
<td>New trees totaling the number of caliper inches destroyed</td>
</tr>
</tbody>
</table>

2. Option 2: Off-Site Mitigation

If the Director of Parks and Recreation determines that it is impractical to locate the replacement trees on the same lot or parcel, he may authorize the replacement trees to be planted at one or more off-site locations within the corporate limits of the City of Lakeland.
3. Option 3: Payment of Fee-in-Lieu

If he determines that other options are not feasible, the Director of Parks and Recreation may authorize the payment of a fee-in-lieu for the value of regulated trees that are destroyed. The fee schedule shall be as established by resolution of the City Commission. If a fee-in-lieu is approved, the fee shall be paid into the Tree Trust Fund prior to the issuance of any permit authorizing construction or site alteration.

4.5.10.4 Preservation of Street Trees

a. No person shall destroy, remove, mutilate or abuse any street tree except as provided herein.

b. Visibility of signage other than signs within rights-of-way shall not be grounds for the destruction, removal or trimming of street trees.

c. The maintenance of all street trees shall be the responsibility of the city, except where trees within rights-of-way are maintained by a homeowners association or other entity in accordance with a duly recorded agreement. Authorized city personnel and authorized contractors working for the city may trim or remove street trees as needed to maintain the health of street trees; to allow free passage of pedestrians and vehicles; to prevent the obstruction of or interference with utilities, street lights, traffic lights, street signs and traffic control devices; or to prevent obstruction of the view of vehicle operators at any street intersection.

d. Nothing in this section shall prevent the cutting or removal of any street tree that in the opinion of the Director of Parks and Recreation is required for public safety.

e. Authorization Required to Work on Street Trees

1. Except where trees within rights-of-way are maintained by a homeowners association or other entity in accordance with an agreement with the city, all work on street trees shall be done only with the authorization of the Director of Parks and Recreation. The Director of Parks and Recreation may authorize utility companies, including contractors working for utility companies, and tree service contractors to perform the following types of work on or near street trees: tree removal, trimming or pruning, grading or trenching near street trees, installation of pavement over street tree root zones, transport of buildings or other large items that could damage street trees. All underground work performed in the city-maintained right-of-way shall also require a right-of-way permit issued by the Public Works Department. In the event of an emergency such as a storm, such work may be performed without prior authorization, provided that documentation of the work performed is provided afterward to the Director of Parks and Recreation.
2. In granting such authorization, the Director of Parks and Recreation shall find that there is a need for the proposed work; that those who are to perform the work are qualified to do so and are insured, bonded or pre-registered with the city; and that any potential detriment to the city’s street tree population entailed by the proposed work is justified in the individual case. In making this determination, the Director of Parks and Recreation shall consider factors such as the probability that the proposed work will destroy or seriously injure the tree, the tree’s health, whether the tree’s condition and size threaten serious damage to property, the condition and number of other city street trees in the vicinity and other related criteria.

3. The Director of Parks and Recreation may place conditions on any such authorization that he deems necessary.

4. Where tree roots damage sidewalks, curbs, underground pipelines or similar public facilities, every effort shall be made to correct the problem without removing or damaging the tree. The Director of Parks and Recreation shall determine corrective measures in consultation with the Public Works Department. If repairs will result in extensive root damage, the Director of Parks and Recreation may direct the department to remove the tree prior to facility repairs.

5. All pruning shall be done in accordance with ANSI A300 (Part 1) Pruning. Any proposed deviation from this standard must be approved by the Director of Parks and Recreation in advance.

6. All trenching and tunneling shall be done in accordance with Trenching & Tunneling Near Trees: A Field Pocket Guide for Qualified Utility Workers, by Dr. James R. Fazio, 1998, The National Arbor Day Foundation. Any proposed deviation from this standard must be approved by the Director of Parks and Recreation in advance.

7. The Director of Parks and Recreation may inspect such work and shall have the authority to stop any work if the standards of this article are not being followed.

8. In the event that development activity will destroy or require the relocation of street trees or other public landscaping, the developer shall relocate such trees and landscaping or shall replace such trees in accordance with Table 4.5-5 in a location approved by the Director of Parks and Recreation. Such proposed replacement or relocation shall be approved in advance by the Director of Parks and Recreation and shall be shown on site plans or construction plans submitted for review and approval. Such work shall be performed only by those authorized by the Director of Parks and Recreation and shall include any required irrigation systems. Repairs for any damage caused to utilities during such relocation shall be at the expense of the developer.
TABLE 4.5-5 PUBLIC TREE REPLACEMENT STANDARDS

<table>
<thead>
<tr>
<th>DBH of Tree Destroyed</th>
<th>Number of Replacement Trees (min. 2” DBH)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2” to 7”</td>
<td>4</td>
</tr>
<tr>
<td>8” to 11”</td>
<td>6</td>
</tr>
<tr>
<td>12” to 15”</td>
<td>8</td>
</tr>
<tr>
<td>16” to 19”</td>
<td>10</td>
</tr>
<tr>
<td>20” to 27”</td>
<td>12</td>
</tr>
<tr>
<td>28” and up</td>
<td>inch per inch</td>
</tr>
</tbody>
</table>

4.5.10.5 Protection of Trees During Development Activity

Trees identified for preservation on the approved landscape plan, whether individually or within a generalized area of natural vegetation, shall be protected during development activity as follows.

a. Protected trees or groups of trees shall be clearly marked by flagging, painting or other means.

b. All protected trees shall have the trunk and roots protected by protective barriers erected prior to development activity in accordance with the following.

1. Protective barriers constructed of wood rails, pipe, chain link fabric or orange plastic safety netting shall be placed around the tree or trees to form a continuous barricade at least four feet high. Ideally such barriers will form a protection zone described by the drip line. The Director of Parks and Recreation may allow a smaller protection zone or alternative tree protection measures where space is constrained. The barriers shall be shown on the site alteration plan and/or landscaping plan.

2. Signs or other markings shall be placed on all sides of the protective barrier to designate the protected area.

3. Protective barriers shall remain in place until landscape operations begin or until construction in the immediate area has been completed.

4. Existing street trees located within rights-of-way interior to or adjacent to the development shall have protective barriers before site work begins.

5. Trenching for underground utilities shall be prohibited inside the protective barriers. If underground utilities must be routed through the protected area, tunneling shall be required. All landscape preparation in these areas shall be conducted by hand, except for mechanical tunneling as needed.

6. No vehicles, equipment, materials or fill shall be placed or stored within the protected area.
4.5.11 STANDARDS FOR LANDSCAPE DESIGN, INSTALLATION AND MAINTENANCE

4.5.11.1 Required landscaping and irrigation shall be installed and maintained in accordance with the following standards. Approved landscape and irrigation plans shall provide the basis on which compliance is determined.

4.5.11.2 Selection and Installation of Plant Material

a. Required plant material shall be selected from and planted in accordance with Tables 4.5-6, 4.5-7 and 4.5-8. Other species not listed may be approved by the Director of Parks and Recreation.

b. A (Large) trees shall be used except when the use of B (Medium) or C (Small) trees is specified or permitted herein. The Director of Parks and Recreation may authorize the use of smaller tree sizes depending on specific site conditions. If so, tree size substitution shall be made on the following basis: One A (Large) tree shall equal three B (Medium) trees or six C (Small) trees. One B (Medium) tree shall equal three C (Small) trees.

c. Newly planted trees shall be a minimum eight feet high and a minimum diameter of one inch DBH or one and one-half inches six inches above grade at the time of planting.

d. Upon the recommendation of the Director of Parks and Recreation, palms listed in Table 4.5-7 may be used in place of required qualified trees on a case-by-case basis such as where planting space is limited or where immediate vegetation height is needed. The substitution ratio shall be as determined by the Director of Parks and Recreation.
e. The use of exotic and nuisance plants is prohibited. For purposes of this section, exotic and nuisance plants shall be those on the most recent Invasive Plant List of the Florida Exotic Pest Plant Council.

f. Plant material shall conform to the standards for Florida No. 1, or better, based on the Florida Department of Agriculture and Consumer Services Publications "Grades & Standards of Nursery Plants, Parts I and II."

g. Grass areas shall be planted in species normally grown in permanent lawns in Polk County. Grass areas may be sodded, plugged, sprigged, or seeded. Solid sod shall be used in swales and other areas subject to erosion. In areas where grass seed is needed, nurse grass seed (i.e., rye, millet) shall also be sown for immediate effect.

h. Ground covers used in lieu of grass shall be planted so as to provide full coverage within one year after planting.

i. No tree shall be planted closer than 15 feet to any light pole.

j. All newly planted trees shall be properly guyed and staked. Guys and stakes shall be maintained for a minimum of one year.

k. Plant material that has been subjected to severe pruning or maintenance practices that results in stunted or abnormal growth shall not be accepted as required plants.

l. Planter beds shall be filled to a depth of three inches with weed free native topsoil incorporated with organic matter. Bare soil shall be covered with a minimum of three inches of mulch consisting of shredded softwood or hardwood chips, nuggets, needles or oak leaves, or two inch diameter stone or brick chips. Non-porous materials shall not be placed under or over the mulch.
### TABLE 4.5-6 QUALIFIED TREES

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th>Common Name</th>
<th>STREET TREE</th>
<th>Mature Height</th>
<th>Mature Spread</th>
<th>Power Line Offset</th>
<th>Water/Sewer Offset</th>
<th>Deciduous/ Evergreen</th>
<th>Growth Habit</th>
<th>Soil Moisture</th>
<th>Drought Tolerance</th>
<th>Wind Resistance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>LARGE &quot;A&quot; TREES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carya illinoinensis</td>
<td>Pecan</td>
<td>No</td>
<td>60'-100'</td>
<td>40'-60'</td>
<td>30'</td>
<td>8'</td>
<td>Deciduous</td>
<td>Broad Oval</td>
<td>Moist to Well-Drained</td>
<td>High</td>
<td>Low</td>
</tr>
<tr>
<td>Carya glabra</td>
<td>Pignut Hickory</td>
<td>No</td>
<td>50'-65'</td>
<td>30'-40'</td>
<td>30'</td>
<td>8'</td>
<td>Deciduous</td>
<td>Oval</td>
<td>Well-Drained</td>
<td>High</td>
<td>Medium</td>
</tr>
<tr>
<td>Carya tomentosa</td>
<td>Mockernut Hickory</td>
<td>Yes</td>
<td>50'-75'</td>
<td>35'-50'</td>
<td>30'</td>
<td>8'</td>
<td>Deciduous</td>
<td>Oval</td>
<td>Well-Drained</td>
<td>High</td>
<td>Medium</td>
</tr>
<tr>
<td>Celtis laevigata</td>
<td>Sugarberry</td>
<td>No</td>
<td>50'-70'</td>
<td>50'-60'</td>
<td>30'</td>
<td>8'</td>
<td>Deciduous</td>
<td>Rounded Vase</td>
<td>Varied</td>
<td>Low</td>
<td>Medium</td>
</tr>
<tr>
<td>Chorisia speciosa</td>
<td>Floss Silk Tree</td>
<td>No</td>
<td>35'-50'</td>
<td>40'-50'</td>
<td>30'</td>
<td>8'</td>
<td>Deciduous</td>
<td>Upright</td>
<td>Well-Drained</td>
<td>High</td>
<td>Medium</td>
</tr>
<tr>
<td>Cinnamomum camphora</td>
<td>Camphor</td>
<td>Yes</td>
<td>40'-50'</td>
<td>50'-70'</td>
<td>30'</td>
<td>8'</td>
<td>Evergreen</td>
<td>Spreading</td>
<td>Varied</td>
<td>High</td>
<td>High</td>
</tr>
<tr>
<td>Fraxinus pennslyvanica</td>
<td>Green Ash</td>
<td>No</td>
<td>60'-70'</td>
<td>40'-45'</td>
<td>30'</td>
<td>8'</td>
<td>Deciduous</td>
<td>Upright</td>
<td>Varied</td>
<td>Medium</td>
<td>Low</td>
</tr>
<tr>
<td>Liquidambar formosana</td>
<td>Formosan Sweetgum</td>
<td>Yes</td>
<td>40'-60'</td>
<td>30'-45'</td>
<td>30'</td>
<td>8'</td>
<td>Deciduous</td>
<td>Pyramidal Rounded</td>
<td>Well-Drained</td>
<td>Medium</td>
<td>Medium</td>
</tr>
<tr>
<td>Liquidambar styraciflua</td>
<td>Sweetgum</td>
<td>Yes</td>
<td>60'-75'</td>
<td>30'-50'</td>
<td>30'</td>
<td>8'</td>
<td>Deciduous</td>
<td>Upright</td>
<td>Moist to Well-Drained</td>
<td>High</td>
<td>Medium</td>
</tr>
<tr>
<td>Liriodendron tulipifera</td>
<td>Tulip Tree</td>
<td>Yes</td>
<td>80'-120'</td>
<td>30'-50'</td>
<td>30'</td>
<td>8'</td>
<td>Deciduous</td>
<td>Pyramidal</td>
<td>Moist to Well-Drained</td>
<td>Medium</td>
<td>Medium</td>
</tr>
<tr>
<td>Magnolia grandiflora</td>
<td>Southern Magnolia</td>
<td>Yes</td>
<td>60'-80'</td>
<td>30'-40'</td>
<td>30'</td>
<td>8'</td>
<td>Evergreen</td>
<td>Upright</td>
<td>Pyramidal</td>
<td>Varied</td>
<td>Medium</td>
</tr>
<tr>
<td>Botanical Name</td>
<td>Common Name</td>
<td>Street Tree</td>
<td>Mature Height</td>
<td>Mature Spread</td>
<td>Power Line Offset</td>
<td>Water/Sewer Offset</td>
<td>Deciduous/Evergreen</td>
<td>Growth Habit</td>
<td>Soil Moisture</td>
<td>Drought Tolerance</td>
<td>Wind Resistance</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>---------------------</td>
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<td>-----------------</td>
<td>------------------</td>
<td>------------------</td>
</tr>
<tr>
<td>Nyssa sylvatica</td>
<td>Black Gum</td>
<td>No</td>
<td>65'-75'</td>
<td>25'-35'</td>
<td>30'</td>
<td>8'</td>
<td>Deciduous</td>
<td>Pyramidal Oval</td>
<td>Moist to Wet</td>
<td>High</td>
<td>Medium</td>
</tr>
<tr>
<td>Pinus clausa</td>
<td>Sand Pine</td>
<td>No</td>
<td>60'-80'</td>
<td>15'-40'</td>
<td>30'</td>
<td>8'</td>
<td>Evergreen</td>
<td>Pyramidal</td>
<td>Well-Drained</td>
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<td>Low</td>
</tr>
<tr>
<td>Pinus elliott</td>
<td>Slash Pine</td>
<td>No</td>
<td>60'-100'</td>
<td>30'-60'</td>
<td>30'</td>
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<td>Pinus elliott densa</td>
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<td>Spruce Pine</td>
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<tr>
<td>Pinus palustris</td>
<td>Longleaf Pine</td>
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<td>30'-40'</td>
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<td>Platanus occidentalis</td>
<td>Sycamore</td>
<td>Yes</td>
<td>75'-90'</td>
<td>60'-70'</td>
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<td>Pyramidal Rounded</td>
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<td>Medium</td>
<td>Medium</td>
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<tr>
<td>Quercus hemispherica</td>
<td>Laurel Oak</td>
<td>No</td>
<td>65'-100'</td>
<td>40'-60'</td>
<td>30'</td>
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<tr>
<td>Quercus lyrata</td>
<td>Overcup Oak</td>
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<td>30'-50'</td>
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<td>Rounded</td>
<td>Varied</td>
<td>Medium</td>
<td>High</td>
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<tr>
<td>Quercus michauxii</td>
<td>Swamp Chestnut</td>
<td>Yes</td>
<td>60'-80'</td>
<td>30'-50'</td>
<td>30'</td>
<td>8'</td>
<td>Deciduous</td>
<td>Narrow Pyramidal</td>
<td>Moist</td>
<td>Low</td>
<td>High</td>
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<td>Quercus nuttalii</td>
<td>Nuttal Oak</td>
<td>Yes</td>
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<td>30'</td>
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<td>Moist</td>
<td>Medium</td>
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<td>Quercus virginiana</td>
<td>Live Oak</td>
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<td>60'-80'</td>
<td>60'-120'</td>
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<td>Spreading</td>
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## TABLE 4.5-6 QUALIFIED TREES

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th>Common Name</th>
<th>Street Tree</th>
<th>Mature Height</th>
<th>Mature Spread</th>
<th>Power Line Offset</th>
<th>Water/ Sewer Offset</th>
<th>Deciduous/ Evergreen</th>
<th>Growth Habit</th>
<th>Soil Moisture</th>
<th>Drought Tolerance</th>
<th>Wind Resistance</th>
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<tbody>
<tr>
<td><strong>V = Native</strong></td>
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<tr>
<td><em>Tipuana tipu</em></td>
<td>Pride of Bolivia</td>
<td>Yes</td>
<td>30'-50'</td>
<td>20'-40'</td>
<td>30'</td>
<td>8'</td>
<td>Evergreen</td>
<td>Spreading</td>
<td>Moist</td>
<td>Medium</td>
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<td><em>Ulmus alata</em></td>
<td>√ Winged Elm</td>
<td>Yes</td>
<td>40'-70'</td>
<td>30'-40'</td>
<td>30'</td>
<td>8'</td>
<td>Deciduous</td>
<td>Rounded Vase</td>
<td>Dry to Wet</td>
<td>High</td>
<td>Medium</td>
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<td><em>Ulmus americana</em></td>
<td>√ American Elm</td>
<td>Yes</td>
<td>50'-70'</td>
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<td>30'</td>
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<td>Vase</td>
<td>Dry to Wet</td>
<td>High</td>
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<tr>
<td><em>Acer barbatum</em></td>
<td>√ Florida Sugar Maple</td>
<td>Yes</td>
<td>40'-50'</td>
<td>30'-40'</td>
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<td>5'</td>
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<td>Rounded</td>
<td>Moist to Medium</td>
<td>Medium</td>
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<td><em>Acer rubrum</em></td>
<td>√ Red Maple</td>
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<td>15'</td>
<td>5'</td>
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<td>Upright</td>
<td>Moist to Wet</td>
<td>Medium</td>
<td>Low</td>
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<tr>
<td><em>Averrhoa carambola</em></td>
<td>Star Fruit</td>
<td>No</td>
<td>25'-30'</td>
<td>20'-30'</td>
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<td>Rounded</td>
<td>Well-Drained</td>
<td>Poor</td>
<td>Medium</td>
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<td><em>Bauhinia blakeana</em></td>
<td>Hong Kong Orchid Tree</td>
<td>No</td>
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<td>25'-35'</td>
<td>15'</td>
<td>5'</td>
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<td>Vase</td>
<td>Well-Drained</td>
<td>High</td>
<td>Low</td>
</tr>
<tr>
<td><em>Betula nigra</em></td>
<td>√ River Birch</td>
<td>No</td>
<td>40'-50'</td>
<td>25'-35'</td>
<td>15'</td>
<td>5'</td>
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<td>Upright Angular</td>
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<td><em>Brachychiton acerifolius</em></td>
<td>Bottle Tree</td>
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<td>20'-30'</td>
<td>15'</td>
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<td>Well-Drained</td>
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<td>Medium</td>
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<tr>
<td><em>Carpinus caroliniana</em></td>
<td>√ Blue Beech</td>
<td>No</td>
<td>20'-40'</td>
<td>20'-40'</td>
<td>15'</td>
<td>5'</td>
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<td>Upright Oval</td>
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<td>Medium</td>
<td>High</td>
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<td><em>Cassia leptophylla</em></td>
<td>Gold Medallion Tree</td>
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<td>30'-40'</td>
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<td>Medium</td>
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<td><em>Citrus spp.</em></td>
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<td>Well-Drained</td>
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<td>Mature Height</td>
<td>Mature Spread</td>
<td>Power Line Offset</td>
<td>Water/ Sewer Offset</td>
<td>Deciduous/ Evergreen</td>
<td>Growth Habit</td>
<td>Soil Moisture</td>
<td>Drought Tolerance</td>
<td>Wind Resistance</td>
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<td>Cupressus arizonica</td>
<td>Carolina Saphire</td>
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<td>Diospyros virginiana</td>
<td>Persimmon</td>
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<td>Elaeocarpus decipiens</td>
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<td>Eriobotrya japonica</td>
<td>Loquat</td>
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<td>Medium</td>
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<td>Gordonia lasianthus</td>
<td>Loblolly Bay</td>
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<td>Juniperus silicicola</td>
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<td>Koelreuteria formosana</td>
<td>Gold Rain Tree</td>
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<td>25'-35'</td>
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<td>Lagerstroemia indica ‘Arapaho’</td>
<td>Crape Myrtle</td>
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<td>5'</td>
<td>Deciduous</td>
<td>Vase</td>
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<tr>
<td>Lagerstroemia indica ‘Bashams Party Pink’</td>
<td>Crape Myrtle</td>
<td>Yes</td>
<td>15'-25'</td>
<td>15'-20'</td>
<td>15'</td>
<td>5'</td>
<td>Deciduous</td>
<td>Rounded</td>
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<td>Mature Spread</td>
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<td>Water/Sewer Offset</td>
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<td>Growth Habit</td>
<td>Soil Moisture</td>
<td>Drought Tolerance</td>
<td>Wind Resistance</td>
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<td>15’-25’</td>
<td>15’-20</td>
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<td>Deciduous</td>
<td>Vase</td>
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<td><em>Lagerstroemia indica</em> ’Glendora White’</td>
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<td>Varied</td>
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<td><em>Lagerstroemia indica</em> ’Kiowa’</td>
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<td>15’-20</td>
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<td>Deciduous</td>
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<td><em>Lagerstroemia indica</em> ’Miami’</td>
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<td>15’-25’</td>
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<td><em>Lagerstroemia indica</em> ‘Townhouse’</td>
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<td>Yes</td>
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<td>15’-20</td>
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<td>5’</td>
<td>Deciduous</td>
<td>Vase</td>
<td>Varied</td>
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<td>High</td>
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<tr>
<td><em>Lagerstroemia indica</em> ‘Tuscarora’</td>
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<td>15’-25’</td>
<td>15’-20</td>
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<td><em>Morus rubra</em></td>
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<td><em>Olea europaea</em></td>
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<td>5’</td>
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<td>Irregular</td>
<td>Varied</td>
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<td>Medium</td>
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<td>Botanical Name</td>
<td>Common Name</td>
<td>Street Tree</td>
<td>Mature Height</td>
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<td>Deciduous/ Evergreen</td>
<td>Growth Habit</td>
<td>Soil Moisture</td>
<td>Drought Tolerance</td>
<td>Wind Resistance</td>
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<tr>
<td><em>Podocarpus macrophyllus</em></td>
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<td>Yes</td>
<td>30'-50'</td>
<td>15'-25'</td>
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<tr>
<td><em>Podocarpus nagi</em></td>
<td>Broadleaf Podocarpus</td>
<td>Yes</td>
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<tr>
<td><em>Podocarpus gracilior</em></td>
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<tr>
<td><em>Quercus austrina</em></td>
<td>Bluff Oak</td>
<td>Yes</td>
<td>40'-60'</td>
<td>30'-40'</td>
<td>15'</td>
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<td>Broad Pyramidal</td>
<td>Wet to Medium</td>
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<td>High</td>
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<tr>
<td><em>Quercus geminata</em></td>
<td>Sand Live Oak</td>
<td>Yes</td>
<td>30'-50'</td>
<td>45'-60'</td>
<td>15'</td>
<td>5'</td>
<td>Semi-deciduous</td>
<td>Spreading</td>
<td>Well-Drained Sandy</td>
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<td>High</td>
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<tr>
<td><em>Quercus incana</em></td>
<td>Bluejack Oak</td>
<td>No</td>
<td>25'-50'</td>
<td>25'-35'</td>
<td>15'</td>
<td>5'</td>
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<td>Rounded</td>
<td>Varied</td>
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<td>High</td>
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<tr>
<td><em>Quercus marilandica</em></td>
<td>Blackjack Oak</td>
<td>No</td>
<td>30'-40'</td>
<td>20'-30'</td>
<td>15'</td>
<td>8'</td>
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<td>Rounded</td>
<td>Medium to Dry</td>
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<td><em>Quercus marilandica</em></td>
<td>Sand Post Oak</td>
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<td>Oval</td>
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<td><em>Quercus stellata</em></td>
<td>Post Oak</td>
<td>Yes</td>
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<td>15'</td>
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<td>Irregular</td>
<td>Varied</td>
<td>High</td>
<td>High</td>
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<tr>
<td><em>Salix babylonica</em></td>
<td>Weeping Willow</td>
<td>No</td>
<td>45'-70'</td>
<td>45'-70'</td>
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<td>Rounded</td>
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<td>Medium</td>
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<tr>
<td><em>Salix caroliniana</em></td>
<td>Coastal Plain Willow</td>
<td>No</td>
<td>30'</td>
<td>20'-25'</td>
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<td>Round Spreading</td>
<td>Wet</td>
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<tr>
<td><em>Tabebuia caraiba</em></td>
<td>Trumpet Tree</td>
<td>No</td>
<td>15'-25'</td>
<td>10'-15'</td>
<td>15'</td>
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<td>Irregular</td>
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<tr>
<td><em>Tabebuia chrysotricha</em></td>
<td>Gold Trumpet Tree</td>
<td>Yes</td>
<td>25'-35'</td>
<td>25'-35'</td>
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<td>Varied</td>
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### TABLE 4.5-6 QUALIFIED TREES

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th>Common Name</th>
<th>Street Tree</th>
<th>Mature Height</th>
<th>Mature Spread</th>
<th>Power Line Offset</th>
<th>Water/Sewer Offset</th>
<th>Deciduous/Evergreen</th>
<th>Growth Habit</th>
<th>Soil Moisture</th>
<th>Drought Tolerance</th>
<th>Wind Resistance</th>
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<tbody>
<tr>
<td><strong>Tabebuia heterophylla</strong></td>
<td>Pink Trumpet Tree</td>
<td>Yes</td>
<td>40'-50'</td>
<td>35'-50'</td>
<td>15'</td>
<td>5'</td>
<td>Deciduous</td>
<td>Oval Round</td>
<td>Varied</td>
<td>Medium</td>
<td>Low</td>
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<tr>
<td><strong>Tabebuia impetiginosa</strong></td>
<td>Purple Trumpet Tree</td>
<td>Yes</td>
<td>20'-30'</td>
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<td>15'</td>
<td>5'</td>
<td>Deciduous</td>
<td>Oval Round</td>
<td>Varied</td>
<td>Medium</td>
<td>Low</td>
</tr>
<tr>
<td><strong>Tabebuia umbellata</strong></td>
<td>Yellow Trumpet Tree</td>
<td>Yes</td>
<td>10'-20'</td>
<td>25'-35'</td>
<td>15'</td>
<td>5'</td>
<td>Deciduous</td>
<td>Horizontal</td>
<td>Varied</td>
<td>High</td>
<td>Low</td>
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<tr>
<td><strong>Taxodium ascendens</strong></td>
<td>Pond Cypress</td>
<td>No</td>
<td>60'-80'</td>
<td>15'-30'</td>
<td>15'</td>
<td>5'</td>
<td>Deciduous</td>
<td>Upright</td>
<td>Dry to Wet</td>
<td>High</td>
<td>High</td>
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<tr>
<td><strong>Taxodium distichum</strong></td>
<td>Bald Cypress</td>
<td>Yes</td>
<td>60'-80'</td>
<td>15'-30'</td>
<td>15'</td>
<td>5'</td>
<td>Deciduous</td>
<td>Upright</td>
<td>Dry to Wet</td>
<td>High</td>
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<tr>
<td><strong>Tecoma stans</strong></td>
<td>Yellow Elder</td>
<td>No</td>
<td>20'-30'</td>
<td>20'-30'</td>
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<td>Evergreen</td>
<td>Oval</td>
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<td>High</td>
<td>Medium</td>
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<tr>
<td><strong>Thuja occidentalis</strong></td>
<td>Arborvitae</td>
<td>No</td>
<td>30'-50'</td>
<td>15'-25'</td>
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<tr>
<td><strong>Ulmus parvifolia</strong> 'Allee'</td>
<td>Allee Elm</td>
<td>Yes</td>
<td>40'-50'</td>
<td>35'-50'</td>
<td>15'</td>
<td>5'</td>
<td>Deciduous</td>
<td>Upright</td>
<td>Well-Drained</td>
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**SMALL "C" TREES**

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<thead>
<tr>
<th>Botanical Name</th>
<th>Common Name</th>
<th>Street Tree</th>
<th>Mature Height</th>
<th>Mature Spread</th>
<th>Power Line Offset</th>
<th>Water/Sewer Offset</th>
<th>Deciduous/ Evergreen</th>
<th>Growth Habit</th>
<th>Soil Moisture</th>
<th>Drought Tolerance</th>
<th>Wind Resistance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Acacia farnesiana</strong></td>
<td>Sweet Acacia</td>
<td>No</td>
<td>15'-25'</td>
<td>15'-25'</td>
<td>None</td>
<td>None</td>
<td>Semi-Evergreen</td>
<td>Rounded</td>
<td>Varied</td>
<td>High</td>
<td>High</td>
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<tr>
<td><strong>Caesalpinia pulcherrima</strong></td>
<td>Dwarf Poinciana</td>
<td>No</td>
<td>8'-12'</td>
<td>10'-12'</td>
<td>None</td>
<td>None</td>
<td>Evergreen</td>
<td>Rounded</td>
<td>Well-Drained</td>
<td>High</td>
<td>Low</td>
</tr>
<tr>
<td><strong>Callistemon rigidus</strong></td>
<td>Bottlebrush</td>
<td>No</td>
<td>15'-20'</td>
<td>15'-20'</td>
<td>None</td>
<td>None</td>
<td>Evergreen</td>
<td>Upright</td>
<td>Moist to Well-Drained</td>
<td>High</td>
<td>Medium</td>
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<tr>
<td><strong>Callistemon viminalis</strong></td>
<td>Weeping Bottlebrush</td>
<td>No</td>
<td>15'-20'</td>
<td>15'-20'</td>
<td>None</td>
<td>None</td>
<td>Evergreen</td>
<td>Weeping</td>
<td>Moist to Well-Drained</td>
<td>High</td>
<td>Medium</td>
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### TABLE 4.5-6 QUALIFIED TREES

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<th>Botanical Name</th>
<th>Common Name</th>
<th>Street Tree</th>
<th>Mature Height</th>
<th>Mature Spread</th>
<th>Power Line Offset</th>
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<th>Deciduous/ Evergreen</th>
<th>Growth Habit</th>
<th>Soil Moisture</th>
<th>Drought Tolerance</th>
<th>Wind Resistance</th>
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<tbody>
<tr>
<td><em>Camellia sasanqua</em></td>
<td>Sansanqua</td>
<td>No</td>
<td>15'-20'</td>
<td>15'-20'</td>
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<td>None</td>
<td>Evergreen</td>
<td>Rounded</td>
<td>Well-Drained</td>
<td>Medium</td>
<td>Medium</td>
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<tr>
<td><em>Cassia bicapsularis</em></td>
<td>Butterfly Bush</td>
<td>No</td>
<td>8'-12'</td>
<td>8'-10'</td>
<td>None</td>
<td>None</td>
<td>Semi-Evergreen</td>
<td>Rounded</td>
<td>Well-Drained</td>
<td>Medium</td>
<td>Low</td>
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<tr>
<td><em>Chionanthus retusa</em></td>
<td>Chinese Fringetree</td>
<td>No</td>
<td>15'-20'</td>
<td>10'-15'</td>
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<td>None</td>
<td>Deciduous</td>
<td>Rounded</td>
<td>Well-Drained</td>
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<td>Medium</td>
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<tr>
<td><em>Cordia boissieri</em></td>
<td>White Geiger Tree</td>
<td>No</td>
<td>15'-20'</td>
<td>10'-15'</td>
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<tr>
<td><em>Eugenia foetida</em></td>
<td>Simpson Stopper</td>
<td>Yes</td>
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<td>10'-15'</td>
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<td>Medium</td>
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<td><em>Ilex cornuta</em> 'Burfordii'</td>
<td>Burford Holly</td>
<td>Yes</td>
<td>15'-25'</td>
<td>15'-25'</td>
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<td>Rounded</td>
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<tr>
<td><em>Ilex vomitoria</em></td>
<td>Yaupon Holly</td>
<td>Yes</td>
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<td>None</td>
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<td><em>Ilex vomitoria</em></td>
<td>Weeping Yaupon Holly</td>
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<tr>
<td><em>Lagerstroemia indica</em></td>
<td>Crape Myrtle</td>
<td>Yes</td>
<td>10'-30'</td>
<td>15'-25'</td>
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<td><em>Lagerstroemia indica</em> ‘Acoma’</td>
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<td><em>Lagerstroemia indica</em> ‘Apalachee’</td>
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<td>Drought Tolerance</td>
<td>Wind Resistance</td>
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<td>Lagerstroemia indica 'Tonto'</td>
<td>Crape Myrtle</td>
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</table>
### Table 4.5-6 Qualified Trees

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th>Common Name</th>
<th>Street Tree</th>
<th>Mature Height</th>
<th>Mature Spread</th>
<th>Power Line Offset</th>
<th>Water/Sewer Offset</th>
<th>Deciduous/Evergreen</th>
<th>Growth Habit</th>
<th>Soil Moisture</th>
<th>Drought Tolerance</th>
<th>Wind Resistance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lagerstroemia indica 'Yuma'</td>
<td>Crape Myrtle</td>
<td>Yes</td>
<td>12'-20'</td>
<td>10'-15'</td>
<td>None</td>
<td>None</td>
<td>Deciduous</td>
<td>Open</td>
<td>Varied</td>
<td>High</td>
<td>High</td>
</tr>
<tr>
<td>Ligustrum japonicum</td>
<td>Waxleaf Privet</td>
<td>Yes</td>
<td>10'-15'</td>
<td>15'-20'</td>
<td>None</td>
<td>None</td>
<td>Evergreen</td>
<td>Oval Round</td>
<td>Varied</td>
<td>High</td>
<td>Medium</td>
</tr>
<tr>
<td>Parkinsonia aculeata</td>
<td>Jerusalem Thorn</td>
<td>No</td>
<td>15'-20'</td>
<td>20'-25'</td>
<td>None</td>
<td>None</td>
<td>Deciduous</td>
<td>Vase Spreading</td>
<td>Varied</td>
<td>High</td>
<td>High</td>
</tr>
<tr>
<td>Prunus angustifolia</td>
<td>Chickasaw Plum</td>
<td>No</td>
<td>12'-20'</td>
<td>15'-20'</td>
<td>None</td>
<td>None</td>
<td>Deciduous</td>
<td>Rounded</td>
<td>Well-Drained</td>
<td>High</td>
<td>Medium</td>
</tr>
<tr>
<td>Prunus umbellata</td>
<td>Flatwoods Plum</td>
<td>No</td>
<td>15'-20'</td>
<td>15'-20'</td>
<td>None</td>
<td>None</td>
<td>Deciduous</td>
<td>Rounded</td>
<td>Well-Drained</td>
<td>Medium</td>
<td>High</td>
</tr>
<tr>
<td>Viburnum odoratissimum 'Awabuki'</td>
<td>Awabuki Sweet Viburnum</td>
<td>No</td>
<td>15'-20'</td>
<td>15'-20'</td>
<td>None</td>
<td>None</td>
<td>Evergreen</td>
<td>Rounded</td>
<td>Well-Drained</td>
<td>High</td>
<td>High</td>
</tr>
<tr>
<td>Vitex agnus-castus</td>
<td>Chastetree</td>
<td>Yes</td>
<td>10'-15'</td>
<td>15'-20'</td>
<td>None</td>
<td>None</td>
<td>Deciduous</td>
<td>Rounded</td>
<td>Varied</td>
<td>High</td>
<td>Medium</td>
</tr>
<tr>
<td>Botanical Name</td>
<td>Common Name</td>
<td>Street Tree</td>
<td>Mature Height</td>
<td>Mature Spread</td>
<td>Power Line Offset</td>
<td>Water/ Sewer Offset</td>
<td>Deciduous/ Evergreen</td>
<td>Growth Habit</td>
<td>Soil Moisture</td>
<td>Drought Tolerance</td>
<td>Wind Resistance</td>
</tr>
<tr>
<td>----------------</td>
<td>-------------</td>
<td>-------------</td>
<td>---------------</td>
<td>---------------</td>
<td>------------------</td>
<td>---------------------</td>
<td>---------------------</td>
<td>--------------</td>
<td>--------------</td>
<td>------------------</td>
<td>----------------</td>
</tr>
<tr>
<td>Bismarkia nobilis</td>
<td>Silver Bismark Palm</td>
<td>No</td>
<td>30'-60'</td>
<td>10'-20'</td>
<td>30'</td>
<td>5'</td>
<td>Evergreen</td>
<td>Upright Palm</td>
<td>Varied</td>
<td>High</td>
<td>High</td>
</tr>
<tr>
<td>Phoenix canariensis</td>
<td>Canary Island Date Palm</td>
<td>No</td>
<td>40'-60'</td>
<td>15'-25'</td>
<td>30'</td>
<td>5'</td>
<td>Evergreen</td>
<td>Upright with long fronds</td>
<td>Varied</td>
<td>High</td>
<td>High</td>
</tr>
<tr>
<td>Phoenix reclinata 'X'</td>
<td>Senegal Date Palm</td>
<td>No</td>
<td>25'-30'</td>
<td>10'-20'</td>
<td>30'</td>
<td>5'</td>
<td>Evergreen</td>
<td>Upright with long fronds</td>
<td>Varied</td>
<td>High</td>
<td>High</td>
</tr>
<tr>
<td>Phoenix rupicola</td>
<td>Cliff Date Palm</td>
<td>No</td>
<td>40'-60'</td>
<td>10'-20'</td>
<td>30'</td>
<td>5'</td>
<td>Evergreen</td>
<td>Upright with long fronds</td>
<td>Varied</td>
<td>High</td>
<td>High</td>
</tr>
<tr>
<td>Phoenix sylvestris</td>
<td>Sylvester Palm</td>
<td>No</td>
<td>40'-50'</td>
<td>10'-20'</td>
<td>30'</td>
<td>5'</td>
<td>Evergreen</td>
<td>Upright with long fronds</td>
<td>Varied</td>
<td>High</td>
<td>High</td>
</tr>
<tr>
<td>Syagrus romanzoffiana</td>
<td>Queen Palm</td>
<td>No</td>
<td>30'-50'</td>
<td>15'-20'</td>
<td>30'</td>
<td>5'</td>
<td>Evergreen</td>
<td>Upright with long fronds</td>
<td>Varied</td>
<td>High</td>
<td>High</td>
</tr>
<tr>
<td>Archontophoenix alexandrae</td>
<td>Alexandra Palm</td>
<td>No</td>
<td>60'-90'</td>
<td>5'-10'</td>
<td>15'</td>
<td>5'</td>
<td>Evergreen</td>
<td>Upright Palm</td>
<td>Varied</td>
<td>High</td>
<td>High</td>
</tr>
<tr>
<td>Archontophoenix cunninghamiana</td>
<td>Picabeen Palm</td>
<td>No</td>
<td>30'-40'</td>
<td>10'-15'</td>
<td>15'</td>
<td>5'</td>
<td>Evergreen</td>
<td>Upright Palm</td>
<td>Varied</td>
<td>High</td>
<td>High</td>
</tr>
<tr>
<td>Butia capitata</td>
<td>Pindo Palm</td>
<td>No</td>
<td>15'-25'</td>
<td>10'-15'</td>
<td>15'</td>
<td>5'</td>
<td>Evergreen</td>
<td>Upright Palm</td>
<td>Varied</td>
<td>High</td>
<td>High</td>
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</table>
### Table 4.5-7 Qualified Palms

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th>Common Name</th>
<th>Street Tree</th>
<th>Mature Height</th>
<th>Mature Spread</th>
<th>Power Line Offset</th>
<th>Water/Sewer Offset</th>
<th>Deciduous/Evergreen</th>
<th>Growth Habit</th>
<th>Soil Moisture</th>
<th>Drought Tolerance</th>
<th>Wind Resistance</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Livistonia chinensis</em></td>
<td>Chinese Fan Palm</td>
<td>No</td>
<td>30'-50'</td>
<td>5'-10'</td>
<td>15'</td>
<td>5'</td>
<td>Evergreen</td>
<td>Upright Palm</td>
<td>Varied</td>
<td>High</td>
<td>High</td>
</tr>
<tr>
<td><em>Livistonia decipiens</em></td>
<td>Ribbon Palm</td>
<td>No</td>
<td>30'-50'</td>
<td>5'-10'</td>
<td>15'</td>
<td>5'</td>
<td>Evergreen</td>
<td>Upright Palm</td>
<td>Varied</td>
<td>High</td>
<td>High</td>
</tr>
<tr>
<td><em>Livistonia nitida</em></td>
<td>Ribbon Palm</td>
<td>No</td>
<td>30'-50'</td>
<td>5'-10'</td>
<td>15'</td>
<td>5'</td>
<td>Evergreen</td>
<td>Upright Palm</td>
<td>Varied</td>
<td>High</td>
<td>High</td>
</tr>
<tr>
<td><em>Sabal causiarum</em></td>
<td>Hat Palm</td>
<td>No</td>
<td>40'-50'</td>
<td>10'-15'</td>
<td>15'</td>
<td>5'</td>
<td>Evergreen</td>
<td>Upright Palm</td>
<td>Varied</td>
<td>High</td>
<td>High</td>
</tr>
<tr>
<td><em>Sabal balckburiana</em></td>
<td>Hat Palm</td>
<td>No</td>
<td>40'-50'</td>
<td>10'-15'</td>
<td>15'</td>
<td>5'</td>
<td>Evergreen</td>
<td>Upright Palm</td>
<td>Varied</td>
<td>High</td>
<td>High</td>
</tr>
<tr>
<td><em>Sabal palmetto</em></td>
<td>Cabbage Palm</td>
<td>No</td>
<td>30'-80'</td>
<td>10'-15'</td>
<td>15'</td>
<td>5'</td>
<td>Evergreen</td>
<td>Upright Palm</td>
<td>Varied</td>
<td>High</td>
<td>High</td>
</tr>
<tr>
<td><em>Washingtonia filifera</em></td>
<td>California Fan Palm</td>
<td>No</td>
<td>40'-50'</td>
<td>10'-15'</td>
<td>15'</td>
<td>5'</td>
<td>Evergreen</td>
<td>Upright Palm</td>
<td>Varied</td>
<td>High</td>
<td>High</td>
</tr>
<tr>
<td><em>Washingtonia robusta</em></td>
<td>Petticoat Palm</td>
<td>No</td>
<td>40'-60'</td>
<td>10'-15'</td>
<td>15'</td>
<td>5'</td>
<td>Evergreen</td>
<td>Upright Palm</td>
<td>Varied</td>
<td>High</td>
<td>High</td>
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</tbody>
</table>
### TABLE 4.5-8 QUALIFIED SHRUBS, FLOWERS AND GROUNDCOVERS

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th>Common Name</th>
<th>Light Intensity</th>
<th>Flower Season</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>GROUNDCOVERS FOR NORMAL TO WET SITES</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Acrostichum danaeifolium</td>
<td>Giant Leather Fern</td>
<td>Low</td>
<td>NA</td>
</tr>
<tr>
<td>Ajuga reptans</td>
<td>Ajuga</td>
<td>Partial</td>
<td>Spring</td>
</tr>
<tr>
<td>Andropogon virginicus</td>
<td>Broomside</td>
<td>Full</td>
<td>Fall</td>
</tr>
<tr>
<td>Asparagus aethiopicus 'Myers'</td>
<td>Foxtail Fern</td>
<td>Partial</td>
<td>NA</td>
</tr>
<tr>
<td>Asparagus densiflorus</td>
<td>Sprengeri Fern</td>
<td>Partial</td>
<td>NA</td>
</tr>
<tr>
<td>Asplenium nidus</td>
<td>Birdsnest Fern</td>
<td>Low/Partial</td>
<td>NA</td>
</tr>
<tr>
<td>Bacopa monnieri</td>
<td>Smooth Water-hyssop</td>
<td>Full</td>
<td></td>
</tr>
<tr>
<td>Blechnum serrulatum</td>
<td>Swamp Fern</td>
<td>Partial/Full</td>
<td>NA</td>
</tr>
<tr>
<td>Chasmanthium latifolium</td>
<td>Broadleaf Woodoats</td>
<td>Full</td>
<td></td>
</tr>
<tr>
<td>Cuphea hyssopifolia</td>
<td>False Heather</td>
<td>Full</td>
<td>Spring/Summer</td>
</tr>
<tr>
<td>Cyrtomium falcatum</td>
<td>Holly Fern</td>
<td>Low</td>
<td>NA</td>
</tr>
<tr>
<td>Distichlis spicata</td>
<td>Grass Salt</td>
<td>Full</td>
<td></td>
</tr>
<tr>
<td>Eremochloa ophiuroides</td>
<td>Grass Centipede</td>
<td>Full</td>
<td>NA</td>
</tr>
<tr>
<td>Evolvulus glomerata</td>
<td>Blue Daze</td>
<td>Full</td>
<td>Summer</td>
</tr>
<tr>
<td>Ficus pumila</td>
<td>Creeping Fig</td>
<td>Partial</td>
<td>NA</td>
</tr>
<tr>
<td>Juniperus procumbens</td>
<td>Juniper Japanese Garden</td>
<td>Full</td>
<td>NA</td>
</tr>
<tr>
<td>Mimosa strigillosa</td>
<td>Powderpuff</td>
<td>Full</td>
<td></td>
</tr>
<tr>
<td>Muhlenbergia capillaris</td>
<td>Grass, Muhly</td>
<td>Full</td>
<td>Summer</td>
</tr>
<tr>
<td>Nephrolepis biserrata</td>
<td>Giant Sword Fern</td>
<td>Partial</td>
<td>NA</td>
</tr>
<tr>
<td>Nephrolepis exaaltata</td>
<td>Boston Fern</td>
<td>Partial</td>
<td>NA</td>
</tr>
<tr>
<td>Osmunda cinnamomea</td>
<td>Cinnamon Fern</td>
<td>Low</td>
<td>NA</td>
</tr>
<tr>
<td>Osmunda regalis</td>
<td>Royal Fern</td>
<td>Low/Partial</td>
<td>NA</td>
</tr>
<tr>
<td>Panicum hemitomon</td>
<td>Maidencane</td>
<td>Full</td>
<td></td>
</tr>
<tr>
<td>Rumohra adiantiformis</td>
<td>Leatherleaf Fern</td>
<td>Partial/Full</td>
<td>NA</td>
</tr>
<tr>
<td>Sophastrum secundum</td>
<td>Grass, Lopsided Indian</td>
<td>Full</td>
<td></td>
</tr>
<tr>
<td>Spartina alterniflora</td>
<td>Grass, Smooth Cord</td>
<td>Full</td>
<td></td>
</tr>
<tr>
<td>Stachytarpheta Jamaicensis</td>
<td>Porterweed</td>
<td>Full</td>
<td>Summer</td>
</tr>
</tbody>
</table>
### TABLE 4.5-8 QUALIFIED SHRUBS, FLOWERS AND GROUNDCOVERS

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th>Common Name</th>
<th>Light Intensity</th>
<th>Flower Season</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tetrastigma voinerianum*</td>
<td>Grape Ivy</td>
<td>Low/Partial</td>
<td>NA</td>
</tr>
<tr>
<td>Thelypteris kunthii</td>
<td>Southernshield Fern</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td>Trachelospermum asiaticum</td>
<td>Jasminie Asiatic</td>
<td>Partial</td>
<td>NA</td>
</tr>
<tr>
<td>Tradescantia pallida</td>
<td>Purple Queen</td>
<td>Low</td>
<td></td>
</tr>
<tr>
<td>Various species*</td>
<td>Bromeliad</td>
<td>Low</td>
<td>VARIES</td>
</tr>
</tbody>
</table>

**GROUND COVERS FOR NORMAL TO DRY SITES**

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Light Intensity</th>
<th>Flower Season</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aspidistra elatior</td>
<td>Full</td>
<td>NA</td>
</tr>
<tr>
<td>Cynodon dactylon</td>
<td>Full</td>
<td>NA</td>
</tr>
<tr>
<td>Dianella tasmanica</td>
<td>Flax Lily</td>
<td>Full</td>
</tr>
<tr>
<td>Eragrostis spectabilis</td>
<td>Grass, Purple Love</td>
<td>Full</td>
</tr>
<tr>
<td>Gelsemium sempervirens</td>
<td>Carolina Jasmine</td>
<td>Full</td>
</tr>
<tr>
<td>Helianthus debilis</td>
<td>Beach Sunflower</td>
<td>Full</td>
</tr>
<tr>
<td>Hypericum reductum</td>
<td>St. John’s Wort</td>
<td>Full</td>
</tr>
</tbody>
</table>

**FLOWERS FOR NORMAL TO DRY SITES**

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Light Intensity</th>
<th>Flower Season</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lupinus diffusus</td>
<td>Full</td>
<td></td>
</tr>
<tr>
<td>Monarda punctata</td>
<td>Dotted Horsemint</td>
<td>Full</td>
</tr>
<tr>
<td>Neomarica spp</td>
<td>Iris, walking</td>
<td>Full</td>
</tr>
<tr>
<td>Penstemon multiflorus</td>
<td>Beardtongue, White</td>
<td>Full</td>
</tr>
<tr>
<td>Pentas lanceolata</td>
<td>Pentas</td>
<td>Full</td>
</tr>
<tr>
<td>Phlox divaricata</td>
<td>Phlox, Woodland</td>
<td>Full</td>
</tr>
<tr>
<td>Phlox drummondii</td>
<td>Phlox, Garden</td>
<td>Full</td>
</tr>
<tr>
<td>Pityopsis graminifolia</td>
<td>Silkgloss</td>
<td>Full</td>
</tr>
<tr>
<td>Portulaca grandiflora</td>
<td>Moss Rose or Portulaca</td>
<td>Full</td>
</tr>
<tr>
<td>Ruellia caroliniensis</td>
<td>Wild Petunia</td>
<td>Full</td>
</tr>
<tr>
<td>Salvia splendens</td>
<td>Sage, Tropical</td>
<td>Full</td>
</tr>
<tr>
<td>Senecio cineraria</td>
<td>Dusty-miller</td>
<td>Full</td>
</tr>
<tr>
<td>Stokesia laevis</td>
<td>Aster, Stokes’</td>
<td>Full</td>
</tr>
<tr>
<td>Tithonia diversifolia</td>
<td>Mexican Sunflower</td>
<td>Full</td>
</tr>
<tr>
<td>Tithonia rotundifolia</td>
<td>Mexican Zinnia</td>
<td>Full</td>
</tr>
<tr>
<td>Verbena bonariensis</td>
<td>Verbena, Purpletop or Roadside</td>
<td>Full</td>
</tr>
<tr>
<td>Yucca spp</td>
<td>Yucca</td>
<td>Full</td>
</tr>
</tbody>
</table>

**SHRUBS FOR NORMAL TO WET SITES**

* Subject to freeze damage
^ Recommended for vehicle use areas
<table>
<thead>
<tr>
<th>Botanical Name</th>
<th>Common Name</th>
<th>Light Intensity</th>
<th>Flower Season</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acalypha hispida</td>
<td>Chenille Plant</td>
<td>Full</td>
<td>Summer</td>
</tr>
<tr>
<td>Acca sellowia</td>
<td>Pineapple Guava</td>
<td>Full</td>
<td></td>
</tr>
<tr>
<td>Agarista populifolia</td>
<td>Pipestem</td>
<td>Low/Partial</td>
<td></td>
</tr>
<tr>
<td>Brunfelsia grandiflora</td>
<td>Yesterday Today</td>
<td>Partial</td>
<td>Spring</td>
</tr>
<tr>
<td>Calycanthus floridus</td>
<td>Sweet Shrub</td>
<td>Partial/Full</td>
<td>Summer</td>
</tr>
<tr>
<td>Clerodendrum quadriloculare</td>
<td>Variegated Shooting Star</td>
<td>Partial/Full</td>
<td>Summer</td>
</tr>
<tr>
<td>'Brandonii*'</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clerodendrum quadriloculare*</td>
<td>Shooting Star</td>
<td>Full</td>
<td>Summer</td>
</tr>
<tr>
<td>Clethra alnifolia</td>
<td>Sweet Pepperbush</td>
<td>Full</td>
<td>Spring</td>
</tr>
<tr>
<td>Cocculus laurifolius</td>
<td>Snailseed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Conocarpus erectus*</td>
<td>Silver Buttonwood</td>
<td>Full</td>
<td>NA</td>
</tr>
<tr>
<td>Cyrilla racemiflora</td>
<td>Titi</td>
<td>Fall/Low</td>
<td>Summer</td>
</tr>
<tr>
<td>Elaeocarpus decipiens</td>
<td>Japanese Blueberry</td>
<td>Full</td>
<td>NA</td>
</tr>
<tr>
<td>Galphimia gracilis</td>
<td>Thryallis</td>
<td>Full</td>
<td>Summer</td>
</tr>
<tr>
<td>Gardenia augusta</td>
<td>Gardenia, Cape</td>
<td>Full</td>
<td>Spring</td>
</tr>
<tr>
<td></td>
<td>Jasmine</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hamelia patens</td>
<td>Firebush</td>
<td>Full/Partial</td>
<td>Summer</td>
</tr>
<tr>
<td>Hibiscus rosa-sinensis</td>
<td>Hibiscus</td>
<td>Full</td>
<td>Spring</td>
</tr>
<tr>
<td>Hydrangea macrophylla</td>
<td>Hydrangea</td>
<td>Partial</td>
<td>Summer</td>
</tr>
<tr>
<td>Llex crenata*</td>
<td>Japanese Holly</td>
<td>Full/Partial</td>
<td>NA</td>
</tr>
<tr>
<td>Llex glagra</td>
<td>Galberry</td>
<td>Full</td>
<td>NA</td>
</tr>
<tr>
<td>Jasminum mesnyi</td>
<td>Jasmine</td>
<td>Full</td>
<td>NA</td>
</tr>
<tr>
<td>Jasminum multiflorum</td>
<td>Downy Jasmine</td>
<td>Full</td>
<td>Summer</td>
</tr>
<tr>
<td>Juniperus chinensis</td>
<td>Chinese Juniper</td>
<td>Full</td>
<td>NA</td>
</tr>
<tr>
<td>Lyonia lucida</td>
<td>Lyonia Shiny</td>
<td>Full/Partial</td>
<td></td>
</tr>
<tr>
<td>Myrica cerifera</td>
<td>Wax Myrtle</td>
<td>Full/Partial</td>
<td></td>
</tr>
<tr>
<td>Odontonema cuspidata</td>
<td>Firespike</td>
<td>Full</td>
<td>Spring</td>
</tr>
<tr>
<td>Osmanthus fragrans</td>
<td>*Sweet Olive</td>
<td>Full</td>
<td>NA</td>
</tr>
<tr>
<td>Philodendron spp*</td>
<td>Philodendron,</td>
<td>Low</td>
<td>Fall/Winter</td>
</tr>
<tr>
<td></td>
<td>‘Xanadu’</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plumbago auriculata</td>
<td>Plumbago</td>
<td>Low</td>
<td>NA</td>
</tr>
<tr>
<td>Podocarpus macrophyllus^</td>
<td>Podocarpus</td>
<td>Full</td>
<td>Spring/Summer</td>
</tr>
<tr>
<td>Psychotria nervosa</td>
<td>Wild Coffee</td>
<td>Low</td>
<td></td>
</tr>
</tbody>
</table>
### TABLE 4.5-8 QUALIFIED SHRUBS, FLOWERS AND GROUNDCOVERS

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th>Common Name</th>
<th>Light Intensity</th>
<th>Flower Season</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pyracantha coccinea</td>
<td>Firethorn</td>
<td>Low</td>
<td></td>
</tr>
<tr>
<td>Rapanea punctata</td>
<td>Myrsine</td>
<td>Full</td>
<td>Winter</td>
</tr>
<tr>
<td>Rhaphiolepis indica</td>
<td>Indian Hawthorne</td>
<td>Full</td>
<td>Winter</td>
</tr>
<tr>
<td>Rhododendron austrinum</td>
<td>Azalea, Florida Flame</td>
<td>Low</td>
<td>Spring/Summer</td>
</tr>
<tr>
<td>Rhododendron Minus ‘Chapmanii’</td>
<td>Chapemans, Rhododendron</td>
<td>Low</td>
<td></td>
</tr>
<tr>
<td>Rosa hybrid</td>
<td>Rose, ‘Knockout’</td>
<td>Full</td>
<td></td>
</tr>
<tr>
<td>Rosa laevigata</td>
<td>Rose, Cherokee</td>
<td>Full</td>
<td></td>
</tr>
<tr>
<td>Hibiscus syriacus</td>
<td>Rose of Sharon</td>
<td>Full</td>
<td></td>
</tr>
<tr>
<td>Robus spp’Brazos’</td>
<td>Blackberry</td>
<td>Full</td>
<td></td>
</tr>
<tr>
<td>Percea palustris</td>
<td>Swamp Bay</td>
<td>Full</td>
<td></td>
</tr>
<tr>
<td>Tecoma capensis</td>
<td>Honeysuckle, Cape</td>
<td>Full</td>
<td>Winter</td>
</tr>
<tr>
<td>Tibouchina spp</td>
<td>Glory Bush</td>
<td>Full</td>
<td>NA</td>
</tr>
<tr>
<td>Tripsacum dactyloides</td>
<td>Fakahatchee Grass</td>
<td>Full</td>
<td></td>
</tr>
<tr>
<td>Vaccinium cultivars</td>
<td>Blueberry</td>
<td>Full</td>
<td></td>
</tr>
<tr>
<td>Viburnum obovatum</td>
<td>Viburnum, ‘Miss Shiller’s Delight’</td>
<td>Full</td>
<td></td>
</tr>
<tr>
<td>viburnum obovatum^</td>
<td>Viburnum, ‘Walters’</td>
<td>Full</td>
<td></td>
</tr>
<tr>
<td>Viburnum odoratissimum</td>
<td>Viburnum, Sweet</td>
<td>Full</td>
<td></td>
</tr>
<tr>
<td>Viburnum odoratissimum ‘Awabuki’^</td>
<td>Viburnum, Mirror Leaf</td>
<td>Full</td>
<td></td>
</tr>
<tr>
<td>Viburnum suspensum^</td>
<td>Viburnum, sandankwa</td>
<td>Full</td>
<td></td>
</tr>
<tr>
<td>Zingiber zerumbet*</td>
<td>Variegated Ginger</td>
<td>Full/Partial</td>
<td></td>
</tr>
</tbody>
</table>

**SHRUBS FOR NORMAL TO DRY SITES**

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th>Common Name</th>
<th>Light Intensity</th>
<th>Flower Season</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acalypha wilkesiana*</td>
<td>Copper Plant</td>
<td>Full</td>
<td>NA</td>
</tr>
<tr>
<td>Agave americana</td>
<td>Century Plant</td>
<td>Full</td>
<td>Summer</td>
</tr>
<tr>
<td>Allamanda cathartica*</td>
<td>Allamanda</td>
<td>Full</td>
<td>Summer</td>
</tr>
<tr>
<td>Bougainvillea glabra</td>
<td>Bougainvillea</td>
<td>Full</td>
<td>Spring/Summer</td>
</tr>
<tr>
<td>Callicarpa americana</td>
<td>American Beautiberry</td>
<td>Partial/Full</td>
<td>Summer</td>
</tr>
<tr>
<td>Callistemon citrinos</td>
<td>Bottle Brush, ‘Red Cluster’</td>
<td>Full</td>
<td>Summer</td>
</tr>
<tr>
<td>Camellia japonica</td>
<td>Camellia</td>
<td>Partial</td>
<td>Winter/Spring</td>
</tr>
<tr>
<td>Camellia sasanqua</td>
<td>Camellia</td>
<td>Full</td>
<td>Fall</td>
</tr>
</tbody>
</table>

* Subject to freeze damage
^ Recommended for vehicle use areas
### TABLE 4.5-8 QUALIFIED SHRUBS, FLOWERS AND GROUNDCOVERS

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th>Common Name</th>
<th>Light Intensity</th>
<th>Flower Season</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coccoloba uvifera*</td>
<td>Sea Grape</td>
<td>Full</td>
<td>Spring</td>
</tr>
<tr>
<td>Codiaeum variegatum*</td>
<td>Croton</td>
<td>Partial/Full</td>
<td>NA</td>
</tr>
<tr>
<td>Cortaderia Selloana</td>
<td>Pampas Grass</td>
<td>Full</td>
<td>Summer</td>
</tr>
<tr>
<td>Crinum asiaticum</td>
<td>Crinum Lily</td>
<td>Partial/Full</td>
<td>Summer/Fall</td>
</tr>
<tr>
<td>Duranta erecta*</td>
<td>Duranta, ‘Cuban Gold’</td>
<td>Full</td>
<td>Summer</td>
</tr>
<tr>
<td>Duranta erecta*</td>
<td>Duranta, ‘Gold Mound’</td>
<td>Full</td>
<td>Summer</td>
</tr>
<tr>
<td>Duranta erecta*</td>
<td>Duranta, ‘Sapphire Showers’</td>
<td>Fall</td>
<td>Summer</td>
</tr>
<tr>
<td>Elaeagnus pungens*</td>
<td>Silverthorn</td>
<td>Fall</td>
<td>NA</td>
</tr>
<tr>
<td>Eugenia uniflora*</td>
<td>Surinam Cherry</td>
<td>Fall</td>
<td>Spring</td>
</tr>
<tr>
<td>Hydrangea quercifolia</td>
<td>Hydrangea Oakleaf</td>
<td>Partial</td>
<td>Spring</td>
</tr>
<tr>
<td>Ilex vomitoria*</td>
<td>Holly, ‘Stoke’s Dwarf’</td>
<td>Fall</td>
<td></td>
</tr>
<tr>
<td>Ixora coccinea*</td>
<td>Ixora</td>
<td>Fall</td>
<td>Summer</td>
</tr>
<tr>
<td>Jatropha spp*</td>
<td>Jatropha</td>
<td>Fall</td>
<td>Summer</td>
</tr>
<tr>
<td>Lantana involucrata</td>
<td>Wild Sage</td>
<td>Fall</td>
<td>Winter/Spring</td>
</tr>
<tr>
<td>Lycium carolinianum</td>
<td>Christmas Berry</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lyonia ferruginea</td>
<td>Lyonia, Rusty</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Malvaviscus arboreus</td>
<td>Turk’s Cap</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nandina domestica</td>
<td>heavenly Bamboo</td>
<td>Fall/Partial</td>
<td>Summer</td>
</tr>
<tr>
<td>Nerium oleander</td>
<td>Oleander</td>
<td>Fall</td>
<td>Spring/Summer</td>
</tr>
<tr>
<td>Philodendron selloum</td>
<td>Philodendron</td>
<td>Partial</td>
<td>NA</td>
</tr>
<tr>
<td>Plumbago auriculata*</td>
<td>Plumbago</td>
<td>Fall</td>
<td>Winter/Spring</td>
</tr>
<tr>
<td>Platycladus orientalis</td>
<td>Arbor-vitae, Oriental</td>
<td>Fall</td>
<td>NA</td>
</tr>
<tr>
<td>Podocarpus macrophyllus</td>
<td>Podocarpus</td>
<td>Fall/Partial</td>
<td>NA</td>
</tr>
<tr>
<td>Rasmarrinus officinalis</td>
<td>Rosemary</td>
<td>Fall</td>
<td>NA</td>
</tr>
<tr>
<td>Schefflera arbicola*</td>
<td>Dwarf Schefflera</td>
<td>Partial</td>
<td>NA</td>
</tr>
<tr>
<td>Severinia buxifolia</td>
<td>Boxthorn</td>
<td></td>
<td>NA</td>
</tr>
<tr>
<td>Sophora tomentosa</td>
<td>Yellow Necklace Pod</td>
<td></td>
<td>Summer</td>
</tr>
<tr>
<td>Vaccinium darrowii</td>
<td>Blueberry Darrow’s</td>
<td>Fall</td>
<td>Spring</td>
</tr>
<tr>
<td>Yucca aloifolia</td>
<td>Spanish Bayonet</td>
<td>Fall</td>
<td>Summer</td>
</tr>
</tbody>
</table>
4.5.11.3 Irrigation Systems

a. Unless otherwise provided herein, all required landscaping shall be irrigated by a permanent irrigation system designed for maximum water conservation which shall provide 100 percent coverage of plant material, and shall be fully operational before building occupancy, except that no irrigation system shall be required in those areas where existing trees or areas of natural vegetation are to be preserved as indicated on the approved landscape plan. If approved by the Director of Parks and Recreation, newly planted trees may be irrigated by a temporary irrigation system. Newly planted trees shall be irrigated until they are established, at which time irrigation may be terminated and any temporary irrigation system removed.

b. Rain shut-off devices shall be required.

c. Irrigation systems serving landscape areas having different irrigation demand shall be zoned accordingly.

d. Water Source

1. At the discretion of the Water Utilities Department, the use of non-potable water sources may be required for irrigation. Non-potable sources include shallow wells, agricultural wells, lakes, ponds, stormwater retention and detention facilities, and reclaimed/reuse water systems. Where non-potable irrigation water systems are planned but not yet operational, at the discretion of the Water Utilities Department the irrigation system may be connected to the potable water system and disconnected when non-potable irrigation water becomes available. The use of non-potable irrigation water sources shall not exempt development from the water-efficient landscaping principles of this article.

2. Irrigation systems shall not be connected to both potable and non-potable sources due to the potential of contaminating the City’s potable water system. Any water source other than the City’s potable water system is an “auxiliary supply.” Where an auxiliary supply is used, there shall be a physical disconnect (air gap) between the two piping systems. An approved backflow prevention assembly shall be installed at the City’s water service connection to any premises where there is an auxiliary water supply, even though there is no connection between the auxiliary water supply and the public potable water system. Backflow prevention assemblies approved by the Water Utilities Department shall be installed on all potable water service connections/meters to the site, including those for domestic, fire service and irrigation water.

4.5.11.4 Maintenance of Landscaping

a. Required landscaping shall be maintained in healthy condition at all times. No required shrubs or trees shall be destroyed without a permit issued by the Director of Parks and Recreation upon approval of a proposed landscape plan or subdivision construction plan.
b. Required trees shall not be abused. Required trees shall not be pruned or trimmed in such a manner as to prevent the tree from reaching its mature height and canopy.

c. All areas that are to be preserved as natural vegetation shall be maintained to eliminate invasive vegetation, lawn grasses, trash, or other debris and shall be managed to maintain the plant community in its natural state.

d. Stormwater management facilities shall be maintained free of cattails or other invasive or noxious growth in accordance with City of Lakeland and SWFWMD requirements and permits.

e. Landscaping within visibility triangles shall be maintained in accordance with 4.12.

f. Mulch shall be replenished as necessary to maintain a three inch depth.

g. This section shall not apply to tree clearance activity or emergency repair work authorized by a public utility within a right-of-way or utility easement.

4.5.12 LANDSCAPE AND IRRIGATION PLANS

4.5.12.1 Landscaping and Irrigation Plans Required

a. A landscape plan and an irrigation plan, prepared in accordance with this article and the most recent administrative procedures, shall be submitted with applications for building permits, site plans, preliminary subdivision plats and occupancy permits for all projects to which this article applies (See Sub-Section 4.5.1.2 Applicability.) Additional landscaping, landscape plans and irrigation plans shall not be required for premises with conforming landscaping. Landscape and irrigation plans for non-residential and multi-family projects of five acres or greater shall be signed and sealed by a Registered Landscape Architect licensed in the State of Florida. 

(Ord. No. 5522, 07-20-15)

b. A separate landscape plan and an irrigation plan is optional in the case of single-family or two-family structures. In lieu of a separate landscape plan, the location of all trees necessary to meet minimum tree density and all trees to be preserved and protected during construction shall be shown on the construction plans as part of the application for a building permit. Where irrigation is provided, rain shut-off devices and back flow preventers are required and non-potable water sources may be required.

4.5.12.2 Landscaping Plan Requirements

Landscaping plans shall contain the following minimum information:

a. Name, address, and telephone number of both the owner and the designer.

b. Scale (minimum 1" = 40'), north arrow, and date.
c. Location, common name and DBH of all regulated trees. Indicate whether each is to be preserved, relocated or destroyed. The new location of all relocated trees. The proposed location of replacement trees. As an alternative, regulated trees proposed to be destroyed may be documented on a separate tree survey or existing conditions plan. This requirement may be waived by the Director of Parks and Recreation if he finds after a field visit that there are no significant trees in the site.

d. Areas of natural vegetation proposed to be preserved.

e. Location and dimensions of all planter strips, planter beds, landscape islands and plant materials.

f. Vehicle use areas including parking spaces, driveways, drive aisles, loading areas and other vehicle maneuvering areas.

g. Abutting rights-of-way, street names, centerlines, curb lines, curb cuts and median openings.

h. Stormwater retention ponds, backflow prevention assemblies, transformers, switchgear boxes and other on-site facilities.

i. Overhead and underground utilities.

j. Sight visibility triangles in accordance with Section 4.12.

4.5.12.3 Irrigation Plan Requirements

Irrigation plans shall contain the following minimum information. Such plans should be separate from the landscape plan but should use the same format and scale.

a. Location of rotor and spray heads, drip system mainlines, valves and valve boxes, controller, rain shut-off devices, and back flow preventer;

b. Location and identification of water source including, if applicable, location of well and size of pump;

c. Location and size of pipes;

d. Location of sleeves, if any;

e. Design radius of rotor and spray heads; and

f. Flow rate and static water pressure at the point of connection.
4.5.13 ENFORCEMENT

4.5.13.1 General

a. No building permit shall be issued unless the landscape and irrigation plans have been approved.

b. No Certificate of Occupancy shall be issued unless all required landscaping has been installed in accordance with the approved landscape and irrigation plans, unless a cash bond in the amount of 200 percent of the cost of the required landscaping is posted by the developer in lieu of complete installation. The amount of the bond shall be determined by the Director of Parks and Recreation. The owner shall comply with these landscaping requirements within 30 days from the date the bond is posted.

c. Failure to comply with the provisions of this article shall constitute grounds for the issuance of a stop work order and/or the withholding or revocation of site plan approval, building permits, certificates of occupancy or any other approvals necessary to commence or continue development.

d. The property owner shall take immediate corrective action upon notice from the city that any tree or landscaping is a threat to public safety or to property.

e. This section shall not apply to tree clearance activity or emergency repair work authorized by a public utility within a right-of-way or utility easement.

4.5.13.2 Penalties for Non-Compliance

Should a non-compliance with the requirements of this article be found to exist at any time, the property owner shall take remedial action within 30 days from the date of notification from the city in accordance with the following:

a. Required Landscaping Damaged or Destroyed Due to Natural or Accidental Causes

1. Required landscaping damaged as the result of natural or accidental causes may require pruning, fertilizing, watering or other remedial action to restore the health of the landscaping, as the Director of Parks and Recreation may determine.

2. Required landscaping destroyed as the result of natural or accidental causes shall be replaced on a plant by plant basis. Each required tree that is destroyed shall be replaced with a tree or number of trees equivalent to the diameter of the required tree when it was destroyed. The quantity and quality of replacement plant material shall be in accordance with the approved landscape plan or subdivision construction plan and the requirements of this article. In the event that replacement trees cannot be located in accordance with the original landscape plan, alternative locations or other mitigating actions may be approved by the Director of Parks and Recreation.

b. Required Landscaping Damaged or Destroyed Due to Willful Action or Neglect
1. Required landscaping damaged as the result of willful action or neglect, including the failure to irrigate, may require pruning, fertilizing, watering or other remedial action to restore the health of the landscaping and may be subject to penalties as the Director of Parks and Recreation may determine is warranted under the particular circumstances.

2. Required landscaping destroyed by willful action or neglect, including failure to obtain a tree removal permit or other permission, shall be replaced on a plant by plant basis and, in addition, may be subject to the following penalties as the Director of Parks and Recreation may determine is warranted under the particular circumstances. In the event that replacement trees cannot be located in accordance with the original landscape plan, alternative locations or other mitigating actions may be approved by the Director of Parks and Recreation.

   (a) Installation of landscape plantings over and above plant by plant replacement, not to exceed 150 percent of the required landscaping in the case of shrubs or 150 percent of the diameter of required trees based on the diameter of each required tree when it was destroyed.

   (b) Payment of a fine into the Tree Trust Fund, not to exceed 150 percent of the valuation of required trees based on the diameter of each required tree when it was destroyed. Fines shall be as adopted by resolution of the City Commission.

3. The quantity, quality and location of replacement plant material shall, at a minimum, be in accordance with the approved landscape plan or subdivision construction plan and the requirements of this article.

4. In the event a person abuses a tree in violation of this article, the violator shall be responsible for the cost of pruning and other remedial actions that the Director of Parks and Recreation determines are reasonably necessary to protect public safety and property, and to help the tree survive the abuse.

5. In the case of street trees destroyed by willful action or neglect, the violator shall be required to mitigate the loss with the installation of replacement trees. The Beautification Board may require up to ten times the DBH of the destroyed tree in replacement trees in accordance with Table 4.5-5. The minimum size of replacement trees shall be two inch caliper.

4.5.13.3 Referral to Code Enforcement Board

In the event that a property owner is unwilling or unable to resolve a non-compliance by remedial actions in accordance with Sub-Section 4.5.13.2, the Director of Parks and Recreation shall notify the Code Enforcement Board and request a hearing.
4.5.14 APPEALS

4.5.14.1 Any order, requirement, decision or determination by any official or by the Beautification Board alleged to have been made in error of this article may be made to the Zoning Board of Adjustment and Appeals.

4.5.14.2 In cases where literal enforcement of the terms of this article would result in unnecessary hardship and the granting of a variance would not be contrary to the public interest, application for a variance may be made to the Zoning Board of Adjustment and Appeals, in accordance with the provisions of Article 12.

4.6 OUTDOOR LIGHTING

4.6.1 INTENT AND APPLICABILITY

4.6.1.1 Intent

It is the intent of this section to minimize the amount of light trespass onto adjacent properties and thoroughfares, minimize the amount of light spill into the night sky and minimize the negative impacts of excessive outdoor light while preserving safety, security and nighttime use and enjoyment of property.

4.6.1.2 Applicability

a. Unless otherwise provided herein, all development shall meet the requirements of this section.

b. Subject to Sub-Section 4.1.2, development lawfully existing as of the effective date of this Code may be maintained, renovated or repaired without modifying outdoor lighting in conformance with this section.

c. This section shall not apply to:

1. Single family or two family dwellings.

2. Lights within road rights-of-way.

3. Lighting required by the Federal Communications Commission, Federal Aviation Administration, Federal Occupational Safety and Health Administration, or other federal, state or county agencies.

4. Lighting required by law enforcement, fire and rescue, or other emergency response agencies to perform emergency or construction repair work or to perform nighttime road construction.

5. Holiday lighting displays.
6. Ornamental lighting using low voltage, low wattage light fixtures and neon lighting used to outline buildings or structures.

4.6.2 OUTDOOR LIGHTING STANDARDS

4.6.2.1 General

a. Outdoor lighting levels shall be the lowest levels that meet the requirements of the task.

b. All outdoor lighting shall be located, aimed or shielded so as to minimize stray light trespassing across property boundaries.

c. Except for security lighting fixtures, all outdoor lighting fixtures (luminaires) shall be of the fully shielded type such that the light emitting, distributing, reflecting and refracting components of the light fixture (lamp, lens, reflective surfaces, etc.) do not extend beyond the opaque housing of the fixture.

d. Light fixtures shall be aimed no higher than 45 degrees above vertical down (half-way between straight down and straight to the side) when the light source is visible from any off-site residential property or thoroughfare.

e. Lighting of canopy areas over motor vehicle fuel pump islands, drive-through lanes or similar installations shall use fully shielded or fully recessed light fixtures.

f. Prohibited Lights

- Flashing, revolving or intermittent lights visible from any property line.
- High intensity light beams such as but not limited to searchlights, laser lights or strobe lights visible from any property line.

(Ord. No. 5522, 07-20-15)

4.6.2.2 Security Lighting

a. Security lighting fixtures such as wall packs shall be restricted to loading, storage, and service locations and shall not be substituted for appropriate fully shielded area lighting such as in parking areas or walkways.

b. Security lighting fixtures such as wall packs shall be shielded to avoid light trespass onto residential dwellings or adjacent thoroughfares.

c. Building-mounted security lighting fixtures such as wall packs shall not project above the fascia or roof line of the building.
4.6.2.3 Architectural Lighting

Lighting used to illuminate architectural details of buildings, landscaping, flags, statues, signs or other objects shall use fully shielded lighting fixtures that are aimed and controlled so that the directed light is substantially confined to the object intended to be illuminated.

4.6.2.4 Outdoor Recreation Facilities

Because of their unique requirements for nighttime visibility and their limited hours of operation, outdoor active recreation facilities, including but not limited to ball diamonds, athletic fields, tennis courts and driving ranges, are exempt from the outdoor lighting standards of this section, subject to the following:

a. All playing field/court lighting fixtures shall use full cut-off or directionally shielded lighting fixtures, aimed toward the playing field/court and shielded in directions away from the playing field/court so as to minimize glare and light trespass onto adjacent properties.

b. The use of outdoor playing field/court lighting shall not be permitted between the hours of 11:00 PM and 7:00 AM, unless other hours are specifically approved as part of a PUD, SPI, conditional use or special event permit. 
   *(Ord. No. 5522, 07-20-15)*

4.6.2.5 EXCEPTIONS

a. The provisions of this section are not intended to prevent the use of any design, material or method of lighting not specifically prescribed herein, provided that any such alternative is designed by a registered engineer, architect or certified lighting designer and meets the intent of this section as determined by the Director of Community Development.

b. The Director of Community Development may authorize the temporary use of outdoor lighting not in conformance with the standards and requirements of this section for a period not to exceed thirty days.
Figure 4.6-1 Fully Shielded Light Fixture

Figure 4.6-2 Recessed Canopy Light

Figure 4.6-3 Wall Pack
4.7 PEDESTRIAN, BICYCLE AND TRANSIT FACILITIES

4.7.1 INTENT

It is the intent of this section to establish minimum standards for pedestrian, bicycle and transit facilities, to reduce reliance on the automobile by promoting safe and efficient mobility by other modes of travel, to establish connections between different modes of travel, to implement the transportation policies of the Comprehensive Plan.

4.7.2 SIDEWALKS

4.7.2.1 Applicability

a. Principal Structure on Lot or Parcel

Prior to the issuance of a Certificate of Occupancy for any residential or non-residential principal structure, the developer or property owner shall construct sidewalks along roadways adjacent to all front and street side lot lines where sidewalks do not presently exist, except for any new single family or two-family structure on any local street where a sidewalk presently exists directly on the opposite side of the street. Such sidewalks shall not be required for the enlargement, alteration or reconstruction of existing single family or two-family structures, provided that a building permit for reconstruction is pulled within 12 months of the demolition of the existing single family or two-family principal structure. In the case of new principal structures in existing multi-building complexes, such sidewalks shall only be required when the aggregate cost of the improvements exceeds 50 percent of the total assessed value of all structures located on the same lot or parcel.

b. Enlarged, Altered or reconstructed Multi-Family or Non-Residential Principal Structure on Lot or Parcel

Prior to the issuance of a Certificate of Occupancy for any enlarged, altered or reconstructed multi-family or non-residential principal structure on a lot or parcel, the developer or property owner shall construct sidewalks along roadways adjacent to all front and street side lot lines where sidewalks do not presently exist when the aggregate cost of the improvements exceeds 50 percent of the total assessed value of all structures located on the same parcel.

c. Subdivisions (including Mobile Home Subdivisions).

1. Abutting Streets: Upon the construction of roadways for any new subdivision or resubdivision, the developer shall construct sidewalks along the subdivision side of each roadway abutting the subdivision where sidewalks do not presently exist, except that in the case of abutting local streets, no sidewalk shall be required where a sidewalk presently exists directly on the side opposite the subdivision and, if no sidewalk presently exists on either side, the required sidewalk may be constructed on the side opposite the subdivision if it results in better pedestrian connectivity.
2. Internal Streets: Upon the construction of roadways for any new subdivision or resubdivision, the developer shall construct sidewalks along both sides of arterial and collector roadways internal to the subdivision, and along at least one side of local streets internal to the subdivision. As an alternative, required sidewalks on internal local streets adjacent to building sites may be constructed on a lot by lot basis prior to the issuance of a Certificate of Occupancy for a structure on each respective lot. If this alternative is used, the developer shall construct sidewalks on arterial roadways, collector roadways, and on local streets adjacent to common areas that are not building sites at the time of roadway construction. If the developer elects to have sidewalks on only one side of any internal local street, he shall indicate on the plat the side of the street on which the sidewalk will be constructed. Such sidewalks shall be continuous on one side of the street within the same block but may cross to the other side on the next block. In the case of through lots, the Director of Community Development shall determine which yards function as rear yards and which functions as front yards and the developer shall constructed sidewalks adjacent to any yards that function as rear yards at the time of roadway construction. Sidewalks adjacent to through lot yards that function as front yards may be constructed on a lot by lot basis as above.

d. Multi-family Developments

Prior to the issuance of a Certificate of Occupancy for the first unit in any new multi-family residential development, the developer or property owner shall construct sidewalks along the development side of each roadway abutting the development where sidewalks do not presently exist, except on any local street where a sidewalk presently exists directly on the opposite side of the street, and along at least one side of all internal roadways. Internal sidewalks shall connect all buildings, on-site amenities and any existing or planned external sidewalks along the project frontage.

e. Mobile Home Parks

Prior to the issuance of a Certificate of Occupancy for any new mobile home park, the developer or property owner shall construct sidewalks along the development side of each roadway abutting the development where sidewalks do not presently exist, except on any local street where a sidewalk presently exists directly on the opposite side of the street, and along at least one side of all entrance roadways.

f. Shopping Centers

Prior to the issuance of a Certificate of Occupancy for the first unit in any new shopping center, the developer or property owner shall construct sidewalks along the development side of each roadway abutting the shopping center where sidewalks do not presently exist.
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g. Multi-Unit Industrial or Office Park Developments

Prior to the issuance of a Certificate of Occupancy for the first unit in any new multi-unit industrial or office park development, the developer or property owner shall construct sidewalks along the development side of each roadway abutting the development where sidewalks do not presently exist, except on any local street where a sidewalk presently exists directly on the opposite side of the street, and along at least one side of the principal entrance roadway. Sidewalks shall be constructed between the principal customer entrances of each building entrance within an office park campus.

4.7.2.2 Exceptions

a. Payment in Lieu of Construction

1. Where Sidewalk Network Does Not Exist on Local Streets: In the case of infill development or infill redevelopment on a local street where there is no existing sidewalk to tie into on the same side of the street and no existing sidewalk directly on the opposite side of the street, the developer or property owner shall make a payment into the Sidewalk Construction Fund in lieu of constructing sidewalks along local streets. Such payment shall be equivalent to twenty percent of the per linear foot cost to the City for installing the sidewalk based upon the current market price as determined by the City Engineer. Payment shall be made prior to the issuance of a building permit for the structure. This exception shall not apply in the case of lots in subdivisions where the developer has chosen to construct sidewalks on a lot by lot basis in accordance with Sub-Section 4.7.2.1.c.2. (Ord. No. 5455, 07-21-14)

2. Where Sidewalk Not Feasible, Regardless of Street Classification: The City Engineer shall be authorized to determine if the construction of sidewalks required by this section is infeasible, impractical, unsafe or otherwise undesirable in a particular case due to topographic conditions, right-of-way restrictions that cannot be mitigated, the presence of existing physical impediments including trees, impending roadway or utility construction, or other circumstances that the City Engineer shall deem appropriate. In such case, the developer or property owner shall make a payment into the City of Lakeland Sidewalk Construction Fund in lieu of constructing the required sidewalks. Such payment shall be equivalent to eighty five percent of the per linear foot cost to the city for installing the sidewalk based upon the current market price as determined by the City Engineer. Payment shall be made prior to the issuance of any building permit for the development, or in the case of a subdivision, prior to final plat approval.

b. Sidewalks shall not be required along roads that are specifically exempted as part of an approved Alternative Pedestrian Circulation System Plan pursuant to Sub-Section 4.7.2.3.
c. The Director of Community Development may grant relief from some or all of the requirements of this section for qualified affordable housing developments including single family, two-family and multi-family developments, in accordance with administrative policies for affordable housing. In granting such relief, the Director may propose a plan to fund the construction of sidewalks from other sources, including but not limited to the City of Lakeland Sidewalk Construction Fund.

4.7.2.3 Alternative Pedestrian Circulation System Plan

To allow for flexibility and to encourage innovative design, the developer may submit an alternative pedestrian circulation system plan as part of a Planned Unit Development, conditional use or subdivision plat. The city may also initiate an alternative pedestrian circulation system plan as part of an Special Public Interest District. Such plan may incorporate paths, trails, overpasses, underpasses or other design features that provide equal or greater pedestrian mobility to the requirements of this section. If the site design elements of the plan are approved, relief may be granted from some or all of the requirements of this section. Facilities that are part of an alternative pedestrian circulation system that are not conventional sidewalks to be dedicated for public maintenance shall be privately maintained. All components of an alternative pedestrian network shall be located within a dedicated access easement approved by the Director of Public Works.

(Ord. No. 5455, 07-21-14)

4.7.2.4 Sidewalk Construction Standards

All required sidewalks shall meet requirements of the City of Lakeland Engineering Standards Manual regardless of whether they are located in a public right-of-way, private right-of-way, or easement.

4.7.2.5 Donation of Right-of-Way or Easement

Sidewalks may be constructed within public road rights-of-way, private road rights-of-way, or within suitable easements. Where sidewalks required by this section are to be publicly maintained and sufficient public right-of-way does not exist to construct the sidewalks, the property owner shall donate the right-of-way or shall provide easements to allow the sidewalks to be constructed. The City Engineer shall determine the amount of right-of-way or easement needed in each case. Where the donation of additional right-of-way would cause unnecessary hardship with respect to minimum building setbacks, the Zoning Board of Adjustment and Appeals may issue a variance. A private entity such as a developer or property owners association may construct required sidewalks on private property without donating land for public right-of-way, provided that the sidewalks are privately maintained.
4.7.2.6 Protection of Street Trees

Where possible, sidewalks shall be routed to avoid existing street trees and root zones of street trees. Sidewalk construction that will involve the removal of street trees or paving over or grading within 30 percent or more of the root zone of street trees shall require authorization of the City Arborist in accordance with Section 4.5 (Landscaping, Trees and Buffering).

4.7.2.7 Construction Bond

Construction plans shall include sufficient detail for the construction of required sidewalks. Except as noted herein, construction of sidewalks shall be completed prior to the issuance of a Certificate of Occupancy, provided, however, that in instances where completion of sidewalk construction is delayed due to circumstances beyond the reasonable control of the developer or property owner, and all other requirements for a Certificate of Occupancy have been met, the Building Official shall be authorized to issue the Certificate of Occupancy upon receipt of a cash bond in the amount of 110 percent of the cost of the sidewalk construction. Such bond shall be held for a period not to exceed four weeks from date of receipt; after which if the sidewalk construction has not been started by the developer or property owner, the bond shall be applied toward construction of the sidewalk by the city.

4.7.2.8 Maintenance

Sidewalks within public rights of way shall be maintained by the City of Lakeland. The City of Lakeland shall repair defects caused by normal deterioration in accordance with Public Works Department policy, provided, however, that in the event any sidewalk is damaged by the act or omission of the abutting property owner or one acting by, through or with the permission of the abutting property owner, including lack of maintenance of vegetation that causes damage or slippery conditions to the sidewalk, then the cost of repairing any damage occasioned by the act or omission of the abutting property owner or the act or omission of other person acting by, through or with the permission of the abutting property owner shall be borne by such abutting property owner. If the abutting property owner fails to cause such repairs to be made, the City of Lakeland shall repair or restore the sidewalk and shall assess the cost of such repair or restoration against such abutting property owner in the manner prescribed for the assessment of local improvements.

4.7.3 MULTI-USE PATHWAYS AND BIKE LANES

4.7.3.1 Applicability

a. Prior to the issuance of a first Certificate of Occupancy, development located on any Priority Pathways Corridor, as designated in the Transportation Element of the Comprehensive Plan, and which generates more than 120 daily automobile trips, shall construct the appropriate pathway or bike lane segment in accordance with the following.
1. The type of pathway or bike lane shall be in accordance with Table III-17 of the Comprehensive Plan Transportation Element and constructed in accordance with Sub-Section 4.7.3.2.

2. The pathway or bike lane shall provide a continuous route that connects with existing or future segments of the Priority Pathways Corridor and shall be routed along the project frontage or within or through the development as the Director of Public Works may determine is most appropriate.

3. If construction of the Priority Pathway segment is not feasible, with the approval of the Director of Public Works the developer may pay a fee in lieu of construction into the Transportation Fund for Pathways Projects. The fee shall be based on a signed and sealed cost estimate prepared by a registered professional engineer in the State of Florida. If the pathway facility is not necessary to achieve a favorable transportation concurrency determination, the development may provide a payment to the Pathways Fund equivalent to the Sidewalk Construction Fund payment otherwise allowed under Sub-Section 4.7.2.2.

b. Any subdivision or development proposing a multi-use pathway as part of an Alternative Pedestrian Circulation System Plan shall do so in accordance with the requirements of Sub-Section 4.7.3.2 for the appropriate pathway type.

c. Any development not located on a Priority Pathways Corridor which voluntarily provides multi-use pathways or bike lanes, shall do so in accordance with the requirements of Sub-Section 4.7.3.2 for the appropriate pathway type.

4.7.3.2 Standards

a. General

1. Pathways not located within a public right-of-way shall be within a minimum 20-foot wide easement and shall be privately maintained unless a public agency agrees to maintain the facility.

2. Design and construction shall be in accordance with the American Association of State Highway and Transportation Officials (AASHTO) Bicycle Facilities Guide.

3. Signage shall be in accordance with the Manual of Uniform Traffic Control Devices (MUTCD).

4. Surfaces shall be paved except that off-road pathways located within any Conservation context, wetland or required minimum setback from a protected lakeshore may have a stabilized, unpaved surface.

5. Site design shall minimize driveway crossings and other conflicts with pathways and bike lanes to the greatest practical extent.

b. Specific to Type
1. Priority Pathway, Off-Road

Minimum 12-foot wide asphalt trail with two-foot shoulder/clear zone on each side. Minimum five-foot separation between pathway and roadway. Minimum 10-foot wide, stabilized, unpaved trail may be used in bona fide conservation areas such as wetlands.

2. Priority Pathway, On-Road

Minimum five-foot wide designated bicycle lane on curbed roadway section without gutter. Minimum four-foot wide with curb-and-gutter. A minimum four-foot wide paved shoulder may be used where roadway is constrained, subject to appropriate signage and striping.

3. Alternative Pedestrian Routes

Minimum eight-foot wide asphalt or concrete off-road pathway. Stabilized, unpaved trail may be used in bona fide conservation areas such as wetlands.

4.7.4 TRANSIT FACILITIES

4.7.4.1 Applicability

a. Development that is required to incorporate transit facilities as part of transportation concurrency mitigation requirements of Article 10, or in accordance with any other provision of this Code, shall do so in accordance with the standards and requirements of this section.

b. Development which voluntarily provides transit facilities shall do so in accordance with the standards and requirements of this section.

4.7.4.2 Standards

a. The location of transit stops on the public street system or internal to a development site shall be as approved by the Lakeland Area Mass Transit District or successor agency (transit agency).

b. Transit stops shall be designed in accordance with the Engineering Standards Manual and shall comply with Americans with Disabilities Act (ADA) standards.

c. Transit stops shall be placed within a right-of-way or recorded easement. Easements shall be executed prior to the issuance of a first Certificate of Occupancy for the development.

d. Transit shelter pads and associated structures shall require a building permit. Transit shelter pads constructed within public rights-of-way shall require a right-of-way use
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permit. Site plans for transit shelters, including those submitted by the transit agency, shall be reviewed by the Development Review Team.

e. Transit stops shall provide connections to the nearest sidewalk or pedestrian pathway.

f. Where a transit stop is required to be located internal to a development, to the greatest practical extent the site shall be designed to minimize conflicts between transit vehicles and off-street parking areas and shall be located to minimize pedestrian travel distance between the transit stop and principal building entrances.

4.8 RADIO AND TELEVISION ANTENNAS

4.8.1 INTENT

It is the intent of this section to regulate the placement and height of antennas for radios, televisions and similar devices for the purpose of limiting their visual impact and ensuring compatibility with surrounding land uses.

4.8.2 APPLICABILITY

Antennas and large dish antennas are permitted as accessory uses in all zoning districts subject to the standards set forth in this section.

4.8.3 DEFINITIONS

Unless the context clearly indicates a different meaning, for the purposes of this section, the following words and terms shall be defined as follows:

**Antenna:** An external device for sending or receiving electromagnetic signals for radios, televisions or similar devices and which is accessory to the principal use or structure on or about which it is located. This shall include small parabolic or dish-shaped antennas one meter in diameter or less. This shall not include antennas which are part of Personal Wireless Service Facilities or antennas mounted on communication towers.

**Building-Mounted:** An antenna mounted on the roof, eaves or wall of a structure or on a support, mast or pole that is attached to a roof, eaves or wall of a structure.

**Ground-Mounted:** An antenna mounted on a free-standing support, mast or pole on the ground.

**Large Dish Antenna:** A parabolic or dish-shaped antenna greater than one meter in diameter.
4.8.4 STANDARDS FOR ANTENNAS

a. Location: Ground-mounted antennas shall be located in rear or side yards. Building-mounted antennas shall be permitted on all buildings.

b. Setbacks: Ground-mounted antennas shall meet the setback requirements for accessory structures in the zoning district where located.

c. Maximum Height: The maximum height of antennas shall be subject to Sub-Section 3.5.2. This shall not apply to any antenna owned and operated by a federally licensed amateur radio station operator (ham), provided, however, that said owner/operator complies with applicable federal, state or county laws, regulations, or standards.

(Ord. No. 5455, 07-21-14)

4.8.5 STANDARDS FOR LARGE DISH ANTENNAS

a. Building Permit Required

A building permit shall be required prior to installing any large dish antenna.

b. Ground-Mounted

1. Location: Ground-mounted large dish antennas shall be located in rear yards unless a side yard exception is granted. (See “Placement Permit”.) No large dish antenna shall be located in any front yard, except that a properly licensed business which sells large dish antennas may display them in the front yard of its properly zoned business location for demonstration or sales promotion purposes.

2. Setbacks: Ground-mounted large dish antennas shall meet the setback requirements for accessory structures in the zoning district where located except that in no case shall any portion of a large dish antennas extend to within ten feet of any property line.

3. Maximum Height:
   A. Residential and O-1 Districts 20 feet
   B. Office (other than O-1), Commercial 25 feet
   C. Industrial Districts 25 feet

c. Building-Mounted

1. Location: Building-mounted large dish antennas are permitted on principal or accessory building within any office (except O-1), commercial or industrial district.

2. Setbacks: In no case shall any portion of a large dish antenna extend to within ten feet of any property line.

3. Maximum Height: Large dish antennas shall not exceed a height of more than 15 feet above the roof of the building upon which it is mounted, including base.
d. Placement Permit

Prior to the side-yard placement of any ground-mounted large dish antenna, the owner must secure a placement permit from the city. The application for the placement permit must be accompanied by a plot plan showing the lot lines and dimensions of the subject property, the location and dimensions of any structures thereon, the location of any public or private rights-of-way adjacent to said property and the proposed placement site for the antenna. Additionally, the application shall be accompanied by an affidavit from the owner or installer stating that a rear yard placement is not possible and the reasons therefore. The fee for a placement permit shall be set by Resolution.

4.8.6 GROUNDS FOR VARIANCE

The Zoning Board of Adjustments and Appeals may approve antennas and large dish antennas in other locations upon finding that adherence to the standards of this section does not permit the antennas to receive or send an acceptable quality signal and the alternative location does not otherwise violate the intent of this code.

4.8.7 ANTENNAS IN HISTORIC DISTRICTS

Antennas and large dish antennas proposed in designated historic districts may be subject to design review for architectural or historic compatibility provided, however, that such antennas and large dish antennas are restricted no more than other comparable devices allowed in those districts.

4.9 SIGNS

4.9.1 INTENT

It is the intent of the City Commission through the provisions of this article to create the legal framework for comprehensive sign regulations. Furthermore, it is the intention of this article to authorize the use of signs which are:

a. Compatible with the surroundings;
b. Appropriate to the type of activity to which they pertain;
c. Expressive in the identity of individual proprietors or of the community as a whole; and,
d. Legible in the circumstances in which they are seen.

The City Commission has determined that the public has a primary interest in controlling the erection, location, and maintenance of on-premises and off-premises signs in a manner designed to protect the public health and safety, to promote the public welfare, including the preservation and improvement of the aesthetic beauty of the community and to protect the free speech rights of its citizens. The number, size and location of such signs may, if uncontrolled, detract from traffic safety by diverting the driver’s attention away from the driving task. The indiscriminate erection and maintenance of numerous
large signs seriously detract from the enjoyment and pleasure of the natural scenic beauty of the city.

Therefore, the promotion and preservation of the public health, safety and welfare of the people of the city requires that the erection, construction, location, maintenance, size, and number of signs be regulated and controlled.

4.9.2 DEFINITIONS

Unless the context clearly indicates a different meaning, for the purposes of this Code, the following words and terms shall be defined as follows:

**Abandoned Sign:** Any sign, including the sign structure, which has been abandoned by its owner. Abandonment shall be presumed if, for a period of 180 days or longer, the sign has not 1) advertised goods, services, facilities, events or attractions available on the premises where located, 2) identified the owner or occupant, 3) directed traffic on the premises, or 4) displayed a noncommercial message which may or may not relate to an activity located on the premises.

**Animated Sign:** Any sign which involves motion or rotation of any part by any means, or displays flashing, intermittent or color changing light or lighting, except as defined under Electronic Message Center Sign.

**Awning Sign:** A building sign applied to or hanging from an awning; said awning to mean a structure made of cloth or metal with a rigid frame that is attached to a building wall so as to provide cover over a storefront, window or door.

**Banner Sign:** A sign made of cloth, paper, or non-rigid material of any kind, either with or without frames, excluding flags as permitted by this article.

**Bench Sign:** A sign imprinted upon a public service bench whose primary purpose is a collateral transportation service to the public.

**Billboard:** An outdoor advertising sign which exceeds 25 feet in height and 250 square feet in sign area.

**Building Sign:** An on-premises sign applied to or mounted on a wall, awning, marquee, window, door, parapet, mansard or other part of a building, the display surface of which does not extend above the roof line, parapet, marquee or mansard, whichever forms the top line of the building silhouette. Awning signs, marquee signs, projecting signs and wall signs are included within this definition.
Changeable Copy Sign: Any sign with copy that can be changed, rearranged, or altered manually whereby the sign face is not changed.

Community Development Director: The officer, or his designee, charged with the administration and enforcement of this article.

Cornerstone Sign or Tablet: A sign cut into any masonry surface and constructed of bronze or other non-combustible materials.

Directional Sign: An on-premises sign providing direction or indicating the location of any object, place or area located on the premises, including, but not limited to, those signs indicating avenues of ingress and egress from the premises.

Directory Sign: An on-premises sign located on property with two or more separate commercial buildings.

Drive Through Sign: A sign located on property which has previously been approved for a restaurant with drive through window(s).

Electronic Message Center Sign: An internally illuminated sign on which the copy can be changed, rearranged, or altered automatically through electrical or electronic means.

Flag: A square or rectangular sign made of cloth, paper, or non-rigid material of any kind and displayed from a flagpole by being tethered along one side.

Flagpole: A freestanding, ground mounted structure, or a structure mounted to a building, wall, or roof and used for the sole purpose of displaying a flag.

Functional Sign: A ground sign located on property where new cars and/or trucks are sold.

Ground Sign: A sign which is supported by structures or supports, in or upon the ground, and independent of support from any building.
**Height, Sign:** The distance from the top of the combination sign and sign structure to the ground elevation above which the sign is located.

**Home Occupation Sign:** A building sign displayed where there is a licensed home occupation.

**Human Sign:** A sign held by or attached to a person that displays a commercial message advertising or otherwise drawing attention to a business, commodity, service or product.

**Illuminated Sign:** Any sign illuminated by any light source including by not limited to electric bulbs, luminous tubes, fiber optics and LED (light emitting diodes), whether or not the light source is part of the sign proper.

**Illuminated Sign, Internally:** Any sign illuminated by one or more light sources constituting an integral part of the sign proper.

**Illuminated Sign, Externally:** A sign illuminated by an external light source, including flood or spotlights, directed primarily toward such sign.

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**Figure 4.9-2 Internally Illuminated Sign/ Electronic Message Center Sign**

![Internally Illuminated Sign/ Electronic Message Center Sign](image)
Marquee Sign: A building sign upon, attached to, or hanging from a marquee; said marquee to mean a canopy or covered structure projecting from and supported by a building when such canopy or covered structure extends beyond the building line or property line.

Monument Sign: Any sign, other than a pole sign, which is placed upon or supported by structures or supports in or upon the ground and independent of support from any building.

Nonconforming Sign: A sign or sign structure which was lawful when erected, but which does not conform to the requirements of this Ordinance.

Off-Premises Sign: A sign relating, in its subject matter, to other than the premises on which it is located or to products, accommodations or activities available on premises.
other than the premises on which the sign is located. A sign bearing a non-commercial message shall be deemed to be On-premises.

**On-Premises Sign:** Any sign which 1) advertises goods, services, facilities, events or attractions available on the premises where located, 2) identifies the owner or occupant of the premises, 3) directs traffic on the premises, or 4) displays a non-commercial message which may or may not relate to an activity located on the premises.

**Parapet:** That part of a perimeter wall vertically extending above the juncture of the roof and perimeter wall.

**Parasite Sign:** Any sign, for which no permit has been issued, which is attached to another sign.

**Pole Sign:** A ground sign that is mounted on free standing poles or other supports such that the bottom edge of the sign face is eight feet or more above grade.

**Portable Sign:** A sign which is not permanently erected upon the ground or on the roof of any building or affixed to the wall of any building and shall include, but is not limited to, the following:

a. Trash receptacles, and similar sidewalk appliances which display advertising copy;

b. Sidewalk signs; and

c. A sign, of any material, for use with or without changeable copy, illuminated or non-illuminated, mounted on a trailer or similar device, with or without wheels.

**Projecting Sign:** A building sign projecting perpendicular from and supported by a wall of a building.
Real Estate Sign: A sign erected on a premise which is for sale, lease or exchange.

Roof Line: The juncture of the roof and the perimeter wall of the structure or the top of the parapet or mansard, whichever forms the top line of the building silhouette.

Roof Sign: A sign which is wholly or partially fastened to and supported by or on the roof of a structure, or which extends above the mansard roof line of a structure.

Setbacks, Sign: The minimum horizontal distance between the lot line and the closest edge or part of the sign structure.

Sidewalk Sign: A self-supporting, portable sign designed to be placed upon a public or private sidewalk, plaza, courtyard or other area where pedestrians walk or gather.

Sign: A name, identification, image, description, display, illustration, device, figure, drawing, message, placard, poster, or other thing, designed, intended, or used to advertise or inform the public which is affixed to, painted, or represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization, or business and which is visible from any street, right-of-way, sidewalk, alley, park, private parking lot, private street, or access drive where the general public customarily has access. Customary displays of merchandise placed behind a store window are not signs or parts of signs.

Sign Area: The entire area within one circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character together with any frame of other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed; excluding the sign structure unless the sign structure contains copy or is used as an integral part of the sign by introducing or extending the design, emblem, or logo or by utilizing colors or lighting in such a way as to attract attention to the sign. Where a sign has two or more faces or where the sign faces are mounted on a wall constructed of masonry or wood materials, the area of all faces shall be included in determining the area of the sign, except; where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area. Where a sign consists solely of lettering or other sign elements printed or mounted on a wall of a building without any distinguishing border, panel or background, any blank rectangular area which is more than 10 percent of the area of the sign as otherwise computed shall be disregarded. All of the lettering and other sign elements printed or mounted upon a wall of a building without any distinguishing border, panel or background shall be treated as a single sign for purposes of area computation. (See Figure 4.9-6)
Figure 4.9-6 Sign Area Computations

- **Triangle Sign**: Area equals \( \frac{1}{2} \times \text{base} \times \text{height} \)
- **Circular Sign**: Area equals \( \pi \times r^2 \)
- **Rectangular Sign**: Area equals \( \text{base} \times \text{height} \) including pole area
- **Building Face Sign**: Area equals 12.5% of building face for heights up to 15 feet.
**Sign Face:** The display surface of a sign including non-structural trim but excluding the sign structure supports.

**Sign, Nonstructural Trim:** The molding, battens, capping, nailing strips, latticing, and walkways attached to the sign structure.

**Sign Structure:** The supports, uprights, braces, and framework supporting the sign.

**Unlawful Sign:** No sign shall be considered to be a lawful nonconforming sign if it was erected without approval of the permitting authority or a building and/or sign permit having been obtained, or if the sign was erected contrary to the provisions or limitations of a building and/or sign permit. Any such sign shall be considered unlawful and shall be subject to removal in accordance with these regulations.

**Vehicle Sign:** A sign displayed upon a vehicle where the vehicle is routinely parked or displayed adjacent to and visible from the public right-of-way and where other parking spaces are available to the vehicle that are not adjacent to and visible from the public right-of-way.

**Wall Sign:** A building sign applied to or mounted on a wall, the display surface of which is parallel to the plane of the building wall on which it is applied to or mounted on and which does not extend more than 18 inches from the surface of the wall.

**Window Sign:** A sign applied to or mounted on the window panes or glass of any window or door.

4.9.3 GENERAL PROVISIONS

4.9.3.1 General Requirements throughout the City

a. Traffic Hazard Signs

Signs shall not be located, constructed, or maintained in such a way that such sign may be confused or interfere with any official traffic sign, signal, or device placed by any public authority or which may obstruct or interfere with the driver's view of approaching, merging, or intersecting traffic.

b. Obstructing Signs

Signs shall not be located as to obstruct any window, door, fire escape, stairway, or any opening required for legal ventilation, ingress, or egress for any building or structure.
c. Signs Projecting Over Pedestrian Pathways within Public Right-Of-Way

Signs shall not be erected within or overhanging any public right-of-way, except that signs on marquees and awnings and projecting signs may overhang that portion of the public right-of-way that includes a pedestrian pathway, subject to the following conditions:

1. Marquee signs may be attached to the sides and front of a marquee, and shall not extend beyond the surface area of the marquee, except as hereinafter provided.

2. A sign may be attached to the bottom horizontal surface of a marquee in a position which is perpendicular to the street right-of-way, but not parallel thereto, and shall not extend more than one foot below such bottom horizontal surface and shall maintain a vertical clearance of eight feet above the sidewalk or ground level. No sign shall be attached to the top horizontal surface of a marquee.

3. Marquee and awning signs shall be included in calculating the maximum allowable building sign area for the zoning districts in which they are located.

4. Projecting signs permitted in accordance with Sub-Section 4.9.3.1. shall maintain a vertical clearance of eight feet between the bottom edge of the sign and the sidewalk or ground level of the pedestrian pathway.

d. Sign Supporting Structures

Signs shall not be tacked, painted, posted, or affixed in any manner on trees, utility poles, rocks, and other such supporting structures.

e. Illuminated Signs

Illuminated signs are subject to the following restrictions:

1. Illuminated signs are permitted only in Office Commercial, Retail Commercial and Industrial zoning districts; and in the PUD district for non-residential uses which are also permitted in the aforementioned conventional zoning districts; and in residential zoning districts for Conditional Uses where such uses are permitted on arterial or collector streets and the Conditional Use specifically permits an illuminated sign(s).

2. Illuminated signs erected in a commercial district contiguous to a residential district shall be so shielded or directed so that the light or brightness shall not exceed five foot candles of light measuring at the property line contiguous to the residential district.

3. No light from an illuminated sign shall be emitted into any residential dwelling or premises in excess of three foot candles of light measuring at any exterior wall of the residential dwelling or premises provided said dwelling or premises is located in a residential district.
4. No illumination or glare from any sign shall be emitted directly onto a public street or roadway so as to constitute a hazard or impediment to motorist traffic or safety, nor shall any sign impair or obstruct a full view of a traffic control device.

5. No revolving or rotating beam or beacon of light that simulates any emergency light or device shall be permitted as part of any sign. Flashing signs and flashing lighting devices shall not be permitted upon a sign.

6. Electronic message center signs are permitted only in Office, Commercial, Retail Commercial and Industrial zoning districts; and in a PUD districts for non-residential uses which are also permitted in the aforementioned conventional zoning districts; and in residential zoning districts for Conditional Uses as specified below. An electronic message center sign may only be used as part of a permitted ground sign, and shall not exceed 20 square feet. No exposed reflective type bulb or incandescent lamp which exceeds 11 watts shall be used on the exterior surface of any sign so as to expose the face of the bulb, light or lamp to any public street or adjacent property. Electronic message center signs shall not change more frequently than once every five seconds. An electronic message center sign shall not flash or animate static information. Electronic message center signs in residential zoning districts may only be permitted as a conditional use in accordance with Sub-Section 4.9.3.1.e.1 and Sub-Section 4.9.4.1.a.1 and shall be subject to the following conditions:

(Ord. No. 5455, 07-21-14; Ord. No. 5724, 06-18-18)

(a) The conditional use shall have at least 500 lineal feet of frontage on an arterial or collector roadway; and
(b) The conditional use shall not be located across the street from property containing a residential dwelling.

f. Abandoned Signs

Any abandoned sign, now or hereafter existing, shall be taken down and removed by the owner, agent, or person having the beneficial use of the building, structure, or property upon which such sign may be found, within 30 days after written notification from the Community Development Director. Upon failure to comply with such notice within the time specified by such order, the Community Development Director shall notify the Code Enforcement Board and request a hearing. In making a determination that a sign is abandoned the Community Development Director shall consider among other factors, the existence or absence of a current Business Tax Receipt for the premises, whether there are active utilities or a utilities service deposit at that location, and use of the premises.
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**g. Non-use of On-premises Sign**

Any on-premises sign which otherwise conforms to the provisions of this article, and by reason of the cessation of activity on the premises, becomes an off-premises sign, may be retained by one of the following methods:

1. **Painted Sign:** The sign shall be covered by painting over the sign area.

2. **Removable Sign Face:** The sign face shall be removed and replaced with a blank insert or the sign face may be reversed.

3. **Temporary Covering:** The sign face may be temporarily covered by the installation of a sock or boot.

**h. Nonconforming Signs**

1. A sign within the corporate limits of the City of Lakeland which was lawfully erected, but by the date hereof should have been removed under provisions of prior law, and is not permitted herein, shall be immediately removed or made to comply with the requirements of this Code. A sign which is subject to the provisions of Section 70.20 F.S. shall be removed in conformance with the requirements of that section.

2. Subject to the provisions of this section, any sign which does not conform to the requirements of this Code shall be removed or brought into compliance with this Code on or before the expiration of five years i) from the date of the adoption of this Code, or any subsequent amendment making the sign nonconforming, or ii) from the date the premises was annexed into the city, whichever is later. A sign which is subject to the provisions of Section 70.20 F.S. shall be removed as provided in this sub-section, but only after compliance with the requirements of Section 70.20 F.S.

3. On-Premises Signs: Nonconforming on-premises sign(s) shall be removed as provided in Sub-Sections 1. and 2. above, except as follows:

   (a) **Single Occupant Premises**

   One nonconforming ground or building sign per street frontage for each premise may be continued provided such nonconforming sign is maintained in accordance with the requirements of this article. No changes to the sign shall be permitted except a change in copy. In the event a change of occupancy occurs, which for purposes of this article is defined as a change of tenants or proprietors, and the new tenant or proprietor chooses to change advertising on the sign or change the name of the business as advertised on the sign, the previously allowed nonconforming sign shall be brought into conformance with this article.
(b) **Multiple Occupant Premises**

Shopping centers and other multi-occupant premises shall be permitted to continue only one nonconforming ground sign per street frontage for each premise, and one building sign for each unit. No changes to the sign shall be permitted except a change in copy. In the event a change of ownership of the shopping center or multi-occupant premises occurs and the new owner chooses to change advertising on the sign or change the name of the center or premises as advertised on the sign, the previously allowed nonconforming sign shall be brought into conformance with this article.

(c) Nonconforming signs shall not be reestablished after damage or destruction if the estimated cost of reconstruction or repair exceeds 50 percent of the reproduction and installation cost of the sign.

(d) Nonconforming on-premises signs may be considered conforming to this ordinance, if determined to be a historic or landmark sign subject to the terms and conditions set forth below:

i. Any person who chooses to pursue the historic or landmark designation for a nonconforming sign shall make application to the Historic Preservation Board. The Historic Preservation Board shall conduct such investigation and inquiry as is necessary to determine that a sign is eligible for the historic or landmark designation. The Board may refer the application to its Design Review Committee for a recommendation to the full Board. The Board is not empowered to approve an increase in the degree of nonconformity of a sign when approving it for a historic or landmark designation.

ii. To be considered for designation as an historic or landmark sign by the Historic Preservation Board, a sign shall possess the following characteristics:

   - The sign shall have been erected or installed prior to 1960;
   - The sign is a unique example of a time period or era prior to 1960;
   - The sign must be structurally sound or repairable;
   - The sign may contain neon which is characteristic of the era or period prior to 1960;
   - The sign shall have been designed and constructed as an integral part or feature of a structure, development or development site.
4. **On-Premises Signs, Areas Annexed Pursuant to Annexation/Wastewater or Water Service Agreements:** Any On-Premise sign erected or installed on a parcel or premises after the effective date of a city Annexation/Wastewater or Water service agreement for said parcel or premises, shall conform to the city sign regulations in effect at the time of the erection of the sign. Any sign, in existence on the date of the Annexation/Wastewater or Water Service Agreement which does not conform to the provisions of the sign regulations shall be brought into conformance or shall be taken down and removed by the owner, agent, or person having beneficial use of the building, structure or property upon which such sign may be found within 30 days after written notification.

i. **Bench Signs**

Bench signs will be permitted, provided the signs are located only on benches which are placed according to agreements approved by the City Commission and subject to the conditions expressed therein.

j. **Temporary Signs**

1. **Sign types:** A temporary sign may be a ground sign or a building sign, but may not be illuminated by electricity and must be constructed of rigid materials. Each premises shall be permitted temporary signs as follows:

   (a) One real estate sign per street frontage.

   (b) Three construction signs provided that such sign shall not be displayed prior to submission of an application for Building Permit for the project, and shall be removed no later than the date of issuance of the Certificate of Occupancy for the construction project. In the event a construction sign is displayed but construction is not initiated within 60 days after the sign is erected, or if construction is discontinued for a period of more than 60 days, the construction sign shall be removed.

   (c) Temporary non-commercial signs displayed before, during, or after an event or occurrence scheduled to take place at a specific time and place are permitted in all zoning districts and shall be removed within 21 days after the end of the scheduled event or occurrence to which they relate.

   (d) One temporary “grand opening” commercial sign which may be displayed for 30 days after the issuance of a Business Tax Receipt for any new business, new owner of an existing business, or business name change.

2. **Maximum size:** Each premise may display temporary signs, the area of which shall not exceed 32 square feet per sign. Temporary non-commercial signs shall not exceed an aggregate sign area of 32 square feet. Real estate signs located in residential districts shall not exceed five square feet in sign area.

3. **Maximum height:** Temporary signs shall not exceed eight feet in height.
k. Flags

Flags are permitted in all zoning classifications provided that no more than three flags may be displayed per premises, and each flag must be flown from a flagpole, subject to the following conditions:

1. Except for flags flown on single-family property, the height of a flag permitted by this section shall not exceed 25 percent of the total height of the flagpole.

2. The display of flags permitted pursuant to this section shall not count as chargeable square footage under the sign regulations.

I. Projecting Signs

Projecting signs shall be permitted as building signs within the C-6 and C-7 zoning districts subject to the following conditions:

1. Projecting signs shall be included in calculating the maximum allowable building sign area and shall have no more than two sides.

2. One projecting sign may be permitted per principal ground-floor business.

3. Projecting signs shall not exceed eight square feet in sign area if mounted at a height of 15 feet or lower measured from the finished sidewalk to the bottom of the sign.

4. Projecting signs shall not exceed 25 square feet in sign area if mounted higher than 15 feet measured from the finished sidewalk to the bottom of the sign.

5. Projecting signs shall be located within five feet of the principal business entrance. In no case, however, shall a projecting sign be mounted within 10 feet of any other projecting sign.

6. Projecting signs may project no more than 42 inches from the building wall.

7. Projecting signs shall maintain an eight foot clearance, between the bottom of the sign and the finished surface of all public and private pedestrian pathways.

8. Within the C-7 zoning district, exceptions to conditions b. through e. above may be approved by the Historic Preservation Board based upon a determination that sufficient historical documentation exists to justify the exception(s).

9. Projecting signs on South Florida Avenue shall be subject to FDOT review and approval.
4.9.3.2 Prohibited Signs

All of the following signs shall be prohibited and shall be removed in accordance with the procedure established for each category of prohibited signs.

1. Abandoned signs.

2. Animated signs and flashing lights on signs.

3. Banners, pennants, spinners, streamers, balloons, inflatable objects, fluttering devices other than flags, and lights designed to attract attention.

4. Billboards and Off-premises signs.

5. Parasite signs.

6. Portable signs, except sidewalk signs where specifically permitted.

7. Signs located on public rights-of-way or public property, except signs displayed by the governmental agency having jurisdiction over the public right-of-way and as may be authorized by law.

8. Roof signs, unless retained and maintained as the one nonconforming sign an owner is permitted to continue in use.

9. Horizontal and vertical advertising, not required by State or Federal laws, located on motor vehicle fuel pump island canopy supports, "spanner boards", and on light poles or other supporting structures at noncanopied pump islands, to be removed within 30 days after written notification.

10. Vehicle signs as defined by these regulations.

11. Any sign that is not specifically described or enumerated as permitted by these regulations.
Figure 4.9-7 Examples of Prohibited Signs

- Portable Signs
- Flashing Signs
- Sidewalk Signs Outside of Downtown
- Spinners
- Inflatables
- Clearance Sale Banners
- Parasite Signs
4.9.3.3 Exemptions

a. Exemptions from Permitting Requirements

The provisions of this article which require permits shall not apply to the following signs; however, said signs shall be subject to the requirements of these sign regulations and other applicable codes of the city:

1. Signs on a truck, bus, or other motor vehicle;

2. Cornerstone signs or tablets not exceeding six square feet when cut into any masonry surface or when constructed of any noncombustible material and affixed to a building;

3. Signs within the structure or structures of shopping centers or multi-occupant premises;

4. Flags;

5. Temporary signs;

6. Signs permitted by Sub-Sections 4.9.4.1.a.8 and 4.9.4.2.a.6.


8. Window signs in accordance with the maximum sign area specified for each zoning district.

9. Fuel point of sale and fuel pump topper signs provided that such signs utilize a rigid frame that is permanently affixed to or integrated into the structure of the pump enclosure. This includes fuel pump toppers that utilize electronic visual displays.

10. Human signs in accordance with Sub-Section 4.9.4.4.c.

b. Other Exemptions

The provisions of this section shall not apply to traffic control, directional, and street name signs installed by state or local jurisdictions or to signs for municipal facilities on public property that are deemed necessary by the City Manager or his designee.

(Ord. No. 5724, 06-18-18)

4.9.4 ZONING DISTRICT REGULATIONS

4.9.4.1 Single-Family, Two-Family, and Mobile Home Zoning District Regulations (RA-1, RA-2, RA-3, RA-4, RB, and MH)
a. **Permitted Signs**

1. Signs which are permitted in single-family, two-family, and mobile home districts may be externally illuminated. Notwithstanding this provision, internally illuminated signs may be considered in accordance with Sub-Section 4.9.3.1.e.1 for non-residential uses in residential zoning where such uses are permitted as a conditional use and an illuminated sign is expressly permitted.

2. **Home Occupation Signs:** One per street frontage, not to exceed one square foot in area.

3. **Subdivision and Mobile Home Park Identification Signs:** Such signs may be permitted per each public street frontage at the perimeter of the subdivision or park and may be provided in accordance with one of the following alternatives:
   
   (a) One double-faced sign may be erected perpendicular to the perimeter street. Such sign shall not exceed 32 square feet in area and shall not exceed six feet in height to the top of the sign above the established grade at the base of the wall or sign structure. In the event certain design features such as berms and landscaping are utilized as part of the subdivision entrance, the top of the sign shall not exceed 10 feet above the finished elevation of the crown of the entrance street.

   (b) One single-faced sign may be erected on one or both sides of the subdivision or park entrance street. Each sign shall not exceed 32 square feet in area and shall not exceed six feet in height to the top of the sign above the established grade at the base of the wall or sign structure. In the event certain design features such as berms and landscaping are utilized as part of the subdivision entrance, the top of the sign shall not exceed 10 feet above the finished elevation of the crown of the entrance street. Where a fence or wall is constructed at the perimeter of a subdivision or mobile home park, such sign(s) may be located on the face of the fence or wall.

4. **Clubs, Golf Courses, Parks and Other Recreation Uses, Public Buildings, Cemeteries, Utilities and Other Similar Uses:** Shall be permitted one on-premises sign per public street frontage, which sign shall not exceed 20 square feet in area and shall not exceed six feet in height.

5. **Public and Private Schools:**

   (a) **Ground Signs for Middle Schools and High Schools** - One sign per each public street frontage, subject to the following:

   i. Sign Area and Sign Height, Principal Street - One square foot of sign area for each two lineal feet of street frontage or 20 square feet of sign area, whichever is larger. The maximum sign area shall not exceed 50 square feet and the sign shall not exceed 15 feet in height.
ii. Sign Area and Sign Height, Secondary Street

   Maximum sign area .......................................................... 20 square feet
   Maximum height................................................................. 6 feet

(b) Ground Signs for Public and Private Elementary Schools –

   One sign per public street frontage, subject to the following:

   i. Sign Area and Sign Height, Principal Street - One square foot of sign area for each two lineal feet of street frontage or 20 square feet of sign area, whichever is larger. The maximum sign area shall not exceed 36 square feet and the sign shall not exceed 10 feet in height.

   ii. Sign Area and Sign Height, Secondary Street

   Maximum sign area .......................................................... 20 square feet
   Maximum height..................................................................... 6 feet

(c) Building Signs for Public and Private High Schools, Middle Schools and Elementary Schools - Building signs shall not exceed an aggregate sign area equal to 12.5 percent of the square footage of the first 15 feet in height of the wall face upon which the sign is located. In the event the height of the wall is less than 15 feet, the allowable building sign area is the aggregate sign area equal to 12.5 percent of the square footage of the wall face upon which the sign is located.

6. Churches:

(a) Ground Signs for Churches

   One ground sign per public street frontage, subject to the following:

   i. Sign Area and Sign Height, Principal Street - One square foot of sign area for each two lineal feet of street frontage or 20 square feet of sign area, whichever is larger. The maximum ground sign area shall not exceed 36 square feet and the sign shall not exceed 10 feet in height.

   ii. Sign Area and Sign Height, Secondary Street

   Maximum sign area .......................................................... 20 square feet
   Maximum height..................................................................... 6 feet
(b) Building Signs for Churches - Building signs shall not exceed an aggregate sign area equal to 12.5 percent of the square footage of the first 15 feet in height of the wall face upon which the sign is located. In the event the height of the wall is less than 15 feet, the allowable building sign area is the aggregate sign area equal to 12.5 percent of the square footage of the wall face upon which the sign is located.

7. Directional Signs for Accessory Off-Street Parking Areas: Directional signs shall not exceed two square feet in sign area and shall not exceed 30 inches in height. Only one directional sign may be erected at each point of ingress and egress and may be located at the property line, but shall not be located on or overhang the public right-of-way.

8. On-premises sign: One on-premises sign not to exceed five square feet in sign area or six feet in height. Home occupation signs shall be governed by Sub-Section 4.9.4.1.a.2.

b. General Restrictions

Minimum Sign Setbacks: Signs permitted in the single-family, two-family, and mobile home zoning districts shall not be erected within five feet of any property line, except subdivision identification signs on a perimeter wall and directional signs for off-street parking areas as specified herein.

4.9.4.2 Multiple-Family Zoning District Regulations (MF-12, MF-16 and MF-22)

a. Permitted Signs for Residential Uses

1. Signs which are permitted in multiple-family zoning districts may be externally illuminated.

2. Multiple-Family Apartments: On-premises signs for multiple-family apartment developments are permitted according to the following conditions:

   Maximum sign area:

   Developments ≤ 50 units:.............................. 20 square feet per public street frontage
   Developments > 50 units:.............................. 50 square feet per public street frontage

   Minimum sign setbacks:

   Front, side or rear setback................................................................. 5 feet

   Maximum sign height:

   Signs located in the area between minimum sign setback line and building setback line .............................................. 4 feet
   Signs located at or behind the building setback line .........................10 feet*

   *(May also be permitted on a wall of an apartment structure)
Where a boundary fence or wall is constructed at the perimeter of a rental or condominium apartment development, an identification sign may be located on the face of the fence or wall in the same manner as for subdivisions.

3. Home Occupation Signs: Same as single-family zoning districts.

4. Subdivision Signs: Same as single-family zoning districts.

5. Directional Signs for Accessory Off-Street Parking Areas: Directional signs may be located anywhere on site and shall not exceed two square feet in area and thirty inches in height. Directional signs shall be set back a minimum of five feet from any perimeter property line, except one directional sign may be erected at each point of ingress and egress and may be located at the property line, but shall not be located on or overhang the public right-of-way.

6. One on-premises sign not to exceed five square feet in sign area or six feet in height. Home occupation signs shall be governed by Sub-Section 4.9.4.1.a.2.

b. Permitted Signs for Non-Residential Uses


3. Subdivision Signs: Same as single-family zoning districts.

4. Signs for Off-Street Parking Lots as Principal Uses: When parcels are developed for off-street parking lots as the principal use, one on-premises sign shall be permitted per public street frontage, with a maximum sign area not to exceed 16 square feet and a maximum height not to exceed 10 feet. Such signs shall not be erected on required parking spaces.

5. Directional Signs of Off-Street Parking Areas: The requirements as specified for multiple-family apartment accessory parking areas shall apply.

c. General Restrictions

1. Internally Illuminated Signs: Shall not be permitted in multiple-family zoning districts. Notwithstanding this provision, internally illuminated signs may be considered in accordance with Sub-Section 4.9.3.1.e for non-residential uses in residential zoning where such uses are permitted as a conditional use and an illuminated sign is expressly permitted.

2. Minimum Sign Setbacks: Signs permitted in multiple-family zoning districts shall not be erected within five feet of any property line, except subdivision and
apartment identification signs on a perimeter wall and directional signs for off-street parking areas as specified herein.

4.9.4.3 Office Commercial and Small Lot General Commercial Zoning District Regulations (O-1, 0-2 and C-1)

a. Permitted On-Premises Signs

On-premises signs are permitted subject to the following conditions:

1. Ground Signs: Ground signs are permitted in accordance with the following provisions:

   (a) Limited Commercial Uses on Less Than Five Acres of Land - One ground sign per premises (whether in a single usage or as a group of structures or businesses on a single premises).

   i. Sign Area - One square foot of sign area for each two lineal feet of street frontage, or 20 square feet of sign area, whichever is larger. No premises shall have a total ground sign area in excess of 50 square feet.

   (b) Limited Commercial Developments and Establishments on Five or More Acres of Land - One ground sign is permitted for each frontage on an arterial or collector street as designated in Figure 3.3-1 as follows:

   i. Sign Area - One square foot of sign area for each two lineal feet of street frontage, or 20 square feet of sign area, whichever is larger. No premises shall have a total ground sign area in excess of 50 square feet for each frontage on an arterial or collector street.

   (c) Minimum Sign Setbacks

   Front, side and rear setback ................................................................. 5 feet

   Adjacent to Residential Zoning District - A ground sign shall be located not closer than 75 feet to any residence in any residential zoning district. Such sign shall be oriented away from residential zoning districts and toward the commercial district in which it is located.

   (d) Maximum Sign Height

   Maximum height ................................................................................... 10 feet
2. Building Signs:

(a) Building signs, excluding window signs, shall not exceed an aggregate sign area equal to 12.5 percent of the square footage of the first 15 feet in height of the wall face upon which the sign is located. In the event the height of the wall is less than 15 feet, the allowable building sign area is equal to 12.5 percent of the square footage of the actual height of the wall face upon which the sign is located.

(b) Window signs shall be permitted along the ground floor elevations of buildings and shall cover no more than 25 percent of each window. Window signs shall not be included in calculating the aggregate sign area of building signs.

3. Directory Signs: Directory signs are permitted on properties of three acres or more in accordance with the following provisions:

(a) One directory sign is permitted for each street frontage.

   Maximum sign area ................................................................. 20 square feet

   Minimum sign setbacks

   Public street right-of-way ............................................................ 30 feet
   Interior property lines ............................................................... 5 feet
   Maximum height ........................................................................ 6 feet

4. Subdivision Signs: Same as single-family zoning districts.

5. Signs for Off-Street Parking Lots as Principal Uses: The same requirements as specified for multiple-family zoning districts shall apply.

6. Directional Signs for Off-Street Parking Areas: The same requirements as specified for multiple-family zoning districts shall apply.

b. General Restrictions

   Minimum Sign Setbacks: Signs permitted in office commercial zoning districts shall not be erected within five feet of any property line, except directional signs for off-street parking areas as specified herein.

4.9.4.4 Retail Commercial and Large Lot Office Zoning District Regulations (C-2, C-3, C-4, C-5, C-6, C-7 and 0-3)

a. Permitted On-Premises Signs

   On-premises signs are permitted subject to the following conditions:
1. Ground Signs: Ground signs are permitted in accordance with the following provisions:

(a) Ground Signs on Less than Five Acres of Land - One ground sign per premises (whether in a single usage or as a group of structures or businesses on a single premises).

   i. Sign Area - One square foot of sign area for each two linear feet of street frontage along the front lot line, or 32 square feet of sign area, whichever is larger. No premises shall have a total ground sign area in excess of 150 square feet.

(b) Ground Signs on Five or More Acres of Land - One ground sign is permitted for each frontage on an arterial or collector street as designated on Figure 3.3-1. In the event the functional classification of a street is not contained on Figure 3.3-1 or is uncertain, the Community Development Director shall make a determination of the functional classification for purposes of this article.

   i. Sign Area - One square foot of sign area for each two linear feet of street frontage or 50 square feet of sign area per acre of the premises, whichever is larger. No premises shall have a total ground sign area in excess of 250 square feet on the principal street. Maximum ground sign area on secondary streets shall be 125 square feet.

(c) Ground Signs for Theaters in Shopping Centers Containing Five or More Acres of Land - Any movie theater located in a shopping center containing five or more acres, may have one ground sign separate from the ground sign for the shopping center.

   i. Sign Area - Such sign shall not exceed 150 square feet in area.

(d) Minimum Sign Setbacks

   Front, side or rear setback ............................................................... 5 feet

Adjacent to residential zoning district - A ground sign shall be located not closer than 75 feet to any residence in any residential zoning district. Such sign shall be oriented away from residential zoning districts and toward the commercial district in which it is located.
Lakeland Electric shall have the authority to review and approve all applications for pole signs for which the height would exceed 15 feet, to ensure that the setbacks for such signs provide a sufficient separation between existing or proposed electric utility lines and support facilities and any portion of the sign and sign structure.

(e) Maximum Sign Height

Maximum height on commercial corridors* ...................................... 15 feet
Maximum height on non-commercial corridors* .............................. 10 feet
Maximum height on commercial corridors* and within an Interchange Activity Center as designated by the Comprehensive Plan................. 35 feet
*As defined on Figure 4.9-8

2. Building Signs: The same requirements as specified for office commercial zoning districts shall apply.

3. Directory Signs: The same requirements as specified for office commercial zoning districts shall apply.

4. Subdivision Signs: Same as single-family zoning districts, except such signs may contain a maximum size of 72 square feet.

5. Signs for Off-Street Parking Lots as Principal Uses: The same requirements as specified for multiple-family zoning districts shall apply.

6. Directional Signs. The same requirements as specified for multiple-family zoning districts shall apply.

7. Functional Signs:

(a) One functional sign may be permitted for each entrance to the dealership from the principal street; not to exceed a maximum number of three functional signs, regardless of the number of entrances from the principal street. A maximum of one functional sign may be permitted on a secondary street regardless of the number of entrances from the secondary street. When functional signs are utilized, directional signs shall not be utilized at the same entrance.

Sign Area - Shall not exceed 50 percent of the allowable ground sign area.

Minimum Setbacks................................................. 5 feet from any property line
Maximum height on commercial corridors* ...................................... 15 feet
Maximum height on non-commercial corridors* .............................. 10 feet
*As defined on Figure 4.9-8
Figure 4.9-8 Designated Commercial Corridors
8. Drive Through Signs: Drive through signs are only allowed on lots which have previously been approved for restaurants with drive-through windows and under the following conditions:

(a) Two drive through signs per drive through lane

- Maximum sign area ................................................................. 32 square feet
- Maximum height ................................................................. 6 feet
- Minimum setback from public street Right-of-way ....................... 30 feet

b. Sidewalk Signs

1. Sidewalk signs are limited to the C-6 and C-7 zoning districts and shall be subject to the following conditions:

(a) Location Standards

i. One sidewalk sign may be permitted per principal ground-floor retail business use frontage, which sign may be placed on a sidewalk, plaza, courtyard or other pedestrian walkway directly in front of the business premises.

ii. The display of sidewalk signs shall be limited to business hours only.

iii. Signs shall only be placed where the sidewalk or pedestrian walkway is a minimum of 10 feet in width.

iv. Signs shall not block or restrict pedestrian movement and when the sign is in place, there shall be a minimum of five feet clear sidewalk or walkway width for pedestrian travel.

v. Signs shall not be placed within two feet of the face of any curb.

vi. Signs shall not be placed where they interfere with any exit, fire hydrant, parking meter, bus stop, loading zone, bicycle rack, sidewalk ramp, wheelchair ramp, or similar public facility.

vii. Signs shall not be attached to any tree, light pole, fire hydrant, street furniture or similar fixed object.

(b) Design Standards

i. Signs shall be of a type that has been pre-approved by the Lakeland Downtown Development Authority (LDDA) or alternative designs meeting these standards may be submitted to the LDDA for review and approval.
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ii. Signs shall be constructed of durable, weather-resistant materials such as wood, steel, aluminum and PVC. The use of cardboard, paper, fabric and non-rigid materials is prohibited.

iii. Maximum sign area: Six square feet per side. Maximum number of sides: Two.

iv. Sign height: Maximum four feet. Minimum three feet.

v. Signs must be readily portable but stable, able to withstand modest wind speeds and accidental contact from pedestrians.

vi. Signs shall not be illuminated.

vii. Signs may contain a changeable copy area which shall consist of a chalkboard or whiteboard only.

viii. Signs may have a transparent sleeve or holder that does not extend beyond the sign area in which temporary printed material may be displayed.

ix. Lights, balloons, parasite signs or other attachments are prohibited.

(c) Other

i. Sidewalk signs shall require sign permits. For those signs to be placed on public property, the permit shall include proof of Comprehensive General Liability insurance with limits of at least $300,000 per occurrence naming the City of Lakeland as an additional insured and an agreement to indemnify and hold the city harmless in any claim or cause of action against the city arising from the placement of such signs. Violation of any provisions or conditions of this section shall be grounds for revocation of the sign permit.

ii. Sidewalk signs shall not be displayed during severe weather watches or warnings.

iii. Sidewalk signs on South Florida Avenue shall be subject to FDOT review and approval.

2. Amortization

Sidewalk signs in use as of the effective date of this section that do not conform to the above standards and conditions shall be removed and their use discontinued within six months of the effective date of this section.
c. Human Signs

Human Signs are permitted in all non-residential zoning districts and shall be subject to the following conditions.

1. Only one human sign per business is permitted; and

2. Human signs must remain on the same parcel on which the business, commodity, service or product being advertised is located or within the common areas of a commercial subdivision within which the business, commodity, service or product being advertised is located; and

3. Human signs shall not occupy and portion of the public right-of-way or other public property.

4.9.4.5 Industrial Zoning District Regulations (I-1, I-2 and I-3)

Permitted On-Premises Signs

The same requirements as specified for retail commercial zoning districts shall apply.

4.9.4.6 Planned Unit Development (PUD) Zoning District Regulations

Signs for the types of developments and land uses in PUD zones shall be determined by applying the sign regulations for the conventional zoning district classifications in which the types of development and land uses are customarily permitted, except as otherwise provided below.

4.9.4.7 Comprehensive Sign Plans for Large Developments

Comprehensive Sign Plan

a. Where a proposed or existing development contains 50 acres or more, the applicant may elect to submit a comprehensive sign plan for the development. Such a plan may propose signs which depart from the conventional sign regulations for the zoning district in which the development is located, provided that the signs have a uniform or coordinated design motif that is compatible with the development and surrounding land uses.

b. A comprehensive sign plan shall include a site development plan showing the locations of proposed signs by type and elevations illustrating the height, area and significant design features of each sign type.
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4.9.4.8 Procedure for Approval

a. The applicant shall submit the proposed comprehensive sign plan to the Planning & Zoning Board which shall conduct a public hearing on the matter at a regular meeting. If the comprehensive sign plan proposes signs that exceed the height and/or area of signs otherwise permitted in the zoning district, the Board shall notify the owners of record of properties abutting or across the street from the development sites.

b. In approving a comprehensive sign plan, the Board shall find that the proposed signs are compatible with the character of the surrounding area. Historic Preservation Board (HPB) approval of the sign plan will also be required for developments located within a designated historic district in which the review authority for signs is specifically granted to the HPB.

(Ord. No. 5724, 06-18-18)

4.9.5 ADMINISTRATION

4.9.5.1 Permits, Applications, Structural Requirements, Fees, Issuance of Permit, and Inspection

a. Permits Required

It shall be unlawful for any person to erect, construct, alter, display, or relocate within the city any sign, not otherwise exempted, as provided in this article, without first obtaining a permit from the Building Inspection Division and making payment of the required fee.

b. Application for Sign Permit

The city shall provide application forms for sign permits, which forms will require the following information:

1. Name, address, telephone number, and signature of the owner of the premises granting permission for the construction, operation, maintenance or displaying of sign or sign structure;

2. Name, address, telephone number and signature of sign contractor, if any;

3. Legal description and street address of premises or property upon which the sign is to be located;

4. The height, shape and dimensions of the sign structure, if any, and the dimensions and shape of the sign area;

5. The approximate value of the sign to be installed, including the installation cost;

6. Type of sign for which a permit is being sought; and

7. Two copies of a sketch, drawing, print or similar presentation drawn to scale and dimensioned, showing elevations of the sign as proposed on a building
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facade, awning or canopy, provided further, the relationship to other existing adjacent signs shall also be shown. In the case of a freestanding sign, these sketches shall include a site plan showing the sign location.

c. Structural Requirements

1. All signs shall comply with the appropriate detailed provisions of the building code, relating to design, structural members and connections. Signs shall also comply with the provisions of the electrical code.

2. All signs that contain more than 50 square feet in area or are greater than 15 feet in height shall be designed by an engineer registered in the State of Florida. Structural drawings along with wind load calculations shall be prepared by the engineer and submitted prior to a permit being issued.

d. Sign Permit Fees

Prior to receiving a permit for the erection, reconstruction, alteration, placement, or relocation of a sign, the applicant shall pay to the City of Lakeland all required fees, as established by resolution of the City Commission.

e. Issuance of Permit

It shall be the duty of the Chief Building Official, upon receiving an application for a sign permit, to examine such plans and specifications and other data, and if considered necessary, inspect the premises upon which it is proposed to erect the sign or other advertising structure. If the proposed structure, or sign, is in compliance with all of the requirements of this article and all other applicable laws and ordinances of the city, a sign permit shall then be issued.

Every sign permit issued by the Building Inspection Division shall become null and void if erection is not completed within six months from the date of the permit. In order to start, continue, or restart work on the sign or sign structure after the six month period has expired, a new permit application and fees will be required.

f. Inspections

1. All signs for which a permit is required by this article are subject to inspection by the Building Inspection Division.

2. When requested by the permit holder, the following required inspections shall be made by the city:

   (a) A foundation inspection prior to pouring concrete for any approved ground or freestanding sign;
   (b) Final electrical inspection for all electrical signs; and
   (c) Final inspection for completion of all signs in accordance with approved plans.
3. If corrections of defects, or nonconformities, are not made within 10 days after notification, no permits for any sign work will be issued to the delinquent contractor until after all corrections have been completed.

4.9.5.2 CODE REQUIREMENTS

a. Building Code Requirements

The application for a permit for erection of a sign or other advertising structure must meet all of the applicable requirements of the building code before a sign permit is issued.

b. Electrical Code Requirements

The application for a permit for erection of a sign or other advertising structure in which electrical wiring and connections are used must meet the requirements of the electrical code before a sign permit will be issued. The sign company representative shall check with Lakeland Electric for power line clearance.

c. Code Conflict

In the event any of these regulations are in conflict with the requirements of the building code, electrical code or other governmental regulations; the more restrictive provisions of either shall govern. Nothing in this article shall be construed to authorize signs if otherwise regulated or prohibited by private restrictions.

4.9.5.3 ENFORCEMENT

a. Enforcement of Regulations

It shall be the duty of the Community Development Director to administer and enforce the provisions of this article in conjunction with the city's Building and Electrical Codes.
b. Unsafe Signs

All signs shall be maintained in proper repair and in a proper state of preservation. Should any sign become insecure or in danger of falling, in disrepair or a deteriorated state of preservation, or otherwise unsafe in the opinion of the Community Development Director, the owner thereof or the person or firm maintaining the same shall, secure the same or cause the same to be placed in good repair in a manner to be approved by the Community Development Director, in conformity with the provisions of this code and any other applicable laws or ordinances of the city or said sign must be removed. If such order is not complied with the city may remove said sign at the expense of the owner or lessee thereof. If the cost of removal is not paid within 90 days after said charges have been submitted to the owner or lessee, same shall become a lien upon the property from which the sign is removed upon the passage of a resolution by the City Commission.

c. Variances and Appeals

1. In those situations where streets have been widened and existing setbacks which were previously in compliance with zoning are reduced or where property was developed before the existence of zoning, and strict adherence to the setback provisions of this code is impossible or impractical, the sign permit applicant may erect a building sign parallel to the adjacent public right-of-way within a required setback area without applying for a variance.

2. The Zoning Board of Adjustment and Appeals is hereby authorized:

   (a) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement of this article or of any amendments adopted pursuant thereto; and

   (b) To hear applications for variances from the provisions of this article regulating the height and setbacks of signs and to grant variances from such height and setback provisions where, owing to special conditions, literal enforcement of the requirements of said provisions will result in unnecessary hardship; will not be contrary to the public interest; will observe the spirit and intent of this article; and will do substantial justice.

   The Zoning Board of Adjustment and Appeals shall not have the power to vary any other provisions of these sign regulations except as set forth hereinabove.

3. Any person aggrieved by a decision of the Zoning Board of Adjustment and Appeals may seek judicial review by filing a petition for writ of certiorari in the Circuit Court within 30 days from the date of the written order appealed from.
d. Construction and Application

Anything contained in this article to the contrary notwithstanding, any sign authorized by this code is allowed to contain non-commercial copy or messages in lieu of any other copy or message. For purposes of this Code, all non-commercial speech shall be deemed On-Premises.

4.10 SOLID WASTE COLLECTION BINS

4.10.1 GENERAL

a. For purposes of this section, the term "solid waste collection bin" shall include all solid waste containers or devices that require mechanical pickup or servicing, including dumpsters, trash compactors, bailers etc.

b. Solid waste collection bins shall be provided in all office, commercial, and industrial development or redevelopment projects and in multi-family development or redevelopment projects of five or more dwelling units. The minimum number, size and type of solid waste collection bins required for a development site shall be as determined by the Public Works Department as appropriate for the proposed use. The Director of Public Works may waive provisions of this section or may authorize curbside pickup of solid waste where, in his opinion, site conditions make strict adherence to these regulations infeasible.

c. The construction specifications for bin pads and bin enclosures shall be as set forth in the Engineering Standards Manual.

d. The location of solid waste collection bins and the construction of bin pads and bin enclosures shall be approved by the Public Works Department through the site plan review and inspection process in accordance with the following standards. Alternative locations for solid waste collection bins may be approved as part of adopted site development plans for Planned Unit Developments or Conditional Uses.

e. Where site conditions on redevelopment projects make the application of a particular standard impractical on a specific site, the Director of Public Works may authorize an administrative variance in accordance with the procedure set forth in the Engineering Standards Manual.

4.10.2 LOCATION STANDARDS

a. Solid waste collection bins shall not be located in required front or street side yards.

b. Solid waste collection bins shall be located where collection vehicles have an unobstructed path to enter, collect the waste or service the device, back up, and depart without having to make unnecessary or unsafe maneuvers. Over-the-cab collection vehicles must be able to lift solid waste collection bins without overhead obstructions.
c. Solid waste collection bins that are serviced by the city shall be located so that collection vehicles are not required to back up more than 60 feet in order to service the solid waste collection bin.

d. Solid waste collection bins shall not be placed on or encroach upon any public right-of-way or where they would require collection vehicles to back out onto the public right-of-way.

e. Solid waste collection bins and bin enclosures shall not be offset more than 30 degrees from the direction of collection vehicle approach.

f. Solid waste collection bins shall be located away from building entrances and exits.

g. Solid waste collection bins and bin enclosures shall be located at least three feet away from any non-combustible existing or planned structure and at least five feet away from any combustible existing or planned structure.

Figure 4.10-1 Solid Waste Collection Bin Location and Screening

4.10.3 VISIBILITY AND SCREENING STANDARDS

a. Solid waste collection bins shall be screened from view from the right-of-way of any public or private named street, and from any adjacent residentially zoned property, as viewed from any point on the property line at a height of five feet above grade. In shopping centers, office complexes, business parks and other multi-building sites, solid waste collection bins shall be screened from view from public areas of the site including parking lots, walkways, driveways etc. to which the public normally has access.
b. Solid waste collection bins may be screened from view by principal or accessory structures; perimeter fences, walls or hedges; or by bin enclosures.

c. Where needed to screen solid waste collection bins from view, bin enclosures shall be constructed of durable, opaque materials that are compatible with the design, color and materials of the principal structures as determined by the city during site plan review. Where needed to screen solid waste collection bins from view, bin enclosures shall include gates of durable, opaque materials. Bin enclosures located in historic districts shall comply with the design review guidelines for historic districts.

d. Chain-link fencing with woven opaque slats shall be acceptable as a bin enclosure material only where the enclosure also incorporates a hedge or other view-blocking vegetation on the outside as determined by the city during site plan review.

e. Bin enclosures shall be maintained in good condition and appearance at all times. If needed for proper screening, bin enclosure gates shall remain closed except to access the solid waste collection bin and shall be maintained in operable condition.

4.11 VEHICLE USE AREAS

4.11.1 INTENT

It is the intent of this section to provide minimum standards for the off-street parking, display, storage and maneuvering of vehicles, to provide for adequate loading space, to ensure the safe movement of traffic on the public streets, and to mitigate the potential adverse impacts of traffic and parking congestion on adjacent land uses and the human and natural environment.

4.11.2 APPLICABILITY

The vehicle use area requirements of this section shall apply throughout the city. Development within that portion of Downtown described in Figure 4.11-1 shall be exempt from providing off-street parking, however, where such parking is provided, it shall conform to the design and dimensional standards of this section. Prior to issuance of any building or construction permit, all required off-street parking spaces and loading space requirements shall be provided for on the required parking plan. Unless otherwise provided in this section, the total off-street parking and loading space requirement shall be the sum of the requirements for all uses on the same lot or parcel.
Figure 4.11-1 Parking Exempt Area

4.11.2.1 Establishment of New Use
a. When a specified new use is established within a new structure or existing structure, whether in place of or in addition to existing uses, off-street parking and loading space shall be provided in accordance with this section.

b. When an unspecified new use is established within a new structure or existing structure, whether in place of or in addition to existing uses, off-street parking and loading space shall be provided in accordance with the highest requirements applicable to any use permitted in the zoning district in which the new structure is to be located, as set forth in Table 4.11-1.

(Ord. No. 5455, 07-21-14)

4.11.2.2 Expansion of Existing Use or Change of Use

When there is an expansion of an existing use or a change of use resulting in an increase in required off-street parking and/or loading space in excess of 125 percent of the overall requirement for the current use, such additional space shall be provided in accordance with the provisions of this section. Otherwise, additional off-street parking and/or loading space shall not be required.

4.11.3 DEFINITIONS

Unless the context clearly indicates a different meaning, for the purposes of this section, the following words and terms shall be defined as follows:

**Bicycle Parking Facility:** A device such as a rack or locker where bicycles can be parked and secured.

**Employee:** Employee shall mean the total number of employees present on the site at any one time.

**Gross Floor Area (GFA):** Gross Floor Area (GFA) shall mean the sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six feet.

**Off-Street Parking:** An area, space or facility for the temporary off-street keeping of motor vehicles of occupants, employees, patrons, students or visitors of the use or uses served.

**Person-Capacity:** Person-capacity shall mean the capacity of a use to accommodate one person, based on the maximum design capacity of the use.

For public assembly uses utilizing fixed seats, one unit shall mean one patron seat.

For public assembly uses utilizing temporary seating arrangements, one unit shall mean 20 square feet of the floor area utilized for temporary seating.
For uses involving public assembly for the purpose of dancing, one unit shall mean 50 square feet of dance floor area.

**Seat:** For public assembly uses, seat shall mean either one fixed seat or each 24 lineal inches of benches, pews or other similar seating arrangements.

### 4.11.4 VEHICLE USE AREA STANDARDS

#### 4.11.4.1 Required Off-Street Parking Spaces

(a) The minimum number of off-street parking spaces to be provided shall be as set forth in **Table 4.11-1**. The maximum number of off-street parking spaces allowed shall be the minimum number plus 10 percent. A modification to these requirements may be considered by the Director of Community Development pursuant to **Sub-Section 4.11.5**.

(Ord. No. 5455, 07-21-14)

(b) The minimum number of handicapped / accessible parking spaces shall be as set forth in the applicable building codes.

(c) When the calculation of the number of required parking spaces results in a fractional number, any fraction over one-half shall be counted as one whole space.

(d) Existing parking facilities which provide required parking shall not be reduced in capacity to an amount less than hereinafter required for a similar new building or use.

(e) Existing parking facilities which provide required parking shall not be changed to any other use unless and until equal facilities are provided according to the provisions of this section.
## Table 4.11-1 Minimum Off-Street Parking Requirement

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Off-Street Parking Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>RESIDENTIAL</strong></td>
<td></td>
</tr>
<tr>
<td>Single-Family</td>
<td>2 spaces per dwelling unit</td>
</tr>
<tr>
<td>Two-Family, Three-Family and Four-Family</td>
<td>2 spaces per dwelling unit</td>
</tr>
<tr>
<td>Mobile Homes</td>
<td>1 space per dwelling unit</td>
</tr>
<tr>
<td>Recreational Vehicles</td>
<td>1 space per dwelling unit</td>
</tr>
<tr>
<td></td>
<td>*Space to accommodate the towing vehicle may be provided on either the vehicle site, or at a centrally located parking area.</td>
</tr>
<tr>
<td>One or more dwelling units located above the first floor of a building which contains another permitted principal use on the first floor.</td>
<td></td>
</tr>
<tr>
<td>Suburban Context Districts:</td>
<td></td>
</tr>
<tr>
<td>1-bedroom</td>
<td>1.5 spaces per dwelling unit</td>
</tr>
<tr>
<td>2-Bedroom or more</td>
<td>2 spaces per dwelling unit</td>
</tr>
<tr>
<td>Urban Context Districts:</td>
<td></td>
</tr>
<tr>
<td>1-bedroom</td>
<td>1 space per dwelling unit</td>
</tr>
<tr>
<td>2-Bedroom or more</td>
<td>1.5 spaces per dwelling unit</td>
</tr>
<tr>
<td>Within C-6 or C-7 located outside parking exempt area:</td>
<td></td>
</tr>
<tr>
<td>1-bedroom or more</td>
<td>1 space per dwelling unit</td>
</tr>
<tr>
<td>Multiple-Family for the General Public</td>
<td></td>
</tr>
<tr>
<td>Suburban Context Districts:</td>
<td></td>
</tr>
<tr>
<td>1-bedroom</td>
<td>1.5 spaces per dwelling unit</td>
</tr>
<tr>
<td>2-Bedroom or more</td>
<td>2 spaces per dwelling unit</td>
</tr>
<tr>
<td>Urban Context Districts:</td>
<td></td>
</tr>
<tr>
<td>1-bedroom</td>
<td>1 space per dwelling unit</td>
</tr>
<tr>
<td>2-Bedroom or more</td>
<td>1.5 spaces per dwelling unit</td>
</tr>
<tr>
<td>Within C-6 or C-7 located outside parking exempt area:</td>
<td></td>
</tr>
<tr>
<td>1-bedroom or more</td>
<td>1 space per dwelling unit</td>
</tr>
<tr>
<td>Multiple-Family for the Elderly</td>
<td>0.5 spaces per dwelling unit</td>
</tr>
<tr>
<td>Group Homes, Levels I-III</td>
<td>1 space per 2 beds</td>
</tr>
<tr>
<td>Institutional Residential, Levels I-III</td>
<td>1 space per 2 beds</td>
</tr>
<tr>
<td>Residential Clubs</td>
<td>1 space per 2 beds</td>
</tr>
<tr>
<td>Rooming Houses, Hostels and Similar uses, Level I-III</td>
<td>1 space per 2 beds</td>
</tr>
<tr>
<td><strong>COMMERCIAL</strong></td>
<td></td>
</tr>
<tr>
<td>Automotive</td>
<td></td>
</tr>
<tr>
<td>Motor vehicle and boat sales and rental</td>
<td>1 space per 400 sf gfa</td>
</tr>
<tr>
<td>Motor vehicle parts and accessory stores</td>
<td>1 space per 300 sf gfa</td>
</tr>
<tr>
<td>Motor vehicle repair, Retail</td>
<td>4 spaces per bay</td>
</tr>
<tr>
<td>Motor vehicle services uses</td>
<td></td>
</tr>
<tr>
<td>Automobile service station</td>
<td>4 spaces per bay</td>
</tr>
<tr>
<td>Motor vehicle fuel sales</td>
<td></td>
</tr>
</tbody>
</table>

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### Table 4.11-1 Minimum Off-Street Parking Requirement

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Off-Street Parking Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Automobile filling stations</strong></td>
<td>1 space per employee</td>
</tr>
<tr>
<td><strong>Automobile washing establishments, attended</strong></td>
<td>1 space per employee, plus 5 queuing spaces per bay in approach lane and 5 queuing spaces per bay in exit lane</td>
</tr>
<tr>
<td><strong>Automobile washing establishments, self-service</strong></td>
<td>3 queuing spaces per bay</td>
</tr>
<tr>
<td><strong>Commercial Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Banks, Credit Unions and Savings and Loan Associations</td>
<td>1 space per 200 sf gfa (400 sf gfa in C-6)</td>
</tr>
<tr>
<td>Drive-Through Facilities not listed elsewhere</td>
<td>5 queuing spaces per window</td>
</tr>
<tr>
<td>Retail sales</td>
<td>1 space per 300 sf gfa</td>
</tr>
<tr>
<td>Department Stores, Food Stores and Supermarkets</td>
<td>1 space per 200 sf gfa</td>
</tr>
<tr>
<td>Liquor Stores, Party Stores and Convenience Stores</td>
<td>1 space per 300 sf gfa</td>
</tr>
<tr>
<td>Single-Destination Commercial Uses</td>
<td>1 space per 300 sf gfa</td>
</tr>
<tr>
<td>Specialty Comparison Commercial Uses</td>
<td>1 space per 400 sf gfa</td>
</tr>
<tr>
<td>Shopping Centers occupying from 100,000 – 400,000 sf gfa</td>
<td>1 space per 200 sf gfa, excluding indoor common areas</td>
</tr>
<tr>
<td>Shopping Centers occupying over 400,000 sf gfa</td>
<td>1 space per 300 sf gfa, excluding indoor common areas</td>
</tr>
<tr>
<td>Hotels and Motels</td>
<td>1 space per guest room</td>
</tr>
<tr>
<td>Mobile Home Sales, Rental and Service Agencies</td>
<td>1 space per 400 sf gfa</td>
</tr>
<tr>
<td>Outdoor Retail Sales of new and used merchandise</td>
<td>1 space per 300 sf of sales area</td>
</tr>
<tr>
<td>Recycling Collection Centers</td>
<td>2 spaces, plus 1 space per employee</td>
</tr>
<tr>
<td>Retail Building Materials Sales Level II</td>
<td>1 space per 1,000 sf gfa</td>
</tr>
<tr>
<td>Retail Marine Sales and Services</td>
<td>1 space per 400 sf gfa</td>
</tr>
<tr>
<td>Commercial Uses within C-6 or C-7 located outside parking exempt area</td>
<td></td>
</tr>
<tr>
<td>Retail</td>
<td>1 space per 800 sf gfa</td>
</tr>
<tr>
<td>Hotel</td>
<td>1 space per 1.6 guest rooms</td>
</tr>
<tr>
<td>Restaurant</td>
<td>1 space per 400 sf gfa</td>
</tr>
<tr>
<td><strong>Office Uses</strong></td>
<td></td>
</tr>
<tr>
<td><strong>General</strong></td>
<td>1 space per 275 sf gfa</td>
</tr>
<tr>
<td>Health and Medical Care</td>
<td>1 space per 225 sf gfa</td>
</tr>
<tr>
<td>Government</td>
<td>1 space per 325 sf gfa</td>
</tr>
<tr>
<td><em>Including U.S. Postal Service Facilities and Administrative Offices of City, County, State and Federal Government Agencies.</em></td>
<td></td>
</tr>
<tr>
<td>Office-Type Research and Development Facilities</td>
<td>1 space per 250 sf gfa</td>
</tr>
<tr>
<td>All office Uses within C-6 or C-7 located outside parking exempt area</td>
<td>1 space per 650 sf gfa</td>
</tr>
<tr>
<td><strong>Personal Service Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Barber and Beauty Shops occupying less than 750 sf gfa</td>
<td>1 space per 75 sf gfa</td>
</tr>
<tr>
<td>Barber and Beauty Shops occupying more than 750 sf gfa</td>
<td>1 space per 100 sf gfa</td>
</tr>
<tr>
<td>Coin-operated Laundry and Dry Cleaning Establishments</td>
<td>1 space per 100 sf gfa</td>
</tr>
<tr>
<td>Exercise and Martial Arts Studios</td>
<td>1 space per 100 sf gfa</td>
</tr>
<tr>
<td>Other Personal Service Uses</td>
<td>1 space per 300 sf gfa</td>
</tr>
<tr>
<td>Funeral Homes</td>
<td>1 space per 3-person capacity in main chapel plus 10 queuing spaces for funeral procession.</td>
</tr>
<tr>
<td>Indoor Gun clubs and Shooting Galleries</td>
<td>1 space per 70 sf gfa</td>
</tr>
<tr>
<td>Kennels</td>
<td>5 spaces</td>
</tr>
<tr>
<td>Laundry and Cleaning Establishments, Level I &amp; II</td>
<td>1 space per 200 sf gfa</td>
</tr>
<tr>
<td><em>Not including facilities that serve primarily institutional customers or facilities that serve other laundry and cleaning establishment serving the public.</em></td>
<td></td>
</tr>
<tr>
<td>Regulated Uses</td>
<td>1 space per 200 sf gfa</td>
</tr>
<tr>
<td><strong>Restaurants</strong></td>
<td></td>
</tr>
<tr>
<td>Very High Turnover</td>
<td>3 spaces, plus 1 space per 66 sf, plus 5 queuing spaces for each drive–up window</td>
</tr>
</tbody>
</table>

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### Table 4.11-1 Minimum Off-Street Parking Requirement

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Off-Street Parking Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other</td>
<td>1 space for each 4 patron seats, plus 1 for each 2 employees</td>
</tr>
<tr>
<td>Bars, Lounges and Related Entertainment</td>
<td>1 space per 70 sf gfa</td>
</tr>
<tr>
<td><strong>INDUSTRIAL</strong></td>
<td></td>
</tr>
<tr>
<td>Industrial and Industrial Services Uses</td>
<td></td>
</tr>
<tr>
<td>All uses within this category</td>
<td>5 spaces, plus 1.1 space per employee</td>
</tr>
<tr>
<td>Warehouse, Wholesale Trade and Transportation Uses</td>
<td></td>
</tr>
<tr>
<td>Transit terminal facilities for passenger transportation operations</td>
<td>5 spaces, plus 1.1 space per employee, plus 1 space per 100 sf of passenger arrival and departure area</td>
</tr>
<tr>
<td>Commercial Warehouse, Wholesale trade and Transportation Uses</td>
<td>1 space per 1,200 sf gfa for 1st 20,000 sf, plus required parking for sf devoted to other uses. 1 space per 2,000 sf for 2nd 20,000 sf. 1 space per 4,000 sf in excess of 40,000 sf.</td>
</tr>
<tr>
<td>Mini-storage Warehousing</td>
<td>1 space per 25 storage cubicles, plus required parking for other uses</td>
</tr>
<tr>
<td><strong>HEALTH SERVICES</strong></td>
<td></td>
</tr>
<tr>
<td>Hospitals</td>
<td>2 spaces per patient bed</td>
</tr>
<tr>
<td>Clinics</td>
<td>1 space per 150 sf gfa</td>
</tr>
<tr>
<td>Veterinary Clinics and Hospitals</td>
<td>1 space per 250 sf gfa</td>
</tr>
<tr>
<td>Convalescent and Nursing Homes</td>
<td>1 space per 2 beds</td>
</tr>
<tr>
<td><strong>EDUCATIONAL</strong></td>
<td></td>
</tr>
<tr>
<td>Day Nursery/Child Care Centers</td>
<td>1 space per employee, plus 1 loading space per 6 pupils</td>
</tr>
<tr>
<td>Elementary and Middle Schools</td>
<td>1.5 spaces per classroom</td>
</tr>
<tr>
<td>Senior High Schools</td>
<td>10 spaces per classroom</td>
</tr>
<tr>
<td>Colleges, Junior Colleges, Universities and Seminaries</td>
<td></td>
</tr>
<tr>
<td>All uses within this category</td>
<td>5 spaces per classroom and administrative office</td>
</tr>
<tr>
<td>Dormitories</td>
<td>1 space per 2 beds</td>
</tr>
<tr>
<td>Fraternities and Sororities</td>
<td>1 space per 2 beds</td>
</tr>
<tr>
<td>Vocational Training for activities permitted in the district where located (Trade School)</td>
<td>5 spaces per classroom and administrative office</td>
</tr>
<tr>
<td><em>Not involving industrial, motor vehicles or other heavy equipment.</em></td>
<td></td>
</tr>
<tr>
<td><strong>ENTERTAINMENT AND RECREATION</strong></td>
<td></td>
</tr>
<tr>
<td>Indoor Entertainment and Assembly Facilities, including Theaters, Auditoriums and Meeting Halls</td>
<td>1 space per 3 person capacity</td>
</tr>
<tr>
<td>Outdoor Entertainment and Assembly Facilities, including Amphitheaters</td>
<td>1 space per 3 person capacity</td>
</tr>
<tr>
<td>Indoor Commercial Recreation</td>
<td>1 space per 70 sf gfa</td>
</tr>
<tr>
<td>Outdoor Commercial Recreation</td>
<td>1 space per 3 person capacity</td>
</tr>
<tr>
<td>Bowling Alleys, Billiard Halls</td>
<td>4 spaces per alley plus 2 spaces per billiard table plus required parking for other uses</td>
</tr>
<tr>
<td>Game Arcades</td>
<td>1 space per 70 sf gfa</td>
</tr>
<tr>
<td>Golf Courses and Executive Golf Courses</td>
<td>6 spaces per hole plus required parking for other uses</td>
</tr>
<tr>
<td>Miniature Golf Courses</td>
<td>3 spaces per hole plus required parking for other uses</td>
</tr>
<tr>
<td>Driving Range</td>
<td>1 space per tee plus required parking for other uses</td>
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<tr>
<td><strong>MISCELLANEOUS</strong></td>
<td></td>
</tr>
<tr>
<td>Public and Quasi-Public Non-Commercial Uses</td>
<td></td>
</tr>
<tr>
<td>Aquariums, Aviaries, Botanical Gardens</td>
<td>1 space per 300 sf gfa</td>
</tr>
<tr>
<td>Community Buildings</td>
<td>1 space per 300 sf gfa</td>
</tr>
<tr>
<td>Libraries, Museums and Art Galleries</td>
<td>1 space per 300 sf gfa</td>
</tr>
<tr>
<td>Churches, Synagogues and other Houses of Worship</td>
<td></td>
</tr>
<tr>
<td>All uses within this category</td>
<td></td>
</tr>
</tbody>
</table>

City of Lakeland Land Development Code  Page 4.138
### Table 4.11-1 Minimum Off-Street Parking Requirement

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Off-Street Parking Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Convents and Monasteries</td>
<td>1 space per 2 beds</td>
</tr>
<tr>
<td>Principal Communication Uses</td>
<td></td>
</tr>
<tr>
<td>Communication studios</td>
<td>1 space per 3-person-capacity for studio audience, plus 1 space per 200 sf gfa for offices</td>
</tr>
<tr>
<td>Other principal communication uses</td>
<td>5 spaces, plus 1.1 space per employee</td>
</tr>
<tr>
<td>Utility and Essential Service Facilities</td>
<td></td>
</tr>
<tr>
<td>All uses within this category</td>
<td>1.1 space per employee</td>
</tr>
</tbody>
</table>

(*Ord. No. 5721, 06-18-18*)
### Article 4: General Site Development Standards

#### 4.11.4.2 Use and Location of Off-Street Parking Spaces

a. Off-street parking spaces required by this section shall be used solely for the purpose of parking by occupants, employees, patrons, students or visitors in connection with the use or uses served and shall be limited to motor vehicles. Use of required parking spaces for placement of motor vehicles for purposes of display, sale, repair or storage is prohibited. Use of required parking spaces for the display or storage of merchandise is prohibited.

b. No off-street parking space shall exist or encroach upon any street right-of-way nor shall any part of any vehicle overhang the right-of-way of any public street, road, highway, alley or walkway.

c. For uses not specifically mentioned, the off-street parking space requirements for a use which is so mentioned and similar in character to the use not listed shall apply.

d. Residential

   1. Required off-street parking spaces for single-family and two-family residential uses shall consist of a parking lot, driveway, garage, carport or combination thereof, and shall be located on the same lot or parcel as the building they are intended to serve.

   2. Required off-street parking facilities serving multi-family residential uses of three or more dwelling units shall be located on the same lot or parcel as the residential uses served. Tandem parking is permitted where parking is reserved and both tandem spaces are assigned to the same dwelling unit.

e. Non-Residential

   Required off-street parking spaces for non-residential uses shall be located on the same lot or parcel as the use or structure to be served, or may be located on a separate lot or parcel provided that the property upon which the required parking is to be located meets the following criteria:

   1. Is within 600 feet of the primary entrance of the structure to be served, as measured by the shortest route of pedestrian travel which does not cross an arterial street.

   2. Is located in either a commercial or industrial zoning district, or is approved for accessory parking as a conditional use.
3. Is owned by the same person as the property upon which the principal use is located, jointly owned with another person, or is under unified control which will ensure its continued use for required parking, as evidenced by city-approved agreements, contracts, covenants, deed restrictions, sureties or other instruments. If a written agreement securing the required number of parking spaces is not provided, then the use and occupancy of the premises shall cease until the parking requirements of these regulations are satisfied.

4.11.4.3 Use and Location of Truck Parking, Vehicle Display and Vehicle Storage Areas

a. Where permitted in accordance with the applicable zoning district, vehicle use areas may contain separate areas for truck parking, vehicle display and/or vehicle storage areas in addition to the required off-street parking area. Such areas shall be located on the same lot or parcel as the building they are intended to serve.

b. Every company or government car, truck, tractor and trailer legally and normally kept or parked on the site shall be provided with a space in an area reserved for that purpose, in addition to the off-street parking spaces required for the use.

4.11.4.4 Parking Plan Required

A parking plan shall be submitted as part of the permit application for construction of any new off-street parking facility or expansion of any existing off-street parking facility. For uses to which site plan review requirements apply, the parking plan shall be submitted as part of the site plan.

4.11.4.5 Vehicle Use Area Design and Construction Standards

Vehicle use area design and construction standards set forth in this section shall apply to vehicle use areas for non-residential uses and multi-family residential uses.

a. Vehicle use areas shall be designed in accordance with the minimum dimensional standards as set forth in Figure 4.11-3. Each required off-street parking space and truck parking space shall be a clearly designated and marked stall for one vehicle. Unpaved parking facilities may use wheelstops to demarcate individual parking spaces.

b. Curbing or wheelstops shall be used to control vehicle overhang in accordance with Figure 4.11-2. Vehicles shall not overhang sidewalks. Minimum landscape planter widths are exclusive of vehicle overhang. Where vehicles are allowed to overhang planters, a minimum of one foot shall be added to the width of the planter. A minimum of 2 feet shall be added to the width of the planter where vehicles overhang both sides of a planter median.
c. Handicapped / accessible parking spaces shall be designed and marked in accordance with the applicable building codes.

d. Driveways shall conform to those sections of the latest Engineering Standards Manual pertaining to driveways. Private streets shall conform to those sections of the latest Engineering Standards Manual pertaining to streets.

e. Vehicle use areas shall ensure that adequate fire lane access is provided.

f. Vehicle use areas shall ensure that parking stalls, aisles, layout, ingress/egress, and other design features are functional and that maneuvering can be accomplished in a safe manner.

e. Setback Requirements

The minimum setback for off-street vehicle use areas in the front and street side yard shall be five feet.

f. Access Requirements
All off-street vehicle use areas shall have direct access to a public right-of-way or be linked to a public right-of-way by private streets, driveways or permanent easements which provide a suitable means of vehicular access.

g. Maneuvering Space Requirements

1. Maneuvering space and access aisles shall be provided for all parking areas, except those serving single-family or two-family dwellings. Maneuvering space and access aisles shall be sufficient to ensure that motor vehicles are not required to back into or maneuver within the street right-of-way when entering or leaving a parking space. No parking stall shall be so located as to require a vehicle to back up more than 40 feet in order to vacate the stall.

2. Alleys may be used as maneuvering space for off-street parking areas where space is constrained. When 90-degree parking is directly off of an alley, an apron shall be provided such that the combined width of the alley and apron provide a minimum of 23 feet of maneuvering space. When an alley serves a parking garage, the garage door that faces the alley shall be set back a minimum of five feet from the lot line abutting the alley.

h. Landscaping and Buffering

Vehicle use areas shall be landscaped and buffered in accordance with Section 4.5 (Landscaping, Trees and Buffering).

i. Surface Maintenance and Drainage Requirements

Vehicle use areas shall be surfaced and maintained to provide a durable, dust-free surface and shall provide adequate drainage facilities for disposal of all collected surface water. The use of floatable materials such as wood chips and shredded rubber as surfacing material is prohibited.

j. Lighting Requirements

All off-street parking facilities as a principal use or accessory to commercial uses shall be lighted after dark throughout the hours during which such facilities are to be used by the public in accordance with Section 4.7 (Outdoor Lighting).
Where abutting a wall, fence, support column or other vertical structure which would obstruct access to the vehicle, the minimum stall width shall be increased by two feet.

* Where abutting a wall, fence, support column or other vertical structure which would obstruct access to the vehicle, the minimum stall width shall be increased by two feet.
Article 4: General Site Development Standards

4.11.5 ADMINISTRATIVE MODIFICATIONS

4.11.5.1 General Procedures

a. The purpose of this section is to provide flexibility in modifying the minimum required and the maximum allowed number of off-street parking spaces of Sub-Section 4.11.4.1 through a number of parking options which may be approved through an administrative modification.

(Ord. No. 5455, 07-21-14)

b. An administrative modification to Sub-Section 4.11.4.1 that utilizes one or more of the Parking Options listed below may be approved by the Director of Community Development or his designee after consultation with the Public Works Department.

(Ord. No. 5455, 07-21-14)

c. Applications seeking to modify the required number of parking spaces shall be made in writing to the Director of Community Development and shall:

1. Demonstrate that a particular use or situation, such as physical site constraints, is unusual or unique to the extent that it poses practical difficulty in complying with the required number of off-street spaces; and

2. Include technical justification in the form of an independent parking analysis or alternative standards published by a recognized professional organization such as the American Planning Association (APA), the Urban Land Institute (ULI) and/or the Institute of Traffic Engineers (ITE).

4.11.5.2 Parking Options

a. Alternative Design

Parking quantities above the maximum allowed under Sub-Section 4.11.4.1 may be considered for projects which document a demonstrated need and incorporate alternative design techniques to minimize impervious surface areas within the project. Such techniques may include but are not limited to the use of pervious pavers for perimeter and/or overflow parking, the use of bioswales and the creation of site amenities such as additional green space areas.

(Ord. No. 5455, 07-21-14)

b. Parking Offsets (Reductions)

1. Tree Protection Offset

The required number of off-street parking spaces may be reduced by up to 20 percent if that area which would normally be required for parking is used for the protection of existing trees or for landscaping in addition to the minimum required by Section 4.5 (Landscaping, Trees and Buffering).

(Ord. No. 5721, 06-18-18)
2. Transit Offset

The required number of off-street parking spaces may be reduced up to a maximum of 10 percent for non-residential or multi-family projects that are located along a fixed transit route operated by either the Lakeland Area Mass Transit District (LAMTD) or the Polk County Transit Authority. The route on which the project is located must provide service at headways, or frequency, of sixty minutes or less and must have a designated transit stop located within 1,320 feet (¼ mile) of a project’s boundaries.

3. Cumulative Parking Offsets

In no case shall the reduction of required off-street parking spaces by offsets be greater than 20 percent. This includes any credit against minimum off-street parking requirements that may be granted through the provision of bicycle parking facilities in accordance with Sub-Section 4.11.6.

(Ord. No. 5455, 07-21-14)

c. Tandem Parking

Tandem parking may be allowed for existing commercial buildings or existing buildings which undergo a change in use (e.g. residential to commercial). Tandem parking shall be defined as the arrangement of not more than two parking spaces in depth, wherein one space is located directly in front of another space, so that one vehicle must be moved before the other can be accessed. The use of tandem spaces shall be subject to the following:

1. Tandem spaces shall be reserved for employee parking and shall be identified and designated as such through the use of signage and/or pavement markings.

2. No more than 25 percent of the required parking spaces may be tandem spaces.

d. Joint Use Facilities and Shared Parking

The total parking space requirement for individual uses or structures may be reduced by the Director of Community Development through joint/shared parking facilities which serve two or more uses or structures, subject to the following conditions:

1. The minimum number of off-street parking spaces shall be calculated using a professionally accepted methodology that is based upon parking demands for individual uses occurring at different times. Such methodologies may include those published by the professional organizations cited in Sub-Section 4.11.5.1.c.2.

(Ord. No. 5455, 07-21-14)
2. Not more than 50 percent of the off-street parking spaces required for theaters, churches, bowling alleys, dance halls, and establishments for the sale and consumption of alcoholic beverages, food or refreshments shall be supplied by off-street parking spaces required by other uses or structures.

3. A copy of the agreement between joint users shall be filed with the required parking plan and recorded with the Clerk of the Circuit Court for Polk County. The agreement shall include a guarantee for continued use of the parking facility by each party. Any violation of such an agreement shall be a violation of this code.

4. The required off-street parking for a particular use may be reduced by its proportionate share of any publicly-owned parking area for which it has been specially allocated.

e. On-Street Parking within Adjacent Rights-of-Way

To encourage urban density and a more compact, pedestrian oriented development pattern, on-street parking located along a development site’s frontage, directly abutting lot or parcel boundaries, may be utilized and count towards the minimum parking required when the following conditions are met:

1. The development site is zoned for multi-family residential, office or commercial uses and located within an urban context sub-district.

2. Ample room is available within the right-of-way to accommodate on-street parking without having a negative impact on traffic circulation and pedestrian facilities.

3. All costs associated with the construction of new parking spaces within rights-of-way shall be borne by the applicant, including the relocation of any existing sidewalks or utilities, as deemed necessary at the time of site plan review.

4. On-street parking located on the opposite of the street from a development site may not be used towards fulfilling the minimum parking requirement, except when a determination is made by the Director of Community Development that the adjacent lot or parcel is open space or otherwise undevelopable land that does not generate parking demand.

5. Parallel parking shall be the preferred configuration for the design of on-street spaces. Alternative designs may be considered if determined to be more appropriate by the Director of Community Development given traffic circulation patterns or the mix of adjacent land uses.

6. All parking spaces created within rights-of-way shall be freely available for public use, subject only to regulation by the Public Works Department’s Parking Division. The restriction of on-street parking spaces for the benefit of individual property owners, tenants or customers shall be prohibited.

(Ord. No. 5721, 06-18-18)
4.11.6 BICYCLE PARKING REGULATIONS

4.11.6.1 Applicability

a. Bicycle parking facilities shall be required for each new or redeveloped non-residential or multi-family principal building requiring 10 or more off-street motor vehicle parking spaces when such building is located:

1. In any Activity Center as identified on the Future Land Use Map

2. In the Central City Transit Supportive Area or on a Transit Oriented Corridor as defined in the Comprehensive Plan

3. On any current or proposed public transit route as identified in the Transportation Development Plan

4. On any corridors identified in the Pathways Plan or Lake-to-Lake Greenway Connector Network as defined in the Comprehensive Plan

5. In any individual or unified development complex having or expected to have more than 50 employees on site at any one time

6. In the following public or quasi-public facilities: Schools; colleges, junior colleges, universities, seminaries; hospitals; museums; recreation facilities including parks; and community buildings.
b. Principal buildings listed above that are located within the area exempt from off-street motor vehicle parking requirements in accordance with Figure 4.11-1 shall provide bicycle parking notwithstanding that exemption. The amount of bicycle parking shall be in accordance with Sub-Section 4.11.6.3 as applicable and shall be based upon the amount of off-street motor vehicle parking that would otherwise be required if the motor vehicle parking exemption were not in effect. The renovation of existing buildings in the Central Business District shall be exempt from the bicycle parking requirements.

(Ord. No. 5455, 07-21-14)

c. The following uses shall be exempt from bicycle parking requirements: Residential for the elderly; houses of worship.

4.11.6.2 Minimum Number of Bicycle Parking Spaces Required:

a. Two bicycle parking spaces for the first 10 required off-street motor vehicle parking spaces.

b. Two additional bicycle parking spaces for each additional 20 required off-street motor vehicle parking spaces or fraction thereof.

c. In no case shall more than 32 bicycle parking spaces be required.

d. Where 32 bicycle parking spaces are required, 10 of these spaces shall be covered spaces for long-term bicycle parking. Covered spaces may include racks under roof or lockers that protect bicycles from the elements.

e. Where space within a building is dedicated to and available for the parking of bicycles, credit shall be given against the bicycle parking requirements on a one to one basis. To receive credit, such interior bicycle parking shall be noted on the site plan.

4.11.6.3 Bicycle Parking Facility Design Standards

a. Bicycle racks shall support the bicycle frame at two points, not just the wheel; shall allow both the frame and one wheel to be locked to the rack; and shall accommodate bicycles of all types and frame sizes. Facilities that support the bicycle only at the wheel are not acceptable.

b. Bicycle lockers shall be lockable and shall provide a secure enclosure around the bicycle.

c. Bicycle parking facilities shall be permanently affixed to a hard surface such as concrete, asphalt, or pavers.
d. It is the intent of this section to locate bicycle parking facilities on the project site where they will best encourage the use of bicycles for transportation. Bicycle racks shall be visible from and located no more than 40 feet from the primary entrance. The Director of Community Development or his designee shall have the authority to identify alternative locations during site plan review.

(Ord. No. 5721, 06-18-18)

e. Bicycle parking facilities shall be located outside of the public right-of-way except where public bicycle parking is provided by a governmental entity.

f. Bicycle parking facilities shall not impede ingress or egress to any building or project site and shall not be placed in the functional area of a sidewalk or where it interferes with any fire hydrant, parking meter, bus stop, loading zone, sidewalk ramp, wheelchair ramp, or similar public facility.

g. Bicycle parking facilities shall be identified using signage and/or pavement markings.

4.11.6 Credit Against Minimum Off-Street Parking Requirements

For non-residential or multi-family principal buildings located anywhere in the city, the minimum number of motor vehicle parking spaces required by Sub-Section 4.11.4.1 may be reduced at the rate of one motor vehicle space per two bicycle parking spaces provided, whether or not such bicycle parking spaces are required, to a maximum of 10 percent of the required motor vehicle parking spaces.

(Ord. No. 5455, 07-21-14)

4.11.6.5 Administrative Waivers

a. The Director of Community Development or his designee shall have the authority to modify the bicycle parking requirements contained in this section, including but not limited to situations in which compliance cannot be met due to physical site constraints. Such modification shall be noted on the site plan.

b. The Director of Community Development or his designee may recommend to the Zoning Board of Adjustments and Appeals that bicycle parking facilities be provided by any development project that is granted a variance to the minimum number of required off-street motor vehicle parking spaces.

4.11.7 OFF-STREET LOADING SPACE REGULATIONS

4.11.7.1 Applicability

a. Uses involving the receipt or delivery by vehicles of materials or merchandise shall provide the indicated number of permanent, paved 10’ x 25’ and 10’ x 50’ off-street loading spaces. The Director of Community Development may waive or modify the requirements of this section due to physical limitations of the site or if he determines that the particular use has little or no need for deliveries or that public right-of-way or adjacent property provides a safe, legal and available loading space location.
b. Off-street loading spaces shall be located on the same premises as the use requiring such spaces and shall be accessible to delivery vehicles when all parking spaces are filled. Off-street loading spaces may be open or enclosed.

c. Off-street loading spaces serving two or more uses or structures on the same zoning lot may be located in a common area, provided that the number of spaces is not less than the sum of the spaces required for each individual use or structure served.

4.11.7.2 Number of Off-Street Loading Spaces Required

a. Office, public and quasi-public non-commercial, churches, synagogues and other houses of worship, colleges, junior colleges, universities and seminaries, vocational training uses:

<table>
<thead>
<tr>
<th>SF GFA</th>
<th>10' x 25'</th>
<th>10' x 50'</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 99,999</td>
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<td>0</td>
</tr>
<tr>
<td>100,000 - 149,999</td>
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</tr>
<tr>
<td>150,000 and over</td>
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</tbody>
</table>

b. Commercial, industrial, warehouse, wholesale trade, communication, utility and essential services uses:

<table>
<thead>
<tr>
<th>SF GFA</th>
<th>10' x 25'</th>
<th>10' x 50'</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 4,999</td>
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<tr>
<td>5,000 - 19,999</td>
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<tr>
<td>100,000 - and over</td>
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</tr>
<tr>
<td>For each additional 50,000 over 150,000</td>
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<td>1</td>
</tr>
</tbody>
</table>

c. For uses not specifically listed, the off-street loading space requirement shall be that for a use which is so mentioned and similar in character to the use not listed shall apply.

4.12 VISIBILITY AT INTERSECTIONS

4.12.1 INTENT AND APPLICABILITY

4.12.1.1 Intent

It is the intent of this section to provide minimum standards for visibility at street intersections and the intersections of driveways with streets.
4.12.1.2 Applicability

This section shall apply citywide to non-signalized street intersections and to intersections of non-signalized driveways or alleys with streets, except driveways serving single family or two family dwellings.

4.12.2 STANDARDS

No structure, object, fence, wall, hedge, tree, shrub, earth berm, sign, bus bench, newsrack, or portions of same shall be placed, erected, constructed or maintained in such a manner as to materially obstruct the visibility of vehicle operators between the heights of 24 inches and 8 ½ feet above grade within the following described visibility triangles:

a. Non-Signalized Intersections:

   Beginning where the edges of the pavement of the intersecting streets meet at the corner, or in the case of rounded corners, the point at which they would meet without such rounding, thence 45 feet along one edge of pavement, thence diagonally to a point along the edge of pavement of the intersecting street 45 feet from the point of beginning, thence to the point of beginning. In the case of rounded corners having a radius larger than 45 feet, both legs of the triangle at the edge of pavement shall be equal to the radius. Example: For a corner radius of 55 feet, both legs shall be 55 feet.

b. Intersection of Non-Signalized Driveways or Alleys with Streets:

   Beginning where the edges of the pavement (or stabilized way) of the intersecting driveway or alley and street meet at the corner, or in the case of rounded corners, the point at which they would meet without such rounding, thence 30 feet along the edge of pavement of the driveway or alley, thence diagonally to a point along the edge of pavement of the intersecting street 30 feet from the point of beginning, thence to the point of beginning. In the case of rounded corners having a radius larger than 30 feet, both legs of the triangle at the edge of pavement shall be equal to the radius. Example: For a corner radius of 35 feet, both legs shall be 35 feet.

c. Exceptions

   1. Up to 24 inches combined diameter of the trunks of required trees or of poles, all having clear spans between 30 inches and eight feet above grade, may be located within the visibility triangle outside of the right-of-way.

   2. Utility poles, street trees, traffic signs, traffic control devices, fire hydrants and similar infrastructure may be located within the visibility triangle in accordance with the traffic engineering standards applicable to the intersection.

   3. Where grade differentials, horizontal curves or other physical characteristics materially affect vehicle operator visibility at a particular intersection, the Director
of Public Works may recommend to the Director of Community Development that the visibility triangle be modified, consistent with the intent of this section.

4.12.3 MAINTENANCE

The city shall maintain street trees located within the visibility triangle in accordance with this section. The property owner shall maintain all other landscaping within the visibility triangle in accordance with this section at all times and shall trim all other trees and vegetation accordingly.

Figure 4.12-1 Visibility Triangles (Radius 45’ or less)
ARTICLE 5: STANDARDS FOR SPECIFIC USES

5.1 INTENT AND APPLICABILITY

5.1.1 INTENT

It is the intent of this article to establish minimum standards for uses and facilities that have unique operating characteristics or impacts to assure a quality urban form that is compatible with the context.

5.1.2 APPLICABILITY

a. Unless otherwise provided in this Code, no building, structure, or land located within the city shall hereafter be developed except in conformity with these standards.

b. In cases where any provision of this article is in conflict with adopted Design Guidelines for a Historic District, conditions of a Special Public Interest District, conditions of a Planned Unit Development or conditions of a Conditional Use, the more restrictive shall prevail.

5.2 ADULT GAME ARCADES

5.2.1 DEFINITIONS

**Adult game arcade**: An establishment, room, or place where seven or more amusement games or machines are available to the public and which derives more than 50 percent of its gross revenues from amusement games or machines. Provided, an establishment which does not award cash or other items of a negotiable nature or merchandise, points, coupons, vouchers or other symbols of value, excepting free replays of amusement games or machines at the same business location, to any patron exceeding $20.00 in value in any twenty-four hour period shall not be deemed an Adult game arcade for the purposes of this section.

**Amusement game or machine**: Any machine, device, instrument or computer operated or activated by means of coin, bill, currency, credit card, debit card, account, token or slug, for use as a game, contest of skill or amusement of any description that provides or may provide players with anything of value including money, merchandise, services, or any points, coupons, vouchers or other species that can be exchanged or used to receive anything of value. This definition shall not include merchandise vending machines, mechanical or electrical musical devices, or amusement rides.
5.2.2 PROCEDURES AND STANDARDS FOR ESTABLISHMENT

If permitted as conditional uses in a district, Adult game arcades shall be established subject to the development standards generally applicable in the district as well as the specific standards set forth in Sub-Section 5.2.3.

5.2.3 SPECIFIC STANDARDS FOR APPROVAL

a. Adult game arcades shall be operated in accordance with Chapter 849, F.S.

b. The applicant for conditional use for an Adult game arcade shall provide a current list of all amusement games and machines including the manufacturer, the model number, the serial number, and, if applicable, the software version of each such game or machine.

c. No conditional use shall be granted to an Adult game arcade located within 500 feet of a public or private school, day-care center, house of worship, public library or public park. The distance prescribed herein shall be measured by following the shortest route of travel along or across roads, alleys, streets, sidewalks, or thoroughfares from the centerline of the principal entrance of the Adult game arcade and the centerline of the principal entrance of the protected land use.

d. Adult game arcades shall be prohibited from being open past 11:00 PM and prior to 9:00 AM.

e. All points, coupons, vouchers or other symbols of value received by a player may be used or exchanged only at the same business location where the game or machine operated by the player is located. No points, coupons, vouchers or other symbols of value received by a player may be used or exchanged for any gift certificate or similar conveyance that is redeemable at another business location.

f. All merchandise, points, coupons, vouchers or other symbols of value received by a player shall not exceed a cash value of $40.00 in any twenty-four hour period, excepting those received for replays of amusement games or machines at the same business location. No award of cash or other negotiable instrument may be provided.

g. No conditional use shall be granted for any Adult game arcade if any person with an interest in the business, or an employee of the business, has been convicted of a violation of any Federal or State statute or any local ordinance pertaining to gambling or any other crime involving moral turpitude within five years preceding the application. The city is authorized to conduct background checks of any or all employees to assure conformance with this requirement.

h. An adult who is twenty-one years of age or older shall be present on the Adult game arcade premises and shall supervise the operation thereof at all times during all hours of operation.
i. No alcoholic beverages including beer and wine shall be sold or consumed on the premises of an Adult game arcade.

j. No person under the age of eighteen years shall be permitted on the premises of an Adult game arcade before 4:00 PM on any day that the public or private schools are in session, unless such person is accompanied by his or her parent or legal guardian.

k. Violation of any provision of this section shall be sufficient cause for revocation of the conditional use.

5.3  ADULT (REGULATED) USES

5.3.1  DEFINITIONS

The definitions used in this section shall be the same as those provided within ordinances relating to adult (regulated) uses.

5.3.2  PROCEDURES AND STANDARDS FOR ESTABLISHMENT

If permitted as conditional uses in a district, adult (regulated) uses shall be established subject to the development standards generally applicable in the district as well as the specific standards set forth in Sub-Section 5.3.3.

5.3.3  SPECIFIC STANDARDS FOR APPROVAL

a. Distance or Location Requirements

No person shall cause or permit the establishment or substantial enlargement of a adult (regulated) use within 500 feet of any residentially zoned districts or within 500 feet of another adult (regulated) use, any church, school, child care facility, or public recreation area use. Substantial enlargement shall mean the aggregate increase in size of the premises upon which the regulated use is conducted by more than 10 percent.

b. Measurement of Distance

Distance from another adult (regulated) use or other above-specified uses shall be measured along a straight line from the point of the property line of the premises containing the adult (regulated) use nearest another adult (regulated) use or other above-specified use and the nearest point of the property line of said other regulated or adult use or other above-specified use.
Article 5: Standards for Specific Uses

C. Non-conforming Use; Amortization

Adult (regulated) uses which have been lawfully established at their existing locations prior to annexation into the city and which are not in conformance with the requirements of this land development code shall be required to discontinue such regulated use within one year from the effective date of annexation if the adult (regulated) use continues to be in violation of the distance requirements of this section; however, in no event shall the adult (regulated) use of such establishment be allowed to continue beyond that date upon which it would have been required to discontinue said adult (regulated) use had the property not been annexed into the city.

When a non-conforming use of such establishment has been discontinued for 30 days or more, its future use shall revert to the uses permitted in the district in which the establishment is located.

d. Variance from Location Requirements

The Zoning Board of Adjustment and Appeals is authorized to grant a variance from the location requirements of this section if it finds:

1. That the proposed regulated use will not be contrary to the public interest or injurious to nearby properties and that the spirit and intent of the code will be observed;

2. That establishment of the proposed adult (regulated) use in the area will not be contrary to any programs of neighborhood conservation or urban revitalization; and

3. That all appropriate regulations of this code will be observed.

4. That a sufficient physical barrier separates the adult (regulated) use for which a variance is being sought from the land uses(s) which has caused the regulated or adult use not to be in compliance with the distance or locational requirements of this section so as to substantially fulfill the purpose of these requirements. Such physical barriers include, but are not limited to, limited access streets or highways, walls, and natural or manmade waterways.

5. That the strict application of the provisions of this section will work an undue hardship unique to the applicant for a particular location.
5.4  ALCOHOLIC BEVERAGE ESTABLISHMENTS

5.4.1  INTENT

It is the intent of this section to regulate alcoholic beverage establishments which the City Commission finds have the potential for impacts that may be injurious to surrounding land uses and to the sensibilities of the community at large if not so regulated. Such impacts may include but are not limited to the disruptive behavior of patrons, noise, and litter.

5.4.2  APPLICABILITY

a. The applicability of this section to a particular establishment shall be as set forth in Table 5.4-1.

b. The provisions of this section shall not apply to manufacturers, distributors, or importers of alcoholic beverages as governed by any State of Florida licensing and permitting requirements.

c. Where a conditional use is necessary for an alcoholic beverage establishment, these standards shall apply in addition to the standards outlined in Section 2.4 for the approval of conditional uses.

d. Where conformance to the distance requirements specified herein would cause unnecessary hardship, the Zoning Board of Adjustment and Appeals may issue a variance.

e. The provisions of Sub-Sections 5.4.4 and 5.4.5 shall not apply to restaurants as defined herein. For the purpose of determining if an establishment meets this definition, the owner of the establishment shall maintain records on the premises which accurately document the gross sales of food and non-alcoholic beverages and the gross sales of alcoholic beverages for each calendar year. Upon request, the owner shall make such records available to the Community Development Department.
### Table 5.4-1: Applicability of Alcoholic Beverage Establishment Distance Requirements

<table>
<thead>
<tr>
<th>State of Florida Alcohol Beverage License Type</th>
<th>Principal Use</th>
<th>Distance Requirements Applicable?</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 COP (Consumption On Premises: Beer Only)</td>
<td>Bars and other entertainment uses serving primarily beer and wine but not liquor and may serve food.</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Restaurants permitted in office, commercial or industrial zoning districts for which alcoholic beverage sales are incidental.</td>
<td>No</td>
</tr>
<tr>
<td>2 COP (Consumption On Premises: Beer &amp; Wine Only)</td>
<td>Bars and other entertainment uses serving primarily beer and wine but not liquor and may serve food.</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Restaurants permitted in office, commercial or industrial zoning districts for which alcoholic beverage sales are incidental.</td>
<td>No</td>
</tr>
<tr>
<td>4 COP (Consumption On Premises: Beer, Wine, &amp; Liquor)</td>
<td>Bars and other entertainment uses serving primarily beer, wine, and liquor and may serve food.</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Restaurants permitted in office, commercial or industrial zoning districts for which alcoholic beverage sales are incidental.</td>
<td>No</td>
</tr>
<tr>
<td>4 COP SRX (Consumption On Premises as a Special Restaurant: Beer, Wine, &amp; Liquor)</td>
<td>Restaurants permitted in office, commercial or industrial zoning districts for which alcoholic beverage sales are incidental, and must meet certain State requirements as to number of seats, square footage, etc.</td>
<td>No</td>
</tr>
<tr>
<td>4 COP SR (Consumption On Premises as a Special Restaurant /pre-1958: Beer, Wine, &amp; Liquor)</td>
<td>Restaurants permitted in office, commercial or industrial zoning districts for which alcoholic beverage sales are incidental, and must meet certain State requirements as to number of seats, square footage, etc.</td>
<td>No</td>
</tr>
<tr>
<td>4 COP S (Consumption On Premise as a Hotel: Beer, Wine, &amp; Liquor)</td>
<td>Hotels or motels containing 100 or more guest rooms in office, commercial or industrial zoning districts for which such sales are incidental and not operated as a bar, pub or lounge having a separately-issued business tax receipt.</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>Hotels or motels containing less than 100 guest rooms in office, commercial or industrial zoning districts.</td>
<td>Yes</td>
</tr>
</tbody>
</table>
### Table 5.4-1: Applicability of Alcoholic Beverage Establishment Distance Requirements

<table>
<thead>
<tr>
<th>State of Florida Alcohol Beverage License Type</th>
<th>Principal Use</th>
<th>Distance Requirements Applicable?</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 APS (Consumption Off Premises from Package Sales: Beer Only)</td>
<td>Package sales for off-premises consumption.</td>
<td>No</td>
</tr>
<tr>
<td>2 APS (Consumption Off Premises from Package Sales: Beer &amp; Wine Only)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 PS (Consumption Off Premises from Package Sales: Beer, Wine, &amp; Liquor)</td>
<td>Package sales for off-premises consumption that includes liquor. Liquor stores.</td>
<td>Yes</td>
</tr>
<tr>
<td>All other licenses, and the above licenses, when used as an accessory use to a principal permitted or special exception use</td>
<td>Bowling alleys, fraternal and benevolent clubs, chartered or incorporated clubs, colleges and universities, congregate living facilities with common dining facilities, hotels, bed and breakfasts, tennis and/or racket clubs, golf courses, live performance theaters (excluding adult uses), airports, civic centers, race tracks, common carriers and symphony orchestras where alcoholic beverages are incidental.</td>
<td>No</td>
</tr>
<tr>
<td>14BC (Bottle Clubs)</td>
<td>Bottle clubs</td>
<td>Yes</td>
</tr>
<tr>
<td>Any License</td>
<td>Property owned by the City of Lakeland, if the City Commission has approved the sale of alcoholic beverages upon said city owned property.</td>
<td>No</td>
</tr>
</tbody>
</table>
5.4.3 DEFINITIONS

**Alcoholic Beverage Establishment**: An establishment where alcoholic beverages, as defined and licensed by the State of Florida, are available or permitted for sale, distribution or consumption on the premises. This definition includes bars and bottle clubs but does not include restaurants as defined herein.

**Banquet Hall**: An establishment, excluding restaurants and hotels, that provides facilities for wedding receptions, meetings, banquets and other similar events as its primary business operation. Such events may include the consumption of food and beverages, including alcoholic beverages. Use of the establishment is restricted to those groups or individuals who have contracted for the use of the facilities and their invitees; however, events shall not be open to the general public. The fact that a cover charge or other price of admission is charged shall not mean that the premises are closed to the general public.

**Bar**: An establishment devoted during any time of operation predominantly or totally to serving alcoholic beverages and where the serving of food, if any, is incidental to the consumption of any such beverage.

**Bottle Club**: An alcoholic beverage establishment as defined by Florida State Statutes that is not licensed to sell alcoholic beverages but provides facilities for the on premises consumption of alcoholic beverages by its patrons.

**Restaurant**: An establishment licensed by the State of Florida as a public food service establishment where the principal use is the preparation, serving and selling of food for immediate consumption on or in the vicinity of the premises; called for or taken out by customers; or prepared prior to being delivered to another location for consumption. If available, the sale of alcoholic beverages shall be incidental such that 51% or more of the gross sales of the establishment are derived from the sale of food and non-alcoholic beverages.

5.4.4 STANDARDS FOR ALL ZONING DISTRICTS EXCEPT C-6 AND C-7

a. Distance Requirements

1. Minimum Distance Required From Schools

No alcoholic beverage establishment shall be located within 1,000 feet of any school. Such distance shall be measured by following the shortest legal route of pedestrian travel along or across public roads, alleys, streets, sidewalks, or thoroughfares from the centerline of the principal entrance of such establishment to the nearest point of the school ground in use as part of the school facility.
For the purpose of this section, schools shall mean all public or private establishments conducting courses of academic education but not including nurseries or kindergartens or private elementary schools not comprised of all grades through the sixth year level as recognized by the Florida Department of Education, and not including those schools devoted exclusively to vocational or business training not culminating in graduation from secondary school.

2. Minimum Distance Required From Churches, Synagogues, and Other Houses of Worship

No alcoholic beverage establishment shall be located within 500 feet of any church, synagogue, or other house of worship. Such distance shall be measured by following the shortest legal route of pedestrian travel along or across public roads, alleys, streets, sidewalks, or thoroughfares from the centerline of the principal entrance of such establishment to the centerline of the principal entrance of the church, synagogue, or other house of worship.

3. Measurement of Distance in Shopping Center

Where an alcohol beverage establishment is located or intended to be located within a shopping center, or where the principal entrance of such business abuts private property or private parking area, such distance from houses of worship shall be computed by measuring the shortest legal route of pedestrian travel along or across public roads, alleys, streets, sidewalks, or thoroughfares from the centerline of the principal entrance of such business to the principal entrance of such house of worship. Such distance from schools shall be computed by measuring the shortest legal route of pedestrian travel along or across public roads, alleys, streets, sidewalks, or thoroughfares from the centerline of the principal entrance of such business to the nearest point of the school ground in use as part of the school facility.

5.4.5 STANDARDS FOR AREAS ZONED C-6 AND C-7

a. Intent to Limit Potential Impacts

The number and or concentration of alcoholic beverage establishments may be limited by the City Commission if it determines that any such establishment or concentration of establishments will be detrimental to the city’s downtown redevelopment plan or to the general effort of the city to eliminate slum and blight within such area.

In making this determination, the City Commission shall consider:

1. Whether the proposed use will result in a concentration of such uses within a particular block or part of a block so as to be detrimental to the growth and revitalization of downtown.
2. Whether the proposed use is in close proximity to other land uses that may be particularly sensitive or unduly harmed by the negative impacts of the proposed use, such as facilities for children or for the elderly.

3. Whether the size or scale of the proposed use is appropriate at the specific location.

4. Whether the owners and operators of the establishment are unlikely to manage and control negative impacts as evidenced by prior criminal records, code enforcement citations or police service calls concerning other properties owned or operated by them, citizen complaints, or similar indicators.

5. Whether the Board of Directors of the Lakeland Downtown Development Authority supports the proposed use.

6. Other criteria which the City Commission shall consider appropriate in the particular case.

b. Distance Required From Schools and Churches, Synagogues, and Other Houses of Worship

No alcoholic beverage establishment shall be located within 300 feet of any school or the church, synagogue, or other house of worship. Such distance shall be measured by following the shortest legal route of pedestrian travel along or across public roads, alleys, streets, sidewalks, or thoroughfares from the centerline of the principal entrance of such business to the centerline of the principal entrance of the nearest the church, synagogue, or other house of worship or the nearest point of a school ground in use as part of the school facility.

For the purpose of this section, schools shall mean all public or private establishments conducting courses of academic education but not including nurseries or kindergartens or private elementary schools not comprised of all grades through the sixth year level as recognized by the Florida Department of Education, and not including those schools devoted exclusively to vocational or business training not culminating in graduation from secondary school.

c. Hours of Operation

Except as otherwise specifically restricted by the City Commission, operating hours for alcoholic beverage establishments allowing on-premise and off-premise consumption shall be controlled by Chapter 6 of the City of Lakeland Code.

d. Grounds for Revocation

The City Commission may revoke a city issued business tax receipt and/or conditional use if the alcoholic beverage establishment violates the provisions of any applicable conditional use or receives more than five City of Lakeland Code Enforcement violations or more than five Lakeland Police Department registered incident reports in a given calendar year.
5.5  AMUSEMENT PARKS, CARNIBALS OR CIRCUSES- TEMPORARY

5.5.1  PROCEDURES AND STANDARDS FOR ESTABLISHMENT

A temporary amusement park, carnival or circus shall be established subject to the development standards generally applicable in the district where they are proposed to be located, as well as the specific standards set forth in Sub-Section 5.5.2.

5.5.2  SPECIFIC STANDARDS FOR APPROVAL

a. Each temporary amusement park, carnival or circus shall contain not more than ten separate rides or amusement devices.

b. There shall be no use of any mobile home or trailer for sleeping purposes.

c. There shall be no use of any type of siren or noise-making device.

d. Operation of such use shall be for not more than seven consecutive days at any one location.

e. There shall be not less than 300 feet of distance between any existing residence structure and any internal combustion engine, device, ride or structure used in connection with the temporary amusement park, carnival or circus.

f. Temporary itinerant amusement parks, carnivals or circuses that do not conform to these provisions may be approved by the City Commission for property owned by the city.

(Ord. No. 5455, 07-21-14)

5.6  BED & BREAKFAST ESTABLISHMENTS

5.6.1  DEFINITIONS

**Bed & Breakfast Establishment**: An establishment in a single-family detached dwelling, not an inn or hotel, offering guest rooms to the general public as transient lodging accommodations and which may offer meals to registered guests as part of the accommodation.

5.6.2  PROCEDURES AND STANDARDS FOR ESTABLISHMENT

If permitted by right or as a conditional use in a district, bed & breakfast establishments shall be established subject to the development standards generally applicable in the district as well as the specific standards set forth in Sub-Section 5.6.3.

5.6.3  SPECIFIC STANDARDS

a. Limited to single-family detached dwellings.
b. Minimum lot size: 12,000 sq. ft.

c. Located on a collector street or on the corner of two local streets.

d. Located at least 500 feet from any existing bed & breakfast establishment.

e. The dwelling shall be the legal residence of the owner or operator of the establishment.

f. The dwelling shall retain a residential scale and appearance.

g. A minimum of one off-street parking space shall be provided per guest room in addition to two off-street parking spaces for the owner/operator.

h. One indirectly illuminated ground sign shall be permitted not to exceed eight square feet in area or six feet in height. Such signs in historic districts shall be subject to design review.

i. Guest rooms shall not be independent dwelling units and shall not contain kitchens.

j. If offered, meals shall be provided only as part of the accommodation to registered guests.

5.7 COMMERCIAL KENNELS

5.7.1 PROCEDURES AND STANDARDS FOR ESTABLISHMENT

If permitted by right or as conditional use in a district, commercial kennels shall be established subject to the development standards generally applicable in the district as well as the specific standards set forth in Sub-Section 5.7.2.

5.7.2 SPECIFIC STANDARDS

a. No pens, runs, buildings or structures used for the confinement or shelter of household animals shall be closer than 100 feet to an existing dwelling not on the premises, or a dwelling on premises devoted to another commercial kennel, agricultural use or veterinary hospital.

b. No pens, runs, buildings or structures containing the kenneled animals shall be closer than 50 feet to any property line common to property not devoted to another commercial kennel, livestock raising or feeding, poultry or rabbit ranches, agricultural use or veterinary hospital.

c. No pens, runs, buildings or structures containing the kenneled animals shall be closer than 100 feet to any street or highway.
5.8 COMMUNITY GARDENS

5.8.1 INTENT AND APPLICABILITY

5.8.1.1 Intent

It is the intent of this section to provide minimum standards for community gardens and to ensure compatibility with the surrounding land uses and context. Community gardens help provide nutritious food at affordable cost and physical, emotional and social benefits to those who engage in community gardening.

5.8.1.2 Applicability

Where permitted by right or as a conditional use in accordance with Article 2, community gardens shall be conducted in accordance with these standards.

5.8.2 DEFINITION

Unless the context clearly indicates a different meaning, for the purposes of this section, the following shall be defined as follows:

Community Garden: An area of land managed and maintained by a group of individuals to grow and harvest food crops and/or non-food, ornamental crops such as flowers, for personal or group use, consumption, sales or donation. Community gardens may consist of separate plots cultivated by individuals or collectively by members of the group and may include common areas maintained and used by group members.

5.8.3 SPECIFIC STANDARDS

5.8.3.1 Structures

Tool sheds, greenhouses and other structures 18 inches or more above grade shall be set back behind the front façade line of principal structures on adjacent properties but in no case less than 20 feet from primary and secondary street rights-of-way. Such structures shall be set back a minimum of five feet from all other property boundaries. All structures shall not cover more than 15 percent of the lot area. No structure shall be higher than 12 feet. Planting stakes, trellises, raised planting beds and other types of plant containers and supports shall not be considered structures for purposes of this section.

5.8.3.2 Buffers

Where adjacent to a residential use, a 6 foot high view blockage fence or wall shall be installed.

5.8.3.3 Irrigation Water
Irrigation water shall be available to support the cultivation practices on the site.

5.8.3.4 Drainage

The site shall be designed and maintained to prevent irrigation water and any sediment, pesticides, fertilizers or chemicals from draining onto adjacent properties, streets or stormwater collection facilities.

5.8.3.5 Storage of Compost and Organic Matter

All compost or organic matter stored on site shall not cover more than ten percent of the lot area and shall be stored toward the rear of the site.

5.8.3.6 On-Site Sale or Distribution Prohibited

The on-site sale or distribution of garden produce or ornamentals is prohibited.

5.8.3.7 Parking

Where on-street parking is not available, vehicles may park on grass or stabilized portions of the site only while gardening activity is underway.

5.8.3.8 Operation

a. Gardening activity shall be limited to one half hour before sunrise until 10 pm.
b. No tools, equipment, fertilizers, chemicals, pesticides etc. shall be stored on site except within a permitted storage shed or building.
c. The site shall be maintained in compliance with Sec. 86-2 of the City of Lakeland Code of Ordinances.
d. The site shall be kept free of trash and rubbish.
e. The site shall be operated and maintained so as to prevent odors, the harborage of rodents and pests and wind drift of material onto adjacent properties.

5.9 ELECTRIC VEHICLE CHARGING FACILITIES

5.9.1 INTENT AND APPLICABILITY

a. Intent

It is the intent of this section to facilitate and encourage the use of electric vehicles by establishing minimum standards for electric vehicle charging facilities.

b. Applicability

Electric vehicle charging facilities shall be developed and operated in accordance with these standards, except that electric vehicle charging facilities serving only one residential dwelling shall not be subject to the standards of Sub-Section 5.9.3.
5.9.2 DEFINITIONS

**Electric vehicle:** Any vehicle that operates, either partially or exclusively, on electrical energy.

**Electric vehicle charging facility:** A public or private parking space that is served by battery charging equipment for the purpose of charging electric vehicles. Electric vehicle charging facilities are classified according to charging levels as follows:
- **Level 1** - Slow charging, from 0 to 120 volts.
- **Level 2** - Medium charging, from greater than 120 volts to and including 240 volts.
- **Level 3** - Rapid charging, greater than 240 volts.

5.9.3 SPECIFIC STANDARDS

a. Parking Spaces

1. Off-street electric vehicle charging facility spaces shall be included in the calculation of minimum required off-street parking spaces.

2. Off-street electric vehicle charging facility spaces may be reserved for the parking and charging of electric vehicles only.

b. Battery Charging Equipment

1. Battery charging equipment, outlets and connector devices shall be mounted on walls or pedestals located outside of the confines of the designated parking space and shall be designed and located as to not impede pedestrian travel or create trip hazards.

2. Battery charging equipment, outlets and connector devices shall be protected from damage by vehicles by bollards, curbing or other means.

c. Signage

1. Electric vehicle charging facilities shall be posted with signs identifying applicable operating instructions and safety warnings including the voltage and amperage levels of the charging equipment.

2. Signs may be posted identifying any applicable restrictions including whether parking in the electric vehicle charging facility space is restricted to electric vehicles, hours of operation, length of time a vehicle may use the charging equipment or other restrictions.

3. All signs shall meet the requirements of Section 4.9.

(Ord. No. 5455, 07-21-14)
5.10 HOME OCCUPATIONS

5.10.1 INTENT AND APPLICABILITY

5.10.1.1 Intent

Home occupations are business operations conducted as an accessory use to residential dwelling units and units where such units are permitted by right or as conditional use in accordance with Article 2. It is the intent of this section to provide minimum standards for home occupations in order to promote mixed-use and to ensure compatibility with surrounding land uses and the context.

(Ord. No. 5455, 07-21-14)

5.10.1.2 Applicability

Home occupations shall be conducted in accordance with these standards. Community Residential Homes and Family Day Care Homes as defined by Florida Statutes shall be permitted in residential zoning districts in accordance with applicable statutes and are not subject to the requirements of this section.

5.10.2 HOME OCCUPATION TYPES

Home occupations are classified as Home Businesses or Home Offices and are described as follows:

a. Home Business

1. Permitted home business uses:
   (a) Personal consultation or service. Examples: Barber, beautician, massage therapist, dietician/nutritionist, custom home builder, architect, financial planner, music teacher.
   (b) Limited production and sale of art objects. Examples: Painter, potter, sculptor, photographer.
   (c) Small item repair/service. Examples: Watch/clock repair, gunsmith, computer repair.
   (d) Clothing services. Examples: Tailor, dressmaker, clothing alterations, sewing.
   (e) Home Office uses as described below.

2. The Director of Community Development may allow other uses not specifically listed if he finds that the external impacts of such use or uses are not detrimental to the quiet enjoyment of the residential district.

b. Home Office

1. Permitted home office uses:
Article 5: Standards for Specific Uses

(a) Production of intellectual property. Examples: Freelance writer, scriptwriter, commercial artist.
(b) Computer or on-line services. Examples: Web site designer, graphic designer, software developer, on-line sales.
(c) Office operations. Examples: Bookkeeping, payroll, purchasing.

2. The Director of Community Development may allow other uses not specifically listed if he finds that the external impacts of such uses are not detrimental to the quiet enjoyment of the residential district.

c. Prohibited Home Occupations

1. The following are examples of occupations that are prohibited as home occupations:
   (a) Adult uses.
   (b) Motor vehicle sales, rental, service or repair.
   (c) Small engine sales, service or repair.
   (d) Appliance sales, service or repair.
   (e) Machining, welding or working of metal.
   (f) Woodworking.
   (g) Sale or preparation of food items.
   (h) Tattooing or body piercing.

2. The Director of Community Development may prohibit other uses not specifically listed if he finds that the external impacts of such use or uses are detrimental to the quiet enjoyment of the residential district.

5.10.3 GENERAL STANDARDS FOR ALL HOME OCCUPATIONS:

a. Only the person or persons maintaining the dwelling as their primary place of residence shall operate a home occupation.

b. A home occupation shall operate in a completely enclosed structure. A home occupation may take place in the dwelling but shall not occupy more than 25 percent of the floor area of the structure or 530 square feet, whichever is less. A home occupation may take place in a detached accessory structure but in no case shall the total area of the occupation occupy more than 530 square feet on any one building-lot.

c. There shall be no external advertising, external display of goods, or any other external evidence of any home occupation, except for signage in accordance with Section 4.9.

d. There shall be no outdoor storage of goods or materials.

e. No substances or materials shall be stored or used except as they would, in such quantity, be normal and acceptable in a residential setting.
f. Such occupation shall not result in any continuous, intermittent, pulsating or other noise or vibration that can be detected by a normal person off the premises.

g. Home occupations shall meet all requirements of this Code pertaining to the parking of commercial vehicles.

5.10.4 SPECIFIC STANDARDS FOR HOME BUSINESSES:

a. Not more than two clients, customers or business associates shall be present on the premises at any one time.

b. Signage shall be in accordance with Section 4.9.

c. Over-the-counter sale of merchandise shall be limited to:
   1. Items incidental to a permitted service. Example: Sale of hair care product by barber or beauty shop.
   2. Art objects or small specialty items made on the premises.

d. Hours of operation shall be not earlier than 8 am and not later than 9 pm.

5.10.5 SPECIFIC STANDARDS FOR HOME OFFICES:

a. There shall be no customer or business traffic to the premises other than occasional deliveries as would be normal in a residential setting.

b. There shall be no over-the-counter sale of merchandise.
   (Ord. No. 5455, 07-21-14)

c. The home office may involve the office operations of a business having non-office operations that are conducted elsewhere. In such cases, the home office may be the address of the business if otherwise permitted by law.

5.11 MOBILE HOME PARKS AND SUBDIVISIONS

5.11.1 INTENT

It is the intent of the City Commission through the regulations of this article to provide separate areas for mobile home development. Separate areas are provided because mobile homes are constructed to different design standards than conventional dwelling units and the mixture of the two has a destabilizing effect on both housing types. Separate areas for mobile home development are also needed to allow for the provision of adequate emergency shelter for mobile home residents in accordance with adopted policy of the Central Florida Regional Planning Council.
Uses permitted by right include mobile home parks and mobile home subdivisions. Mobile home parks are developments in which individual mobile home pads are rented, leased or held in condominium ownership by occupants. Mobile home subdivisions are developments in which mobile home lots are individually owned as in conventional single-family subdivisions.

Recreational vehicle parks are permitted as conditional uses. It is the intent of this code that recreational vehicle park facilities not be mixed with mobile home subdivisions. A maximum of 5 recreational vehicle spaces may be included in a mobile home park subject to the provision of adequate facilities.

Development regulations in the Mobile Home District are intended to provide a reasonably spacious and well-designed environment which offers a desirable level of amenity.

The MH Mobile Home District is intended for mapping in areas designated RM and RH by the City of Lakeland Future Land Use Plan.

5.11.2 USE RESTRICTIONS

5.11.2.1 Principal Uses Permitted by Right

Mobile home parks, including mobile homes located on individual sites, under common or condominium ownership
Mobile home subdivisions, including mobile homes located on lots under individual ownership
Family day care homes
Public and quasi-public non-commercial principal uses, Level I
Utility and essential service facilities, Level I
Enclosed storage for use by park or subdivision residents
Outdoor storage areas for use by park or subdivision residents

5.11.2.2 Principal Uses Permitted as Conditional Uses

Churches, synagogues and other houses of worship
Day care centers
Ground-mounted personal wireless service facilities
Recreational vehicle parks, provided that no recreational vehicle occupies a site for more than 180 consecutive days
Utility and essential service facilities, Level II

5.11.2.3 Uses Permitted Accessory to Mobile Home Dwelling Units

Any use typically incidental to a principal use permitted by right or as a conditional use when conducted as an accessory to such principal use
Home Offices in accordance with Section 5.10.
Foster care services accessory to mobile home dwelling units
Golf courses and other recreational facilities
Structure-mounted personal wireless service facilities
Utility pole mounted personal wireless service facilities accessory to electric transmission and distribution facilities, street lights, traffic signals and similar facilities within a public right-of-way or easement

5.11.2.4 Structures Accessory to Individual Mobile Home Dwelling Units

a. Accessory Structures Permitted In Required Setback Areas
   - Driveways and parking areas
   - Fences and garden walls
   - Heating, ventilating and air conditioning equipment
   - Pumps

b. Accessory Structures Permitted In Conformance with Mobile Home Unit Setbacks
   - Carports, attached or detached
   - Decks, patios, porches, terraces, walkways greater than 12 inches above grade but not greater than four feet above grade
   - Garages, attached or detached
   - Screen enclosures
   - Storage sheds

5.11.2.5 Structures Accessory to Mobile Home Parks, Mobile Home Subdivisions and Recreational Vehicle Parks

a. Accessory Structures Permitted In Required Perimeter Setback Areas
   - Decks, patios, porches, terraces and walkways not greater than 12 inches above grade
   - Docks
   - Driveways and parking areas
   - Fences and garden walls
   - Parking lots
   - Pumps
   - Safety and security buildings necessary to control points of access
   - Signs
   - Swimming pool filters

b. Accessory Structures Permitted In Conformance with Perimeter Setbacks
   - All accessory structures permitted in required yards/perimeter setback areas
   - Antenna-type transmitters and receivers such as radio, television, and ham radio
   - Boat houses
   - Carports, attached or detached
   - Community buildings, including a park office
   - Decks, patios, porches, terraces and walkways greater than 12 inches above grade
   - Dish-type transmitter and receivers such as satellite dish receivers
   - Garages, attached or detached
Article 5: Standards for Specific Uses

Greenhouses
Laundry buildings
Parking structures
Recreation facilities, indoor, such as gymnasiums, indoor swimming pools, indoor racquet-ball courts and indoor tennis courts
Recreation facilities, outdoor, such as golf courses, executive golf courses, parks, outdoor swimming pools and outdoor tennis courts
Screen enclosures
Sheds and tool houses
Storage areas, paved
Storage buildings
Swimming pools, in ground or above ground

5.11.2.6 Prohibited Uses

Any use not listed as permitted shall be prohibited unless it is determined to be essentially the same as a permitted use pursuant to the provisions of Sub-Section 5.11.2.

(Ord. No. 5722, 06-18-18)

5.11.3 STANDARDS APPLICABLE TO MOBILE HOME PARKS, MOBILE HOME SUBDIVISIONS AND RECREATIONAL VEHICLE PARKS

5.11.3.1 Perimeter Setback Requirements

Mobile home sites, mobile home lots and recreational vehicle sites shall be set back from the perimeter of mobile home parks, mobile home subdivisions and recreational vehicle parks as follows:

Minimum perimeter setback ................................................................. 20 feet
Minimum perimeter setback from local street ...................................... 25 feet
Minimum perimeter setback from collector street ............................ 40 feet
Minimum perimeter setback from arterial street ............................... 55 feet

5.11.3.2 Perimeter Landscaped Buffer

A landscaped buffer not less than 15 feet in depth shall be provided around the entire perimeter of each mobile home park, mobile home subdivision and recreational vehicle park. The landscaped buffer shall be interrupted only where necessary to provide for vehicular and pedestrian access. It shall contain a visual screen consisting of berms and vegetation which have a minimum opacity of 75 percent to a height of not less than six feet. It shall be landscaped as set forth in Section 4.5. Masonry or wooden fences meeting the requirements of Section 4.4 may be substituted along common property lines other than street right-of-way lines.

5.11.3.3 Recreation Space Requirements
Minimum percent of total mobile home park, mobile home subdivision or recreational vehicle park devoted to recreation space.......................................................... 7 percent
Maximum percent of total recreation space devoted to recreationally used water bodies........................................................... 30 percent
Minimum size of any single recreation area ........................................ 5,000 square feet
Minimum dimension of any single recreation area on one side........................................................................................................ 60 feet
Minimum separation of active recreation area from any mobile home site .............................................................................. 30 feet

Developers of new mobile home parks, mobile home subdivisions or recreational vehicle parks shall provide an onsite structure(s) to shelter the development’s projected hurricane season population. Such shelters may include, but not be limited to, clubhouses and recreation centers.

5.11.3.4 Underground Placement of Utilities Required
All utilities distribution and collection systems, including water supply, sewage disposal, electricity, gas, telephone and television cable, shall be placed underground.

5.11.3.5 Connection to Public Water and Sewer Facilities
All water supply and sewage disposal systems shall be connected to public facilities.

5.11.4 STANDARDS SPECIFIC TO MOBILE HOME PARKS AND MOBILE HOME SUBDIVISIONS

5.11.4.1 Development Regulations

a. Size and Density Regulations

Minimum development area ............................................................................. 20 acres
Maximum number of mobile home dwelling units per gross acre........................................................................................................ 7 units

b. Access Requirements

Minimum number of access points ........................................................................ 2

c. Internal Street Construction Requirements

Internal streets which are dedicated to public use shall be constructed according to the City of Lakeland Subdivision Regulations. Internal streets which are reserved for private use shall be constructed with subgrade, base and surface combinations meeting minimal structural requirements established by the Department of Public Works.

d. Internal Street Width Requirements
Right-of-way and pavement widths for internal streets which are dedicated to public use shall be determined according to the standards contained in Article 9 (Subdivision Regulations).

Right-of-way and pavement widths for internal streets which are reserved for private use shall be determined according to function, anticipated traffic volume and subject to site plan approval, provided that no right-of-way or pavement shall be less than as follows:

- Minimum right-of-way width for private interior streets................................. 30 feet
- Minimum pavement width of private access drives, excluding curbs .......................................................... 20 feet
- Minimum pavement width of private collector streets, excluding curbs ................................................................ 24 feet
- Minimum pavement width of one-way lanes divided by landscaped median, excluding curbs ........................................ 12 feet

e. Common Area Maintenance Provisions For Mobile Home Subdivisions

The Planning and Zoning Board shall approve a final plat for a mobile home subdivision only after making a determination that there is a feasible program for the full maintenance and operation of common areas, common improvements and common facilities included in the plat consistent with the common area maintenance provisions contained in Article 9 (Subdivision Regulations).

5.11.4.2 Individual Site Regulations

a. Mobile Home Site Area and Width Requirements

- Minimum lot area.......................................................................................... 4,000 square feet
- Minimum lot width.......................................................................................... 40 feet

b. Mobile Home Unit Setback Requirements

- Minimum front and street side setback from pavement.......................... 15 feet
- Minimum interior side setback ....................................................................... 5 feet
- Minimum rear setback.................................................................................... 10 feet

c. Mobile Home Unit Parking Requirements

- Minimum number of paved on-site parking spaces per mobile home site ........................................................................ 1 space

5.11.4.3 Site Plan Review

Applications for a permit to construct a mobile home park shall be processed in a manner similar to the procedures established in Article 9 (Subdivision Regulations).
Article 5: Standards for Specific Uses

5.11.5 STANDARDS SPECIFIC TO LEGAL NONCONFORMING MOBILE HOME PARKS AND MOBILE HOME SUBDIVISIONS

5.11.5.1 Placement and Replacement of Units Permitted

Mobile home parks and mobile home subdivisions located within mobile home zoning and which do not meet the development standards specified by Sub-Section 5.11.4 shall be deemed legally non-conforming. Units may be placed or replaced in such parks in accordance with the separation and setback requirements of Sub-Section 5.11.5.3, provided that resulting density does not exceed that originally approved. Any mobile home parks or mobile home subdivisions located other than within a mobile home zoning district shall not be considered legally non-conforming uses. Individual mobile home units in such parks and subdivisions may not be replaced and shall be subject to removal if the actual use or occupancy ceases for a period of 365 consecutive days or longer.

(Ord. No. 5715, 06-18-18)

5.11.5.2 Alterations to Meet Site Improvement Requirements Permitted

Alterations or development site area expansions which increase conformance with site improvement requirements are permitted. All regulations pertaining to use non-conformities as set forth in Article 13 [Nonconformities] shall apply to non-conformities within MH Districts.

5.11.5.3 Separation and Setback Requirements for New or Replaced Units

- Minimum separation between side of one mobile home and side or end of another mobile home measured perpendicular to each side or side and end .......................................................... 10 feet
- Minimum end-to-end and corner-to-corner separation between mobile homes ...................................................................................... 6 feet
- Minimum separation between noncombustible appurtenances (such as screen rooms, awnings, carports and accessory storage buildings) measured perpendicularly to sides and ends .......................................................... 3 feet
- Minimum setback of permanent buildings and mobile home units from perimeter boundaries .............................................................. 5 feet*

* An existing mobile home located closer than five feet to a perimeter boundary may be replaced with another unit at the same location.

5.11.6 STANDARDS SPECIFIC TO RECREATIONAL VEHICLE PARKS
5.11.6.1 Recreational Vehicle Park Size and Density Regulations

Minimum recreational vehicle park area .......................................................... 15 acres
Maximum number of recreational vehicle units per gross acre .......................................................... 12 units

5.11.6.2 Vehicle Site Requirements

Minimum area of vehicle site .......................................................... 2,500 square feet
Minimum width of vehicle site .......................................................... 35 feet

5.11.6.3 Access Requirements

Minimum easement of internal street .......................................................... 25 feet
Minimum pavement width .......................................................... 18 feet

5.11.6.4 Central Refuse Collection Requirements

All refuse shall be stored in water-and pest-proof containers located within a convenient distance from all vehicle sites and shall be collected and placed in one or more central containers daily. Collection from central containers shall be in accordance with the collection schedule of the city Refuse Division.

5.11.6.5 Individual or Central Sewage Disposal System Requirements

Facilities for disposal of liquid wastes from vehicle holding tanks may be provided at each vehicle site or at central sanitary stations. Central sanitary stations, if used, shall be provided at a ratio of at least one for every 75 vehicle sites or fractional part thereof. Such sanitary stations shall be separated from any vehicle site by a minimum distance of 50 feet and shall be suitably screened from other activities by visual barriers such as fences, walls or natural barriers.

5.11.6.6 Site Plan Review

A site plan shall be submitted with applications for a permit to construct a recreational vehicle park. The site plan shall include complete engineering plans and specifications in sufficient detail to demonstrate full compliance with all applicable provisions of this land development code and other applicable municipal ordinances.

5.12 MOTOR VEHICLE SERVICE USES

Motor vehicle service uses shall be developed in accordance with the following standards:

a. Buffering

Motor vehicle service uses shall provide the same frontage buffers as vehicular use areas and buffer screens accordance with Section 4.5.
b. Pump Island Canopies

1. Minimum setback from any parcel boundary: 30 feet
2. Maximum overall height: 17 feet
3. Maximum clear height below canopy: 14 feet
4. Lighting shall be in accordance with Section 4.6.  
   *(Ord. No. 5455, 07-21-14)*
5. Signage shall be in accordance with Section 4.9.  
   *(Ord. No. 5455, 07-21-14)*
6. Canopies shall be architecturally compatible with the principal structure with the architectural elements applied consistently on all sides.
7. Canopies may be integrated into the principal structure but shall meet these requirements.

c. Vehicle Washing Facilities

1. All mechanical washing, drying and polishing machinery shall be located within a building.
2. Vehicle washing facilities shall be set back a minimum of 100 feet from the boundary of any lot or parcel containing a residential use.
3. The entrances and exits to vehicle washing facilities shall be oriented away from any residential use.

### 5.13 NEIGHBORHOOD CONVENIENCE CENTERS

#### 5.13.1 INTENT AND APPLICABILITY

#### 5.13.1.1 Intent

The intent of this section is to establish minimum standards which allow for the introduction of small scale, neighborhood oriented retail and service commercial uses in a manner that is compatible with the residential context. Neighborhood Convenience Centers enhance neighborhoods by providing goods and services necessary for daily living within walking distance of residents and reducing vehicle trips and are of particular value to those who cannot or choose not to drive. 
*(Ord. No. 5716, 06-18-18)*
5.13.1.2 Applicability

In accordance with Table 2.3-1, Neighborhood Convenience Centers (NCCs) are permitted in specific residential and office zoning districts by conditional use approval only, subject to the restrictions and standards of this section. 

(Ord. No. 5716, 06-18-18)

5.13.2 USE RESTRICTIONS

5.13.2.1 Permitted Principal Uses

a. All uses permitted in the underlying zoning district in accordance with the development regulations applicable to those zoning districts.

b. Specialty retail outlets for the sale of antiques, food, drugs, cosmetics, clothing, cards, gifts, toys, sundries and notions, books and stationary, leather goods, jewelry, cameras, small electronic equipment, flowers, fabric, arts and crafts and similar products.

c. Service establishments such as barber or beauty shops, shoe repair, watch and jewelry repair, interior decorators, photographic studios, picture framing shops, dance or music studios, self-service laundries, laundry or dry cleaning pickup stations, tailors and dressmakers, duplication and copying services and similar uses.

d. Child and adult day care centers.

e. Low-turnover restaurants, carryout restaurants, sandwich shops and snack bars, bakeshops (but not wholesale bakeries) and delicatessens.

f. Retail establishments manufacturing goods for sale only at retail on the premises, such activities being clearly incidental and subordinate to the permitted retail use.

g. Residential, one or more dwelling units located above the first floor.

(Ord. No. 5716, 06-18-18)

5.13.2.2 Permitted Accessory Uses

Uses customarily associated with and clearly incidental and subordinate to permitted principal uses which do not involve operations not in keeping with the character of the district.

5.13.2.3 Prohibited Uses

a. Manufacturing, except as specifically provided herein.

b. Warehousing or storage, except as clearly incidental and subordinate to permitted principal uses.

c. Outdoor display of goods and/or services, including outdoor vending machines.

d. The sale of motor vehicle fuel.

e. Drive-through facilities

f. Pawn shops.

g. Tattoo parlors.

h. The sale of alcoholic beverages as a free standing or principal use. Alcoholic beverages may be served in conjunction with a restaurant permitted as a principal
use. The sale of alcoholic beverages for consumption off premises may be permitted if specifically approved as part of the conditional use.

5.13.3 MINIMUM LOCATION STANDARDS

a. Limited to urban context sub-districts.
b. Shall front on a collector, minor arterial or arterial street type.
c. Shall not be located within 1/4 mile of any existing NCC or activity center.
(Ord. No. 5716, 06-18-18)

5.13.4 MINIMUM DESIGN STANDARDS

a. The building-lot type shall be a Single Story Commercial or Commercial Mixed Use Small type in accordance with all standards and regulations applicable to the building-lot type and Urban Neighborhood context.
b. Retail outlets permitted herein shall not be open for business between the hours of 12:00 midnight and 6:00 a.m.
c. Signage shall be limited to building signs and non-illuminated monument signs.
d. The conditional use may specify other standards and conditions that exceed these minimums.
e. The maximum floor area for any single use shall be limited to 5,000 square feet.
(Ord. No. 5716, 06-18-18)

5.14 NEWSRACKS

5.14.1 INTENT

It is the intent visions of this section to establish comprehensive regulations applicable to newsracks in public and private rights of way and on public and private property in a manner which advances and improves safety and aesthetics by controlling the size, construction and appearance of newsracks. More specifically, to protect against the dangers of: impairing or distracting the vision of motorists and pedestrians; the hazards of unreasonably interfering with the use of public property for its intended purpose; unduly restricting access to the use of poles, posts, traffic signs or signals, hydrants, mailboxes or locations used for transportation purposes; unsightly structures; neglectful servicing of newsracks resulting in visual blight on public property and detracting from the aesthetics of store window displays, adjacent landscaping and other improvements; reduction in value of surrounding property; unnecessary exposure of the city to personal injury or property damage claims or suits; and public display of harmful or offensive matters.

5.14.2 DEFINITIONS

Advertising Circular: Any publication that is predominantly advertising and containing minimal or no news reports.

Base: A concrete pad installed or used to support a newsrack.
**Modular Newsrack**: A connected grouping of two to fourteen compartments within a single structure, with all coin operated newsracks having a coin mechanism for each compartment, which may be placed on a mount or pedestal bolted to a base surface or be bolted directly to the paved surface, which is installed or used for the display, sale or distribution of newspapers, advertising circulars or similar publications. For purposes of these regulations, the term “newsrack” means “modular newsrack”.

**Mount**: A pedestal or other structure holding a newsrack and attached to a base.

**Newspaper**: Any publication that is predominantly comprised of news reports or other non-commercial articles or information.

**Newsrack Compartment**: Each compartment within a newsrack designed to contain the newspapers, advertising circulars or similar publications being sold or distributed from that newsrack.

**On Street Parking Area**: Those portions of the roadway directly adjacent to a curb or sidewalk where motorized vehicular parking is permitted.

**Owner**: The particular person or legal entity who is responsible for installing and/or maintaining a newsrack, or the owner or one who distributes newspapers, periodicals advertising circulars or other publications from the newsrack.

**Private Property**: All property other than public property, including private rights of way.

**Public Property**: Parks, rights of way, easements and any and all other real property owned by the public, any governmental agency or the city.

**Public Right of Way**: Land dedicated or deeded to the public, occupied or intended to be occupied by a street, highway, sidewalk, pedestrian path, parkway, bicycle path or alley.

**Roadway**: That portion of a street improved, designed or ordinarily used for vehicular travel.

**Sidewalks**: Any surface within a right of way provided for the exclusive or primary use of pedestrians.

5.14.3 GENERAL PROVISIONS

5.14.3.1 General Locations Throughout the City

Newsracks may be located on publicly and privately maintained rights of way and on publicly and privately owned property in any office, commercial or industrial zoning district or in any Planned Unit Development zoning district which allows office, commercial or industrial land uses. Newsracks may be located on privately owned property in any multiple family zoning district or in any Planned Unit Development zoning
district which allows multiple family land uses. Newsracks may not be located in any single family zoning district, unless a variance for a specific location is requested of and granted by the City Commission, after public hearing on an application for same.

a. Placement of Newsracks on Street Rights of Way

Subject to the criteria set forth in Sub-Section 5.14.3.1.c below and any provision to the contrary therein, in areas where sidewalks abut the curb, newsracks shall be placed on the edge of the sidewalk farthest from the traveled street or parking lane, parallel to the street. In the event a wall of a building is located at the back edge of the sidewalk, the newsrack shall be placed parallel to and not more than six inches from the wall of the building.

b. Placement of Newsracks on Public or Private Property

Subject to the criteria set forth in sub-section c. below, newsracks may be placed on publicly or privately owned property with the consent of the property owner, in compliance with the provisions of these regulations.

c. Installation and Maintenance

1. No person shall install, use or maintain any newsrack which projects onto, into, or over any part of the roadway of any public or private street, or which rests, wholly or in part, upon, along or over any portion of a roadway, including medians.

2. No person shall install, use or maintain any newsrack which projects onto, into, or over any part of any public or private right of way or other public or private property, when such installation, use or maintenance endangers the safety of persons or property, or when such newsrack unreasonably interferes with or impedes the flow of pedestrian or vehicular traffic including any legally parked or stopped vehicle, the ingress into or egress from any residence, place of business, or the use of poles, posts, public utilities, public transportation, traffic signs or signals, hydrants, mailboxes, or other objects permitted at or near said location.

3. Newsracks shall be placed and maintained in accordance with the following criteria:

(a) Modular newsracks constructed of metal shall be the only type of newsracks allowed to be installed and maintained in the City of Lakeland, except that newsracks installed inside of an enclosed building or over 50 feet from the nearest public or private right of way may be any type allowed by the owner of the property. Additionally, newsracks of any type allowed by the owner of property may be placed on private property within the 50 foot setback, provided they are all of a uniform color and are placed parallel to and not more than six inches from the wall of the principle permanent structure located thereon. Subject to the separation requirements set forth herein, no more than two single-compartment metal newsracks of the required color may be installed and maintained in any properly zoned location in which
there is not a need or demand for three or more compartments; however, in the event that a need or demand arises which cannot be accommodated because of the separation requirement, the single-compartment newsrack(s) must be removed to accommodate the placement of a multiple-compartment newsrack.

(b) Except within the boundaries of the Lakeland Downtown Development Authority, a 100 foot radius separation shall be maintained between all newsracks located on public property or within public or private right of way.

(c) Within the boundaries of the Lakeland Downtown Development Authority (LDDA), a 400-foot radius separation shall be maintained and no more than two newsracks shall be installed upon public property or right of way within the perimeter of a city block. Newsracks installed upon public property or right of way within the LDDA boundaries shall be limited to a maximum of eight compartments and, when installed on a public sidewalk, shall be located so that the front of the newsrack shall face away from the street and the back of the newsrack shall be a distance of 2½ feet from the curb line.

(d) Newsrack compartments shall be arranged so as to provide an overall square or rectangular shape to the entire modular newsrack.

(e) For locations on public and private rights of way, the color of the newsrack mounts, pedestals, frames and boxes shall be hunter green. A color sample is available in the Building Inspection Division, City Hall. For locations which are more than 50 feet from a public or private right of way, on publicly and privately owned property, other than rights of way, the color of newsrack mounts, pedestals, frames and boxes shall be at the discretion of the owner of the property. The City Manager may, at his/her discretion, specify another color for newsracks located at The Lakeland Center, Lakeland Electric Administration Building, Lakeland Linder Regional Airport, Lakeland Regional Medical Center, Cleveland Heights Golf & Country Club, City Hall, Tigertown, the City Libraries, Train Station or the Citrus Connection transfer station.

(f) Newsracks shall not exceed 54 inches in height and 24 inches in depth.

(g) Newsracks shall not be chained, attached or otherwise secured to utility poles, signs, benches or other fixtures within public right-of-way or property.

(h) Newsracks shall contain no advertising except:
   
   i. The name of the publication being distributed; and
   
   ii. Cardholders visible through the compartment window, provided they are kept in neat and untorn condition describing the publication being distributed.

(i) Newsracks shall be maintained in a neat and clean condition, and in good repair at all times. Each newsrack shall be serviced and maintained so that:
i. It is free of graffiti;
ii. It is reasonably free of dirt and grease;
iii. It is reasonably free of chipped, faded, peeling and cracked paint in the visible painted areas thereof;
iv. It is reasonably free of rust and corrosion in the visible metal areas thereon;
v. The clean plastic or glass parts thereon, if any, through which the publications are viewed, are unbroken and reasonably free of cracks, dirt, blemishes and discoloration;
vi. The paper or cardboard parts or inserts thereof are reasonably free of tears, peeling or fading; and
vii. The structured parts are not broken or unduly misshapen.
viii. The surrounding area upon which the newsrack is placed will also be maintained in a neat and orderly condition.
ix. The Advertising Circular or Newspaper publication content shall be current and not out-of-date, so that it will have timely value to its intended consumer or user.

(j) Each coin-operated newsrack shall be equipped with a coin return mechanism to provide an immediate refund if unable to receive the publication paid for. The coin return mechanism shall be maintained in good working order.

(k) The name, address and telephone number of a responsible person who may be contacted at any time concerning the newsrack shall be displayed in a conspicuous place on the newsrack in such a manner as to be readily visible and readable to a prospective customer.

(l) No newsrack shall be placed, installed, used or maintained:

i. Within a visibility triangle.
ii. Within five feet of any fire hydrant, fire call-box or other emergency facility, traffic sign or signal, bus bench, bus shelter or building entrance.
iii. Within ten feet of any marked crosswalk.
iv. Within ten feet of the point where any driveway intersects with a public or private street.
v. Within five feet ahead of, and 15 feet of the rear of, any sign marking a designated bus stop, measured along the edge of pavement.
vi. At any location that does not provide a clear width of continuous passage of at least 36 inches for pedestrians and wheelchairs.
vii. In a designated parking space or driveway.
viii. At any location in such a manner as to block any display window of any building abutting the sidewalk or in such a manner as to impede or interfere with the reasonable use of such window for display purposes.
5.14.4 ADMINISTRATION AND ENFORCEMENT

5.14.4.1 Building Official

The Building Official or his/her designee shall be responsible for administering the regulations or the placement of newsracks of the type and location herein specified, and upon compliance with the criteria set forth herein.

5.14.4.2 Nonconforming Newsracks

All newsracks located on private property within the City of Lakeland, on public or private rights of way, or on public property within the boundaries of the Lakeland Downtown Development Authority must be in compliance with the terms of these regulations within six months after October 1, 2001. All newsracks located on public or private rights of way, or on public property outside of the boundaries of the Lakeland Downtown Development Authority must be in compliance with the terms of these regulations within 24 months after October 1, 2001, except those located at The Lakeland Center, Lakeland Electric Administration Building, Lakeland Linder Regional Airport, Lakeland Regional Medical Center, Cleveland Heights Golf and Country Club, City Hall, Tigertown, the City Libraries, Train Station and the Citrus Connection transfer station, which must be in compliance within 12 months after October 1, 2001. Any newsrack found to be in violation at the end of the applicable period or at any time thereafter, shall be brought into compliance or removed by the owner within 15 days after written notification from the Building Official. Upon failure to comply with such notice within the time specified by such order, the Building Official shall notify the Code Enforcement Board and request a hearing.

5.14.4.3 Abandonment

In the event 51 percent of the total newsrack compartments in a modular newsrack remain empty for 14 continuous days, it shall be deemed abandoned and the City shall notify the owner to remove the newsrack or replace it with a smaller newsrack. For purposes of enforcing this provision, a compartment shall be considered abandoned if the content of the publication therein is not current and is out-of-date, so that it is of little or no value to its intended user or consumer.

5.14.4.4 Grandfathered Newsracks

For purposes of the enforcement of these regulations, those modular metal newsracks located at the Lakeland Yacht Club, the Cleveland Heights Golf & Country Club, the Chamber of Commerce Building and U.S. Post Office facilities on Lakeland Hills Boulevard and North Missouri Avenue as of October 1, 2001 shall be permitted to remain with the number of existing compartments; however, such racks shall be subject to reduction or removal in the event of abandonment and shall otherwise comply with the provisions of these regulations.
5.14.5 NEWSRACK MOUNTING STANDARDS

a. Every newsrack located on public and private rights-of-way, publicly owned property, or within the 50 foot setback on private property shall be installed level and plumb on a hard surface. Every newsrack on a single pedestal or a multiple post shall be securely bolted to a level, concrete base set in the ground. Each newsrack shall be constructed, installed and maintained in a safe and secure condition.

b. Any damage to public property or public right of way at the time of installation or removal of a newsrack shall be the responsibility of the owner. Upon removal of the newsrack, the owner shall be responsible for restoring the property surface to its pre-installation condition, subject to reasonable wear and tear.

5.14.6 INSURANCE AND INDEMNIFICATION

a. Each person or entity who places or maintains a newsrack on public right of way or public property shall furnish, prior to installation, a Certificate of Insurance, which shall be kept current and renewed as long as the person or entity maintains a newsrack on public right of way or public property. Such insurance shall be Comprehensive General Liability Insurance on an occurrence basis with limits of liability not less than $500,000 per occurrence and/or aggregate combined single limit, personal injury, bodily injury and property damage. Coverage shall include the following extensions:

1. contractual liability;
2. products and completed operations;
3. Independent contractor’s coverage; and
4. broad form general liability extensions or equivalent. The City of Lakeland shall be named an additional insured.

b. As a condition precedent, each person or entity who places or maintains a newsrack on a public right of way or public property shall execute a Hold Harmless/Indemnification, as set forth below. This shall not be construed to affect in any way the City’s rights, privileges and immunities set forth in Section 768.28 of Florida Statutes.

5.15 OUTDOOR SALES, DISPLAY AND STORAGE

5.15.1 INTENT

It is the intent of this section to establish minimum standards to avoid or mitigate the potentially adverse impacts of outdoor sales, display and storage uses including aesthetic, public health, safety, environmental and circulation impacts.

5.15.2 OUTDOOR SALES AND DISPLAY AS A PRINCIPAL USE

5.15.2.1 Applicability
Article 5: Standards for Specific Uses

This section shall apply to Outdoor Retail Sales of New and Used Merchandise; the outdoor sale and display of motor vehicles, boats, trailers, mobile homes, equipment; and any other use in which the outdoor sale and display of goods or materials is allowed as a principal use. This section shall not apply to the parking, storage and use of motor homes, boats, trailers, commercial vehicles or construction equipment as defined and regulated in Section 5.17.

5.15.2.2 Standards

a. Where adjacent to a protected use, the property shall be buffered in accordance with Sub-Section 4.5.9 (Ord. No. 5455, 07-21-14)

b. Where a buffer is required, goods or materials shall not be displayed higher than the buffer structure within 20 feet of the property boundary requiring the buffer.

c. Goods or materials displayed outdoors shall not include signage not otherwise allowed in accordance with Section 4.9.

d. Goods or materials shall not be displayed where it obstructs any ingress/egress to any building; where it obstructs any required off-street parking spaces, loading areas, drive aisles, pedestrian ways, visibility triangles or emergency vehicle access; or on any required landscaped areas.

e. The display of goods or materials shall comply with all fire code requirements.

f. The display of goods or materials shall not obscure the visibility of posted street address numbers from the primary street frontage.

5.15.3 OUTDOOR STORAGE

5.15.3.1 Applicability

This section shall apply to Storage Yards and any other use in which the outdoor storage of goods, materials, equipment, vehicles or other objects is allowed as a principal or accessory use. The requirements of this section shall apply in addition to the requirements of Section 5.17 as they relate to the parking, storage and use of motor homes, boats, trailers, commercial vehicles or construction equipment. Where any provision of this section is in conflict with any other provision of this Code, the more stringent shall apply.

5.15.3.2 Standards

a. No goods or materials intended for indoor use including but not limited to indoor furniture, bedding, carpets, household goods, clothing or electronic equipment shall be stored outdoors.

b. Where adjacent to a protected use, the property shall be buffered in accordance with Sub-Section 4.5.9.
c. Outdoor storage visible from the right-of-way shall, at a minimum, be screened using a Type A buffer in accordance with Sub-Section 4.5.9.

d. Where a buffer is required, outdoor storage shall not occur higher than the buffer within 20 feet of the property boundary requiring the buffer.

e. Outdoor storage shall not obstruct any ingress/egress to any building; obstruct any required off-street parking spaces, loading areas, drive aisles, pedestrian ways, visibility triangles or emergency vehicle access; or be placed on any required landscaped areas.

f. Outdoor storage shall comply with all fire code requirements.

g. Outdoor storage shall comply with all ADA standards.

h. Outdoor storage shall not obscure the visibility of posted street address numbers from the primary street frontage.

i. Outdoor storage areas shall be maintained so as to prevent odors, the harborage of rodents and pests and the wind drift or draining of material onto adjacent properties, streets or stormwater collection facilities.

j. Tires shall not be stored outdoors except in bins or roll-off containers that are emptied at least monthly.

5.16 PARKING AS A PRINCIPAL USE

5.16.1 WHEN OPERATED ACCESSORY TO A USE LOCATED ON ANOTHER LOT IN THE SAME DISTRICT

5.16.1.1 Applicability

If permitted by right or as a conditional use in a district, off-street parking shall be established subject to the development standards generally applicable in the district as well as the specific standards set forth in Sub-Section 5.16.1.2.

5.16.1.2 Standards

a. The entire area of the lot on which the parking is located shall be within 500 feet of and adjacent to, or immediately across a public street not classified as an arterial, or across a public alley abutting the use served.

b. The parking lot shall comply with all requirements otherwise applicable to parking lots including those requirements set forth in Sections 4.5 and 4.11.

5.16.2 WHEN LOCATED IN A SINGLE-FAMILY OR TWO-FAMILY DISTRICT WHEN OPERATED ACCESSORY TO A USE LOCATED IN ANOTHER DISTRICT
5.16.2.1 Applicability

If permitted by right or as a conditional use in a district, off-street parking shall be established subject to the development standards generally applicable in the district as well as the specific standards set forth in Sub-Section 5.16.2.2.

5.16.2.2 Standards

a. The entire area of the parking lot shall be within 300 feet of and adjacent to, or immediately across a public alley abutting the use served; provided, however, that when the use served is a church or other place of assembly, the lot on which the parking is located may be immediately across a public street abutting the use served.

b. The parking lot shall comply with all requirements otherwise applicable to parking lots including those requirements set forth in Sections 4.5 and 4.11.

5.17 PARKING AND STORAGE OF COMMERCIAL VEHICLES, BOATS, TRAILERS, AND CONSTRUCTION EQUIPMENT

5.17.1 INTENT

The intent of this section is to protect the health, safety, peace and welfare of the citizens of the city, to reduce congestion on city streets by assuring the continued use thereof for vehicular travel rather than as storage areas, and to provide a means for the storage of motor homes, boats and trailers without detracting from the general appearance and living environment of residential and non-residential areas. The Zoning Board of Adjustment and Appeals shall not have the power to vary any portion of this regulation for the parking, storage and use of motor homes, boats, trailers, commercial vehicles and construction equipment.

5.17.2 DEFINITIONS

Boat: A waterborne vessel capable of being propelled by oars, paddles, sail or motor.

Commercial Trailer: Any vehicle without motor power, designed to be drawn by a motor vehicle and used for carrying equipment, tools, products, materials, or other cargo used in connection with a commercial business or enterprise. This definition does not include recreational or recreational accessory vehicles.

Commercial Vehicle: Any vehicle which possesses one or more of the following characteristics:

- Has a Gross Vehicle Weight Rating equal to or greater than 12,500 pounds;
- Is greater than 80 inches in width;
- Is greater than 26 feet in length;
- Has more than two axles on the road;
Article 5: Standards for Specific Uses

e. Is equipped with air brakes, refrigeration equipment, hydraulic lifts, cranes, loading ramps, or similar equipment;
f. Is equipped with a utility body or commercial equipment racks;
g. Has attached or visible equipment or tools, whether or not the vehicle, equipment or tools are covered with a tarpaulin or any opaque or translucent covering;
h. Has signage of a commercial nature. Bumper stickers, decorative license plates and dealer stickers are not considered commercial signage.

For the purposes of this section, commercial vehicles do not include recreational or recreational accessory vehicles.

**Construction Equipment:** Equipment customary to construction, demolition, or excavation activities or projects, including, but not limited to, cranes, bulldozers, bobcats, front end loaders, ditch diggers and tractors.

**Gross Vehicle Weight Rating (GVWR):** The maximum allowable total weight of a vehicle, including passengers, cargo and fuel, as designated by the manufacturer.

**Trailer:** Any portable or movable structure or nonself-propelled vehicle used for moving freight, equipment or merchandise, including, but not limited to, travel trailers, collapsible camping trailers and construction trailers, and storage trailers placed upon the site (including storage units commonly referred to as “PODS,” or overseas freight containers, etc.).

5.17.3 PARKING REGULATIONS

5.17.3.1 Parking on Public Rights-of-Way and Public Land Restricted

It shall be unlawful for any person to park any mobile home, motor home, boat, trailer, commercial vehicle or construction equipment on any street, alley or highway, or other public place, or on any tract, lot, piece or parcel of land within the city, except as provided in this section.

5.17.3.2 Parking in Mobile Home Parks and Subdivisions Permitted

Parking of mobile homes shall be permitted in properly zoned and licensed mobile home parks or mobile home subdivisions. Parking of motor homes, boats, or trailers shall be permitted within properly zoned and licensed mobile home parks, mobile home subdivisions and recreation vehicle parks in accordance with the regulations of this code.

5.17.3.3 Construction and Storage Trailers Permitted and Regulated

Construction trailers may be permitted to be parked upon construction sites where construction of buildings or improvements is actually in progress; provided, that such trailers shall be used exclusively for construction offices and equipment storage. The location of such trailers upon commercial construction sites shall be authorized by the Building Official at the time of issuance of the building or construction permit.
residential sites, construction and storage trailers shall be located in accordance with the minimum side or rear setbacks applicable to accessory buildings in the underlying zoning district. Such trailers may only be located in residential front yards for no more than 72 hours.

5.17.3.4 Parking in Conjunction with Sales, Rental, Service and Storage

Parking or storage of boats, unoccupied motor homes, trailers or mobile homes shall be permitted where the sales, rental, servicing or storage of such is permitted provided that no sleeping, eating or living shall be permitted, nor shall any business be conducted in such vehicle while such vehicle shall be so parked or stored.

5.17.3.5 Parking and Storage on Residential Property Permitted and Regulated

Parking of boats, unoccupied motor homes, or trailers (excluding semi-trailers), by any owner upon such owner's own residential premises, shall be permitted in any district; provided, however, that no sleeping, eating or living shall be permitted, nor shall any business be conducted in said motor home, boat or trailer while so parked or stored; and further provided, that such motor home, boat or trailer shall not be parked or located between the principal building and any front or street-side property line.

(Ord. No. 5455, 07-21-14)

5.17.3.6 Parking of Commercial Vehicles and Commercial Trailers Regulated

It shall be unlawful for any person to park any commercial vehicle or commercial trailer on any residentially zoned tract, lot, piece or parcel of land within the city, except:

a. One commercial vehicle per dwelling unit shall be permitted provided each of the following requirements is met:

1. The Gross Vehicle Weight Rating (GVWR) of the commercial vehicle is less than 12,500 pounds.
2. The commercial vehicle is less than 80 inches wide.
3. The commercial vehicle is less than 26 feet in length.
4. The commercial vehicle has only two axles on the road.
5. The commercial vehicle is not equipped with air brakes, refrigeration equipment, hydraulic lifts, cranes, loading ramps, or similar equipment.

b. Sub-Section 5.17.3.6.a notwithstanding, the following commercial vehicles shall be prohibited on all residentially zoned tracts, lots, pieces or parcels of land within the city:

(Ord. No. 5455, 07-21-14)

1. Semi-trucks and/or trailers, either as one unit or separately;
2. Wreckers and tow trucks;
3. Box trucks;
4. Dump trucks;
5. Bucket trucks.
c. Any vehicle owned by a public or private utility provider, when used in the event of emergencies requiring immediate attention, shall be exempt from the requirements of this section.

5.17.3.7 Parking of Construction Equipment Regulated

The parking or storage of construction equipment shall be prohibited except:

a. On property where the sale, rental, servicing or storage of construction equipment is a land use permitted by right or as a conditional use;

b. On property where a building permit has been issued and construction is actually in progress.

5.17.4 PARKING AND USE OF SPECIALLY-EQUIPPED VEHICLES AND TRAILERS IN ASSOCIATION WITH MEDICAL OFFICES

This section permits the parking and use of certain motor homes and trailers as defined herein as accessories to medical offices. Such motor homes and trailers shall be limited to those which contain instruments, diagnostic equipment and other specialized technical equipment which is used in the practice of medicine at the location to which the motor home or trailer is accessory. Permits for the use of such motor homes and trailers shall be issued only upon an administrative determination by the Director of Community Development that the use is necessary because: 1) the motor home or trailer will accommodate equipment which cannot feasibly be accommodated within the permanent structure housing the principal use, and 2) the use will not have a significant detrimental impact on adjacent and nearby residential or non-residential uses.

The application must set forth a site plan for the property where the trailer is intended to be located, which site plan shall depict the proposed location of the trailer and the relationship of the trailer to any improvements upon the property and the relationship of the property to surrounding properties and improvements. The application shall further set forth the type of equipment, instruments or materials to be housed in the trailer, the purpose of said equipment, instruments or materials, and an explanation of the reason why it is necessary that the trailer be used for such purpose. In reviewing the application, the Director of Community Development may consider any relevant facts including, but not limited to, the size of the lot and the amount of building coverage thereon, any impact that said trailer may have upon vehicular or pedestrian traffic, any noise generated on the site, the impact upon the surrounding properties and whether the trailer, if used for its intended purpose, would violate any statute, code or ordinance of any governmental authority. The Director of Community Development may, as a condition of approval, impose such restrictions and other requirements as determined to be appropriate under the circumstances, including without limitation a requirement for buffer fencing and noise mitigation measures.

(Ord. No. 5581, 05-16-16)
5.18 PERSONAL WIRELESS SERVICE FACILITIES

5.18.1 INTENT AND APPLICABILITY

It is the intent of this section to create the legal framework for the regulation of Personal Wireless Service Facilities. The City Commission has determined that the public has a primary interest in controlling the location, siting and design of PWS facilities to protect the attractiveness, health, safety and property values of the community, avoid the proliferation of visually obtrusive structures, and promote the development of an advanced wireless communication infrastructure consistent with the Master Plan for Personal Wireless Service Facilities and the Comprehensive Plan.

If permitted by right or as a conditional use in a district, PWS facilities shall be established subject to the development standards generally applicable to the district as well as to the specific standards set forth in this section.

5.18.2 DEFINITIONS

**Antenna (PWS Antenna):** A device for sending or receiving radio signals used by Personal Wireless Services. This shall include multiple antennas arranged in a set or array that function as a single unit.

**Antenna Mount (Mount):** Any supporting structure used to hold a PWS antenna at a desired height.

**Co-location:** The use of a single structure or mount to support the antennas of more than one PWS provider.

**Equipment Shelter:** Any support building or cabinet which houses the electronics, backup power and other equipment associated with the operation of a PWS antenna.

**FAA:** Federal Aviation Administration

**FCC:** Federal Communications Commission

**Ground-Mounted Facility:** A free-standing antenna mount constructed upon the ground. Utility pole-mounted facilities shall not be considered ground-mounted facilities. The facility shall include any associated equipment shelters regardless of where they are located with respect to the mount.

**Location:** The geographic location of a PWS facility within the City of Lakeland.

**Personal Wireless Services (PWS):** Commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services.

**Personal Wireless Service (PWS) Facilities:** Facilities for the provision of personal wireless services.
**Personal Wireless Service (PWS) Provider:** A company authorized by the FCC to operate a personal wireless services system. A PWS carrier.

**Public View:** Viewed at ground level from a public street, a place where the public is admitted for general use, or residential use. A PWS facility shall not be considered to be in the public view if 75 percent or more of the mount is concealed or obscured from view.

**Siting:** The positioning of a PWS facility on a particular parcel of land.

**Structure-Mounted Facility:** An antenna mount attached to or upon any commercial, industrial, office, or institutional structure, or any multi-family structure of three or more stories. This shall include buildings, water tanks, private light poles, light poles at publicly owned athletic facilities or other structures not originally designed as PWS antenna mounts. PWS facilities shall not be mounted on single family structures, two family structures or on multi-family structures less than three stories. The facility shall include any associated equipment shelters regardless of where they are located with respect to the mount.

**Utility Pole-Mounted Facility:** An antenna mount attached to or upon a publicly owned electric transmission or distribution pole, street light, traffic signal, or similar facility located within a public right-of-way or utility easement. The facility shall include any associated equipment shelters regardless of where they are located with respect to the mount.

**Visually Obtrusive Structures:** Physical structures which due to their height, shape, design, reflectivity, color, or lighting are noticeably undesirable and tend to detract from the character, scale or attractiveness of surrounding land uses.

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**Figure 5.18-1 Personal Wireless Service Facility Types**
5.18.3  GENERAL STANDARDS

5.18.3.1  Compatibility

It is the intent of this article to encourage the location, siting and design of PWS facilities in a manner which limits their visual impact on the public view and to ensure their compatibility with surrounding land uses.

5.18.3.2  Color

PWS facilities shall be of a color or colors selected to blend into the surrounding environment. Where visible against the sky, facilities shall be galvanized or of gray or similar color to minimize visibility, except where contrasting color is required for public safety purposes or by the FCC or FAA.

5.18.3.3  Lighting

PWS facilities shall not be artificially lighted except as required for public safety purposes or by the FCC or FAA. Required lighting shall be shielded and/or directed to not project onto residential districts.

5.18.3.4  Signage

No signage shall be allowed on any PWS facility except as required for public safety purposes or by the FCC or FAA.

5.18.3.5  Secure Design

a. All parts of PWS facilities shall maintain a minimum separation of 10 feet from any overhead utility lines.

b. PWS mounts shall have removable climbing pegs or shall otherwise be designed to render them unclimbable by unauthorized persons or shall be provided with a suitable security barrier.

c. PWS equipment shelters shall be of vandal-resistant design or shall be provided with a suitable security barrier.

5.18.4  STANDARDS FOR STRUCTURE-MOUNTED FACILITIES

5.18.4.1  General

a. Structure-mounted PWS facilities shall be permitted as accessory uses in all zoning districts.
b. Structure-mounted PWS facilities are facilities attached to or upon any commercial, industrial, office, or institutional structure, or any multi-family structure of three or more stories. This shall include buildings, water tanks, private light poles, light poles at publicly owned athletic facilities or other structures not originally designed as PWS antenna mounts. PWS facilities shall not be mounted on single family structures, two family structures or on multi-family structures less than three stories in height. The facility shall include any associated equipment shelters regardless of where they are located with respect to the mount.

c. Placement of a PWS facility on a legally non-conforming structure shall not be considered an expansion of the non-conforming structure.

d. PWS facilities shall not project into a required setback more than the maximum projection permitted in the zoning districts in which the facilities are located.

e. Structure-mounted PWS facilities shall be located and designed to be accessible to authorized persons only.

5.18.4.2 Maximum Height

a. Structure-mounted PWS facilities may extend above the rooftop or highest point of the structure on which they are mounted a maximum of 20 feet, subject to the height limitations of the Polk County Airport Zoning Regulations.

b. The height of a rooftop installation shall be measured from the finish level of the portion of the roof on which it is mounted.

c. This section shall not apply if the facility is incorporated into a steeple, bell tower, or similar architectural feature of a church, school or institution, subject to the height limitations of the Polk County Airport Zoning Regulations.

5.18.4.3 Visual Compatibility

a. To the greatest practical extent, structure-mounted PWS facilities shall be placed on the structure out of public view. When this is not practical, the use of enclosures or screens made of fiberglass or other material pervious to radio signals is encouraged to conceal the facility from public view in a manner that is compatible with the scale, color, and architectural character of the structure.

b. When it is necessary to place the facility in public view, to the greatest practical extent, it shall be integrated into the structure in a manner that is compatible with the scale, color, and architectural character of the structure. When use of a pole or mast antenna mount is necessary, the use of cross-polarized (dual-polarized) antennas or similar designs that reduce the visual obtrusiveness of the facility is encouraged.
c. To the greatest practical extent, equipment shelters associated with structure-mounted PWS facilities shall be located inside the existing structure, or concealed from public view, or made compatible with the scale, color, and architectural character of the structure.

5.18.5 STANDARDS FOR GROUND-MOUNTED FACILITIES

5.18.5.1 General

a. Ground-mounted PWS facilities shall be permitted by right in the following zoning district classifications: O-2, O-3, C-2, C-3, C-4, C-5, I-1, I-2 and I-3. Ground-mounted PWS facilities may be permitted as conditional uses in the following zoning district classifications: RA-1, RA-2, RA-3, RA-4, RB, MF-12, MF-16, MF-22, MH, RC, O-1, C-1. The determination as to whether a ground-mounted PWS facility is permitted by right or as a conditional use in the PUD zoning district classification shall be based on the conventional zoning district which most closely approximates the use or uses permitted in the particular PUD district.

b. Ground-mounted facilities are free-standing facilities constructed upon the ground. Utility pole-mounted facilities shall not be considered ground-mounted facilities. The ground-mounted facility shall include any associated equipment shelters regardless of where they are located with respect to the mount.

c. The use of existing structures as antenna mounts shall be preferred to the construction of new ground-mounted facilities. An applicant for a new ground-mounted facility shall submit a report inventorying the availability of existing structures, including utility poles, within the applicant’s search area which may serve as alternatives to the proposed ground-mounted facility. The applicant must demonstrate that the proposed facility cannot reasonably be accommodated on such existing structures due to one or more of the following factors:

1. The structure provides insufficient height to allow the applicant’s facility to function reasonably in parity with similar facilities.

2. The structure provides insufficient structural strength to support the applicant’s antenna and related equipment.

3. The structure provides insufficient space to allow the applicant’s antenna to function effectively and reasonably in parity with similar equipment.

4. Use of the structure would result in electromagnetic interference that cannot reasonably be corrected.

5. The structure is unavailable for lease under a reasonable leasing agreement.
6. Use of the structure would create a greater visual impact on surrounding land uses than the proposed alternative or otherwise would be less in keeping with the goals, objectives, intent, preferences, purposes, criteria or standards of this article, the Master Plan for Personal Wireless Service Facilities, Lakeland Comprehensive Plan and Land Development Regulations.

7. Other limiting factors.

d. Ground-mounted PWS facilities may be located on zoning lots containing other principal uses.

e. Ground-mounted PWS facilities shall not be permitted in Historic Districts or in areas zoned C-6 or C-7.

f. A ground-mounted PWS facility shall be separated from any residential lot line a minimum of two feet horizontally for each one foot in facility height.

g. A ground-mounted PWS facility shall be separated from limited-access highways (including frontage roads), arterial streets and highways and collector streets, as designated in the Comprehensive Plan, a minimum of two feet horizontally for each one foot in facility height.

h. A ground-mounted PWS facility may be permitted in a residential district as a conditional use only if it is located on a parcel containing a non-residential land use such as a golf course, parking lot, cemetery, church, school, electric utility substation or on a vacant parcel of 50 acres or more.

i. Ground-mounted PWS facilities shall be of the monopole type unless the applicant can demonstrate that another type of mount would be less visually obtrusive.

j. Ground-mounted PWS facilities shall observe the minimum setback requirements for principal structures of the respective zoning districts.

k. Ground-mounted PWS facilities shall be considered a non-residential use for purposes of determining if a buffer fence or wall is required.

l. Ground-mounted PWS facilities shall be accessible by service vehicles.

5.18.5.2 Maximum Height

a. Ground-mounted PWS facilities shall observe the following maximum heights in the zoning district and Future Land Use Intensity Area in which they are located, subject to the height limitations of the Polk County Airport Zoning Regulations:
Table 5.16-1: Maximum Height

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Central City Area</th>
<th>All Other Areas</th>
</tr>
</thead>
<tbody>
<tr>
<td>RA (all), RB (all)</td>
<td>75’</td>
<td>75’</td>
</tr>
<tr>
<td>MF (all)</td>
<td>75’</td>
<td>75’</td>
</tr>
<tr>
<td>O-1, O-2, C-1, C-2, C-3</td>
<td>75’</td>
<td>85’</td>
</tr>
<tr>
<td>C-4</td>
<td>85’</td>
<td>95’</td>
</tr>
<tr>
<td>C-5</td>
<td>95’</td>
<td>120’</td>
</tr>
<tr>
<td>O-3</td>
<td>85’</td>
<td>120’</td>
</tr>
<tr>
<td>I-1</td>
<td>110’</td>
<td>150’</td>
</tr>
<tr>
<td>I-2, I-3</td>
<td>150’</td>
<td>200’</td>
</tr>
<tr>
<td>RC</td>
<td>n/a</td>
<td>200’</td>
</tr>
</tbody>
</table>

b. The maximum heights established by this section shall be the vertical distance of a PWS facility measured from average elevation of the finished grade within 20 feet of the facility to the highest point of the completed facility including antennas, platforms, or other attachments.

5.18.5.3 Horizontal Separation

a. Ground-mounted PWS facilities shall maintain the following minimum horizontal separations from existing ground-mounted PWS facilities:

Table 5.16-2: Minimum Horizontal Separation

<table>
<thead>
<tr>
<th>Height of Existing Facility</th>
<th>Height of Proposed Facility</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Below 75’</td>
</tr>
<tr>
<td>Below 75’</td>
<td>500’</td>
</tr>
<tr>
<td>75’-120’</td>
<td>700’</td>
</tr>
<tr>
<td>Above 120’</td>
<td>900’</td>
</tr>
</tbody>
</table>

b. Horizontal separation distances shall be measured from the base of the mount and shall apply irrespective of jurisdictional boundaries.

c. In the event that an existing PWS facility is non-conforming as to height on the date of adoption of this article, for the purpose of determining the horizontal separation requirement for a proposed facility, the height of the existing facility shall be the maximum height allowed at that location under Sub-Section 5.18.5.2, rather than the actual height of the existing facility.

5.18.5.4 Visual Compatibility

a. To the greatest practical extent, ground-mounted PWS facilities shall be sited where they are concealed from public view by other objects such as trees or buildings.
b. When it is necessary to site the facility in public view, to the greatest practical extent it shall be designed to limit visual impact on surrounding land uses. The use of cross-polarized (dual-polarized) antennas or similar designs that reduce the visual obtrusiveness of the facility is encouraged.

c. To the greatest practical extent, equipment shelters associated with ground-mounted PWS facilities shall be concealed from public view or shall be buffered to be compatible with surrounding land uses.

5.18.5.5 Co-Location

a. Ground-mounted PWS facilities shall be designed to accommodate the following number of users:

<table>
<thead>
<tr>
<th>Mount Height</th>
<th>Number of Users</th>
</tr>
</thead>
<tbody>
<tr>
<td>Below 75’</td>
<td>single user</td>
</tr>
<tr>
<td>75’ - 120’</td>
<td>two users</td>
</tr>
<tr>
<td>Above 120’</td>
<td>three or more users</td>
</tr>
</tbody>
</table>

b. As proof that a proposed facility can accommodate co-location, a registered professional engineer shall certify that the mount has been designed for a loading capacity to support two or more users.

c. The modification or reconstruction of an existing single-user, ground-mounted PWS facility to accommodate the co-location of one or more additional users shall be permitted to a maximum of 20 feet over the height of the original facility without requiring new or additional conditional use approval, or additional horizontal separation, provided that the modification or reconstruction shall not change the type of mount except that any type of mount may be reconstructed as a monopole. The height change may only occur one time per mount and shall be subject to the height limitations of the Polk County Airport Zoning Regulations.

5.18.5.6 Additional Standards for Lake Views

Conditional use consideration shall be required for any ground-mounted PWS facility proposed to be located within 2,000 feet of the water line and within public view of the shores of the following lakes: Lake Beulah, Lake Bonnet, Lake Bonny, Lake Crago, Lake Gibson, Lake Hollingsworth, Lake Holloway, Lake Hunter, Lake Mirror, Lake Morton, Lake Parker and Lake Wire. This standard shall not apply if the proposed facility is located in an industrial zoning district.

5.18.6 STANDARDS FOR UTILITY POLE-MOUNTED FACILITIES

5.18.6.1 General

a. Utility pole-mounted PWS facilities shall be permitted as accessory uses in all zoning districts.
b. Utility pole-mounted PWS facilities are facilities attached to or upon a publicly owned electric transmission or distribution pole, street light, traffic signal, or similar facility located within a public right-of-way or utility easement. The facility shall include any associated equipment shelters regardless of where they are located with respect to the mount.

c. Utility pole-mounted PWS facilities or extensions on utility poles to accommodate the mounting of PWS antennas shall be of the monopole type.

d. Equipment shelters associated with utility pole-mounted PWS facilities which are located outside of the public right-of-way shall meet the setbacks for accessory structures for the zoning districts in which the equipment shelters are located.

5.18.6.2 Maximum Height

Utility pole-mounted PWS facilities may extend a maximum of 20 feet above the top of the original utility pole notwithstanding the maximum heights for ground-mounted facilities established by Sub-Section 5.18.5.2, subject to the height limitations of the Polk County Airport Zoning Regulations.

5.18.6.3 Horizontal Separation

Minimum horizontal separation between utility pole-mounted PWS facilities shall be determined by the location of the existing utility poles.

5.18.6.4 Visual Compatibility

a. To the greatest practical extent, utility pole-mounted PWS facilities shall be sited where they are concealed from public view by other objects such as trees or buildings.

b. When it is necessary to site the facility in public view, to the greatest practical extent it shall be designed to limit visual impact on surrounding land uses. Cross-polarized (dual-polarized) antennas or similar designs that reduce the visual obtrusiveness of the facility are considered visually compatible when mounted on existing utility poles or extensions of existing utility poles and do not require additional review for visual compatibility.

c. Equipment shelters associated with utility pole-mounted PWS facilities which are located within the public right-of-way shall be of a scale and design that make them no more visually obtrusive than other types of utility equipment boxes normally located within the right-of-way. To the greatest practical extent, equipment shelters associated with utility pole-mounted PWS facilities which are located outside of the public right-of-way shall be concealed from public view or shall be architecturally designed or buffered to be compatible with surrounding land uses.
5.18.7 STANDARDS FOR PWS FACILITIES AS CONDITIONAL USES

It is the intent of the City Commission to set forth standards for review, approval, approval with conditions, or disapproval of exceptions to the placement or construction of PWS facilities as permitted by right and the regulations which control the placement or construction of such facilities as contained in this article. These standards are instituted to provide an opportunity to place or construct a PWS facility, which under usual circumstances, could be detrimental to other land uses and cannot normally be permitted, but which may be permitted under circumstances particular to the proposed location and subject to conditions which provide protection to adjacent land uses, which protect the attractiveness, health, safety and property values of the community, which avoid the proliferation of visually obtrusive structures, and which promote the development of an advanced wireless communication infrastructure.

a. Exceptions to the standards for the placement or construction of PWS facilities shall be considered as conditional uses. The conditional use procedure may be considered for the following:

1. Requests for ground-mounted PWS facilities proposed to be located in residential, O-1, C-1, and RC zoning districts and within 2,000 feet of the lakes specified in Sub-Section 5.18.5.6.

2. Requests for exceptions to specific standards established in this Article for maximum height; horizontal separation; separation from residential districts, limited-access highways (including frontage roads), arterial streets and highways and collector streets; and alternatives to the monopole type mount.

b. In addition to the standards set forth in Sub-Section 2.4.4 (Specific Standards for All Conditional Uses), prior to approving any PWS facility as a conditional use, the City Commission shall find, based on competent and substantial evidence, that the proposed facility is located, sited and designed to be compatible with the character of the general area in which it is located, avoids the proliferation of visually obtrusive structures, and promotes the development of an advanced wireless communication infrastructure consistent with the Master Plan for Personal Wireless Service Facilities.

c. In determining whether to grant a conditional use pursuant to this section, the City Commission shall consider the following factors:

1. The height and visual obtrusiveness of the facility;

2. The degree of visibility from the public view;

3. The proximity of the facility to residential structures and residential district boundaries;

4. The character of the uses and structures on adjacent and nearby properties;

5. The character of the land, including topography and tree coverage;
6. The design of the facility with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness; and

7. The degree to which the facility reduces the proliferation of visually obtrusive structures through co-location.

8. Competent evidence that reasonable alternatives to the proposed conditional use do not exist.

d. In addition to the information required on an application for approval of a PWS facility as a conditional use, an applicant may be required to submit information sufficient to evaluate the visual impact of the proposed facility. This may include, but shall not necessarily be limited to photo simulations, photo montage or other techniques to illustrate how the facility will appear from public view.

5.18.8 ADMINISTRATION

5.18.8.1 Building Permit Required

a. It shall be unlawful for any property owner, contractor or PWS provider to erect, construct, alter or relocate within the city any PWS facility without first obtaining a permit from the Building Inspection Division and making payment of required fees.

b. For each PWS facility, the following information shall be submitted in addition to the information required under Sub-Section 12.5.6:

1. Legal description. Including parent tract and any leased parcel.

2. Site plan. Indicating the location, type, height and setbacks of the proposed facility including mounts, foundations, equipment shelters, cable runs, security barriers, access points, buffers and landscaping, property lines and easements, and existing structures. Also, separation distances as required from residential uses, limited-access highways (including frontage roads), arterial streets and highways and collector streets, and existing ground-mounted PWS facilities for new ground-mounted facilities.

3. Front and side elevations. Indicating color and finish of exposed parts, visual screens or enclosures, buffer treatments and lighting. Also, the color, finish and material of the building or structure on which the facility is mounted for structure-mounted facilities.

4. Existing Structures Report. (For new ground-mounted facilities only.) A report inventorying the availability of existing structures, including utility poles, within the applicant’s search area which may serve as alternatives to the proposed ground-mounted facility. The report shall evaluate why the proposed facility cannot reasonably be accommodated on such existing structures.
5. Co-Location Statement. A statement of intent that co-locators will be permitted in cases where facilities are required or proposed to accommodate more than one provider. The positions of anticipated co-locator antennas on the mount and the space provided for co-locator equipment shelters shall be shown on all site plans and elevations.

5.18.8.2 Retention of Technical Experts

The city shall have the right to retain independent technical consultants and experts that it deems necessary to properly evaluate applications for PWS facilities and to charge a reasonable cost for such services to the applicant.

5.18.8.3 Period of Validity

a. A PWS facility that has received conditional use approval or a building permit shall be considered an existing PWS facility as long as such approval is valid and not expired.

b. A conditional use approval or building permit which has been granted for a PWS facility shall cease to be valid if construction of the facility has not commenced within six months of the approval or permit. In the event construction has not commenced within six months, a request for an extension of the building permit may be considered by the Chief Building Official or a request for an extension of the conditional use may be considered by the City Commission.

5.18.8.4 Abandonment

In the event that the use of any PWS facility is discontinued for a period of 180 consecutive days, the facility shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the Director of Community Development who shall have the right to request documentation and/or affidavits from the facility owner/operator regarding the active use of the facility. The owner/operator of the facility shall have 180 days from the date of abandonment to: (1) reactivate the use of the facility or transfer the facility to another owner/operator who makes actual use of the facility, or (2) dismantle and remove the facility. At the earlier of 181 days from the date of abandonment without reactivation, or upon completion of dismantling and removal, any approval for the facility shall automatically expire. If the owner/operator of a facility files a notice of intent to cease operations with the FCC, a copy shall be provided to the City.
5.19 PRODUCE STANDS/MARKETS- TEMPORARY

(Ord. No. 5532, 09-21-15)

5.19.1 DEFINITIONS

Produce Stand/Market: The temporary outdoor retail sale of primarily agricultural products, such as trees, plants, fruits or vegetables, and certain types of “Cottage Food Products” in accordance with Florida Statutes.

(Ord. No. 5532, 09-21-15)

5.19.2 PROCEDURES AND STANDARDS FOR ESTABLISHMENT

a. Where Permitted

Produce stands/markets shall be permitted in commercial zoning districts; Planned Unit Developments or Special Public Interest districts zoned for commercial or mixed uses; schools, places of worship and other non-residential uses in residential zoning districts; and the common areas of multi-family developments containing 100 units or more. Produce stands/markets shall not be permitted where any type of hazardous chemicals or gasoline is sold.

(Ord. No. 5532, 09-21-15)

b. Permit Procedures

1. A produce stand/market shall require a temporary use permit issued by the Director of Community Development or his designee. Permits shall be valid for up to 365 consecutive calendar days. The Director may deny the reissuance of a permit or may revoke a permit if he determines that the produce stand/market has negative impacts on the subject or neighboring properties or is in violation of the standards set forth herein.

(Ord. No. 5532, 09-21-15)

2. Application for a temporary use permit for a produce stand/market shall include:

   (Ord. No. 5532, 09-21-15)

   (a) Proof of the property owner’s consent and owner's contact information.
   (b) A sketch plan showing the property boundaries and proposed access points, tents or other temporary structures, sales areas, parking, signage, utilities and mechanical equipment. The plan shall indicate the setbacks of all structures, equipment and signage from adjacent properties.
   (c) Application fee.
5.19.3 SPECIFIC STANDARDS FOR APPROVAL

a. Hours of operation shall be limited to the hours between 7:00 a.m. and 9:00 p.m.
b. Maximum total sales area shall not exceed 5,000 square feet.
c. Applicable permits shall be obtained for signs, tents and other temporary structures.
d. All waste and debris shall be removed from the site daily.
e. The Community Development Director or designee may place additional conditions or restrictions on the temporary use permit.

(Ord. No. 5532, 09-21-15)

5.20 SIDEWALK CAFES

5.20.1 DEFINITIONS

Sidewalk café: An area, typically open to the elements, in which is contained tables, chairs and other similar facilities for the serving of food and beverages.

5.20.2 PROCEDURES AND STANDARDS FOR ESTABLISHMENT

a. Where Permitted

A sidewalk café may be operated within the public right-of-way in conjunction with a permitted, adjacent, principal restaurant or food service establishment by the owner, operator, franchise holder or other person actually operating and having a Business Tax Receipt at that location, provided a permit for the sidewalk cafe is first issued by the Director of Community Development in accordance with the provisions of this section. The sidewalk cafe use shall be accessory only to a primary use such as a restaurant or food establishment.

b. Permit Procedures

1. The director is authorized to receive applications for the use of public right-of-way as a sidewalk cafe and to issue revocable, annual permits, terminable as provided herein.

2. The director shall review, or cause to be reviewed, the application and all supporting documentation to determine the effect of the sidewalk cafe on the free passage of vehicular and pedestrian traffic and the effects on maintenance, public order and public safety within the right-of-way.

3. The applicant shall submit a site plan, accurately depicting compliance with Sub-Section 5.17.3, the distance from the curbline and from any fire hydrant, planter or other public improvement in the right-of-way and the location and size of any furniture, fixtures, equipment, enclosure or other improvements (site furnishings) to be located within the sidewalk cafe area.
4. The applicant shall submit documentation showing the type, style, color and size of proposed site furnishings. Such documentation may include photos, brochures, manufacturer’s specification sheets or drawings.

5. The applicant shall agree, in writing to indemnify and hold harmless the city, its agents, officials and employees from all personal injury or property damage resulting from the existence or operation of the sidewalk cafe and the condition and maintenance of the public right-of-way upon which it is located.

6. Prior to the city issuing a permit for a sidewalk cafe, the applicant must obtain a single liability and property damage insurance policy listing the city as an additional insured in such coverage amounts and in a form required by the city’s Risk Management Director, as determined to be sufficient to meet the risks and hazards associated with the existence or operation of a sidewalk cafe, or the condition or maintenance of the public right-of-way upon which it is located. A current certificate of insurance evidencing the required coverage and naming the city as a party entitled to receive at least 30 days notice prior to cancellation or modification of such coverage shall be provided to the city’s Risk Management Director. The applicant shall continually maintain the policy during the entire period that the sidewalk cafe is located within the public right-of-way.

7. The applicant shall agree to remove any and all improvements placed in the public right-of-way, pursuant to this section, upon the revocation, termination or expiration of its permit and to return the public right-of-way to its condition which existed prior to the placement of such improvements in the public right-of-way.

8. The applicant shall agree to maintain that portion of the public right-of-way where the sidewalk cafe is located and to discontinue the sidewalk cafe use without compensation there for during such period as may be reasonably necessary for the repair, replacement, renovation, rehabilitation or improvement, by the city, of the public right-of-way there under.

9. The applicant shall meet any and all additional requirements set forth in section 90-1, City of Lakeland, Code of Ordinances.

c. Permit Fee and Duration

No permit shall be issued under this section except upon the payment of a fee in the amount of $100.00 and upon satisfaction of all conditions contained in this article. All permits shall be issued for a period of 12 months and may be renewed annually on the anniversary of the original issue date upon the payment of a fee in the amount of $100.00 and the satisfaction of all conditions required for initial issuance.

d. Revocation of Permit

The director is authorized to revoke any permit issued pursuant to this section if it is determined by the director that:
1. The existence or operation of the sidewalk cafe is in violation of any provision of this section, or other local, state or federal law, ordinance or regulation;

2. Activities carried on at the sidewalk cafe create a public nuisance;

3. The sidewalk cafe becomes unsightly or is maintained in an unsanitary condition;

4. The existence or operation of a sidewalk cafe is shown to be a danger to the public health and safety;

5. There is a failure to use the permitted area for a period of 90 consecutive days;

6. There is a failure to maintain the principal restaurant or food establishment and the requisite permits therefor;

7. There has been a violation of alcoholic beverage laws;

8. There has been an assignment of the permit or the permitted area without the prior consent of the city;

9. There is a failure to maintain required insurance.

Written notice shall be given by regular U.S. mail or hand delivered to the operator or manager of the sidewalk cafe at the address set forth in the permit and shall be made at least 15 days prior to the effective date of the revocation.

5.20.3 SPECIFIC STANDARDS

a. The principal use and the sidewalk cafe shall not be in violation of and shall have complied with applicable provisions of all laws, ordinances, rules and regulations of the city or other governmental authority having jurisdiction.

b. A sidewalk cafe shall not consist of permanent improvements. This requirement does not prohibit the installation of an enclosure as may be permitted by Sub-Section 5.20.3.i.

(Ord. No. 5455, 07-21-14)

c. A permit issued pursuant to this section shall not permit any additional sign as set forth in Section 4.9 or the permitted premises or for the principal use thereof.

d. There shall be no variances for floor area ratio, parking requirements or other land development standards as a result of expansion of the restaurant or food establishment through consideration of the permitted area.
Article 5: Standards for Specific Uses

e. If the sidewalk cafe will offer alcoholic beverages for sale, service or consumption, then the sidewalk cafe shall be a part of a restaurant or food establishment that is otherwise authorized, permitted and licensed under this code or state law to serve and sell alcoholic beverages for consumption on premises.

f. The sidewalk cafe shall be part of the permitted premises, pursuant to applicable provisions of state law.

g. No sidewalk cafe shall be permitted within five feet from the curbline if a parking area is adjacent to the curbline and no sidewalk cafe shall be permitted within seven feet from the curbline if a traffic lane is adjacent to the curbline. No such permit shall authorize the use or obstruction of a sidewalk located within the triangular area at the intersection of two sidewalks, as illustrated in Figure 5.20-1.

h. All site furnishings and enclosures installed by the applicant shall maintain a minimum four feet clear sidewalk or walkway width for pedestrian travel. Such clearance shall be maintained between the edge of the sidewalk cafe and any fire hydrant, planter or other public improvement that is located within the right-of-way.

i. At the option of the applicant, screens, planters, fencing or other material which provides an enclosure of the sidewalk cafe may be permitted. Such enclosure materials shall maintain the clearances specified herein and may be affixed to the sidewalk, provided they are removable and are removed, and the sidewalk repaired to its original condition, upon termination or revocation of the permit or abandonment of the sidewalk cafe.

j. No heating or cooking of food or open flame shall be permitted in the sidewalk cafe area.

k. Site furnishings such as tables, chairs, umbrellas and other fixtures shall be of a uniform design and shall be compatible with the building in which the principal restaurant or food establishment is located. All site furnishings shall be of a commercial, exterior grade that is durable and weather resistant and shall be maintained in good repair.

l. Umbrellas, if used, shall consist of no more than a single color and shall maintain a minimum clearance of seven feet from the bottom edge of the opened umbrella to the sidewalk. Umbrellas shall not include writing, representation, emblem or any figure of similar character.
5.21 SOLAR ENERGY SYSTEMS AND SOLAR POWER GENERATION FACILITIES

5.21.1 SOLAR ENERGY SYSTEMS

5.21.1.1 Intent

It is the intent of this section to establish standards for solar energy systems as an accessory use to any principal use in all zoning districts.

5.21.1.2 Definitions

**Solar Energy System**: A set of components that can collect, store and convert solar energy for the purpose of providing electric generation, water heating, pool/spa heating, space heating or space cooling as an accessory use to a permitted principal use. This definition allows for net metering of any surplus energy to an electric utility provider. A rooftop solar energy system as defined by this section shall allow for the interconnection of the system with an electric utility provider whereby all or part of the electric power that is produced is consumed off-site and is distributed and sold by the electric utility provider.

**Ground Mounted Solar Energy System**: A solar energy system in which the components that collect solar energy are placed on free standing supports, masts or poles on the ground.

**Rooftop Solar Energy System**: A solar energy system in which the components that collect solar energy are placed on the roof of a building or structure. Ancillary equipment used for the purposes of storing solar energy or converting the solar energy to electricity may be located on the ground.
5.21.1.3 Specific Standards

a. Residential Districts

Solar energy systems shall be permitted as an accessory use in all residential zoning districts and within any Planned Unit Development that allows residential uses, subject to the provisions in this section.


   Ground mounted solar energy systems shall be installed in accordance with the setbacks of principal buildings and within required side yards and rear yards subject to the following provisions:

   (a) Minimum street side setback: ............................................................. 20 feet
   (b) Minimum interior or rear setback: ......................................................5 feet
   (c) Maximum height: ........................................... ................................... 10 feet
   (d) Ground mounted solar systems are prohibited within front yards except where the lot depth allows for the placement of the solar system a minimum of 100’ from the front lot line.


   Rooftop solar energy systems shall be installed on principal and accessory structures in accordance with the setback and height limitations of such structures except that the components of the system may exceed the maximum height up to a maximum of 3 feet. In no case shall the solar energy system extend more than 3 feet above the roof or, when placed on a pitched (gable, hip and gambrel) roof, cover more than 50 percent of the roof area of the structure.

b. Non-Residential Districts

1. Solar energy systems shall be permitted as an accessory use in all zoning districts that are not residential districts, subject to the provisions in this section.

2. Ground mounted solar energy systems shall be installed in accordance with the setbacks of principal buildings and within required side yards and rear yards subject to the following provisions:
(a) Minimum interior side and rear setback from non-residential lot line: 15 feet
(b) Minimum interior side and rear setback from residential lot line: 30 feet
(c) Minimum street side setback: 30 feet
(d) Maximum height: 15 feet
(e) Ground mounted solar systems are prohibited within front yards except where the lot depth allows for the placement of the solar system a minimum of 100’ from the front lot line.

3. Rooftop solar energy systems shall be installed on principal and accessory structures in accordance with the setback and height limitations of such structures except that the components of the system may exceed the maximum height up to a maximum of 5 feet. In no case shall the solar energy system extend more than 5 feet above the roof.

c. Historic Districts and Other Special Districts

Solar energy systems that are installed within a designated local historic district and within the Lakeland Downtown Development Authority special taxing district, shall be subject to design review by the board or authority designated to perform such design review.
5.21.2 SOLAR POWER GENERATION FACILITIES

5.21.2.1 Procedures and Standards for Establishment

Solar power generation facilities shall be permitted as a principal use within all industrial zoning districts and within any Planned Unit Development that lists permitted uses as those within an industrial zoning district. Solar power generation facilities shall be permitted as a conditional use within the Limited Development (LD) zoning district except that such facilities shall not be permitted in areas designated Preservation (P). Such facilities shall be subject to the development standards generally applicable to the district in which they are located and to the standards set forth in this section.

5.21.2.2 Definitions

**Solar Power Generation Facility:** A production facility for electric power that utilizes photovoltaic modules (panels) to convert solar energy to electricity whereby all of the electricity that is produced is consumed off-site and is distributed and sold by an electric utility provider. This definition does not preclude the use of photovoltaic modules that are installed on a rooftop in accordance with Sub-Section 5.21.1 and whereby the electric power that is produced is consumed off-site and is distributed and sold by an electric utility provider.

5.21.2.3 Specific Standards

a. All photovoltaic modules (panels) and associated above-ground equipment that is used in the conversion of solar energy to electricity shall be located no closer than 50 feet from all parcel boundaries. This distance may be reduced to 30 feet for interior side yards that are adjacent to property that is zoned for industrial uses.

b. A buffer fence or wall shall be required along all parcel boundaries that are adjacent to or across the street from residentially zoned property or adjacent to a public right-of-way. The buffer wall or fence shall meet the standards of Section 4.5.

5.22 UTILITY AND ESSENTIAL SERVICE FACILITIES, LEVEL I

5.22.1 INTENT AND APPLICABILITY

It is the intent of this section to establish specific development standards for Level I Utility and Essential Service Facilities.

5.22.2 SPECIFIC STANDARDS FOR SAFETY AND SECURITY FACILITIES

Where located adjacent to residential uses, safety and security facilities including police, fire and ambulance facilities shall incorporate a Type A buffer in accordance with Figure 4.5-9. Security fencing may be incorporated in accordance with Section 4.4.
5.22.3 SPECIFIC STANDARDS FOR OTHER LEVEL I UTILITY AND ESSENTIAL SERVICE FACILITIES

a. Where located adjacent to any residential use, all electric substations and all Level I Utility and Essential Service Facilities 3000 square feet or more in area, other than Safety and Security Facilities shall incorporate a Type A buffer in accordance with Figure 4.5-9. Security fencing shall be incorporated in accordance with Section 4.4.

b. All wastewater lift stations and all Level I Utility and Essential Service Facilities less than 3000 square feet in area, other than Safety and Security Facilities: No perimeter buffer required. Security fencing may be incorporated in accordance with Section 4.4.

5.23 VETERINARY CLINICS

5.23.1 PROCEDURES AND STANDARDS FOR ESTABLISHMENT

If permitted by right or as a conditional use in a district, veterinary clinics shall be established subject to the development standards generally applicable in the district as well as the specific standards set forth in Sub-Section 5.23.2. (Ord. No. 5455, 07-21-14)

5.23.2 SPECIFIC STANDARDS

a. Such hospitals and clinics and any treatment rooms, pens, or cages shall be maintained within a completely enclosed, soundproof building.

b. Such hospitals and clinics shall be operated in such a manner as to produce no objectionable odors outside their walls.

c. All buildings shall maintain a minimum distance of 75 feet from any residential property line.
ARTICLE 6: NATURAL RESOURCE PROTECTION STANDARDS

6.1 GENERAL

6.1.1 INTENT

It is the intent of this article to protect, maintain and enhance the health, safety and general welfare of the community by regulating land development activity with the potential of degrading important natural resources. More specifically, it is the purpose of this article to create a clear compilation of regulatory standards which implement the environmental goals, objectives and policies of the Comprehensive Plan.

6.1.2 DEFINITIONS

For the purpose of this article, the following words and terms shall be defined as follows. Where terms are not defined herein and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code. Where terms are not defined in this article or the Florida Building Code, such terms shall have their standard dictionary meaning.

(Ord. No. 5610, 12-20-16)

Adverse Impacts: Any direct or indirect effect likely to cause, or actually causing, a decline in the quality, stability, natural function, diversity or aesthetic value of a natural resource.

Alter: To change, rearrange, enlarge, extend or reduce any land or part thereof.

Alteration of a watercourse: A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

(Ord. No. 5610, 12-20-16)

Aquifer: An underground formation, group of formations, or part of a formation that is permeable enough to transmit, store or yield a quantity of water providing a beneficial use.

ASCE 24: A standard titled Flood Resistant Design and Construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

(Ord. No. 5610, 12-20-16)

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 202.] The base flood is commonly referred to as the "100-year flood" or the “1-percent-annual chance flood.”

(Ord. No. 5610, 12-20-16)
**Base flood elevation:** The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 202.]
*(Ord. No. 5610, 12-20-16)*

**Basement:** The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 202; see “Basement (for flood loads)”].
*(Ord. No. 5610, 12-20-16)*

**Biotechnical Erosion Control Method:** primarily non-structural method of shoreline stabilization which uses native vegetation to stabilize the shoreline substrate.

**Biological Inventory:** A biological inventory prepared for a defined area of land based upon standard in-field methodologies to derive habitat types, species populations, biological interactions and other associated ecological factors.

**Buffer Zone:** An area, exclusive of land development activity, used to visibly separate one use from another or to shield or block noise, lights or other nuisances.

**Contaminant:** An undesirable substance not naturally present or an unusually high concentration of a naturally occurring substance in water, soil, or other environmental medium in addition to regulated substances listed in Table 6.7-1.
*(Ord. No. 5560, 01-19-16)*

**Cut and Fill:** The practice, associated with development, involving the removal of soil or substrate from one area and relocation of that soil to another location for the purpose of land alteration.

**Design flood:** The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 202.]

1. Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or
2. Area designated as a flood hazard area on the community’s flood hazard map, or otherwise legally designated.
*(Ord. No. 5610, 12-20-16)*
**Design flood elevation**: The elevation of the “design flood,” including wave height, relative to the datum specified on the community’s legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building’s perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet. [Also defined in FBC, B, Section 202.]

*(Ord. No. 5610, 12-20-16)*

**Development**: Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

*(Ord. No. 5610, 12-20-16)*

**Discharge**: The release of stormwater by any means into the environment excluding transpiration, evaporation, or natural percolation into the groundwater.

**Encroachment**: The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

*(Ord. No. 5610, 12-20-16)*

**Existing building and existing structure**: Any buildings and structures for which the “start of construction” commenced before September 16, 1981. [Also defined in FBC, B, Section 202.]

*(Ord. No. 5610, 12-20-16)*

**Existing manufactured home park or subdivision**: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before September 16, 1981.

*(Ord. No. 5610, 12-20-16)*

**Expansion to an existing manufactured home park or subdivision**: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

*(Ord. No. 5610, 12-20-16)*

**Flood or Flooding**: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.

**Flood damage-resistant materials**: Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 202.]
Flood hazard area: The greater of the following two areas: [Also defined in FBC, B, Section 202.]
   (1) The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.
   (2) The area designated as a flood hazard area on the community’s flood hazard map, or otherwise legally designated.

Flood Insurance Rate Map (FIRM): The official map of the community, on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study (FIS): The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 202.]

Floodplain Administrator: The office or position designated and charged with the administration and enforcement of this article (may be referred to as the Floodplain Manager).

Floodplain development permit or approval: An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this article.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floodway encroachment analysis: An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

Functionally dependent use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.
Article 6: Natural Resource Protection Standards

Hazardous materials/wastes: Substances or materials which, because of their chemical, physical, or biological nature, pose a potential risk to life, health, or property if they are released. A release may occur by spilling, leaking, emitting toxic vapors, or any other process that enables the material to escape its container, enter the environment, and create a potential hazard. Hazardous materials include, but are not limited to: explosive, flammable, combustible, corrosive, oxidizing, toxic, infectious, poisonous, or radioactive materials that when involved in an accident and released in sufficient quantities put some portion of the general public in immediate danger from exposure, contact, inhalation, or ingestion.

Highest adjacent grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Impervious Surface: Any surface of material that prevents the absorption of water into the underlying soil.

Lake Bottom Construction: The construction, alteration or repair of any shoreline stabilization structure or water access structure.

Land Clearing: The removal of vegetation from any site, parcel or lot, however, land clearing does not include the removal of dead trees or routine mowing, trimming or pruning to maintain vegetation in a healthy, viable condition.

Letter of Map Change (LOMC): An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study.

Light-duty truck: As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
2. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
3. Available with special features enabling off-street or off-highway operation and use.

Lowest floor: The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage.
Article 6: Natural Resource Protection Standards

provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 202.]
(Ord. No. 5610, 12-20-16)

Manufactured home: A structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or “park trailer.” [Also defined in 15C-1.0101, F.A.C.]
(Ord. No. 5610, 12-20-16)

Manufactured home park or subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
(Ord. No. 5610, 12-20-16)

Market value: The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this article, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.
(Ord. No. 5610, 12-20-16)

Natural Resources: Those resources, functions, and forms, concrete or abstract, which are of natural creation or form and which directly or indirectly contribute to the health, safety, general welfare and wellbeing of the community.

New construction: For the purposes of administration of this article and the flood resistant construction requirements of the Florida Building Code, structures for which the “start of construction” commenced on or after September 16, 1981 and includes any subsequent improvements to such structures.
(Ord. No. 5610, 12-20-16)

New manufactured home park or subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after September 16, 1981.
(Ord. No. 5610, 12-20-16)

Ordinary High Water Line: The ten year flood elevation for each respective lake as provided through the Flood Insurance Study or historical city records and is ultimately established by the city Public Works Director.
**Park trailer:** A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in section 320.01, F.S.]

*(Ord. No. 5610, 12-20-16)*

**Physical Protection Devices:** Berms, fences, vegetation, water features, or similar physical barriers established for the purpose of protecting habitat or to minimize disturbance to a protected species.

**Potable Public Groundwater:** All public groundwater supplies meeting the standards of Class II water within Chapter 17, F.A.C. and the drinking water criteria of Health and Rehabilitative Services of the Polk County Health Department.

**Protected Species:** Animal species listed as endangered, threatened, or of special concern by the Florida Game and Fresh Water Fish Commission in Rules 39-27.003, 39-27.004, 39-27.005, Florida Administrative Code.

**Recreational vehicle:** A vehicle, including a park trailer, which is: [see in section 320.01, F.S.]

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

*(Ord. No. 5610, 12-20-16)*

**Regulated Substance:** Any substance listed in Table 6.7-1 that meets or exceeds specified thresholds.

*(Ord. No. 5560, 01-19-16)*

**Setback:** A minimum distance in which a structure or use can be located in proximity to a physical feature or specific boundary (property line, mean high water line).

**Shoreline Stabilization Structure:** Any structure or man-made feature whose purpose is to stabilize the shoreline substrate and protect it from erosion. Shoreline stabilization structures include but are not limited to seawalls, revetments, rip-rap and biotechnical erosion control methods.

**Special flood hazard area:** An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B Section 202.]

*(Ord. No. 5610, 12-20-16)*

**Start of construction:** The date of issuance of permits for new construction and substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180
days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns. (Ord. No. 5610, 12-20-16)

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual “start of construction” means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 202.]
(Ord. No. 5610, 12-20-16)

**Stormwater Runoff:** The total volume of water accumulated over a surface during any form of precipitation resulting in a flowing quantity of water upon a site. Such waters are resistant to percolation into the groundwater due to the saturation of the soil matrix, impervious surface, or the large volume accumulated at the immediate time of occurrence.

**Substantial Damage:** Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. The term also includes flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.
(Ord. No. 5610, 12-20-16)

**Substantial Improvement:** Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred “substantial damage,” any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 202.]

1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided the alteration will not preclude the structure’s continued designation as a historic structure.
(Ord. No. 5610, 12-20-16)

**Surface Waters:** Natural or man-altered lands which are submerged during normal hydroperiods. Surface waters include lakes, ponds, rivers, creeks, canals and ditches. The landward extent of surface waters shall be delineated using methods prescribed in Florida Administrative Code Rule Chapter 17-301.
**Undisturbed Land:** A parcel, lot, or plot of land which has been absent of land use activities for a period exceeding twenty years.

**Water Access Structure:** Any man-made structure which has as its purpose the facilitation of human or vehicular access to surface waters, including, but not limited to, docks, floating docks, piers, mooring pilings, boat ramps, boathouses and boat lifts.

**Watercourse:** A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

*(Ord. No. 5610, 12-20-16)*

**Wetlands:** All areas within dredge and fill jurisdictions of the Department of Environmental Regulation (pursuant to Section 403, Florida statutes); the Army Corp of Engineers (pursuant to Section 404, Clean Water Act, Florida Statutes): or the Southwest Florida Water Management District (pursuant to chapter 40D-4, Florida Administrative Code). These may include, but are not limited to, areas inundated by water periodically through the seasons, characterized by specific vegetation, in the base floodplain or characterized by specific soil types.

### 6.1.3 RULES OF INTERPRETATION

For the purpose of the administration and enforcement of these regulations, unless specifically stated otherwise within this text, the following standard rules of interpretation shall apply to the text hereof.

#### 6.1.3.1 Calculating Time Periods

In calculating any period of time prescribed for or allowed by this regulation, the day of the act, event or default from which the designated period of time begins to run, shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday. Where "working days" are specified for a computation, intermediate Saturdays, Sundays and legal holidays, shall be excluded in the computation.

#### 6.1.3.2 Conflict with Standing Regulations

Where this regulation conflicts with or overlaps other standing regulations, whichever imposes the more stringent restrictions or limitations, shall prevail.

#### 6.1.3.3 Interpretation by City Officials

Notwithstanding specified rules of language or definitions, city permitting agents and city regulatory inspectors shall interpret all conditions, provisions, and standards herein, in a reasonable manner to achieve the goals and purposes intended by this regulation.
6.2  FLOODPLAIN MANAGEMENT

6.2.1  INTENT

The purpose of this section is to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

a. Minimize unnecessary disruption of commerce, access and public service during times of flooding;
b. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
c. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
d. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
e. Minimize damage to public and private facilities and utilities;
f. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
g. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
h. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

(Ord. No. 5610, 12-20-16)

6.2.2  APPLICABILITY

The provisions of this section shall apply to all development that is wholly within or partially within any flood hazard area as established in Sub-Section 6.2.2.3 including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

(Ord. No. 5610, 12-20-16)

6.2.2.2  Coordination with the Florida Building Code

This section is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.

(Ord. No. 5610, 12-20-16)
6.2.2.3 Basis for Establishing Flood Hazard Areas

The Flood Insurance Study for Polk County, Florida and Incorporated Areas dated December 22, 2016, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this section and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Lakeland Planning Division, 228 South Massachusetts Ave, Lakeland, 33801.

(Ord. No. 5610, 12-20-16)

6.2.2.4 Submission of Additional Data to Establish Flood Hazard Areas

To establish flood hazard areas and base flood elevations, pursuant to Sub-Section 6.2.5, the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

a. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this section and, as applicable, the requirements of the Florida Building Code.  
b. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.

(Ord. No. 5610, 12-20-16)

6.2.3 Disclaimer of liability

a. The degree of flood protection required by this section is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This section does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this section.

b. This section shall not create liability on the part of the City or by any officer or employee thereof for any flood damage that results from reliance on this section or any administrative decision lawfully made thereunder.

(Ord. No. 5610, 12-20-16)
6.2.3 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

6.2.3.1 Floodplain Administrator

The Director of Public Works is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.

(Ord. No. 5610, 12-20-16)

6.2.3.2 General

The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this section. The Floodplain Administrator shall have the authority to render interpretations of this section consistent with the intent and applicability subsections and may establish procedures in order to clarify the application of its provisions. Such interpretations and procedures shall not have the effect of waiving requirements specifically provided for in this section without the granting of a variance pursuant to Sub-Section 6.2.7.

(Ord. No. 5610, 12-20-16)

6.2.3.3 Applications and permits

The Floodplain Administrator, in coordination with other pertinent offices of the City, shall:

a. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
b. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this section;
c. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
d. Provide available flood elevation and flood hazard information;
e. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
f. Review applications to determine whether proposed development will be reasonably safe from flooding;
g. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this section is demonstrated, or disapprove the same in the event of noncompliance; and
h. Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this section.

(Ord. No. 5610, 12-20-16)
6.2.3.4 Substantial Improvement and Substantial Damage Determinations

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

a. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
b. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
c. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; for proposed work to repair damage caused by flooding, the determination requires evaluation of previous permits issued to repair flood-related damage as specified in the definition of “substantial damage”; and
d. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this section is required.

(Ord. No. 5610, 12-20-16)

6.2.3.6 Notices and Orders

The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this section.

(Ord. No. 5610, 12-20-16)

6.2.3.7 Inspections

The Floodplain Administrator shall make inspections of all development for which floodplain development permits or approvals are issued. As part of inspecting buildings, structures and facilities exempt from the Florida Building Code and manufactured homes, the Floodplain Administrator shall obtain from permittees certification of the elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

(Ord. No. 5610, 12-20-16)

6.2.3.8 Other duties of the Floodplain Administrator
The Floodplain Administrator shall have other duties, including but not limited to:

a. Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Sub-Section 6.2.3.4;

b. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);

c. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available;

d. Review required design certifications and documentation of elevations specified by this section and the Florida Building Code to determine that such certifications and documentations are complete; and

e. Notify the Federal Emergency Management Agency when the corporate boundaries of City of Lakeland are modified.

(Ord. No. 5610, 12-20-16)

6.2.3.9 Floodplain management Records

Regardless of any limitation on the period required for retention of public records, the City shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this section and the flood resistant construction requirements of the Florida Building Code, including Flood Insurance Rate Maps; Letters of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this section; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this section and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at, 228 South Massachusetts Ave., Lakeland, 33801.

(Ord. No. 5610, 12-20-16)

6.2.4 PERMITS

6.2.4.1 Permits Required

Any owner or owner’s authorized agent (hereinafter “applicant”) who intends to undertake any development activity within the scope of this section, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator.
Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this section and all other applicable codes and regulations has been satisfied.  
(Ord. No. 5610, 12-20-16)

6.2.4.2 Floodplain Development Permits or Approvals

Floodplain development permits or approvals shall be issued pursuant to this section for any development activities not subject to the requirements of the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.  
(Ord. No. 5610, 12-20-16)

6.2.4.3 Buildings, Structures and Facilities Exempt from the Florida Building Code

Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this section:

a. Railroads and ancillary facilities associated with the railroad.
b. Nonresidential farm buildings on farms, as provided in section 604.50, F.S.
c. Temporary buildings or sheds used exclusively for construction purposes.
d. Mobile or modular structures used as temporary offices.
e. Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.
f. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term “chickee” means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
g. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
h. Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
i. Structures identified in section 553.73(10)(k), F.S., are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on Flood Insurance Rate Maps

(Ord. No. 5610, 12-20-16)
6.2.4.4 Application for a Permit or Approval

To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:

a. Identify and describe the development to be covered by the permit or approval.
b. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
c. Indicate the use and occupancy for which the proposed development is intended.
d. Be accompanied by a site plan or construction documents as specified in Sub-Section 6.2.5.
e. State the valuation of the proposed work.
f. Be signed by the applicant or the applicant's authorized agent.
g. Give such other data and information as required by the Floodplain Administrator.

(Ord. No. 5610, 12-20-16)

6.2.4.5 Validity of Permit or Approval

The issuance of a floodplain development permit or approval pursuant to this section shall not be construed to be a permit for, or approval of, any violation of this Code, the Florida Building Codes, or any other ordinance of the City of Lakeland. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.

(Ord. No. 5610, 12-20-16)

6.2.4.6 Expiration

A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

(Ord. No. 5610, 12-20-16)

6.2.4.7 Suspension or Revocation

The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this section or any other ordinance, regulation or requirement of the City of Lakeland.

(Ord. No. 5610, 12-20-16)
6.2.4.8 Other permits required

Floodplain development permits and building permits shall include a condition that all
other applicable state or federal permits be obtained before commencement of the
permitted development, including but not limited to the following:

a. The Southwest Florida Water Management District; section 373.036, F.S.
b. Florida Department of Health for onsite sewage treatment and disposal systems;
   section 381.0065, F.S. and Chapter 64E-6, F.A.C.
c. Florida Department of Environmental Protection for activities subject to the Joint
   Coastal Permit; section 161.055, F.S.
d. Florida Department of Environmental Protection for activities that affect wetlands
   and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers;
   Section 404 of the Clean Water Act.
e. Federal permits and approvals.

(Ord. No. 5610, 12-20-16)

6.2.5 SITE PLANS AND CONSTRUCTION DOCUMENTS

6.2.5.1 Information for Development in Flood Hazard Areas

The site plan or construction documents for any development subject to the
requirements of this section shall be drawn to scale and shall include, as applicable to
the proposed development:

a. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base
   flood elevation(s), and ground elevations if necessary for review of the proposed
   development.
b. Where base flood elevations or floodway data are not included on the FIRM or in
   the Flood Insurance Study, they shall be established in accordance with Sub-Sections
   6.2.5.2.b, or 6.2.5.2.c.
c. Where the parcel on which the proposed development will take place will have
   more than 50 lots or is larger than 5 acres and the base flood elevations are not
   included on the FIRM or in the Flood Insurance Study, such elevations shall be
   established in accordance with Sub-Section 6.2.5.2.a.
d. Location of the proposed activity and proposed structures, and locations of existing
   buildings and structures.
e. Location, extent, amount, and proposed final grades of any filling, grading, or
   excavation.
f. Where the placement of fill is proposed, the amount, type, and source of fill
   material; compaction specifications; a description of the intended purpose of the fill
   areas; and evidence that the proposed fill areas are the minimum necessary to
   achieve the intended purpose.
g. Existing and proposed alignment of any proposed alteration of a watercourse.
The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this section but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this section.

(Ord. No. 5610, 12-20-16)

6.2.5.2 Information in flood hazard areas without Base Flood Elevations (Approximate Zone A)

Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:

a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.

b. Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.

c. Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:

1. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or

2. Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.

d. Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

(Ord. No. 5610, 12-20-16)

6.2.5.3 Additional Analyses and Certifications

As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:
a. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Sub-Section 6.2.5.4 of this section and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.

b. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.

c. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Sub-Section 6.2.5.4.

(Ord. No. 5610, 12-20-16)

6.2.5.4 Submission of Additional Data

When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRM's, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

(Ord. No. 5610, 12-20-16)

6.2.6 Reserved

6.2.7 VARIANCES AND APPEALS

6.2.7.1 General

In accordance with the procedures, powers and duties specified in Section 12.7, the Zoning Board of Adjustment and Appeals is hereby authorized to hear and decide on requests for appeals and requests for variances from the strict application of this section. In reviewing requests for variances, the Zoning Board of Adjustment and Appeals shall consider all relevant factors, including all applicable provisions of the Florida Building Code, this Code, and the following:
Article 6: Natural Resource Protection Standards

6.2.7.2 Conditions for Issuance of Variances

Variances shall be issued only upon determination that:

a. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

b. For proposed development in a floodway, no increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Sub-Section 6.2.5.3.

c. The variance is the minimum necessary, considering the flood hazard, to afford relief.
d. If the request is for a variance to allow construction of the lowest floor of a new
building, or substantial improvement of a building, below the required elevation,
that a written notice from the Floodplain Administrator will be sent to the applicant
for the variance, specifying the difference between the base flood elevation and the
proposed elevation of the lowest floor, stating that the cost of federal flood
insurance will be commensurate with the increased risk resulting from the reduced
floor elevation (up to amounts as high as $25 for $100 of insurance coverage), and
stating that construction below the base flood elevation increases risks to life and
property.

(Ord. No. 5610, 12-20-16; Ord. No. 5695, 2-19-18)

6.2.8 Reserved

6.2.9 BUILDINGS AND STRUCTURES

6.2.9.1 Design and Construction of Buildings, Structures and Facilities Exempt from the Florida
Building Code

Pursuant to Sub-Section 6.2.4.3, buildings, structures, and facilities that are exempt from
the Florida Building Code, including substantial improvement or repair of substantial
damage of such buildings, structures and facilities, shall be designed and constructed in
accordance with the flood load and flood resistant construction requirements of ASCE 24.
Structures exempt from the Florida Building Code that are not walled and roofed buildings
shall comply with the requirements of Sub-Section 6.2.15.

(Ord. No. 5610, 12-20-16)

6.2.10 SUBDIVISIONS

6.2.10.1 Minimum requirements

Subdivision proposals, including proposals for manufactured home parks and
subdivisions, shall be reviewed to determine that:

a. Such proposals are consistent with the need to minimize flood damage and will be
reasonably safe from flooding;

b. All public utilities and facilities such as sewer, gas, electric, communications, and
water systems are located and constructed to minimize or eliminate flood damage;

and

c. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH
and AO, adequate drainage paths shall be provided to guide floodwaters around
and away from proposed structures.

(Ord. No. 5610, 12-20-16)
6.2.10.2 Subdivision Plats

Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

a. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;

b. Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Sub-Section 6.2.5.2.a.; and

c. Compliance with the site improvement and utilities requirements of Section 6.2.11.

(Ord. No. 5610, 12-20-16)

6.2.11 SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS

6.2.11.1 Minimum Requirements

All proposed new development shall be reviewed to determine that:

a. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

b. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

c. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

(Ord. No. 5610, 12-20-16)

6.2.11.2 Sanitary Sewage Facilities

Installation of new septic tank systems is prohibited in the regulatory floodway. All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

(Ord. No. 5610, 12-20-16)
6.2.11.3 Water Supply Facilities

All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

(Ord. No. 5610, 12-20-16)

6.2.11.4 Limitations on Sites in Regulatory Floodways

Fill for structural support of buildings and structures is prohibited in the regulatory floodway. No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Section 6.2.5.3.a. demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

(Ord. No. 5610, 12-20-16)

6.2.11.5 Limitations on Placement of Fill

Subject to the limitations of this section, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code.

(Ord. No. 5610, 12-20-16)

6.2.12 MANUFACTURED HOMES

6.2.12.1 General

All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this section.

(Ord. No. 5610, 12-20-16)

6.2.12.1.1 Limitations on Installation in Floodways

New installations of manufactured homes shall not be permitted in regulatory floodways except within existing approved manufactured home parks or platted manufactured home park subdivisions.

(Ord. No. 5610, 12-20-16)
6.2.12.2 Foundations

All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that are either:

a. Consistent with the site and flood limitations and design criteria and the recommended prescriptive designs specified in FEMA P-85, Protecting Manufactured Homes from Floods and Other Hazards. Foundations for manufactured homes subject to Sub-Section 6.2.12.6 are permitted to be reinforced piers or other foundation elements of at least equivalent strength.

b. Engineered by a licensed design professional for the base flood conditions at the site in accordance with the foundation requirements of ASCE-24, ASCE-7, and this section.

(Ord. No. 5610, 12-20-16)

6.2.12.3 Anchoring

All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

(Ord. No. 5610, 12-20-16)

6.2.12.4 Elevation

Manufactured homes that are placed, replaced, or substantially improved shall comply with Sub-Section 6.2.12.5 or 6.2.12.6, as applicable.

(Ord. No. 5610, 12-20-16)

6.2.12.5 General Elevation Requirement

Unless subject to the requirements of Sub-Section 6.2.12.6, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A).

(Ord. No. 5610, 12-20-16)
6.2.12.6 Elevation requirement for Certain Existing Manufactured Home Parks and Subdivisions

Manufactured homes that are not subject to Sub-Section 6.2.12.5, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

a. Bottom of the frame of the manufactured home is at or above the elevation required in the Florida Building Code, Residential Section R322.2 (Zone A); or
b. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 60 inches in height above grade.

(Ord. No. 5610, 12-20-16)

6.2.12.7 Enclosures

Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322.2 for such enclosed areas.

6.2.12.8 Utility Equipment

Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322.

(Ord. No. 5610, 12-20-16)

6.2.13 RECREATIONAL VEHICLES AND PARK TRAILERS

6.2.13.1 Temporary Placement

Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

a. Be on the site for fewer than 180 consecutive days; or
b. Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

(Ord. No. 5610, 12-20-16)

6.2.13.2 Permanent Placement

Recreational vehicles and park trailers that do not meet the limitations in Sub-Section 6.2.13.1 for temporary placement shall meet the requirements of Sub-Section 6.2.12 for manufactured homes.

(Ord. No. 5610, 12-20-16)
6.2.14 TANKS

6.2.14.1 Underground Tanks

Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

(Ord. No. 5610, 12-20-16)

6.2.14.2 Above-ground Tanks, Not Elevated

Above-ground tanks that do not meet the elevation requirements of Sub-Section 6.2.14.3 shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

(Ord. No. 5610, 12-20-16)

6.2.14.3 Above-ground Tanks, Elevated

Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

6.2.14.4 Tank inlets and vents

Tank inlets, fill openings, outlets and vents shall be:

a. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and

b. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

(Ord. No. 5610, 12-20-16)
6.2.15 OTHER DEVELOPMENT

6.2.15.1 General requirements for Other Development

All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this section or the Florida Building Code, shall:

a. Be located and constructed to minimize flood damage;

b. Meet the limitations of Sub-Section 6.2.11.4 if located in a regulated floodway;

c. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;

d. Be constructed of flood damage-resistant materials; and

e. Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

6.2.15.2 Fences in Regulated Floodways

Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Sub-Section 6.2.11.4.

(Ord. No. 5610, 12-20-16)

6.2.15.3 Retaining Walls, Sidewalks and Driveways in Regulated Floodways

Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Sub-Section 6.2.11.4.

6.2.15.4 Roads and Watercourse Crossings in Regulated Floodways

Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Sub-Section 6.2.11.4. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Sub-Section 6.2.5.3.c.

6.2.15.5 Hazardous Materials

No hazardous materials or waste shall be stored in flood hazard areas.

(Ord. No. 5610, 12-20-16)
6.3 GREEN SWAMP AREA OF CRITICAL STATE CONCERN

6.3.1 INTENT AND APPLICABILITY

a. Intent

The Green Swamp Area of Critical State Concern (ACSC) as defined under Ch. 380, Sec. 5, Florida Statutes, has been identified as a geographical area with special environmental significance and is protected by guiding principles which outline key issues of state concern. This section is established to address minimum standards for development and redevelopment within the ACSC in the City of Lakeland.

b. Applicability

Applies to all public and private land located within the geographic boundaries of the Green Swamp ACSC within the City of Lakeland.

6.3.2 DENSITY AND INTENSITY OF USE

6.3.2.1 Future Land Use Designations

The following Future Land Use designations may be permitted in the Green Swamp ACSC, as defined in the Future Land Use Element of the Comprehensive Plan.

a. Agricultural Residential Low (ARL)
b. Residential Very Low (RVL)
c. Public Institutional (PI)
d. Business Park (BP)
e. Convenience Center (CC)
f. Recreation (R)
g. Conservation (C)
h. Preservation (P)

*(Ord. No. 5522, 07-20-15)*
6.3.2.2 Density and Infrastructure Requirements

**Table 6.3-1: Green Swamp Density And Infrastructure Requirements**

<table>
<thead>
<tr>
<th></th>
<th></th>
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<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>ARL Agricultural Residential Low</td>
<td>1:10 du/ac &amp;/or Agriculture</td>
<td>NO</td>
<td>YES, external only</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>RVL Residential Very Low</td>
<td>1:3 du/ac &amp;/or Agriculture</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>If subdivision 10 ac. +</td>
</tr>
<tr>
<td>PI Public Institutional</td>
<td>N.A.</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>If near SR 33 or I-4</td>
</tr>
<tr>
<td>BP Business Park</td>
<td>N.A.</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>CC Convenience Center</td>
<td>NONE</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>If near SR 33 or I-4</td>
</tr>
<tr>
<td>R Recreation</td>
<td>NONE</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>If near SR 33 or I-4</td>
</tr>
<tr>
<td>C Conservation</td>
<td>1:10 du/ac uplands only; requires conditional use approval</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>If near SR 33 or I-4</td>
</tr>
<tr>
<td>P Preservation</td>
<td>NONE</td>
<td>N.A.</td>
<td>N.A.</td>
<td>N.A.</td>
<td>N.A.</td>
</tr>
</tbody>
</table>

1. Allows 40,000 sq. ft. lots if clustering on uplands, but gross density must remain same.

(Ord. No. 5522, 07-20-15)
6.3.2.3 Permitted Zoning Districts

Table 6.3-2: Green Swamp Permitted Zoning Districts

<table>
<thead>
<tr>
<th>Zoning Districts</th>
<th>Possible Future Land Use Designations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>ARL</td>
</tr>
<tr>
<td>LD</td>
<td>X</td>
</tr>
<tr>
<td>RA-1</td>
<td></td>
</tr>
<tr>
<td>MF-12</td>
<td></td>
</tr>
<tr>
<td>MF-16</td>
<td></td>
</tr>
<tr>
<td>O-1</td>
<td></td>
</tr>
<tr>
<td>O-2</td>
<td></td>
</tr>
<tr>
<td>O-3</td>
<td></td>
</tr>
<tr>
<td>C-1</td>
<td></td>
</tr>
<tr>
<td>C-3</td>
<td></td>
</tr>
<tr>
<td>I-1</td>
<td></td>
</tr>
<tr>
<td>I-2</td>
<td></td>
</tr>
<tr>
<td>PUD2</td>
<td>X</td>
</tr>
</tbody>
</table>

1 Only allowed with conditional use approval.
2 Any proposed changes to an approved, binding PUD development plan will require modification to the PUD.

(Ord. No. 5522, 07-20-15)

6.3.2.4 Prohibited Uses

In addition to those uses that are prohibited by the respective zoning district classification of the property; the following uses shall also be prohibited in the Green Swamp ACSC:

a. Chemical research operations
b. Dry cleaning plants
c. Electric power generation facilities of any type
d. Golf Courses
e. Hazardous substances or materials; no substances or materials shall be stored or used except as they would, in such quantity, be permissible for domestic or household purposes
f. Industrial activities as defined in the Federal EPA’s National Pollution Discharge Elimination System (NPDES) for Stormwater Associated with Industrial Activity (Ch. 40, CFR, Part 122), with the exception of general construction activities
g. Mining
h. Package wastewater treatment facilities; wastewater treatment residuals and the spreading of sludge from septic tanks
i. Petroleum pipelines
j. Petroleum related industries and fuel dealers (not including gas stations)
k. New schools, private or public
l. Wholesale chemical operations
m. Noxious forms of agriculture (specifically, agricultural activity such as crop production, silviculture, cattle grazing/pasture uses and aquaculture uses ARE allowed, but feed lots, poultry farms and similar “noxious” uses shall be prohibited.)
6.3.2.5 Use of Conservation Lands

Conservation land uses on privately owned lands may allow passive recreation uses and up to one unit per 10 acres if clustered on upland areas and outside of wetland and 100 year floodplain areas. Level one Utility and Essential Service Facilities as defined in Article 2, and as permitted by the city and applicable federal, state and/or regional agencies, are permitted in Conservation land uses. Any changes to Utility and Essential Service Facilities shall be subject to state review for impacts to the ACSC.

(Ord. No. 5522, 07-20-15)

6.3.3 DEVELOPMENT REGULATIONS

6.3.3.1 Minimum Lot Size Requirements

Minimum lot size requirements shall be in accordance with the underlying zoning district, except for the following:

LD zoning district, when
Water and wastewater are available ............................................... 5 acres
Water and wastewater are unavailable .......................................... 10 acres
RA-1 zoning district ........................................................................ 14,520 sq. ft. \(^1\)
....................................................................................................... 40,000 sq. ft. \(^2\)

\(^1\) Only permitted with an RVL Future Land Use designation. Central water and wastewater, as well as paved external and internal access roads are required.

\(^2\) Only permitted with an ARL Future Land Use designation. Development must be clustered to meet the open space, wetland and/or floodplain protection requirements. The gross density for the overall development must not exceed the requirements for the applicable Future Land Use designation.

6.3.3.2 Setbacks

The setbacks for principal and accessory structures shall be in accordance with the underlying zoning district classification.

6.3.3.3 Open Space, Lot Coverage and Impervious Surface Ratios

a. The minimum open space, maximum lot coverage and impervious surface ratio requirements shall be in accordance with the underlying zoning district classification, except for the following:
Article 6: Natural Resource Protection Standards

Table 6.3-3: Green Swamp Residential Developments

<table>
<thead>
<tr>
<th>Standard</th>
<th>RA-1</th>
<th>LD</th>
<th>MF-12/MF-16</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Open Space¹</td>
<td>Within ARL – 80%</td>
<td>80%</td>
<td>MF-12 – 0.73</td>
</tr>
<tr>
<td></td>
<td>Within RVL – 30%</td>
<td></td>
<td>MF-16 -0.70</td>
</tr>
<tr>
<td>Maximum Impervious Surface Ratio²</td>
<td>50%</td>
<td>50%</td>
<td>60%</td>
</tr>
</tbody>
</table>

¹Open space is defined as any area of land or water set aside, designated or reserved for public or private enjoyment or use. (NOTE: We have typically treated this as everything except buildings and parking areas, whether paved or unpaved.)

²Impervious surface ratio as defined by the Southwest Florida Water Management District (SWFWMD).

Table 6.3-4: Green Swamp Non-Residential Developments

<table>
<thead>
<tr>
<th>Standard</th>
<th>Zoning District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Lot Coverage</td>
<td>All Commercial</td>
</tr>
<tr>
<td></td>
<td>35%</td>
</tr>
<tr>
<td>Maximum Impervious Surface Ratio</td>
<td>Within BP – 70%</td>
</tr>
<tr>
<td></td>
<td>All Others – 60%</td>
</tr>
</tbody>
</table>

Impervious surface ratio, as defined by SWFWMD.

b. Site plans and subdivision plats shall identify portion of land reserved for open space and shall state “No clearing and no structures of any kind are allowed in the open space area.” Stormwater retention, as allowed by regulatory and permitting agencies, would be permitted in open space areas.

c. At least 10 percent of the above open space requirements for all types of land uses shall be on the uplands portion of the property in order to preserve some portion of original aquifer recharge rates.

d. No variances or waivers shall be granted for open space provisions in the Green Swamp ACSC within the City of Lakeland.

6.3.4 LANDSCAPING

In addition to the landscape requirements established in Article 4, all development and redevelopment in the Green Swamp ACSC shall employ Xeriscaping techniques to reduce water consumption. Xeriscaping, as a method of landscaping that conserves water by clustering plants according to similar sunlight and water needs. Where possible, irrigation systems should use stormwater runoff to irrigate landscaped areas and should preserve existing on-site vegetation.
6.3.5 WATER AND WASTEWATER UTILITY REQUIREMENTS

a. Connection to city wastewater service shall be required where it is available, as defined by Statute. Necessary septic system permits shall be obtained and submitted prior to issuance of a building permit.

b. New septic systems shall not be permitted for non-residential uses.

c. The city shall enforce the cases referred to it by the Polk County Health Department for violations of the Health Department’s special septic system inspection program in the Green Swamp ACSC. That inspection program provides for notices to be mailed every five years to those who have a septic system indicating it must be cleaned and maintained. Failure to meet the inspection program requirements will result in referral to the local code enforcement board for further action and as referred to in City Resolution 4465.

d. Wastewater treatment package plants, if allowed, shall have a minimum treatment capacity of at least 100,000 gallons per day.

6.3.6 ROAD REQUIREMENTS

a. Parking, loading and internal circulation of developments within the Green Swamp ACSC shall be of pervious materials wherever feasible.

b. Paved external and internal access roads are required for all development.

c. In Conservation (C) future land use areas within the Green Swamp ACSC, a single primary access road shall be allowed to access upland areas where upland options are not feasible and where not in conflict with city policies and standards including those for natural resource protection, and as approved by the Public Works Department. Identified wetlands shall not be impacted unless such results in a taking of private property. Any impacts to the 100 year floodplain for such an access road shall be made only as a last resort, shall be minimized and compensated to avoid a taking of property and must include all mitigation measures as required by applicable local, regional and state agencies.

6.3.7 TRANSIT DISTRICT REQUIREMENTS

Submission of a voluntary petition for inclusion into the Lakeland Area Mass Transit District (LAMTD) shall be required for the following developments within the Green Swamp ACSC, prior to issuance of site plan approval, subdivision plat approval or building permit:

a. All development along Interstate 4 or SR 33

b. Any development or redevelopment in a non-residential or multi-family residential zoning district

c. Any residential subdivision of 10 acres or more
6.3.8 WETLANDS AND FLOODPLAIN AREAS

6.3.8.1 Development Criteria

a. No new lots shall be created which are entirely within a wetland or FEMA designated 100-year floodplain area.

b. No development shall be permitted within an identified wetland or within the 100-year floodplain area except where allowed by the applicable federal, state or regional permitting agencies and as specified below. Development shall cluster in non-wetland and non-floodplain areas. All structures (other than pile supported docks) shall be set back a minimum of 50 feet from the most landward extent of a jurisdictional wetland.

c. No disturbance of wetlands within the Green Swamp ACSC is allowed unless authorized or exempted from the regulation by the Florida Department of Environmental Protection, the U.S. Army Corps of Engineers, and the applicable water management district. Evidence of the appropriate permit or exemption shall be required prior to the commencement of development.

d. Where impacts to wetlands cannot be avoided, all permits for an agency with jurisdiction shall be approved prior to the city issuing a final development order. An "intent to issue a final development order" may be issued in writing prior to the issuance of said order if pre-approval is required by an agency with jurisdiction. Consideration of wetland impacts shall include, but not necessarily be limited to, the following circumstances where no reasonable alternative exists:

1. To provide access to the site;
2. To provide necessary internal traffic circulation;
3. To provide necessary utility lines;
4. To provide necessary pre-treated stormwater management;
5. For purposes of public safety;
6. To avoid precluding all beneficial use of the property.

e. All wetland and 100-year floodplain areas must be identified as environmental set-aside areas on all final site plans or subdivision plats.

f. Septic systems shall be set back a minimum of 75 feet from designated wetlands and 100 feet from the high water line of water bodies and outside the 100-year floodplain.

g. A detailed flood insurance study shall be performed for all subdivision proposals and other proposed development with five acres or more of the 100-year floodplain. The study shall be performed in accordance with the Flood Insurance Study Guidelines and Specifications for Flood Contractors (FEMA Publication 37).

h. Subsequent development phases are not exempt from this section if the overall development meets the five acre criterion. If existing subdivisions are proposed for re-platting, the re-platted portion shall be required to comply with this requirement if the re-platted portion meets the five acre criterion.
i. Subdivisions which contain 10 lots or less shall be exempt from these requirements.

j. The construction of a single-family residence on a parcel of land containing five or more acres within the 100 year floodplain which is not part of a subdivision or which is part of a subdivision in existence prior to December 1, 1992, is exempt from this requirement.

k. Wetlands shall be maintained in their natural and unaltered state. However, controlled burns, selective thinning, and ecosystem restoration and maintenance are permissible activities within the wetlands, provided they are performed in accordance with current Silviculture Best Management Practices published by the Division of Forestry. Any isolated wetlands of less than one acre shall be exempt from these requirements.

6.3.8.2 Density Transfers

a. Development within wetland or 100 year floodplain areas may be allowed to transfer density of up to one dwelling unit per 20 acres to contiguous uplands (non-wetland and non-floodplain) areas on property under the same ownership or control.

b. Gross density requirements still apply and open space and impervious surface limits shall be maintained.

c. Lot sizes shall be as governed by the assigned city context classification.

d. Transfers of density shall be noted on the face of the final plat as a restrictive covenant.

6.3.9 STORMWATER MANAGEMENT FACILITIES

a. Stormwater management shall be executed in a manner consistent with the level of service policies in the Infrastructure Element of the Comprehensive Plan. Specifically, all development is required to manage runoff from the 25-year frequency, 24-hour duration design storm event on-site so that post-development runoff rates, volumes and pollutant loads do not exceed pre-development conditions.

b. Stormwater management facilities shall not cause a reduction in the flood storage capacity of the 100 year floodplain.

c. Stormwater management facilities shall be designed to accommodate access for maintenance equipment, and shall facilitate regular operational maintenance including under-drain replacement, unclogging filters, sediment removal, mowing and vegetation control.

d. Prior to final plat or site plan approval, the developer shall ensure that a designated responsible entity, approved by the city for the maintenance of the stormwater management system has been established and is listed on the plat or final site plan.
e. Monitoring and operational requirements for stormwater management facilities shall include the following:

1. Periodic inspections of the system with a written inspection report to the appropriate water management district and a copy sent to Public Works Engineering to ensure that the system is functioning as designed and permitted.

2. Inspection reports will be submitted one year after construction and every year thereafter to the relevant water management district.

3. A registered professional engineer must sign and seal the report certifying the stormwater management system is operational as designed and maintained adequately for that design.

4. Pollution abatement requirements shall be the first one inch (or 2.5 inches times the impervious area) of runoff for the developed site, or as per the regulations of SWFWMD, with this volume being recovered within 72 hours.

5. Projects or portions of projects in Most Effective Recharge Areas must retain three inches of runoff from directly connected impervious areas within the project. Applicants may instead demonstrate that the-post-development recharge will be equal to or greater than the pre-development recharge. Most Effective Recharge Areas are those areas with soils classified by the Soil Conservation Service as Type "A" Hydrologic Soil Group. Directly connected impervious areas are those impervious areas which are connected to the surface water management system by a drainage improvement such as a ditch, storm sewer, paved channel, or other man-made conveyance. Stormwater that is retained must be infiltrated into the soil or evaporated such that the storage volume is recovered within 14 days following a storm event.

6.3.10 LISTED SPECIES SURVEYS

a. To protect fauna and flora species identified as being endangered, threatened, and/or species of special concern by the U.S. Fish and Wildlife Service (USFWS) and/or the Florida Fish and Wildlife Conservation Commission, (FWC), the developer shall perform and pay for listed species survey for the following types of development:

1. Any residential development consisting of 100 acres or more, OR

2. Any residential development of more than 10 lots, OR
3. Any non-residential development in excess of five acres,

   If it is determined that listed species are located on the site, the developer shall prepare a habitat management plan using guidelines and protocols of the FWC and/or USFWS. It shall be the responsibility of the owner and/or developer to notify the city, the FWC and/or the USFWS of proposed development which will affect protected habitat and subsequently prepare and submit the above referenced habitat management plan. Prior to final plat or site plan approval, the city must receive a letter from FWC stating that the proposed Management Plan meets the standards placed on Management Plans by the FWC.

b. Protected habitat, for the purpose of the Management Plan, shall be defined as habitat for endangered, threatened, and/or species of special concern, and in most cases, the specific boundaries of these areas may not be determined until site-specific field inspections are conducted to verify those boundaries. It shall be the responsibility of the owner and/or developer to submit documentation to all relevant review agencies including exhibits, studies, etc., for the purpose of establishing that properties should not be classified as protected habitat for such species.

c. Those properties identified as containing protected habitat shall comply with the following requirements:

   1. Development shall be required to locate on the non-protected habitat portions of a development site. Transfer of residential densities shall be permitted from protected habitat areas to contiguous non-protected habitat areas within the same subdivision, subject to the following:

   2. Residential densities shall be transferred from protected habitat areas to non-protected habitat areas at the underlying density and shall be clustered to the greatest extent possible to protect habitat.

   3. Any transfer of density to facilitate clustering shall not result in lot sizes, or areas per dwelling unit less than that required by this Code (the minimum lot/area size shall be exclusive of the wetland area); for lots utilizing septic tanks, the area shall not be less than 40,000 square feet.

   4. Portions of lots may be platted into habitat areas and shall not be construed as having disturbed the habitat area for a density-transfer provision so long as that portion of the lot does not include any fill, construction, improvements, or other development, and a restriction is placed upon the plat to prohibit such future actions within habitat areas.

   5. All such transfers of density shall be to contiguous property under the same ownership or control and shall only be permitted within a subdivision platted and developed in accordance with this Code. Such transfers shall be noted on the face of the final plat as a restrictive covenant.
6. Commercial and industrial development shall locate on the non-protected habitat portion of a development site.

6.3.11 PERMITTING REQUIREMENTS AND EFFECTIVE DATES

a. In accordance with Chapter 9J-1, F.A.C., the Community Development Department shall render development orders to the State Land Planning Agency (LPA) for development approvals that shall include, but not be limited to:

1. zoning
2. rezoning
3. conditional use
4. variance
5. plat approval
6. major development review
7. community impact assessment
8. building permit
9. fill permit
10. excavation permit
11. land clearing or landscaping permit
12. any change or amendment to a previously issued development order
13. any action that increases the impervious surface
14. any other action having the effect of permitting development

b. It shall be the responsibility of the developer to provide all necessary exhibits, applications, or documents to the City of Lakeland to be included in the development order for rendition to the LPA.

c. City permits will include a reminder note that a development order in the Green Swamp Area of Critical State Concern shall not take effect or be acted upon by the developer until 45 calendar days after rendition to the LPA, unless a later date is specified in the order. If no comments are received from the LPA by the 45th day, the development order may be acted upon.

6.3.11.1 Additional Review Requirements

a. In the Green Swamp ACSC, Planning and Zoning Board review and approval shall be required for all site plans and subdivision plan/plat approvals.

b. Prior to commencement of development, all state and federal permits must be obtained.

c. All development approvals within the Green Swamp ACSC are subject to review and approval by the LPA, up to 45 days after such approvals have been officially rendered to the LPA by the City. The LPA has authority to appeal any development approvals in the ACSC.
6.3.11.2 Application Narrative Requirement

All development, as defined in Section 380.04, FS, with the exception of a single-family dwelling unit and accessory uses, shall submit to the city a project narrative describing the proposed development. This narrative shall also address how their development supports the following State objectives in the Green Swamp Area of Critical State Concern:

a. Minimize the adverse impacts of development on resources of the Floridan Aquifer, wetlands, and flood-detention areas.

b. Protect or improve the normal quantity, quality and flow of ground water and surface water which are necessary for the protection of resources of state and regional concern.

c. Protect or improve the water available for aquifer recharge.

d. Protect or improve the functions of the Green Swamp Potentiometric High of the Floridan Aquifer.

e. Protect or improve the normal supply of ground and surface water.

f. Prevent further salt-water intrusion into the Floridan Aquifer.

g. Protect or improve existing ground and surface-water quality.

h. Protect or improve the water-retention capabilities of wetlands.

i. Protect or improve the biological-filtering capabilities of wetlands.

j. Protect or improve the natural flow regime of drainage basins.

k. Protect or improve the design capacity of flood-detention areas and the water-management objectives of these areas through the maintenance of hydrologic characteristics of drainage basins.

6.4 LAKE AND NATURAL HABITAT PROTECTION

6.4.1 INTENT AND APPLICABILITY

a. Intent

It is the intent of this section to preserve environmentally sensitive or beneficial areas including lakes, lakeshores, wetlands, areas harboring protected species, fisheries and conservation areas.
b. Applicability

The requirements established within this section shall apply to all construction or site alteration activity occurring or proposed upon a site in which the potential exists to impact protected habitat areas defined in this section or to impact a parcel of undisturbed land.

6.4.2 DETERMINATION OF PROTECTED HABITAT BOUNDARIES

It shall be the responsibility of the developer or landowner, the city and all effected regulatory agencies to establish to what extent protected habitat exists upon a site prior to development or site alteration activity. Delineation of a protected habitat area shall be based upon the following criteria:

6.4.2.1 Protected Lakeshores

Protected lakeshores shall exist around the following natural lakes:

a. Lake Beulah  
g. Lake Holloway
b. Lake Bonnet  
h. Lake Hunter
c. Lake Bonny  
i. Lake Morton
d. Lake Crago  
j. Lake Parker
e. Lake Gibson  
k. Lake Wire
f. Lake Hollingsworth

6.4.2.2 Wetlands

Wetland boundaries shall be determined by the compilation of relevant evidence collected by professional in-field survey methods to derive botanical, physical, geomorphological and historic indicators that, when considered by a qualified professional, can delineate an area as a wetland. At a minimum, areas which meet the following established criteria shall be defined as wetlands:

a. Areas within the dredge and fill jurisdiction of the FDEP as authorized by Chapter 403, Florida Statutes;

b. Areas within the jurisdiction of the Army Corp of Engineers as authorized by Section 10, River and Harbor Act; and

c. Areas within the jurisdiction of the Southwest Florida Water Management District pursuant to Chapter 40D-4 and 40D-40, Florida Administrative Code.
6.4.2.3 Protected Species

The city shall reserve the right to require a biological inventory of a development site to be performed in response to the documented presence or sighting of a protected species or based on the size or ecological diversity of the proposed development site. Determination of areas harboring or supporting protected species shall be delineated by standardized field assessments conducted by a qualified professional.

6.4.2.4 Fisheries

Fishery habitats shall include all natural lakes within the corporate limits.

6.4.2.5 Conservation Areas

Conservation areas are designated upon the future land use map of the Comprehensive Plan.

6.4.2.6 Community Development Department Resources

The Community Development Department shall maintain and update maps contained within the Comprehensive Plan showing the general location of each regulated habitat type to the extent of available information. These maps shall be available to the public for reference to general habitat locations, however, habitat area boundaries may be established wherever the criteria for their determination exists.

6.4.3 STANDARDS FOR PROTECTED HABITAT AREAS

6.4.3.1 Identification within the Site Plan Review Process

Development plans submitted for site plan review shall be required to identify the extent and location of any protected habitat (lakeshores, wetlands, protected species, fisheries, conservation areas) areas within the proposed development plan. Failure to indicate these areas may result in the rejection of the site plan.

6.4.3.2 Minimum Setbacks for Protected Lakeshores

a. All commercial, residential and industrial structures, either primary or accessory, shall maintain a minimum landward setback of 50 feet from the ordinary high water line around protected lakeshores. Activity within the fifty foot setback shall be regulated by the following:

1. Gravel paths, non-contiguous wood steps or wood platforms, raised boardwalks, docks and boathouses are exempt from these setback requirements.

2. All ground area within the setback shall be covered with some form of vegetative ground cover. Barren soil shall not be exposed for a period exceeding one day.
3. Pesticides, excluding appropriate herbicides, shall not be used within the setback distance due to their potential to harm the aquatic ecosystem. All required state or federal permits shall be obtained prior to the control or management of any wetland or aquatic plants. Fertilizer products may be applied to this setback area, in amounts prescribed by label, no more than once a year.

4. Variances to the 50 foot lakeshore setback shall be considered based on the relative impact to the water body, existing setbacks on adjacent and nearby properties and in accordance with the process utilized for other variances to zoning setbacks by the Zoning Board of Adjustment and Appeals. Provided, application to the Zoning Board of Adjustment and Appeals shall not be required when application to the City Commission is otherwise required pursuant to Sub-Section 6.4.3.4.e and City Commission approval is secured.

(Ord. No. 5455, 07-21-14; Ord. No. 5579, 05-16-16)

b. It shall be unlawful for any person to build, place or cause to be built or placed any building, house, shed, dock, wharf or any other structure of any kind or nature whatsoever upon the shores or margin of the following parkway lakes: Lake Mirror, Lake Morton, Lake Wire, Lake Beulah, Lake Hunter, Lake Hollingsworth, Lake Bonny and Lake Parker, where such lake is surrounded or bordered by a public collector roadway, as defined in Article 2, without obtaining the proper permits and permissions.

1. All of that certain area within the city, lying within 500 feet of the high water mark and between any public collector roadway, as defined in Article 2, and the waterline of either and all of the above named lakes, is hereby designated for parks and parkways and restricted against the planting of any and all shrubs or plants without a specific permit issued by the City Manager, said permit being valid for sixty days. It being the purpose of this section to establish and maintain a healthy and functioning lake ecosystem and establish a systematic beautification of such area.

2. It shall be unlawful for any person to place or cause to be placed upon the area defined herein, any brush, debris, wood, structure or other thing or object of whatsoever kind or nature except as authorized herein.

3. Nothing herein shall be construed to prohibit the city from building or placing buildings, structures or other objects at such points within the area described in Sub-Section 1 above, when such construction or placement is approved by action of the City Commission. Prior to approval, the City Commission shall determine that the building, structure or other object will not constitute a hazard to or interfere with traffic nor mar the beauty or appearance of the adjacent property or area surrounding the site of said building, structure or other object.
6.4.3.3 Lake Bottom Construction Regulations

This section shall apply to all lake bottom construction, as defined herein, on all lakes and wetlands within the city. In addition to the regulations and approvals required below, specific types of lake bottom construction on the entire lakeshore of the parkway lakes listed in Sub-Section 6.4.3.2 shall be subject to City Commission review and approval. Nothing in this section shall be construed to prohibit the placement of ski ramps upon lakes within the city if the City Commission shall determine that the placement of any such ski ramp will not be detrimental to the public health, safety and welfare, the management of fish and wildlife, or the water quality of the lake.

a. Regulations Applicable to All Lake Bottom Construction

Lake bottom construction shall:

1. Minimize changes in the physical or biological conditions of the natural environment within or adjacent to the area that result in a detrimental effect upon flora, fauna, air, water, minerals or other natural characteristic(s) of the area. Special consideration shall be given to the protection of listed species.

2. Minimize adverse impacts on the natural beauty of wetlands/waters within the city.

3. Minimize adverse impacts on navigability of adjacent waters.

4. Minimize the adverse impacts on traditional and future recreational uses of adjacent wetlands/waters.

5. Minimize adverse impacts on historic resources.

6. Minimize adverse impacts on views from adjacent properties.

7. Be consistent with the Comprehensive Plan.

8. Be maintained in sound condition. All elements, such as railings, planks, pilings, and ornamentation, shall be securely attached. All unsecured, missing, rotten, decayed, or corroded elements shall be repaired or replaced. Any structure deemed to be unsafe by the Building Official shall be restored to a safe and sound condition or shall be demolished.

b. Regulations Applicable to All Water Access Structures

1. All water access structures shall be located along the riparian shoreline where the least destruction will occur to shoreline and aquatic vegetation, and the associated faunal communities.
2. Dredging or filling to provide access from uplands to a water access structure, or to provide access from a water access structure to deeper water, where such access has not previously existed, is prohibited.

3. No water access structure shall include fueling facilities of any kind.

4. No water access structure shall be larger than necessary to provide access to the water for customary recreational purposes.

c. The construction of boat ramps shall be permitted in those surface waters where public access facilities are not available. Where possible, multiple boat ramps shall be consolidated or shared to minimize shoreline disturbance.

d. Standard water access structures are water access structures that meet the following criteria:

1. All decks, platforms, gangways and similar elements of the water access structure shall be no higher than three feet above the Ordinary High Water Line (OHW) except and only where necessary to make a connection to the upland shore.

2. Vertical elements such as pilings and railings shall extend no higher than 3 1/2 feet above the deck, platform, gangway or other surface and shall not include or accommodate non-water dependent structures (e.g. gazebos, screen houses or other enclosed or semi-enclosed structures).

3. The water access structure shall meet the minimum side yard structure setbacks for from the side lot lines of the lot or parcel that the structure serves extended into the water.

(Ord. No. 5579, 05-16-16)

4. The total horizontal area of all decks, platforms, gangways and other surfaces shall not exceed 500 square feet over water.

5. The length of the water access structure shall be no greater than 50 feet over water.

e. Extraordinary water access structures include any water access structures that do not meet the criteria for standard water access structures, including, but not limited to, those with boathouses.

1. Boathouses shall not be larger than the minimum size required to accommodate one watercraft. A boathouse shall not be enclosed or include living quarters. There shall be no fueling facilities in a boathouse located over water.
f. Regulations Applicable to Shoreline Stabilization Structures

1. No shoreline stabilization structure shall be permitted unless the applicant clearly demonstrates that an erosion problem is posing a significant threat to life or property.

2. To the maximum extent possible, shoreline stabilization should be accomplished by using a biotechnical erosion control method which uses appropriate native vegetation.

3. A seawall may be constructed only as a last resort where the applicant shows that neither biotechnical erosion control methods nor rip-rap type revetments will alleviate a significant threat to life or property.

6.4.3.4 Lake Bottom Construction Permit Procedures

It shall be unlawful for any person to erect or deposit any object upon, or fix, fill or otherwise use the bottom of any lake or to construct or alter any water access structure or shoreline stabilization structure within the corporate limits of the city, or cause the same to be done by or through any person, without first obtaining a permit from the City in accordance with the following procedures:

a. All permit applications shall be accompanied by the following information:

1. A location map of the proposed improvement.

2. A detailed statement describing the proposed improvement, including a list of plants to be used for shoreline stabilization, where applicable.

3. Copies of permits from applicable state and federal regulatory agencies. Water access structures over 1,000 square feet must obtain the proper permissions from the Southwest Florida Water Management District and the Florida Department of Environmental Protection before submitting an application to the City of Lakeland. A city permit for lake bottom construction shall be issued only after all required state and federal permits have been obtained.

4. Detailed drawings of the proposed improvement, including construction materials and planting schemes where applicable.

5. Satisfactory evidence of title or other riparian rights of the applicant to the riparian upland ownership or submerged ownership, with a copy of the applicant’s deed in the chain of title.
b. All permit applications shall be submitted to the Building Inspection Division along with the applicable fee. If the submission is determined to be sufficient, the permit application will be reviewed by the Building Official and the Manager of the Lakes and Stormwater Division. Before any permit is issued, the Building Official will review the plans to ensure compliance with applicable building codes; the Manager of Lakes and Stormwater shall make a written determination that all applicable conditions are met. If a negative determination is made as to any applicable condition, the permit shall be denied.


Standard water access structures and shoreline stabilization structures on parkway and non-parkway lakeshores shall require review and approval of the Manager of the Lakes and Stormwater Division and Building Official before a permit is issued. Upon a determination that the permit application is sufficient and all applicable conditions are met, the Building Inspection Division shall provide the required building permits. No further reviews shall be required.

(Ord. No. 5579, 05-16-16)
d. Permitting Procedures for Extraordinary Water Access Structures on Non-Parkway Lakeshores

Extraordinary water access structures on non-parkway lakeshores shall require initial review and approval of the Manager of the Lakes and Stormwater Division and Building Official. Upon a determination that the permit application is sufficient and all applicable conditions have been met, the Building Inspection Division shall send a notice letter by regular mail to all neighbors within 250 feet of the applicant’s property advising them of the proposed structure and of the city’s intention to issue a permit for the structure unless a written request for a public hearing and decision by the Zoning Board of Adjustment and Appeals is received by the Building Inspection Division within 30 days of the date of the letter. If a written request for public hearing is not received within said 30 day period, the Building Inspection Division shall issue a permit for the structure. If a written request for a public hearing is timely received, the Building Inspection Division shall schedule a hearing before the Zoning Board of Adjustment and Appeals and mail notice of said hearing to the permit applicant and all neighbors within 250 feet of the applicant’s property. The Zoning Board of Adjustment and Appeals shall conduct a hearing in accordance with its normal procedures. The Board shall consider the testimony and evidence and determine whether or not all conditions applicable to the structure have been met. If the Board finds that all conditions have been satisfied, it shall approve the application and direct the Building Inspection Division to issue a permit for the structure. If the Board finds that one or more applicable conditions have not been satisfied, the Board shall disapprove the application and direct the Building Inspection Division to deny the permit. The decision of the Zoning Board of Adjustment and Appeals shall constitute
final action by the city and may be appealed in the same manner as any other decision of the Zoning Board of Adjustment and Appeals.

e. Permitting Procedures for Extraordinary Water Access Structures on Parkway Lakeshores

Extraordinary Water Access Structures on parkway lakeshores, as outlined in Sub-Section 6.4.3.2 shall require City Commission review and approval before a permit is issued. The Manager of the Lakes and Stormwater Division and Building Official shall review each application for sufficiency. Upon a determination that the permit application is sufficient for review, the Building Inspection Division shall schedule the application before the City Commission and send a notice letter by regular mail to all property owners within 250 feet of the applicant’s property advising them of the proposed water access structure and of the date and time of the City Commission meeting. Proposed extraordinary water access structures shall be reviewed by both the Lakes and Stormwater Division and the Community Development Planning Division, who shall jointly provide a written recommendation to the City Commission. The City Commission shall consider all relevant public comment and determine whether or not all conditions applicable to the structure have been met. Because of the public significance of parkway lakeshores, the City Commission may also consider any other factor appropriate for legislative consideration, including whether or not the proposed structure furthers or adversely impacts the overall public health, safety and welfare of the city. If the Commission finds that all conditions have been met and that the proposed structure is otherwise appropriate, it shall approve the application and direct the Building Inspection Division to issue a permit for the structure. If the Commission finds that one or more applicable conditions have not been satisfied, or that the proposed structure is otherwise incompatible with the public health, safety and welfare of the City, the Commission shall disapprove the application and direct the Building Inspection Division to deny the permit.

(Ord. No. 5579, 05-16-16)

f. If approved, the Building Inspection Division shall issue a permit subject to the condition that all work shall be fully and completely finished, in accordance with the approved plans, within the period of one year. Permits issued pursuant to this article shall expire if the work authorized by the permit has not commenced within one year.

g. Repair and maintenance of existing structures

A permit shall not be required for the routine repair or maintenance of water access or shoreline stabilization structures constructed pursuant to all other required Federal, State and local permits provided the work does not change the original dimensions, design, or placement of the structure; does not involve the replacement of structural supports; and is necessary to maintain the structure in good condition.

(Ord. No. 5455, 07-21-14)
6.4.3.5 Minimum Standards for Protection Of Wetland Habitats

All residential, commercial or industrial structures are prohibited within the jurisdictional boundaries of a wetland.

6.4.3.6 Lakeshore and Wetland Area Buffer Requirement

A natural vegetative buffer zone of 15 feet measured landward from the ordinary high water line or the delineated boundary of the wetland shall be maintained around all protected lakeshores and wetland areas. This buffer shall exist within the 50 foot lakeshore protection setback area and shall remain undisturbed and free of development activity at all times except for maintenance in the form of trimming.

6.4.3.7 Required Protected Species Habitat Management

Upon completion of an environmental assessment establishing the extent to which a protected species exists upon a site, special management programs shall be created by the developer or landowner to preserve the species upon the site by protection of its supporting habitat. Management programs, implemented in coordination with the development activity, shall use buffer zones, setbacks, conservation areas or easements and physical protection devices to preserve the supporting habitat and prevent disturbance of the species.

6.4.3.8 Protection of Fisheries

Protection of fishery habitats shall be accomplished by following all standards established within these regulations. Measures to ensure surface water quality, lakeshore and conservation area protection shall apply to the preservation of local fisheries.

6.4.3.9 Maximum Allowable Density

Maximum density within a conservation area shall not exceed a gross density of one unit per ten acres. All land development within these areas shall take measures to ensure minimal disruption to the natural environment.

6.5 SITE ALTERATION

6.5.1 APPLICABILITY

A site alteration permit shall be required for all clearing, contouring and grading of land including, but not limited to the alteration of land in preparation for sale or development, the placement or storage of fill, borrow pits, and/or the removal of regulated trees as defined in Section 4.5, regardless of changes to grade. The provisions of this section shall not apply to existing platted lots zoned for single-family or two family dwellings, to bona fide general maintenance or agricultural maintenance not undertaken in association with the preparation of land for sale or development, or to operations necessary for the substantial improvement of existing structures.
6.5.2 SITE ALTERATION PLAN

6.5.2.1 Site Alteration Plan Required

A site alteration plan shall be prepared by a professional engineer, architect or landscape architect registered in the State of Florida based on contours and site feature locations that have been verified, signed and sealed by a land surveyor and mapper registered in the State of Florida. The plan shall not exceed one inch equals 200 feet in scale and shall contain the following information and documentation. For projects requiring site plan review, a separate site alteration plan shall not be required if this information can be shown on the site plan.

a. Existing topography versus graded topography indicated as cut and fill areas (contours shall be shown in one foot intervals);
b. The exact location of drainage basins, streams, channels, floodplains, floodways, wetlands, and lakes, which exist on the site;
c. The location of any protected habitat areas which exist on the site pursuant to the provisions of Sub-Section 6.4.3;
d. An Erosion Control Plan;
e. The location of all regulated trees as defined in Section 4.5; and
f. A legend containing the definition of all symbols used in the layout of the plan, the scale of the map, the orientation and location, including the legal description.

6.5.2.2 Plan Submission

If a separate site alteration plan is required, six copies of the plan shall be submitted to the Building Official who shall transmit copies to the Public Works Department, the Parks and Recreation Department and the Community Development Department for review. One copy shall remain with the Building Inspection Division.

6.5.2.3 Plan Review

The Public Works Department, the Parks and Recreation Department and the Community Development Department shall approve or disapprove the site alteration plan within twenty days of receipt of a complete plan. The basis for approval shall be a finding by the Public Works Department that the plan provides for adequate erosion control, a finding by the Parks and Recreation Department that the plan provides for the protection of regulated trees or compensation for the destruction of regulated trees, and a finding by the Community Development Department that the plan provides adequate habitat protection standards in accordance with this section.

Upon the approval of the plan by all review departments, the Building Official shall issue the site alteration permit. The applicant shall display the permit on the site at all times during site alteration work.

The site alteration permit shall constitute a tree removal permit in accordance with Section 4.5.
6.5.3 EROSION CONTROL STANDARDS

6.5.3.1 Criteria for Erosion Control Devices

Measures of erosion control needed to minimize or eliminate any transfer or removal of soil from a site during a rainfall event shall be established upon all applicable sites. Compilation of all features upon a site may necessitate unified measures of control.

6.5.3.2 Natural Bodies of Water

The use of natural bodies of water for siltation settling ponds shall be strictly prohibited.

6.5.3.3 Development Adjacent to Roadways and Rights-Of-Way

All roads and public rights-of-way shall be protected from the encroachment of any siltation or erosion-created spoils. Any material encroaching upon a roadway or public right-of-way due to the effects of erosion from a private site shall be immediately removed by the owner or developer of the property and all damages compensated or the material will be removed by the city at the expense of the owner or developer.

6.6 SURFACE WATER QUALITY

6.6.1 INTENT AND APPLICABILITY

a. Intent

It is the intent of this section to maintain standards of water quality and quantity within local bodies of water by establishing provisions regulating the management of stormwater within the city.

b. Applicability

1. The requirements established within this section shall apply under the following conditions:

(a) Construction of a structure or the alteration of a site;

(b) Alteration to the rate, volume, and quality characteristics of stormwater runoff occurring upon a site; or

(c) Increase in the amount of impervious surface area upon a site.


The following land development activities are exempt from the stormwater management provisions:
1. A single-family or a single duplex dwelling unit;

2. Any structure constructed prior to the requirement for a stormwater plan;

3. Those projects which have received a Southwest Florida Water Management District permit prior to the adoption of these regulations, including multiple-use developments which have an approved master drainage plan;

4. Maintenance activity that does not change or affect the quality, intensity, volume, or location of stormwater runoff upon the site; and

5. Actions taken under emergency conditions to prevent imminent harm or danger to persons, or to protect property from imminent damage. A report of the emergency action shall be made to the Public Works Department immediately following the event.

All activities which are exempt, nevertheless, are to be accomplished in a manner which prevents flooding of adjacent sites and roadways by stormwater runoff.

6.6.2 STORMWATER MANAGEMENT PLAN

A stormwater management plan shall be prepared for each site proposed for development in accordance with the following:

a. Prior to the issuance of a permit for any construction activity which increases the area of impervious surface, except that deemed exempt, a stormwater management plan shall be submitted to the Public Works Department for review and approval.

b. The stormwater management plan shall be made a part of the required site plan for any proposed alteration, addition, structure or development and shall include the following:

1. All required information pursuant to Southwest Florida Water Management District application requirements for the management and storage of surface waters contained in Chapter 40D, Florida Administrative Code (FAC);

2. The location of all bodies of water and jurisdictional wetlands indicated upon the topographic map required within Chapter 40D, FAC;

3. Any additional stormwater related information that the Public Works Department finds to be necessary for the proper review of the proposed activity; and

4. Certification that the plan was prepared by a professional engineer registered in the State of Florida.
6.6.3 GENERAL STORMWATER MANAGEMENT REQUIREMENTS

6.6.3.1 Maintenance of Pre-Development Standards

The characteristics of stormwater conveyed from the site shall, at a minimum, approximate the volume, quality and intensity that occurred on the site prior to development activity.

6.6.3.2 Water Quality Standards of Treated Stormwater

Treated stormwater standards are set forth and hereby adopted within these regulations by reference to Section 62-25 and Section 62-302 of the Florida Administrative Code.

6.6.3.3 Compliance with State and Regional Regulations

The design and performance of all stormwater management systems shall comply with the following State of Florida regulations:

a. Section 62-25, Florida Administrative Code, regulating stormwater discharge;

b. Requirements of the Southwest Florida Water Management District, Section 40D-4 and 40D-40, Florida Administrative Code; and

c. Chapter 373, Florida Statutes.

6.6.3.4 Intergovernmental Coordination of Approval

Prior to approval by the Public Works Department, the stormwater management plan shall be reviewed and its approval documented by all other governmental authorities having jurisdiction. Approval by such authorities shall be a mandatory requirement prior to obtaining a building permit from the city. Government agencies which may have authority include:

a. Florida Department of Transportation (FDOT);

b. Southwest Florida Water Management District (SWFWMD);

c. Florida Department of Environmental Protection (FDEP);

d. Polk County Board of County Commissioners (BOCC);

e. Army Corp of Engineers (ACOE); and

f. The Environmental Protection Agency (EPA).
6.6.4 STORMWATER MANAGEMENT SYSTEM STANDARDS

6.6.4.1 Minimum Design Standards for Stormwater Systems

All structures required as necessary devices within a stormwater management system shall be designed and constructed so as to conform with the Engineering Standards Manual.

6.6.4.2 Certification of Established Systems

The design and construction of the proposed stormwater management system shall be certified as meeting the requirements of this section by a professional engineer registered in the State of Florida.

6.6.4.3 Systems within Phased Developments

In phased developments, stormwater systems for each integrated phase shall be independently functional unless specific development provisions are approved by the Public Works Department.

6.6.4.4 Access to Stormwater Structures

All man-made components within a stormwater management system shall be easily accessible for maintenance by streets, public rights-of-way or access easements.

6.6.4.5 Responsibility for Maintenance

It shall be the landowner who is responsible for maintenance of the established stormwater management system and structures therein unless legal and binding agreements are established to transfer this responsibility.
6.7 WELLHEAD AND AQUIFER PROTECTION

6.7.1 INTENT AND APPLICABILITY

a. Intent

It is the intent of this section to preserve the quality and availability of safe drinking water by protecting large capacity wells and areas of high aquifer recharge from the potential of contamination and degradation due to the proximity of specific land uses or activities. The Community Development Department shall review applicable development activity for conformance with this section.

b. Applicability

The requirements of this section shall apply to non-residential uses and to the construction or expansion of any non-residential structure or any impervious surface, or any change in use involving such structure or site, if any part of the development site (lot or parcel) falls within a Wellhead Protection Zone or within a designated area of high aquifer recharge as defined herein.

(Ord. No. 5560, 01-19-16)

6.7.2 WELLHEAD PROTECTION STANDARDS

6.7.2.1 Wellhead Protection Zones

Wellhead Protection Zones having a radius of 500 feet around each public potable water wellhead possessing a pumping capacity of one million gallons a day or greater shall be delineated on the Official Zoning Map.

6.7.2.2 Prohibited Uses within Wellhead Protection Zones

The following uses, temporary or permanent, shall be prohibited, unless a facility is an Existing Installation as defined by F.A.C. Chapter 62-521.200:

a. Sanitary landfills and junk yards;

b. Wastewater treatment plants;

c. Petroleum storage and distribution facilities as a primary use and all underground fuel, petroleum or chemical storage facilities;

d. Dairy farming;

e. Agricultural land treated with any regulated substance listed in Table 6.7-1;

f. Land uses incorporating deep penetration injector wells; and

p. Facilities which store, process, or handle any hazardous, toxic or medical waste.
### Table 6.7-1: REGULATED SUBSTANCES

<table>
<thead>
<tr>
<th>Substance</th>
<th>Threshold</th>
<th>Substance</th>
<th>Threshold</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acid and basic cleaning solutions</td>
<td>10 gal.</td>
<td>Liquid storage batteries</td>
<td>10 gal.</td>
</tr>
<tr>
<td>Antifreeze and coolants</td>
<td>10 gal.</td>
<td>Medical, pharmaceutical, dental, veterinary and hospital solutions</td>
<td>10 gal.</td>
</tr>
<tr>
<td>Arsenic and arsenic compounds</td>
<td>10 gal.</td>
<td>Mercury and mercury compounds</td>
<td>10 lbs.</td>
</tr>
<tr>
<td>Bactericides, algaecides</td>
<td>10 gal.</td>
<td>Metal finishing solutions</td>
<td>10 gal.</td>
</tr>
<tr>
<td>Brake and transmission fluids</td>
<td>10 gal.</td>
<td>Oils</td>
<td>10 gal.</td>
</tr>
<tr>
<td>Brine solution</td>
<td>10 gal.</td>
<td>Painting solvents</td>
<td>10 gal.</td>
</tr>
<tr>
<td>Casting and foundry chemicals</td>
<td>10 gal.</td>
<td>Paints, primers, thinners, dyes, stains, wood preservatives, varnishing and cleaning compounds</td>
<td>10 gal.</td>
</tr>
<tr>
<td>Cleaning solvents</td>
<td>10 gal.</td>
<td>PCBs</td>
<td>10 gal.</td>
</tr>
<tr>
<td>Corrosion and rust prevention solutions</td>
<td>10 gal.</td>
<td>Pesticides and herbicides</td>
<td>10 gal.</td>
</tr>
<tr>
<td>Cutting fluids</td>
<td>10 gal.</td>
<td>Photo development chemicals</td>
<td>10 gal.</td>
</tr>
<tr>
<td>Degreasing and parts cleaning solvents</td>
<td>10 gal.</td>
<td>Plastic resins, plasticizers &amp; catalysts-thin liquids</td>
<td>10 gal.</td>
</tr>
<tr>
<td>Electroplating solutions</td>
<td>10 gal.</td>
<td>Poisons</td>
<td>10 gal.</td>
</tr>
<tr>
<td>Fertilizers - liquid</td>
<td>10 gal.</td>
<td>Polishes - liquid</td>
<td>10 gal.</td>
</tr>
<tr>
<td>Food processing wastes</td>
<td>10 gal.</td>
<td>Pool chemicals - liquid acid</td>
<td>10 gal.</td>
</tr>
<tr>
<td>Formaldehyde</td>
<td>10 gal.</td>
<td>Radioactive sources - liquids</td>
<td>10 gal.</td>
</tr>
<tr>
<td>Fuels &amp; fuel additives (except pressurized fuels)</td>
<td>10 gal.</td>
<td>Radioactive sources - solids</td>
<td>10 lbs.</td>
</tr>
<tr>
<td>Glues, adhesives and resins</td>
<td>10 gal.</td>
<td>Reagents and standards</td>
<td>10 gal.</td>
</tr>
<tr>
<td>Hazardous Waste</td>
<td>10 gal.</td>
<td>Roofing chemicals and sealers</td>
<td>10 gal.</td>
</tr>
<tr>
<td>Hydraulic fluid</td>
<td>10 gal.</td>
<td>Stripping compounds</td>
<td>10 gal.</td>
</tr>
<tr>
<td>Indicators</td>
<td>10 gal.</td>
<td>Tanning industry chemicals</td>
<td>10 gal.</td>
</tr>
<tr>
<td>Industrial &amp; commercial janitorial supplies</td>
<td>10 gal.</td>
<td>Transformer &amp; capacitor oils/fluids &amp; PCBs</td>
<td>10 gal.</td>
</tr>
<tr>
<td>Industrial process chemicals</td>
<td>10 gal.</td>
<td>Waste oils and antifreeze</td>
<td>10 gal.</td>
</tr>
<tr>
<td>Industrial sludges and stillbottoms</td>
<td>10 gal.</td>
<td>Water/ wastewater treatment chemicals/liquid</td>
<td>10 gal.</td>
</tr>
<tr>
<td>Laboratory chemicals</td>
<td>10 gal.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
6.7.2.3 Wellhead Protection Zone Operating Permit

Any non-residential use, temporary or permanent, that is located within a wellhead protection zone shall require a wellhead protection zone operating permit. Construction activities do not require a wellhead protection zone operating permit; however, construction sites are subject to Regulated Substances Containment in accordance with Sub-Section 6.7.2.4 of this code. Uses requiring a permit shall include, but not be limited to, the following:

a. Commercial laundry, dry cleaning, dyeing processes, textile manufacturing;

b. Printing, photographic processing, and paper manufacture;

c. Herbicide, fertilizer and pesticide manufacturing or distribution;

d. Manufacturing or distribution of chemical products, plastics or other general manufacturing which may or may not use any of the regulated substances listed in Table 6.7-1; and

e. Uses associated with automobile maintenance, storage and repair.

Application for a wellhead protection zone operating permit shall be made through the Water Utilities Department in accordance with such submittals and procedures as the department shall require.

(Ord. No. 5560, 01-19-16)

6.7.2.4 Restricted Use Operating Permit

Secondary containment is required for the storage, use or production of any regulated substance within a wellhead protection zone that meets or exceeds the threshold limits listed in Table 6.7-1. Secondary containment shall meet the requirements found in the wellhead protection zone operating permit application.

(Ord. No. 5560, 01-19-16)

6.7.2.5 Wellhead Protection Non-Compliance

The City may issue a cease and desist order to a developer or landowner in the interest of enforcing the provisions of these regulations. A cease and desist order may be issued when the impact of an existing activity or the impact of a development activity violates the provisions of this article. If necessary, enforcement action may be taken in accordance with Florida Law.

(Ord. No. 5560, 01-19-16)
6.7.3 AQUIFER RECHARGE PROTECTION STANDARDS

In the event that any areas of high aquifer recharge are determined by the Southwest Florida Water Management District to exist upon a property within the corporate limits, the city shall reserve the right to limit land use intensity and set specific standards regulating stormwater management upon the affected parcels.

6.7.4 PREVENTION OF SINKHOLE CONTAMINATION

Sinkholes, sinks and similar karst formations, having direct connection with the aquifer system, shall be protected from contamination by the following:

6.7.4.1 Stormwater Contamination

Stormwater runoff shall be prohibited from direct or indirect discharge into any geological feature possessing unrestricted connection to an aquifer system or any channeling structure that directly achieves this action. Exceptions may be considered pursuant to Chapter 17-25, Florida Administrative Code, if pre-development standards of runoff warrant such an exemption of treated stormwater runoff.

6.7.4.2 Fill Material

Material to be used for the purpose of bulk fill of an sinkhole cavity shall be clean and free of the following contaminants:

a. All regulated substances listed in Table 6.7-1;

b. All petroleum based products including tar and roofing material; and

c. Biological wastes.

6.7.4.3 Fill Material

Material to be used for the purpose of bulk fill of an sinkhole cavity shall be clean and free of the following contaminants:
6.8  ENFORCEMENT

6.8.1  ENFORCEMENT

6.8.1.1  Stop Work Order

The city may, at any time during development or site alteration activity, reserve the right to issue a stop work order to a developer or landowner in the interest of enforcing the provisions of these regulations. A stop work order may be issued when the impact of a development activity violates the purpose or provisions of this article. This may include the following:

a. Non-compliance with the requirements of this article;

b. Documented or verifiable evidence reveals the presence of a protected species or protected habitat on a site not recognized or specifically reviewed in the site alteration plan;

c. Habitat management programs have not been implemented according to pre-development approval conditions;

d. Erosion control devices have not been established pursuant to the approved site alteration plan;

e. Improper use, disposal, handling or spillage of regulated substances, construction supplies or other materials which may result in an adverse impact upon a natural resource protected within these regulations; or

f. Necessary permits from state or regional government agencies have not been properly obtained.

6.8.1.2  Removal of a Stop Work Order

The Stop Work Order can only be removed by fulfilling all remedial requirements and compliance with the provisions of these regulations.

6.8.1.3  Monitoring

Management measures implemented or devices required by these regulations shall be subject to spot inspections by the city. Violations may be recorded at any time and referred to the Code Enforcement Board.
6.8.2 VIOLATIONS AND PENALTIES

6.8.2.1 General Violations

A violation against any provision of these regulations may be held as grounds for denying or repealing a development permit.

6.8.2.2 Repeated Non-Compliance

Any owner, developer, or other party representing a site which does not conform to the provisions of this article shall be referred to the Code Enforcement Board. The board shall have the authority to impose a re-occurring daily fine for non-compliance.
ARTICLE 7:  PLANNED UNIT DEVELOPMENT STANDARDS

7.1 INTENT AND APPLICABILITY

It is the intent of this article to provide procedures and standards for the creation of Planned Unit Development zoning districts as an alternative to conventional zoning districts. PUD zoning is intended to facilitate flexibility to respond to special circumstances and to promote design innovation that provides qualitative improvement over normal design standards. It is the intent of this article that PUD districts shall respect the intent of the conventional zoning district and context sub-district, be compatible with adjacent land uses and zoning and conform to the Comprehensive Plan. Areas shall be zoned Planned Unit Development District only upon a determination that the criteria in Section 7.2 are or will be met.

A Planned Unit Development is a development which conforms to all of the following:

a. It is a development which is planned and carried out under unified control in a single development operation or an approved series of development operations.

b. It is a development which includes principal and accessory uses and structures which are compatible with the character of the development itself and the surrounding area of which it is part.

c. It is a development which is carried out according to comprehensive plans.

d. It is development which includes a program for the full maintenance and operation of common areas, common improvements or common facilities if any such areas, improvements or facilities are included in the development.

7.2 STANDARDS FOR PLANNED UNIT DEVELOPMENT ZONING

7.2.1 GENERAL

7.2.1.1 Unified Control

The City Commission shall enact PUD zoning only after making a determination that the proposed development will be carried out under unified control in a single development operation or an approved series of development operations. For the purposes of this section, unified control shall mean control which is:

a. Exercised by a controlling entity such as a person, corporation or partnership or a group of persons, or partnerships;

b. Sufficient to enable the controlling entity to ensure the planned unit development will be completed in full compliance with the enacted Site Development and Standards Plan and any conditions attached thereto by the city pursuant to enactment; and
c. Evidenced by city-approved agreements, contracts, covenants, deed restrictions, sureties and other instruments which bind the controlling entity and all existing and successive holders of title to the subject property to full compliance with the enacted detailed Site Development and Standards Plan and any conditions attached thereto by the city pursuant to enactment.

7.2.1.2 Use Compatibility

The City Commission shall enact PUD zoning only after making a determination that the proposed uses and the density or intensity of use are consistent with the Lakeland Comprehensive Plan and are compatible with surrounding land uses.

7.2.1.3 Environmental Compatibility

The City Commission shall enact PUD zoning only after making a determination that the site conforms to the following criteria:

a. It is suitable for development in the manner proposed without hazards to any persons or property from possible flooding, erosion, or other dangers greater than would result from conventional development which could be approved pursuant to the Comprehensive Plan; and

b. Its soils, ground water, drainage and topography are appropriate to the kind and pattern of use proposed. Such a determination shall be based on a consideration of all relevant information that can be obtained about the site, including any special surveys, samples and tests of site, including any special surveys, samples and tests of site characteristics which the city deems necessary.

7.2.1.4 Site Development and Standards Plan

The City Commission shall enact PUD zoning only after making a determination that the Site Development and Standards Plan to be incorporated in the enacting ordinance fulfills the requirements of this code, is consistent with the Comprehensive Plan, and otherwise promotes the public health, safety and welfare.

7.2.1.5 Assurances

The City Commission shall enact PUD zoning only after making a determination that there are assurances which guarantee, insofar as is practical and necessary, that development of the subject property will proceed according to the Site Development and Standards Plan. Such assurances may include performance guarantees, bonds, letters of credit and other financial instruments as well as the agreements, contracts, covenants, deed restrictions and similar instruments included as part of the Site Development and Standards Plan.
7.2.1.6 Dedication of Public Facilities and Sites

The City Commission shall enact PUD zoning only after making a determination that the need for public facilities and services generated by the proposed PUD will be adequately met. The City Commission may make such a determination conditional upon the dedication of public facilities and/or public facility sites including but not limited to facilities and sites for parks, schools, public safety, and vehicular and pedestrian traffic.

7.2.1.7 Maintenance Provisions

The City Commission shall enact PUD zoning only after making a determination that there is a feasible program for the full maintenance and operation of common areas, common improvements and common facilities if any such areas, improvements or facilities are included in the Site Development and Standards Plan. The program for maintenance and operation shall include provision for the city to assess private property with an interest in common open space for the cost of maintenance in the event that inadequate private maintenance results in a public nuisance.

7.2.1.8 Minimum Land Area Requirements

There shall be no minimum land area requirements for a Planned Unit Development.

7.2.2 USE RESTRICTIONS

7.2.2.1 Principal Uses Permitted by Right

Provided that it is consistent with the Comprehensive Plan, any use permitted by this Code in any other district may be permitted in a Planned Unit Development. However, the uses permitted on any specific parcel of land or portion thereof shall include only those uses which are specifically listed as permitted on that parcel or portion thereof by the applicable Site Development and Standards Plan. Uses not specifically listed shall not be permitted.

7.2.2.2 ACCESSORY USES, BUILDINGS AND STRUCTURES PERMITTED BY RIGHT

Provided that it is consistent with the Comprehensive Plan, any use, building or structure permitted as an accessory use in any other district of this code shall be permitted as an accessory to such other use, building or structure in a Planned Unit Development District.

7.2.3 DEVELOPMENT REGULATIONS

7.2.3.1 Lot Area, Setback, Height

Lot area, setback, height and other development regulations applicable to individual lots within a planned unit development shall be established by the Site Development and Standards Plan.
Access Requirements

Every dwelling unit or other use shall have access to a public street, either directly or by a private road, pedestrian way, court or other specifically designated area.

Internal Street Design, Construction and Width Requirements

a. Internal Street Construction Requirements

Internal streets which are dedicated to public use shall be constructed according to the Article 9 (Subdivision Regulations). Internal streets which are reserved for private use shall be constructed with subgrade, base and surface combinations meeting minimal structural requirements established by the Public Works Department.

b. Internal Street Width Requirements

Right-of-way and pavement widths shall be determined according to function and anticipated traffic volume.

Underground Installation of Utilities

Underground installation shall be required for all utilities including, but not limited to, telephone lines, television cable lines and electrical lines. The following facilities may be installed above ground:

a. Those primary facilities which provide service directly to a planned unit development site from outside the development and those which carry service across a planned unit development from one location outside the development to another location outside the development; and

b. Utility system appurtenances which are required to be placed at grade level for service purposes.

Applicability of Other Zoning Regulations

PUD zoning is generally intended as an alternative to use and development standard regulations which are set forth in articles applying to specific zoning districts. PUD zoning is not generally intended to substitute for other regulations of this code. Accordingly, all regulations of this code shall apply to planned unit developments unless the Site Development and Standards Plan and any conditions attached thereto specifically provide alternative regulations.
7.3 PROCEDURES FOR ENACTING PLANNED UNIT DEVELOPMENT ZONING

7.3.1 GENERAL

PUD zoning shall be enacted following the same general procedures set forth in Article 11 for land development code amendments. However, the additional provisions set forth in this section shall also apply.

7.3.1.1 Conditions

The City Commission may attach suitable conditions which shall be binding upon the applicant and any successors in interest. Any such conditions shall be incorporated in the ordinance enacting PUD zoning for the subject property.

7.3.1.2 Concept Plan Review

Prior to submitting an application for PUD zoning or for modification of existing PUD zoning, the applicant shall submit concept plans for review and comment by applicable city departments in accordance with administrative procedures established for concept reviews. The purpose of such review is to provide applicants and their agents with information which will help in the preparation of a PUD zoning petition that conforms to the requirements of this code. At a minimum, concept plans shall:

a. Include a map showing dimensioned boundaries of the subject parcel or parcels, all existing streets, buildings, water courses, and other relevant existing physical features in and adjoining the project;

b. Designate various modules of land, the approximate acreage of each and the use or uses to which each module of land will be put;

c. Designate the number of residential units or the gross square footage of nonresidential uses in each module;

d. Designate the location and size of thoroughfares and other vehicular and pedestrian circulation facilities to be located in the planned unit development; and

e. Include such other information as may be required by the city to determine conformance with standards of this code.

7.3.1.3 Planning and Zoning Board Action

Upon review of an application for planned unit development zoning and completion of one or more public hearings as required by this code, the Planning and Zoning Board shall:

a. Recommend enactment of a requested planned unit development zoning if it determines that the requested zoning will conform to the criteria set forth in Section 7.2.
7.3.1.4 Disposition of PUD Zoning Application Following Planning and Zoning Board Action

If the Planning and Zoning Board denies an application for planned unit development zoning, the application shall not be considered by the City Commission except pursuant to an appeal filed in accordance with Article 11. If the Planning and Zoning Board recommends enactment or enactment subject to conditions, the application shall be considered by the City Commission pursuant to Section 7.2 and Article 11.

7.3.1.5 City Commission Action

Upon review of an application and Planning and Zoning Board recommendations and upon completion of one or more public hearings as required by this code, the City Commission shall:

a. Enact the requested planned unit development zoning if it determines that the requested zoning will conform with the criteria set forth in Section 7.2;

b. Enact the requested planned unit development zoning subject to conditions if it determines that the requested zoning subject to said conditions will conform with the criteria set forth in Section 7.2 and that the applicant accepts the conditions; or

c. Deny the requested zoning if it determines that the requested zoning does not conform to the criteria set forth in Section 7.2 or that the applicant does not accept conditions which will result in conformity to the criteria.

7.3.2 PUD APPLICATION REQUIREMENTS

a. Applicants for PUD zoning shall submit the same information required for a rezoning pursuant to the provisions of Article 11.

b. Applicants for PUD zoning shall also submit a Site Development and Standards Plan which shall at a minimum:

1. Include a legal description of the subject parcel or parcels along with the total acreage of each parcel;
2. Include a map showing dimensional boundaries of the subject parcel or parcels, all existing streets, easements, buildings, water courses, and other relevant existing physical features in and adjoining the project;

3. Designate various modules of land and the acreage of each;

4. Designate the use or uses to which each module of land will be put;

5. Designate the number of residential units of various types along with the gross residential density to be located in each module of land;

6. Designate the square footage of gross building area to be devoted to each type of residential and non-residential use in each module;

7. Include alternative development regulations which provide at least as much development guidance as would conventional zoning regulations and a justification statement outlining why such alternative regulations should be granted;

8. Designate the location and size of thoroughfares and other vehicular and pedestrian circulation facilities to be located in the planned unit development;

9. Designate the location and size of main sewer, water, electrical and other utility lines to serve the site;

10. Include such agreements, contracts, covenants, deed restrictions, and other instruments which the city may require to bind the controlling entity and all existing and successive holders of title to the subject property to full compliance with the enacted development standards plan and any conditions attached thereto by the city pursuant to enactment;

11. Include a schedule for completion of the planned unit development in a single development operation or in a programmed series of development phases; and

12. Include such additional development details or other documentation as may be deemed necessary by the city to determine compliance with all requirements of this code. Such additional development details may, but will not necessarily include, property surveys, subdivision plats and subdivision construction plans, utility plans, site plans, building elevations, and building floor plans.

7.4 EFFECT OF PLANNED UNIT DEVELOPMENT ZONING

7.4.1 SITE PLAN REVIEW AND APPROVAL REQUIRED

After a parcel or group of parcels has been zoned as a PUD, all improvements not subject to review and approval pursuant to the subdivision regulations of this code shall be subject to site plan review. Except, however, site plan review shall not be required:
a. For the construction of single-family and two-family dwellings and related improvements on lots designated by the Site Development and Standards Plan for such purposes; or

b. For the construction of any improvements which are specified in the Site Development and Standards Plan to a level of detail equal to or greater than is required pursuant to the site plan review provisions of this code.

7.4.2 CHANGES TO SITE DEVELOPMENT AND STANDARDS PLANS, CONDITIONS AND COVENANTS

Proposed changes to PUD Site Development and Standards Plans, conditions, covenants and any other provision incorporated as part of the ordinance enacting PUD zoning for a particular parcel or parcels, shall be reviewed by the Director of Community Development to determine whether the change is a major or minor modification from previously approved plans or conditions. Any modification of an approved PUD plan which involves a change in land use shall be considered a major modification. Other modifications may be declared major modifications if the Director of Community Development determines they deviate substantially from an approved PUD plan. Requests for major modifications shall follow the same procedure set forth herein for PUD zoning.

Any proposed change to an approved PUD which does not constitute a major modification shall be considered a minor modification. At the discretion of the Director of Community Development, minor modifications may be referred to the Planning and Zoning Board with a recommendation or, if the Director of Community Development deems the proposed change to be de minimus, he may make the minor modification administratively. Action by the Planning & Zoning Board or Director of Community Development in such cases shall be final. Requests for minor modifications shall include a revised PUD plan indicating the effect of the proposed changes and the reasons why the changes are necessary.

7.4.3 REPEAL OR MODIFICATION OF PUD IF CONSTRUCTION NOT COMMENCED

Failure to commence construction within five years of the effective date of the adoption of PUD zoning shall be grounds for the city, at its discretion, to initiate a rezoning of the subject property. In such event, the Planning & Zoning Board may recommend to the City Commission that the subject property be returned to its previous zoning classification, that the PUD be modified, or that the PUD be retained in its current form.

7.5 PRECEDING PUD ORDINANCES INCORPORATED

Prior to the effective date of this article, numerous parcels of land were zoned Planned Unit Development. It is the intent of this article that parcels which were so zoned, and which are zoned Planned Unit Development pursuant to this article, shall be regulated by the language contained in the particular ordinance which designated them as planned unit developments. However, this intent does not apply to parcels which were
at one time zoned planned unit development, but which were specifically rezoned by subsequent ordinances including those ordinances enacted prior to and after this article. Notwithstanding the foregoing, nothing herein is intended to or shall be interpreted as limiting the city's authority to initiate the rezoning of any parcel of land.
ARTICLE 8: SPECIAL PUBLIC INTEREST (SPI) DISTRICTS STANDARDS

8.1 INTENT AND APPLICABILITY

It is the intent of this article to provide procedures and standards for the creation of SPI Districts that are compatible with adjacent land uses and zoning and that conform to the Comprehensive Plan. It is the intent of this article that SPI Districts shall respect the intent of the conventional zoning district and context sub-district, be compatible with adjacent land uses and zoning and conform to the Comprehensive Plan. SPI Districts may be created under the following circumstances and conditions:

a. To protect the existing or proposed character, or principal views of, from, or through areas designated by the City Commission as having special and substantial public interest;

b. Where a special and substantial public interest exists in maintaining, protecting and planning for the future development of buildings, together with grounds and the visual environment; and

c. Where special and substantial public interest requires the modification of otherwise applicable regulations or the supplanting of such regulations for the accomplishment of the special public purposes for which this SPI District is established.

(Ord. No. 5455, § 2, 07-21-14)

8.2 EFFECT OF SPI DISTRICTS ON ZONING DISTRICTS AND CONTEXT DISTRICTS

a. SPI Districts may either supplant and replace districts or portions of districts existing at the time of the creation of an SPI District, or have the effect of modifying or supplementing the requirements, regulations and standards of the existing base districts or districts to the extent indicated in the SPI District amendment. Where an SPI District entirely supplants and replaces an existing district, the boundaries of the SPI District shall be mapped on the Official Zoning Atlas as the base district. Where an SPI District modifies or supplements the requirements, regulations or standards of an existing district, it shall be graphically depicted on the Official Zoning Atlas as a pattern or layer on top of the base zoning district.

(Ord. No. 5455, § 2, 07-21-14)

b. Modifications of or supplements to the requirements, regulations and standards of the existing base districts or districts are not variances and the terms are not synonymous.

8.3 PROCEDURES FOR ENACTING AND AMENDING SPI ZONING

Only the Community Development Department, the Planning and Zoning Board or the City Commission may initiate proposals for the creation of SPI Districts. Each such
Article 8: SPI District Standards

Each proposal for the creation of an SPI District shall at a minimum contain the following elements.

a. Statement of Intent

A statement of intent, setting forth the nature of the special and substantial public interest and the objectives to be promoted by use of SPI District zoning within the district as a whole or within sub-areas of the district.

b. Proposed District Boundaries

A map or legal description indicating the boundaries of the SPI District and any sub-areas of the district.

c. Proposed Regulations

Regulations designed to promote the purpose of the SPI District, as set out in the statement of intent, and the extent to which they supplant and replace or modify the requirements, regulations and standards of the existing base district relating to:

1. The type and scale of uses;
2. Urban form;
3. General site development standards;
4. Other matters of importance to the special public interest of the district and which relate to the objectives to be promoted.

d. Proposed Submittal Requirements

Requirements for the submission of site development plans, building plans, elevations and maps by proposed development.
e. Proposed Review Requirements

Requirements for special review of development plans by the Community Development Department, the Planning and Zoning Board or other agency of the city as necessary to insure compliance with SPI District regulations. Where special review of development plans is required, no building permit or Certificate of Occupancy shall be issued until after written approval is granted by all reviewing departments, boards or agencies.

(Ord. No. 5455, § 2, 07-21-14)

8.4 CHANGES TO EXISTING SPI DISTRICTS

Only the Community Development Department, the Planning and Zoning Board or the City Commission may recommend proposed changes to any existing SPI District. Any change which involves expansion of the SPI District or a change in land use shall be considered a major modification. Other modifications may be declared major modifications if the Director of Community Development determines they deviate substantially from the approved SPI District regulations. Requests for major modifications shall follow the same procedure set forth herein for the creation of SPI Districts.

(Ord. No. 5455, § 2, 07-21-14)

Any proposed change which does not constitute a major modification shall be considered a minor modification. Minor modifications may be approved by the Planning and Zoning Board upon the recommendation of the Director of Community Development. Action by the Planning & Zoning Board shall be final.
ARTICLE 9: SUBDIVISION STANDARDS

9.1 INTENT, APPLICABILITY AND AUTHORITY

9.1.1 INTENT

It is the intent of this article to provide minimum standards for the conversion of unplatted lands to subdivisions and for the resubdivision of parcels to protect the public health, safety and general welfare, promote the orderly layout of development sites and streets, provide for proper light and air, and provide for transportation, potable water, wastewater collection, flood prevention, drainage, recreation and other services.

9.1.2 APPLICABILITY

These regulations shall govern subdivisions and resubdivisions of land within the corporate limits of the City of Lakeland. Standards set forth herein for the platting of subdivisions and the construction of streets and other facilities for subdivisions shall apply to both publicly dedicated and private streets and other facilities.

9.1.3 AUTHORITY

The authority for enforcement of these regulations is provided in the Charter, City of Lakeland and Florida Statutes, Chapters 163, 166 and 177.

9.2 DEFINITIONS

Subdivision Improvement: Any roadway facility, water distribution facility, wastewater collection facility, stormwater drainage facility, electric distribution facility, pedestrian and bicycle facility, transit facility, street trees, landscaping or other improvements which are required to be constructed or installed to serve a subdivision in accordance with these regulations and the Engineering Standards Manual.

Subdivision Improvement – Private: Any subdivision improvement which will be owned and maintained by a non-governmental entity such as a property owners or homeowners association.

Subdivision Improvement – Public: Any subdivision improvement which will be conveyed to the City of Lakeland or which the city is responsible for assuring compliance with the regulations of other governmental entities.

Subdivision Plat – Final: A map or drawing depicting the exact division of land into lots, blocks, parcels, tracts, sites or other divisions, as set forth in Chapter 177, Florida Statutes, which has been prepared in the stipulated format for the purpose of recording with the Polk County Clerk of the Circuit Court.

Subdivision Plat – Preliminary: A detailed map or drawing depicting the proposed division of land into lots, blocks, parcels, tracts, sites, or other divisions for the purpose of technical review prior to the submission of a Final Subdivision Plat.
**Subdivision Review Procedures:** Written administrative procedures specifying detailed requirements and procedures for the submittal and review of subdivision plats and construction plans. Such procedures, including a schedule of required fees, are subject to amendment from time to time.

**Subdivision Review Team:** An internal review team composed of the directors of each city department having responsibility for enforcement of the subdivision regulations, or their designees.

### 9.3 ADMINISTRATION AND ENFORCEMENT

#### 9.3.1 ADMINISTRATION

#### 9.3.1.1 City of Lakeland Planning and Zoning Board

The Planning and Zoning Board shall be responsible for regulating the layout of new subdivisions. The Planning and Zoning Board shall exercise this responsibility by reviewing applications for final plat approval and approving or disapproving based on conformance with the requirements of these regulations and other applicable municipal regulations.

#### 9.3.1.2 Director of Community Development

The Director of Community Development shall be responsible for assisting the Planning and Zoning Board in carrying out its responsibility for regulating the layout of new subdivisions and resubdivisions. The director or his designee shall exercise this responsibility by reviewing and approving preliminary plats and by reviewing and recommending approval or disapproval of final plats. Reviews, approvals, disapprovals and recommendations shall be based on conformance with the requirements of these regulations and other applicable municipal regulations.

#### 9.3.1.3 Director of Public Works, General Manager Of Lakeland Electric, Director Of Water Utilities, Director Of Parks and Recreation and Other Municipal Personnel

The Director of Public Works, the General Manager of Lakeland Electric, the Director of Water Utilities and the Director of Parks and Recreation shall be responsible for assisting the Planning and Zoning Board in carrying out its responsibility for regulating the layout of new subdivisions. The directors or their designees shall exercise this responsibility by reviewing and recommending approval or disapproval of preliminary and final plats and construction plans. The city’s Subdivision Review Team shall review all plats and construction plans on behalf of the directors and shall advise the directors regarding conformance thereof with the requirements of these regulations and other applicable municipal regulations. Reviews, recommendations, approvals and disapprovals shall be based on conformance with the requirements of these regulations and other applicable municipal regulations.
9.3.1.4 City Manager

The City Manager or his designee shall be responsible for recording approved final plats after making a determination that all prerequisites of these regulations have been met.

9.3.1.5 Subdivision Review Team

The Subdivision Review Team shall be responsible for technical review of subdivision plats and construction plans to assure conformance with these regulations and all other city regulations and requirements.

9.3.1.6 Capacity Review Committee

The Capacity Review Committee shall be responsible for evaluating proposed subdivisions and allocating appropriate water and wastewater capacity as part of the review process. A commitment of utility capacity to a proposed subdivision is separate and distinct from approval of a subdivision plat or construction plans for the subdivision.

9.3.1.7 City Responsible for Certain Easement and Right-Of-Way Acquisition At Developer’s Expense

The city may acquire easements and/or rights-of-way beyond the limits of a proposed subdivision if such acquisition is necessary for compliance with the regulations of this code and if such property is not available to the developer at a reasonable cost. A reasonable cost shall be determined based on one or more MAI (Member of Appraisal Institute) appraisals and a consideration of other pertinent factors. The developer shall provide the City Manager with documentation regarding the need for such easements or rights-of-way, their value and the circumstances preventing their acquisition. The City Manager shall weigh all factors in determining the merits of the city’s involvement in the potential acquisition including, but not limited to the public benefits, the costs, and conformity with the Comprehensive Plan. In the event that the city agrees to acquire such easements or rights-of-way and the developer is the sole beneficiary of such acquisition, the developer shall reimburse the city for any and all direct and indirect costs incurred in order to make such acquisition. If the developer receives only partial benefit from the acquisition, then the developer shall reimburse a proportionate share of the direct and indirect costs incurred. No work shall commence until there is agreement as to the city’s share of the costs. Reimbursement or provision for reimbursement shall be made prior to approval of the final plat by the City Manager. Easements or rights-of-way thus acquired shall be done so in the interest of the city and not of the developer.
9.3.2 ENFORCEMENT AND PENALTIES

a. No plat of a subdivision of land located within the city limits shall be received or recorded in the records of Polk County by the Clerk of the Circuit Court of such county until said plat has been approved by the City Manager. No plat of a subdivision shall be recorded by other than the City Manager or his designee. Any person other than the City Manager or his designee who shall file for recording with the Clerk of the Circuit Court any plat of a subdivision within the city shall be deemed guilty of a violation of this code upon conviction thereof, and punished as provided by law.

b. Any subdivision improvement, land alteration, building or other structure erected or intended to be erected in violation of these subdivision regulations shall be deemed an unlawful improvement, building or structure and the City Manager may bring action to enjoin such improvement or erection or cause it to be vacated, removed or altered.

c. No construction of subdivision improvements shall commence prior to approval of a preliminary plat and construction plans by the Subdivision Review Team; approval of the final plat by the Planning and Zoning Board; approval by all other regulatory agencies such as SWFWMD, FDOT, FDEP and applicable federal agencies; and a Letter of Authorization having been signed by the Public Works Director. This prohibition shall not preclude the commencement of certain land alteration activities permitted through the issuance of a Site Alteration Permit in accordance with Section 6.5. (Ord. No. 5455, 07-21-14)

d. In the event that the developer should fail to follow the regulations, procedures, approvals and obligations established by the city, the city shall have the right, in addition to all other legal remedies, to cease the issuance of building permits, certificates of occupancy, new utility services or other furtherance of development services to the subdivision until such time as appropriate corrective actions meeting with the City Manager’s approval, have been completed by the developer.

9.4 CONCEPT PLAN

9.4.1 CONCEPT PLAN REVIEW PROCESS

9.4.1.1 Concept Review Required

Prior to submitting a preliminary plat and construction plans, the prospective applicant or agent shall first submit a concept plan for review by the Subdivision Review Team. The purpose of concept plan review is to provide the prospective applicant with information which will be helpful to prepare a preliminary plat and construction plans.

9.4.1.2 Preparation and Submission of Concept Plan

A prospective applicant or his agent shall prepare a concept plan. The concept plan shall be submitted, along with the required fees, in accordance with the most recent Subdivision Review Procedures.
9.4.1.3 Review of Concept Plan

The concept plan shall be reviewed by the Subdivision Review Team. Each department having responsibility for enforcement of these regulations shall provide comments in accordance with the department’s areas of responsibility as to conformance of the concept plan with the regulations. A copy of the Subdivision Review Team comments shall be provided to the applicant to aid in the preparation of a preliminary plat and construction plans.

9.4.2 CONCEPT PLAN DESIGN AND DRAWING REQUIREMENTS

9.4.2.1 Size, Scale and Character of Concept Plan Drawings

Concept plans shall be drawn to any size or engineering scale which is suitable to depict all significant characteristics of the proposed subdivision. Concept plans may be drawn in sketch form.

9.4.2.2 Information Shown on Concept Plan Drawings

Concept plan drawings shall contain the following minimum information consistent with these regulations and the City of Lakeland Engineering Standards Manual:

a. Name of the subdivision;

b. Names of all owners of record of the subject property;

c. Name and address of preparer;

d. North arrow and scale;

e. Location map;

f. Total area of the land to be subdivided;

g. Existing and proposed divisions of land including but not necessarily limited to lots, blocks, parcels, tracts, sites, common areas and streets;

h. Type of proposed land uses (residential, office, commercial, industrial etc.) and, if known, the number of total units or square feet of development;

i. Right-of-way locations, lines and names of all existing and proposed streets, alleys or roads in, through or adjoining the subdivision;

j. Proposed right-of-way widths and typical street sections, including location of utilities;

k. Existing and proposed easements or other reservations or dedications of lands to the public;
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l. Wetlands and FEMA 100 year flood elevations where applicable.

m. Anticipated water, wastewater and electric demands plus identification of any unusual service needs for which special accommodations by the city utilities may be necessary.

n. Proposed development schedule including any phasing of the build-out if known.

9.4.3 NON-BINDING CONCURRENCY DETERMINATION REQUIREMENT

An application for concurrency determination shall be submitted to the Community Development Department with the concept plan. A nonbinding concurrency determination is required as part of the concept plan review. Upon a determination that no essential services will be degraded below the adopted level of service, as defined in the Comprehensive Plan, then the applicant may submit a preliminary plat and construction plans for review.

9.5 PRELIMINARY PLAT AND CONSTRUCTION PLANS

9.5.1 PRELIMINARY PLAT AND CONSTRUCTION PLANS REVIEW AND APPROVAL PROCESS

9.5.1.1 Preparation and Submission of Preliminary Plat and Construction Plans

A prospective applicant or his agent shall prepare a preliminary plat and construction plans in accordance with these regulations and the City of Lakeland Engineering Standards Manual and shall address comments made by the Subdivision Review Team during concept review. The preliminary plat and construction plans shall be submitted together, along with a boundary and topographic survey prepared in accordance with Chapter 472, FS and 5J-17, FAC and the required fees, in accordance with the most recent Subdivision Review Procedures. The boundary and topographic survey shall be prepared by a Professional Surveyor and Mapper registered by the State of Florida. Construction plans shall be prepared by a Professional Engineer licensed by the State of Florida. The Director of Community Development shall distribute copies of the preliminary plat, construction plans and survey in accordance with the most recent Subdivision Review Procedures.
9.5.1.2 Review of Preliminary Plat and Construction Plans

A preliminary plat and construction plans shall be reviewed by the city’s Subdivision Review Team. Each department having responsibility for enforcement of these regulations shall provide comments in accordance with the department’s areas of responsibility as to conformance of the preliminary plat and construction plans with the regulations. The General Manager of Lakeland Electric shall determine the adequacy of easements and other provisions for electricity distribution and the Director of Water Utilities shall determine the adequacy of easements and provisions for water supply and wastewater collection. Where infrastructure systems may be extended to serve future areas or can be upgraded to meet future needs, the city shall have the right to require that appropriate provisions be incorporated into the utility designs. Such provisions may include easements to allow utilities to be extended to property lines to serve abutting lands, extensions to accommodate future looping and upsizing to increase capacity. If the infrastructure systems in a development are upsized to meet needs above those of the development, the city may, by written agreement, cover the incremental cost increases to upsize said facilities. The upsizing agreement shall be approved, when applicable, prior to any start of utility construction.

9.5.1.3 Approval or Disapproval of Preliminary Plat and Construction Plans by Subdivision Review Team

The Subdivision Review Team shall approve or disapprove a preliminary plat and construction plans within thirty days of the receipt of such and a complete application for approval with all required submittals. The basis for approval shall be a finding that the preliminary plat and construction plans conform with the provisions of these regulations. The basis for disapproval shall be a finding that the preliminary plat and construction plans do not conform or that there is insufficient information to determine conformance. The Subdivision Review Team’s decision shall be communicated in writing to the applicant. If the Subdivision Review Team disapproves the application, the applicant shall be informed which aspects of the design do not conform to these regulations and shall be given an opportunity to make the necessary changes.

Following written notification of approval by the Subdivision Review Team, the applicant shall submit six signed and sealed copies of the construction plans to the Community Development Department for final approval.

9.5.1.4 Appeal of Subdivision Review Team’s Recommendation of Approval or Disapproval

The action of the Subdivision Review Team to recommend disapproval of a preliminary plat may be appealed to the Planning and Zoning Board. The basis of such appeal shall be that the action is based on an incorrect interpretation of the requirements of these regulations. In the event of an appeal, the Board shall take such action as it deems appropriate within the scope of these development regulations. Technical variations shall not be considered appeals.
9.5.2  EXPIRATION OF PRELIMINARY PLAT AND CONSTRUCTION PLAN APPROVAL

Approved preliminary plat and construction plans shall remain valid provided that construction of the subdivision improvements has commenced within one year after the date of the approval and a final plat based thereon is recorded within two years after the date of approval. However, one or more extensions of not more than one year each may be granted by the Director of Community Development upon a finding that there have been no changes which make some other type of development or some other development configuration more appropriate. Changes to be considered include, but are not limited to, changes in land development regulations, changes in the existing use of land, changes in streets and roads, changes in traffic volumes and patterns and changes or contemplated changes in the Comprehensive Plan goals, objectives and policies.

9.5.3  PRELIMINARY PLAT DESIGN AND DRAWING REQUIREMENTS

9.5.3.1  General Design Standards for Preliminary Plats

Preliminary plats shall be consistent with the general design standards for layout of subdivisions set forth herein and other applicable requirements of this Code. These standards shall apply regardless of whether the roads, utilities or other infrastructure systems are to be publicly or privately operated or maintained.

9.5.3.2  Size, Scale and Character of Preliminary Plat Drawings

Preliminary plats shall be drawn on sheets that are 24 inches by 36 inches in size. They shall be drawn to an engineering scale which is suitable to depict all significant characteristics of the proposed subdivision. They may be drawn in sketch form provided that they are sufficiently specific to allow determination of compliance with all requirements of these regulations.

9.5.3.3  Information Shown on Preliminary Plat Drawings

At a minimum, preliminary plat drawings shall contain the following information:

a. Name of the subdivision;

b. Names of all current owners of record of the subject property;

c. Name and address of preparer and date of preparation;

d. North arrow and scale of all drawings;

e. Location map;

f. A metes and bounds legal description of the land contained within the proposed subdivision and total area of said land contained therein;
g. Proposed divisions of land including but not necessarily limited to lots, blocks, parcels, tracts, sites, common areas and streets;

h. Right-of-way locations, lines, and names of all proposed and existing streets, alleys or roads in, through or adjoining the subdivision; and

i. Typical lot layout for interior and corner lots showing minimum building setbacks in accordance with the adopted zoning;

9.5.4 CONSTRUCTION PLAN DESIGN AND DRAWING REQUIREMENTS

9.5.4.1 General Design Standards for Construction Plans

Construction plans shall be consistent with the general design standards for construction of subdivision improvements set forth in Section 9.9.

9.5.4.2 Size, Scale and Character of Construction Plan Drawings

Construction plan drawings shall be drawn on sheets that are 24 inches by 36 inches in size and that have a two inch binding margin on the left side and a one inch margin on the other three sides, unless otherwise required by the city. They shall be drawn to an engineering scale that is suitable to depict all required information but in no instance at a scale dimension smaller than 1” = 50’ horizontal for plan view, or 1”=5’ vertical for profile view.

9.5.4.3 Information Shown on Construction Plan Drawings

Construction plan drawings shall contain the following minimum information:

a. The location of existing property lines, streets, sidewalks, buildings, water courses, wetlands, floodplains, railroads, sewers, bridges, culverts, drain pipes, water and wastewater mains and any public or private easements that are within or adjacent to the proposed subdivision.

b. All proposed subdivision improvements, including improvements specified in or made necessary by conditions adopted as part of Planned Unit Developments or other zoning ordinances applicable to the subject property.

c. Proposed roadway typical section, including all dimensions and structural features of the proposed section including street lighting and street trees. The proposed roadway typical shall be consistent with street types permitted in the context in accordance with Section 3.3 and with an appropriate typical section as shown in the Engineering Standards Manual or of an alternate design approved by the Director of Public Works.
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d. Alignments and dimensions of proposed streets, alleys, parks, public lands, easements and utility layouts (electrical distribution, water supply including fire hydrants, wastewater, and stormwater management), showing feasible connection to an existing or proposed system. The alignments and dimensions shall provide for the installation of underground electrical distribution and service to each lot contained within the subdivision plat.

e. Lot lines and appropriate dimensions.

f. Contour lines at vertical intervals of not more than one foot.

g. Existing ground profiles and proposed grades of all streets and profiles of utilities as may be necessary to review critical areas or points of conflict. Street profiles and grades shall be at center lines of streets.

h. Soil survey data in accordance with the Engineering Standards Manual.

i. A Professional Engineer licensed in the State of Florida shall sign and affix his seal to each sheet of engineering plans submitted for review in accordance with Chapter 471 F.S.

j. Detailed construction drawings for any and all external utility construction to extend adequate water and wastewater services to the development, including the size and location of interconnections. Utility design shall be supported by detailed flow, loading, hydraulic, fire flow and demand calculations demonstrating the ability of the proposed infrastructure to meet the demands within the development.

k. Provisions, both in terms of easements, depths, sizes and stub-outs, to enable the future extension of the utilities to abutting properties for future service and/or looping as required by the city through an upsizing agreement or other written agreement entered into by the city and the developer.

l. The location of any proposed model homes in accordance with Sub-Section 9.8.8.

m. A street tree planting plan in accordance with the landscaping and irrigation plan requirements of Section 4.5.

9.5.5 BINDING CONCURRENCY DETERMINATION REQUIREMENT

An application for concurrency determination for transportation and schools shall be submitted to the Community Development Department along with the preliminary plat and construction plans. For all single-family and two-family subdivisions, a binding concurrency determination shall be required as part of the preliminary plat and construction plans review. If this determination indicates that any essential services will be degraded below the adopted level of service, as defined in the Lakeland Comprehensive Plan, then the preliminary plat and construction plans will not be approved. If this determination indicates that all essential services are available to support the impacts of the proposed subdivision at acceptable levels of service, then the application shall be deemed concurrent and a concurrency reservation for transportation and schools will be approved.
For all multiple-family and non-residential subdivisions, a binding concurrency determination shall be required as part of the Commercial Site Plan review process following recording of a final plat.

The approval of a Right-of-Way Subdivision plat shall not be construed as final development approval for purposes of issuance of a Certificate of Concurrency.

A binding concurrency determination shall become effective from the date of approval of the preliminary plat and construction plans by the Subdivision Review Team and shall remain in effect until the plat is recorded, or for 24 months, whichever comes first. If the final plat has not been recorded within 24 months, then the concurrency approval and reservation for transportation and schools shall expire.

9.6 CONSTRUCTION OF SUBDIVISION IMPROVEMENTS

9.6.1 LETTER OF AUTHORIZATION REQUIRED

Upon approval of the preliminary plat and construction plans by the Subdivision Review Team, the Community Development Department shall notify the Director of Public Works. When the Director of Public Works has verified all plans, permits and guarantees have been approved by all city departments, the Director shall issue a Letter of Authorization allowing the construction of subdivision improvements to commence. Construction of subdivision improvements shall not commence unless and until the Public Works Director has issued a Letter of Authorization.

However, certain land alteration activities may be permitted through the issuance of a Site Alteration Permit in accordance with Section 6.5.

9.6.2 INSTALLATION OF UNDERGROUND UTILITIES

Underground utilities such as electrical lines, telephone lines, cable television lines, water mains, gas mains, wastewater collection facilities, stormwater management facilities, non-potable irrigation water facilities, including conduits, sleeves and/or raceways for future underground utilities, and all service connections at property lines shall be installed prior to the installation of any stabilized subgrade, street base course, paving or curbing; provided, however, that underground utilities may be installed after installation of street base course, paving or curbing in accordance with procedures approved by the Director of Public Works.

9.6.3 SUPERVISION, INSPECTION, TESTING AND CERTIFICATION

9.6.3.1 Construction Supervision by Developer's Engineer

The developer shall be responsible for employing a Professional Engineer licensed in the State of Florida who shall inspect the construction of all subdivision improvements and certify that the subdivision improvements have been constructed in substantial accordance with the approved plans and specifications.
9.6.3.2 Construction Inspection and Testing

a. The Director of Public Works shall be notified at least 48 hours before any construction is to start. The director shall make or cause to have made periodic inspections of the subdivision construction. Within any given geographic area, the following construction operations shall proceed in the order in which they are listed with subsequent operations being allowed to proceed only upon satisfactory completion of required inspections and tests for preceding operations:

1. Installation of underground utilities and stormwater systems;
2. Subsoil excavation, as required;
3. Construction of roadway subgrade and curb;
4. Construction of roadway base; and
5. Construction of roadway surface.

b. The Director of Public Works shall order such tests to be performed on pipe and concrete work, trench backfill, subgrade construction, base construction and asphaltic concrete surface as necessary to ensure construction is in accordance with the city’s specifications. All such tests shall be performed by a qualified geotechnical engineering laboratory with samples drawn from locations designated by the city’s inspector. A copy of each test report shall be furnished to the city. During the course of the construction of the subdivision improvements, the city may require the following tests to be performed, the costs of which shall be borne by the developer:

1. AASHTO Soil Classification in public right-of-way at any location deemed appropriate by the city’s engineer;
2. Proctor and densities on embankment construction;
3. Florida bearing value or limerock bearing ratios of top 12 inches of subgrade;
4. Proctor and densities on subgrade and base;
5. Concrete cylinder breaks on curb construction;
6. Asphalt extraction on asphaltic concrete surface course;
7. Thickness cores on base and pavement;
8. Video taping of the interior of storm sewer; or
9. Other tests as city deems necessary to ensure compliance with city’s requirements.
All construction practices, test methods, frequencies and results must conform to requirements published in current edition of FDOT Standard Specifications for Road and Bridge Construction or adopted City of Lakeland standards.

9.6.3.3 Electrical Inspection and Testing by General Manager of Lakeland Electric

The General Manager of Lakeland Electric may inspect or cause to be inspected all electric distribution conduit system construction, installations and materials. At a minimum, inspections shall be made at the completion of underground electric service. Backfilling may be done to protect the facility; however, all fittings and joints must be left accessible for inspection. Electric Engineering Division inspectors are authorized to call any violation of specifications to the attention of the contractor and may reject materials or suspend work pending resolution of issues or conflicts by the Electric Engineering Division. The General Manager of Lakeland Electric shall be notified at least 48 hours prior to commencement of work. At any time the contractor suspends work for a period exceeding two business days, the General Manager must be notified prior to the restart of work.

9.6.3.4 Water Supply and Wastewater Collection Facilities Inspection and Testing by Director of Water Utilities

The Director of Water Utilities may inspect or cause to be inspected all water supply and wastewater collection systems construction, installations, testing, clearances and materials. Construction coordination, inspection observations, witnessing of testing and acceptance requirements will be defined by the Water Utilities Department and communicated to the developer during review, approval and pre-construction meetings. The developer shall not place any water or wastewater facilities into operation without the prior approval of the Water Utilities Department, the securing of all clearances and receipt of applicable permits.

The Director of Water Utilities shall be notified at least two business days prior to commencement of work. At any time the contractor suspends work for a period exceeding two business days, the Director of Water Utilities must be notified prior to the restart of work.

9.6.3.5 Violation Notice--Construction Not In Compliance with Approved Plans

During the construction of subdivision improvements, if such improvements are found to be defective or not in compliance with the approved plans, the Director of Public Works, may issue a written violation notice to the contractor identifying the nature of the violation and stipulating a time period in which the violation must be corrected. Failure of the contractor and/or developer to correct the violation and to comply with the violation notice may result in any of the following:

a. The issuance of a stop work order;

b. The violation notice being referred to the Code Enforcement Board; and/or

c. The city initiating legal proceedings against the contractor and/or developer.
9.6.3.6  Stop-Work Orders

The Director of Public Works may order work to stop at any point if he determines that it does not conform to these regulations or other applicable municipal requirements, or that it is being performed in a dangerous or unsafe manner. Stop-work orders shall operate to halt construction until necessary corrections have been made.

9.6.3.7  Changes During Construction

Any changes that would result in significant modifications to the approved plans must first be approved in writing by the Director of Public Works, the General Manager of Lakeland Electric, the Director of Water Utilities, and the Director of Parks and Recreation or their designees, as appropriate, following review by the Subdivision Review Team. Revised plans must be signed and sealed by the engineer of record of the project or by his agent. After revised plans have been approved by the city, the developer or his agent will be authorized to issue changes to modify the approved plans. Copies of all plans and/or specifications for which changes have been issued in accordance with the most recent Subdivision Review Procedures shall be provided to the city.

9.6.3.8  Certification by Developer's Engineer

Upon completion of the subdivision improvements, the developer's supervising engineer shall certify to the Director of Public Works in writing that all improvements have been installed and completed in compliance with these and other applicable municipal regulations and shall provide the Director of Public Works, the General Manager of Lakeland Electric, the Director of Water Utilities, and the Director of Parks and Recreation or their designees with all certifications and required submittals, including "as-built" (record) drawings, in accordance with the Engineering Standards Manual.

9.6.3.9  Assurance of Completion Performance Guarantee

At their discretion, the Director of Public Works, the General Manager of Lakeland Electric, the Director of Water Utilities, or the Director of Parks and Recreation may authorize the developer to post an assurance of completion performance guarantee to cover the completion of minor work or the correction of minor deficiencies on subdivision improvements. At a minimum, such guarantee shall be in an amount equal to 125 percent of the cost of completion of the improvements in accordance with the Engineering Standards Manual. The posting of such guarantee shall not prevent the recording of the plat, however, no maintenance guarantee in accordance with Sub-Section 9.6.3.10 shall be accepted and no Certificate of Occupancy shall be issued until all work and deficiencies have been completed and the assurance of completion performance guarantee has been released.
9.6.3.10 Maintenance Guarantee

The developer shall furnish a maintenance guarantee covering all public subdivision improvements that are to be maintained by the City of Lakeland, including but not limited to streets, drainage systems, utilities and landscaping within public rights-of-way. The guarantee shall be in the form of a bond, cash, cashier's check, or irrevocable letter of credit satisfactory to the City Attorney. At a minimum, the maintenance guarantee shall be in the amount of 15 percent of the engineer’s estimate of the construction cost for the publicly-dedicated infrastructure, subject to review and approval by the Director of Public Works. The maintenance guarantee shall not be released nor shall it expire prior to the maintenance periods specified in Sub-Section 9.6.3.11 without the written consent of the Director of Public Works.

In the event of a failure or damage to any subdivision improvements resulting in a safety hazard to the public, the city, after attempting to notify the developer, may make repairs to protect the public and may bill the developer for costs incurred. In the event of an immediate threat to public safety, such attempt at notification may be by telephone. Such failure or damage to subdivision improvements may include ruptured or leaking water or sewer lines, roadway failures, erosion, or any infrastructure failures necessary for the subdivision to be functional. If the developer fails to reimburse the city for all costs associated with completing the repairs the city may use the maintenance guarantee to recover its costs.

9.6.3.11 Certification by Director Of Public Works, General Manager of Lakeland Electric, Director of Water Utilities and the Director of Parks and Recreation and Acceptance Of Public Subdivision Improvements

When the developer’s engineer has certified the public subdivision improvements and the applicable maintenance guarantees have been provided and approved, the Director of Public Works, the General Manager of Lakeland Electric, the Director of Water Utilities, and the Director of Parks and Recreation or their designees shall make one or more inspections as deemed appropriate to determine that all public subdivision improvements have been installed and completed in compliance with the approved construction plans. If such a determination is made, they shall certify this in writing to the City Manager, the Director of Community Development and developer.

If it is determined that the public subdivision improvements have been completed and installed in compliance with the approved construction plans, the following maintenance periods shall apply prior to final acceptance of the public subdivision improvements by the city:

a. Roadways and roadway drainage systems shall be maintained by the developer for one year, or an alternative length of time approved by the Director of Public Works.

b. Required landscaping and street trees shall be maintained by the developer for one year, or an alternative length of time approved by the Director of Parks and Recreation.
c. Potable water and sanitary sewer systems shall be accepted by the City of Lakeland for maintenance, subject to a maintenance guarantee period of not less than one year, or an alternative length of time approved by the Director of Water Utilities.

d. Electric conduits and transformer pads shall be accepted by the City of Lakeland for maintenance, subject to a maintenance guarantee period of one year from the energized date.

In the event that non-standard or alternative construction methods or materials are proposed by the developer, the city may increase the amount of the maintenance guarantee or extend the maintenance period, or both, to assure that the public subdivision improvements function in accordance with city standards.

At the end of the maintenance periods specified above, the City Manager shall notify the developer in writing of his acceptance or rejection of the infrastructure for city maintenance. The City Manager may accept portions of the public subdivision improvements for city maintenance, in which case the developer shall be released from all liability for those portions that have been accepted.

9.6.4 OFF-SITE IMPROVEMENTS

a. As a condition of construction plan approval, the city may require the developer to pay a pro-rata share of the cost of providing reasonable and necessary infrastructure improvements, including land and easements, located off-site of the proposed subdivision but required by the proposed subdivision to maintain minimum levels of service, to provide adequate system capacity, to correct potential traffic safety problems, to provide for proper vehicle and pedestrian connectivity and flow, or to mitigate other off-site impacts. Off-site improvements may include the construction of intersection improvements or signalization, widening of roads or addition of turn lanes or shoulders, construction of utilities or extension of utilities up to the limits of private property, drainage improvements, sidewalks and any other infrastructure deemed necessary by the city. In cases where off-site improvements are necessitated by the proposed subdivision, the developer may be required to provide and install such improvements, including land and easements, at his own expense. In cases where off-site improvements will also benefit other property owners, the developer may be required to pay a share of the cost of such improvements proportionate to such benefit in accordance with a development agreement or other instrument acceptable to the City Attorney setting out the method of proportionate allocation. In the event that off-site infrastructure improvements are required, they may be handled in the same manner as on-site improvements or as specified in a development agreement or other instrument.

b. A performance guarantee shall be required when off-site improvements are to be constructed by the developer within public rights-of-way or publicly owned property. The developer shall provide the performance guarantee as defined in the Engineering Standards Manual prior to the issuance of a Letter of Authorization. Unless otherwise established by the Director of Public Works, the performance guarantee shall be for 125 percent of the engineer’s certified cost estimate, as reviewed and approved by the city, for the construction of such improvements and shall be in the form of cash, cashier's
check, or irrevocable letter of credit satisfactory to the City Attorney. The city may use the performance guarantee to recover the cost of correcting faulty workmanship, damage caused by on-site or off-site construction, material failures, or other outstanding construction issues.

The performance guarantee shall not be released nor shall it expire without the written consent of the Director of Public Works and shall remain in effect until a maintenance guarantee is provided and accepted by the city for all components covered under the performance guarantee. No Certificate of Occupancy shall be issued nor shall any beneficial occupancy of any buildings take place until the off-site improvements which are required by the city for the specific phase being constructed are complete and a maintenance guarantee has been accepted.

The performance guarantee shall include language giving the city the right to complete the project or to assign the project to others for disposition or completion in the event of default on the guarantee by the developer. In accepting such guarantee, the city shall not in any way be bound to complete the project.

c. The developer shall furnish a maintenance guarantee covering all off-site improvements. The guarantee shall be in the form of cash, cashier’s check, or irrevocable letter of credit satisfactory to the City Attorney. At a minimum, the maintenance guarantee shall be in the amount of 15 percent of the engineer’s cost estimate, reviewed and approved by the city, for the improvements. The maintenance guarantee shall be provided prior to release of the performance guarantee. The maintenance guarantee shall not be released nor shall it expire without the written consent of the Director of Public Works.

9.7 FINAL PLAT

9.7.1 FINAL PLAT REVIEW, APPROVAL AND RECORDING

9.7.1.1 Preparation and Submission of Final Plat

A final plat shall be prepared by a Professional Surveyor and Mapper licensed in the State of Florida. The final plat shall be in conformance with the approved preliminary plat, the requirements of Chapter 177, FS, these regulations and the city’s Engineering Standards Manual. The applicant shall submit to the Community Development Department six paper prints of the final plat.

9.7.1.2 Size, Scale and Character of Final Plat Drawings

Final plats shall be drawn on sheets that are 24 inches by 36 inches in size and that have a three inch binding margin on the left side and a one inch margin on the other three sides, unless otherwise required by Polk County, Florida. They shall be drawn to an engineering scale that is suitable to depict all significant characteristics of the plat.

9.7.1.3 Information Shown on Final Plat Drawings

Information shown on the final plat shall include the minimum information required for a preliminary plat, the requirements of Chapter 177, FS, and the following:
a. Location of all existing monuments in or adjoining the subdivision and description of the location of all monuments with relation to range, township and section;

b. Block and lot numbers;

c. All data necessary to permit the ready location on the ground of alignment, bearing and length of every boundary, street block, lot and building lines, including the radius, central angle and tangent of curved lines, chord bearing and distance;

d. Length of all streets as measured along the center line of road rights-of-way;

e. All linear dimensions to the nearest one hundredth (1/100) of a foot;

f. Dimensions of all angles to the nearest second of arc;

g. All reservations or dedications of lands to the public, including easements, rights-of-way and any other land dedicated to public use, including reservations or dedications specified in or made necessary by conditions adopted as part of Planned Unit Developments or other zoning ordinances applicable to the subject property;

h. All reservations or dedications of land to individual lot owners including easements, rights-of-way and any other land dedicated to the private use of individual lot owners;

i. Maintenance provisions for rights-of-way and common areas;

j. FEMA 100 year flood elevations where applicable;

k. Certification statement indicating ownership and owner’s dedication of all streets, rights-of-way and any land dedicated to public use;

l. Where the legal description of the plat, in whole or part, makes reference to, or is coincident with section and quarter section lines, the surveyor shall additionally show on the plat a legible sketch depicting all elements of such resurvey as are necessary to verify placement of said land lines and boundary lines;

m. Certification statement indicating compliance with Florida Statutes relating to the making of maps and plats by the City Surveyor, to be worded as set forth in Sub-Section 9.7.3.1;

n. Certification statement indicating approval by the Chairman of the Planning and Zoning Board, to be worded as set forth in Sub-Section 9.7.3.2;

o. Certification statement indicating approval by the City Manager, to be worded as set forth in Sub-Section 9.7.3.3; and
Article 9: Subdivision Standards

9.7.1.4 Approval Of Final Plat By The Director Of Community Development, Director Of Public Works, General Manager Of Lakeland Electric, Director Of Water Utilities And Director Of Parks And Recreation

Once the final plat has been reviewed and approved by the Director of Community Development, Director of Public Works, General Manager of Lakeland Electric, Director of Water Utilities and Director of Parks and Recreation, each review department shall forward its recommendation for approval or disapproval to the Community Development Department. When all departments have indicated approval, the Director of Community Development shall schedule the final plat for consideration by the Planning and Zoning Board.

9.7.1.5 Approval or Disapproval of Final Plat by the Planning and Zoning Board

The Planning and Zoning Board shall approve or disapprove a final plat at the meeting at which it is presented for consideration by the Director of Community Development. Approval shall be accomplished by the affirmative vote of a majority of those present and voting. The basis for approval shall be a finding that the final plat conforms to the provisions of these regulations. The basis for disapproval shall be a finding that the final plat does not conform, or there is insufficient information to determine conformance. In arriving at a determination, the Board shall consider the recommendations of the Director of Community Development, the Director of Public Works, the General Manager of Lakeland Electric, the Director of Water Utilities, and the Director of Parks and Recreation or their designees. The Board shall also consider the opinion of the City of Lakeland Surveyor as to whether the plat complies with Florida Statutes relating to the making of maps and plats.

9.7.1.6 Variation of Subdivision Requirements by the Planning and Zoning Board

Variations of subdivision requirements may be granted by the Planning and Zoning Board for a specific plat after review and a recommendation of approval by the Subdivision Review Team. Such variations shall be listed and recorded on the final plat. Such variations shall not be considered variances under Article 12 and the two terms are not synonymous.

9.7.1.7 Communication of Planning and Zoning Board's Decision to Applicant

The Planning and Zoning Board’s decision shall be communicated in writing to the applicant and other City Departments by Community Development. If the Board disapproves, the reasons for the disapproval shall be set forth in the written communication.

p. Certification statement indicating acceptance by the Clerk of the Circuit Court of Polk County, to be worded as follows:

I _____________________________, Clerk of the Circuit Court of Polk County, Florida, do hereby certify that this plat has been accepted for recording this ______day of _____________________________, ____.
9.7.2 COMMON AREA MAINTENANCE PROVISIONS

9.7.2.1 Common Area Maintenance Provisions

The Planning and Zoning Board shall approve a final plat only after making a determination that there is a feasible program for the full maintenance and operation of common areas, common improvements and common facilities included in the plat. The final plat of a subdivision shall contain language designating the location of common areas, common improvements and common facilities and the specific entity responsible for the maintenance of said common areas, improvements and facilities. The final plat shall include a provision for the city to assess all private property within the subdivision for the cost of maintenance in the event that inadequate private maintenance of common areas, common improvements or common facilities results in a public nuisance. Where right-of-way and common area maintenance is noted to be a feature of the platting of the subdivision, the City Attorney shall review the language contained within the maintenance responsibility provision to ensure legal enforceability of the maintenance provision prior to the plat being presented to the Planning and Zoning Board.

9.7.3 RECORDING OF FINAL PLAT AND FINAL ACCEPTANCE OF SUBDIVISION IMPROVEMENTS

9.7.3.1 Review of Final Plat by the City Surveyor

Following certification by the Director of Public Works, General Manager of Lakeland Electric, Director of Water Utilities and the Director of Parks and Recreation that the subdivision improvements have been completed and installed in compliance with these regulations, the applicant shall submit to the Community Development Department final plat documents for the purpose of recording the plat in the Official Public Records of Polk County. Final plat documents shall consist of 1) the original ink on mylar drawing of the final plat or an equivalent photographic mylar copy thereof; and 2) two reproducible mylar copies of the original ink on mylar drawing of the final plat.

The final plat shall be reviewed by the City of Lakeland Surveyor to determine if the plat is in compliance with Florida Statutes relating to the making of maps and plats. If he determines that the plat is in compliance, he shall document the compliance by signing and sealing an appropriate statement on the original drawing and on the reproducible mylar copies of the plat. The statement shall be worded as follows:

STATE OF FLORIDA
COUNTY OF POLK
CITY OF LAKELAND

This plat has been reviewed and found to be substantially in compliance with the provisions of Chapter 177, Florida Statutes, relating to the making of maps and plats. This ______ day of _____________________________, ______.

___________________________________
Name
Florida Registration # _______________
City Surveyor
9.7.3.2 Signing of Approved Plat by the Chairman of Planning and Zoning Board

If the plat is approved, the Chairman of the Planning and Zoning Board shall document the approval by signing an appropriate statement on the original ink on mylar drawing and on two reproducible mylar copies thereof. The statement shall be worded as follows:

This plat is hereby approved by the City of Lakeland Planning and Zoning Board this ___ day of ________________, ____. ____________________, Chairman

9.7.3.3 Approval of Plat by City Manager

After the original ink on mylar drawing and two reproducible mylar copies thereof have been signed by the Chairman of Planning and Zoning Board, the signed mylars shall be transmitted to the City Manager. The City Manager shall determine whether or not all requirements of these regulations and all other relevant city requirements are met. If he determines that all requirements are not met, he shall so notify the applicant in writing with specific details. If he determines that all requirements are met, he shall document the approval of the city by signing an appropriate statement on the original ink on mylar drawing and on the reproducible mylar copies of the plat. The statement shall be worded as follows:

This plat is hereby approved on behalf of the Lakeland City Commission pursuant to Ordinance Number 3412 this ___ day of ________________, ____. ____________________, City Manager

Requirements of these regulations which the City Manager must determine are met before signing the final plat shall include, but not necessarily be limited to the following:

a. Payment of all costs incurred pursuant to the acquisition of easements and rights-of-way as provided in Sub-Sections 9.3.1.7 and 9.6.4; (Ord. No. 5455, 07-21-14)

b. Either construction and certification of all subdivision improvements pursuant to Sub-Section 9.6.3.11, or performance guarantees of improvements pursuant to Sub-Sections 9.6.3.9 and 9.3.1.7

c. Provision of maintenance guarantees for the maintenance of subdivision improvements pursuant to the performance and maintenance guarantees required in the Engineering Standards Manual; and

d. Provision of documentation and payment of construction plan review fees, field inspection fees and recording fees as required by Sub-Section 9.7.3.4.
9.7.3.4 Notification of City Manager's Signature, Required Documentation and Required Recording Fees

Prior to the recording of the plat by the City Manager or his designee, the following must be provided by the applicant: 1) documentation that no taxes are due on the property; 2) documentation of title as required by Chapter 177, FS; 3) payment of filing fees; 4) payment of construction plan review fees; and 5) payment of field inspection fees. Required tax and title documentation must be dated not more than 30 days prior to recording. After the City Manager has signed the final plat, the applicant shall be notified of the signing and of his documentation and payment obligations pursuant to this section.

9.7.3.5 Recording of Final Plat

The City Manager or his designee shall record the final plat after it has been signed by the City Manager, provided that no plat shall be recorded more than 30 days after the date of a title opinion acceptable to the city.

9.7.3.6 Community Development Department Repository for City's Mylar Copies of Final Plats

After a final plat has been recorded by the City Manager or his designee, one of the reproducible photographic mylar copies shall be transmitted to the Community Development Department, which shall be responsible for preserving it and making copies as necessary.

9.7.3.7 Final Inspection of Subdivision Improvements and Release of Maintenance Guarantee

In order for the maintenance guarantee to be released, the developer shall request that the Director of Public Works conduct a final inspection. To assure that the inspection can be performed in time, the request shall be made no later than 60 days prior to the expiration of the maintenance period. Upon receipt of such request in writing, the Director of Public Works shall schedule the inspection which shall include all city departments having responsibility for maintenance of public subdivision improvements subject to the guarantee. Compliance with conditions of zoning or other special conditions that have been placed upon the development may also be verified during the final inspection. Any deficiencies shall be corrected at the developer’s expense and another inspection shall be requested.

Each department having responsibility for maintenance of public subdivision improvements subject to the guarantee shall notify the Director of Public Works in writing if the improvements are acceptable for public maintenance. When all departments have indicated that the development has passed final inspection, the Director of Public Works shall return the maintenance guarantee to the developer and shall notify all city departments.

In the event the developer does not request a final inspection before the expiration of the guarantee period, the Director of Public Works may authorize an extension. If the developer does not request a final inspection within one year of the expiration of the maintenance period, including extensions, the city may utilize the funds from the
guarantee to make repairs or replacements as necessary to accept the improvements for public maintenance.

The maintenance guarantee shall not be released and shall not expire without the written consent of the Director of Public Works.

9.7.3.8 Final Acceptance of Public Subdivision Improvements by the City

Acceptance by the city of rights-of-way, easements and/or other ground dedicated to the public occurs upon recording of the final plat by the City Manager or his designee. Acceptance of public improvements for maintenance occurs upon release of the maintenance guarantee by the Director of Public Works.

9.8 GENERAL DESIGN STANDARDS FOR LAYOUT OF SUBDIVISIONS

All subdivisions shall be designed in a manner which fully complies with the applicable provisions of this section and other sections of these regulations and with applicable sections of the following:

a. Engineering Standards Manual;

b. Chapter 177, FS, or successor provisions; and

c. Chapter 472, FS, Chapter 5J-17, FAC, or successor provisions.

9.8.1 STREETS AND ALLEYS

9.8.1.1 Conformity to Comprehensive Plan

All streets, roadways and public rights-of-way shall be consistent with the Lakeland Comprehensive Plan.

9.8.1.2 Relation to Existing Street System

The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, efficient provision of utilities, and where such continuation is in accordance with the city's Comprehensive Plan or with any more specific plans adopted by the city in furtherance of the Comprehensive Plan. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line. A temporary T- or L-shaped turnaround or cul-de-sac approved by the Director of Public Works shall be provided on all temporary dead-end streets, with the notation on the subdivision plat that land outside the normal street right-of-way shall revert to abutting property owners at such time as the street is continued. The city may limit the length of temporary dead-end streets in accordance with the design standards of these regulations.
9.8.1.3 Street Right-Of-Way Widths

Street right-of-way widths shall be determined by the Director of Public Works or the state or county agency having jurisdiction. Determinations shall be based on traffic-carrying characteristics, stormwater management requirements and other pertinent considerations, provided however that no width shall be less than set forth below for urban design typical sections of streets as defined in Article 2:

a. Arterial Streets and Highways: ................................................................. 120 feet
b. Collector Streets: ................................................................................... 80 feet
c. Local Streets: ......................................................................................... 50 feet
d. Alleys: ................................................................................................. 20 feet

Street rights-of-way shall be of sufficient width to accommodate all elements of the selected typical street sections. Figure 9.9-3 and Figure 9.9-4 illustrate minimum requirements of typical right-of-way sections for local and collector streets respectively. Detailed design standards for roadway, stormwater, water, wastewater and electric facilities are contained in the city's Engineering Standards Manual. The city shall require additional right-of-way width for other typical sections such as boulevard sections and rural design sections as deemed appropriate, or as needed for a specific project. (Ord. No. 5522, 07-20-14; Ord. No. 5720, 06-18-18)

9.8.1.4 Additional Right-Of-Way on Existing Streets

Subdivisions that abut or adjoin existing streets shall dedicate additional right-of-way required to meet the minimum widths set forth in Sub-Section 9.8.1.3 according to the following conditions:

a. The entire width of the necessary additional right-of-way shall be dedicated in accordance with Sub-Section 9.8.1.3 when and where any part of the subdivision is on both sides of the existing street.

b. The additional right-of-way required on the applicant's side shall be dedicated as specified by the Director of Public Works in accordance with Sub-Section 9.8.1.3, when and where the subdivision is located on one side of an existing street.

9.8.1.5 Restriction of Access

All vehicle access points shall be in accordance with Section 4.2 (Access Management). (Ord. No. 5455, 07-21-14)

9.8.1.6 Grades, Alignment and Other Design Characteristics

Grades, alignment and other design characteristics shall be in accordance with the State of Florida Manual of Uniform Minimum Standards for the Design, Construction and Maintenance of Streets and Highways.
9.8.1.7 Intersections

Street intersections shall be as nearly at right angles as is practicable. Street jogs or offsets in horizontal alignment of streets across intersections shall not be made within less than 125 feet of opposing street centerlines as shown in Figure 9.9-2.

9.8.1.8 Cul-De-Sac Streets

a. Minor streets or courts designed to have one end permanently closed shall not be more than 1,200 feet in length as measured from the center of the intersecting street to the center of the cul-de-sac. Such streets shall be provided at the closed end with a turnaround having an outside right-of-way radius of not less than 50 feet.

b. Where it is necessary to provide for street access to adjoining property or for future extension of proposed streets, rights-of-way shall be extended by dedication to adjoining property boundaries with no reserve strips between the right-of-way and property line; and the developer shall provide a turnaround as required in Sub-Section 9.8.1.2 to exist until the street is extended.

9.8.1.9 All Lots Served by Street; Reserve Strip Restricted

Every lot shall be served by either a public or private street. There shall be no reserve strips controlling access to any streets, except where the control of such strips is definitely and permanently placed with the public under conditions approved by the Planning and Zoning Board.

9.8.1.10 Half-Street Prohibited

Half-streets are prohibited. All streets on the boundary of a subdivision shall be of full width, as set forth in Sub-Section 9.8.1.3.

9.8.2 STREET NAMES

Streets that are in alignment with existing streets shall bear the name of the existing streets. Street names shall not contain directions (east, west, north, south) nor be spelled the same as, or be phonetically similar to, the names of existing streets; neither shall such words as "way," "drive," "court," etc., be used to designate different roads with the same name. However, it is not the intent of this section to prevent the use of such words as "way," "drive," "court," "circle," to designate different streets of the same name, within the boundaries of one platted subdivision. It is the intent of this section that no subdivision have streets named the same as any other subdivision's streets, or any other street or road. For the purposes of this section, the term "streets" shall include all streets and roads within and adjacent to the greater Lakeland Addressing District, not just those in the city of Lakeland. Streets shall be named in accordance with the Polk County Addressing Ordinance, and the street naming set forth in Figure 9.9-1. All street names must be approved by the city’s Property Information Office.
9.8.3 BLOCKS

9.8.3.1 Length

Blocks shall be in accordance with the maximum block face and block perimeter requirements for the particular context sub-district as set forth in Tables 3.4-1 through 3.4-9, except as the city determines necessary to secure a more efficient use of land or desired features of street pattern.

9.8.3.2 Width

Blocks shall be wide enough along the shortest dimensions to permit two tiers of lots of minimum depth, except where fronting on arterial streets and the rear of lots abut the arterial street. In no other case shall conditions be approved which permit a single tier of lots to be served by two streets.

9.8.4 LOTS

9.8.4.1 Arrangement

Insofar as practical, side lot lines shall be unbroken and at right angles to straight street lines, and radial to curved street lines.

9.8.4.2 Minimum Size

Every lot shall abut a street for a distance not less than 40 feet unless the minimum lot width for the context sub-district is less than 40 feet, in which case the minimum street frontage shall be the minimum lot width. No building lot shall be permitted that is smaller in area than is required by these regulations for the context sub-district in which the proposed subdivision is located.

9.8.5 UTILITY EASEMENTS

Except where alleys are provided for the purpose of placing utilities, the city shall require easements of appropriate width, as determined by the city, for the placement and installation of underground electric facilities, wires, pipes, conduits, stormwater management, wastewater facilities, gas, potable water, water reuse, or other utility lines at locations where deemed necessary by the affected utility or department of the city. Figure 9.9-3 and Figure 9.9-4 illustrate typical utility easement width and placement in the context of typical local and collector street sections respectively. Detailed design standards for roadway, stormwater, water, wastewater and electric facilities are contained in the city's Engineering Standards Manual.

(Ord. No. 5522, 07-20-15)
The city shall require the dedication of interior utility easements for water, wastewater and electric service including perimeter easements where appropriate. All such easements shall be dedicated by the developer at no cost to the city by plat or separate instrument. Such utility easements shall be in addition to the required dedications for public roads and drainage facilities; however, when conditions warrant general easements may be considered by the city.

9.8.6 PUBLIC LAND AND SERVICE AREAS

Subdivisions shall provide land areas that are suitably located and of adequate size for playgrounds, parks and other public uses. Where a park site, recreational site, public access to water frontage, or any other public facility shown in the Comprehensive Plan or any other land use plan pursuant to the Comprehensive Plan that has been officially adopted by the City Commission, is located in whole or in part in the applicant's subdivision, the city may require the dedication of such land as lies within the subdivision. Such dedication may be eligible for impact fee credits in accordance with the City of Lakeland Impact Fee Ordinance for Parks and Recreation Facilities.

9.8.7 CHARACTER OF THE LAND

Land which the city finds to be unsuitable for subdividing or development due to flooding, improper drainage, steep slopes, unstable soil, wetlands, adverse earth formations or topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be platted or developed unless adequate methods are formulated by the developer and approved by the city upon a recommendation of the Director of Public Works, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses that shall not present a danger.

9.8.8 MODEL HOMES

Subject to the approval of the Director of Community Development, model homes in residential subdivisions may be constructed prior to the completion of infrastructure improvements and recording of the final plat in accordance with the following:

a. The number of model homes shall not exceed the greater of five units or 10 percent of the total building lots within any single platted phase, not to exceed 30 total units. Fractions shall be rounded to the nearest whole number.

b. Certificates of Occupancy for model homes shall not be issued until the plat is recorded.

c. The phase or site where model homes are to be built shall have an approved set of final construction plans including a preliminary plat approved by the Subdivision Review Team.

d. Each model home shall be accessible by a stabilized road base meeting the minimum requirements of the latest edition of the NFPA 1 Fire Code.
e. There shall be no water, electric or sanitary sewer service to individual model homes until the plat is recorded.

f. Temporary metered water service may be provided to the parent tract in accordance with Water Utilities Department procedures and fees. If the developer extends temporary water service to any individual model home, a properly permitted wastewater collection/treatment system such as a temporary septic system or pump out tank shall be provided.

g. Prior to the placement of combustible materials on any model home construction site, fire suppression water shall be available from a fully functioning hydrant within 1,000 feet of the site measured by the route of vehicle travel along approved roadways and/or stabilized road base.

h. Temporary electric service may be provided to the parent tract in accordance with Lakeland Electric procedures and fees.

9.9 GENERAL DESIGN STANDARDS FOR CONSTRUCTION OF SUBDIVISION IMPROVEMENTS

Subdivision improvements shall be constructed in a manner which fully comply with the applicable provisions of this section and other sections of this code and with applicable sections of the following:

a. Engineering Standards Manual and other references contained therein;


f. Drainage Manual, Florida Department of Transportation, latest edition;

g. Chapter 5J, FAC, Chapter 471, FS and Chapter 472, FS or successor provisions;

h. Chapter 177, FS or successor provisions; and

i. City of Lakeland Fire Code.
9.9.1 UTILITIES

9.9.1.1 Water Supply

Water mains properly connected with the public water supply system or other approved system shall be installed in such a manner as to adequately serve all lots shown on the subdivision plat for both domestic use and fire protection.

The location, size and types of water mains, valves and fire hydrants; the amount of soil cover over the pipes; and other features of the installation shall be as required by the city. The water distribution system shall be installed by the developer at his expense, except for specifically designated oversizing required by the city. The design and the construction of the system must be approved by the city and the necessary permits for system construction must be obtained from the Florida Department of Environmental Protection prior to the start of system installation.

Cross-Connection Control

All new connections to the public water supply system shall have an appropriate cross-connection control device meeting city standards and conforming to the current rules and regulations of the Florida Department of Environmental Protection. Such devices shall prevent the backflow of contaminated water into the potable water distribution network.

Water Conservation Requirements

All new residential, commercial and industrial connections will be required to utilize water-conserving fixtures in accordance with Florida Plumbing Code. In addition, all subdivisions will be required to recommend the use of Florida-Friendly landscaping plants and grasses to minimize supplemental water use. All lawn irrigation systems shall be designed for efficient water use.

9.9.1.2 Wastewater Collection

When any part of a proposed subdivision is within 1,250 feet of a usable public wastewater collection system, all lots in the subdivision shall be connected therewith unless otherwise determined by the Director of Water Utilities based on considerations of the cost effectiveness or availability of capacity. The cost of providing the wastewater collection facilities shall be paid by the developer, except as provided by Sub-Section 9.6.4. The design and the construction of the system shall be approved by the Director of Water Utilities in accordance with the Engineering Standards Manual and the necessary permits for system construction shall be obtained from the Florida Department of Environmental Protection prior to the start of system installation.
9.9.1.3 Irrigation Water Supply

Non-potable water sources, such as shallow groundwater wells or stormwater retention ponds, shall be used for the irrigation of common landscaped areas in new residential subdivisions and new non-residential subdivisions unless the Director of Water Utilities determines that a non-potable source is infeasible. The use of potable water for irrigation of such areas shall be subject to the approval of the Capacity Review Committee. Non-potable irrigation systems shall be considered privately owned and operated systems even when such systems are under the control of a homeowners or property owners association. Accordingly, all parts of such non-potable irrigation systems shall be located outside of public rights-of-way and public easements. All non-potable irrigation systems shall comply with applicable city standards and state regulations (i.e.; pipe colors, minimum separations). Subdivisions having non-potable irrigation systems shall be required to install an approved cross-connection control device (backflow preventer) on all potable water services. Private irrigation systems shall not be installed within city rights-of-way unless the city enters into a written agreement with the entity responsible for the irrigation system for maintenance of the system and for repair of any damage to public facilities resulting from failure of the irrigation system. All irrigation systems, including non-potable systems, are subject to City of Lakeland watering restrictions and Water Management District declarations.

9.9.1.4 Stormwater Management

The developer shall install storm drain pipes, catch basins, and all other such facilities of sizes and alignments to provide suitable management of stormwater runoff in conformity with good standards of practice for municipal stormwater management systems, as approved by the Director of Public Works in accordance with the city’s Engineering Standards Manual.

Stormwater management facilities shall be landscaped in accordance with Sub-Section 4.5.8.3.

9.9.1.5 Underground Electric Distribution Facilities and Services

The design of underground electric distribution facilities and service shall be approved by the General Manager of Lakeland Electric. The cost of such underground electrical distribution and service facilities shall be established in accordance with the policies, rules and regulations, adopted by the City Commission and the General Manager of Lakeland Electric, then in effect.

9.9.1.6 Street Lighting Systems

Street lighting systems shall be designed by the General Manager of Lakeland Electric.
9.9.1.7 Street Trees

Street trees shall be provided within rights-of-way along both sides of streets or roads of all subdivisions. For purposes of this section, street trees shall be those species identified as street trees in Table 4.5-6 (Landscaping and Tree Regulations) and having a minimum height of eight feet and a one inch diameter trunk at breast height (DBH) or a one and one-half inch diameter trunk at six inches above grade at time of planting. Street trees shall be planted at a ratio of one tree per 50 linear feet of roadway and in accordance with the typical street sections in Figures 9.9-3 and 9.9-4. The required street trees shall be in addition to trees required by Sub-Section 4.5.4. Planting and irrigation plans shall be approved by the Director of Parks and Recreation who shall also have the authority to modify these requirements, including but not limited to situations in which compliance cannot be met due to conflicts with utilities, lighting, driveway connections or other physical site constraints. Street trees shall be planted prior to final acceptance of public subdivision improvements except that street trees adjacent to residential lots shall be planted prior to issuance of a Certificate of Occupancy for each residential unit.

9.9.2 TRAFFIC CONTROL DEVICES

9.9.2.1 Street Name Signs

No less than one street name sign per intersection shall be installed by the developer. The street name sign, post and mounting shall meet the current standards established by the city.

9.9.2.2 Traffic Control Signs

Regulatory and warning signs shall be installed by the developer. The sign locations and types shall be in accordance with recommendations set forth in the Manual of Uniform Traffic Control Devices.

9.9.2.3 Pavement Marking

All pavement marking shall be thermoplastic. All arterial and collector streets shall be striped with centerline and other markings as recommended in the Manual of Uniform Traffic Control Devices.

9.9.2.4 Traffic Signals

In certain instances where it has been determined by the city that the development of a subdivision will require traffic signals, the developer will install, or cause to have installed, properly designed and engineered traffic signal systems approved by the city. If more than one subdivision, or if a subdivision and one or more other developments together, necessitate installation of traffic signals, then the city may require each subdivision and/or other development to pay a proportional share of the cost of necessary traffic signals. Proportional shares shall be determined based on the relative amount of traffic each subdivision and/or other development contributes to the need for signals as determined by the city.
9.9.2.5 Method of Installation or Payment

If it is mutually agreeable, the city will fabricate and install traffic signs, pavement markings and traffic signals upon receipt of payment from the developer for the installations.

9.9.3 MONUMENTS

Plat monuments shall conform to the requirements of Chapter 177 F.S.

9.9.4 PERMITS REQUIRED BY GOVERNMENTAL AGENCIES

The developer shall be responsible for obtaining all required environmental, water management and construction permits from governmental regulatory agencies who exercise jurisdiction over activity requiring such a permit. Construction shall not begin prior to the receipt of such permits. Governmental regulatory agencies that may be involved in the issuance of various required permits include but are not necessarily limited to:

- Southwest Florida Water Management District (SWFWMD)
- Florida Department of Environmental Protection (FDEP)
- Florida Department of Transportation (FDOT)
- Polk County Health Department (PCHD)
- Polk County Engineering Department (PCED)
- US Army Corps of Engineers (ACOE)
NOTE: Road names which are in alignment with existing roads shall bear the name of existing road. Road names shall not be spelled the same as, nor be phonetically similar to the names of existing roads; neither shall such words as "Way", "Drive", "Court", etc. be used to designate different roads with the provisions of this Sub-Section to prevent the use of such words as "Way, "Drive", "Court", "Circle", etc. to be used to designate different streets of the same name, within the boundaries of the platted subdivision. However, it is the intent that no subdivision have streets named the same as any other subdivision's streets, or any other road or street.
Figure 9.9-2 Street Intersection Location Standards

PREFERRED
STRAIGHT INTERSECTION

MINIMUM
OFFSET INTERSECTION

125' OR MORE
Figure 9.9-3 Typical 50’ Minimum Right-of-Way Section

(Ord. No. 5522, 07-20-15)
Figure 9.9-4 Typical 60’ Minimum Right-of-Way Section

N.T.S.

Typical Right-of-Way Section

Residential Collector Street

60’ Min. Right-of-Way Width

- 2’ Curb
- 5’ Setback for Street Trees & Decorative Street Lights from Curb (3’ Min./6’ Max.)
- 4’ Min. Street Tree Setback
- Water Main or Sanitary Force Main
- Water Main Box or Sanitary Sewer Cleanout
- Electric Primary
- Electric Secondary
- Electric Pedestal
- Standard Streetlight
- Cable
- Phone
- 2’ or 15’ Public Utilities Easement
- 8’ Fire Hydrant
- 2’ or 5’ Storm Sewer Gravity Sewer
- A
- B
- C
- D
- E
- F
- G
- H
- I
- J
- K

City of Lakeland Land Development Code
ARTICLE 10: CONCURRENCY STANDARDS

10.1 INTENT AND APPLICABILITY

The intent of this article is to provide the regulatory mechanism for determining that a property owner meets the concurrency provisions of the Comprehensive Plan which ensures that adequate public facilities are available at acceptable levels of service.

10.2 DEFINITIONS

Central City Transit Supportive Area: Area within which less stringent roadway levels-of-service are allowed due to the presence of a traditional street grid network, extensive bicycle and pedestrian networks and transit services and facilities. Levels-of-service may be measured on an averaged corridor basis for facilities with common trip ends.

Certificate of Concurrency: The certificate issued by the Community Development Department upon finding that an application for a development approval will not result in the reduction of the level of service standards set forth in the Comprehensive Plan. For developments with residential uses, this shall include a confirmation of adequate school capacity as determined by the Polk County School Board.

Concurrency: When adequate public facilities meeting the level of service standard are in place at the time a development permit is issued, or a development permit is issued subject to the determination that the necessary facilities will be in place when the impacts of the development occur, as set forth in the Comprehensive Plan.

Concurrency Determination: A non-binding determination of what public facilities and services are available at the date of inquiry. Projects requiring a major traffic study must obtain a letter signed by the Community Development Department approving the methodology for that specific study as detailed in the Department’s memo regarding Major Traffic Study Review Requirements. Projects requiring a school capacity determination shall be required to provide information as required by the Community Development Department and as in collaboration with the Polk County School Board.

Concurrency Management System: The procedures and processes utilized by the city to determine that development approvals, when issued, will not result in the reduction of the level of service standards set forth in the Comprehensive Plan.

Concurrency Service Areas (Schools): Those geographic areas within which the school level of service will be measured when an application for final development is reviewed which includes non-exempt residential uses. Contiguous School Concurrency Service Areas are those that have an adjacent (coterminous) boundary.

De Minimis Development: A proposed development relating to land use of such a low intensity as to have a de minimis effect, if any, upon the level of service standards set
forth in the Comprehensive Plan; such development shall be exempt from concurrency review. Development approvals for single-family dwellings shall be deemed de minimis. Any development generating less than 120 average daily trips shall be deemed de minimis for purposes of assessing transportation levels of service.

**Development**: The particular development activity authorized by the unexpired development approval issued for a specific project.

**Development Approvals**: The following unexpired development approvals shall be considered to be final development approvals for purposes of issuance of a Certificate of Concurrency:

- final subdivision plat approval,
- final site plan approval, and
- building permit

**Development Actions**: An action of the city which requires a non-binding concurrency determination such as a land use amendment to the Comprehensive Plan or a rezoning.

**Florida Inventory of School Houses (FISH) Capacity**: The report of the permanent capacity of existing public school facilities. The FISH capacity is the number of students that may be housed in a facility (school) at any given time as determined by the Florida Department of Education’s Office of Educational Facilities. In the Polk County School District, permanent capacity does not include temporary classrooms unless they meet the standards for long-term use pursuant to Section 1013.20, Florida Statues.

**Public Facilities and Services**: The following public facilities and services for which level of service standards have been established in the Comprehensive Plan:

- Potable water
- Wastewater
- Drainage
- Solid waste
- Parks and recreation
- Transportation
- Public Schools

**Spot Zone**: An area zoned to a particular school that is not in the immediate neighborhood of that school facility in order to facilitate desegregation and balance socio-economic diversity.

**Student Capacity**: The estimated number of students (in full-time equivalency) that can be satisfactorily housed in a facility at any given time based upon a percentage of the total number of satisfactory student stations.

**Temporary Classroom**: A movable or portable classroom facility also known as a relocatable.
**Transit Agency:** The Lakeland Area Mass Transit District or successor agency.

**Vested Rights:** The right of certain property owners secured by obtaining a determination that their property is exempt from the concurrency provisions of the Comprehensive Plan.

### 10.3 APPLICATIONS

#### 10.3.1 GENERAL

a. Each applicant for a development approval, except those exempted from concurrency, shall apply for a Certificate of Concurrency.

b. An applicant requesting development approval by the city shall provide all information required by the city in order for a binding concurrency evaluation to be made on the proposed project. Such required information shall include all categories specified in the “Concurrency Determination Application” as maintained by the Community Development Department, and detailed information in any required traffic study subject to review and approval by the city. Additional information may be required by the Director of Community Development in order to evaluate issuance of a binding Certificate of Concurrency.

c. No development approvals shall be granted unless the applicant is eligible for a Certificate of Concurrency.

#### 10.3.2 NON-BINDING DETERMINATIONS

a. An applicant requesting a development action by the city shall provide all information required by the city in order for a non-binding concurrency determination to be made on the proposed project. Such required information shall include all categories specified in the “Concurrency Determination Application” as maintained by the Community Development Department, and any additional information required by the Director of Community Development in order to make a non-binding concurrency determination. The non-binding concurrency determination shall become a part of the staff recommendation regarding the requested development action.

b. A non-binding concurrency determination may be received prior to a request for development action or approval by submitting a request and any applicable fee to the Community Development Department.
10.4 TRANSPORTATION CONCURRENCY MANAGEMENT

10.4.1 TRANSPORTATION PROPORIONATE FAIR-SHARE PROGRAM

a. Applicability

The Proportionate Fair-Share Program shall apply to all developments in the city that have been notified of a lack of capacity to satisfy transportation concurrency on a transportation facility in the city CMS, including transportation facilities maintained by FDOT or another jurisdiction that are relied upon for concurrency determinations. The Proportionate Fair-Share Program does not apply to developments of regional impact (DRIs) using proportionate fair-share under §163.3180(12), F.S., or to developments exempted from concurrency as provided herein and including those with de minimis impacts. The Proportionate Fair-Share Program does not preclude applicants from funding transportation improvements pursuant to a development agreement to meet concurrency requirements.

b. General Requirements

1. An applicant may choose to satisfy the transportation concurrency requirements of the city by making a proportionate fair-share contribution, pursuant to the following requirements:

   (a) The proposed development is consistent with the Comprehensive Plan and applicable land development regulations.

   (b) The five-year schedule of capital improvements in the city CIE or the long-term schedule of capital improvements for an adopted long-term CMS includes the construction phase of a transportation improvement(s) that, upon completion, shall satisfy the requirements of the city transportation CMS.

2. The city may choose to allow an applicant to satisfy transportation concurrency through the Proportionate Fair-Share Program by adding an improvement (construction phase) to the CIE or adopted long-term CMS that will satisfy the requirements of the city transportation CMS. For the purposes of the Proportionate Fair-Share Program, no capacity road project shall be added to the CIE unless any required alignment study or a Project Development and Environmental (PD&E) Study has been completed with an endorsed build alternative.

   To implement this option, the city shall adopt, by resolution or ordinance, a commitment to add the improvement to the five-year schedule of capital improvements in the CIE or long-term schedule of capital improvements for an adopted long-term CMS no later than the next regularly scheduled update. To qualify for consideration under this section, the proposed improvement must be reviewed by the appropriate city body, and determined to be financially feasible.
pursuant to §163.3180(16) (b) 1, F.S., consistent with the Comprehensive Plan, and in compliance with the provisions of this article. Any improvement project proposed to meet the developer’s fair-share obligation must meet the design standards of the jurisdiction with maintenance responsibility for the subject transportation facility.

c. Memorandum of Understanding

The city shall coordinate with the Florida Department of Transportation, Polk Transportation Planning Organization, Central Florida Regional Planning Council and other local governments to implement the provisions of the Proportionate Fair-Share Program. Appropriate provisions for intergovernmental coordination shall be detailed in a Memorandum of Understanding on the Proportionate Fair-Share Program (MOU), and city shall coordinate with the signatory parties to ensure that mitigation to impacted facilities is based on comprehensive and consistent transportation data.

d. Application Process

1. Upon notification of a lack of capacity to satisfy transportation concurrency, the applicant shall also be notified in writing of the opportunity to satisfy transportation concurrency through the Proportionate Fair-Share Program.

2. Prior to submitting an application for a proportionate fair-share agreement, a pre-application meeting shall be held to discuss eligibility, e.g., project status in CIE, application submittal requirements, potential mitigation options, and related issues. If the impacted facility is on the SIS, or any state transportation facility, then the FDOT shall be notified and invited to participate in the pre-application meeting.

3. Eligible applicants shall submit an application to the city that includes an application fee as established by a resolution of the City Commission of the City of Lakeland, and the following:

   (a) Name, address and phone number of owner(s), developer and agent;
   (b) Property location, including parcel identification numbers;
   (c) Legal description and survey of property;
   (d) Project description, including type, intensity and amount of development;
   (e) Phasing schedule, if applicable;
   (f) Description of requested proportionate fair-share mitigation method(s);
   (g) Copy of concurrency application;
   (h) Copy of the project’s traffic study or traffic impact analysis; and
   (i) Location map depicting the site and affected road network.

4. The city shall review the application and certify that the application is sufficient and complete within 10 business days. If an application is determined to be insufficient, incomplete or inconsistent with the general requirements of the Proportionate Fair-Share Program, then the applicant shall be notified in writing.
of the reasons for such deficiencies within 10 business days of submittal of the application. If such deficiencies are not remedied by the applicant within 30 days of receipt of the written notification, then the application shall be deemed abandoned. The City Commission may, in its discretion, grant an extension of time not to exceed 60 days to cure such deficiencies, provided that the applicant has shown good cause for the extension and has taken reasonable steps to effect a cure.

5. Pursuant to §163.3180(16) (e), F.S., proposed proportionate fair-share mitigation for development impacts to facilities on the SIS requires the concurrence of the FDOT. The applicant shall submit evidence of an agreement between the applicant and the FDOT for inclusion in the proportionate fair-share agreement.

6. When an application is deemed sufficient, complete, and eligible, the applicant shall be advised in writing and a proposed proportionate fair-share obligation and binding agreement shall be prepared by the city or the applicant with direction from the city and delivered to the appropriate parties for review, including a copy to the FDOT for any proposed proportionate fair-share mitigation on a SIS facility, or any state transportation facility, no later than 60 days from the date at which the applicant received the notification of a sufficient application and no fewer than 45 working days prior to the Commission meeting when the agreement will be considered.

7. The city shall notify the applicant regarding the date of the Commission meeting when the agreement will be considered for final approval. No proportionate fair-share agreement shall be effective until approved by the Commission, or pursuant to staff approval for agreements below a certain dollar amount.

e. Determining Proportionate Fair-Share Obligation

1. Proportionate fair-share mitigation for concurrency impacts may include, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities as provided in §163.3180 (16) (c), F.S.

2. A development shall not be required to pay more than its proportionate fair-share. The fair market value of the proportionate fair-share mitigation for the impacted facilities shall not differ based on the form of mitigation as provided in §163.3180 (16) (c), F.S. (contributions of private funds, land or facility construction).

3. The methodology used to calculate an applicant’s proportionate fair-share obligation shall be as provided for in Section 163.3180 F.S. To the extent not inconsistent with Section 163.3180, F.S., the following is intended as a guide for calculating proportionate share and the costs of subject transportation mitigation measures:
The cumulative number of peak hour, peak direction trips from the complete buildout of the proposed development, or buildout of the stage or phase being approved, that are assigned to the proportionate share program segment divided by the change in the peak hour maximum service volume (MSV) of the proportionate share program segment resulting from construction of the proportionate share program improvement, multiplied by the anticipated cost of the proportionate share project. In this context, cumulative does not include project trips from previously approved stages or phases of development.

This methodology is expressed by the following formula: Proportionate Fair Share = \[ \sum (\text{Development Trips}_i / \text{SV Increase}_i) \times \text{Cost}_i \]

Where:
(a) \( \sum \) = Sum of all deficient links proposed for proportionate fair-share mitigation for a project;
(b) Development Trips\(_i\) = Those trips from the stage or phase of development under review that are assigned to roadway segment “\( i \)” and have triggered a deficiency per the concurrency management system (CMS);
(b) SV Increase\(_i\) = Service volume increase provided by the eligible improvement to roadway segment “\( i \)”;
(c) Cost\(_i\) = Adjusted cost of the improvement to segment “\( i \)”.
Cost shall include the cost of all project phases (preliminary engineering or alignment study, design, rights-of-way acquisition and construction) in the years said phases will occur with all associated costs.

4. The cost of the proportionate fair-share project shall be determined by the maintaining jurisdiction. If any road is determined to be transportation deficient without the project traffic under review, the costs of correcting that deficiency shall be removed from the project’s proportionate-share calculation and the necessary transportation improvements to correct that deficiency shall be considered to be in place for the purposes of the proportionate-share calculation.

5. The value of right-of-way dedications used for proportionate fair-share payment shall be subject to the approval of the maintaining jurisdiction. No value shall be assigned to right-of-way dedications required under ordinance or as a condition of development approval.

f. Impact Fee Credit

1. The city shall maintain a list of transportation projects funded by road impact fees under the CIE. If the subject improvement is contained in the current CIE and funded in part or whole by road impact fees, the proportionate fair-share contributions shall be applied as a credit against road impact fees.

2. Impact fee credits for the proportionate fair-share contribution shall be determined when the transportation impact fee obligation is calculated for the
proposed development. Impact fees owed by the applicant shall be reduced per the Proportionate Fair-Share Agreement as they become due per the city’s adopted Impact Fee Ordinance and per provisions in Ch. 163.3180 F.S.. If the applicant’s proportionate fair-share obligation is less than the development’s anticipated road impact fee for the specific stage or phase of development under review, then the applicant or its successor must pay the remaining impact fee amount to the city pursuant to the requirements of the city impact fee ordinance.

3. The proportionate fair-share obligation is intended to mitigate the transportation impacts of a proposed development at a specific location. As a result, any road impact fee credit based upon proportionate fair-share contributions for a proposed development cannot be transferred to any other location unless provided for within the local impact fee ordinance.

4. The amount of traffic impact fee credit for a proportionate fair-share contribution may be up to, but shall not exceed, the project’s proportionate fair-share amount and shall be determined based on the following formula: Credit = [(Cost of Proportionate Share Project) ÷ (Total Cost of All Projects in Applicable Impact Fee District)] x (Total Project Traffic Impact Fee Liability)

Where:
Cost of projects shall include the cost of all project phases in the year said phases will occur with all associated costs. Credit shall be calculated based on multiple Proportionate Share Projects, if applicable.

g. Proportionate Fair-Share Agreements

1. Upon execution of a proportionate fair-share agreement (Agreement) and satisfying other concurrency requirements, an applicant shall receive a city certificate of concurrency approval. Should the applicant fail to apply for building permits within the timeframe provided for in the city concurrency certificate, then the project’s concurrency vesting shall expire, and the applicant shall be required to reapply. Once a proportionate fair share payment for a project is made and other impact fees for the project are paid, no refunds shall be given. All payments, however, shall run with the land.

2. Payment of the proportionate fair-share contribution for a project and payment assessed of other road impact fees assessed to that project not subject to an impact fee credit shall be due and must be paid within 60 days of the effective date of the proportionate fair share agreement. The effective date shall be specified in the agreement and shall the date the agreement is approved by the Commission or its designee.

3. All developer improvements accepted as proportionate fair share contributions must be completed with three years of the issuance of the first building permit for the project which is the subject of the proportionate fair share agreement and be accompanied by a security instrument that is sufficient to ensure the completion
of all required improvements. It is the intent of this section that any required improvements be completed within three years of the issuance of the first building permit for the project which is the subject of the proportionate fair share agreement.

4. Dedication of necessary right-of-way for facility improvements pursuant to a proportionate fair-share agreement must be completed prior to the effective date of the proportionate fair share agreement.

5. Any requested change to a development project subsequent to issuance of a development order shall be subject to additional proportionate fair-share contributions to the extent the change would generate additional traffic that would require mitigation.

6. Applicants may submit a letter to withdraw from the proportionate fair-share agreement at any time prior to the execution of the agreement. The application fee and any associated advertising costs to the city shall be nonrefundable.

h. Appropriation of Fair-Share Revenues

1. Proportionate fair-share revenues shall be placed in the appropriate project account for funding of scheduled improvements in the city CIE, or as otherwise established in the terms of the proportionate fair-share agreement. At the discretion of the local government having jurisdiction over the relevant transportation facility subject to the proportionate fair share agreement, and with the concurrence of the local government issuing the development order, proportionate fair-share revenues may be used for operational improvements prior to construction of the capacity project from which the proportionate fair-share revenues were derived. These operational improvements shall be consistent with, and sustainable through, the construction of the capacity project. Proportionate fair-share revenues may also be used as the 50 percent local match for funding under the FDOT Transportation Regional Incentive Program.

2. In the event a scheduled facility improvement is removed from the CIE, then the revenues collected for its construction may be applied toward the construction of another improvement within that same corridor or sector that would mitigate the impacts of development.

10.4.2 TRANSPORTATION DEMAND MANAGEMENT MITIGATION

10.4.2.1 Intend and Applicability

a. Intent

It is the intent of this section to make available concurrency mitigation measures for development that adversely impacts constrained roadways within designated Transit Oriented Corridors (TOC) and the Central City Transit Supportive Area (CCTSA). These
measures may be used at the discretion of the Director of Community Development to allow automobile traffic to exceed adopted roadway segment capacities in exchange for the presence of or mitigation funding for bicycle, pedestrian and transit facilities or services. Concurrency mitigation is in accordance with city’s designation as a Transportation Concurrency Exception Area (TCEA) with locally-preferred transportation multi-modal level-of-service standards and the goals, policies and objectives of the Comprehensive Plan which support alternative transportation modes.

b. Applicability

Where development on a TOC or within the CCTSA adversely impacts roadway segments with volume-to-capacity ratios at or above 1.0, the Director of Community Development may require the multi-modal mitigation measures set forth herein in order for the development to obtain a Certificate of Concurrency, depending on the scale of the development activity and impact on the surrounding road network. Development seeking a longer transportation concurrency approval horizon than defined in this article, may request a Development Agreement or other such instrument to be considered by the city.

10.4.2.2 Mitigation Measures by Type of Development

a. Type of Development: Development located adjacent to a transit stop and generating at least 120 daily trips.

Mitigation Measures: Construction of a transit bench pad and deployment area in compliance with the Engineering Standards Manual in a location acceptable to the transit agency. If the transit bench pad cannot be accommodated within public right-of-way, then a transit bench pad easement shall be executed between the property owner and transit agency.

b. Type of Development: Development generating 750 or more daily trips and located adjacent to or within ¼ mile of a transit stop.

Mitigation Measures: Construction of a transit shelter pad and transit shelter structure at a location acceptable to the transit agency, and,

Access Gaps: Where pedestrian access within ¼ mile of a transit route has one or more gaps in the sidewalk or sidepath network to the transit site, such gap shall be addressed and meet all City standards.

c. Type of Development: Office and public/institutional or non-residential multi-use development containing 40,000 square feet or more and generating at least 750 daily or 50 PM Peak Hour trips.

Mitigation Measures: Construction of the transit stop improvements contained in Sub-Section b., and:
Commuter Assistance: The developer shall request to participate in the Florida Department of Transportation Commuter Services Program or other organization that provides similar commuter assistance services including carpool/vanpool programs within 12 months of final site plan approval.

Carpool/Vanpool Parking: A minimum of five percent of the required off-street parking spaces shall be dedicated to carpool/vanpool participants. Such spaces shall be located in close proximity to the principal employee entrance and appropriately marked.

d. Type of Development: Development within multi-use master planned sites containing 40,000 square feet of office or institutional uses generating at least 2,000 daily and 150 PM Peak Hour trips (cumulative total for all uses).

Mitigation Measures: Provision of all mitigation measures outlined in Sub-Section c, and:

Transit Passes: The developer shall execute an agreement with the transit agency through which transit passes are purchased for employees or payment is made to allow for fare-free rides for employees and major target user groups within the development.

Shower/Changing Facilities: One shower/changing room facility accessible to employees shall be required for the first 40,000 of office or institutional space per building, with one additional facility for each additional 100,000 square foot of office space within the same building.

e. Type of Development: Retail development generating at least 2,000 daily and 150 P.M. total Peak Hour Trips.

Mitigation Measures: Construction of an on-site transit shelter within the development site, provided that the site is acceptable to the transit agency. An easement agreement shall be executed with the transit agency to accommodate the transit shelter site as well as the transit vehicle routes.

f. Type of Development: Single-family residential subdivisions or multi-family residential developments located along fixed transit routes.

Mitigation Measures: Dedication of land for and construct or provide funding for a transit shelter built in compliance with the Engineering Standards Manual at locations acceptable to the transit agency.

g. Type of Development: Development meeting criteria in Sub-Section 10.4.2.2.d & e above, depending on scale of the project at build-out and the specific impacts of the project on the transportation network may be required to fund and/or implement transportation demand management measures including higher levels of transit
services in order to obtain a Certificate of Concurrency. Potential mitigation measures are listed below; any TDM package must include an analysis of the expected reduction in peak-hour automobile trips resulting from the proposed mitigation measures and annual trip monitoring data to ensure progress toward mitigation objectives.

Mitigation Measures: Dedication of park-and-ride parking spaces for public use; funding of transit capital and service improvements; and/or implementation of Staggered Work Hour or Telecommute Programs: to establish staggered work hours or telecommute options that reduces peak hour impacts.

h. Type of Development: Development generating 750 or more daily trips and located within the CCTSA or UDA and not directly accessing a TOC.

Mitigation Measures: Fund the construction of off-site sidewalk and bicycle pathways to address nearby network gaps identified in the Comprehensive Plan. Sidewalk and bicycle pathway mitigation requirements shall improve connectivity and/or accessibility to nearby fixed-route transit services operated by the transit agency. The improvement shall be programmed in the Capital Improvement Element prior to the issuance of a building permit. The development may elect to construct the improvement or contribute sufficient funds to complete this mitigation project in the Sidewalk or Pathways Fund as approved by the Public Works Department.

10.5 SCHOOL CONCURRENCE MANAGEMENT

10.5.1 APPLICABILITY

a. Applicability

School concurrency shall apply only to residential uses that generate or have the potential to generate demand for public school facilities and that are proposed or established after the effective date of this article.

b. Exemptions

The following residential uses or projects shall be exempted from school concurrency compliance review:

1. Any single family residential development project having construction plan approval or multifamily residential development project having a current and unexpired final site plan approval prior to the effective date hereof. Subject projects shall be deemed concurrent for school facilities. This concurrency determination shall be subject to the provisions of Sub-Section c. and shall remain valid for the time period specified based on an effective date of this article.

2. Single family subdivisions actively being reviewed on the effective date hereof that are determined to be sufficient and approvable by the city. Sufficient and approvable shall mean a complete application having been submitted, including
all required items as specified within Section 9.5 of the Land Development Regulations. Upon receiving final development approval, projects shall be deemed concurrent for school facilities, subject to the provisions of Sub-Section c.

3. Multi-family project site plans under active review on the effective date hereof that are determined to be sufficient and approvable by the city. Sufficient and approvable shall mean a complete application having been submitted, including all items required for review by the City of Lakeland Development Review Team. Upon receiving final development approval, subject projects shall be deemed concurrent for school facilities, subject to the provisions of Sub-Section c.

4. Residential development projects that have set aside a site for a public school that is found acceptable to the School Board and that have agreed to provide site access and necessary utilities shall be exempt for up to three years from concurrency for the school level (i.e. elementary, middle or high school) to be addressed by the future school. A Development of Regional Impact or DRI that has set aside one or more acceptable school sites and shall provide site access and necessary utilities shall be exempt for up to five years from concurrency for the school level(s) to be addressed by said future school(s). Any residential or mixed-use DRI with an approved Development Order in effect prior to the effective date hereof shall be exempt from school concurrency for the current phase or to the extent exempted through an approved development order. Consistent with the provision of Section 39, Chapter 2005-290, Laws of Florida, this provision shall not apply to DRIs for which a development order was issued prior to July 1, 2005, or for which an application was submitted prior to May 1, 2005, unless the developer elects otherwise in writing.

5. Single family lots of record having received final plat approval or having been recorded prior to the effective date of the city’s school concurrency regulations.

6. Amendments to residential development approvals issued prior to the effective date of this article which do not increase the number of residential units or change the type of residential units proposed.

7. Group quarters including residential type facilities such as local jails, prisons, hospitals, bed and breakfast establishments, colleges, motels, hotels, temporary emergency shelters for the homeless, adult halfway houses, firehouse dorms and religious non-youth facilities.

8. Two-lot split of a vested parcel in compliance with all other land development regulations. For purposes of this section, a property owner may not divide a property into several tracts for development in order to claim exemption under this section. In making a determination as to whether a property is exempt under this section, the city shall consider, in addition to the ownership and parcel configuration at the time of the application, the ownership of the property as of the effective date of this article.
9. **Age-restricted development projects** that are subject to deed restrictions prohibiting the permanent occupancy of residents under the age of 18 years. Such deed restrictions must be recorded and must be irrevocable for a period of at least 30 years, with revocation conditioned upon the project satisfying school concurrency. Such deed restrictions shall also name the City and Polk County School Board as parties to be notified in the event that there is proposed change to the age restriction requirement.

10.5.2 **GENERAL**

10.5.2.1 School Concurrency Time Limits

Concurrency for school capacity shall be granted for a development project for a period of 18 months. At a minimum, the project must have commenced rough lot grading consistent with an approved Water Management District Stormwater Permit within 18 months of the issuance of the city’s certificate of concurrency in order for reserved school capacities to remain valid. This shall not include grading for model homes or model home centers. If an applicant donates land for a school facility, then concurrency for schools may be extended for a longer period, subject to approval by the local government and the School Board. For mixed use or residential DRIs, school concurrency may be extended for up to five years where the DRI has addressed all questions regarding school impacts and the Development Order includes conditions to address mitigation of any school impacts, as agreed to by the School Board including those defined in the Interlocal Agreement.

10.5.2.2 School Concurrency Service Areas

School Concurrency Service Areas (CSA) are established and may be subsequently modified to maximize available school capacity and make efficient use of new and existing public schools. These areas shall be school attendance zones (excluding attendance “spot zones”) as expressed in Policy 2-C1 of the Comprehensive Plan Public School Facilities Element, and are established so that the adopted Level-of-Service will be achievable and maintained within bounds of the School Board’s requirement for financially feasible five year program of work.

10.5.2.3 Methodology

To ensure that adequate school capacity is available for each school level (elementary, middle, and high school) and concurrent with the impacts of development, a Level of Service (LOS) standard of 100 percent of the permanent “Florida Inventory of School Houses” (FISH) capacity is in effect for all schools. Pursuant to State legislative changes to Chapter 163, F.S. in year 2011, school capacity determinations shall include the capacity of qualified relocatable or portable classrooms as provided in Ch. 163.3180, F.S. (Ord. No. 5455, § 2, 07-21-14)
10.5.2.4 School Concurrency Determinations

Upon the receipt of a complete application for a non-binding or binding School Concurrency Determination, the city will transmit the application to the School Board for a determination of whether there is adequate school capacity, for each school level to accommodate the proposed development, based on the LOS standards, CSAs, and other standards set forth in the Interlocal Agreement.

The City shall issue a binding certification of School Capacity only upon:

a. The School Board’s written determination that adequate school capacity will be in place or under actual construction within three years after the issuance of final subdivision or site plan approval for each level of school without mitigation; or

b. The execution of a legally binding mitigation agreement between the applicant, the School Board and the city. If a proposed development project does not meet school concurrency requirements and is not issued a Certificate of Concurrency, then the School Board shall place the development into a queue of pending projects for a period of 18 months. If conditions change such that adequate capacity becomes available to serve the project, then the applicant and the city shall be notified of the determination of adequate school capacity.

10.5.2.5 School Concurrency Management

a. A Certificate of Concurrency shall be issued for a development approval, and remain in effect for the same period of time as the development approval with which it is issued. If the development approval does not have an expiration date, the Certificate of Concurrency shall be valid for 18 months, except that transportation concurrency certificates shall be valid for 36 months, with an additional one year extension available through administrative approval by the Director of Community Development or the Director’s designee.

b. A Certificate of Concurrency may be accorded the same terms and conditions as the underlying development approval. If a development approval shall be extended, the Certificate of Concurrency shall also be extended.

c. A Certificate of Concurrency may be extended to remain in effect for the life of each subsequent development approval for the same parcel, as long as the applicant obtains a subsequent development approval prior to the expiration of the earlier development approval.

d. A Certificate of Concurrency runs with the land, is valid only for the subsequent development approvals for the same parcel, and is transferable to new owners of the original parcel for which it was issued.

e. A Certificate of Concurrency shall expire if the underlying development approval expires or is revoked by the city.
10.5.3 SCHOOL CONCURRENCY MITIGATION

10.5.3.1 Mitigation Determination

In the event that a proposed development project will exceed the LOS standards, the Director of Community Development and the Polk County School Board Superintendent may consider mitigation measures. The following criteria shall be used to determine whether or not proposed mitigation can adequately offset the impacts of a proposed development:

a. The proposed mitigation must be directed toward a permanent school capacity improvement identified by the Polk County School Board’s financially feasible Five Year Program of Work;

b. The proposed mitigation must satisfy the demand(s) created by the proposed development;

c. The proposed mitigation must be, at minimum, proportionate to the demand for public school facilities to be created by actual development of the property;

d. If the needed capacity is available in one or more of the contiguous CSAs and the impacts of the development can be shifted to that CSA, mitigation shall not be required;

e. The provision of temporary classrooms shall not be accepted as mitigation.

10.5.3.2 Types of School Concurrency Mitigation

If it is determined by both the Director of Community Development and the School Board Superintendent that a method of mitigation may be acceptable and can offset the impacts of a proposed development on schools capacity, then one or more of the following procedures shall be used and made part of a formal mitigation agreement described above:

a. The donation, construction, or funding of school facilities sufficient to offset the demand for public school facilities created by the proposed development project.

b. The creation of a mitigation bank based on the construction of a public school facility in exchange for the right to sell capacity credits.

c. The donation of acceptable land in conjunction with the provision of additional school concurrency.

d. The provision of additional student stations through the donation of existing buildings for use as a primary or alternative learning facility as long as the building meets “State Requirements for Educational Facilities” (SREF) standards.
e. The provision of additional student stations through the renovation of existing buildings for use as learning facilities as long as the building meets SREF standards.

f. The construction of permanent student stations or core capacity as long as the building meets SREF standards.

g. The construction of a charter school designed in accordance with School Board and SREF standards, providing permanent capacity to the Board’s inventory of student stations. The use of a charter school for mitigation must include provisions for its continued existence, required attendance by students generated by development, including but not limited to the transfer of ownership of the charter school property and buildings and/or operation of the school to the School Board.

10.6 APPEALS

An applicant may appeal a determination by the Director of Community Development, made pursuant to the terms of this article, to the City Commission. Appeals must be filed with the City Clerk within 30 business days of the determination or decision being appealed. Appeals shall be heard by the City Commission at an evidentiary hearing at which the reasons for the decision and the evidence relied upon shall be presented. The Applicant also shall have the opportunity to present the reason for appeal and evidence in support of the appeal. At its discretion, the City Commission may: (a) affirm the decision of the Director of Community Development; (b) remand the matter to the Director of Community Development for further proceedings; or (c) reverse the decision of the Director of Community Development. Decisions of the City Commission may be challenged in a court of competent jurisdiction in accordance with applicable law.
ARTICLE 11: HISTORIC PRESERVATION STANDARDS

11.1 INTENT AND APPLICABILITY

a. Intent

It is the intent of this article to establish the framework for a comprehensive historic preservation program in the City of Lakeland, to protect and preserve unique historic and cultural resources by identifying and designating historic districts, to prevent the destruction of historic landmarks, to enhance public awareness of the city’s historic and cultural resources, to discourage the demolition of sound historic structures and to provide special consideration to projects that involve the use of older structures.

b. Applicability

This article shall apply citywide to designated historic districts, local historic landmarks and to historic resources as defined herein.

11.2 DEFINITIONS

Alteration: Any change affecting the outward appearance of the building, structure, or site because of construction, repair, maintenance or otherwise to a building, structure, or site

Applicant: The record owner of a site and/or building located thereon, the lessee thereof, or a person holding a bona fide contract to purchase same who makes application for a Certificate of Review

Building: Any building or other structure built for shelter or enclosure of persons, animals, or chattels, including fences, signs, paving and boundary walls, and any part of any such building or structure when subdivided by division walls or party walls extending to or above the roof and with or without openings is such separate walls. The term “building” shall be construed as if followed by the words “or any part thereof.”

Construction: The erection of an on-site improvement to a building or structure or site located within the Historic District, whether the site is presently improved or unimproved, or hereafter becomes unimproved by “demolition” or as a result of destruction of a improvement located thereon by fire, windstorm or other casualty, or otherwise.

Demolition: The complete or constructive removal of a building on any site including the moving intact of any part or whole of a building.

Exterior: All outside surfaces of a building.

Façade: The front of a building, that which is readily visible to the public and is often seen within the context of other buildings facing a street or other public right-of-way.
**Ordinary Repairs or Maintenance:** Work done to prevent deterioration of a building or to correct any deterioration or decay of a building or any part thereof by restoring the building as nearly as practicable to its condition prior to such deterioration or decay. Repairs or maintenance which changes the outward appearance of a building constitute an alteration.

**Owner of Record:** The owner in fee simple of real property as indicated in the official records of Polk County, Florida, regardless of any liens, mortgages, or other interest in the property.

**Reconstruction:** The rebuilding or extraordinary repair of a building or structure which has been damaged, has fallen into disrepair or for any other reason is substantially rebuilt.

**Responsible Party:** The owner or an individual acting as the owner’s agent who accepts responsibility for meeting city requirements for the property designated in a certificate of review application.

**Site:** A parcel of ground whether improved or unimproved, under single or multiple ownership by any public or private corporation, association, trust or individual, or any combination thereof.

**Structure:** An improvement to a site which is placed or constructed by man regardless of size, material(s), purpose or design.

### 11.3 HISTORIC PRESERVATION BOARD

There is hereby established a Historic Preservation Board of the City of Lakeland (HPB) which shall have citywide jurisdiction and shall serve as the primary agency responsible for furthering historic preservation within the city.

### 11.3.1 ORGANIZATION

The HPB shall be composed of no less than nine members and no more than thirteen members. Whenever possible, the membership shall be composed of at least one of the following: an architect, a landscape architect or designer, a contractor or builder, a representative of a local historical society, a civil or structural engineer, a realtor or developer, and an individual owning or leasing property or operating a business within each historic district in the city, and at least two members from the general public. Members shall serve without compensation. Appointments shall be made for three-year terms, except that the initial appointments shall be made as follows: three members for one year each, two members for two years, and four members for three years. The City Commission shall make appointments to the HPB and may remove members for just cause. The City Attorney and Director of Community Development shall serve as advisory staff to the HPB.
11.3.2  POWERS AND DUTIES

The HPB shall be responsible for identifying and maintaining Lakeland’s historic resources for the benefit of Lakeland residents, both now and in the future, through the development and administration of a comprehensive historic preservation program. The HPB shall have the power and authority to:

a. Identify to the City Commission areas deserving of being included within a historic district and the designation of such districts,

b. Appoint design review committees to review construction and alterations within each historic district;

c. Identify and recommend designation of local historic landmarks;

d. Develop and maintain a local register of historic places;

e. Identify city policies which impact upon preservation;

f. Coordinate local activities with state and national preservation efforts, and review relevant legislation;

g. Further public awareness of Lakeland’s past and of preservation in general;

h. Inform the public of the HPB’s activities and of preservation needs in the community;

i. Adopt rules and procedures.

11.3.3 DESIGN REVIEW COMMITTEE

There shall be a Design Review Committee (DRC) for each historic district consisting of a minimum of five and a maximum of seven of the HPB. Any member of the Historic Preservation Board may be appointed as an alternate to serve on the Design Review Committee in the absence of committee members. At least one member of the DRC shall own property, operate a business, or maintain an office within the boundary of the District. The DRC shall select a Chairman and Vice-Chairman. A majority of the DRC membership shall be required to approve or disapprove an application for a Certificate of Review.

11.4 HISTORIC DISTRICTS

a. A historic district is a geographically definable contiguous or noncontiguous area possessing a significant concentration, linkage or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development

b. No historic district shall be established within the City of Lakeland except as provided in this section
c. The HPB may identify an area as being suitable for designation as a historic district. It shall then have the area surveyed and studied for the purpose of determining the age and significance of each building, site or structure within the area. The results of that survey and study shall be reported to the HPB which may, following a public hearing, recommend to the City Commission the establishment of a district and the boundary thereof. Following receipt of that recommendation, a district may be established by adoption by the City Commission of an ordinance to that effect.

11.5 LOCAL HISTORIC LANDMARKS

a. A local historic landmark is an unimproved parcel of group or a parcel of group with improvement of particular historic or cultural significance which:

1. Reflects the broad cultural, political, economic or social history of the city, state, or national; or

2. Is identified with historic personages or important events in local, state or national history; or

3. Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship; or

4. Is representative of the notable work of a master builder or designer whose individual ability has been recognized or who influenced his era.

b. No historic landmark within the City of Lakeland shall be designated except as provided in the section

c. The HPB shall seek and accept nominations of buildings, sites and structures for designation as Local Historic Landmarks. It may initiate such designation itself. The HPB shall be responsible for reviewing a proposed landmark to determine its local, state, or national significance. A building, site, or structure approved by the Court for landmark designation shall be recommended to the City Commission for such designation upon adoption of a resolution to that effect by the Commission.

11.6 CERTIFICATES OF REVIEW

11.6.1 GENERAL

a. No building, structure, or site of any kind shall be erected, altered, constructed, restored, moved, or demolished within the district until an application for a Certificate of Review of exterior architectural features has been approved by the DRC. For the purposes of this article, “exterior architectural features” shall include, but not be limited to, the architectural style, scale, size and proportion, general design and arrangement, or exterior of a building, including the kind of texture of a building.
material, color and type of protective covering, and the type and style of roofs, windows, doors, and signs.

b. Nothing in this article shall be construed to prevent ordinary maintenance or repairs which do not involve a change of design or material, or alter the outward appearance of a building.

c. The DRC may make such recommendation for the changes or modifications to building plans and specifications as deemed necessary to enable the applicant to satisfy the criteria for issuance of a certificate as set forth in Sub-Section 11.6.3. The DRC shall state its reason(s) for not approving the issuance of a Certificate of Review.

11.6.2 PROCEDURE

a. The HPB shall adopt rules prescribing the procedures for making and reviewing applications for a Certificate of Review and the form and content thereof.

b. Reviews shall be based on The Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

c. Historical resources not located in the district but located or eligible for listing by the National Park Service on the National Register of Historic Properties will also be subject to the Certificate of Review procedure.

d. The DRC shall promptly hold a hearing upon each application and shall provide adequate notice thereof to the applicant; the city’s building inspection office, and the public.

e. The DRC shall state the reason(s) for not approving the issuance of a Certificate of Review and shall require any change in the building plans or specifications as deemed necessary and appropriate to cause the proposed construction to satisfy the criteria set forth in Sub-Section 11.6.3.

f. The HPB shall prepare a list of routine alterations which may receive administrative approval of a Certificate of Review from the HPB staff without a public meeting, provided that the alteration complies with the guidelines of the HPB. Such routine alterations shall include but not be limited to minor work by replacement of damaged or deteriorated materials in like kind.

11.6.3 REVIEW CRITERIA

The following criteria shall be the basis on which the DRC approves or disapproves an application for a Certificate of Review depending on the nature of the exterior alteration:
a. New Construction

New construction shall be visually compatible with the buildings and environment with which it is visually related, including, but not limited to:

1. The height, the floor-to-area ratio, the proportion between width and height of the exterior, the proportions and relationships between doors and windows, the relationship of solids to voids created by openings in the exterior, the materials used in the exterior, the texture inherent in the exterior, the colors, pattern and trim used in the exterior, and the design of the roof.

2. The relationship of building masses and spaces between them.

3. The site and landscape plan shall be sensitive to the individual building, its occupants and needs and shall be visually compatible with the buildings and environment with which it is visually related.

4. A new street exterior shall relate to adjacent buildings.

5. Architectural features shall be incorporated whenever possible to relate the new with the old and to preserve and enhance the characteristics of the District.

b. Alterations to Existing Building, Structure or Site

1. The criteria set forth in Sub-Section a., above, shall be considered insofar as applicable to the historic characteristics of the building, structures, and sites visually related to it.

2. Alterations shall not affect the architectural quality or historic character of the building, structure or site, but shall, to the extent possible, maintain or restore the historic design and condition.

3. Exterior signs or interior signs plainly visible from the exterior shall be compatible with the buildings and environment with which they are visually related.

c. Demolition is generally discouraged and shall be reviewed with regards to:

1. The architectural significance of the building or structure. Architectural significance shall be determined by the DRC at the time of the demolition request and shall be based upon documentation of the property’s architectural integrity and historical or cultural significance. Designation of the building or structure as “non-contributing” by the most recent historic district survey does not preclude the DRC from making a determination of architectural significance.

2. The contribution of the building or structure to the history or origins of the historic district.
3. The future utilization of the site, including any replacement buildings or structures.

d. Reconstruction

1. The reconstruction of a building or structure damaged by fire, storm or other act of God shall be reviewed by the DRC according to the criteria in Sub-Section b, above. Totally or substantially new construction, regardless of reason, shall be reviewed according to the criteria set forth in Sub-Section a., above.

e. Redevelopment Areas within Historic Districts

1. The DRC shall operate to further the implementation of redevelopment plans where such plans have been formally adopted within established local or national historic districts. These redevelopment areas are listed and described below:

(a) Garden District

Adopted by Ordinance 4549, June 21, 2004 this area encompasses the East Lake Morton Historic District and includes peripheral areas not part of the original historic district. This includes property located south of East Main St., north of East Walnut St., east of South Iowa Ave., and west of Bartow Road. The redevelopment plan is intended to make the area more attractive for redevelopment, create high value residential development while preserving significant historic structures and create an overall character that contributes to the maintenance of this central city historic neighborhood.

(b) Dixieland CRA Commercial Corridor

Adopted by Ordinance 4592, November 15, 2004 this area encompasses portions of the Dixieland Historic District. This includes property located along the South Florida Avenue commercial corridor south of East Walnut Street and north of Lenox Street. The DRC will operate to further the implementation of the adopted redevelopment plans as well as protect historic resources and serve as an advisory board to the City Commission on matters of redevelopment.

2. The DRC shall in its capacity work to amend or otherwise elaborate redevelopment activities including proposals for public improvements such as parks, alleys, streetscape, traffic calming, and other civic amenities and facilities.

3. The DRC shall act in its normal capacity to provide design review for all activity taking place in said redevelopment areas through the issuance of certificates of review and shall also consider and provide guidance on redevelopment proposal that involve larger areas and multiple sites as well as public improvements that impact public rights of way, blocks and the entire district.
4. Certificates of Review

(a) New Construction

The DRC shall utilize the same procedures set forth in Sub-Section 11.6.2 and criteria set forth in Sub-Section 11.6.3 for all historic districts to ensure compatibility with the existing fabric of the historic district. The DRC shall utilize established guidelines and also adopt redevelopment plans.

(b) Alterations to Existing Buildings, Structure or Site

The DRC shall utilize the same criteria set forth in Sub-Section 11.6.3 for all historic districts to ensure compatibility with the existing fabric of the historic district. The DRC shall utilize established guidelines and also adopt redevelopment plans.

(c) Demolition within redevelopment areas is generally discouraged and shall be reviewed with regards to:

i. The architectural significance of the building or structure. Architectural significance shall be determined by the DRC at the time of the demolition request and shall be based upon documentation of the property’s architectural integrity and historical or cultural significance. Designation of the building or structure as “non-contributing” by the most recent historic district survey does not preclude the DRC from making a determination of architectural significance.

ii. The contribution of the building, structure or site to the history or origins of the historic district.

iii. The future proposed utilization of the site in relation to specific or proposed plans. When specific plans are not available for the site, the proposed plans may include formally established redevelopment plans or those plans submitted by the applicant that comply and are compatible with the district and meet the intent of the adopted redevelopment plan. The demolition review process will take into consideration a ranking of properties in redevelopment areas based on architectural significance and integrity as identified by the HPB.

11.6.4 COMPLIANCE

a. The Building Official shall not issue a building permit for any exterior alteration or demolition of a building, structure or site within a district unless a Certificate of Review has been approved and issued by the DRC. A permit for demolition may only be issued upon the issuance of a building permit for the replacement building or
structure. Exceptions to this may be granted by the Building Official if deemed necessary to ensure public safety or by the Design Review Committee for other good cause shown.

b. Any exterior alteration to a building, structure, or site shall be accomplished in strict compliance with the Certificate of Review. The Building Official shall, as part of his official duties inspect the building to determine compliance with the Certificate of Review. Failure to comply with the Certificate of Review shall be treated in the same manner as any other building code or building permit violation, including revocation of the permit and municipal ordinance violation punishable as provided in the City Code.

11.7 ENFORCEMENT AND APPEALS

If the DRC denies an application for a Certificate of Review, the applicant may appeal to the Historic Preservation Board. Such an appeal must be taken within 14 days of the DRC’s decision. The HPB shall by rule establish procedures for processing appeals. The Applicant may not take an appeal from an adverse decision of the HPB to the City Commission. Any other possible remedies are in a court of law or equity.
ARTICLE 12: ADMINISTRATION AND ENFORCEMENT

12.1 INTENT

It is the intent of this article to provide for the administration and enforcement of the terms of this Code and to define the powers and duties of the administrative officers, boards and commissions provided herein. This Code, including the Official Zoning Map, may from time to time be amended, supplemented, changed or repealed. It is not intended that amendments to this Code relieve particular hardships or confer special privileges or rights on any person. All amendments shall be reasonably necessary to promote the public health, safety, and general welfare or to achieve the purposes of the Comprehensive Plan or part thereof.

12.2 PLANNING AND ZONING BOARD

There is hereby established a Planning and Zoning Board of the City of Lakeland. Pursuant to, and in accordance with, Part II, Chapter 163, Florida Statutes, the Planning and Zoning Board is hereby designated and established as the local land planning agency and the land development regulation commission for the incorporated territory of the City of Lakeland.

12.2.1 ORGANIZATION, RULES AND PROCEDURES

12.2.1.1 Appointment and Terms of Members

The Planning and Zoning Board shall consist of seven members to be appointed by the City Commission to serve for terms of three years. Members of the Board shall be appointed as provided for in resolutions of the city and the by-laws of the Board. In addition, there shall be one nonvoting member who shall be a representative of the school district appointed by the Polk County School Board to attend those meetings at which the Planning and Zoning Board considers Comprehensive Plan amendments and rezoning that would, if approved, increase residential density on the property that is the subject of the application.

12.2.1.2 Officers

The Board shall annually elect a Chairman, Vice Chairman and a Secretary as provided for in resolutions of the city and the by-laws of the Board.

12.2.1.3 Meetings and Records

All meetings of the Board shall be public meetings and all records of the Board shall be public records. The method of setting public meetings and storing records shall be as provided for in resolutions of the city and the by-laws of the Board.
12.2.1.4 Rules and Procedures

The Board shall follow such rules, procedures and methods of accomplishing its duties as provided for in resolutions of the city and the by-laws of the Board.

12.2.2 POWERS AND DUTIES

As the local land planning agency and the land development regulation commission for the city, the Board shall serve as an advisory board to the City Commission and assist the Commission in carrying out its powers and duties to plan, zone, regulate development, control density, and administer planning, zoning and development activities pursuant to Article VIII of the Constitution of the State of Florida, Florida Statutes, various special acts, the City Charter and this Code. The Board shall have, among others, the powers and duties set forth in the following sections:

12.2.2.1 Powers and Duties with Respect to Comprehensive Planning Program

As the local land planning agency for the city, the Board shall:

a. Conduct the comprehensive planning program and prepare the Comprehensive Plan or elements or portions thereof;

b. Coordinate said Comprehensive Plan or elements or portions thereof with the comprehensive plans of other appropriate local governments and the State of Florida;

c. Recommend said Comprehensive Plan or elements or portions thereof to the City Commission for adoption; and

d. Monitor and oversee the effectiveness and status of the Comprehensive Plan as may be required from time to time.

12.2.2.2 Powers and Duties with Respect to Land Development Codes

As the local land planning agency and land development regulation commission for the city, the Board shall develop and recommend to the City Commission land development codes which implement the adopted Comprehensive Plan, and shall review the land development codes, or amendments thereto, for consistency with the adopted Comprehensive Plan or elements or portions thereof, and report to the City Commission regarding its findings.

a. Powers and Duties with Respect to Zoning:

1. To consider applications for development approval for Developments of Regional Impact and make recommendations to the City Commission pertaining thereto;
2. To study and review the Official Zoning Map and the zoning provisions of this Code and, from time to time, propose and recommend to the City Commission changes, modifications or amendments thereto;

3. To consider applications for a change in zoning or for annexation and zoning and either deny said applications or recommend their approval to the City Commission;

4. To make recommendations to the City Commission on the merits of holding a public hearing on applications for a change in zoning previously denied by the Board; and

5. To consider applications for conditional use and either deny said applications or recommend their approval to the City Commission.

b. Powers and Duties with Respect to Subdivision Regulation:

1. To hear and decide applications for final plat approval; and

2. To hear and decide appeals or variances from, and interpretations of, the subdivision regulation provisions of this Code.

12.2.3 Studies and Reports

In the conduct of its duties, the Board shall make comprehensive studies, surveys and investigations and special studies of a specific nature relating to issues of planning and zoning. Copies of all reports and recommendations of the Board shall be filed with the City Commission.

12.2.4 Consultation with Public Agencies; Public Participation

In the conduct of its duties, the Board shall consult with the City Commission and other public and semi-public agencies. The City Commission and other public bodies and boards shall, upon request, furnish to the Board, within a reasonable time, such available information as may be required for the Board's work. Copies of all reports and recommendations of the Board may be furnished to other public and semi-public agencies and to the general public. It shall also be the duty of the Board to consult with the general public and encourage public participation in the planning process.

12.2.5 Right of Entry

The Board, its members, officers, and administrative staff in the performance of their duties, may enter upon any land to make examinations, investigations and surveys.

12.3 ZONING BOARD OF ADJUSTMENT AND APPEALS

There is hereby established a Zoning Board of Adjustment and Appeals of the City of Lakeland. The may also be referred to as the "Board of Adjustment."
12.3.1 ORGANIZATION, RULES AND PROCEDURES

12.3.1.1 Appointment and Terms of Members

The Board of Adjustment and Appeals shall consist of seven regular members and two alternate members appointed by the City Commission to serve for terms of three years. Members of the Board of Adjustment and Appeals shall be appointed as provided for in resolutions of the city and the by-laws of the Board. Alternate members shall serve in the absence of regular members.

12.3.1.2 Officers

The Board of Adjustment and Appeals shall annually elect a Chairman and such other officers as it may determine, as provided for in resolutions of the city and the By-laws of the Board.

12.3.1.3 Meetings and Records

All meetings of the Board of Adjustment and Appeals shall be public. Meetings shall be held at the call of the Chairman at such times as the Board may determine. The Chairman, or in his absence, the acting Chairman, shall administer oaths and compel the attendance of witnesses. All records of the Board shall be public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. The Board shall keep records of its examinations or other official actions. All such records shall be immediately filed in the office of the Board.

12.3.1.4 Rules and Procedures; Voting

The Board of Adjustment and Appeals shall follow such rules and procedures and methods of accomplishing its duties as provided for herein and in resolutions of the city and in the by-laws of the Board; provided that the concurring vote of five members of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this section or to grant any variance from terms of this Code as provided herein.

12.3.2 POWERS AND DUTIES

The Board of Adjustment and Appeals shall have the power to hear and decide appeals for interpretations or variances where it is alleged that there is error in any order, requirement, decision, or determination made by the Director of Community Development in the enforcement of this Code, except those provisions relating to subdivision regulation. In reversing, affirming, wholly or partly, or modifying such an order, requirement, decision or determination, the Board shall have all the powers of the official from whom the appeal is taken.
12.3.2.1 Powers and Duties with Respect to Appeals for Variances

The Board shall have the power to hear and decide appeals for variances from the terms of this Code in specific cases where the following conditions exist:

a. The Board shall have the power to grant a variance if and only if it concludes that a literal enforcement of the terms of the Code would result in unnecessary hardship and that the granting of the variance would not be contrary to the public interest; would observe the spirit and intent of this Code; and would do substantial justice. The Board may reach these conclusions only if it finds, based on substantial facts, that:

1. The hardship of which the applicant complains is one suffered by the applicant rather than by neighbors or the general public;
2. The hardship relates to the applicant's land, rather than personal circumstances;
3. The hardship is unique, or nearly so, rather than one shared by many surrounding properties; and
4. The hardship is not the result of the applicant's own actions or those of his agent.

b. The Board shall not be empowered to hear and decide requests for variances from the terms of this Code regulating the subdivision and platting of land.

c. The Board shall not be empowered to hear and decide requests for variances from the terms of this Code regulating signage, except those specifically relating to height or setback of signs.

d. The Board shall not be empowered to hear and decide requests for variances to permit a use in a district in which such use is prohibited by the zoning provisions of this Code, or to change the use of any property as provided herein.

12.3.2.2 EXPIRATION OF VARIANCES

When any variance has been authorized or granted under the provisions of this article, such variance shall become invalid unless the work authorized by it shall have commenced within 12 months after such variance has been authorized or granted by the Board.

12.4 ADMINISTRATIVE STAFF

12.4.1 DIRECTOR OF COMMUNITY DEVELOPMENT

The Director of Community Development is the administrative head of the city's Community Development Department.
POWERS AND DUTIES

The Director of Community Development shall assist the Planning and Zoning Board in carrying out its duties as the local land planning agency and land development regulation commission for the city, as provided in this Code and the duly adopted by-laws of the Board. The Director is the city’s Zoning Administrator and has primary responsibility for administering and enforcing this Code.

ADMINISTRATIVE ADJUSTMENTS

12.4.3.1 Intent

a. It is the intent of this Code to allow the Director of Community Development, or other administrative staff as specified herein, to make administrative adjustments to the strict application of the standards and requirements of this Code where extenuating circumstances exist to relieve unnecessary hardship; to promote the beneficial development, redevelopment, infill and reuse of property; and to avoid the need for variances where substantial compliance can be achieved. No property owner shall be entitled to such adjustments which are at the discretion of the Director Community Development or other administrative staff as specified herein.

b. It is further the intent of this Code that such administrative adjustments:

- Be granted only as needed to relieve hardship suffered by the applicant due to physical limitations of the site or other circumstances beyond the applicant’s control and which hardship shall not be solely an economic hardship, or as necessary to allow the safe and functional operation of the site or to accommodate other code requirements;

- Be consistent with the intent of this Code and of the applicable zoning district, including any applicable conditional use, PUD or SPI district;

- Be not adverse to the health, safety or welfare of the abutting property owners or of the community, unless any such impacts have been substantially mitigated; and

- Be the minimum deviations that will alleviate the unnecessary hardship.

12.4.3.2 Applicability

This section shall apply to the dimensional, quantitative and location standards or requirements of this Code and the dimensional, quantitative and location conditions of any conditional use, Planned Unit Development or SPI District.

(Ord. No. 5455, 07-21-14)

12.4.3.3 Dimensional and Quantitative Standards
The Director of Community Development may make minor adjustments to dimensional and quantitative standards including but not limited to area standards, linear standards, separation standards and quantity standards except for the maximum number of living units or dwellings. The administrative adjustment shall generally not exceed ten percent of the standard or requirement and shall not be additive such that, for example, a ten percent adjustment on opposite sides yields an effective twenty percent deviation.

12.4.3.4 Location Standards

The Director of Community Development may make minor adjustments to location standards including but not limited to the placement of buildings, driveways, parking areas, bike racks, fences and walls and landscaping.

12.4.3.5 Procedures

a. When, in the opinion of the Director of Community Development, a proposed administrative adjustment materially affects abutting property owners, written notification shall be mailed to the affected property owner(s) of record at least 30 days prior to the granting of the administrative adjustment and shall take any comments or concerns into account.

b. The Director of Community Development shall consult with other city departments affected by the proposed administrative adjustment and may consult other agencies or affected parties to determine whether the administrative adjustment should be granted.

c. The Director of Community Development may attach conditions that he deems necessary to protect the health, safety and welfare of the community or of the abutting property owner(s), to meet the intent of the modified standard and to minimize adverse impacts on adjacent properties.

d. The administrative adjustment shall be documented by means of a form or a note on the applicable permit or site plan and shall include the reason for the adjustment, the specific amount of the adjustment and any conditions pertaining thereto.

e. The Director of Community Development periodically shall report to the Planning and Zoning Board concerning administrative adjustments that have been granted.

12.5 APPLICATION PROCEDURES

Applications for building permits, certificates of occupancy and certificates of compliance, changes in zoning, conditional use, and appeals and shall be submitted in accordance with the procedures outlined in this section and elsewhere in this Code.

12.5.1 WHO MAY APPLY

Applications for amendments to this Code which involve a change in zoning or permitted use of private real property may be submitted only by persons having the
legal authority to use the property as requested by the application, except applications for appeal. Applications may be made by owners or lessees of property, or persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this Code, or the agents of such persons (who may make application in the name of such owners, lessees, or contract vendees). Applications submitted by anyone other than the owner of record must be signed by the owner of record or accompanied by a letter of authorization from the owner of record.

Applications for amendments to this Code not involving a change in the zoning or permitted use of private real property may be submitted by any resident of the city, any person owning property in the city, or any agency of the city.

12.5.2 APPLICATIONS REQUIRED TO BE COMPLETE

Applications filed pursuant to this article must be complete before the reviewing authority is required to consider the application. An application is complete when it contains all of the information that is necessary for a determination of compliance with the provisions of this Code and other applicable city regulations.

12.5.3 APPLICATION FEES

Applications filed pursuant to this article shall be accompanied by payment of the required application fee, if any, as shall be determined by the city. Such application fee shall be payable to the City of Lakeland.

12.5.4 CHANGE IN ZONING, CONDITIONAL USE OR CODE AMENDMENT

An application for amendment to this Code, including any amendment to change the zoning or permitted use of private real property or a conditional use, shall be submitted to the Community Development Department on an application form provided by the Community Development Department.

12.5.4.1 Submittal Date

An application for amendment to this Code, including any amendment to change the zoning or permitted use of private real property or conditional use, shall be submitted by 5:00 P.M. on the first business day of the month proceeding the month in which the application is to be heard by the Planning and Zoning Board. Applications for minor modifications to existing conditional uses or to existing Planned Unit Developments shall be submitted by 5:00 P.M. on the 20th day of the month proceeding the month in which the application is to be heard by the Planning and Zoning Board.

12.5.4.2 Proof of Ownership

An application for a change in the zoning or permitted use of private real property or conditional use shall be accompanied by proof of ownership, such as photocopy of a deed or tax receipt or printout from the records of the Polk County Property Appraiser.
12.5.4.3 Required Submittals

An application for a change in the zoning or permitted use of private real property or conditional use shall be accompanied by a legal description of the subject property and by copies of any required site development plan or other submittals as required by this Code. The number of copies of the required plan or other submittals to be submitted and the information to be shown shall be as required by this Code or as otherwise determined by the city.

12.5.4.4 Concurrency Information

An application for a change in the zoning or permitted use of private real property or conditional use shall be accompanied by all information, studies and reports required by Article 10 (Concurrency Standards) sufficient to determine the impact of the proposed change on those public services for which a minimum level of service standard has been adopted in the Comprehensive Plan. The form of the documentation, the number of copies to be submitted, and any required review fees to be paid shall be as determined by the city. Such fees shall be payable to the City of Lakeland.

(Ord. No. 5455, 07-21-14)

12.5.4.5 Misstatement or Inaccuracy on Application is a Violation

Any misstatement or inaccuracy on the application for a permit shall constitute sufficient grounds for revocation of the permit.

12.5.5 BUILDING PERMITS, CERTIFICATES OF OCCUPANCY AND CERTIFICATES OF COMPLIANCE

Applications for building permits, certificates of occupancy and certificates of compliance shall be filed with the Building Inspection Division.

12.5.5.1 Required Plans

Applications for permits shall be accompanied by copies of any plot plan, site development plan, landscape plan, irrigation plan or other plan required by this Code. The number of copies of the required plans to be submitted and the specific information to be shown thereon shall be as required by this Code or otherwise determined by the city.

12.5.5.2 Plot Plan

A plot plan shall be submitted with applications for building permits, certificates of occupancy and certificates of compliance for single-family and two-family structures. The plot plan shall be drawn to scale and shall provide the following information:

a. The actual dimensions, radius, and angles of the lot to be built upon;
b. The exact size and location on the lot of the principal building and accessory buildings and structures to be erected; and

c. Such other information as may be necessary to determine compliance with all applicable provisions of this Code and other applicable municipal ordinances.

12.5.3 Site Plans

An engineered site plan shall be submitted with applications for building permits, certificates of occupancy and certificates of compliance as set forth in Sub-Section 12.5.2. (Ord. No. 5455, 07-21-14)

12.5.4 Landscape Plan and Irrigation Plan

A landscape plan and irrigation plan shall be submitted in accordance with Sub-Section 4.5.12 with applications for building permits or certificates of occupancy for the construction or alteration of any building requiring off-street parking, or upon the expansion or paving (but not repaving) of existing off-street parking and loading areas; except, additional landscaping and landscape plans shall not be required for premises with conforming landscaping.

12.5.5 One Copy of Approved Plan Returned to Applicant by Building Inspection Division

One copy of the approved plan shall be returned to the applicant by the Building Inspection Division.

12.5.6 Misstatement or Inaccuracy on Application is a Violation

Any misstatement or inaccuracy on the application for a permit shall constitute sufficient grounds for revocation of the permit.

12.5.7 Substantial Completion Required

All work required pursuant to the approved building permit shall be inspected and substantially completed prior to the issuance of a Certificate of Occupancy.

12.6 SITE PLANS

12.6.1 Concept Site Plans

a. Intent

The intent of concept site plan review is to help the applicant fully understand the city’s requirements in order to prepare a final submission, to identify potential challenges facing the development, to identify the need for additional information, to familiarize city staff with the proposed project and to foster
communication among all responsible parties at the conceptual stage of development.

b. Applicability

Unless the requirement is waived by the Director of Community Development, a concept site plan shall be submitted to the Community Development Department for the following types of development activity:

- Development activity requiring an engineered site plan as set forth in Sub-Section 12.5.6.2.

(Ord. No. 5455, 07-21-14)
- Preliminary subdivision plats
- Site development plans for proposed Planned Unit Developments
- Site development plans for proposed conditional uses
- Master plans for Developments of Regional Activity or substantial changes to existing DRIs
- Large scale Future Land Use Map amendments (10 acres or greater)
- Development within the Green Swamp Area of Critical State Concern

c. The information to be included on the conceptual site plan, the number of copies to be submitted, the fees to be submitted and the deadlines for submission shall be in accordance with the latest administrative procedures for concept plan review.

d. The Director of Community Development shall distribute copies of the concept site plan to the Development Review Team. Each department shall review the conceptual site plan and provide written comments in accordance with the department’s areas of responsibility as to conformance with these regulations. The written comments shall be provided to the applicant to assist in preparing an engineered site plan application, preliminary subdivision plat, application for PUD or conditional use or other required submittal.

e. Concept site plan review is a technical review only and is based on the representations made by the applicant. Completion of concept review does not imply that staff has verified the representations made by the applicant and does not imply staff approval of or support for any land use, zoning, conditional use or other action requiring a public hearing process.

12.5.6.2 Engineered Site Plans

a. An engineered site plan demonstrating full compliance with all applicable provisions of this Code and other municipal ordinances shall be submitted to the Community Development Department for the following types of development activity:

- Non-residential buildings except for accessory structures less than 400 square feet
- Residential structures containing five or more dwelling units
• Two or more two-family (duplex) structures on a single parcel
• Building additions serving the above uses which exceed 25 percent of the existing square footage
• Building alterations serving the above uses if the aggregate cost exceeds 50 percent of the assessed value of the structure or structures.
• Vehicle use areas containing 1,500 square feet or more of paved area or five or more off-street parking spaces or involving changes to fire or emergency access. Review is limited to parking, access and landscaping requirements only.
• Changes in use resulting in an increase in required parking of five or more additional parking spaces or 1,500 square feet or more of additional paved area or involving changes to fire or emergency access. Review is limited to parking, access and landscaping requirements only.
• Personal wireless service facilities. Review is limited to zoning, setbacks, structure height and access.

c. The information to be included on the engineered site plan, the number of copies to be submitted, the fees to be submitted and the deadlines for submission shall be in accordance with the latest administrative procedures for site plan review or for review of personal wireless service facilities.

d. The Director of Community Development shall distribute copies of the engineered site plan to the Development Review Team. Each department shall review the site plan and approve or disapprove the site plan in accordance with the department’s areas of responsibility as to conformance with these regulations.

e. Approved engineered site plans shall be valid for 18 months.

f. All work required pursuant to the approved engineered site plan shall be inspected and substantially completed prior to the issuance of a Certificate of Occupancy.

12.6 PUBLIC HEARING PROCEDURES

12.6.1 PUBLIC HEARING BY PLANNING AND ZONING BOARD

Provided that the application is complete in accordance with Sub-Section 12.5.4, the Planning and Zoning Board shall consider an application for change in zoning, conditional use or change to Land Development Code at a public hearing to be held at the regular meeting of the Board the month following the deadline for receipt of applications according to administrative procedures of the Planning and Zoning Board, or at a subsequent meeting. Example: If the application deadline is May 1st, the public hearing will be the regular meeting in June.
12.6.1.1 Advertisement of Public Hearing

Upon receipt of an application for change in zoning or conditional use submitted in accordance with Sub-Section 12.5.4, the Director of Community Development shall advertise the public hearing at which the application is to be heard by the Planning and Zoning Board. The Director of Community Development may advertise the application for public hearing to be held at the next regular meeting of the Planning and Zoning Board or may request and receive authorization from the Board to advertise the application for public hearing to be held at a subsequent meeting. Minor modifications to existing PUDs or conditional uses shall not require advertisement.

12.6.1.2 Decision of Planning and Zoning Board

The Board shall take action on the application at a regular meeting after the public hearing, and shall either recommend approval of the application to the City Commission or deny the application. The Board may, upon request and if it deems appropriate, make its final determination on the application at its meeting on the day of the public hearing. Board action on applications for minor modifications to existing PUDs and conditional uses shall be final.

12.6.1.3 Recommendation of Approval by Planning and Zoning Board

A recommendation by the Planning and Zoning Board for approval of the application shall be transmitted by the Director of Community Development to the City Attorney, to be drafted as an ordinance and placed on the agenda of a regular meeting of the City Commission for a first reading.

12.6.1.4 Planning and Zoning Board Denial

Denial by the Planning and Zoning Board of an application for a change in zoning, conditional use or change to Land Development Code shall be deemed final action by the city unless appealed by the owner to the City Commission. Such appeal shall be filed in accordance with Sub-Section 12.7.3.

(Ord. No. 5522, 07-20-15)

12.6.2 PUBLIC HEARING BY CITY COMMISSION

A proposed ordinance for change in zoning, conditional use or change to Land Development Code shall be considered by the City Commission at two separate meetings, the second of which shall be a public hearing.

12.6.2.1 Advertisement of Public Hearing

Approximately 10 days prior to the public hearing on a proposed ordinance for change in the zoning, conditional use or change to Land Development Code, a notice of such public hearing shall be published in a newspaper of general circulation in the city. The advertisement shall contain the following information:
a. The date, time and place of hearing;

b. The title of the proposed ordinance;

c. The place where the proposed ordinance may be inspected by the general public; and

d. A statement that interested parties may appear at the hearing and be heard with respect to the proposed ordinance.

12.6.2.2 First Reading of Proposed Ordinance

The first reading of the proposed ordinance shall be considered by the City Commission upon a recommendation for approval by the Planning and Zoning Board.

12.6.2.3 Second Reading of Proposed Ordinance at Public Hearing

The City Commission shall hold a public hearing for the second reading of the proposed ordinance approximately 14 days after the date of the first reading, or at a subsequent meeting. After the second reading of the proposed ordinance, the City Commission shall take action to either approve or disapprove the ordinance.

12.6.3 FOR CHANGE IN LIST OF USES OR CHANGE IN ZONING DESIGNATION, INITIATED BY THE CITY INVOLVING LESS THAN 10 ACRES

A proposed ordinance for a change in the actual list of permitted, conditional or prohibited uses within a zoning category, or which changes the actual zoning map designation, initiated by the City Commission, the Planning and Zoning Board, or the Director of Community Development, for a parcel or parcels of land involving less than 10 contiguous acres, shall be considered by the City Commission at two separate meetings, the second of which shall be a public hearing.

12.6.3.1 Notice of Public Hearing on Change in Permitted, Conditional, or Prohibited Uses or Change in Zoning Map Designation Initiated by the City for a Parcel or Parcels of Land Involving Less Than 10 Contiguous Acres

Notice of the public hearing by the City Commission shall be given in accordance with Sub-Sections 12.6.3.2 and 12.6.3.3.

12.6.3.2 Newspaper Advertisement of Public Hearing on Change in Permitted, Conditional, or Prohibited Uses or Change in Zoning Map Designation Initiated by the City for a Parcel or Parcels of Land Involving Less Than 10 Contiguous Acres

At least 10 days prior to the public hearing, notice of such public hearing shall be published in a newspaper of general circulation in the city. The notice shall contain the following information:
a. The date, time and place of hearing;

b. The title of the proposed ordinance;

c. The place where the proposed ordinance may be inspected by the general public; and

d. A statement that interested parties may appear at the hearing and be heard with respect to the proposed ordinance.

**12.6.3.3 Notice to Individual Property Owners of Public Hearing on Change in the Actual Zoning Map Designation Initiated by the City for a Parcel or Parcels of Land Involving Less Than 10 Contiguous Acres**

At least 30 days prior to the public hearing, notice shall be given by mail to each real property owner the zoning or permitted use of whose land will be changed by enactment of the proposed ordinance and whose address is known by reference to the latest ad valorem tax records. A copy of the notice shall be kept in a separate book which shall be open for inspection by the general public during regular hours of the office of the City Clerk. The notice shall contain the following information:

a. The date, time and place of one or more public hearings on the proposed ordinance;

b. The title of the proposed ordinance;

c. The substance of the proposed ordinance as it affects the property owner receiving the notice; and

d. The place where the proposed ordinance may be inspected by the property owner and the general public.

**12.6.4 FOR CHANGE IN LIST OF USES OR CHANGE IN ZONING DESIGNATION, INITIATED BY THE CITY INVOLVING 10 ACRES OR MORE**

A proposed ordinance for change in the actual list of permitted, conditional or prohibited uses within a zoning category, or which changes the actual zoning map designation, initiated by the City Commission, the Planning and Zoning Board, or the Director of Community Development, for a parcel or parcels of land involving 10 contiguous acres or more, shall be considered by the City Commission at two separate meetings, both of which shall be advertised public hearings. The second public hearing shall be held at least 10 days after the first hearing. At least one public hearing shall be held after 5:00 P.M. on a weekday unless the City Commissioners, by a majority plus one vote, elects to conduct that hearing at another time of day.

**12.6.4.1 Notice of Public Hearings on Change in the Actual List of Permitted, Conditional, or Prohibited Uses, or Change in the Actual Zoning Map Designation Initiated by the City for a Parcel or Parcels of Land Involving 10 Contiguous Acres or More**
Notice of public hearings by the City Commission shall be given in accordance with either of the following two methods:

a. Approximately seven days prior to the first public hearing, and five days prior to the second public hearing, notice of each public hearing shall be published in a standard size or tabloid size newspaper of general paid circulation in the city, in accordance with Sub-Section 12.6.4.2; or

(Ord. No. 5455, 07-21-14)

b. Approximately seven days prior to the first public hearing, notice of both public hearings shall be given by mail to each real property owner the zoning or permitted use of whose land will be changed by enactment of the proposed ordinance and whose address is known by reference to the latest ad valorem tax records, in accordance with Sub-Section 12.6.4.3.

(Ord. No. 5455, 07-21-14)

12.6.4.2 Newspaper Advertisement of Public Hearings on Change in Permitted, Conditional, or Prohibited Uses, or Change in Zoning Map Designation Initiated by the City for a Parcel or Parcels of Land Involving 10 Contiguous Acres or More

A newspaper advertisement published pursuant to Sub-Section 12.6.4.1 shall meet the following specifications:

a. The advertisement shall appear in a section of the newspaper other than that portion where legal notices and classified advertisements appear;

b. The advertisement shall be not less than one quarter page in size;

c. The heading shall consist of the words: "NOTICE OF ZONING CHANGE" and shall be in a type no smaller than 18 point;

d. The advertisement shall state that "The City of Lakeland proposes to change the zoning or permitted use of the land within the area shown in the map in this advertisement"; and

e. The advertisement shall state that "A public hearing on the proposed change will be held on ...(date and time)...at...(meeting place)."

12.6.4.3 Notice to Individual Notice to Property Owners of Public Hearings on Change in Permitted, Conditional, or Prohibited Uses, or a Change in the Zoning Map Designation Initiated by the City for a Parcel or Parcels of Land Involving 10 Contiguous Acres or More

Individual notices mailed to owners of real property pursuant to Sub-Section 12.6.4.1 shall contain the following information:
Article 12: Administration and Enforcement

12.6.4.4 Notice of Second Public Hearing to be Announced at First Public Hearing

Notice of the date, time and place of the second public hearing shall be announced at the first public hearing.

12.6.5 DECISION OF CITY COMMISSION ON LAND DEVELOPMENT CODE AMENDMENT

After the second reading of a proposed ordinance for a Code amendment, the City Commission shall take action to either approve or disapprove the ordinance.

12.7 APPEAL PROCEDURES

12.7.1 APPEAL TO THE PLANNING AND ZONING BOARD

An application for appeal to the Planning and Zoning Board from a decision of the Director of Community Development, for interpretation of the subdivision regulations, or for a variance from the subdivision regulations shall be submitted to the Director of Community Development according to administrative procedures of the Planning and Zoning Board.

12.7.2 APPEAL TO THE ZONING BOARD OF ADJUSTMENT AND APPEALS

An application for appeal to the Zoning Board of Adjustment and Appeals shall be filed with the Director of Community Development, who shall forthwith transmit to the Board all papers constituting the record upon which the action or decision being appealed was taken.

12.7.2.1 Who May Apply

An application for appeal to the Zoning Board of Adjustment and Appeals may be submitted by any person aggrieved or by any officer or bureau of the city affected by any decision of the Director of Community Development in the enforcement of the provisions of this Code, except those relating to subdivision regulation.

12.7.2.2 Time Limit on Appeals
An application for appeal to the Zoning Board of Adjustment and Appeals shall be submitted within a reasonable time of the action or decision being appealed, as prescribed by the Board by general rule.

12.7.3 APPEAL TO THE CITY COMMISSION

Any aggrieved or adversely affected party, as defined in Section 163.3215, Florida Statutes, may appeal a decision of the Planning and Zoning Board to the City Commission based upon one or more of the following grounds:

a. the Planning and Zoning Board failed to properly follow adopted procedure or due process requirements;

b. the Planning and Zoning Board failed to properly apply adopted standards or regulations;

c. administrative staff failed to follow professional practice in performing technical analysis;

d. no competent, substantial evidence was presented to the Planning and Zoning Board to support its decision; or

e. new evidence has been discovered that, through the exercise of proper diligence, could not have been discovered prior to the public hearing before the Planning and Zoning Board.

The applicant shall file the appeal in writing with the City Attorney within thirty (30) calendar days of the Board’s action, stating the specific reasons for the appeal. Failure to timely file an appeal meeting the criteria set forth herein shall constitute a waiver of the right to appeal. The City Attorney shall place an appeal meeting the criteria set forth herein on a City Commission agenda occurring within sixty (60) calendar days of receipt of the applicant’s written appeal and shall cause public notice of the hearing on the appeal to be given in accordance with Sub-Section 12.6.1.1. An appeal may be scheduled beyond sixty (60) calendar days for good cause.

Upon consideration of the appeal, the City Commission shall first determine whether one or more of the above grounds for appeal exist. If the Commission does not find that at least one of the above grounds exists, the Commission shall deny the appeal and affirm the decision of the Planning and Zoning Board. If the Commission finds that one or more of the above grounds exist, the Commission shall then, at the same meeting, conduct a full public hearing on the merits of the case. The hearing may be continued by the Commission to a later date for good cause. At the hearing, the City Commission may consider both new testimony and evidence, as well as the record created before the Planning and Zoning Board. Following the hearing, the City Commission may:

a. affirm the decision of the Planning and Zoning Board;

b. remand the case to the Board for reconsideration; or
c. reverse, in whole or in part, or modify the decision of the Board and direct staff to prepare an ordinance or other appropriate instrument granting relief in accordance with the Commission’s direction.

(Ord. No. 5462, 09-15-14)
ARTICLE 13  NONCONFORMITIES

13.1  INTENT

It is the intent of this article to establish regulations and limitations on the continued existence of uses, lots and structures legally established prior to the effective date of this Code that do not conform to the provisions of this Code. Many such nonconformities may continue but the provisions of this article are designed to curtail substantial investment in nonconformities and to bring about their eventual elimination, where appropriate, to preserve the integrity of this Code.

13.2  GENERAL

13.2.1 SITE PLAN APPROVAL BINDING

Nothing in this Code shall be deemed to require a change in the plans, construction or designated use of any building for which a site plan was approved prior to the effective date of adoption or amendment of this Code and upon which actual building construction has been diligently carried on with a valid building permit. Actual construction shall include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction.

13.2.2 PUBLIC TAKINGS

If, as the result of a lawful public taking, a lot, use or structure violates any provision of this Code, such lot, use or structure shall be deemed to be nonconforming and shall be treated in exactly the same manner as if the nonconformity had existed on the effective date of this Code.

13.2.3 CALCULATION OF COSTS

Maintenance costs, repair costs and replacement costs shall be determined by the same method as for the purpose of issuing a building permit. Such method shall be based on factual sources set forth in tables or the formulas approved from time to time by resolution of the City Commission.

13.2.4 CHANGE OF TENANCY, OWNERSHIP OR MANAGEMENT

There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, of structures, or of structures and land in combination.
13.3 USE NONCONFORMITIES

13.3.1 APPLICABILITY

This section shall apply to any nonconformance with requirements or limitations pertaining to the use of land or structures as set forth in Article 2 and pertaining to the use standards set forth in Article 5.

13.3.2 STANDARDS

13.3.2.1 Authority to Continue

Any lawfully existing nonconforming use may be continued so long as it remains otherwise lawful, subject to the provisions of this section.

13.3.2.2 Increase, Expansion or Intensification of Nonconforming Uses Prohibited

No increase, expansion or intensification of a nonconforming use shall be permitted except in accordance with Sub-Section 13.3.2.3.

13.3.2.3 Structures Associated with Nonconforming Uses

a. Structure alterations that do not increase, expand or intensify a use nonconformity and that increase conformance with site development standards or reduce the negative impact of the nonconforming use, shall be permitted if such alterations are otherwise lawful.

b. Structures that are utilized by nonconforming uses may be maintained and repaired, provided that maintenance and repair does not increase, expand or intensify the nonconforming use, and provided further that the cost of maintenance and repair subject to any one permit does not exceed 25 percent of the replacement cost of the subject structure within any 12 month period. No limit is placed on the aggregate number of permits that may be issued during the life of a nonconforming use under this section, but permits shall only be issued as frequently as necessary to allow such maintenance and repair as required to protect the public health, safety and welfare.

13.3.2.4 Change of Nonconforming Use

a. Subject to conditional use approval, a nonconforming use may be changed to another nonconforming use if the new nonconforming use reduces the extent, intensity or degree of use nonconformity that previously existed. If the new nonconforming use is established, the previous nonconforming use shall not be reestablished.

b. Nothing in this article shall prohibit any otherwise lawful action associated with the change of a nonconforming use to a conforming use. If a conforming use is established, the previous nonconforming use shall not be reestablished.
13.3.2.5 Termination of Nonconforming Use

a. Whenever a structure utilized by a nonconforming use is destroyed, the use of such structure by that or any other nonconforming use shall terminate immediately and shall not thereafter be reestablished. For the purposes of this section, 'destroyed' shall constitute damage or demolition by any means to such an extent that repair or replacement would exceed 50 percent of the replacement cost of all structures that are used for the nonconforming use.

b. Any nonconforming use of land alone or land and minor structures in combination shall be terminated within three years of the effective date of this Code. For the purposes of this section, minor structures shall be structures with a replacement cost that does not exceed 10 percent of the market value of the land on which they are located. Market value shall be determined in the same manner used to determine the value of land condemned for lawful public taking.

13.3.2.6 Reestablishment of Nonconforming Use

A use nonconformity shall not be reestablished after it has ceased to operate for a period of 365 consecutive days. Time periods in which uses are discontinued due to impeded access resulting from government action shall not be considered in applying this restriction. For purposes of this Code, the presence of a mobile home as a nonconforming structure in a zoning district shall be considered a nonconforming use, subject to removal when its actual use or occupancy has ceased for a period of 365 consecutive days.

13.3.2.7 Subdivision Prohibited

Land that accommodates a use nonconformity shall not be subdivided.

13.3.2.8 Single-Family Dwelling Units in Non-Single-Family Districts

Notwithstanding Sub-section 13.3.2.3, any single-family dwelling unit located in a non-single-family district other than an industrial district shall be permitted to be repaired, enlarged, altered or rebuilt, provided that the dwelling unit otherwise meets the minimum requirements of the least restrictive single-family sub-district allowed in the context in which the dwelling unit is located.

13.3.2.9 Conditional Use Nonconformity

Any use designated by this Code as a conditional use for which conditional use approval has not been granted in accordance with Section 2.4 shall be deemed a use nonconformity until a conditional use is approved.

13.3.2.10 City Purchase or Condemnation of Nonconforming Uses

The elimination of the nonconforming uses and structures is declared to be for a public purpose and for a public use. The City of Lakeland may acquire, by purchase,
condemnation, or otherwise, private property or an interest in private property for the removal of nonconforming uses. The cost and expense, or a portion thereof, of acquiring the private property may be paid from general funds or assessed to a special district in accordance with the applicable statutory provisions relating to the creation and operation of special assessment districts for public improvements in the city. The City Commission may institute and prosecute proceedings for condemnation of nonconforming uses and structures under the power of eminent domain.

13.4 LOT NONCONFORMITIES

13.4.1 APPLICABILITY

This section shall apply to any nonconformance with requirements or limitations pertaining to lot arrangement, lot area, lot width or minimum street frontage as set forth in Sub-Section 9.8.4 and Tables 3.4-1 through 3.4-13. (Ord. No. 5455, § 2, 07-21-14)

13.4.2 STANDARDS

13.4.2.1 Authority to Continue

Any lawfully existing nonconforming lot may be continued so long as it remains otherwise lawful, subject to the provisions of this section.

13.4.2.2 Nonconforming Lots

Lots and parcels created prior to July 18, 1950 that do not meet the minimum lot area, lot width and/or lot depth requirements of this Code, may be built upon without recourse to a variance, provided that all height, setback and other applicable dimensional requirements are met. Where conformance to the dimensional requirements would cause unnecessary hardship, the Zoning Board of Adjustment and Appeals may issue a variance to permit use of such lots.

13.4.2.3 Division of Lots Restricted

No lot or parcel shall be divided in such a way as to create a nonconforming lot or parcel or to increase the degree of nonconformance already in existence.

13.5 STRUCTURE NONCONFORMITIES

13.5.1 APPLICABILITY

This section shall apply to any nonconformance with requirements or limitations pertaining to structures.
13.5.2 STANDARDS

13.5.2.1 Authority to Continue

Any lawfully existing nonconforming structure may be continued so long as it remains otherwise lawful, subject to the provisions of this section.

13.5.2.2 Unsafe Structures

Any structure or portion thereof declared unsafe by the Building Official or Fire Official pursuant to the provisions of the building code or fire code may be restored to a safe condition, notwithstanding the provisions of Sub-Section 13.3.2.3.

13.5.2.3 Creation or Increase of Structure Nonconformities Prohibited

No structure shall be constructed, enlarged or altered in such a way as to create a new structure nonconformance or to increase an existing structure nonconformance.

13.5.2.4 Enlargement or Alteration of Nonconforming Structures

a. When a structure exhibits one or more nonconformities, the structure may be enlarged or altered in any lawful way for any permitted use, provided that the enlargement or alteration does not create a new nonconformity.

b. When a structure exhibits one or more nonconformities, the structure shall not be enlarged or altered so as to increase an existing nonconformity, except as follows:

Where 60 percent or more of the total length of a façade of an existing structure is nonconforming as to a particular minimum setback, the structure may be enlarged within the same required yard, not to exceed the actual setback of the existing facade, as illustrated in Figure 13.5-1.

13.5.2.5 Maintenance and Repair of Nonconforming Structures

Subject to Sub-Section 13.3.2.3, nonconforming structures may be maintained and repaired, provided that maintenance and repair do not increase or intensify the extent or size of the nonconformity.

13.5.2.6 Destroyed Nonconforming Structures

Whenever a nonconforming structure is destroyed, the nonconforming structure shall not be rebuilt except in conformance with all the requirements of this Code. For the purposes of this section, 'destroyed' shall constitute damage by any means to such an extent that the cost of repair or replacement would exceed 50 percent of the replacement cost of the structure before it was destroyed.
Figure 13.5-1 Examples of Allowable Nonconforming Structure Enlargements