

ORDINANCE NO. _____

PROPOSED ORDINANCE NO. 21-045

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA RELATING TO THE LAND DEVELOPMENT CODE; AMENDING ARTICLE 2 AND ARTICLE 5 OF THE LAND DEVELOPMENT CODE TO ADOPT DEVELOPMENT STANDARDS ALLOWING FOR THE USE OF SHIPPING CONTAINERS AS DWELLING UNITS IN MOBILE HOME (MH) AND MULTI-FAMILY (MF) ZONING DISTRICTS AND AS ACCESSORY STRUCTURES FOR CERTAIN COMMERCIAL USES; AMENDING STANDARDS FOR HOME-BASED BUSINESS IN RESPONSE TO RECENT LEGISLATIVE CHANGES; CLARIFYING PARKING STANDARDS FOR BOATS, TRAILERS AND RV'S ON RESIDENTIAL PROPERTY; REVISING STANDARDS PERTAINING TO PERSONAL WIRELESS SERVICE FACILITIES IN LIMITED DEVELOPMENT (LD) ZONING DISTRICTS; MAKING FINDINGS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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

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

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

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

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

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

SECTION 3. The City Commission does hereby expressly find that the provisions of this Ordinance are in conformity with the Comprehensive Plan of the City of Lakeland, and that all procedures for the enactment of this Ordinance have been complied with.

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 All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. If any word, sentence, clause, phrase or provision of this Ordinance, for any reason, is held to be unconstitutional, void or invalid, the validity of the remainder of this Ordinance shall not be affected thereby.

SECTION 6. This Ordinance shall take effect immediately upon its passage.

PASSED AND CERTIFIED AS TO PASSAGE this 18th day of October, A.D. 2021.

H. WILLIAM MUTZ, MAYOR

ATTEST: _____
KELLY S. KOOS, CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS: _____
PALMER C. DAVIS
CITY ATTORNEY

ATTACHMENT "A"

Table 2.3-1: Permitted Principal Uses

USES	RESIDENTIAL DISTRICTS									OFFICE DISTRICTS			COMMERCIAL DISTRICTS							INDUSTRIAL DISTRICTS			
	RA-1	RA-2	RA-3	RA-4	RB	MF-12	MF-16	MF-22	MH	O-1	O-2	O-3	C-1	C-2	C-3	C-4	C-5	C-6	C-7 ^{2,4}	I-1	I-2	I-3	

Table 2.3-2: Permitted Accessory Uses

USES	RESIDENTIAL DISTRICTS									OFFICE DISTRICTS			COMMERCIAL DISTRICTS							INDUSTRIAL DISTRICTS		
	RA-1	RA-2	RA-3	RA-4	RB	MF-12	MF-16	MF-22	MH	O-1	O-2	O-3	C-1	C-2	C-3	C-4	C-5	C-6	C-7 ^{2,4}	I-1	I-2	I-3
MISCELLANEOUS																						
Home Offices accessory to dwelling units ¹	P	P	P	P	P	P	P	P	P	P	P								P	P		
Home-based Businesses accessory to single-family detached dwelling units ¹	P	P	P	P	P	P	P	P	P	P	P		P	P					P	P		

Footnotes:

¹ In accordance with Section 5.10 (Home Occupations) (Home-based Businesses)

ATTACHMENT “B”

ARTICLE 5 – STANDARDS FOR SPECIFIC USES

5.25 SHIPPING CONTAINERS AS DWELLING UNITS AND AS ACCESSORY STRUCTURES FOR CERTAIN COMMERCIAL USES

5.25.1 INTENT AND APPLICABILITY

It is the intent of this section to establish specific development standards allowing for the use of shipping containers as dwelling units and as accessory structures for certain commercial uses.

5.25.1.1 Definitions

Shipping Container: A large, standardized container designed for intermodal transport of goods and materials that is without wheels and any vehicle chassis.

5.25.1.2 Shipping Containers for Use as Dwelling Units

- a. Through the conditional use process, shipping containers may be used as dwelling units on properties located in MF (Multi-Family Residential) zoning districts and in existing or proposed mobile home parks that are zoned as part of a MH (Mobile Home) zoning district.
- b. All shipping containers used as dwelling units shall be installed on a permanent foundation and comply with the Florida Building Code and Florida Fire Prevention Code.
- c. The use of shipping containers as dwelling units shall be contingent upon certain architectural modifications being made to the exterior of the structures. Such modifications shall include the use of residential windows and doors, awnings, and finishing materials such stucco, fiber cement siding or other materials appropriate for the residential use.
- d. For shipping container dwellings proposed for use in mobile home parks, architectural elevations are required to illustrate the types of architectural treatments and finishing materials that will be used. A typical lot layout is also required to illustrate setbacks, off-street parking and any appurtenances that will be used such as carports and decks.
- e. For properties zoned for multi-family uses, a detailed site plan showing setbacks, building footprints, parking, and required landscaping and buffering is required. Architectural elevations shall also be provided to show the types of architectural treatments and finishing materials that will be used.
- f. All other development standards shall be in accordance with the underlying zoning district in which the property is located.

5.25.1.3 Shipping Containers as Accessory Structures for Certain Commercial Uses

- a. All shipping containers used as accessory structures shall be installed on a permanent foundation and comply with the Florida Building Code and Florida Fire Prevention Code.
- b. Use as commercial accessory structures shall be limited to the following uses when permitted as a principal use in the underlying zoning district:
 - 1. Small-scale restaurants in which fresh food products are prepared on-site and sold directly to consumers for either on-premises or off-premises consumption.
 - 2. Small-scale, specialty retail sales of antiques, fresh, packaged and prepared foods, cosmetics, clothing, gifts, toys, books, jewelry, small electronics, flowers, arts and crafts and other similar goods.
 - 3. Indoor hydroponic production of fruits, vegetables, flowers and herbs.
 - 4. Other uses not specifically listed when the Director of Community & Economic Development determines that the use is compatible with the surrounding uses.
- c. No more than one shipping container shall be installed per premises. The installation of two or more shipping containers for innovative commercial projects such as container food courts and other uses may be considered through a conditional use permit.
- d. Shipping containers used as an accessory building for restaurant or retail sales uses shall be located in accordance with the setbacks applicable to the principal structure on the lot or parcel on which they are located.
- e. Shipping containers used for hydroponic production shall be located in accordance with the setbacks for General Accessory Structures specified by Table 4.3-4.
- f. Shipping containers used as accessory structures shall not be located within any required off-street parking spaces, vehicle driveways or drive aisles, fire lanes or pedestrian facilities.
- g. Design and Performance Standards
 - 1. All shipping containers used as accessory structures shall be painted and maintained in good condition at all times with no visible structural damage, corrosion or graffiti.

2. Shipping containers used for restaurant and retail uses shall be modified and enhanced through the use of architectural features such as commercial doors and windows, awnings, outdoor lighting, seating, and landscaping planters.
3. Signage shall be limited to building mounted signs with a maximum sign area not to exceed 25 square feet per wall face and 50 square feet total.
4. Any solid waste generated shall be collected and disposed using the solid waste collection bins serving the principal structure on the premises.

2.6.4 ACCESSORY USES LISTED AND DEFINED

Shipping Containers as Accessory Structures for Certain Commercial Uses in accordance with Sub-Section 5.25.1.3

ATTACHMENT "C"

ARTICLE 5 – STANDARDS FOR SPECIFIC USES

5.10 - ~~HOME OCCUPATIONS~~HOME-BASED BUSINESSES

5.10.1 INTENT AND APPLICABILITY

5.10.1.1 Intent

~~Home occupations~~ Home-based businesses are businesses that operate in whole or in part from a residential property. It is the intent of this section to provide minimum standards for ~~home occupations~~ home-based businesses in order to ~~promote mixed-use and to~~ ensure compatibility with surrounding land uses and consistency with Section 559.955, Florida Statutes.

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

5.10.1.2 Applicability

~~Home occupations-based businesses~~ 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:~~

~~(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, online 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.~~

5.10.32 GENERAL STANDARDS FOR ALL HOME OCCUPATIONS/HOME-BASED BUSINESSES

a. Only the person or persons maintaining the dwelling as their primary place of residence shall operate a home occupation. Employees of the business who work at the residential dwelling must also reside in the residential dwelling, except that up to a total of two employees or independent contractors who do not reside at the residential dwelling may work at the business. The business may have additional remote employees that do not work at the residential dwelling.

b. The activities of the home-based business shall be secondary to the property's use as a residential dwelling. A home occupation shall home-based business may operate in a completely enclosed structure or a detached accessory structure. The home-based business may not conduct retail transactions at a structure other than the residential dwelling; however, incidental business uses and activities may be conducted at the residential property.

c. As viewed from the street, the use of the residential property shall be consistent with the uses of the residential areas that surround the property.

External modifications made to a residential dwelling to accommodate a home-based business shall conform with the residential character and architectural aesthetics of the neighborhood. There shall be no external advertising, external display of goods, or any other external evidence of any ~~home occupation~~ home-based business, except for signage in accordance with [Section 4.9](#).

- d. ~~No substances or materials shall be stored or used except as they would, in such quantity, be normal and acceptable in a residential setting. All business activities shall comply with any relevant local, state, and federal regulations with respect to the use, storage, and disposal of any corrosive, combustible, or other hazardous or flammable materials or liquids.~~
- e. 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. The business activities shall comply with the City's Land Development Code and Code of Ordinances with respect to equipment or processes that create noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors.
- f. ~~Home occupations~~ Home-based businesses shall meet all requirements of this Code pertaining to the parking of commercial vehicles as specified in Sub-Section 5.17.3.6. Parking related to the business activities of the home-based business shall comply with the general parking requirements within the Land Development Code and the need for parking generated by the business may not be greater in volume than would normally be expected at a similar residence where no business is conducted. Vehicles and trailers used in connection with the business must be parked in legal parking spaces that are not located within the right-of-way, on or over a sidewalk, or on any unimproved surfaces at the residence. Heavy equipment used in conjunction with the home-based business shall not be visible from the street or any neighboring property. For the purposes of this section, the term "heavy equipment" shall mean commercial, industrial, or agricultural vehicles, equipment, or machinery.

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.~~
- ~~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.~~

1.6 - DEFINITIONS

...

Home-Based Business: A business that operates, in whole or in part, from an improved residential property and meets the criteria in Section 559.955, Florida Statutes and the minimum standards in Section 5.10 of this code.

ATTACHMENT "D"

ARTICLE 5 – STANDARDS FOR SPECIFIC USES

5.17 - PARKING AND STORAGE OF COMMERCIAL VEHICLES, BOATS, TRAILERS, AND CONSTRUCTION EQUIPMENT

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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:

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 vehicles and trailers used in conjunction with a home-based business shall be parked in legal parking spaces that are not located in the right-of-way, on or over a sidewalk, or on any unimproved surfaces at the residence.

e.d. 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.

1.6 - DEFINITIONS

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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.

Yard, Street Side: A yard extending the full width of a lot between any building and the street side lot line.

5.17 - PARKING AND STORAGE OF COMMERCIAL VEHICLES, BOATS, TRAILERS, AND CONSTRUCTION EQUIPMENT

...

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~~ within any front or street-side property line yard as defined in Section 1.6 and Figure 1.6-10 of the Land Development Code.

ATTACHMENT “E”

5.18 - PERSONAL WIRELESS SERVICE FACILITIES

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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, RCLD, 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.

...

Table 5.16-1: Maximum Height

Zoning District	Central City Area	All Other Areas
RA (all), RB (all)	75'	75'
MF (all)	75'	75'
O-1, O-2, C-1, C-2, C-3	75'	85'
C-4	85'	95'
C-5	95'	120'
O-3	85'	120'
I-1	110'	150'
I-2, I-1	150'	200'
<u>RCLD</u>	n/a <u>150'</u>	200'

...

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 ~~RCLD~~ 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.



Planning & Zoning Board Recommendation

Date:	October 4, 2021	Reviewer:	Todd Vargo
Project No:	LDC21-003	Applicant:	City of Lakeland
P&Z Hearing:	August 17, 2021	P&Z Final Decision:	September 21, 2021
Request:	Changes to Article 2 (Use Standards), and Article 5 (Standards for Specific Uses) to adopt development standards allowing for the use of shipping containers as dwelling units in Mobile Home (MH) and Multi-Family (MF) zoning districts and as accessory structures for certain commercial uses, amend standards for home-based businesses; clarify parking standards for boats, trailers, and RVs on residential property; and to revise development standards related to personal wireless services (PWS) facilities in Limited Development (LD) zoning districts.		

1.0 Background

Periodically, various changes to the Land Development Code (LDC) are proposed in response to changing circumstances or to clarify existing provisions. The proposed changes to Article 2 (Use Standards) and Article 5 (Standards for Specific Uses) allowing for the use of shipping containers as dwelling units and as accessory structures for certain commercial uses; amending standards for home-based businesses; clarifying parking standards for boats, trailers, and RVs on residential property; and revising development standards related to personal wireless (PWS) facilities in LD (Limited Development) zoning districts are included as Attachments “A,” “B,” “C,” “D,” and “E.”

1.1 Attachments

Attachment A: Article 2, Table 2.3-1 (Permitted Principal Uses) and Table 2.3-2 (Permitted Accessory Uses)

Attachment B: Article 5, Section 5.25, Shipping containers as Dwelling Units and Accessory structures for Certain Commercial Uses

Attachment C: Article 5, Section 5.22, Home-Based Businesses

Attachment D: Article 5, Section 5.17, Parking Standards for Boats, Trailers and RVs

Attachment E: Article 5, Section 5.18, PWS facilities in LD zoning districts

2.0 Discussion

The first part of the proposed changes, included as Attachment “A,” addresses the correction of a minor error in Table 2.3-1 (Permitted Principal Uses) and changes to Table 2.3-2 (Permitted Accessory Uses). The error in Table 2.3-1 pertains to a footnote in the header row which has been revised to reference the correct requirement. The changes to Table 2.3-2, Permitted Accessory Uses, eliminate the reference to home offices and remove the restriction which limited home-based businesses to single-family detached dwelling units. These changes are further explained in the discussion for a companion amendment to Article 5.

The second part of this amendment, as shown in Attachment “B,” addresses the use of shipping containers as dwelling units and as accessory structures for certain commercial uses. Shipping

containers, which are intended for the intermodal transport of goods and materials, have become the subject of a trend in recent years in which they are reused and recycled for commercial and residential purposes. The proposed development standards within Article 5, Section 5.25, will allow for the use of shipping containers as dwelling units in Mobile Home Parks and multi-family zoning districts and as accessory structures for certain commercial uses.

Shipping containers are attractive for such uses because they are durable structures which are readily available and can be purchased new or used. As dwelling units, they are suitable for affordable housing units as a standard 8' x 40' shipping container can easily be converted to a small, one-bedroom dwelling. Combined together, two or more containers can be used to create larger two- or three-bedroom dwellings, high-end custom homes or multi-family housing in which multiple containers are designed and reengineered to create attractive rental housing for young adults, students and retirees. The proposed standards allow for the use of shipping containers in Mobile Home (MH) and Multi-Family (MF) residential zoning districts. To ensure that such structures are designed and placed in a manner compatible with the residential context in which they will be located, a Conditional Use Permit (CUP) will be required in order to use shipping containers as dwellings.

For commercial uses, the use of shipping containers will be limited to accessory structures for certain commercial uses when there is another permitted principal use on the property. Allowable uses include small-scale restaurant uses in which food is prepared for on-site or off-premises consumption, small-scale, retail sales of antiques, fresh, packaged and prepared foods, clothing, cosmetics, clothing, gifts, toys, books, jewelry, small electronics, flowers, arts and crafts and other similar goods, and indoor hydroponic production of fruits, vegetables, flowers and herbs. By right, no more than one shipping container will be allowed as an accessory structure. For innovative projects such as food courts or retail incubator spaces, the use of two or more containers may be considered through a CUP. Shipping containers used for residential or commercial uses will have to meet both the Florida Building Code and the Florida Fire Prevention Code.

The third portion of the proposed changes, included as Attachment "C," addresses the recent preemption of the regulation of home-based businesses by the Florida Legislature through the approval of HB103. Under this legislation, local government agencies may not prohibit home-based businesses as long as they have no more than two employees or independent contractors and the parking generated by such business is not greater in volume than a residence where no business is conducted. Regulation of home-based businesses is limited to the parking of vehicles and trailers associated with the business, buffering and screen of any "heavy equipment" (defined as commercial, industrial, or agricultural vehicles, equipment, or machinery) and impacts such as noise, vibrations, heat, smoke, dust, glare, fumes, or noxious odors.

The fourth portion of this amendment, included as Attachment "D," clarifies where boats, trailers, and unoccupied motor homes may be parked on residential properties and where vehicles and trailers associated with home-based businesses may be parked and stored.

The last and final change, included as Attachment "E," consists of minor revisions to Section 5.18, Personal Wireless Service Facilities, to replace references to the RC (Rural Conservation) zoning district which was replaced by the LD (Limited Development) zoning district and to provide a maximum height for ground mounted personal wireless facilities within the LD zoning district in Table 5.16-1.

3.0 Recommendation

3.1 Community & Economic Development Staff

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

3.2 The Planning & Zoning Board

This recommendation was approved by a 6—0 vote of the Board.

The Community & Economic Development Department reviewed this request and recommended the proposed changes to the Land Development Code.

Recommendation

It is recommended that the proposed changes to Article 2 and Article 5 of the Land Development Code, as described in Attachments “A,” “B,” “C,” “D,” and “E” be approved.

ATTACHMENT "B"

ARTICLE 5 – STANDARDS FOR SPECIFIC USES

5.25 SHIPPING CONTAINERS AS DWELLING UNITS AND AS ACCESSORY STRUCTURES FOR CERTAIN COMMERCIAL USES

5.25.1 INTENT AND APPLICABILITY

It is the intent of this section to establish specific development allowing for the use of shipping containers as dwelling units and as accessory structures for certain commercial uses.

5.25.1.1 Definitions

Shipping Container: A large, standardized container designed for intermodal transport of goods and materials that is without wheels and any vehicle chassis.

5.25.1.2 Shipping Containers for Use as Dwelling Units

- a. Through the conditional use process, shipping containers may be used as dwelling units on properties located in MF (Multi-Family Residential) zoning districts and in existing or proposed mobile home parks that are zoned as part of a MH (Mobile Home) zoning district.
- b. All shipping containers used as dwelling units shall be installed on a permanent foundation and comply with the Florida Building Code and Florida Fire Prevention Code.
- c. The use of shipping containers as dwelling units shall be contingent upon certain architectural modifications being made to the exterior of the structures. Such modifications shall include the use of residential windows and doors, awnings, and finishing materials such as stucco, fiber cement siding or other materials appropriate for the residential use.
- d. For shipping container dwellings proposed for use in mobile home parks, architectural elevations are required to illustrate the types of architectural treatments and finishing materials that will be used. A typical lot layout is also required to illustrate setbacks, off-street parking and any appurtenances that will be used such as carports and decks.
- e. For properties zoned for multi-family uses, a detailed site plan showing setbacks, building footprints, parking, and required landscaping and buffering is required. Architectural elevations shall also be provided to show the types of architectural treatments and finishing materials that will be used.
- f. All other development standards shall be in accordance with the underlying zoning district in which the property is located.

5.25.1.3 Shipping Containers as Accessory Structures for Certain Commercial Uses

- a. All shipping containers used as accessory structures shall be installed on a permanent foundation and comply with the Florida Building Code and Florida Fire Prevention Code.
- b. Use as commercial accessory structures shall be limited to the following uses when permitted as a principal use in the underlying zoning district:
 1. Small-scale restaurants in which fresh food products are prepared on-site and sold directly to consumers for either on-premises or off-premises consumption.

2. Small-scale, specialty retail sales of antiques, fresh, packaged and prepared foods, cosmetics, clothing, gifts, toys, books, jewelry, small electronics, flowers, arts and crafts and other similar goods.
 3. Indoor hydroponic production of fruits, vegetables, flowers and herbs.
 4. Other uses not specifically listed when the Director of Community & Economic Development determines that the use is compatible with the surrounding uses.
- c. No more than one shipping container shall be installed per premises. The installation of two or more shipping containers for innovative commercial projects such as container food courts and other uses may be considered through a conditional use permit.
 - d. Shipping containers used as an accessory building for restaurant or retail sales uses shall be located in accordance with the setbacks applicable to the principal structure on the lot or parcel on which they are located.
 - e. Shipping containers used for hydroponic production shall be located in accordance with the setbacks for General Accessory Structures specified by Table 4.3-4.
 - f. Shipping containers used as accessory structures shall not be located within any required off-street parking spaces, vehicle driveways or drive aisles, fire lanes or pedestrian facilities.
 - g. Design and Performance Standards
 1. All shipping containers used as accessory structures shall be painted and maintained in good condition at all times with no visible structural damage, corrosion or graffiti.
 2. Shipping containers used for restaurant and retail uses shall be modified and enhanced through the use of architectural features such as commercial doors and windows, awnings, outdoor lighting, seating, and landscaping planters.
 3. Signage shall be limited to building mounted signs with a maximum sign area not to exceed 25 square feet per wall face and 50 square feet total.
 4. Any solid waste generated shall be collected and disposed using the solid waste collection bins serving the principal structure on the premises.

2.6.4 ACCESSORY USES LISTED AND DEFINED

Shipping Containers as Accessory Structures for Certain Commercial Uses in accordance with Sub-Section 5.25.1.3

ATTACHMENT "C"

ARTICLE 5 – STANDARDS FOR SPECIFIC USES

5.10 - ~~HOME OCCUPATIONS~~ HOME-BASED BUSINESSES

5.10.1 INTENT AND APPLICABILITY

5.10.1.1 Intent

~~Home occupations~~ home-based businesses are business that operate in whole or in part from a It is the intent of this section to provide minimum standards for ~~home occupations~~ home-based businesses in order to ~~promote mixed-use and to ensure~~ compatibility with surrounding land uses and as provided for in Section 559.955, Florida Statutes.

(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:~~

~~(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, online 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.~~

5.10.32 GENERAL STANDARDS FOR ALL HOME OCCUPATIONS/HOME-BASED BUSINESSES

- a. ~~Only the person or persons maintaining the dwelling as their primary place of residence shall operate a home occupation. Employees of the business who work at the residential dwelling must also reside in the residential dwelling, except that up to a total of two employees or independent contractors who do not reside at the residential dwelling may work at the business. The business may have additional remote employees that do not work at the residential dwelling.~~
- b. ~~The activities of the home-based business shall be secondary to the property's use as a residential dwelling. A home occupation shall home-based business may operate in a completely enclosed structure or a detached accessory structure. The home-based business may not conduct retail transactions at a structure other than the residential dwelling; however, incidental business uses and activities may be conducted at the residential property.~~
- c. ~~As viewed from the street, the use of the residential property shall be consistent with the uses of the residential areas that surround the property. External modifications made to a residential dwelling to accommodate a home-based business shall conform with the residential character and architectural aesthetics of the neighborhood. There shall be no external advertising, external display of goods, or any other external evidence of any ~~home occupation~~ home-based business, except for signage in accordance with [Section 4.9](#).~~
- d. ~~No substances or materials shall be stored or used except as they would, in such quantity, be normal and acceptable in a residential setting. All business activities shall comply with any relevant local, state, and federal regulations with respect to the use, storage, and disposal of any corrosive, combustible, or other hazardous or flammable materials or liquids.~~
- e. 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. The business activities

shall comply with the City's Land Development Code and Code of Ordinances with respect to equipment or processes that create noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors.

- f. ~~Home occupations~~ Home-based businesses shall meet all requirements of this Code pertaining to the parking of commercial vehicles as specified in Sub-Section 5.17.3.6. Parking related to the business activities of the home-based business shall comply with the general parking requirements within the Land Development Code and the need for parking generated by the business may not be greater in volume than would normally be expected at a similar residence where no business is conducted. Vehicles and trailers used in connection with the business must be parked in legal parking spaces that are not located within the right-of-way, on or over a sidewalk, or on any unimproved surfaces at the residence. Heavy equipment used in conjunction with the home-based business shall not be visible from the street or any neighboring property. For the purposes of this section, the term "heavy equipment" shall mean commercial, industrial, or agricultural vehicles, equipment, or machinery.

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.~~
- 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.~~

1.6 - DEFINITIONS

...

Home-Based Business: A business that operates, in whole or in part, from an improved residential property and meets the criteria in Section 559.955, Florida Statutes and the minimum standards in Section 5.10 of this code.

ATTACHMENT "D"

ARTICLE 5 – STANDARDS FOR SPECIFIC USES

5.17 - PARKING AND STORAGE OF COMMERCIAL VEHICLES, BOATS, TRAILERS, AND CONSTRUCTION EQUIPMENT

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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:

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 vehicles and trailers used in conjunction with a home-based business shall be parked in legal parking spaces that are not located in the right-of-way, on or over a sidewalk, or on any unimproved surfaces at the residence.

e-d. 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.

1.6 - DEFINITIONS

...

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.

Yard, Street Side: A yard extending the full width of a lot between any building and the street side lot line.

5.17 - PARKING AND STORAGE OF COMMERCIAL VEHICLES, BOATS, TRAILERS, AND CONSTRUCTION EQUIPMENT

...

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~~ within any front or street-side property line yard as defined in Section 1.6 and Figure 1.6-10 of the Land Development Code.

ATTACHMENT “E”

5.18 - PERSONAL WIRELESS SERVICE FACILITIES

...

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, ~~RCLD~~, 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.

...

Table 5.16-1: Maximum Height

Zoning District	Central City Area	All Other Areas
RA (all), RB (all)	75'	75'
MF (all)	75'	75'
O-1, O-2, C-1, C-2, C-3	75'	85'
C-4	85'	95'
C-5	95'	120'
O-3	85'	120'
I-1	110'	150'
I-2, I-1	150'	200'
RCLD	n/a <u>150'</u>	200'

...

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 RCLD 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.