

ORDINANCE NO. ____

PROPOSED ORDINANCE NO. 23-004

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA RELATING TO THE LAND DEVELOPMENT CODE; AMENDING ARTICLE 2 (USE STANDARDS) AND ARTICLE 5 (STANDARDS FOR SPECIFIC USES) OF THE LAND DEVELOPMENT CODE TO ALLOW FOR THE DEVELOPMENT OF AFFORDABLE MULTI-FAMILY RESIDENTIAL PROJECTS WITHIN CERTAIN NON-RESIDENTIAL ZONING DISTRICTS, SUBJECT TO CERTAIN LOCATION CRITERIA, DEVELOPMENT STANDARDS, AND AN APPROVAL PROCESS; MAKING FINDINGS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City Commission wishes to encourage the development of affordable housing within the City of Lakeland and finds that it is appropriate to amend the Land Development Code to allow for the development of affordable multi-family residential projects in certain commercial and industrial zoning districts within the City, subject to conditions to ensure compatibility between land uses; and

WHEREAS, the City Commission, upon recommendation by the Planning and Zoning Board, finds that it will facilitate the development of affordable housing in the City of Lakeland and further the public health, safety and welfare of the citizens of the City of Lakeland 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 Attachments "A" and "B," 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 All ordinances or parts of ordinances in conflict herewith are hereby repealed.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 20th day of March, A.D. 2023.

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 Use

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	I-1	I-2	I-3
Residential																						
Convents & Monasteries						P	P	P														
Dormitories						C	C	C				P										
Fraternities & Sororities						C	C	C				P										
Mobile Home									P													
Multi-Family						P	P	P		p ³								P	P			
<u>Multi-Family Affordable Housing Projects in Non-Residential Zoning Districts</u>													p ¹⁴	p ¹⁴	p ¹⁴	p ¹⁴	p ¹⁴			p ¹⁴		
Multi-Family for the Elderly						P	P	P		p ³								P	P			
Residential Above 1 st Floor										P	P							P	P			
Residential, Above 1 st fronting TOC										P	P		P	P								
Rooming Houses & Hostels, Level I							C						P	P				C	C			
Single-Family, Attached			C	C	P	P	P	P		P												
Single-Family, Detached	P	P	P	P	P	P ¹ /C ¹	P ¹ /C ¹	P ¹ /C ¹		p ²												
Two-Family					P	C	C	C		C												

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

³ In accordance with MF-22 standards for applicable context sub-district.

⁴ 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.

⁵ Denotes uses which qualify as retail or service for purposes of complying with core ground floor use requirements specified in footnote no. 4.

⁶ All facilities in completely enclosed buildings.

⁷ Minimum lot area of 20,000 square feet; 40,000 square feet if total seating capacity over 150.

⁸ In accordance with the development standards specified by [Section 5.8](#).

⁹ 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.

¹⁰ Up to 10% of the floor area may be used for retail sales accessory to the principal use. Such sales must be directly related to a manufacturing activity or service which is the principal use on the premises. Examples include, but are not limited to, a tasting room for a brewery, a showroom, or a clearance center to allow for sales of surplus or returned goods from a warehouse.

¹¹ Minimum separation of distance of 1/4th of a mile (1,320 ft.) from another such use.

¹² If greater than 40,000 sq. ft. of floor area, conditional use required.

¹³ Subject to specific locational standards and a minimum setback of 300 feet from any residential zoning districts.

¹⁴ Subject to certain location criteria, development standards and compatibility review before the Planning & Zoning Board as specified in Article 5, Section 5.26.

ATTACHMENT "B"

ARTICLE 5 – STANDARDS FOR SPECIFIC USES

...

5.26 – MULTI-FAMILY AFFORDABLE HOUSING PROJECTS IN NON-RESIDENTIAL ZONING DISTRICTS

5.26.1 INTENT AND APPLICABILITY

Intent

It is the intent of this section to establish procedures and standards which will incentivize and allow for the development of affordable housing on properties in certain industrial and commercial districts on vacant or underutilized properties. Approvals sought pursuant to this section shall be subject to certain location criteria and the minimum development standards specified below. Affordable housing projects proposed under these provisions shall be limited to new construction of multi-family or mixed-use residential structures as described below.

5.26.2 DEFINITIONS

Affordable Housing: In accordance with F.S. 420.0004(3), affordable housing shall mean housing in which monthly rents or mortgage payments, including taxes, utilities, and insurance, do not exceed 30 percent (30%) of that amount which represents the percentage of the median adjusted gross annual income for households whose total annual income does not exceed 120% of the median annual adjusted gross income of the Lakeland -Winter Haven Metropolitan Statistical Area (MSA). This definition also includes "Persons with special needs" defined in F.S. §420.0004(13).

Applicant: The developer of an affordable housing project, or their authorized agent, seeking approval in accordance with the provisions in this section.

Application: Pursuant to F.S. § 166.04151(6), any request for approval of an affordable housing development in a non-residential zoning district where multi-family residential uses would otherwise not be permitted.

5.26.3 PROCEDURES AND STANDARDS FOR ESTABLISHMENT

a. Location Criteria

The development of affordable housing shall be permitted on property zoned I-1, C-1, C-2, C-3, C-4 or C-5 provided that the property is located within ¼ mile (0.25 miles) of a designated Transit Oriented Center or Transit Oriented Corridor; or is located along a fixed transit route. The route on which the property is located must provide service at headways, or a frequency of sixty minutes or less and must have a designated transit stop located within 1,320 feet (¼ mile) of the proposed project.

b. Development Standards: In accordance with MF-12/MF-16/MF-22 Urban Neighborhood (UNH) context sub-district except as follows:

1. Minimum Development Site: One (1) acre
2. Minimum Density: 12 DU/acre
3. Maximum Density: 75 Du/acre
4. Minimum Number of Dwelling Units per Building: Four (4)

5. Minimum Building Height: Two (2) stories

c. Additional Requirements

1. All qualifying projects shall have a restrictive covenant which requires a minimum of twenty-five percent (25%) of the dwelling units to be made affordable to qualified buyers or renters who earn 120 percent (120%) of Area Median Income (AMI) or less, adjusted for family size, for a minimum time of thirty (30) years.
2. If a project contains both affordable and market rate units, affordable units shall be comparable in terms of both quality and size to units offered at market rate rents and have shared access to any amenities offered.

d. Mixed-use Developments: Affordable housing projects located in non-residential zoning districts may be designed as mixed-use projects in which residential dwelling units are located above another ground floor commercial use. Permitted commercial uses shall be limited to office, restaurant, retail, and personal services uses that are permitted by right in the underlying zoning district, excluding motor vehicle-oriented uses. Such projects shall employ urban design elements that maximize walkability using enhanced streetscaping, including but not limited to, decorative lighting and street furniture, outdoor seating areas, increased sidewalk coverage, landscaping, underground utilities, transit and bicycling infrastructure, crosswalks, curb extensions, railings, bollards, planters, and other traffic calming measures.

e. Compatibility Review

1. Prior to site plan or building permit approval, the applicant shall submit to the Planning and Zoning Board a conceptual site development plan and complete building elevations which depict the architectural style, roof treatment, windows, doors, finishing materials, and other exterior architectural elements for the proposed multi-family use. At the discretion of planning staff, supplemental documentation such as architectural renderings, sectional drawings, and line-of-site analysis may be required as part of the review process.
2. 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.
3. In making its determination, the Planning and Zoning Board shall find:
 - a. That the proposed multi-family development is compatible with adjacent land uses and that established commercial or industrial uses do not generate excessive noise, odors, heavy truck traffic, or other conditions or have business operations during hours which would be deemed a nuisance and detrimental to a residential use.
 - b. That approval of a multi-family residential use would not significantly impact the business operations of established commercial or industrial uses through the generation of complaints related to business activities.

- c. That adequate open space is provided for the residents in accordance with the provisions for Civic Open Space specified in Sub-Section 3.4.6.3
- d. That the design of the project is compatible with the urban context. Such a finding shall be based on the consideration of setbacks, building mass, building orientation, building height, frontage buildout, parking location, building materials, window arrangement, amenities, landscaping, and any other pertinent considerations.
- e. The Planning and Zoning Board may impose any conditions or limitations upon the establishment, location, construction, maintenance, or operation of the multi-family residential use which in its judgment may reasonably be necessary to prevent the use from becoming detrimental to other permitted land uses, to promote the public interest, and protect the health, safety, and welfare of residents and adjacent property owners. Conditions and requirements stated as part of the approval shall be a continuing obligation of the property owners.
- f. If approved by the Planning and Zoning Board, the applicant shall apply for site plan and building permit review within one year (365 days) of the date of approval. Following approval, if substantial changes are made to the design of the project, including but not limited to, an increase in density, building height, massing, or architectural design, an additional review may be required by the Planning and Zoning Board.

5.26.4 SITE PLAN SUBMITTAL REQUIREMENTS

- a. Pre-Application Meeting: Prior to applying for concept or site plan review, the applicant shall meet with staff to review and discuss the proposed affordable housing project. At that time, the applicant shall provide a general overview of the project including the proposed number of housing units, unit-type mix, and targeted income levels. The applicant shall also provide a conceptual site plan and building elevations, renderings, or other visual aids which depict the location of building footprints, off-street parking, amenities, stormwater retention areas, access driveways, architectural style, building heights and other design elements for the proposed affordable housing project.
- b. Concept Plan Review: Prior to applying for compatibility review, the applicant shall apply for concept plan review by the City's Development Review Team (DRT) to confirm that adequate infrastructure and services are in place for the project to move forward. For concept plan review, the applicant shall submit a detailed site plan which depicts the design and location of all building footprints, off-street parking areas, amenities, stormwater retention areas, access driveways, landscape buffers, and solid waste collection facilities, and identifies any existing trees that will be preserved and incorporated into the project.



Planning & Zoning Board Recommendation

Date:	March 6, 2023	Reviewer:	Matthew Lyons
Project No:	LDC22-001	Applicant:	City of Lakeland
P&Z Hearing:	December 20, 2022	P&Z Final Decision:	January 18, 2023
Request:	Changes to Article 2 (Use Standards) and Article 5 (Standards for Specific Uses) to allow for the development of affordable, multi-family residential projects within certain non-residential zoning districts subject to location criteria, development standards, and an approval process.		

1.0 Background

Periodically, various changes to the Land Development Code (LDC) are proposed in response to changing circumstances or to clarify existing provisions. Pursuant to F.S. § 166.04151(6), the proposed changes to Article 2 (Use Standards) and Article 5 (Standards for Specific Uses) will allow for the development of affordable, multi-family residential projects within certain nonresidential zoning districts subject to location criteria, development standards and an approval process.

1.1 Attachments

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

Attachment B: Article 5, Section 5.26 (Multi-Family Affordable Housing Projects in Non-Residential Districts)

2.0 Discussion

In 2022, the Florida Legislature amended Chapter 166 of the Florida Statutes to provide municipalities with the ability to approve the development of affordable housing projects on any parcel zoned for commercial or industrial uses provided that at least 10 percent of the units are leased or sold as affordable housing. The legislature, however, left it to the local governing body to determine the process and criteria for approval, including the specific affordability provisions for approval and any other requirements, restrictions, and development standards.

The first part of the proposed changes, included as Attachment “A,” amend Table 2.3-1 (Permitted Principal Uses) to allow for affordable, multi-family residential uses on properties located in C-1, C-2, C-3, C-4, C-5, and I-1 zoning districts subject to the development standards outlined in a new Section 5.26 and a compatibility review before the Planning & Zoning Board.

The second part of the proposed changes, included as Attachment “B,” includes the draft language for a new Section 5.26 which establishes the definitions, location criteria, development standards and process for the approval of affordable, multi-family projects in non-residential zoning districts. To qualify for the use, a minimum of twenty-five percent of the units will need to be offered as affordable housing to qualified buyers or renters who earn 120 percent (120%) of the Area Median Income (AMI) or less for a minimum time of thirty (30) years. In accordance with F.S. § 420.0004 (3), “affordable” is defined as meaning that monthly rents or mortgage payments, including taxes, insurance, and utilities, do not exceed 30 percent of the adjusted gross income for the household.

To ensure that such projects are in proximity to transit, the proposed development standards require that they be located on properties within ¼ mile (0.25 miles) of a designated Transit Oriented Center or located along a fixed transit routes provides service at headways of 60 minutes or less, and within

1/4th of a mile of a designated transit stop. To ensure that projects developed under these provisions support transit, the proposed standards specify a minimum development site of one acre with a minimum density of 12 DUs/acre and a maximum density of 75 DUs/acre. Such projects may either be design as a single-use residential development or as a mixed-use development in which all or a portion of the residential dwelling units are located above a ground floor commercial use. All projects will need to incorporate enhanced urban design elements that support walkability.

The intent of this text amendment is to promote and incentivize the development of affordable housing on underutilized commercial or light industrial properties. To ensure that such uses are compatible with existing uses and meet urban design standards, a compatibility review before the Planning & Zoning Board will be required before a project can move forward. Property owners located within 250 will be notified and have an opportunity to comment at the public hearing. As part of the review, the Board will be allowed to consider compatibility with adjacent land uses, the impacts of the proposed project on existing commercial or industrial businesses, the provision of open space, and the compatibility of the project in terms of setbacks, building mass, orientation, building height, frontage buildout, parking location, building materials, window arrangement, amenities, landscaping, and other pertinent considerations.

If deemed necessary as part of the review, the Board will have the ability to impose conditions or other limitations which promote the public interest and protect the health, safety, and welfare of both residents and adjacent property owners. Following approval, applicants will have one year (365 days) to apply for site plan review and a building permit. If substantial changes are made to the project following approval of the compatibility review, an additional review by the Planning & Zoning may be required before permits can be issued.

3.0 Recommendation

3.1 Community & Economic Development Staff

The Community & Economic Development Department reviewed this request for compliance with Lakeland Comprehensive Plan: Our Community 2030 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 7—0 vote of the Board.

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

Recommendation

It is recommended that the proposed changes to Article 3 and Article 5 of the Land Development Code, as described in Attachments “A” and “B,” be approved.

ATTACHMENT “A”

Table 2.3-1: Permitted Principal Use

USES	RESIDENTIAL DISTRICTS									OFFICE DISTRICTS			COMMERCIAL DISTRICTS							INDUSTRIAL DISTRICTS		
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Residential																						
Convents & Monasteries						P	P	P														
Dormitories						C	C	C				P										
Fraternities & Sororities						C	C	C				P										
Mobile Home									P													
Multi-Family						P	P	P		p ³								P	P			
<u>Multi-Family Affordable Housing Projects in Non-Residential Zoning Districts</u>													p ¹⁴	p ¹⁴	p ¹⁴	p ¹⁴	p ¹⁴			p ¹⁴		
Multi-Family for the Elderly						P	P	P		p ³								P	P			
Residential Above 1 st Floor										P	P							P	P			
Residential, Above 1 st fronting TOC										P	P		P	P								
Rooming Houses & Hostels, Level I							C						P	P				C	C			
Single-Family, Attached			C	C	P	P	P	P		P												
Single-Family, Detached	P	P	P	P	P	P ¹ /C ¹	P ¹ /C ¹	P ¹ /C ¹		p ²												
Two-Family					P	C	C	C		C												

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.

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¹⁴ Subject to certain location criteria, development standards and compatibility review before the Planning & Zoning Board as specified in Article 5, Section 5.26.

ATTACHMENT "B"

ARTICLE 5 – STANDARDS FOR SPECIFIC USES

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5.26 – MULTI-FAMILY AFFORDABLE HOUSING PROJECTS IN NON-RESIDENTIAL ZONING DISTRICTS

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2. 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.
3. In making its determination, the Planning and Zoning Board shall find:
 - a. That the proposed multi-family development is compatible with adjacent land uses and that established commercial or industrial uses do not generate excessive noise, odors, heavy truck traffic, or other conditions or have business operations during hours which would be deemed a nuisance and detrimental to a residential use.
 - b. That approval of a multi-family residential use would not significantly impact the business operations of established commercial or industrial uses through the generation of complaints related to business activities.

- c. That adequate open space is provided for the residents in accordance with the provisions for Civic Open Space specified in Sub-Section 3.4.6.3
- d. That the design of the project is compatible with the urban context. Such a finding shall be based on the consideration of setbacks, building mass, building orientation, building height, frontage buildout, parking location, building materials, window arrangement, amenities, landscaping, and any other pertinent considerations.
- e. The Planning and Zoning Board may impose any conditions or limitations upon the establishment, location, construction, maintenance, or operation of the multi-family residential use which in its judgment may reasonably be necessary to prevent the use from becoming detrimental to other permitted land uses, to promote the public interest, and protect the health, safety, and welfare of residents and adjacent property owners. Conditions and requirements stated as part of the approval shall be a continuing obligation of the property owners.
- f. If approved by the Planning and Zoning Board, the applicant shall apply for site plan and building permit review within one year (365 days) of the date of approval. Following approval, if substantial changes are made to the design of the project, including but not limited to, an increase in density, building height, massing, or architectural design, an additional review may be required by the Planning and Zoning Board.

5.26.4 SITE PLAN SUBMITTAL REQUIREMENTS

- a. Pre-Application Meeting: Prior to applying for concept or site plan review, the applicant shall meet with staff to review and discuss the proposed affordable housing project. At that time, the applicant shall provide a general overview of the project including the proposed number of housing units, unit-type mix, and targeted income levels. The applicant shall also provide a conceptual site plan and building elevations, renderings, or other visual aids which depict the location of building footprints, off-street parking, amenities, stormwater retention areas, access driveways, architectural style, building heights and other design elements for the proposed affordable housing project.
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