

## ORDINANCE 2022-06

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS AMENDING SECTION 23-303 STREETS, SECTION 23-307 LANDSCAPING, TABLE 23-421 PERMITTED USES, TABLE 23-422B DIMENSIONAL AND AREA STANDARDS, SECTION 23-443 RESIDENTIAL PDPS, AND SECTION 23-767 EXEMPTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT ENACTED**, by the City Commission of the City of Lake Wales,

### **SECTION 1:**

#### *Appendix 1: Traffic Impact Study Guidelines and Requirements*

##### Purpose & Intent

The purpose of the traffic impact study is to identify the potential impacts of new development on the City of Lake Wales transportation network and to provide information which will allow a concurrency determination to be made on each impacted segment. The traffic impact study will identify development traffic volumes on each impacted segment and intersection within a defined area, identify those roadway segments and intersections on which the adopted Level of Service cannot be maintained, include link and intersection analysis, and recommend potential solutions and/or mitigation for those segments and intersections on which the adopted Level of Service is not being met and the associated improvements necessary to regain concurrency.

The intent of this document is to define the requirements, procedures and methodology for the preparation and submission of a traffic impact study (TIS) in the City of Lake Wales and to provide an equitable, consistent and systematic means of determining the future impact of proposed developments while maintaining the adopted service levels on all roadways. Nothing contained in this document shall waive any requirement contained elsewhere in the *Lake Wales* Land Development Code.

##### Applicability

The requirements, procedures and methodology for a traffic impact study contained in this section shall apply to all development approvals in incorporated Lake Wales. In all cases, it will be the responsibility of the applicant to demonstrate to the Administrative Official and the Polk TPO that a proposed development will not unduly impact the road system.

##### Standard Requirements

As identified in Table 1: Traffic Study Requirements, there are three (3) levels of traffic studies that could be required. The study requirements and depth of analyses are defined for the three (3) study “tiers” in Table 1 and the subsequent sections.

Table 1: Traffic Study Requirements

	<u>Tier 1 – Traffic Review</u>	<u>Tier 2 – "Minor Traffic Study"</u>	<u>Tier 3 – "Major Traffic Study"</u>
<u>Maximum AM or PM Peak Hour Two Way Net New Trips</u>	<u>≤ 50</u>	<u>51 to 99</u>	<u>&gt; 99</u>
<u>See Section 1 for additional details.</u>			
<u>Methodology</u>			
<u>Methodology Letter/Statement</u>	<u>Not Required</u>	<u>Required. See Section 2 for requirements.</u>	
<u>Methodology Meeting</u>	<u>Not Required</u>	<u>Not Required</u>	<u>Required. A methodology letter shall be provided prior to the meeting for City review.</u>
<u>Study Area</u>			
<u>Study Segments</u>	<u>If the development accesses directly onto a segment identified on the Concurrency Determination Network, this segment shall be evaluated. If the directly accessed segment on the Concurrency Determination Network does not meet the adopted standard, backlogged, constrained or otherwise, the City may require study of additional segments and intersections. If the development does not directly access a segment on the Concurrency Determination Network, no segment evaluation will be required.</u>	<u>Directly accessed segments on the Concurrency Determination Network and all roadway segments where peak hour project generated trips are estimated to consume 5% or more of the peak hour directional service volume, based on service volumes documented in the latest version of the Polk County TPO Roadway Network Database.</u>	
<u>Study Intersections</u>	<u>Driveway Access Points</u>	<u>Driveway access points and all signalized intersections and major unsignalized intersections for which an approach leg is a study segment.</u>	
<u>Technical/Evaluation Requirements</u>			

Table 1: Traffic Study Requirements

	<u>Tier 1 – Traffic Review</u>	<u>Tier 2 – "Minor Traffic Study"</u>	<u>Tier 3 – "Major Traffic Study"</u>
<u>Data Collection</u>	<u>Intersection turning movement and roadway segment volume traffic data used in analysis shall be less than 12 months old (from the date that the methodology receives approval from the City) and shall be collected during periods of normal traffic conditions. Traffic volumes shall be adjusted to peak season using appropriate correction factors.</u>		
<u>Background Traffic</u>	<u>Background traffic shall be based on historical growth rates, calculated from historic average annual daily traffic (AADT) data at nearby FDOT count stations, or other historic AADT data, if available. Include any vested trips documented within the buildout year, if directed by City or designee. In some cases, for a Tier 3 Study, additional planned development traffic may need to be incorporated if the combined level exceeds the historic growth factor in the study area roadway segments.</u>		
<u>Committed Improvements</u>	<u>Projects identified for construction in the first three years of an adopted Work Program (WP), Transportation Improvement Program (TIP), or Capital Improvement Program (CIP), so long as the improvement is funded for construction consistent with the proposed buildout year.</u>		
<u>Trip Generation</u>	<u>The latest edition of the ITE Trip Generation Manual shall be used for calculation of project trips. If authorized by the City or designee, trip generation data from other sources may be used in the analysis. The latest edition of the ITE Trip Generation Handbook shall be used to estimate pass-by trip reductions for non-residential developments. Internal capture estimates for mixed-use developments shall be based the methodology outlined in NCHRP 684.</u>		
<u>Trip Distribution/ Assignment</u>	<u>Distribution and assignment may be based on existing traffic patterns.</u>		<u>Distribution and assignment shall be based on traffic modeling using the currently approved and calibrated District One Regional Planning Model (D1RPM) unless an exemption is provided by the City or designee.</u>

Table 1: Traffic Study Requirements

	<u>Tier 1 – Traffic Review</u>	<u>Tier 2 – "Minor Traffic Study"</u>	<u>Tier 3 – "Major Traffic Study"</u>
<u>Analysis Scenarios</u>	<u>Segment and intersection analysis will be required for the following scenarios: Existing Scenario, Future No Build, and Future Build. If mitigation is needed to achieve adopted standards in the Future No Build or Future Build scenarios, additional scenarios, including the mitigation improvements, will be required. For multiphase developments, analysis of future No Build and Build scenarios will be required for each development phase. See Section 4 for additional details.</u>		
<u>Segment Analysis</u>	<u>Peak hour, directional Level of Service (LOS) analysis shall be conducted for study segments under AM and PM peak hour conditions. See Section 5 for additional details. In certain cases, if the proposed project does not include residential uses, the requirement for AM peak hour analysis may be waived by the City.</u>		
<u>Intersection Analysis</u>	<u>Peak hour LOS analyses shall be conducted for study intersections under AM and PM peak hour conditions. See Section 6 for additional details. In certain cases, if the proposed project does not include residential uses, the requirement for AM peak hour analysis may be waived by the City.</u>		
<u>Turn Lane/Access Analysis</u>	<u>The need for turn lanes at proposed driveway access points shall be determined using the methods of NCHRP 745 for left-turn lanes and NCHRP 279 for right-turn lanes. This analysis should be conducted for the worst-case peak hour to determine the need for turn lanes.</u>		
<u>Traffic Study Requirements</u>			
<u>Content</u>	<u>Trip Generation (Daily, AM and PM Peak Hour), Segment Analysis, and Driveway Peak Hour Analysis, and Turn Lane/Access Analysis. If the directly accessed segment on the Concurrency Determination Network does not meet the adopted standard, backlogged, constrained or otherwise, the City may require study and documentation of additional segments and intersections.</u>	<u>Traffic study requirements are outlined in Section 8.</u>	

Table 1: Traffic Study Requirements

	<u>Tier 1 – Traffic Review</u>	<u>Tier 2 – "Minor Traffic Study"</u>	<u>Tier 3 – "Major Traffic Study"</u>
<u>Signed/Sealed by a Florida PE</u>	<u>Not Required</u>	<u>Yes</u>	<u>Yes</u>
<u>Review</u>			
<u>FDOT Review</u>	<u>Not Required unless right-of-way permit is needed</u>	<u>Yes, if the project trips are &gt;5% on a state roadway and more than 3% on SIS or if right-of-way permit needed</u>	

Traffic Study Tiers/Net External Trip Thresholds

The requirement for traffic studies are based on the net external AM or PM peak hour trips for the project, whichever is greatest, as determined by Table 1. For multi-phase developments, the trip thresholds are based on project buildout, not by phase. In cases of redevelopment, net external trips shall be based upon the new or proposed land use as compared to the land use existing at the time of redevelopment. Credit for prior use must be utilized in connection with a redevelopment of the site within one (1) year following the demolition of the existing structure or termination of the existing use, whichever first occurs.

Methodology Letter

A methodology letter is required for Tier 2 and Tier 3 traffic studies. An example methodology letter is included in the appendix to these guidelines. The applicant must submit the written methodology letter to the City and obtain written concurrence on the proposed methodology. Failure to do so may result in disapproval of the traffic impact study or a request for additional information and the requirement for a revised TIS. The methodology letter shall include the following information:

- Project description.
- Anticipated buildout year for single phase developments and planned development phasing for multi-phase developments.
- Tier of traffic study being proposed.
- Site Location map.
- Site plan of the proposed development that shows the proposed access locations.
- Programmed improvements
- Map of the area of influence/study area.
- Table of proposed trip generation including pass-by trips and internal trip capture including land use description, ITE codes, trip rates or formulas and data used in the calculations from the latest edition of the ITE Trip Generation Manual and ITE Trip Generation Handbook. If authorized by the City or designee, trip generation data from other sources may be used in the analysis. If proposing an alternative source for trip generation data, attach study documentation, if already completed,

or document the proposed methodology, consistent with guidance in the ITE Trip Generation Handbook, if an alternative trip generation rate is to be calculated based on observations of other sites.

- Proposed trip distribution in influence/study area.
- List of roadways that fall within the area of influence/study area.
- Identify any critical issues related to the project such as unacceptable roadway conditions, access constraints, public easements, etc.
- Proposed growth rate for calculation of background growth.
- Date of any traffic counts used in the analysis. Note: traffic counts more than one (1) year old cannot be used in the study unless approved by the City.
- Multimodal Assessment: evaluation of transit, bicycle and pedestrian accommodations as outlined in Section 3.

### Multimodal Assessment

The multimodal assessment shall include an evaluation of existing and programmed bicycle, pedestrian, and transit mobility options. This assessment shall also discuss how the site plan encourages walking, bicycling and transit ridership through one or more of the following:

- Safe, adequately lighting and well-maintained pathways
- Bicycle parking facilities
- Identifiable crosswalks
- Transit bus stops & transit stop amenities (i.e., bench, bus shelter, etc.)
- Removal of natural and/or built barriers that discourage walking
- Compliance with American's with Disabilities Act (ADA) requirements
- Buffering between vehicular areas and sidewalks
- Linkage to existing or future walkway and/or bikeway network and transit route

### Analysis Scenarios

Segment and intersection analysis will be required for the following scenarios. For multiphase developments include analysis of future No Build and Build scenarios for development phase.

#### Existing Scenario

AM (if required) and PM peak hour analysis of existing traffic on the existing transportation network.

#### Future No Build Scenario

AM (if required) and PM peak hour analysis of existing traffic, plus background traffic (derived from growth rates, vested trips, or combination of both), placed on the existing network, plus all improvements funded for construction within the first three years of the state, county or local jurisdiction's adopted work program, capital improvement plan (CIP) and/or adopted transportation improvement plan (TIP).

#### Future Build Scenario

AM (if required) and PM peak hour analysis of existing traffic, plus background traffic (derived from growth rates, vested trips, or combination of both), plus the project's traffic placed on the existing network, plus all improvements funded for construction within the

first three years of an adopted work program, CIP and/or TIP, and proposed project driveways/access improvements.

#### Future No Build Scenario with Mitigation (if necessary)

AM (if required) and PM peak hour analysis of the Future No Build Scenario with the inclusion of any other improvements that are required for mitigation. This analysis scenario will be required only if mitigation is required to obtain the adopted Level of Service as the result of the Future No Build Scenario analysis.

#### Future Build Scenario with Mitigation (if necessary)

AM (if required) and PM peak hour analysis of the Future Build Scenario with the inclusion of any other improvements that are required for mitigation. This analysis scenario will be required only if mitigation is required to obtain the adopted Level of Service as the result of the Future Build Scenario analysis.

#### Segment Analysis

AM (if required) and PM peak hour, directional Level of Service (LOS) analysis shall be conducted for study area segments based on currently accepted traffic engineering principles. Segment analysis should compare roadway volumes to the service volumes published in the latest edition of the Polk County TPO Roadway Network Database, if available, or the FDOT Generalized Service Volume Tables.

Methods that incorporate and apply appropriate techniques from the latest edition of the Highway Capacity Manual (HCM) are also acceptable. These methods may include the use of the latest available versions of the Highway Capacity Software (HCS), Synchro, or LOSPLAN, as approved by the City.

#### LOS Standards

The calculated LOS shall be compared to the adopted LOS standards used for concurrency determination and shall be consistent with the Transportation Element of the Lake Wales Comprehensive Plan.

#### Roadway Volumes

Existing roadway volumes may be established from the latest edition of the Polk County TPO Roadway Network Database (if available), counts from the Florida Department of Transportation (if available), or collected segment volumes (which may be derived from collected peak hour turning movement counts used for the subject TIS).

#### Roadway Service Volumes

Roadway service volumes will be provided in the Polk TPO Concurrency Network Database. In the event the information is not available, FDOT generalized level-of-service standards may be used upon confirmation by the City or designee. Roadway improvements programmed within the first three years of an adopted work program, TIP, or CIP may be utilized as long as the improvement is funded for construction consistent with the proposed buildout year for the development, but no more than three years from the date of the study.

#### Intersection Analysis

AM (if required) and PM peak hour LOS analyses shall be conducted for all study intersections based on currently accepted traffic engineering principles. Methods that

incorporate and apply appropriate techniques from the latest edition of the Highway Capacity Manual (HCM) are acceptable. These methods may include the use of the latest available versions of the Highway Capacity Software (HCS) or Synchro. Microsimulation software may also be used but is not required.

#### LOS Standards

The existing LOS shall be compared to the adopted LOS standards used for concurrency determination and shall be consistent with the Transportation Element of the Lake Wales Comprehensive Plan. The LOS standards for an intersection analysis shall be the conservative adopted roadway LOS standard of the intersecting roadways.

#### Signalization

If signalization is proposed as a mitigation measure, a signal warrant analysis (including FDOT signal warrant summary worksheets) and a Stage 1 Intersection Control Evaluation (ICE) shall be provided for the location(s) proposed for signalization.

#### Turn Lane/Access Analysis

The need for turn lanes at proposed project access shall be determined using the methods of NCHRP 745 for left-turn lanes and NCHRP 279 for right-turn lanes. This analysis should be conducted for the worst-case peak hour to determine the need for turn lanes.

#### Crash/Safety Analysis (if City wants to include)

#### Traffic Study Requirements

Tier 2 and 3 traffic studies shall include the following elements.

- Table of Contents, List of Figures, List of Tables
- Introduction: project description, site location, site plan, study area/area of influence map, planned and programmed improvements and committed developments.
- Existing Roadway & Intersection Conditions: existing roadway segment geometry, existing intersection geometry, existing traffic volumes and existing segment and intersection LOS results. If a segment or intersection with a history of high crash occurrence exists within a study area, at the discretion of the City an evaluation of potential mitigating measures can be required.
- Future Roadway & Intersection Conditions: future roadway segment geometry and future intersection geometry.
- Future Traffic Conditions: background traffic, trip generation, trip distribution and assignment and future traffic volumes.
- Transportation Assessment: segment analysis, intersection analysis, and turn lane/access analysis for future conditions.
- Multimodal Assessment: evaluation of transit, bicycle, and pedestrian accommodations.
- Crash/Safety Analysis (if required)
- Mitigation Strategies: recommended improvements and proportionate share calculations.

- Summary/Conclusions: brief discussion to highlight the reason for the traffic study tier classification, methodology followed, general results of the analysis and action requested (e.g., approval of mitigation strategy).
- Appendix: approved methodology, traffic count data, site plan, capacity analysis summary sheets for existing conditions and future conditions, trip distribution plot from the travel demand model, and all other pertinent data to support the traffic study. For a Tier 2 or 3 study, the electronic operational analysis files (Synchro, HCS, etc.) shall be submitted with the report.

*Sec. 307.2 Landscaping standards.*

*a . Tree density.*

*2. Non-residential density requirement.*

A minimum of ~~two (2)~~ three (3) trees shall be required for each one-quarter (1/4) acre or ten thousand eight hundred ninety (10,890) square feet of land or fraction thereof in the non-residential development.

*3. Residential density requirements.*

Lots less than 10,000 s/f: ~~two~~, three two-inch caliper shade trees, minimum of eight feet at planting. At least one of the shade trees shall be a street tree. Corner lots shall have a minimum of one additional tree to ensure that each frontage has at least one street tree. Lots 10,000 s/f or greater: ~~three~~, four two-inch caliper shade trees, minimum of eight feet at planting. At least one of the shade trees shall be a street tree. Corner lots shall have a minimum of one additional tree to ensure that each frontage has at least one street tree.

NOTE: Street Trees are required to have root barriers. Root barriers shall be approved by the Administrative Official prior to planting.

Definitions:

Root Barrier – Typically used for Street Trees, Root Barriers are structures and/or materials that redirect tree roots down and away from hardscapes, preventing costly root damage while preserving the health and functionality of trees.

Street Tree – A tree that is currently located or proposed for planting along streets or highways. Such tree can be located on private property or on publicly held land. Street trees are typically planted in a linear fashion and provide spatial enclosure as well as other technical and aesthetic benefits (Wildwood Mo.)

TABLE 23-421

PERMITTED USES AND SPECIAL EXCEPTION USES IN STANDARD ZONING DISTRICTS

<p>P - Permitted Use S - Special Exception Use PDP - Planned Development Project MDP - Master Development Plan</p>
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	R-1A	R-1B	R-1C	R-1D	R-2	R-3	P	F	PDMU	C-1/C-1A	C-2	C-2R	C-3	C-4	C-5	LC	I	B	P	I	I	C	N	R
RESIDENTIAL																								
Dwelling: Single-family	P	P	P	P	P	P	P		MDP			P			P									
Dwelling: Two-family					P	P	P		MDP			P			P									
Dwelling: Multi-family (up to 12 units on one parcel)						P				P	P	P	P		P									
Dwelling: Multi-family (more than 12 units/parcel)						PDP	P				PDP	PDP	PDP		PDP									
Dwelling unit for caretaker employed on premises											S	S	S	S	S	S	S	S	S	S	S	S	S	S
Dwelling, accessory to single-family house*	S	S	S	S	S	S						S	S	S	S	S								
Mixed-use - residential and nonresidential	<u>PDP</u>	<u>PDP</u>	<u>PDP</u>	<u>PDP</u>	<u>PDP</u>	<u>PDP</u>					P	P	S	PDP2	PDP									
Manufactured Home																								
Manufactured Home Community	<u>PDP</u>	<u>PDP</u>	<u>PDP</u>	<u>PDP</u>	<u>PDP</u>	<u>PDP</u>																		
AMUSEMENT ESTABLISHMENTS																								



EDUCATIONAL AND CULTURAL

Club7							S		P	P	S	P	S	S	P						
							MDP														
Cultural facilities	S	S	S	S	S	S	S		P	P	P	P	P	P	P	P	P	P	P	P	P
							MDP														
Day care center3*								P	P	P	P	P	P	P							
	P	P	P	P	P		MDP														
Religious establishment	P	P	P	P	P	P	P		P	P	P	P		P						P	
							MDP														
Schools, athletic or music							S		S	P	S	P		S	S	P	S				
							MDP														
Schools, post secondary	S	S	S	S	S	S	S		S	S	S	S		S		S	S				
							MDP														
Schools, primary-secondary	P	P	P	P	P	P	P		P	P	P	P		P							
							MDP														
Schools, training (other than athletic or music)							S		P	P	P	P		P	S	P	P				
							MDP														

FARMING/OTHER AGRICULTURAL

Farming, crop4 or nursery without retail sales	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P
							MDP														
Nursery, plant with retail sales										P	S	P		S	S	S	P	P			
							MDP														











Rear - not adjacent to a residential district <sup>4</sup>	25 <sup>5</sup>	0	25 <sup>5</sup>	25 <sup>5</sup>	25	25	PDP <sup>3</sup>	25 <sup>5</sup>	25	25	25 <sup>5</sup>	35	35
Maximum Building Height	45 <sup>6</sup>	45 <sup>7</sup>	35 <sup>6</sup>	35 <sup>7</sup>	35 <sup>6</sup>	35	PDP <sup>3</sup>	35 <sup>6</sup>	35 <sup>6</sup>	45 <sup>6</sup>	35 <sup>7</sup>	35	35
Maximum Lot Coverage													
Maximum Building Coverage	35%	100%	50%	50%	50%	35%	PDP <sup>3</sup>	50%	50%	50%	50%	5%	35%
Maximum impervious surface	65%	100%	75%	75%	75%	75%	PDP <sup>3</sup>	75%	65%	75%	75%	10%	50%

\* Deviation from dimensional requirements may be allowed through a Planned Development Project approval. See [section 23-224](#)

† The building setback shall be measured from the roof's vertical support member located nearest to the property line from which the setback is required. The roof overhang or other projection shall not extend beyond the vertical support member more than twenty-four (24) inches into the required setback.

~~*1. The minimum front setback shall be as designated or one-half (1/2) the width of the required right-of-way for the street on which the lot fronts, whichever is larger. For development fronting on an arterial highway, the minimum front setback shall be 50 feet. For infill lots, the administrative official may grant a waiver allowing a reduction of the front yard setback requirement, provided the reduction is compatible with building setbacks in the immediate vicinity.*~~

*Sec. 23-443.1 Minimum design standards—Residential PDPs.* The preliminary plan for a residential PDP shall demonstrate that the site design complies with the minimum design standards of this section.

- a. *Density.* The number of units per acre shall not exceed the maximum as allowed for the classification of the property under the Future Land Use Element of the Comprehensive Plan. Acreage for density calculations shall not include areas of open water or lands within the "Conservation" classification of the Future Land Use Map.
- b. *Open space.* Excluding roadways and parking areas open space shall make up a minimum of twenty (20) percent of the site area. ~~If open space is provided as private yards for individual units, such yards shall make up only fifty (50) percent of the open space required. The remaining fifty (50) percent shall be common open space in the form of recreation area, pedestrian or bicycle paths, or landscaped~~

~~common areas.~~ The recreation area required under section 23-310 may be included to meet the open space requirement except that recreation buildings and parking areas shall not be included.

**Sec. 23-767 Exemptions**

The following shall be exempted from payment of impact fees:

- a. Alterations, expansions or replacement of an existing dwelling unit which do not increase the number of families for which such dwelling unit is arranged, designed or intended to accommodate for the purpose of providing living quarters.
- b. The alteration or expansion of an accessory building or structure which will not create additional dwelling units or will not increase the usable square footage space associated with the principal building on the land.
- c. The replacement of a dwelling unit or building with a new dwelling unit or building of the same size and use and which will not increase the square footage associated therewith; provided that the replacement of a dwelling unit or building which has been destroyed or otherwise rendered uninhabitable must be replaced within ~~three (3)~~ five (5) years of the date it was destroyed or rendered uninhabitable in order to be exempted from the payment of impact fees.

**SECTION 2:**

**Severability:** If any clause, section or provision of this ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said ordinance shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated.

**SECTION 3:**

**Effective date:** This ordinance shall become effective immediately upon its passage by the city commission.

**CERTIFIED AS TO PASSAGE** this 2nd day of March 2022.

By: Eugene L. F. [Signature]  
Mayor/Commissioner  
City of Lake Wales, Polk County, FL

ATTEST: \_\_\_\_\_  
City Clerk