

**MEMORANDUM**

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March 10, 2015

**TO:** Honorable Mayor and City Commissioners

**VIA:** Kenneth Fields, City Manager

**FROM:** Margaret Swanson, Director of Planning and Development  
Kathy Bangle, Assistant Director of Planning and Development

**RE:** Ordinance 2015-02 - Zoning Amendment - PDP Building Setbacks  
2nd Reading and Public Hearing

**SYNOPSIS:** Minimum building setbacks from project property lines in residential Planned Development Projects (PDPs) are proposed for amendment to allow more flexibility in designing developments.

**RECOMMENDATION**

At its December 10, 2014 meeting, the Planning Board voted to recommend the changes in Sec. 23-443.1 subsec.(e) 1 & 2 as set forth in Ordinance 2015-02. Staff recommends an additional change by adding subsec. (e) 3.

A first reading of the ordinance was approved by City Commission at its March 3, 2015 meeting.

The notice requirements for a public hearing have been met.

**BACKGROUND**

The ordinance will amend the minimum setbacks from project property lines required for buildings in residential Planned Development Projects (PDPs). The minimum setbacks were enacted to buffer adjacent properties from developments not meeting standard subdivision requirements. As the code reads now, the minimum design standards (in section 23-443.1) cannot be waived. The minimum setback is currently 35 feet.

The amendments will exempt houses on lots meeting the subdivision requirements for the zoning district from the additional PDP setback. It will also allow waivers for one-story single-family houses on non-standard lots if not detrimental to the surrounding properties.

The amendments were prompted by the Planning Board's review of Leoma's Landing in 2014. The PDP setbacks were found to be too large for some single-family lots.

As part of the approval of Leoma's Landing, the City Commission voted to make adjustments to the minimum requirements as suggested by the Planning Board to allow flexibility. In Leoma's Landing, rear setbacks along the Dinner Lake Shores' property line were "pre-approved," pending an amendment to the ordinance. The setbacks approved for Leoma's Landing meet or

exceed the setback required in the R-3 district, but do not meet the 35-ft. minimum required under the existing ordinance.

Following is condition #8 for Leoma's Landing, approved May 20, 2014 by City Commission:

**SETBACK FROM PROJECT PROPERTY LINES**

In addition, the Planning Board recommends that sec. 23-443.1.e. of the zoning regulations be amended to reduce the required setback (now 35 feet) from project property lines for single-family dwellings in PDPs. The Board further recommends that the setbacks from project property lines as proposed by the developer for lots along the eastern property line of Leoma's Landing be accommodated in the amendment, provided the houses are limited to one story:

For lots 61 through 78 rear setback of 25 feet (abutting Dinner Lake Shores)

For lots 81 through 90 rear setback of 24 feet (abutting Dinner Lake Shores)

For lots 1 through 7 rear setback of 19 feet (at C. F. Kinney Rd. entrance)

As shown on plan dated March 14, 2014 and reviewed by the Planning Board.

The amendments proposed in the ordinance will accommodate the setbacks pre-approved for Leoma's Landing and will apply to all new residential PDPs. Waivers can only be granted as part of a PDP approval by City Commission.

Staff recommends an additional provision (subsec. 3) allowing waivers of the front setback on a lot in a residential PDP to allow for a neo-traditional development. Front setbacks can be reduced in a PDP under the current ordinance, but not along a road which is also a project property line.

**ATTACHMENTS:**

Ordinance 2015-02

## ORDINANCE 2015-02

(Amendments to Residential PDP Minimum Setback Requirements - Chapter 23 Zoning)

### AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE MINIMUM BUILDING SETBACK REQUIREMENTS FOR RESIDENTIAL PLANNED DEVELOPMENT PROJECTS IN THE LAKE WALES CODE OF ORDINANCES, CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

BE IT ENACTED by the City Commission of the City of Lake Wales, Polk County, Florida:

**SECTION 1.**        *Section 23-443.1. Minimum design standards – Residential PDPs, Subsection e. Building Setbacks* is hereby amended to read as follows:

e.        *Building setbacks.* ~~The following minimum setbacks for principal buildings are required except that the following are exempt from the increased setback requirement from non-frontage property lines: two-story single-family structures and those two-story duplex and multi-family structures, including townhouses that do not abut existing single-family development.~~  
required: 35 feet from any project property line and 50 feet from any major collector or arterial road as defined in section 23-303. For a building with more than one story, the building setback shall be increased by ten feet for each additional story. Exceptions:

1. These requirements shall not apply to single-family houses on lots meeting the requirements for lot area and lot width at the building line for the zoning district in which the property lies.
2. The minimum setback from a non-frontage project property line may be reduced for one-story single-family houses provided the approving authority determines that the reduction will not adversely impact adjacent property and provided the setback is not reduced below the minimum setback required for the house in the zoning district in which the property lies.
3. The minimum front setbacks on a minor collector or local road may be reduced to allow for a neo-traditional development.

~~1. — *Developments with ten or fewer units.* The minimum building setback for a one-story building shall be 35 feet from any project property line that is also a street frontage and 50 feet from a major collector or arterial road as defined in section 23-303. The setback from non-frontage property lines shall be as required in the zoning district. For a building with more than one story, the building setback shall be increased by ten feet for each additional story, except as exempted above.~~

~~2. — *Developments with more than ten units.* The minimum building setback for a one-story building shall be 35 feet from any project property line and 50 feet from a major collector or arterial road as defined in section 23-303. For a building with more than one story, the building setback shall be increased by ten feet for each additional story, except as exempted above.~~

**SECTION 4.**            **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 5.**            **Effective date:** This ordinance shall become effective immediately upon its passage by the City Commission.

**CERTIFIED AS TO PASSAGE** this \_\_\_\_\_ day of \_\_\_\_\_ 2015.

BY: \_\_\_\_\_  
Mayor/Commissioner  
City of Lake Wales, Polk County, Florida

ATTEST:

\_\_\_\_\_  
City Clerk Clara VanBlargan, MMC