

**ORDINANCE NO. 21-1724**

**AN ORDINANCE OF THE CITY OF HAINES CITY, FLORIDA; AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF HAINES CITY, FLORIDA, ADOPTING TEXT CHANGES TO THE LAND DEVELOPMENT REGULATIONS OF THE CITY BY ADOPTING REVISIONS TO CHAPTER 6 – SPECIAL PROVISIONS; CHAPTER 13 – SUBDIVISIONS; AND CHAPTER 9 – UTILITY SYSTEM ADDITION POLICY OF THE ADMINISTRATIVE AND PROCEDURES MANUAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 163, Florida Statutes, empowers the City Commission of the City of Haines City, Florida to prepare and enforce Land Development Regulations for the implementation of the adopted Haines City Comprehensive Plan; and

**WHEREAS**, the City Commission adopted Ordinance No. 796, Land Development Regulations to implement the adopted Haines City Comprehensive Plan; and

**WHEREAS**, the Haines City Planning Commission, at an advertised public hearing as required by Chapter 21 of the Land Development Regulations, has reviewed, heard public input and recommended that the City Commission adopt specific changes in the Land Development Regulations and the Administrative and Procedures Manual; and

**WHEREAS**, the City Commission of the City of Haines City, Florida considered all oral and written comments received during advertised public hearings, and the recommendations of the Haines City Planning Commission; and

**WHEREAS**, in exercise of its authority, the City Commission of the City of Haines City, Florida has determined it necessary and desirable to adopt specific changes in the Land Development Regulations by restating the entire Land Development Regulations consistent with the public interest within Haines City, Florida.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF HAINES CITY, FLORIDA, AS FOLLOWS:

**Section 1. Amendment to Chapter 5 of the Land Development Regulations of Haines City, Florida.** The City Commission hereby amends portions of Chapter 6 – Special Provisions and Chapter 13 – Subdivisions of the Land Development Regulations, and Chapter 9 of the Administrative and Procedures Manual of Haines City, Florida, as follows by strike through for removal and underline for additions format:

**SEE ATTACHED EXHIBIT “A”**

**Section 2. Severability.** The provisions of this Ordinance are severable; and, if any section, sentence, clause, or phrase is for one reason held to be unconstitutional, invalid or ineffective, this holding shall not affect the validity of the remaining portions of this Ordinance, it being expressly declared to be the City Commission's intent that it would have passed the valid portions of this Ordinance without inclusion of any invalid portion or portions.

**Section 3. Codification.** The Ordinance shall be codified and made a part of the official Code of Ordinances, Land Development Regulations, or Charter of the City of Haines City.

**Section 4. Repeal of Ordinance in Conflict.** All other ordinances of the City of Haines City, Florida, or portions thereof which conflict with this or any part of this Ordinance are hereby repealed.

**Section 5. Effective Date.** This Ordinance shall take effect immediately upon it being read in two meetings of the City Commission of the City of Haines City, its approval, and adoption.

**INTRODUCED AND PASSED** on first reading in regular session of the City Commission of the City of Haines City, this 4<sup>th</sup> day of February, 2021.

**ATTEST:**

**APPROVED:**

*Erica Anderson*

*Morris L. West*

Erica Anderson, CMC  
City Clerk

Morris L. West, Mayor-Commissioner

**APPROVED AS TO FORM AND CORRECTNESS:**

*Fred Reilly*

Fred Reilly, City Attorney

**PASSED** on second and final reading by the City Commission of the City of Haines City, Florida, at regular session this 18<sup>th</sup> day of February, 2021.

**ATTEST:**

**APPROVED:**

*Erica Anderson*

*Morris L. West*

Erica Anderson, CMC,  
City Clerk

Morris L. West, Mayor-Commissioner

**APPROVED AS TO FORM AND CORRECTNESS:**

*Fred Reilly*

Fred Reilly, City Attorney



**EXHIBIT "A"**  
**02-04-2021 LDR Text Amendments**

**Chapter 6 – Special Provisions.**

Sec. 6.1.1.D.4. – PUD districts – Where permitted. (SHALL BECOME EFFECTIVE MAY 1, 2021.

4. Minimum Residential Planned Unit Development (RPUD) standards as follows:

**a. Minimum RPUD Standards and Policy**

During the zoning phase of any proposed development, should the Developer request lot sizes less than 60' in width and 110' in depth, the following standards shall be required:

**RPUD - MINIMUM DEVELOPMENT STANDARDS**

<u>FOR 42' WIDE LOTS*</u>	<u>FOR 52' WIDE LOTS*</u>
<u>LOT WIDTH - 42'</u>	<u>LOT WIDTH - 52'</u>
<u>DEPTH - 115'</u>	<u>LOT DEPTH - 115'</u>
<u>FRONT YARD - 15'</u>	<u>FRONT YARD - 15'</u>
<u>GARAGE - 20'</u>	<u>GARAGE - 20'</u>
<u>SIDE YARD - 6'</u>	<u>SIDE YARD - 6'</u>
<u>FRONT SIDE YARD - 15'</u>	<u>FRONT SIDE YARD - 15'</u>
<u>REAR YARD - 15'</u>	<u>REAR YARD - 15'</u>
<u>NEIGHBORHOOD STREETS - 50'</u>	<u>NEIGHBORHOOD STREETS - 50'</u>

**b. Development Policy:**

- i. All new Residential Development shall install reuse water lines or dry reuse lines until reuse water is available.
- ii. A variety of lot sizes are required.
- iii. Transportation Impact Fees shall not be reimbursed to the Developer for onsite and offsite roadway improvements and Right of Ways dedications resulting from development unless approved by the City Manager. Applications for Impact fees and credits may be made by submitting an "Application for Impact Fees and Credit Form" (Attached)
- iv. \* Lots of 40' and 50' in width may be permitted when a 6' side yard is provided.

**ALL FURTHER AMENDMENTS AS STATED BELOW SHALL BECOME EFFECTIVE IMMEDIATELY UPON APPROVAL.**

5. *Specifically the preliminary plans shall include, but are not necessarily limited to:*

c. A Traffic Study, that identifies the impact and mitigation of the proposed development on the existing transportation network. The Study shall include a proposed major internal street plan for the site demonstrating proposed traffic flow to access points and thoroughfares outside the proposed development and relationships thereto, and any requirements for new streets or improvements that may be required outside the project as a result of the development of the project. The proposed major street plan should show the concept for internal access and traffic flow and how it is proposed to separate vehicular and pedestrian traffic within the project. The petitioner may submit as a part of this traffic concept plan such proposals as may be deemed necessary for a pedestrian system or otherwise for the movement of persons by means other than privately owned passenger vehicles.

Sec. 6.1.7.B MUPUD, Mixed Use Planned Unit Development

E. PROHIBITED USES AND STRUCTURES.

1. Adult-oriented businesses.
2. Agricultural and commercial nurseries.
3. Assisted living facilities.
4. Astrology, palmistry, and similar services.
5. Commercial cleaning plant.
6. Boat, trailer, and vehicle (including parts) sales, service, storage and garages.
7. Camp and trailer parks.
8. Car wash.
9. Drive-in/drive-through restaurants.
- ~~9~~10. Equipment rental and sales yards.
- ~~10~~11. Firearm dealers and gunsmith shops.
- ~~11~~12. Fuel dealers.
- ~~12~~13. Hospitals.
- ~~13~~14. Pawn shops.
- ~~14~~15. Probation offices.
- ~~15~~16. Real estate offices.
- ~~16~~17. Day-labor offices.
- ~~17~~18. Recycling center and recyclable material collection facilities.
- ~~18~~19. Service Station.
1920. Coin-operated laundries / Laundromat.
- ~~20~~21. Uses involving hazardous material or generate high level of noise incompatible with residential uses.
- ~~21~~22. The Administrative Official may deem additional uses to be prohibited based on a finding that the use is similar in nature, function and operation to the prohibited uses listed in this section.

ARTICLE 6.5 US 27 North Ridge Selected Area Plan (SAP) Special District Regulations

Sec. 6.5.5.(B) NON RESIDENTIAL AND MIXED USE DENSITY AND INTENSITY BY DISTRICT

The following Table 6.5.5.1.(B) denotes the respective density and intensity that may be approved within each non-residential and mixed use zoning district and Table 6.5.5.2 denotes the required setbacks by district.

TABLE 6.5.5.1(B) LAND USE DENSITY AND INTENSITY BY DISTRICT								
ZONING DISTRICT	DENSITY (units/acre)		FLOOR AREA RATIO (FAR) Only Applies to Non-residential Floor Area			IMPERVIOUS SURFACE RATIO (ISR)		
	Basic	with Vertically Mixed Use (TND) On a site of 20 Acres or More and Duly Approved as a Planned Unit Development <sup>2</sup>	Basic	On a site Duly Approved as a Conditional Use <sup>4</sup>	with Vertically Mixed Use (TND) Non-Res <sup>1</sup> On a site of 20 Acres or More and Duly Approved as a Planned Unit Development <sup>2</sup>	Non-Green Swamp	Non-Green Swamp with Vertically Mixed Use (TND) <sup>2,3</sup>	Green Swamp Upland Transition Area <sup>1</sup>
PIC-NR	N/A	15 u/a	0.35	1.25	0.70	0.70	0.60	0.60
NAC-NR	N/A	10 u/a <sup>2,3</sup>	0.35	0.70	0.70	0.70	0.60	0.60
CAC-NR	N/A	10 u/a <sup>2,3</sup>	0.35	1.00	0.75	0.70	0.60	0.70
BP-NR	N/A	N/A	0.35	1.25	N/A	0.70	N/A	0.70
IND-NR	N/A	N/A	0.35	1.25	N/A	0.70	N/A	0.70
CONSV-NR	1 un/10 ac	N/A	0.01	N/A	N/A	0.01	N/A	0.01

1. Densities and intensities in the Green Swamp Upland Transition Area located East of the Core Area of Critical State Concern (GSACSC). The Green Swamp Core Area is defined in Sec. 6.5.7.1.

2. Mixed use buildings are allowed to a maximum of three stories with up to two stories of residential above the non-residential use. FAR applies to non-residential use only.

3. Commercial development within vertically mixed use traditional neighborhood development shall not exceed as ISR of 60% unless the lots are part of a site plan which maintains as overall ISR of 50%.

4. All proposed conditional uses shall be required to submit site plan drawings illustrating structures, facilities, and operations including scale, mass, intensity, elevations and other design measures necessary to demonstrate compliance with Sec. 6.5.4.(B). Conditional Use Criteria.

## **Chapter 13 – Subdivisions.**

### **Sec. 13.3.7. - Public sites and open spaces.**

- A. All subdivisions of 20 lots or greater shall be required to provide a neighborhood park subject to the following standards:
1. Shall 510 square feet of park area per subdivision unit: Formula based on required park land of 4.5 acres of park per 1,000 DU at 2.6 persons per DU for neighborhood parks.
  2. Neighborhood park area shall have a minimum dimension of 100 feet in width and 100 feet in depth in order to be counted as a neighborhood park area.
  3. Neighborhood park area(s) shall be the focal point of the subdivision being centrally located and within convenient walking distance (1/4 mile of all residential lots), be integrated into the subdivision plan, and encourage pedestrian access.

## **Administrative and Procedures Manual Chapter 9 – Utility System Addition Policy**

### **Sec. 9.1.3.G. - Responsibility for installation.**

G. All new development including but not limited to residential, commercial and industrial developments, located within the City of Haines city Utility Service Area, shall be required to connect to the reclaim/reuse water system if a reclaimed/reuse main is located within five hundred (500) feet of the proposed development. For all such new developments located within the City of Haines City Utility Service Area, but more than five hundred (500) feet from a reclaimed/reuse water main, the installation of dry lines serving the development including, but not limited to, each lot, if applicable, shall be required. These dry lines shall be connected to either the City's potable water system or well as approved by the City until such time as reuse is available for the development. Once reuse is available for the development, the use of such wells shall cease as determined by the City. Design standards for the installation for reclaim/reuse water distribution system shall be obtained from the Public Infrastructure Utilities Division.

