

ORDINANCE NO. 18-1624

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; AMENDING CHAPTER 4 – DEFINITIONS AND AMENDING CHAPTER 5 – ZONING; 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, through a series of meetings with the Planning Board and the Executive Management Team, Land Development Amendments were identified and discussed; 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

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 4 of the Land Development Regulations of Haines City, Florida. The City Commission hereby amends portions of Chapter 4 of the Land Development Regulations of Haines City, Florida, as follows:

CHAPTER 4 – DEFINITIONS.

ARTICLE 2. - SPECIFIC TERMS

Sec. 4.2.1. - Terms.

Bar. An area primarily devoted to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages.

Microbrewery. An establishment where the principal focus is the sale of beer and ale of low alcoholic content, are brewed for distribution, retail, or wholesale, typically, but not always, in conjunction with a tap or tasting room, standard restaurant, or live entertainment. The maximum brewing capacity shall not exceed 15,000 gallons per year.

Tavern. An establishment servicing alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where food may be available for consumption on the premises.

Wine Bar. An establishment where the principal focus is selling wine by the glass, rather than liquor or beer. Food is not generally offered at these establishments.

Section 2. Amendment to Chapter 5 of the Land Development Regulations of Haines

City, Florida. The City Commission hereby amends portions of Chapter 5 of the Land Development Regulations of Haines City, Florida, as follows:

Chapter 5 - ZONING

ARTICLE 6. - SCHEDULE OF DISTRICT REGULATIONS

Sec. 5.6.11.B. - CBD, central business district.

B. *Permitted principal uses and structures.*

1. Retail outlets for sale of food, wearing apparel, toys, sundries and notions, books and stationery, leather goods and luggage, jewelry, art, cameras or photographic supplies (including camera repair), sporting goods, hobby shops, toy stores, pet shops (but not animal kennels or veterinarians), musical instruments, television and radio (including repair incident to sales), florist or gift shops, antique stores, delicatessens, bake shops (but not wholesale bakery), drugstores, garden shops, and hardware stores.

Service establishments such as barber or beauty shop, shoe repair shop, restaurant (including outdoor eating area, but not one located on public sidewalks, not including drive-in restaurants), interior decorators, photographic studios, dance or music studios, gymnasiums, dry cleaners (including those business engaged in the alteration of customer's clothes).

3. Banks and financial establishments, travel agencies, employment offices, newspaper offices (but not actual printing of newspapers), and similar establishments.

4. Professional and business offices.
5. Multiple family dwellings.
6. Retail outlets for sale of home furnishings and appliances (including repair, incidental to sales), office equipment or furniture.
7. Service establishments such as radio or television stations, funeral homes, radio and television repair shops.
8. Hotels and motels.
9. Retail establishments manufacturing goods for sale only at retail and on the premises.
10. Existing bars, liquor lounges, and taverns in operation prior to April 1, 1999.
11. Wine bars and microbreweries. These uses are exempt in the Downtown Core Area (as identified by Ordinance 04-1116 and said Map), from the distance requirements set forth in Chapter 4, Sec. 4-3, of the Code Ordinances, with regard to public or private schools or churches.
12. Printing establishment or print shops including: lithograph printing, blueprinting, computer word processing and laser printing, copying, and offset printing but not to include newspaper publishing.
13. Governmental uses.
14. The above are uses subject to the following limitations:
 - a. Sale, display, preparation and storage to be conducted within a completely enclosed building (not including enclosed interior malls or sales areas), and no more than 20 percent of floor space to be devoted to storage.
 - b. Products to be sold only at retail.
 - c. No sale, display, or storage of secondhand merchandise except as incidental to sale of new merchandise. The display and retail sale of antique merchandise and related artifacts is specifically exempted from this requirement.
15. Outdoor display shall be permitted within ten percent of the business store front subject to the following conditions:
 - a. A site plan shall be provided distinguishing the proposed outdoor display area and the items proposed outdoor display, i.e. vending and/or ice machines.
 - b. Outdoor display area shall be allowed only to the area set for on the site plan, shall be paved and all electrical outlets supplying power to display area shall meet all applicable codes.
 - c. A clearance of five feet on the sidewalk and/or walkway shall be required.
 - d. All propane tanks and other related-type vending stations shall be properly enclosed to avoid any potential hazards.
 - e. Outdoor display exceeding the ten percent allowance shall require a conditional use permit (see section 20.2.2.).
 - f. All outdoor storage shall require a conditional use permit (see section 20.2.2.).

16. Sidewalk cafes, subject to the requirements of Ordinance 04-1116 (minimum maintenance standards and guidelines for the central business district area).
17. Retail sales of second hand and/or used merchandise, including clothing, furniture and major household appliances and expansion of existing retail outlets for sale of second hand and/or used merchandise, including attendant operated car washes, subject to the following conditions:
 - a. All activities conducted as part of the business shall be contained within an enclosed structure, or within an approved service bay or area, properly screened or buffered from view.
 - b. All premises shall be maintained in a clean manner, free of conditions which might harbor rodents, insects and other vermin, with no junk, new or used materials or parts or other materials stored outside.
 - c. All signage and building facades shall comply with minimum maintenance and signage requirements of the city. Window displays shall be exhibited in a manner that is compatible in appearance with permitted and permissible uses in the district.

Sec. 5.6.11.E. - CBD, central business district.

E. *Conditional use.* Permissible by the city commission after public hearing and subject to appropriate conditions and safeguards. The city commission may approve, deny or add additional conditions for all conditional use requests. (See section 19.2.4. of the LDR.)

1. Registered motor carrier office and terminal.

Bars, liquor lounges, and taverns serving alcoholic beverages for on premises consumption; providing the conditions set forth in Haines City Code section 4 are met, and the following special conditions specific to the central business district are met:

- a. The distance between the property (or lot) line of any existing business engaged in the licensed sale and/or consumption on the premises of alcoholic beverages, to the property (or lot) line of a proposed bar, liquor lounge, or tavern requesting approval to locate within the CBD and serve alcoholic beverages for on premises consumption, must be greater than 600 feet, as measured in a straight line between the closest points.
- b. The distance from the property (or lot) line of a proposed bar, liquor lounge, or tavern requesting approval to located within the CBD and serve alcoholic beverages for on premises consumption, to the property (or lot) line of any church, school, or institutional or governmental use must be greater than 600 feet, as measured in a straight line between the closest points.
- c. Bars and taverns may be exempt in the Downtown Core Area from the distance requirements with regards to public or private schools or churches, however a Conditional Use must first be obtained as outlined in Chapter 20 of the Land Development Regulations.

Sec. 5.6.11.L. - CBD, central business district.

L. Minimum off-street parking and loading requirements. No off-street parking required for non-residential uses. See parking chapter 11 for loading requirements. If off-street parking is used in combination with a non-residential use, applicable LDR and code provisions will apply to the off-street parking. Multi-family uses shall be required to only provide one parking space per dwelling unit within the CBD zoning district.

Sec. 5.6.11.M. - CBD, central business district.

M. Residential standards.

1. Minimum lot size:
Multi-family:
Lot width: 75 feet.
Lot area: 7,500 square feet.
Yard requirements:
Front: Zero to five feet maximum.
Side: Zero to five feet maximum, except in the case of semi-detached and attached units, applies only to the end units.
Rear: Ten feet.
3. Maximum height of residential structures: ~~35 feet.~~ 100 feet.
4. Minimum Living Area: 400 Square Feet.
5. Multi-family uses in the Downtown Core Area containing more than one floor shall have non-residential uses occupy at least 50% of the building street frontage at the street level.
- ~~6.4.~~ Site plan and impact requirements, as applicable in the Administrative and Procedures Manual, are met.

Section 3. 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 4. 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 5. 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 6. 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 by said Commission.

INTRODUCED AND PASSED on first reading in regular session of the City Commission of the City of Haines City, this 1st day of November 2018.

ATTEST:

APPROVED:

Linda L. Bourgeois, BAS, MMC,
City Clerk

Morris L. West, Mayor-Commissioner

APPROVED AS TO FORM AND CORRECTNESS:

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 15th day of November, 2018.

ATTEST:

APPROVED:

Linda L. Bourgeois, BAS, MMC,
City Clerk

Morris L. West, Mayor-Commissioner

APPROVED AS TO FORM AND CORRECTNESS:

Fred Reilly, City Attorney