WINTER HAVEN
THE CHAIN OF LAKES CITY

PLANNING COMMISSION MEETING

DATE: Tuesday, February 6, 2024, 6:00 p.m.

LOCATION: City Hall, John Fuller Auditorium
451 Third Street NW
Winter Haven, FL 33881

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1. Call to Order

2. Roll Call

3. Invocation and Pledge of Allegiance

4. Approval of Minutes

4.A **January 2, 2024 Meeting Minutes**

Staff Contact: *Jordan Warren, Planning Assistant, jwarren@mywinterhaven.com*

January 2, 2024 Meeting Minutes

5. Explanation of Hearings by Chair

6. Hearings - Old Business

7. Hearings - New Business

7.A **P-24-09 and P-24-10 - Request by Shelton Rice to assign Neighborhood Suburban Future Land Use and Multi-Family Residential- Low Density (R-3) zoning district to an annexed parcel. General Location: A parcel generally located southwest of the intersection of Old Bartow Lake Wales Road and Waters Road. The area covered by this request is 19.29Â± acres.**

Staff Contact: *Heather Reuter, Senior Planner, hreuter@mywinterhaven.com*

Summary - Case Numbers P-24-09 and P-24-10

7.B **P-24-12 - Administrative request to amend the Winter Haven Code of Ordinances, Chapter 21, Article II, Division 3, Section 21-68, Fences, Walls, Berms, and Hedges, and Chapter 21, Article IX, Section 21-531, Definitions for the purpose of updating standards and definitions related to fences and walls.**

Staff Contact: *Heather Reuter, Senior Planner, hreuter@mywinterhaven.com*

Summary - Case Number P-24-12
Proposed Amendments to Section 21-68
Proposed Amendments to Section 21-531

7.C **P-24-13 - Administrative request to amend the Winter Haven Code of Ordinances, Chapter 21,**

Article II, Division 5, Section 21-97 and Chapter 21, Article II, Division 2, Table 21-32(A) for the purpose of addressing pharmacies and medical marijuana dispensing facilities in the Mixed Use (MX) zoning district; to amend Chapter 21, Article II, Division 2, Table 21-32(A) for the purpose of adding medical clinics as a use; and to amend Chapter 21, Article IX, Section 21-531 for the purpose of amending definitions related to medical offices and medical clinics

Staff Contact: *Heather Reuter, Senior Planner, hreuter@mywinterhaven.com*

Summary - Case Number P-24-13
Proposed Amendment to Section 21-97
Proposed Amendment to Table 21-32(A)
Proposed Amendment to Section 21-531

8. Other Business

8.A Elections of Chair and Vice-Chair

8.B Comments from Staff

8.C Comments from Planning Commissioners

8.D Comments from the Public

9. Adjournment

If a person decides to appeal any decision made by the Commission with respect to any matter considered at such meeting or hearing, they will need a record of the proceedings, and that, for such purpose, they may need to ensure that a verbatim record of the proceeding is made which record includes the testimony and evidence upon which the appeal is to be based (FS 286.0105). In accordance with the Americans with Disabilities Act and Florida Statutes, Section 286.26, persons with disabilities needing special accommodations to participate in this proceeding, should contact the City Clerk's Office, 451 Third Street, NW, Winter Haven, Florida 33881, in writing, not later than 48 hours prior to the proceeding; if not in writing, then not later than four (4) days prior to the proceeding at (863) 291-5600. Vision or hearing impaired please call (800) 955-8771 for assistance.

CITY OF WINTER HAVEN
PLANNING COMMISSION MEETING MINUTES
January 2, 2024

1. **CALL TO ORDER**
Chair Wells called the meeting to order at 6:11 p.m.

2. **ROLL CALL**
Commissioners Present: Chair Colin Wells, Vice-Chair Wendy Venters, Ed Smith, Craig Fuller, and Mario Manago

Commissioners Absent: David Lane, Jennifer Fasking, Elizabeth Davis, and Tina Summerlin

Mrs. Warren confirmed a quorum.

Staff Present:
Eric Labbe, Economic Opportunity & Community Investment Director; Sean Byers, Planning Manager; Heather Reuter, Senior Planner; Chris Young, Senior Planner; and Jordan Warren, Planning Assistant; and Brian Yates, City Commissioner Liaison

3. **INVOCATION AND PLEDGE OF ALLEGIANCE**
Invocation and Pledge of Allegiance led by Chair Wells

4. **APPROVAL OF MINUTES**
Chair Wells asked for a motion to approve the December 5, 2023 Planning Commission Meeting Minutes. Motion was made by Commissioner Smith for approval of the December 5, 2023 Planning Commission Meeting Minutes; Vice-Chair Venters seconded the motion. Motion carried by a unanimous voice vote. (5:0)

5. **EXPLANATION OF HEARINGS**

Chair Wells provided the explanation of hearings.

6. **HEARINGS – OLD BUSINESS** – None

7. **HEARINGS – NEW BUSINESS**

A. Case Numbers P-24-05 and P-24-06: Request by Timothy Campbell to assign Neighborhood Mixed Use Hub Future Land Use and Commercial- Highway (C-3) zoning district to an annexed parcel. **General Location:** A parcel generally located at the northwest corner of Cypress Gardens Boulevard and Lamplight Lane, SE. The area covered by this request is 2.16± acres.

Mrs. Reuter gave an overview of the request via a slideshow presentation. Mrs. Reuter recommended approval of the request.

Chair Wells asked the Commissioners if there were any questions for staff.

Chair Wells questioned if this case was to assign City land use and zoning to a parcel that was recently annexed into the city. Mrs. Reuter confirmed that was correct.

Chair Wells asked the Commissioners if there were any questions for staff, seeing and hearing none, Chair Wells closed the regular meeting and opened the public hearing, asking anyone wishing to speak for or against this request to come to the podium, and if they have not yet done so, state their name and address for the record.

DRAFT

Tim Campbell of Clark, Campbell, Lancaster, Workman & Airth, P.A located at 500 South Florida Avenue, Lakeland, FL and hereafter known as Agent Campbell stated the following:

- The request has similar uses as Polk County's Future Land Use and is consistent with the growth in the area
- Current existing driveway next to 7/11 has an easement that will continue to be in use for this property as well
- There is a fence encroachment issue with a neighbor they are aware of and will continue to communicate with them moving forward
- Thanks staff and stands for any questions

Chair Wells asked anyone else wishing to speak for or against this request to come to the podium, and if they have not yet done so, state their name and address for the record. Hearing and seeing none, Chair Wells closed the public hearing and reopened the regular meeting.

Chair Wells asked if there were any other questions for commissioners. Hearing and seeing none, Chair Wells sought a motion for the case. Motion was made by Vice-Chair Venters to approve Case Numbers P-24-05 & P-24-06 in accordance with the fact sheet. Commissioner Fuller seconded the motion. Motion carried by a unanimous voice vote. (5:0)

B. Case Number P-24-07: Administrative request to amend the Winter Haven Code of Ordinances, Chapter 21, Article II, Division 3, Section 21-70 relating to waterfront properties.

Mr. Byers gave an overview of the request via a slideshow presentation. Mr. Byers recommended approval of the request.

Chair Wells asked the Commissioners if there were any questions for staff.

Commissioner Fuller questioned if there have been staff discussions to change the use of the term *seawall* in the Code of Ordinances to *bulkhead*. Discussion ensued.

Chair Wells asked the Commissioners if there were any questions for staff, seeing and hearing none, Chair Wells closed the regular meeting and opened the public hearing, asking anyone wishing to speak for or against this request to come to the podium, and if they have not yet done so, state their name and address for the record. Hearing and seeing none, Chair Wells closed the public hearing and reopened the regular meeting.

Chair Wells asked if there were any other questions for commissioners. Hearing and seeing none, Chair Wells sought a motion for the case. Motion was made by Commissioner Manago to approve Case Number P-24-07 in accordance with the fact sheet. Commissioner Fuller seconded the motion. Motion carried by a unanimous voice vote. (5:0)

C. Case Number P-24-08: Administrative request to amend the Winter Haven Code of Ordinances, Chapter 21, Article II, Division 6, Section 21-103, Accessory Uses for the purpose of updating marine structure requirements.

Mrs. Reuter gave an overview of the request via a slideshow presentation. Mrs. Reuter recommended approval of the request.

Chair Wells asked the Commissioners if there were any questions for staff, seeing and hearing none, Chair Wells closed the regular meeting and opened the public hearing, asking anyone wishing to speak for or against this request to come to the podium, and if they have not yet done so, state their name and address for the record. Hearing and seeing none, Chair Wells closed the public hearing and reopened the regular meeting.

Chair Wells asked if there were any other questions for commissioners. Hearing and seeing none, Chair Wells sought a motion for the case. Motion was made by Commissioner Fuller to approve Case Number P-24-08 in accordance with the fact sheet. Commissioner Smith seconded the motion. Motion carried by a unanimous voice vote. (5:0)

8. **Other Business**

   A. Comments from Staff
      - Mr. Byers gave an update on past items
      - Mr. Byers discussed the next Planning Commission meeting date of February 6, 2024

   B. Comments from Commissioners – NONE

   C. Comments from the Public -- NONE

9. **Adjournment** – 6:27 p.m.

CITY OF WINTER HAVEN, FLORIDA
PLANNING COMMISSION

_____
Chair

ATTEST:

_____
Planning Commission Clerk

DRAFT

DATE: January 18, 2024

TO: Winter Haven Planning Commissioners

VIA: Eric Labbe, Economic Opportunity & Community Investment Director
Sean Byers, Planning Manager

FROM: Heather Reuter, Senior Planner

SUBJECT: Case Number P-24-09: Request by Shelton Rice to assign Neighborhood Suburban Future Land Use to an annexed parcel. General Location: A parcel generally located southwest of the intersection of Old Bartow Lake Wales Road and Waters Road. The area covered by this request is 19.29± acres; and

Case Number P-24-10: Request by Shelton Rice to assign Multi-Family Residential-Low Density (R-3) zoning district to an annexed parcel. General Location: A parcel generally located southwest of the intersection of Old Bartow Lake Wales Road and Waters Road. The area covered by this request is 19.29± acres.

BACKGROUND

Shelton Rice requests the City assign Neighborhood Suburban Future Land Use and Multi-Family Residential- Low Density (R-3) zoning district to an annexed parcel. The parcel, totaling 19.29± acres, is generally located southwest of the intersection of Old Bartow Lake Wales Road and Waters Road. The subject property currently consists of citrus groves. The parcel was annexed into the City November 27, 2023.

The petitioner proposes to develop the property with residential, but a specific product mix and units has not been determined at this time. At the maximum density of 12 dwelling units per acre allowed by the R-3 zoning district, the theoretical maximum number of units is 231.

As these requests contain a small-scale Future Land Use amendment, review by the Florida Department of Economic Opportunity (DEO) and other state and local agencies is not required.

SURROUNDING USES

The subject property is surrounded by single-family residential and vacant land approved for the Peace Creek Village development across Old Bartow Lake Wales Road to the north; vacant land zoned R-3 zoning district to the east; citrus groves to the south; and single-family residential to the west. The Peace Creek Village development has an approved site plan for 324 units with a mixture of single-family and townhomes. To the northwest toward County Road 653, 553 single-family units are under construction in the Peace Creek Reserve subdivision and there is an approved site plan for 120 townhomes.

INFRASTRUCTURE

The requested R-3 zoning district would allow a maximum potential of 231 residential units (19.29 acres x 12 units per acre). The table below outlines the expected potential demands on the supporting infrastructure for 231 single-family residential units.

Type of Infrastructure	Available Capacity	Vested Demands	Potential Demands	Remaining Capacity
Potable Water and Sewer (as of December 31, 2023)				
Potable Water	3,030,000 gpd	1,015,600 gpd	58,212 gpd	1,956,188 gpd
Sewer (WWTP 3)	2,886,000 gpd	699,400 gpd	50,936 gpd	2,135,664 gpd
Transportation (Background Data from Polk TPO)				
Old Bartow Lake Wales Road *Eastbound (PM Peak Hour)*	802 trips	400 trips	111 trips	291 trips
Old Bartow Lake Wales Road *Westbound (PM Peak Hour)*	804 trips	385 trips	106 trips	313 trips

Based on the numbers in the table above, supporting water, sewer, and transportation infrastructure contain sufficient capacity to support these requests; however, a final concurrency determination shall be made at the time the property receives site plan approval and is developed.

Public school availability is highly variable due to frequent changes in school enrollments over the course of a year; therefore, available capacity is determined by Polk County Public Schools at the time of final platting for subdivisions or upon final site plan approval for multi-family developments. Availability can be met by having capacity at the zoned schools or an adjacent zoned school as permitted under Florida State Statute. Based on the maximum potential for up to 231 units, up to 48 elementary, 20 middle, and 33 high school seats may be required.

COMPREHENSIVE PLAN

Prior to annexation, the Polk County Land Use for the subject parcel was Agriculture/Residential Rural (A/RR). The requested Neighborhood Suburban Future Land Use is consistent with the surrounding City uses and designations. The requested R-3 zoning district is consistent with the Neighborhood Suburban Future Land Use designation and the City designations to the east and north.

NOTIFICATION

All notification requirements for these requests were met.

CONCLUSION

Staff's review of these requests yields the following conclusions:

- The assignment of Neighborhood Suburban Future Land Use and R-3 zoning district is consistent with surrounding uses and designations; and

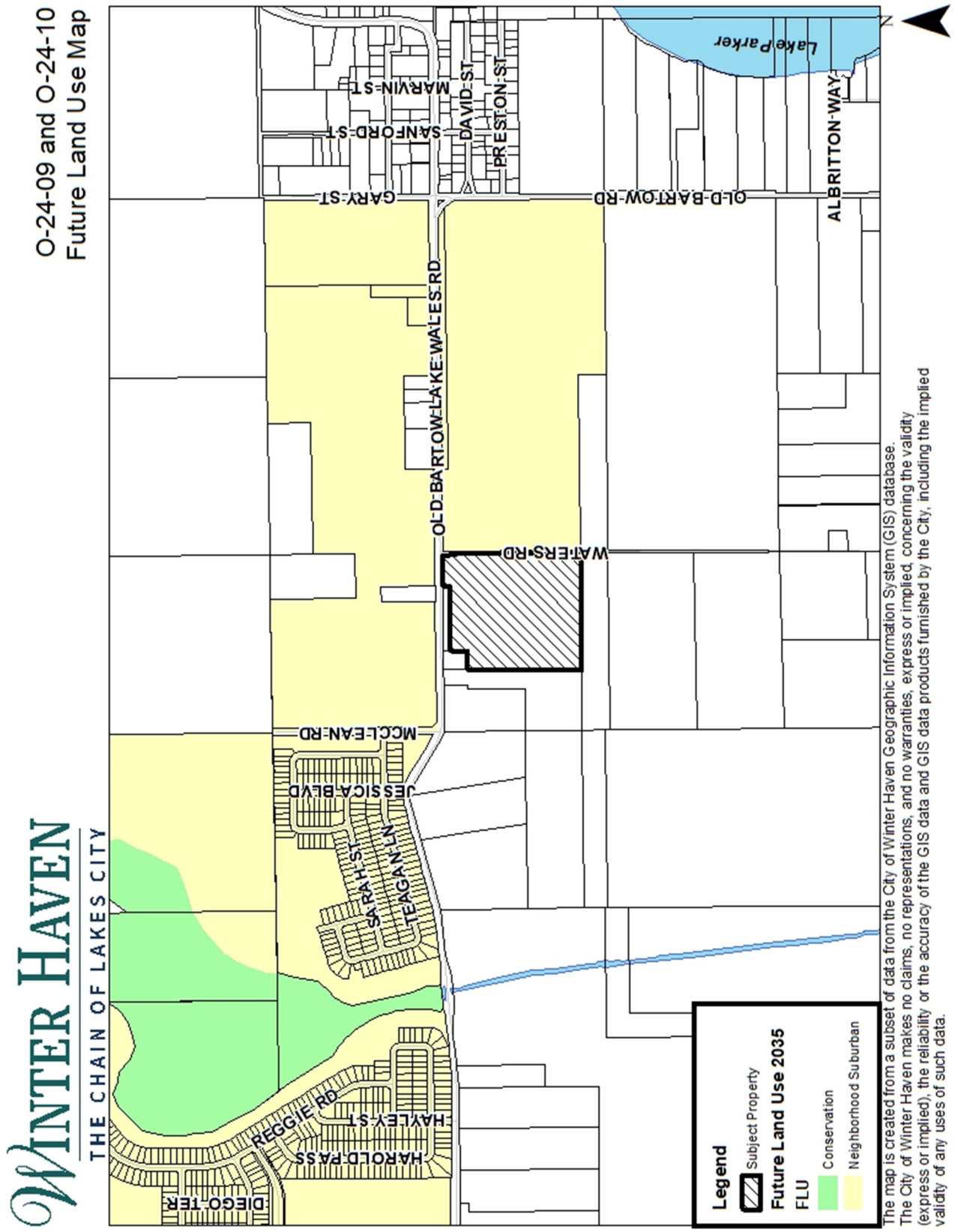
- There is sufficient public infrastructure capacity to accommodate the maximum theoretical development under R-3.

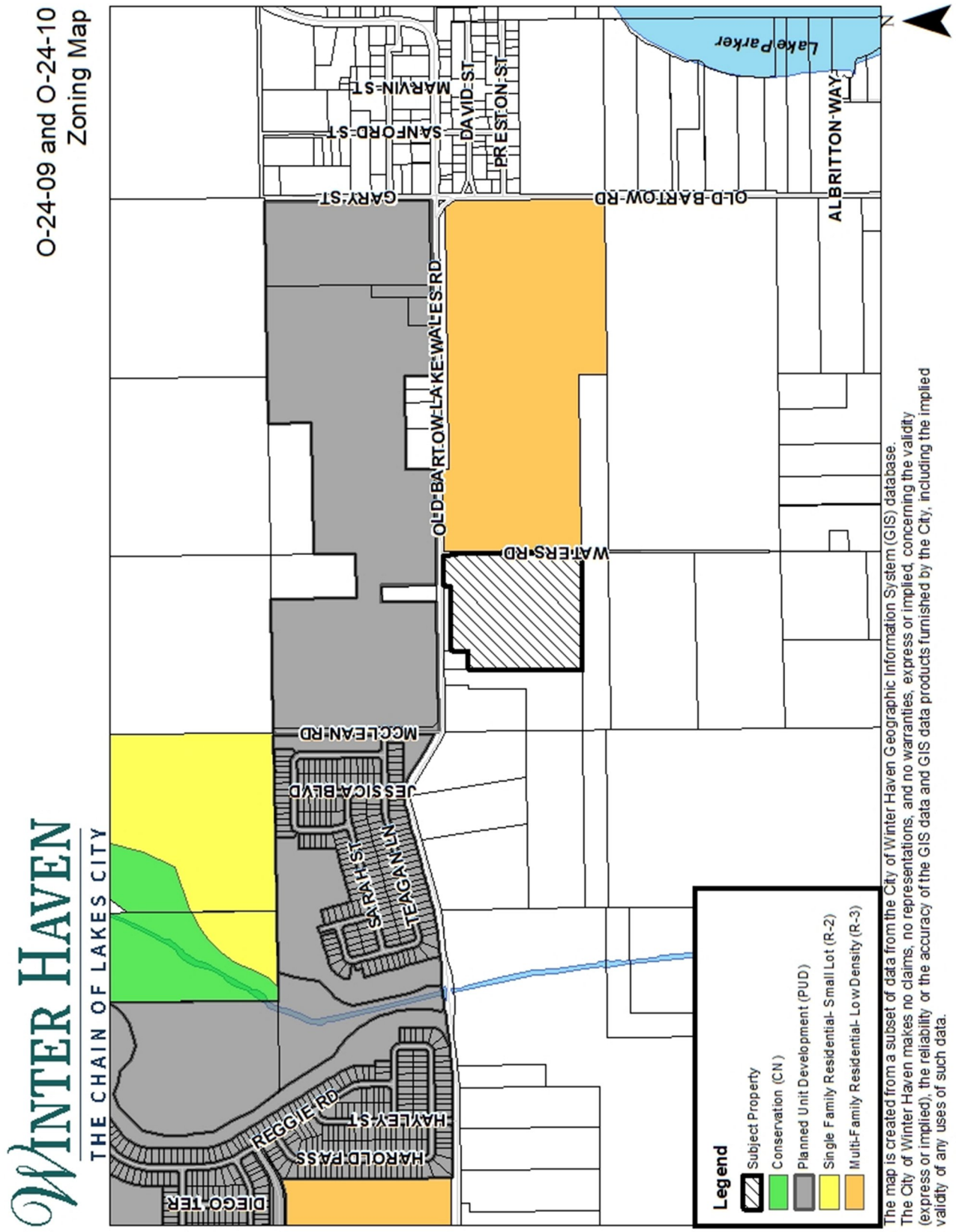
RECOMMENDATION

Staff recommends the Planning Commission recommend approval of these requests and their forwarding to the City Commission for final action.

ATTACHMENTS

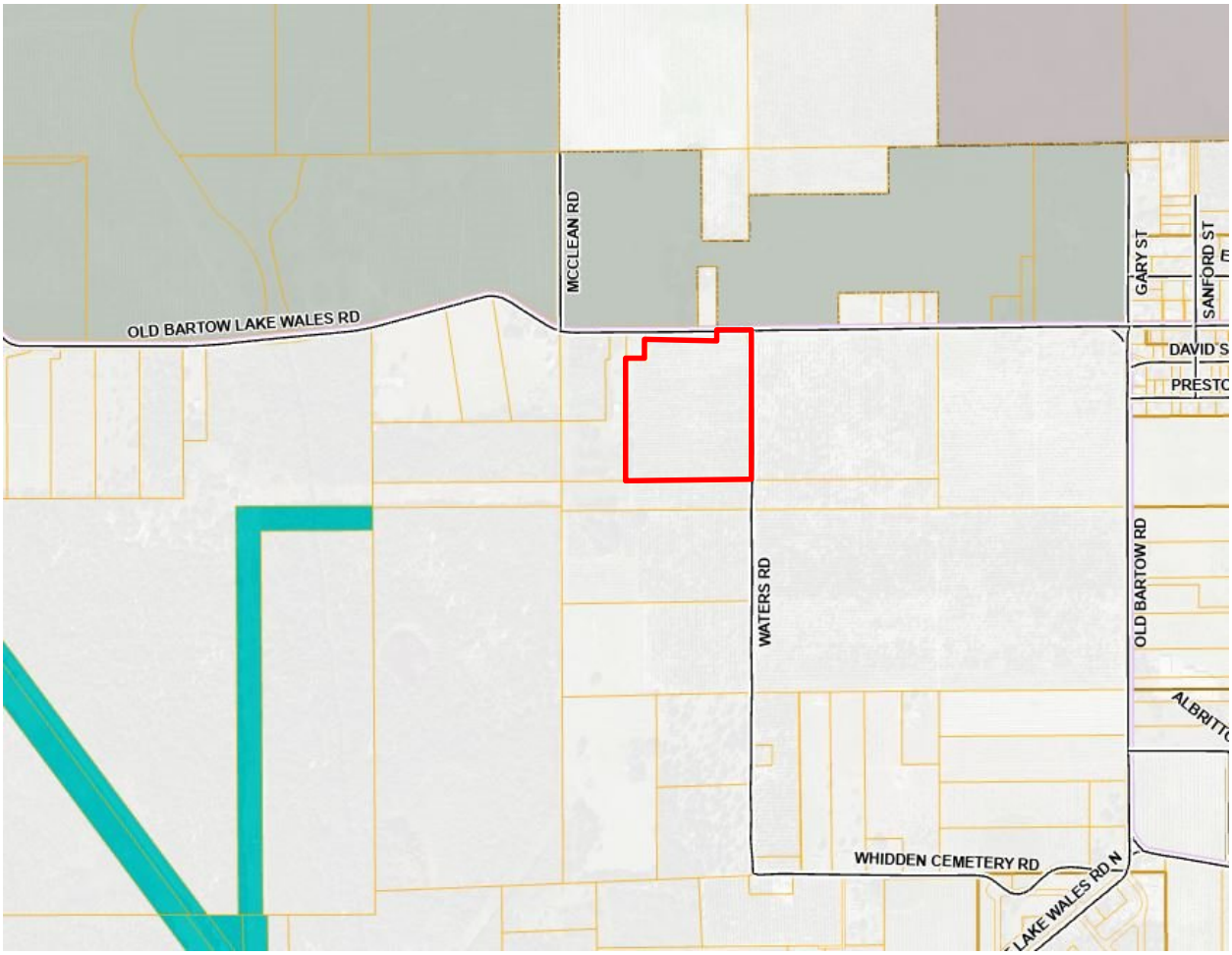
- Future Land Use Map
- Zoning Map
- Aerial Map
- Polk County Land Use Map


O-24-09 and O-24-10
Future Land Use Map
WINTER HAVEN
THE CHAIN OF LAKES CITY
Lake Parker
ALBRITTON WAY
OLD BARTOW RD
GARY ST
SANFORD ST
MARVIN ST
DAVID ST
PRESTON ST
OLD BARTOW LAKE WALES RD
WATERS RD
MCCLEAN RD
JESSICA BLVD
SARAH ST
TEAGAN LN
HAROLD PASS
HAYLEY ST
REGGIE RD
DIEGO TER
Legend
Subject Property
Future Land Use 2035
FLU
Conservation
Neighborhood Suburban
The map is created from a subset of data from the City of Winter Haven Geographic Information System (GIS) database.
The City of Winter Haven makes no claims, no representations, and no warranties, express or implied, concerning the validity
(express or implied), the reliability or the accuracy of the GIS data and GIS data products furnished by the City, including the implied
validity of any uses of such data.


O-24-09 and O-24-10
Zoning Map
WINTER HAVEN
THE CHAIN OF LAKES CITY
Lake Parker
ALBRITTON WAY
OLD BARTOW RD
PRESTON ST
DAVID ST
SANFORD ST
MARVIN ST
GARY ST
OLD BARTOW LAKE WALES RD
WATERS RD
MCCLEAN RD
JESSICA BLVD
SARAH ST
TEAGAN LN
HAYLEY ST
REGGIE RD
HAROLD PASS
DIEGO TER
Legend
Subject Property
Conservation (CN)
Planned Unit Development (PUD)
Single Family Residential- Small Lot (R-2)
Multi-Family Residential- Low Density (R-3)
The map is created from a subset of data from the City of Winter Haven Geographic Information System (GIS) database.
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O-24-09 and O-24-10
Aerial Map
WINTER HAVEN
THE CHAIN OF LAKES CITY
N
Lake Parker
MARVIN ST
SANFORD ST
DAVID ST
PRESTON ST
GARY ST
OLD BARTOW RD
ALBRITTON WAY
OLD BARTOW LAKE WALES RD
WATERS RD
MCCLEAN RD
JESSICA BLVD
SARAH ST
TEAGAN LN
REGGIE RD
HAYLEY ST
HAROLD PASS
DIEGO TER
Legend
Subject Property
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Polk County Land Use Map



DATE: January 23, 2024

TO: Winter Haven Planning Commissioners

VIA: Eric Labbe, Economic Opportunity & Community Investment Director
Sean Byers, Planning Manager

FROM: Heather Reuter, Senior Planner

SUBJECT: Case Number P-24-12: Administrative request to amend the Winter Haven Code of Ordinances, Chapter 21, Article II, Division 3, Section 21-68, Fences, Walls, Berms, and Hedges, and Chapter 21, Article IX, Section 21-531, Definitions for the purpose of updating standards and definitions related to fences and walls.

BACKGROUND

Section 21-68 of the Winter Haven Code of Ordinances provides standards for fences, walls, berms, and hedges. Specifically, permitting requirements, maximum heights by zoning district, and maintenance requirements are addressed in Section 21-68. Since the adoption of this section in 2000, there have been six (6) minor amendments to update language and adjust some requirements. Due to this, the flow of this Section has been pieced together through amendments over the years. This proposed change will reorder and condense standards to allow for this Section to be more user friendly.

Additionally in recent months, there have been questions of whether all standards apply to walls as the Code references only fences in certain areas. While the definition of a fence in Section 21-531 includes a wall, this update will clearly state what applies to fences and walls. Additionally, maintenance requirements, a setback standard, and a definition for retaining walls is also being added.

NOTIFICATION

All notification requirements were met.

RECOMMENDATION

Staff recommends the Planning Commission recommend approval of this request and its forwarding to the City Commission for final action.

ATTACHMENTS

- Proposed Amendments to Section 21-68
- Proposed Amendments to Section 21-531

Sec. 21-68. Fences, walls, berms and hedges.

(a) Permitting. All walls of any height and permanent fences over six (6) feet in height shall require a permit from the City. Applications for a permit shall include a plan which details the proposed wall or fence, including location in relation to property lines and easements, height, as well as any other information deemed necessary by the City for reviewing the application. Walls of any height and fences over six (6) feet in height shall be designed and constructed to withstand a maximum sustained wind speed and a maximum wind gust as regulated by applicable sections of the Florida State Building Code, as amended.

(b) No fence, wall, or hedge shall be constructed or planted in any right-of-way, except as may be placed as part of a public highway safety or beautification project.

(c) ~~In residential, MX, C-1, and C-2 zoning districts, no fence or wall above forty-eight (48) inches (four (4) feet) in height shall be allowed in front yards. Fences located in a side yard that abuts a street shall be permitted to a height of six (6) feet from the rear property line to a point parallel to the front building line of the principal structure.~~

The following uses shall be exempt from the ~~above~~ below requirements unless specifically stated:

(1) Utility and power substations;

(2) Water and wastewater facilities;

(3) Public swimming facilities;

(4) Stormwater retention ponds~~.~~;

(5) Public school facilities; and

(6) Retaining walls.

(d) No fences or walls shall be installed, constructed, or erected without complying with the following regulations:

(1) All fences and walls, except those exempted by this section, shall adhere to the following maximum height standards:

Zoning Districts	Fence/Wall Location	Maximum Height
AG, RE, R-1, R-2, R-3, R-4, R-5, RM, MX, C-1, C-2	Front Yard	4 feet
AG, RE, R-1, R-2, R-3, R-4, R-5, RM, MX, C-1, C-2	Side and Rear Yards	6 feet
C-3, C-4, I-1, I-2	Any Yard	8 feet
PI, PR, CN	Any Yard	None

i. The front yard includes from the front property line to the front building line of the principal structure.

ii. Fences or walls placed on property presently being utilized for residential purposes and located in the C-3, C-4, I-1, or I-2 zoning districts shall have a maximum fence height of six (6) feet in the front, rear, and side yards.

iii. If a Planned Unit Development does not address fence or wall standards, the following shall apply:

a. Single-family uses shall adhere to fence or wall standards for the R-2 zoning district.

b. Multi-family uses shall adhere to fence or wall standards for the R-3 zoning district.

c. Commercial uses shall adhere to fence or wall standards for the C-3 zoning district.

d. Industrial uses shall adhere to fence or wall standards for the I-1 zoning district.

e. Institutional uses shall adhere to fence or wall standards for the PI zoning district.

f. Recreation uses shall adhere to fence or wall standards for the PR zoning district.

~~(1) Fences shall be a maximum of eight (8) feet in height in front, rear, and side yards in C-3, C-4, I-1 and I-2 zoning districts.~~

~~(2) Fences located in any residential district, or in an MX, C-1, or C-2 zoning district, shall be a maximum height of six (6) feet in the rear yard and in the side yard from the rear property line to the front of the principal building.~~

~~(3) Fences placed on property that is located in an office, commercial, or industrial zoning district, and is presently being utilized for residential purposes, shall have a maximum fence height of six (6) feet in the front, rear, and side yards.~~

(~~4~~2) Fences must be constructed of new materials designed for that purpose or aged for proper architectural effect. Fences having a side with exposed or irregular structural components, and a more finished, uniform and aesthetically attractive side, shall be constructed and installed so that the more finished side faces outward from the fences' property toward the adjoining property.

(~~5~~3) Except for fences in the ~~C-3,~~ C-4, I-1 and I-2 zoning districts, no fence shall contain any substance designed or reasonably likely to inflict injury to any person or animal, including, but not limited to, razor or barbed wire, glass or electrically charged wire. In ~~C-3,~~ C-4, I-1 and I-2 zoning districts, three (3) strands of barbed wire may be used on top of a six-foot fence. Barbed wire may also be used in the AG zoning district ~~agricultural districts~~.

(~~6~~4) In addition to the above requirement, all fences shall comply with article II, section 21-103, fencing requirements for swimming pools, and any other City ordinances or applicable building code requirements related to fencing.

(~~7~~5) Notwithstanding the provisions of this section, the use of security fencing may be used at sites, such as electrical substations and communications facilities, where such fencing is required by federal, state or local law, or other sections of this Code. Further, temporary security fencing may be utilized for construction sites while a permit for the work is active for the construction site. All temporary fences shall be removed prior to the issuance of a certificate of occupancy.

(e) The Development Special Magistrate may, upon specific approval, grant a variance to the above height limitations if a valid circumstance exists such as the character of the neighborhood, slope or terrain, architectural necessity, or a residentially zoned lot abutting a commercial establishment.

(f) The following shall apply to any fence or wall, including those identified in Section 21-68(c): The property owner shall maintain any fence, wall, or retaining wall to its original designed condition. Missing boards, pickets, posts, gates, etc. shall be replaced in a timely manner with material of the same type, quality, and finish as the existing fence or wall. Repairs to all walls of any height, any fence over six (6) feet in height, and all retaining walls shall require a building permit.

(g) All retaining walls shall be installed a minimum setback of five (5) feet from the property line.

(~~g~~h) Single-family subdivisions may have decorative subdivision screening walls or fences. The wall or fence height shall be no greater than six (6) feet in height and the poles/columns shall be no greater than eight (8) feet in height provided all of the following criteria are met:

(1) The wall or fence shall be constructed of brick, stucco, split-face block, wrought iron, wood, stone, vinyl, or a combination thereof. Synthetic materials made to appear as one (1) of the approved materials may be substituted, as approved by the ~~community development~~ Economic Opportunity and Community Investment director or his/her designee.

(2) The total design and construction of the wall including, but not limited to, overall configuration, articulation, material, and color, shall be in such a manner that is residential in character and in keeping with established Central Florida architecture. In connection with such character, all masonry materials (brick, block, stucco, stone) or related simulated materials shall be finished with a warm, earth-tone color, such as brown, beige, or gray.

(3) The wall shall be installed a minimum setback of five (5) feet from the property line.

(4) No portion of the wall shall be located within any easement.

~~(5) Landscaping (combination of trees and shrubbery) shall be installed within the setback area. One (1) tree shall be planted for each fifty (50) linear feet.~~

~~(6) Ground cover and irrigation shall be provided.~~

(~~h~~i) The use of berms for screening and buffering in place of a wall or fence is encouraged. Berms provide a natural, more aesthetically pleasing form of screening between differing land uses. The following design criteria shall apply to all new berms constructed in the City:

(1) Berms shall not exceed five (5) feet in height. Berms over two (2) feet in height are required to remain outside of any visibility triangle as defined by section 21-126.

(2) No berm shall have a slope greater than twenty-five (25) percent.

(3) All berms shall be planted with grass or other approved ground covers to ensure stability and prevent erosion.

(4) Continuous berms greater than two hundred fifty (250) feet in length shall be interrupted, at a minimum, every two hundred fifty (250) feet by twenty-five (25) feet of landscaping, wall, or fence.

(5) No portion of a berm shall be permitted to encroach onto a public or private right-of-way. Berms shall not be located over underground utility facilities.

Sec. 21-531. Definitions.

Retaining wall shall mean a structure built to retain or support the lateral pressure of earth to prevent movement of earth into another space.

DATE: January 30, 2024

TO: Winter Haven Planning Commissioners

VIA: Eric Labbe, Economic Opportunity & Community Investment Director
Sean Byers, Planning Manager

FROM: Heather Reuter, Senior Planner

SUBJECT: Case Number P-24-13: Administrative request to amend the Winter Haven Code of Ordinances, Chapter 21, Article II, Division 5, Section 21-97 and Chapter 21, Article II, Division 2, Table 21-32(A) for the purpose of addressing pharmacies and medical marijuana dispensing facilities in the Mixed Use (MX) zoning district; to amend Chapter 21, Article II, Division 2, Table 21-32(A) for the purpose of adding medical clinics as a use; and to amend Chapter 21, Article IX, Section 21-531 for the purpose of amending definitions related to medical offices and medical clinics.

BACKGROUND

Section 21-97 of the Winter Haven Code of Ordinances provides standards for pharmacies and medical marijuana dispensing facilities, and was adopted in 2018 with the legalization of medical marijuana by the State of Florida. Other than where pre-empted by State law, local jurisdictions cannot regulate medical marijuana dispensing facilities differently than pharmacies. Section 21-97 and Table 21-32(A) provide the zoning districts where pharmacies and medical marijuana dispensing facilities are permitted and permitted by Special Use approval. Currently, these uses are not permitted in the Mixed Use (MX) zoning district.

Within properties currently zoned MX, there are two large medical clinics. One of these medical clinics is currently seeking to open an accessory pharmacy within their medical clinic campus. Staff has reviewed this and has determined allowing pharmacies and medical marijuana dispensing facilities by Special Use Approval as an accessory use to a medical clinic in the MX zoning district would be appropriate.

This request proposes the following amendments:

- Adding pharmacies and medical marijuana dispensing facilities as an accessory special use;
- Adding medical clinics as a use to Table 21-32(A) and allowing them in the same zoning districts as a medical office is currently allowed; and
- Amending and adding definitions for medical office and medical clinic.

NOTIFICATION

All notification requirements were met.

RECOMMENDATION

Staff recommends the Planning Commission recommend approval of this request and its forwarding to the City Commission for final action.

ATTACHMENTS

- Proposed Amendments to Section 21-97
- Proposed Amendments to Table 21-32(A)
- Proposed Amendments to Section 21-531

New text is underlined. Deleted text is ~~stricken-through~~.

Sec. 21-97. Pharmacies and medical marijuana dispensing facilities.

(a) *Intent.* It is the intent of this section to regulate pharmacies and medical marijuana dispensing facilities, as defined in Article IX of the Unified Land Development Code (ULDC), which the City Commission finds have the potential for impacts that may be injurious to surrounding land uses and to the general public if not so regulated.

(b) *Applicability.* The provisions of this section shall apply to all new pharmacies and medical marijuana dispensing facilities.

(c) *Definitions.* The definitions in F.S. Ch. 381.986 and Ch. 465.003 are hereby adopted. To the extent of any inconsistencies between the definitions in Florida Statues and in this ULDC, the definitions in this ULDC shall control.

(d) *Required separation from certain uses.* Medical marijuana dispensing facilities shall not be located within five hundred (500) feet of the real property that comprises a public or private elementary school, middle school, or secondary school. For the purpose of this section the required separation shall be measured from property line to property line.

(e) *Standards for all zoning districts.* All pharmacies and medical marijuana dispensing facilities shall obtain approval from the City in accordance with the following requirements and procedures:

(1) *Location and approval.*

a. Pharmacies and medical marijuana dispensing facilities shall be permitted within the C-3 and C-4 zoning districts.

b. Pharmacies and medical marijuana dispensing facilities shall be reviewed as a special use within the C-1 and C-2 zoning districts, in accordance with the provisions of sections 21-411 through 21-418 of the ULDC.

c. Pharmacies and medical marijuana dispensing facilities shall be reviewed as accessory special use within medical clinics located within the MX zoning district, in accordance with the provisions of sections 21-411 through 21-418 of the ULDC.

(1) *Minimum design and operation criteria.*

a. Unless otherwise exempt by this code and/or applicable law, a minimum of three (3) off-street parking spaces per one thousand (1,000) square feet of gross floor area shall be provided either on-site or within three hundred (300) feet as measured by way of ordinary and legal pedestrian travel utilizing sidewalks and marked crosswalks. Parking spaces shall meet the standards contained in Article III, Division 3 of the ULDC.

b. Drive through services and speaker boxes shall be located and designed so as to minimize any off site impacts to adjacent residential uses or residential zoning districts.

(f) *Expiration.* The special use approval for any pharmacy or medical marijuana dispensing facility shall expire and be null and void if the following conditions are found:

(1) If a permit for construction or renovation work, or commercial site plan approval, has not been obtained within one-hundred eighty (180) consecutive days from the date of the rendering of an order granting a special use approval; or

(2) If construction or renovation has commenced and is abandoned for more than one-hundred eighty (180) consecutive days; or

(3) If the use has not commenced within one-hundred eighty (180) consecutive days from the date of the rendering of an order granting a special use approval; or

(4) If the use commenced but has since been abandoned or ceased for one-hundred eighty (180) consecutive days.

Table 21-32(A)
Table of Land Uses

Category/Use																		
Key to Table: P = Permitted Use; A = Accessory Use; S = Special Use approval required; C = Conditional Use approval required																		
Single Family Detached and Auxiliary uses	AG	RE	R1	R2	R3	R4	R5	RM	MX	C-1	C-2	C-3	C-4	I-1	I-2	PI	PR	CON
Single family, std. construction	P	P	P	P	P	P			P									
Single family, modular home	P	P	P	P	P	P			P									
Single family, manufactured home	P							P										
Agricultural uses with house	P																	
Caretaker's Cottage															P	P	P	
Fruit stand	P	P																
Accessory Residential Unit	P	P	P	P	P	P			P									
Home Occupation/Home-based Business	P	P	P	P	P	P	P	P	P									
Limited agricultural uses with house	P	P																P
Manufactured home park								P										
Private stable, one horse per acre, limited to two horses	P	P																
RV park								S										
Servants Quarters	P	P	P															
Multiple Family Residential	AG	RE	R1	R2	R3	R4	R5	RM	MX	C-1	C-2	C-3	C-4	I-1	I-2	PI	PR	CON
Multi-unit Residential Building					P	P	P		P	P		P						
Zero Lot Line House					P	S												
Dormitory						P	P		P							P		
Duplex, twin house					P	P			P									
Garden Apartment, atrium house					P													
Patio house					P	P			P									
Rooming House/Boarding House						S	S											
Townhouse					P	P			P	P								
Group Care Facilities	AG	RE	R1	R2	R3	R4	R5	RM	MX	C-1	C-2	C-3	C-4	I-1	I-2	PI	PR	CON
Adult family care home, Family day care home, Family foster home		P	P	P	P	P		P	S									
Special needs facility					S	S	P		P		P	P				P		
Child care facility					S	S	AS		S	S	P	P				P		
Adult day care center					S	S	AS		P		P	P				P		
Assisted living facility					S	P	P		P		P	P				P		
Foster care facility					S	S	P		P		P	P				P		

Group home facility					S	S	P		P		P	P				P		
Hospice residential unit					S	S	P		P		P	P				P		
Nursing Home							P		P									
Transitional Housing							S											
Lodging	AG	RE	R1	R2	R3	R4	R5	RM	MX	C-1	C-2	C-3	C-4	I-1	I-2	PI	PR	CON
Bed and breakfast	P	P	P	P	P	P			P	P	P	P	P	P				
Hotel/motel							S		S	P		P	P	P				
RV campground								S					P	P				
Offices/Services	AG	RE	R1	R2	R3	R4	R5	RM	MX	C-1	C-2	C-3	C-4	I-1	I-2	PI	PR	CON
Business office						S			P	P	P	P	P	P				
Clubs, community/fraternal									P	P	P	P	P	P				
Crematorium													P	P	P			
Funeral home/mortuary									S		S	P	P	P				
Medical/Health-care/Dental Office							AS		P	P	P	P	P					
Medical Clinic							AS		P	P	P	P	P					
Personal Services							AS		P	P	P	P	P	P				
Professional Office						S	S		P	P	P	P	P	P				
Retail Commercial, No Outdoor Storage or Activities	AG	RE	R1	R2	R3	R4	R5	RM	MX	C-1	C-2	C-3	C-4	I-1	I-2	PI	PR	CON
Antique shops									P	P	P	P	P					
Bake shop									P	P	P	P	P	P	P			
Bakery plant													P	P	P			
Convenience store									S	P	P	P	P	P	P			
Convenience store, with gas											P	P	P	P	P			
Dry cleaning drop-off site									P		P	P	P	P				
Gas station												P	P	P	P			
Laundromat—Self Service						A	AS		P		P	P	P	P				
Medical Marijuana Dispensing Facility									AS	S	S	P	P					
Minor repair shop												P	P	P	P			
Pet services, no outdoor activities									S	P	P	P	P					
Pharmacy									AS	S	S	P	P					
Recreation, indoor, commercial											P	P	P					
Restaurant—Conventional Sit-down.									P	P	P	P	P	P				
Cafeterias						A	A		P	P	P	P	P	P				
Delicatessens						A	P		P	P	P	P	P	P				
Restaurant—Short-order; min. seating for 20									S	P	P	P	P	P				

Restaurant—Drive-in, drive-thru or walk-up; and short-order with seating for less than 20										S	S	P	P	P				
Retail sales										P		P	P					
Retail shops							AS		P	P	P	P	P	P				
Repair shop for small appliances									P	P	P	P	P					
Shopping center less than 20,000 s.f.											P	P	P	P				
Shopping center small, 20,000—50,000 s.f.											S	P	P					
Shopping center large, more than 50,000 s.f.												P	P					
Retail Commercial Outdoor Storage and Displays Allowed	AG	RE	R1	R2	R3	R4	R5	RM	MX	C-1	C-2	C-3	C-4	I-1	I-2	PI	PR	CON
Agricultural roadside stand	P												P	P				
Artisan production, small scale									S	P	S	S	P	S				
Artisan production, large scale												S	P	P				
Automotive paint/body shop													P	P	P			
Boat and water craft sales, service and light repair												P	P	P				
Farm equipment sales													P	P				
Major automotive repairs													P	P	P			
Manufactured home sales and/or RV sales													P	P	P			
Marinas						A	A						P	P				
Mobile Food Vending									S	P	S	P	P	P	P	P	P	
Nursery with outdoor displays/storage												P	P	P				
Parking lot - Stand alone			S	S	S	S	S		S	S	S	P	P	P				
Pet services: indoor/outdoor												P	P	P				
Private club: indoor/outdoor												P	P	P				
Recreation, outdoor, commercial												P	P	P				
Recreational vehicle sales and accessory servicing												P	P	P				
Recycling center (outdoor)														P	P			
Rental of motor scooters, motorcycles, automobiles or any other self-propelled conveyance												P	P	P				
Retail sales, outdoor activities												P	P	P				
Retail services, outdoor activities												P	P	P				
Vehicle dealership, except RVs												P	P	P				
Vehicle sales, used												P	P	P				
Vehicle repair shop													P	P				

Non-retail or Service Commercial	AG	RE	R1	R2	R3	R4	R5	RM	MX	C-1	C-2	C-3	C-4	I-1	I-2	PI	PR	CON
Contractor storage yard													P	P	P			
Heavy equipment sales/repair													P	P	P			
Personal Storage Units										AS		S	P	P	P			
Mini-warehouse													P	P	P			
Petroleum, bulk, storage and distribution														P	P			
Radio and television studios and offices									P	P	P	P	P	P	P			
Recreation vehicle repair, assembly or overhaul													P	P	P			
Septic tank storage/service														P	P			
Boat repair, overhaul and assembly													P	P	P			
Warehouse														P	P			
Wholesale distributor <50,000 sq. ft.													P	P	P			
Wholesale distributor 50,000+ sq. ft.														P	P			
Alcoholic Beverage Establishments	AG	RE	R1	R2	R3	R4	R5	RM	MX	C-1	C-2	C-3	C-4	I-1	I-2	PI	PR	CON
Small Scale Drinking Establishment (See Sec. 21-96(f)1.i.a.)										P		P	P	P	P			
Small Scale Drinking Establishment (See Sec. 21-96(f)1.i.b.)										S		S	S	S	S			
Large Scale Drinking Establishment/Nightclub (See Sec. 21-96(f)2.i.a.)										S		S	S	S	S			
Bottle Clubs and Banquet Halls (See Sec. 21-96(f)3.i.a.)										S		S	S	S	S			
Bottle Clubs and Banquet Halls (See Sec. 21-96(f)3.i.b.)										S		S	S	S	S			
Package Stores										P	S	P	P	P	P			
Light Industry	AG	RE	R1	R2	R3	R4	R5	RM	MX	C-1	C-2	C-3	C-4	I-1	I-2	PI	PR	CON
Airports/aviation uses														C	C	C		
Food processing/packaging														P	P			
Freight/trucking terminal														P	P			
Light industrial park														P	P			
Manufacture of finished products													P	P	P			
Printing/publishing													P	P	P			
Propane gas													P	P	P			
Research and development facilities									S	S	S	P	P	P	P	P		
Heavy Industry	AG	RE	R1	R2	R3	R4	R5	RM	MX	C-1	C-2	C-3	C-4	I-1	I-2	PI	PR	CON
Auto/vehicle salvage															P			
Citrus processing plant	P														P			

Cold storage and frozen food lockers														P	P			
Communication towers									S	S	S	S	S	S	S	S		
Antennas						A	A		A	S	S	S	S	S	S	S		
Concrete plant															P			
Crate and pallet plant															P			
Dairy	P													P	P			
Dry cleaning plant															P			
Industrial park															P			
Junkyard, general															P			
Junkyard for vehicles															P			
Laundry plant														P	P			
Manufacturing														P	P			
Mining	C														C			
Storage of sand/gravel/blocks														P	P			
Truck/vehicle repair for large vehicles/trucks													P	P	P			
Truck stop													P	P	P			
Public Service Facilities	AG	RE	R1	R2	R3	R4	R5	RM	MX	C-1	C-2	C-3	C-4	I-1	I-2	PI	PR	CON
Public buildings and grounds/public facilities									P	P	P	P	P	P	P	P	P	P
Power substation/utility buildings	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P
Education and Cultural Facilities/Institutional Uses/Recreation Uses/Conservation Uses	AG	RE	R1	R2	R3	R4	R5	RM	MX	C-1	C-2	C-3	C-4	I-1	I-2	PI	PR	CON
Cemetery	S	S	S	S	S	S						P	P			P	P	
Church/religious meeting place		S	S	S	S	S	P	S	S	P	P	P	P	P	P	P	P	
Golf course	P	P	P	P	P	S		P				P	P	P	P	P	P	
Hospital												P	P			P		
Private school (Preschool—12)	P	P	P	P	P	S	S	P	P	P	P	P	P	P	P	P	P	
Park/open space	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Public school (K—12)	P	P	P	P	P	S	S	P	P	P	P	P	P	P	P	P	P	
Recreation, indoor, public	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Recreation, outdoor, public	P	P	P	P	P	P	S	P	P	P	P	P	P	P	P	P	P	P
Social centers/museums		S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	
Vocational/technical school												P	P	P	P	P		
University/college, small scale									S			P	P	P	P	P		
University/college, large scale												P	P	P	P	P		

New text is underlined. Deleted text is ~~stricken-through~~.

Sec. 21-531. Definitions.

Medical and health care offices shall mean the offices of medical, dental and other outpatient health care providers; medical and dental laboratories; optician and optical services; psychological and counseling services; chiropractic services; massage therapists; and the offices of other health care providers, professional associations and groups. When three (3) or more medical fields are located within one office/medical campus, it shall be considered a medical clinic.

Medical clinic shall mean medical offices where three (3) or more medical fields are located within one office/medical campus.