

**ORDINANCE 2016-21**

(Zoning amendment – Chapter 23 Zoning, Land Use and Development Regulation)

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATION AS IT PERTAINS TO SITE PLANS; VACATION OF PUBLIC RIGHTS-OF-WAY; FENCES AND HEDGES; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**SECTION 1 VACATION OF PUBLIC RIGHTS-OF-WAY OR PUBLIC EASEMENTS**

**Sec. 23-221. Vacation of public rights-of-way or public easements** is amended as follows:

Sec. 23-221.2 Review and approval.

c. City commission.

2. *Right-of-way or other dedicated property.* The city commission shall determine in light of the planning board's recommendation and public comments whether the vacation is in the public interest. If a positive determination is made, the city commission may enact a ~~ordinance~~ resolution vacating the requested right-of-way or property and reverting said right-of-way or property to all adjacent owners in equal portions.

**SECTION 2 SITE PLANS**

**Sec. 23-222.7 Time limit on approval** is amended as follows:

*Sec. 23-222.7 Time limit on approval.* The approval of the preliminary site plan shall expire ~~one year~~ two years from the date of approval unless an application for a site development permit has been received or a building permit for a principal building has been issued. An extension of time may be applied for (and granted in one-year increments) by the developer by submitting a letter of request to the administrative official and the required fee. (See Table 23-242.) The request for time extension may be approved by the administrative official or the planning board in accordance with the manner in which the original approval was granted.

**SECTION 3 LAND SUBDIVISION**

**Sec. 23-223.3 Preliminary subdivision plat review** is amended as follows:

Sec. 23-223.3.c. *City commission action.* After receiving the recommendation of the planning board, the city commission shall approve, approve with stated conditions or stipulations, or deny with specific reference to the requirements of this chapter.

1. *Concurrency.* A preliminary subdivision plat shall not be approved unless the concurrency requirements of this chapter have been met. (See section 23-704.4.c.)

2. *Time limit on approval.* Approval of the preliminary subdivision plat shall be valid for ~~one year~~ two years. An extension of time may be applied for (and granted in one-year increments) by the developer by submitting a letter of request to the city commission through the administrative official and a fee per section 23-242.

#### **SECTION 4 PLANNED DEVELOPMENT PROJECTS**

**Sec. 23-224.4 Time limit of PDP plan approval** is amended as follows:

*Sec. 23-224.4 Time limit on PDP plan approval.* The preliminary PDP plan approval shall be valid for ~~one (1) year~~ two (2) years, and at the end of ~~the year that time~~, the approval shall expire, along with the reservation of capacity in city utilities, unless a complete application for site development permit has been submitted. One-year extensions may be granted by the city commission upon the recommendation of the planning board, provided the extension is requested prior to the expiration of the plan approval.

#### **SECTION 5 FENCES AND HEDGES**

**Sec. 524 Fences and Hedges** is amended as follows:

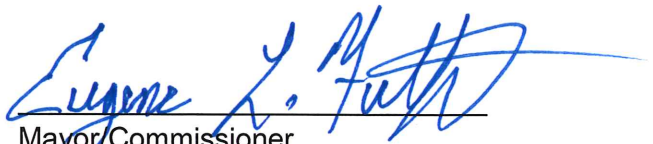
b. *Dimensional requirements.* Fences and hedges shall be located a minimum of 3 feet from the property line along an alley. Otherwise, they are not subject to setback requirements and may be located anywhere within the property lines, provided the height limitations set forth in Table 23-524 are met.

**SECTION 6** If any clause, section or provision of this ordinance or any fee imposed pursuant to this ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said ordinance or remaining fees shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

**SECTION 7** Certified copies of the enacting ordinance, the City of Lake Wales comprehensive Plan and any amendment thereto, and the Lake Wales Code of Ordinances shall be located in the Office of the City Clerk of Lake Wales. The City Clerk shall also make copies available to the public for a reasonable publication charge.

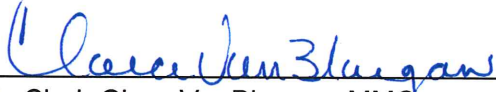
**SECTION 8** This ordinance shall become effective, immediately upon passage by the City Commission.

CERTIFIED AS TO PASSAGE this 6<sup>th</sup> day of December 2016.



Mayor/Commissioner  
City of Lake Wales, Polk County, Florida

ATTEST:



City Clerk Clara VanBlargan, MMC

