

ORDINANCE 2009-15

(Amend Site Development Permit Application Requirements – Zoning Regulations)

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING LAKE WALES CODE OF ORDINANCES, CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS, SECTION 23-217 AND 23-242 RELATING TO REQUIREMENTS FOR SITE DEVELOPMENT PERMIT APPLICATIONS; REQUIRING A PRELIMINARY CONSTRUCTION COST ESTIMATE; AMENDING LIST OF ITEMS REQUIRED IN APPLICATION PACKAGE; REQUIRING DRAFT UTILITY AND CAPACITY AGREEMENTS; REQUIRING 50% OF REVIEW FEE AT TIME OF APPLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1: **Site Development Construction Cost Estimate**
Sec. 23-217 Site development permit. *Subsec. 217.3 Application package, b.* is hereby amended as follows:

- b. *Itemized estimate of site development construction costs. ~~No later than 10 days prior to the pre-construction meeting, the~~ An itemized estimate of site development construction costs, excluding the cost of buildings must be submitted for review for determining the site development permit fee. All estimates shall be prepared and signed by a registered professional engineer and verified by the building official.*
1. A preliminary estimate verified by the building official shall be submitted with any application for site development permit.
2. No later than 10 days prior to the pre-construction meeting, a final estimate shall be submitted for determining the final site development permit fee.

SECTION 2: **Application fee to resume review after 1 year of inactivity**
Sec. 23-217 Site development permit. *Subsec. 217.3. Application package, subsec. d.* is amended as follows:

- d. *Application, review, and inspection fee.* A fee as set forth in section 23-242 for review and inspections. Site development permit applications submitted prior to June 1, 2009 shall be considered dormant if the site development permit is not issued by June 1, 2010 unless an application fee is paid per the fee schedule in effect at that time.

SECTION 3: **Application package requirements**
Sec. 23-217 Site development permit. *Subsec. 217.3. Application package, subsec. e.* is amended as follows:

e. *Site development construction plans prepared by a registered professional engineer.* Plans shall correspond to the preliminary plan or for the development as approved by the city and shall reflect any applicable conditions of approval of the city's approval. Plans shall include any off-site improvements required as a condition of approval or agreed to by the applicant. Construction plans shall include detailed engineering drawings plans for the following, as applicable:

1. – 9. (NO CHANGES)

10. Lot grading plan. Detailed grading plans, including pad elevations and spot elevation of lot corner and midpoint of side lot lines.

11.– 12. (NO CHANGES)

13. Landscaping plans with plant locations, specifications and irrigation system notations (meter size and number of zones); ~~tree protection plan (if applicable).~~ Unless waived by the administrative official, a tree survey by a professional forester or arborist providing the following:

map and data base indicating the location, type, caliper, and condition of all trees on site meeting the definition of a tree in sec. 23-214, an analysis in a format provided by the administrative official indicating all trees to be retained or removed, the number of trees required to meet the replacement requirements of sec. 23-302, and a plan to protect retained trees during construction (See sec.23-302.3.).

14. Site lighting plan, showing locations and photometrics.

15. ~~(Optional).~~ Plans for any structures requiring building permits, exclusive of buildings, such as free-standing signs, fences and walls, and dumpster pads and enclosures.

SECTION 4:

Utility agreements

Sec. 23-217. Site development permits, subsec. 217.3.

Application package, subsec. f is amended as follows:

~~f. Utility agreements. Final calculation of capacity requested in potable water and wastewater systems for certificates of concurrence. Draft utility agreements (if applicable) in formats provided by the administrative official:~~

1. Utility Agreement (if required by utilities director) - setting forth requirements and responsibilities of the applicant and the city in

regard to infrastructure, both on- and off-site. The agreement shall specify agreements, if applicable, for any impact fee credits or pioneering payments to be made to the applicant for improvements to be used by other developments.

2. Utility Capacity Agreement (required for residential developments per sec. 23-731.2.f.) – establishing reservations of capacity in the wastewater and potable water systems and setting forth a schedule for development and payment of utility impact fees as required in sec. 23-731.

SECTION 5:

Site Development Permit Review Fee

Table 23-242 LAND USE APPLICATIONS – REQUIRED FEES is amended as follows:

For “23-217 – Site Development Permit Review Fee and site construction estimates” amend the “Review Fee” to read:

~~Land alteration fee (due with application).~~ 2 ½% of the cost of infrastructure, not including buildings. 50% of fee is due with application; remaining 50% at permit issuance.

SECTION 6:

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 herein.

SECTION 7:

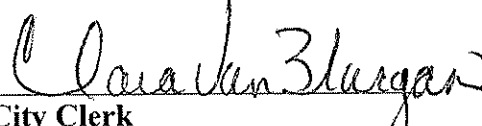
This ordinance shall become effective upon passage by the City Commission.

CERTIFIED AS TO PASSAGE this 2nd day of June 2009.



Mayor/Commissioner

Attest:



City Clerk

Status of Site Development Permit Applications
 Dept. of Planning & Development - May 2009

SITE DEVELOPMENT PERMIT APPLICATIONS UNDER REVIEW

<u>Project Status</u>	<u>Infrastructure value</u>	<u>Initial fees paid</u>	<u>Fee due at permit</u>
Total applications	\$ 32 million	\$14,735	\$831,683
Inactive	19 million	12,251	518,940 (62%)
In review*			
Mayfair (9 phases)	11.73 million	4,400	293,400 (94%)
Other	1.27 million	1,320	<u>19,343 (6%)</u>
Total in review			312,743

*Several permits are ready to issue, but have not been picked up by developer (over \$100,000 in fees due), including Angus Self-storage and Sunset Development. Mayfair is shown as active because several phases are under review. However, the permit for phase 1 has been ready to issue for almost two years.

INACTIVE SITE DEVELOPMENT PERMIT APPLICATIONS

<u>Project</u>	<u>App. Date</u>	<u>Last activity</u>
Peace Creek Promenade	1/08	7/08
Sunset Development (subdiv.)	10/07	7/08 Ready to issue
Blessed Child Day Care	7/07	10/08
Servant Self Storage	6/07	3/08
Forest Lake Townhouses	12/06	10/07
Angus Self Storage	10/06	Ready to issue
Estates of Lake Wales	8/06	10/08
Leoma's Landing	7/06	7/07
New Harvest Church	4/08?	6/08
Carter Realty	3/08?	4/08

ACTIVE SITE DEVELOPMENT APPLICATIONS AND PERMITS

Project	Fee paid	Fee Due
<i>In plans review:</i>		
The Preserve expansion	Cost estimates not complete	
Race Trac	\$550	\$12,303
Topperly Creamery	550	916
Wachovia Bank (Willowbrook)	Cost estimates not complete	
ABC Liquor	220	6,123
Mayfair (9 phases)	4,400	293,400
Total in plans review		<u>312,742</u>
<i>Permits paid, not picked up:</i>		
7-Eleven	10,509 (stalled)	0
Dinner Lake South	14,806 (stalled)	0
Ashton Shoppes	10,542 (stalled)	0
Cumberland Farms	1,875 (cancelled)	0
<i>Under construction (inspection phase):</i>		
Lake Wakes Public Health	7,927	0
Holiday Inn	6,018	0
Water's Edge	6,828	0
Sunset II	19,973	0
Lake Ashton 5	23,326	0
Lake Ashton 6	26,760	0