

ORDINANCE 2015-02

(Amendments to Residential PDP Minimum Setback Requirements - Chapter 23 Zoning)

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE MINIMUM BUILDING SETBACK REQUIREMENTS FOR RESIDENTIAL PLANNED DEVELOPMENT PROJECTS IN THE LAKE WALES CODE OF ORDINANCES, CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

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

SECTION 1. *Section 23-443.1. Minimum design standards – Residential PDPs, Subsection e. Building Setbacks* is hereby amended to read as follows:

e. *Building setbacks.* ~~The following minimum setbacks for principal buildings are required except that the following are exempt from the increased setback requirement from non-frontage property lines: two-story single-family structures and those two-story duplex and multi-family structures, including townhouses that do not abut existing single-family development.~~

required: 35 feet from any project property line and 50 feet from any major collector or arterial road as defined in section 23-303. For a building with more than one story, the building setback shall be increased by ten feet for each additional story. Exceptions:

1. These requirements shall not apply to single-family houses on lots meeting the requirements for lot area and lot width at the building line for the zoning district in which the property lies.
2. The minimum setback from a non-frontage project property line may be reduced for one-story single-family houses provided the approving authority determines that the reduction will not adversely impact adjacent property and provided the setback is not reduced below the minimum setback required for the house in the zoning district in which the property lies.
3. The minimum front setbacks on a minor collector or local road may be reduced to allow for a neo-traditional development.

~~1. — *Developments with ten or fewer units.* The minimum building setback for a one-story building shall be 35 feet from any project property line that is also a street frontage and 50 feet from a major collector or arterial road as defined in section 23-303. The setback from non-frontage property lines shall be as required in the zoning district. For a building with more than one story, the building setback shall be increased by ten feet for each additional story, except as exempted above.~~

~~2. — Developments with more than ten units. The minimum building setback for a one-story building shall be 35 feet from any project property line and 50 feet from a major collector or arterial road as defined in section 23-303. For a building with more than one story, the building setback shall be increased by ten feet for each additional story, except as exempted above.~~

SECTION 4. **Severability:** 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.

SECTION 5. **Effective date:** This ordinance shall become effective immediately upon its passage by the City Commission.

CERTIFIED AS TO PASSAGE this 17th day of March 2015.

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

ATTEST:


City Clerk Clara VanBlargan, MMC