

ORDINANCE 2016-01

(Zoning Amendment – Chapter 23 Zoning, Land Use and Development)

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS AS IT PERTAINS TO PLANNING BOARD MEMBERSHIP; LOTS AND STRUCUTRES; CERTIFICATE OF APPROPRIATENESS; EXEMPTION FROM PAYMENT OF REVIEW FEES; APPEALS AND VARIANCES; TOWER AND TELECOMMUNICATIONS FACILITIES; FENCES AND HEDGES; AND CONCURRENCY; 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: *Sec. 23-205.2 Composition of planning board and terms of members.*

Sec. 23-205.2.a is amended as follows:

- a. The planning board shall consist of seven (7) regular members who shall be appointed by the governing body. At least ~~six (6)~~ four (4) must be residents of the city, and ~~one (1)~~ three (3) members must either reside in or own property in the city.

SECTION 2: *Sec. 23-301.2 General regulations for structures.*

Sec. 23-301.2.a.3 is amended as follows:

3. Up to ~~two (2)~~ four (4) principal buildings on a lot are permitted in non-residential and mixed use developments through the site plan approval process for major projects (section 23-222).

Sec. 23-301.2.a.4 is amended as follows:

4. Non residential and mixed use projects with **more** than ~~two (2)~~ four (4) principal buildings on a lot may be permitted through the planned development project process (section 23-224).

SECTION 3: *Sec. 23-227.3. Review of application for certificate of appropriateness.*

Section 23-227.3 a Administrative review is amended as follows:

2. Upon a finding that an application is complete, the administrative official, in consultation with other department as necessary, shall review the application for compliance with the purpose and intent of these regulations including the provisions of article IV, Resource Protection Standards, division 5, Historic Preservation (section 23-651 et seq.). The administrative official may request modifications or additional information if necessary.

Sec. 23-227.3.b *Historic board review and action* is amended as follows:

1. Except for application for demolitions, the board shall approve with stated conditions or stipulations, or deny an application with specific reference to the requirements for this chapter and standards adopted by the historic regulatory board. The board may continue the hearing until the next regularly scheduled meeting if further information or modifications to plans for proposed work are requested. However, the board shall make a decision at the continued hearing unless the applicant ~~assents~~ agrees to further delay.

SECTION 4: *Sec. 23-243. Exemption from payment of review fees.*

Sec. 23.243.d is amended as follows:

- d. Exemption from payment of board fees shall not apply to advertising costs or other costs which may ~~be~~ be necessary to provide public notice if such notice is required.

SECTION 5: *Sec. 23-244. Appeals and variances.*

Sec. 23-244.c is amended as follows:

- c. The concurring vote of at least ~~four (4)~~ three (3) members of the board of appeals shall be necessary to reverse any order, requirement, decision or determination of the administrative official or planning board or to decide in favor of the applicant on any matter upon which the board of appeals is required to pass under this chapter.

SECTION 6: *Sec. 23-354. Tower and telecommunication facilities.*

Sec. 23-354.1 Definitions is amended as follows:

Permitted uses means specific permitted uses as listed in section ~~23-356.4~~ 23-354.4 of this article.

SECTION 7: *Sec. 23-524 Fences and hedges*

Sec. 23-524.b. Dimensional requirements is amended as follows:

- a. The planning board may waive the height requirements for a valid purpose related to compatibility with the character of the neighborhood, addressing problems with slope or architecture, or screening ~~and~~ an adjacent land use. Fences required for compliance with a permit granted by an agency for structures such as retention ponds are exempt from height restrictions. The administrative official may grant a waiver for fence height in a "functional" side-yard from 4 feet up to 6 feet in height.

SECTION 8: *Sec. 23-701. Purpose and intent; definitions*

Sec. 23-701(d) is amended as follows:

Concurrency facilities: Public facilities and services for which a level of service must be met concurrent with the impacts of development or an acceptable deadline as mandated in the City of Lake Wales Comprehensive Plan pursuant to F.S. Ch. 163 and ~~9J-5.005~~, FAC, shall include: Sanitary Sewer, Potable Water, solid Waste, Roads, Public Schools, Recreation & open Space, and Drainage.

SECTION 9: 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 10: Effective date: This ordinance shall become effective immediately upon its passage by the city commission.

CERTIFIED AS TO PASSAGE this 19th day of January 2016.

By:



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

ATTEST:



City Clerk