

ORDINANCE 2023-11

AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA; AMENDING THE CODE OF ORDINANCES OF THE CITY OF LAKE WALES, FLORIDA; PROVIDING RECITALS CONSTITUTING LEGISLATIVE FINDINGS AND INTENT; AMENDING CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS; AMENDING TABLE 23-421, PERMITTED AND SPECIAL EXCEPTION USES IN STANDARD ZONING DISTRICTS, FOR CORRECTION OF A CLERICAL ERROR IN ORDINANCE 2022-45 AS TO PROPERTY ZONED I-1 INDUSTRIAL TO CLARIFY THAT MANUFACTURING—HEAVY IS A PERMITTED USE AND NOT A SPECIAL EXCEPTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, at its regular meeting on January 25, 2022, the City’s Planning and Zoning Board made a recommendation of approval of proposed changes to the Land Development Code which included a revision to Table 23-421 Permitted Uses and Special Exception Uses in Standard Zoning Districts to allow for Manufacturing – Heavy to be a Permitted Use in the I-1 Zoning District; and,

WHEREAS, the City Commission at its regular meeting on March 2, 2022, accepted the recommendation of the Planning and Zoning Board and adopted Ordinance 2022-06 which approved the revision to Table 23-421 to allow for Manufacturing -- Heavy to be a Permitted Use in the I-1 Zoning District; and,

WHEREAS, the City Commission at its regular meeting on October 5, 2022, enacted Ordinance 2022-45 which erroneously changed Table 23-421 to require Manufacturing – Heavy to be a Special Exception Use, which change was not considered or recommended by the Planning and Zoning Board; and,

WHEREAS, despite the fact that the change contained in Ordinance No. 2022-45 likely constitutes a clerical error as no discussion or notice of the change was provided in the hearings related to Ordinance No. 2022-45, nevertheless the City has determined in an abundance of caution to resubmit the matter to its local planning agency as referenced in the City’s Land Development Regulations contained in Chapter 23 of the Code of Ordinances of the City of Lake Wales, Florida (hereafter “Code”); and,

WHEREAS, the City of Lake Wales Planning and Zoning Board is designated as the Local Planning Agency pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, F.S. ch. 163, Part II, (hereafter “Planning Board”) as set forth in Section 23-205, Code; and,

WHEREAS, a public hearing was advertised and noticed in accordance with state law before the Planning Board, and the Planning Board, after due consideration of public

testimony and other competent, substantial evidence, has recommended to the City Commission the modification set forth in this ordinance to Table 23-421; and,

WHEREAS, the City Commission after due public notice advertised and held two public hearings as required by Section 166.041, Florida Statutes; and,

WHEREAS, the City Commission has received public input and testimony, the recommendation of its Planning Board, and other competent, substantial evidence, and based thereon finds that the amendment to permitted uses contained in Table 23-421 is reasonable and will not affect the public interest.

NOW THEREFORE, BE IT ENACTED by the City Commission of the City of Lake Wales, Florida, as follows:

SECTION 1. FINDINGS. The City Commission hereby adopts and incorporates the above stated Recitals as legislative findings that support and form the basis for the adoption of this ordinance. The effect of the amendment contained in Section 2 of this Ordinance is to allow for Manufacturing – Heavy to be a Permitted Use in the I-1 Zoning District as set forth below in the corrected Table 23-421

SECTION 2. AMENDMENT TO TABLE 23-421, CODE OF ORDINANCES OF THE CITY OF LAKE WALES, FLORIDA. That Table 23-421, Division 2, Chapter 23, Zoning, Development, and Land Use Regulation of the Code of Ordinances of the City of Lake Wales, Florida (hereafter “Code”), is hereby amended to read as follows:

**TABLE 23-421
PERMITTED USES AND SPECIAL EXCEPTION USES IN STANDARD ZONING DISTRICTS**

P - Permitted Use S - Special Exception Use PDP - Planned Development Project MDP - Master Development Plan																					
	R-1A	R-1B	R-1C	R-1D	R-2	R-3				C-1/ C-1A	C-2	C-2R	C-3	C-4	C-5 ¹	L CIP	B P	I -	I -	C N	R
									PF	PDM U											
RESIDENTIAL																					

Dwelling: Single-family	P	P	P	P	P	P	P	MDP			P		P							
Dwelling: Two-family					P	P	P	MDP			P		P							
Dwelling: Multi-family (up to 12 units on one parcel)						P			P	P	P	P		P						
Dwelling: Multi-family (more than 12 units/parcel)						PD	PD				PD	PD	PDP	PD						
Dwelling unit for caretaker employed on premises										S	S	S	S	S	S	S	S	S	SSS	
Dwelling, accessory to single-family house*	S	S	S	S	S	S					S	S	S	S	S					
Mixed-use - residential and nonresidential	PD	PD	PD	PD	PD	PD			P	P	S	PDP	PD							
Manufactured and Modular Homes (individual lots)																				
Manufactured Home and	PD	PD	PD	PD	PD	PD														

Modular Home Parks																			
Modular Home Subdivisions	PD P	PD P	PD P	PD P	PD P	PD P													
Manufactured Home Subdivisions																			

AMUSEMENT ESTABLISHMENTS

Amusement establishment— Indoor								MDP	S	S	S	P		S	S				S
Amusement establishment— Outdoor								MDP		S		S		S					S
Indoor shooting ranges								MDP				P			P	P	PP		
Movie theater— Indoor								MDP	P	P	P	P		P					P

AUTOMOTIVE USES*

Auto and truck rental								MDP	S	P	S	P		S	P				P
Auto and truck repair								MDP	S	S	S	S		S	S				SS
Auto, truck, or motor cycle dealer								MDP	S	S	S	P		S	P	P			P

Auto parking establishments (principal use)								S		P	P	S	P			S	P	P	PP
Auto service station									MDP	S	S	S	P			S			S
Car wash									MDP		S	S	P			SS	S		S
Recreational vehicle, mobile home, or boat dealers									MDP		S	S	P			S	P	S	PP
EDUCATIONAL AND CULTURAL																			
Club ⁷								S	MDP	P	P	S	P			SS	P		
Cultural facilities	S	S	S	S	S	S	S	S	MDP	P	P	P	P			PP	P	P	P
Day care center ^{3*}								P	MDP	P	P	P	P			PP			
Religious establishment	P	P	P	P	P	P	P	P	MDP	P	P	P	P			P			P
Schools, athletic or music								S	MDP	S	P	S	P			S	S	P	S
Schools, post secondary	S	S	S	S	S	S	S	S	MDP	S	S	S	S			S		S	S

Schools, primary-secondary	P	P	P	P	P	P	P	MDP	P	P	P	P		P						
Schools, training (other than athletic or music)							S	MDP	P	P	P	P		P	S	P	P			
FARMING/OTHER AGRICULTURAL																				
Farming, crop4 or nursery without retail sales	P	P	P	P	P	P	P	MDP	P	P	P	P		P	P	P	P	P	P	P
Nursery, plant with retail sales								MDP		P	S	P		S	S	S	P	P		
FOOD AND BEVERAGE BUSINESSES (See section 23-342 and chapter 5 for regulations on alcoholic beverages.)																				
Bar, wine and beer7								MDP	P - C1-A only											
Catering facility								MDP	S	P	S	P		S	P	S	P	P		
Food processing								MDP							P	S	P	P		
Mobile Food Vending/Mobile Food Dispensing Vehicles *								MDP	P		P	P		P	P	P				

Animal hospital									MDP	S		P				P	P	S	
LODGINGS																			
Bed and breakfast (accessory to single-family)*	S	S	S	S	S	S	S	S	MDP	S		S				S			
Boarding house					S	S	S	MDP	S		S				S				
Dormitory						S	S	MDP	S	S	S	S			S				
Hotel								MDP	P	P/SS	P				P/SS	P	S		
Motel								MDP		S	S				S	S		S	
INDUSTRIAL USES																			
Assembly and fabrication								MDP				S				P	P	PP	
Laundry and dry cleaning plants								MDP								P	S	PP	
Manufacturing— Light								MDP				S				P	P	PP	
Manufacturing— Heavy																			PS

Store, retail - up to 12,500 sq. ft./store									MDP	P	P	P	P	P	P				P
Store, retail - from 12,500 to 100,000 sq. ft./store									MDP	S	P	S	P		P				
Store, retail - from 100,000 to 300,000 sq. ft./store									MDP	S			P		S				
PUBLIC AND GOVERNMENT																			
Aircraft establishment																			PP
Airports, heliports and related aviation facilities																		S	SS
Public facilities and offices**	P	P	P	P	P	P	P		MDP	P	P	P	P	P	P	P	P	PPP	P
Public transportation terminals									MDP	S	S	S	P		SS		S	PP	
Solar Power Generation Facility*	S																		
* See special conditions for this use in article III, division 2 Conditional Use Regulations.																			

For conditions for a dwelling unit accessory to a single-family dwelling, see Table 23-521, Accessory Uses - Residential Properties.

** Public facilities and offices are permitted uses in all districts with the approval by the city commission and a courtesy review and recommendation from the planning board.

1 A development in a C-5 zoning district requires approval as a Planned Development Project. (See [section 23-224](#).)

2 Mixed-use and multi-family development may be approved through the PDP process only if consistent with the policies of the Comprehensive Plan for the Future Land Use classification of the property. Standards in [section 23-445](#) apply to all mixed-use planned developments and those in [section 23-443](#) apply to all residential planned developments.

3 A "day care home," a day care facility with 4 or fewer clients (See definition in article VIII) is a permitted use accessory to a single-family house pursuant to [section 23-521](#).

4 A farm stand is permitted as accessory to an agricultural use.

5 A restaurant may be permitted as accessory to a nonresidential use pursuant to [section 23-541](#).

6 For exceptions, see [section 23-343](#) "Auctions, sales, and events, temporary" and [section 23-355](#) "Yard sales."

7 See also [section 23-353](#), Conditional use regulations for "outdoor seating areas" and [section 23-342](#) for Conditional use regulations on alcoholic beverages.

8 C-2 zoning districts in the RAC land use category only.

9 Planned Development Mixed Use development may be approved through the MDP process only if consistent with Policy 2.18 of the Comprehensive Plan and Section 23-450.

10 Single-family attached in the C-1/C1A zoning districts not permitted on the ground floor.

NOTES:

- Conversion of a dwelling unit to a non-residential use requires a special exception use permit, regardless of whether the new use is a permitted (P) or special exception use (S).


- Outdoor storage in BP, I-1, and I-2 is allowed with site plan approval.
- Outdoor display and sales at an otherwise permitted business or enterprise are subject to conditions in [Sec. 23-343](#).
- Planned Development Projects may be approved in any district per the procedure set forth in section 23-224 and per the regulations set forth in section 23-443.
- The addition of an accessory use to a property where the principal use is a special exception use requires is considered an expansion of the special exception use requiring a new special exception use permit prior to construction or commencement of the use. (See also section 23-501, accessory uses and structures).
- Outdoor seating for any establishment must meet conditional use regulations in section 23-353.
- Non-residential uses are permitted as a subordinate part of a residential Planned Development Project and are limited to those uses permitted in the C-4 Neighborhood Commercial zoning district.

SECTION 3. SEVERABILITY. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

SECTION 4. CONFLICTS. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. EFFECTIVE DATE. This ordinance shall take effect in accordance with state law.

CERTIFIED AS TO PASSAGE this 3rd day of May, 2023.

By: 
 Jack Hilligoss Mayor/Commissioner
 City of Lake Wales, FL



Digitally signed by Jennifer Nanek
 DN: cn=Jennifer Nanek, o=City of Lake Wales, ou=City Clerk, email=jnanek@lakewalesfl.gov, c=US
 Date: 2023.05.04 10:24:29 -04'00'

ATTEST: _____
 Jennifer Nanek, CMC, City Clerk

APPROVED AS TO FORM & LEGALITY:

Thomas A. Cloud

Thomas A. Cloud, Special Counsel WHET