

Ordinance 2008-04

(Amendments to zoning regulations – Chapter 23 Code of Ordinances)

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS BY ELIMINATING THE REQUIREMENT FOR ALTERNATE MEMBERS ON THE PLANNING BOARD; ADDING A PROCESS FOR AMENDMENTS TO PLANNED DEVELOPMENT PROJECT PLANS; REVISING THE APPROVAL PROCESS FOR MULTIPLE BUILDINGS ON A LOT; REMOVING THE PROVISION FOR THE EXPIRATION OF VARIANCES IN ACTIVE SUBDIVISIONS; ADJUSTING PARKING SPACE REQUIREMENTS FOR VARIOUS LAND USES; ALLOWING ADMINISTRATIVE REDUCTION OF MINIMUM FLOOR AREA FOR HOUSES ON INFILL LOTS; PROHIBITING WETLAND AREAS TO BE COUNTED TOWARD MINIMUM LOT SIZE REQUIREMENT; ALLOWING SMALL RETAIL USES BY SPECIAL PERMIT IN THE LCI-LIMITED COMMERCIAL INDUSTRIAL DISTRICTS; ELIMINATING THE PROVISION ALLOWING SANDWICH BOARD SIGNS; AND MAKING MISCELLANEOUS CORRECTIONS, CLARIFICATIONS, AND ADJUSTMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. Planning and Zoning Board, alternate members

Sec. 23-205.2. *Composition of planning board and terms of members* is hereby amended as follows:

- a. The planning board shall consist of seven (7) regular members ~~and two (2) alternates~~ who shall be appointed by the governing body. At least six (6) members must be residents of the city, and one (1) member must either reside in or own real property in the city. No member of the planning board may concurrently serve on any other city regulatory board.
- ~~e.~~ ~~Alternate members shall serve only if a regular member is absent or disqualified from voting on a particular matter and shall be called to serve on a rotating basis. Of the first alternates appointed after adoption of this ordinance, one (1) shall be appointed for one (1) year, one (1) shall be appointed for two (2) years, and one (1) shall be appointed for three (3) years, but thereafter all appointments shall be for three (3) years.~~

Subsection “d.” shall be relabeled as “c.”

SECTION 2. Approval process for multiple principal buildings

Sec. 23-224. Planned development project (PDP) subsection 224.1 *Applicability* is modified to read as follows:

~~Sec. 23-224.1. Applicability. A planned development project (PDP) approval is required for any development with multiple principal buildings except that multi-family developments with twelve (12) or fewer units may be approved through the site plan process. (See section 23-222.)~~

Planned development project (PDP) approval may be applied for in any zoning district for the purpose of allowing flexibility of site design through waivers of strict compliance with the dimensional and design standards of this chapter.

PDP approval is required for any multi-family development with more than 12 units.

PDP approval is also required for non-residential developments with two or more outparcels, regardless of whether the property is subdivided for separate ownership of outparcels or the outparcels are to be leased.

A PDP requires the approval by the city commission upon recommendation of the planning board.

See article IV, div. 4 for design standards for planned development projects.

SECTION 3.

PDP amendment process

Sec. 23-224 Planned development project (PDP) (approval process) is amended by addition of the following:

Sec. 224.7 Amendment of approved plan.

The process for review and approval of amendments to approved PDP plans depends upon the extent of the changes proposed, as set forth below:

- a. *Administrative.* Amendments meeting the criteria below are reviewed and approved by the administrative official; however, the administrative official may refer the application to the planning board and city commission if there are issues deemed to warrant such review.

Criteria for administrative amendments:

- Changes in layout involve less than 20% of the area of the development, and
- Any increase in number of units or non-residential square footage is less than 1% and the change does not cause violation of density or intensity standards, and
- No waivers of development standards are requested requiring planning board or city commission action, and
- No conditions of approval are violated with the exception of those obviated by the proposed amendment.

- b. *Planning Board.* Amendments meeting the criteria below are

reviewed and approved by the planning board; however, the board may refer the application to the city commission if there are issues deemed to warrant such review.

Criteria for planning board amendments:

- Any waivers requested are those within the powers of the planning board to grant per the site plan review process, and
- Any increase in number of units or non-residential square footage is less than 5% and the change does not cause violation of density or intensity standards, and
- Any changes requested in conditions of approval pertain to matters in the board's purview under the site plan review process (sec. 23-222) and do not require city commission approval.

c. *City Commission.* Amendments not meeting the criteria for administrative or planning board approval must be reviewed and approved as for a new planned development project. These include amendments that:

- Entail major changes as determined by the administrative official or planning board in terms of the magnitude of the change in regard to affected area, density or intensity of the development, or
- Change the approved housing type (e.g. single-family to multi-family), or
- Significantly change the configuration of lots, buildings, roadways, common areas, parking areas or other major features, or
- Have a significant impact upon the quality of the development with reference to the design guidelines for PDPs in this chapter, or
- Violate conditions of approval, or
- Deviate significantly from representations by the developer pertaining to the character and quality of the development.

SECTION 4.

Revocation of unused variances

Sec. 23-244. Appeals and variances

subsection 23.244.2. *Variance, e. Conditions and safeguards* is amended to read as follows:

e. *Conditions and safeguards.* In granting any variance, the board may prescribe appropriate conditions in conformity with zoning regulations. Violations of such conditions shall be deemed a violation of these regulations and shall be grounds for revocation of the variance. Unless otherwise specified by the board, variance approvals shall be in effect throughout the site plan review process and shall expire when and if the corresponding site plan expires. If there is no corresponding site plan, the time limit for variance shall expire twelve (12) months after the effective date of such action unless a building permit has been issued within the twelve-month period and work is active ~~actively pursued~~ or the property

for which the variance is granted is within a subdivision under active development. For the purposes of this section, “active” shall mean that work is continuing without cessation for a period of six (6) months or longer.

SECTION 5. Add cross-reference - approval process on multi-family developments
Sec. 23-301.2. “General regulations for structures” subsec. a .
“Number of structures per lot” is amended as follows:

- a. Only one (1) principal building ~~and permitted accessory structure~~ shall be permitted per lot, except as follows: ~~that multiple buildings may be permitted if approved as a planned development project.~~
 - 1.) In zoning districts allowing multi-family uses, multiple buildings on a lot ~~are~~ may also be permitted through the site plan approval process for major projects (section 23-222) for multi-family developments with , provided the development has twelve (12) or fewer dwelling units.
 - 2.) Multiple buildings on a lot may be permitted through the planned development project approval process (sec. 23-224) for single-family cluster developments and for multi-family developments with more than 12 dwelling units.
 - 3.) Up to 2 principal buildings on a lot are permitted in non-residential and mixed use developments through the site plan approval process for major projects (sec. 23-222).
 - 4.) Non-residential and mixed use projects with more than 2 principal buildings on a lot may be permitted through the planned development project process (sec. 23-224).

SECTION 6. Prohibition of structures in utility easements
Sec. 23-301.2 “General regulations for structures” is hereby amended
as follows:

Add subsec. g and renumber existing section “g.” as “h.” and existing section “h.” as “i.”

Subsec. g to read as follows:

g. Utility easements. No structures, including accessory structures, shall be located in recorded utility easements.

SECTION 7. Correction of cross-reference, Table 23-303C
Table 23-303C “Right-of-Way Dedication Requirements” is hereby
amended to correct the footnote as follows:

*See Section ~~23-303.1~~ 23-303.2 for definitions of these street categories.

SECTION 8.

Adjustments to parking space requirements

Table 23-306B “Minimum Automobile Off-Street Parking Space Requirements” is hereby amended as follows:

Under “Education & Religious”

“Cultural Facility” ~~0.3 per 100 sq. ft. of building floor area~~ 1 per 3 seats or if no fixed seats, 1.0 per 100 sq. ft. of floor or land area devoted to assembly or visitor use

Under “Food Service,”

“Drive-through or Take-out, ~~(without seats)~~”

1.0 per 50 sq. ft. of building floor area customer service area, min. 5 spaces

Under “Food Service,”

“Restaurant” ~~0.4 per seat~~ 1 per 3 seats based on maximum capacity plus 3 for drive-up or take-out service.

Under “Health Care,”

“Health service” 0.4 per 100 sq. ft. of building floor area plus 3.0 per doctor, practitioner, or full-time equivalent

Under “Lodgings”

Add title on first line: “Lodging with restaurant”

SECTION 9.

Small retail in LCI-Limited Commercial Industrial zoning district

Table 23-421 Permitted Uses and Special Exception Uses in Standard Zoning Districts is amended as follows:

Under “Stores” and before “Store, retail – up to 12,500 sq. ft./store, add:

“Store, retail – up to 1,500 sq. ft./store” and allow as a permitted use (P) in the C-1, C-2, C-2R, C-3, C-4, C-5 and I-2 districts and as a special exception permit use (S) in the LCI district.

SECTION 10.

Minimum floor area for single-family on infill lot

Table 23-422A “Dimensional and Area Standards – Residential Districts” Footnote #2 for “Minimum Floor Area” is hereby amended as follows:

² Minimum floor area of a dwelling unit is the living floor area excluding carports, garages, breezeways, and unenclosed porches or terraces. For single-family houses on infill lots, the administrative official may allow a reduction in the floor area to 80% of the area required in the district upon

demonstration that the reduced size is consistent with that of existing houses in the neighborhood.

SECTION 11.

Correct footnote reference error

Table 23-422A “Dimensional and Area Standards – Residential Districts”

Under R-2, Minimum lot size, remove the reference to footnote #6 after “12,000.”

SECTION 12.

Exclusion of wetlands from minimum lot area

Table 23-422A “Dimensional and Area Standards-Residential Districts” is hereby amended as follows:

Add footnote #9 to column heading “Minimum Lot Size” to read:
⁹ The area encompassing wetlands and/or open water shall not be included in the calculation for compliance with the minimum lot size requirement.

SECTION 13.

Setbacks for carports – correction

Table 23-522 “Accessory Structures Residential Properties”

restrictions for “Detached carports or garages” are hereby amended as follows:

Limited to one structure only, footprint not to exceed 600 square feet or 40% of the footprint of the principal structure, whichever is larger. Garages and carports must meet the setback required for principal structure.

SECTION 14.

Sandwich board signs, downtown and Lincoln Ave.

Sec. 23-645.6. Special signs is amended as follows:

- b. ~~Sandwich board signs. A freestanding, portable sign with two (2) surfaces for display.~~
- ~~1. Sandwich board signs may be used only between the Seenie Highway and Wetmore Street on Central Avenue, Stuart Avenue, Park Avenue, and Orange Avenue and between “A” Street and “D” Street on Lincoln Avenue.~~
 - ~~2. A sandwich board may be displayed only in front of the business which it advertises and may not be displayed at any other off-premises site. No more than one (1) sandwich board may be displayed during hours of operation of the business and must be removed at the close of business each day.~~
 - ~~3. A sandwich board sign shall not exceed sixty (60) inches in height and thirty (30) inches in width.~~
 - ~~4. A sandwich board may not impede or restrict the flow of pedestrian traffic.~~

SECTION 15.

Definitions

Outparcel. A lot which is created by division, by subdivision or sale of a larger parcel, or any area containing in a shopping center or other integrated development ~~and~~ which is intended for independent ownership, lease, and/or development.


SECTION 16: This ordinance shall become effective immediately upon passage by the City Commission.

CERTIFIED AS TO PASSAGE this 19th day of February, 2008.



Mayor/Commissioner

ATTEST:



City Clerk

This Ordinance Was adopted
Without Sections 13 & 14.