

**ORDINANCE 2008-29**  
(Core Improvement Area – Impact Fee Exemption)

AN ORDINANCE AMENDING CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS, LAKE WALES CODE OF ORDINANCES, BY ESTABLISHING A CORE IMPROVEMENT AREA; ALLOWING AN EXEMPTION OF IMPACT FEES, WITH THE EXCEPTION OF WATER AND SEWER UTILITY IMPACT FEES, ON ALL CONSTRUCTION, ALTERATION OR EXPANSION OF ANY STRUCTURE WITHIN THE CORE IMPROVEMENT AREA; AND PROVIDING FOR AN EFFECTIVE DATE.

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

**SECTION 1.                    Core Improvement Area overlay district definition**  
**Article IV. District Regulations, Division 1. Zoning Districts**  
**Sec. 23-401.    District classifications, d. *Overlay districts*** is hereby amended by the addition of:

*Core Improvement Area.* This district is designated for the purpose of encouraging revitalization, redevelopment and rehabilitation.

**SECTION 2.                    Core Improvement Area Map**  
**Article IV. District Regulations, Division 1. Zoning Districts**  
**Sec. 23-402. Maps** is hereby amended to add the following title and description of the “Core Improvement Area Map” to the list of maps, such map to be as shown on “Attachment A” hereby made a part of this ordinance:

f. *Core Improvement Area Map.* The map showing the boundary of the “Core Improvement Area.”

**SECTION 3.                    Exemption of impact fees in Core Improvement Area**  
**Article VII. Impacts of Development on Public Facilities, Division 4. Public Facilities Impact Fees**  
**Sec. 23-767. Exemptions** is hereby amended as follows:

f.            Special districts  
Any person seeking an exemption under the provisions of this section must submit an application to the administrative official with application for a building permit for the proposed construction or for a change of use. The application shall be made on a form provided by the city, and a legal description of the property shall be required. The city manager shall approve the exemption if it meets the criteria for the special district in which it is located.

1.            *Community Redevelopment Area.* † The construction, alteration or expansion of a non-residential structure within a community development area designated by the city’s community redevelopment plan shall be exempt from the payment of police and fire impact fees. This exemption shall not extend to the payment of water and sewer impact fees which are payable in accordance with section 23-764. This exemption shall also not extend to construction, alteration or expansion on non-residential structures on property formerly known as the Cooperative Fruit Property and located on the east side of U. S. Highway 27.

2. National Historic Register District. ~~g~~—The construction, alteration or expansion of any structure within a district designated on the National Historic Register shall be exempt from the payment of police, fire and parks and recreation impact fees provided such construction, alteration or expansion is determined by the historic district regulatory board ~~historic preservation board~~ to be consistent with the goals of historic preservation. This exemption shall not extend to the payment of water and sewer impact fees which are payable in accordance with section 23-764.
3. Core Improvement Area. The construction, alteration or expansion or change in the use of any structure within the “Core Improvement Area” shall be exempt from the payment of impact fees except those for water and sewer, which are payable in accordance with section 23-764. The exemption includes Polk County impact fees per an agreement executed November 20, 2007 between the Polk County Board of County Commissioners and the City of Lake Wales.

~~h. Anyone seeking an exemption in accordance with paragraph f. or g. shall file with the city manager an application for exemption prior to receiving a building permit. Said application shall be on a form provided by the city, and the applicant shall attach a legal description of the property to the application. The city manager shall approve the exemption if it meets the criteria specified in the applicable paragraph.~~

**SECTION 4.**

If any clause, section or provision of this ordinance or any fee imposed pursuant to this ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said ordinance or remaining fees shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

**SECTION 3.**


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

CERTIFIED AS TO PASSAGE this 2<sup>nd</sup> day of September 2008.



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

ATTEST:

  
City Clerk

**ATTACHMENT A**  
**Ordinance 2008-29**  
**Core Improvement Area**

