

ORDINANCE D2015-01

(Comp Plan Amendments - EAR-Based, Future LU, Sewer and Water)

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE COMPREHENSIVE PLAN TO MAKE AMENDMENTS TO THE GOALS, OBJECTIVES AND POLICIES OF THE FUTURE LAND USE ELEMENT AND THE SANITARY SEWER AND POTABLE WATER SECTIONS OF THE PLAN BASED ON THE ADOPTED EVALUATION AND APPRAISAL REPORT; TO MAKE NON-EAR-BASED AMENDMENTS TO THE FUTURE LAND USE ELEMENT TO ALLOW A DENSITY BONUS FOR AFFORDABLE HOUSING AND ELIMINATE THE RPD-RURAL PLANNED DEVELOPMENT LAND USE CLASSIFICATION; AND TO MAKE NON-EAR BASED AMENDMENTS UPDATING AND REORGANIZING VARIOUS GOALS, OBJECTIVES AND POLICIES IN THE FUTURE LAND USE AND SANITARY SEWER AND POTABLE WATER SECTIONS OF THE PLAN.

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

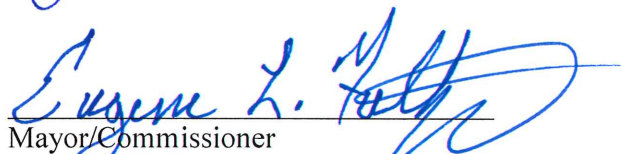
SECTION 1 The Goals, Objectives and Policies of the "Future Land Use Element" of the Comprehensive Plan are hereby amended as set forth in Attachment A.

SECTION 2 The Goals, Objectives and Policies of the Sanitary Sewer and Potable Water sections of the "Sanitary Sewer, Solid Waste, Drainage, Potable Water, and Natural Groundwater Aquifer Recharge Element" of the Comprehensive Plan are hereby amended as set forth in Attachment B.

SECTION 3 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 herein.

SECTION 4 This amendment shall not become effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining the amendment is in compliance.

CERTIFIED AS TO PASSAGE this 2nd day of June, 2015.



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

ATTEST:



City Clerk Clara VanBlargan, MMC

ATTACHMENT A - ORDINANCE D2015-01

FUTURE LAND USE ELEMENT CITY OF LAKE WALES - COMPREHENSIVE PLAN GOALS, OBJECTIVES, AND POLICIES

GOALS, OBJECTIVES AND POLICIES

GOAL: It shall be the goal of the City of Lake Wales to provide a system for orderly growth and development to ensure that the character, magnitude, and location of all land uses fosters a balanced natural, physical, social, and economic environment that meets the needs of the present and future population. ~~[9J-5.006(3)(a)]~~

Objective 1: Land Development Regulations

Management of ~~Manage~~ future growth and development through the preparation, adoption, implementation, and enforcement of land development regulations consistent with the policies of the Comprehensive Plan. ~~[9J-5.006(3)(b)10]~~

Policy 1.01: ~~Consistent with the time frames outlined in chapter 163, Florida Statutes, adopt land development regulations containing specific and detailed provisions sufficient to implement the adopted Comprehensive Plan.~~ The "Land Use and Development Regulations" and other local regulations pertinent to land development shall be reviewed and updated on a regular basis for consistency with the Comprehensive Plan and for effective implementation of the growth management policies of the Plan. ~~Consideration shall be given to making the regulation of Land and development regulations shall be as efficient and effective as possible and to integrating shall integrate all appropriate land development regulations into a unified code to the extent practical.~~

Policy 1.02: The adopted land development regulations shall regulate the use of land consistent with the Future Land Use Element and the Future Land Use Map Series, shall ensure the compatibility of adjacent land uses, and, at a minimum, shall:

1. Regulate the subdivision of land;
2. Regulate land development to provide for parks and open space;
3. Regulate land development to protect lakes, wetlands, and other environmentally-sensitive areas;
4. Regulate development in areas subject to periodic flooding, and provide for drainage and storm water management;
5. Regulate land development to protect potable wells and aquifer recharge areas;
6. Regulate signage; and
7. Regulate parking, vehicular site access, and onsite traffic flow.
8. Include a~~The~~ concurrency management system will to ensure that issuance of a development order or development permit is conditioned upon the availability of public facilities and services necessary to serve new development., consistent with the provisions of Chapter 163., Part II F.S., and 9J-5.

Policy 1.03: The adopted land development regulations shall establish zoning districts and standards for uses, densities and intensities of use consistent with the future land use classification

~~system established under Objective 2. for each future land use category on the Future Land Use Map Series consistent with the Future Land Use element. [9J.5.006(3)(e)1,7.]~~

Policy 1.04: The adopted land development regulations shall permit and encourage the use, where appropriate, of innovative development techniques such as mixed-use planned unit development (PUD) projects, traditional neighborhood development (TND) projects, zero-lot-line home subdivisions, and cluster housing. [9J-5.006(3)(e)5]

Objective 2: Future Land Use Classification System ~~Location and Density Criteria~~

The location, intensity and density of future development and redevelopment shall be directed in appropriate areas as depicted on the Future Land Use Map Series consistent ~~in consistency~~ with the goals, objectives, and policies of the Comprehensive Plan.

Policy 2.01: The following land-use categories are established:

Commercial and Employment Activity Centers

1. Regional Activity Center (RAC)
2. Community Activity Center (CAC)
3. Neighborhood Activity Center (NAC)
4. Business Park Center (BPC)
5. Downtown District (DD)
6. General Commercial (GC)
7. Industrial (IND)
8. Limited Commercial/Industrial (LCI)

Residential

9. Low Density Residential (LDR)
10. Medium Density Residential (MDR)
11. High Density Residential (HDR)
12. Rural Residential (RR)

Other

13. Residential Office (RO)
14. Public (PUB)
15. Conservation (CON)

Public schools shall be allowed in all land use classifications, subject to resource protection and other applicable regulations of the land development regulations.

Intensity terms:

GLA – Gross leasable area

FAR - floor area ratio – The ratio of all of the square footage of floor area of all floors in a building to the square footage of the site.

Policy 2.02: Regional Activity Center (RAC)

The Regional Activity Center (RAC) classification is established to create a concentration of commercial facilities to serve the region and to provide for "high density housing" integrated in conjunction with and in close proximity to these facilities.

An RAC is intended to be a major commercial area designed as a unit and integrated with surrounding developments in terms of layout; facilities for vehicles, bikes, and pedestrians; storm water management; green space; and design elements.

Location criteria: RACs shall

- be limited to one or two locations in the City;
- range from 400 to 1000 acres in size;
- be served by public transportation
- be located with direct access to a major arterial road (preferably at an intersection of arterial roads or arterial roads and collector roads)
- be served by City water and sewer services
- not be located within a wellhead protection area
- be at least 5 miles via arterial highways from any other area designated as RAC

Typical uses/intensity:

Regional mall with more than one anchor department store and associated out-parcel commercial development, large retail outlets, entertainment establishments, professional offices, educational uses, and mixed-use development. 300,000 SQ. FT. GLA and over. To permit a beneficial mix of uses, up to thirty percent (25%) (30%) of the gross land area may develop as High Density Residential (HDR). Residential above the first floor of non-residential uses shall not be counted in the (30%) 25%.

Land use regulation: The land development regulations shall be amended to implement the RAC master plan. Public green space shall be required to provide buffers, focal points, pedestrian and bikeway connections, and recreation.

RAC master plan:

Development Criteria – RAC

The land development regulations shall include provisions applicable to the RAC at the intersection of Chalet Suzanne Road and US Highway 27. By December 2005, an RAC master plan shall be adopted by the City to ensure coherent and integrated development, to avoid piecemeal development and inefficient transportation facilities, to protect natural resources, and to provide adequate green space and buffers.

- ~~• All development within and surrounding an RAC area shall comply with the RAC master plan adopted by the City.~~
- ~~• At minimum, the plan shall call for connecting commercial developments to surrounding residential areas via collector roads, bikeways, and pedestrian paths; provision of frontage roads and cross access among developments; provision for public transportation accessibility and facilities; creation and preservation of green space to buffer and connect various land uses and to provide for visual relief and recreation; and the protection of wetlands and trees.~~

The regulations shall implement the following development criteria:

Development criteria:

- ~~Located at intersections of arterial roads or arterials and collector roads.~~

- Development through the Planned Development ~~or DRI~~ process is preferred.
- Uses within development shall incorporate frontage roads or shared access to major roads.
- Construction of collector roads as shown on the Transportation Map in the Future Land Use Map series shall be required to provide interconnections as further development takes place in the northeast quadrant of the RAC and nearby residential areas.
- Mixed use and multi-family development are encouraged.
- Pedestrian, bicycle, and vehicular connections among residential and commercial uses shall be required.
- Developers shall provide for public transportation accessibility and facilities such as bus shelters.
- Green space shall be provided in developments to provide for visual relief, public gathering places, and buffering where necessary.
- Natural resources such as wetlands and ponds shall be protected and featured as integral components of developments for common open space and visual enhancement.
- ~~Spatially separated and buffered from residential areas.~~
- Must be located outside of Wellhead Protection Areas and buffered from Conservation Areas.
- ~~Where central water and sanitary sewer are available.~~

Policy 2.03: Community Activity Center (CAC)

The primary function of the Community Activity Center (CAC) classification is to encourage a variety of commercial and professional uses in shopping plazas to serve the City as a whole as well as surrounding residential areas and to allow residential uses in planned mixed-use developments.

A CAC is intended to provide an inter-connect grouping of commercial facilities and plazas conveniently accessible from a major highway and connected via collector roads, local roads, and pedestrian/bike facilities to nearby residential areas.

Location criteria: CACs shall

~~Development criteria:~~

- be located on arterial highway.
- be served by city ~~Where central~~ water and sanitary sewer services are available.
- ~~CACs shall~~ be 200 to 800 acres in size and
- be located a minimum of 2 miles from any other land designated as a CAC or RAC

Typical uses/intensity: Supermarket, department store, drug store, movie theater, home improvement center, professional offices, ~~and~~ personal services, restaurants and other various commercial, professional, mixed-use, educational, medical and public uses. 90,000 to 300,000 SQ.FT. GLA. Maximum FAR = .60.

In a mixed-use development, residential uses shall constitute a maximum of 50% of the floor area on any site, and residential density shall not exceed 6 units per acre.

~~Land use regulation~~ Development criteria:

- Mixed use development including residential uses shall require a Planned Development Project approval.
- Cross access for vehicles, bikes, and pedestrians among shopping plazas and outparcels shall be required.

- Roadway, pedestrian, and bikeway connections to surrounding residential areas shall be required.
- Shared access to arterial highways shall be required.
- Consolidated signage for shopping plazas shall be required.
- Green space shall be required to buffer and connect adjacent land uses and to provide for visual relief and public gathering spaces, recreation, and to protect wetlands and trees.

Policy 2.04: General Commercial (GC)

The primary function of the General Commercial (GC) classification is to allow redevelopment, infill and continued development and infill of areas on the periphery of central business districts and to allow the continuation of existing businesses in isolated pockets of older commercial development where desirable, and along highways.

Location criteria: The classification is intended primarily for developed commercial and mixed-use areas and is not intended for designation of undeveloped properties or the creation of new, isolated commercial areas or strip commercial development. This classification is not intended to be used in areas where phasing out isolated commercial pockets is in the best interest of the neighborhood.

Typical uses/intensity: Retail stores, financial institutions, auto repair, professional offices, and personal services. Maximum FAR = .40.

Development criteria:

- Must have access from arterial or collector roads.
- Existing "strip" commercial development may infill but shall not be extended.
- Cross-access to adjoining uses may be required where warranted by potential traffic impacts.
- Served by ~~Where central municipal~~ water and sanitary sewer are if available.
- Buffering shall be required where adjacent to residential use.
- Frontage roads, cross-access to adjoining uses, connections to local street networks, and pedestrian-bike path links shall be required as feasible when existing commercial uses are expanded or changed or when new uses and structures are permitted.

Policy 2.05: Downtown District (DD)

The primary function of the Downtown District (DD) classification is to maintain the historic or traditional central business district, including adjacent neighborhoods, as a vital and focal point of the city through continued enhancement of its accessibility, appearance, preservation, utilization, and facilities.

Priorities for the DD areas shall be: well designed public open space for special events and relaxation, streetscape improvements including a continuous and ADA accessible pedestrian circulation system, decorative and effective street lighting, benches and outdoor dining areas, decorative trash receptacles, screening around dumpsters, public restrooms, clear signage to identify business locations and public features, mixed residential and business uses, adequate public parking in and around the DD, well maintained public and private property, and preservation of the historic properties.

Location criteria: Existing central business districts and immediately surrounding areas.

Typical uses/intensity:

Financial institutions, specialty shops, restaurants, personal services, professional uses, cultural institutions, educational uses, mixed use, multi-family residential, public open space and government buildings. The DD area is intended to be a walking district with a mix of traditional downtown uses and residential.

Maximum FAR of 4.0. Residential uses shall not exceed 50% of the DD area.

Development criteria: Development must be consistent with the historic and aesthetic character of the area. ~~Use of downtown Design Guidelines is preferred.~~ Multi-family and mixed commercial/residential use of structures is permitted up to 12 dwelling units per gross acre. On-street parking shall be retained where possible. Creative use of existing structures is preferred over new construction. Development shall be in accord with the CRA Redevelopment Plan.

Land use regulation:

- ~~By January 2006, architectural guidelines~~ Regulations for the Downtown Historic District and other tools shall be used to preserve and enhance the historical and architectural character of DD areas shall be developed for use in reviewing renovations of existing buildings as well as new construction. These may include local historic district regulations, demolition delay requirements, architectural and design guidelines, and zoning regulations consistent with the traditional development pattern of the central business districts.
- ~~By January 2006, demolition delay requirements shall be adopted to encourage reuse of existing buildings rather than demolition and new construction.~~
- The number of parking spaces required for uses in the core portions of DDs shall be flexible and shall take into account that public parking lots and street parking is available to uses in the DD.

Policy 2.06: Neighborhood Activity Center (NAC)

The primary function of the Neighborhood Activity Center (NAC) classification is to accommodate businesses and services oriented to the needs of residents in the surrounding neighborhoods.

The NACs are also intended as village centers in planned residential developments. They should be designed as community centers and integral parts of residential neighborhoods, with businesses located in groups rather than in a strip along a roadway, and should be accessible via local roads and pedestrian/bike paths from nearby residential areas. Residential uses and mixed-uses are allowed only in planned developments.

The NAC classification is intended as an overlay district, optional to the primary designation of the land, usually residential.

Typical uses/intensity:

Convenience store, drug store, bakery, florist, professional offices and personal services. 20,000 - 90,000 SQ.FT. GLA. Maximum FAR = .25 except in village centers in planned developments where the maximum FAR shall be 2.0. Residential uses in planned developments shall constitute a maximum of 40% of the area within an NAC and shall not exceed 6 units per acre.

Location criteria: ~~Development criteria:~~

Accessible to surrounding residential neighborhoods. Where City central water and sanitary sewer are available. Direct access to a collector or arterial road. A minimum of a mile from another NAC or another activity center (CAC or RAC), a Community Activity Center (CAC).

Maximum size 20 acres, except that a mixed-use NAC designed as a village center in a residential development may encompass up to 50 acres if approved as a planned development project.

Development criteria: Land use regulation:

- NACs shall be a planned grouping of businesses with a common access point rather than a strip commercial area;
- Access to an NAC shall be from an arterial road or from a collector road connecting residential areas to a larger roadway.
- Pedestrian/bike paths shall be required to connect the NAC to the surrounding neighborhoods it serves.
- Access to NAC businesses shall be designed primarily for accessibility by the pedestrian and bicycle rather than by the motorized vehicle. Drive-up banks and restaurants shall require a special permit. ~~Drive-up restaurants shall be prohibited.~~
- ~~Design guidelines shall be developed to encourage village center characteristics compatible with residential areas and to discourage strip commercial style development.~~
- New village centers shall be approved under the planned development process only and shall be designed to mimic traditional central business districts, with a mix of residential and non-residential uses and pedestrian oriented layouts.

Policy 2.07: Business Park Center (BPC)

The primary function of the Business Park Center (BPC) classification is to promote employment opportunities within the region by allowing for the establishment of office parks, research and development parks, light-industrial facilities, distribution centers, and mixed-use employment parks.

The BPC classification is intended for well planned, extensively landscaped business park development rather than piecemeal development of individual lots.

Typical uses/intensity: light manufacturing and assembly plants, warehouses, office centers. Maximum FAR = .75.

Location and development criteria: Access to primary shipping routes (highways and/or rail). Access to site by arterial or major collector only. Development through Planned Development process is preferred. Spatially separated and buffered from residential areas. Support commercial to serve employees of a business park shall not exceed 25% of an area designated BPC. Where ~~central~~ City water and sanitary sewer are available. Minimum BPC area shall be 10 acres. A master plan shall be required prior to the subdivision of any land for business park development. The plan shall show an overall lot and road layout, landscaped buffers to adjacent lands, extensive landscaping within the park, and design guidelines for site development.

Policy 2.08: Industrial (IND)

The primary function of the Industrial (IND) classification is to accommodate the facilities necessary for the processing, fabrication, manufacturing, recycling, or wholesale distribution of goods.

Typical uses/intensity: Manufacturing and processing plants, truck terminals, bulk products storage or sales facilities, heavy machinery sales or repair. Maximum FAR = .75.

Location and development criteria:

- Access to primary shipping routes, (highway and/or rail). Access to site by arterial or major collector only.
- Development through the Planned Development process is preferred.
- Spatially separated and buffered from residential areas.
- Must be located outside of Wellhead Protection Areas and buffered from Conservation Areas.
- Where central water and sanitary sewer are available.

Land use regulations:

- Maximum FAR = .75.
- Industrial areas shall be buffered from conservation areas, wetlands and other environmentally sensitive areas and from adjacent non-industrial land uses.
- Commercial uses Support businesses, as principal and accessory uses, to serve the employees in an industrial area shall not exceed 15% of an area designated as IND and shall be accessible by pedestrians, bikes and vehicles from the interior of the industrial park or development. the site's land area.

Policy 2.09: Limited Commercial-Industrial (LCI)

The primary function of the Limited Commercial-Industrial classification is to allow low traffic generating commercial and industrial uses fronting on major roadways that will not result in commercial strip development.

Location criteria: This classification will be used along major roadways outside of Commercial Activity Centers (CACs) and Regional Activity Centers (RACs).

Typical uses/intensity: auto dealerships, storage facilities, light manufacturing and assembly plants. Types of uses not appropriate to LCI areas are high traffic generating uses such as retail stores, gasoline stations, banks, and restaurants. Up to 200,000 GLA. Maximum FAR .60.

Development criteria: Cross access easements shall be required.

Policy 2.10 Residential-Office (RO)

The primary function of the Residential-Office (RO) classification is to permit low intensity office and commercial uses in conjunction with residential use.

Location criteria:

This classification may serve as a transition between commercial and residential use or as a buffer where a major highway intersects an existing residential neighborhood. The RO classification is intended primarily for developed areas to provide viable economic use and redevelopment option for residential areas that have declined in value because of their location on major roadways.

Typical uses/intensity: ~~Commercial real estate, medical, professional~~ Professional offices, medical facilities, institutional and educational uses and public facilities. Single family dwellings, two- and three-family units, and multi-family units up to 6 units per gross acre. Up to ~~25~~ 1.0 maximum FAR.

Development criteria: Mixed use developments are encouraged. ~~Uses may be office commercial or residential or combined.~~ Off-site residential uses shall be buffered from non-residential uses, office commercial uses. ~~Office commercial uses shall be permitted only upon review of potential traffic impact and access roads.~~ Access to major collector and arterial roadways.

Policy 2.11: Low Density Residential (LDR)

The primary function of the Low Density Residential (LDR) classification is to provide areas for housing, primarily single-family, with an overall density of 3 or fewer dwelling units per acre.

The LDR classification is intended to preserve the character of existing single-family residential areas with large lots and to allow the continued development of these areas. It is also intended for classification of vacant parcels, particularly newly annexed lands on the periphery of the City.

Location criteria: LDR is appropriate for vacant lands a half mile or more from arterial roadways and CACs-Community Activity Centers and RACs-Regional Activity Centers. Existing residential areas with a density of 3 or fewer units per acre on average should also be assigned the LDR designation.

Typical uses: Uses/density: Housing up to 3 units per acre. Single-family houses. Two- and three-family units, multi-family units allowed by planned developments only, depending on compatibility with adjoining residential areas, the development suitability of the site, and the availability of public facilities and services. Uses that are customarily found in residential neighborhoods and compatible with residential development, such as religious, educational, public facility uses, and assisted living facilities with a maximum FAR of .25. Development through the planned development process is preferred. Clustering of housing units with planned development approval is encouraged to preserve open space and natural resources.

Policy 2.12: Medium Density Residential (MDR)

The primary function of the Medium Density Residential (MDR) classification is to provide areas for housing in compatible groupings at a density of up to 6 units per gross acre.

A density bonus of up to 33% may be granted through the planned development process for an affordable housing development meeting current federal criteria for affordability in Polk County, provided that the development is located in a multi-family zoning district, has in excess of 12 units, and provided the requirements for open space, recreation, buffers, pervious area and parking are not reduced.

The MDR classification is intended to preserve the character of existing single-family residential areas and to allow the continued development of these areas. It is also intended to encourage redevelopment of declining residential areas and to allow a variety of housing types on vacant lands within a half-mile of commercial areas and arterial highways.

Location criteria: The MDR designation is appropriate for lands within a half mile of arterial roadways and CACs-Community Activity Centers and RACs-Regional Activity Centers. MDR should also be assigned to existing residential areas with densities greater than 3 and up to 6 units per acre on average.

Typical uses: Uses/density: Housing up to 6 units per gross acre. Single-family houses. Two- and three-family units, and multi-family units allowed by planned development only, depending on compatibility with adjoining residential areas, the development suitability of the site, and the availability of public facilities and services. Clustering of units with planned development approval is encouraged to preserve open space and natural resources.

Uses that are customarily found in residential neighborhoods and compatible with residential development, such as religious, educational, public facility uses, and assisted living facilities with a maximum FAR of .40. Development through the planned development process is preferred.

Policy 2.13: High Density Residential (HDR)

The primary function of the High Density Residential (HDR) classification is to allow for housing at a density not to exceed 12 dwelling units per acre located within a quarter mile of commercial centers and along major roadways.

The HDR classification is intended to encourage redevelopment of declining urbanized areas along major roadways and to allow for new multi-family development convenient to commercial centers.

Location criteria: HDR is appropriate for lands within a quarter mile of a CAC-Community Activity Center or RAC-Regional Activity Center and an arterial roadway. HDR should also be assigned to existing residential areas with a density of 12 units or greater per acre.

Typical uses: ~~Uses/density: Single family houses, two and three family units, m-Multi-family developments~~ units up to 12 units per gross acre depending on the development suitability of the site and the availability of public facilities and services. Uses that are customarily found in residential neighborhoods and compatible with residential development, such as religious, educational, public facility uses, and assisted living facilities with a maximum FAR of .60. Development through the Planned Development process is preferred.

Policy 2.14: Public (PUB)

The primary function of the Public (PUB) classification is to designate or identify existing government owned facilities, parks, and open space areas.

Development criteria: Future government facilities, recreation and park sites shall be permitted in all Future Land Use categories except Conservation (CON) consistent with protection of the environment. Existing government facilities and recreation and park sites shall be designated PUB on the Future Land Use Map.

Policy 2.15: Conservation (CON)

The primary function of the Conservation (CON) classification is to provide for the use and protection of wetlands and habitat areas that are recognized as significant by the city. Protection of these areas shall be through a combination of resource identification as outlined under Objective 3 in the future Land Use Policy 3.07 and transfer of density as outlined below. ~~in Future Land Use Policy 2.16.~~

Location criteria: ~~Development criteria-~~Wetlands and scrub habitat may be identified CON on the Future Land Use Map, or through designation of the Wetland Overlay District. ~~as provided in Policy 3.12.~~ Lands that have been dedicated for conservation by legal instrument or through a transfer of density rights shall be designated as CON and shall not be eligible for reclassification..

Development criteria: Wetlands and scrub habitats shall be preserved within areas designated CON. If non-environmentally sensitive areas are identified through an environmental survey as outlined in under Objective 3 – Protection of Natural Resources, Future Land Use Policy 3.07, a Comprehensive Plan amendment may be requested to reclassify those areas for development. Density rights may be transferred from wetlands and scrub habitats to those non-environmentally sensitive portions of the same site during a Planned Development Review.

Policy 2.16:

Where a site or a portion of a site is classified as Conservation and non-environmentally sensitive portions of the site have been identified through an approved site survey, development may be clustered on the non-environmentally sensitive portions of the same site through a transfer of density rights upon amendment to the Comprehensive Plan. Use of the Planned Development process shall be required for a transfer of density rights to ensure protection of the environmentally sensitive areas. Density rights on wetlands may be transferred at the rate of up to one dwelling unit per acre for residential land use and .05 FAR for commercial/industrial use. Density rights on scrub habitat may be transferred at a rate of up to five dwelling units per acre for residential land use and .25 FAR for commercial/industrial use. A density bonus of up to one dwelling unit per acre may be granted.

Policy 2.16: 2.17: Rural-Residential (RR)

The primary function of the Rural-Residential (RR) classification is to permit agricultural activities, rural-density residential development, environmental protection of sensitive lands, and to also serve as a reserve for future urban development.

Development criteria: Agricultural uses, residential development at a density of one unit per five acres (1DU/5AC) and Rural Planned Development shall be permitted.

Policy 2.18: Rural Planned Development (RPD)

~~The primary function of the Rural Planned Development (RPD) shall be to permit limited urban development in areas identified as Rural Residential where due to environmental characteristics only a portion of a site is suitable for development purposes.~~

~~Development criteria: single family houses, two and three family units and multi family units shall be permitted depending on the development suitability of the site and the availability of public facilities and services. A Planned Development is required. To permit a beneficial mix of uses up to five percent of the gross land area may be developed as neighborhood commercial or office. Typical uses include convenience stores, drug stores, beauty parlors, and professional offices. Commercial and office uses shall be compatible with the scale of the surrounding residential development. The Floor Area Ratio (FAR) shall not exceed .25. RPDs shall contain a minimum of 160 acres; be served by a municipal potable water and wastewater system; be adjacent to, or front on, a paved public collector or arterial road; and reserve, via a conservation easement, site plan approval condition, or other similar land reservation mechanism; no less than 50 percent of the development site as agricultural land use, open space, or habitat protection. The maximum number of dwelling units to be approved for a RPD project shall be calculated based upon the RPD site area (including the minimum 50% reservation area) with the total permitted dwelling units to be clustered on the non-reservation portion of the site.~~

Policy 2.17: 2.19: Development of Regional Impact (DRI)

The Development of Regional Impact (DRI) Overlay District is created to recognize developments that have received approval as a DRI.

Location criteria: Developments that have received a Development Order pursuant to Chapter 380, F.S., shall be granted a DRI designation upon approval of a Comprehensive Plan Amendment. The permitted densities/intensities of DRIs in the City of Lake Wales are listed as follows:

Eagle Ridge Mall - This DRI is permitted for 1,200,000 SF of retail commercial uses on 179.1 acres.

Objective 3: Protection of Natural, Historical, and Cultural Resources

To the maximum extent possible, protect natural, historical, and cultural resources from the negative impacts of development and redevelopment. The land development regulations shall incorporate provisions to protect resources as delineated by the policies of this objective. The Development Limitation Overlay System shall be incorporated into the Land Development Regulation by 2001. [915.006(3)(b)1,4]

Policy 3.01: Overlay Districts for Resource Protection

~~Identify as Development Limitation Overlay on the Future Land Use Map Series areas with potential development limitations necessitated by~~ The land use and related regulations shall restrict and limit development in areas natural conditions and areas where development could adversely affect or be adversely affected by significant natural resources and man-made facilities and features. Control the density and intensity of development within such overlays. The following Development Limitation Overlays are established for the City of Lake Wales:— The following overlay districts are established and are specifically identified on the Future Land Use Map Series and other official maps for limitation:

- a) Floodplain Protection Areas
- b) Soils-limited ~~Sites Areas~~
- c) Airport Buffer Areas
- d) Wellhead Protection Areas
- e) Historic Preservation Areas
- f) Wetland Overlay District
- g) ~~100-Year Flood Study Overlay District~~

Policy 3.02: Floodplain Protection Areas

Floodplain Protection Areas are established to indicate areas subject to potential periodic flooding and to limit uses and intensities to those for which the risk of loss would be minimal and which do not alter the natural function of the floodplain. Floodplain Protection Areas shall be defined as those areas identified by the Federal Emergency Management Agency (FEMA) in its most recent Flood Insurance Study for Lake Wales as within a 100-year floodplain or having a 1% chance of being flooded in any given year. Standards conforming to FEMA requirements for construction in the regulatory floodplains shall be maintained in the land development regulations. (See “Conservation” map in Future Land Use Map Series.)

~~The Future Land Use Map Series shall designate as Floodplain Protection Areas those areas classified by the Federal Emergency Management Agency (FEMA) as being within the 100-year floodplain. Standards regarding floor slab elevation and other requirements shall be established in land development regulations as directed in Conservation Element Policy 3.01.~~

Development within Floodplain Protection Areas the 100-year Flood Study Overlay District shall be discouraged and shall be encouraged to locate on the non-floodplain portions of a development site and density/intensity may be transferred through the planned development process from

undeveloped floodplain areas to contiguous non-floodplain areas within the same 100-year flood basin. Development or redevelopment within Floodplain Protection Areas shall meet the requirements of the land development regulations, Chapter 11 of the City of Lake Wales Code of Ordinances, and shall not result in post development run-off rates which exceed pre-development run-off rates for storm frequencies at least as stringent as those rates established by the Southwest Florida Water Management District. When there are no reasonable alternatives, encroachment, including fill, new construction, substantial improvements, and other development, shall only be permitted upon certification by a registered professional engineer that encroachments shall not result in any increase in flood levels during occurrence of the 100-year base-flood discharge. Additionally, no new residential lots shall be created that are entirely within the 100-year flood zone.

Development within the floodplain protection areas ~~100-year Flood Study Overlay District~~ shall conform to the following criteria: All permits from an agency with jurisdiction shall be approved prior to, or concurrently with, the City issuing the final development order for the ~~project~~ development. Impacts shall first be avoided. Secondly, where they cannot be avoided, impacts shall be minimized and shall be mitigated. Impacts where unavoidable and where properly mitigated, as determined by the City of Lake Wales and by agencies having jurisdiction, shall be permitted for the purpose of beneficial use of the property.

Policy 3.03: Soils-limited Sites

~~Soils-limited sites Areas are established to indicate areas are sites where soils are unsuitable for development or on-site wastewater treatment. Such sites include those in where development may be limited due to poor soil conditions. The Future Land Use Map Series shall designate as Soils-Limited Areas those areas delineated by the U.S. Soil Conservation Service (SCS) as having severe limitations for septic-tank adsorption fields and the foundations of dwelling without basements. New buildings in areas rated severe for foundations may, at the option of the city, be required to have a soil test performed at the developer's expense prior to approval of a building permit. Standards regarding on-site wastewater treatment systems shall be as directed in Sanitary Sewer Sub-Element. Policy 1.02.12. (See "Soils" map in Future Land Use Map Series.)~~

Policy 3.04: Airport Buffer Areas

~~Airport Buffer Areas are established to protect the Lake Wales and Chalet Suzanne Airports from encroachment of incompatible land uses, such as the construction of tall structures, or from activities that would create potential safety hazards or problems for aircraft or that would be negatively impacted by airport operations. The Future Land Use Map Series shall designate as Airport Buffer Areas the Federal Aviation Administration Regulations Part 77 "Imaginary Surfaces" established by the Lake Wales Airport Master Plan. Standards regarding height restrictions, land use performance standards, and other requirements shall be established in land development regulations as directed in Future Land Use Element Policy 3.11.~~

~~By October 1, 2001, adopt land development regulations that establish standards to control Control incompatible land uses and activities within Airport Buffer Areas through continued participation in the Polk Transportation Planning Organization's Airport Zoning Board by local agreement. The standards shall address controls for tall structures and performance standards for land uses that may negatively affect or be negatively affected by airport operations. The standards shall be consistent with the provisions of Chapter 333 F.S.~~

Policy 3.05: Wellhead Protection Areas

Wellhead Protection Areas are established to protect existing and future public water wells from contamination. The Natural Resources Map of the Future Land Use Series shall designate as Wellhead Protection Areas, zones of protection around existing or future wellheads, based on contaminant travel time as determined by a professional hydrologist. Standards regarding restricted or prohibited uses or activities within such areas shall be maintained ~~established~~ in the land development regulations as directed in Conservation Element. ~~Policy 2.02. Wellhead Protection Areas shall be established and mapped on the Future Land Use Map Series for any existing and proposed municipal water well.~~

Policy 3.06: Historic Preservation Areas

Historic preservation areas as shown on the Historic Districts Map of the Future Land Use Map Series are established to indicate concentrations of historic structures and ~~are established~~ to protect significant historic areas from unwarranted alteration or the encroachment of incompatible land uses that would detract from the historic character of the area. ~~The Future Land Use Map Series shall designate as Historic Preservation Areas those areas delineated in the Historic Preservation Element as having concentrations of historic structures.~~ Standards regarding official designation, creation of review boards, land use controls, and decision criteria shall be ~~established~~ maintained in the land development regulations to designate and regulate locally adopted historic districts, such as the Downtown Historic District, in an Historic Preservation Ordinance as directed in Historic Preservation Element Policy 1.02.

Policy 3.07: Wetland Overlay District

The Wetland Overlay District is created to recognize those areas identified on the National Wetlands Inventory and by other applicable authorities as wetlands, the boundary of which may be more accurately defined as set forth in this Plan.

Development within the Wetland Overlay District shall conform to the following criteria: All permits from an agency with jurisdiction shall be approved prior to, or concurrently with, the City issuing the final development order. Wetland impacts shall first be avoided. Secondly, where they cannot be avoided, impacts shall be minimized and shall be mitigated by wetland compensation or wetland enhancement. Wetland impacts, where unavoidable and where properly mitigated, as determined by agencies having jurisdiction, shall be permitted for the beneficial viable use of the property.

~~Policy 3.07~~

For any development proposed in an area designated as Conservation on the Future Land Use Map, require developers to perform a predevelopment survey of the site at their expense to more accurately determine the extent of wetlands and scrub habitat. Surveys of scrub habitat shall include identifying the presence of endangered species, threatened species, or species of special concern. The qualification of those performing the survey and methodology used shall be acceptable to the city.

~~Policy 3.08~~

~~By October 1, 2001, adopt land development regulations that establish standards to control incompatible land uses and activities within Airport Buffer Areas. The standards shall address controls for tall structures and performance standards for land uses that may negatively affect or be negatively affected by airport operations. The standards shall be consistent with the provisions of Chapter 333 F.S.~~

Policy 3.09:

The 100-year Flood Study Overlay District is created to recognize those areas that are considered to be appropriate for development, but may have potential areas that could be subject to 100-year flooding.

Policy 3.10:

The 100-year Flood Study Overlay District shall designate and map possible floodplain areas on the Future Land Use Map. The specific boundaries of the floodplains may be determined based upon either of the following criteria:

1. The preliminary FEMA maps dated September 30, 1996, or any subsequent revision thereof; or
2. Site specific documentation, exhibits, studies, etc. All such studies are required to be signed and sealed by a registered professional engineer and have the boundaries verified and approved by the City's Engineer based upon best available data at the time of submission to the City.

The 100-year Flood Study Overlay District shall apply to all areas annexed into the City Limits which have any area which is designated as lying within a 100-year flood zone by the most current adopted FEMA maps in existence at the time of such annexation.

Policy 3.11:

Development within the 100-year Flood Study Overlay District shall be encouraged to locate on the non floodplain portions of a development site and density/intensity may be transferred from undeveloped floodplain areas to contiguous non floodplain areas within the same 100-year flood basin. Development or redevelopment shall meet the requirements of Chapter 11 of the City of Lake Wales Code of Ordinances, and shall not result in post development run off rates which exceed pre development run off rates for storm frequencies at least as stringent as those rates established by the Southwest Florida Water Management District. When there are no reasonable alternatives, encroachment, including fill, new construction, substantial improvements, and other development, shall only be permitted upon certification by a registered professional engineer that encroachments shall not result in any increase in flood levels during occurrence of the 100-year base flood discharge. Additionally, no new residential lots shall be created that are entirely within the 100-year flood zone. Development within the 100-year Flood Study Overlay District shall conform to the following criteria: All permits from an agency with jurisdiction shall be approved prior to, or concurrently with, the City issuing the final development order for the project development. Impacts shall first be avoided. Secondly, where they cannot be avoided, impacts shall be minimized and shall be mitigated. Impacts where unavoidable and where properly mitigated, as determined by the City of Lake Wales and by agencies having jurisdiction, shall be permitted for the purpose of beneficial use of the property.

Policy 3.12:

The Wetland Overlay District is created to recognize those areas identified on the National Wetlands Inventory and by other applicable authorities as wetlands, the boundary of which may be more accurately defined as set forth in this Plan.

Policy 3.13:

The Wetland Overlay District shall designate and map wetlands areas. This overlay area is generally shown on the Future Land Use Map. The specific boundaries of the wetlands may be verified by site specific studies which delineate specific wetland boundaries. It is the responsibility of the owner and/or developer to submit documentation, exhibits, studies, etc., for the purpose of establishing that properties should not be included in the Wetland Study Overlay

District when the adopted land use map indicates that the property is within such an area. All studies to verify the boundaries of wetlands are required to be signed and sealed by an appropriate professional consultant and have their boundaries verified and approved by the City's Engineer and by the agencies having jurisdiction.

Policy 3.14:

The designation and mapping of the Wetland Overlay District shall be based on areas delineated as wetlands by the National Wetlands Inventory and/or as determined to be jurisdictional by appropriate regulatory agencies having the authority to designate areas as wetlands and exercise jurisdiction over the wetlands so designated (such as Southwest Florida Water Management District, the Department of Environmental Protection, and the Army Corps of Engineers).

Policy 3.15:

Development within the Wetland Overlay District shall conform to the following criteria: All permits from an agency with jurisdiction shall be approved prior to, or concurrently with, the City issuing the final development order. Wetland impacts shall first be avoided. Secondly, where they cannot be avoided, impacts shall be minimized and shall be mitigated by wetland compensation or wetland enhancement. Wetland impacts, where unavoidable and where properly mitigated, as determined by agencies having jurisdiction, shall be permitted for the beneficial viable use of the property.

Objective 4: Concurrency of Development with the Availability of Public Facilities and Services

Ensure that urban services and facilities, including central potable water and wastewater services, roadways, public safety (law enforcement, fire protection and EMS), parks, libraries, and schools, are available to all existing and new development within the city limits to meet their needs at service levels established by the city and other agencies providing such services to the city. Establish the density and intensity of land use on the availability of necessary public facilities and services as part of the concurrency Management System by 2001. [9J-5.006(3)(b)1]

Policy 4.01:

Direct higher densities and intensity of uses to areas where public facilities and services are available or are projected to be available concurrent with the impacts of development. Limit the density and intensity of use in areas where public facilities and services are not available or projected to be available concurrent with the impacts of development. [9J-5.006(3)(e)3]

Policy 4.02:

Continue to require in the land development regulations ~~Ensure~~ that development orders or permits for future development and redevelopment are issued only if the public facilities and services necessary to meet the city's adopted level of service standards for urban services established in the Capital Improvements Element and, as applicable, those of other agencies providing urban services to the city are available concurrent with the impacts of the development. [9J-5.006(3)(e)3]

Policy 4.03:

Continue to maintain agreements with and coordinate development reviews with other agencies which provide urban services to the city, including the Florida Department of Transportation, Polk County, the Polk County School Board and the Lake Wales Charter School Board to ensure that their services will be available at appropriate levels of service concurrent with the impacts of any development proposed in the city.

~~Require that utility service facilities which provide service to the various land uses established on the Future Land Use Map shall be authorized at the same time the land uses are authorized. [9]-5.006(3)(e)3]~~

Policy 4.04:

Require new development to pay for all capital improvements for public facilities needed to serve the development at the adopted levels of service at a cost proportionate to the additional capacity or improvement needed through the use of impact fees and other mechanisms.

Policy 4.05:

To the extent that public facility improvements paid for by a developer are used by others outside of the development, reimburse the developer for capital costs from assessments to those others on a basis proportionate to the use.

Policy 4.06:

Require new development to provide bonding or other financial guarantees to ensure the completion of required public facilities improvements.

Policy 4.07

~~By October 1, 2001, adopt as~~ As part of the Concurrency Management System, continue to a system to reserve public facility and service capacity for approved development and to assess the cumulative effect of such approvals on public facility and service capacity.

Policy 4.08:

Expand urban services as necessary to promote economic growth in targeted areas such as industrial and business parks.

Objective 5: Desired Urban Growth Pattern

A compact, efficient, and sustainable pattern of development that provides convenient access for residents to urban services and amenities, avoids urban sprawl, strip development and leap-frog development, protects natural and historic resources, is compatible with existing land uses and is coordinated with and consistent with the adopted growth management plans of Polk County, adjacent municipalities, and with applicable regional and state agency plans and regulations.

~~Promote an urban growth pattern within the Lake Wales Planning Area that is orderly, compact, compatible with the existing and proposed land uses and character of the City of Lake Wales, and that is coordinated with Polk County, adjacent municipalities, and any appropriate resource planning, and management plan prepared pursuant to Chapter 380 F.S. Encourage mixed use and infill development as part of the Land Development Regulations by 2001.~~

Policy 5.01: Future Land Use Map (FLUM)

The Future Land Use Map is the key instrument for achieving Objective 5. The distribution of land use designations on the FLUM shall be carefully chosen and maintained to promote the desired growth pattern as expressed in this comprehensive plan, particularly under this objective (Objective 5 – Desired Urban Growth Pattern) and Objective 2 – Location and Density Criteria.

Locate future land uses on the Future Land Use Map at densities and intensities that will discourage urban sprawl and leap-frog development that unduly depletes the physical, social, and fiscal resources of the city. ~~[9J-5.006(3)(e)3]~~

Policy 5.02: Functional mix of land uses

~~The land development regulations shall promote an integrated mix of residential and non-residential land uses consistent with the future land use classification system of this element and shall include mechanisms to promote innovative site design, through appropriate use designations on the Future Land Use Map and through the use of innovative development techniques as established in Future Land Use Element Policy 1.04.~~

Policy 5.03: Infill and redevelopment

~~Promote infill development and redevelopment of existing urban areas through flexible land use regulations and quick turn-around times for reuse inspections and permit reviews, and financial incentives such as development impact fee exemptions for desirable uses. Land use regulations for redevelopment target areas shall promote affordable housing and make liberal use of the special permit process to allow a wide range of uses without compromising neighborhood integrity and land use compatibility.~~

~~Promote infill development and redevelopment of existing urban areas by streamlining the development review and approval process through Housing Element Policy 1.02 and by modifying land development regulations through Housing Element Policy 1.03.~~

Policy 5.04: Commercial nodes

~~Concentrate intense commercial uses in Activity Centers on the Future Land Use Map as established in Objective 2 – Location and Density Criteria. Future Land Use Policies 2.02, 2.03, and 2.04. High and medium density residential developments are appropriate within and in close proximity to commercial nodes. Integrated, inter-connected, planned developments shall be required.~~

Policy 5.05: Discourage strip commercial development

~~Along major roadways outside of commercial nodes, lower intensity land use classifications shall be assigned such as LCI-Limited Commercial-Industrial and RO-Residential Office and medium to high density residential (MDR and HDR) classifications are also appropriate. Integrated, planned developments with common access roads and service roads shall be encouraged and required as feasible to reduce traffic congestion.~~

~~NACs-Neighborhood Activity Centers shall be designated for convenience shopping to serve residential areas at a distance from commercial nodes.~~

~~Limit the expansion of strip commercial areas as directed in Future Land Use Policy 2.06.~~

Policy 5.06:

~~Establish Urban Service Area overlays on the Future Land Use Map Series to indicate areas of potential urban service extension within the Lake Wales Planning Area. The following Urban Service Area overlays are established:~~

- ~~a) Five Year Urban Service Area (USA-5)~~
- ~~b) Ten Year Urban Service Area (USA-10)~~

e) – Rural Area (RA)

Policy 5.07:

~~The Five Year Urban Service Area (USA 5) is established as the area currently served, or programmed to be served within the next five years, by central sanitary sewage and potable water systems; an urban road network; a developed parks system; elementary schools; and public safety (law enforcement, fire protection, EMS). Low Density Residential and Medium Density Residential are permitted within the Five Year Urban Expansion Area depending on the availability of necessary public facilities and services and the suitability of the site. Most commercial development will be centered within designated Activity Centers.~~

Policy 5.08:

~~The Ten Year Urban Service Area (USA 10) is established as the area under consideration to be served within the next ten years by central sanitary sewage and potable water systems; an urban road network; a developed parks system; elementary schools; and public safety (law enforcement, fire protection, EMS). Residential use will be limited to Low Density Residential and Medium Density Residential depending on the availability of necessary public facilities and services and the suitability of the site. Most commercial development will be centered within designated Activity Centers. As areas within the Ten Year Urban Expansion Area are provided with public facilities and services or are annexed into the city, the Comprehensive Plan will be amended accordingly.~~

Policy 5.09:

~~The Rural Area (RA) is established as the area within the Lake Wales Planning Area not located with the Five Year or Ten Year Urban Service Area. The Rural Area lacks all or most of the public facilities and services required for urban development. The primary use will be agriculture with low density residential (up to 3 dwelling units per acre) encouraged in and near existing clusters of residential development.~~

Policy 5.06: 5.10:

~~Coordinate future land use planning with Polk County for areas outside of the City of Lake Wales but within the Lake Wales Planning Area by participating in joint planning efforts such as the development of Selected Area Plans and interlocal agreements where applicable. establishment of a joint planning effort and development of a model interlocal planning agreement through Intergovernmental Coordination Element Policy 2.02.~~

Policy 5.07: 5.11:

~~During the site plan review process, city staff shall review the impact of future land use activities having potential impacts outside the Lake Wales city limits with the appropriate staff of Polk County, adjacent municipalities, or agency responsible for any applicable resource planning and management plan prepared pursuant to Chapter 380, F.S. in an effort to reduce potential conflicts.~~

Policy 5.08: 5.12:

~~Promote compact urban growth through the location of public facility expansions contiguous to existing developed areas through policies in the Sanitary Sewer Sub-Element, Policies 1.2.08, 1.2.09, 1.2.10, 1.2.12, and 1.2.13; Potable Water Sub-Element Policies 2.2.03, 2.2.04, and 2.2.05, and Drainage Sub-Element Policies 4.2.03 and 4.2.04. [9] 5.006(3)(c)3]~~

Policy 5.09: 5.13:

Direct public facility investments in and near existing urban areas through capital improvement funding priorities as established in Capital Improvements Element. ~~Policy 1.02.~~

Policy ~~5.10:~~ 5.14:

~~The utility regulations shall discourage~~ Discourage the establishment of new private on-site wastewater treatment systems as called for in ~~through~~ Sanitary Sewer Sub-Element policies.
~~Policy 1.2.11.~~

Policy ~~5.11:~~ 5.15:

Encourage the use of centralized water and wastewater systems through an interlocal utility service agreement with Polk County ~~as established in Intergovernmental Coordination Policy 2.02.~~

Policy ~~5.16:~~

~~By October 1, 2001, adopt as part of the Concurrency Management System, a system to reserve public facility and service capacity for approved development and to assess the cumulative effect of such approvals on public facility and service capacity.~~

Policy ~~5.12:~~ 5.17:

~~By October 1, 2001, reach an agreement with~~ The land development regulations shall require continued coordination with Polk County and the Florida Department of Transportation to mitigate the traffic impacts of development adjacent to Highway 27 and S.R. 60 in the Lake Wales Planning Area and with agencies as appropriate on ~~At a minimum, this agreement should address access management, facility design options, right-of-way needs, and on-site traffic flow.~~
[9J-5.006(3)(c)3,4]

Policy ~~5.18:~~

~~Require new development to pay for all capital improvements for public facilities needed to serve the development at the adopted levels of service at a cost proportionate to the additional capacity or improvement needed.~~

Policy ~~5.19:~~

~~To the extent that public facility improvements paid for by a developer are used by others outside of the development, reimburse the developer for capital costs from assessments to those others on a basis proportionate to the use.~~

Policy ~~5.20:~~

~~Require new development to provide bonding or other financial guarantees to ensure the completion of required public facilities improvements.~~

Policy ~~5.13~~ 5.21:

Use the Planned Development Process where use and design control is needed to assure land use compatibility, prevent urban sprawl, promote the infill development of vacant properties, and maximize the efficient cost effective provision of public services and facilities.

Policy ~~5.22:~~

~~In recognition of the demand for regional commercial development occurring as a result of the Eagle Ridge Mall, the Regional Commercial Overlay District is hereby created and graphically depicted on Future Land Use Map 2. The District contains approximately 456 acres. To ensure appropriate timing of development relative to regional commercial demands, no more than 225~~

~~acres of the developable acreage can be developed. The subject area and acreage limitation set forth in this policy may be amended from time to time based on data and analysis provided as part of an E.A.R. of future Plan Amendments.~~

Objective 6: Redevelopment and Renewal of ~~Downtown Business Districts and Blighted Areas~~
Revitalization of older business areas and rehabilitation of areas of substandard housing.

~~Actively identify, develop, and implement programs for the redevelopment or renewal of downtown business districts and blighted areas by 2005. [9J 5.006(3)(b)2]~~

Policy 6.01:

Continue to support downtown redevelopment in the designated Community Redevelopment Agency Area and fund public improvements in accordance with the Redevelopment Plan.

Policy 6.02:

Implement Housing Element directives for the renewal and revitalization of substandard housing.

Policy 6.03:

Promote infill development and redevelopment through designation of appropriate land uses and densities on the Future Land Use Map Series and through incentives. (See also Objective 5, Policy 5.03.)

Objective 7: Elimination of Incompatible Uses

Eliminate existing land uses, conditions, and zonings that are inconsistent with the Comprehensive Plan and the proposed future land uses as depicted on the Future Land Use Map Series. ~~Establish a schedule of actions to implement this objective by 2001. [9J 5.006(3)(b)2,3]~~

Policy 7.01:

Identify, reevaluate, and work towards the elimination of existing land uses that are inconsistent with the city's character and the proposed future land uses. ~~[9J 5.006(3)(e)3]~~

Policy 7.02:

Assign zoning designations consistent with the Future Land Use Classification of land and amend the zoning map as may be necessary to ~~By October 1, 2001, identify, reevaluate, and where necessary, eliminate zoning that is inconsistent with this Comprehensive Plan. [9J 5.006(3)(e)3]~~

Policy 7.03:

The land development regulations shall provide ~~By October 1, 2001, adopt an ordinance providing~~ for the vesting of pre-existing development rights and for conditions and procedures under which a grace period of up to two years may be granted to permit development in existing zoning districts that are inconsistent with the Comprehensive Plan.

Objective 8: Availability of ~~Utility~~ Public Facilities

In conformance with the concurrency objective of the Comprehensive Plan, ensure that suitable land is available for utility public facilities as necessary to support proposed development. ~~and incorporate into the Land Development Regulations and Concurrency Management System by 2001. [9J 5.006(3)(b)8]~~

Policy 8.01:

Public ~~utilities~~ facilities, including schools, that provide essential service to existing and future land uses authorized by the Comprehensive Plan shall be permitted in all future land use categories subject to restrictions in state and federal law provided the performance standard in the Power Plant Siting Act, Transmission Line Siting Act, Lake Wales Future Land Use Element, and applicable land development regulations. ~~are met.~~

Policy 8.02:

~~By October 1, 2001, amend or adopt~~ The land development regulations shall continue to require developers to confirm that required utility public facilities and services required by the Comprehensive Plan are available or are committed to be available concurrently with completion of the development prior to the issuance of a development order. [~~9J-5.006(3)(b)9J~~]

Policy 8.03

To conserve capacity for city property owners and honor commitments to owners who annexed property into the city limits for future development, new potable water and sanitary sewer service shall be provided only to those properties that lie within the city limits or are in an area designated by the city under Chapter 180, F. S. In cases where annexation is not feasible, exceptions may be made at the discretion of the city for properties on which existing on-site wastewater treatment systems are failing or for non-residential properties on which development would be of economic benefit to city residents. Annexation agreements shall be required from all owners whose property is to be serviced under an exception.

Policy 8.04

The terms of active utility service area agreements between the City and adjacent municipalities, Polk County or private utility systems shall be adhered to. The Director of Utilities shall maintain a map showing the limits of the City's future service area as established in any such agreements.

END ATTACHMENT A

ATTACHMENT B - ORDINANCE D2015-01

SANITARY SEWER AND POTABLE WATER POLICIES

of the

SANITARY SEWER, SOLID WASTE, DRAINAGE, POTABLE WATER & NATURAL GROUNDWATER AQUIFER RECHARGE ELEMENT

CITY OF LAKE WALES - COMPREHENSIVE PLAN GOALS, OBJECTIVES, AND POLICIES

GOALS, OBJECTIVES & POLICIES

GOAL 1: Sanitary Sewer - It shall be the goal of the City of Lake Wales to ensure the environmentally sound treatment and disposal of wastewater generated by all residents and businesses. ~~{9J-5.011(2)(a)}~~

Objective 1.1: Elimination of System Deficiencies

Eliminate identified deficiencies in the municipal sanitary sewer system by replacing worn-out and obsolete system components ~~by 2015. {9J-5.011(2)(b)1}~~

Policy 1.1.01:

Continue a program of capital improvements in the wastewater system to address deficiencies.

~~In accordance with the schedule outlined in the Capital Improvements Element, undertake the following projects:~~

- ~~1. Replace lift station #3 (Sunset)~~
- ~~2. Install sludge stabilization unit~~
- ~~3. Replace lift station #8 (Alabama)~~

Objective 1.2: Expansion of System to Meet Future Needs

Expand the municipal sanitary sewer system as needed to meet the needs of future residents and businesses in such a manner as to maximize the use of existing facilities and discourage urban sprawl. ~~{9J-5.011(b)2,3}~~

► *Note*

No change in LOS needed, per the Utilities Director, Tom Moran.

Policy 1.2.01:

The following level of service standard for wastewater treatment and disposal is hereby established:

Flow capacity:

Average daily flow - 100 gpcd

Maximum daily flow - Average daily flow plus 13 percent

Effluent quality:

Meet or exceed EPA, and DEP and Water Management District discharge parameters

~~{9J-5.011(2)(e)2}~~

Policy 1.2.02:

~~By October 1, 2001, ensure through the adoption of The land development regulations shall require and a concurrency management system that no development order will be issued for any development that would result in the failure of the municipal sanitary system to meet the adopted LOS standards. [9J-5.011(2)(e)2]~~

Policy 1.2.03:

Expansion or increase in capacity of the municipal sanitary sewer system shall be in accordance with projects listed in the Five-Year Schedule of Capital Improvements or projects paid for by developers to serve new development or redevelopment.

Policy 1.2.04:

Continue to schedule capital projects to expand the wastewater collection and treatment system to serve all areas within the corporate limits of the city and any service areas established under Chapter 180 of the Florida Statutes.

~~In accordance with the schedule outlined in the Capital Improvements Element, undertake the following projects:~~

- ~~1. Install new sewer, Burns Avenue east~~
- ~~2. Install new sewer, Seaboard Avenue~~

Capital projects to expand the wastewater collection or treatment system to serve development outside of the city limits shall be undertaken only in compliance with policies under Objective 4 “Concurrency of Development with the Availability of Public Facilities and Services,” Objective 5 “Desired Urban Growth Patterns,” and Objective 8 “Availability of Public Facilities” of the Future Land Use Element of this plan.

Policy 1.2.05:

~~New private development within the Five Year and Ten Year Urban Expansion Areas that are served by on site wastewater disposal systems shall make the necessary provisions to be connected to the Lake Wales sanitary sewer system when the capacity and lines are available.~~

Policy ~~1.2.06:~~ 1.2.05

~~By December 31, 2005, at a minimum, reuse one half of~~ Continue to the extent feasible to reuse the effluent discharge from the Lake Wales wastewater treatment plant as irrigation water in developments.

Policy ~~1.2.06:~~ 1.2.07:

Continue to update the estimate of the population served by the sanitary sewer system annually and amend the Comprehensive Plan, if necessary, to make adjustments to the adopted level of service standard for wastewater treatment and disposal.

Policy ~~1.2.07:~~ 1.2.08:

Continue to restrict municipal sanitary sewer service to properties within the city limits except in cases where providing service outside of the city limits is consistent with policies under Objective 4 “Concurrency of Development with the Availability of Public Facilities and Services” Objective 5 “Desired Urban Growth Patterns,” and Objective 8 “Availability of Public Facilities” of the Future Land Use Element of this plan and where an executed annexation agreement is in force. [9J-5.011(2)(e)1]

Policy ~~1.2.08:~~ ~~1.2.09:~~

Continue to charge municipal sanitary sewer system customers in areas outside of the city a rate above that 150 percent of the rate charged customers inside the city, consistent with limits established by the state. [~~9J-5.011(2)(e)1~~]

Policy ~~1.2.09:~~ ~~1.2.10:~~

~~Continue~~ to require all new and existing wastewater generators within the city's corporate limits or within service areas established under Chapter 180 of Florida statutes to connect to the municipal sanitary sewer system when lines are available and in the opinion of the Director of Utilities it is economically feasible for the city to provide such service.

Policy ~~1.2.10:~~ ~~1.2.11:~~

Where lines are not available or projected to be available to connect new wastewater generators to the municipal sanitary sewer system, on-site sewage disposal systems may be allowed if permitted under the requirements of state statutes and regulations, ~~permitted which meet the requirements of Chapter 381.272 F.S., Chapter 10D-6 F.A.C.,~~ except that: (a) the minimum lot size for any new residential subdivision employing subsurface soil absorption fields shall be 20,000 square feet, (b) no on-site sewage disposal systems shall be permitted in areas where the soils are rated "Severe" by the Soil Conservation Service for the type of system proposed, (c) on-site sewage disposal systems shall not be permitted in Conservation areas, (d) on-site sewage disposal systems shall not be permitted for commercial or industrial uses, unless it is determined by the Director of Utilities that connecting to the City's system is infeasible. (e) ~~provision shall be made for any new residential units~~ The Director of Utilities shall require owners of any buildings using on-site sewage disposal systems to connect to the municipal sewer system when lines become available.

Policy ~~1.2.11:~~ ~~1.2.12:~~

New municipal sanitary sewer expansions shall be planned, designed and constructed in a timely manner in accordance with the provision of governing directives. ~~Chapter 17-006.405 F.A.C.~~

Policy ~~1.2.12:~~ ~~1.2.13:~~

In accordance with the Capital Improvements Element Policies 3.03, 3.04, and 3.05, continue to require developers to pay for sanitary sewer treatment and collection capacity needed to serve new development at the adopted Level of Service standard.

GOAL 2: POTABLE WATER - It shall be the goal of the City of Lake Wales to provide the reliable delivery of potable water to meet the needs of all residents and businesses within the city limits and those customers approved for service outside the city limits. [~~9J-5.011(2)(a)~~]

Objective 2.1: Elimination of System Deficiencies

Eliminate identified deficiencies in the municipal water system by replacing worn-out and obsolete components. ~~by 2015.~~ [~~9J-5.011(2)(b)1~~]

Policy 2.1.01:

Continue a program of capital improvements in the potable water system to address deficiencies.

In accordance with the schedule outlined in the Capital Improvements Element, undertake the following projects:

1. Upgrade water lines in Golfview Park, Phase 2
 2. Loop water line in Country Oaks
 3. Upgrade water lines in Golfview Park, Phase 3
 4. Install telemetry at water treatment plants.
 5. Upgrade water lines at Carlton Avenue and Cohasset Avenue
- [9J-5.011(2)(e)1]

Policy 2.1.02:

Monitor and annually update the master plan for the municipal water system. Update the Comprehensive Plan accordingly. [9J-5.011(2)(e)1]

Objective 2.2: Expansion of System to Meet Future Needs

Expand the municipal water service as needed to meet the needs of projected customers ~~future residents and businesses~~ in such a manner as to maximize the use of existing facilities, discourage urban sprawl, and meet the water conservation objectives established in the Conservation Element.

Policy 2.2.01: The following level of service standard for potable water is hereby established:

Flow capacity:

Average daily demand - 122 gpd

Maximum daily demand - 1.43 times average daily demand

Storage capacity:

One half times average daily demand

Pressure (fire):

20 p.s.i. minimum

[9J-5.011(2)(e)2,3]

Policy 2.2.02:

~~By October 1, 2001, ensure through adoption of~~ The land development regulations and concurrency management system shall require that no development order will be issued for any development that would result in the failure of the municipal water system to meet the adopted LOS standards. [9J-5.0119(2)(e)1,2]

Policy 2.2.03:

Expansion or increase in capacity of the municipal potable water system shall be in accordance with projects listed in the Five-Year Schedule of Capital Improvements or projects paid for by developers to serve new development or redevelopment.

Continue to schedule capital projects to expand the potable water system to serve all areas within the corporate limits of the city and any service areas established under Chapter 180 of the Florida Statutes.

Capital projects to expand the potable water system to serve development outside of the city limits shall be undertaken only in compliance with policies under Objective 4 “Concurrency of Development with the Availability of Public Facilities and Services,” Objective 5 “Desired Urban Growth Patterns,” and Objective 8 “Availability of Public Facilities” of the Future Land Use Element of this plan.

Policy 2.2.04:

Continue to restrict municipal potable water service to properties within the city limits except in cases where providing service outside of the city limits is consistent with policies under Objective 4 “Concurrency of Development with the Availability of Public Facilities and Services,” Objective 5, “Desired Urban Growth Patterns,” and Objective 8 “Availability of Public Facilities” of the Future Land Use Element of this plan and where an executed annexation agreement is in force. [9J-5.011(2)(e)1]

Policy 2.2.05:

Continue to charge municipal potable water system customers in areas outside of the city a rate above that 150 percent of the rate charged customers inside the city, consistent with limits established by the state. [9J-5.011(2)(e)1]

Policy 2.2.06:

~~By October 1, 2001, revise The land development and related regulations to shall require all new development within the city limits and in any area approved by the city under Chapter 180 F.S. to connect to the municipal potable water system when lines are available and in the opinion of the Director of Utilities it is economically feasible for the city to provide such service.~~

Policy 2.2.07:

Participate in the implementation of the Polk County Water Supply Plan in regard to developing new potable sources in order to meet the needs of future residents and businesses and increase the City’s consumptive use permit.

~~By June 1, 2001, meet with SWFWMD officials to determine the adequacy of the existing consumptive use permit (groundwater withdrawal permit) to meet the needs of the projected population. If additional withdrawal capacity is needed, make application as appropriate. [9J-5.011(e)5]~~

Policy 2.2.08:

Update the estimate of the populations served by the municipal water system annually and amend the Comprehensive Plan, if necessary, to make adjustments to the adopted level of service standard for potable water.

Objective 2.3: Water Conservation

Reduce per capita water consumption within the municipal water system in accordance with the requirements of the Southern Water Use Caution Area’s (SWUCA) Central Florida Water Initiative for Polk County and other applicable state and water management district requirements. by ten percent by 2005 through a combination of strategies and techniques. [9J-5.011(2)(b)4]

Policy 2.3.01:

~~By October 1, 2001, as part of land development regulations adopt and Continue to enforce the minimum standards outlined in the Water Conservation Act, Chapter 553.14 F.S., of the Building Code for water conserving fixtures in new construction. [9J-5.011(2)(e)3]~~

Policy 2.3.02:

~~By October 1, 2001, Continue to~~ require as part of land development regulations the use of drought-tolerant plants where landscaping is required. [~~9J-5.011(2)(e)3~~]

Policy 2.3.03:

~~Achieve the recommended potable water LOS by the Southern Water Use Caution Area (SWUCA) by 2004.~~

END ATTACHMENT B

Rick Scott
GOVERNOR



Jesse Panuccio
EXECUTIVE DIRECTOR

May 15, 2015

The Honorable Eugene Fultz
Mayor, City of Lake Wales
201 W. Central Avenue
Lake Wales, Florida 33853

Dear Mayor Fultz:

The Department of Economic Opportunity (Department) has completed its review of the proposed comprehensive plan amendments for the City of Lake Wales (Amendment No. 15-1ER, Ordinance D2015-01 EAR based, Future LU, Sewer and Water), which was received on March 16, 2015. We have reviewed the proposed amendments in accordance with the state coordinated review process set forth in Section 163.3184(2) and (4), Florida Statutes (F.S.) for compliance with Chapter 163, Part II, F.S. The Department does not identify any objections to the proposed amendments and this letter serves as the Objections, Recommendations and Comments Report.

However, consistent with Section 163.3168(3), F.S., the Department is providing comments. The comments are advisory and will not form the basis of a compliance determination. They are instead, offered as suggestions for strengthening the comprehensive plan and City planning process or to help ensure consistency with Chapter 163, F.S., as follows:

Comment 1. – Striving Toward Water and Lakes Sustainability

The City of Lake Wales, as its name provides, is centered on several classic central Florida lakes along the Lake Wales ridge area (e.g., Lake Wales, Lake Ashton, and Lake Effie). Communities in this area are experiencing progressive lowering of lake levels as well as heightened impacts from nutrient pollution and resultant algal blooms. In 2014-15 DEO funded a technical assistance grant to Lake Wales' neighboring community of Winter Haven to develop what they have called a "Water Centric Sustainable Community" plan. The plan has a variety of suggested actions and approaches that are in, or can be added, to the City's comprehensive Plan, implementing Land Development Regulation (LDRs) and community action steps.

The City of Lake Wales is adjacent to Winter Haven and shares a similar problem set in regards to lakes and water environmental sustainability issues. We would like to encourage mutual cooperation between the two cities, as well as with other neighboring jurisdictions. Thus we recommend the City look at the product of this effort and consider using and evolving it, where practicable, into the City's future comprehensive plan, LDRs and sustainability actions. We would be happy to arrange a joint meeting between the two cities and others to present the results of the technical assistance products and potential use.

Comment 2. - Advance Planning For the Central Polk Parkway Extension and State Road 60 Area

The City of Lake Wales is at one of the developing exits and extensions to State Road 60 for the Central Polk Parkway. This Parkway and extension project is a 6.5 mile segment of a new six-lane highway from east of Logistics Parkway (i.e., the CSX Integrated Logistics Center) to SR 60 in Polk County just near the Lake Wales Airport and Industrial Area. FDOT will construct new interchanges on the northern end of the spur, where it connects to SR 60. The development of this important road segment and the CSX Logistics Center have occurred in the intervening time following the 2010 DCA/DEO Evaluation and Appraisal Report which outlined important planning issues that the City should address. In addition, this area is within the City's Chapter 180 utility service area for State Road 60 west where infrastructure planning for future growth may be advantageous. Finally, Polk County is looking at this same area under the Polk County Gateway Study Plan do to the road and other infrastructural and economic improvements that affect this area.

With the opening of the Logistics Center and the progress on the developing Central Polk Parkway and the planned extension to SR 60 and Lake Wales, it may be an opportune time for the City to study, plan and begin to address the growth needs and opportunities in this area. Part of this effort may include consideration of changes to the Comprehensive Plan that might help guide and facilitate economically as well as environmentally sustainable development (land and waters in this area represent important Industrial and Conservation lands identified on the Lake Wales Future Land Use Map and land the aforementioned Winter Haven Water Centric Sustainable Community plan consider important).

The City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. Also, please note that Section 163.3184(4)(e)1, F.S., provides that if the second public hearing is not held within 180 days of your receipt of the Department of Economic Opportunity report, the amendment shall be deemed withdrawn unless extended by agreement with notice to the Department of Economic Opportunity and any affected party that provided comment on the amendment. For your assistance, we have enclosed the procedures for final adoption and transmittal of the comprehensive plan amendment.

If you have any questions concerning this review, please contact Dan Pennington, Planning Analyst, at (850) 717-8525, or by email at dan.pennington@deo.myflorida.com.

Sincerely,



Ana Richmond, Chief
Bureau of Community Planning

AR/dp

Enclosures: Procedures for Adoption

cc: Kathy Bangley, Assistant Director Department of Planning and Development, City of Lake Wales
Ms. Patricia Steed, Executive Director, Central Florida Regional Planning Council

SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS

FOR STATE COORDINATED REVIEW

Section 163.3184(4), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ State Land Planning Agency identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Identify if concurrency has been rescinded and indicate for which public facilities (transportation/school/recreation open space);

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format;

_____ In the case of future land use map amendment, an adopted future land use map, **in color format**, clearly depicting the parcel, its existing future land use designation, and its adopted designation;

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for state coordinated review:

The effective date of this plan amendment, if the amendment is not timely challenged, shall be the date the state land planning agency posts a notice of intent determining that this amendment is in compliance. If timely challenged, or if the state land planning agency issues a notice of intent determining that this amendment is not in compliance, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

_____ List of additional changes made in the adopted amendment that the State Land Planning Agency did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the State Land Planning Agency to the ORC report from the State Land Planning Agency.