

ORDINANCE 2018 - 07

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

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS; AMENDING, SECTION 23-217 SITE DEVELOPMENT, SECTION 23-307 LANDSCAPING REQUIREMENTS, SECTION 23-310 RECREATION AREA, TABLE 23-421 PERMITTED USES AND SPECIAL EXCEPETION USES IN STANDARD ZONING DISTRICTS, SECTION 23-445 MIXED-USE PLANNED DEVELOPMENT PROJECTS, AND TABLE 23-522 ACCESSORY STRUCTURES RESIDENTIAL PROPERTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1: Sec. 23-217.3.g Permits from other agencies as applicable is amended as follows:

g. Permits from other agencies as applicable. If such permits have not been issued at the time of application for a site development permit, copies of all required permits ~~shall~~should be submitted prior to the issuance of the site development permit. Required permits ~~shall~~may include:

Southwest Florida Water Management District (SWFWMD) permit;
National Pollution Discharge Elimination Permit (NPDES);
Department of Environmental Protection (DEP) sewer construction permit;
Department of Transportation (FDOT) access permit, if applicable,
~~Polk County Highway Department concurrency certification;~~
Polk County Health Department water construction permit.

SECTION 2: Sec. 23-307 Landscaping Requirements is amended as follows:

Sec 23-307.2 Landscaping standards.

a. Tree density

3. Residential density requirements. ~~A minimum of two (2) shall be required for each dwelling unit on a site.~~

Lots less than 10,000 s/f: two, two-inch caliper shade trees, minimum of eight feet at planting.

Lots 10,000 s/f or greater: three, two-inch caliper shade trees, minimum of eight feet at planting.

Sec 23-307.3 Landscape buffers

b. Buffer along streets exterior to a development

2. The buffer shall be in a separate parcel or ~~easement tract~~ maintained by a homeowners' association or similar entity, in accordance with an approved landscaping plan approved by the planning board.

~~3. If the buffer is contained in an easement, the area within the easement shall not be included in the areas of the lot for purposes of meeting minimum lot size or other dimensional requirements.~~

SECTION 3: Sec. 23-310 Recreation area is amended as follows:

Sec 23-310.d Recreation facilities

2. A minimum of two (2) shade trees per recreation area or a minimum of five (5) shade trees per acre, whichever is greater, shall be provided in recreation areas.

SECTION 4: Table 23-421 Permitted Uses and Special Exception Uses in Standard Zoning Districts is amended as follows:

C-2 Zoning District: Add mixed-use residential and non-residential as permitted through the PDP process.

Add footnote 8 to reference C-2 zoning districts in the RAC land use category only.

C-2 and C-3 Zoning Districts: Add Multi-Family Dwelling (Up to 12 units on one parcel) as permitted through the PDP process.

SECTION 5: Sec. 23-445 Mixed-use PDPs is amended as follows:

Mixed-use PDPs are allowed in C-1, C-2R, C-5, and PF zoning districts, and in the C-2 and C-3 zoning district where allowed under the land use classification on the Future Land Use Map of the Comprehensive Plan. Mixed-use developments in C-2R and PF zoning districts may be approved through the site plan process set forth in 23-222 unless there are multiple principal buildings, in which case, PDP approval is required.

SECTION 6: Sec. 23-522 Accessory Structures Residential Properties is amended as follows:

Detached carports and garages – Limited to one structure only, footprint not to exceed 600 square feet or 40% of the footprint of the principal structure, whichever is larger. On lots greater than two (2) acres in size, the accessory

structure may be 1.25 times the size of the principal building. Garages and carports must meet the setback requirements for principal buildings.

SECTION 7: Severability: If any clause, section or provision of this ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said ordinance shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated.

SECTION 8: Effective date: This ordinance shall become effective immediately upon its passage by the city commission.

CERTIFIED AS TO PASSAGE this 19th day of September 2018.

By: Eugene J. Kelly
Mayor/Commissioner
City of Lake Wales, Polk County, FL

ATTEST: [Signature]
City Clerk