

ORDINANCE 2020-30

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 SECTIONS 23-217 SITE DEVELOPMENT PERMIT, 23-223 LAND SUBDIVISION, 23-303 STREETS, 23-304 GENERAL REQUIREMENTS FOR LOTS AND YARDS, 23-306 OFF-STREET PARKING, 23-307 LANDSCAPING, 23-421 PERMITTED USES, 23-422 DIMENSIONAL REQUIREMENTS FOR USE OF LAND, DIVISION 4 PDP REGULATIONS, 23-545 SIGNS, 23-653 CERTIFICATES OF APPROPRIATENESS, 23-801 DEFINITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED, by the City Commission of the City of Lake Wales,

SECTION 1:

Sec. 23-217. Site Development Permit

Sec. 217.4 Review and permitting. Review of the application package shall be conducted by the Development Review Committee and coordinated by the administrative official.

a. The administrative official shall review the application for completeness within ~~ten (10)~~ seven (7) business days of receipt. An incomplete application will be accepted for commencement of review provided the applicant submits a list of items to be provided at a later date and that $\frac{1}{2}$ the permit fee is paid per Table 242. Applications not meeting these minimum requirements shall be rejected and the applicant shall be notified. In no case shall a site development permit be issued prior to the review of all required information.

b. After initial review for completeness, the application package will be forwarded to the Development Review Committee members for detailed review against the preliminary plans as approved by the city. The review shall verify compliance with detailed city standards and specifications for construction of facilities, erosion control, tree protection, currently accepted engineering practices, provisions of all city codes, and requirements of permits from other (Outside City) agencies. At the end of a ~~30-day~~ 14-day review period, comments will be summarized and sent to the applicant. Submission of additional information or revised plans shall trigger an additional ~~30-day~~ 14-day review period.

Sec. 23-223. Land Subdivision

Sec. 23-223.4 Final subdivision plat and supplementary information. Plats must be prepared by a registered surveyor and shall comply with the requirements of F.S. ch. 177. Application forms, deadlines for

submission, and the number of copies of documents required shall be as set forth in the procedures manual maintained by the administrative official. The fee shall be as required per section 23-242.

a. *Pre-requisites*. Unless the proposed subdivision is exempt pursuant to subsection 23-223.1(a)3, a final plat application shall not be accepted for review unless a preliminary plat has been approved by the city commission under section 23-223.2, and site improvements have been completed pursuant to a site development permit under section 23-217. ~~The City of Lake Wales will not accept~~ Although not preferred, the City of Lake Wales will accept a performance bond, letter of credit or other surety in lieu of constructing street improvements, drainage improvements, water, sanitary or storm sewer facilities, street lights or traffic signs prior to the approval and recording of the final subdivision plat. The surety shall be a minimum of 120% of the cost of the improvements, based on the engineer's cost estimate that is approved by the City. ~~A bond, letter of credit or other surety acceptable to the city attorney may be accepted in lieu of constructing sidewalks or installing landscaping prior to the approval and recording of the final subdivision plat.~~

Single-Family Residential Subdivision Design Requirements:

Single-family residential subdivisions with 20 lots or more, shall submit to the Development Review Committee (DRC), prior to final plat approval, the following:

1. A plan to encourage architectural building variety. Similar residential units shall be separated by a minimum of 120 feet or four units, whichever is greater.

2. Proposed building design details including: architects style, building materials and colors.

The approved standards shall be incorporated into the homeowner association documents prior to final plat approval or the sale of building lots.

Sec. 23-303.4.a.2. *Streets*

~~No new residential development or neighborhood with more than fifty (50) dwelling units shall be approved with only one (1) entrance.~~

New residential development or neighborhoods with no more than one hundred fifty (150) dwelling units proposed may be allowed to only have one (1) entrance, subject to the approval of the Development Review Committee.

Sec. 23-303.8 *Curbs and gutters.*

Curbs and gutters shall be provided on all streets. Vertical curbs shall be not less than six (6) inches in height and Miami curb shall not be less than three (3) inches in height. All curbs shall conform with the

design standards established by the director of public works. Backfill shall be higher than the curb and shall slope toward the curb in order to ensure that surface water drains into the storm drainage system. Exempt from these requirements are streets within the C-1 and C1-A zoning districts.

Sec. 23-304.b.1. Double frontage and corner lots

b. *Double frontage and corner lots.*

1. On corner lots, no obstruction shall be permitted to impede visibility between a height of two (2) feet and ten (10) feet above the grades of the intersecting streets within a visibility triangle of ~~thirty-five (35)~~ thirty (30) feet measured from the point of intersection of the travel lanes of two (2) streets, or a street and railroad.

Sec. 23-306.2.b. Paving and marking

b. *Paving and marking.* All driveways and parking areas shall be paved with asphalt, concrete, or other stable paving material unless paving is specifically waived by the planning board pursuant to section 23-222.5. The administrative official may waive up to twenty-five (25) percent of the required paved parking.

Table 23-306B Minimum Automobile Off-Street Parking Space Requirements

Notes:

*Except for in residential uses, the administrative official may waive up to twenty-five (25) percent of required minimum parking spaces.

Sec. 307.2 Landscaping standards. b. Plant material. 2. Trees.

D. Trees of species whose roots are known to cause damage to public roadways or public works shall not be planted closer than twelve (12) feet to such public roadways or public works unless mitigating measures (such as root barriers) are in place to minimize any impact to said public facilities.

TABLE 23-421

PERMITTED USES AND SPECIAL EXCEPTION USES IN STANDARD ZONING DISTRICTS

P - Permitted Use S - Special Exception Use PDP - Planned Development Project

	R-1A	R-1B	R-1C	R-1D	R-2	R-3	PF	C-1/C-1A	C-2	C-2R	C-3	C-4	C-5 ¹	LCI	BP	I-1	I-2	CN	R
RESIDENTIAL																			
Dwelling: Single-family	P	P	P	P	P	P	P			P			P						
Dwelling: Two-family					P	P	P			P			P						
Dwelling: Multi-family (up to 12 units on one parcel)						P	P	P	P	P	P		P						
Dwelling: Multi-family (more than 12 units/parcel)							PDP	PDP	PDP	PDP	PDP		PDP						
Dwelling unit for caretaker employed on premises								S	S	S	S	S	S	S	S	S	S	S	S
Dwelling, accessory to single-family house*	S	S	S	S	S	S	S	P	S	S	S		S	S					
Mixed-use - residential and nonresidential							S	P	P	S		PDP2		PDP					
AMUSEMENT ESTABLISHMENTS																			
Amusement establishment—Indoor								S	S	S	P		S	S					S

Amusement establishment—Outdoor								S		S		S							S
Indoor shooting ranges											P			P	P	P	P		
Movie theater— Indoor								P	P	P	P		P						P
AUTOMOTIVE USES*																			
Auto and truck rental								S	P	S	P		S	P					P
Auto and truck repair								S	S	S	S		S	S				S	S
Auto, truck, or motor cycle dealer								S	S	S	P		S	P	P				P
Auto parking establishments (principal use)								S	P	P	S	P		S	P	P	P	P	
Auto service station								S	S	S	P		S						S
Car wash									S	S	P		S	S	S				S
Recreational vehicle, mobile home, or boat dealers									S	S	P		S	P	S	P	P		
EDUCATIONAL AND CULTURAL																			
Club7								S	P	P	S	P		S	S	P			

Cultural facilities	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P
Day care center ^{3*}	P	P	P	P	P	P	P	P	P	P	P	P	P	P					
Religious establishment	P	P	P	P	P	P	P	P	P	P	P	P	P						P
Schools, athletic or music								S	S	P	S	P		S	S	P		S	
Schools, post secondary	S	S	S	S	S	S	S	S	S	S	S	S		S		S		S	
Schools, primary-secondary	P	P	P	P	P	P	P	P	P	P	P	P		P					
Schools, training (other than athletic or music)								S	P	P	P	P		P	S	P		P	
FARMING/OTHER AGRICULTURAL																			
Farming, crop ⁴ or nursery without retail sales	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Nursery, plant with retail sales										P	S	P		S	S	S	P	P	
FOOD AND BEVERAGE BUSINESSES (See section 23-342 and chapter 5 for regulations on alcoholic beverages.)																			
Bar, wine and beer ⁷									P - C1-A only										

Catering facility								S	P	S	P		S	P	S	P	P
Food processing														P	S	P	P
Restaurants, eat-in ^{5, 7}							S	P	P	S	P	P	P		P	P	
Restaurants, drive-up									S		P		S				
Restaurant, outdoor cafe ⁷							S	P	P	S	P	P	P				
Restaurant, take-out ⁵								P	P	S	P	P	P		S	S	P
HEALTH CARE																	
Health service							P	S	P	S	P		P	P	P	P	
Hospitals							P		S		P			P	S		
Medical Marijuana Dispensaries and Treatment Centers *							P				P						
Medical office (one practitioner)							P	P	P	P	P	P	P	P	P		
Nursing care homes*	S	S	S	S	S	S	P	S	S	S	P		S			S	
Veterinarian or small animal hospital							S		P	S	P		P	P	P	P	
Animal hospital									S		P			P	P	S	

LODGINGS

Bed and breakfast (accessory to single-family)*	S	S	S	S	S	S	S	S	S	S			S							
Boarding house						S	S	S	S	S			S							
Dormitory							S	S	S	S	S	S	S							
Hotel									P	P/S	S	P	P/S	S	P				S	
Motel										S	S		S	S					S	

INDUSTRIAL USES

Assembly and fabrication														P	P	P	P			
Laundry and dry cleaning plants														P	S	P	P			
Manufacturing—Light														P	P	P	P			
Manufacturing—Heavy																	S	S		
Warehouse														P	P	P	P			

PROFESSIONAL AND COMMERCIAL USES**

Artisan Production, small scale							S	S		P	S	S	P	P				
Artisan Production, large scale										P			P	P				
Bank							P	P	P	P	P	P		P	P			
Bank with drive-up window							S	S	P	P	P	P	P		P	P		
Construction support—Light								P	P	P	P		P	P	P	P	P	
Construction support—Heavy									S		S			S	S	S	S	
Funeral home							P	P	P	P	P		P	S			P	
Kennel											S			S		S	S	
Laboratory, research							S		P	S	P			P	P	P	P	
Landscaping service									S		S			P	S	P	P	
Laundromat*						S		S	P	S	P	S	S					P
Mini-storage						S	S		P	S	P	S	S	P	P	P	P	
Office, professional (except medical)							P	P	P	P	P	P	P	P	P	P	P	

Notes:

Minimum floor area for a dwelling unit in the R-3, PF, C1, and C2R zoning districts may be waived by the Administrative Official.

Division 4. Planned Development Project Regulations

Sec.23-443.b. *Open Space*

b. *Open space.* Excluding roadways and parking areas open space shall make up a minimum of ~~fifteen (15)~~ twenty (20) percent of the site area. If open space is provided as private yards for individual units, such yards shall make up only fifty (50) percent of the open space required. The remaining fifty (50) percent shall be common open space in the form of recreation area, pedestrian or bicycle paths, or landscaped common areas. The recreation area required under [section 23-310](#) may be included to meet the open space requirement except that recreation buildings and parking areas shall not be included.

c. *Recreation area.* At minimum, recreation area shall be provided as required under [section 23-310](#)

~~1. *Compensatory recreation area.* In residential PDPs where reductions in minimum lot size are granted, recreation area in addition to that required under [section 23-310](#) shall be required to offset the reductions by provision of recreation area in a ratio of one to one (total lot size reduction in the development to recreation area added). For the purpose of calculating required additional recreation area, the lot area reduction shall be based upon the minimum lot size required in the applicable zoning district, except that in the R-1A district, the calculation shall be based upon a nine thousand (9,000) square foot lot area, as in R-1B.~~

~~2. *Dry retention area credit.* The square footage of a dry retention area may be credited toward compensatory recreation area provided the retention area is usable and accessible per the following criteria:~~

~~A. Each area has a minimum of 50 feet of street frontage or is adjacent to a park meeting the standards of [section 23-310](#)~~

~~B. An access corridor is provided with a minimum width of 25 feet and a slope of no more than 7 to 4.~~

~~C. The retention area is fully landscaped to meet the standards of [section 23-310](#) for recreation areas.~~

~~D. Any portions of the retention area that are behind dwelling units or the back yards of dwelling units shall not be credited unless they are a minimum of 100 feet in width, measured perpendicular to the rear lot line.~~

~~E. No credit shall be granted for retention areas within easements on lots intended for the construction of dwelling units~~

23-545.6a.2. Special signs.

~~2. *Permit required.* A permit is required for an A-frame sidewalk sign to ensure compliance with these regulations. Drawings with dimensions of the sign and area where the sign will be displayed are required.~~

~~h. Wind signs, including banners, pennants, spinners, streamers, and other wind-actuated components may be permitted accompanying a temporary sign permit application made to the Administrative Official are prohibited unless specifically allowed herein.~~

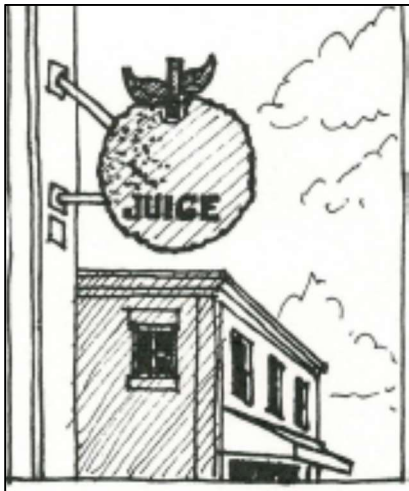
23-653.4. Signs

BACKGROUND:

Signage coordination with an entire building creates a composition that allows the character of the building to express itself. The result is a building front that has a stronger image than the sign or the building alone.

GUIDELINES:

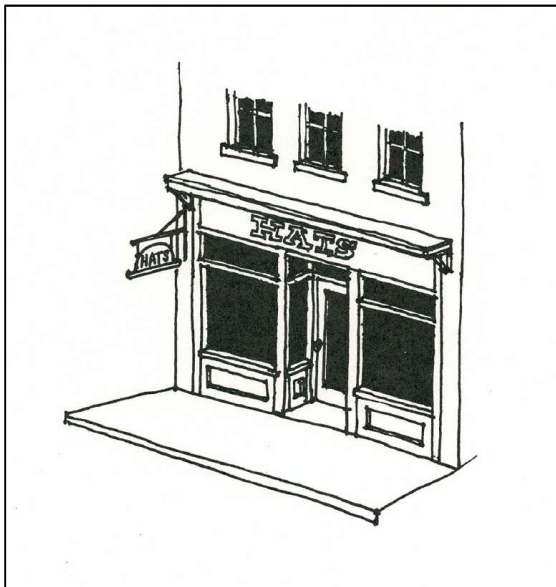
1. Position signs to fit within architectural features of the facade. Signage should be subordinate to the building design and should not obscure architectural detail. Use signage to emphasize architectural elements e.g. entry, transom.
- 2.



CONSIDER USING SYMBOLS AS SIGNS



INTEGRATE SIGNS WITH ARCHITECTURAL ELEMENTS.



3. Align signs on an individual building and where possible coordinate size, color and type style.
4. Keep the number of signs to a minimum. Consolidate information with directories. Signs should not overpower the facade. Elements should relate to others in the block. Lettering should be comfortable within the edges of the sign and should be of simple, readable typestyles and properly proportioned. Signs must comply with all other applicable provisions of the Lake Wales Zoning, Land Use, and Development Regulations.
5. Use sign materials compatible with building, facade materials. Signage materials should be durable enough to withstand years of use. Recommended materials include brass plates; carved or painted wood; applied wood and metal letterings; and etched, sandblasted or gilded glass. Unacceptable

materials include internally lit thermo-formed plastic letters and signs, imitation wood grain materials, fluorescent colored paints or plastic.

6. Design lighting and mounting hardware as an integral part of the sign. Lighting and mounting should be coordinated with architectural elements of the building.

23-801. *Rules for Construction of Language.*

d. If no definition is provided, the Administrative Official may refer to "A Planners Dictionary", PAS Report Number 521/522, dated April 2004, edited by Michael Davidson and Fay Dolnick and published by the American Planning Association. The Administrative Official has the authority to determine and use the most appropriate definition.

23-802. *Definitions*

Single-Family Attached Dwelling Unit: one-unit structure which has one (1) or more walls extending from ground to roof separating it from adjoining structures. In townhomes or twin homes each house is a separate, attached structure if the dividing or common wall goes from the ground to the roof.

SECTION 2:

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 3:

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

CERTIFIED AS TO PASSAGE this 1st day of December 2020.

By: Eugene L. F. [Signature]
Mayor/Commissioner
City of Lake Wales, Polk County, FL

ATTEST: _____
City Clerk

